

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



**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 14 August 2013

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 28 August 2013 2.00 p.m.**

Venue at

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

Richard Carr  
**Chief Executive**

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

Clrs K C Matthews (Chairman), A Shadbolt (Vice-Chairman), P N Aldis,  
A R Bastable, R D Berry, M C Blair, D Bowater, A D Brown, Mrs C F Chapman MBE,  
Mrs S Clark, I Dalgarno, K Janes, D Jones, Ms C Maudlin, T Nicols, I Shingler,  
B J Spurr and J N Young

[Named Substitutes:

L Birt, Mrs R J Drinkwater, Mrs R B Gammons, C C Gomm, Mrs D B Gurney,  
R W Johnstone, J Murray, B Saunders, N Warren and P Williams]

All other Members of the Council - on request

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

## AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Members' Interests**

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

### REPORT

Item	Subject	Page Nos.
4.	<b>Planning Application No.CB/12/03613/OUT</b>	5 - 122

**Address :** Houghton Regis North 1 (HRN1), Land on the northern edge of Houghton Regis, Bedfordshire

**Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: 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.**

**Applicant:** Houghton Regis Development Consortium

5. **Exclusion of the Press and Public**

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in paragraph(s) 3 of Part 1 of Schedule 12A of the Act.

**Exempt Report**

<b>Item</b>	<b>Subject</b>	<b>Exempt Para.</b>	<b>Page Nos.</b>
6.	<b>CB/1203613/OUT - Appendix A - Exempt</b>	* 3	123 - 130

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**Item No. 4**

<b>APPLICATION NUMBER</b>	<b>CB/12/03613/OUT</b>
<b>LOCATION</b>	<b>Houghton Regis North 1 (HRN1), Land on the northern edge of Houghton Regis, Bedfordshire</b>
<b>PROPOSAL</b>	<b>Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: 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.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall, Parkside, Tithe Farm and Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Costin, Cllr Egan, Cllr Goodchild, Cllr D Jones, Cllr Nicols and Cllr Williams</b>
<b>CASE OFFICER</b>	<b>Lachlan Robertson (Consultant Project Manager)</b>
<b>DATE REGISTERED</b>	<b>24 December 2012</b>
<b>EXPIRY DATE</b>	<b>15 April 2013</b>
<b>APPLICANT</b>	<b>Houghton Regis Development Consortium</b>
<b>AGENT</b>	<b>Barton Wilmore LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application of local authority-wide and sub-regional impact.</b>
<b>RECOMMENDED DECISION</b>	<b>Minded to 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.</b>

### **Site Location:**

The site is a substantial area of largely arable farmland and covers an area of 262 hectares. It is situated on the northern edge of Houghton Regis, within the administrative boundary of Central Bedfordshire Council, but with a boundary also with Luton Borough to the south-east.

The site's boundary is defined by the M1 to the east, the A5120 Bedford Road and Bidwell village to the west, and the urban area of Houghton Regis to the south. To the north the boundary is defined by the alignment of the Highway Agency's proposed A5-M1 Link Road. The site is divided into two distinctive parts by Sundon Road.

### **The Application:**

Outline planning application with the details of access, appearance, landscaping, layout, and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3, A4, A5 (retail); 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.

### **RELEVANT POLICIES:**

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

#### **South Bedfordshire Local Plan Review 2004 Policies**

GB2; BE8; T4; T10; T13; H4; E1; R3; R10; R11; R14; R15; R16

#### **The endorsed Luton and South Central Bedfordshire Joint Core Strategy (August 2011)**

#### **The Development Strategy for Central Bedfordshire (pre-Submission version)**

Proposed Policies:

1,2,3,4,6,11,12,14,16,19,20,21,22,23,24,25,27,28,29,30,31,32,33,34,36,43,44,47,49,56,58,60.

#### **Supplementary Planning Documents**

Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements). The Planning Obligations (South) SPD 2009. Managing Waste in New Developments SPD 2006. Dunstable Town Centre Master Plan 2012. Houghton Regis Town Centre Master Plan 2010.

Also: "Your Journey" Appendix F Local Transport Plan, Parking Standards for CBC 2012.

## General Introduction

This proposal is for a development of significant size within the Green Belt. It also lies on the edge of the Luton/Houghton Regis/Dunstable conurbation which is itself administered by two Local Planning Authorities: Central Bedfordshire Council and Luton Borough Council. The decision to be taken by this Committee will therefore be of importance to the Council and its neighbour.

The proposal, and those that will inevitably follow it, will change the physical, social and economic environment for the residents of the conurbation and beyond by providing or being associated with major new road infrastructure, significant amounts of new housing, new employment floorspace, open spaces, community facilities, shopping floorspace and public transportation.

For that reason, it is important that Members consider carefully the process by which it reaches a decision. This report is structured to assist the Committee in reaching a clear and lawful decision, taking into account all of the matters that it must.

The National Planning Policy Framework usefully sets out the first principle that must be applied:

*“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.” NPPF 2012*

This is caveated by the following: (author emphasis in bold)

*“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.” (NPPF 2012)*

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, the history (particularly that relating to the Green Belt) of planning policy development that has supported the principle of an urban extension at Houghton Regis and the material considerations that apply specifically to this planning application.

## Executive Summary

- (i) **The application seeks planning permission for the provision of up to 5,150 dwellings, employment floorspace, and supporting retail, leisure and community facilities, as an extension to Houghton Regis.**
- (ii) **There has been a long history of promoting growth of the conurbation at Houghton Regis which originates with the principle of seeking growth points as sought by Government’s Sustainable Communities Plan in 2003, then specifically through the old Regional Spatial Strategy for the east of England, and the Milton Keynes South Midlands Sub Regional**

**Strategy.** This latter document of 2005 included the early recognition that there would be a need to consider the removal of Green Belt to the north of Houghton Regis and Dunstable for this purpose. This included also the need for a strategic road to link the A5 to the M1 via a new Junction 11a. All subsequent local actions for delivering a local plan, including the publication of local planning documents and associated public consultation have been predicated on this history and has occurred after the publication of the current Development Plan for the area.

- (iii)** The current Government support for new nationally important infrastructure (the A5 – M1 link road), economic growth and particularly housing, chimes with the Council’s promotion of a strategic urban extension (SUE) at Houghton Regis. The current planning application is on a substantial portion of that SUE and will, in addition, help fund and deliver that crucially important strategic link road.
- (iv)** The representations from the statutory and non-statutory consultees received reflect the complexity of a planning proposal on this scale. It is worthy of notice that there have been very few objections to the principle of development. But it must also be noted that there are a number of technical issues raised that the consultees expect to be dealt with by alterations to the proposals, use of planning conditions and the controlled implementation of the development at the detailed planning submission stages. The number of representations from local residents have also been few, with concerns raised about traffic, loss of green belt, scale of the retail proposals, impact during the construction period, fears for the quality of the development and the need for the development in principle.
- (v)** In assessing the proposals, it is considered that limited weight should be given to the current adopted Development Plan, due to its age, but that the proposals are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire. There will be harm to the Green Belt caused by the development but there are very special circumstances that can be taken into account. However, the Committee will also wish to take note of the lengthy history of examining the appropriateness of promoting development in the Green Belt in this specific location and that this should be an important material consideration that it should include in its decision making. The site’s current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.
- (vi)** A “parameters planning application” approach has been taken by the applicant to their submissions. This will be seen by the Committee as a different approach to that taken by other developers. However, it offers appropriate flexibility to a development on this scale to both the developer and to the Council, given that any permission will require implementation over a 20 year period and beyond.



- (vii) **An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way. The mitigation package includes; controls over development during construction, provision of necessary infrastructure, the production of strategies for environmental protection and the provision of community facilities.**
- (viii) **There are a number of issues arising from the proposals that are key to a commercially viable development as proposed but are also of significant concern to the statutory consultees, Luton Borough Council or Council advisors. These issues are:**
- **The amount of affordable housing that can be afforded by the development.**
  - **The impact of the development on the local highway network.**
  - **The scale of the retail proposals and consequential impact on town and neighbourhood centres.**
  - **The quantum of open space that is indicated.**
  - **The potential for impact on recreational and protected sites accessible to the public near the site.**
  - **The car parking standard used in the construction of the design principles proposed by the applicant which differ from the current Council standard.**
  - **The relationship between the development, the A5 – M1 link road and the Woodside Link.**

**Each of these issues is considered in detail and the Committee is presented with a detailed analysis of each item to assist its decision. It is not considered that the conclusion of the analysis of any of these issues requires planning permission to be refused taking into account the National Planning Policy Framework (NPPF).**

- (ix) **There are a number of key benefits that can be attributed to the scheme and that are material considerations that the Committee should take into account. In particular, in conjunction with the Department for Transport and the Highways Agency, the planning application will help fund and deliver the A5-M1 link road which is considered to be a nationally, regionally and locally important infrastructure project. The application will also deliver a substantial proportion of the housing proposed by the Development Strategy and for which there is underlying evidence of considerable need.**
- (x) **The NPPF requires the Council to consider carefully the commercial viability of proposals as part of their decision making. It is clear from the substantial Viability Appraisal work undertaken by the applicant and checked by the Council's specialist consultants that the scheme is not sufficiently financially viable in current economic conditions to afford**

**the full requirements for affordable housing and mitigation requirements this Council would normally expect as part of a major new development.**

**However, the applicants propose that as the economy improves and the development can afford to pay for more contributions, a review/uplift mechanism enabling the community to ultimately require and receive the full package sought be included in the Section 106 Planning Agreement. It is considered this represents an appropriate and fair approach, and is the commonly adopted approach to similar types of developments in the current climate.**

- (xi) The recommendation therefore is that this Council be minded to approve the planning application subject to the completion of a satisfactory Section 106 Agreement and that the application be submitted to the Secretary of State on that basis.**

### **Planning Context and History**

Many Members may be aware of the historical policy context relating to the site, but it is nonetheless worth revisiting before considering the merits of the proposals in more detail.

The application site has been identified as a site with the potential to accommodate sustainable mixed use development for a number of years. Regional Planning Guidance note 9 (2001) identified an area to the north of Luton/Dunstable/Houghton Regis, including the application site, as an area in which a mixed use urban extension should be brought forward as the most sustainable way of accommodating the bulk of housing development required in this area. At about the same time the emerging Bedfordshire County Structure Plan (deposit draft 2002) identified this same area for a strategic urban extension which would be an exception to the Green Belt, with a potential allocation of 6,000 residential dwellings.

This was brought into the Government's then "Sustainable Communities Plan 2003" and that part referring specifically to "Sustainable Communities in the East of England". The Luton/Dunstable/Houghton Regis area was specifically mentioned as a preferred option.

Taking this forward relied upon co-operative work and studies that led to the Milton Keynes and South Midlands Sub-Regional Strategy which proposed the area as a location for growth where it stated:

*"Luton/Dunstable/Houghton Regis, where the emphasis should be on building the principal growth towns into a vibrant, culturally diversified conurbation with a major improvement in the local economy and skills base, and capacity to meet housing need. This should be achieved through economic regeneration across the urban area, making the most of its location close to London and other economic drivers in the South East and its good transport links. (MKSMSRS 2005)*

Referring to the important need for new housing and development for the region, the document stated:

*"These 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.”  
(MKSMSRS 2005)*

In 2008 the new East of England Plan, the Regional Spatial Strategy (“RSS”) replacing RPG9, was adopted. The Milton Keynes South Midlands Sub Regional Strategy, insofar as its policies affected this site was enshrined within it. The RSS was considered at the Examination in Public of the review of the RSS, following which the Panel recommended two urban extensions within the MKSM Strategy Area Luton/Dunstable/Houghton Regis together with Leighton Linlade.

The effect of the new RSS and the Milton Keynes South Midlands Sub Regional Strategy was to allocate the Houghton Regis Strategic Urban Extension (within which the application is located) for residential, employment and supporting community uses, in an area where the Green Belt was to be rolled back, albeit with the Local Development Strategy being asked to set the exact boundaries.

Towards that end, a Joint Planning Committee from Luton Borough Council, the former South Bedfordshire District Council and the former Bedfordshire County Council was formally created to deliver ‘The Luton and South Bedfordshire Joint Core Strategy’. This document reached Examination Stage in 2011 and included land to the north of Houghton Regis as an urban extension. Following the withdrawal of that document and the dissolving of the Joint Committee for unrelated reasons, the proposal is now included within the Development Strategy for Central Bedfordshire which will be submitted to the Secretary of State in the near future. That Development Strategy includes a specific policy for the allocation of the Houghton Regis SUE and for the removal of Green Belt to accommodate it.

Further background information on the justification for the proposed removal of land north of Houghton Regis (along with other land proposed for removal to facilitate other development needed in the area) is contained in the Council’s published document, ‘Central Bedfordshire Development Strategy Green Belt Technical Note January 2013’. The Development Strategy will be submitted for Examination later this year.

The planning application submitted is for the greater part of the Houghton Regis SUE and has been made in the context of the requirement that a contribution is made towards the cost of the A5 – M1 link road and Junction 11a. The Secretary of State for Transport has indicated his intention to approve the road should planning permission be granted on the basis that the applicant will be contributing £45 Million. The Government will be contributing the remaining £127 Million to implement the scheme. The applicant has entered into an agreement with the Department for Transport to that effect.

There is no directly relevant history of previous planning decisions within the site relating to the proposal.

The next section deals specifically with the representations made by others on the planning application. Given the extent of the comments made, these have been summarised rather than reproduced in full. The full comments will be available at the Committee Meeting for reference. For clarity, the Case Officer has included a response where this would aid in the understanding of the comment made or where the report, when considered in its entirety, affords a straightforward response to be made.

**Representations:** *(comments by CBC Case Officer in italics)*

Toddington Parish Council    If the following comments are definitely enforced before work is started then the Parish Council has no objection at this stage.

Until jobs and infrastructure are in place work should not commence. It is essential that the A5-M1 Link Road, Junction 11a and the Woodside Link Road are completed first.

*[This would be impractical as it will be necessary to grow both jobs and housing together. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of development up to a maximum occupation of 1000 dwellings. The Council's highways officer accepts that the Transport Assessment information submitted with the application does not support such a restriction in the case of the Woodside Link.]*

The Parish Council would also like to express their concern regarding the lack of integration with the current Houghton Regis and feel that there is little evidence shown within the document and more needs to be done to ensure integration is made into the existing community.

*[The Design and Access Statement contains clear information on transport linkages for cars, buses (which link to the Guided Busway), cyclists and pedestrians and how they would be achieved. In addition, the community facilities envisaged could be reasonably expected to benefit both the existing and new residents.]*

The Parish Council would also like to see when public transportation is considered so that it takes into account making better links from other areas, such as Harlington Station through Toddington into Houghton Regis to improve services.

*[There will be support for new bus services in the early years of the development through the operation of a Travel Plan and the services will by necessity evolve as the development proceeds. However, with limited funds available, it will be necessary to prioritise support to links within the conurbation.]*

Chalgrave Parish Council    Comment that the plans make no mention of the Green Belt and that traffic issues in the town and villages will be exacerbated if the development proceeds before the A5 – M1 road is built.

*[The fact of the Green Belt is made clear in the submissions. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of*

*development up to a maximum occupation of 1000 dwellings. However it is unlikely that in practical terms more than 300 houses could be built in the time it will take to build the road. A condition, for other reasons, is to be imposed to this effect.]*

Utilities in the area are struggling and the development will reduce the standard of service to existing householders further. The large scale of development will strain police resources.

*[All such parties have been consulted and no objections in principle have been raised on these points. Other comments have been made from those parties and are set out later in the report.]*

Sundon Parish  
Council

Have major concerns about traffic through Streatley and Lower Sundon either through construction traffic or by reason of the extra housing. This road is heavily congested at morning and peak periods and no evidence in this application or the Development Strategy that this will be alleviated. Wishes to know what provisions will be made to deal with this.

*[There will be provisions to require a management plan to manage construction traffic to the site and with the opening of the A5 – M1 link at an early stage in the development, this can be used as a better alternative for such traffic.*

*The concern about increases in general traffic does require detailed analysis and the issue is therefore dealt with in section 8(c) of the report, below ]*

Condemns the incursion into the Green Belt and requests that replacement Green Belt land will be identified to replace that lost to this development.

*[The impact on the Green Belt is dealt with in full in section 3 of this report, below. The issue concerning replacement Green Belt is a matter for the Development Strategy to consider and this document does not envisage that replacement Green Belt will be sought.]*

Chalton Parish  
Council

Have commented as follows::

- The industrial units could reach up to 30 metres, which is too high, detracting from the views in the local area. It suggests that this is similar to the Vauxhall building and so suggests it will be for lorry based employment, will be seen from a distance and will therefore be worse.

*[The development is on a large scale and will have a variety of buildings and uses for employment purposes. In the context that this is the edge of the conurbation proposed for a major urban expansion, the proposal is of expected scale for similar uses already found in the area. The proposed warehouse up to the height indicated is located next to that part the motorway where similar buildings and uses exist. The parameters of the application do not propose buildings up to this height elsewhere.]*

- Question the appropriateness of this planning application before the Development Strategy is found sound.

*[Planning applications may be made at any time.]*

- CBC has promised that no development should commence before the A5-M1 Link Road is in place.

*[The Development Strategy (pre-submission) in paragraph 13.29 of that document states that there may be scope for early development before the A5 – M1 link road is in place provided that a transport assessment allows. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of development up to a maximum occupation of 1000 dwellings.]*

- The housing densities are too broad and so it is difficult to comment.

*[For a development on this scale, there will inevitably be a broad range of housing densities.]*

- There should be constraints on housing design to avoid bland design and to encourage a mix of styles. There should be no let up in design for affordable housing.

*[The intended quality of the development is shown in the Design and Access Statement. It will be for the Local Planning Authority to consider the detailed planning applications in the light of the commitments made by the applicant within that document. Master Plans and Design Codes can be required by the imposition of planning conditions to guide those submissions.]*

- Sufficient and realistic, off-road car parking should be provided. For non-residential development parking should be realistic and should not assume a high level of public transport use.

*[The application refers to the Council's parking standards that are no longer used by CBC. However, CBC have introduced new parking standards with a discretion that*

*allows any future detailed submissions to be analysed both for quality and realistic parking requirements.]*

- Concern that the developer has stated that they cannot commit to section 106 agreements. This suggests they will seek to push the development through before CIL comes into force and the area will gain little benefit from the scheme.

*[In the current economic climate, it is not unusual for an applicant to flag up the possibility they may not be able to meet planning policy derived requirements. This is dealt with comprehensively in section 9 of this report, below. As the ability of the Council to require CIL contributions is also subject to the economic and commercial conditions of the time, there is no guarantee that one method of delivering infrastructure delivers more to the benefit of the local area than another.]*

Dunstable Town  
Council

No objection. Members noted that they wish to see a sustainable mix of social and family housing suitable for a wide range of needs from single to multiple occupancy. Members also highlighted the need for adequate medical care and GP surgery facilities and education provision.

*[The development is on a scale and with a range of densities that will allow a wide range of housing types to be accommodated. Details of the provision of community uses are included in section 9 of the report, below.]*

Members also requested that the planning authority engage fully with the Town Council on all matters relating to future Community Infrastructure Levy and Section 106 obligations that might be placed on the developers.

Houghton  
Town Council

Regis Raise no objections provided that serious consideration is given to:

1. The key roads should be in place before any development.

*[See response to similar comments above]*

2. The scheme adheres to the Central Bedfordshire Design Guidance.

*[The Design and Access Statement sets out all the sources of information on design.]*

3. To think again about connections to Parkside Drive and Tithe Farm Road and the Woodside Link.

*[Following analysis of the application, these links are appropriate and necessary.]*

4. To create space for a park and ride scheme.

*[There are no proposals for such a scheme.]*

5. Connection to the railway stations at Luton and Leagrave.

*[Such connections by public transport and by cycling to Leagrave Station are proposed.]*

6. There is no mention of places of worship

*[The application includes this class of use and is available if the applicant is approached by a suitable user. However, no specific proposals are included in the illustrative Master Plan. Nevertheless, the use can be incorporated into the general community facilities that will be made a requirement by planning condition or Section 106 Planning Agreement in the event of planning permission.]*

7. The creation of car pools.

*[This would be one of several possible initiatives that could be considered for inclusion in the Travel Plans that will be required by planning condition.]*

8. To seek the allocation of land for a cemetery.

*[There are limited opportunities (see point 9 below) to incorporate such a use within the development area. It is possible to seek a financial contribution from the developer towards such a provision and this is considered within section 9 of the report.]*

9. Concerned about implications of the high water table on development as stated in the application.

*[The issue is known and is dealt with in the application both in the submitted drainage strategy, the comments of the drainage board, the CBC engineer and by the Environment Agency. There will be a requirement for planning conditions to ensure that appropriate solutions are used.]*

#### Neighbours

Thirteen objectors have submitted a number of objections which can be summarised as follows:

- The scale of development is too large for the area

*[The scale conforms with the proposals of the Development Strategy and considered appropriate by its supporting evidence.]*



- The current transport infrastructure is insufficient and this will be compounded by further development

*[The proposals include linkage to and new transport infrastructure is provided for.]*

- Concern regarding the level of provision for school places.

*[There will be a requirement for the provision of land and a contribution for the construction of schools at the necessary stages during the development.]*

- The building works, including traffic/road works, will create great upheaval to the existing residents in Houghton Regis and the wider area.

*[There will be impacts and there will in consequence be a need for a construction management plan to mitigate the impacts.]*

- The development will result in increased dust, noise and pollution, resulting in a detrimental impact to existing residents' health.

*[There will be impacts and there will in consequence be a need for a construction management plan and other monitoring and response planning conditions to mitigate those impacts.]*

- The development will adversely affect the local wildlife habitats. The area is home to foxes, Roe Deer and a large variety of bird species.

*[The site has been subject to formal ecological assessment and appropriate mitigation has been requested by the Council's ecology officer. This will be required by planning condition or by Planning Agreement.]*

- The development will adversely affect the values of residents' properties.

*[This is not a matter for consideration in a planning application.]*

- There are no references to new hospitals, clinics or doctors surgeries within the planning application. This causes great concern bearing in mind the large cutbacks of the sector. The Luton and District Hospital is at overcapacity. Local doctors surgeries are already at capacity.

*[The planning for appropriate services is now the responsibility of the new Care Commissioning Groups and NHS England. The application includes provision for land for new GP surgeries. The matter is considered in section 9 of this report,*

*below.]*

- There is an oversupply of petrol stations within the area already.

*[This is not a matter for consideration in a planning application.]*

- The area does not need further offices or storage areas. There are several buildings available already.

*[The evidence for such provision was part of the assessment of the proposed urban extension to the north of Houghton Regis as set out within the Development Strategy.]*

- The planning application does not identify the location of any new schools or nurseries.

*[The Design and Access Statement submitted with the application includes this information. Detailed siting will be a matter for later approval.]*

- The site is wholly Green Belt land

*[The implications of this are dealt within section 3 of this report, below.]*

- The field behind 111 Grove Road, Houghton Regis, already suffers from water retention and does not drain adequately.

*[Noted]*

- The development will negatively affect the existing resident's privacy.

*[The degree to which privacy is materially affected will be a matter for consideration when detailed applications are submitted.]*

- The development will remove valuable agricultural land.

*[This impact has been assessed as part of the evidence for the Development Strategy.]*

- Concerned that the development proposes a large number of retail uses when there are serious concerns that retail uses aren't viable in the area.

*[The applicant has proposed a substantial amount of retail floorspace based on a commercial assessment of the viability of promoting such uses.]*

- The proposals will reduce the amount of open space used for walking, cycling and playing in the area.

*[The application states that 30% of the site area will be open space and there will be new opportunities created as a result.]*

- The scale of the retail provision would have an unacceptable impact on the health of Dunstable town centre and planned investment in the Quadrant Shopping Centre.

*[The application has been assessed in some detail in this respect and further information is included in various sections of the report, below. It is concluded that there will be impacts but that they are not sufficient to justify refusal of the planning application.]*

- If the Council are minded to approve the planning application, it is requested that conditions are applied to restrict net sales areas, the split uses and unit sizes.

[Noted]

- Failure to satisfy the requirements of the sequential test, as set out in the National Planning Policy Framework.

*[This is a reference to the retail part of the NPPF. As it is a key issue, further information on this point is included in later sections of this report.]*

- The development will provide the opportunity for new take away retail premises.

[Noted]

- Concerns regarding the how the planning application will be considered in relation to the timetable for the Development Strategy. The Council have agreed that no development should occur before the A5-M1 Link Road is in place.

*[The Development Strategy (pre-submission) in paragraph 13.29 states that there may be scope for early development before the A5 – M1 link road is in place provided that a transport assessment allows. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of development up to a maximum occupation of 1000 dwellings.]*

- There should be constraints on housing design in order to reduce the possibility of poor design.

*[This will be a matter for later consideration following the submission of detailed planning applications.]*

- The development should provide sufficient car parking for housing, non-housing and employment uses. Failure to do so will congestion the road networks.

*[This is a matter for consideration and is dealt with in section 8 of this report, below.]*

- Concern that the applicant is seeking to avoid paying CIL or sufficient Section 106 contributions. This also brings into question the viability of the entire scheme.

*[This is a matter discussed in section 9 of this report, below.]*

- The planning application does not provide space for places of worship and places for the respectful consideration of the deceased.

*[See points 6 and 8 of the Houghton Regis Town Council comments set out above.]*

- The illustrative Master Plan needs to consider additional vehicular access through Zones E, F G and H. Otherwise there is only one road through this area.

*[The illustrative Master Plan will be replaced by a Site Wide Master Plan, Area Master Plans and Design Codes which will include the network of roads necessary for the development.]*

- The scheme mentions cycling and walking routes identifying Houghton Hall Park as a possible route. While the emphasis on cycling is welcomed, Houghton Hall Park does not permit cycling.

