

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

**This meeting  
will be filmed.\***



**Central  
Bedfordshire**

**please ask for** Leslie Manning

**direct line** 0300 300 5132

**date** 6 August 2015

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 19 August 2015 10.00 a.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), R D Berry (Vice-Chairman), M C Blair, A D Brown,  
Mrs S Clark, K M Collins, S Dixon, E Ghent, K Janes, R W Johnstone, T Nicols,  
I Shingler and J N Young

[Named Substitutes:

Mrs C F Chapman MBE, I Dalgarno, Ms C Maudlin, P Smith and T Swain]

All other Members of the Council - on request

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

**N.B. The running order of this agenda can change at the Chairman's  
discretion. Items may not, therefore, be considered in the order listed.**

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## AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 22 July 2015.

(previously circulated)

4. **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.
5	<b>Planning Enforcement cases where formal action has been taken</b>	7 - 14

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider  
the planning applications contained in the  
following schedules:**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<p><b>Planning Application No. CB/15/02292/FULL</b></p> <p><b>Address :</b> Land at Braeburn Way, Cranfield</p> <p>The provision of a new single storey 1 Form Entry Lower School with Nursery. The school will accommodate 150 pupils together with 45 Nursery places.</p> <p><b>Applicant :</b> Hunters South Architects</p>	15 - 30
7	<p><b>Planning Application No. CB/15/00269/FULL</b></p> <p><b>Address :</b> Land Adjacent to 29 Sand Lane, Northill, SG18 9AD</p> <p>Construction of 7 affordable homes.</p> <p><b>Applicant :</b> Aragon Land and Planning UK LLP</p>	31 - 46
8	<p><b>Planning Application No. CB/15/01626/REG3</b></p> <p><b>Address :</b> Land at Thorn Turn, Thorn Road, Houghton Regis, Dunstable LU6 1RT</p> <p>Development of a Waste Park comprising waste transfer station, split level household waste recycling centre and resale building, together with new access road from Thorn Road.</p> <p><b>Applicant :</b> Central Bedfordshire Council</p>	47 - 146

- 9      **Planning Application No. CB/15/01627/REG3**      147 - 240
- Address :** Land at Thorn Turn, Thorn road, Houghton Regis,  
Dunstable LU6 1RT
- Development of a winter maintenance depot (including salt storage bar, outdoor salt mixing area & stabling for gritting vehicles), highways depot (including stores area and vehicle maintenance shed, together with storage for vehicles and spares and vehicles associated with the Council's landscaping function), office block, overnight parking for highways maintenance and transport passenger fleet vehicles, staff car/cycle parking, operational yards, lighting, fencing, drainage, landscaping and new access road from Thorn Road.
- Applicant :** Central Bedfordshire Council
- 10      **Planning Application No. CB/15/02323/FULL**      241 - 248
- Address :** 18 Seamons Close, Dunstable, LU6 3EQ
- Two storey side extension.
- Applicant :** Kingswood Design Ltd
- 11      **Planning Application No. CB/15/02657/FULL**      249 - 266
- Address :** Bridge Farm, Ivel Road, Shefford, SG17 5LB
- Development to construct 49 no. dwellings, together with ancillary car parking, landscaping, and associated highway, access and infrastructure works. (Revised application to CB/14/03159/FULL).
- Applicant :** Optimis Consulting
- 12      **Bi-annual update of Development Management Performance**      267 - 272
- To receive and consider a Bi-annual update on Development Management Performance.
- 13      **Site Inspection Appointment(s)**
- Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that Site Inspections will be undertaken on Monday 17 August 2015.



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**Meeting:** Development Management Committee  
**Date:** 19<sup>th</sup> August 2015  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



Planning Enforcement formal action (DM Committee 19th August 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0267 Land and grain store building at White Gables Farm, Blunham Road, Moggerhanger. MK44 3RA	Enforcement Notice 4 - change of use of land and grain store building to storage of materials and vehicles for haulage business	20-Nov-13	20-Dec-13	20-Jan-14	Appeal dismissed	12-Apr-15		Site visit with the land owner on 16/07/2015 confirmed that all requirements of the Notice has been complied with.
2	CB/ENC/11/0402 Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Meeting held 10/07/15 with planning agent to discuss new planning application and resolution of outstanding breaches.
3	CB/ENC/11/0499 Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed - high court challenge submitted	27-Sep-14	Not complied	Prosecution case being progressed. Counsels advice sought. Direct action possibility being investigated.
4	CB/ENC/12/0161 Hawthorns, Leighton Road, Eggington, Leighton Buzzard, LU7 9NE	Enforcement Notice, change of use to a mixed use of agriculture and the sale and storage of motor vehicles	7-Jul-14	8-Aug-14	10-Oct-14				Appeal quashed by the Planning Inspectorate 27/07/15. Enforcement case under review taking into account the current situation on site and the appeal decision.
5	CB/ENC/12/0174 Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised change of use of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15	Appeal submitted 01/12/14			Await outcome of appeal - Inspectors site visit on 06/08/15
6	CB/ENC/12/0199 Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Occupied temporarily, await outcome of appeal for Kingswood Nursery - Hearing held on 18/12/14

**Planning Enforcement formal action (DM Committee 19th August 2015)**

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and levelling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12	Appeal dismissed 19/7/13		Part complied	All of the imported waste materials have been removed from the site. The requirements of the notice have been complied with as far as is practicable.
8	The Pine Corner, 141 High Street North, Dunstable, LU6 1JW	S215 Notice - untidy land	30-Oct-14	30-Nov-14	30-Jan-15				Redevelopment works have commenced, awaiting further details to discharge condition for planning permission CB/13/04445/Full
9	Land at Site C, The Stables, Stanbridge Road, Great Billingdon, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15				Notice not complied with.. Further visits to assess next steps.
10	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice - Without planning permission alterations and extensions to create a new dwelling.	16-Aug-13	16-Aug-13	16-Oct-13	Joint Planning & Enforcement Appeal submitted.		Enforcement Appeal quashed.	Enforcement notice appeal considered with planning appeal CB/13/01746 for retrospective permission for the extension works carried out. Notice quashed and planning appeal allowed. CBC successfully challenged reasoning in PINS decision letter. PINS to reconsider the appeals. Await outcome of reconsidered appeals.
11	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15				Notice served and awaiting compliance in full.

**Planning Enforcement formal action (DM Committee 19th August 2015)**

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
12	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Notice served and awaiting compliance in full.
13	Millside Nursery, Haring Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15		02-Jun-15		Compliance period extended to enable the site owners to demonstrate that the future use of the site is solely to be a nursery.
14	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Costs of direct action to be obtained, await joint site visit.
15	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice - Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakways	30-Jan-15	30-Jan-15	01-Mar-15				Letter sent from legal to request compliance or prosecution action will follow for failing to comply with the Breach of Condition notice.
16	Land at Motorcycle track, south of, Billington Road, Stanbridge	Breach of Condition Notice - No more than 7 motorcycles shall use the track at anyone time	09-Apr-14	09-Apr-14	09-May-14				Application CB/15/01784/MW awaiting decision to increase height of bund as required by recent permission. No further breaches reported.
17	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - Change of use from agriculture to a mixed use of agriculture, residential and retail sales and building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeals dismissed	Aug-15		Appeals dismissed. Compliance periods of two months unchanged. Check compliance August 2015.
18	Land at 19a High Street South, Dunstable. LU6 3RZ	Enforcement Notice - Change of use offices to bedsites	20-Jan-14	20-Feb-14	20-Aug-14				Enforcement Notice superseded by planning permission CB/14/02245/Full allowing change of use to bedsites. Compliance with conditions being monitored.

**Planning Enforcement formal action (DM Committee 19th August 2015)**

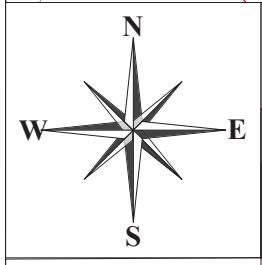
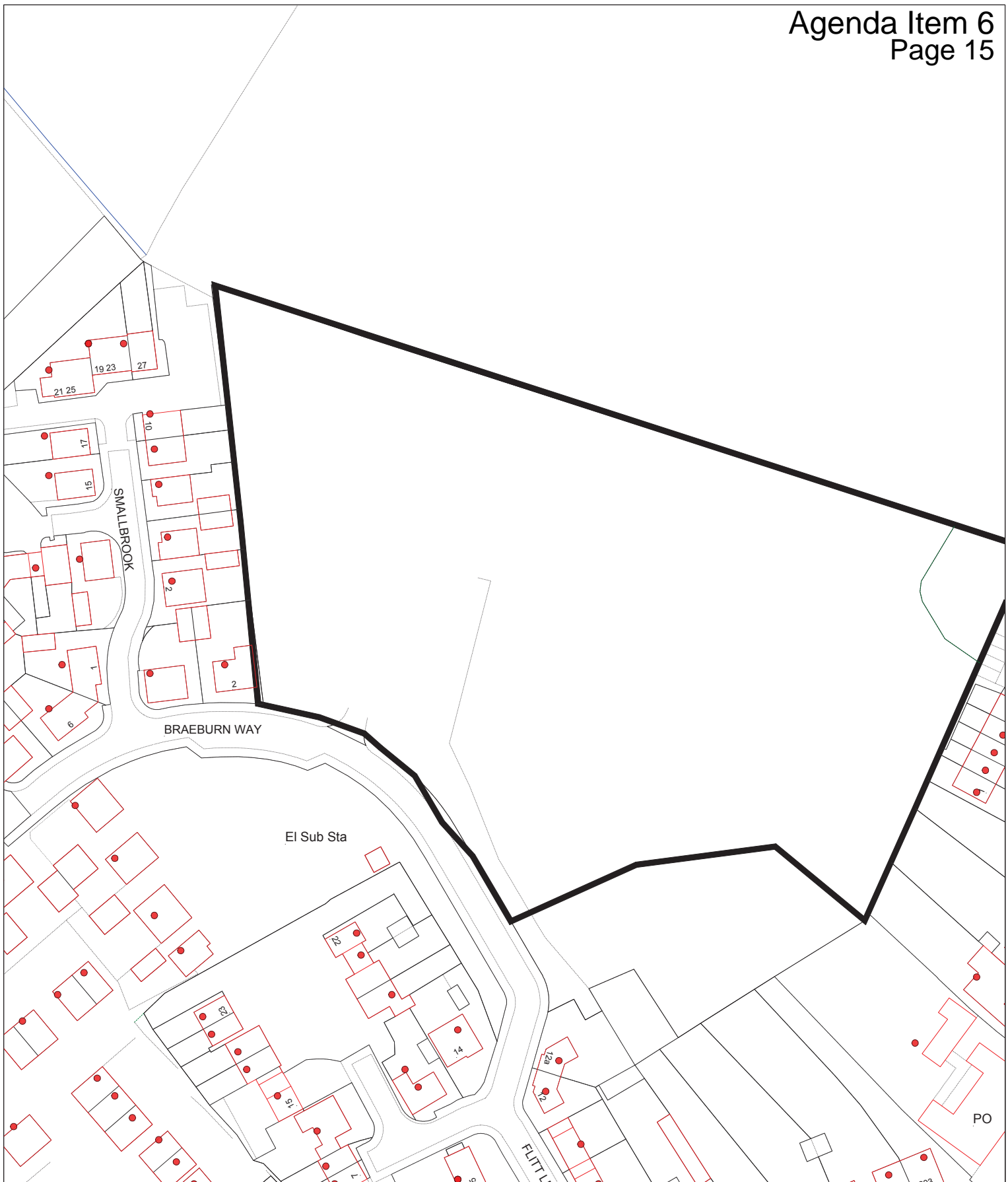
ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/13/0492 Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU	Enforcement Notice - change of use of the land to a gypsy and traveller site and unauthorised creation of hardstanding	06-Mar-14	06-Apr-13	06-Jun-14	Appeal split decision	05-Nov-14	Not complied	In view of the approval for the stable block and the use of the retained hardstanding in association with this development the requirements of the Enforcement Notice have been superseded.
20	CB/ENC/13/0607 Clements End Farm, Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal submitted 30/6/15			Appeal received, further action held in abeyance pending outcome of appeal.
21	CB/ENC/14/0056 5A - 5B King Street, Houghton Regis, LU5 5DS	Breach of Condition Notice - scheme for the parking of vehicles on the site	13-Mar-15	13-Mar-15	13-Apr-15				Agent in discussion with DC Highways re revised parking scheme.
22	CB/ENC/14/0351 105 High Street South, Dunstable, LU6 3SQ	Enforcement Notice - the erection of a second storey rear extension	13-Aug-14	13-Sep-14	13-Dec-14	Appeal dismissed	28-Jul-15		Removal of second storey of rear extension required to be carried out by 28/07/15. Compliance check to be made August 2015.
23	CB/ENC/14/0360 Land at Glebeland, Sharpenhoe Road, Streatley, Luton, LU3 3PS	Tree replacement notice - Felling of a sycamore tree	03-Oct-14	03-Nov-14	03-Mar-15	Appeal dismissed	08-Nov-15		Appeal dismissed, Tree Replacement Notice upheld with compliance date of 08/11/2015.
24	CB/ENC/14/0361 The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Check compliance 30/08/15
25	CB/ENC/14/0372 23 Birds Hill, Heath and Reach, Leighton Buzzard, LU7 0AQ	Untidy Land - S215	21-May-15	22-Jun-15	22-Aug-15				Section 215 Notice with compliance date of 22/08/2015

## Planning Enforcement formal action (DM Committee 19th August 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
26	CB/ENC/14/0376 6 Denbigh Close, Marston Moretaine, Bedford, MK43 0JY	Enforcement Notice - change of use of the Land from a residential dwelling to a mixed use of office and residential	13-Aug-14	12-Sep-14	12-Dec-14	Appeal dismissed	27-Oct-15		Change of use appeal dismissed. Time period for compliance extended to 6 months until the end of October 2015.
27	CB/ENC/14/0378 25 High Street, Sandy, SG19 1AG	Enforcement Notice - the installation of roller shutters	13-Aug-14	12-Sep-14	12-Oct-14	Appeal decision 23/7/15.	23-Aug-15		Appeal decision 23/07/15 - planning permission granted for rear roller shutter. Enforcement Notice upheld for front roller shutter. Compliance by 23/08/15.
28	CB/ENC/14/0392 Land at 1 Wing Road, Linslade, LU7 2NG	Section 215 notice - untide land and buildings	29-Apr-15	29-May-15	29-Aug-15				Section 215 Notice served requiring them to demolish the remainder of the existing building on the site. Date for compliance is 29/08/2015
29	CB/ENC/14/0406 5 Fen End, Stotfold, SG5 4BA	Breach of Condition Notice - Non Compliance with Condition 3 attached to planning application CB/13/02896/Full - noise mitigation scheme	12-Mar-15	12-Mar-15	18-May-15				Premises was vacated by joinery business in July 2015. Enforcement Notice for the unauthorised change of use from B1 to B2 use remains in place.
30	CB/ENC/14/0414 Land at Asda Store, Church Street, Biggleswade, SG18 0JS	Breach of condition notice - Hours of delivery	10-Oct-14	10-Oct-14	10-Nov-14				Advice from legal that delivery of trolleys does not breach the notice. Notice still in force and will not be withdrawn.
31	CB/ENC/14/0423 Land to the rear of, 197 Hitchin Road, Arlesey, SG15 6SE	Breach of Condition Notice - Condition 1 not complied with - attached to planning permission 12/03535- use of land as a caravan site by any persons other than gypsies and travellers.	05-Dec-14	05-Dec-14	05-Jan-15				Breach of condition notice to be served in relation to the number of static caravans being exceeded.

## Planning Enforcement formal action (DM Committee 19th August 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
32	Clifton House and outbuildings, Church Street, Clifton, Sheffield, S G17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Ongoing discussions with legal and assets regarding the possibility of Compulsory Purchase.
33	6 Bedford Road, Moggerhanger, MK44 3RR	Enforcement Notice - Materials used affecting the appearance of the dwelling	10-Nov-14	10-Dec-14	10-Jan-2015 & 10-Feb-205	Appeal decision 23/7/15.	23/01/2016		Appeal decision 23/07/15 - Enforcement Notice upheld, time for compliance extended to 6 months to reinstate brickwork - 23/01/16
34	Land at 28 Royce Close, Dunstable, LU6 2NT	Enforcement Notice - Construction of a raised terrace and fence.	10-Nov-14	10-Dec-14	10-Feb-15				Planning permission granted for revised scheme. Alterations to be completed by 30/09/15.



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Date: 24:July:2015  
Map Sheet No

Application No:  
CB/15/02292/Full

Scale: 1:1250

Land at Braeburn Way, Cranfield.

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**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/15/02292/FULL</b>
<b>LOCATION</b>	<b>Land at Braeburn Way, Cranfield</b>
<b>PROPOSAL</b>	<b>The provision of a new single storey 1 Form Entry Lower School with Nursery. The school will accommodate 150 pupils together with 45 Nursery places.</b>
<b>PARISH</b>	<b>Cranfield</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Morris, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Annabel Robinson</b>
<b>DATE REGISTERED</b>	<b>22 June 2015</b>
<b>EXPIRY DATE</b>	<b>21 September 2015</b>
<b>APPLICANT</b>	<b>Ms G Bown</b>
<b>AGENT</b>	<b>Hunters South Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major planning application in which Central Bedfordshire Council has a freehold interest and objections have been received.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

**Summary of Recommendation:**

The planning application is recommended for approval, the design of the Lower School would be in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, CS1, CS2, CS5, DM4, DM13, CS15. It would not have a significant impact upon the public highway, the residential amenity of any adjacent properties, and would result in a new development suitable for the location. It is considered that the design is in accordance with the Central Bedfordshire Design Guide and the submitted Development Strategy and National Planning Policy Framework.

**Site Location:**

The site is land at Braeburn Way, off Flitt Leys Close in Cranfield.

To the North of the site are agricultural fields and Cranfield Airport. To the East and South are properties on Flitt Leys Close, and High Street and properties forming a 135 dwelling Bellway Homes Development known as "Willow Green" is to the West of the site.

Vehicular access is taken from Flitt Leys Close which is a residential road comprised of 23 residential dwellings. Situated off the initial access to the road there is a small close comprising 2 take-aways, a restaurant and a business. The dwellings on Flitt Leys Close were consented under planning application references MB/04/02359/OUT and MB/08/01369/RAM (22.10.08), and

constructed in 2010. The access to this development was reserved by the development Central Motors Bloor Homes, as additional housing was allocated within the Central Bedfordshire Core Strategy and Development Management Site Allocation Document. This is part of a larger site allocated by Policy HA7 (Land at Central Garages, Cranfield) of the Site Allocations Development Plan Document which states:

*Land at the rear of Central Garage, Cranfield, as identified on the Proposals Map, is allocated for residential development providing not more than 135 dwellings and the provision of a new Lower School, should that be required.*

### **The Application:**

This is a full application for the provision of a new single storey 1 Form Entry Lower School with Nursery. The school will accommodate 150 pupils together with 45 Nursery places.

### **RELEVANT POLICIES:**

#### **National Policy**

National Planning Policy Framework (March 2012)

#### **Core Strategy and Development Management Policies - North 2009**

DM3 High Quality Development

CS14 High Quality Development

CS1 Development Strategy

#### **Site Allocations (North) Development Plan Document (2011)**

Policy HA 7 – Land at Central Garage, Cranfield

#### **Submitted Development Strategy for Central Bedfordshire 2014 (Submitted October 2014)**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission

to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Policy 21 Provision of Social and Community Infrastructure  
Policy 43 High Quality Development

### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A guide for development

### **Planning History**

CB/13/02018/SCN - EIA - Screening Opinion: To assess the need for a EIA for a residential development of 135 dwellings. - 27.06.13 - No EIA required.

CB/13/02497/FULL – FULL: Erection of 135 dwellings. – 02.01.14 - Approved

### **Representations:**

#### **(Consultations/Publicity/Neighbour responses)**

Cranfield Parish Council This council has no objection in principle to the application however it should be noted that there are major concerns relating to the following:

1] Access not suitable.

2] The travel plan notes that the school has an arrangement with the Cross Keys PH and that there is parking at the Co-op and Budgens. This council points out that those car parks are mostly already full, and are on private land which could at any time be sold or used for other purposes. The travel plan cannot include private land.

3] The 20mph speed limit will require traffic calming to enforce it.

Public Protection

No objection to the development. Requested condition relating to Noise from the MUGA and sports fields, and a condition relating to Lighting for the external areas including the MUGA.

Tree and Landscape Officer

Proposal is for the construction of a new school on what is at present existing grass/agricultural land. There is little in the manner of existing features of any importance apart from boundary hedge lines. Looking at details of the application it

is apparent that the intention is to retain and enhance these boundaries.

Supplied with the application is a comprehensive landscaping plan that includes extensive native and non native planting. The details are acceptable.

Contaminated Land Officer      On the basis of the findings and conclusions of the May 2015 Soiltechnics Environmental Report human health considerations appear to have been adequately assessed as not needing further assessment or remediation.

Cranfield Airport      Concern received regarding the proposed solar panel on the roof. Although no objection to the scale or location of the school site.

IDB      The site is outside the Boards District.

Sustainable Transport      I can confirm the travel plan submitted in support of the application is of an acceptable standard.

Highways Development Management      This site has been allocated for some time for use as a school and as such the principle has been accepted. The proposal as submitted is acceptable in terms of internal layout, parking provision and vehicle manoeuvring areas. I understand that the Travel Plan officer is happy with the Travel Plan submission and therefore I do not intend to comment further or include reference to a TP in my suggested conditions. As such the response of the Highway Authority will be one of no objection subject to conditions.

Nevertheless I acknowledge that the issue of traffic movements and parking has always been contentious and a concern to nearby residents and the parish council. In response to issues raised at the time of the recent Bellway residential development the authority have implemented parking restrictions and introduced half on/half off parking spaces along the southern end of Flitt Leys Close. It was understood at that time that these restrictions could be extended as part of the school project if necessary. However it is by no means certain that there will actually be problems or where issues will arise. So rather than require a scheme to be drawn up that may be abortive it would be more appropriate to assess the actual situation after the school has been open for a period of say 6 months so that the problem areas, if any, can be identified and targeted mitigation measures designed and implemented.

Neighbouring/ Local properties      Objections and Concerns Raised from:  
200 High Street, Cranfield

23 Flitt Leys Close, Cranfield  
4 Braeburn Way, Cranfield  
6 Braeburn Way, Cranfield  
41 Lordsmead, Cranfield

- The Access is unsuitable for school traffic
- The Travel Plan is unacceptable and unrealistic
- Parent parking will lead to hazards within the highway
- The School will bring additional sporting events, which will lead to additional parking issues
- There should be a parking area/drop off area on site
- The application will affect properties not yet occupied (Bellway estate)
- There is need for a second access into the Bellway Homes site (eg compulsory purchase of land)
- Additional traffic calming required in Flitt Leys Close (eg yellow lines)
- A different site should be found for the school

### **Determining Issues**

The main considerations of the application are:

- 1. Principle of Development**
- 2. Impact on the character and appearance of the surrounding area**
- 3. Impact on amenities of neighbouring properties**
- 4. Access, Parking and Travel Plan**
- 5. Any Other Considerations**
- 6. Conclusions**

### **Considerations**

- 1. Principle of Development**
  - 1.1** The site is part of a wider allocation for 135 dwellings. The site was allocated within the Mid Bedfordshire Site Allocations Document 2011, in addition to 135 dwelling houses, Policy HA7. Land for a Lower School was secured within the legal agreement with the original planning permission CB/13/02497/FULL. In addition to the land being secured within the legal agreement, the site was identified within a Development Brief adopted by Central Bedfordshire Executive Committee on the 18<sup>th</sup> March 2013.
  - 1.2** It is considered that the principle of a school associated with this residential development is considered acceptable. The site allocation refers to a school

“if required” and it has been identified that a new school site for Cranfield would be required. There is insufficient space at the existing Lower School to expand or to take the additional capacity that the village will require. The village of Cranfield has experienced recent growth, and this development would facilitate the continued and enhanced educational provision for the wider village. The development is considered to be community infrastructure, within a sustainable location, central to the settlement, and therefore the principle of a school site in this location is acceptable.

- 1.3** The site would be a split site school with the existing Cranfield Church of England Academy, this means that it will be managed by the same team, and essentially run across two separate sites.

**2. Impact upon the character and appearance of the surrounding area**

- 2.1** The layout would form a front facing school building, set back from the public highway, however addressing the streetscene, so it would become an integral part of the village location. The access for staff parking would be taken from Braeburn Way, at the residential end of the road; this will create a degree of separation between the properties and the main school building.

- 2.2** The proposed design is judged to be acceptable within this context. It would be practical in nature, it is proposed to be single storey, this is both due to the requirement for the number of classrooms, and also to ensure it is fully accessible. The overall design is considered good for the site, modern in features and appropriate for the use as a school building. A large proportion of the building would be rendered, which is locally appropriate. Overall it is considered that the building and design would be practical and suited to the function and purpose of the site.

**3. Impact upon amenities of neighbouring properties**

- 3.1** The closest residential property (2 Braeburn Way) would be on the same side of the road, some 35 metres away from the proposed building; this is separated by the proposed staff car park. This property is a part of the 135 dwelling, Bellway Homes residential scheme currently under construction, this property is occupied. It is considered that in terms of impact upon light, privacy, outlook or the causing of an overbearing impact the school would not significantly impact upon the residential amenity of adjacent properties. This is due to the scale of the proposed building, and layout of the site. It is considered that it is appropriate to locate school sites within residential areas, and they are not considered to be inappropriate development adjacent to dwelling houses.

- 3.2** Five letters of objection and concern have been received from residents within Cranfield. The concerns are as follows:

- 3.2.1**
- The Access is unsuitable for school traffic

This matter is considered in Section 4

- The Travel Plan is unacceptable and unrealistic

This matter is considered in Section 4

- Parent parking will lead to hazards within the highway

This matter is considered in Section 4

- The School will bring additional sporting events, which will lead to additional parking issues

It is considered that it is appropriate to expect a Lower School site to have generally set term time expected hours of use. However it would not be appropriate to limit the use of the site solely to these times. The Councils Public Protection Officer has considered the use of this site, and did suggest a condition relating to noise from the outdoor play facilities. It is considered that even if the site was used at weekends/evenings for sporting events the residential amenity of neighbouring properties would be ensured within a reasonable standard. The concerns also related to parking issues, it is considered that it is unlikely that the pitch provision at this site would attract major sporting events, the site and surrounding area could accommodate the additional traffic.

- There should be a parking area/drop off area on site

Central Bedfordshire Council has a policy of not providing parent parking areas or drop off zones for school sites. This is to encourage sustainable modes of travel to school. The application has been accompanied by a robust Travel Plan, which contain measures for reducing car dependency around schools. There is more on this matter within Section 4.

- The application will affect properties not yet occupied (Bellway estate)

It is accepted that the Bellway Homes Development has not been completed, and is therefore not fully occupied, however it is considered that the site allocation included a school and this area of land not included within the residential part of the development. It is considered that anyone purchasing or considering purchasing a dwelling on this estate would be able to have knowledge of the school site, and make an informed decision regarding their desire to live near a school site.

- There is need for a second access into the Bellway Homes site (eg compulsory purchase of land)

This development includes a single access off Flitt Leys Close, onto

Braeburn Way. The concern raised by the resident relates to the wider site. At the time that the application was considered for residential development, additional access arrangements were considered, however, additional vehicular access was not achievable. It is considered that the access as shown would be suitable for the residential development, and the lower school site.

- Additional traffic calming required in Flitt Leys Close (eg yellow lines)

Whilst it is not appropriate to require works to be carried out which may not be required, the performance of the Schools Travel Plan and any related parking issues can be reviewed once the school has been operating. Should it be found that additional highway controls such as parking restrictions are required, then these can be considered in the full knowledge of how parking behaviour is evidenced on the ground.

- A different school site should be found

It is only appropriate to consider the application as submitted, there are no other proposed school sites within Cranfield, and therefore a determination on the acceptability of this site needs to be made.

#### **4. Access, Parking and Travel Plan**

##### **4.1 Access**

- 4.1.1** The access will be taken from the High Street, off Flitt Leys Close, there is no alternative vehicular access possible to get to this site, as it is land locked by existing development and open countryside. The site has been identified for residential and school development, and the anticipated access was via Flitt Leys Close. It should be noted that there is an additional pedestrian access into the residential development off The High Street. It is considered that the access will be suitable for the scale of proposed school site (Single Form Entry Lower School and Nursery). The site is within the centre of the village, which is ideal for encouraging sustainable travel to school. Due to the extremely sustainable location of the school site, scale of the development and existing access arrangements it is considered that the access is acceptable.

##### **4.2 Parking**

- 4.2.1** With reference to the Highway Officers comments, from the evidence submitted it is not anticipated that there will be a harmful parking problem on the adjacent streets, and therefore it is not appropriate to require additional works to be undertaken prior to the school opening. It is acknowledged that there is a lot of concern regarding the potential for parent parking and therefore it is judged appropriate to allow the school to open, and see how



the School Travel Plan performs.

(The parking situation could be reviewed afterwards and if necessary, traffic orders could be considered where appropriate)

- 4.2.2** Many residents have suggested that onsite parking/drop off should be provided for parents, it is not appropriate to allow this provision. Central Bedfordshire Council has a policy of not providing this type of facilities, as it encourages non sustainable modes of transport to school sites. It would not be appropriate to allow or require this type off facility at this site.

### **4.3 Travel Plan**

- 4.3.1** The application is accompanied by a robust Travel Plan, which is based on existing traffic movements to the existing Lower School Site, and the anticipated movements connected with the new school site. The Councils Sustainable Transport Officer (Travel Plan Coordinator) is satisfied with the details as provided. There has been significant dialogue with the school in the preparation of this document and it includes traffic survey information. It is considered that this is a suitable document, if consented the school will need to review and update once the school is operational.

- 4.3.2** One resident raised concerns with the document, and a number of the details within the findings, this letter was forward to the Sustainable Transport Officer for review, and although the concerns with the document are acknowledged, it is judged that the concerns were more formatting errors. With regard to the enquires over the dates that the traffic surveys were undertaken, it is confirmed that they were carried out on a Wednesday, in term time, and not on a Bank Holiday. It is judged that the document is sound, and can be considered as part of this application. The resident also raised concern that the nursery was not considered as part of the Travel Plan. It is judged that it is likely that the nursery would run staggered hours, and largely at different times to the main school site, and therefore any additional visitors that the nursery generated should not significantly conflict with the main school.

## **5. Any Other Considerations**

### **5.1 Public Protection**

#### **5.1.1 Lighting:**

The Public Protection officer has recommended that a condition regarding the external lighting of the building and sports areas is conditioned. It is considered appropriate to ensure that no significant harm to residential amenity is caused by the external lighting of this building and therefore it is appropriate to attach a condition.

#### **5.1.2 Noise:**

Generally the level of noise associated with normal school activities would

not raise any significant concern with regard to residential amenity. However the Public Protection officer has commented that as a MUGA is proposed, it is likely that noise impacts should be carefully controlled, especially relating to fencing, and screening of the site. A noise management condition is recommended, so the school can suggest a suitable solution.

## **5.2 Cranfield Airport:**

**5.2.1** The air port has not objected to this application; however they did raise a suggestion that a “glint and glare” study should be undertaken because of the proposed solar panel. It is considered that it is a relatively modest solar panel proposed, of a domestic scale, and therefore the study would not be reasonable to condition.

## **5.3 Human Rights issues:**

**5.3.1** It is the officers understanding that the proposal would raise no Human Rights issues.

## **5.4 Equalities Act 2010:**

It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

## **6. Conclusions**

**6.1** The principle of a Lower School on this site has been established by the site allocations document under policy HA7, and within the adopted Development Brief for the wider site. The design and layout at the site would be acceptable, and would provide a suitable learning environment. No significant harm would be caused to living conditions of adjacent neighbouring properties. The parking and access would be provided in accordance with the Council’s standards, and the site is accompanied by a robust Travel Plan, which has been thoroughly considered by the Councils Sustainable Transport Department.

## **Recommendation**

That Planning Permission is approved subject to the following:

## **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All external works hereby permitted shall be carried out in materials as shown on plan number X0111 PL09 11 unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality. (Policy 43, DSCB)

- 3 The building shall not be occupied until a detailed design scheme and noise management plan for protecting neighbouring residential occupiers from noise arising from the use of the external MUGA and sports pitches and associated car park has been submitted and approved by the local planning authority. The scheme shall include details of the design and construction of the MUGA, proposed hours of use for the external sports facilities, the provision of acoustic barriers where appropriate and other suitable measures as necessary to mitigate and control the impact of noise from these sources. The MUGA and sports pitches shall not be brought into use until the scheme and noise management plan has been implemented in accordance with the approved details, and shall be operated in accordance with those details thereafter.

Reason: To protect the residential amenity of neighbouring residential occupiers from noise associated with the use of the external sports facilities.

- 4 The building shall not be occupied until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from external lighting on the site (including the car park and external sports facilities), and measures to ensure lights to the external sports facilities are switched off when not in use, has been submitted to and approved in writing by the Local Planning Authority. After commencement of use of the external sports facilities the lighting to these areas and external car park shall be operated in accordance with the approved scheme.

Reason: To balance illuminating the external areas and sports facilities of the site for optimum use with the interest of protecting neighbouring residential amenity and sustainability

- 5 Prior to the occupation of the site a plan identifying the mandatory road markings associated with the construction of the school access shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the premises.

Reason: In the interests of highway safety.

- 6 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be

no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

**7 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority.**

**A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.**

**Materials Storage Areas.**

**Wheel cleaning arrangements.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.**

**Justification: The condition is require pre-commencement as it relates to ensuring that all the construction work is undertaken in a suitable manner, to ensure minimal disturbance to residents and the public highway.**

**8 All planting, seeding or turfing comprised in the approved details of landscaping as shown on plan numbers LLD864/01 04, LLD864/02 01 and LLD864/03 00 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.**

Reason: In the interests of the visual amenities of the site and the area generally.

**9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 11527-CIV-200A, Z0111 PL02 11, Z0111 PL03 11, Z0111 PL04 10, Z0111 PL05 10, Z0111 PL06 10, Z0111 PL08 11, Z0111 PL07 10, Z0111 PL09 11, LLD864/01 04, LLD864/02 01, LLD864/03 00.**

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. This permission relates only to that required under the Town & Country

Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

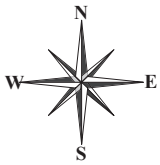
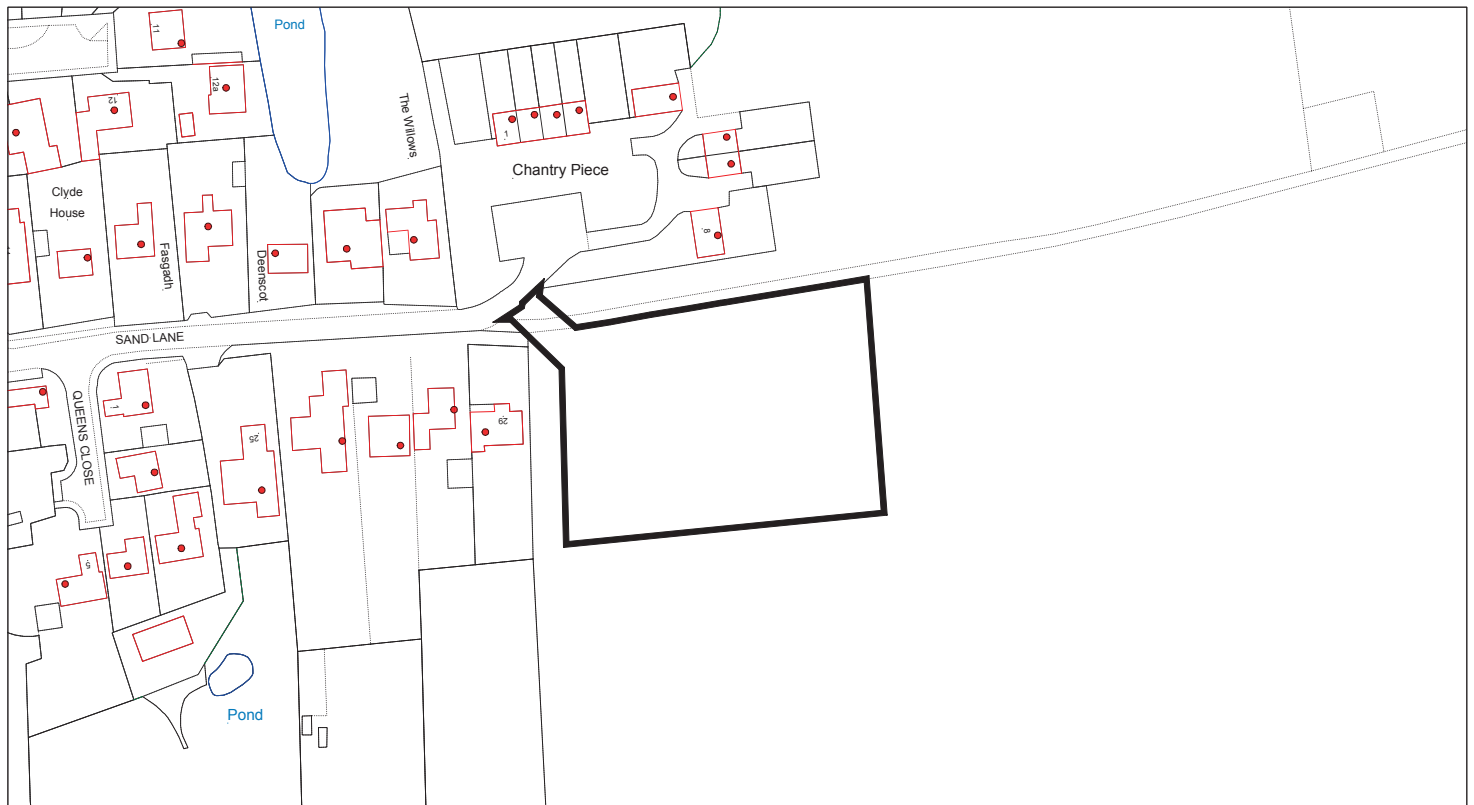
The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))

Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

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

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

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Date: 04:August:2015

Map Sheet No                      Scale: 1:1250

Application No CB/15/00269/FULL

Land Adj to 29 Sand Lane, Northill SG18 9AD

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<b>Item No. 7</b>
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<b>APPLICATION NUMBER</b>	<b>CB/15/00269/FULL</b>
<b>LOCATION</b>	<b>Land adjacent to 29 Sand Lane, Northill, Biggleswade, SG18 9AD</b>
<b>PROPOSAL</b>	<b>Construction of 7 affordable homes</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>04 February 2015</b>
<b>EXPIRY DATE</b>	<b>01 April 2015</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Emmerson-Dilleigh</b>
<b>AGENT</b>	<b>Aragon Land and Planning UK LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call In - Tricia Turner. Reason: Public interest and Parish Council objection.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - to approve subject to the completion of a S106 Agreement restricting occupancy of the properties and subject to the following conditions.</b>

**Reason for Recommendation:**

The proposed Exception Scheme for 7 Affordable Housing units is considered to be acceptable in accordance with Policy CS8 of the Core Strategy and Development Management Policies Document (2009). The submitted Housing Needs Survey identifies a demonstrable need for the housing in the Parish of Northill and the proposal is considered to be acceptable in terms of the impact on the character of the area, neighbouring amenity, highway safety and all other planning considerations. The proposal is therefore considered to be acceptable and compliant with the National Planning Policy Framework, Policy CS8 and DM3 of the Core Strategy and Development Management Policies Document (2009).

**Site Location:**

The application site is currently agricultural land located to the east of Northill, on the edge of the village and adjacent to open fields. The site is accessed by Sand Lane, which comprises residential dwellings of mixed age and design. Sand Lane also provide access to Garner Close, Queens Close and Chantry Piece and access to the fields beyond. There is a public footpath which runs east to west through Sand Lane and alongside the northern boundary of the application site.

The site is outside of the village Settlement Envelope.

**The Application:**

Planning permission is sought for the erection of 7 affordable dwellings comprising

four two storey dwellings and three bungalows. The application includes a new access road along with parking, turning area and associated landscaping.

The application is submitted as an Exception Scheme under Policy CS8 of the Core Strategy and Development Management Policies Document (2009). During the application process the applicant has submitted an updated Housing Needs Survey dated July 2015. The results of the survey are discussed below.

The tenure split of the 7no units are as below:

- 2 x 2 Bed House - Rent
- 3 x 2 Bed Bungalow - Rent
- 1 x 2 Bed House - Shared Ownership
- 1 x 2 Bed Bungalow - Shared Ownership

### **RELEVANT POLICIES:**

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

#### **Core Strategy and Development Management Policies - North 2009**

CS1 - Development Strategy

CS7 - Affordable Housing

CS8 - Exception Schemes

DM3 - High Quality Development

DM4 - Development within and Beyond Settlement Envelopes

DM14 - Landscape and Woodland

DM15 - Biodiversity

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Policies within the Development Strategy most relevant are:

Policy 35: Exception Sites

Policy 38: Within and Beyond Settlement Envelopes

Policy 43: High Quality Development

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

The site has no previous planning history

### **Consultees:**

Northhill Parish Council      Resolved to recommend refusal of the application on the following material grounds;

- Policy. the Housing Needs Survey is out of date and cannot legitimately be used to support the application.
- Impact of noise/disturbance. Construction work will severely impact many people living nearby.
- Design. 2 affordable housing sites in close proximity is not good design. Mix of properties is not suitable to meet current housing need.
- Highways. Primary concern. Access and traffic problems are already well documented and will be exacerbated by additional housing.
- Amenity. There are no local shops, poor bus service and no superfast broadband which will affect the quality of life for proposed new occupants. Sewage adequacy of existing provision to support additional houses should be checked.
- Ecology and environment. The land is boggy and prone to flooding, this development will mean the loss of an attractive piece of open countryside.

Northhill PC comments on updated Housing Needs Survey.      No comments received at time of preparing report.

### **Other Representations:**

1. Neighbours      Objection letters received -  
20, 24, 27, 29 (x3), 7, Wixamtree, Wayside (x2), Fasgadh,  
Sand Lane, Northhill  
14 (x2) , 7 Garner Close, Northhill  
60 Shefford Road, Clifton  
1, 7 Queens Close, Northhill  
17 Ickwell Road, Northhill  
The Old Bakery, Northhill

1 Willowside Hatch  
2 Chantry Piece, Northill

Objections summarised below -

- Sand Lane is narrow, increase in traffic will lead to congestion,
  - residents already block drives though parking on Sand Lane,
  - emergency vehicles cannot get though due to parking on Sand Lane,
  - the layout indicates extension of development at a later date,
  - there is a lack of trust of the landowner,
  - the site is waterlogged and regularly floods,
  - there is evidence of subsidence in adjacent development and road,
  - Chantry Piece already provide affordable housing in the village,
  - property has been empty in Chantry Piece for some time,
  - the development does not meet the needs of the Housing Survey,
  - the Housing Survey is out of date,
  - there will be an impact on the views the village currently enjoy,
  - there are more suitable sites elsewhere,
  - the village has limited services and therefore not sustainable,
  - the village does not have superfast broadband,
  - the term affordable housing is misleading and implies that houses in Northill are not affordable and are therefore not lived in.
  - village is an English rural village and should remain as such.
  - village is classed as a "small village " in the Core Strategy.
  - Northill does not have drainage infrastructure to cope with more development.
  - 19 parking spaces is excessive.
  - the development will change the nature and character of Northill.
  - no objection to the provision of needed housing but should be sited elsewhere in a suitable location
- development will affect legal right of way and width of right of way is incorrect on plans.

Letter of support.

- Stretford House Upper Caldecote - Parish needs the 22 homes identified in the 2012 survey.
- Parish children will not be able to afford homes in the future.

2. CBC Highways

The proposal has been the subject of pre-application (highway) approval in principle. However I am still not clear whether the applicant intends to offer the carriageway for adoption as public highway. The scheme as submitted does not comply with the current design guide in respect of overall carriageway width and service strip provision and it is not clear whether the standard CBC 11.4m long refuse collection vehicle has been used when tracking the turning head.

In a highway context adoption of the on-site highways is not fundamental to the acceptability of the scheme. If the applicant suggests that the roads are to remain private and within the ownership and maintenance regime of the housing authority then the only revision I would require to the submitted plan would be the provision of a refuse collection point close to the entrance to the site, which actually could be conditioned.

*The applicant has confirmed the carriageway within the site will be privately owned.*

3. CBC Public Protection (Noise)

No objection to application.

4. Internal Drainage Board

Suggest conditions requiring the applicants storm water design and construction proposals.

5. CBC Housing Strategy

I support this application as it provides for 100% affordable housing. This rural exception site will provide much needed affordable housing within Northill. A Housing Needs Survey has been undertaken which has identified an affordable housing need within Northill. The housing need from this survey identified the need for 7 affordable units. The affordable units will be provided as a mix of both affordable rent and shared ownership. This application for 7 units will meet the identified need.

Rural exception sites will be providing affordable housing for local people, which will remain as affordable in perpetuity. The affordable units will be allocated to eligible applicants through the Local Lettings Policy.

Further comments on updated Housing Needs Survey: Since my initial comments in relation to application CB/15/00269 an updated Housing Needs Survey was requested with concerns raised over the validity of the identified needs from the original survey in 2010. The July 2015 Housing Needs survey has identified a need of 14 affordable units in Northill (an increase from the 2010 survey).

6. CBC Rights of Way

Northill Public Footpath No.13 runs along the northern

Officer

boundary of the application site on the rough cart track. The Definitive Statement does not mention the legal width but it should be considered the full width of the track by default as it often is the case when tracks have rights of way over them.

I have no material opposition to the application but do have some comments I wish to be considered. As the site plans indicate a northern vegetation boundary, it must be known that landowner are responsible for hedges adjacent to rights of way as this is the responsibility of the landowner. I suggest in this context that the hedge material is not of a thorn character. I also need to know who will be responsible for site boundary maintenance post build - is the cost of hedge maintenance to be shared by all the inhabitants of the various residences?

As a mitigation to future increased usage of the footpath and associated network I ask for a £500.00 contribution from each residence to allow for maintenance of the track surface. I also ask that the applicant sites the hedge base at least 1.5metres south of the track edge to allow for hedge growth without right of way obstruction from such a hedge. Should a fence also be site along the northern boundary, I suggest a 1m gap between fence and edge of track. I am happy to meet on site to discuss this aspect of the build and offer advice on exact location or hedge/fence.

Before, during and after the proposed build takes place the track must not be obstructed by traffic, either residential or construction at any time. If the applicant is unable to achieve this and park all site traffic within the application site boundary an application to close the right of way Temporarily must be made to Countryside Access Team (CAT). Applications for such a closure must be made at least 6 weeks before any work takes place. The application forms, guide and costs are available on the CAT website.

7. CBC Tree and  
Landscape Officer

Detail of landscaping to include species, sizes and densities of planting will be required.

8. CBC LDF Team

The application site is located outside the settlement envelope of Northill and is for the development of 7 affordable homes. There are no policy constraints on this site.

Policy CS8 of the adopted Core Strategy for North Central Bedfordshire provides support for the development of exception sites should there be a need a local need

demonstrated. This is further reiterated in Policy 35 of the emerging Development Strategy. The most up-to-date Housing Needs Survey for Northhill identifies a local need for 7 affordable homes. As such we have no objection to this application.

- |                       |   |
|-----------------------|---|
| 9. Anglian Water      | No comments received at time of preparing report.   |
| 10. CBC Ecology       | Having read through the submitted Preliminary Ecological Appraisal I am satisfied that the development could proceed without causing harm to a protected species. |
| Site Notice displayed | 18/02/15  |

### **Determining Issues:**

1. The principle of the development
2. The impact upon the character and appearance of the area
3. The impact on neighbouring amenity
4. Highway considerations
5. Other considerations

### **Considerations**

#### **1. The principle of the development**

- 1.1 The application site is located outside of the settlement envelope for Northhill and where there is a presumption against new development in accordance with Policy DM4 and the NPPF so as to protect the open countryside from inappropriate development.
- 1.2 However Policy CS8 recognises the need to provide for local housing needs in smaller settlements. Therefore an exception to Policy DM4 is allowed for residential schemes where a local need is demonstrated, the scheme is viable, the scheme will remain in perpetuity for local people who demonstrate a need for affordable accommodation, the design and location relates well to the built up area of the settlement and the mix of size and tenure will relate to the identified needs in the area.
- 1.3 The site lies adjacent to the the settlement envelope and would be contained to one area rounding off the settlement envelope on this edge of the village. It would be accessed by Sand Lane, which serves a number of residential properties and provides access to the fields beyond. There are no other policy constraints relating to the site.
- 1.4 Local Housing need  
  
Northhill Parish Council requested a housing needs survey be undertaken for the Parish of Northhill. The independent survey was carried out by Bedfordshire Rural Communities Charity (BRCC) in the summer of 2010, the results of which identified a need for 22 affordable units across the entire Parish of Northhill.
- 1.5 Given that Policy CS8 states rural exception sites in most cases will not

exceed 10 dwellings, it was necessary to identify the housing need for each of the three larger villages in the Parish (Ickwell, Northill and Upper Caldecote). In 2013 planning permission was granted by the Development Management Committee for an Exception Scheme on the edge of Upper Caldecote for 11 affordable housing units (CB/13/00554/Full). This development has been constructed and is now occupied. However there still remained a need to provide a further 11 units within the Northill Parish.