*[Noted]*

- Long distance coach travel out of the area should be encouraged by the provision of a long distance coach stop with associated local long term parking.

*[There are no proposals in this respect.]*

- Question whether there is the opportunity to provide a car-pool sharing scheme to make a car available to residents when required.

*[This may be a matter considered by future Travel Plans]*

- Asks that an associated scheme might offer a shuttle bus service to the local railway station.

*[The bus services supported by the development will include services that link to a railway station.]*

One letter was received from a neighbouring potential developer wishing to comment on the planning application. This has been summarised below:

- Figure 2.4 of the Design and Access Statement identifies the clients land as “rear private gardens facing site boundary”. This is incorrect and the land contains various commercial buildings and areas of hard-standing.

*[Noted]*

- In figure 3.1 a hedge along the eastern boundary of the clients land was highlighted as a “hedgerow meeting historical criteria”. The client has previously spoken with DEFRA who consider the hedgerow unimportant historically and aesthetically.

*[Noted]*

- Figure 8.4 of the Traffic Assessment and Figure 4.1 should be clarified in respect of the access to a school playing field.

*[This is a matter that will require consideration in more detail in the future, should permission be granted, when the Area Master Plan for that area is considered.]*

- Concern is raised regarding the principle and the scale of the green link running through the client’s land.

*[This land lies outside of the application site boundary and will require discussion with the landowner should that site be brought forward for potential new development as suggested by this commentator.]*

- Clarification is sought regarding the future use of the Kingsland site.

*[The application leaves open the question whether the secondary school is to be provided on-site or on the Kingsland Campus. CBC’s Education Officer’s preference is for provision at Kingsland Campus.]*

## **Consultations/Publicity responses**

Anglian Water  
Services

Requests that informatives be added to any consent alerting the applicant to their interests and on the proper method for discharging trade effluent.

There is available capacity for foul drainage treatment.

Mitigation measures are required to ensure the development does not increase flood risk downstream. A drainage strategy condition is requested.

There is reasonable prospect that a drainage solution can be secured. Accordingly, subject to an appropriately worded condition securing a necessary drainage strategy, the risk of downstream flooding due the proposals should be mitigated. The condition will enable a foul water drainage solution to be progressed through the design process.

Bedfordshire and  
MK Waterways  
Trust

No Comment

Bedfordshire and  
Luton Fire and  
Rescue Service

Consider that the existing Fire Station at Dunstable will be adequate for the new development. Conditions are requested in the "Secured by Design" initiative as a protection for new housing.

As agreed with CBC, sprinklers should be installed in all new schools proposed and fire hydrants installed in accordance with national guidance. The current design standards for access and facilities when designing road layouts should be implemented. It is requested that certain obstructive traffic calming measures be not used.

The Building Regulations standard for access and facilities should be adopted.

It is requested that the service is informed of any road closures as a result of the development.

CBRE (on behalf  
of Mecator  
Trustees Ltd and  
others; owners of  
the Quadrant  
Centre, Dunstable

Object to the planning application on the following grounds:

- Failure to satisfy the requirements of the sequential test as set out in the National Planning Policy Framework
- The unacceptable scale of the proposal; and
- Its significant impact on the health of Dunstable Town Centre and planned investment in the Quadrant Shopping Centre.

There is insufficient attention paid the requirements of the NPPF and the guidance that underlies the approach taken, no sufficient testing of the capacity of the town centres to accommodate the additional floorspace and no recognition of the impact that the proposals will have on the existing town centres.

*[CBRE have submitted a substantial critique of the retail aspects of the proposal of which the above is a summary only. Therefore officers sought the independent view of a retail specialist to comment on that full representation. The independent consultant has made the following observations.*

*“4.3 A number of the issues raised by CBRE have already been highlighted earlier in this report, namely the sequential approach and the potential effect on the Quadrant Shopping Centre. It is worth noting that in raising concerns about the potential impact upon the planned investment in Dunstable town centre, no reference is made to a potential scheme coming forward shortly and instead make reference to the Council assembling significant parts of the town centre and the objectives of the Dunstable Masterplan SPD.*

*4.4 With regard to CBRE’s concern that the scale of the proposal is unacceptable, it is noteworthy that national planning policy does not reflect the separate test of scale that was formerly incorporated in PPS4. This is a notable shift in national planning policy.*

*4.5 Likewise CBRE places significant emphasis on there being insufficient ‘capacity’ to support the level of floorspace proposed at Houghton Regis urban extension. The assessment of expenditure capacity, or need, is not a development management test of the NPPF, or its predecessor PPS4. The absence of sufficient need / capacity on its own can no longer form a ground for refusal of an application for retail development. Conversely, the existence of need, on its own, does not necessarily mean that there will be no adverse impacts. Instead, the policy requirements to be satisfied are whether the proposal satisfies the sequential approach and that the development is unlikely to lead to a significant adverse impact on existing centres. We have assessed these policy requirements as part of our appraisal.”*

*Further assessment is made later in this Committee Report, below within section 8.]*

NHS England -  
Herts and South  
Midlands Area  
Team

No formal comments have been received.

*[Informal discussions with the team have indicated that there will be a need for land to be set aside for new facilities within the development area and that funding will be sought. This is to be investigated by them further. This will be a matter for consideration in any Section 106 Planning Agreement and is considered in the report below within section 9.]*

Bedfordshire  
Police  
(Architectural  
Liaison Officer)

Whilst there is no objection in principle to the development, there is objection to the “indicated proposals” on account of its non-compliance with standards previously agreed, “particularly considering prevailing levels of criminality in the adjacent existing developments in Luton and Houghton Regis.”

There are specific concerns on the following elements of the submitted Design and Access Statement:

- Objects to permeable developments
- Objects to perimeter blocks
- No consideration of evidence regarding the correlation between accessibility and crime
- The development will be “needlessly criminogenic”.
- The Design and Access Statement misleads the public into believing that community safety has influenced the scheme.

*[This refers to the Bedfordshire Community Safety Partnership Supplementary Planning Guidance 2005 and appears to relate specifically to the lack of cul-de-sacs apparent from the Design and Access Statement submitted with the planning application.]*

*The strength of feeling on one particular aspect (permeability) of the likely wider interests that the Police may have concerning a major new development is not surprising given that there has been a very public tension between those designers who seek open and accessible new developments and those in security that feel more control over public and private spaces reduces crime. However, the development is on such a scale that it offers plenty of opportunity for continued debate at a detailed design level. It is the case officer's view that the prevailing opinion of Urban Designers is towards creating designs that people find comfortable and secure without settling on one solution alone to designing out opportunities for crime.]*

Bedfordshire  
Rights of Way  
Association

No comments received

British Gas  
Transco

No comments received

Buckingham and  
River Ouzel  
Internal Drainage  
Board

It is considered that the buffer zones alongside watercourses should be clearly identified for use in maintaining the watercourse and not for other uses.

The basis for determining flood storage volumes has not been sufficiently clarified.

It would be preferable for strategic attenuation to be in the form of many small ponds provided in a phased manner rather than a single pond as offered as an option in the proposals. It is also queried if sufficient total water storage space has been provided.



*[These are matters that will be required to be detailed by planning conditions, including the requirements of the Environment Agency. It is at that stage that a decision can be taken on attenuation options.]*

Canal and River  
Trust

No comments to make

CPRE  
Bedfordshire

Do not, in principle, object to the concept of a Strategic Urban Extension at Houghton Regis North towards meeting the long-term housing growth needs of Southern Bedfordshire and the Luton, Dunstable and Houghton Regis conurbation. It follows that we have accepted, in principle that the land lying between the existing urban edge and the alignment of the future A5-M1 Link has to be released from Green Belt status to meet this purpose. The planning application is however premature and defective.

There are several inconsistencies between the application and the emerging Development Strategy.

It is unclear how the planning application for HRN1 can be determined within such an imminent timescale when the soundness of the Development Strategy will not have been considered until the end of the year.

*[There is no legal bar to a planning application being considered in advance of a Development Strategy, though the fact does mean that the Council cannot formally issue a planning permission until it has been referred to the Secretary of State who may then decide if referral to that office is required.]*

It is questioned why Central Bedfordshire Council should be entertaining the application at this stage when the funding contributions essential to the road are still not on the table. Given the need for a sound Development Strategy and for assurances regarding the funding and start date of the 'critical' A5-M1 Link Road, we question even further why the Council are entertaining the application at this stage.

*[The decision of the Secretary of State for Transport is that the A5-M1 link road and its financing by central government is dependent upon securing £45 Million towards the funding of the road which is in turn dependent upon planning permission being secured, which is in turn dependent upon the view of the Secretary of State dealing with the planning application, when it is referred to that office. That is why the planning application has to be considered by CBC. This "chicken and egg" situation is resolved only when both decisions are effectively made at the same time by both Secretaries of State.]*

While the difficulties currently prevailing in the housing market are understood, it is questioned why the application is being considered now when the situation may allow for a more positive 'upfront' commitment to be obtained from the applicants as to their S106 obligations in a year or so.

*[National Planning Policy Framework Guidance does not afford Councils the ability to defer planning decisions until better times arrive.]*

The Transport Assessment is inadequate as it should take into account the Stage 2 (December 2012) report by AECOM. In any event, neither report reflects the recently submitted application to almost double the passenger throughput of Luton Airport. Therefore the traffic modelling and the applicant's Environmental Statement cannot be considered as credible.

*[The CBC highways officer is content that the modelling undertaken allows an informed decision to be taken.]*

DEFRA	No comments received
English Heritage	No objections and welcomes the assessment of potential impacts on the settings of designated heritage assets in the area which shows limited impacts. It is hoped there will be proper integration of the historic environment within the overarching green infrastructure strategy.
Environment Agency	<p>Have submitted a comprehensive response which includes the recommendation that permission could be granted subject to a number of planning conditions being imposed. Some fourteen (14) conditions are suggested.</p> <p><i>[Subsequent discussions between the applicant and the EA have resulted in some amendments to those conditions and the case officer has made a number of adjustments to ensure they can be adequately enforced. These are set out in section 10 and the conditions sections of this report, below.]</i></p> <p>In detail, the representation covers technical comments, references to the Environmental Statement submitted with the application and provides additional information for the applicant. Only the first two sections are appropriate to reference here.</p> <p>Technical Comments</p> <p>A number of detailed technical questions arise from the information provided relating to:</p> <ul style="list-style-type: none"><li>• How the assessment of flood risk leads to the technical solutions proposed with further testing and more comprehensive solutions being investigated.</li></ul>

- The need to consider further issues arising from possible ground water conditions and any undiscovered contaminated land.

#### Environmental Statement

- There is a question as to whether buffer strips will be incorporated against ordinary watercourses.
- It is questioned if all areas of known flooding, flooding from blockages, sources of flood risk have been addressed.
- Concern about reference to groundwater pumping.
- Lack of reference to rainwater harvesting as an option.

*[The applicant has been made aware of these comments. It is considered that these matters can be addressed by planning conditions which require a detailed drainage strategy to be submitted for approval.]*

Friends of the Earth

No comments received

Highways Agency

Directs that a condition should be imposed that no more than 1000 dwellings should be occupied and that no Class B uses should be brought into use before the A5 – M1 link is open and in use.

*[These are mandatory conditions and the wording is included in the planning conditions section of this report, below.]*

Luton Borough Council

The Head of Planning at LBC has referred to a report to their Executive of the 15<sup>th</sup> April 2013 which includes their formal response to the application.

*[Only those comments specifically relevant to the planning application are included here.]*

In summary this is an objection to the application as follows:

1. There should be an opportunity for Luton residents to access up to 50% of the affordable housing provided on land North of Houghton Regis. Luton welcomes the on-going discussions with CBC in that respect. This would address the social needs for affordable housing within the conurbation as a whole. Otherwise it is considered that it will not meet the criteria for removal from the Green Belt.

*[The proper consideration for the making a decision on the planning application in respect of the Green Belt is not whether the application fails to address the needs for housing (and affordable housing in particular) for the conurbation as a whole (that is for the Development Strategy to consider), but whether or not the proposed housing and proposed affordable housing is of insufficient scale to form in itself a “very special circumstance” that allows the development to proceed. Any*

*discussions between the Councils on access to affordable housing by agreement between the parties is important to note but is not relevant to the consideration of the planning application. The Green Belt matter is considered in detail within section 3 of this report, below.]*

2. The transport impact of major amounts of development on Luton's border is of considerable concern. A package of mitigation measures to address the impacts from transport movements onto Luton's road network is required.

*[The applicant does not consider that such measures are required taking into account the Transport Assessment undertaken.]*

3. Luton remains of the view that the quantum of both convenience (food) and comparison floorspace proposed within the North Houghton Regis application is significantly larger than is appropriate for a development of this scale in such close proximity to Luton town centre and other centres, particularly in the north of the Borough.

*[In response partly to this concern, CBC commissioned an independent retail advisor to comment on the planning submissions on the retail aspect of the scheme and also requested further information from the applicant in respect of the concerns raised by LBC. This matter is considered in section 8 below.]*

4. Luton therefore objects to the Houghton Regis North Site 1 application unless:
  - a) on-going negotiations over access to up to 50% of affordable housing delivered in the urban extensions of Houghton Regis are successful in delivering a significant quantum of affordable housing for Luton's residents;
  - b) Luton receives adequate commitment to a phased delivery of transport infrastructure prior to significant development taking place in close proximity to its borders, along with a package of clear mitigation measures to address the impacts from transport movements onto Luton's' road network;
  - c) the quantum of retail floorspace to be located within the Houghton Regis urban extension is significantly reduced.

*[As none of these concerns can be accommodated for the reasons explained in section 8, below, it is therefore assumed that Luton Borough Council object on those grounds.]*

Ministry of Defence	No comments received.
MOA - Telecom	No comments received.
National Grid	<p>Supplied a standard letter advising of the applicant's responsibilities in respect of development near their apparatus.</p> <p><i>[The letter is relevant to applicants rather than to local planning authorities. However, there are a number of overhead pylons affected by the development and it is known that the applicant is in close contact with the relevant authorities.]</i></p>
Natural England	<p>Has submitted a detailed analysis of the impacts that the development will have on the natural environment both within and outside the site where significant protected areas may be affected. There is concern that there will be "recreational effects" associated with the scale of the development and that these impacts should be mitigated.</p> <p>This concern relates to adverse effects on the Sundon Quarry, Fancott Woods and Meadows, the Houghton Regis Marl Lakes SSSIs, Dunstable and Whipsnade Downs, Tottenhoe Quarry and Smithcombe, Sharpenhoe and Sundon Hills SSSIs.</p> <p>Such sites can be damaged by increased use, illegal or anti-social use, damage by people and dogs, and interference with the proper management of those areas.</p> <p>Evidence to that effect is provided by reference to statistics provided through Natural England's experience of other sites. It is estimated that half the population of the UK visits local green spaces with 10% visiting daily, 33% visiting several times a week and more than half visiting at least weekly. The majority travel by car an average of 5 miles. There is a concern that 21% of visitors do not stick to footpaths and will roam across a site at will.</p> <p>It can be expected that the development will result in a high number of dog walkers both walking to local spaces and driving to those further afield.</p> <p>The damage caused to the local SSSIs has been recorded from knowledge of their existing use. This includes neglect, uncontrolled vehicle access, fly tipping, illegal fishing, blocking streams, wrecking turf, setting fires, livestock being let out and pollution through dog faeces.</p> <p>Therefore a comprehensive mitigation package is recommended which will include resources for the more intensive management of those spaces likely to receive increased recreational use. There could be a contribution to physical improvements such as site furniture, new paths and fencing. There could be increased habitat creation, educational</p>

resources and extra staff to prevent anti-social behaviour. This could include establishing new or improved off-site recreational areas to divert impact from sensitive areas.

Comments are also given in respect on the on-site green infrastructure proposals. The intentions are welcomed but it is considered that insufficient on-site recreational space has been allowed for in the development. The positioning of spaces is not likely to encourage residents to walk on-site rather than travel off-site.

*[It is a general principle when considering planning applications that the developer should consider the mitigation of impacts that arise from their development. However, whilst Natural England has provided good evidence that increased public use does cause damage to sensitive sites, it is not possible or practical to attribute the potential of future damage to specific sites, to the proposed development. Nevertheless, it is reasonable to tackle the concerns by addressing the following within the planning application and in the following high to low priority order:*

- 1. Providing attractive, well managed open areas within the site. There will be a requirement within the Site Wide Master Plan and Area Master Plans to provide details of how that is to be achieved. There will be a requirement for the developers to contribute financially to the provision and also the management of those areas.*
- 2. To set aside funds to help protect the SSSIs which are the most sensitive to damage by visitors from the development.*
- 3. To make provision for funds to help protect the County Wildlife Sites.*

*However, there is limited funding likely to be available and therefore the issue is dealt with in more detail within section 9 of this report, below.]*

It is recommended that all hydrological matters should be secured by a planning condition.

It is recommended that arable plants could in part be retained by re-using the topsoil in appropriate places such as allotments.

It is recommended that a farmland bird mitigation area be provided.

It is recommended that soil handling is undertaken using established advice within the proposed Construction Environmental Management Plan.

*[These are matters that will be the subject of ecological and CEMP strategies required by planning condition or by the Planning Agreement.]*

Natural England has been in discussion on the issue of protected species and no issues are raised provided the mitigation presented in the ecology material presented is followed.

It is considered that adequate landscape mitigation has been proposed.

No concerns on air pollution matters are raised.

The Local Planning Authority is expected to consider impacts on other local sites, landscapes and habitats not covered by Natural England's interests.

*[CBCs ecology officer has been consulted and no additional matters have been identified.]*

Ramblers  
Association

No comments received

Royal Society for  
the Protection of  
Birds

No comments received

Sport England

Confirms that as no on-site playing fields are affected by the application, their comments are a response to a non-statutory consultation.

The application is of a scale that it is relevant to note the National Planning Policy Framework policies that:

- Take account of local strategies to improve well-being
- Deliver relevant facilities

#### Outdoor Facilities

It is noted that CBC is preparing a new playing pitch strategy but will not be ready to inform this application. It is further noted that Central Bedfordshire Council has inherited the South Bedfordshire Playing Pitch Strategy 2008 – 2021 and the Planning Obligations SPD 2009 (South) though they set conflicting standards for playing pitch provision. Sport England's view is the scale of development proposed and the resulting estimate of population increase suggests that there should be between 20.0 and 29.4 hectares of outdoor sports provision within the parameters of the planning submission.

Sport England is aware of the provision intended by the application based on the illustrative Master Plan (which allows for the maximum number of dwellings to be provided) and through discussions with the Council's officers. It is considered that there is likely to be a shortfall in provision and thereby additional pressure placed on existing outdoor leisure facilities in the area.

Sport England therefore objects to the planning application as the quantitative level of outdoor sports provision would not be sufficient for meeting the potential needs generated by the development.

Nevertheless, it is recognised that the site is constrained in the amount of land available for this use and is conscious of viability considerations in the current economic climate. It is willing to consider alternatives to on-site provision. A variety of solutions are suggested, if part of an overall package. For example:

- Enhancing existing public outdoor sports facilities through increasing the quality of open spaces to provide more carrying capacity, increasing usage through enhanced parking and changing facilities and using the emerging playing pitch strategy to identify suitable projects.
- Extending the Dunstablians Rugby Football Club pitches into the application site.
- The use of artificial grass pitches.
- The provision of Multi-Use Games Areas (MUGAs)
- The use of school pitches if constructed to a standard suitable for community use.

It is considered essential that the suggested 20 hectares of provision is explicitly guaranteed within the planning decision and should not be conflicted with other uses.

Within the Sport England “umbrella”, the views of a number of sports bodies has been collated and these are summarised below:

Football Association. Their experience suggests that at least 12.9 ha of space would be needed for football. Given that this is a substantial proportion of the on-site available land and there is a need to accommodate other sports, there will be a shortfall.

Rugby Football Union. The existing Dunstablians Rugby Club facilities are the nearest relevant facility and this would be put under pressure with a greater population. The club would need additional land to expand and financial contributions to enhance the facilities.

England and Wales Cricket Board. The area of the conurbation is served by a number of Cricket Clubs and the development will increase demand that the clubs may struggle to accommodate. There should be provision for additional pitches and facilities. The proposed secondary school within the development may offer some potential for meeting some of the ancillary (non-turf) needs.



England Hockey. No specific requirement is identified.

Sport England note that there will be a requirement for Master Plans following any planning permission. There will be a need to ensure that in their preparation, they accommodate properly laid out pitches, ensuring that the sports areas are not compromised by ill considered landscaping, engages experts to avoid ill-designed spaces, provides adequate parking and access and uses existing best practice guidance and advice.

It is recommended that there are conditions to ensure that proper investigation of the ground conditions takes place to then ensure that the playing pitches can be designed and constructed to a satisfactory standard. It is recommended that any Section 106 agreement and/or conditions include the details of ancillary facilities that should be provided.

Opportunities should be taken to extend Dunstablians RFC, improve the Tithe Farm Recreation Ground and the Kingsland Campus. In the latter case, if the playing pitches on that site are used to site the new school and indoor leisure facility, their loss should be replaced within the application site boundary in replacement.

*[There will be a requirement for further Master Plans which will identify the formal open spaces in greater detail for further approval as requested by Sport England. However, given that the planning application is in outline, it is not possible at this stage to provide the certainty that Sport England require that the formal outdoor sports pitches will be developed in the manner suggested to off-set the perceived shortage of land if the development was built to its fullest capacity and/or if playing pitches within Kingsland Campus are lost as a result of the need to construct a secondary school in that location. It is therefore relevant to consider what financial consideration may be made in lieu of providing 20 hectares of land instead of the maximum 29.4 hectares calculated as being required. To this would need to be added any loss of playing pitches at Kingsland Campus This is an important issue and is therefore considered in detail within section 9 of this report, below.]*

### Indoor Facilities

Sport England considers that the development on this scale should provide for indoor sports facilities such as sports halls, swimming pools, health and fitness suites. It is noted again that the on-going Leisure Strategy is investigating this issue for the Council area as a whole. In this area, it is noted that the work undertaken to date suggests that there is a need to provide a replacement public leisure centre for Houghton Regis close to the site of the existing at Kingsland Campus. This would meet the needs for the development site as well. The proposal appears to contribute to that provision; this is welcomed though the details of how this is achieved are unclear.

*[The application is clear in that it proposes two alternatives: one locating the leisure centre on the site next to the secondary school or locating both these uses at Kingsland Campus. Contributions would therefore be either in the form of land and/or with some financial support towards its construction commensurate with the scale of the development proposed. Further public funds would therefore be required.]*

It is noted that the proposals include the provision of community centres. These should not compete with the leisure centre or involve unnecessary duplication.

It is noted that the application includes the provision of other recreational indoor spaces up to 5000 sqm in area. This is substantial and could accommodate additional commercial health and fitness centres. This could provide both competition to the public facility but also choice.

There is an opportunity to consider dual use facilities with the proposed new schools and efficiencies if located next to other sports facilities. This would need a planning condition to ensure that community use of school facilities is provided.

*[There is no need for a condition as under the terms of any Planning Agreement the provision and /or specification of the schools would be the responsibility of the Council and delivered under its own policies for dual use.]*

Finally, there will be a need to consider the long term maintenance of the facilities, including the securing of maintenance contributions through any S106 Planning Agreement. A planning condition, management plan and a phasing plan are recommended.

*[This is considered in the planning conditions section of this report, below.]*

Sustrans	No comments received
Thames Valley Water	No comments received
The Chiltern Society	The Chiltern Society objects to the application for the following reasons. <ul style="list-style-type: none"><li>• It is outside the settlement boundary and within the Green Belt</li></ul>

*[This matter is dealt with in section 3 of this report, below.]*

- It is a Greenfield site, of high agricultural and landscape value. The application is considered to contravene Central Government and Central Bedfordshire Council policy regarding Green Belt land.

*[Ditto]*

- The building work will seriously damage the residential amenity of Houghton Regis.

*[This is an effect that will need to be balanced against the other public interests for supporting the development.]*

- The application will lead to the temporary and permanent closure of footpaths that currently cross the site.

*[This will be the case during the construction period, but there will be measures required in any planning permission to retain Public Rights of Way wherever possible and the creation of new beneficial routes.]*

- The development will extend the urban sprawl of the Houghton Regis, Dunstable and Luton conurbation in the countryside. This will damage the local green infrastructure and will detrimentally impact the village of Chalton and views south of Toddington.

*[There will be impacts upon and changes to the character of the area and to views from public vantage points. This will need to be balanced against any advantages of the development and any landscape mitigation required as part of any planning permission.]*

If the planning application is granted planning consent we would suggest the following conditions.

- No development should commence until (a) The Woodside Link road, and (b) the A5-M1 Link Road have been completed and are in operation along with Junction 11A on the M1.

*[This is unnecessary for the reasons set out in responses to similar comments made by others, above.]*

- Development should be limited to the area of land west of the M1 and south of Sundon Road. The remaining land should remain in the Green Belt to preserve its present status.

*[The planning application must be determined on the site area submitted.]*

The Chiltern  
Society Rights of  
Way Group

The biggest concern is that the Chiltern Way goes through the site and we would like this to be protected as much as possible. In particular the section which runs along the western edge, Footpath 45, should ideally be protected from development by

substantial planting. The section alongside the Ouzel Brook should also be protected. Bridleway 22 should be retained as an important link from the existing development.

Where possible the footpath and cycleway in this area are kept separate. Definitive paths should be aligned with proposed green corridors.

The Society would hope to see the other footpaths across the site protected and not extinguished. Diversions may be considered reasonable.

Any new paths should be definitive as this would allow them to be shown on Ordnance Survey maps and would mean they are likely to be maintained to a higher standard.

*[The details of how the ROWs will be treated will be required by condition and incorporated into the required Area Master Plan for that area.]*

The Chilterns  
Conservation  
Board

While the Chilterns Conservation Board will not be commenting on the application, they ask that the decision-maker considers:

- The Chilterns AONB Management Plan
- The Chilterns Building Design Guide and Supplementary Technical notes on Chilterns Building Materials
- The Environmental Guidelines for the Management of highways in the Chilterns
- The Board's Position Statement on Development Affecting the Setting of the Chilterns AONB

The Greensands  
Trust

No comments received

The Wildlife Trust

Comments that there are few features of interests from their perspective; with the exception of the brooks and some rich hedgerows. Therefore the application offers the opportunities for an enhancement of biodiversity.

These opportunities are to provide linkages between the rich calcareous grasslands around Sundon and the designated grassland sites around Totternhoe as envisaged in the Green Infrastructure Plan for Bedfordshire. This is to some extent achieved via the A5-M1 link corridor but the other "corridors" are narrow in places.

*[There is a limited ability to widen corridors without further compromising the viability of the development. However, there will be a requirement for a management plan for the open areas which can consider what can be done to assist this objective.]*

Outside the site there are a number of important sites which could be under pressure from greater public use caused by the development. These include SSSIs and County Wildlife sites.

There is national policy that requires strong protection with exceptions made only where the benefits of the development outweigh the undesirable impacts. As such impacts are envisaged, there is a need for enhancements to their management and physical infrastructure to help cope with the added pressure of people.

*[There is an intention to provide financial support to the management of SSSIs and the opportunity for such support to County Wildlife sites considered to be under pressure. The details are set out in section 9 of this report, below.]*

There is the concern that the application is in outline and so uncertainty about the location of Green Corridors. The application should contain firm commitments. Further attention is required to the land alongside the new Woodside Link.

*[It is considered that the requirement for a Site Wide Master Plan and Area Master Plans will allow a greater attention to detail to be formulated.]*

There is an opportunity for improving the biodiversity along Houghton Brook and it is noted that there is evidence of use by voles which are a protected species. The necessary drainage plans for the development should allow for the improvement of the Brook with a regular clean water supply to assist in creating suitable habitat. The extent of the development in this area challenges the ability for the remaining land to be viable for recreational, water management and biodiversity purpose.

*[This is accepted and whilst 30% of the site area (not including gardens) is available for green infrastructure and recreational use, it has not proved possible for a viable planning submission to be made with a greater proportion of open space included to satisfy all potential users and uses.]*

There is also an opportunity within the open areas to create new calcareous grassland.

*[The application identifies some areas alongside the strategic roads that can be used primarily for this purpose.]*

UK Power  
Networks

No comments received

Veolia Water

No comments received

Voluntary and  
Community Action  
South  
Bedfordshire

No comments received

**CBC Officer  
Responses**

Senior Engineer      The measures proposed for the attenuation of surface water from the development are acceptable in principle.

There will be a need, however, for further detailed assessments and proposals at the later design stages of the development.

There are areas within the site that have high ground water levels and some Sustainable Urban Drainage systems and soakaways will not be suitable. However, the Environment Agency's proposed flood storage project which is incorporated in to the development should, when implemented, assist.

Conditions will be required to ensure that surface water discharge systems are in place prior to commencement of the development as a whole and on each phase.

It is anticipated that there will be a new approval body for SUDS post April 2014. The developer will need to take account of this change as it will impact on their design and development of the site in the future.

Archaeologist      Comments that a considerable amount of pre-investigation work was undertaken prior to the submission of the planning application which has provided a considerable amount of information on the archaeology of the site.

This work has identified a number of archaeological sites and features of interest from broadly within the Neolithic, Bronze Age, Iron Age, Roman and Medieval periods. This work samples the site and therefore it can be expected that further investigation will reveal further sites and features. These are heritage assets of interest as defined in National Planning Policy Framework terms.

Given the extent of material discovered, it is likely that the proposed development will have a negative and irreversible impact on the archaeological remains on the site. None of the assets require preservation on site in line with current policy, but there will be a need for further recording as the development proceeds.

However, there may be an opportunity for preserving the site of the Roman settlement remains within an open space area shown on the illustrative Master Plan but that will depend on the amount of disturbance likely to occur in creating that public area.

There is an opportunity, not reflected in the application to date, to use the heritage assets as a focus for the wider green Infrastructure provision, However, it is also suggested that they may also form models for the new landforms that will be created

for the new development. This would be inappropriate.

The necessary further investigations should be the subject of appropriate conditions. The material collected to date and in the future should form the focus of future programmes of outreach and public engagement as it has, and will continue to provide, invaluable information to create a sense of place and identify for the development emphasising the antiquity and continuity of human settlement in the area.

*[The applicant has been informed of these comments in order to guide the Site Wide Master Plan and Area Master Plans. In addition, a suitable condition has been included within the planning conditions section of this report, below.]*

The Mineral and  
Waste Team

Expresses concern that whilst the relevant policies of the Waste Local Plan are referred to, the Council's 'Managing Waste in New Developments' SPD 2006 is not. However, it is noted that a Waste Audit has been submitted and is adequate for the purposes of an outline application. A further detailed Site Waste Management Plan and Materials Management Plan at the detailed reserved matters approval stages is recommended.

The development should include the provision of local "bring sites" for community use. The design of the area should accommodate appropriate outdoor storage areas, including for individual properties.

Finally, the site does not lie within a Minerals Safeguarding Area and no issues arise accordingly.

Sustainable  
Growth Officer

Comments on matters relating to energy and sustainability. Whilst the application commits to the principles of passive design and solar orientation, the illustrative Master Plan does not fully take this into account. It is to be hoped that the final Master Plans for the area will improve this aspect of good energy management.

The emerging Development Strategy for Central Bedfordshire includes a policy for improving the energy standards and water use standards above the current Building Regulations standards. It is disappointing that the application does not reflect those aspirations. If this aspect of the proposals is to improve, there will be a need for planning conditions and/or Section 106 Planning Agreement clauses. It is estimated that bringing the development up to the standard suggested would cost in the region of £11.3 Million to £30.6 Million for a 5150 dwelling proposal.

*[The planning application has been made to current Building Regulation standards rather than the aspirations of the emerging Development Strategy. This issue is dealt with in section 9 of the report, below. However, it is concluded that this cost is too great given the viability constraints of the*

*development and the need for other community infrastructure as required by current planning policy.]*

The Open Space and Green Infrastructure Team. (Open Space, Countryside Access, Ecology & Landscape)

### **Summary**

In summary there is a deficit in the calculated requirement of using current CBC standards in the provision of Open Space of 23.5 hectares. However, this has been discussed throughout the consideration of the application and with Sport England.

Further details will be required of children's play areas at the Master Plan stages.

The submitted Green Infrastructure (GI) strategy has taken account of national and local planning standards, but it is illustrative only and provides no certainty.

Some of the GI is in places alongside major roads and power lines which have the potential to be poorly designed. Consideration needs to be given of the connectivity of the site. More information is required.

The scale of the development will have a wider impact on the countryside and existing open spaces, exacerbated by the calculated deficit of formal and informal open space within the development site. In particular, the development has the potential to negatively impact on those sites as identified by Natural England if they are not supported financially by the development. This includes SSSIs and off-site recreational areas.

A phasing plan for the provision and delivery of open space on site is required.

*[The planning application is in outline and of a "parameters plan" style (see section 7 of this report, below) and therefore it is in the nature of the application that it will not have the extent of detail that will be necessary to pin down the how the open areas and connectivity will look and function once designed. In reaching a decision on an outline application of this nature, the main considerations are the principles behind the provision of Open Space within the development proposals, the conditions that may be required to establish those principles and provide the necessary detail and any financial requirements for the construction and maintenance of the specified facilities.]*

### **Detailed Consideration**

#### Open Space

The broad structure and layout of the open spaces fits with the Framework Plan.



The overall quantity of open space and GI is specified at 78 hectares, about 30% of the site area, not including private gardens, and is specified as landscaping bunds, sustainable urban drainage, formal open space and informal open space. There is a deficit of provision.

The application lacks detail and whilst it is expected that more detailed Master Plans will be submitted, there are issues that require resolving; particularly how the interrelationship of uses will work.

Commenting in respect of the provision of recreational Public Open Space, it is considered that there is a deficit in the provision of **formal open space** in consideration of the standards in use by CBC.

The application uses the Open Space standards of the South Bedfordshire Local Plan and the Planning Obligations Supplementary Planning Document for the south of Central Bedfordshire. These are out of date. The Council is in the process of developing a Leisure Strategy and new standards have been developed for that work. Interim standards have therefore been used to consider the proposals.

Policy 60 of the emerging Development Strategy for Central Bedfordshire, whilst not specifying an overall amount of open space, does contain detailed requirements on its purpose and quality and on the capacity of off-site open spaces affected by the development.

It has been agreed with the applicant that these can be used provided that the total amount required did not exceed 78 hectares. This is 23 hectares less than would normally be required.

The locations of two primary amenity sites as shown in the illustrative Master Plan relate well to the development. A further smaller area expands the existing Tithe Farm Recreational Ground and is a significant benefit to the area.

In respect of formal Open Space within that total of 78 hectares whilst the requirement is for 29.4 hectares of formal open space it has been agreed with Sport England that a compromise of 23 hectares should be sought provided there is provision at school sites and off-site contributions.

In respect of play areas, there should be a provision which relates to established standards used by CBC. However, it is recognised that the standards, when applied to a site of this scale, is too high. It is suggested that there should be 12 Neighbourhood Equipped Areas for Play (NEAPs), 17 Local Equipped Areas for Play (LEAPs) and within the latter, 17 Local Areas for Play (LAPs). These could be configured and combined in various ways as options.

*[There has been a considerable amount of discussion since these formal comments were supplied, between CBC officers, Sport England and the applicant's representatives. In summary, there will be a need to provide more detail on the size, quality and location of formal play facilities within the Site Wide Master Plan and the Area Master Plans. The financial implications of providing for these facilities are referred to in sections 8 and 9 below.]*

In respect of the provision of **informal open space**, there is a lack of information on how it will be designed and developed.

The strategy included with the application is compliant generally with national and local planning policies, though it is recognised that there is no certainty given that the application was submitted with an illustrative Master Plan.

There will be a need for information on:

1. What type of space, what it will include and what functions it would deliver.
2. Where the space will be
3. How much there will be
4. How the space relates to its surroundings.
5. The minimum areas of Green Infrastructure that will be delivered in the proposed green corridors.
6. The function of the area so identified
7. Safeguards about how they are treated, including surveillance by adjacent development.

A variety of other play facilities are recommended. In general, there is a lack of information in order to be more precise as to whether an adequate provision is being made.

*[The planning application includes a considerable amount of illustrative material to show in principle how these areas can be developed. However certainty at this level of detail will be a matter for the Site Wide Master Plan and Area Master Plans as required by planning conditions.]*

### Countryside Access

The application should include an undertaking to produce an Access and Rights of Way strategy, produce design standards and undertake dialogue on how maintenance will be managed.

The information in the Design and Access Statement on how GI areas are to be treated is noted, but will need to be taken forward in Area Master Plans.

The principle of allowing the countryside to penetrate the development is welcomed, but challenged by the A5 – M1 link road. Every opportunity should be taken to link spaces into the

town. Pedestrian areas need to be well designed but informal areas will need to be designed to avoid anti-social behaviour. Open spaces and access routes need to be provided at the earliest stages. Care will be required to ensure that ecological areas, flood management areas and Rights of Ways are integrated well to avoid conflict.

### Ecology

The work of the applicant's ecological consultants has been satisfactory and the necessary mitigation proposals have been made, though its effectiveness will only become apparent when more details are supplied.

There is little or no provision specifically for the sake of bio-diversity, but there may be opportunities for the creation of some chalk grassland. Narrow corridors of space are less beneficial and there is an opportunity for an area to the north east of the site to be designated for this purpose rather than the small pocket of residential use shown on the illustrative Master Plan.

Further attention to the re-use of soils rich in arable weeds is suggested. Opportunities to improve the habitat for voles should be taken, There are a number of trees that will require specific protection.

There is insufficient attention to surveying the trees on the site and there are a number of important specimens that will require protection.

*[There will be conditions and planning agreements requiring further details to be provided on countryside access and ecological matters arising from these comments and these are set out in Section 10 in this report, below.]*

### Landscape

There is a concern that the open spaces shown will be inadequate to contain all the uses required of it including landscape structure.

The assessment of landscape is according to the agreed methodology and evaluates the significance of the visual impact on the landscape well.

A number of viewpoints from within the Chilterns Area of Outstanding Natural beauty were considered and assessed as having some visibility albeit as part of a wider urban development as already exists and in the future. The future development would assist in mitigating the impact of the proposed large building.

There is a need to ensure that there is adequate space for structural planting. There is a need to explore cumulative impact, particularly from development in the north-east of the site. The composition of massing and materials will have an impact and needs to be borne in mind.

There is a need to link the landscaping programmes of the A5-M1 link road, the Woodside Link and the development together. How the gateway from the new Junction 11a is to be treated will benefit from consideration.

The existing urban edge of Houghton Regis here is surprisingly elevated. The proposed development follows the slope down to the Ouzel valley on to the Toddington hills and countryside beyond. More significant mitigation would be welcomed. There should be more planting along the principle roads.

There is an opportunity to provide a less harsh urban edge than exists at present. Given the density of the development, the structural landscaping will be dependant on the GI corridors shown. Care will be required to avoid reinforcing the harsh linear feature of power lines by planting rigidly along them. There is a concern that landscaping will be compromised by restrictions on planting.

More detail on how advanced structural planting and other structural planting will progress throughout the period of development will be required. Various suggestions for key planting areas are made.

At the detailed design stages, there may be opportunities for street scene enhancement. There may also be opportunities for landscaping enhancement outside the site to tie in with that occurring within the site.

*[Appropriate conditions for advanced landscaping and other landscaping programmes will be included as set out in section 10 of this report, below.]*

#### Off-site Contributions

It is considered that there is a requirement for financial contributions to off-set the potential for impact on local SSSIs, the strategic recreational sites situated within the Chilterns AONB and at Houghton Hall Park. This has been calculated at £1,809,100, £1,274,350 and £1,114,050 respectively.

*[There has been a considerable amount of discussion since these formal comments were supplied between CBC officers, English Nature, Sport England and the applicant's representatives. The financial implications are considered within section 9 of the report, below. In summary there will be a need to prioritise the requirements in the light of the available financial resources.]*

Trees and  
Landscape Officer

Comments on the planning submissions documents in respect of the Arboricultural Strategy and the landscape section of the Design and Access Statement. Given the level of detail possible in an outline application across such a large site, it is agreed as stated in those documents, that there will be a need for a planning condition to require detailed tree surveys, mitigation methods prior to the development of each phase of the development and long term maintenance arrangements put in place.

There are a number of important hedgerow features that deserve greater consideration as to their value.

It is strongly suggested that hedgerows should not form garden boundaries and should instead be included within buffer zones.

There should be periodic reviews of vulnerable trees such as Ash and management plans required.

*[Appropriate conditions have been included within the planning conditions section of this report, below.]*

Urban Design  
adviser to CBC

Comments that the Master Plan submitted with the application is illustrative only and that it is noted that there will be conditions requiring the provision of:

- A Site Wide Master Plan
- Area Master Plans
- Design Codes

Generally the proposed open areas shown on the illustrative Master Plan integrates well with the existing open spaces on the edge of Houghton Regis. The development should continue the use of the open spaces alongside the route of the proposed Woodside Link to integrate it into the centre of the town.

There will be a need for more buffer space between the employment zone and the residential land: shown on the illustrative Master Plan but not in the details of the formal submission documents.

It is noted that the application shows two options: keeping the Power Lines crossing the site or undergrounding them. The latter is preferred.

There is a broad range of densities shown on in the submission. These should be secured at the Master Plan stage to avoid the use of top of the range densities throughout the development.

There are a number of detailed comments on the content of the Design and Access Statement.

*[These have been relayed to the applicant's representatives. Many of the points raised are matters that can be considered at the Site Wide Master Plan stage.]*

Highways,  
Transport  
Rights of  
Way  
Team

There has been continuous dialogue with the applicant's planning and transportation consultants which have informed the views expressed.

*[These discussions have continued since these representations were formally submitted and any further information up the date of writing this report will be included here where relevant.]*

Comments that they are content with the traffic modelling that has been undertaken to assess the impact of the development.

In respect of the impact on the Highway network in the majority of locations, there is a reduction in traffic levels as a result of the new roads but there is a compensating increase in traffic as a result of the development. The development area is adjacent to Luton Borough Council's administrative area and, if it is found that the development will have an impact on the roads and public transport in their area, then any mitigation which may be required to make the development acceptable will need to be agreed with Luton Borough Council.

There is opportunity to develop some of the site before the A5 – M1 link and the Woodside Link are in place, but there will be a need for a condition to this effect.

In conclusion the proposals relating the development to the highway infrastructure proposed will operate satisfactorily.

The applicant should be aware of the new parking standards in operation within CBC.

There are various impacts on the area's rights of way that will require mitigation. Appropriate conditions will be required and there will be a need for an Access and Rights of Way strategy to be incorporated into the decision. There is potential for conflict between rights of way and the location of sustainable urban drainage schemes.

The Construction and Environmental Management Plan will need to be updated to include better references to the requirements concerning rights of way. There will be a need for informatives on how public rights of way should be treated.

A variety of improvements to the walking and cycling network are suggested.

There will be a need for financial support to establish in the early period, the necessary bus services for the new area.

There will be a need for a travel plan and including measures to support the current Travel Choices Project towards improving the use of means of travel other than the private car. A variety of sustainable transport measures have been identified which should receive financial assistance to allow their implementation.

*[These matters have been discussed with the applicant's representative in a series of further detailed meetings which have sought to agree the sustainable transport requirements to be included in any formal Planning Agreement.]*

Economic Growth,  
Regeneration and  
Skills Team

Comments that the application is welcomed in principle as it will deliver much needed jobs and investment.

In respect of the retail proposals the scale in terms of floorspace is similar to that at Kingston, Milton Keynes. This will have a major impact on the existing shopping centre hierarchy: notably Dunstable and Houghton Regis Town Centres and on investment and regeneration plans. The team have taken a view from specialist retail consultants, Montagu Evans and in summary their view is that:

1. the proposal will compete with and draw trade from Dunstable town centre and the White Lion retail park.
2. Developers and investors will be discouraged away from those areas.
3. Retailers will perceive the new area is more deliverable than difficult town centre sites.

However, the team also recognises the importance of the application to assist in delivering the new A5 – M1 link road and reduce the traffic congestion and environmental consequences of that within the town centre.

In respect of the employment proposals, the proposals will provide a substantial proportion of the new jobs calculated as required from assessment work undertaken previously by this Council. However, a large proportion of the proposed floorspace is given to warehousing proposals, whereas this area is a prime location for office development. A higher number of jobs could have come from a higher proportion of other business uses.

However, if other employment generating uses such as the retail uses are taken into account, then the total number of jobs that could be provided is estimated at 3,460 FTE.

It is requested that the developer invests in improvements to the existing Houghton Regis library and to allow space for a community library in one of the proposed new community hubs.

There is a requirement for the preparation of an Employment and Skills Plan to outline how local people will be able to access the job opportunities and businesses access the trade opportunities arising from the development.

There is also an opportunity to link with the National Skills Academy for Construction's Client Based Approach to employment and skills on construction projects. This will require the Council to sign up to that Approach and should be considered as an option.

The developer could contribute to a bursary scheme which would support non classroom based learning for young people to allow them to gain the skills necessary to access the new job opportunities.

*[The concerns in respect of the scale of the retail provision are significant. Partly for this reason, CBC commissioned a report from an independent retail consultant and the issue is dealt with in later sections of this report.]*

*In respect of library service and employment skills plans, appropriate clauses in a planning agreement can be included.]*

Senior Education  
Officer – Planning

Calculates that the development at its maximum parameter of 5150 dwellings would generate a need for new schools under the new primary/secondary model as will be implemented in this area from September 2013.

The scale of development is equivalent to 7 Forms of Entry. It is suggested that this will require three new 2FE primary schools plus an extension by 1FE to an existing school. The latter can be done by adding land from the developer's site adjacent to Tithe Farm School for an expansion.

It is noted that a secondary school is shown within the application site boundary as shown on the illustrative Master Plan. Whilst practical, this would also need some temporary arrangements to be put in place to cater for secondary school pupils until such time as the school was built.

*[From discussions that have taken place with the applicant's representatives since this response was made, it is apparent that the preferred solution of both the Education Officer and the developer is for a less costly and more beneficial solution of locating the new secondary school at Kingsland Campus associated with the existing school on the site.]*

Strategic Planning  
and Housing  
Team Leader

States that the Development Plan consists solely of the saved policies in the South Bedfordshire Local Plan Review (adopted January 2004). The previously saved policies from the Structure Plan were revoked.



The Joint Core Strategy for Luton and southern Central Bedfordshire was endorsed for Development Management purposes by Central Bedfordshire Council's Executive in August 2011 and still remains a material consideration. However, given the time that has elapsed since this endorsement and the progress now made on the Development Strategy, more weight should be given to the Development Strategy.

The pre-submission version of the Development Strategy was published in January 2013 and submission to the Secretary of State was expected in mid-June 2013.

However, the recent publication of information from the Office for National Statistics (ONS) has prompted a review of the population and household projections that underpin the Development Strategy. This review work is currently underway.

The circumstances that have led to this planning application being drawn up in advance of the plan-making process are understood. However, determining a planning application of this scale in advance of the plan-making process being completed should not be done lightly, if the integrity of the plan-led system is to remain. There would need to be significant benefits to the public interest to justify such a decision.

It is noticeable that there is no groundswell of public opinion against the proposal evident through the consultations on the Development Strategy and, indeed, this has been the case going back 7 or 8 years to previous Joint Committee consultations. Even objections to this proposal from the development industry have been relatively limited, with new sites being proposed in addition to, rather than instead of, Houghton Regis North.

The particular circumstances of this site mean it appears highly suitable for development, as set out in the Sustainability Appraisal report for the Development Strategy. Of particular note are the size of the site, its location adjacent to an area of high housing demand, its ability to deliver key road infrastructure to the benefits of the wider area and the relative lack of constraints. In my view, it is very difficult to envisage a strategy to meet housing needs that does not include, in some form, development of this site. This should be considered in relation to the question of prematurity.

This planning permission is needed as part of the specific funding arrangements for the A5-M1 link agreed with the Department for Transport. The Government's encouragement of growth in the national economic interest, evident from a number of recent ministerial announcements, also needs to be considered. Clearly there is a need for housing in the area and the 5-year supply of housing land is a consideration.

The site remains in the Green Belt until adoption of the Development Strategy (estimated at February 2014). Any consideration of an application before this date would be in the context of needing to demonstrate very special circumstances to justify development in the Green Belt.

In terms of the supply of housing land, the Council's published Housing Trajectory shows 10,247 dwellings being likely to be completed during the 5-year period from 1 April 2013 to 31 March 2018. Of these, around 1,050 are predicted to come forward from Houghton Regis North, with 100 dwellings in 2014/5. This is a challenging timescale and if early delivery is to be achieved, progress on an outline planning permission is needed at the earliest opportunity. This is a significant consideration.

The scale of overall housing provision broadly reflects the assumptions in the emerging Development Strategy.

A critical issue is the provision of affordable housing. With the site at Houghton Regis North representing such a significant element of the overall housing delivery in the Development Strategy, it necessarily represents a significant opportunity for the delivery of the overall affordable housing requirement. The 2012 Strategic Housing Market Assessment (SHMA) indicated a requirement for around 31.8% affordable housing over the plan period, over 9,000 affordable dwellings. In addition, Luton Borough Council has made it clear that they are unable to provide for the full extent of housing need arising in their area.

The Development Strategy policy requirement for this site would suggest around 1,500 affordable homes – a significant proportion of the total requirement for the area. Development viability will be an important consideration here and Development Strategy policy 34 places emphasis on the provision of a “viable degree of affordable housing”. This flexibility reflects recent Government pronouncements and statements in the NPPF. Nevertheless, there remains an acute need for affordable housing and we must do all we can to ensure maximum provision.

The scale of employment provision is also broadly in line with the Development Strategy. In line with Government guidance, the Development Strategy is not prescriptive about the type of employment uses expected. The emphasis in the planning application on B8 uses, above B1 and B2 uses, is a reflection of the current economic situation. I would hope that as detailed applications follow for this site and adjacent sites, a more broadly based employment offer might start to emerge.

The planning application proposes a significant level of new retail floorspace. Others, including Luton Borough Council, have raised objection to this and the possible impact it might have on surrounding centres. This will need to be assessed

independently.

Environmental Health Practitioner Recommends the provision and implementation of a Low Emission Strategy to minimise the impacts of the development by reason of emissions from traffic and the air quality concerns that arise. A monitoring of air quality regime should be required.

A number of conditions to that effect are proposed.

It is recommended that when detailed proposals are submitted that there is an acoustic assessment and a set of mitigation measures implemented should issues of noise impact arise. The preference is for good layout, screening and design be employed before considering high sound insulation or mechanical approaches to limiting noise as they are more sustainable in the longer term. Relevant data is provided for use in constructing the conditions.

There should be a requirement for the preparation and implementation of an odour mitigation scheme, a condition to control the details of any external lighting and a condition to assess potential contamination of the site and its mitigation if necessary.

Finally, it is recommended that there is a Site Wide Code of Construction Practice to deal with the environmental impacts of the various construction stages.

*[Appropriate conditions will be required and are set out in the planning conditions section of this report, below.]*

## **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 Green Belt and assessment of the potential “very special circumstances” that may arise.
4. The weight applied to the Luton and South Bedfordshire Joint Core Strategy.
5. The weight to the applied to the emerging Development Strategy for Central Bedfordshire.