- 1.6 The submitted application for 7 affordable housing units was based on the results of the Housing Needs Survey undertaken in 2010. Further to the concerns received by the Parish Council and neighbours with regard to the Housing Needs Survey being out of date, an updated Housing Needs Survey has been undertaken in order to assess the current housing need in the area. The updated survey was carried out in the summer of 2015 and the results submitted as part of this application.
- 1.7 The response to the recent survey indicated that there remains an identified need (over the next 5 years) for the 7 units proposed and an identified need for an additional 7 units. Based on the composition of the households in housing need, the survey suggests that need can be broken down into 2 x 1-2 bedroom bungalows (rent), 2 x 2 bedroom bungalows (shared ownership), 4 x 1-2 bedroom houses (2 rent, shared ownership), 4 x 2 bedroom house (3 rent, 2 shared ownership) and 3 x 3 bedroom house (1 rent, 1 shared ownership).
- 1.8 The survey has been carried out by BRCC (Bedfordshire Rural Communities Charity) who are a charity that provide independent services such as housing needs surveys on behalf of separate bodies such as Grand Union Housing. The Housing Needs Survey is based on a tried and tested methodology that is approved by Central Bedfordshire Council as a means for identifying housing need, and is widely used across the country. The original survey in 2010 was commissioned by the Parish Council but funded by Grand Union Housing.
- 1.9 While the survey was funded by Grand Union Housing they would have no influence on the results of the survey. It should also be noted that Grand Union are a non profit organisation whose aim is to provide affordable housing for local people.
- 1.10 There is no evidence to suggest that the housing needs survey has not been carried out in a professional and independent manner. As such the results of the survey are considered to be an accurate indication of the housing needs for Northill Parish and therefore demonstrates there is a need to provide 14 affordable housing units within the parish.
- 1.11 The choice of site
- Concerns have been raised regarding the choice of site. These concerns are noted, however consideration can only be given to acceptability an application as submitted in terms of whether it is policy compliant, would not adversely affect the character of the area and neighbouring amenity, and is acceptable for highway safety reasons.
- 1.12 In terms of sustainability, the application site is adjacent to existing dwellings on the edge of Northill. It is accepted that Northill offers limited facilities, there is however a small number of community facilities such as lower school, pre-school, public house, village hall and church. In general, exception schemes



are located on the edge of settlements, meaning not all village amenities will be immediately close to the site.

1.13 Concerns have also been raised regarding the need to restrict the sale of the housing on the open market at a later date. This will be secured via a legal agreement which will ensure the development remains as affordable housing in perpetuity.

1.14 Given the results of the updated Housing Needs Survey with regard to the principle of the development, the proposed application site is considered to meet the criteria contained within Policy CS8 of the Core Strategy and Development Management Policies Document and therefore acceptable in this respect.

## **2. The impact upon the character and appearance of the area**

2.1 The proposed development would be located to the eastern end of Sand Lane adjacent to the development in Chantry Piece and No. 29 Sand Lane. The proposed development would not be dissimilar to the adjacent development in Chantry Piece with regard to scale and design.

2.2 On the southern edge of the site the bungalows are to be located, which would help reduce the impact of the development at the edge of the village and would be an appropriate transition from the built development at this end of Sand Lane and the adjacent agricultural land. The two storey dwellings would be adjacent to the existing development to the north. It is proposed to landscape the eastern and southern edge of the application site with native hedgerows to soften the appearance of the development, and this can be secured via a condition.

2.3 The site layout includes an access road and turning head which is to remain private and 15 parking spaces for the properties together with 4 visitor parking spaces. At one space per bedroom, the development has been designed to comply with the Councils former Design Guide in terms of parking provision and therefore in this respect provides a more than adequate level of parking for future occupants.

2.4 Each property has been provided with private rear amenity space, storage sheds and space for bin storage, together with landscaped front gardens. There is also landscaped areas within the site which would soften the appearance of the hard surfaced areas. The landscaping of the site can be secured via a condition.

2.5 Concerns have been raised regarding the loss of view to the fields and woodlands beyond. While this is noted, there is no right to a view across third party land.

2.6 Concern has also been raised regarding the internal layout of the site and the access into the field beyond. The access is provided for use by the adjacent agricultural land owner. It is not an indication that this land will be developed in the future.

- 2.7 Overall the proposed design and layout of the development is considered to be acceptable and subject to a details of boundary treatment and a landscaping scheme the proposal is not considered to be visually harmful to the area and therefore would comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

### **3. The impact on neighbouring amenity**

- 3.1 In terms of neighbouring amenity, given the layout and location of the site the only property materially affected would be No. 29 Sand Lane which lies to the west of the application site. Plots 6 and 7 (the bungalows) are sited to the east of No 29 and their rear elevations face the side boundary of the existing dwelling. There would be around 16m from the rear elevations of the bungalows and the side boundary of No 29 and given the dense screening along the boundary, no loss of privacy, light or overbearing impact would occur.
- 3.2 No other neighbouring properties would be unacceptably affected by the proposal.
- 3.3 The relationship between the proposed dwellings has been designed so that the amenity of future occupiers is not compromised.
- 3.4 The proposal is not considered to result in a loss of amenity to the future occupiers of the development and the existing adjacent dwellings, therefore the proposal accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

### **4. Other Considerations**

#### **4.1 Highways**

The proposed development would be accessed from Sand Lane, an existing residential road. Objections have been raised regarding the current situation regarding on street parking and general congestion in the area particularly for larger vehicles and the emergency services. While these comments are noted, in terms of highway safety CBC Highways Officer has not objected to the scheme.

- 4.2 The proposal provides a high proportion of parking spaces for residents and visitors and therefore should not result in new residents using Sand Lane for parking. With regard to additional traffic in the area, the proposal is not considered to be of such a large scale that it would have a detrimental impact on the public highway.

#### **4.3 Ecology**

The site is currently an agricultural land and lies within the Greensand Ridge Nature Improvement Area. As such, and in accordance with the NPPF the site should look to providing a net gain for biodiversity through habitat creation and enhancement. The PEA makes recommendation for the inclusion of integrated bird bricks and flower/ nectar rich planting as they would achieve biodiversity gains.

- 4.3 Whilst no protected species were noted on site, the survey was undertaken in November, looking at the proposed layout the Western hedge is to remain untouched and hence any risk to nesting birds would be limited to ground nesting birds using the grassland, as such site works should avoid the bird nesting season of March to August inclusive. Equally the PEA suggests as a precautionary measure installation of amphibian exclusion fencing around the construction plot should be undertaken under the supervision of an experienced herpetologist followed by a fingertip search of the site which would ensure the site is clear of GCN and indeed reptiles which have been recorded in the local area. Should development not commence within 2 years of this report then a survey update would be required.
- 4.4 Human Rights/Equality  
Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.
- 4.5 Rights of Way  
Northhill Public Footpath No.13 runs along the northern boundary of the application site on the rough cart track. The Definitive Statement does not mention the legal width but it should be considered the full width of the track by default as it often is the case when tracks have rights of way over them. There are no objections to the development from the Rights of Way Officer. The ROW Officer has requested a sum be contributed towards the upgrading of the surface of the footpath however as set out below in section 4.5, contributions are not sought from this development.
- 4.6 Concern has been raised by third parties with legal rights of way over the land at the access point with Sand Lane and along the cartway to the west of the application site. Issues regarding land ownership and rights of way across land are not planning considerations and as such such would not prejudice the the outcome of the application. These matters are civil issues and should be dealt with by legal representatives.
- 4.7 Agricultural land  
In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient.
- 4.8 It is not clear whether the application site is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the this portion of land would not result removal of excellent or very good agricultural land. The loss of the agricultural land needs to be balanced against the benefits of providing much needed affordable housing.
- 4.9 Planning Obligation Strategy  
On 28 November 2014 changes to the National Planning Practice Guidance were published setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small

developments (10 dwellings or less or 1,000 square metres of gross floor space). This is a material consideration to be taken into account in decision-making on planning applications.

- 4.10 Therefore the Planning Obligation Strategies that have previously been used to inform the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL) which is expected towards the end of 2015.
- 4.11 All contributions sought will need to comply with the three tests set out in the CIL Regulations 2014 (as amended). Given the scale of this development no contributions towards specific projects will be sought.
- 4.12 However this development will be subject to a Section 106 legal agreement to ensure that the site is developed for the sole purpose of ensuring the provision of affordable housing for local people in perpetuity. This agreement is currently being prepared.

**Recommendation:**

That Planning Permission be granted subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
- Reason: Required prior to the commencement of the development to control the appearance of the building in the interests of the visual amenities of the locality.
- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**
- Reason: Required prior to the commencement of the development to ensure that an acceptable relationship results between the new

**development and adjacent buildings and public areas.**

- 4 **No work on the construction of the buildings shall take place until a landscaping scheme to include all hard and soft landscaping, boundary treatments, details of any external lighting and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.**

- 5 The premises shall not be occupied until details of the construction and surfacing of the on site vehicular access at the junction with the public highway have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system. The access shall be constructed and surfaced in a stable and durable manner in accordance with the approved details before the premises are first occupied.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure acceptable parking of vehicles outside highway limits .

- 6 The dwellings hereby approved shall not be occupied until details of the bin collection point areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin collection area shall be retained thereafter.

Reason: In the interest of amenity.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 288/SK/05 rev C, 288/P/03 rev A, 288/P/01 rev A, 288/P/02 rev A, 288/P/04 rev A, 14-062-104 A, Location Plan, Housing Needs Survey Report July 2015, Community Statement and Appendices, Preliminary Ecological Appraisal November 2014.

Reason: To identify the approved plan/s and to avoid doubt.

**Notes to Applicant**

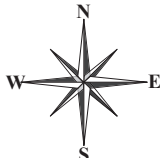
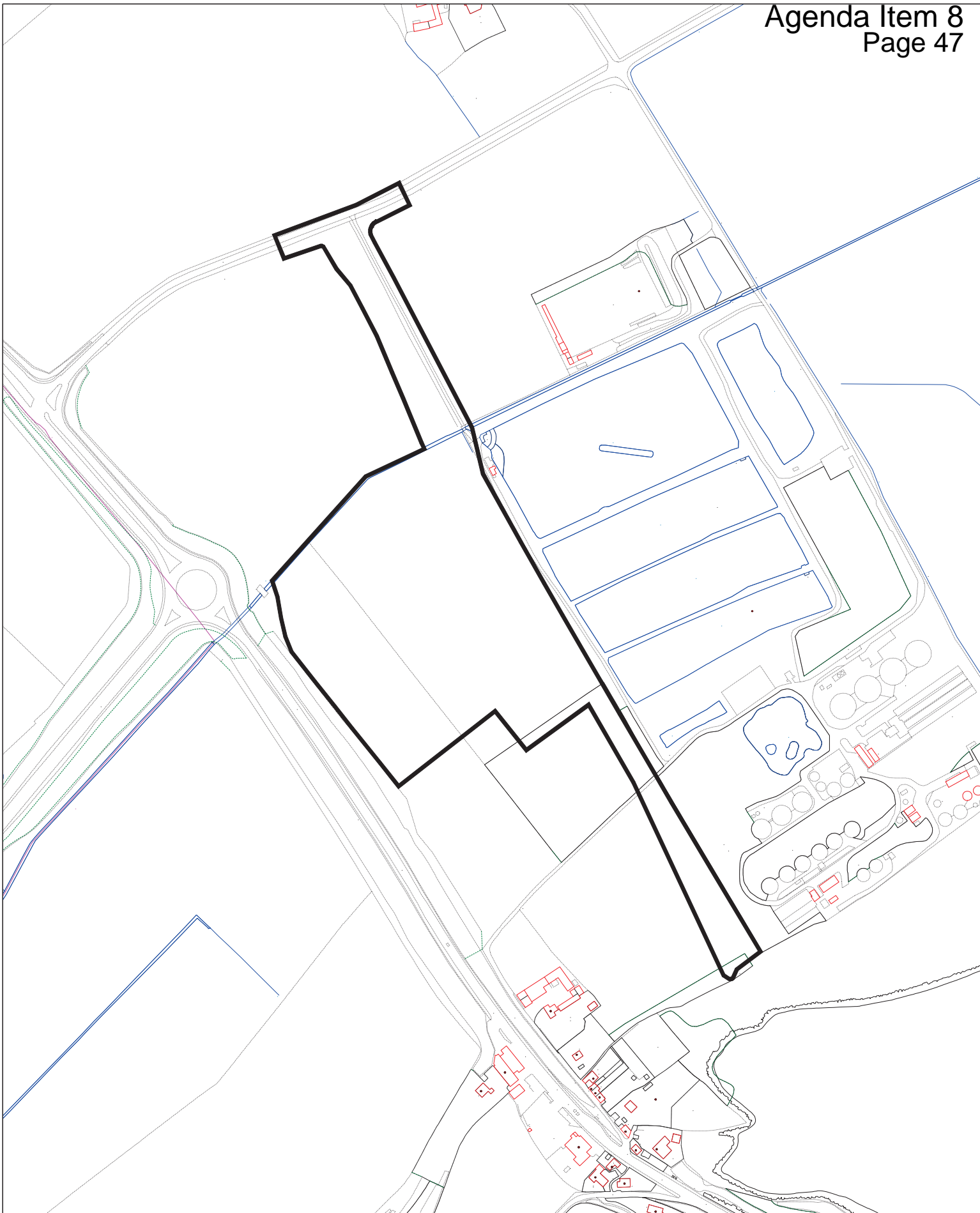
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
  
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies within the Core Strategy and Development Management Policies Document (2009).
  
3. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

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

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

**DECISION**

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Date: 03:August:2015

Map Sheet No.

**Application No.**  
**CB/15/01626/REG3**

Scale: 1:3500

**Thorn Turn Waste Park, Thorn Road, Houghton Regis**

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## Item No. 8

<b>APPLICATION NUMBER</b>	<b>CB/15/01626/REG3</b>
<b>LOCATION</b>	<b>Land at Thorn Turn, Thorn road, Houghton Regis, Dunstable LU6 1RT</b>
<b>PROPOSAL</b>	<b>Development of a Waste Park comprising waste transfer station, split level household waste recycling centre and resale building, together with new access road from Thorn Road.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs: S Goodchild &amp; J Kane</b>
<b>CASE OFFICER</b>	<b>David Peachey</b>
<b>DATE REGISTERED</b>	<b>21.05.2015</b>
<b>EXPIRY DATE</b>	<b>10.09.2015</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Atkins Global</b>
<b>REASON FOR Call in to Committee</b>	<b>Council application</b>
<b>COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Approval</b>

### Summary of Recommendation

The proposals involve the provision of new municipal waste management facilities for the collection, bulking up and transfer of household wastes to assist the Council in its role as Waste Disposal Authority in meeting nationally-set targets for the diversion of waste from landfill and implementing the requirements of the European Waste Framework Directive (2008/98/EC) and Waste (England and Wales) Regulations 2011.

The application land falls within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land and less than substantial to heritage assets. The harm caused by these impacts is considered to be outweighed by the following very special circumstances in the wider public interest:

- the designation of the application land as a preferred strategic waste management site in the recently adopted Minerals & Waste Local Plan: Strategic Sites & Policies;
- the pressing need to provide fit for purpose waste facilities to deliver key statutory functions of the Waste Disposal Authority;

- the lack of alternative suitable sites outside the Green Belt within the parameters of project delivery;
- the strong likelihood of a strategic allocation north of Houghton Regis being formalised as part of the Development Plan in the future and the recent planning decisions and other committed development within the allocation area, including the July 2015 resolution of this Committee to grant outline permission for employment uses on land adjoining the proposed waste park

The site is located within the western segment of the Houghton Regis North Strategic Urban Extension, as allocated in the emerging Development Strategy identified to accommodate the needs of a growing population in the area.

The proposals are in accord with national and local waste specific policies and general environmental policies and no technical objections have been raised by consultees. Subject to suitable mitigation, no significant or unacceptable environmental impacts would result from the proposed development, including with respect to access and transport, flood risk, water resources, landscape and visual impacts, noise, air quality, odour, dust, ecology and biodiversity and archaeology.

It is recommended that planning permission is granted subject to conditions. In formulating this recommendation all of the evidence and potential impacts of the development that are considered to be material to determining this application have been examined. This has included assessing the application and Environmental Statement including the further information provided, representations received and consultation responses. All material issues have been adequately addressed in the application and the Environmental Statement. As the site is allocated for strategic waste management uses in the 'Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites & Policies (adopted January 2014)', this application can be determined by the Council without referral to the Secretary of State.

### **Site Location**

The application site is located outside of any established settlement boundary, 1km to the north west of the Houghton Regis / Dunstable conurbation, and is washed over by the Green Belt. It comprises land in arable use situated approximately and immediately to the south-east of the A5 (Watling Street) / A505 junction. It extends southwards from Thorn Road from which vehicular traffic would be served by means of a new access road. The A5 lies some 9 – 12 metres higher than the application site separated by a densely wooded embankment. Anglian Water's Dunstable Waste Water Treatment Works and the Ouzel Brook (a tributary of the River Ouzel), adjoin the site's eastern and northern boundaries respectively. The site is bounded by agricultural land to the north and south. A shooting range occupies a section of

the field immediately to the north east of the principal development area.

The site falls within the western segment of the Houghton Regis North Strategic Urban Extension, as allocated in the emerging Central Bedfordshire Development Strategy (CBDS). This proposed allocation, which envisages development coming forward within a broad sweep of land to the north of the conurbation up to the line of the A5-M1 link road, currently under construction, and across to the M1 near Chalton Cross Farm. The western part of the Houghton Regis North allocation is being promoted primarily for residential use by a consortium known as "HRN2". All of the land is currently designated as Green Belt in the Development Plan, although the CBDS proposes its removal with a revised Green Belt boundary being drawn further north utilising the A5 – M1 link road as its defensible boundary.

The Minerals & Waste Local Plan: Strategic Sites & Policies (adopted January 2014) identifies a 24 hectare 'L'-shaped parcel of land at Thorn Turn as a strategic waste management site. The land subject of this application principally occupies the central portion of this allocation area. A parallel but separate planning application (ref. CB/15/01627/MW) has come forward from the Council for a highways and winter maintenance depot on adjoining land covering the southern part of this allocation.

Both the application subject to this report and the application for a highways and winter maintenance depot envisage utilising a new shared access road connecting to Thorn Road. Accordingly this new access road forms a common feature of both applications.

On 22 July 2015, the Development Management Committee resolved to grant outline planning permission to CBC Assets Department for employment uses falling within industrial Use Classes B1, B2 and B8 together with associated infrastructure and ancillary works. This development covers the remainder of the land at Thorn Turn allocated as a strategic waste management site.

The application site itself, which extends to some 8.4 hectares, comprises an irregular shaped parcel of land by a field drain and hedgerow. The topography of the site and its immediate environs is relatively flat, a varying between 93 metres Above Ordnance Datum (AOD) and 101 metres AOD, with a gentle downward slope from south to north and west to east. A chalk escarpment overlooks the site further to the south. The site area includes an access corridor extending southwards from Thorn Road over a distance of 230 metres where the new access road would be accommodated. The Ouzel Brook, a tributary of the River Ouzel, crosses the proposed access corridor.

The nearest residential property is Chalk Hill Farm, situated on higher ground approximately 240 metres from the site's southern boundary. This property is positioned at the end of a cul-de-sac known as Chalk Hill. Several other dwellings front Chalk Hill up to its junction with the A5. There are further dwellings on western

side of the A5 close to its junction with the Sewell Lane. The hamlet of Thorn lies to the north east, approximately 250 metres from the new access corridor and 450 metres from the nearest point of the operational area.

There are no statutory nature conservation sites within or directly adjacent to the application land. However, two such site designations lie within 2km of the site. Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI) is located 460 metres to the south-east and comprises a large disused chalk quarry with a rare mosaic of wetland habitats confined to chalk geology. Totternhoe Chalk Quarry SSSI is situated 1.7km to the south west on the edge of the Chiltern Hills Area of Outstanding Natural Beauty (AONB). It contains species-rich unimproved grassland within former mineral workings that supports, *inter alia*, a number of uncommon plant and notable butterfly species.

In terms of non-statutory designated wildlife sites within a one kilometre radius of the application area, there are four County Wildlife Sites (CWSs) and a Roadside Nature Reserve (RNR). These are Houghton Regis Chalk Pit CWS (360 metres to the south-east); Barley Brow (435 metres to the south); Houghton Regis Cutting RNR (330 metres to the south); Thorn Spring CWS (595 metres to the north-east); and Suncote Pit (715 metres to the south). Thorn Spring is also designated as Ancient Woodland (i.e. continuously wooded since 1600 AD).

Public Bridleway 49, known as the Icknield Way trail, runs adjacent to the site's western boundary before turning north-eastwards to follow the course of the Ouzel Brook abutting the northern extent of the proposed operational waste park site. The bridleway is crossed by the proposed access road further to the east before it turns north-westwards to link with Thorn Road.

## **The Application**

### Context:

As a Unitary Authority, Central Bedfordshire Council has responsibility both as Waste Collection Authority and Waste Disposal Authority. Under the provisions of the Environment Protection Act 1990, the Council has a duty to dispose of controlled waste collected within its administrative boundaries. The Authority must therefore make adequate provision for the management of its municipal waste arisings.

In August 2014, the Council's Executive Committee considered an update report on the future waste management provision within Central Bedfordshire. The Committee resolved to approve a solution involving the bulking up of residual 'black bag' waste and dry recyclates at new transfer facilities to be provided within Central Bedfordshire, together with a replacement HWRC for the Dunstable area. This solution aims to facilitate the efficient onward movement of those wastes to existing

treatment or re-processing facilities.

Since local government re-organisation in April 2009, Central Bedfordshire has been wholly reliant on third party infrastructure for the bulking up and onward transfer of residual (black bag) kerbside waste and dry recyclates sourced from HWRCs. The Elstow Materials Recycling Facility (MRF), acquired by Bedford Borough Council upon its establishment as a unitary authority, currently serves as the main reception facility for these municipal streams from Central Bedfordshire. The current contract for Central Bedfordshire as Waste Disposal Authority to use of this site expires in 2021.

At the present time, HWRC provision for the Dunstable area is located at French's Avenue. There are major constraints on the re-development of this facility to a modern standard that can cater for growing local demand and offer improved recycling opportunities. It is located in an area historically used for landfill which has led to ground stability issues. This, in turn, has impaired the functioning of the drainage system which is of concern to the Environment Agency. A further limitation on the site is the surrounding residential land use receptors, which means that expansion of the site or re-configuration of the existing area to increase capacity is unfeasible. As such, there is a pressing need to develop an alternative site.

#### The Proposed Development:

The proposals, therefore, seek to provide a base from which the Council can ensure security in key aspects of its future municipal waste management service provision. Planning permission is sought to develop a waste park situated directly to the north of the proposed highways and winter maintenance depot, which forms the subject of a separate but parallel planning application. The application site, measuring 8.4 hectares overall, has no formal points of vehicular access with agricultural access currently provided via adjoining agricultural fields.

Specifically the development comprises the following elements:

(a) **Waste transfer station (WTS)** - This facility would be used for the storage and bulking up of kerbside residual 'black bag' waste and HWRC-sourced dry recyclates prior to onward transfer to reprocessing sites outside the administrative boundaries. It is also anticipated that facility will accept quantities of commercial and industrial (C & I) waste, particularly during the initial years of operation. No treatment or processing of wastes would be carried out on site.

The WTS has a design capacity which permits an anticipated throughput of 98,000 tonnes per annum by 2040/41. This excludes green waste as there are existing arrangements to deliver this waste streams direct to composting or other processing facilities. The applicant states that until 2021 the WTS would predominantly accept waste from the south of the administrative area. Post 2021, the WTS may accept waste from the whole of the Council area. However, should the Elstow Waste

Transfer Station continue to be available, the Council may seek to continue this arrangement. The Thorn Turn site effectively provides future-proofing in the event that the use of Elstow Waste Transfer Station is not a longer term option. In order to maximise efficiencies and achieve value for money, where there is spare capacity between the design throughput tonnage and incoming municipal wastes, the WTS may also accept C & I waste which is similar in composition.

The requested operating hours are 0600 to 1730 hours on weekdays, 0600 to 1300 hours on Saturdays, 0630 to 1600 hours on Sundays (open on request, normally closed) and 0630 to 1700 on Public/Bank Holidays. The applicant has stated that early morning operations prior to 0700 hours would be occasional and only in the event of a backlog due to unforeseen problems with the supply chain. Operations in this initial hour of the day would be limited to the loading of outgoing vehicles. The WTS would have 4 full-time operational staff.

A steel portal framed building is proposed to be located at the northern end of the site measuring 102.1 metres long by 36 metres-wide thus creating 3,676m<sup>2</sup> of floorspace. It would have a grey-coloured pitched roof with a maximum height of 11.8 metres constructed of single skin insulated panels featuring polycarbonate rooflights and incorporating 15 roof-mounted photovoltaic (PV) panels on the south facing section. An external staircase would permit roof access for maintenance purposes. The outer sheets of the wall cladding are proposed to be constructed from insulated panels with vertical profile metal cladding coloured Grey, with a butterscotch façade to the gable ends. The gable end walls would sit in a 600mm recess by projecting the roof planes. On the southern elevation, access would be provided by 8 fast-acting roller shutter doors (6 metres x 4 metres high), also grey in colour, with a galvanised finish. These doors would be kept closed unless in use for vehicle entry or exit.

An operations yard on the building envelope would provide sufficient space to enable safe manoeuvring of HGVs associated with the delivery and collection of materials. All waste would be deposited on and collected from the floor of the reception hall. However, there would be a dedicated area on the edge of the external operations yard where a number of skips would be provided for secure storage of asbestos, clinical waste and reject materials. A loading shovel or similar item of plant would be employed to distribute the waste to the appropriate storage bay(s). The inclusion of moveable internal barriers within the building would allow operational flexibility in the collection of different waste fractions depending on the mix and quantity of imports at any given time. The inside of the building would be equipped with a 'mist-air' system to suppress dust and odours and maintain good visibility. Roof mounted fans would facilitate air circulation within the building but there would be no abstraction of air to the external atmosphere. The WTS would be enclosed by 2.1 metre-high green weldmesh security fencing. There would be no access for the general public.

A weighbridge facility would be stationed on the internal access road at the northern periphery of the site. This would incorporate a single storey weighbridge cabin of modular construction coloured light grey and approximately 2.9 metres in height. The weighbridge would be utilised by all loaded incoming and outgoing waste haulage vehicles, which will include Refuse Collection Vehicles (RCVs) delivering kerbside waste, 'rolonof' type lorries bringing in waste from various civic amenity sites and articulated wagons to transport bulked up waste to re-processing plants. It is expected that haulage traffic would also include skip lorries of varying size, particularly in connection with the import of C & I waste.

**(b) Household Waste Recycling Centre (HWRC) including re-sale shop -**  
The eastern side of the main development area would be occupied by a split level HWRC with a maximum throughput of 7,721 tones per annum. It would be operated independently from the WTS within a separate enclosure delineated by the same weldmesh style of fencing. The types of waste accepted by the site would include residual household waste, green garden waste, cardboard, paper, glass, plastics, wood, paper, metals, waste electrical and electronic items, textiles, plasterboard, household furniture and carpets. It is proposed that c.21 (no.) 40 cubic yard skips and 2 (no.) smaller skips for tyres and gas bottles and 8 (no.) recycling banks / containers would be set out in the operational yard, although exact container provision will be determined by the site operator. In order to segregate public traffic flows from HGV traffic, the public would use a separate entrance point at the south east corner of the site. The site design shows an internal clockwise circular route enabling vehicular access to a raised drop-off point and at-grade recycling area with parking provision in the form of reverse entry angled echelon bays. Footways will be at grade with the public parking bays and separated by kerbing. The HWRC will be open to the public between 0800 to 1700 hours Mondays to Sundays, with overall operational hours of 0700 to 1800 hours. The facility would remain closed on Christmas Day, Boxing Day and New Year's Day. Staffing levels would be equivalent to 4 full-time posts.

A separate area for trade waste recycling as part of a chargeable service would be situated at the southern end of the HWRC compound. This would permit larger vehicles to enter and unload into a separate array of skip bins.

The operations yard would be set at a reduced level to allow vehicles to remove full containers without requiring the publicly accessible areas to be disrupted or temporarily closed. The skips would be removed by hook lift vehicles and taken off site either to appropriate reprocessing facilities elsewhere or the neighbouring WTS. Collection and emptying of recycling banks at the northern end of the HWRC would generally be carried out by smaller waste vehicles.

The re-sale shop would comprise a single storey stand-alone building with a

footprint of 248m<sup>2</sup>. Its proposed dimensions are 20 metres (L) x 12.4 metres (W) (including a canopy extending 5.6 metres from the building) x 6.1 metres high to the eaves. It would have a pitched roof with a maximum height of 7.1 metres. The front (northern) side of the building would feature a covered display area some 5.5 metres in depth. The proposed layout shows two re-use store rooms and office space. A 4 metre x 4 metre high roller shutter door would be set within the southern elevation. The external materials and colour scheme would correspond with the WTS building. The building would accept materials brought in by the general public, which would be sold on where possible thereby maximising the re-use of discarded items. The facility would be accessed via the internal circular access road through the HWRC. It is expected that 6 staff would be appointed to the re-sale unit and re-sale shop, which would initially be run by the Air Ambulance Charity as a third party contractor.

**c) Ancillary development -**

i) Access road - A new, purpose-built internal access road for all users of the waste park would extend south-eastwards from Thorn Road for a distance of 230 metres whereupon there would be right turning for staff and visitor parking and operational HGV traffic associated with both the WTS and HWRC. The road would continue south eastwards along the boundary with the sewage treatment works for a further 270 metres which would provide separated points of entry and exit to the HWRC for public and trade waste vehicles and bulker lorries.

A 'ghost island' junction is proposed at the junction with the public highway to allow right turning vehicles to access the site whilst minimising delays to traffic on Thorn Road. It would cross over the line of the Ouzel Brook via a bridge structure and Bridleway no. 49 into the north east corner of the operational site.

The access road would be extended beyond the HWRC, still following the sewage treatment works boundary, in order to provide access to the planned highways and winter maintenance depot.

The proposed road corridor would be approximately 4 metres in width and would accommodate the new road with a pedestrian footway on its western side whilst accommodating a stretch of existing bridleway along part of its eastern side. The footway would extend along the northern and western boundaries of the operational site with pedestrian zebra crossing points.

ii) Vehicle parking - A staff and visitor parking area with 16 standard spaces and 2 disabled parking bays would be centrally located next to the northern perimeter access road to jointly serve the WTS and HWRC. Four secure cycle storage racks would also be provided in this location. In terms of parking provision for the general public, a total of 34 spaces would be provided at the HWRC and re-sale shop.

iii) Welfare /office facilities and other buildings and structures - Stand-alone welfare /



office buildings of modular construction with light grey colouring would be stationed within the WTS and HWRC compounds and at the weighbridge. A fourth such building would provide office accommodation for the Council's HWRC management team. Three of the buildings would have dimensions of 12.4 x 4.2 metres x 3 metres high with the other building being slightly shorter. A cluster of three grey-coloured water storage tanks, each measuring 9.4 metres to the rim and 9.17 metres in diameter, would be congregated alongside the eastern elevation of the WTS building. There would be an accompanying GRP type kiosk housing all pump infrastructure for the tanks. This is intended to be an 'L-shaped' structure, also grey in colour, with a footprint of 85m<sup>2</sup>.

iv) Sustainable Urban drainage system (SUDs) - All surface water flows from roofs and pavement areas would be collected via petrol interceptors and by a surface attenuation pond with 1 in 3 outer slopes located in the north east corner of the site. Water collected within the lagoon is proposed to be discharged to the adjacent Ouzel Brook via a pipe connection at an agreed discharge rate. The system is designed to provide the waste park and highways depot with a shared sustainable drainage solution and therefore the lagoon feature is common to both applications. In a revision to the original submission, the lagoon is proposed to be enclosed by a 1.2 metre-high stockproof fence, as opposed to the palisade fencing that was initially proposed.

v) Foul water management - Foul water from the welfare buildings and trade effluent from operational areas would be gravity fed to a wet well located close to the lagoon from where it would be pumped southwards via a rising main to an existing manhole within the Anglian Water foul sewer system south of the wider Thorn Turn site. The application site boundary has been drawn to include this connection to the public network, although this element of the development would not contain any above-ground development.

vi) Lighting and CCTV - The site access road would be illuminated by 8 metre-high free-standing lighting columns designed to minimise light spill beyond the site boundaries. Within the main site, external working areas would be illuminated by a range of light fittings, including further 8 and 10 metre-high columns with single or twin luminaries and building mounted units would provide additional light for the external working areas. LED technology would be used throughout. It is proposed to install a total of eleven CCTV cameras on selected lighting columns and the WTS building to provide surveillance of the shared access road and operational areas.

d) **Site enabling works and construction times** - Should planning permission be granted, it is anticipated that initial enabling works in the form of soil stripping and access road construction would commence in Autumn 2015. The construction programme would be of 15 months' duration of which the first 6 months devoted to site preparation works. In order to mitigate the high water table and provide sufficient fall for drainage infrastructure, the enabling works would also entail the

formation of a raised development platform, typically to 97 – 98 metres AOD. There would be a reliance on imported materials made up of any combination of granular, cohesive or chalk engineering materials, which would be placed and compacted in accordance with highways works specification to a maximum depth of 1 – 2 metres. It is estimated that a maximum of 134,000 tonnes of such material would be needed for both the waste park and highways depot schemes. In terms of construction traffic generation, it is anticipated that delivery and export of materials and plant for both schemes would involve around 14,800 HGV loads. It is assumed that up to 100 construction personnel may be engaged in the projects at any one time. Construction works are proposed to take place between the following hours:

- 0800 to 1800 hours Monday to Friday;
- 0800 to 1300 hours Saturdays; and

By arrangement on Sundays and Bank Holidays.

Precise construction plant is yet to be finalised but is expected to comprise a mix of static and mobile plant including excavators, dumper trucks, bull dozers, JCBs, tipping lorries, generators, delivery lorries and mobile crane.

e) **Landscaping** - The scheme would entail the loss of the hedge-line running north-south through the centre of the field. Further sections of hedgerow would need to be removed at the frontage with Thorn Road and by the crossing over the Ouzel Brook in order to accommodate the proposed access road. A 275m<sup>2</sup> area forming the northern fringe of a woodland block would also be lost. Vegetation removal would be carried out outside the nesting season. The mature bank of trees on the A5 embankment and hedgerow planting on the eastern and northern boundaries of the operational area would be preserved. The applicant proposes to carry out the following landscaping works:

- create a 0.2 hectare of broadleaved woodland mainly on the south side of the Ouzel Brook;
- reinforce the embankment of existing trees on the A5 boundary by a 5 metre-wide strip of woodland;
- establish a hedgerow along the full length of the shared boundary with the proposed highways depot;
- several blocks of native shrub planting to partially enclose the HWRC;
- create a 2.5 hectare area of species-rich grassland abutting the northern bank of the lagoon interspersed by small groups of standard trees;
- form an 80 metre-long narrow belt of native shrub planting between the HWRC and the internal access road; and
- plant individual trees and sections of hedgerow on either side of new access road between Thorn Road junction and the Ouzel Brook to bolster existing intermittent vegetation.

f) **Traffic generation** - The waste park as a whole would have a maximum annual operating capacity of 105,521 tonnes. If the site operates at this maximum level, it would give rise to an average of 90 HGV movements per day. As a worst case scenario, the applicant estimates that the waste park would generate a maximum of 120 HGV movements on any working day. Refuse collection, bulker and rolonof type waste lorry movements are predicted to take place between 0900 and 1700 hours and therefore outside the morning peak. It is predicted that up to 600 members of the public would visit the HWRC site on busier days at weekends, which would generate 1200 car and van movements.

The application is accompanied by a full Environmental Statement (ES) having been screened as a project falling within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The scope and content of the ES is broadly consistent with the Council's formal scoping opinion issued on 27 April 2015 in accordance. The technical documentation within the ES is set out in the following chapters:

- Site and its setting
- Description of the development
- Need and alternatives
- Traffic and transportation
- Landscape and visual impact
- Water and flood risk
- Noise and vibration
- Air Quality
- Ecology
- Cultural heritage
- Agricultural land
- Waste and materials

Prior to formal submission of the planning application, the applicant undertook a public information event over two days in March 2015 allowing attendees the opportunity to ask questions and familiarise themselves with the proposals.

Revisions to the application have been received in order to provide further clarification and additional details. These relate to, *inter alia*, drainage strategy, footway provision; installation of suitable ducting to allow any future provision of a Pegasus crossing at the bridleway crossing over the access road; cross sections of the SUDs pond, cross sections of the bridleway illustrating planting after years 1, 10 and 25; alterations to fencing; clarification on earthworks; construction and operational traffic; lighting levels; noise; odour; ecology; landscaping; CCTV provision; building and structure elevations and external finishes and a statement on conformity with the Equality Act. These revisions have been subject to further consultation and publicity exercises.

**RELEVANT POLICIES:**

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

**Waste Management Plan for England (DEFRA - December 2013) (WMPE)**

**National Planning Policy for Waste (DCLG - October 2014) (NPPW)**

**Planning Practice Guidance (October 2014)**

**Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014) (MWSSP)**

Policy MWSP1: Presumption in Favour of Sustainable Development

Policy MWSP2: Climate change

Policy MWSP3: The Determination of planning applications

Policy WSP1: The Provision of Recovery and Disposal Capacity

Policy WSP2: Strategic Waste Management Sites

Policy WSP3: The Design and Layout of New Waste Management Facilities

Policy WSP6: Non-hazardous waste transfer and materials recovery

Policy WSP15: New Waste Management Facilities and Strategic Transport

**Bedfordshire & Luton Minerals and Waste Local Plan 2005 (MWLP)**

**Saved General & Environmental Policies**

Policy GE1: Matters to be addressed in planning applications

Policy GE5: Protection of Green Belt land

Policy GE6: Protection of Best and Most Versatile agricultural land

Policy GE7: Protection of the Chilterns Area of Outstanding Natural Beauty

Policy GE9: Landscape protection and landscaping

Policy GE10: Protection / enhancement of trees and woodland

Policy GE12: Protection of locally designated sites

Policy GE13: Species and Habitat Protection and Enhancement

Policy GE14: Archaeology

Policy GE15: Statutorily designated Historic Buildings and Sites

Policy GE16: Local Historic Buildings and Sites

Policy GE17: Pollution control

Policy GE18: Disturbance

Policy GE19: Flooding

Policy GE20: Water resources

Policy GE21: Public rights of way

Policy GE23: Transport - suitability of local road network

Policy GE25: Buffer zones

**South Bedfordshire Local Plan Review 2004 (SBLPR)**

Policy BE8: Design Considerations

Policy NE10: Diversifying the Use of Agricultural land

Policy R15: Retention of Public Rights of Way network

*The NPPF advises of the weight to be attached to existing local plans. For plans adopted*

*prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered*

*that Policies BE8, NE10 and R15 are consistent with the Framework and carry full weight.*

**Emerging Development Strategy for Central Bedfordshire 2014 (DSCB)**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 23: Public rights of way

Policy 24: Accessibility and connectivity

Policy 26: Travel Plans

Policy 27: Parking

Policy 28: Transport Assessments

Policy 36: Development in Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 59a: Applications for minerals and waste development

Policy 60: Houghton Regis North Strategic Allocation

**Supplementary Planning Guidance/Other Documents**

Houghton Regis (North) Framework Plan - adopted by CBC Executive as technical guidance for Development Management Purposes on 18 March 2014

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

South Bedfordshire District Landscape Character Assessment (2009)

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

### Planning History

The application site comprises undeveloped land currently in use for arable agriculture and woodland. Accordingly there is no relevant planning history.

In the wider area, there is a significant amount of committed development, the closest being:

<u>Planning Application No.</u>	<u>Description</u>
CB/15/00297/OUT	HRN2 - The second element of the growth agenda for Houghton Regis. The emerging DSCB identifies the site for approx. 1,850 new homes and 8ha of employment land. Initial proposals include land for commercial facilities including a local centre, education provision including playing fields, retirement accommodation, community & health centres, and open space and green infrastructure. <i>(Committee resolved to approve 22/07/2015).</i>
CB/15/01627/MW	Development of a highways and winter maintenance depot.
CB/15/01928/REG3	Outline application for mixed B1, B2 & B8 uses on land north of the Ouzel Brook. <i>(Committee Resolved to approve 22/07/2015).</i>

### Representations: (Parish & Neighbours)

Houghton Regis Town Council	09/06/2015 & 21/07/2015 No objection in principle. However, the following concerns were expressed:
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1. The development will result in a major increase in traffic

in the area, both from commercial vehicles servicing the waste transfer station and private vehicles visiting the household waste recycling centre. Access for HGVs should be from the A5 roundabout only. Would some form of barrier (i.e. no HGV) be put in place to prevent access to the section of Thorn Road that will pass through the new housing areas?

2. The potential noise levels that residents in the nearby housing estates are likely to be subjected to. How will this problem be addressed?

3. The potential contamination of the Ouzel Brook from waste seepage. It is felt that monitoring of the Ouzel Brook for possible contamination should be ongoing rather than for a limited time.

4. The development site is currently still in the Green Belt and no work should begin until this is officially rolled back.

Dunstable Town  
Council

No comments received.

Tilsworth Parish Council

Wish to object. The proposed waste park will cause significant public concern in respect of noise, odour and traffic movements and considerable impact on the new homes planned for the area.

Toddington Parish  
Council

Proposal noted.

Luton Borough Council

No comments received.

Neighbours

The application was publicised by way of 4 site notices, local newspaper advertisement and neighbour notification letters to occupiers of properties within 200 metres of the application boundary. A further round of consultation and publicity, again by way of site notice and newspaper advert and neighbour letters, was carried out in July 2015.

On 30 July 2015, Andrew Selous MP wrote to the Council on behalf of a constituent to ask that all objections made with respect of the waste park be taken into account given the impact that this site will have on the residents of Chalk Hill.

Several e-mails / letters of representations have been received from this constituent / resident which, in summary, identify the following grounds for objection.

- The loss and destruction of an extremely important chalk grassland habitat which is in decline and home for many species including the chalk hill blue butterfly, bats, kingfishers, wild orchids and many other animals and plants. Reference is made to the area's historic links adjacent to the Roman Road and the loss of historic hedgerow and small woodland to the north of Chalk Hill Farm would be a tragedy for local flora and fauna. Objection is raised that the area would be destroyed for the development of industrial units, the Waste Park and Highways Depot. Reference is made to the availability of a 9.5 acre site in Dunstable as a preferable site
- Reference is made to factors affecting calcareous grassland, including agricultural intensification; loss of wildlife interest; scrub invasion; loss of habitat from built development; high visitor numbers; impacting upon breeding of vulnerable species. The approach should be to maintain and, where possible, expand the range of calcareous grassland in Bedfordshire rather than see it lost to development.
- Noise, light and odour pollution. Reference is made to the Council's Statement of Policy on Neighbourhood Noise Pollution which gives a commitment to improving the quality of the environment for residents and notes an entitlement that activities do not interfere unreasonably and unlawfully with quality of life. The objector fears possible all night disturbance noting the proposed hours of operation of the developments.
- Reference is also made to the pollution complaints pages of the Council's website, specifically those relating to construction and demolition, which states that where a neighbour can hear noise in their back garden, generally it is expected that works would only take place between 08:00 -18:00 hrs (weekdays) and 08:00 – 13:00 hrs (Saturdays).
- It is questioned whether there are not enough empty industrial areas in Bedfordshire where the development could be located. There is currently a 9.5 acre site available adjacent to the Wickes store in Dunstable. This is already an industrial area and surely a better alternative than the destruction of green belt land.



- It is queried what research has been carried out in respect of risks associated with the impact of airborne asbestos fibres upon local residents and fire risk assessments.
- Concern is raised regarding the age of the ecological studies and questions whether further ecological work is programmed. The offer is made to have the Wildlife Trust comment on the findings of surveys
- What research has been undertaken regarding the habitat of Kingfisher observed on site, butterflies and insects as well as impact upon wild orchids?
- It is queried why the hamlet of Chalk Hill is not referred to the description of the site and setting of the ES and why Chalk Hill properties have been excluded from the noise assessment. A reference to no highways depot or waste park lying within 240 metres of Chalk Hill Farm is queried.
- A further piece of correspondence has been received. Whilst expressing neither support for, or opposition to, the development, reference is made to the area being known as Angels on the 1766 Tithe Map of Houghton Regis and suggests that this name be re-used.

### Consultations/Publicity responses

CBC                      Highways    03/06/2015 & 05/08/2015  
Development  
Management                      No objection subject to conditions.

CBC Transport Strategy    No objection subject to conditions.

CBC                      Integrated    10/06/2015 & 30/07/2015  
Transport Team                      Note that the proposed development needs to be considered in the context of other applications in the area, including the Bidwell West urban extension, if accessibility is to be promoted by all modes of transport.

Accessibility by foot and cycle needs to offer continuity with the proposal for the commercial application land to the north and the highway depot land to the south. It is noted that a footway is provided along the western side of the access road corridor into the site. As the road is lightly trafficked, it is not considered a problem if cyclists are, by necessity, on the road.

The provision of ducting to enable future signalisation of the bridleway no. 49 crossing of the access road is deemed adequate in the context of this application. This east-west path is of strategic importance in the context of the Bidwell West site and it is disappointing that a higher grade of crossing is not being provided, although the potential of this route will not be realised until that site is built out. Any crossing improvement will have to be found by CBC in the future as it will not be forthcoming from Bidwell West.

The submitted Travel Plan aims to achieve a 20% reduction in single occupancy car journeys to/from the site and that staff will access either via the existing right of way network or via the access road into the site. If this target is to be achieved, access needs to be promoted for cyclists and pedestrians and cycle parking provided. There does not appear to be any reference to the provision of cycle parking, although 2 spaces are shown on the site layout plan. Sufficient cycle parking needs to be provided with access to the site in tandem with either the footway adjacent to the access road or a surfaced and widened bridle path linking the adjacent sites.

Consideration needs to be given to bus stop provision adjacent to the site. In order for the site to be adequately served by public transport, bus stops should have shelters, raised kerbs and the provision of real time information. Those along the A5 do not currently meet the required specification and consideration also needs to be given to crossing the A5 in order to access the site from the northbound stop.

Access to this site and the highways depot from the A5 is also a primary consideration in order to improve accessibility to public transport and the pedestrian routes to Dunstable. It is noted that a link through to the bridleway path to the south of the proposed highways

depot has been provided as part of the revisions to that application and therefore staff will be able to access the right of way network to access the A5. This is welcomed but will need to be marketed to staff and the two sites will need to work together in terms of promoting and managing that access.

CBC Strategic 09/06/15 & 27/07/2015  
Transport - Travel Plans The Travel Plan's generic structure is acceptable but its generic content does not lend itself well to a site which will be quite specific in its operation. The site audit of sustainable travel links is very brief and needs to be expanded to include potential links to nearby towns where employees are likely to live if, as suggested is likely, the waste park is delivered before the adjacent Houghton Regis North developments.

There is insufficient detailed information on potential links to the site, what improvements are proposed to increase the attractiveness of walking, cycling and using public transport to access the site.

It is suggested that a revised Travel Plan document be secured through imposition of a condition, which should include provision for annual monitoring of outcomes.

CBC Rights of Way 10/06/2015  
Officer (Central South) No objection.

Notes that Public Bridleway No. 49 runs along the western boundary of the site and crosses the proposed access from Thorn Road. This route is of strategic importance forming part of the promoted Icknield Way Trail and being the only future connection for horse-riders from the Totternhoe / Sewell area to the bridleway network in the wider countryside north of the A5 - M1 link road. This bridleway will also form an important north-south-east-west link with other public rights of way proposed to be upgraded to provide new walking and cycling connections as part of the wider Bidwell West and North Houghton Regis Site 1 developments.

Bridleway crossing of the access road:

The Rights of Way Officer considers there is not enough detail as to how the public bridleway will be accommodated and cross the access road. It is

questioned whether the provision of a zebra crossing is appropriate due to the number and type of vehicles which would use the access road. A zebra crossing is not suitable for use by horse riders. There needs to be a proper assessment of the development in terms of vehicle use versus user safety at the crossing point. It is queried whether stage 1 road safety audit of the access road, including an assessment of the bridleway crossing, been carried out. If a full Pegasus crossing is not to be provided, this needs to be fully justified. Other options could be considered if it can be demonstrated that they would ensure the continuity of the bridleway and safety of users. It is accepted that that the bridleway is little used and overgrown at present but it will serve as an important future connection once the Bidwell West development has been completed. There does not appear to be much information provided on how the bridleway will be dealt with during construction (e.g. proposed temporary closures / diversions and signage).

The crossing of Thorn Road is also important. It is accepted that there may be interim arrangements for a non-motorised user crossing as each development progresses but the ultimate aim for the Council must be a fully signalised Pegasus crossing to ensure continuity of the bridleway through all of the developments and beyond. Should an interim crossing be provided, electrical ducting should be installed to allow for future upgrading of the crossing by Bidwell West.

Bridleway levels, drainage and width:

Although the width of the bridleway alongside the A5 appears to be sufficient, confirmation is sought that there would be no change in levels or stripping of topsoil on the line of the bridleway. It is presumed that the change in ground levels on the wider site would not impact on the bridleway in terms of drainage. Ideally, an 8 - 10 metre landscape strip would allow more room for horse-riders to deal with any animals affected by any sudden noise and to increase screening. It would also allow the Council to consider surfacing part of the bridleway width to accommodate an increase in future usage by all user types.

Landscaping:

Clarification is sought regarding who will maintain any

vegetation or SUDs area in the long term.

Noise:

It is noted that the layout of the site has taken account of the public bridleway. All reasonable mitigation should be put in place to reduce noise from the site so as not to deter usage. If signage is to be introduced, details will need to be agreed in consultation with the Rights of Way officer.

Sustainable Transport Connections:

The submitted Travel Plan makes little reference to the public bridleway as a sustainable transport and green travel to work option. It would appear to be sensible for the Council to consider a cycle and pedestrian link for staff onto the public bridleway or Anglian Water access track near Chalk Hill Farm. Any provision for pedestrians to be provided alongside the proposed access road should ideally be wide enough to accommodate cyclists to encourage sustainable travel.

The link from Bridleway no. 49 to Public Footpath No. 57 should not be affected by any earthworks, bunding or planting as it may be upgraded to a cycle path as part of the Bidwell West proposals.

Bridleway improvements:

Consideration should be given in the short term to improving the Public Bridleway no. 49 due to its strategic importance. A multi-user all-year-round route within a wide green landscape corridor and split, part-surfacing would be desirable.

Other matters:

It should be considered whether any temporary diversion or closure of the public bridleway would be necessary to allow construction works to be carried out on the site, including drainage, cabling or culvert work. The Rights of Way team would require advance notice of a temporary closure / diversion to fulfil legal process.

Mention is made of the proposed connection to the foul sewer network, which may affect Public Bridleway No. 31 (part of the Chiltern Way). Again, a temporary closure / diversion of the path may need to be applied for.

Green Infrastructure Co-ordinator 10/06/2015 & 29/07/2015

The development is acceptable in principle in Green Infrastructure (GI) terms. However, it is not considered that the proposed design satisfactorily meets GI or SUDs policies as it does not demonstrate a net gain in GI or maximise the environmental and amenity benefits that should be delivered through SUDs.

Ouzel Brook is an important GI corridor and is key to the character of the North Houghton Regis Urban Extension. The application shows no proposals to enhance this area beyond retaining the existing vegetation. It is recommended that proposals be put forward which show how the Ouzel Brook corridor has been assessed and enhanced through the design process (i.e. landscaping, biodiversity and drainage) to deliver a positive impact on Green Infrastructure.

In relation to drainage, the plans show piped conveyance. The preferred solution would be for conveyance at the surface (e.g. through swales). The drainage proposals also do not demonstrate how surface water quality will be managed and treated. Green conveyance systems would go some way to addressing this such as rain gardens or filter strips. Green roofs should also be considered, as these would provide water interception and treatment as well as landscaping and biodiversity benefits.

Features to treat surface water before attenuation should be designed into the system. Green roofs could contribute to providing this treatment, as could conveyance of water through swales / filter strips, as opposed to piped conveyance. The integration of green roofs should be reconsidered.

The design of the proposed attenuation area is disappointing as it is not in line with best practice and adopted SUDs guidance being essentially a pipe and pond solution. Conveyance of surface water should be at the surface unless this is demonstrably not possible or inappropriate.

The pond should include a range of depths, with wet and dry benches to maximise biodiversity benefits and make the design safe for access. By extending the attenuation area, a mix of permanently / seasonally wet areas could

be formed. The design of the attenuation area especially needs to benefit and enhance the Ouzel Brook corridor. The creation of an attractive green infrastructure corridor utilising the Ouzel Brook accords with the North Houghton Regis Framework Plan.

Reference is made to the Council's Sustainable Drainage Guidance SPD. Fencing of SUDs can actually increase risk by preventing access.

CBC Public Protection

31/07/2015

No objection subject to conditions.

Potential impacts on local receptors in terms of noise, odour, dust and lighting are a concern, but having reviewed the application and ES and sought a revised and realistic noise assessment, the Public Protection Team is satisfied that the development can operate without being detrimental to local amenity.

Based on a realistic worst case scenario, it is confirmed that the noise from the development can meet agreed targets. This has included the assumption that 50 per cent of the doors to the waste transfer operation would be open during operations and acoustic penalties reflect the tonal nature of the operations. On the basis of the information submitted, the Public Protection Team is satisfied that noise can be adequately controlled and that options exist to reduce levels further should this be necessary.

In order to ensure that impacts are minimised and as detailed in the ES, conditions should be attached to any grant of permission in relation to operating hours, noise limits, odour and lighting with provision for all impacts to be monitored by the operator and further mitigation introduced if necessary.

Sustainable  
Engineer

Drainage

11/06/2015, 17/07/2015 & 31/07/2015

Following receipt of a revised Drainage Strategy received 24/07/2015), it is considered that planning permission could be granted subject to compliance with that document and imposition of the following conditional requirements:

- prior to its construction, the final sizing, layout and operation of the surface water drainage system;
- prior to occupation of the site, details of the

- management and maintenance arrangements for the surface water drainage system; and
- details of temporary drainage arrangements during the construction phase as part of a Construction Environmental Management Plan.

CBC Archaeology

10/06/2015 & 21/07/2015

No objection.

The northern part of the site is within the area identified as Thorn Green (HER 12242), the site of a former village green associated with the medieval settlement of Thorn. These constitute heritage assets with archaeological interest.

There is extensive evidence of a rich archaeological landscape in the surrounding area. For example, to the west of the site, surface finds indicate the existence of an Iron Age and Roman occupation. Watling Street (HER5508), adjacent to the site's western boundary, was one of the major arterial route of the Roman period.

The site is within the setting of several Scheduled Monuments, designated heritage assets of the highest importance. These include Thorn Spring Moated Site, Maiden Bower Iron Age hillfort, Totterhoe Knolls motte and bailey castle and possibly Tilsworth Manor moat and Warren Knoll medieval motte.

Site evaluation has revealed archaeological features and more recent investigation in the surrounding area has identified further sites and features providing context to the application site. The archaeological remains that have been identified within the site form part of a wider contemporary landscape and their significance is partly derived from their relationship to the wider archaeological landscape.

The ES contains an acceptable approach to identifying baseline information on designated and non-designated heritage assets. It concludes there is a high potential for the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. This is considered reasonable although potential for the prehistoric period should be considered high rather than moderate. Similarly, the



significance of any archaeological remains, assessed in the ES as being of local significance for the prehistoric, medieval and post-medieval periods and of local-regional significance for the Roman and Saxon periods, should be considered to be of regional significance.

The ES recognises that topsoil removal, to facilitate ground-raising, may lead to the full or partial destruction of potential heritage assets. Given such operations are proposed throughout the site, there will be little if any opportunity to preserve buried remains in situ. The ES proposes a programme of archaeological investigation and recording.

The Archaeological Officer considers that the development will intrude into the setting of the three Scheduled Monuments closest to the site (Thorn Spring moated site, Maiden Bower Hillfort and Totternhoe Knolls Motte and Bailey) and that this will be exacerbated by the cumulative effect of the adjacent proposed highways depot and commercial development. There will be a negative impact on the setting of the designated heritage assets, which is likely to have some, albeit limited, effect on their significance. However this impact will not amount to substantial harm as referred to in the NPPF and no objection is raised on the grounds of impact on the setting of designated heritage assets with archaeological interest.

The site has been shown to contain archaeological remains of Roman and medieval date and has potential to contain as yet unidentified features. The proposals will have a negative and irreversible impact upon any archaeological deposits present and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing the applicant takes measures to record and advance understanding of the archaeological heritage assets. A suitable condition should be attached to any permission to secure the investigation and recording of any archaeological deposits; post-excavation analysis of any archive material generated and a publication of a report on the works.

CBC Ecologist

12/06/2015, 13/07/2015, 22/07/2015 & 30/07/2015  
Design of the site should take account of the surrounding

biodiversity interests. The submitted Design & Access Statement does not fully assess how the scheme will fit into this area. The Ouzel Brook along the northern site boundary is an important ecological corridor and it is noted that this will remain intact with existing vegetation retained. The proposed habitat creation (woodland, species-rich and wet grassland and lagoon) will complement this corridor. A condition should be imposed to secure the production and implementation of a management plan for these areas to ensure continued value for wildlife.

Given that the Ouzel Brook is identified as having suitable habitat for water voles and otter and a 10 metre culvert is required where the access road crosses the brook, surveys will be required. If their presence is identified, it will be necessary to apply for a licence from Natural England to allow works to proceed.

Ideally, the SUDs attenuation lagoon should have a variable profile and depths with a mix of permanent and ephemeral water to maximise water biodiversity benefits. The potential for wet woodland in the Ouzel Brook corridor should be explored as part of the drainage solution.

The ES addresses protected species issues and notes that a number of species require follow-up surveys. The ES confidently reports that it should be possible to mitigate any impacts on protected species.

The submitted technical programme for further survey work does not include nesting birds, otters or dormice, all of which were flagged up as potential receptors and must be subject to further survey to assess current interest on site. The presence of this species has been noted on an adjacent site and hence hedgerow removal works may have potential impacts.

No bat boxes, dormice or bird boxes are specified in the habitat management plan but such measures would be informed by the updated surveys which may identify the need for further mitigation. As such, the habitat management plan may also need to be updated.

Enhancement works to the hedge boundaries should

involve species of local provenance which would support dormice (hazel and fruit bearing shrubs). Hedgerow removal must avoid the bird nesting season.

As suitable habitat exists for a number of protected species and the potential impacts are not yet fully understood, the Council's Ecologist suggests that a condition be placed on any permission to require updated ecological surveys for reptiles, nesting birds, bats, water voles, otters, badgers and dormice and, where appropriate, mitigation to be undertaken to avoid impacts on the favourable conservation status of a protected species.

It is noted that an eDNA survey for Great Crest Newts (GCNs) has been undertaken.

A lighting strategy has been submitted in an attempt to mitigate overspill through the eastern hedgerow and green corridors around the site. There is concern regarding the location of the lighting columns on the edge of the internal access road. It appears from the lighting plan that the eastern hedgerow would be 'well lit'. It is noted that time-controlled lighting will be used to avoid overnight usage and the A5 will still be lit. However, the adjacent sewage treatment works is dark so it is considered that there will be an impact on nocturnal species using the hedgerow corridor. Every effort should be made not to increase lighting to the site's landscape edges.

CBC Landscape Planner 17/06/2015, 22/07/2015 & 30/07/2015

Views towards the application site tend to be from adjacent footpaths and more elevated viewpoints. Of particular concern would be views of the site from the proposed open space associated with the Bidwell West development and views from the Houghton Regis Chalk Quarry edge, which offers extensive views across the vale, growth area and beyond onto the northern clay hills.

It is disappointing that green / brown roofs have not been explored further, especially given the need to reduce impact on views onto the development, but also to reduce urban heat, surface water attenuation, biodiversity benefits etc. The external materials finish and colours of buildings and structures should be subject to a condition

for subsequent approval.

In the absence of green / brown roofs, it is requested that additional tree planting be introduced around and within the site comprising a number of species to increase canopy cover to assist in visual mitigation, reduce surface water run off, heat and enhance biodiversity.

The revised stockproof fencing around the lagoon is welcomed. However, the need for fencing could be eliminated if the 1 in 3 slopes were steeped with benches. This would create a safe and more interesting profile both visually and in terms of habitat. To create a more attractive and valuable ecological feature, it is recommended that the increased storage area required due to the introduction of benches / re-profiling of the lagoon be provided within an additional storage area and set within a woodland setting.

It is understood that the proposed lighting units are specifically designed to avoid overspill. However, lighting columns are positioned on the external edges of the circulation road. Every effort should be made not to increase lighting to the green corridors on the site perimeter. Consideration should be given to relocating columns to the inside edge of the access roads to further reduce any spill into the natural landscape buffers. It should be clarified to what extent site lighting levels will be reduced outside operational hours.

Further information is required regarding the design of the bridge crossing over the Ouzel Brook.

It is recommended that a condition is attached to any consent to secure final details of materials finish and colours for all buildings and structures.

CBC Trees & Landscape  
Officer

09/06/2015

The development will result in the loss of the following as specified in the Arboricultural Impact Assessment:

- 1 No. category B tree (019);
- 4 No. category C trees (GO19 (contains 3 trees) and tree 021);
- Part of a woodland group W001 (which is in fact an old SBDC tree nursery that has been disused for

nearly 25 years). The woodland is actually overgrown nursery rows that were abandoned as waterlogging in the winter months meant that trees could no longer be easily extracted) 275m2.

- Over 300 metres of hedgerow.

The loss of landscaping is substantial, but it is noted that the landscaping plan does compensate with large scale new planting. In this respect, the Trees and Landscape Officer would accept the proposal given the importance of the application to the wider community and the degree of planting mitigation proposed.

It will be necessary to obtain an Arboricultural Method Statement in support of tree protection measures for existing trees, especially as many of the retained specimens will be subject to encroachment onto the designated Root Protection Areas by the permissible 20%.

Countryside Service (CAS)	Access	11/06/2015 As this proposal does not appear to involve land that fits the criteria for future maintenance by the CAS sites team, it will not impact on the service. Responsibility for maintenance of the green spaces / SUDs and maintenance specifications should be made clear.
Sustainable Growth / Climate Change Officer	/	15/06/2015 & 13/07/2015 Notes and agrees with the comment in the submitted Sustainability Assessment that the BREEAM standard is not suitable for this type of development. The applicant's approach to assessing sustainability of the development following a BREEAM methodology in categories that are applicable is supported. The proposal to use the waste transfer building roof space for installation of PV panels is particularly welcomed. This is advocated by the Government's UK solar PV Strategy. Roof mounted PV installation up to 1MW constitutes permitted development and the applicant is encouraged to install PV panels with a maximum capacity permitted by available roof space.
CBC Design	Conservation &	No comments received.
CBC Leisure Strategy		Do not wish to comment.

Environment Agency 04/06/2015 & 14/07/2015  
No objection.

On the basis that infiltration of surface water drainage will not occur and parking / storage areas will only be on impermeable areas, the Agency considers that a planning condition to secure a scheme of surface water disposal will not be required. It is noted that the detention lagoon is to be lined.

The Agency notes that the site is located above a Principal Aquifer. However, the proposal is not considered to be high risk. The developer should nevertheless address risks to controlled waters from contamination at the site following appropriate guidance.

The Agency advises that irrespective of any planning approval, an Environmental Permit will be required.

Highways England 21/05/2015 & 04/08/2015  
Offer no objection. The development would have no adverse impact on the A5.

Natural England 09/06/2015 & 20/07/2015  
No objection - with conditions.

Natural England notes the site's close proximity to Houghton Regis Marl Lakes SSSI but is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is therefore advised that this SSSI does not represent a constraint in determining the application.

Natural England would expect their Standing Advice to be applied to aid the Local Planning Authority in the consideration of impacts on protected species. This Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

In order to ensure that the habitats proposed to mitigate the loss of existing habitats within the site are successfully created, it is recommended that a planning

condition requiring the submission and approval of a Biodiversity Management Plan should be attached to any permission.

Other advice -

The Local Planning Authority should assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity); local landscape character, and local or national biodiversity priority habitats and species.

Reference is made to section 40 of the Natural Environment and Rural Communities Act 2006 in terms of the duty on every public authority in exercising its functions to have regard to the purpose of conserving biodiversity.

Historic England

09/06/2015 & 09/07/2015

No objection in principle.

Historic England comment that the proposals have potential to impact upon the setting of several designated heritage assets, primarily the Thorn Spring moated site and associated woodbanks, Maiden Bower and Totternhoe Castle, all being scheduled monuments.

Thorn Spring moated site and associated woodlands (750m northeast) comprises a well defined moat and moat island with a detached woodbank surviving c.160m south of the moat. Evidential and historic values contribute to the significance of the monument, including the nature and extent of below and above ground archaeological features including the rarity of the surviving woodbank and the monument's association with Houghton and the de Gurney family in the latter half of the medieval period. The monument's setting contributes to its significance, including its placement within the wider landscape. This historically open and agricultural landscape still survives within the wider area, although the monument is now wooded and at times visually obscured from it. Negative elements exist within the setting including the noise and visual intrusion from the busy road to the south and the encroachment of urban development and infrastructure which has somewhat eroded the landscape's historic character.

Totternhoe medieval mote and bailey castle and the Maiden Bower Iron Age hillfort both lie on a ridgeline to the southwest of the site. There is significance in the preserved archaeological evidence within both monuments, including the upstanding earthworks and below ground deposits and the potential for preserved palaeo-environmental evidence. Reference is made to the great historical and evidential value in these monuments, particularly their commanding views across the landscape and setting is cited as a vitally important aspect to their significance. Recognisable evidence remains e.g. ancient tracks and historic settlements. Both Totternhoe Castle and Maiden Bower have views looking northeast towards the site.

Historic England's review of the ES has focused on the development's impact upon the setting of the nearby highly graded designated heritage assets. Reservations are expressed over the conclusion in the EIA that the development would have no impact upon the setting of the scheduled monuments. Historic England consider that the cultural heritage assessment has underplayed the contribution setting makes to their significance. Totternhoe Castle is not included within the Cultural Heritage Assessment despite being the highest point in the landscape with 360° views.

Contrary to the EIA, Historic England considers that the proposals would have an impact upon the setting of the scheduled monuments primarily through the addition of large modern infrastructure and development and the erosion of the historic agricultural landscape in addition to some visual intrusion. It is however accepted that the impact upon the setting of Maiden Bower and Totternhoe Castle would not be high and unlikely to result in harm to their significance. Additional screening along the western boundary and site lighting controls would further minimise impact.

Historic England does anticipate a greater magnitude of impact to the Thorn Spring moated site due to the erosion being closer to the monument's immediate surroundings. Further impact from potential increases in noise, light and traffic within close proximity to the woodbank element of the monument adjacent to Thorn Road is also highlighted. However, given the nature, extent and



proximity of the site, it is accepted that the level of harm is likely to be low. Impact of increased traffic flows upon the woodbank element could be minimised by controls over traffic numbers, speed and timing as well as additional screening along the roadside of the monument. Traffic issues might potentially be mitigated by the new A5-M1 link road.

Historic England conclude that the scheme is likely to impact upon the settings of the scheduled monuments. The magnitude of such impacts would not be high and could be further reduced by increased screening, although the increase in traffic and the scale of urban development could result in some harm to the significance of the Thorn Spring site.

No objection is raised in principle but the Council is recommended to consider options to further minimise the magnitude of impact upon the setting and ensure it has convincing justification for the harm to the Thorn Spring site and that the level of harm is outweighed by the public benefits of the application. The Council is also recommended to seek opportunities in which the scheme could preserve those elements of setting that make a positive contribution to the scheduled monument or better reveal the asset's significance. Further opportunities could exist through legal agreements.

Buckingham and River  
Ouzel Internal Drainage  
Board

08/06/2015, 10/07/2015 & 29/07/2015

On the basis that the development is set back from the edge of Flood Zone 3 as shown on the Environment Agency's plans and the surface water discharge is to be restricted to the agreed rate of 3 litres per second per hectare, the Board will remove its earlier objection to these applications. However, the access road is shown to be within Flood Zone 3 which will require the Board's prior consent. Although the Board is currently in discussion with the applicant regarding this matter, it is suggested that planning permission should not be granted without a condition requiring the access road design and construction details to be agreed before any development commences to ensure flood risk is not increased.

Anglian Water (AW)

08/06/2015

AW's initial odour risk assessment indicates there is

potential for loss of amenity at the proposed development due to odour emissions from the operation of the Dunstable water recycling centre (DWRC). The process is inherently prone to short periods of relatively strong odorous emissions against which there is little practical mitigation. It is advised therefore that the proposed layout maintains an effective distance between the treatment works and sensitive accommodation. It is recommended that an odour dispersion model is produced to establish the range at which the amenity of neighbouring property is likely to be impaired.

The foul drainage from the proposed development is in the catchment of DWRC which has available capacity for these flows.

The sewerage system at present has available capacity for these flows which are acceptable in principle. However, AW has yet to agree a pumped discharge rate and no rate is provided on the submitted drawings and information. If the developer wishes to connect to the sewerage network, they should serve notice under section 106 of the Water Industry Act 1991. AW will then advise of the most suitable point of connection and agree the discharge rate.

Reference is made to the need to make an application to AW under section 118 of the Water Industry Act 1991 to obtain the necessary prior consent to discharge trade effluent to the public sewer. The planning decision notice should include text to this effect. It is also recommended that petrol / oil interceptors be fitted in all car parking facilities.

London Luton Airport Operations - Aerodrome Safeguarding	26/05/2015 No safeguarding objection on the basis that the proposal does not conflict with safeguarding criteria.
National Air Traffic Safeguarding	22/05/2015 & 13/07/2015 Having examined the proposed development from a technical safeguarding perspective, there is no safeguarding objection to this proposal as it does not conflict with safeguarding criteria.
Bedfordshire Cambridgeshire,	10/06/2015 & 20/07/2015 It is pleasing to see that habitat creation has been

Northamptonshire  
Wildlife Trust

incorporated into the plan using native species and that a long term management plan for these areas will be included. It is concerning that the area of native woodland proposed is significantly less than the area to be lost to the proposed highways depot.

The Trust's main concerns relate to the other committed and proposed developments in the area. The accumulative effects of this application, the proposed adjacent highways depot, industrial units A5-M1 link road and the HRN2 development will substantially reduce the amount of suitable habitat locally. This will put greater pressure on remaining areas such as Houghton Regis Chalk Pit SSSI and CWS to support the displaced wildlife. It would be of greater benefit to biodiversity if the planting proposals on either side of the Ouzel Brook are complementary. At present, the proposed landscaping plan for the commercial units application (CB/15/01628REG3) shows soft landscaping to the north of the brook. It is pleasing to hear that the applicant for the land to the north of the brook has been approached in an attempt to ensure that the brook's corridor is considered as a whole on both banks.

In order to allow animals to move between remaining fragments of habitat, it is important that the conservation area and hedgerows around the site will be kept free from disturbance. This will include the use of sensitive site lighting with hedgerows and trees lines left dark for commuting bats and other species. This may be achieved by only using lights during operational hours and using directional lighting.

The adjacent Dunstable Sewage Treatment Works is known to support a large number of notable bird species and yet no bird survey has been carried out to determine the extent to which these notable species use the site, which could better inform the mitigation plan. Given that further species surveys are required (badger, water vole and otter), further bird surveys are also recommended at this site and the adjacent application sites. Until the results of these species surveys are known, it is not possible to say what impact the development would have and whether mitigation proposed is sufficient. Depending on the additional species survey findings, it may be better to change the planting plan - for example to have an open

corridor along the Ouzel Brook to benefit water voles and other aquatic wildlife.

The extended phase 1 survey from 2011 (attached to the revised details) recommended that the woodland should be left intact but the plans for the adjacent depot involve the removal of the woodland. As mitigation, this application proposes to plant 0.33ha of native woodland near the Ouzel Brook which is a fraction of the 1.5ha that would be lost.

The Development Strategy for Central Bedfordshire (Policy 59) states that the Council will ensure that woodlands will be protected from development and improved through proper management. The 2011 survey also recommended that the existing screen between the Dunstable STW and the study site should be maintained and reinforced with additional planting to reduce the impact of noise and lighting from the waste site on birds at the STW. Whilst this screen is being retained, the additional retention of the woodland adjacent to the STW would help to buffer the effects of these two developments.

Council for the 16/06/2015  
Protection of Rural Object to the application.  
England CPRE)

CPRE protests most strongly at the way in which the Environmental Statement for this development and associated applications for the highways depot and commercial development have been prepared for consultation. What is collectively proposed for the Council's land amounts to a single industrial zone with three components that have clearly not been planned on an integrated basis. There should have been an overall approach to the environmental assessment of these proposals. Yet each component has been treated as if it was a stand-alone development. It is true that each set of environmental documentation addresses the issue of cumulative impact, but it is necessary to look at three sets of documents to find them. The overall environmental effects of the developments are difficult to discern.

It is noted that the principle of a strategic waste management facility has already been established through the Minerals & Waste Local Plan 2014.

However, CPRE do not consider that the scale and design of the proposed development is in conformity with the objectives of Policy WSP3 as it does not have regard to the setting and surrounding landscape. There will be considerable detriment to the landscape surroundings and visual amenity. The proposal will seriously damage and detract from the Chalk Hill escarpment which forms an important landscape feature by inflicting a scar of industrial buildings of unacceptable prominence, from both shorter and longer distance viewpoints.

The HRN2 residential areas and proposed school is much closer to the proposed waste management facilities than is desirable.

It is CPRE's view that only limited weight can be given to the emerging Development Strategy and certainly not sufficient weight for the necessary alteration to the Green Belt boundary at Thorn Turn to be assumed on a pre-emptive basis. The application places significant weight on the Inspector's report on the Minerals & Waste Local Plan which concluded that "*in general terms the Thorn Turn waste recovery allocation would not lead to unacceptable impacts on its setting and surroundings*". CRPE do not agree with that judgement for reasons already given but, more importantly, it should be highlighted that in coming to this conclusion the Inspector specifically stated that he was "disregarding its location in the South Bedfordshire Green Belt. The fundamental question in considering the Green Belt issue is whether the development is harming to the Green Belt's openness. There is no doubt that the harm caused to the Green Belt by reason of openness is of a very substantial order. The case put forward by the Council to demonstrate 'very special circumstances' is not sufficient. The 'very special circumstances' put forward by the Council relates not so much to the waste park application but to the associated application for the highways depot and the benefits arising from relocating the household waste recycling site from French's Avenue, Dunstable. The particular problems with the French's Avenue site are appreciated and CRPE might well not have too much problem with relocating this facility given that, on its own, there would be relatively limited impact on the openness of the Green Belt. However, the 'very special circumstances' associated with the house waste recycling

site cannot be used to justify the harm to the Green Belt's openness from the waste transfer station which, on its own and even more so in conjunction with the house waste recycling site, is of a much greater order.

The application is premature in terms of removal from Green Belt status and should be refused.

British Horse Society

10/06/2015 & 30/07/2015

Bridleway is an important route for horse riders and includes the Icknield Way.

The plans state that the current width of Bridleway no. 49 is to remain 4 metres-wide (greater in places). The existing hedge on both sides of Bridleway no. 49 and additional planting on the site boundary may help to improve noise levels and screening. Ideally, a 10-metre-wide path is required in order to help keep horse riders further away from the noisy area. Sudden loud noises that can make a young or nervous horse spin around or bolt with the possibility of the rider being thrown and injured and the horse running loose. Mesh fencing around the site would be preferable as it allows a horse to see what is going on and not feel enclosed.

There is no mention as to how horse-riders are going to cross the access road safely. A Pegasus crossing or warning system should ideally be put in place along with a holding area for horse riders. Traffic in both directions should be made aware of the bridleway by appropriate signage.

The proposed car parks are shown at the front and sides of the waste transfer building and it is queried whether it would not be better to have these car parks at the back of the warehouse alongside Bridleway 49. Noise levels from the waste building would then be at a greater distance from the bridleway. Better still, if the whole warehouse and car park is rotated 180 degrees, the car park would then be backing onto the bridleway resulting in even less noise.

The bridge structure currently in place that crosses the Ouzel Brook near the A5 needs to be of a structure to accommodate horse riders. The bridleway crossing over the proposed access road should have a holding area

either side of the zebra crossing to make it safer. In order to continue the bridleway connection over the A5-M1 link road and with the new build planned adjacent to the application site, the volume of traffic will significantly increase and a Pegasus crossing at Thorn Road is a necessity.

Owing to the heavy traffic on surrounding roads and the lack of bridleway connection close to Thorn Road, Bridleway no. 49 has long been a 'no go' area for horse riders. When all the bridleway connections are complete, the route will need to be promoted and local livery yards informed.

Users entering and exiting Bridleway 49 at Sewell to join or exit the Green Lanes will have to cross the A5. A suitable crossing needs to be installed here.

Central Bedfordshire &  
Luton Joint Local Access  
Forum

10/06/2015

No objection but would wish to identify a number of concerns, particularly in relation to Bridleway 49.

A full Pegasus crossing should be provided at Thorn Road as part of this application. If this is not the case, it should be ensured that the ducting for the cabling to create the Pegasus crossing is included when the high friction surface (as described in the plans) is installed.

On the access road to the waste park, more detail is required on the type of crossing to be provided. The application currently states that this is a zebra crossing, which would be unsuitable for equestrian users. A Pegasus crossing should be installed. However, if this is not possible, cycle / horse activated flashing lights with barriers to provide safety from vehicle movements should be provided as a minimum

There do not appear to be any proposed measures in place to mitigate against the impact of sudden, unexpected and loud noises from the waste operation. Horses are sensitive to such disturbance. Whilst there will be signage on the bridleway to warn riders of this, forum members are concerned that there will still be risks to riders. Every effort should be made to minimise noise by managing the operation. As much screen planting as possible should be included to minimise noise effects on

horses. A 10 metre-wide area for the bridleway is required to help mitigate against the noise issue by ensuring that there is sufficient space for horses to remain calm when passing the site.

Bridleway 49 provides an important missing link in the Icknield Way Trail, which will be a key route around the north of the growth area. In order to enable use all year round by walkers, cyclists and riders, the route should be appropriately drained and surfaced – 3 metres for cyclists on a tarmac surface; 3 metres for horses on a grassed surface, with a 2 metre strip on each side.

The application includes palisade fencing on the perimeter of the site. However, in order to minimise the corridor effect, the forum would wish to see an expanded metal fence used wherever possible, and specifically alongside the bridleway.

Reference is made to the need to ensure a co-ordinated movement plan for non-motorised users across the multiple proposals in the area. A network of direct safe routes for non-motorised users will encourage environmentally sustainable and healthy travel.

London Gliding Club

15/07/2015  
No objection.

Having reviewed the documentation, there would not immediately appear to be any issues which would affect the Gliding Club's flying operation at Dunstable Downs. This opinion is based on there not being any tall chimneys or towers.

National Grid

No comments received.

British Gas Transco

No comments received.

UK Power Networks

No comments received.

British  
Telecommunications  
PLC

No comments received.

Royal Society for the  
Protection of Birds

No comments received.



(RSPB)

CBC Conservation & Design Team No comments received.

Affinity Water Ltd No comments received.

Chief Fire Officer No comments received.

Bedfordshire Rights of Way Association No comments received.

Friends of the Earth No comments received.

National Planning Casework Unit No comments received.

### **Determining Issues**

The main considerations of the application are;

1. National and Local Policy and other material planning considerations
2. Acceptability of the development in the Green Belt
3. Access, Traffic and transportation
4. Landscape and Visual Impacts
5. Flood risk and water resources
6. Noise and vibration
7. Air Quality, Disturbance & Fire Risk
8. Ecology & Biodiversity
9. Cultural Heritage
10. Public Rights of Way
11. Design and Sustainability Considerations
12. Agricultural land and soils
13. Cumulative Impacts
14. Assessment of proposals against the Waste Framework Directive

### **Considerations**

#### **Human Rights issues**

Based on the information submitted, there are no known issues in the context of Human Rights and as such there are no relevant implications

#### **Equality Act 2010**

The Equality Act came into force on 1 October 2010 and has the effect of making it unlawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil in exercising their functions. The applicant has submitted a compliance statement setting out how it accords with the legislation. It is considered that the relevant buildings on site are compliant as evidenced by the ramped access to the weighbridge office and level access to the HWRC management office. The applicant comments that these are the only buildings on site for which wheelchair access is a requirement. The applicant comments that the physical nature of the work at the WTS and HWRC means that it would be less suitable employment for staff with disability. Nevertheless, areas of steps minimised, particularly into the other buildings, are minimised. Allocated

parking spaces for drivers with disability would be situated between the WTS and HWRC

for ease of access. The HWRC provides a two tier facility which allows users to drop materials into waste containers from an elevated position without climbing steps and for this

reason the facility is likely to be more accessible to less able bodied persons. Officers are

of the opinion that the design elements outlined above are sufficient and no issues or inequality or discrimination arise. The provisions of the Equality Act are therefore satisfied. .

## **1. National and Local Policy and other material considerations**

### National Planning Policy Framework (NPPF):

The NPPF sets out an underlying presumption in favour of sustainable development, whilst not impinging on the statutory status of the development plan. The NPPF's core planning principles include protecting Green Belt land and focussing significant development in locations which are, or can be made, sustainable. It contains a number of statements of policy which are relevant to the consideration of this application, notably:

- Promoting sustainable transport (Section 4);
- Requiring good design (Section 7);
- Protecting Green Belt land (Section 9);
- Meeting the challenge of climate change, flooding and coastal change (Section 10);
- Conserving and enhancing the natural environment (Section 11); and
- Conserving and enhancing the historic environment (Section 12)

### Planning Practice Guidance:

Government guidance is also available as a web-based resource under a series of headings several of which have relevance to the subject application including air quality, climate change, conserving and enhancing the historic environment,

design, flood risk, light pollution, natural environment, noise, transport assessments and water quality.

The role of Waste Planning Authorities in meeting European obligations:

The European Union Waste Framework Directive (WFD) (2008/98/EC) provides an overarching legislative framework for the management of waste across Europe. Its transposition in England is largely through the Waste (England and Wales) Regulations 2011 (SI 2011 No. 988).

In exercising its planning functions dealing with waste management, Local Planning Authorities play a role in implementing the following Articles of the Directive:

- Article 4: Waste Hierarchy - driving waste up the hierarchy in the following order of priority: a) prevention; b) preparing for re-use; c) recycling; d) other recovery such as energy recovery; e) disposal.
- Article 13: Protection of human health and the environment - in particular, a) without risk to water, air, soils, plants or animals; b) without causing a nuisance through noise or odours; c) without adversely affecting the countryside or places of special interest.
- Article 16: Principles of proximity and self-sufficiency - appropriate measures must be taken to establish an integrated and adequate network of waste disposal installations and installations for the recovery of mixed municipal waste collected from private households.
- Article 28: Waste Management Plans - Waste planning authorities should ensure that there is sufficient information in the Local Plan and/or annual monitoring reports to determine the location and capacity of existing and future disposal or major recovery installations in order to meet the identified needs of an area for the management of waste.
- Article 34: Periodic inspections - establishments or undertakings which carry out waste treatment operations or collect or transport waste on a professional basis shall be subject to appropriate periodic inspections by the waste planning authority (likely to occur as part of the a wider inspection regime to ensure compliance with the terms of the planning permission)

Waste Management Plan for England (December 2013) (WMPE):

The mandatory requirements of Article 28 of the WFD are fulfilled by the WMPE. Essentially a high-level document, it provides an analysis of the current waste management situation and evaluates how it will support implementation of the objectives and provisions of WFD. It does not seek to introduce new waste management measures but brings current waste management policies under the umbrella of one national plan.

With regard to the development of new waste infrastructure, the WMPE states:

*"The Government's ambitions for waste highlight the importance of putting in*

*place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources. In line with the Government's approach to localism, we continue to support local authorities to facilitate the provision of necessary waste infrastructure, recognising that local communities should benefit from hosting waste infrastructure and be involved from an early stage in planning for such infrastructure".*

In terms of the location of waste facilities, the WMPE states:

*"The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health."*

National Planning Policy for Waste (October 2014) (NPPW):

The NPPW sets out detailed waste planning policies and should be read in conjunction with the NPPF and WMPE. Section 4 of the NPPW advises that waste planning authorities should, *inter alia*:

*"... plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant."*

In accordance with section 5 of the NPPW, waste planning authorities' should assess of the suitability of sites and/or areas for new or enhanced waste management facilities against a number of criteria, including physical and environmental constraints on development, existing and proposed neighbouring land uses, the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and the cumulative impact of existing and proposed waste transfer facilities on the well-being of the local community and environmental quality. Reference is also made to an Appendix B which contains a list of 'Locational Criteria' covering such matters as landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions, odours, noise, light and potential land use conflict.

The special protection to be afforded to Green Belt is highlighted in section 6 of the NPPW. It states that:

*"In the preparation of Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some*

*types of waste management facilities when preparing their Local Plan."*

Section 7 comprises a list of factors that must be taken into account when determining applications for waste development. Waste planning authorities should, *inter alia*,

- only expect applicant's to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- ...expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan will not undermine the objectives of Local Plan through prejudicing movement up the waste hierarchy; and
- ensuring the waste facilities in themselves are well-designed so that they contribute positively to the character and quality of the area in which they are located.

The Adopted Development Plan:

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF echoes this requirement and, at para 12, states:

*"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."*

The NPPF advises that due weight should be applied to relevant policies within existing plans according to their degree of consistency with the Framework with greater weight afforded where policies are closer to those in the Framework. It also advises, at paragraph 216, that decision-takers may give weight to relevant policies within emerging plans according to:

- the stage of preparation of the emerging plan, with greater weight given where the plan is more advanced;
- the extent to which there are unresolved objections to relevant policies; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework. Again, the closer the policies in the emerging plan are to those in the Framework, the greater the weight that may be applied.

The development plan for the area comprises the saved policies within the South Bedfordshire Local Plan Review 2004 (SBLPR), the saved 'General & Environmental' Policies of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 (MWLP) and Minerals & Waste Local Plan: Strategic Sites & Policies (2014) (MWSSP).

The SBLPR contains policies and proposals aimed at guiding the development of land in South Bedfordshire up to 2011. Certain policies were 'saved' by the Secretary of State in September 2007 and continue to form part of the development plan until such time as they may be superseded by the emerging Development Strategy for Central Bedfordshire.

The MWSSP sets out the vision, objectives and strategy for minerals and waste across Bedfordshire and identifies strategic sites for development. It replaces a raft of policies in the MWLP.

Policy WSP1 of the MWSSP stipulates, *inter alia*, that sufficient capacity for the recovery of waste from the Plan Area will be provided in order to enable the following targets for diversion from landfill and recovery to be achieved:

- recovery of at least 70% of municipal solid waste by 2015 and 75 per cent by 2020; and
- recovery of at least 75% of commercial and industrial wastes by 2015.

The targets in Policy WSP1 set minimum levels of recovery as defined in the Waste Framework Directive for both public sector and business sector wastes.

The MWSSP forecasts that total arisings of municipal solid waste (MSW) in the Plan Area will grow steadily from a current figure of around 306,000 tonnes per annum to 371,000 tonnes by annum by 2028/29. Similarly, total Plan Area commercial and industrial waste arisings are predicted to increase from a current figure of 510,000 tonnes per annum to 544,000 tonnes per annum. By applying the recovery targets set out in Policy WSP1, it is calculated future additional waste recovery capacity for MSW and C&I wastes of 161,000 tonnes will be needed by 2018/19 and 229,000 tonnes by 2028/29.

Policy WSP2 of the MWSSP allocates four sites for strategic non-landfill waste management uses, one of which is 'Land at Thorn Turn', the central section of which forms the application area subject to this report. The MWSSP recognises the site's current location in the Green Belt whilst noting that it lies within a larger area proposed to be allocated for housing and employment uses to the north of Houghton Regis as identified in Central Bedfordshire's emerging Development Strategy (see below). The supporting text refers to Land at Thorn Turn and the other strategic waste sites as being the most appropriate given the land use circumstances of the Plan area, and being in locations where large scale waste recovery uses can be accommodated in order to significantly contribute to the shift towards a materials re-using economy. The strategic sites are identified for 'non-landfill waste management operations' rather than being technology-specific and can manage either municipal or commercial wastes, or a combination of both. As they can supply substantial amounts of recovery capacity, it provides certainty that the waste capacity gap will be met even if not all of the sites are actually brought forward for waste management uses. Policy WSP2 states that until "*...Land at Thorn Turn has been removed from the*

*Green Belt, the Waste Planning Authority will only support proposals for waste recovery uses at the site if very special circumstances can be demonstrated."*

Through Policy MWSP3, proposals for waste management development must be determined with regard to, *inter alia*, the saved 'General and Environmental' policies in the 2005 Bedfordshire & Luton Minerals & Waste Local Plan (or such other policies as may replace them). These General and Environmental Policies include Policy GE1 (*Matters to be addressed in planning applications*). It is all-embracing in that it sets out the full range of topics that must be addressed by applicants as may be applicable and provides the policy basis for judging whether an application contains adequate information. A positive determination can only be made when all of the potential impacts (both positive and negative) are properly considered and understood.

Good quality design is addressed in Policy WSP3 of the MWSSP. The overall design, layout and built form of new waste management facilities must have regard to scale and setting and be sympathetic to the surrounding landscape.

Emerging Plans and Material Considerations:

In March 2011, the Luton and Southern Central Bedfordshire Joint Core Strategy (JCS) was submitted for examination. However, this was withdrawn in July 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. Notwithstanding this, in August 2011, the CBC Executive Committee endorsed the JCS for development management purposes. Accordingly the JCS does not carry the degree of weight afforded to the adopted development plan but remains a material consideration.

The Development Strategy for Central Bedfordshire - Revised Pre-Submission Version (DSCB) June 2014 is intended to become the principal planning document for the whole of Central Bedfordshire identifying what type of growth is needed, where it would be best directed and indicating the allocation of strategic development sites. Once adopted, the policies would replace the saved policies within the SBLPR.

The DSCB was submitted to the Secretary of State on 24 October 2014. Following initial hearing sessions in February 2015, the Inspector concluded that the Council had not complied with its Duty to Co-operate to meet the objectively assessed housing needs of the Luton Housing Market Area. Section 33A of the Planning and Compulsory Purchase Act 2004 imposes a legal requirement on Local Authorities to work co-operatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities, and demonstrate such co-operation through the plan-making process. The need to comply with this requirement is distinct from the test of "soundness" i.e. whether the Plan is fit for purpose. In light of his view, the Inspector recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final report. The Council subsequently notified

the Planning Inspectorate that it did not intend to withdraw the Development Strategy and that the Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector's decision was made by the Council in the High Court on 12 March 2015. On 16 June, the Court declined to grant the Council leave to have its appeal heard in the High Court. The Council has, however, opted to appeal against this judgement, which is expected to be heard in the Court of Appeal in the Autumn. Notwithstanding these legal proceedings, it is considered that the DSCB remains as a submitted plan that has not been withdrawn and its preparation is based on substantial evidence gathered over a number of years such that CBC regard it as a sustainable strategy that is NPPF-compliant and fit for submission to the Secretary of State. In line with paragraph 216 of the NPPF, the emerging DSCB remains as a material consideration and its policies are considered to carry limited weight in the determination of this application.

Policy 60 of the DSCB specifically sets out the requirements for the Houghton Regis North Strategic Allocation, to be delivered through a Masterplan covering a broad area split into two sites. Site HRN1 extends from the A5120 to the M1 whilst Site HRN2 comprises the area between the A5 and the A5120. The policy envisages the Green Belt boundary being revised to follow the alignment of the A5-M1 Link Road. Paragraph 13.27 of the DSCB notes that the Thorn Turn site had been identified by the BEaR Project as the likely site to develop required infrastructure. The procurement envisaged the delivery of various facilities including the delivery of two strategically located salt barns and the relocation of Dunstable's household waste recycling centre to Thorn Turn. The paragraph continues to note that the masterplan will consider the possible linkages with this proposed development and any potential synergies. In support of this policy, the Houghton Regis Framework Plan has been produced and was adopted in March 2014 as technical guidance for development management purposes. The Framework diagram and supporting text aim to outline broad aspirations for key elements of the allocation and to guide the development as a whole based on constraints and opportunities. Paragraph 4.9 of this Framework identifies the area at Thorn Turn, within Site 2 of the allocation, as forming:

*"...a commercial gateway into Dunstable from the north (A5) and west (A505) {and...} also the location for a significant recycling facility for the area as a whole".*

The Central Bedfordshire Design Guide 2014 sets out key principles and standards to ensure the delivery of high quality design in all types of new development proposals within the Council's area and is used as guidance for development management purposes.

The Green Belt Technical Paper 2014 provided part of the evidence base for the emerging DSCB reviewing the Green Belt around the Luton/Dunstable/Houghton Regis conurbation in order to accommodate anticipated growth.



**2. Acceptability of the development in the Green Belt**

As noted already in this report, the protection of Green Belt land forms one of the core planning principles set out within the NPPF and is a fundamental policy consideration. The NPPF attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. Within the Green Belt, there is a presumption against major development which is considered inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where 'very special circumstances' can be demonstrated. Paragraph 88 of the NPPF states:

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

Within saved Policy GE5 of the MWLP there is a general presumption against waste development unless very special circumstances can be demonstrated that justify the proposal. Whilst this policy pre-dates the national statement on Green Belt policy introduced in the NPPF, it is considered to be broadly consistent with it and should therefore carry due weight.

The construction of new buildings should be regarded as inappropriate in the Green Belt unless the development is one of various exceptions identified at NPPF paragraph 89. Certain other forms of development are also identified, at NPPF paragraph 90, as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This is echoed in Policy 36 of the emerging DSCB. The proposed development does not fall within one of the identified exceptions nor constitute one of the other forms of development.

Prematurity:

At the present time, the site falls within the Green Belt and would not be formally removed from it until such time as a Development Strategy removing this designation has been adopted. NPPF paragraph 83 states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. Consultees have argued the development is premature on the basis that it is proposed within the Green Belt in advance of any formal change to the Green Belt designation arising from the adoption of a new plan.

It should, however, be noted that automatic refusal of planning applications simply on the grounds of prematurity would be incorrect as national planning policy requires broader account be taken of material considerations.

NPPF paragraph 83 was specifically addressed as part of the recent Court judgement in respect of the HRN1 planning permission handed down on 20 May 2015 between the *Queen on the application of Luton Borough Council and Central Bedfordshire et al* (Case No.C1/2015/0091). The following paragraphs 55 and 56 of the judgement may assist Members in the consideration of this application:

*“Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided “very special circumstances” exist.*

*Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding “exceptional circumstances” test) and then granting permission for development without having to satisfy the more demanding “very special circumstances” test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent “very special circumstances” test is satisfied.”*

National Planning Practice Guidance gives clear direction that in relation to circumstances where it may be justifiable to refuse permission on prematurity grounds. It states that, within the context of the NPPF and, in particular, its underpinning presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and other material considerations into account.

Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining conditions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood

Planning; and

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

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to clearly indicate how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. In considering the present application, Members will be aware that the emerging DSCB is at an advanced stage but is not yet formally part of the development plan for the area.

As identified earlier in this report, the application is accompanied by an Environmental Statement submitted in accordance with the Environmental Impact Assessment Regulations 2011 which examines the potential effects of the development together with existing and committed development within the area, including the proposed HRN2 allocation. This report details officer's assessments of these effects and concludes that subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development.

As noted above, Policy WSP2 of the adopted MWSSP allocates Land at Thorn Turn for strategic non-landfill waste management uses. The application area, including internal access road and other ancillary development, sits entirely within the boundaries of this allocation.

Members will also be aware that at Committee's July meeting it was also resolved to grant planning permission for HRN2, subject to referral to the Secretary of State, and there appears a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future. In its context, Committee are entitled to consider that, whilst the cumulative proposed development is substantial, the grant of planning permission for the application subject to this report would not prejudice the outcome of the plan-making process so as to warrant refusal on prematurity grounds.

The purposes of the Green Belt:

Green Belts serve five purposes as identified at paragraph 80 of the NPPF:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal may conflict with or support these.

To check the unrestricted sprawl of built up areas:

The application land falls outside the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable and is closely related to Thorn Road. The site is bound by the A5 Watling Street on its western side and the established Dunstable Water Recycling Facility to the east.

The application site forms part of substantial proposed development which would expand the existing built-up area from its north western edge in the broad area between the A5 and A5120 Bedford Road. The northern boundary of the expansion would be enclosed by the route of the A5-M1 link road currently under construction. The northern expansion of the settlement area to the east of the A5120 is already substantially approved through several permissions, including 262 hectares comprising HRN1, which stretches to the M1 motorway and its intersection with the A5-M1 link road. (Committee will be aware that an application by Luton Borough Council to judicially review the HRN1 planning application issued by CBC on 2 June 2014 was refused by the Court of Appeal in a judgement dated 20 May 2015 as referred to above).