6. The weight to be applied to the Houghton Regis North Framework Plan.
7. The nature of a “Parameters Planning Application” and its implications.
8.
  - a. Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.
  - b. Affordable Housing
  - c. Transport Impact
  - d. The Retail proposals and their impact
  - e. Green Infrastructure and Open Space
  - f. Off-site Impacts: SSSIs and recreational sites accessible to the public
  - g. Car Parking Standard
  - h. The A5 – M1 link road and the Woodside Link.
  - i. Design and Implementation.
9. The Viability Appraisal and consequences for a Section 106 Planning Agreement
10. The Requirement for Planning Conditions.

### **Considerations for determining the Planning Application**

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

- 1.1 The formal Development Plan for this area comprises The Minerals and Waste Local Plan (M&WLP) 2005 and the South Bedfordshire Local Plan Review (SBLPR) 2004.
- 1.2 The relevant policies of the SBLPR 2004 are listed at the start of this report. This list reflects the fact that only some of the policies have been “saved” for use. It is recommended that this Local Plan is to hand for sight of the wording of the policies. Of these policies, the following are directly relevant to the proposal and should therefore be taken into account. Each policy in turn is followed by a recommendation on the weight that should be applied to it when making a decision on the planning application.
- 1.3 In respect of the Green Belt, policy GB2 confirms that the site lies within the Green Belt where no exception for major development is made. Significant weight should be given to this policy. Therefore the Committee will need to consider whether there are any very special circumstances for development of the site.

*[The key issue of principle when considering the planning application is that as the proposed Houghton Regis North SUE allocation has not yet been formally confirmed in an adopted Development Plan, the application site has not yet been removed from the Green Belt. Therefore a key consideration in determining this application is whether the application is premature when read against policy GB2 in advance of the formal adoption of the replacement Development Plan. Then having considered that, whether there are very special circumstances that would support planning permission in advance of the adoption of the Development Strategy. It is a fact that the site lies in the Green Belt and so the planning application represents inappropriate development in the Green Belt.*

*Therefore it should only be permitted if very special circumstances (VSCs) apply. This argument is presented in detail within section 3 below. ]*

- 1.4 Policy BE8 lists a number of design considerations that development should generally take into account.

*[The proposed design treatment is included in the submitted Design and Access Statement (DaAS) submitted with the planning application.*

*In respect of this application, a commentary in respect of each criteria of the policy is provided below by the Case Officer:*

- (i) The proposal covers a wide area of rural fringe and agricultural land but there are no significant natural and built features that require specific protection and conservation. However, there are trees, small areas of woodland and brooks that are features that can be kept and enhanced to add to the attractiveness of the setting of any new development.*
- (ii) Similarly there is little character that is distinctive of the area, though there are landscaping opportunities within the site to assist in enhancing the appearance of the area; particularly after taking into account the most significant alteration to the character of the area in the likely visual impact of the new A5 – M1 Link Road and the substantial works for the new Junction 11a.*
- (iii) Whilst the policy seeks to “complement and harmonise with the local surroundings” the area is on such a scale that a more sophisticated approach is required. The DaAS includes an illustrative Master Plan which, though not part of the Planning Application, does include ideas that identify where the size, scale, density, massing, orientation, materials and overall appearance can raise the standard of design in the area. Crystallising the benefits of the development in this way will require planning conditions to ensure that design quality is maintained throughout the development period*
- (iv) The setting of the development in the landscape is also a key component of the DaAS and undoubtedly the development will have a significant impact both on views towards the northern edge of Houghton Regis and Dunstable and from views from the edge of the town such as the view northwards from Tithe Farm Road open space/ recreation ground. The policy asks for such views not to be harmed, to enhance them or to provide new ones. It is the latter part of the policy that is most relevant given the scale of the development and the new A5 – M1 Link Road.*
- (v) Providing suitable facilities for access by the disabled, elderly persons and young families is a matter that will mostly be considered at later design stages. However, the scale of the proposed development offers many opportunities for effective design for those groups to be employed.*
- (vi) Similarly, providing a layout and design to limit opportunities for crime to be committed is a matter that will mostly be considered at later design stages.*
- (vii) The policy asks that there is no unacceptable adverse effect upon residential amenity and privacy. This is particularly important given that the development shares a boundary with the majority of the entire rural edge of Houghton Regis, with many existing dwellings along that*

*boundary. It would be reasonable to expect that specific attention is paid to that relationship using planning conditions. Within the development itself, this would be a matter for later design stages with guidance from the Local Planning Authority in the form of the document: "Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements)".*

- (viii) The development includes new commercial uses which may generate noise or other pollution emissions. These are generally identified within the planning application and considered as part of the Environmental Statement. There will be a need to ensure that any required mitigation is identified specifically and dealt with at the relevant detailed design stage and also include all necessary planning conditions.*
- (ix) The policy seeks an efficient use of scarce resources and land. Once more the scale of the development offers a variety of opportunities. The application includes an Energy Statement that identifies many of those opportunities. Planning conditions that require the provision of Master Plans, Area Master Plans and Design Codes can identify specific ways of doing so.*
- (x) Lighting arrangements for the development are likely to be an important consideration at later design stages. The most significant lighting proposals will be associated with the A5-M1 Link Road, the Woodside Link and the commercial areas within the new development. Care will be required to ensure that lighting does not harm highway safety and general public amenity. Appropriate conditions will be required.*
- (xi) Approximately 30% (78 hectares) of the total site area will be open space and subject to some form of landscaping; not including private gardens and landscaped areas within commercial areas. A considerable amount of attention is paid to this aspect of the proposal within the DaAS.*

Finally, in accordance with this policy, the planning application is accompanied by a Landscape Assessment.

1.5 Policy T4 supports the new Guided Busway proposal.

*[No part of the site is affected by the Guided Busway directly, but the bus services proposed by the applicant will be linked to it. The proposed development is of a scale that the potential custom generated from the site will assist in supporting the Guided Busway.]*

1.6 Policy T10 sets out the considerations that will apply when looking at the provision of car parking in new developments.

*[However, the policy is written as a set of amendments to an earlier Parking Standards document published in 1994 which is itself now significantly out of date as is essentially superseded by the more recent National Planning Policy Framework statements. Therefore Policy T10 is no longer in day to day use by the Council. A new parking policy for Central Bedfordshire was approved by the Council in October 2012. For these reasons, it is considered that very little weight should be given to Policy T10 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments.]*

1.7 Policy T13 sought to safeguard future routes for major highways proposals.

*[The safeguarded route of the A5 – M1 link road overlaps with the application site. Of course, the exact position of the A5 – M1 Link Road route is now settled and therefore the planning application is, by the passage of time, no longer in conflict with this policy.]*

- 1.8 Policy H3 seeks the provision of housing to meet the needs of the elderly, single and other small households, with a third of all proposed housing to be on 1 and 3 bedroom types. Exceptions are allowed to the latter requirement if a rigid application of this would be inappropriate.

*[The application is of a scale that can accommodate a wide variety of housing types over a 20 year period, therefore over a long period of housing market and population change. A rigid application of the policy is therefore inappropriate. ]*

- 1.9 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.

*[However, this policy is out-of-date for the following reasons. The policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. In particular it is recognised that the proposed strategic urban extensions were promoted to assist in meeting the needs for housing across the whole of the conurbation and not just within South Bedfordshire: which is itself of course no longer in existence as a local authority area. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes*

*Therefore it is recommended that limited weight is afforded to this policy in respect of occupancy and indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of this development is of greater relevance. Other aspects of the policy remain relevant and the application is generally compliant with them.]*

- 1.10 Policy E1 requires employment development to be accommodated without unacceptable harm to the amenity of the surrounding area.

*[The development is of a scale that offers opportunities to design these areas in an acceptable manner and without harm to the amenity of the surrounding area.]*

- 1.11 Policy R3 identifies land for proposed new urban open spaces, One of these is identified as land between Houghton Brook. Sandringham Drive and Wheatfield Road at Houghton Regis.

*[Whilst this land lies outside of the application site boundary, it is relevant insofar as it lies in the area intended to accommodate the new Woodside Link (WSL) which is a major road required for the development to proceed. The WSL is the*

*subject of a separate planning application to the Planning Inspectorate under the Nationally Significant Infrastructure Project procedure.*

*The policy sought detailed proposals for enhancing and managing the area for informal and formal recreation use, though it is understood that such proposals were not in fact brought forward. It is considered that the policy should be given limited weight as it is clear that its purpose has not been pursued since 2004 and has subsequently been superseded by the aspiration to deliver the strategic link road proposal. ]*

- 1.12 Policy R10 sets out the requirements for play areas.

*[The application submissions refer to such provision, though the scale of the development is considerably higher than the scale likely to have been envisaged by this policy. Since this policy was established, new guidance was published in 2009 in the form of a Supplementary Planning Document for Planning Obligations in the old South Bedfordshire area and endorsed by the Council subsequently for use in that area. Nevertheless, the policy should be given substantial weight. There will be a need for appropriate conditions and clauses within a Planning Agreement to incorporate any specific or negotiated requirement at later design stages.]*

- 1.13 Policy R11 seeks a similar arrangement for formal and informal open spaces.

*[The same weight as above should be applied.]*

- 1.14 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces; including access and particularly close to urban areas.

*[The application has identified numerous rights of way and new facilities that it would facilitate to improve such facilities. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision.]*

- 1.15 Policy R15 seeks the retention of the existing public rights of way.

*[The planning application has a number of regionally significant footpaths and bridleways crossing the site and all will require incorporation into the development in a manner appropriate to their function. In addition, there will be a significant additional provision of footpaths and cycleways to link into the existing urban network. ]*

- 1.16 Policy R16 offers support to the provision of land for outdoor sport though referring also to the general Green Belt policy that buildings would not be appropriate. This policy is a material consideration and should be considered alongside the section in this report on the Green Belt.

## **2. Compliance with the National Planning Policy Framework (NPPF)**

- 2.1 For the reasons set out in the previous section, it is necessary to consider the planning application against the NPPF as a significant material consideration. The relevant part of the NPPF states that local planning authorities should apply the presumption in favour of sustainable development, which means that:-



*“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*— specific policies in this Framework indicate development should be restricted.”*

2.2 The fact that this is a large and complex planning application with significant impact on a wide range of subjects ensures that there is very little in the NPPF that isn't directly relevant to the decision of whether or not to grant planning permission. Therefore, in the following paragraphs, each relevant statement of NPPF policy is examined, compared with the content of the planning application and a conclusion is drawn as to whether a decision to grant planning permission is signalled.

2.3 **Do the proposals deliver sustainable development by its prospects for building a strong, competitive economy?** For the reasons set out in section 1, the basis upon which to make a judgement about whether these proposals deliver sustainable development is not fully contained in the adopted Development Plan. However, since the adopted Development Plan became operational, a considerable amount of work has been undertaken to provide context for planning for the economic growth of the general area. The planning application itself seeks to meet the needs of business and job creation as well as taking advantage of the natural opportunities for economic growth of the national economy that the area offers. Though not a definitive list, examples of the research that set out what those natural opportunities are can be found in:

- The economic development research that underpinned the old Regional Plans for the East of England
- The economic development research undertaken by Luton Gateway: including the Luton and South Bedfordshire Infrastructure Study.
- The substantial research that underpinned the Luton and South Bedfordshire Joint Core Strategy and which remains an important body of work, suitably updated, for the emerging Development Strategy for Central Bedfordshire.
- The work undertaken by the Council's Economic Development staff and their initiatives towards improving the economy and job prospects for the area.
- The research undertaken behind the subsequent positive decisions taken by Central Government towards constructing the A5 – M1 strategic link road and new junction 11a to the M1 motorway.

2.4 The applicant has highlighted the economic advantages of the proposal within their Planning Statement submitted with the application. They point to the proposal providing 32 hectares of employment land, up to 130,500 sqm of commercial floorspace and additional jobs from retail, schools, leisure and recreation facilities and services. They expect in the region of 2,500 permanent jobs and a further 2,500 temporary construction jobs over the lifetime of the development.

- 2.5 Central Bedfordshire Council is proactively planning for the development needs for business by ensuring that sufficient land is allocated in the forthcoming Development Strategy for new employment use. This is being allocated on several new employment sites, but includes the express requirement that significant new employment provision is included within the Houghton Regis North proposed Urban Extension. This is balanced by the allocation of sufficient housing to not only reflect the anticipated growth in the area but also to offer new business and employment opportunities. The planning application provides for 32ha of new employment land as part of its proposals and therefore can be considered to comply with emerging Development Plan policy and the NPPF in this respect.
- 2.6 The significance of the investment that both local government, national government and from the applicants for this planning application are making to the delivery of the A5 to M1 Link Road and Junction 11a is substantial. This infrastructure is crucial to open up opportunities for business investment; not least within Dunstable where it will help to ameliorate the congestion in the town centre. The Woodside Link Road in turn will offer an alternative route for business traffic that is currently hampered by poor connections to the motorway network. Together, the A5-M1 Link Road and the Woodside Link Road, present the opportunity to encourage significant new business investment in the area.
- 2.7 **How will the vitality of nearby town centres: including Houghton Regis, Dunstable and Luton be ensured?** The planning application proposes a range of retail and other uses that, at a total of 30,000 sqm gross floorspace, would be uses that would have been expected to be found within or, if necessary, on the edge of a town centre. It is of a scale that would represent a significant centre in its own right. However, this single planning application together with the remaining part of the proposed Houghton Regis North Urban Extension will itself generate a considerable demand for new retail services and expenditure. Add to this, the prospect of a substantial urban extension to the North of Luton and it raises the question of whether town centres can be expanded to meet the demand or if new centres of retail activity need to be formed. This is a matter which is dealt with in section 8 below.
- 2.8 The applicant has highlighted the advantages of the proposal in respect of the retail provision within their Planning Statement submitted with the application. They consider that the scheme will provide local retail floorspace, including a supermarket, provide improved choice and competition to the existing provision and add to the range of new retailers not currently present in the locality. The applicants also suggest that the new retail provision being planned will encourage local people to shop within the area and keep their expenditure local and that the additional spending power of new residents will benefit existing local centres.
- 2.9 The advice of an independent retail consultant has been sought by the Council and their detailed report is referenced here and available on the public file. The views of Luton Borough Council, Houghton Regis Town Council and Dunstable Town Council have also been considered. The conclusions of the Council's consultant are:
1. That the impact of the scale of the retail proposed has been underestimated by the applicant, however the consultant's own sensitivity testing concludes that

the proposals is unlikely to have a significant adverse impact on existing retailing centres.

2. That the Council will need to carefully consider the impact that the proposals may have on future investment in the Houghton Regis and Dunstable town centres.

3. There is concern about the robustness of the applicant's sequential approach where the applicant has not justified why there is no assessment of the ability of alternative sites to cater for retail provision.

4. That the Council should balance the negative impacts of a retail development that diverts investment against the beneficial impacts of the overall development. Such benefits are a material consideration.

5. Should the Council consider granting planning permission, the consultant recommends that conditions are added to restrict the net sales area to reflect that applied for, similarly to restrict the convenience/comparison goods balance and to restrict the maximum size of the units not otherwise defined.

However, in respect of item 1 and in the light of Luton Borough Council's concerns about impacts on neighbourhood centres other than Luton Town Centre, the applicant was asked to consider such areas afresh. The response received was as follows:

*"We write in respect of the above planning application following a request to provide additional information on the potential for impact on nearby neighbourhood centres in the Luton Borough Council administrative area. We understand this relates to the following centres, comprising those nearest to the application site:*

- *St Dominic's Square;*
- *Hockwell Ring; and*
- *Sundon Park.*

*We comment on the potential impact on these locations in more detail below.*

#### **Summary of Findings**

*The Retail Assessment submitted with the planning application did not explicitly assess the quantitative impact on these locations individually, as they were included in the 'Other Zone 1b' impacts contained in the impact assessment (see Table 6 and 7, Appendix 5) The Retail Assessment found that cumulative impact on the convenience goods turnover of these other locations as a whole would be minimal at 3.0% in 2022, falling to 2.3% in 2031.*

*Luton Borough Council has recently published its 'Retail Study Refresh' prepared by White Young Green (WYG) and dated December 2012 (the "RSR") which includes a summary of the health of the centres and their role in the retail hierarchy moving forward. All three are considered by WYG to be appropriate for designation as Neighbourhood Centres instead of Local Centres as at present.*

*In understanding the potential for impact on these centres, we have therefore reviewed the RSR, in particular Appendix 3 (District and Neighbourhood Centre Assessment), and note the following:*

- *St Dominic's Square contains 14 units / 953 sq m gross floorspace. It has 1 vacant unit and its suburban nature means it serves a predominantly local function.*
- *Hockwell Ring contains 8 units / 654 sq m gross floorspace. It has 1 vacant unit and serves a distinctly day to day top-up function given its size, location and the limited nature of its retail / service function.*
- *Sundon Park contains 34 units / 2,388 sq m gross floorspace. It has 2 vacant units and is enhanced by its community facilities which help anchor the centre.*

*In our view, these centres are healthy with low vacancy levels and focus on providing a top-up convenience / service role to their local communities. They are each of a scale which provides an important local role, but local residents that use the centres will still primarily look to higher order centres / locations for their bulk / main food shopping and comparison goods needs.*

*They therefore provide a different type of retail offer to that proposed at the application scheme and local residents will continue to visit them for their day to day / local shopping and service needs. We do not consider that this position will change as a result of the application proposals. Given the size, offer and role of the above centres, it is not therefore considered that the scheme is likely to result in a significant adverse impact on them against the NPPF paragraph 26 tests. The application therefore complies with NPPF paragraph 27 in this respect."*

- 2.10 If the retail element is taken in isolation, the Council could reasonably be concerned about the impact that a retailing proposal would have on its existing town centres. Considering Luton town centre first, it was found in the consultant's report that the impact is not calculated to be sufficiently significant to justify refusal. The significance to Dunstable is potentially greater, but mostly due to the impact that the proposal would have on the decisions that others may wish to take on investing in the town centre: particularly in respect of the Council's interests in re-invigorating the centre around the Quadrant retail units.

The views of the company managing the Quadrant Centre, CBRE, are included in the representations section above.

Houghton Regis Town Centre could not be expanded sufficiently to cater for the scale of development proposed in the forthcoming Development Strategy, but that should mean that its current role in providing services is protected; not least to take advantage of the increased retail demand from the town's expansion.

- 2.11 However, this is not an isolated retail proposal and is set within the context of proposals for significant expansion to the local population and business environment. The scale of the retail proposal offers an opportunity to re-shape

much of the pattern of economic activity, including retail activity, with outcomes that are to some extent unpredictable. This is especially true in a national context where retailing patterns are being re-shaped by events that are inherently not in the control of the Councils, the developers and potential investors in town centre regeneration.

- 2.12 In conclusion, it is considered that the retail proposals are not in conflict with NPPF policy as it is calculated that there is not a significant adverse impact, though the potential for harming current development aspirations for Dunstable town centre should be weighed against other benefits of the proposals. Though not a matter for the consideration of this planning application, the research behind it suggests that a review may need to be taken of the future regeneration strategy that may need to be deployed for the Dunstable and Houghton Regis Town Centres. The above forms the NPPF background to the retail part of the considerations in section 8 of this report, below.
- 2.13 **Is the proposal supported by a Transport Assessment which promotes sustainable development and transport modes?** The application was submitted with a comprehensive Transport Assessment. This confirms the positive impact that the new A5 – M1 link road and the new Woodside Link road from junction 11a to Houghton Regis town centre will have on traffic patterns in the area. The application also includes proposals for a range of sustainable transport measures covering the full ambit of transport matters including roads, junctions, bus services, relationship with the new Dunstable to Luton Guided Busway, cycling, walking and the relationship of land uses to the transportation network.
- 2.14 **Does the proposal provide a wide choice of quality homes?** The scale of the proposal and the likelihood that the development will take about 20 years to complete will, by definition, ensure that a wide variety of housing will be provided. The evidence underlying the proposed Development Strategy suggests that there is a particular need for housing that is suitable for the elderly as well as a mixture of family homes, self-build homes and homes for small households. It is appropriate to ensure that variety in general market housing is provided for and should permission be granted, it is appropriate that Master Plans and detailed applications that come forward to reflect the latest available information on such requirements.
- 2.15 The proposed Development Strategy includes a policy which seeks 30% of the housing to be classed as Affordable Housing subject to the need to ensure that proposals remain commercially viable. This matter is dealt with in more detail later in section 5, paragraph 5.24 below.
- 2.16 **Does the proposal ensure good design?** The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level including: overall scale, density, massing, height, landscape, layout, materials and access of new development. The application includes a comprehensive Design and Access Statement that sets out the aspirations for the quality of the development, by character area. The application also includes commitments to produce an overall Master Plan for the site, Area Master Plans for particular sub-areas and Design Codes for individual developments. The parameters style of the application (see Section 7 below) takes advantage of the scale of the proposals by illustrating how different areas will have substantially differing densities which will add variety to the

appearance of the area. This is a reasonable approach as it allows the Council to consider and approve designs which conform to the latest standards of good design as it may evolve over the 20 year period of the development.

**2.17 Does the proposal promote 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. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The proposal is of a scale that all of these activities will feature and all are covered within the description and content of the planning application.

**2.18 What appropriate weight is to be given to protecting the Green Belt?** This is fundamental policy within the NPPF which clearly states that inappropriate development (i.e. most new buildings) is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The policy 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 in section 3 below.

**2.19 How does the application handle the challenge of planning for climate change and the risk of flooding?** The NPPF seeks to move towards a low carbon future through choosing locations that encourage forward thinking on how to minimise the developments’ carbon footprint, supporting energy efficiency improvements and adopting national standards.

**2.20** The application includes a substantial amount of information within the Environmental Statement on this subject and this is dealt with in section 8 below. The Planning Statement submitted with the planning application states that all the development will be located in the areas of lowest flood risk (zone 1) and that there will be no increased flood risk as a result of the development. It also commits to providing a sustainable urban drainage scheme which would ensure that surface water run-off rate will replicate the existing rate for the site.

**2.21** The site is vulnerable in some areas to flooding from local brooks, though as a proportion of the overall site these are not significant in area. The illustrative Master Plan submitted with the application together with the detailed information on drainage across the site suggests that these areas vulnerable to flooding can largely be contained within undeveloped parts of the site: along green infrastructure corridors or as part of the drainage strategy for the development as a whole. Some additional protection and re-engineering of the flood area to the south-east corner of the site will also be required :

- to service the needs of the development,
- to accommodate the new Woodside Link road, and
- to assist the Environment Agency with its project to reduce the downstream

impact of the existing flooding problems that occur within the urban area of Luton.

- 2.23 **How do the planning proposals help to conserve and enhance the natural environment?** The application was submitted with a comprehensive set of documents covering this issue. Various proposals for enhancements have been included in the ecological survey and mitigation work, the Design and Access Statement and in the work undertaken to assess open space requirements. This explores the need to enhance a relatively poor quality site in biodiversity terms but also emphasises the need to protect existing natural assets such as the brooks, the hedgerows, and the significant trees. Proposals and suggested conditions to do so are included.

### 3. The Green Belt

- 3.1 The site subject of this planning application lies wholly within the approved Green Belt for the area. The proposed policy of the emerging Development Strategy suggests that the Green Belt in the area to the north of Houghton Regis and south of the proposed new A5 – M1 link road is removed to make way for the proposed urban expansion. There is a substantial body of evidence developed through that process which has concluded that it is appropriate to remove the Green Belt designation to allow for the urban expansion within which the application is set. However, this policy is not yet in place. Therefore it falls to the Council to determine whether “very special circumstances” exist for this development to proceed.
- 3.2 The first consideration is; what will be the harm to the Green Belt caused by the proposal? Green Belts are defined as serving the following purposes:
1. to check the unrestricted sprawl of large built-up areas;
  2. to prevent neighbouring towns merging into one another;
  3. to assist in safeguarding the countryside from encroachment;
  4. to preserve the setting and special character of historic towns; and
  5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.3 The proposal is of substantial size involving a development of 262 hectares, but it is not unrestricted in the sense that there is a substantial physical boundary within which it will be clearly contained: i.e. the approved line of the A5 – M1 strategic link road). Whilst the Green Belt **is harmed** by the proposal in this sense, it is recognised that this new road will form a strong physical boundary against further sprawl to the north of Houghton Regis by its nature.
- 3.4 The proposal sits within the context of a general character of the wider area which is of an almost seamless urban conurbation formed by Luton, Dunstable and Houghton Regis. Development to the north of the town will not significantly alter that character and **does not result in harm** by further merging of the towns.
- 3.5 The area affected is of a pleasant open rural and rural fringe character though the landscape analysis of the site concludes that the area does differ in quality across the site. However, the proposal by reason of its scale will encroach upon the countryside and **will be harmful** as a result.

3.6 There are a number of significant viewpoints to the north of the site looking towards the urban area. The character of that urban edge is modern and in parts industrial, particularly on the eastern fringes of the site where electricity pylons are located alongside the motorway, and indeed across the eastern part of the application site. There is **no special character that would be harmed** by this development.

3.7 The Luton/Dunstable/Houghton Regis conurbation does contain areas where urban regeneration is encouraged and where economic renewal is of particular importance. These areas were identified in the former Luton and South Bedfordshire Core Strategy and regeneration of those areas remain important objectives in current and emerging policy documents. This includes the areas also covered by Master Plans at Houghton Regis and Dunstable Town Centres.

It is not possible to produce clear evidence on whether or not the current proposal for this urban extension would harm that objective. However, it is significant that the quantum of growth that is currently being promoted by Central Bedfordshire Council and the concern, expressed by Luton Borough Council in response to the application, that this may not be enough to address the level of local housing need, does signal that the need for new development areas is significantly greater than can be accommodated solely within the existing urban area.

There is the question of the significant quantum of retail proposed and if that proposal therefore harms the regeneration of the town centres. However, as set out elsewhere it is not considered that the proposals will have a significant adverse impact on those interests. This is dealt with in section 8 in the report.

It is **not therefore considered that harm to** the objective to assist urban regeneration is caused by this development.