It is pertinent to note that CBC's Technical Paper. It is pertinent to note that CBC's Green Belt Technical Paper recommended the deletion of the wider proposed expansion area at Houghton Regis North from the Green Belt following the updated assessment. The expansion of the built-up conurbation would therefore be restricted by the existing and consented strategic road network which would provide for permanent physical boundaries on all sides of the enlarged settlement. Within the context of the proposed Strategic Allocation, including committed development within it, and the permanent physical boundaries, it is not considered that development of an 8.4 hectare waste park would amount to unrestricted urban sprawl. It is worth emphasising that the waste park would take up approximately one third of the parcel of land allocated for strategic waste uses and that the actual footprint of the buildings would account for less than 0.8ha. At the Committee's July 2015 meeting, it was resolved to approve an outline application for up to 44,700m<sup>2</sup> of B1, B2 and/or B8 employment development on land fronting Thorn Road comprising the northern segment of the strategic waste use allocation area and, more widely, the HRN2 urban expansion (both subject to Secretary of State referral).

To prevent neighbouring towns merging into one another:

The proposed development of the site in this location would not cause the coalescence of specific neighbouring towns and as such this role of the Green Belt would not be compromised.

To assist in safeguarding the countryside from encroachment:

Notwithstanding that the proposed Strategic Allocation is planned to be enclosed by strong, physical boundaries presenting unrestricted sprawl, at the present time the proposed development would represent an encroachment upon the countryside.

To preserve the setting and special character of historic towns:

The preservation of the site as undeveloped land is not identified as important to the setting or special historic character Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets such as the Thorn Spring Moated Site and Maiden Bower Iron Age Hillfort is also relevant to Green Belt functions, it is judged that these potential adverse impacts are not significant and can be adequately mitigated against.

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

Being a greenfield site, the proposals themselves would not constitute the re-use of derelict or other urban land. However, the proposals will allow for the closure and relocation of the existing HWRC facility at Frenchs Avenue and enable that land to come forward as part of a wider urban re-development project in this part of Houghton Regis in line with CBC's regeneration aspirations. By allow for recycling of other urban land, the proposed development finds some support in respect of this Green Belt function.

As the proposed waste park is considered to constitute inappropriate development in the Green Belt, and therefore harmful, it is necessary to explore whether any very special circumstances exist which are sufficient to clearly outweigh the identified harm to the Green Belt, and any other harm.

There is no legal or policy definition of the meaning of 'very special circumstances' but there is a body of opinion expressed through planning appeal decisions and Court judgements which can assist the Committee in reaching a decision on this issue.

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 the national or regional level?
3. Is there a substantial need that cannot be met within the urban area?
4. Are there substantial cultural, social or community benefits?

The applicant's case for very special circumstances:

The application sets out the following issues which the applicant considers constitute very special circumstances:

- The proposed development is allocated as a strategic site for waste management use within the recently adopted Minerals and Waste Local Plan

and, in this regard, it is in conformity with the NPPF. Following a site selection process, the Inspector's report on the Plan confirmed his support for the principle of a strategic waste facility in this location in the context of the envisaged urban expansion.

- As Waste Disposal Authority, Central Bedfordshire Council has a responsibility to provide a range of long term waste services within the administrative area. Local government re-organisation in 2009 resulted in the Council not owning any in-house waste management infrastructure (other than HWRCs). Therefore, in order to facilitate the collection, bulking up and transfer of waste to reprocessing facilities elsewhere (i.e. out of district), new infrastructure needs to be provided as a matter of urgency.
- There is an urgent need to replace the existing HWRC located at Frenchs Avenue as environmental and land use constraints preclude essential modernisation and expansion of that facility. Better facilities at a replacement site at Thorn Turn would bring about improved recycling opportunities and facilitate important regeneration of urban land.
- As part of the EIA process, a desk-based Alternative Site Search has been performed on behalf of the applicant to ascertain the availability of other potential sites lying outside the Green Belt or have least harmful impact within it. This exercise has been undertaken in conjunction with a site search for the highways depot and initially involved an appraisal of 95 potential sites that were previously examined as part of the Bedfordshire Joint Municipal Waste Management Strategy (JWMWS). This encompassed sites across the former Bedfordshire county area (i.e. Bedford Borough, Mid Bedfordshire and South Bedfordshire). In addition, there was an assessment of 53 sites under the ownership of Central Bedfordshire Council against various criteria including a minimum site area of 5 hectares; within 3 miles of the urban boundaries of Dunstable and Leighton Buzzard as the principal residential areas it would serve; and with particular consideration as to the availability of sites outside the Green Belt. A multi-stage sieve process progressively eliminated sites based on location, site suitability such as size, access, proximity to sensitive receptors and availability for use within the expected project start time of autumn 2015. The criteria used were therefore very broadly based upon those criteria previously used for the JWMWS site appraisal process and the methodology used to identify strategic waste management sites in the 2014 Minerals & Waste Local Plan. As part of the eighth and final stage of sieving process, the deliverability and benefits of 7 remaining JMWMS sites and 2 remaining CBC-owned sites was considered further. When compared against these shortlisted sites, the application site performed well in terms of location and availability. The exercise did not identify any sites that could be taken forward as equally preferable as the application site within the Dunstable / Houghton Regis / Leighton Buzzard area or that performed as well against the selection

criteria.

Assessment of the case for very special circumstances:

The key question to consider in assessing the existence and weight of any special circumstances is whether there is a local need or overriding benefit in siting the development in a Green Belt location and the availability of alternative sites outside the Green Belt.

Local Need for the proposed facilities:

Within the Minerals & Waste Local Plan area, all three Councils have their own contractual arrangements with private sector waste companies for the collection and management of their area's municipal wastes. Currently, most of Central Bedfordshire's municipal waste is taken to Elstow Materials Recycling Facility under an arrangement with Bedford Borough, as no suitable facilities exist within Central Bedfordshire's boundaries. However, this arrangement with Bedford Borough is essentially short term. It is recognised in paragraph 5.10 of the MWSSP that existing waste management contracts are due to expire early in the Plan period and that new contracts will need to be procured with the waste industry. The MWSSP's objective is to assist in the delivery of potential new contracts in the knowledge that this process is likely to lead to new facilities being developed in order to ensure nationally-set targets for the diversion of waste from landfill are met and the escalating cost of landfill tax is avoided.

The proposed waste park would serve the more populous southern part of Central Bedfordshire and this is expected to remain the case for the foreseeable future given the proposed strategic growth allocations at Houghton Regis North, East of Leighton-Linslade and North of Luton. The site is situated between the principal towns of Dunstable and Leighton Buzzard and is well located in relation to existing and future local communities. It is therefore proximate to the main source of waste arisings to be managed and should contribute to a significant reduction in the overall mileage travelled by waste given the current arrangements with Bedford Borough. This, in turn, should reduce the climate change impacts of managing Central Bedfordshire's municipal waste. The site is also well located in relation to the existing and planned strategic road network. During the strategic site selection process for the forward plan, the Thorn Turn site scored highly against these criteria. It also scored strongly in terms of being capable of hosting a range of facilities together on the same site (i.e. integration with other waste facilities). Co-location of the HWRC and waste transfer station facilities at Thorn Turn should add to the savings in waste miles as a proportion of the waste received by the HWRC will be taken to the neighbouring waste transfer station for bulking up.

Alternative sites:

In identifying suitable sites for waste management, developers or operators should first look for sites outside the Green Belt and / or on previously developed land. The ES includes an alternative site search to ascertain the

availability of other potential sites. This exercise included looking at the other strategic waste management sites allocated in the MWSSP. The other strategic sites were eliminated during the screening process for the following reasons:

- Rookery Pit South - distance from the main population areas which the facility is intended to serve.
- Land at former Brogborough landfill - distance from the main population areas which the facility is intended to serve.
- Elstow North - located outside the administrative area of Central Bedfordshire.

Even if the above strategic sites had not been ruled out on the basis of their remoteness from the source of most of the waste to be managed, officers are aware of the individual circumstances of each site such that none of them present a realistic proposition from a delivery viewpoint. This is because the applicant has identified availability of the site for commencement of the enabling works by autumn 2015 as a critical development requirement.

Officers are satisfied that the applicant's alternative site study provides sufficient evidence to demonstrate that there are no other equally suitable sites outside of the Green Belt which could host the waste facilities and which are available within the required project timeframe. It is accepted that Thorn Turn represents the most developable option for a waste park to serve local communities in the south of the administrative area.

Wider planning context:

It is also important to consider the wider planning context within which the site sits. Given the long-standing proposals relating to the proposed Houghton Regis North allocation as supported by an extensive evidence base culminating in Committee's approval of outline planning permission for the largest parcel of the allocation (HRN1) and recent resolutions to support the HRN2 and the commercial development, coupled with the ongoing construction of the A5-M1 link road and Woodside Link, it is considered there is a high degree of likelihood that the Green Belt designation will be formally removed to allow for major development north of the conurbation as the plan-making process advances. These recent decisions and other committed development have altered the wider planning context within which the application site lies and form an important consideration in the special circumstances test as they strengthen the credentials of the application site. Delaying a decision or refusing the application on Green Belt grounds would not serve any useful purpose and would in fact only delay the delivery of essential waste management infrastructure.

Green Belt Conclusions:

The proposed development would be harmful to the Green Belt due to its inappropriateness and its impact on openness. Under the terms of the NPPF, significant weight is to be attached to this harm and any other harm identified.



However, taken together, the following factors are considered to amount to very special circumstances sufficient to outweigh the Green Belt harm.

- the designation of the application land as a preferred strategic waste management site following much scrutiny through the forward planning process;
- the pressing need to provide fit for purpose waste facilities to deliver key statutory functions of the Waste Disposal Authority;
- the lack of alternative available sites outside the Green Belt within the parameters of project delivery; and
- the strong likelihood of a strategic allocation north of Houghton Regis being formalised as part of the Development Plan in the future and the recent planning decisions and other committed development within the allocation area.

The impact of other harm is assessed under subsequent sections of this report.

### **3. Access, Traffic and Transportation**

Saved Policy GE23 of the MWLP states that permission will only be granted for waste development where the material is capable of being transported via the strategic highway network. The suitability and capacity of available access routes must be taken into account. Saved MWLP Policy GE1 d) stipulates that applications for waste-related developments must enable the planning authority to assess the volume and nature of traffic that would be generated and the suitability of the site access and local road network.

In line paragraph 32 of the NPPF and Policy 28 of the emerging DSCB, the ES includes a Transport Assessment (TA) which provides a systematic approach to transport issues in relation to proposed developments identifying measures necessary to improve accessibility and safety for all modes of transport and those measures needed to manage the development's anticipated transport impacts. During the course of determining the application a revised TA has been produced to take account of construction related traffic and includes swept path analyses of vehicles associated with the development.

NPPF paragraphs 34 and 35 of the NPPF advise that developments that generate significant traffic movements should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. The Council's Third Local Transport Plan 3 (LTP3) has been considered in the TA. LTP3 identifies a number of broad 'areas of intervention' such as land use planning and network management whereby sustainable growth can be delivered through an integrated transport system. It sets out specific objectives and priorities for a number of different journey types, including transportation of freight and ease of access to employment. Relevant objectives and priorities include enabling the efficient and reliable transportation of freight, minimising the negative impacts of freight on local communities and encouraging travel to work by sustainable modes. In parallel with LTP3, the authority has in place an

adopted Freight Strategy (April 2011) whose overarching objective is to manage the impacts on freight on local communities and the environment. Policy WSP15 of the MWSSP is permissive towards proposals for new waste management facilities where they conform to adopted Freight Strategies in respect of management of traffic using the site.

The TA details the strategic modelling work undertaken by AECOM on behalf of the Council in order to inform its assessment of highway and transport impacts associated with this and the related planning applications in the wider area whilst also identifying necessary mitigation measures. This approach and the criteria adopted for key growth years were agreed in advance with the Highways Authority accounting for the cumulative impacts of committed and planned housing, employment and infrastructure projects within the Houghton Regis, Dunstable, Luton and Leighton Buzzard areas. The model also accounts for new road programmes within the area, including the A5-M1 link road, Woodside Link, M1 junction 11a, the A6-M1 Link Road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives in the area.

Based on the latest phase of modelling work, and subject to committed highway infrastructure being delivered to serve the wider growth area, together with minor mitigation works and sustainable transport initiatives, the Council's Highways Development Management Team is satisfied that there is sufficient capacity within the highway network such that undue congestion would not occur. Both the A5-M1 link road and Woodside link are scheduled to open in spring 2017 and preliminary works have commenced on each scheme.

The consultation response from the Council's Strategic Transport Team considers that the applicant will need to provide support funding of £3,000 to alleviate the impact on the A5, A505 and A5120 in particular. The resolution of the Council's Executive Committee in May 2014, however, acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside link scheme by £12M. Therefore, the contribution of £3000 that would otherwise be required to alleviate the impact on the A5, A505 and A5120, whilst also contributing to the Woodside link scheme and sustainable travel improvements, is being treated as if it has already been made as the Council is responsible for these costs in any event.

The application specifies that the development would give rise to an average daily number of 90 two-way HGV movements per day based on the waste transfer station and HWRC operating at annual capacity. This equates to 8 two-way HGV movements per hour. The vast majority of incoming and outgoing HGV movements are envisaged to take place between 1000 hours and 1600 hours. Given that a uniform daily number of movements would be unlikely to occur in practice due to inevitable variations in levels of waste imports, the applicant has clarified that a maximum of 120 HGV movements would be

generated on any given day as a worst case scenario. It is normal practice to impose HGV traffic related planning conditions as a maximum daily number of movements that would be generated, as opposed to an average figure, in order to be readily enforceable and set a 'worst case scenario. Officers propose to impose a condition to this effect if permission is forthcoming. Other non-HGV movements would include up to 600 members of the public using the HWRC each day (i.e. 1200 movements) and 9 staff vehicles per shift.

The proposed site access on Thorn Road would also serve the adjoining development proposals for employment uses and a highways and winter maintenance depot. It has been designed and its capacity assessed using the industry-standard software (Junctions 8) having regard to trip generation figures. The assessment is considered robust and demonstrates that the proposed junction will operate well within its theoretical capacity limits at peak times with the developments fully occupied. At its junction with Thorn Road, it is proposed to provide a 'ghost island' priority junction, dedicating a waiting area for those vehicles wishing to turn right into the site for the west. Suitable visibility splays are noted as being achievable. The consultation response from the Highways Development Management team expresses support for the proposed access strategy which is judged to accord with relevant guidance. Swept path analyses have been produced which demonstrate that the junction and internal highway layout is fit for purpose.

With reference to comments made by Houghton Regis Town Council, it is not considered necessary to prohibit HGV access along the section of Thorn Road that would pass through the new housing areas. This is on the basis that it is anticipated that only those waste lorries with an operational need to service local estate areas would access that section of the highway network whereas vehicles travelling further afield are anticipated to utilise the strategic network in order to realise efficient journey times.

In line with paragraph 36 of the NPPF and Policy 26 of the emerging DSCB, the planning application is also accompanied by a Travel Plan setting out the proposed initiatives to promote transport by sustainable modes, with the key aim of achieving a 20% reduction in single car occupancy journeys to / from the site. Officers agree with the Transport Strategy team's recommendation that, in line with LTP objectives, a number of improvements need to be made to the Travel Plan, including reducing the impact of operational freight traffic through route management and schedule optimisation of the Council's kerbside collection service. A condition could be imposed on any grant of permission to secure a more comprehensive Travel Plan document within 6 months of the site becoming operational, including provision for ongoing monitoring and review of the success of the measures to be introduced. It is judged that adequate provision has been made in terms of staff and visitor car parking spaces having regard to the key aim to reduce single occupancy car journeys. In this regard, the application accords with Policy 27 of the DSCB. Provision is also made for

four cycle parking racks.

Footways would be provided along the access road and internal circulation road which would continue into the highways depot via a gate in the shared boundary fence on the western boundary. Dedicated walkways would be provided within the operational yard of the waste transfer station and HWRC.

Officers consider that the provision of dedicated cycle lanes along the internal access roads are not warranted given that it will be lightly trafficked with no access for through traffic and the Council's Integrated Transport Team accept this point. In further revisions to the highways depot application, application, it is now proposed to install a gate at the site's southern boundary for use by pedestrians and cyclists. This gate is intended solely for staff use and would be operated by swipe card access. It would allow pedestrians and cyclists to access the highways depot and waste park circulation road from the south via Chalk Hill, bridleway no. 49 and a short section of track under the Council's control. This gate would be well located to provide more direct access to existing bus stops on the A5 close to the junction with Chalk Hill and therefore finds support under Policy 24 of the emerging DSCB.

The application site is well related to the existing and committed strategic highway network being in close proximity to the Designated Road Freight Network in the form of the A5, A505 and A5-M1 link road. Furthermore, the site is located in close proximity to the local communities it would serve. There are no technical objections from the Council's Strategic Transport and Highways Development Management Officers and Highways England raise no objection to the application which is supported by a full Transport Assessment. Subject to the imposition of appropriate conditions, the proposal is judged to be acceptable in relation to potential transport impacts and accords with the NPPF policy on promoting sustainable transport, saved MWLP Policy GE23, MWSSP Policy WSP15, LTP3 and the adopted Freight Strategy.

#### **4. Landscape and Visual Impacts**

NPPF paragraph 109 advises that the planning system should, *inter alia*, protect and enhance valued landscapes. At the local level, saved Policy GE9 of the MWLP states that development which is likely to have an adverse effect on the landscape character of the area will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other benefits of the proposal. In accordance with saved Policy GE10 of the MWLP, proposals should seek to retain, and where appropriate, increase overall tree and hedgerow cover and planning permission should not be granted unless the harm that would result in harm to trees and woodland is reduced as far as practicable and is outweighed by other planning benefits of the proposals. Saved Policy BE8 of the SBLPR lists a number of design considerations that development proposals should reflect. Supplementary planning guidance in the form of the

South Bedfordshire Landscape Character Assessment (2009) is a key tool in recognising the valuable features of each character area and is therefore an important material consideration.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which considers the landscape resource, character and visual amenity effects of the proposed scheme by reference to 29 representative viewpoints. These were chosen to demonstrate the extent of visibility and visual impact from a range of distances and directions. The key conclusions of the LVIA are that:

- the long term impact of the scheme on landscape elements is assessed as neutral as existing vegetation lost as a result of the development will be replaced;
- the impact of the scheme on landscape character is judged to be of slight significance;
- there would be a long term moderate adverse effect (i.e. magnitude and nature of effect at summer year 15) on visual amenity for users of the Chiltern Way off the A5 at Chalk Hill, for residents along this lane, including Chalk Farm to the south of the site and for users of the bridleway no. 49 where it runs along the northern and western site boundaries (viewpoints 3, 5a and 21). From certain other viewpoints, the applicant concludes that there would either be long term negligible adverse impact or long term neutral impact on visual amenity for other receptors.

The Council's Landscape officer notes that views of the waste park would tend to be from more elevated medium and long range viewpoints on the chalk escarpment to the south and the Toddington - Hockcliffe Clay Hills to the north. The site would also be visible at close quarters from certain sections of the surrounding right of way network in those places where intervening vegetation is absent, and from proposed open space associated with the Bidwell West development. The main reception building for the waste transfer station is visually the most significant element of the proposed waste park being 102 metres long, 35 metres-wide and 11.8 metres to the pitch of the roof. Waste transfer buildings are by their nature generally large structures as they need to permit the safe entry and internal circulation for plant and incoming / outgoing tipper lorries and the efficient segregation and storage of wastes within the confines of the building. Officers consider that the size of the waste transfer station building reflects the functional needs of the facility and handling capacity requirements.

Whilst the application specifies that the waste park buildings would be finished in grey cladding and feature beige cladding to side elevations, the applicant is willing to entertain alternative colour finishes. It is considered that an alternative palette of finishes may be preferable given that the backdrop to the waste transfer station in particular would be the retained landscaped embankment to the A5. The issue of building materials and colour finishes can be made the subject of an appropriate condition. The applicant's willingness to specify the

site security fencing as green coloured weldmesh is considered an improvement upon the originally proposed palisade fence and is to be welcomed.

The development would result in the loss of 333 linear metres of hedgerow and the edge of woodland group extending to 275m<sup>2</sup> which formed part of a disused South Bedfordshire District Council nursery. It was abandoned around 26 years ago because the site suffered from water-logging in the winter and trees could no longer be easily extracted. In terms of individual specimens, a single Category B tree and 4 No. category C trees would need to be felled. The scale of affected landscaping is not insubstantial, particularly when taking account of the cumulative impact of that being lost in connection with the highways depot application. However, extensive compensatory planting and seeding is proposed such that the *net gain* in landscape features delivered by the waste park development would be:

- 1814m<sup>2</sup> (0.18 hectare) of native broadleaved woodland concentrated between the SUDs lagoon and the Ouzel Brook corridor;
- 8,042 (0.8 hectare) of shrubs;
- 303 linear metres of hedgerow;
- 22,706m<sup>2</sup> (2.3 hectares) of grassland; and
- 136 individual trees.

Whilst it is not possible to considerably widen the mature tree belt next to the A5 embankment due to the constrained nature of the layout requirements, it is proposed to reinforce this planting with a 5 metre-wide tree belt. This would afford improved screening for users of Bridleway no. 49 to the west of the site. It is considered that the proposed landscaping scheme would over time help integrate the proposed built form, particularly the more substantial built elements of the waste transfer building and resale store, by increasing available screening over short and longer distances. Cross sections have been provided by the applicant to illustrate the screening effect of such planting in the first, tenth and twenty-fifth years after planting.

The applicant has agreed to bolster tree and hedgerow planting alongside the eastern side of the access road. This would assist in providing some greater separation between it and the bridleway as it runs parallel towards Thorn Road. It would also contribute some additional planting in the area highlighted as being desirable in the consultation response from Historic England. Collectively, it is considered that such additional planting provides improved mitigation for the loss of landscape features resulting from the development.

Given the existence of site-specific planning benefits arising from the development of proposed householder and community waste facilities as identified elsewhere in this report, and the acceptable level of landscape mitigation being put forward, it is considered that the application finds support when applying the test in saved Policies GE9 and GE10 of the MWLP and Policy 59 of the emerging DSCB.

A planning condition could provide for the submission of a site-specific Arboricultural Management Statement to support bespoke tree protection measures during the construction period. The Council's Trees Officer does not wish to resist the application subject to this detail being agreed in advance of any construction works.

With respect to lighting, NPPF paragraph 125 recognises that, by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation. Whilst the operation of the waste facilities would not entail night time working, the site would need to be lit during hours of darkness during the winter months to ensure a safe working environment for operatives and members of the public.

However, as recognised in consultee responses, the issue of light as a form of visual pollution can have a detrimental impact on neighbouring occupiers, other land users and areas of ecological interest such as hedgerows used as wildlife corridors. The submitted lighting scheme proposes the use of low output LED luminaries which would be directional in order to minimise light spill beyond the site boundaries. Light sources would be positioned on columns and mounted to buildings at a range of 8 – 10 metres in height. The application includes a drawing depicting ISO-Lux contours for the site and its access road, which shows that illumination levels beyond the boundaries would be limited. Luminaries on the eastern section of internal perimeter access road would use louvres to further decrease lighting disturbance along the sensitive eastern hedgerow. The applicant is committed to reducing safety and security lighting to a minimum outside operational hours in line with Institute of Lighting Engineers' guidance. The proposed lighting should be considered in context with existing street lamps on the A5 which is elevated from the site and the potential for further lighting associated with other committed development at Thorn Turn. The co-mounting of CCTV camera on select lighting columns avoids the need for additional columns and is therefore welcomed. In order to monitor the predicted effects of site lighting and secure further mitigation if deemed necessary once the site is operational, a suitable condition could be imposed. It is concluded that the development itself would not result in an unacceptable degree of visual pollution and therefore no conflict arises with saved Policies GE9 and GE18 of the MWLP.

## **5. Flood risk and water resources**

### Flood risk:

The NPPF provides advice on how to manage flood risk as part of the planning process and the Framework has its basis in sustainable development and the precautionary principle. It includes a risk-based approach to assessing flooding potential and promotes a sequential test to the allocation of land for development with the key aim of reducing the number of people and properties

at risk of flooding. NPPF paragraph 103 and accompanying Planning Practice Guidance: Planning and Flood Risk requires decision-makers to steer new development to areas with the lowest probability of flooding and ensure that the risk of flooding is not increased elsewhere. Furthermore, Local Authorities are expected to give priority to the use of SUDs. In a similar vein, saved Policy GE19 seeks to resist waste development in flood plains or flood risk areas where it would significantly reduce the capacity of the flood plain or impede the flow of flood water, thereby increasing the risk of flooding elsewhere.

The site is covered by the Buckingham and River Ouzel Internal Drainage Board which operates under powers in order to safeguard the efficient working of the drainage systems under its jurisdiction.

The ES is supported by a site-specific Flood Risk Assessment (FRA) which addresses the potential risk of flooding from prime sources, namely the Ouzel Brook, groundwater, rainwater and sewers. The Environment Agency has confirmed that there are no historical flood levels for the Ouzel Brook at the development site location and nor are there any records of flooding of the Ouzel Brook at Thorn Turn. Whilst the majority of the site is located in Flood Zone 1 and is defined as having a low probability of flooding, the site's northern end abutting the Brook falls within Flood Zone 2 (medium probability of flooding in any given year) and, to a greater extent, flood zone 3 (high annual probability of flooding in any given year).

Excavation and construction works have the potential to result in groundwater strike due to the existence of shallow groundwater with the principal aquifer and groundwater recorded as being at least 1.5 metres below ground level. In view of this, it is proposed to import general engineering fill, placed and compacted in accordance with highway works specification, to create a development platform up to 2.5 metres higher than existing ground levels. The re-profiling exercise would not encroach upon the modelled flood plain areas as no built development would occur in these zones. Nonetheless, these works have the potential to result in displacement of flood water and changes to surface water run off pathways (e.g. due to soil compaction) thereby increasing localised flood risk. The applicant or contractor would need to devise and implement a Construction Environmental Management Plan (CEMP) in order to manage surface and ground water flooding and to safeguard against blockage and severance of drainage pathways. A condition could be imposed accordingly.

The proposed drainage strategy for the operational development is based on the provision of an attenuation pond on the north east portion of the site as a Sustainable Urban Drainage System (SUDs) solution. The SUDs pond is designed to discharge water to the Ouzel Brook, via piped conveyance, at a rate that does not exceed the greenfield run off rate. It is designed with sufficient storage capacity to deal with a 1 in 30 year event. During the processing of the application, a revised drainage strategy has been submitted to address initial



consultation responses and to demonstrate that any flooding during longer period return storms would be contained within the kerb lines of the built development and drained in a controlled manner. Issues regarding the re-shaping of the SUDs lagoon and extending it to accommodate benched edges and variable water depths with a view to enhancing its appearance and biodiversity interest have been explored with the applicant in line with local policy requirements under the Council's Sustainable Drainage Guidance SPG. Extending the lagoon is not considered to be feasible due to limited space and the need to ensure the lagoon remains entirely outside flood zone 3. On balance, officers accept that the 1:3 lagoon sides, reasonably naturalistic shape and associated landscaping works are visually and ecologically appropriate given the lagoon's primary function.

There has been some criticism from consultees that infiltration as a method of surface water discharge has not been adopted. This approach has not been used due to specific site constraints and, in any event, the pipe and pond design put forward for the site is second in the hierarchy of surface water disposal solutions as set out in the Council's Sustainable Drainage Guidance SPG.

There are no technical objections from the Internal Drainage Board (IDB), Environment Agency or the Council's Drainage Engineer on grounds of flood risk. However, as the proposed access road into the main development area would cross flood zone 3, the IDB wish to approve final design details of the bridge structure over the Ouzel Brook including culvert and associated road levels. Additionally, prior to construction of the surface water management system, the Council's Drainage Officer would need to be satisfied as to the final sizing, layout and operation of the system. Suitably worded conditions can be attached to any grant of permission to secure this construction level detail.

#### Water resources:

Concerning water resources, the following saved MWLP policies are pertinent:

- Policy GE17 stipulates that permission will not be granted for proposals that are likely to carry a significant risk of contaminating land or polluting watercourses or groundwater at levels which exceed statutory pollution and emissions controls.
- Policy GE20 states that development is supported where it would not have an unacceptable impact on the quality or quantity of groundwater and/or surface water drainage.

As the application involves waste management operations, it would be regulated under the 2010 Environmental Permitting Regulations and require an Environmental Permit from the Environment Agency. The NPPF and Planning Practice Guidance: Waste (October 2014) (PPGW) emphasise that when determining applications, waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes and emissions which are a matter for the pollution control

authorities. Planning decision-makers should work on the assumption that the relevant pollution control regime will be properly applied and be enforced.

Water resource receptors that may be impacted by the development are the Ouzel Brook, field drains in the catchment, groundwater and the Houghton Regis Marl Lakes. Groundwater vulnerability maps show that the geology underlying the whole site is classified as Principal Aquifer and therefore usually provides a high level of water storage.

During the construction phase, there is increased potential for deterioration in water quality from spillages (e.g. fuels) or from higher sediment delivery due to on-site traffic and plant movements, excavation activities and temporary stockpiling of materials. The applicant has indicated that the proposed CEMP would cover measures to mitigate potential impacts on water quality. A ground investigation study involving 12 No. boreholes and 5 No. machine-excavated trial pits was undertaken to inform the Scoping stage. It found no significant levels of contamination on the site and consequently a Contaminated Land Assessment has been scoped out of the formal EIA process. The application documentation does, however, include the Ground Investigation Study which informed that decision.

At the operational stage of development, there is a risk of accidental releases from externally stored wastes. It is proposed to store small quantities of clinical wastes and asbestos within sealed containers or skips stationed on the impermeable external yard serving the WTS. This is considered to be adequate to prevent rain water egress and accidental release. Day to day management of the site to safeguard against pollution incidents would, in any event, be a matter for the Permitting regime administered by the Environment Agency.

The SUDs pond is designed to ensure adequate retention time for contaminants within the surface water run off to be treated prior to discharge. The applicant is committed to conducting a period of water quality monitoring for a temporary period upon completion of the development and a condition should be imposed to this effect if consent is given.

Conclusion on flood risk and water resources:

Subject to ensuring that appropriate conditions are in place in respect of flood risk, drainage and contamination, it is considered that the application does not conflict with the NPPF and saved Policies GE17, GE19 and GE20 of the MWLP and Policies 48 and 49 of the emerging DCSB.

## **6. Noise & Vibration**

The NPPF (paragraph 123) advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life

as a result of new developments and mitigate other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Also, at the national level, locational criteria in Appendix B to the NPPW advises waste planning authorities to have regard to the proximity of noise-sensitive receptors when determining application for new waste infrastructure. Policy GE18 of the MWLP states that proposals which are likely to generate disturbance by reason of noise will only be granted where the impact of such disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Saved Policy BE8 of the SBLP states that proposals for new development likely to generate noise should ensure that adjoining properties and uses are not unacceptably disturbed.

In response to the comment made in representations, the ES does make reference to Chalk Hill Farm which is also identified as the nearest sensitive receptor in regard to specific assessments and accompanying plans identify the hamlet. The query raised in representations referring to no Highways Depot or Waste Park lying within 240m of Chalk Hill Farm is a reference to the Waste Park element only which lies at greater distance.

The proposed waste park would introduce new noise sources into the local environment, these being construction noise from building works and operational noise such as manoeuvring of waste, loading and unloading of waste materials and movement of plant, equipment and road traffic.

It is proposed to operate the waste transfer station from 0600 to 1730 hours on weekdays; 0600 to 1300 hours on Saturdays and 0630 to 1730 hours on Public / bank Holidays. In comparison, the HWRC would operate between 0700 to 1800 hours 7 days per week, with entry by the public between 0800 and 1700 hours. The applicant has elaborated on the operational necessity to open the WTS prior to 0700 hours. Such early morning activities would be the exception rather than the rule and only in the event of operational issues leading to a backlog of uncollected waste from the previous day.

The nearest noise-sensitive receptor is Chalk Hill Farm which has recently received planning permission (ref. CB/14/00813/FUL) for barn conversions as an extension to the house. The approved floor plans show the bedrooms of the new development extending to the rear of the south along the northern elevation. It is however noted that development also exists to the north in the form of other buildings which complete the courtyard. These comprise some redundant single storey barns along with a two-storey, L-shaped building presently being constructed to provide garaging and stores for which a retrospective application is being prepared. Accordingly, the new bedrooms forming part of the approved conversion have been treated as the nearest noise sensitive location point.

A noise assessment survey was carried out in March and April 2015 to establish

existing noise levels and their impact on six sensitive receptors within approximately 1km of the application site boundary, including that of Chalk Hill Farm. Construction noise impacts are expected to be negligible at all locations except Chalk Hill Farm where the impact is calculated to be major (i.e. +7dB). However, any noise effects are likely to be negligible on the most sensitive façade of this property due to shielding by the building envelope. Construction hours would be limited to 0800 to 1800 hours on weekdays and 0800 to 1300 hours on Saturdays.

In terms of operational daytime noise, a worst case assumption was built into the modelling with 50 per cent of the 8 doors on the WTS building being open at any one time. Officers consider this to be a realistic assumption given that during busier times several loads will be delivered simultaneously such that it will not be possible to synchronise opening and closure of the doors so they are all closed at once. The tonality of the various activities on site is deemed to warrant a +4dBb penalty and impulsivity was deemed to attract a +3dB penalty. Having regard to the data gathered during baseline noise monitoring exercise, it is predicted that operational noise impact at Chalk Hill Farm and Barley Brow, Beecroft would be the same as background noise levels, thereby achieving a rating level of zero. At all other locations, operational noise levels are predicted to be less than background levels.

For noise assessment purposes, 23:00 – 0700 hours are treated as night time working and, as noted above, the waste transfer station would operate from 0600 hours. More stringent noise standards are applied to night time working. The applicant has confirmed that before 0700 hours no waste operations or activities would take place outside the WTS building except for purposes of vehicle access or egress to it. Furthermore, during this period, no loading, unloading or other waste handling operations would be permitted inside the WTS building unless all of the fast-acting doors are fully closed. On this basis, the noise assessment predicts that operational noise levels prior to 0700 hours would be less than background levels at all locations.

An assessment of noise during both the construction and operation of the facility has shown that noise impacts are predicted to be negligible at all locations.

The British Horse Society, Local Access Forum and CBC Rights of Way officer have raised concerns about the impact of sudden noises on equestrian users, both during the construction and operational phases. There are practical measures that can be introduced to reduce surprise or alarm, including prohibiting the use of conventional bleeper reversing alarms, installation of signage for both bridleway users and drivers and imposition of speed limits. Suitably worded conditions can be attached to secure such measures.

The Public Protection Team consider that the noise assessment methodology is sufficiently robust and do not raise any grounds for objection provided that a

maximum operational noise limit is in place and a detailed scheme for the monitoring and control of noise is agreed prior to the site coming into use. Conditions can be imposed accordingly. It is judged that noise impacts from construction and operational phases of the development would be unlikely to have a deleterious effect on residential amenity. As such, it is concluded that the provisions of MWLP Policy GE18 are satisfied so far as reducing disturbance as far as reasonably practicable is concerned and other planning benefits would be realised as previously discussed in this report.

## **7. Air Quality, Disturbance and Fire Risk**

Saved Policy BE8 of the SBLPR states that those development proposals likely to generate pollution emissions should ensure that adjoining properties and uses are not unacceptably affected. Similarly, Policy GE18 of the MWLP stipulates that proposals which are likely to generate disturbance by reason of dust, mud and debris on the highway and malodour will only be granted where the impact of such disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal.

The ES has regard to the potential air quality effects upon local residents and wildlife arising from construction and operation of the development.

### Dust:

At the construction stage, it is anticipated that earthworks would have the most likelihood of generating airborne dust emissions, particularly as the soils to be excavated may be prone to suspension in dry conditions. However, given the separation distance between the development land and the nearest residential receptor at Chalk Farm, this property is judged to be of low sensitivity. It is reasonable to conclude that dust impacts can be appropriately mitigated by means of a Dust Management Plan which would form part of a wider range of controls in a Construction Environmental Management Plan.

In terms of operational dust impacts, it is noted that the site would be hard surfaced throughout. Waste handling activities at the WTS would principally be contained within a purpose-built structure, which should largely contain any dust emissions, although many waste streams would not be prone to giving rise to such emissions. In relation to the HWRC, the ES judges the likely magnitude of operational dust emissions to be small as the volume of waste delivered by each member of the public would itself be small. Accordingly, the potential for generating dust is considered to be slight. The application includes a list of simple good practice to ensure that dust does not lead to disturbance including use of a road sweeper vehicle, restriction of on-site vehicle speed to 5mph, sheeting or enclosure of waste haulage vehicles and use of water suppression in dry weather. In view of the foregoing, officers do not consider that a more detailed scheme of operational dust controls is warranted. Procedures for the management of fugitive dust emissions would be embedded in any Permit

issued by the Environment Agency.

An objector has raised concerns regarding the risks to health of dust or fibre release from handling of asbestos. The site would not accept separately collected hazardous wastes such as asbestos. As is normal practice at many waste transfer facilities, small quantities of asbestos would need to be appropriately managed by qualified staff on those occasions when it is accidentally received within mixed loads. The method for handling such arisings would subject to health and safety rules and Permitting controls. A dedicated area would be set aside for temporary safe storage asbestos in a sealed container prior to collection by a licensed carrier / operator.

Control of deposit of mud and debris on the highway:

The applicant proposes to employ a range of measures to prevent the carriage of mud and debris out of the site during the construction programme. These include provision and compulsory use of wheel wash facilities, imposing site speed limits, installing signage, routine monitoring of the highway and use of road sweepers where necessary and through contractual arrangements. These measures can be appropriately secured through a planning condition for construction activities to be performed in accordance with a Construction Environmental Management Plan.

The development, once operational, would involve vehicles manoeuvring over hardstanding areas only. The application states that a road sweeper will be deployed on access roads and external yards in periods of dry weather and a water suppression system would be utilised in dry weather. Consequently the trafficking of mud and other deleterious material is unlikely to be an issue on the public highway.

Odour:

Potential exists for odour impacts arising from the adjacent sewage treatment works to impact on the amenity of staff and visitors to the waste park. The ES has reviewed previous odour modelling work undertaken by Anglian Water. This predicts a concentration of just over 3 O<sub>Ue</sub>/m<sup>3</sup> at the application site boundary closest to the sewage treatment works decreasing to 1.5 O<sub>Ue</sub>/m<sup>3</sup> at the furthest boundary. As a low sensitivity receptor, Institute of Air Quality Management (IAQM) guidance suggests that the waste park is unlikely to be significantly affected by Anglian Water's waste water treatment operations. According to the application, there is a very limited history of public complaint attributed to the sewage treatment works, with no direct complaints made to Anglian Water in the last 5 years and only two complaints directed to CBC between 2010 and 2014.

The application is accompanied by a high level Odour Management Plan (OMP) which identifies potential odour sources, including the putrescible component of household residual waste, green waste inputs to the HWRC and refuse collection vehicles. The likelihood and frequency of exposure to odour is

determined by a number of factors including: management of on-site waste; magnitude of release; prevailing meteorological conditions; the distance and direction of receptors in relation to the facility.

The ES and OMP identify a number of practical odour mitigation measures that can be incorporated into the design and operational procedures of the site, including

- closure of roller shutter doors upon vehicle entry / exit;
- waste storage times kept to a minimum, with all putrescible waste being removed within 48 hours of receipt (Given their low odour potential, dry recyclates fraction may be stored for longer);
- rejection or quarantine of excessively malodorous wastes;
- regular washing down of the internal area of the waste transfer building and deodorising of refuse collection vehicles;
- installation of an odour 'mist-air' system above the waste bays and vehicle access egress points to the WTS building; and
- implementation of an odour monitoring regime and complaint procedure.

As there would be no processing or treatment of any waste streams at the site, it is not considered there is high potential of unacceptable odour impacts at the nearest residential property. No separately collected food wastes would be imported to the site but inevitably some food wastes will be mixed in with the residual 'black bag' waste stream.

The ES recognises that some incoming loads will smell due to putrescible components but that odour emissions should be infrequent due to material handling being in a largely enclosed environment and removal of such wastes within a 48 hour window. In addition, the ES notes that green wastes deposited at the HWRC would be limited to the same storage period and only low volumes would be involved. In view of this, the ES concludes that the potential for odour effects from the operation is negligible. The control of odour emissions is essentially a matter for the pollution control authorities and would be covered in some detail in the Permit. Wherever possible, planning decision-makers should aim not to duplicate the controls of other regulatory regimes. However, officers consider that it would be prudent in this case to impose a planning condition requiring a temporary period of odour monitoring for the site's first year of operation so that the Local Planning Authority can assess the effects of the development against the predicted effects in the ES.

Fire risk:

Fire risk is a relevant land use consideration for new waste management sites where large quantities of waste are stored. As many wastes such as paper, cardboard, plastics and wood wastes are readily combustible, fire risk is an ever-present possibility. Ignition risks in this case could include electrical faults and direct heat from specific items of equipment.

The application is supported by a fire strategy based on requirements to safeguard life as codified in the Building Regulations and the operational and commercial implications of a fire in relation to the building that has been developed in consultation with the Council's insurers.

The site layout takes account of fire risk in that the water tanks and pump house would be located alongside the internal access road and waste transfer yard building to facilitate ease of access for emergency vehicles. The WTS fire suppression system is a dry sprinkler system mounted within the internal roof space of the building supplied by dedicated external water storage tanks and a pump house. In the event of a fire outbreak, this provides a reasonable time for the fire brigade to attend the site whilst the sprinkler helps to contain the flames. Waste storage bay dividing walls would be laid out so as not have a storage capacity greater than 150m<sup>3</sup>. In order to mitigate the spread of fire to adjacent bays, the height of bay walls are such that they will not overtop based on design tonnage. Similarly, waste storage would not be permitted to extend beyond the front edge of any given bay. The Council's insurers are likely to impose their own standards such stack sizes and separation distances.

Given the nature of the material stored at the WTS, this is the only building on the waste park that requires a sprinkler system. The comparatively low manning levels of the WTS building mean that safe egress is provided by fire doors at the gable ends and the 8 fast acting doors. The building would be equipped with a fire detection system that is designed to a category P2 standard in accordance with BS 5389 pt1: 2013 which is supplemented by manual call points. Once detected, the alarm is raised by audible sounders and beacons and is linked to a control panel located within the weighbridge office and to a CBC control room for off-site monitoring during non-operational hours.

The fire control measures identified above are amongst those identified in the Waste Industry and Safety and Health Forum publication 'Reducing Risk at Waste Management Sites'.

## **8. Ecology & biodiversity**

NPPF paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on biodiversity and, where possible, providing net gains in biodiversity. Furthermore, under NPPF paragraph 118, decision-makers should aim to conserve and enhance biodiversity by applying a number of principles, including:

- refusing planning permission where significant harm cannot be avoided through mitigation or compensation
- refusing permission where development would result in the deterioration or loss of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh the loss; and



- encouraging opportunities to incorporate biodiversity in and around developments.

In terms of local policy advice, saved Policy GE13 of the MWLP states that permission will not be granted for waste development proposals that would adversely affect rare or threatened species or their habitats, except where any adverse effect would be overcome by appropriate on / off site mitigation or where any adverse effects would be reduced as far as practicable and are clearly outweighed by other planning benefits of the proposal and appropriate mitigation and / or compensation measures are taken.

An Ecological Assessment has been undertaken incorporating the following elements:

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

The baseline ecological condition review of the site and its surroundings identifies the presence of two designated sites within 2km of the application land. (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI and four local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Thorn Spring CWS and Houghton Regis Cutting Roadside Nature Reserve at A5 Watling Street). Existing habitats and the habitat potential of the application site and its environs were also examined through Phase 1 Habitat Surveys supplemented by further survey work and, in agreement with the Council's Ecologist, targeted additional survey work is programmed.

Natural England is satisfied that the proposed development would not damage or destroy the interest features for which the nearby SSSIs have been notified. Accordingly, NE conclude that the SSSIs do not themselves represent a constraint in determining the application.

The development would require clearance of arable land, over 300 metres of hedgerow and a small section of woodland covering 275m<sup>2</sup>. The proposed access road will need to cross the Ouzel Brook via a new bridge structure. Whilst the arable land is considered to be of negligible conservation value, the remaining habitats are recognised in the ES as providing nature conservation

value albeit not assessed as being significantly valuable on a wider scale.

The loss or disturbance of the identified habitats has the potential to affect a number of protected species. Suitable habitat exists for reptiles, bats, water voles, otters and dormice. Further survey work has helped inform the potential presence of such species. Several mature trees have been identified with potential for bat roosting and it is intended to provide artificial sites in compensation if the presence of this species is confirmed. As recommended by the Council's Ecologist, mitigation measures, including compensation for habitat loss, would need to be further informed by several other targeted follow-up surveys and would need to be secured through a condition to ensure impacts on protected species are avoided or reduced to a negligible level. The applicant has since provided a schedule for follow-up surveys which the CBC's Ecologist considers broadly acceptable. This survey work and any compensation / mitigation strategy produced in light of the findings would need to be subject to pre-development condition(s).

Great crested newts (GCN) were the subject of further surveys conducted on behalf of the applicant between April and June 2015 to identify the location and estimated population size of the species in six suitable ponds within 500m of the application site. Pond 1 was confirmed again as a breeding pond in 2015 whilst the five other surveyed ponds were confirmed as having no GCN presence this year. Pond 1 lies to the north of Thorn Farm, at a distance of some 330m and separated by Thorn Road. No further mitigation is considered necessary in respect of this species.

Compensation for loss of habitat is proposed with the creation of 0.2 hectares of woodland and 2.5 hectares of species-rich grassland mix. This area, together with the SuDS lagoon, would ensure a suitable green buffer is provided between the built development of the combined Highways Depot and Waste Park complex and the ecologically sensitive Ouzel Brook. It would provide welcome habitat for invertebrates and habitat types raised in representations. The linked application for the highways depot recommends the creation of a mix of additional habitat types on adjoining land under the applicant's control, including areas of chalk grassland and bare ground. Any impact on potential Kingfisher habitat along the brook would therefore be limited to construction of the bridge structure for the access road and a condition would require removal of vegetation to avoid the bird nesting season.

Reinforcement planting is also proposed alongside sections of Bridleway no. 49, including that section runs parallel to the proposed access road towards Thorn Road. This would have the benefit of creating a green corridor between the proposed access road and the bridleway. The applicant notes that provision of planting along this stretch may be impacted in the event that detailed proposals are worked up in relation to the scheme for commercial development in this area. Whilst a valid point, it is considered that a condition can be suitably

worded to cover the timing of such a scheme coming forward so as to avoid any abortive planting. In response to comments raised in representations, the Wildlife Trust has been consulted on the application and further information.

In order to ensure that the habitat compensation areas are successfully established, officers concur with the recommendation of Natural England and the Council's Ecologist for a biodiversity enhancement and management plan to be secured. This could deliver a package of habitat improvements, including provision of bird and bat boxes and a sensitive vegetation management regime. In line with CBC's adopted Sustainable Drainage Guidance, this should be prepared in conjunction with a SUDs Management Plan covering such issues as management goals and maintenance. The applicant has submitted a landscape and ecology works schedule as part of the further information and, whilst broadly acceptable, a planning condition would need to allow for adjustments to reflect outcomes from final programmed surveys and to ensure alignment with the management of the SUDS lagoon.

Several consultees have expressed concerns that the SUDs pond as a feature does not maximise opportunities to develop varied habitat interest. This suggestion has been further investigated, on balance it is considered that the proposed design represents an acceptable solution given the need to deliver the core function of the lagoon within a constrained part of the site.

The submitted lighting strategy indicates that a degree of light spillage would fall on the eastern hedgerow. A planning condition could require monitoring of lighting impacts and identify adjustments to the lighting provision to mitigate this impact. Planning conditions could also control the timing of plant removal and root protection barriers for retained planting in line with comments from consultees.

It is concluded that adequate ecological information has been provided for the development to be assessed as acceptable within the terms of the NPPF and MWLP saved Policy GE13 having demonstrated a net gain in biodiversity. Natural England and the Council's Ecologist do not object to the application subject to the imposition of appropriate conditions.

## **9. Cultural Heritage**

Saved Policy GE14 of the MWLP and Policy 45 of the emerging DSCB state that the Council will conserve, enhance, protect and promote the enjoyment of the historic environment. Sufficient information should be made available to evaluate the importance of known or potential heritage assets and to assess how the proposals may impact upon them in line with the requirements of paragraph 128 of the NPPF. Protection of the historic environment is listed as one of the locational criteria for assessing the suitability of sites for new waste development set out in Appendix B to the NPPW.

The site lies within a rich archaeological landscape and the development area has the potential to contain as yet unidentified archaeological features and deposits. Archaeological field evaluation of the site was carried out in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets conducted by the applicant concludes that there is a high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. Whilst acknowledging this as a reasonable assessment of the site's archaeological potential, the Council's Archaeological Officer regards prehistoric archaeological potential as high rather than moderate given recently discovered pit alignment and linear features to the south of Thorn Road. In his judgement, any archaeological remains found on the site would be of regional significance. There will be very little if any opportunity to preserve buried archaeological remains given the extensive requirement for topsoil removal and subsequent ground-raising. However, the Council's Archaeological officer is satisfied that a programme of investigation and recording, to be agreed by way of condition prior to the commencement of the development, can mitigate against irreversible damage to any surviving archaeological deposits in compliance with NPPF paragraph 141.

There is one designated heritage asset within 500 metres of the application area comprising the medieval moated site at Thorn Spring. The ES considers that the proposed development would not have a negative impact on the setting of this Scheduled Ancient Monument. Maiden Bower Hillfort lies about 1.3 km to the south west of the project site on a ridgeline. The ES recognises that the proposed development would intrude into the setting of this monument and have a minor negative impact on its setting, albeit that the wider setting of the monument would not be obscured by the development. Totternhoe Knolls motte and bailey castle, 3km to the south west on a ridgeline, is not specifically assessed in the ES with regard to impact on setting, but there is reference within the Landscape and Visual Impact Assessment of the ES that the waste park would be "barely perceptible" from the monument and would be screened by the wooded embankment to the A5. Both Historic England and the Council's Archaeological Officer consider that the development would intrude into, and have a negative impact on, the setting of these three Scheduled Ancient Monuments, taking account of the cumulative effect of the current proposals for commercial buildings and highways depot on neighbouring land, but are of the opinion that this would not amount to substantial harm on their setting and significance. As such, neither consultee objects to the application. Historic England advise that consideration should be given to increased screen planting to reduce the impacts. The northern portion of the site is allocated for substantial structural landscaping and there is scope to provide further planting by bolstering the intermittent hedgerow running alongside the proposed access road subject to the requirements for visibility splays to serve to serve the

commercial development proposals.

In line with the advice in paragraphs 132 and 134 of the NPPF, decision-makers must ensure that there is a clear and convincing justification for any harm or loss of significance to designated heritage assets and that where there is less than substantial harm it should be outweighed by the public benefits of the proposal. It is considered that the wider benefits arising from the provision of strategically-important municipal waste facilities to meet the future needs of local communities, as debated elsewhere in this report, particularly within the section on the assessment of very special circumstances, clearly outweighs the degree harm on the historic environment. Therefore, the NPPF policy test is met.

The ES notes the existence of a number of Grade II listed buildings within a 500 metre radius of the site's centre, seven of which can be found within the Sewell Conservation Area. The closest listed building is the 13th/14th century Manor Farmhouse, which is located approximately 950 metres to the south west of the proposal site. Given that the setting of these heritage assets largely comprises their immediate environs within small-scale rural settlements, the conclusion in the ES that the proposed development would not impact on their setting is accepted.

In conclusion, the application is considered to accord with saved Policy GE14 of the MWLP and Policy 45 of the DSCB. A condition is recommended for a written scheme of archaeological investigation.

Paragraph 141 of the NPPF advises that Local Planning Authorities should require developers to record and advance understanding of the significance of the heritage assets before they are lost to development in a manner proportionate to their importance and the impact, and to make evidence publicly accessible. The suggested condition would provide for the suitable recording of archaeological fieldwork in accordance with the NPPF.

#### **10. Public Rights of Way**

Bridleway No. 49 (BW49) runs alongside the western boundary of the application site before turning eastwards to follow an alignment adjacent to the northern bank of the Ouzel Brook. The proposed access road would intersect this section of BW49 close to the point at which the road would need to traverse the Ouzel Brook by means of a suitably engineered culvert. Whilst details have not been provided within the application, reference is made to a zebra crossing facility being provided at this juncture. Responses from consultees have, however, questioned the suitability of a zebra crossing in this location and suggest, as an alternative, a Pegasus crossing. (A Pegasus crossing a type of signalised pelican crossing with special consideration for horse riders).

A similar point has been raised by consultees in respect of a bridleway crossing

point over Thorn Road. At this particular location, the applicant assumes the provision of a Pegasus crossing coming forward as part of the anticipated North of Houghton Regis strategic development. However, this Pegasus crossing would not come forward in the short term and neither would it be delivered before the projected opening of the HWRC and waste transfer station.

Whilst it is accepted that a zebra crossing over the access road would not be the ideal solution, it is also considered that the application subject to this report is unlikely to result in any significant increase in the usage of Bridleway no. 49, although such demand can be reasonably anticipated to arise as residential development is built out in connection with the wider North of Houghton Regis strategic development area. It is concluded therefore that a compromise solution would be for the construction of the access road and its associated junction at Thorn Road to include the provision of electrical ducting at both locations in order to allow for the future upgrading of crossing points without the need to re-excavate the highway at those future date(s). The applicant is in agreement to this approach which could be made the subject of a planning condition. Further planning conditions would however need to be attached in connection with the erection of suitable signage warning bridleway users of the presence of vehicular traffic and vice versa. Subject to these controls being in place, the development is not considered to conflict with saved Policy GE21 of the MWLP and Policy 23 of the emerging DSCB which aim to protect and enhance the public rights of way network.

As a further measure, provision of a speed retarder ('sleeping policeman') within the access road is considered to be beneficial in this location. This would ensure that vehicle speeds are kept in check in the vicinity of Bridleway no. 49, particularly as the three Thorn Turn applications would involve significant HGVs in addition to significant access by car comprising members of the public accessing the household waste recycling centre on the adjacent land and staff accessing the Highways Depot. The fact that the access road is dead-ended would not impact upon through traffic but would be a useful addition to improve highway safety in proximity to Bridleway no. 49. The speed retarder could be secured through planning condition.

Some sections of Bridleway no. 49 would probably need to be subject to Temporary Closure Orders to facilitate construction but this should be managed and disruption minimised through the appropriate rights of way legislation. The public right of way network would otherwise be retained in accordance with saved Policy R15 of the SBLPR and saved Policy GE21 of the MWLP.

The British Horse Society (BHS) and Joint Local Access Forum have both suggested that the width of BW49 could be increased to 10 metres so as to create a multi-user path. This, it is argued, would also have the benefit of giving greater space in which horses could be controlled in response to sudden noise impacts. Such improvements find support in saved Policy GE21 of the MWLP.

Whilst the impact of sudden noise on horse behaviour is an important issue, the suggested provision of a 10m wide multi-user path is not feasible for various practical reasons. Firstly, the required land lies outside the applicant's control. Secondly, because the western edge of the bridleway abuts the toe of the embankment to the A5, the bridleway could only be extended eastwards. Creating a wider multi-user path utilising land to the east would entail the loss of existing mature vegetation. Furthermore, whilst providing a greater space, it would have the effect of bringing users closer to the proposed development whereas retention of the existing vegetation, in addition to its landscape, ecological and amenity value, would act as a visual screen to the development together with supplementary planting proposed as part of the application.

The BHS has questioned whether the waste park should be reconfigured so that proposed car parking areas associated with the waste transfer and household waste reception areas are positioned on the western boundary alongside BW49. It is contended that this would help to move noise sources further away from bridleway users. Ultimately, siting and layout of the various elements has to strike an appropriate balance between operational and environmental constraints, both internal and external to the site. Changing the site arrangement will inevitably create practical difficulties. In any event, officers are doubtful that re-orientation of the site in this way would result in appreciable noise benefits for path users. Notwithstanding these practical difficulties, noise impact upon horses is acknowledged as an issue relevant to both during construction and operational phases. A further planning condition is recommended, therefore, to ensure provision of suitable signage to warn users of the potential of sudden noise impacts as required by several consultees. Weldmesh security fencing is proposed on the site boundaries which is supported by the BHS.

#### **11. Design and Sustainability Considerations**

Policies MWSP1 and MWSP2 of the MWSSP reflect the approach in the NPPF to take a positive approach to the presumption in favour of sustainable development. Policy BE8 of the SBLPR states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain and maximise opportunities to use renewable or alternative energy sources. Emerging Policy 47 (Resource Efficiency) of the DSCB requires all new commercial development over 1000m<sup>2</sup> to be delivered to BREEAM excellency standard or equivalent standard. Site-specific Policy 60 of the emerging DSCB requires development on site to incorporate measures to adapt to climate change, minimise energy use and include renewable energy technologies.

The applicant has supported the proposal with a sustainability statement. It contends that the waste park scheme is unsuitable for BREEAM assessment primarily due to the main waste transfer building being unheated space and therefore unable to be assessed against a number of the energy credits in the

BREEAM methodology. Furthermore, the welfare building is considered inappropriate for evaluation as a proprietary unit. The development has therefore been considered against a range of alternative sustainability-related measures and has applied the issues within the BREEAM methodology so far as they are relevant.

The Sustainability Statement has therefore sought to consider the development against the categories of management / procurement, health & well-being, energy, transport, water, materials, waste, land use and ecology and pollution. This Council's Sustainable Growth / Climate Change officer considers this to be a satisfactory approach.

The document proposes a range of measures in order to adapt to climate change. Photovoltaic (PV) panels would be installed on the south-facing pitch of the roof of the waste transfer station building in order to reduce greenhouse gas emissions. This is supported by the Government's Solar PV strategy, which encourages greater use of commercial roof space for such installations, and is welcomed by the Council's Sustainable Growth / Climate Change officer.

Extensive provision of polycarbonate roof lights would maximise natural light in the waste transfer building and re-sale shop. Roof mounted power-assisted vents allow for air circulation within the building. The main waste transfer building will have a fine dust suppression spray so it is essential to have a robust ventilation system. The main walls will be insulated and therefore will have noise absorption qualities.

The applicant has investigated the scope for green or brown roofs, as encouraged by DSCB Policy 48, although unfortunately these were ruled out for design reasons. The WTS building requires a long roof span which needs to be lightweight in order to be sustainable in terms of materials, finance and in-built carbon. Provision of a green / brown roof would add additional weight in terms of materials and retained water with knock-on impacts to the structural loading and wider design.

Policy WSP3 of the MWSSP encourages good quality design. In order to refine the simplistic form of the main transfer building:

- a low pitched roof to reduce building mass;
- the gutter along the length of the roof is hidden and the walls visually flow into the roof as a continuous profile using the same colour and cladding profiles (grey);
- the eaves / gables are expressed by projecting the wall and roof planes to form a 600mm recess in which the gable walls sit; and
- the recessed walls are coloured butterscotch to provide visual interest and help emphasise the articulation of the form.



Similar design features are incorporated into the resale shop building on the HWRC to achieve a consistent theme.

Conclusion on design and sustainability:

It is considered that the design should be viewed positively against Policies MWSP1, MWSP2 and WSP3 of the MWSSP, saved Policy BE8 of the SBLPR and the Central Bedfordshire Design Guide.

**12. Agricultural land and soils**

The NPPF recognises the need to protect soils. The application is accompanied by an agricultural impact assessment which identifies that the proposals would result in the loss of 6.3 hectares of agricultural land. A soil survey was undertaken in respect of the site in April 2015, examining the soils to a depth of 1.2m at two locations 100 metres apart. The survey revealed the soils have an almost stoneless, dark brown medium or heavy silty clay loam topsoil beneath which are whitish, slowly permeable Chalk Marl lower subsoils with very pale brown upper horizons of very calcareous heavy silty clay loam or silty clay.

Best and most versatile (BMV) agricultural land is categorised as land that falls within grades 1, 2 and 3a of the Agricultural Land Classification. Both soil profiles are assessed as being Grade 2 (very good quality) and therefore the site falls within the BMV category. Saved Policy NE10 of the SBLPFR 2004 states that BMV land should, where possible, be protected from irreversible development. With reference to the effect on the national soil resource, the ES concludes that the irreversible loss of 6.3 hectares of Grade 2 land represents a minor adverse effect.

The soil survey identified that field drains from the application site flow downhill to the Ouzel Brook. However, no drains from surrounding fields cross the site and consequently there would be no wider impact on agricultural drainage. Surface water discharge from the site post development has been considered earlier in the report.

With regards to the effects on farming practice, the application site is currently let on a short agricultural tenancy providing only year to year use of the land. As such the applicant does not regard the land as a strategic agricultural asset in either national or local terms. Provided the soils to be lost are handled in line with best industry practice, they will provide a valuable resource to be used in site landscaping. The applicant is committed to this which can be made subject to a planning condition for a soils management plan to include control of dust and weeds to avoid impacting upon surrounding farmland.

With regards to the potential issue of severance, the applicant advises that the land to the south of the application site is farmed by a different farmer to that of the site. Access to the field to the south appears to be gained off the track

separating the two parcels and accordingly no issue of severance arises.

In conclusion, there would be a degree of harm due to the loss of Grade 2 agricultural land, although in the context of national resource this would constitute a minor adverse effect. However, the Alternative Site Study conducted by the applicant has shown that no known suitable alternative site of lesser agricultural value is available within the parameters of project delivery. The loss of the agricultural land must also be weighed against the wider public benefits arising from the local need for municipal waste management facilities to serve the south of the Council area, as highlighted within this report under the assessment of 'very special circumstances' in support of the proposal which collectively are considered to outweigh the impact. As such, it is concluded that the development does not harm the objectives of saved Policy GE6 of the MWLP.

### **13. Cumulative impacts**

The EIA Regulations 2011 stipulate that effect interactions need to be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor, although no national guidance is available as to how interactions between effects should be assessed, how significance is to be reported, or the extent to which interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual chapters of the ES where relevant.

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

It is considered that the cumulative effects of construction can be adequately mitigated through the package of measures identified to address specific impacts as identified through the EIA process together with a suitable Construction Environmental Management Plan.

### **14. Assessment of proposal against the Waste Framework Directive (WFD)**

In taking account of the requirements of WFD Article 13 (Protection of human health and the environment), it is noted that the information set out within the planning application, Environmental Statement and other supporting documentation concludes that the proposed development can be operated without causing harm to humans or the environment. The responses from key statutory consultees do not highlight any reasons for objection and planning

conditions can be applied to mitigate and control any adverse impacts. In addition to the planning system, the primary process operational control for the development is applied by the Environmental Permitting (England and Wales) Regulations 2010 (as amended). A Permit must be secured before the importation, storage and transfer of waste can take place, and is regulated by the Environment Agency. Officers are satisfied that the requirements of WFD Article 16 (Principles of proximity and self-sufficiency) are met.

In taking account of the requirements of Article 16, the proposed development is a facility to provide a means of managing municipal wastes to service the needs of the administrative area. The development is specifically to reduce the dependence on landfill as a means of managing the final disposal of waste, and will contribute towards providing an adequate network of facilities to manage waste within the geographic area where it is generated.

With respect to WFD Article 4 (Waste Hierarchy), the proposed facility is designed to move the management of local householder wastes further up the waste hierarchy away from disposal through landfill. The development will help ensure that Central Bedfordshire becomes more self-sufficient in managing its waste arisings, including residual wastes.

## **Recommendation**

That Planning Permission be granted subject to the following conditions:

### General:

1. Planning permission shall extend to the area delineated by a solid red line on the attached plan no. CB/15/01626/REG3 (dated August 2015). Development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained within the planning application. The approved plans and particulars comprise (except where modified by other conditions of this permission):

#### Documents:

- Application form dated 07/05/2015;
- Planning Supporting Statement (dated May 2015);
- Addendum to Planning Statement Summary of Proposed Mitigation Measures (dated July 2015);
- Design & Access Statement (dated 7 May 2015);
- Flood Risk Assessment (dated 12 May 2015);
- Ian Farmer Associates Ground Investigation Report (dated December 2012);
- Litter Birds and Vermin Statement (dated 19 May 2015);
- Economic Statement (dated 7 May 2015);
- Sustainability Statement (dated 7 May 2015);

- Utilities Statement (dated 19 May 2015);
- Arboricultural Impact Assessment (dated 31 July 2015);
- Tree Protection Plan no. 5134801-WP-ZZ-DR-Z-0001 Rev P2;
- Tree Protection Plan no. 5134801-WP-ZZ-DR-Z-0002 Rev P2;
- Thorn Turn Ecological Surveys Update (dated 3 July 2015);
- Drainage Strategy (dated 24 July 2015);
- Outdoor Access Statement (dated 19 May 2015);
- Green Travel Plan (dated 7 May 2015);
- Statement on Conformity with Equality Act (received 20 July 2015);
- Anticipated Vehicle Movements Plus Assumptions (received 19 July 2015);
- Works Information – Specification Appendices Series 3000: Landscape and Ecology (Amendment 2 dated 3 August 2015);
- Odour Management Plan (dated 20 July 2015);
- Lighting Strategy (received 29 July 2015);
- Fire Strategy (received 17 July 2015);
- Great Crested Newt Survey Report (dated 4 August 2015); and
- Thorn Turn Schedule of e-mails submitted during the determination period, as attached to Atkins' e-mail of 4 August 2015.

Drawings:

- Site Location Plan (Drawing no. WP\_PLA\_001 Rev P01);
- Planning Application Boundary (Drawing no. WP\_PLA\_002 Rev P02);
- Finished Levels (Drawing no. WP\_PLA\_004 Rev P01);
- Indicative General Arrangement (Drawing no. WP\_PLA\_005 Rev P04);
- Indicative Drainage Layout (Drawing no. WP\_PLA\_006 Rev P03);
- Landscape Plan Sheet 2 of 2 (Drawing no. WP\_PLA\_007 Rev P03);
- Landscape Planting Details & Schedule (Drawing no. WP\_PLA\_008 Rev P03);
- Access Road Details (Drawing no. WP\_PLA\_009 Rev P01);
- SUD Lagoon (Drawing no. WP\_PLA\_010 Rev P03);
- Pavement, Kerbing & Fencing Layout (Drawing no. WP\_PLA\_011 Rev P02);
- Earthwork Sections – Sheet 1 of 3 (Drawing no. WP\_PLA\_012 Rev P02);
- Earthwork Sections – Sheet 2 of 3 (Drawing no. WP\_PLA\_013 Rev P02);
- Earthwork Sections – Sheet 3 of 3 (Drawing no. WP\_PLA\_014 Rev P02);
- Road Lighting ISO-LUX South Contours (Drawing no. WP\_PLA\_015 Rev P03);
- Weighbridge Complex Plan & Details (Drawing no. WP\_PLA\_016 Rev P01);
- Weighbridge Complex Elevations (Drawing no. WP\_PLA\_017 Rev P01);
- Waste Transfer Station Welfare Plan and Details (Drawing no. WP\_PLA\_018 Rev P01);

- Waste Transfer Station Welfare Elevations (Drawing no. WP\_PLA\_019 Rev P01);
- Waste Transfer Station (WTS) GA Plan (Drawing no. WP\_PLA\_020 Rev P02);
- Waste Transfer Centre (WTS) Roof Plan (Drawing no. WP\_PLA\_021 Rev P02);
- Waste Transfer Station (WTS) Elevations (Drawing no. WP\_PLA\_022 Rev P04);
- Waste Transfer Station (WTS) General Sections (Drawing no. WP\_PLA\_023 Rev P01);
- Household Waste Recycling Centre Welfare Plan and Details (Drawing no. WP\_PLA\_024 Rev P01);
- Household Waste Recycling Centre Welfare Elevations (Drawing no. WP\_PLA\_025 Rev P01);
- Resale Store GA Plan and Elevations (Drawing no. WP\_PLA\_026 Rev P01);
- Resale Store Elevations (Drawing no. WP\_PLA\_027 Rev P03);
- Footpath Plan (Drawing no. WP\_PLA\_028 Rev P01);
- Substation Plan and Elevations (Drawing no. WP\_PLA\_029 Rev P01);
- Household Waste Recycling Centre Office Plan and Details (Drawing no. WP\_PLA\_030 Rev P01);
- Household Waste Recycling Centre Office Elevations (Drawing no. WP\_PLA\_031 Rev P01);
- Swept Path Analysis (Drawing no. WP\_PLA\_032 Rev P01);
- Swept Path Analysis (Drawing no. 800516-2022-0000-03 Rev P02.2);
- SUDs Attenuation Lagoon – Sections Sheet 1 of 2 (Drawing no. WP\_PLA\_033 Rev P01);
- SUDs Attenuation Lagoon – Sections Sheet 2 of 2 (Drawing no. WP\_PLA\_034 Rev P02);
- Western Bridleway Section Layout (Drawing no. WP\_PLA\_035 Rev P01);
- Western Bridleway Sections – Sheet 1 of 3 (Drawing no. WP\_PLA\_036 Rev P01);
- Western Bridleway Sections – Sheet 2 of 3 (Drawing no. WP\_PLA\_037 Rev P01);
- Western Bridleway Sections – Sheet 3 of 3 (Drawing no. WP\_PLA\_038 Rev P01);
- Operational Area Boundaries (Drawing no. WP\_PLA\_039 Rev P01);
- Indicative Combined General Arrangement (Drawing no. WP\_PLA\_040 Rev P01); and
- Surface Water Drainage Exceedance Management (Drawing no. WP\_PLA\_042 Rev P01).

REASON: To ensure the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

REASON: To comply with section 91 of the Town and Country Planning Act 1990 as amended by the section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

Archaeology:

3. **No development shall take place unless and until a written scheme of archaeological investigation that includes post-excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved scheme.**

REASON: Details are required to be submitted prior to commencement of the development in order to record and advance the understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the NPPF and saved Policy GE14 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Tree Protection:

4. **Notwithstanding the details contained within the submitted Arboricultural Impact Assessment and accompanying Tree Protection Plan nos. 5134801-WP-ZZ-DR-Z-0001 Rev P2 and 5134801-WP-ZZ-DR-Z-0002 Rev P2, no development hereby permitted shall take place unless and until a site specific Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include details of and provision for:**
  - **Measures for the root protection of trees, shrubs and hedgerows;**
  - **removal of any existing structures and hard surfacing;**
  - **Installation of any temporary ground protection;**
  - **excavations;**
  - **ground works, foundations, drainage and services;**
  - **installation of new hard surfacing (materials, design constraints and implications for levels);**
  - **a schedule of works to trees, shrubs and hedgerows; and**
  - **a schedule of specific events requiring input or arboricultural supervision and monitoring and compliance.**

**Thereafter, development shall only be carried out in accordance with the approved AMS and the approved protection measures shall be retained for the duration of the construction period.**

REASON: Details are required to be submitted prior to commencement of the development in order to safeguard the health of existing trees, shrubs and hedgerows on or adjacent to the site for the duration of preparatory and construction works in the interests of visual amenity and nature conservation in accordance with Policies GE9, GE10, GE12 and GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Construction Environmental Management Plan:

**5. No development shall take place unless and until a method of working in the form of a Construction Environmental Management Plan (CEMP) to include the following elements has been submitted to and approved in writing by the Local Planning Authority:**

- **the size and location(s) of any contractors' compounds;**
- **arrangements for routing of construction traffic and parking of contractors' vehicles;**
- **measures to be adopted and equipment to be used to prevent the trafficking of mud and debris onto the public highway;**
- **a Dust Management Plan;**
- **measures for the control of noise and vibration;**
- **procedures to control lighting impact;**
- **procedures to safeguard utilities and services;**
- **management and re-use of indigenous soils, control of weeds and disposal of surplus soils and other wastes arising from construction activities;**
- **measures to manage and protect surface water run off and mitigate any risk from blockage or severance of drainage pathways throughout the construction period;**
- **measures for the protection of groundwater;**
- **stand-off margin(s) to the bank top of the Ouzel Brook watercourse;**
- **construction site management practice to safeguard against risk to mammals (protected species) throughout the period of construction;**
- **measures to safeguard and warn users of nearby public rights of way and minimise any disruption to the network; and**
- **procedures to be adopted in the event of any complaint;**

**The CEMP as may be approved shall be implemented in full and complied with throughout the construction period.**

REASON: Details are required to be submitted prior to commencement of the development in the interests of highway safety, the ecology of the site and to protect the amenities at present enjoyed by occupiers of nearby properties and

users of the surrounding public right of way network in accordance with saved Policies GE6, GE13, GE17, GE18, GE19, GE20, GE21 and GE23 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Drainage:

6. **No development shall take place unless and until construction design details of the bridge structure over the Ouzel Brook including culvert, together with a scaled cross sections through the culvert extending at least 80 metres towards Thorn Road to include:**
- **the Flood Zone 3 area, incorporating the existing bridleway track to the east and proposed access road; and**
  - **the intersection of the access road with the bridleway**

**have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no development shall take place except in accordance with the approved details.**

REASON: Details are required to be submitted prior to commencement of the development in order to ensure flood risk is not increased by ground-raising above existing levels along the nearby bridleway track and to ensure that the bridge and culvert are of satisfactory design in accordance with the requirements of the Internal Drainage Board and saved Policy GE19 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

7. Prior to its construction, and notwithstanding the details in the submitted Drainage Strategy (dated 24 July 2015), final details of the sizing, layout, design and operation of the surface water drainage system for the combined application site and the adjoining site subject to application ref CB/15/01627/REG3 shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include demonstration that infiltration will not occur and that parking / storage areas will be of impermeable construction. Thereafter, no construction works shall take place except in accordance with the approved surface water drainage system details.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF, saved Policy GE19 of the Bedfordshire & Luton Minerals & Waste Local Plan and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

8. Prior to the waste park hereby approved coming into operation, details of a management and maintenance plan for the surface water drainage system over the life of the development shall be submitted for the written approval of the Local Planning Authority. Thereafter, the management and maintenance plan as may be approved shall be complied with at all times.



REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

Ecology:

9. **No development shall take place unless and until updated surveys of the site have been undertaken by a suitably qualified ecologist to ascertain the presence of the following protected / BAP species and, if evidence of any of these species is found, no development shall take place except in accordance with an appropriate compensation / mitigation strategy, accompanied by a programme for its implementation, that has first been submitted to and approved in writing by the Local Planning Authority.**
- a) **Reptiles;**
  - b) **Water Voles;**
  - c) **Dormice; and**
  - d) **Otters.**

REASON: Details are required to be submitted prior to commencement of the development in order to protect any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species and saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

10. No felling or removal of limbs from mature trees shall take place unless and until a survey for roosting bats has first been undertaken by a licenced bat ecologist. Should these species be found to be present an appropriate compensation / mitigation strategy accompanied by a programme for its implementation shall have been submitted to and approved in writing by the Local Planning Authority before any such tree works commence. No development shall be carried out except in accordance with the approved strategy.

REASON: To protect any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species and saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

11. No tree, shrub, scrub or other vegetation clearance works shall be carried out during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been immediately prior checked by an appropriately qualified ecologist and appropriate advance measures put in place to afford necessary protection to the written satisfaction of the Local Planning Authority.

REASON: To safeguard nesting birds in the interests of nature conservation in accordance with saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Pollution:

12. If, during construction of the development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until the developer has submitted a method statement detailing how the unsuspected contamination shall be dealt with and obtained the written approval from the Local Planning Authority. This method statement shall detail how the unsuspected contamination is to be dealt with and work shall thereafter be carried out in accordance with the approved details.

REASON: To protect and prevent pollution of controlled waters in accordance with saved Policies GE17 and GE20 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

13. No materials shall be imported to the site for purposes of construction of the development platform except the following classifications of engineering fill as defined in the '*Manual of Contract Documents for Highway Works – Volume 1 Specification for Highway Works Series 600 Earthworks*':
- Class 1A / 1B – general granular fill;
  - Class 2A / 2B / 2C – general cohesive fill;
  - Class 3 – general chalk fill.

and all such materials shall be placed and compacted in accordance with this manual.

REASON: To ensure that the site is suitable for its intended use and to protect the quality of the water environment in accordance with saved Policy GE17 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy 44 of the emerging Development Strategy for Central Bedfordshire.

Noise:

14. In accordance with the results of the BS4142 daytime and night time assessments in the Noise and Vibration chapter of the revised Environmental Statement (dated August 2015), as set out in Table nos. 8-19 and 8-20 of that document, the rating level from the noise sources on the operational site shall not exceed the recorded background level at the noise-sensitive properties identified.

REASON: To minimise nuisance to nearby residents by reason of noise in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and saved Policy BE8 of the South Bedfordshire Local Plan First Review 2004. .

15. Prior to the waste park hereby permitted coming into operation, a scheme for the monitoring and control of noise from the operational site shall have been submitted to and approved in writing by the Local Planning Authority and thereafter no activities or operations shall take place except in accordance with the approved scheme. The scheme shall include and provide for:
- noise monitoring and recording procedures;
  - presentation of monitoring results to the Local Planning Authority; and
  - measures for the suppression and mitigation of noise, including but not limited to the use of broadband reversing alarms; and
  - procedures to be adopted in the event of complaints or the maximum permitted noise levels referred to in condition 14 of this permission being exceeded.

Thereafter, the scheme as may be approved shall be implemented in full and complied with at all times.

REASON: To enable the impact of operational noise to be monitored and controlled and mitigation steps to be devised where necessary so as to minimise nuisance to nearby properties by reason of noise in accordance with saved Policy G18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Construction and Operational hours:

16. No construction works associated with the development hereby permitted shall take place except between the following
- 0800 to 1800 hours Mondays to Fridays
  - 0800 to 1300 hours Saturdays

and no such works shall take place on Sundays or Public / Bank Holidays.

REASON: To minimise noise impacts arising from construction activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan and saved Policy BE8 of the South Bedfordshire Local Plan Review.

17. No operations or activities authorised by this permission shall take place within the area shaded red on drawing no. WP\_PLA\_039 Rev P01 (Operational Area Boundaries) except between the following hours:

**Waste Transfer Station:**

- 0600 to 1730 hours Mondays to Fridays
- 0600 to 1300 hours Saturdays
- 0630 to 1600 hours Sundays
- 0630 to 1700 hours Public / Bank Holidays.

with the exception that no operations shall take place on Christmas Day or New Year's Day.

**Household Waste Recycling Centre and Re-sale Shop:**

0700 to 1800 hours Mondays to Sundays, including Public / Bank Holidays.

with the exception that no operations shall take place on Christmas Day or New Year's Day.

REASON: To minimise noise impacts arising from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan and saved Policy BE8 of the South Bedfordshire Local Plan Review.

18. Prior to 0700 hours, no waste operations or activities shall take place outside the Waste Transfer Station building except for purposes of vehicle access / egress to that building.

REASON: To minimise noise impacts from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan.

19. Prior to 0700 hours, no loading, unloading or other waste handling operations shall take place inside the Waste Transfer Station building unless all of the fast-acting doors are fully closed. .

REASON: To minimise noise impacts from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan.

**HGV traffic:**

20. There shall not be more than 120 Heavy Goods Vehicle<sup>1</sup> movements<sup>2</sup> entering and exiting the operational area of the site (as shown shaded red on drawing no. WP\_PLA\_039 Rev P01) on any working day (pro-rata for part working days).

REASON: In the interests of highway safety and in accordance with saved Policy GE23 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Travel Plan:

21. In accordance with the Green Travel Plan Framework submitted in support of the application, within 6 months of the occupation of the development first being brought into use, a Travel Plan shall be submitted for the written approval of the Local Planning Authority. Such Travel Plan shall include details of and provision for:

- predicted travel to and from the site;
- a HGV freight management plan, incorporating measures to co-ordinate deliveries and collections of waste, route optimisation, minimising travel through Dunstable town centre and maximising use of the strategic road network;
- details of existing and proposed transport links, to include links to pedestrian, cycles and public transport networks;
- measures and targets to minimise private car use and facilitate walking, cycling and use of public transport;
- timetable for implementation of measures designed to promote travel choice;
- details of cycle parking facilities;
- details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
  - travel and transport information,
  - travel vouchers,
  - details of relevant pedestrian, cycle and public transport routes to / from within the site,
  - copies of relevant bus and rail timetables;
- details of the appointment of a travel plan co-ordinator;
- an action plan listing the measures to be implemented and relevant timescales; and
- annual monitoring and review of the Travel Plan for a period of 5 years.

The Travel Plan as may be approved shall be implemented in full and complied with at all times.

REASON: In the interests of sustainability and to minimise traffic impacts from the operational development in accordance with Policy 26 of the emerging Development Strategy for Central Bedfordshire.

Public Rights of Way:

22. The access road hereby approved shall include, as part of its construction, ducting for electrical connection to facilitate future upgrades through the provision of Pegasus crossings at the points where Bridleway 49 intersects with the access road and across Thorn Road to the east of its junction with the access road.

REASON: To allow for the timely delivery of suitable upgrades to the public rights of way network at an appropriate time in accordance with saved Policy GE21 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Highway Safety:

23. Prior to the waste park hereby permitted coming into operation, a highway safety scheme shall have been implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Such scheme shall include details of and provision for:

- a) construction of a timber fenced holding area for horses on both sides of the access road at the point where it is intersected by Bridleway no. 49;
- b) construction of speed retarders or sleeping policeman on the site access road either side of its intersection with Bridleway no. 49; and
- c) the specification and positioning of suitable signage warning bridleway users of site traffic and vice versa, including potential for sudden noise impacts.

Such measures shall be retained for the life of the development.

REASON: In the interests of safety for users of the highway and public rights of way network in accordance with saved Policies GE21 and GE23 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Environmental Protection and monitoring of impacts:

24. No activities or operations hereby permitted shall take place except in accordance with the operational dust control measures set out in the 'Addendum to Planning Statement – Summary of Proposed Mitigation Measures' (dated July 2015).

REASON: To minimise nuisance to nearby receptors by reason of dust and to protect the amenities of surrounding land users in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

25. Prior to the use of the external lighting hereby permitted, a scheme for the monitoring of lighting impact from the site for a period of 1 year from the date of commencement of waste management uses hereby permitted shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:

- a) a methodology for assessing light spill and glare;
- b) presentation of assessment results to the Local Planning Authority;

- c) a review of the effectiveness of procedures for the control of lighting use outside permitted operational hours and any additional control measures to be introduced during those times;
- d) appropriate mitigation measures to be introduced taking account of the assessment results provided under part b) to further reduce the impact on sensitive receptors, including wildlife corridors on and surrounding the site; and
- e) a programme for implementation of the above.

The scheme as may be approved shall be complied with at all times.

REASON: To allow lighting impacts to be assessed against predicted effects and further mitigation measures or controls to be introduced and to minimise disturbance by reason of light spill and glare in accordance with saved Policies GE13 and GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy BE8 of the South Bedfordshire Local Plan Review.

26. Prior to the waste park hereby permitted coming into operation, a scheme for the monitoring of water quality for a period of 1 year shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a technical assessment to establish whether any contaminants are present in surface water run off and in the discharge from the SUDs pond;
  - b) presentation of assessment results to the Local Planning Authority;
  - c) identification of any remedial measures to be introduced in the light of assessment results provided under part a); and
  - d) a programme for implementation of the above.

Such scheme as may be approved shall be implemented in full.

REASON: To allow water quality impacts to be assessed in accordance with saved Policies GE17 and GE20 of the MWLP and Policy 44 of the emerging Development Strategy for Central Bedfordshire.

27. Notwithstanding the details contained within the submitted Odour Management Plan (dated 20 July 2015), prior to the waste park hereby permitted coming into operation, a scheme for the monitoring of odour impacts from the site for a period of 1 year shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a methodology for assessing odour impacts;
  - b) presentation of assessment results to the Local Planning Authority;

- c) identification of additional mitigation measures to be adopted in the light of the assessment results provided under part a); and
- d) a programme for implementation of the above.

Such scheme as may be approved shall be implemented in full.

REASON: To assess the impacts of the development against predicted effects and further mitigation measures or controls to be introduced and to minimise nuisance to nearby receptors by reason of odour and in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Facing Materials:

28. Prior to their use on site, and notwithstanding the details submitted with the application, samples of proposed facing materials and external finishes of the waste transfer station building, resale shop and ancillary buildings, structures and enclosures approved by this permission, and a schedule of the colour of the external finishes of the windows, doors, roofs, soffits and fascias, and gutters and rainwater goods of the buildings, shall be submitted to the Local Planning Authority for its approval in writing. Development shall only be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to control the appearance of the buildings in accordance with Policy WSP3 of the Minerals & Waste Local Plan: Strategic Sites & Policies (2014) and Policy BE8 of the South Bedfordshire Local Plan Review.

Landscaping:

29. Planting and landscaping of the site shall be undertaken in accordance with the details and specifications shown on drawing nos. WP\_PLA\_007 Rev P03 and WP\_PLA\_008 Rev P03) and contained within the document entitled 'Works Information – Specification Appendices Series 3000: Landscape and Ecology (Amendment 2 dated 3 August 2015) All works shall be completed no later than the end of the first full planting and seeding seasons immediately following the completion of construction activities hereby approved. The trees, shrubs, hedgerow plants and grassland areas shall be maintained for a period of 5 years from the date of planting in accordance with the 'Works Information – Specification Appendices Series 3000: Landscape and Ecology' (Amendment 2 dated 3 August 2015). Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development in accordance with saved Policies GE9 and GE10 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.



30. Prior to the waste park hereby permitted coming into operation, a scheme for the phased establishment of supplementary hedge, tree and shrub planting to the east of the access road between the Ouzel Brook and Thorn Road shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include a programme for its implementation, having regard to development that may come forward for employment uses on surrounding land in the event of any forthcoming reserved matter approvals pursuant to outline planning permission (ref CB/15/01928/REG3), and its maintenance for a period of 5 years from the date of planting. Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established. The planting shall be carried out in accordance with the approved scheme and phasing programme

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development in accordance with saved Policies GE9 and GE10 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Habitat Management:

31. Prior to the waste park hereby permitted coming into operation, a habitat and biodiversity enhancement and management plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. Such plan shall be fully informed by the findings of the species surveys and complement the species mitigation / compensation strategies approved pursuant to conditions 9 and 10 respectively of this permission and also include provision of bird boxes. The plan as may be approved shall be implemented in full and complied with at all times.

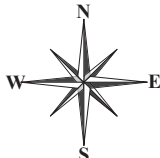
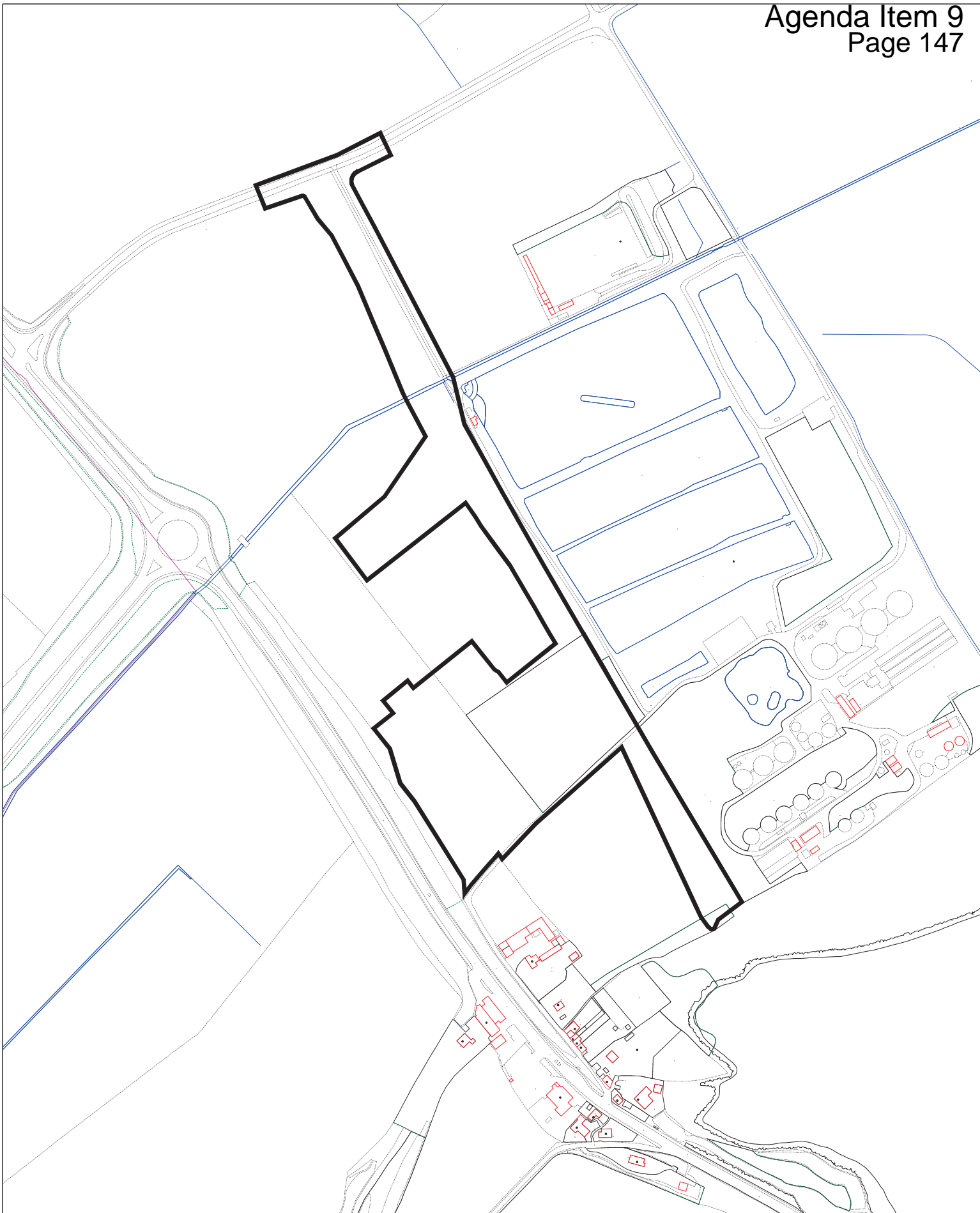
REASON: To secure ecological improvements in accordance with saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Notes to Applicant

Informatives:

1. <sup>1</sup> With reference to condition 20, Heavy Goods Vehicle (HGV) means a vehicle above a gross weight of 7.5 tonnes.
2. <sup>2</sup> For the purposes of condition 20, a single Heavy Goods Vehicle entering and leaving the site, whether loaded or empty, shall count as 2 movements).
3. With reference to Condition 25, the lighting scheme shall be designed to comply with the Institute of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.

4. The applicant is advised to ensure that the public bridleway remains available at all times during construction and safe for the public to continue to use with appropriate signage. Should it become apparent that the public bridleway needs to be temporarily closed or diverted on public safety grounds, the Rights of Way Team will need to be contacted so that a temporary closure order can be processed. The lead in time for a temporary closure is a minimum of 6 weeks – i.e. 6 weeks notice before the proposed closure date is required for the team to process and advertise the closure.
5. The applicant's attention is drawn to the content of the letters from the Environment Agency dated 14 July 2015 and Anglian Water dated 9 June 2015.
6. Pre-commencement conditions are shown in bold text.



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Date: 03:August:2015

Map Sheet No.

**Application No.**  
**CB/15/01626/REG3**

Scale: 1:3500

**Thorn Turn Highway Depot, Thorn Road, Houghton Regis**

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## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/15/01627/REG3</b>
<b>LOCATION</b>	<b>Land at Thorn Turn, Thorn road, Houghton Regis, Dunstable LU6 1RT</b>
<b>PROPOSAL</b>	<b>Development of a winter maintenance depot (including salt storage bar, outdoor salt mixing area &amp; stabling for gritting vehicles), highways depot (including stores area and vehicle maintenance shed, together with storage for vehicles and spares and vehicles associated with the Council's landscaping function), office block, overnight parking for highways maintenance and transport passenger fleet vehicles, staff car/cycle parking, operational yards, lighting, fencing, drainage, landscaping and new access road from Thorn Road.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs: S Goodchild &amp; J Kane</b>
<b>CASE OFFICER</b>	<b>Jerry Smith</b>
<b>DATE REGISTERED</b>	<b>21.05.2015</b>
<b>EXPIRY DATE</b>	<b>10.09.2015</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Atkins Global</b>
<b>REASON FOR Call in to Committee</b>	<b>Council application</b>
<b>COMMITTEE TO DETERMINE</b>	
<b>RECOMMENDED DECISION</b>	<b>Approval</b>

### Summary of Recommendation:

This application relates to the proposed development of a winter maintenance and highways depot on land at Thorn Turn. The site lies within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm and any other harm identified. The application has been treated as a departure.

The site is located within an area identified for growth in successive emerging development plans and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy for Central Bedfordshire (DSCB). It also forms part of a parcel of land allocated for development as a strategic waste management site within the adopted Minerals and Waste Local Plan. Whilst the proposal is not for such a land use, it is noted that an application reported elsewhere on this agenda has come forward for such a facility thereby giving some certainty over the remaining areas of the allocation being surplus to requirements for the delivery of that use. The allocated site can provide for waste management development in addition to the proposed winter maintenance and highways depot.

Very special circumstances as detailed in the report have been identified and are collectively considered to outweigh the harm to the Green Belt. The proposals would be of a character and scale broadly similar to the proposed waste development and benefits of co-locating these functions is acknowledged. The need for the development is accepted in order to provide a fit for purpose facility from which key statutory functions can be sustainably delivered overcoming environmental drawbacks associated with existing provision. An alternative site search has not identified a preferable location being available outside the Green Belt within the parameters of project delivery.

The scheme would give rise to the loss of 1.54 ha of best and most versatile agricultural land in conflict with Saved Policy NE10 of the South Bedfordshire Local Plan. Substantial woodland would also be lost although a broader mix of large-scale compensatory planting is proposed. Less than substantial harm has been identified to heritage assets. The harm caused by these impacts is considered to be outweighed by the identified very special circumstances in the wider public interest.

Subject to suitable mitigation, no other significant environmental impacts would arise as a result of the development and, in all other respects, the proposals are considered to be in conformity with the adopted Development Plan policies, the emerging DSCB and national policy contained in the National Planning Policy Framework. Committee's resolution at its July meeting to grant planning permission, subject to Secretary of State referral, for commercial development on the northern part of the allocated site is considered to further strengthen the case for supporting the proposals.

It is recommended that, subject to referral to the Secretary of State, planning permission is granted subject to conditions. In formulating this recommendation all of the evidence and potential impacts of the development that are considered to be material to determining this application have been examined. This has included assessing the application and Environmental Statement including the further information provided, representations received and consultation responses. All material issues have been adequately addressed in the application and the Environmental Statement.

#### **Site Location:**

The application site lies approximately 1km to the north-west of the Houghton Regis/Dunstable conurbation to the east of the A5 Watling Street and west of the Dunstable Waste Water Treatment Works (WWTW). It extends southwards from Thorn Road from which vehicular traffic would be served by means of a new access road. The A5 lies some 8-12m higher than the application site separated by an embankment planted with mature woodland. A rifle range, known as Thorn Ranges, occupies a site adjoining part of the WWTWs north-western boundary. Further agricultural land lies beyond the WWTW.

The site comprises greenfield land predominantly in agricultural use and falls within part of an extensive area proposed to be allocated for development as a Strategic Urban Extension in the emerging Development Strategy for Central Bedfordshire. This proposed allocation envisages development coming forward within a broad sweep of land to the north of the conurbation up to the line of the A5-M1 Link Road currently under construction. This land is currently identified as Green Belt in the

local development plan, although the emerging Development Strategy proposes its removal with a revised Green Belt boundary being drawn further north utilising the A5-M1 Link Road as its defensible boundary.

The area subject to the proposed allocation is envisaged as being primarily residential, but also including elements of employment with retail and mixed uses within the residential areas.

The Minerals and Waste Local Plan: Strategic Sites and Policies identifies a 24 ha 'L'-shaped parcel of land at Thorn Turn as a strategic waste management site. A separate planning application (Planning Ref. No. CB/15/01626/REG3) has come forward from the Council for a Waste Park including a waste transfer station and a household waste recycling centre on the central part of this allocation.

The site subject to the current application principally occupies the southern portion of this allocation. However, because the proposed development is not for a strategic waste management operation, and, in Green Belt terms, is defined as inappropriate, the application has been treated as a departure from the development plan.

Both the application subject to this report and the application for the Waste Park envisage using a new shared access road, extending southwards from Thorn Turn. Accordingly this new access road forms a common feature of both applications.

A further application submitted by the Council for outline planning permission for employment falling within Use Classes B1, B2 and B8, together with associated infrastructure and ancillary works, covers the remainder of the land identified within the allocated Strategic Waste Management Site. Committee resolved to approve that application at its July meeting subject to referral to the Secretary of State as a departure.

To the south of the application site lies an area of greenfield land with overhead power lines passing through in a generally northerly direction. This parcel of land is separated from the application site by a right of way afforded to Anglian Water in connection with the WWTW, although principal access to that facility is from the north off Thorn Road.

Specifically, the application site itself comprises an irregular shaped parcel of land totalling 6.9ha on relatively flat land at a height of 96m Above Ordnance Datum (AOD) gently rising to 100m AOD towards the south. It is overlooked by the rising Chalk Hill to the south and the dramatic chalk escarpment. There is also a gentle fall in land across the site from west to east.

The site includes an access corridor extending southwards from Thorn Road for a distance of some 0.6 km within which the new access road is proposed. The Ouzel Brook, a tributary of the River Ouzel, flows roughly parallel to Thorn Road in a north-east to south-west direction approximately 230m from Thorn Road. The Brook crosses the proposed access corridor.