3.8 On the basis that there will be harm to the Green Belt by reason of the proposal's impact through extending an urban area into the countryside, then it is necessary to determine what "very special circumstances" may exist that clearly outweighs that harm.

3.9 There is no definition of the meaning of "very special circumstances" but there is a body of opinion expressed through dealing with planning appeals and challenges through the Courts in the past which can help the Committee reach a decision.

1. Does the application have a unique feature that outweighs the harm to the Green Belt?
2. Is there a substantial economic need, especially at a national or regional level?
3. Is there a substantial housing need that cannot solely be met within the urban area?
4. Are there substantial cultural, social or community benefits?



The important point to bear in mind is that these substantial benefits must arise from the unique circumstances of the proposal or otherwise it could be repeated too often, to the long term, cumulative harm of the Green Belt.

3.10 The following are considered very special circumstances in favour of the application proposal:

- (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) The planning application will directly fund a £45m contribution towards the costs of the M1-A5 link road, which is identified in the Chancellor's Autumn Statement 2012 as a key infrastructure project for the nation. The funding contribution enabled by this development and delivery of the A5-M1 Link will generate a substantial amount of economic benefit to the wider area.
- (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 delay much needed housing and employment opportunities for the area, and set back the delivery of the M1-A5 link Road and Junction 11a works to the M1 that is considered a nationally important infrastructure project.

3.11 Last October, the Secretary of State for Transport published an interim decision letter, following the report of his Inspector, on the proposed A5 – M1 Link Road confirming that he was minded to approve the scheme. The advantages of the scheme from a national, regional and local viewpoint were fully rehearsed in that decision letter and are not repeated here. However, the Secretary of State made it clear that the final decision will be issued as and when a planning

permission for the proposed development is issued thereby securing the remainder of the funding required to deliver the link road.

3.12 In relation to the proposed A5 - M1 Link Road, when commenting on Green Belt matters, it's worth noting that the Inspector concluded that:

- The scheme is not inappropriate development in the Green Belt;
- It does not materially compromise the purpose of the Green Belt;
- the Scheme would alleviate congestion, reduce journey times, allow for significant environmental improvements and facilitate the Government's growth agenda and therefore would clearly outweigh any harm to the Green Belt; and that
- these matters would constitute very special circumstances, sufficient to justify the scheme.

3.13 This strategic link road adjoining the development is a unique feature. The benefits of the new strategic road have been recognised through a separate process of formal application, Public Inquiry and decision making at a national level. The achievement of those benefits is directly linked to the delivery of this application. It is considered that this is a very special circumstance which outweighs the identified harm to the Green Belt.

3.14 The scale of the development proposal offers an opportunity for economic growth on a variety of fronts. Economic growth is a national objective, a priority of the Government and is an important material consideration set out in the National Planning Policy Framework. The proposal includes the provision of a substantial amount of new employment land and in particular the opportunity for firms to take advantage of the infrastructure assets unique to its location: new and fast access to the motorway network, new bus links via the Guided Busway project which is to be completed in September 2013, fast links to an international airport and on a scale that offers new opportunities to boost the local economy through the substantial new growth in spending as new families and businesses locate in the area.

3.15 This anticipated economic growth on this scale of development proposed is not unique in a national context, but neither are such large scale development proposals common. The proposal will certainly have a regional significance boosting construction, new opportunities for business expansion and creation, new national distribution opportunities and creating new consumer demand. In respect of the local economy, there will be more opportunities for employment in an area in which there is a particular need.

3.16 It is considered that the potential for this development to assist in providing economic growth opportunities on a large scale is itself a very special circumstance. It is further considered that the scale of the proposal offers sufficient benefits to substantially outweigh the harm caused to the Green Belt in this location.

3.17 The evidence underlying the proposed Central Bedfordshire Development Strategy (and the planning history beforehand) underlines the clear need for a substantial growth in housing in this area and is referred to elsewhere in this report. That need is identified as 28,700 homes over a plan period up to 2031. It is a need of a scale that has resulted in proposals for three major urban extensions totalling some 13,500 dwellings in addition to that sought from other

sources. This development proposal forms a significant part (5150 dwellings) of that proposed provision.

- 3.18 In the face of this substantial need, which arises not only from within the Central Bedfordshire area but also from its neighbour, Luton Borough, it is appropriate for the Committee to decide that the ability of the application to deliver a substantial portion of the required housing and its accompanying requirement for infrastructure is a very special circumstance. Bearing in mind that the evidence underlying the Council's proposed Development Strategy concludes that a release of Green Belt land is appropriate then it is also appropriate to take the view that the ability to address an identified need by means of the application proposals substantially outweighs the harm caused to the Green Belt.
- 3.19 The development proposal includes a variety of other community, social and cultural benefits in the form of community buildings, substantial public open spaces, leisure facilities and support for community initiatives. However, these are required by virtue of the scale of the development proposed and whilst they will have benefits to the local community as well, these are not sufficiently substantial to consider their provision as a very special circumstance. These benefits however support the identified economic and housing needs set out above.
- 3.20 In conclusion, whilst it is acknowledged that the proposals could be considered to be harmful to the Green Belt by encroaching upon the countryside, it is also considered that the historic strategic planning policy context, the delivery of the A5 – M1 strategic road, the significant economic growth potential for the area and the well evidenced and substantial housing need are all sufficient, "very special circumstances" to outweigh any harm caused.

#### **4. The endorsed Luton and South Central Bedfordshire Joint Core Strategy**

- 4.1 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 L&SCB JCS 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. The Joint Core Strategy, the Joint Committee itself and the East of England Regional Plan have fallen by the wayside, but the evidence that supported those policy documents remains supportive of a growth agenda for the Luton/Dunstable and Houghton Regis area.
- 4.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base for development management purposes on the 23<sup>rd</sup> August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. Thus the substantial work to provide a policy basis for growth and regeneration forms part of the context for this planning application.

- 4.3 It is for this Committee to consider the weight that it wishes to attach to this document. The following represents the view of the Case Officer on this point, taking into account the view expressed by the Strategic Planning and Housing Team Leader as set out in the representations above.
- 4.4 The Committee **could reasonably give some weight** to the fact that the current proposal complies with the policies contained in the L&SCB JCS document in that it proposed the allocation of land at Houghton Regis North for an Urban Extension and is based upon a history of policy development to that end. It is within that area that this planning application lies.
- 4.5 The details of the endorsed policies are not dealt with in this section as they appear again in the next section dealing with the Central Bedfordshire Development Strategy.

**5. The Development Strategy for Central Bedfordshire; Pre-Submission version 2013**

- 5.1 The Central Bedfordshire Development Strategy document is at a stage of production where it is ready to be submitted for Examination. At this stage, the weight to be given to the document is **significant and greater than the L&SCB Joint Core Strategy**. Once submitted, it would supersede that document. However, until it is formally adopted, the National Planning Policy Framework should carry greater weight.
- 5.2 The relevant policies of the Development Strategy for Central Bedfordshire pre-Submission version 2013 are listed at the start of this report and again here:

Proposed Policies:

1,2,3,4,6,11,12,14,16,19,20,21,22,23,24,25,27,28,29,30,31,32,33,34,36,43,44,47,49,56,58,60.

The following policies are specifically relevant to the proposal and should therefore be taken into account.

- 5.3 Policy 1 reaffirms the document's intention to be in accord with the NPPF presumption in favour of sustainable development. See paragraph 2.1 for details of what this means. Given that the current Development Plan is out-of-date in this regard, the presumption in favour of development applies, provided it accords with other policies.
- 5.4 Policy 2 sets out the growth strategy to meet the need for new homes in the period 2011 and 2031. North of Houghton Regis is listed as a growth location.
- 5.5 Policy 3 seeks to confirm that the Green Belt designation is to be removed from the land proposed for urban extensions: including North of Houghton Regis.
- 5.6 Policy 4 lists Houghton Regis as a major service centre where employment, shopping and community facilities are to be focussed.
- 5.7 Policy 6 proposes the provision of an additional 139 hectares of strategic employment sites, of which 32 hectares would be sought from the application site (Policy 60).

- 5.8 This suggests that the application is generally favoured by the emerging policies set out above.
- 5.9 Policy 11 largely re-affirms the intention to be in accord with the NPPF requirements on ensuring that new retail development is properly assessed in respect of the impact on existing town centres. Paragraph 2.7 in the NPPF section 2 above explains further and the retail issue is also examined in detail within section 8 of this report, below.
- 5.10 Policy 12 sets out the amount of retail floorspace that is believed to be required for the area up to 2031. This policy has been re-assessed in the light of new evidence made available after the document was written and is under consideration for amendment at present. It is likely that the amount of convenience floorspace will increase substantially due to the need to correct a factual error. This is an important potential factual change to the currently published Development Strategy. This is referred to by the applicant in their planning submissions and is discussed in section 8 of this report, below.
- 5.11 Policies 14 and 16 sets out the aspiration to revitalise Dunstable and Houghton Regis Town Centres and in particular to seek the re-development and expansion of the Quadrant Shopping Centre in Dunstable.
- 5.12 Please note that section 2 of this report, paragraphs 2.7 – 2.12 includes a commentary on the particular impact that policies 11, 12, 14 and 16 have in considering the merits of the planning application's retail proposals.
- 5.13 Policy 19 is a key proposal which has a direct application to the planning application and merits a more detailed consideration. It relates to the need to ensure that the necessary infrastructure is in place. The policy requires that all new development must be supported by the required infrastructure and that developers will be required to contribute, after viability testing, to offset the cost of new infrastructure.

Where, as in this case, the planning submissions make it clear that in the current economic conditions, not all of the required infrastructure can be provided then it follows, under this policy, that the Council will examine its requirements and will need to decide whether or not:

1. the shortfall falls below an acceptable minimum such that planning permission ought to be refused;
2. there is a mechanism whereby the infrastructure requirement can be provided when economic conditions improve; or
3. there is a reasonable case for reducing the requirement.

This issue is dealt with further in section 9.

- 5.14 Policy 20 seeks to encourage large developments to include provision for high speed broadband infrastructure.
- 5.15 Policy 21 seeks to provide appropriate community infrastructure, subject to viability, in the form of integrated community hubs, community facilities, faith spaces, social and community infrastructure. The planning application is of a scale that it is justified for the development to accommodate, either within the site or nearby, the full range of supporting community infrastructure. The key

document supporting this policy is the adopted Supplementary Planning Document for the southern part of Central Bedfordshire on Planning Obligations (2009). This issue is dealt with in section 9 below.

- 5.16 Policy 22 seeks to ensure that the development is provided with the required leisure facilities and open spaces either on, or where provision on-site is not possible, off-site. It also requires a contribution towards maintenance and running costs. As for policy 21, this is dealt with in sections 9 below.
- 5.17 Policy 23 seeks to protect, enhance and promote rights of way. In this case, the site area has a number of important routes that will require appropriate treatment.
- 5.18 Policy 24 seeks to ensure that new developments are made accessible and are connected to public transport. Policy 26 requires the submission of a Travel Plan. The planning application is of a scale that significant new routes and possibilities are available and featured heavily in the Travel Plan that was submitted with the application. This has been discussed in detail with the Council's transport officers. This issue is dealt with further in section 9.
- 5.19 Policy 25 seeks to facilitate the delivery of strategic transport schemes including the A5 – M1 Link Road and new Junction 11a to the M1 motorway. Provision is expected in parallel with or before the commencement of new development.
- 5.20 Policy 27 requires the provision of adequate car parking and unlike the Development Plan policy (section 1, paragraph 1.6 above) refers to the standards as set out in the Council document, "Design in Central Bedfordshire: A Guide for Development". However, a new parking policy for Central Bedfordshire was approved by the Council in October 2012. For these reasons, it is considered that no weight should be given to Policy 27 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments.
- 5.21 Policy 28 requires the provision of a Transport Assessment. This has been complied with in the planning application submissions and the subject of discussion with the Council's transport officers and the Highways Agency.
- 5.22 Policy 29 seeks the provision of 28,700 new homes in the period 2011 to 2031 and signals the provision of 11,500 within new strategic sites. Through Policy 60, one of these is Site 1 at Houghton Regis North, the majority of which is covered by this planning application which seeks permission for 5150 dwellings. **The planning application therefore represents some 18% of 28,700 homes proposed by the Development Strategy.**
- 5.23 Policies 30, 31, 32 and 33 all relate to the requirement to consider providing a variety of new homes to an appropriate mix, type for older persons, lifetime homes and for the gypsy, traveller and travelling showpeople communities. The planning application allows for the provision of all bar the latter type of accommodation. There will be a need for planning conditions to be applied to secure the types of accommodation that the relevant Council officers have deemed suitable for this site. This is dealt with in section 10 below.

- 5.24 Policy 34 seeks a provision of 30% of the proposed dwellings to be of the affordable housing type. It is this policy which falls in line with the NPPF whereby if less than the requirement is to be proposed, then a financial viability statement must make it clear why this is so. Much of the discussions with the applicant since the planning application was submitted has focussed on this matter and on the related matter of contributions to community infrastructure. This issue is dealt with further in section 9.
- 5.25 Policy 36 re-affirms the NPPF policy position on the Green Belt, the matter dealt with in section 3 above.
- 5.26 Policy 43 seeks the provision of a high quality of design, locally distinctive, efficient, respectful of neighbours and the historic environment, complementary to the landscape and adequately provisioned for the car forms of development. This is a similar policy to policy BE8 of the South Bedfordshire Local Plan Review (2004). The planning application responds to these requirements in the same way. The policy is related to policy 48 which seeks to reduce the impact of the development on climate change by means of design, though design is a matter for later stages of the planning application process.
- 5.27 Policy 44 expects developments to comply with National and Council standards for protection against pollution. The planning applications submissions on this matter have been the subject of considerable discussion with the relevant Council officers and these matters will be covered by means of planning conditions as set out in section 10 below.
- 5.28 Policy 47 seeks to provide a higher standard than the current statutory regulations requires for water and energy conservation. However, the techniques for raising the standard can incur considerable additional cost to a development and therefore the matter has been considered in the context of the viability work set out in section 9 below.
- 5.29 Policy 49 is a detailed policy on protection against flooding which encourages a strategic approach to the issue and sets out the sequential approach to ensuring that flood risk to properties is minimised. There is a small area of flood risk to parts of the planning application site in the south-eastern corner of the development area. This area is also subject to a current project promoted by the Environment Agency for a scheme to design a flood retention area linked to the mitigation of flooding that can affect areas to the south of the site within the urban area of Luton Borough.

The site is of a scale that a variety of methods, as set out in the Environmental Statement can be employed to minimise flood risk and to regulate in an appropriate manner the considerable run-off from the new built up area proposed. A selection of drainage strategies have been proposed and there will be a requirement for further detailed proposals to be submitted both as a firm strategy for the site as a whole and for each development area in the future. In addition, the proposal can facilitate the Environment Agency project. These are matters that are dealt with by means of the planning conditions as set out in the planning conditions section at the end of this report.

- 5.30 Policy 56 seeks to increase the amount of Green Infrastructure (GI), which is defined by and set out as a series of proposals within the Council's Green Infrastructure Plans. The related Policy 57 is a similar proposal for gaining new

areas of high biodiversity. The GI policy requires contributions from new development to help deliver this objective. The planning application site is of a scale that it can make a considerable contribution to creating new biodiversity and increasing local Green Infrastructure. The planning submissions refer to this within the Design and Access Statement and a considerable amount of discussion has taken place with relevant Council officers.

Similarly, there are a number of opportunities for enhancing areas within the site to increase biodiversity and the application submissions included an ecological survey which identified new opportunities to improve the area above its existing level. This issue is dealt with further in sections 8 and 9 of this report, below.

- 5.31 The relevant part of Policy 58 to this site refers to the requirement to submit a Landscape Character Assessment, to protect such landscapes where proposals will have an adverse impact on important features and to include proposals for enhancement where opportunities are available. A similar requirement to analyse and protect important woodlands, trees and hedgerows is included in Policy 59. A Landscape Impact Assessment was submitted with the application and the main findings are included in section 8 below. There will be a need for further detailed assessments of trees and hedgerows when detailed proposals are submitted as well as detailed strategic landscaping proposals. These are matters that can be dealt with by conditions and through the design process using the required Master Plans and Design Codes.
- 5.32 Policy 60 sets out the requirements for the Houghton Regis North Strategic Allocation. The application site lies within Site 1 of 2 identified in the policy and in respect of Site 1, expects the following to be delivered.
- **About 5500 homes** (this application covers most of the site and proposes a maximum of 5150 homes.)
  - **32 hectares of core employment land (B1, B2, B8)** (not defined within the application, but shown within the application as 130,500 sqm gross of floorspace for employment uses.)
  - **Commercial facilities, including local centres**
  - **Retail units, a foodstore and public house** (shown in the planning application as a maximum of 30,000 sqm of retail in total.)
  - **Education facilities** (not defined specifically in the planning application submission. However in later discussions the precise number and size of primary and secondary schools has been defined for the Planning Agreement purposes should this be required.)
  - **Retirement accommodation** (not defined specifically in the planning application submission, except by reference to a residential care home in the description of the development.)
  - **Community and health centre** (after discussions with the developer in this case, two centres are proposed)

The Policy also describes opportunities to assist Houghton Regis through the delivery of supporting infrastructure, integration with Site 2, new public transport routes including links to the new Guided Busway, the provision of new



green infrastructure, assistance to the Environment Agency in its project to provide a flood alleviation scheme at the south-eastern corner of the site at the Houghton Brook and the opportunity to incorporate measures to adapt to climate change and the measures that could be employed to assist.

The planning application has been designed to align closely to the details of this policy and much of the discussion during the course of its consideration has been seeking to respond to as many of the policy requirements as feasible. More detail is provided in section 9 below. However, in general it is appropriate to conclude that the planning application has taken full account of this policy and is broadly compliant with it.

- 5.33 The Development Strategy for Central Bedfordshire is not yet adopted policy, but is being prepared to deal with development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy has also been designed and seeks to be consistent with the NPPF. To that end, it is considered that its housing and employment policies that define a quantum of development, its retail policy and its policies about new infrastructure and its delivery are more up-to-date and should be given greater weight than those equivalent to or missing from the adopted SBLPR (2004).
- 5.34 The planning application conforms closely to the policy direction that the Council wishes to go and explicitly delivers a major part of the urban extension at Houghton Regis that the Council considers to be a key part of its Development Strategy.
- 5.35 **Taking all of the above policy analysis in previous sections into account, the Committee is advised to give substantial weight to the pre-Submission Development Strategy for Central Bedfordshire with the exception of retail policy 12 and parking policy 27 (which will need correcting). The reason is that the Development Strategy has been written to be in accordance with national planning policy as set out in the National Planning Policy Framework 2012.**
- 5.36 The Committee will recognise that this “weighting” appears not to give the Development Plan primacy when making a decision on a planning application. However, this is because in the Case Officer’s opinion, the current adopted Development Plan is not up-to-date sufficiently to deal with the planning application as submitted or to comply with the NPPF.

## **6. The Houghton Regis North Framework Plan October 2012.**

- 6.1 In anticipation that planning applications may be about to be submitted on some or all of the land interests within the proposed allocation of a Houghton Regis North strategic urban extension, the Council prepared and adopted the Houghton Regis North Framework Plan for Development Management purposes in October 2012.
- 6.2 The Framework Plan drew from the evidence base produced for the previously withdrawn Luton and Southern Bedfordshire Joint Core Strategy and from the work then underway for the Development Strategy for Central Bedfordshire. As its name suggests it is a broad look at what should be provided within the new urban extension to assist potential developers in putting together a planning application that the Council would like to consider positively.

- 6.3 The vision for the development set out in the Framework Plan is expressed simply as to ensure that any development connects with its surroundings, helps form new communities, contributes to a sustainable future, emphasises design, provides new business and employment opportunities and protects and enhances the area. A Plan was developed to show where the main elements of development and supporting infrastructure (roads, community facilities, open areas, schools, commercial areas, housing areas etc) were potentially to be located.
- 6.4 The planning application under consideration here was being developed under the terms of a Planning Performance Agreement at the same time as the Framework Plan was being produced. Therefore some care has been taken by the developer and officers to ensure that the eventual application conformed with its principles. In general, the planning application aligns itself to the adopted Framework Plan.

## **7. The nature of a “Parameters Planning Application” and its implications**

- 7.1 The Development Management Committee and most who follow its deliberations will be familiar with planning applications that are in outline, where only the site is defined; or is in detail where exact numbers of units, floorspace and uses will have been specified; or in some hybrid of both. The planning application here is different from that and is therefore unusual. It is described as a “Parameters Planning Application”. The Planning Statement describes this as follows:

*“The Parameters Schedule and Plans set the maximum extent of development, the land uses and minimum and maximum floorspace proposed. This provides a sound base for the Environmental Impact Assessment and for CBC to control development by setting the parameters for subsequent reserved matters submissions.”*

In practice, this means that once planning permission is granted, the developers will be free to choose what scale and form of development will be built constrained only by the range set out in the planning application or by any reasonable conditions which are imposed to restrict that choice. So, for example the planning application sets out a minimum of 4150 dwellings and a maximum of 5150. The actual number built at the end of the development period will be somewhere in-between. If a different range is wanted, a different planning permission will have to be sought.

- 7.2 The advantage of this approach is that this offers the developer flexibility in responding to market changes and the ability to plan ahead with reasonable certainty for the twenty years plus it will take to build out the site. The advantage to CBC lies in the ability to control through a single planning permission a long term development, from the outset. The main disadvantage is that it is not possible to predict the precise form of the development from the outset as would normally be the case.
- 7.3 This latter disadvantage can be dealt with by means of a range of planning conditions which can offer comfort to developers and Council alike that the development will proceed in a properly planned manner. These conditions are

for the provision of a Site Wide Master Plan, Area Master Plans and Design Codes which will require approval before development in those areas can proceed.

7.4 The parameters are as follows:

Minimum Parameter	Maximum Parameter	Notes and Comments
<b><i>Housing (C3)</i></b>		
4,150 units	5,150 units	Sub-divided into 10 assessment areas. Maximum floorspace 553,550 sqm gross.
<b><i>Residential Institutions (C2)</i></b>		
0 beds	75 beds	Maximum floorspace 4,000 sqm gross.
<b><i>Employment</i></b>		
Office Use (B1)	5,000 sqm gross	Within these figures there will be a minimum of 75,000 sqm gross and a maximum of 130,500 sqm gross permitted
Industrial Use (B2)	25,000 "	
Warehousing use (B8)	125,000 "	
Car Showroom	5,000 "	
Data Centre	5,000 "	
Petrol Filling Station	200 "	
<b><i>Retail</i></b>		
Main Foodstore (A1)	10,000 sqm gross	The main foodstore will not exceed 10,000 sqm gross. There will be a minimum of 1,000 sqm gross in specifically identified assessment areas. The maximum permitted total floor area will be 30,000 sqm gross.
Other Food (A1)	2,500 "	
Other (Comparison A1 use)	12,500 "	
Other retail (A2 – A5 uses)	5,000 "	
<b><i>Leisure and Community Facilities</i></b>		
Hotel (C1)	3,000 sqm gross	D1 and D2 uses will be a minimum of 15,000 sqm gross. There will be a maximum of 45,000 sqm gross. A maximum of 3,000 sqm gross will be for cinema use within Class D2.
Non-Residential Institutions (D1)	40,000 sqm gross	
Assembly and Leisure (D2)	5,000	

7.5 The Parameters Schedule also specifies ranges for the scale of development within individual areas, called "Assessment Areas", within the development. This detail can be found as table 6 within the Planning Application Booklet. What this reveals is that there could be a range of different residential densities across the site ranging from 20 dwellings per hectare to 120 dwellings per hectare.

7.6 Other parameters are specified where these assist in describing the application in sufficient detail to allow an Environmental Impact Assessment to be made. These are:

1. The extent of the proposed built-up area: i.e excluding open spaces and their associated works;
2. The range of likely building heights (up to 9 metres to 30 metres).and ground levels (-4 metres to +30 metres);
3. The range of residential types from studio apartments to 6 bedroom houses;
4. The extent of areas to be categorised as Green Infrastructure. This is a minimum of 30% of the site excluding private gardens;
5. Principal accesses and car parking standards.

7.7 The conclusions of the Environmental Statement (ES) submitted with the planning application, based on the above parameters, are set out in the next section. Each subject area is followed by an analysis of the impacts based upon both that ES and the subsequent views of relevant consultees. Other remaining relevant and significant material considerations raised by the consultees in respect of those matters covered by the ES are also addressed in the next section. Finally, there is a commentary on the implications for any decision of the application: including any need for mitigation, planning conditions and/or matters best addressed in a Section 106 Planning Agreement.

**8. (a) Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.**

8.1 The planning application was accompanied by a formal Environmental Statement (ES) as required by reason of the statutory Regulations. This is a substantial set of documents which form a considerable part of the material submitted with the planning application. There is a non-technical summary document which includes a description of the site, an analysis of the alternatives as required by the regulations and the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:

- Transport and Access
- Air Quality
- Noise
- Socio-economic impacts
- Waste
- Agricultural Soils
- Ground Conditions
- Water
- Ecology
- Heritage
- Landscape and Visual
- Cumulative and Residual Effects

*Note: remarks from the case Officer are in italics.*

## 8.2 Transport and Access.

The ES concludes that once the A5 – M1 link road and the Woodside Link road are completed, there would be an additional one lorry per hour for the remainder of the construction period on these new roads. This is low in comparison with the overall traffic. Before these roads are built however, there could be some adverse effect on local roads, though it is envisaged that construction traffic would be controlled through a Construction Environmental Management Plan.

*[This emphasises the importance of the early delivery of the strategic roads, not only for the benefits generally anticipated but also to ameliorate the impact of the development during the construction period. This applies not just from this development but also from other potential development proposals within the larger proposed Houghton Regis Urban Extension.]*

The ES states that the development will be designed and implemented in a manner which encourages sustainable transport to reduce the impact of the development from private car use. The ES anticipates that traffic from the proposed development will not have a significant effect on driver delay.