The site also incorporates an area to the west of the proposed access corridor, south of the Ouzel Brook for sustainable urban drainage purposes, whilst the principal development is proposed on land further south, again to the west of the

proposed access road corridor. The application site is completed by a corridor extending southwards to the west of the WWTW.

The application site principally includes part of two arable fields with the access road proposed along the eastern boundary of a further field to the north. A broad-leaved plantation with patches of semi-improved grassland occupies some 1.2 ha. identified as lowland mixed deciduous woodland Habitat of Principal Importance. Three Common Ash trees, classified as Category A specimens, are present to the west of the woodland.

A hedgerow extends north-westwards from the plantation whilst a similar hedgerow forms the boundary with the WWTW and continues northwards intermittently to Thorn Road punctuated with occasional hedgerow trees. Further hedgerow is present alongside the southern bank of the Ouzel Brook although only a small section falls within the application site boundary together with another Common Ash (Category C).

An area of semi-improved neutral grassland habitat, formed from a widened field margin, lies to the west of woodland area. This area is fairly wet and was possibly a former pond area. The site's southern boundary is formed by a further hedgerow and includes an established sycamore tree (Category B).

Two statutory designated nature conservation sites lie within two kilometres of the site. Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI) lies some 370m to the south-east. It is a large disused chalk quarry with marl lakes that are an example of rare standing water habitat type confined to chalk or limestone areas. It contains a mosaic of wetland communities including base-rich fen and supports a range of species associated with wetland habitats including dragonflies and is important for its ornithological value.

Totternhoe Chalk Quarry SSSI lies approximately 1.68km to the south-west. It is a disused quarry on the north-west face of the Chilterns which contains species-rich unimproved chalk grassland with a number of rare plant species and notable invertebrates including butterflies.

In terms of non-statutory designated sites within one kilometre of the site, there are four non-statutory County Wildlife Sites (CWS) and a Roadside Nature Reserve (RNR). These are Houghton Regis Chalk Pit CWS (230m to the south-east); Barley Brow CWS (275m to the south); Houghton Regis Cutting RNR (320m to the south); Thorn Spring CWS (595m to the north-east); and Suncote Pit CWS (715m to the south). Thorn Spring is also designated as Ancient Woodland (i.e. continuously wooded since 1600 AD).

In terms of key designated heritage assets Thorn Spring moated site and associated woodbanks, a well defined moat and moat island with detached woodland, lies 750m to the northeast, whilst Maiden Bower Iron Age hillfort and Totternhoe mote and bailey castle both lie on a ridgeline to the south-west . All three are scheduled monuments.

Public Bridleway 49, known as the Icknield Way Trail, runs adjacent to the site's western boundary before turning north-eastwards to follow the course of the Ouzel



Brook adjacent to the northern extent of the proposed Waste Park scheme. The route of this bridleway would cross the proposed access road further to the east before turning north-westwards towards Thorn Road. A further bridleway, the Chiltern Way, runs to the south of the site in a southwest-northeast direction parallel to the southern boundary of the WWTW.

A network of public footpaths extend out from Thorn, a village situated to the north of Thorn Road to the north east of the application site. Further public footpaths are present on the western side of the A5.

The nearest residential property is Chalk Hill Farm, situated approximately 60m to the south. Other properties have been developed within Chalk Hill beyond in addition to properties to the west side of the A5 including those on higher ground in Sewell. Further properties lie to the north within Thorn approximately 180m from the proposed site access with Thorn Road and some 0.6km from the principal application site.

## **The Application:**

### Context:

Central Bedfordshire Council (CBC), as a Unitary Authority, has a statutory duty to act as Highways Authority for all de-trunked public roads within its jurisdiction. In terms of winter maintenance CBC has responsibilities under Highways legislation to protect the right of the public to use and enjoy the highway as well as duties to ensure, as far as is reasonably practicable, that safe passage along the highway is not endangered by snow or ice.

At present the winter gritting service is provided from the Brewers Hill Road depot in Dunstable. This site has evolved in response to service need rather than as any planned exercise and has capacity for the uncovered storage of 500 tonnes of road salt. Uncovered storage of road salt presents both operational and environmental difficulties as, on application, the material is not as effective as that stored under cover and the runoff associated with any rainwater coming into contact with the road salt would have elevated salinity levels and the potential to reach surface or groundwater resources.

CBC has calculated its total storage requirement as being 8,000 tonnes if sufficient salt is to be available for winter gritting. Capacity at the existing depot is clearly significantly inadequate and site constraints restrict the scope to enable its expansion.

A new storage facility is therefore required and CBC considers that the service would be best provided by a spatial distribution of facilities in order to maximise the efficiencies of crews delivering the service to strategic locations within the CBC area.

In 2009 the BEaR project was established with the aim of delivering a range of long term waste services for CBC. These included various waste management facilities but also included the construction of a salt barn. It was anticipated that the project would occupy the entirety of land allocated at Thorn Turn for waste recovery uses.

The current service provision for the Highways Fleet, in terms of stores, maintenance, overnight parking and ancillary development is through the London Road Depot Site at Bedford. Post the reorganisation of local authorities in Bedfordshire in 2009, this site fell within the administrative boundary and ownership of Bedford Borough Council leaving CBC in the position of not owning any in-house Highways Depot infrastructure and being wholly reliant on the facilities of adjoining authorities or third parties. There is presently no provision for overnight parking of the passenger transport fleet and, in the absence of alternative arrangements, drivers of such vehicles park at their own properties.

Difficulties were experienced nationally during the winter of 2009/10 when road salt supply was found to be inadequate for prevailing conditions leaving many roads untreated. Following a Government review, Councils are now under great pressure to avoid any recurrence of those problems. In addition to CBC's identified need for the storage of 8,000 tonnes, it has been necessary to determine the areas that the service would cater for. The priority areas for treatment are identified as the strategic highway network links and sensitive receptors as well as larger urban areas. The proposal subject to this application is designed to meet the needs of the southern part of the Council area, whilst a site search exercise is underway in respect of a facility to serve the northern area.

It should also be noted that once the A5-M1 Link Road becomes operational, a 14km stretch of the A5 from its new roundabout southwards would be de-trunked. It forms a key strategic road link and responsibilities for its maintenance and winter gritting requirements would pass to CBC.

#### Co-location Opportunities:

Existing service provision is therefore split between sites within and outside the Council area. CBC wishes to ensure security in its future service provision and therefore has assessed options for how the service may be provided within facilities it owns and operates and which lie within its area of jurisdiction. Needing to achieve value for money, and realise challenging budget savings, CBC has considered whether efficiencies can be achieved through the co-location of similar services. This has extended to not just the highways and winter maintenance functions, but also similar service functions such as waste management.

The applicant is of the view that efficiencies can be achieved in terms of the site provision as the land can be developed as one larger site rather than the Council needing to acquire additional plots and the associated costs, in addition to actual development and operating costs. All three services share similar characteristics, namely they comprise sizeable areas of hardstanding with associated buildings.

There is a requirement for a separate foul drainage system for the winter maintenance provision and the adjacent Waste Park so as to ensure that neither operational area has direct runoff to watercourses or groundwater. Further savings can therefore be realised through the development of a combined drainage system.

The applicant has also identified that the co-location of the facilities would provide a degree of security for the winter gritting facility given its use is restricted to the winter periods and consequently for the majority of the year it is unmanned. Its co-location with the main highways function ensures continuous surveillance of the building and

its associated vehicles to combat potential vandalism and theft in addition to infrastructure and maintenance.

The Proposed Development:

The proposals, therefore, seek to provide a base from which the Council can deliver its statutory highway functions, including its salt storage requirements, to serve the south of the Council area. This centralised hub approach is designed to assist the Council in reducing the number of vehicle movements. Planning permission is sought for a highways and winter maintenance depot including a new access road, vehicle parking and ancillary development on an irregular shaped parcel of land situated directly south of the proposed Waste Park, which forms the subject of a separate application. It would accommodate the Council's Road Maintenance Team, its fleet operations together with salt storage and vehicle maintenance facilities offices, storage and parking facilities. The application site, measuring 6.9 ha, has no formal points of vehicular access with agricultural access currently provided via adjoining agricultural fields. Specifically the application includes the following elements:

**a) Highways Maintenance Depot/Stores**

This steel portal framed building would be sited adjacent to the northern boundary of the site. It would provide accommodation for highways maintenance storage depot; a fleet vehicle maintenance workshop including MOT bay/waiting area, store and office; landscape tool shed and lawn mower storage, plant rooms and welfare facilities. The highways maintenance storage depot would measure 36.00m x 27.00m x 12.20m (max. ridge height) providing 972sq.m. of floorspace. It would have a pitched roof constructed from single skin insulated panelling coloured grey featuring roof lights and incorporating roof mounted photovoltaic (PV) panels on the south facing roof section. The walls would be constructed in insulated, vertical profile metal cladding coloured grey with the exception of its western and eastern elevations which would be coloured beige set within a grey trim. An external staircase located on the western elevation would provide roof access. Access to the depot would be provided by means of a roller shutter door (4m x 6m high) coloured grey in a galvanised finish and two double doors within the southern elevation. Additional double doors within the southern elevation would provide access to smaller dry stores whilst an emergency pedestrian door would also be provided within the building's northern elevation.

The fleet vehicle maintenance workshop has been designed so as to extend out from the depot's eastern elevation, albeit at a lower level. It would measure 72.00m x 15.00m x 9.80m (max. ridge height) providing 1,080 sq.m. of floorspace. It would be served by eight roller shutter doors (4m x 6m high) set within the southern elevation. A set of double doors provide access to a lobby area whilst two additional personnel doors are shown, all within the southern elevation. The workshop would be constructed in insulated vertical profile metal cladding coloured grey to its northern elevation and beige to its southern, the latter being punctuated by the roller shutter doors coloured grey in a galvanised finish. It would have a single skin clad, mono-pitched roof sloping down to the north served by a series of roof lights. Polycarbonate panels located above the roller shutter doors would provide additional daylight. Internally the space would predominantly provide a series of eight workshop bays for vehicle maintenance purposes (six with inspection pits), one of which is identified for MOT purposes with a floor mounted rolling road whilst another

includes a pillar lift for the maintenance of smaller vehicles. A lobby, MOT waiting area, store, office, kitchen and WCs complete the facilities.

At its eastern end, the building would extend southwards to accommodate a landscape tool shed and lawn mower storage together with plant rooms. This 'wing' of the building would extend some 22.50m x 10.00m (max. dimensions) with a roof structure roughly forming the return pitch to the eastern end of the vehicle maintenance workshop. The roof would measure 7.30m to eaves and approximately 9.40m to ridge and would be served by roof lights. Access would be facilitated by means of a roller shutter door coloured grey to the lawn mower store's western elevation and a similar access, together with a personnel door, would serve the tool shed. A mix of double doors and single doors would serve the plant rooms, the latter being set within the building's eastern elevation. This wing of the building would be constructed from insulated metal cladding coloured grey to its southern elevation, roof and doors whilst the eastern elevation would be coloured a contrasting beige colour within a grey trim.

**b) Gritter Store**

This would provide stabling for six Gritter wagons and lie to the south east of the Highways Maintenance Depot. It would be a three sided 'dutch barn' style building, open on its eastern elevation, and measure approximately 25.80m x 13.00m x 7.30m high (max. ridge height) providing some 335 sq.m. of floorspace. It would have a pitched roof served with roof lights and be constructed from un-insulated profile metal cladding coloured grey with the exception of its western elevation which would be coloured beige set within a grey trim.

**c) Salt Barn**

This purpose-built, dome-like structure would be sited to the south east of the Gritter Store and provide storage for a total of 5,000 tonnes of road salt. This storage capacity would comprise two segregated bunkers (2,500 tonnes each) enabling storage of two grades of salt. It would measure approximately 45.60m x 23.10m x 12.90m high (max. dimensions) and incorporate two doorways, each measuring 5.70m x 10.40m high to its eastern elevation to allow vehicle access and egress although doors are not proposed to these openings. Vehicles would reverse into the building to deliver salt. The building would be designed and supplied by a specialist manufacturer and accordingly no final details are specified as to the proposed construction materials although reference is made to the building having a concrete base above which an internal timber frame would support a grey asphalt shingle roof cladding.

**d) Highways Office**

This building would be a two storey development occupying a central position adjacent to the site's southern boundary. It would provide first floor office accommodation for the Council's Highways Team whilst also offering welfare facilities for staff and drivers associated with the highways and winter maintenance functions at ground floor level. It would measure approximately 37.75m x 14.75m x 7.20m high providing a total floorspace of 1,114 sq.m. It would be of modular construction coloured light grey with beige feature panels to the entrance and other elevations. An external staircase would be provided on its western elevation whilst air conditioning units would be installed adjacent to its eastern elevation.

e) **Covered Parking/Cycle Store**

A three sided building with a mono-pitched roof is proposed to the west of the Highways Office. It would provide covered parking facilities for road safety cars and ten cycles, separated by a dividing wall. The building would measure 4.78m x 10.75m x 3.91m (max. height). It would be constructed from un-insulated profile metal cladding coloured grey.

f) **Operational Yard**

To the south of the Highways Maintenance Depot/Stores and east of the Gritter Store and Salt Barn, an extensive reinforced concrete yard area would be formed as an external working area. It would be marked out to provide a one way internal circulation route and manoeuvring areas and pedestrian walkways delineated with yellow cross-hatch markings. Two ramps, located centrally within the yard, would facilitate access between the southern half which would be constructed at a slightly higher level than the northern half. The yard would incorporate stretches of retaining wall to a maximum height of 1m.

The northern half of the yard would include:

- seven open bays for the storage of highways materials such as sand and gravel and the bulking of demolition materials such as road planings and general rubble. One bay would measure 25.0m x 6.0m whilst the other six would measure 4.0m x 6.0m;
- a three-sided de-watering bay measuring 12.8m x 9.9m with a sill to prevent foul water escaping from the bays and designed to collect decanted water via a yard gully;
- skip storage area measuring 21.7m x 6.0m to accommodate a mix of 40 cubic yard and 20 cubic yard 'half height' skips in addition to 'boat skips' for deposition of trade waste;
- 2 No. 'hot boxes' - steel boxes, measuring 5.5m x 3.4m x 1.75m high each, with opening roofs and hinged front doors which keep warm heated bituminous material for collection and use by the highways maintenance team;
- cold wash gantry for cleansing the road gritting fleet. Reinforced concrete steps with handrail would provide access to a walled gantry of reinforced concrete construction (measuring 9.5m x 2.6m x 3.15m high) allowing for the high level spraying of vehicles in two bays either side. This could be used on a 24hr basis as such vehicles need to be cleaned after finishing rounds. Whilst not using detergents, the foul drainage system is designed to capture saline run-off from vehicles. The system is not a high pressure wash;
- parking bays comprising one disability space for office staff plus two car bays and two large bays for fleet/minibus vehicles receiving maintenance.

The southern half of the yard would include:

- a three-sided bay (12.8m x 10.4m x 2.0m high) for loading/unloading and mixing salt with grit;
- a glycol storage tank area with raised concrete strip containing 2 No. lockable shipping containers measuring 6.1m x 2.45m x 2.6m high;
- vehicle fuelling area measuring 17.0m x 15.16m max to contain three bunkered fuel tanks (providing a total of 50,000 litres capacity) and two bays to allow refuelling of vehicles for use both on and off-site;

- vehicle 'hot wash' area (12.8m x 11.0m) including vehicle inspection ramps to clean highways fleet vehicles after finishing rounds and prior to maintenance inspection;
- an open storage area measuring 50.0m x 6.0m for lighting components.
- an open general storage area measuring 45.0m x 8.0m.

g) **Vehicle parking**

The eastern and southern sectors of the site would be predominantly given over to vehicle parking separated by the internal access road. In total, the site provides parking for 220 vehicles. The eastern area would provide a total of 80 parking spaces comprising 60 for highway maintenance fleet vehicles, 25 for passenger transport depot minibuses and five for Passenger Transport Drivers staff parking. It would also accommodate a small vehicle spares store measuring 5.0m x 4.0m x 2.5m high.

The southern parking area would provide 140 car parking bays (including four disabled spaces) to accommodate visitors and the following staff: highways operations, highways maintenance, highways control, gritter drivers, passenger transport staff, winter maintenance and workshop maintenance. Dedicated parking for ten motorcycles would also be provided close to the cycle storage facility. Road markings would provide dedicated pedestrian crossing points between the car parking areas and between the highways office and operational yard.

h) **Access Road**

A new, purpose built access road would extend south-eastwards from Thorn Road for a distance of some 0.61km. The majority of vehicles are anticipated to access the site from the A5 via the roundabout link being provided as part of the A5-M1 Link Road development. A 'ghost island' junction is proposed to allow right turning vehicles to access the site whilst minimising delays to traffic on Thorn Road. It would cross over the Ouzel Brook via a bridge structure, the details of which have not been provided, and the line of the bridleway before continuing adjacent to the south-western boundary of the waste water treatment works past the site of the proposed Waste Park before an entrance apron would facilitate access to the highways depot. The road would continue beyond the proposed access to the highways depot to provide a turning stub.

A mechanical sliding gate with a swipe card system or similar would provide secure access to the application site. The access road would then continue south-westwards separating the highways offices and southern parking area from the operational yard before skirting to the rear of the salt barn and gritter store in a north-westerly direction. Vehicles would access the operational yard at a point just north of the gritter store. The proposed access road is shown as continuing north-westwards to the site boundary to provide gated access between it and the adjacent Waste Park for operational traffic. It is anticipated that staff would utilise the eastern access road. Gates into operational areas would be closed when the site is not operational.

The proposed road corridor would be approximately 40m in width and would accommodate the new road with pedestrian footway on its western side whilst accommodating a stretch of an existing bridleway along part of its eastern side. The

application shows the footway extending from the junction of the access road with Thorn Road down to the proposed Waste Park. Pedestrian access to the application site is proposed to be achieved through the provision of footway within the Waste Park site entering the Highways Depot immediately to the west of the Highways Maintenance Storage Depot.

### Drainage

It is proposed that the site would be served by a sustainable drainage system common to both it and the adjacent Waste Park proposals. Surface waters from roofs and pavement areas would be collected via petrol interceptors and by a surface attenuation pond with 1:3 slopes proposed to the north of the adjacent Waste Park application and west of the access road. This is designed to provide both developments with a sustainable drainage facility and is a feature common to both applications. Water collected within this lagoon is proposed to be discharged to the adjacent Ouzel Brook via a pipe connection at an agreed discharge rate.

Foul water from the buildings and trade effluent from operational areas would be gravity fed to a wet well located close to the lagoon from where it would be pumped south-eastwards via rising main to an existing manhole within the Anglian Water foul sewer system south of the application site. The application site boundary has been drawn to include this connection, although this element of the site would contain no above ground built development. From there, foul water would be pumped to the adjacent waste water treatment works. The system would incorporate trapping saline run-off from the cold wash.

### Means of Enclosure

The operational site would be enclosed by 2.1m high weldmesh fencing coloured green. In a further revision to the original submission, the lagoon is proposed to be enclosed by a 1.2 m high stock-proof fence in order to provide a more aesthetically pleasing approach to the development. A short stretch of post and rail fencing would be installed at the southern end of the access road turning stub.

### Site lighting and CCTV

The site access road would be lit by 8m high free-standing lighting columns. Within the site a range of light fittings are proposed including further 8m high columns, 10m high columns, building mounted units and twin luminaires within the yard and serving the internal road and southern car park. The application includes a light contour plan illustrating the extent of light spillage and a lighting strategy.

It is proposed to co-mount CCTV cameras on selected lighting columns. Ten CCTV cameras would be installed within the Highways Depot providing surveillance of the site access, parking areas and operational yard. Nine of these would be co-mounted on free-standing lighting columns although one is proposed to be mounted to the Highways Maintenance Depot/Stores. Outside the proposed operational depot, another CCTV camera would be installed on the eastern side of the access road, approximately mid-point along the frontage to the Waste Park, whilst a further CCTV camera would be installed to the east of the SuDS lagoon.

### Landscaping

The scheme would entail the loss of the hedge-line principally that running through the centre of the site although other stretches would also be lost to facilitate access off Thorn Road and the bridge crossing to the Ouzel Brook. 1.2ha of woodland planting present in the eastern part of the site would also be lost in addition to 1.54 ha of agricultural land. Six trees would also be lost. It is proposed to remove planting outside of the bird nesting season. Existing tree planting along the embankment to the A5 and hedgerow planting along the eastern boundary would be retained.

The following replacement planting would be provided:

- a) individual oak, silver birch and alder trees alongside the eastern side of the access road set within a species rich grass mix to the embankment;
- b) broad leaved woodland planting along the western boundary bolstering retained planting as well as individual oak, field maple and common alder trees set within a species rich grass mix to the western fringe of the built development;
- c) 2,526 sq.m. of broad leaved woodland planting within a typically 5m wide belt along the southern site boundary comprising 55% trees (alder, rowan, birch, oak and field maple) and 45% shrubs;
- d) native hedge planting (predominantly hawthorn, hazel, blackthorn and field maple) to the west of the highways maintenance storage depot linking with similar planting to the north and east of the building proposed within the Waste Park application. Further native hedge planting is proposed around the eastern parking area together with areas of verge grass and individual tree planting;
- e) pockets of fruiting shrub planting is proposed on land adjoining the application site to the south although otherwise that land would be retained in agricultural use. The shrubs would provide approximately 2,500 sq.m

#### Enabling Works and Construction Hours:

Should planning permission be granted, it is anticipated that enabling works including the access road construction would commence in Autumn 2015. Enabling works would also involve removal of topsoil across the site and subsequent importation of material to form a development platform raising the site level by up to 2m to 98-100m Above Ordnance Datum (AOD) in order to mitigate the high water table and provide sufficient fall for drainage infrastructure. The application refers to the importation of some 134,500 tonnes of granular, cohesive or chalk engineering materials to achieve the platform with such material placed and compacted in accordance with highway works specification.

Phase 1 of the construction stage (excavation and access road) is anticipated to take six months with the main construction works for both depot and Waste Park combined being completed by Spring 2017. Construction works are proposed to take place between the following hours:

08:00 -18:00 hrs Mondays - Fridays

08:00 - 13:00 hrs Saturdays

By arrangement on Sundays and Bank Holidays.

Precise construction plant is yet to be finalised but is expected to comprise a mix of static and mobile plant including excavators, dumper trucks, bull-dozer, JCBs, tipping lorries, generators, delivery lorries and mobile crane.

#### Operational Hours:



Post construction, it is proposed to operate the facility between 07:00 - 18:00 hrs daily, although there would be periods of 24 hr operation in response to winter maintenance requirements and emergency highways maintenance incidents. Those

Staffing:

The highways depot would employ 164 members of staff as follows:

Description	Proposed Number of Staff
Gritter Drivers	12
Winter Maintenance Office	2
Passenger Transport staff	4
Passenger Transport Drivers	25
Highways Maintenance Office/Control Rm	57
Highways Maintenance Ops staff	64
TOTAL	164

Traffic:

The development is anticipated to give rise to 164 daily car movements (328 two-way movements) and 109 other vehicle movements (218 two-way movements) with the latter comprising a mix of highways maintenance vehicles, mini-buses and gritter wagons. Fleet vehicle movements are expected to leave the site between 07:00 - 09:00 hrs and return between 15:00-17:00 hrs. It is anticipated that the maximum number of HGVs entering or leaving the site in any one hour would be 90.

The application is accompanied by an Environmental Statement (ES) having been screened as a project falling within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The scope and content of the ES broadly accords with the Scoping Opinion issued by CBC on 30 April 2015. The ES considers the environmental impacts of the proposals against a number of topics under the following chapter headings:

- The site and its setting
- Description of the Development
- The need for the scheme
- Traffic and Transportation
- Landscape and Visual Impact
- Water and Flood Risk
- Noise and Vibration
- Air Quality
- Ecology
- Cultural Heritage
- Agricultural Land Assessment
- Waste and Minerals

The applicant undertook a public information event over two days in March 2015 allowing attendees the opportunity to ask questions and familiarise themselves with

the proposals. Revisions to the application have been received in order to provide further clarification and additional details. These relate to drainage strategy, footway provision; additional gates for pedestrians/cyclists; cross-sections of the SuDS lagoon; alterations to fencing; clarification on earthworks; construction and operational traffic; noise; ecology; landscaping; CCTV provision; elevations of the highway office; details of facilities proposed within the operational yard and cross-sections of the bridleway showing the planting after years 1, 10 and 25 years. The revisions have been subject to further consultation and publicity exercises.

## **RELEVANT POLICIES:**

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

*Section 4: Promoting sustainable transport*

*Section 7: Requiring good design*

*Section 9: Protecting Green Belt land*

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

*Section 11: Conserving and enhancing the natural environment*

*Section 12: Conserving and enhancing the historic environment.*

## **Planning Practice Guidance**

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

Policy SD1: Sustainability Keynote Policy

Policy BE8: Design Considerations

Policy NE10: Diversifying the Use of Agricultural Land

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

Policy R15: Retention of Public Rights of Way Network

Policy T10 Controlling Parking in New Developments

*The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, BE8, NE10, R14 and R15 are consistent with the Framework and carry full weight whilst Policy T10 carries less weight where aspects of this policy are out of date or not consistent with the NPPF.*

### **Bedfordshire & Luton Minerals and Waste Local Plan 2005 (MWLP)**

Policy W4: Waste minimisation and management of waste at source

Policy GE25: Buffer zones

### **Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites and Policies (adopted January 2014)**

Policy WSP2: Strategic Waste Management Sites

Policy WSP5: Including Waste Management in New Built Developments

**Emerging Development Strategy for Central Bedfordshire (DSCB) 2014**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 26: Travel Plans

Policy 27: Parking

Policy 28: Transport Assessments

Policy 36: Development in Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 60: Houghton Regis North Strategic Allocation

*The draft Development Strategy was submitted to the Secretary of State on the 24 October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. On 16 June 2015 the court declined to grant the Council leave to have its appeal heard in the High Court. The Council has, however, opted to appeal against this judgment which is expected to be heard in the Court of Appeal in the Autumn. The status of the draft Development Strategy therefore currently remains as a submitted plan that has not been withdrawn and its policies carry weight, albeit limited, as consistent with the NPPF. This also reflects the fact that its preparation is based on substantial evidence gathered over a number of years and is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State.*

**Core Strategy and Development Management Policies - North 2009**

**Luton and Southern Central Bedfordshire Joint Core Strategy** - adopted by CBC Executive for Development Management purposes on 23 September 2011.

**Supplementary Planning Guidance/Other Documents:**

Central Bedfordshire Design Guide (March 2014) - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Central Bedfordshire Green Belt Technical Paper (2014) provided part of the evidence base for the emerging DSCB.

Managing Waste in New Developments SPD (2005).

South Bedfordshire District Landscape Character Assessment (2009).

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

### **Planning History**

The application site comprises undeveloped land currently in use for arable agriculture and woodland. Accordingly there is no relevant planning history, although it is understood that the woodland block situated close to the site's southern corner was formerly used as a nursery by South Bedfordshire District Council before being abandoned nearly 25 years ago.

In the wider area, there is a significant amount of committed development. The development closest to the proposal includes:

Planning Application No.

Description

CB/15/00297/OUT

HRN2 - The second element of (the growth agenda for Houghton Regis. The emerging DSCB identifies the site for approx. 1,850 new homes and 8ha of employment land. Initial proposals include land for commercial facilities including a local centre, education provision including playing fields, retirement accommodation, community

& health centres, and open space and green infrastructure. (Committee resolved to approve subject to Secretary of State referral).

CB/15/01626/REG3

Development of a Waste Park with new access road from Thorn Turn proposed on land adjoining the proposed Highways Depot.

CB/15/01928/OUT

Outline application for mixed B1,B2 & B8 uses on land north of the Ouzel Brook. (Committee resolved to approve subject to Secretary of State referral).

**Representations:**

**(Parish & Neighbours)**

Houghton Regis Town Council

09/06/2015 & 21/07/2015

No objection in principle. However the following concerns are expressed:

1. The impact of the development on traffic flows along the Thorn Road. Access to Thorn Road should be from the A5 roundabout only. Will some form of barrier (i.e. no HGV) be in place to prevent access to the section of Thorn Road that will pass through the new housing areas?

2. The potential noise levels that residents in the nearby housing estates are likely to be subjected to. How will this problem be addressed?

3. Salt storage could lead to leaching into the Ouzel Brook resulting in contamination.

4. The development site is currently still in the Green Belt, so no work should begin until this is officially rolled back.

Tilsworth Parish Council

11/06/2015

No comment.

Toddington Parish Council

05/06/2015

Proposal noted.

Dunstable Council

Town

Advise that comments will be provided post Town Council's meeting of 11 August 2015.

Luton Borough Council    No comments received.

#### Neighbours

The application was publicised by way of 4 site notices, local newspaper advertisement and neighbour notification letters to occupiers of properties within 200m of the application boundary. A further round of consultation and publicity, again by way of site notices, newspaper advert and neighbour letters was carried out in July 2015. Several emails/letters of representations have been received, many of which have been received from a single resident at Chalk Hill objecting strongly to the loss of an extremely important chalk grassland habitat which is in decline and provides habitat for many species including the chalk hill blue, bats, kingfishers, and wild orchids. Reference is made to the area's historic links adjacent to the Roman Road and the loss of historic hedgerow and small woodland would be a tragedy for the local flora and fauna. Objection is raised that the area would be destroyed for the development of industrial units, the Waste Park and Highways Depot. Reference is made to the availability of a 9.5 acre site in Dunstable as a preferable site. The objection goes on to detail reasons for the decline in chalk grasslands including agricultural intensification; loss of species; scrub invasion; loss of habitat from built development; high visitor numbers impacting upon breeding of vulnerable species. The approach should be to maintain and expand the range and condition of calcareous grassland rather than see it lost to development.

The same resident also cites objections on the grounds of noise, odour and light pollution. Reference is made to the Council's Statement of Policy on Neighbourhood Noise Pollution which gives a commitment to improving the quality of the environment for residents and notes an entitlement that activities do not interfere unreasonably and unlawfully with quality of life. The objector fears possible all night disturbance noting the proposed hours of operation of the developments.

Reference is also made to the pollution complaints pages of the Council's website, specifically those relating to construction and demolition, which states that where a neighbour can hear noise in their back garden, generally it is expected that works would only take place between 08:00 -18:00 hrs (weekdays) and 08:00 – 13:00 hrs (Saturdays).

Concern is raised regarding the age of the ecological studies supporting the application and questioned whether further ecological work is programmed. The offer is made to have the Wildlife Trust comment on the findings of surveys.

It is queried what research has been undertaken regarding the habitat of Kingfisher observed on site, butterflies and insects as well as impact upon wild orchids.

It is queried why the hamlet of Chalk Hill is not referred to in the description of the site and setting of the ES and why Chalk Hill properties have been excluded from the noise assessment. A reference to no Highways Depot or Waste Park within 240m of Chalk Hill Farm is queried.

A further piece of correspondence has been received. Whilst expressing neither support for, or opposition to, the development, reference is made to the area being known as Angels on the 1766 Tithe Map of Houghton Regis and suggests that this name be re-used.

On 30 July 2015, Andrew Selous MP wrote to the Council on behalf of a constituent to ask that all objections made with respect of the waste park be taken into account given the impact that this site will have on the residents of Chalk Hill.

A final representation comments that the Thorn Turn site is in a Green Belt location safeguarded as a multi-fuel CHP scheme to serve existing and new planned developments in Houghton Regis and Luton with low/zero carbon heat and electricity. The correspondence further comments that a date is still awaited for examination of the Plan when the Inspector will be asked to support the change of use from agricultural to industrial land.

## **Consultations/Publicity responses**

CBC Policy

10/06/2015 & 13/07/2015

No objections in principle. The site sits within the Houghton Regis North Strategic Site Allocation and lies within the Green Belt. Outline planning permission has been granted for Site 1 of the Houghton Regis North (HRN) Strategic Site Allocation (CB/12/03613/OUT). An application for HRN2 is subject to a separate application. Two applications for housing development within the HRN Strategic Allocation have also been granted planning permission. It is important to consider the cumulative impact of the applications for the Waste Park

and commercial development given the site's Green Belt status. The application also needs to demonstrate how it conforms to the adopted Houghton Regis North Framework Plan which guides the development of the wider allocation.

The elevated position of the A5 is noted along the site's western boundary some 8-12m above the application site. Mature planting ensures the site is not very visible from the A5 and the scheme would retain and provide further planting along this boundary. The site would be more visible from the east and the salt barn, at 13m, would be the highest building.

The NPPF attaches great importance and protection to the Green Belt. The site's current agricultural use requires very special circumstances to be demonstrated which will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The withdrawn Joint Core Strategy identified land between the A5 and the M1 to the north of Houghton Regis as a strategic allocation for residential-led mixed use development. Although the plan was withdrawn, this was not due to any disagreement between the joint Councils regarding this allocation. Its removal from the Green Belt was supported by both Councils.

The emerging Development Strategy seeks to re-affirm the Houghton Regis allocation for an urban extension of Houghton Regis to meet urgent housing and employment need and its subsequent removal from the Green Belt (Policy 60). This plan has not been adopted and the land remains within the Green Belt.

In accordance with Policy 60 a Framework Plan was adopted by the Council (October 2012) and provides a high level strategic document identifying indication locations of infrastructure and land use so as to ensure applications demonstrate how the vision for Houghton Regis North will be achieved.

The western end of the growth area is more challenging to develop given the waste water treatment works (WWTW), scheduled monument, areas of ecological interest and flood risk issues. The Framework Plan diagram identifies Site 2 as predominantly residential with employment uses to the west along the A5 and the WWTW. The proposals are in general conformity with the Framework Plan.



The site falls within an allocated Strategic Waste Management Site allocated in the Minerals and Waste Local Plan 2014. Policy WSP2 identifies land at Thorn Turn as a strategic waste site as it was considered an appropriate location for large scale operations. The principle of development on this site is therefore considered acceptable although Policy WSP2 acknowledges its Green Belt location and the need for very special circumstances.

The Planning Statement supporting the application identifies very special circumstances. The application for HRN2 is currently being considered alongside the application for the Waste Park and the adjoining commercial development. On their own these special circumstances highlighted hold limited weight, but collectively it is considered that together with the application site's location and relationship to the adjoining sites and Houghton Regis, that very special circumstances may exist which outweigh the harm to the Green Belt.

Environment Agency

12/06/15, 13/07/2015 & 14/07/15

On the basis that infiltration of surface water drainage will not occur and parking / storage areas will only be impermeable areas, the Agency considers that a planning condition to secure a scheme of surface water disposal will not be required. It is noted that the detention lagoon is to be lined.

The Agency notes that the site falls within the jurisdiction of the Bedford and River Ivel Internal Drainage Board and should be consulted on the flood risk assessment.

The Agency also notes that the site is located above a Principal Aquifer. However, the proposal is not considered to be high risk. The developer should nevertheless address risks to controlled waters from contamination at the site following appropriate guidance.

The Agency advises that, irrespective of any planning approval, an Environmental Permit will be required. Advice on pollution prevention issues is included.

Buckingham and River  
Ouzel Internal Drainage  
Board (IDB)

08/06/2015, 10/07/2015 & 29/07/2015

On the basis that the development is set back from the edge of Flood Zone 3 as shown on the Environment Agency's plans and the surface water discharge is to be

restricted to the agreed rate of 3 litres per second per hectare, the Board removes its earlier objection. However, the access road is shown to be within Flood Zone 3 which will require the Board's prior consent. Although the Board is currently in discussion with the applicant regarding this matter, it is suggested that planning permission should not be granted without a condition requiring the access road design and construction details to be agreed before any development commences to ensure flood risk is not increased.

Anglian Water

09/06/2015

No objection subject to recommended conditions. Attention is drawn to the proximity of Dunstable WWTW and its potential to cause loss of amenity through odour emissions to sensitive property within the proposed development. An effective distance between the WWTW and sensitive accommodation is advised. It is recommended that an odour dispersion model is produced to establish the range at which the neighbouring property is likely to be impaired.

In terms of foul drainage, it is confirmed that Dunstable WWTW has capacity to treat the waste water. The sewerage system presently has available capacity for these flows which are acceptable in principle. Anglian Water is yet to agree a pumped discharge rate and no detail is provided. A condition covering the drainage strategy is requested.

Anglian Water comment that the surface water strategy/flood risk assessment is outside their remit and views of the Environment Agency should be sought. A condition is requested to cover the strategy. Advice is also provided in respect of trade effluent which can be included as an Informative to any decision.

CBC Flood Risk  
Management & Drainage

11/06/2015, 17/07/2015 & 31/07/2015

Following receipt of a revised Drainage Strategy (received 24/07/2015), it is considered that planning permission could be granted subject to compliance with that document and imposition of the following conditional requirements:

- details of temporary drainage arrangements during the construction phase as part of a Construction Environmental Management Plan. Surface water management during construction should be appropriate to the scale and nature of the site;

- prior to its construction, details of the final sizing, layout and operation of the surface water drainage system; and
- prior to occupation of the site, details of the management and maintenance arrangements for the surface water drainage system to ensure it functions as designed for the life of the development. Details are included as to the type of information that should be included.

CBC Infrastructure Ordinator	Green Co-	10/06/2015 The drainage proposals show discharge into the Ouzel Brook. Whilst discharge volumes have been included, there is no consideration as to how SuDS would be used to manage surface water quality. Information should be provided on how surface water will be conveyed and treated. Conveyance should be through sustainable drainage systems in line with the Council's SuDS guidance, rather than piped and consideration of SuDS features to treat surface water such as green roofs, permeable surfaces and filter strips should be demonstrated.
Highways England		02/06/2015 No objection.
CBC Development Management Team	Highways	25/06/2015 & 05/08/2015 No objection in principle subject to conditions.

CBC Transport Strategy Team 12/06/2015 & 05/08/2015  
No objection in principle subject to conditions.

CBC Rights of Way 10/06/2015 & 29/07/2015  
No objection but comments are offered. Bridleway 49 (BW49) forms part of the Icknield Way Trail promoted route and is the only future connection for riders from the Totternhoe/Sewell area to the network north of the A5-M1 link. This then links west-east across the area, north of the link road and proposed housing, across the M1 to the north of Luton and into Hertfordshire. The bridleway will also form an important north-east-west link with other public rights of way proposed to be upgraded to provide new walking and cycling connections as part of the Bidwell West and Houghton Regis North 1 proposals.

Insufficient details are provided as to how BW49 would cross the access road. The appropriateness of a zebra crossing is questioned due to the number and type of vehicles which would use the access road especially at weekends when use of the BW would be high. Fuller assessment of vehicle use versus user safety at the crossing point is required.

The combined vehicle numbers of the Highways Depot and the Waste Park have been interpreted as:

Highways Depot: 109 HGVs/day (218 two-way movements) and 164 cars/day (328 two-way movements);

Waste Park: 45 HGVs/day (90 two-way movements) and 615 cars/day (1230 two-way movements).

Such traffic levels remain a concern and justify a full crossing but willing to be guided by Highways colleagues. Queried whether the Stage 1 road safety

audit of the site road included an assessment of bridleway crossing. Pegasus crossing remains first choice given it is a public bridleway. Alternatives would need to demonstrate continuing safety for bridleway users. Assessment is suggested to be included in the design of the road link and brook crossing to ensure a level, safe crossing.

A cross section of the bridleway crossing of the access road should be provided and the access road design and construction proposals should be agreed before development commences. A zebra crossing is not a horse crossing and it is the number and type of vehicles not just type and speed which is relevant. Slow moving vehicles are irrelevant if they are frequent enough to make crossing with an impatient horse difficult. Current/initial user surveys are considered irrelevant. Whilst accepted that the bridleway is currently little used, its importance as a future connection should be considered.

The crossing of Thorn Road is also important although accepted that interim arrangements may apply as each development progresses. However, the ultimate aim must be a fully signalised Pegasus crossing. Should an interim crossing be provided, electrical ducting should be installed to allow for future upgrading of the crossing by Bidwell West which will result in greater use of the network.

A bridleway width greater than the legal width of 4m should be provided to allow for the visual impact and noise. An 8-10m wide landscape strip would give more room for riders to control horses affected by sudden noise and allow the Council to consider surfacing part of the bridleway width to accommodate increased use by all users. A part-surfaced, part-green route would provide a multi-user all year round route and may also allow room for further landscaping. Notwithstanding financial contributions from the Bidwell West development, consideration of any long term bridleway improvements should be considered now rather than post completion when provision may be more costly.

Clarification is required as to long-term maintenance of vegetation or SuDS areas. Blackthorn should be avoided adjacent to the bridleway as a fast encroaching species. Cross sections of proposals for the bridleway are welcome, although confirmation is sought as to whether the existing ditch and hedge alongside the bridleway on the site side are remaining.

Whilst the width of the bridleway adjacent to the A5 seems sufficient, if the existing ditch and hedge are to remain, confirmation is sought that there will be no change in levels for the bridleway, no topsoil stripping from its surface and no impact on it from drainage.

It is noted that the site layout design has considered the bridleway. Some noise will be unavoidable, but all reasonable mitigation should be in place. Officer agreement would be required as to the siting and wording of any signs.

In terms of sustainable transport connections the link/pedestrian gate to the south of the depot is welcomed. The link from BW49 to Public Footpath No. 57 should not be affected by earthworks or planting as this footpath may be upgraded to cycle track as part of the Bidwell West proposals.

Consideration is needed as to whether any temporary diversion or closure of BW49 is required to facilitate construction operations including any drainage, cabling or culvert work. At least six weeks notice of the start date is required to make a legal order.

No fencing should obstruct BW49 or Footpath 57. Fencing type for the 2.1m high security fencing should be considered so it blends in with the landscape and alternatives to a steel grating fence are encouraged.

Bait boxes to control vermin should not be placed on public bridleway to avoid consumption by dogs and construction activities should be mindful of the location of BW49.

Reference is made to the proposed foul sewer connection which may temporarily affect Public Footpath Houghton Regis No. 31, part of the Chiltern Way, and full details will need to be supplied to assess whether temporary closure/diversion is required.

CBC Countryside  
Access Service

11/06/2015

It is queried who would maintain the green spaces/SuDS and at what agreed specifications etc as it does not appear to meet the criteria for the team to maintain. The development is considered to be in the public interest facilitating delivery of statutory Council functions and does not directly impact upon the number of visitors to the nearby

Blue Waters and Plaiters Way Countryside sites.

CBC Integrated Transport Team 08/06/2015 & 30/07/2015  
Note that the application would share an access road with the Waste Park and the commercial development and are therefore seen as co-dependent and need to operate as one in terms of access arrangements for both vehicles and others including pedestrians and cyclists. The site also needs to be considered in the context of the Bidwell West urban extension in promoting accessibility by all transport modes.

The Travel Plan (TP) targets a 20% reduction in single occupancy car journeys to/from the site. As recommended in the AECOM modelling report, traffic mitigation needs to be in the form of both highway measures and sustainability initiatives to minimise potential impact of site generated traffic on the local highway network. The TP will contain measures to encourage sustainable travel but opportunities for travel choice, including those without access to a car, are determined physical measures being in place.

The revised details show a footway alongside the western side of the access road which unfortunately does not continue to the site with the applicant citing width constraints due to the presence of the eastern hedgerow. As the road would be lightly trafficked, cyclists on the road would not present a problem thereby reducing the width required. The footway should continue as far as possible, entering the site at an alternative point.

Although bus services would serve Thorn Turn as a result of the Houghton Regis north housing development and also the A5 corridor, the site is not attractive from the public transport perspective until such services are in place. However, a link to the path south of the site would enable staff to access the rights of way network to access the A5 and is welcomed, although this will need to be marketed to staff and the two sites would need to work together in promoting and managing that access.

CBC Strategic Transport Officer (Travel Plans) 09/06/2015 & 27/07/2015  
The Travel Plan's generic structure does not lend

itself well to a site which will be specific in its operation. The site audit of sustainable travel links needs to include potential links to nearby towns where employees may live. If the majority of staff will be relocated from other bases, an action to work with staff in advance of relocation is needed to ensure staff are know all travel options and assist in meeting the 20% reduction target.

More detail is sought on what the potential links to the site will be and what improvements are proposed to increase the attractiveness of walking, cycling and using public transport to access the site. However revised staff car parking is welcomed and pedestrian/cyclist access from the access track is welcomed. A condition is suggested to secure the Travel Plan and its annual monitoring.

Suggestions are also provided as to which components of the Travel Plan could be improved.

Natural England

09/06/2015 & 17/07/2015

No objection subject to conditions.

Natural England notes the site's close proximity to Houghton Regis Marl Lakes SSSI but is satisfied that the proposals will not damage or destroy the notified features of interest.

Natural England would expect the Council to use available resources to assess other potential impacts on local biodiversity and geodiversity sites, local landscape character and local of national biodiversity priority habitats and species.

It is recommended that Natural England's Standing Advice be applied in respect of protected species.

Natural England recommend that a planning condition be attached to any permission granted requiring the submission and approval of a Biodiversity Management Plan to ensure the new habitats proposed within the SuDS as compensation are successfully created and managed in the long term. Attention is also drawn to duty on public authorities under the Natural Environment and Rural Communities Act 2006 to conserve biodiversity.



CBC Ecology

12/06/2015, 13/07/2015 & 22/07/2015

Design of the site should take account of surrounding biodiversity interests. The ES addresses protected species issues and notes that a number of species require follow-up surveys.

Dormice have been identified on an adjacent site. Works to hedgerows/woodland could potentially impact on them and it is noted that the applicant plans to continue monitoring into the Autumn. Enhancement works to hedges should ensure the landscaping scheme includes locally native species such as hazel and fruit bearing shrubs to support dormice. Hedge removal should avoid the bird nesting season.

Given the Ouzel Brook has suitable habitat for water voles and requires 10m of culvert for the new access road, further water vole surveys are required. Survey timings and, if present, licensing arrangements will need to be factored into timescales.

Given suitable habitat exists for a number of protected species and potential impacts are not yet fully understood, a condition is required requiring updated surveys for reptiles, nesting birds, bats, water voles, and dormice and that appropriate mitigation is required and, where necessary, licences obtained. It is noted that an eDNA survey for great crested newts has been undertaken. If great crested newt are present in Pond 5, mitigation and a licence will be required.

With reference to the receptor area to be created within the northern sector of the Waste Park, it is noted that preparation of suitable habitat, potential trapping and translocation will take time, all of which should be done prior to works commencing on site.

Appointing an ecological clerk of works may be prudent to oversee construction works of the adjoining sites and ensure net gains in biodiversity.

The area to the north of the Waste Park is proposed for habitat creation but this acts as a net gain and compensation for the loss of habitats such as hedgerow and the brook culverting for the Waste Park and does not provide sufficient mitigation for the application site also.

The ES comments that alternative suitable habitat is available within adjacent land in the local area notwithstanding that the local area will undergo large scale development in coming years depleting the habitat

opportunities. Use of the land south of the application site would be supported as further habitat compensation for the loss of woodland.

The Highways Office appears to have a flat roof which may lend itself to a green or brown roof further enhancing habitat opportunities and supporting sustainable drainage aspirations.

The technical programme for further survey work does not include nesting birds or dormice.

Further targeted survey work has identified a badger sett on the site as being an outlier and it is noted that the applicant is preparing a licence application to Natural England with a view to closing it prior to 30 November 2015. Several potential bat roosts were also identified in trees. Further surveys are noted as being programmed to ascertain whether these are roosts. Updated surveys are also required for reptiles and these issues can be subject to conditions.

It is noted that no evidence of otters was found during the phase 1 walkover although the ditch was identified as suitable habitat for water voles. The culvert will provide mammal ledges but no other works are proposed to ditches or the banks and it is accepted that no further survey work is needed.

No bat boxes, dormice or bird boxes are specified in the habitat management plan but such measures would be informed by the updated surveys which may identify the need for further mitigation. As such, the habitat management plan may need updating.

Inclusion of native fruiting shrubs are welcomed on revised landscape drawings as are areas of wet grassland along with their management regimes. However, it is queried why remaining land to the south cannot become chalk grassland to mirror that to the south and east.

A lighting strategy has been provided to demonstrate how green corridors will be protected from light spillage, although it appears that the eastern hedgerow would be well lit. It is noted that time-controlled lighting would be deployed to avoid overnight hours and the A5 would remain lit yet it questioned what impact the additional intrusion will have on wildlife utilising the WWTW.

The Wildlife Trust

09/06/2015 & 20/07/2015

The extended Phase 1 survey (2011) recommended that the woodland be left intact but the application would see its complete removal. In mitigation 0.33ha of native woodland is proposed to be planted near the Ouzel Brook but this is only a fraction of the 1.5ha that would be lost. Reference is made to Policy 59 of the emerging Development Strategy for Central Bedfordshire which seeks to protect woodlands amongst other habitats from development.

Lowland mixed deciduous woodland is a priority Biodiversity Action Plan (BAP) habitat and, although replaced, it remains written in current legislation and policies. Para 117 of the NPPF promotes 'preservation, restoration and recreation of priority habitats'. Whilst the ES comments that the existing woodland is not older than 45 years, it is not newly planted and contains some mature specimens and any mitigated woodland would take many years to reach a similar stage. It is also the habitat most likely to support any notable species although the level of impact is not possible to predict given outstanding surveys.

Ideally such woodland and the grassland/scrub edge would be preserved as far as possible. The Trust query whether the land south of the site has been considered for development as an alternative thereby preserving the habitat. If not feasible, this land could accommodate native planting helping to mitigate the habitat loss and improve connectivity within the wider landscape, especially to Houghton Regis Chalk Pit SSSI.

The other key concern relates to the high number of other committed and proposed developments in the area. The ES refers to suitable habitat in the local area but the various projects will substantially reduce the amount of suitable habitat placing greater pressure on Houghton Regis Chalk Pit SSSI and CWS to support displaced wildlife. Reference is made to alternative habitat and foraging opportunities being available in other habitats adjacent to the application site and the local area.

Appropriate management of the remaining habitats fragments will be important and site lighting should be sensitive avoiding hedgerows and tree lines important for bats etc to commute along.

A badger sett is present and reference is made to the protection afforded such habitat under the Protection of Badgers Act 1992.

The adjacent WWTW supports a large number of notable bird species but no bird survey has determined the extent such species use the application site which could better inform the mitigation plan. Further bird surveys are recommended given that further surveys are required for other species. Until the results are known it is not possible to say what impact the development would have and whether the proposed mitigation is sufficient. Reference is made to the strengthening of the eastern boundary planting to reduce the impact of noise and light on the bird population. Whilst a thin screen of trees is proposed to be retained, the retention of the woodland would help buffer the effects of the development.

The importance of ensuring the SuDS removes all possible contaminants before discharge to the Ouzel Brook, together with any other runoff or spills, is highlighted.

#### CBC Landscape

17/06/2015, 22/07/2015, 23/07/2015 & 30/07/2015

In terms of landscape setting there are wider/longer distance views to the site from the Toddington-Hockliffe Clay Hills to the north orientated towards the Totternhoe chalk scarp and distinctive horizon associated with Chalk Hill and Houghton Regis Chalk Quarry.

In terms of urban setting, the cottages at Chalk Hill Farm are within the context of the setting of the application site. Sewell Conservation Area is set within the Totternhoe scarp. The site would form part of wider development associated with Bidwell West comprising residential, employment, school and public space. The commercial application for two large sheds would, *[subject to Secretary of State referral]*, form the northern backdrop to the Waste Park.

In assessing the visual impact of change, views to the site and proposed development would tend to be from adjacent footpaths and more elevated viewpoints. Of particular concern are those from the proposed open space associated with the Bidwell West development and views from Houghton Regis Chalk Quarry edge which offer expansive views across the vale, growth area on to the northern clay hills.

It is disappointing that green / brown roofs have not been explored further, especially given the need to reduce impact on views onto the development, but also to reduce urban heat, surface water attenuation,

biodiversity benefits etc. It is essential that roof elevations are rationalised in terms of design and finishes are addressed as part of mitigation of the development and adjoining CBC site. Design, materials and colours of the buildings need to be explored further regarding mitigation and it is requested that this be conditioned if the application is approved.

As green / brown roofs cannot be considered, it is requested that additional tree planting be introduced around and within the site comprising a number of species to increase canopy cover to assist in visual mitigation, reduce surface water run off, heat and enhance biodiversity.

Land to the south of the site offers the opportunity for additional trees planting outside the pylon corridor and could assist in visual mitigation of the development especially from Chalk Farm. Whilst shrub planting and scrub provides habitat and is acceptable in relation to overhead cables, additional tree planting is urged.

Whilst it is understood that the proposed lighting units are specifically designed to avoid overspill, it is disappointing to note that lighting columns have been retained to the external edges of the internal access road. Every effort should be made not to increase lighting to these landscape edges primarily because of negative impact on wildlife at night.

The lighting strategy refers to reduced lighting levels outside operational hours although clarification is sought regarding differing periods between the application site and the Waste Park. It also describes a reduction in lighting levels outside operational hours although the actual reduction is requested.

The cross-sections provided of Bridleway No.49 in relation to the site's western boundary and proposed boundary treatments are appreciated.

CBC Trees & Landscape  
Officer

15/07/2015 & 29/07/2015

The development will result in the loss of:

- 3 No. Category A trees
- 2 No. Category B trees
- 1 No. Category C tree
- 2,500 sq.m. of Group trees
- 9,500 sq.m. of a Woodland Group

- 410m of hedgerow

The loss of landscaping is substantial and should not be underestimated when considering the cumulative impact of that being lost in respect of the Waste Park application. However, the scheme proposes large scale new compensatory planting and, recognising the importance of the application to the wider community, it is accepted.

Any design changes will need to update Tree Protection Plans and should seek to conserve as much planting as possible. A site specific arboricultural method statement should be submitted to support tree protection measures especially given many retained specimens will be subject to bespoke protection requirements.

Campaign to Protect Rural England 19/06/2015  
Objection.

In terms of landscape and visual impacts, and notwithstanding the height and scale of the proposed Salt Barn, CPRE consider the proposals to be perhaps the least damaging of the Thorn Turn applications, though its visual and other impacts on Chalk Hill residents will undoubtedly be severe. The scheme is also considered to raise the least proximity issues in relation to the nearby residential and schools developments proposed under HRN2.

However, the Green Belt status remains a fundamental concern. CPRE comment that the problems with the existing gritting depot at Bedford and regeneration benefits associated with the existing Highways facility in Dunstable do not amount to 'very special circumstances' sufficient to outweigh the harm which the proposed combined depot would cause to openness.

The development should await the site's formal removal from the Green Belt via the currently suspended examination into the Development Strategy and declaration that the boundary changes are 'sound' followed by formal adoption.

CBC Public Protection 04/08/2015

Issues regarding odour are not anticipated whilst issues of potential dust and light impacts can be dealt with by condition. The noise assessment indicates a minor daytime exceedance predicted at Chalk Hill Farm on account of a penalty in the calculations to reflect the

unpredictable characteristics of the noise. This is considered negligible and unlikely to detrimentally affect amenity of local residents sufficient to warrant an objection to the application.

Noise from gritter loading operations at night is likely to be more intrusive and detrimental to local amenity without mitigation. Scope exists to internally load salt spreading vehicles but little benefit arises due to the lightweight roof structure. Options include provision of a barrier so that it acts as a barrier. This is capable of delivering an acceptable reduction in noise and, subject to condition, no objection is raised. Suggested conditions are offered in respect of noise, dust and lighting and are structured to allow for subsequent monitoring.

#### Historic England

09/06/2015 & 29/07/2015

No objection in principle. Historic England comment that the proposals have potential to impact upon the setting of several designated heritage assets, primarily the Thorn Spring moated site and associated woodbanks, Maiden Bower and Totternhoe Castle, all being scheduled monuments.

Thorn Spring moated site and associated woodlands (750m northeast) comprises a well defined moat and moat island with a detached woodbank surviving c.160m south of the moat. Evidential and historic values contribute to the significance of the monument including the nature and extent of below and above ground archaeological features including the rarity of the surviving woodbank and the monument's association with Houghton and the de Gurney family in the latter half of the medieval period.

The monument's setting contributes to its significance including its placement within the wider landscape. This historically open and agricultural landscape still survives within the wider area although the monument is now wooded and at times visually obscured from it. Negative elements exist within the setting including the noise and visual intrusion from the busy road to the south and the encroachment of urban development and infrastructure which has somewhat eroded the landscape's historic character.

Totternhoe medieval mote and bailey castle and the Maiden Bower Iron Age hillfort both lie on a ridgeline to the southwest of the site. There is significance in the preserved archaeological evidence within both monuments including the upstanding earthworks and

below ground deposits and the potential for preserved palaeo-environmental evidence. Reference is made to the great historical and evidential value in these monuments, particularly their commanding views across the landscape and setting is cited as a vitally important aspect to their significance. Recognisable evidence remains e.g. ancient tracks and historic settlements. Both Totternhoe Castle and Maiden Bower have views looking northeast towards the site.

Historic England's review of the ES has focused on the development's impact upon the setting of the nearby highly graded designated heritage assets. Reservations are expressed over the conclusion in the EIA that the development would have no impact upon the setting of the scheduled monuments, considering the contribution setting makes to their significance to have been underplayed. Totternhoe Castle is not included within the Cultural Heritage Assessment despite being the highest point in the landscape with 360° views.

The NPPF requires applicants to describe the significance of any heritage assets including any contribution made by their setting with any harm or loss of significance requiring clear justification. Contrary to the EIA, Historic England considers that the proposals would have an impact upon the setting of the scheduled monuments primarily through the addition of large modern infrastructure and development and the erosion of the historic agricultural landscape in addition to some visual intrusion. It is however accepted that the impact upon the setting of Maiden Bower and Totternhoe Castle would not be high and unlikely to result in harm to their significance. Additional screening along the western boundary and site lighting controls would further minimise impact.

Historic England does anticipate a greater magnitude of impact to the Thorn Spring moated site due to the erosion being closer to the monument's immediate surroundings. Further impact from potential increases in noise, light and traffic within close proximity to the woodbank adjacent to Thorn Road is also highlighted. However, given the nature, extent and proximity of the site, it is accepted that the level of harm is likely to be low. Impact of increased traffic flows upon the woodbank element could be minimised by controls over traffic numbers, speed and timing as well as additional screening along the roadside of the monument. Traffic issues might potentially be mitigated by the new A5-M1 link road.



Historic England concludes that the scheme is likely to impact upon the settings of the scheduled monuments. The magnitude of such impacts would not be high and could be further reduced by increased screening, although the increase in traffic and the scale of urban development could result in some harm to the significance of the Thorn Spring site.

No objection is raised in principle but the Council is recommended to consider options to further minimise the magnitude of impact upon the setting and ensure it has convincing justification for the harm to the Thorn Spring site and that the level of harm is outweighed by the public benefits of the application. The Council is also recommended to seek opportunities in which the scheme could preserve those elements of setting that make a positive contribution to the scheduled monument or better reveal the asset's significance. Further opportunities could exist through legal agreements.

CBC Archaeologist

10/06/2015 & 21/07/2015

No objection. The northern part of the site is within the area identified as Thorn Green (HER 12242), the site of a former village green associated with the medieval settlement, heritage assets with archaeological interest.

Details are provided of extensive evidence of a rich archaeological landscape in the surrounding landscape including Watling Street adjacent to the site's western boundary, a major arterial route of the Roman period.

The site is within the setting of several Scheduled Monuments, designated heritage assets of the highest importance. These include Thorn Spring Moated Site, Maiden Bower Iron Age hillfort, Totternhoe Knolls motte and bailey castle and possibly Tilsworth Manor moat and Warren Knoll medieval motte.

Site evaluation has revealed archaeological features and more recent investigation in the surrounding area has identified further sites and features providing context to the application site. The archaeological remains that have been identified within the site form part of a wider contemporary landscape and their significance is partly derived from their relationship to the wider archaeological landscape.

The ES contains an acceptable approach to identifying baseline information on archaeology. Assessment of the site's archaeological potential concludes a high potential

for the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. This is considered reasonable although potential for the prehistoric period should be considered high rather than moderate.

Similarly, the significance of any archaeological remains, assessed in the ES as being of local significance for the prehistoric, medieval and post-medieval periods and of local-regional significance for the Roman and Saxon periods, should be considered to be of regional significance.

The ES recognises that topsoil removal, to facilitate ground raising, may lead to the full or partial destruction of potential heritage assets. Given such operations are proposed throughout the site, there will be little if any opportunity to preserve buried remains in situ. The ES proposes a programme of archaeological investigation and recording.

The Archaeological Officer considers that the development will intrude into the setting of the three Scheduled Monuments closest to the site and that this will be exacerbated by the cumulative effect of the adjacent Waste Park and commercial development. There will be a negative impact on the setting of the designated heritage assets, which is likely to have some, albeit limited, affect on their significance. However this impact will not amount to substantial harm as referred to in the NPPF and no objection is raised on the grounds of impact on the setting of designated heritage assets with archaeological interest.

The site has been shown to contain archaeological remains of Roman and medieval date and has potential to contain further features. The proposals will have a negative and irreversible impact upon any archaeological deposits present and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing the applicant takes measures to record and advance understanding of the archaeological heritage assets. A suitable condition is suggested.

CBC Sustainable  
Growth/Climate Change

15/06/2015 & 13/07/2015

Local Plan Policy BE8 supports the maximisation of energy efficiency and conservation through orientation, layout and design of buildings, use of natural light and solar gain and fully ceasing opportunities to use renewable or alternative energy sources. It also requires

demonstration as to how planting has been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

Emerging Policy 47 *Sustainable Buildings* requires all new commercial development above 1,000 sq.m. to be delivered to BREEAM excellent standard or equivalent.

Site specific Policy 60 requires development to include measures to adapt to climate change, minimise energy use and include renewable energy technologies.

It is accepted that the BREEAM standard is not suitable for the maintenance depot but the approach to assessing sustainability is welcomed, particularly use of the dry store's roof space for PV panels.

Being of modular construction the office building it is recognised that there may be limited scope to influence the specification but, given its floorspace exceeds 1,000 sq.m. Policy 47 applies and efforts should be made to achieve BREEAM excellent or equivalent standard as practicable.

Roof mounted PV panels are encouraged on other buildings where suitable and provide a good return.

Central Bedfordshire &  
Luton Joint Local  
Access Forum

10/06/2015

No objection but several concerns raised.

A Pegasus crossing is required at Thorn Road where the plans only indicate a black high friction surface. Ducting for cabling should be provided when the surfacing is constructed. Further detail is required of the type of crossing to the access road. The proposed zebra crossing is unsuitable for equestrians and a Pegasus is recommended but, if not possible, cycle/horse activated flashing lights with barriers to provide safety from vehicles as a minimum.

Concern is expressed that the depot could accommodate noisy operations to which horses are sensitive. Whilst signage is proposed, the forum registered concern that there would be risks to riders. Efforts should be made to minimise sudden loud noises.

Where possible the forum would wish for an expanded metal fence especially alongside the bridleway to reduce the corridor effect. Screen planting should be maximised. A 10m wide area for the bridleway is required to help mitigate noise and provide sufficient space for

horses to keep calm.

Houghton Regis Bridleway 49 (BW49) provides an important link in the Icknield Way Trail, a key route around the north of the growth area. Currently the Trail should cross the A5 at grade north of Thorn Turn but this crossing was closed on safety grounds. BW49 and its associated crossings will provide a much safer route. It should be drained and surfaced to provide year round use. The width should be 3m (tarmac) for cyclists, 3m (grassed) for horses with 2m strips on each side.

The forum is keen to work with the Council to see a co-ordinated movement plan across the various proposals north of Houghton Regis and Luton to create a good network of safe routes for non-motorised modes.

The British  
Society (BHS)

Horse 10/06/2015

The BHS refers to campaigning with the Council's Rights of Way team to improve bridleway connectivity in Central Bedfordshire which they describe as 'very poor'. Bridleway (BW) 49 is considered an important connection along the edge of the site and includes the Icknield Way. The BHS comment that the plans do not allow enough width to cater for all users and require a 10m width to help keep horse riders further away from the noisy area and sudden loud noises which can cause horses to spin, bolt, unseat riders and run loose. Mesh fencing reduces the feeling of enclosure. The BHS comment that a 10m width would provide sufficient space for horses, cyclists with path edge either side.

Reference is made to the need for a suitable crossing to the A5 for users entering/exiting BW49 at Sewell to join/exit the Green Lanes.

The need for a Pegasus crossing or warning system along with a holding area is highlighted for riders to safely cross the access road noting the presence of large HGVs in addition to the general public using the HWRC as noted at other facilities. Traffic should be made aware of the BW by appropriate signage in both directions.

The route across Thorn Road will also require a Pegasus crossing given extra traffic from the planned new build.

Whilst referring to the 'waste building', it is queried whether the car parks would be better sited adjacent BW49 exposing its users to less noise.

London Luton Airport Operations Ltd	26/05/2015	No safeguarding objection on the basis that the proposal does not conflict with safeguarding criteria.
National Air Traffic Services	27/05/2015 & 13/07/2015	No safeguarding objection raised as it does not conflict with safeguarding criteria.
London Gliding Club	15/07/2015	No objection on the basis that there no tall chimneys or towers proposed.
National Grid		No comments received.
British Gas Transco		No comments received.
UK Power Networks		No comments received.
British Telecommunications PLC		No comments received.
Royal Society for the Protection of Birds (RSPB)		No comments received.
CBC Conservation & Design Team		No comments received.
Affinity Water Ltd		No comments received.
Chief Fire Officer		No comments received.
Bedfordshire Rights of Way Association		No comments received.
Friends of the Earth		No comments received.
National Planning Casework Unit		No comments received.

### **Determining Issues**

The main considerations of the application are:

1. Accordance with National and Local Planning Policy and other material

- planning considerations;
- 2.. The acceptability of the development within the Green Belt with regard to any very special circumstances;
  3. The acceptability of the development in terms of its impacts upon the highway network;
  4. The landscape and visual impact of the development; and
  5. The environmental impacts of the development.

## **Considerations**

### **Human Rights issues**

Based on the information submitted, there are no known issues in the context of Human Rights and as such there are no relevant implications

### **Equality Act 2010**

The Equality Duty came into force on 1 October 2010 and has the effect of making it unlawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil in the exercise of their functions. The applicant has submitted a compliance statement setting out how it accords with the legislation. It is considered that the buildings and infrastructure on site are compliant as evidenced by the level access to the main Highways Office and internal provision of a lift to facilitate access to first floor level. Designated parking spaces for drivers with disability are proposed close to the Highways Office for ease of access. The application comments that the physical nature of the work within the highways maintenance depot would be less suitable employment for staff with disability. Nevertheless, the buildings are designed with minimal steps and a further disabled parking bay is specified within the yard. The application does not present any issues of inequality or discrimination.

## **1. National and Local Planning Policy**

### National Planning Policy Framework

The NPPF sets out an underlying presumption in favour of sustainable development and, whilst not changing the statutory status of the development plan, it is a material consideration in the determination of applications. The NPPF's core planning principles include protecting the Green Belt and focusing significant development in locations which are, or can be made, sustainable. It contains a number of statements of policy which are relevant to the consideration of this application, notably:

- Section 4 *Promoting sustainable transport*
- Section 7 *Requiring good design*
- Section 9 *Protecting Green Belt land*
- Section 10 *Meeting the challenge of climate change, flooding and coastal change*
- Section 11 *Conserving and enhancing the natural environment*
- Section 12 *Conserving and enhancing the historic environment*

### Planning Practice Guidance

Government guidance is also available as a web-based resource under a series

of headings several of which have relevance to the subject application including air quality, climate change, conserving and enhancing the historic environment, design, flood risk, light pollution, natural environment, noise, transport assessments and water quality.

#### The Development Plan

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF echoes this requirement and, at para 12, states:

*"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."*

The NPPF advises that due weight should be applied to relevant policies within existing plans according to their degree of consistency with the Framework with greater weight afforded where policies are closer to those in the Framework. It also advises, at para 216, that decision-takers may give weight to relevant policies within emerging plans according to:

- the stage of preparation of the emerging plan, with greater weight given where the plan is more advanced;
- the extent to which there are unresolved objections to relevant policies; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework. Again, the closer the policies in the emerging plan are to those in the Framework, the greater the weight that may be applied.

The development plan for the area comprises the saved policies within the South Bedfordshire Local Plan Review (SBLP) 2004, the saved policies within the Bedfordshire and Luton Minerals and Waste Local Plan (MWLP) January 2005 and the Minerals and Waste Local Plan: Strategic Sites and Policies (MWSSP) January 2014. Relevant policies are highlighted earlier in the report.

The SBLP contains policies and proposals aimed at guiding the development of land in South Bedfordshire up to 2011. Certain policies were 'saved' by the Secretary of State in September 2007 and continue to form part of the development plan until such time as they may be superseded by the emerging Development Strategy for Central Bedfordshire.

The MWSSP sets out the vision, objectives and strategy for minerals and waste across Bedfordshire and identifies strategic sites for development. It replaces a raft of policies in the MWLP. Policy WSP2 of the MWSSP allocates four sites for waste recovery uses one of which is 'Land at Thorn Turn', the southern part of which forms the application site subject to this report. The MWSSP recognises the site's current location within the Green Belt whilst noting that it lies within a larger area allocated for housing and employment uses to the north of Houghton Regis as identified in CBC's emerging Development Strategy (see below). The supporting text refers to these sites as being the most appropriate given the land use circumstances of the Plan area and being the locations where large scale recovery operations should take place. Application No. CB/15/01626/REG3 has

been submitted for a Waste Park comprising waste transfer station, household waste recycling centre and resale building together with a new access road and relates to the central portion of the allocated site. Policy WSP2 states that "*Until Land at Thorn Turn has been removed from the Green Belt, the Waste Planning Authority will only support proposals for waste recovery uses at the site if very special circumstances can be demonstrated.*" The Proposals Map (Inset Map 5) of the MWSSP therefore identifies the proposed use of 'Land at Thorn Turn' as a 'non-landfill waste management operation.

#### Emerging Plans and Material Considerations

In March 2011 the Luton and Southern Central Bedfordshire Joint Core Strategy (JCS) was submitted for examination. However, this was withdrawn in July 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. Notwithstanding this, in August 2011, the CBC Executive Committee endorsed the JCS for development management purposes. Accordingly the JCS does not carry the degree of weight afforded the adopted development plan but remains a material consideration.

The Development Strategy for Central Bedfordshire - Revised Pre-Submission Version (DSCB) June 2014 is intended to become the principal planning document for the whole of Central Bedfordshire identifying what type of growth is needed, where it would be best directed and indicating the allocation of strategic development sites. Once adopted, the policies would replace the saved policies within the SBLP.

The DSCB was submitted to the Secretary of State in October 2014 and initial hearing sessions were held in February 2015. On 16 February 2015 the Planning Inspector informed the Council that, in his opinion, it had not met with its duty to co-operate to meet the objectively assessed housing needs of the Luton Housing Market Area. Section 33A of the Planning and Compulsory Purchase Act 2004 imposes a legal requirement for local authorities to work co-operatively on planning issues that cross administrative boundaries, particularly those in relation to strategic priorities, and demonstrate such co-operation through the plan-making process. The need to comply with this requirement is separate from the test of 'soundness' i.e. whether the plan is fit for purpose. In light of his view, the Inspector recommended the non-adoption of the Plan and advised CBC to withdraw the plan or await his final report. CBC subsequently notified the Planning Inspectorate that it does not intend to withdraw the plan and that the Inspector should not issue his final report as CBC intends to challenge the decision. An application for Judicial Review of the Inspector's decision was made by CBC in the High Court on 12 March 2015.

On 16 June 2015 the court declined to grant CBC leave to have its appeal heard in the High Court. CBC has, however, opted to appeal against this judgment which is expected to be heard in the Court of Appeal in the Autumn. The status of the emerging DSCB therefore currently remains as a submitted plan that has not been withdrawn and its preparation is based on substantial evidence gathered over a number of years such that CBC regarded it as a sustainable strategy that is NPPF-compliant and fit for submission to the Secretary of State. In line with para 216 of the NPPF, the emerging DSCB remains as a material consideration and its policies are considered to carry limited weight.



Policy 60 of the emerging DSCB sets out the requirements for the Houghton Regis North (HRN) Strategic Allocation to be delivered through a Masterplan covering a broad area split into two sites. Site HRN1 extends from the A5120 to the M1 whilst Site HRN2 comprises the area between the A5 and the A5120. The policy envisages the Green Belt boundary being revised to follow the alignment of the A5-M1 Link Road.

Para 13.27 of the DSCB notes that the Thorn Turn site had been identified by CBC as the likely site to develop required infrastructure. The procurement envisaged the delivery of various facilities including the delivery of two strategically located salt barns and the relocation of Dunstable's household waste recycling centre to Thorn Turn. The paragraph continues to note that the masterplan will consider the possible linkages with this proposed development and any potential synergies.

In support of this policy the Houghton Regis North Framework Plan has been produced and adopted in March 2014 as technical guidance for development management purposes. The Framework diagram and supporting text aim to outline broad aspirations for key elements of the allocation and to guide the development as a whole based on constraints and opportunities. Para 4.9 of the Framework identifies land at Thorn Turn, within Site 2 of the allocation, as forming:

*"....a commercial gateway into Dunstable from the north (A5) and west (A505)....also the location for a significant recycling facility for the area as a whole".*

Application No. CB/15/01928/REG3 has been submitted in outline for Class B1, B2 and B8 employment uses with associated infrastructure and ancillary works which Committee resolved to approve at its July meeting subject to referral to the Secretary of State. The application for a Waste Park is reported elsewhere on this agenda.

The Central Bedfordshire Design Guide 2014 sets out key principles and standards to ensure the delivery of high quality design in all types of new development proposals within the Council's area and is used as guidance for development management purposes.

The Green Belt Technical Paper 2014 provided part of the evidence base for the emerging DSCB reviewing the Green Belt around the Luton / Dunstable / Houghton Regis conurbation in order to accommodate anticipated growth.

## **2. Acceptability of the development in the Green Belt**

As noted above, the protection of Green Belt land forms one of the core planning principles set out in the NPPF and is a fundamental policy consideration. The NPPF attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a presumption against major

development which is considered inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where 'very special circumstances' can be demonstrated. Paragraph 88 of the NPPF states that:

*"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."*

The construction of new buildings should be regarded as inappropriate in the Green Belt unless the development is one of various exceptions identified at NPPF paragraph 89. Certain other forms of development are also identified, at NPPF paragraph 90, as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This is echoed in Policy 36 of the emerging DSCB. The proposed development does not fall within one of the identified exceptions nor constitute one of the other forms of development. The application has accordingly been treated as a departure.

#### Prematurity

At the present time the site lies within the Green Belt and would not be formally removed from it until such time as a new Development Plan has been adopted allowing for its removal. The NPPF, at paragraph 83, states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. Several consultees, including Houghton Regis Parish Council and the CPRE, have argued the development is premature on the basis that it is proposed within the Green Belt in advance of any formal change to the Green Belt designation arising from the adoption of a new plan.

It should, however, be noted that automatic refusal of planning applications simply on the grounds of prematurity would be incorrect as national planning policy requires broader account be taken of material considerations.

NPPF paragraph 83 was specifically addressed as part of the recent Court judgment in respect of the HRN1 planning permission handed down on 20 May 2015 between the Queen on the application of Luton Borough Council and Central Bedfordshire et al (Case No.C1/2015/0091). The following paragraphs 55 and 56 of the judgment may assist Members in the consideration of this application:

*"Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided "very special circumstances" exist.*

*Nor does para.83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through*

*the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to process in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding "exceptional circumstances" test) and then granting permission for development without having to satisfy the more demanding "very special circumstances" test, there is nothing in para.83 (read in the context of the entirety of Section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent "very special circumstances" test is satisfied."*

National Planning Practice Guidance gives clear direction in relation to circumstances when it may be justifiable to refuse planning permission on prematurity grounds. It states that, within the context of the NPPF and, in particular, its underpinning presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and any other material considerations into account.

Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the Development Plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to clearly indicate how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. In considering the present application, Members will be aware that the emerging DSCB is at an advanced stage but is not yet formally part of the Development Plan.

As noted above, the application is accompanied by an Environmental Statement submitted in accordance with the Environmental Impact Assessment Regulations which examines the potential effects of the development together with existing and committed development within the area, including the proposed HRN allocation. This report details Officer's assessments of these effects and concludes that, subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development.

As noted above, Policy WSP2 of the MWSSP allocates land at Thorn Turn for strategic waste recovery use. Whilst the site subject to this application is not proposed for such a use, and hence another reason for the application being treated as a departure, the application site including the access road falls entirely within the boundaries of this allocation and it is pertinent to note that an application for the allocated use has come forward in respect of a smaller parcel of land within the allocated area.

Members will also be aware that at committee's July meeting it was also resolved to grant planning permission for HRN2, subject to referral to the Secretary of State, and there appears a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future. In this context Committee are entitled to consider that, whilst the cumulative proposed development is substantial, the grant of planning permission for the application subject to this report would not prejudice the outcome of the plan-making process so as to warrant refusal on prematurity grounds.

#### The purposes of the Green Belt

The NPPF, at paragraph 80, identifies that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the extent to which the proposal would conflict with or support these.

#### *To check the unrestricted sprawl of large built-up areas*

The application site falls outside the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The site lies between the A5 Watling Street forming the western boundary and the established Dunstable Waste Water Treatment Works to the east. Part of the site's southern boundary lies adjacent to Chalk Hill Farm and the site is relatively closely related to Thorn Road.

The application site forms part of a substantial proposed development (HRN2) which would expand the existing built-up area from its north western edge in the broad area between the A5 and the A5120 Bedford Road. The northern boundary of the expansion would be enclosed by the route of the A5-M1 Link Road currently under construction. The northern expansion of the settlement area to the east of the A5120 is already substantially approved through several permissions notably 262 ha comprising HRN1, which stretches to the M1 motorway and its intersection with the A5-M1 Link Road. (Committee will be aware that an application by Luton Borough Council to judicially review the HRN1 planning permission issued by CBC on 2 June 2014 was refused in the Court of Appeal in a judgment dated 20 May 2015 as referred to above).

It is pertinent to note that CBC's Green Belt Technical Paper recommended the deletion of the wider proposed expansion area at Houghton Regis North from the Green Belt following assessment. The expansion of the built-up conurbation would, therefore, be restricted by the existing and consented strategic road network which would provide for permanent, defensible boundaries on all sides of the enlarged settlement area. Within the context of the proposed Strategic Allocation, including committed development within it, and the permanent physical boundaries, it is not considered that development of a 6.9 ha Highways depot at this location would amount to unrestricted urban sprawl. It is worth noting that the actual footprint of buildings within the Highways Depot would account for less than 0.5 ha. Committee will be aware that at its July meeting it was resolved to approve outline applications for both the commercial scheme forming the northern portion of the Thorn Turn allocated site, and, as noted above, Site 2 of the proposed HRN allocation, both subject to Secretary of State referral.

*To prevent neighbouring towns merging into one another*

The proposed development of the site in this location would not cause the coalescence of specific neighbouring towns and as such this purpose of the Green Belt would not be compromised.

*To assist in safeguarding the countryside from encroachment*

Notwithstanding that the proposed Strategic Allocation is planned to be enclosed by strong, physical boundaries preventing unrestricted sprawl, at the present time the proposed development would represent an encroachment upon the countryside.

*To preserve the setting and special character of historic towns*

The preservation of the site as undeveloped land is not identified as important to the setting or special character of Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets, primarily Thorn Springs moated site and associated woodbanks, Maiden Bower and Totternhoe Castle, is also relevant to Green Belt function, it is judged that these potential adverse impacts would not be high and can be adequately mitigated.

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

Being a greenfield site, the proposals themselves would not constitute the re-use of derelict or other urban land. However, the proposals would allow for the recycling of the existing winter maintenance site at Brewers Hill Road, Dunstable. Residential development neighbouring the existing depot represents a significant constraint to its redevelopment in order to meet the needs of a modern winter maintenance service. However, its release would enable it to come forward in line with CBC's regeneration aspirations for Dunstable thereby allowing for the recycling of other urban land. Accordingly the proposals have some support in respect of this Green Belt function.

As the proposed Highways depot is considered to constitute inappropriate development within the Green Belt, and therefore harmful, it is necessary to consider whether there are any "very special circumstances" which clearly

outweigh the harm to the Green Belt and any other harm.

There is no legal or policy definition of the meaning of "very special circumstances" but there is a body of opinion expressed through planning appeal decisions and case law which may assist the Committee in reaching a decision on the issue:

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 the national or regional level?
3. Is there a substantial need that cannot be met within the urban area?
4. Are there substantial cultural, social or community benefits?

The applicant's case for very special circumstances

The application refers to the following issues which the applicant considers to constitute very special circumstances:

- The site lies within land allocated within the Minerals and Waste Local Plan: Strategic Sites and Policies (MWSSP) January 2014 for a strategic waste recovery facility (Policy WSP2 refers). Whilst the development subject to this application is not for such a waste development, the principle of development on this allocation and the wider area to the north is accepted. The application site forms only a part (6.9ha) of the Policy WSP2 allocation area (24ha). The fact that an application has come forward for a Waste Park, on an adjoining parcel of land within the allocation, lends further weight to the fact that the delivery of the envisaged strategic waste recovery facility would not be compromised by the proposed Highways Depot. The proposed development is of a similar character and scale to the proposed Waste Park facilities with buildings, extensive hardstanding and ancillary uses. Its impacts in land use planning terms are therefore considered to be similar and the applicant considers that the proposals would not give rise to any significant material effects beyond those anticipated for any strategic waste facility that may be delivered as part of the MWSSP.
- Development of the site would not lead to the unrestricted sprawl and coalescence of Houghton Regis with Toddington mainly due to its location between the A5 and the Dunstable WWTW and the route of the A5-M1 Link Road to the north. CBC's Green Belt Technical Paper commented that the overall openness of the Green Belt area between Houghton Regis and Toddington would not be compromised. The site is not being developed in isolation with other current proposals for development within the Houghton Regis Framework Area including the proposed Waste Park on adjoining land. Whilst the Waste Park application has express policy support in the form of Policy WSP2, it is pertinent to note that the application's assessment of alternative sites does highlight as desirable the ability of the development to co-locate with similar CBC functions. Cited co-location benefits include access, security, drainage and landscaping.
- CBC has a statutory duty to act as Highways Authority for all de-trunked roads within its area. Such duties include responsibility for clearing snow and

ice from the highway where this is causing an obstruction and is unsafe. CBC's existing facility is restricted on its road salt storage capacity contributing only around 6% of the total volume calculated as being required for the Council to provide an efficient service in line with Government expectations. Furthermore, existing storage arrangements pose operational and environmental drawbacks on account of such storage being uncovered and therefore do not represent the most sustainable solution.

- Since devolvement of the Bedford Councils in 2009, the existing site for the highways fleet was included within the administrative boundary and ownership of Bedford Borough Council leaving CBC without any in-house facility and dependent upon the facilities of adjoining authorities or third parties. Such an arrangement does not provide the optimum basis for long term security and investment in such a facility.
- As part of the EIA process, an Alternative Site Search has been undertaken to ascertain the availability of other potential sites lying outside the Green Belt or have least harmful impact within it. This exercise has been undertaken in conjunction with a site search for the Waste Park and initially involved a review of 95 potential sites identified across the former Bedfordshire county. The appraisal was refined to focus solely on sites within the Council's area involving assessment of 53 sites against various criteria including a minimum site area of 5 ha; within 3 miles of Dunstable and Leighton Buzzard as the principal areas it would serve; and with particular consideration as to the availability of sites outside the Green Belt. Need to deliver the project within a compressed timeframe was also considered. A multi stage sieve process progressively eliminated sites with only the application site and Land at Trent Way, south-east of Leighton Buzzard, progressing to Stage 6. However the latter was eliminated at Stage 7 on its Green Belt location without the benefit of an allocation, its proximity to residential properties and its isolated location with poor access to highways. The application site performed well against all other sites in terms of location and availability and its ability to co-locate with the proposed Waste Park on an allocated site was identified as an advantage. The exercise did not identify any sites that could be taken forward as equally preferable as the application site within the Dunstable/Houghton Regis area or that performed as well against the selection criteria.
- Proximity to the strategic network is an important locational requirement for the development and the site lies near highway network on the edge of the expansion area. Upon completion of the A5-M1 Link Road, it is intended that the A5 would be de-trunked and consequently fall under CBC's responsibilities as Highways Authority. The A5 represents a strategically important route for traffic and the proposed site is well placed to allow CBC to undertake its highway duties from this location.
- Relocation of the existing depot at Brewers Hill would allow the opportunity to regenerate a brownfield site within the urban boundary of Dunstable.

#### Assessment of the case for very special circumstances

The key issues to consider in assessing the existence and weight of any very

special circumstances is whether there are any overriding benefits in siting the development in this Green Belt location and the availability of alternative sites outside the Green Belt.

Need for the Development:

CBC has identified a need for 8,000 tonnes of salt storage capacity. In order to build in an element of contingency, CBC proposes to deliver a total of 10,000 tonnes capacity spread between two facilities to serve the north and south of the Council area. CBC's existing winter maintenance depot, based at Brewers Hill Road, Dunstable, falls substantially short of meeting this identified service requirement being a comparatively small site with a limited salt storage capacity of just 500 tonnes, a limitation highlighted during the winter of 2009/10. The existing depot is also heavily constrained and therefore provides no realistic opportunity to accommodate facilities of the scale required.

Furthermore, the existing facility only provides uncovered storage which presents a range of disadvantages from operational, environmental and sustainability perspectives. Uncovered storage facilities fail to keep salt in optimum condition for its intended purpose resulting in salt having to be discarded at the end of the winter season. Uncovered storage can also result in surface water run-off having high salinity levels potentially impacting upon surface and groundwater resources.

A Government review following the experiences of the 2009/10 winter now places authorities under greater pressure to avoid any recurrence and the need to provide a facility with sufficient covered salt storage capacity to meet CBC's identified requirements is therefore recognised.

The existing service provision for the Highways Fleet in terms of maintenance, stores and overnight parking is based at the London Road Depot, Bedford. However, post devolvement of the Bedford Councils, this site fell within the jurisdiction of Bedford Borough Council which has resulted in CBC not owning any in-house Highways Depot infrastructure and being entirely dependent upon the facilities of adjoining authorities or third parties. The existing facility also presents operational difficulties having no provision for overnight parking of the passenger transport fleet which could otherwise be parked in a secure environment.

The benefits of combining both the winter maintenance and highways fleet maintenance functions in a strategic distribution of facilities are recognised in order to achieve the most efficient means of delivering these statutory public services. The proposed development would serve the more populous southern part of the Council area whilst a similar site is being sourced to serve the northern part. CBC has identified an operational desire to be located within 3 miles of the Leighton Buzzard and Dunstable urban areas to maximise responsive of winter maintenance services to the most primary routes.

The site is well located in respect of the existing and planned strategic road network and, post construction of the A5-M1 Link Road, a section of the A5 would fall under CBC's responsibility as Highways Authority. The co-location benefits of the two highways functions are recognised, as are the benefits of co-



locating with the proposed Waste Park, in terms of access, drainage, landscaping and security. The need for the facility is therefore accepted.

Alternative sites:

In identifying sites for the development of a Highways Depot, developers should first look for sites outside the Green Belt and/or on previously developed land. The ES includes an alternative site search to ascertain the availability of other potential sites in excess of 5 ha in preferable locations.

The exercise was undertaken hand in hand with the search for an alternative site for the Waste Park. Given that an existing depot serves the east of the county, alternatives focussed on the west of the county, specifically within a search area of 3 miles from the urban boundaries of Dunstable and Leighton Buzzard (to minimise HGV journey times and maximise the efficiency of gritting services) and capable of being available for use by April 2016.

Sites were assessed at various stages of a sieve process linked to criteria identified below by the applicant. Prospective sites were ruled out where they failed to meet the criteria at any stage.

A total of 53 sites were initially identified within 3 miles of the Leighton Buzzard/Dunstable urban areas, 45 of which lie west of the M1. Of those, 43 were rejected at Stage 4 having either land uses incompatible with the proposed Highways Depot or linear shaped sites not lending themselves to the required operational layout. Of the final two sites at Stage 6, Land off Trent Way was ruled out at Stage 7 given its Green Belt location without the benefit of an allocation, its proximity to residential properties and isolated location with poor access to the highways.

The assessment therefore concludes that the Thorn Turn site outperformed other potential sites and represents the most developable option as a winter maintenance and highways depot being available and best related to both Leighton Buzzard and Dunstable. Whilst a Green Belt site, the application site falls within an allocated strategic waste management site and benefits from co-location with the proposed Waste Park, being a development with a broadly similar function and land use.

Wider planning context:

Given the long-standing proposals relating to the proposed North of Houghton Regis allocation as supported by an extensive evidence base culminating in Committee's approval of outline planning permission for HRN 1 and recent resolutions to support the HRN 2 and the commercial development, coupled with the on-going construction of the A5-M1 Link Road and Woodside Link Road, it is considered highly likely that the Green Belt designation will be formally removed as the plan-making process progresses. These recent decisions and other committed development have altered the wider planning context within which the application site lies and form an important consideration in terms of the very special circumstances test. It is not considered that delaying a decision or refusing the application on Green Belt grounds until such confirmation is formally made would serve any useful purpose and would in fact only delay delivery of a much needed facility capable of meeting statutory requirements and local public

expectations.

The alternative site search is considered to provide sufficient evidence to demonstrate that there are no other equally suitable sites outside of or within the Green Belt which could accommodate the Highways and Winter Maintenance Depot and be available within the required project timeframe. Notwithstanding the robustness of the exercise, the resolutions to approve HRN2 and the commercial applications further strengthen the credentials of the application site.

### Conclusions

The application site lies within the Green Belt and the development would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm and any other harm identified.

The site is located within an area identified for growth in successive emerging development plans and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging DSCB. It also forms part of a parcel of land at Thorn Turn allocated for development as a strategic waste management site within the MWLP. Whilst the proposed development is not such a land use, it should be borne in mind that an application has come forward for such a facility (as reported elsewhere on this agenda) on part of the allocation site thereby giving some certainty over the remaining areas of the allocation as being surplus to requirements for the development of such a facility. The allocated Thorn Turn site is capable therefore of providing for the envisaged waste management development in addition to the Highways and Winter Maintenance Depot and the commercial development the subject of a Committee resolution.

It is also recognised that the proposed development would be of a character and scale broadly similar to the proposed waste development with both sites comprising buildings of an industrial appearance and open yards. The benefits of co-locating these developments is acknowledged. The need for the development is accepted in order to provide a fit for purpose facility from which to sustainably deliver key highway functions noting the inadequacies of existing facilities. An alternative site search did not identify a preferable location as being available outside the Green Belt within the parameters of project delivery. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm. The impact of other harm is assessed under subsequent sections of this report.

### **Access, Traffic and Transportation**

In line with Policy 28 of the emerging DSCB, the ES includes a Transport Assessment (TA) which provides a systematic approach to transport issues in relation to proposed developments identifying measures necessary to improve accessibility and safety for all modes of transport and those measures needed to manage the development's anticipated transport impacts. During the course of processing the application a revised TA has been produced to take account of construction related traffic and includes swept path analysis of vehicles associated with the development.

Paragraphs 34 and 35 of the NPPF advise that developments that generate significant traffic movement should be located where the need to travel will be minimised and use of sustainable transport modes maximised. Transport policy at the local level is contained in the Council's Third Local Transport Plan (LTP3) (April 2011 to March 2026) and its relevant strategies and objectives have been considered in the TA.

The TA details the strategic modelling work undertaken by AECOM on behalf of the Council in order to inform its assessment of highway and transport impacts associated with this and the related planning applications in the wider area whilst also identifying necessary mitigation measures. This approach and the criteria adopted for key growth years were agreed in advance with the Highways Authority accounting for the cumulative impacts of committed and planned housing, employment and infrastructure projects within the Houghton Regis, Dunstable, Luton and Leighton Buzzard areas. The model also accounts for the new road programmes within the area, including the A5-M1 Link Road, the Woodside Link Road, junction 11a of the M1, the A6-M1 Link Road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area.

Based on the latest phase of modelling, and subject to committed highway infrastructure being delivered to serve the wider growth area, together with minor mitigation works and sustainable transport initiatives, the Council's Highways Development Management Team considers that there is sufficient capacity within the highway network such that undue congestion would not occur. The A5-M1 Link Road and Woodside Link are both scheduled to open in Spring 2017 and preliminary works have commenced on each scheme.

The consultation response from the Council's Highways Development Management Team considers that the applicant will need to provide support funding of £28,000 to alleviate the impact on the A5, A505 and A5120 in particular. A resolution of the Council's Executive Committee, however, acknowledged the fact that the Council has already agreed to underwrite the Woodside Link scheme at a cost of £12M. Therefore, the contribution of £28,000 that would otherwise be required to alleviate the impact on the A5, A505 and A5120, whilst also contributing to the Woodside link scheme and sustainable travel improvements, is being treated as if it has already been made as the Council is responsible for these costs in any event.

The application specifies that the development would give rise to a maximum daily total of 273 vehicle trips (546 two-way movements) comprising 164 car trips (328 two-way movements) and 109 other vehicle trips (218 movements). The 'other vehicle' movements represent a mix of fleet vehicles comprising highways maintenance vehicles, mini-buses and gritter wagons. For the purposes of the TA, however, such vehicles have been categorised as 'HGVs' in order to give the assessment robustness as a worst case scenario. The assessment also assumes gritter wagons are operational although this element would only operate during adverse weather conditions. It is normal practice to impose HGV traffic related planning conditions as a maximum daily permitted number of movements, as opposed to an average figure, in order to be readily

enforceable and set a 'worst case' scenario. The application indicates that normal operations would take place between 07:00 – 18:00 hrs. Whilst the applicant correctly observes that, during these normal operating hours, associated HGV movements equate to 15 HGVs per hour, the application identifies that all HGVs (fleet vehicles) will tend to leave the depot between 07:00 – 09:00 hrs and all are expected to return between 15:00 – 17:00 hrs. No objections are raised by the Highways Development Management Team and a condition could provide suitable control over traffic associated with the construction phase.

The site would be served by a new access road extending south-eastwards from Thorn Road which would also serve the adjoining development proposals for the Waste Park and employment uses. It has been designed and its capacity assessed using industry-standard software (Junctions 8) having regard to trip generation figures. The assessment is considered robust and demonstrates that the proposed junction will operate well within its theoretical capacity limits at peak times with the developments fully occupied.

At its junction with Thorn Road it is proposed to provide a 'ghost island' priority junction, dedicating a waiting area for those vehicles wishing to turn right into the site from the west. The consultation response from the Highways Development Management Team expresses support for the proposed access strategy and confirms that the 'ghost island' accords with relevant design guidance. Suitable visibility splays are noted as being achievable. Swept path analyses have been produced which demonstrate that the junction and internal highway layout is fit for purpose.

With reference to the comments made by Houghton Regis Parish Council, it is not considered necessary to restrict HGVs from entering the section of Thorn Road that would pass the new housing areas. This is on the basis that it is anticipated that only those vehicles with an operational need to access that section of the highway network would do so whilst vehicles travelling further afield are anticipated to access the strategic network via the A5 in order to realise efficient journey times.

In line with Policy 26 of the emerging DSCB the planning application is also accompanied by a Travel Plan setting out the proposed initiatives to promote transport by sustainable modes with the key aim of achieving a 20% reduction in single car occupancy journeys to / from the site. Officers agree with the Transport Strategy Officer's recommendation that, in line with LTP objectives, a number of improvements need to be made to the Travel Plan including increasing the ease of access to employment by sustainable modes and minimising the impact of operational freight traffic. A condition could be imposed on any grant of permission to secure a more comprehensive Travel Plan document within six months of the depot becoming operational including provision for ongoing monitoring and review of the success of the measures to be introduced.

The application originally proposed 162 car parking spaces but the revisions reduced this number to 140 spaces in line with the aspirations of the Travel Plan. In accordance with Policy 27 of the emerging DSCB, it is considered that

adequate provision has been made in terms of car parking spaces having regard to the key aim to reduce single occupancy car journeys. The revised site layout drawing refers to the provision of two charging points for electric vehicles. Covered parking for ten cycles is also proposed whilst the adjacent Highways Office would provide shower facilities. Provision is also made for motorcycle parking.

Consultation responses expressed a desire for footway to be provided alongside the full length of the access road in order to serve the Highways Depot. Whilst this point has been put to the applicant, investigations have concluded that sufficient space is not available to provide such a footway without impacting upon the hedge-line to the site's eastern boundary. Accordingly the applicant proposes for pedestrians to access the site from the north via footway within the Waste Park site. This would enter the Highways Depot via a gate in the shared boundary fence immediately west of the highways depot stores. Dedicated walkways would be marked within the depot's operational yard providing access to the Highways Office.

Officers consider that the provision of dedicated cycle lanes along the internal access roads, or as part of the footways, is not warranted given that it will be lightly trafficked with no access for through traffic. In further revisions to the application it is now proposed to install a gate in the site's southern boundary fence for use by cyclists and pedestrians. This gate is intended solely for staff use and would be operated by swipe card access. It would allow pedestrians and cyclists to access the site from the south via a short stretch of the track adjacent to the site's southern boundary. The applicant has confirmed it has freehold ownership of the track with Anglian Water granted an easement over it. This gate would also be well located to provide more direct access to existing bus stops on the A5 close to the junction with Chalk Hill in line with comments from consultees.