The ES also anticipates there could be an impact on bus services due to the increased demand. There will be a need for improvements to these services.

There could be adverse impacts on pedestrian use of Sundon Road which will require mitigation; including pedestrian crossings.

The new strategic roads are forecast to significantly reduce HGV traffic on local roads. This will then rise slightly due to the new development.

*[The ES has been examined by CBCs Highways officers and their comments are set out earlier in the report. They conclude that it is not necessary to await the completion of the A5 – M1 link and Woodside Link before development can commence. The proposals show linkages into the surrounding urban area, though many such as Tithe Farm School, the Tithe Farm Road Recreation Ground are not owned by the applicant. They area however controlled by CBC, and some identified links will need to be through land owned by other developers and landowners. There is a focus given to connections to local rail facilities in Luton and via the new Guided Busway.]*

## 8.3 Air Quality

The ES anticipates that dust may be generated during the construction period that could cause annoyance to dwellings near the working area. There will be a need for specific control measures and will be included within a Construction Environmental Management Plan (CEMP).

In the early stages of the development, there may be some parts of the current Air Quality Management Area at Luton that may experience an adverse effect. Once the development is complete however, the contribution of the traffic emissions to annual average nitrogen dioxide concentrations will not be significant.

Once the A5 – M1 link road is complete, the ES also expects there to be a reduction in carbon emissions.

*[CBC officers however take a more cautious view of the likely impacts and advises that there should be conditions requiring the monitoring of air quality and mitigation if necessary of potential air quality issues if arising from the development.]*

#### 8.4 Noise

The period where construction traffic is operating is likely to be the most consistent source of noise. However, it will be transient and limited to actual areas of construction. Conditions will confine it to specified daytime hours and threshold limits will be included within the CEMP. There will be a need for the CEMP to allow for further assessment of ground borne vibration.

Following construction, certain commercial and industrial uses may be a source of noise. These can be mitigated by locating them away from residential areas and by further assessment and mitigation at the detailed submission stages.

*[Again, CBC officers take a more cautious view of the likely impacts and advises that there should be conditions requiring the monitoring of noise and appropriate design solutions incorporated at the Master Plan stage rather than waiting until detailed design stages.]*

#### 8.5 Socio-economic Impacts

In respect of the creation of jobs, there will be benefits to the area. The estimate of construction jobs ranges from 2,289 to 3,429 person years. In terms of operational jobs a wider range is estimated from 1,210 to 4,490. There is the potential for indirect job creation resulting in an additional 1,690 to 2,558 person years of construction jobs and 661 to 2,452 additional operational jobs.

The population increase arising from the development is estimated to be between 9,877 and 12,257 persons (depending on the amount of new housing built within the parameters of 4150 – 5150 dwellings) using an average household size of 2.38 persons per dwelling. The requirement for school places will therefore be substantial as will the demand for new General Practitioner provision.

There is a need for new public open space of both an informal and formal type.

The ES does not anticipate a substantial impact on recreational countryside sites around Houghton Regis, though there will be some additional demands on those sites from new residents.

*[This aspect of the ES is contradicted by the comments on the application made by English Nature who foresee significant impacts on recreational and Site of Special Scientific Interest sites accessible to residents of the development area.]*

The development generates a significant potential demand and support for an indoor leisure facility with the obvious potential for a replacement to the existing facility at Kingsland Campus and/or co-located with a new secondary school.

There will also be a significant amount of potential expenditure that will become available in the area, benefitting local services and retail.

#### 8.6 Waste

There will be a significant amount of construction waste associated with the development: approximately 7800 tonnes. A Site Waste Management Plan will be put in place to reduce, reuse and recycle waste materials. There will be no impact on human health and the ecological receptors directly but there may be affects through the transportation of materials.

There will be operational waste arising from the development, though of no different kind from that currently arising from the general area. There is the possibility that a nearby proposed new facility [at *Thorn Turn*] will offer opportunities for dealing with waste from this site in the future.

#### 8.7 Agricultural Soils

The development will result in the loss of 259 hectares of a type of soil classified as “best and most versatile agricultural land”. This type of soil represents 60% of the total land area in Bedfordshire and the loss due to this development is 0.76% of that amount. Where possible, soil will be managed and re-used within the site.

#### 8.8 Ground Conditions

Investigations do not reveal the likelihood of significant contamination within the site. There is the potential for small scale local contamination associated with Chalton Cross Farm and some localised fly tipping along the edge of the built up area. Disturbance of these areas may cause contamination to be exposed to construction workers and watercourses.

There will be a need for further investigation and mitigation during the course of construction in those areas.

The surface to water table depth varies across the site. This will require mitigation during construction excavations and the quality of the ground water protected. There is also the potential for ground settlement and appropriate building designs will need to be specified accordingly.

#### 8.9 Water

Construction processes have the potential to be affected by groundwater flooding and in their turn to affect flows within the Ouzel and Houghton Brooks. There is a risk of contaminated run-off and temporary toilet and washing facilities posing a risk to water quality if not controlled. The CEMP will set out the management procedures necessary to mitigate these effects.

Once constructed, the development will have a low risk of river flooding as the built development is located outside the flood risk areas. However, the development itself could increase flood risk on the site and potentially further downstream. There will be a need for a package of mitigation measures. There is an outline surface water drainage strategy to show how the potential issue is mitigated.

*[The drainage strategy included within the application suggests a variety of measures that could be taken rather than constitute a strategy as such. Further submissions in this respect will be required at Site Wide Master Plan stage and all stages underneath to ensure that the appropriate mitigation measures are included and will not conflict with other uses of the site. For example, the development will need to avoid the situation where SUDs conflicts with the use of land for ecological or recreational purposes.]*

There will be a new foul water drainage system and such water from the site will be treated at the Dunstable and/or Chalton Wastewater Treatment Works.

#### 8.10 Ecology

The Houghton and Ouzel Brooks and their associated vegetation are considered to be of ecological value in their own right. The ES has identified a transient population of water voles and a population of a rare worm. There is evidence of otter occurring downstream of the application site. These areas will require protection and enhancement and will be the main focus of attention within the Construction Environmental Management Plan.

This will also apply to hedgerows where several will form the focus of new ecological corridors through the development. The appropriate protections that will apply to bats, badgers and roosting birds will also be included in the CEMP.

There will be unavoidable loss of bird species from the site associated with open farming. However, other species of birds will benefit from the changes through the new habitat created within open areas and gardens.

The same will be true of arable plants.

The ES has considered the potential effects on local SSSIs and County Wildlife sites due to increased recreational use, potential for nutrient deposition and changes in hydrology. It is expected that these impacts are mitigated by providing on-site recreational land, controls over construction through the CEMP and measures to protect the quality of water entering the brooks.

#### 8.11 Heritage

The main significant impacts relate to the archaeology found on the site and expected to be found as the development proceeds. There will be a need for further work on a scheme of archaeological resource management including the recording and storage of found material.

There may also be impacts on the setting of nearby listed buildings and Scheduled Ancient Monuments insofar as their semi-rural settings will be compromised.

#### 8.12 Landscape and Visual

During the construction period and following the completion of the development, there will be adverse impacts on views from residential properties: particularly those along the edge of the development. There will also be impacts on views along existing public rights of way and roads.



The landscape features affected are the existing open fields that will be built upon and in the wider landscape (the Chalk Arc) the views to and from the North Luton Rolling Chalk Farmland and the Houghton Regis Farmland Slopes. There will be some mitigation within the site in the form of a proposed network of green spaces integrated into the retained hedgerows, trees and watercourses.

There will be an impact on the night landscape particularly from new artificial lighting. This has been assessed and mitigation will be required at the detailed design stage through the appropriate specification of public lighting equipment and controls on private equipment where appropriate.

#### 8.13 Cumulative and Residual Effects

The ES has also looked at the potential for impact when in association with other developments. The mitigation referred to in this section also applies to other sites within the Houghton Regis North urban expansion area,

##### **(b) Affordable Housing**

8.14 Central Bedfordshire Council currently pursues a policy of seeking around 30% of new housing from its planning permissions to be in the form of affordable housing. There are a variety of tenures accepted and it is also expected that they will reflect the type of housing most suited to the area's needs. The details of the actual provision on a site by site basis will vary according to the circumstances of that site.

8.15 If this was translated into a proposal for this application, there would be an expectation that it would deliver between 1,245 and 1,545 dwellings, in a mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.

8.16 The Strategic Planning and Housing Team Leader however points out that the requirement as presented in the emerging Development Strategy makes it clear that this provision must relate to a, "viable degree of affordable housing" and subject to the National Planning Policy Framework policy. This policy states:

*"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

8.17 The applicant has been clear from the outset that the challenging economic conditions and the exceptional costs that apply to this development has affected viability to the extent that the full expectations for affordable housing cannot be delivered. This issue is dealt with in more detail within section 9 of this report, below. The outcome is that the applicant proposes a contribution to affordable housing of between 415 and 515 dwellings, in a 50:50 mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.

- 8.18 The comments of Luton Borough Council (set out in the Representations section, earlier in this report) are taken from a report that its officers placed before its Executive on 15<sup>th</sup> April 2013. This refers both to concerns about the direction of Central Bedfordshire's emerging Development Strategy and the content of the planning application. In particular, Luton raises concerns that both the Development Strategy and the development will not deliver sufficient affordable housing for its needs.
- 8.19 However, as part of the original Luton and South Bedfordshire Joint Committee, both LBC and CBC will have been aware that the delivery of the substantial growth sought by both Councils was dependent on the delivery of a substantial amount of costly infrastructure. Both will also have been aware of the "Infrastructure Delivery Plan and Funding Study commissioned by both Councils and undertaken by AECOM which was completed in October 2010. The study determined that given the overall scale and spatial allocation of infrastructure required across Luton and southern Central Bedfordshire that there was going to be a significant infrastructure deficit and an understanding that this was likely to cause viability issues for whichever large scale urban extension was being considered around the Luton/Dunstable/Houghton Regis conurbation.
- 8.20 CBC, through its individual efforts and with the co-operation of the developer and the Department of Transport, has sought to secure one of the most significant and necessarily expensive infrastructure projects, the A5 – M1 link. This adds to the understanding that there will be an impact on the likely amount of affordable housing that can be obtained from this particular development.
- 8.21 Whilst not a matter that the Committee should take into account in the determination of this planning application, an arrangement is currently being investigated to enable LBC to gain access to a proportion of the affordable housing through the sharing of nomination rights to the affordable rented element of this and other schemes which comprise part of the Land North of Houghton Regis and Land North of Luton Sustainable Urban Extensions proposed within the Development Strategy.
- 8.22 Nevertheless, it is clear that the delivery of a significant amount of general housing will be of benefit to both local authority areas: particularly as it is acknowledged by LBC that they will have severe difficulty in providing sufficient housing within its own boundaries for the needs arising from the Borough.
- 8.23 There will be a need to secure the arrangements for providing affordable housing by means of a Section 106 Planning Agreement should the Committee be minded to approve planning permission.

**(c) Transport Impact**

- 8.24 The case officer has included responses to many of the specific issues raised by those commenting on the planning application within the representations section. However, some of the key issues that appear to be of common concern are as follows:
1. That the development should not proceed without the completion first of the A5 – M1 and/or Woodside Link roads.

2. To avoid connections to or impact upon existing roads; particularly to Pastures Way and within Luton Borough.
  3. That the current transport infrastructure is unable to cope with development on this scale.
  4. That there will be increased impact in the villages to the east of the motorway.
- 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 (i.e. it is mandatory), 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 300 by the use of a planning condition. The conditions are set out in the relevant section of this report, below.
- 8.26 It is generally accepted that in the planning of major urban extensions, as many opportunities for creating transport linkages between the old and the new urban areas should be allowed as possible. It is also good practice to create the conditions that allow public transport services, cycleways and pedestrian links to be made in an effort to reduce the use of the car. In this particular case there is a significant opportunity to change the pattern of transport activity: not least through the ability of the development to take advantage of the soon to be opened Dunstable to Luton Guided Busway. Therefore, the standpoint that has been taken is to allow linkages to existing roads to maximise such opportunities unless there are good reasons to believe that such linkages would cause identifiable, and only then unacceptable, harm to the amenity of local residents or public highway safety.
- 8.27 However, this is an outline planning application and the Master Plan submitted was for illustrative purposes only. Notwithstanding that there will be a need to secure contributions for on and off-site transport support and improvement works for specific projects, it is for later design stages to determine the actual works and links that will be put in place. There are conditions which have been recommended to prepare, and then for CBC to approve, a Site Wide Master Plan and Area Master Plans that will allow a detailed assessment of road linkages for approval at that time.
- 8.28 The Council's Highways Officers are content with the traffic modelling that has been undertaken and can therefore be confident that the range of traffic and transport measures can be constructed from that understanding. These have been discussed in detail with the applicant and will form the basis of a financial undertaking secured by a Section 106 Planning Agreement. The details will be finalised within that agreement but in general the measures are:
- Financial support for a Travel Plan which will have a variety of measures for improving transport linkages and promotion of transport alternatives.
  - Financial support for new and enhanced bus services in the early years of the development.
  - New cycleway, pedestrian and public transport infrastructure and facilities.

8.29 In respect of the impact on roads within Luton Borough, the applicant has stated that their Transport Assessment does not support the need for additional measures. However, the applicant has considered the issue directly in discussion with transport officers within Luton Borough Council and the applicants transport consultants and both have identified a number of measures that may assist. This is set out in an additional document submitted to both Councils; "Transport Response to Luton Borough Council" dated July 2013. The measures identified are:

1. There will be a limit on the amount of development that may occur before the Woodside Link is opened.
2. Contributions to a traffic calming project under consideration by LBC in the vicinity of Pastures Way/Kestrel Avenue.
3. A traffic monitoring camera system at Legrave High Street/ Lewsey Road junction.

Financial support towards these measures could be considered (from funds obtained for transport improvements within the required Section 106 Planning Agreement) should Luton Borough Council agree that they deal with the objection they have raised and should it be clear that the measures are required to mitigate the impact of the development. It is understood that LBC will be submitting a response to the document shortly.

8.30 The applicant was asked to consider specifically the issue of potential impact of their development on the villages of Lower Sundon and Streatley. Their response is as follows:

*"The Central Bedfordshire and Luton Transport Model (CBLTM) has been used to assess traffic flows with the HRN1 development. The AM and PM peak traffic flows for the Sundon Road / Sundon Park Road junction have been examined to identify changes in traffic along Sundon Road and the route through Lower Sundon and Streatley. Three scenarios have been examined: these are the 2031 reference case without major transport infrastructure, the 2031 reference case with the A5-M1 Link and Woodside Link, and the 2031 HRN1 development scenario (J11A worse case). When the A5-M1 Link and Woodside Link are open, the route through Streatley and Lower Sundon will provide access to the new M1 J11A. The two-way traffic flows on Sundon Road to the east of the junction with the Sundon Park Road are summarised in Table 1 below.*

*Table 1 – Sundon Road traffic flows*

Peak period	2031 ref case	2031 with link roads	2031 with HRN1	Impact of link roads	Impact of HRN1	Net impact
AM peak (0800-0900)	1,305	1,488	1,587	183	99	282
PM peak (1700-1800)	1,239	1,470	1,569	231	99	330

*Table 1 shows that without the link roads or the HRN1 development, Sundon Road would have a traffic flow of around 1,300 two-way vehicles during the AM and PM peak hours in 2031. When the link roads open this increases by around 200 vehicles per hour at peak times which is on average less than two vehicles a minute in each direction. With the HRN1 development there would be an additional 100 vehicles. This equates to less than one additional vehicle a minute in each direction. These increases are not expected to have a significant impact on the capacity of the existing route.*

*Based on the additional traffic flows, it is not expected that mitigation measures will be required along the route through Streatley and Lower Sundon. However traffic-calming and environmental improvement measures through the existing settlements could be considered to reduce traffic speeds and improve existing conditions.*

- 8.31 On this basis it is considered that whilst the development has an impact on the villages concerned, this is marginal and does not require mitigation by this applicant. However, the Committee will wish to note that in course of the development and by the time of the opening of the Woodside Connection, this is an issue that the Council's highways officers may wish to re-visit to consider if traffic calming measures are required to make the route less attractive to through traffic.

**(d) The Retail proposals and their Impact**

- 8.32 Paragraph 7.4 above sets out the quantum of retail that is proposed. It totals 30,000 square metres gross as its maximum potential in a mixture of convenience and comparison goods stores, both in the form of a retail area close to the entrance to the site from the north-east corner and as may be located within the two community hub areas embedded within the site, as suggested in the illustrative Master Plan.
- 8.33 Although a matter to be determined at later design stages, these areas can visualised as forming two small neighbourhood centres with small shops and one larger retail area, forming part of a mixed use and commercial area. The Council's Economic Growth and Regeneration team compare the total floorspace to that similar to Kingston at Milton Keynes.
- 8.34 There are a number of retail studies, reports and assessments that in some manner or other have something to say about retail in the area of the application. They often refer to one another. They are listed here for clarity:
- The Retail Study (South Bedfordshire) undertaken by GVA Grimley in 2005
  - The Luton and South Bedfordshire Retail Study Update (commissioned for the Luton and South Bedfordshire Joint Committee) undertaken by White, Young Green in 2009
  - The Retail Study (Central Bedfordshire) undertaken by Roger Tym and Partners in 2012
  - The Retail Study Addendum (Central Bedfordshire, unpublished at time of writing) undertaken by Roger Tym and Partners 2013
  - The Retail Assessment for the Houghton Regis North Site 1 (submitted

- with this planning application) undertaken by Barton Willmore in 2012
- The 'Retail Study Refresh' (Luton Borough Council), prepared by White Young Green, dated December 2012
- The Audit of the Retail Assessment for the Planning Application at HRN1, prepared by Turley Associates in June 2013.

- 8.35 The Retail Assessment (RA) submitted with the planning application recognises that the proposals are more substantial than would be required if only the residents of their development were taken into account. It refers to and relies upon previous studies but offers a correction to the underlying assumption of existing retail floorspace made in earlier studies. It is this correction which forms part of the reason for CBC commissioning the Retail Study Addendum. It is assumed for the purposes of this analysis that this correction is accepted by all parties.
- 8.36 The RA looks at the impact across a wider area in the manner of any large scale proposal for retail uses. Members will have recent experience of such submissions in respect of the Morrisons supermarket at Houghton Regis town centre or the recent proposals at Leighton-Linslade.
- 8.37 In the RA submitted by the applicant, it is stated that the proposals form a mixture of local "top-up" shops and a large supermarket to serve both residents of the development and the wider area. The assessment is based on the requirements of the National Planning Policy Framework to assess impact on:
- Existing, committed and planned public and private investment in town centres in the catchment area of the proposal.
  - Town Centre Viability.

The RA concludes, following a detailed assessment, that:

- There are no available, suitable and viable opportunities for this proposal elsewhere.
  - There is no clear evidence that that the proposal will have a significant adverse impact on investment in town centres or likely to adversely impact on overall vitality and viability.
  - There will be a benefit in the generation of new expenditure which will be available to be spent in existing town centres.
  - There will be other benefits including improving local choice, accessibility, encouraging sustainable shopping patterns, clawing back expenditure leaking to other locations and the creation of new job opportunities.
- 8.38 There have been representations expressing considerable concern at the scale of the retail proposals. There are substantial comments received from CBRE (on behalf of the owners of the Quadrant at Dunstable) and from Luton Borough Council as set out above within the representations section above.
- 8.39 Due to the importance of this aspect of the application and the concerns expressed, a report was commissioned from specialist retail consultants, Turley Associates to critique both the Retail Assessment and the representations. The conclusions are reproduced in full as they contain important points that the Committee will wish to take into account.

8.40 **“5 Principal Findings and Recommendations**

5.1 *From our analysis of the Retail Assessment prepared by BW on behalf of the Houghton Regis Development Consortium, we have a number of concerns with the robustness of the approach adopted.*

5.2 *In terms of impact, we believe that this has been underestimated by BW and limited evidence has been provided to demonstrate that the proposal will not lead to an adverse impact on future investment. Despite this, with regard to the effect on the turnover of existing centres, the findings of our ‘sensitivity testing’ has demonstrated that the proposal is unlikely to lead to a significant adverse impact.*

5.3 *However, in terms of the impact on future investment, the Council will need to carefully consider the effect of the proposal and assess the implications the development may have on their objectives elsewhere in the Borough. Limited assessment has been provided by the applicant in respect of the effect of the proposal on future investment in Houghton Regis and Dunstable town centres.*

5.4 *We also have concerns with regard to the robustness of the sequential approach undertaken by BW. Again very limited justification has been provided to justify not applying a flexible approach in assessing alternative sites. Whilst the Practice Guidance provides scope for applicant’s not to adopt a flexible approach this relies on clear justification being provided. Therefore, the Council will need to be satisfied that any future arguments being presented by the applicant in support of the approach adopted is robust.*

**Recommendation**

5.5 *We recommend that the Council reaches a decision on the application that is based on an overall balancing of positive and negative impacts. It will be important for the Council to undertake a balancing exercise of adverse and beneficial impacts in reaching a judgement as to whether there are material considerations which would outweigh any adverse impacts of the proposal. [Case Officer emphasis]*

5.6 *In undertaking the balancing exercise, the Council should consider Section 7 of the applicant’s planning Statement and Section 8 of the applicant’s Retail Assessment, together with any further evidence submitted, which provide a summary of the benefits perceived to be associated with the proposal by the applicant.*

5.7 *Should the Council be minded to approve the application, we recommend that appropriate conditions are attached in relation to the following:*

- *Restriction on the net sales area of each element of the proposal to ensure the floorspace created reflects that being applied for.*
- *Appropriate convenience / comparison floorspace restrictions are attached, again to reflect the application submission.*
- *Restrictions on the maximum size of the units provided within the ‘other Class A1 convenience’.*

5.8 *In addition, should the Council be concerned that the proposal is likely to lead to a significant adverse impact on existing centres / investment, it may also be appropriate to provide further conditions relating to a restriction in the range of comparison goods permitted to be sold (e.g. a condition restricting the*

*sale of comparison goods to 'bulky goods' only). Such conditions are widely used. We believe that such restrictions would be beneficial in lessening any adverse impact on existing centres. Importantly, minimising the number of Open A1 comparison retailers that could be accommodated at Houghton Regis urban extension as part of the application proposal, will also assist in encouraging such retailers to be located elsewhere, such as in Dunstable town centre. It is unlikely that a number of retailers will have representation in both Dunstable town centre and as part of the Houghton Regis urban extension proposal.*

*5.9 It may also be appropriate to impose conditions relating to the maximum and / or minimum size of comparison units in order for the Council to gain greater control on their future use. Again, such conditions will assist in ensuring that the application proposal does not become a preferred location for retailers who may have otherwise located elsewhere in the absence of suitable premises, such as Dunstable town centre.*

*5.10 However, the appropriateness of such conditions will need to be considered in the context of the proposal intending to provide new local centres (with a wide variety of retailers / services) and the overall viability of the scheme. Given this, should the Council be minded to grant permission, it may be more appropriate to allow for a mix of bulky and non-bulky comparison floorspace.*

*5.11 The reasons for such conditions are to protect the vitality and viability of nearby town centres and because the retail impacts associated with the application have been assessed on the basis of the floorspace figures set out in the application documentation."*

- 8.41 On this basis, the principle issue is in respect on the impact on investment in town centres. Whilst it is clear that none of the parties have been able to confirm that there will be a clear and identifiable loss of planned investment in the town centres whether at Luton, Dunstable or Houghton Regis, there is understandable nervousness that the delicate work that all Local Planning Authorities undertake to nurse its town centres through difficult times will be unbalanced by the scale and location of the proposals.
- 8.42 In the case of Houghton Regis, a substantial amount of investment by one supermarket operator has already taken place: and perhaps significantly, presumably in the clear knowledge that the expansion nearby was being planned. The core of mixed convenience and comparison shops that lie within the Houghton Regis town centre is unlikely (even taking into account the proposals in the Houghton Regis Town Centre Master Plan) to be capable of expansion to such an extent or breadth of retail offer that it could properly serve all the needs of the expanded town.
- 8.43 Dunstable Town Centre is a more obvious comparison to make with the proposals. Investment is planned via the Dunstable Town Centre Master Plan. Despite the fact that it is not clear how or when that investment will occur, this does suggest that there is a need to consider more widely again the purpose of the Town Centre and what type of investment is required. Clearly such consideration lies beyond the scope of dealing with this planning application. However, should the Committee be minded to grant planning permission, it should note and understand that plans to secure additional investment into Dunstable Town Centre are active and ongoing but are not yet finalised.



- 8.44 Luton Borough Council has not provided any substantive evidence to suggest that current investment plans in Luton Town Centre would be severely prejudiced by the retail proposals submitted as part of this application. However, again, should the Committee be minded to grant planning permission, it will note and understand that plans to secure additional investment into Luton Town Centre are continuing to be pursued by LBC. There is no evidence to show that the retail proposals which are part of this application will have a significant adverse impact adversely on the vitality and viability of Luton Town Centre or its local neighbourhood centres. Intuitively, this seems to be correct as it could be said that Luton Town Centre is large enough to compete very effectively with smaller centres (including the proposal) nearby. And also that its neighbourhood centres are serving local areas, as their designation suggests, in the same manner that the two proposed shopping areas associated with the proposed community hubs within the development serves their communities.
- 8.45 Ultimately, the Committee will wish to take into account the following material considerations in balancing against the issues identified in paragraph 8.38.
1. The overall benefit that the application as a whole will bring to the area.
  2. The importance of the development to deliver the A5 – M1 link road. (This in itself will have a beneficial effect on the environment of Houghton Regis and Dunstable Town Centres.)
- 8.46 In dealing with the planning application specifically before the Committee, there are these options:
1. To refuse the planning application. This is not recommended as the only supported reason would be the perceived impacts on the planned investment in existing town centres. As there is no evidence, other than the views of those making representations that this would be the case, this would require much further research to prove.
  2. **To be minded to grant approval only with restrictions on floorspace as set out in paragraph 8.38, *sub-paragraph* 5.7. This is the recommended option. This is discussed further in sections 9 and 11.**
  3. To be minded to grant approval with restrictions that also control the specific type of retail approved. This would be on the basis of the recommended conditions as set out in paragraph 8.38, *sub-paragraphs* 5.7, 5.8 and 5.9. This is not recommended for the reasons that this would impact on the viability of the development. This is discussed in section 9.
  4. To be minded to grant approval with restrictions as above but also to limit the total amount of floorspace to a lower quantum and/or staged throughout the period of the development to enable the retail floorspace to grow in parallel with the housing growth. This would be a method that could be used that might spread and limit the impact on the wider retailing catchment area. This is not recommended for the reasons that this would impact on the viability of the development. This is discussed in section 9.

**(e) Green Infrastructure and Open Spaces**

- 8.47 The development is short of Open Space and land for Green Infrastructure use as calculated by the Council's Green Infrastructure team and endorsed by Sport England. In respect of Open Space, the overall amount to be provided is 78 hectares, whereas the overall amount expected is greater, depending on the view taken about the quality of open spaces that are likely to be proposed when the formal Master Plans are submitted. This issue is rehearsed in detail in the representations recorded in the report, above.
- 8.48 The developer acknowledges that they have been unable to satisfy the calculated needs for formal recreational areas in order to fully comply with the Council's open space standards. However, it is reasonable to assume that those needs will arise over time as the population increases, it is therefore reasonable to include a financial contribution in lieu of provision, but only if there is an uplift in values sufficient to enable this to be afforded.
- 8.49 The solution is to look to a financial contribution towards enhanced and/or off-site play provision. This can be achieved via a contribution schedule that is included within a Section 106 Agreement. This is considered in greater detail in section 9 of the report, below. However, it should be recognised that this form of contribution is subject to the general requirement of the NPPF as quoted in paragraph 8.16 above. It is therefore proposed that this contribution is made only if the commercial viability of the development improves in the longer term.

**(f) Off-site Impacts: SSSIs/ recreational sites accessible to the public**

- 8.50 The development is likely to impact over the long term on areas outside the site that are publicly accessible and under strain from use. This included SSSIs and areas used for recreational purposes. It is suggested by the Council's Green Infrastructure team and endorsed by English Nature that such impacts can be mitigated by financial contributions to their improvement and wardening. This issue is rehearsed in detail in the representations recorded in the report, above.
- 8.51 The developer also acknowledges that they have been unable to satisfy the calculated needs for supporting measures to mitigate the anticipated impacts on local recreational resources and the SSSIs.
- 8.52 The solution is to look to a financial contribution towards such works and maintenance. This can be achieved via a contribution schedule that is included within a Section 106 Agreement. This is considered in greater detail in section 9 of the report, below. Again it should be recognised that this form of contribution is subject to the general requirement of the NPPF as quoted in paragraph 8.16 above. However, taking that general requirement into account, nevertheless it is considered that the protection of these areas, particularly the SSSIs is an important material consideration and therefore it is proposed that this contribution is made at an appropriate point in the development.

**(g) Car Parking Standard**

- 8.53 As described earlier in this report, the Parking Standards that this Council applies to new developments has also changed. The new Standards make it clear that good design and thoughtful layouts accommodating the practical

needs of the car are more important than the simple arithmetical application of a standard and that this should not prove to be a barrier to good quality developments nor an impact on the viability of a development.

More recent discussions with the applicant have resulted in their written statement which says:

*“We have reservations that we could actually achieve the policy requirements. We understand this is important to yourselves and are willing to explore, in the future, where the car parking standards may be incorporated into the scheme without compromising densities and quality.”*

However, the fact remains that the application explicitly requires consideration of the application using the Council’s previous standards and the Design and Access Statement reflects this position. The application states:

*“8.5 The development shall provide for parking standards as set out in the Adopted Supplementary Planning Document, Design in Central Bedfordshire A Guide for Development Design Supplement 7 Movement, Streets and Places Design (2010).”*

Nevertheless, the Council’s current parking policy includes the following statement:

*“If developers wish to implement a lower standard and can demonstrate it is robust for a particular location / particular set of circumstances (for example a block of flats on a cramped town centre site near a railway station) then this would be considered a departure from policy and would need the approval of the Council’s Planning Committee. Where planned parking provision is below the parking standards, any potential for on-street parking overspill from residential dwellings will be weighed in relation to the potential harm to environmental amenity and road safety.”*

- 8.54 In this case, it is considered that the planning application is on a scale that would allow for the Development Management Committee to exercise its discretion. It is recommended that it can be borne in mind that the development has every opportunity to demonstrate a reasonable approach to car parking in the future and that the discretion available can therefore be exercised now. It will be for future Development Management officers and Committees to consider each design and layout on their own merits to judge the adequacy of the access and parking provisions.

**(h) The A5 – M1 link road and the Woodside Link**

- 8.55 The planning application must be considered in association with two other schemes upon which it depends. The delivery of those schemes are also dependant on the planning application. The A5 – M1 link road has been given a conditional assent and an indication of funding by the Secretary of State for Transport, but only on this basis that there will be a contribution from this development of £45 Million as set out in a separate agreement between him and the developer.

In turn, by direction from the Highways Agency, the planning application can only be implemented in its entirety if the A5 – M1 link road is built and opened to general traffic.

In turn, the planning application, by reason of the analysis contained in the applicant's Transport Assessment and supported by this Council's Highways officers, can only be implemented in its entirety if the Woodside Link is open to general traffic.

In turn, the Woodside Link is a road scheme which is following a separate planning procedure as a Nationally Significant Infrastructure Development and that application is being considered by the Planning Inspectorate now.

- 8.56 The result of all 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 consent is granted for the Woodside Link before planning permission is granted. Therefore, it is recommended that, if and when the application is referred to the Secretary of State for Planning, this position is drawn to his attention.

**(i) Design and Implementation**

- 8.57 The Committee may wish to note the proposal suggests that in any future Master Plan which is submitted under the terms of any planning permission, there will be a significant warehouse building to be designed and laid out which will be close to 100,000 square metres in floorspace. In a similar manner to the retail proposals, the warehouse proposal assists the viability of the scheme. It is recognised that this will skew the provision of employment due to its size, to a lower density of employment than would otherwise have been the case or anticipated in previous work in preparing the Development Strategy. However, it is important that the application is seen as a flexible consent that could allow, with the appropriate alterations to approved master plans, other employment proposals to emerge, should the market improve. Indeed, given the obligations that the developer will be under to provide value to its partners and shareholders and the requirements of the Section 106 Planning Agreement, there is a positive incentive to change to a wider range of B1-B8 employment uses if the commercial property market improves over the period of the consent.
- 8.58 Finally, there will be key requirements by planning condition which will flesh out the skeleton of this parameters style planning permission should it be granted. These are the conditions that will require Advance Infrastructure Works to commence, to submit and have approved a Site Wide Master Plan and then be followed by Area Master Plans. These in turn will guide Design Codes as specific areas of development within the site are brought forward. All of this has the result that the design and implementation of the development will be controlled by CBC for many years to come.
- 8.59 This planning application will begin a Development Management process of considerable complexity, impact on the daily activities of the Council, determine the character of the area and affect the lives of its residents and businesses for many years to come. It will be the quality of the Council's management of that process which will determine the quality of the development should this permission be granted.

**9. The Requirement for a Section 106 Planning Agreement**

9.1 Background

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 Agreements (known as Section 106 or S106 Agreements) where for technical or legal reasons a planning condition is unsuitable.

9.3 There is national guidance on the proper use of S106 Agreements but in general terms it is expected that the requirements will relate to matters that are directly relevant to the planning application in hand, capable of being implemented and that without that requirement being met, planning permission should be refused. 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.

9.4 Given the scale of the development involved it was clear that there would be a considerable range of topics that might require a S106 Agreement. This Council entered into a Planning Performance Agreement with the developer in August 2012 where one of the specific actions agreed between the parties was to analyse the likely requirements and to prepare a suitable list. The CBC Project Team of officers was directly involved with the applicant’s Project Team in preparing the requirements. Where appropriate, external organisations were also consulted.

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 charitable basis. Therefore, the accepted topics for consideration were as follows:

Education	Transport	Leisure, Recreation, and Open Space	Community Facilities
Health Care facilities	Environmental Impact Mitigation	Housing (including Affordable Housing)	Waste Management
Emergency Services	Community Development and ICT	Public Realm and Community Safety	Maintenance

9.6 From this, the Project Teams developed a specific set of requirements, many of which are referred to by individuals and organisations in their response to the planning application already set out in this Report.

- 9.7 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 requirements are not overly onerous. Therefore a financial assessment of the planning application was undertaken as described below.

#### Viability Appraisal

- 9.8 This section of the report sets out the conclusion of the Viability Appraisal work that has been conducted. The financial information that underpins these conclusions is the subject of commercial confidentiality as set out in the applicant's legal advisor's letter dated 5<sup>th</sup> March 2013 and included within the public planning application file. For this reason, the financial information is set out in a confidential Appendix included within the yellow coloured papers attached separately from this report, for the information of Members of the Committee.
- 9.9 When the planning application was submitted on 24<sup>th</sup> December 2012, the applicant supplied a Viability Statement (VS) which set out all the matters that would require consideration as potential financial or other in kind contributions arising from the Council's published policies and from the considerable pre-application discussions with CBC. In addition, the VS set out the process that would be followed in seeking agreement with the Council on the Heads of Terms within a Planning Agreement.
- 9.10 The key point made in the planning application submission documents was that the development was not viable at an affordable housing requirement of 30%. This triggered the requirement for the Viability Appraisal (VA) to be conducted transparently between the applicant and the Council such that all could be satisfied that the planning application could be permitted with an agreed level of mitigation satisfying all parties.
- 9.11 The VA is essentially a model of the viability of the planning application taking account of:
1. The income generated from the development (residential, commercial, retail sales etc)
  2. The costs of the development
  3. The required return on investment
  4. The cost of the mitigation and contributions package (mainly items required by planning condition or within a S106 Planning Agreement).
  5. The Land Value
  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 Link road/Electricity Grid re-cabling (estimated at £42 Million plus £10 Million of "risk").

Establishing what each of these values is likely to be has taken some considerable time. A report on 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.

- 9.12 It has been established to all the parties' satisfaction that the development is unviable taking account of the 30% affordable housing requirement and of the cost and income elements set out in the Appendix. It has also been established that the full contributions package as required by applying the Council's policies on supporting community infrastructure and reducing the impact of the development on the surrounding area cannot also be afforded in the short term given current economic circumstances.
- 9.13 The National Planning Policy Framework offers specific guidance in these circumstances. It states:

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

And also;

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

Therefore it is incumbent on the Local Planning Authority to engage constructively with the applicant on the costs to allow the development to be acceptable in planning terms as well as enable to development to be commercially viable.

- 9.14 After detailed consideration of the Viability Appraisal and following careful consideration by this Council's Chief Executive and Corporate Management Team, the following arrangement is recommended.

It is to be assumed that CBC has confirmed that it will seek to support the development as follows:

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. Underwriting the cost of 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, policy required contributions, affordable housing and the viability of the development.

### **Assumptions**

- A. Woodside Link – CBC will continue to underwrite the costs of the project. It will seek to retrieve that part beneficial to the applicant through the agreed uplift mechanism contained within the intended Section 106 Agreement.
- B. Car parking – The Council’s current 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 decide if the application of a reasonable standard in the light of the car parking provision contained in the designs of the detailed applications it receives.
- C. Kingsland Campus. It is noted that the applicant wishes it to be known that the S106 “offer” presented here depends upon the use of this land for a secondary school. The decision of the Council to do so is not a matter that can be decided within the context of the planning application. However, the Committee will note that the ability of a Section 106 Agreement to be concluded (setting the financial contribution that the applicant is willing to provide) requires the use of this land as a secondary school to be confirmed.
- D. Uses – It is assumed that the parameters of the planning application will be unchanged from those submitted.
- E. Phasing - There will be a need to understand the phasing of the development 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.
- F. Code for Sustainable Homes – It is assumed that the development will proceed on the basis of the Building Regulation standards current at the time of development.
- G. Residential – All contributions relate to residential uses only.
- H. Off-site traffic improvements – Will only be required if included within the agreed Travel Plan.
- 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.



- 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, serviced, at no cost to CBC.

**Structure**

1. It is recommended that the S106 payments will be based on 5150 units on a tariff basis per dwelling, payable upon occupation.
2. The “fixed” affordable housing level is recommended to be 10% on a 50:50 shared ownership and affordable rent basis.
3. The S106 payment deferral is recommended to be set at the occupation of 750 units, details to be negotiated. This allows the developer to make returns on the investment before his S106 liabilities bite.
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.
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 to towards them. The contribution suggested by the applicant is £14,908,529 and would reduce their contribution by that amount.

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.

9.15 Therefore, the proposed affordable housing package is for the provision of 10% affordable housing units which will be spread throughout the period of the development and in phased parcels, evenly split between shared ownership units and affordable rent units. This would provide for a total of 515 units.

9.16 The proposed mitigation items are as follows:

<b>Items</b>	<b>Maximum Contribution (excluding indexation) £</b>	<b>Notes</b>
Primary and Secondary Schools	44,596,000	Sufficient to provide for three primary schools, extension to one existing primary school and one secondary school with the latter provided off-site.  This meets the Council's calculated requirements.
Green Infrastructure facilities (Playing Fields, LEAPs, NEAPs etc)	3,690,000	This consists of the funding calculated by the developer for laying out and setting up open areas provided on-site and includes green corridors,

		play areas, and other spaces not developed on a commercial basis. It is not a sum of money offered to the Council but a commitment to providing the open areas.
Green Infrastructure (Maintenance)	4,000,000	This is a contribution to the continued maintenance of the open areas described above.
Transport	4,819,913	The substantial proportion of this contribution will be used for supporting new and enhanced bus services through the development in its early years.
Community Hall	1,160,000	Land will be provided by the developer for a community facility and this contribution will be for its construction.
Noise and Air Quality Monitoring	110,000	For equipment.
Tithe Farm Children's Centre	1,000,000	Allows for the replacement of the current facility as part of the re-organisation of the school to accommodate a potential bus link.
Health – Secondary Care contribution to off-site facility	2,925,000	Project to be identified.
Enhancements and support for the management of local SSSIs, offsite recreational sites and allotments	4,447,500	This responds to the need to protect the most vulnerable off-site resources from increased pressure of use.
Sustainable Transport (Public Transport only)	1,500,000	Provides further support of public transport services
Pedestrian/ Cycle links	619,700	Support for construction
Library	111,000	Supports alterations to increase capacity and new stock for Houghton Regis library.
Leisure Contribution	3,682,000	For enhancements or towards replacement facility.
Youth Service Support Facility	322,000	Allows for enhancements to one community facility to provide specialist services.

<i>Total</i>	72,983,183	<i>Note the actual amount made available by the developer reduces by £14,908,529 as explained in paragraph 9.14. Therefore the actual amount made available by the applicant for these items is £58,074,654</i>
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- 9.19 In addition, there are items that the applicant has not agreed to contribute towards which would normally be sought if planning policy and the Planning Obligations (South) SPD were to be rigorously applied. This includes the cost of building a second community facility (but land will be set aside), contributions to a cemetery, some community support measures, off-site improvements for provision of additional playing fields, the cost of building GP surgeries (but land will be set aside), waste collection support and some additional Travel Plan support.
- 9.20 However, these items could be funded from any contribution arising from the 'Uplift Mechanism', which will be required as part of any Section 106 Planning Agreement, should development values improve sufficiently. The applicant proposes that up to an additional £21 Million might become available in the future through that means. Other funding sources may also need to be explored.
- 9.19 It is recognised that one of the main reasons why the development is unable to afford the full package of contributions outright is the exceptional cost of providing £45 Million of support to the A5 – M1 link road. However, it is reasonable to expect that other developments within the Houghton Regis Urban Extension area should contribute a fair share of that cost.
- 9.20 It is considered that this represents an imaginative and commercially realistic proposal which provides for an implementable planning permission. It is based on an extensive amount of commercial development, including a substantial retail proposal and allowing formal substantial warehousing proposal to be promoted early in the development period. It provides for the opportunity to deliver necessary infrastructure for the scheme and allow for the possibility of an improvement to infrastructure provision over 20 years of the development period.
- 9.21 There will be a range of other matters that will require the provision of a S106 legal agreement including:
- The establishment of a nominations procedure for the affordable housing.
  - The provision of uplift and indexation clauses.
  - 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.
  - Transfer of land for community benefit into public ownership and control.

- Allowing for the use of Kingsland Campus.
- Procedures to allow for the specification of the land and building required to be set aside for use as community and health facilities.
- Procedures for the specification of the community facility buildings.
- Provisions for the future management of open spaces.
- Provision off-site improvement works to the public highway.

The final details of this Section 106 Agreement will require completion before the application can be finally determined.

9.22 The Strategies and Management Plans that will be required to be included within the Section 106 Planning Agreement fall into the following categories:

- a) Strategies/Plans submitted with the planning application that require reference in the S106 to secure their implementation.
- b) As above, but where they are required to be altered in the light of their analysis during the course of the determination of the planning application.
- c) New Strategies/Plans arising from the analysis.

In many cases, some Strategies and Plans may be combined to simplify the process of approval and use.

- 9.23
1. The Green Infrastructure Strategy and Outdoor Sporting Facilities Strategy (including specifications of quantum required and open space management)
  2. The Site Wide Surface Water Drainage Strategy
  3. The Landscape and Biodiversity Management Strategy
  4. The Design and Access Strategy @
  5. The Site Wide Design Code (including pedestrian, cycling, highway and parking strategy) @
  6. The Area Design Code (including pedestrian, cycling, highway and parking strategy) @
  7. The Phasing Plan @
  8. The Framework Construction and Environmental Management Plan and Code of Construction Practice
  9. Ecological Mitigation and Enhancement Plan
  10. Landscape Management Plans
  11. Water Vole Protection Plan
  12. Arboricultural Implications Assessment, Method Statement and Plan for the preservation of specimen trees
  13. Bus and Public Transport Strategy
  14. Framework Travel Plan
  15. Site Specific Travel Plan
  16. Air Quality Low Emission Strategy @
  17. Noise and Vibration Mitigation Scheme @
  18. Sustainability Assessment
  19. Energy Statement
  20. Employment and Skills Plan @
  21. Public Art Plan
  22. Odour Mitigation Scheme @
  23. Site Investigation and Remediation Scheme - Contamination @
  24. Foul Water Scheme @

- 25. Site Waste Management Plan
- 26. The Education Facilities Plan including specification, timing of provision and delivery.
- 27. The Community and Leisure Facilities Plan including specification, timing of provision and delivery.

@ (may not be required if included as a planning condition)

## **10. Planning Conditions**

- 10.1 Unsurprisingly, a scheme of this size and range of uses will incur a considerable number of planning conditions. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirement here for ease of understanding.
- 10.2 There will be a number of technical conditions which will define the period of the consent (5 years), the period within which detailed consents must be sought (20 years), what details will be required and the specific description of the uses granted permission.
- 10.3 There will be conditions that will require the sequential provision of a Site Wide Master Plan, Area Master Plans, Site Wide Design Code, Area Design Codes, provisions for the early implementation of Advance Infrastructure Works and limits on how much development can proceed before the strategic roads are opened.
- 10.4 There will be conditions and/or S106 clauses to require the provision of a variety of strategies that will govern the details of the development. These include such matters as the Construction Environmental Management Plan, the Drainage Strategy, various ecological management plans and a variety of others. As seen above, some 27 such strategies have been identified. Work on the details of the Section 106 agreement may result in a decision to include many of them within planning conditions rather than within the Section 106 Agreement.
- 10.5 Finally, there will be a class of conditions that arise from the consideration of the scheme to assist in implementing the proposals. These include, a proportion of the development for offering to the self build groups, provided that there is a demand. There will also be conditions and informatives that seek to protect existing important features during the development phase such as retained archaeology, trees, public footpaths and bridleways.

## **11. Conclusion**

- 11.1 The application proposal is for the larger part of the Houghton Regis Urban Extension which is in turn part of the larger strategy for providing significant urban extensions to accommodate much needed additional housing and employment growth in the area. Much of that growth is being planned for in urban extensions not just here, but also at Leighton – Linslade and to the North of Luton. The application proposal is therefore a critical part of a larger strategy to provide not only significant growth within Central Bedfordshire but to accommodate the needs of a growing conurbation including Luton, Dunstable and Houghton Regis.

- 11.2 The balance to be struck in considering this application, involves the competing demands of commercial viability, loss of Green Belt, need for housing, the clear national priority for economic growth, landscape and ecological protection, urban regeneration, providing community facilities for a healthy population and meeting the Council's stated priority of delivering a major new strategic road of national significance. All in a context of reducing public services and public financial support.
- 11.3 It is considered that the scheme is insufficiently financially viable at present to afford the full requirements for affordable housing and the full package of mitigation. However, the mitigation package suggested above is still extremely significant and has been shaped by reference to identified local priorities. The work undertaken with the applicant's representatives has been conducted in an informed and conscious way to achieve the mitigation package and review/uplift mechanism which both parties believe best reflects local priorities. For example, the approach to the provision of green infrastructure, the forward funding (£45m) of the A5-M1 link road and new M1 junction before significant development is achieved all reflects local priorities. The application has been the subject of extensive consultation with a significant majority of responses not objecting in principle or positively supporting the proposals.
- 11.4 The Committee will wish to take into account that the planning application has been submitted in advance of the adoption of the Development Plan, in which the site is an allocated strategic development site proposed for removal from the Green Belt. However, it should also be recognised that the now revoked Regional Spatial Strategy for the East of England and the withdrawn Joint Core Strategy both identified the site as being suitable for removal from the Green Belt in order to help meet housing and employment need. The evidence base shows there is nowhere else more suitable for the growth to go. In considering the very special circumstances in relation to development in the Green Belt, it is concluded that the tests have been met. It assists in delivering the A5 – M1 link road. It is recognised that the planning application is critical locally, regionally and nationally in helping to boost much needed housing, infrastructure provision and economic investment.

### **Recommendation**

That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Head of Development Management be authorised to grant Planning Permission if the SoS does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

1. The development shall commence not later than five (5) years from the date of this permission.

Reason: To define the period of the permission

2. Before commencement of any of the development within each phase of development, details of access, appearance, landscaping, layout, and scale (hereafter referred to as the reserved matters) relating to that part of the

development shall be submitted to and approved by the Local Planning Authority and the development to be implemented in accordance with the approved details. Applications for approval of reserved matters for the development hereby permitted must be made to the Local Planning Authority within twenty (20) years from the date of this permission.

Reason: To define the period within which details pursuant to a full planning permission may be submitted and 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 and Policy 60 of the emerging Central Bedfordshire Development Strategy (Pre-Submission).

*Informative: A 'phase' is defined as a development parcel or group of parcels of land that is shown on a phasing plan. Other conditions trigger the need to provide phasing plans to the Local Planning Authority to show the location, timing and delivery schedule for any development parcel, where development is defined in the Planning Acts.*

3. The development hereby permitted shall only be carried out in accordance with the Approved Plans drawing numbers:

Plan 1 or Plan 1A	Ground Levels;
Plan 2	Recreation and Ecology;
Plan 3	Visual Mitigation and Major Open Space;
Plan 4 or Plan 4A	Maximum Extent of Building Footprint and Maximum Building Height;
Plan 5	Primary Movement Corridor and Connection Zones;
Plan 6	Assessment Areas;
Plan 20684 216 Rev A	Application Site Plan; and

The Development Parameters Schedule (Section 6.0 of the Planning Application Booklet as submitted on 24<sup>th</sup> December 2012).

The details to be submitted in accordance with Condition 2 above and all other Conditions requiring submissions shall accord with the drawings detailed within this Condition.

Reason: For the avoidance of doubt and Policy 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

4. No more than 5,150 dwellings and no more than 202500 sq m of gross commercial floor space (to include mezzanines) within Class A1, A2, A3, A4, A5 (retail); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel); C2 (care home); D1 and D2 (community and leisure), and Sui Generis uses car showroom, data centre, petrol filling station (of the Town and Country (Use Classes) Order 1987 (as amended)) shall be constructed on the site pursuant to this planning permission in accordance with sections 2.0 Floorspace and Land Uses and 3.0 Location of Land Uses shown detailed on pages 17 – 21 (inclusive) and Plan 6 of the Planning Application Booklet submitted as part of this planning application reference CB/12/03613/OUT validated on 24 December 2012 (for clarification a copy is

attached to this planning permission).

Reason: For the avoidance of doubt and Policy 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

5. No development shall commence until a Site Wide Master Plan ('SWMP'), in accordance with the Conditions 3 and 4 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. Following approval of the SWMP any revised SWMP which may be produced, shall also be submitted and approved in writing by the Local Planning Authority.

The SWMP shall identify on a base plan of 1:5,000 in scale (unless otherwise agreed in writing) the broad location and approximate disposition of the following:

- 1) Residential uses
- 2) Location of Residential Self Build Areas.
- 3) Employment uses
- 4) Retail uses (to identify the location of the Main Convenience and Comparison Stores and the Local Centres)
- 5) Leisure uses
- 6) Educational uses
- 7) Community uses
- 8) Sui generis uses
- 9) Landscape Buffers
- 10) Retained landscaping
- 11) Structural landscaping
- 12) Major open spaces
- 13) Sports facilities
- 14) Recreational and Ecological corridors
- 15) Major water features
- 16) Principal public transport stops and corridors
- 17) Principal footpaths, public rights of way and cycle routes, including connections with the existing urban area
- 18) Walking, cycling and public transport route through Tithe Farm lower school.
- 19) Large-scale utilities infrastructure including large scale sustainable urban drainage structures.
- 20) Interfaces with neighbouring sites
- 21) The general location of sites to be used for self-build housing developments.
- 22) Zones in which noise mitigation measures might be necessary.
- 23) The general location of all other uses not specified above and identified in condition 5.

The development shall only be implemented in accordance with the approved SWMP.

Reason: To ensure that a Master Plan of a strategic nature is produced to assist in setting out the development in a planned manner and Policy 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission



*Informative: The submissions at this stage are intended to provide sufficient context to enable decisions to be subsequently made as to the acceptability of the more detailed submissions required at the Area Master Plan, Design Codes and reserved matters stages. Site wide submissions should be of a broad strategic nature.*

6. Before commencement of the development, a phasing plan shall be submitted to show the location, timing and delivery schedule of the following works for the approval of the Local Planning Authority. The works shall be known as Advance Infrastructure Works. Details of each of the following works shall be submitted in accordance with the phasing plan for approval by the Local Planning Authority:
  1. Advance structural landscaping,
  2. Earthworks,
  3. Formation of development platforms,
  4. Geotechnical assessment,
  5. Ground investigation (including an assessment of the suitability of land to be used for permanent flood mitigation for outdoor sports playing fields),
  6. Provision of new and (amendment to) existing strategic highway infrastructure including footways and cycle paths, and
  8. Strategic utilities provision.

All such submissions shall be supported by plans at an appropriate scale, which show:

- i. The proposed works in context, both existing and proposed; and
- ii. Any temporary treatment including hard and soft landscaping, boundary treatment etc works associated with the works.

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

Reason: To allow early work to be undertaken to set out the infrastructure necessary to begin the development.

*Informative: The purpose of this submission stage is to allow for the submission and approval (and thereby implementation) of advance infrastructure works before the Area Master Plan submission/approval stages. This is intended to cover issues such as structural landscaping which takes time to establish or for strategic road infrastructure which may be required earlier than built development.*

7. No development shall commence until a Site Wide Design Code ('SWDC'), in accordance with the approved details relating to Conditions 4 and 5 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. The SWDC shall detail the following:
  1. Site wide character and materials palette
  2. Site wide street surface materials palette
  3. Site wide landscape planting palette
  4. Site wide street furniture palette including cycle parking facilities
  5. Site wide lighting strategy
  6. Site wide signage strategy, including cycle and footpaths

7. Site wide public art strategy

Reason: To define the character of the development and to guide detailed submissions. and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission. and Paragraph 59 of the National Planning Policy Framework (2012).

*Informative: A submission at this stage is intended to provide sufficient context to enable decisions to be made subsequently as to the acceptability of the more detailed submissions required to be made in relation to the AMP and reserved matters. Site wide submissions should be of a broad strategic nature but should provide guidance on the individual issues against which more detailed submissions can be considered. It should be noted that approval will not be given to the AMP until these strategic documents are considered acceptable.*

8. No development shall take place prior to each phase of the Advance Infrastructure Works and no development shall take place prior to each phase of development identified in each Area Master Plan until a written scheme of archaeological resource management for that area has been submitted to and approved in writing by the Local Planning Authority.

The said development shall be implemented in full accordance with the approved scheme(s) of resource management.

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

- (i) Mitigation details for the preservation *in situ* and management of archaeological sites and features that have been identified for protection within each Area Master Plan area;
- (ii) Fieldwork in accordance with the agreed written scheme of archaeological resource management;
- (iii) Post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority);
- (iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority).
- (v) Programme of interpretation, public outreach and community engagement.

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the

development and to secure the protection and management of archaeological remains preserved within the development, Policy 45 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 128, 132 & 139 of the National Planning Policy Framework (2012).

9. A Low Emission Strategy (LES) shall be submitted to and approved by the local planning authority prior to the approval of the first reserved matters submitted under condition 2 and before the submission of the first Area Master Plan. Any revised LES, which shall from time to time be produced, shall also be submitted and approved by the local planning authority. The LES shall set out the air quality mitigation techniques that are to be applied across the development and include a monitoring strategy to assess the effectiveness of the mitigation. The monitoring strategy will set out how measurements will be taken, over what time periods monitoring will occur and what standards will be used to assess air quality (e.g. compliance with National Air Quality Strategy Objectives)..

The LES will be implemented in accordance with the details approved.

*Reason: To mitigate any air quality issues that will affect the public health of occupants of the development.*

*Informative: In assessing the mitigation techniques that may be applied, the following methods are recommended for consideration:*

- a. *Minimising emissions from approved uses through a consideration of potential air quality issues arising from their use, at the design stage.*
- b. *Encouraging commercial uses to employ low emission technologies and practices.*
- c. *Providing access to low emission vehicle re-fuelling infrastructure.*
- d. *Provision of inherent mitigation in the form of separation of emission sources and receptors.*
- e. *Maximisation of sustainable transport and minimising the need to travel.*

- 10 With the exception of Advanced Infrastructure Works submissions and before any other application is submitted for approval of details pursuant to Condition 2 for that relevant area, and following submission to the Local Planning Authority of the Low Emissions Strategy (LES) (pursuant to Condition 9), an Area Emissions Strategy (AES) shall be submitted for the relevant AMP area for approval by the Local Planning Authority. From time to time, a revised AES may be submitted for approval by the local planning authority. The AES shall generally accord with the approved LES and shall be implemented in accordance with the approved details. Such an AES should:

1. Assess the air quality of the area to ensure that the standards set in Condition 11 are likely to be met;
2. Identify the mitigation measures incorporated into the design consistent with the requirements of the LES.

Reason: To ensure acceptable air quality for future residents and users of the development.

11. Before each phase of development approved by this planning permission, no development shall take place until such time as a site-wide surface water drainage strategy for the site, based on sustainable drainage principles has been submitted to and approved in writing by, the local planning authority. The drainage strategy for each phase of development must accord with the agreed principles for the site-wide strategy and the Flood Risk Assessment, limiting surface water run-off from each development parcel to a rate no greater than the calculated Greenfield rates of 3.02l/s/ha.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policies 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 100, 102 & 103 of the National Planning Policy Framework (2012).

12. No development shall be commenced within each phase of development identified in each Area Master Plan of the development until details of a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the Site Wide Surface Water Drainage Strategy, and with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policies 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 100, 102 & 103 of the National Planning Policy Framework (2012).

13. No reserved matters pursuant to Condition 2 shall be submitted until an Area Master Plan ('AMP'), in accordance with the approved details relating to Condition 5 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority.

Each AMP shall be based on a 1:2,500 scale plan(s) and be supported by a written statement. Such AMPs shall include consideration and detail of the following issues for that area:

1. Maximum floor space for each land use;
2. A Phasing Plan to show the location of phases and including a timing and delivery schedule;
3. Ground levels plan to show existing land levels and final finished ground levels; such details to include cross sections with undisturbed local features for comparison purposes.
4. Extent of development area;
5. Building height ranges;
6. General location of landmark buildings and features;
7. Cross sections and perspectives of key streets, buildings and open spaces including adjacent areas (as built or as completed);
8. Access routes within the development area (vehicular, public transport, pedestrian and cycle) and the location of footpath, cycle path and public transport connections to surroundings areas and when these will

- become available for use;
9. A Public Rights of Way Scheme to show how ROWs will be incorporated into the development and during the construction of the development and specifying any diversions or extinguishments that are to be sought; (*Informative: such diversions and extinguishments can only be dealt with through a legal procedure separate from this planning permission*)
  10. The location of bus stops and electric vehicle charging points;
  11. The location of footpath and cycleway connections to the surrounding area;
  12. The location of formal Children's Play Areas.
  13. Areas to be protected from disturbance from construction or other works; to include public rights of way, areas associated with protected species, significant and specimen trees, woodland features, water features, buffer zones alongside all watercourses and archaeological areas
  14. The locations of all areas of Green Infrastructure to be included taking account of the principles of location and design set out in the SWMP, Site Wide Design Code and the Green Infrastructure Strategy (as appropriate);
  15. Ensure a provision of a variety of house types and accommodation;
  16. Identification of overhead power lines (where present);
  17. Identification of existing buildings where present and consideration of retention or demolition;
  18. Identification of the locations of substations.

Reason: To ensure that the Area Master Plans are of a localised nature and are produced to assist in setting out the details of the development in a planned manner To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) and Policies 43 & 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

*Informative: The submission at this stage is intended to provide sufficient context to enable decisions to be subsequently made as to the acceptability of the more detailed submissions required at the Area Design Code and reserved matters stages. Site wide submissions should be of a broad strategic nature.*

*Informative: All areas to be built upon, used for recreation or landscaping are to be covered by an Area Master Plan (AMP). These need to cover areas which may be considered self-contained. E.g. a residential area should contain the open space needed to serve that community, or it could be an AMP that covers a particular Green Infrastructure area such as a recreational area.*

*Informative: An AMP submission and/or an Area Design Code submission can be made to the Local Planning Authority at the same time or subsequent to the Site Wide Master Plan but not before.*

*Informative: The AMP is intended to set the broad master plan framework against which detailed submissions under Condition 2 can be assessed.*

14. No reserved matters pursuant to Condition 2 shall be submitted until an Area Design Code ('ADC'), in accordance with the approved details relating to Conditions 5, 7 & 13 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. An ADC requires detail of:
- a. The area to be covered by the code
  - b. Frontage types
  - c. Heights
  - d. Building forms
  - e. Architectural style and treatment
  - f. Treatment of public highways
  - g. Treatment of on and off highway walking and cycling infrastructure
  - h. Building materials palette
  - i. Surface materials palette
  - j. Street furniture and design and lighting design
  - k. Soft landscape
  - l. Signage
  - m. Broadband access infrastructure, smart access infrastructure or its equivalent
  - n. Operational outdoor sport facilities and structures associated with playing fields.
  - o. The treatment of land beneath retained electricity pylons

Reason: To ensure that the Area Design Codes are of a localised nature and is produced to assist in setting out the details of the development in a planned manner To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004), Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraph 59 of the National Planning Policy Framework (2012).

- 15 All reserved matters pursuant to Condition 2 shall include (where applicable) the following details, which shall be approved in writing by the Local Planning Authority prior to commencement of development of that reserved matters.

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

- a. To include a plan of the area at a scale of 1:500 and an updated layout plan of the AMP (or part where appropriate) at a scale of 1:1000;
- b. Landscaping, details of play areas and of all hard and soft landscaping;
- c. Materials (including all external materials, doors, windows, detailing, etc);
- d. Street lighting and street furniture;
- e. Boundary treatment;
- f. Surface finishes, hard landscaping details;
- g. Noise attenuation structures;
- h. Schedule of open space serving that part of the development (where

- residential) details to consist of amount, type and location and phasing;
- i. External lighting (not street lighting) (i.e. to buildings, car parks, etc.);
  - j. Details of cycle parking;
  - k. Details of television signal receivers and their location;
  - l. Details of energy collection systems and their location.
  - m. A Travel Plan.

Reason: To ensure that the Reserved Matters are produced with sufficient detail and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) and Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission

- 16 Applications for the approval of reserved matters pursuant to Condition 2 and any submissions for Advance Infrastructure Works required by Condition 6 shall be accompanied by a full BS5837 Tree Survey for the relevant area, including:-

- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each tree. The plan shall also show all hedges/hedgerows;
- b) A specific plan showing the location of, and allocating a reference number to the veteran Black Poplar Tree at Chalcutt Lodge and including details for its protection and retention during construction works thereafter.
- c) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraph (c) and (d) below apply:
- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development;
- f) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site; and
- g) any trees removed or to be retained which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) and (b) above. Any topping or lopping approved (in paragraph (e) above) shall be carried out in accordance with BS3998 (2010).

Reason: To safeguard the existing trees on the site in the interests of visual amenity and in accordance with Policy 59 of the emerging Development

Strategy Central Bedfordshire for Pre-Submission and Paragraph 118 of the National Planning Policy Framework (2012).

- 17 No development shall take place within each phase of development until a scheme that includes the following components to deal with the risks associated with contamination within that parcel has been submitted to, and approved in writing by, the Local Planning Authority:

1. A site investigation scheme for each phase of development, based on the Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected.

2. The results of the reserved matters phase site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any revisions to these components which may from time to time be prepared shall also be submitted for approval by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission. and Paragraphs 109, 120 & 121 of the National Planning Policy Framework (2012).

18. No development shall commence within each phase of the development (including any works of demolition) until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:

- a) Environment Management Responsibilities;
- b) Construction Activities and Timing;
- c) Plant and Equipment, including loading and unloading;
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;
- e) Details of site compounds, offices and areas to be used for the storage of materials;
- f) Utilities and Services;
- g) Emergency planning & Incidents;
- h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
- i) On site control procedures:
  - i. Traffic mitigation measures including traffic management and parking
  - ii. Temporary haulage routes
  - iii. Air and Dust quality
  - iv. Noise and vibration



- v. Waste and Resource Management
- vi. Agricultural Soils and Materials
- vii. Temporary surface water drainage during construction
- viii. Protection of Controlled Waters
- ix. Trees, Hedgerows and Scrub
- x. Ecology
- xi. Archaeological and Cultural Heritage
- xii. Visual and Lighting
- xiii. Utilities and Services
- xiv. Protection of water resources
- xv. Protection of species and habitats
- j) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;
- k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

Any development hereby permitted shall be carried out only in accordance with the approved CEMP.

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 Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

19. No development shall take place within each phase of development, until a Landscape Management Plan ('LMP') for that phase, including long-term design objectives for all landscaped areas (except privately owned domestic gardens) 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 LMP.

The scheme shall include the following elements:

1. Detail extent and type of new planting (planting should preferably comprise native species outside of formal areas; if non-native species are to be used, they should be of value to wildlife – e.g. fruit bearing)
2. Details of any new habitat created on site in that reserved matters parcel
3. Plans showing the extent and layout of the water course buffer zone and how it will be managed over the longer term
4. Creation of a variety of flood plain habitats including a selection of flood plain meadow, ponds and temporary wetlands, reedbeds and wet woodlands as appropriate.

The Landscape Management Plan shall accord with the Landscape and Biodiversity Management Strategy as incorporated in the Green Infrastructure Strategy submitted as part of this planning application (reference CB/12/03613/OUT).

Reason: To protect wildlife and supporting habitat and in accordance with Policy 58 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraph 109 & 114 of the National Planning Policy Framework (2012).

20. No development shall take place within each phase of development which includes the Houghton Brook, until a Water Vole Protection Plan detailing the protection and/or mitigation of Water Voles (a protected species under The Wildlife and Countryside Act 1981 as amended) and their associated habitat during construction works has been submitted to and approved in writing by the Local Planning Authority.

The Water Vole Protection Plan shall then be fully implemented within each phase in accordance with the approved scheme. The plan shall include the following elements:

- a. Details of how the wetlands will be created while protecting the water voles;
- b. Future management of created habitats appropriate for water voles;
- c. Integration of protected species mitigation plan in the Landscape and Biodiversity Management Strategy; and
- d. A timetable for implementation.

Reason: To protect wildlife and supporting habitat and in accordance with Policy 57 of the emerging Central Bedfordshire Development Strategy (Pre-Submission) and Paragraphs 109 & 118 of the National Planning Policy Framework (2012).

21. No development shall take place within each phase of development until a method statement is submitted to, and approved in writing by, the Local Planning Authority setting out appropriate control measures in respect of plant species included on Part 2 of Schedule 9 of the Wildlife and Countryside Act, and in addition measures to prevent the spread of Signal Crayfish from the site as a result of construction and maintenance works for that phase.

The method statement shall include measures that will be used to prevent the spread of these species during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.

Development shall be undertaken fully in accordance with the approved method statement for each phase.

Reason: To protect flora and fauna and supporting habitat and in accordance with Policy 57 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109 & 118 of the National Planning Policy Framework (2012).

22. No development shall take place within each phase of development until a scheme for the noise mitigation measures for amenity areas of the proposed residential units (within that phase) against external noise together with details in relation to the subsequent maintenance of such mitigation is submitted to and approved in writing by the Local Planning Authority that when implemented will, unless otherwise agreed in writing by the Local Planning Authority, achieve outdoor noise levels not exceeding 55dB at all times.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

23. No development shall be commenced within a phase of the development until a scheme for the insulation of residential units is approved in writing by the Local Planning Authority. Indoor noise levels shall not exceed  $L_{Aeq}$  30dB at all times for both bedroom areas and other habitable rooms, and  $L_{Amax}$  45dB between the hours of 2300-0700 for bedroom areas.

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

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.) and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

24. All fixed plant, machinery and equipment within the Class B2 and B8 uses shall not exceed the following vibration levels measured at the nearest residential receptor:

Maximum vibration dose value daytime.  $0.4 (ms^{-1.75})$ , 16 hr (0700 –2300) when measured in accordance with BS 6472: 2008 Guide to Evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting.

Maximum vibration dose value night-time.  $0.2 (ms^{-1.75})$ , 8hr (2300 –0700) when measured at the nearest sensitive receptor in accordance with BS 6472: 2008 Guide to Evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.) and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

25. No development shall take place within each phase of development which includes development within Use Classes A1, A3 – A5, B2, B8 and C1 until an odour mitigation scheme designed to mitigate odour emissions from development within Use Classes A1, A3 – A5, B2, B8 and C1, and the protection of the development from odour to include a timetable of works, for that phase has been submitted to and approved in writing by the Local Planning Authority.

The development shall only be implemented in accordance with the approved odour mitigation scheme for that phase.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

26. No development shall take place within each phase of development until a scheme comprising details of connections to the existing public foul sewer system, including phasing, timetable of works, location, size of connection and installation of oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented fully in accordance with the approved details relating to this condition for each phase.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 44 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109 & 162 of the National Planning Policy Framework (2012).

27. No construction or re-contouring works shall take place on the development hereby permitted outside of the hours of 08.00 to 19.00 (Mondays to Fridays inclusive) and 08.30 to 13.00 on Saturdays, and not at all on Sundays and Bank Holidays unless otherwise agreed within the Construction Environment Management Plan.

Reason: In the interests of the amenity of existing residents and for the avoidance of doubt.

28. Not more than 1000 residential dwellings shall be occupied unless and until the A5-M1 Link Dunstable Northern Bypass as detailed in:

The M1 Motorway (A5-M1 Link Dunstable Northern bypass Connecting Roads) Scheme 20.. (“CRS”);

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No1.20.. (“SRO1”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No2.20.. (“SRO2”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Order 20 (“LO”)

is open and in use.

Reason : To ensure that the proposed A5-M1 Link Road will fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980. This is a Direction of the Highways Agency.

29. No Class B1, Class B2 or Class B8 development shall be brought into use unless and until the A5-M1 Link Road as detailed in

The M1 Motorway (A5-M1 Link Dunstable Northern bypass Connecting Roads) Scheme 20. ("CRS");

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No1.20.. ("SRO1")

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No2.20.. ("SRO2")

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Order 20 ("LO")

is open and in use.

Reason : To ensure that the proposed A5-M1 Link Road will fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980. This is a Direction of the Highways Agency.

30. No more than 300 dwellings of the number hereby permitted shall be occupied until the infrastructure referred to as the Woodside Link or other such description as may be used for a road linking Junction 11a of the M1 Motorway and Porz Avenue has been opened to general traffic.

Reason: To ensure that the proposed Woodside Link will fulfil its purpose as part of the strategic and local road network without detriment to the local road network and to the general amenity of existing local residents.

31. If, during development, contamination not previously identified is found to be present at the site then no further development within that phase shall be carried out within the affected phase until the developer has submitted a remediation strategy (to include a timetable of works) to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority.

The approved remediation strategy shall be only be implemented as approved and in accordance with the submitted timetable of works.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

32. Where a remediation strategy is required under Condition 31, no occupation of development for the affected phase shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved in writing by the Local Planning Authority.

The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include the implementation of any further requirements as identified in the verification plan, which shall thereafter be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

33. No infiltration of surface water drainage into the ground, except that which is related to the development, is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

34. Where Piling and Ground Source Heat Pump (GSHP) Installation or any other development design using penetrative methods is proposed, a risk assessment (to include a timetable for any mitigation required) shall be submitted with each phase to demonstrate that there is no resultant unacceptable risk to groundwater. Such details shall be submitted to and approved in writing by the Local Planning Authority.

The approved risk assessment's mitigation requirements shall only be implemented as approved and in accordance with the submitted timetable.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

35. No development shall take place within each phase of development until a scheme for the provision of a specified number of self-build residential units (within a total requirement for the development of 100 self-build residential units) shall be submitted to the Local Planning Authority for approval. The scheme shall include:

1. Details of the arrangements that will ensure that the self-build units are constructed by bona-fide self build, co-operative organisations.
2. Phasing and the timing of the release of the sites over the period of the development.
3. Details of how the sites will be marketed and at a reasonable commercial value to bona-fide self-build organisations,

The marketing of the sites shall begin from the dates set out in the scheme and sites shall be made available according to the phasing schedule for a period of not less than five years. Should no interest at reasonable commercial terms be taken by the end of that period, the site shall return to

general housing purposes and this condition shall be deemed to have been discharged.

Reason: In the interests of ensuring that a wide variety of housing types and delivery methods are made available to the area.

36. No development shall take place within any phase of development until an Employment and Skills Plan has been submitted and approved by the Local Planning Authority. The development shall be implemented in accordance with the Plan as so approved.

Reason: To provide an opportunity for residents of the local area to access employment opportunities.

*Informative: The Plan can give priority to the local recruitment of construction employees, priority to local recruitment for general employees, commit to training schemes for local people, provide transport and bursaries to support local recruitment, set standards for recruitment and any other initiative beneficial to the local area's residents.*

37. No development shall take place within any phase of development as defined in Condition 13 until a Public Art Plan has been submitted to the Local Planning Authority for approval. The Plan shall include:

1. A management plan consisting of a summary of the knowledge, skills and time allowed for Public Art project management
2. A brief for the involvement of the artists, including what marketing will be undertaken to offer commissions, where Public Art is not already included in the architecture or landscaping of the scheme
3. An assessment of the positive impact the Public Art will have on the environment and / or the local residents.
4. A description of the commissioning and procurement process.
5. Details for future care and maintenance. Permanent works should be durable of good quality construction requiring very little if any maintenance

The marketing of the Public Art Plan shall adhere to the timetable set out in the Public Art Strategy and the commissions shall be made available accordingly.

Reason: In the interests of ensuring that a wide variety of public art is incorporated into the development in the interests of increasing the public enjoyment of the area.

38. The net floorspace of the 'Main Foodstore' (as defined in Condition 5) hereby permitted shall not exceed 6,500 square metres including any mezzanine or other floor inserted into a building capable of use as a net sales area. No more than 30% of the net retail sales area shall be used for the sale of comparison goods

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

39. The net floorspace of each on any 'Other Class A1 Convenience' stores (as defined in Condition 5) hereby permitted shall not exceed 500 square metres for each individual store, and together shall not exceed a total of 1,625 square metres, including any mezzanine or other floor inserted into a building capable of use as a net sales area. No more than 30% of the net retail sales area shall be used for the sale of comparison goods.

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

40. The net floorspace of the 'Other Class A1 Comparison' stores (as defined in Condition 5) hereby permitted shall not exceed a total of 8,750 square metres including any mezzanine or other floor inserted into a building capable of use as a net sales area.

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

### **Reasons for Granting Planning Permission**

1. The proposal falls wholly within an area where successive Local Planning Authorities (LPAs) have sought substantial development principally for housing and employment purposes, within a national, regional and sub-regional context of planning policy changes, including a review of the Green Belt boundary, and where the current LPA wishes to support the delivery of the A5 – M1 link road and Junction towards the overall objective of the economic development and regeneration of the wider area.
2. Planning Permission is considered to be appropriate as it complies with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and where the current Development Plan (the South Bedfordshire Local Plan 2001 – 2011) is not up-to-date in this respect.
3. The LPA has taken account of the Environmental Statement and considers that none of the identified impacts will harm the identified environmental interests provided that the appropriate mitigation is secured, where relevant, by planning conditions and clauses to be included within the proposed Section 106 Planning Agreement.
4. The LPA has taken account of the Viability Appraisal and considers that the planning permission can be granted conditionally, provided that a suitable Section 106 Planning Agreement can be completed to ensure that the appropriate contributions package is implemented. Also on this basis, it is considered that the provision of 10% of the housing as affordable housing is appropriate.
5. The LPA has considered each of the classes and individual items within the description of development and considered these to be appropriate to create a balanced and functioning urban extension. This includes, for the avoidance of doubt, a substantial retail floorspace proposal where the LPA considers that on balance there will be no substantial harm to retail centres within the general area and that it would contribute to the viability of the development which will



have an overall benefit to bring to the area. The development as a whole will deliver the A5 – M1 link road which in itself will have a beneficial effect to the environment of Houghton Regis and Dunstable Town Centres.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The application has been determined following the process contained within the signed Planning Performance Agreement held between Central Bedfordshire Council and the applicant, and has therefore been determined on a co-operative basis towards seeking solutions to problems arising.

**Notes to Applicant**

1. This decision must be read with the relevant Planning Agreement for this site and all requirements of that Agreement must be discharged or complied with.
2. Attention is drawn to the proximity of National Grid Apparatus and you are therefore advised to contact the local representative for this area accordingly.
3. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout 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.
4. Attention is drawn to the existence of Public Rights of Way crossing the site and the legal obligations that arise accordingly.
5. You are advised to contact the Highways Officer for Central Bedfordshire Council should you intend to seek the adoption of roads, footways and cycleways under the Highways Act at the earliest practical stage in the development.
6. The planning permission does not remove or otherwise prevent the exercising of any private rights that may affect the site; including private rights of access.

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