It is regrettable that footway cannot be provided alongside the access road as this would represent the most direct route to and from the north. However, it is also recognised that existing planting to the eastern boundary is an established hedge-line which offers benefits from both visual and biodiversity perspectives. Indeed, the Wildlife Trust has suggested that the planting along this boundary be strengthened. On balance, it is not considered that the proposed access arrangements are unacceptable and the provision of the new gate in the site's southern boundary fence will offer significant benefit for the higher number of staff expected to access the site from the south or from the nearby bus stops at Chalk Hill in accordance with Policy 24 of the emerging DSCB.

Whilst it is recognised that the proposed arrangements could potentially leave the development at risk of not having dedicated footway access in the event that planning permission is granted for the Highways Depot but refused for the Waste Park, the applicant has indicated that in such a scenario the Highways Depot is unlikely to come forward at the site given the identified benefits arising from co-locating the facilities as referred to earlier in the report.

The application site is well related to the existing and committed strategic highway network being in close proximity to the Designated Road Freight

Network in the form of the A5, A505 and A5-M1 Link Road. As highlighted earlier, it should be noted that once the A5-M1 Link Road is completed, responsibility for the section of the A5 south of its junction with the link road would fall to the Council as Highways Authority. The site is therefore well placed to serve the southern half of the Council area. There are no technical objections from the Council's Strategic Transport and Highways Development Management Officers and Highways England raise no objection to the application which is supported by a full TA. Subject to the imposition of appropriate conditions, the proposal is judged to be acceptable in relation to potential transport impacts and accords with the NPPF policy on promoting sustainable transport, Policy 25 of the emerging DSCB and the LTP3.

#### **4. Landscape and Visual Impacts**

NPPF paragraph 109 advises that the planning system should, inter alia, protect and enhance valued landscapes. At the local level, Saved Policy BE8 of the SBLP lists a number of design considerations that development proposals should reflect. Supplementary planning guidance in the form of the South Bedfordshire Landscape Character Assessment (2009) is a key tool in recognising the valuable features of each character area and is therefore an important material consideration.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the landscape resource, character and visual amenity effects of the proposed scheme by reference to 29 representative viewpoints chosen to demonstrate the extent of visibility and visual impact from a range of distances and directions. During the course of processing the application, revisions were made to some of the distances from these viewpoints to the application site.

The key conclusions of the LVIA are that:

- the long term impact of the scheme on landscape elements is assessed as being neutral as new planting matures to replace existing vegetation lost as a result of the development;
- the impact of the scheme on landscape character is judged to be of slight significance;
- there would be a long term moderate adverse effect (i.e. magnitude and nature of effect at Year 15 after completion) on visual amenity for users of the Chiltern Way Trail at Chalk Hill to the south of the site, for residents along this lane, including Chalk Hill Farm to the south of the site and for users of the Bridleway No. 49 to the west and north of the site. For motorists on Thorn Road and the A5 on raised ground to the northwest of the site, the LVIA concludes that there would be long term negligible adverse impact with long term neutral impact on visual amenity for other receptors.

The Council's Landscape Officer notes that views of the Highways Depot would tend to be from more elevated medium and long range viewpoints on the chalk escarpment to the south and the Toddington-Hockcliffe Clay Hills to the north. The site would also be visible at close quarters from certain sections of the local rights of way network in the surrounding area where vegetation allows, and from

proposed open space associated with the Bidwell West development. The most visually significant elements of the proposed Highways Depot are the Salt Barn measuring 45.6m x 23.1m x 12.9m (max. roof height) and the Highways Storage Depot / Vehicle Maintenance Workshop having combined measurements of 99.8m x 37.5m x 12.2m (max. dimensions). The Salt Barn has been designed to accommodate 5,000 tonnes of salt and, in addition to providing this storage requirement, needs to facilitate the safe operation of plant and vehicles engaged with unloading and loading operations. Similarly the Highways Storage Depot/Vehicle Maintenance Workshop has been sized to meet the needs of the highways fleet in order to deliver efficient services. Officers consider that the size of the proposed buildings reflects the functional needs of the facility and service delivery in line with Government requirements and wider public expectations.

Whilst the application specifies that the Highways Maintenance Depot, Vehicle Maintenance Workshop, Landscape Tool Shed/Lawnmower Store and Gritter Store would be finished in grey cladding and feature beige cladding to select side elevations, the applicant is willing to entertain alternative colour finishes. It is considered that an alternative palette of finishes may be preferable given that the backdrop to many of the proposed buildings would be the retained landscaped embankment to the A5. The issue of building materials and colour finishes can be made the subject of an appropriate condition. The applicant's willingness to specify the site security fencing as green coloured weldmesh is considered an improvement upon the originally proposed palisade fence and is to be welcomed in line with the views expressed by the British Horse Society and the Council's Rights of Way Officer.

The development would involve a substantial loss of planting, notably the loss of 3 No. Category A trees (all Common Ash) located within the hedgerow running centrally through the site north-south and the 9,500 sq.m of woodland situated towards the site's south-eastern corner. The woodland comprises an overgrown former South Bedfordshire District Council nursery, disused for almost 25 years, containing predominantly Common Ash but including London Plane, Goat Willow, Silver Birch, Blackthorn, Hawthorn and Norway Maple. It was abandoned because the site suffered from water-logging in the winter and trees could no longer be easily extracted. Two Category B trees would also be lost, namely a Silver Birch situated towards the site's eastern boundary and a Sycamore located within the existing hedgerow to the site's southern boundary. A further group of trees (Category C), comprising 2,500 sq.m. of Goat Willow and Blackthorn, would be lost from an area west of the woodland area. A single Category C tree, Common Ash, would also be lost to facilitate the access road crossing the Ouzel Brook. Some 410m of hedgerow would also require removal from the main site as well as to facilitate the access road's junction with Thorn Road and its crossing of the Ouzel Brook.

The scale of affected landscaping is not considered insubstantial, particularly when taking account the cumulative impact of that being lost in connection with the applications for the Waste Park, commercial development and Bidwell West. However, extensive compensatory planting and seeding is proposed as part of the overall landscaping strategy for the combined sites, notably an area of new native woodland adjacent to the SuDS lagoon. The scheme would provide 650

sq.m of woodland (net loss of 11,350 sq.m); 2,534 sq.m of shrubs (net gain of 2,534 sq.m); 663 linear metres of hedgerow planting (net gain of 253m), and 19,611 sq.m of grassland (net gain of 16,644 sq.m). 124 new trees would represent a net gain of 118 trees.

Whilst it is not possible to significantly widen the mature tree belt adjacent to the A5 embankment due to the constrained nature of the layout requirements of the application site, it is proposed to reinforce this planting with a 5m wide tree belt. This would provide greater screening of the development for users of Bridleway No. 49 to the west of the site. It is considered that the proposed landscaping scheme would, over time, help integrate the proposed built form, particularly the more substantial built elements of the Salt Barn and Highways Storage Depot located adjacent to this boundary being the most significant visual components of the proposed development, by increasing available screening over short and longer distances. Cross-sections have been provided by the applicant showing the screening effect of such planting in the first, tenth and twenty-fifth years after completion to illustrate how that would be achieved.

Replacement planting is also proposed along the site's southern boundary and, in line with Policy 59 of the emerging DSCB, the overall impacts are considered acceptable when recognising the importance of the application to the wider community, as noted by the Council's Tree Officer. Nevertheless, in line with responses from several consultees, there would appear some scope to provide further mitigation with revisions to the application now proposing pockets of fruit bearing shrubs on the land to the south of the application site. However, it is considered that scope exists to achieve a preferable solution whereby areas of the land to the south are planted to achieve a broader planting mix. This could comprise woodland planting, native shrubs and chalk grassland helping to better integrate the proposed built form whilst providing valuable replacement habitat. It is recognised that this area contains archaeological resource and is constrained by the presence of overhead cables. However, informal discussions with the Council's Archaeologist have indicated that small pockets of woodland would not be unacceptable and could be made subject to a planning condition.

Further supplementary planting is recommended alongside the eastern side of the access road's northern section. It is considered that this would assist in providing some greater separation between it and the bridleway as it runs parallel towards Thorn Road. It would also contribute some additional planting highlighted as being desirable in the consultation response from Historic England. The applicant is willing to bolster existing planting in this area which again can be controlled by condition. Collectively, it is considered that such additional planting provides improved mitigation for the loss of woodland impacted by the proposals.

A planning condition could provide for the submission of a site specific arboricultural method statement to support tree protection measures, given many specimens to be retained will be subject to bespoke protection requirements, and the suitable management of replacement planting.

With respect to lighting, NPPF paragraph 125 recognises that, by encouraging good design, planning decisions should limit the impact of light pollution from



artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation. Whilst the depot is principally proposed to operate between 07:00 and 18:00 hrs, the nature of the facility would, at times, give rise to operations outside these times. These occasions would arise in connection with winter maintenance requirements and emergency highways maintenance incidents. Accordingly it is necessary for the site to be appropriately lit at these times, as well as afternoons during the winter months, to ensure a safe working environment for operatives.

Lighting can, however, be a form of visual pollution and adversely impact upon neighbouring occupiers and users of the highway network and, as recognised in responses from consultees, any lighting scheme needs to be sensitive to those users as well as areas of ecological interest such as hedgerows used as wildlife corridors. In addition to several building-mounted units, the submitted lighting scheme proposes the installation of 8-10m high lighting columns and use of low output LED luminaires which would be directional in order to minimise light spill beyond the site boundary. The application includes a drawing depicting ISO-Lux contours for the site and its access road. This has been revised during the processing of the application with shields now proposed to the luminaires along the access road and confirms that illumination levels beyond the site boundaries would be limited. The proposed lighting should be considered in context with existing street lamps on the A5 which is elevated from the site and the potential for further lighting associated with other current proposals at Thorn Turn. The co-mounting of CCTV cameras on select lighting columns would minimise the number of on-site columns and is to be welcomed. In order to monitor the predicted effects of site lighting and secure further mitigation if deemed necessary once the site is operational, a suitable condition could be imposed. It is concluded that the development itself would not result in an unacceptable degree of visual pollution and therefore no conflict arises with saved Policy BE8 of the SBLP.

The applicant has provided further clarity on out of hours activities (see Section on Noise). This confirms that such activities would be infrequent, and relate to focussed areas of the depot site, principally the stores and Salt Barn. Operational arrangements would ensure that the yard area would solely be required for access and manoeuvring purposes during these times and impacts are not anticipated to be unacceptable. The proposed siting of the buildings would provide a degree of enclosure to the operational yard area which would be remote from sensitive ecological areas.

In conclusion, given the existence of site-specific planning benefits arising from the development as highlighted elsewhere in this report, and the acceptable level of landscape mitigation being put forward and recommended through conditions, it is considered that the application complies with saved Policy BE8 of the SBLP.

## **5. Flood Risk and Water Resources**

### Flood Risk

The NPPF provides advice on how to manage flood risk as part of the planning

process and the Framework has its basis in sustainable development and the precautionary principle. It includes a risk based approach to assessing flooding potential and promotes a sequential test to the allocation of land for development with the key aim of reducing the number of people and properties at risk of flooding.

NPPF paragraph 103 and accompanying Planning Practice Guidance: Planning and Flood Risk requires decision-makers to steer new development to areas with the lowest probability of flooding and ensure that the risk of flooding is not increased elsewhere.

The site is covered by the Buckingham and River Ouzel Internal Drainage Board (IDB) which operates under powers in order to safeguard the efficient working of the drainage systems under its jurisdiction.

In line with Policy 49 of the emerging DSCB the ES is accompanied by a site specific Flood Risk Assessment (FRA) which covers the potential risk of flooding from the prime sources, namely the Ouzel Brook, groundwater, rainwater and sewers.

The Environment Agency has confirmed that there are no historical flood levels available for the Ouzel Brook at the proposed development site and nor are there any records of the brook flooding at the application site. The Agency's flood maps show the majority of the site falling within Flood Zone 1 (defined as having a low probability of flooding), land abutting the Ouzel Brook lies in Zone 2 (medium probability of flooding in any given year) and Zone 3 (high annual probability of flooding in any given year), the latter covering a small proportion of the site's northern end.

Excavation and construction works have the potential to result in groundwater strike due to the existence of shallow groundwater with the principal aquifer and groundwater recorded as being at least 1.5m below ground level. In view of this, it is proposed to import material to raise ground levels across both the proposed Highways Depot and Waste Park sites by up to 2.5m to create a raised development platform although this maximum height would be confined to areas within the adjacent Waste Park site. Levels within the application site would generally be raised by between 1.25-1.75m. The imported material would be general engineering fill comprising suitable granular, cohesive or chalk engineering materials placed and compacted in accordance with highway works specification.

This re-profiling exercise would not encroach upon the modelled flood plain areas as no built development would occur in these zones. Nonetheless, these works have the potential to result in displacement of flood water and changes to surface water flow pathways (e.g. due to soil compaction) thereby increasing localised flood risk. The applicant proposes to produce and implement a Construction Environmental Management Plan (CEMP) in order to manage surface and groundwater flooding and to safeguard against blockage and severance of drainage pathways during the construction period. A condition could be imposed accordingly.

The proposed drainage strategy for the operational development is based on the provision of an attenuation lagoon as a Sustainable Urban Drainage System (SuDS) solution on land within the application site situated to the north of the proposed Waste Park. The SuDS lagoon is designed to discharge water to the adjacent Ouzel Brook, via piped conveyance, at a rate that does not exceed the greenfield run-off rate. It is designed with sufficient storage capacity to deal with a 1 in 30 year event. During the processing of the application a revised drainage strategy has been submitted to address initial consultation responses and to demonstrate that any flooding during longer period return storms would be contained within the kerb lines of the combined built development and drained in a controlled manner. Issues regarding the re-shaping of the SuDS lagoon and extending it to accommodate benched edges and variable water depths with a view to enhancing its appearance and biodiversity interest have been explored with the applicant in line with local policy requirements under the Council's Sustainable Drainage Guidance SPG. Extending the lagoon is not. However, considered to be feasible due to limited space and the need to ensure the lagoon remains entirely outside Flood Zone 3. On balance, Officers accept that the 1:3 lagoon sides, reasonably naturalistic shape and associated planting scheme are visually and ecologically appropriate for the lagoon's primary function.

There has been some criticism from consultees that infiltration as a method of surface water discharge has not been adopted. This approach has not been used due to specific site constraints and, in any event, the pipe and pond design put forward for the site is second in the hierarchy of surface water disposal solutions as set out in the Council's Sustainable Drainage Guidance SPG.

There are no technical objections from the Internal Drainage Board (IDB), Environment Agency or the Council's Drainage Engineer on grounds of flood risk. However, as the proposed access road into the main development area would cross Flood Zone 3, the IDB wish to approve final design details of the bridge structure over the Ouzel Brook including culvert and associated road levels. Additionally, prior to construction of the surface water management system, the Council's Drainage Officer would need to be satisfied as to the final sizing, layout and operation of the system. Suitably worded conditions can be attached to any grant of permission to secure this construction level detail.

#### Water Resources

In terms of water quality, the receptors that may be impacted by the development are the Ouzel Brook, field drains in the catchment, groundwater and the Houghton Regis Marl Lakes. Groundwater vulnerability maps show that the geology underlying the whole site is classified as Principal Aquifer and therefore usually provides a high level of water storage.

During the construction phase, there is increased potential for deterioration in water quality from spillages (e.g. fuels) or from higher sediment delivery due to on-site traffic and plant movements, excavation activities and temporary stockpiling of materials. The applicant has indicated that the proposed CEMP would also include measures to mitigate potential impacts on water quality. A ground investigation study involving 12 No. boreholes and 5 No. machine-excavated trial pits was undertaken to inform the Scoping stage. It found no significant levels of contamination on the site and consequently a Contaminated

Land Assessment has been scoped out of the formal EIA process. The application documentation does, however, include the Ground Investigation Study which informed that decision.

At the operational stage of the development, there is a risk of accidental releases from the external road salt mixing area, storage of materials and from the washing down of vehicles. It is proposed to store road salt within the Salt Barn, representing a significant improvement over the existing situation at Brewers Hill Road Depot where only external storage is available. Normal salt storage operations, therefore, should not present a problem. Loading of gritting wagons would, however, take place externally, at least during times when salt stocks are high. The scheme would also involve the external mixing of salt with grit to maximise the effectiveness of gritting operations in certain weather conditions. Run-off from this bay could potentially present a risk to water resources along with scope for run-off with elevated salinity levels associated with the vehicle washing areas. The scheme also proposes the storage of fuel and glycol, the latter for use in busways during freezing conditions. The storage of these materials would be within appropriately bunded compounds to counter accidental release and the run-off from the washing areas would be captured within the foul drainage system. These are considered to represent adequate arrangements.

The SuDS lagoon is designed to ensure adequate retention time for contaminants within the surface water run-off to be treated prior to discharge. The applicant is committed to conducting a period of water quality monitoring for a temporary period upon completion of the development and a condition should be imposed to this effect if consent is given.

Conclusion on flood risk and water resources:

Subject to ensuring that appropriate conditions are in place in respect of flood risk, drainage and contamination, it is considered that the application does not conflict with the NPPF and Policies 48 and 49 of the emerging DSCB.

## **6. Noise and Vibration**

The NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments and mitigate other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions. Saved Policy BE8 of the SBLP states that proposals for new development likely to generate noise should ensure that adjoining properties and uses are not unacceptably disturbed.

In response to the comment made in representations, the ES does make reference to Chalk Hill Farm which is also identified as the nearest sensitive receptor in regard to specific assessments and accompanying plans identify the hamlet. The query raised in representations referring to no Highways Depot or Waste Park lying within 240m of Chalk Hill Farm is a reference to the Waste Park element only which lies at greater distance.

It is proposed to operate the facility between 07:00 - 18:00 hrs daily, although

there will be periods of 24 hr operation in response to winter maintenance requirements and emergency highways maintenance incidents.

The applicant has elaborated on the nature of out of hours operations. From an emergency highways maintenance perspective, crews would be on call but would take equipped fleet vehicles to their homes and would respond to incidents directly from there. Whilst there may be a need to access the depot during the night, this would be limited to the hand collection of additional equipment, such as traffic cones and road signs. Other potential night-time activities relate to winter maintenance operations. The applicant advises that gritting operations would generally be done during normal working hours with gritting taking place before evening rush hour. Where snow has fallen, however, the road salt would need to be pre-mixed with grit using the external salt mixing bay. The applicant advises that such mixing could generally be undertaken during normal hours, but where weather conditions require night-time reloading would be required. In order to give the noise assessment robustness, it has been assumed that such night-time reloading would be carried out from the yard area as the applicant has confirmed that conducting such operations from within the Salt Barn would be restricted at periods when salt stocks are high.

The nearest noise sensitive property is Chalk Hill Farm which has recently received planning permission (Ref CB/14/00813/FULL) for barn conversions as an extension to the house. The approved floor plans show the converted accommodation extending eastwards from the rear of the property with bedrooms along the northern elevation. It is, however, noted that development also exists to the north of this extension in the form of other buildings which complete the courtyard. These comprise some redundant single storey barns along with a two storey, L-shaped building presently being constructed to provide garaging and stores for which a retrospective application is being prepared. Accordingly the new bedrooms forming part of the approved conversion have been treated as the nearest noise sensitive location.

A noise assessment survey was carried out in March and April 2015 to establish existing noise levels and their impact on six sensitive receptors within 1km of the application site boundary, including Chalk Hill Farm being the closest property at approximately 59m. Construction noise impacts are expected to be negligible at all locations except Chalk Hill Farm where the impact is predicted to be major (+7dB). It should be noted however that the assessment assumed that all mobile plant was operational at the closest point of the development site to each sensitive property as a worst case scenario. It should also be noted that any noise effects are likely to be negligible on the most sensitive façade of this property due to the shielding afforded by the building envelope. Construction hours would be limited to 08:00 – 18:00 hrs on weekdays and 08:00 - 13:00 hrs on Saturdays.

In terms of operational day-time noise, the assessment makes a series of valid assumptions in order to calculate a worst case scenario including the addition of a +4dB and a +3dB penalty to take account of the tonality and impulsive characteristics of the noise. The revised noise modelling predicts a minor exceedance of noise during day-time at Chalk Hill Farm accepted as being negligible by the Council's Public Protection Officer and considered unlikely to

be detrimental to the amenity of local residents such as to warrant an objection to the proposals. At other locations, operational day-time noise levels are not predicted to be exceed background levels.

For noise assessment purposes, 23:00 – 07:00 hrs are treated as night-time and, as noted above, the proposals would involve some operations outside normal operational hours including night-time. The Council's Public Protection Officer has commented that noise from gritter loading operations at night are likely to be more intrusive and would be detrimental to the amenity of local residents without appropriate mitigation. In order to overcome this impact, options have been explored including scope to load the gritter wagons from within the Salt Barn. However, the lightweight structure of the building provides insufficient noise attenuation, regardless of operational difficulties of achieving this at times when the Salt Barn is full as noted earlier.

The applicant has therefore modelled various options including the attenuation that could be realised by the provision of a noise barrier at various heights or a reorientation of the Salt Barn. The model suggests that a noise barrier erected adjacent to the loading operations would achieve a reduction in noise impact such that the Council's Public Protection Officer now considers that this provides sufficient confidence to demonstrate that an acceptable noise solution to mitigate night-time impacts is achievable. This can also provide assurance to fears raised in representations about all night disturbance. A condition is accordingly recommended to provide for appropriate mitigation measures including the use of broadband reversing alarms. The suggested conditions are framed so as to ensure suitable controls are implemented in order to avoid any detrimental impact to nearest noise sensitive properties and subsequently monitored to demonstrate that predicted impacts are not being exceeded.

An assessment of road traffic noise during both construction and operation of the facility demonstrates that impacts are predicted to be negligible at all locations.

The British Horse Society, Local Access Forum and the Council's Rights of Way Officer have raised concerns regarding the impact of sudden noises on horses and their riders during both construction and operational phases. Practical measures can be introduced to reduce surprise or alarm, including prohibiting the use of conventional bleeper reversing alarms, installation of signage for both bridleway users and drivers and the imposition of speed limits. Suitably worded conditions can be imposed to secure such measures.

Subject to the imposition of appropriate conditions, it is concluded that noise impacts from construction and operational phases, including night-time operations, are capable of being satisfactorily controlled and monitored such that they would not give rise to a detrimental effect on residential amenity in compliance with saved Policy BE8 of the SBLP.

## **7. Air Quality and Disturbance**

Saved Policy BE8 of the SBLP states that proposals for new development likely to generate pollution emissions should ensure that adjoining properties and uses

are not unacceptably affected.

#### Dust

The ES includes an air quality assessment. It highlights that the development has the potential to generate dust impacts principally as part of the construction phase. It is considered that the earthworks are anticipated to have the most likelihood of generating dust emissions, particularly as the soils to be excavated may be prone to suspension in dry conditions. In line with the consultation response from the Council's Public Protection Officer, however, it is considered that dust impacts can be appropriately mitigated by means of a Dust Management Plan secured as part of a wider range of controls within a Construction Environmental Management Plan.

In terms of operational dust impacts, it is noted that the site would be hard surfaced with activities principally contained within built structures. The ES refers to vehicles entering and leaving the site as being covered or enclosed, on-site vehicle speeds being restricted to 5mph and the use of a road sweeper on the access road and hard surfaced areas as required. It is also noted that unloading of road salt would take place within the Salt Barn. Whilst the operational yard would contain open storage bays, the bulk of such storage provision would be materials not prone to generate dust such as lighting columns, road planings, grit etc. Accordingly the potential for generating dust is considered to be slight, although the open storage of finer grained materials could give rise to dust impacts if not suitably controlled.

It is therefore considered prudent to impose a condition to secure a scheme for the control and monitoring of airborne dust emissions in line with the advice from the Council's Public Protection Officer. Such a condition includes provision for subsequent monitoring. The proposal therefore complies with the NPPF and Saved Policy BE8 of the SBLP.

#### Odour

The nature of the development itself is not anticipated to give rise to any odour impact as confirmed in the consultation response from the Council's Public Protection Officer. However, potential exists for odour impacts arising from the adjacent WWTW and/or the proposed Waste Park to impact upon the amenity of those at the Highways Depot.

The ES notes that the Council received two odour complaints associated with the WWTW, one relating to the smell of sewage affecting dwellings in Thorn (August 2010) and another affecting Bedford Road (July/August 2014). Anglian Water has not received any complaints in the last five years. The ES also reviewed odour modelling previously undertaken by Anglian Water. This predicted a concentration of 5 odour units per cubic metre ( $\text{OU}_E/\text{m}^3$ ) at the application boundary closest to the WWTW decreasing to  $1.5 \text{OU}_E/\text{m}^3$  at the site's furthest boundary. The Highways Office and other areas where employees would be regularly present would fall outside the  $3 \text{OU}_E/\text{m}^3$  contour on account of the proposed site layout providing a substantial stand-off from the WWTW to those elements of the development considered to be more sensitive, such as the Highways Office, in line with the recommendation made by Anglian Water.

Applying guidance issued by the Institute of Air Quality Management (IAQM), impacts on medium sensitive receptors, such as offices, should be described as slight where predicted odour concentrations are between 1.5 - 3 OUE/m<sup>3</sup>. As such the effects of odour on the proposed development from the WWTW are assessed as being slight.

The proposed Waste Park has the potential to emit odours from waste transportation, the unloading/loading of waste materials and their storage and decomposition. The application for the Waste Park includes an Odour Management Plan which identifies a number of practical measures in order to mitigate odour impacts. These include closure of doors other than to allow for the passage of vehicles; restricted waste storage times; rejection of excessively malodorous wastes; use of an odour misting system and regular washing down of the waste transfer building and refuse collection vehicles. The effects of odour on the proposed development from the Waste Park are assessed as being negligible. The IAQM guidance considers such impacts from the WWTW and the Waste Park to be insignificant and therefore further mitigation is not considered necessary.

#### Control of mud

The applicant proposes to employ a range of measures to prevent mud from being trafficked onto the highway during the construction phase. These include provision and compulsory use of wheel wash facilities, imposing site speed limits, installing signage, routine monitoring of the highway and use of road sweepers where necessary and through contractual arrangements. These measures can be appropriately secured through a planning condition for construction activities to be undertaken in line with a Construction Environmental Management Plan.

The development, once operational, would involve vehicles manoeuvring over areas of hardstanding only. The scheme includes cold and hot wash facilities for the purposes of washing down vehicles returning from rounds and the ES refers to the use of a road sweeper on the access road and hard surfaced areas as required. Consequently the trafficking of mud or other deleterious material is unlikely to be an issue on the public highway.

## **8. Ecology**

NPPF paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on biodiversity and where possible, providing net gains in biodiversity. Furthermore, NPPF paragraph 118 advises that, when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including:

- refusing planning permission where significant harm cannot be avoided through mitigation or compensation;
- refusing permission where development would result in the deterioration or loss of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh



- the loss; and
- encouraging opportunities to incorporate biodiversity in and around developments.

In terms of local policy advice, Policy 57 of the emerging DSCB seeks to secure net gains in biodiversity and supports the maintenance and enhancement of habitats. Where the need for the development outweighs its impact and relates to land within, adjacent to or in proximity to known locations of protected species, appropriate mitigation and /or compensation to minimise such impacts will be necessary.

An Ecological Assessment has been undertaken incorporating the following elements:

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

The baseline ecological conditions review of the site and its surroundings identify the presence of two designated sites within 2km of the application site (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI) and five local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Houghton Regis Cutting Roadside Nature Reserve (RNR) at A5 Watling Street, Thorn Spring CWS and Suncote Pit CWS). Existing habitats and the habitat potential of the site and its surroundings were also examined through Phase 1 ecological surveys supplemented by further survey work undertaken during the processing of the application and submitted as additional information. In response to concerns raised in representations regarding the age of ecological studies, such work has therefore been supplemented by further survey work and, in agreement with the County's Ecologist, targeted additional survey work is programmed to further inform detail of the mitigation strategy.

Natural England is satisfied that the proposed development would not damage or destroy the features of interest for which the above SSSIs have been designated. Accordingly Natural England concludes that the SSSIs do not themselves represent a constraint in determining the application.

The development would require clearance of arable land, woodland, semi-improved grassland, the loss of six individual trees and 410m of hedgerow including a section adjacent to Thorn Road to facilitate access and a further section adjacent to the Ouzel Brook to facilitate a new bridge structure for

access. Whilst the arable land is considered to be of negligible conservation value, the remaining habitats are recognised in the ES as providing nature conservation value albeit not assessed as being significantly valuable on a wider scale.

The development would result in a net loss of 11,350 sq.m of woodland although the net gains would be achieved in terms of 2,534 sq.m of shrubs; 16,644 sq.m of grassland; 253 linear metres of hedgerow; and 118 trees. The Wildlife Trust query whether land to the south represents a better location for the development, principally to allow the existing woodland to be preserved. However, whilst such an alternative would have benefits in retaining that woodland, this consideration needs to be balanced against other considerations such as bringing operational impacts closer to existing residents at Chalk Hill and having a far greater impact upon archaeological resource in this area in addition to other development constraints associated with rising ground and overhead power cables.

Consultation responses suggesting that the land to the south be used for species rich grassland have been explored. The applicant has commented that, given an end use has not been confirmed for this field, it is assumed to remain in agricultural use. It is therefore not put forward for mitigation, although the scheme does propose for pockets of native fruiting shrubs. It is, nevertheless, considered that scope exists to bolster the breadth of habitats proposed in this area, including pockets of woodland planting, to help off-set the loss of woodland habitat, and areas of chalk grassland and bare ground. This would provide welcome habitat for invertebrates and habitat types raised in representations. This could be made the subject of a condition notwithstanding the mitigation offered on this parcel of land.

The impact of the development upon the woodland is a substantial loss and conflicts with Policy 59 of the emerging DSCB which seeks to protect such habitats from development. The Wildlife Trust's comments regarding the under-provision of replacement woodland planting are also noted.

Compensation for the loss of habitat is proposed in the forming of new planting to create a woodland and species-rich grassland mix. The area identified for this, to the north of the Waste Park, lies adjacent to the Ouzel Brook and outside the application boundary but is within the applicant's ownership. This area, together with the SuDS lagoon would ensure a suitable buffer is provided between the built development of the combined Highways Depot and Waste Park complex and the ecologically sensitive Ouzel Brook. Any impact on Kingfisher habitat along the brook would therefore be limited to construction of the bridge structure for the access road and a condition would require removal of vegetation to avoid the bird nesting season.

During the processing of the application, the applicant has indicated a willingness to consider supplementary planting alongside that part of Bridleway 49 which runs parallel to the access road towards Thorn Road. In addition to providing additional compensatory planting, this would have the benefit of

strengthening the barrier between the proposed access road and the bridleway. The applicant notes that provision of planting along this stretch may be impacted in the event that detailed proposals are worked up in relation to the scheme for commercial development in this area. Whilst a valid point, it is considered that a condition can be suitably worded to cover the timing of such a scheme coming forward so as to avoid any abortive planting.

Whilst the scheme does not allow for the preservation of the woodland, it would, collectively, provide large scale compensatory planting in the longer term with an overall net gain in habitat and the under-provision of woodland is considered to be outweighed by the wider public benefits of the scheme as recognised by the Council's Trees and Landscape Officer.

The loss or disturbance of the identified habitats has the potential to impact upon a number of protected species. Suitable habitat exists for reptiles, bats, water voles, otters, badgers and dormice. Further survey work has helped inform the potential presence of such species. An outlier sett has been identified which the applicant proposes to close prior to the end of November 2015 subject to an appropriate licence being issued by Natural England. This can be controlled by condition although it is important that further checks are made immediately prior to development commencing, should planning permission be granted, to ascertain any new setts or badger activity. Several trees have also been identified with potential for bat roosting and artificial roosting sites are proposed in compensation if the presence of this species is confirmed.

Great crested newts (GCN) were the subject of further surveys conducted on behalf of the applicant between April and June 2015 to identify the location and estimated population size of the species in six suitable ponds within 500m of the application site. Pond 1 was confirmed again as a breeding pond in 2015 whilst the five other surveyed ponds were confirmed as having no GCN presence this year. Pond 1 lies to the north of Thorn Farm, at a distance of some 330m and separated by Thorn Road. No further mitigation is considered necessary in respect of this species.

As recommended by the Council's Ecologist, mitigation measures, including compensation for habitat lost, would need to be further informed by several other targeted follow-up surveys and would need to be secured through a condition to ensure impacts on protected species are avoided or reduced to a negligible level. The applicant has since provided a schedule for such follow up surveys which the Council's Ecologist considers broadly acceptable. In response to comments raised in representations, the Wildlife Trust has been consulted on the application and further information.

In order to ensure that the habitat compensation areas are successfully established and maintained, Officers concur with the recommendations of Natural England and the Council's Ecologist for a biodiversity management plan. This could deliver a package of habitat improvements, including provision of bird and bat boxes together with a sensitive landscape management regime. In line with the Council's adopted Sustainable Drainage Guidance (October 2014), this should be prepared in accordance with a SuDS Management Plan covering such issues as management goals and a maintenance schedule. The applicant

submitted a landscape and ecology management plan as part of the further information and, whilst broadly acceptable, a planning condition would need to allow for adjustments to reflect outcomes from final programmed surveys and to ensure alignment with the management of the SuDS lagoon.

Several consultees have suggested that the design of the SuDS lagoon be reviewed in an effort to introduce more varied slopes and terraces which, in turn, should deliver better habitat interest. Whilst this suggestion has been further investigated, on balance it is considered that the proposed design represents an acceptable solution given the need to deliver the core function of the lagoon within a constrained part of the site having regard to the need to avoid areas identified as Flood Zone 3. The specification of stock-proof fencing around the SuDS lagoon is, however, welcomed as a more aesthetically pleasing approach to the development.

The submitted lighting strategy now specifies shielding to the rear of luminaires along the access road. Whilst providing a modest improvement the accompanying LUX contour plan indicates that a degree of light spillage, albeit limited, would still fall on the eastern hedgerow. A planning condition could require adjustments to the lighting provision to mitigate this impact on this wildlife corridor. Planning conditions could also control the timing of plant removal and root protection areas for retained planting in line with comments from consultees.

It is concluded that adequate ecological information has been provided for the development to be assessed as acceptable within the terms of the NPPF and Policy 57 of the emerging DSCB having demonstrated a net gain in biodiversity and, whilst the loss of woodland conflicts with Policy 59, this is considered to be outweighed by the wider public benefits of the proposals. Natural England and the Council's Ecologist do not object subject to the imposition of appropriate conditions.

## **9. Cultural Heritage**

The ES contains a chapter on Cultural Heritage. Policy 45 of the emerging DSCB states that the Council will conserve, enhance, protect and promote the enjoyment of the historic environment. Sufficient information should be made available to evaluate the importance of known or potential heritage assets and to assess how the proposals may impact upon them in line with the requirements of paragraph 128 of the NPPF.

The site lies within a rich archaeological landscape and the development area has the potential to contain as yet unidentified archaeological features and deposits. Archaeological field evaluation of the site was carried out in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets undertaken on behalf of the applicant concludes that there is a high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. Whilst acknowledging this as a reasonable assessment of the site's archaeological potential, the Council's Archaeological Officer regards prehistoric archaeological potential as high rather than moderate

given recently discovered pit alignment and linear features to the south of Thorn Road. In his judgement, any archaeological remains found on the site would be of regional significance. There will be very little if any opportunity to preserve buried archaeological remains given the extensive requirement for topsoil removal and subsequent ground raising. However, the Council's Archaeological Officer is satisfied that a programme of investigation and recording, to be agreed by way of condition prior to the commencement of the development, can mitigate against irreversible damage to any surviving archaeological deposits in compliance with NPPF paragraph 141.

There is one designated heritage asset within 500m of the application area comprising the medieval moated site at Thorn Spring, some 400m to the north-east. The ES considers that the proposed development would not have a negative impact on the setting of this Scheduled Ancient Monument. Maiden Bower Hillfort lies about 1.3 km to the south-west of the project site on a ridgeline. The ES recognises that the proposed development would intrude into the setting of this monument and have a very minor negative impact on its setting, albeit that the wider setting of the monument would not be obscured by the development. Totternhoe Knolls motte and bailey castle is located on the same ridgeline some 3km to the south west, and whilst not specifically assessed in the ES in terms of impact on setting, there is a reference in the Landscape and Visual Impact Assessment within the ES that the proposed development would be "*barely perceptible*" from the monument due to distance and would be screened by the wooded embankment to the A5. Both Historic England and the Council's Archaeological Officer consider that the development would intrude into, and have a negative on, the setting of these three Scheduled Ancient Monuments, taking account of the cumulative effect of the current proposals for the Waste Park and commercial buildings on neighbouring and nearby land, but are of the view that this would not amount to substantial harm on their setting and significance. As such, there is no objection from either consultee. Historic England suggest that consideration should be given to increased screen planting to reduce the impacts. The northern portion of the site is identified for substantial structural landscaping and the applicant is in principle agreeable to provide further planting by bolstering the intermittent hedgerow running alongside the proposed access road subject to the requirements for visibility splays to serve the commercial development proposals. A suitable condition can be imposed.

In line with the advice in paragraphs 132 and 134 of the NPPF, decision-makers must ensure that there is a clear and convincing justification for any harm or loss of significance to designated heritage assets public and that where there is less than substantial harm it should be outweighed by the public benefits of the proposal. It is considered that the wider benefits arising from the operational need for the provision of a strategically important highways and winter maintenance depot to serve the south of the Council area as discussed elsewhere in this report, particularly within the section on the assessment of 'very special circumstances' in support of the proposal, clearly outweighs the degree of harm identified. Therefore, the relevant policy test is met.

The ES notes the existence of a number of Grade II listed buildings within a 500m radius of the site's centre, seven of which can be found within the Sewell

Conservation Area. The closest listed building is the 13th/14th century Manor Farmhouse, which is located approximately 950m to the south west of the proposal site. Given that the setting of these heritage assets largely comprises their immediate environs within small-scale rural settlements, the conclusion in the ES that the proposed development would not impact on their setting is accepted.

In conclusion the application is considered to accord with Policy 45 of the emerging DSCB. A condition is recommended for a written scheme of archaeological investigation.

Paragraph 141 of the NPPF advises that Local Planning Authorities should require developers to record and advance understanding of the significance of the heritage assets before they are lost to development in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible. The suggested condition would provide for the suitable recording of the archaeological fieldwork in accordance with the NPPF.

## **10. Public Rights of Way**

Bridleway (BW) 49 runs alongside the western boundary of the application site before turning eastwards to follow an alignment adjacent to the northern bank of the Ouzel Brook. The proposed access road would intersect this section of BW49 close to the point at which the road would need to traverse the Ouzel Brook by means of a suitably engineered culvert. Whilst details have not been provided within the application, reference is made to a zebra crossing facility being provided at this juncture. Responses from consultees have, however, cast some doubt on the suitability of a zebra crossing in this location and suggest, as an alternative, a Pegasus crossing.

A similar point has been raised by consultees in respect of a bridleway crossing point over Thorn Road close to its junction with the proposed access road. At this particular location, the applicant assumes the provision of a Pegasus crossing coming forward as part of the anticipated wider North of Houghton Regis strategic development. However, this would not come forward in the short term and neither would it be delivered before the projected opening of the highways depot.

Whilst it is accepted that a zebra crossing over the access road would not be the ideal solution, it is also considered that the application subject to this report is unlikely to result in any significant increase in the usage of BW49 although such demand can be reasonably anticipated to arise as residential development is built out in connection with the wider North of Houghton Regis strategic development area. It is concluded therefore that a compromise solution would be for the construction of the access road to include the provision of electrical ducting at both locations in order to allow for the future upgrading of crossing points without the need to re-excavate the highway at those future dates. The applicant is in agreement to this approach which could be made the subject of a planning condition. Further planning conditions would also need to be attached in connection with the erection of suitable signage warning bridleway users of the presence of vehicular traffic and vice versa. Subject to these controls being

in place, the development is not considered to conflict with Saved Policy R15 of the SBLP and Policy 23 of the emerging DSCB which seek to protect and enhance the public rights of way network.

As a further measure, provision of speed retarders ('sleeping policeman') within the access road is considered to be beneficial in this location. This would ensure that vehicle speeds are kept in check in the vicinity of BW49, particularly as the three Thorn Turn applications would involve significant HGVs in addition to significant access by car comprising members of the public accessing the household waste recycling centre on the adjacent land and staff accessing the Highways Depot. The fact that the access road is dead-ended would not impact upon through traffic but would be a useful addition to improve highway safety in proximity to BW49. The speed retarders could be secured through planning condition.

Some sections of BW49 are likely to need to be subject to Temporary Closure Orders to facilitate construction, but this should be managed and disruption minimised through the appropriate rights of way legislation. The public rights of way network would otherwise be retained in accordance with SBLP Policy R15.

The British Horse Society (BHS) and Joint Local Access Forum have both suggested that the width of BW49 be increased to 10m so as to provide a multi-user path. Policy R14 of the SBLP supports improvements to existing rights of way facilities and, it is argued, this would also have the benefit of giving greater space in which horses could be controlled in response to sudden noise impacts. Whilst the impact of sudden noise on horse behaviour is an important issue, the suggested provision of a 10m wide multi-user path is not feasible for various practical reasons. Firstly, the required land lies outside the applicant's control. Secondly, because the western edge of the bridleway abuts the toe of the embankment to the A5, the bridleway could only be extended eastwards. However, creating a wider multi-user path utilising land to the east would entail the loss of existing mature vegetation. Furthermore, whilst providing a greater space, it would have the effect of bringing users closer to the proposed development whereas retention of the existing vegetation, in addition to its landscape, ecological and amenity value, would act as a visual screen to the development together with supplementary planting proposed as part of the application.

The BHS suggest that the development be reconfigured such that the car parking provision lies adjacent to BW 49 in an effort to reduce noise impacts to users of the bridleway. Ultimately, siting has to strike an appropriate balance and it is considered that the proposed siting of the buildings helpfully uses the backdrop of retained planting along the site's western boundary and those structures would, in turn, provide some attenuation of noise impacts arising from activities undertaken within the yard. Notwithstanding the above practical difficulties, noise impact upon horses is acknowledged as an issue relevant to both during construction and operational phases. Further planning conditions are recommended, therefore, to ensure provision of suitable signage to warn users of the potential of sudden noise impacts as requested by several consultees in addition to provision of a holding area for horses where the proposed access road would intersect with BW49. Perimeter fencing is also now

proposed to be of weldmesh construction including along the site's western boundary in line with the preference expressed by the BHS.

## **11. Design and Sustainability Considerations**

Saved Policy BE8 of the SBLP states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain and maximise opportunities to use renewable or alternative energy sources. Emerging DSCB Policy 47 '*Resource Efficiency*' requires all new commercial development over 1,000 sq.m to be delivered to BREEAM excellent standard or equivalent standard. Site specific Policy 60 requires new development on the site to incorporate measures to adapt to climate change, minimise energy use and include renewable energy technologies. Guidance is also set out in the Central Bedfordshire Design Guide.

The applicant has supported the proposal with a sustainability statement. The statement argues that the project is unsuitable for BREEAM Assessment primarily due to the maintenance workshop being unheated space and therefore unable to be assessed against a number of energy credits in the BREEAM methodology. Furthermore, the Highways Office is considered inappropriate for assessment as a proprietary unit. The development therefore has been considered against a range of alternative sustainability-related measures and has applied the issues within the BREEAM methodology wherever suitable.

The Sustainability Statement assessment has therefore sought to consider the development against the categories of Management/Procurement; Health and Wellbeing; Energy; Transport ; Water; Materials; Waste; Land Use and Ecology; and Pollution.

The scheme proposes a range of measures in order to adapt to climate change. Photovoltaic (PV) panels, totalling an area of some 117.6 sq.m are proposed on the south-facing pitch of the roof of the highways dry store in order to reduce greenhouse gas emissions. This is welcomed and supported by the Government's UK Solar PV Strategy which encourages greater use of commercial roof space for such installations. Provision of further PV panels has been encouraged in consultation responses and may come forward as part of detailed design.

Extensive provision of polycarbonate roof lights would maximise natural light on the maintenance workshop, parts store, dry store and gritter vehicle store. The scheme proposes a SuDS solution to manage surface water flows and filter out contaminants prior to discharge of water to the Ouzel Brook.

The applicant has also investigated scope for green or brown roofs, as encouraged by emerging DSCB Policy 48, although these were ultimately ruled out for design reasons. The Highways Store and Vehicle Maintenance building requires a long span roof which need to be lightweight in order to be sustainable in terms of materials, finance and inbuilt carbon. Provision of a green/brown roof would add additional weight in terms of both materials and retained water with



knock-on impacts to the structural loading and wider design. The applicant also notes that provision of a green/brown roof would introduce potential risk given the need for roof access and would alter the visual appearance of buildings through the introduction of perimeter safety railing or parapets. Whilst some reservation is expressed as to the arguments presented, on balance, the development is considered to make adequate provision of sustainable features.

Government encourages modes of transport with low environmental impact such as walking, cycling and public transport. An additional gate for pedestrians and cyclists is proposed in the site's southern boundary fence in order to provide linkages to the existing infrastructure and the bus stops located at Chalk Hill. The scheme includes covered and secure parking for cycles and the Highways Office includes shower facilities.

The revised application details have reduced the number of car parking spaces to 140 in line with the aspirations of the Green Travel Plan. Two bays fitted with charging points for electric vehicles are proposed within the car park close to the provision of bays for the disabled.

Comments have been received regarding the need to rationalise roof elevations. The development seeks to provide for a mix of functions ranging from office accommodation, workshops and stores notably a specially designed Salt Barn. Accordingly achieving a rationalisation of building design is not straight forward given the competing functions such accommodation provides. Nevertheless it is accepted that further consideration could be given to the finishes and colour of the buildings and a condition is recommended. It is concluded that, subject to conditions, the design and sustainability considerations of the development are acceptable in line with Saved Policy BE8 of the SBLP, Policy 47 of the emerging DSCB and the Central Bedfordshire Design Guide.

## **12. Agricultural Land Quality and Soils**

The NPPF recognises the need to protect soils. The application is accompanied by an agricultural impact assessment which identifies that the proposals would result in the loss of 1.54ha of agricultural land. A soil survey was undertaken in respect of the site in April 2015, examining the soils to a depth of 1.2m at two locations 100m apart. The survey revealed the soils have an almost stoneless, dark brown medium or heavy silty clay loam topsoil beneath which are whitish, slowly permeable Chalk Marl lower subsoils with very pale brown upper horizons of very calcareous heavy silty clay loam or silty clay.

Best and most versatile (BMV) agricultural land is categorised as land that falls within grades 1, 2 and 3a of the Agricultural Land Classification. Both soil profiles are assessed as being Grade 2 (very good quality) and therefore the site falls within the BMV category. Saved Policy NE10 of the SBLP 2004 states that BMV land should, where possible, be protected from irreversible development. With reference to the effect on the national soil resource, the ES concludes that the permanent loss of this area of Grade 2 agricultural land would be assessed as negligible.

The soil survey identified that field drains from the application site flow downhill to the Ouzel Brook. However, no drains from surrounding fields cross the site and consequently there would be no wider impact on agricultural drainage. Surface water discharge from the site post development has been considered earlier in the report.

With regards to the effects on farming practice, the application site is currently let on a short agricultural tenancy providing only year to year use of the land. As such the applicant does not regard the land as a strategic agricultural asset in either national or local terms. Provided the soils to be lost are handled in line with best industry practice, they will provide a valuable resource to be used in site landscaping. The applicant is committed to this which can be made subject to a planning condition for a soils management plan to include control of dust and weeds to avoid impacting upon surrounding farmland.

With regards to the potential issue of severance, the applicant advises that the land to the south of the application site is farmed by a different farmer to that of the site. Access to the field to the south appears to be gained off the track separating the two parcels and accordingly no issue of severance arises.

In conclusion, the loss of Grade 2 agricultural land, whilst negligible in terms of national resource, nevertheless conflicts with Saved Policy NE10 of the SBLP 2004. However, this conflict must be weighed against the wider public benefits arising from the operational need for a strategic highways and winter maintenance depot to serve the south of the Council area as highlighted within this report under the assessment of 'very special circumstances' in support of the proposal which collectively are considered to outweigh the impact.

### **13. Cumulative Impacts**

The EIA Regulations 2011 stipulate that effect interactions need to be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor, although no national guidance is available as to how interactions between effects should be assessed, how significance is to be reported, or the extent to which interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual chapters of the ES where relevant.

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

It is considered that the cumulative effects of construction can be adequately mitigated through the package of measures identified to address specific impacts as identified through the EIA process together with a suitable

Construction Environmental Management Plan.

### **Recommendation**

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

### **RECOMMENDED CONDITIONS**

#### General:

1. Planning permission shall extend to the area delineated by a solid red line on the attached plan no. CB/15/01627/REG3 (dated August 2015). Development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained within the planning application. The approved plans and particulars comprise (except where modified by other conditions of this permission):

#### Documents

- Application form dated 18/05/2015;
- Planning Supporting Statement (dated May 2015);
- Addendum to Planning Statement Summary of Proposed Mitigation Measures (dated July 2015);
- Design and Access Statement (dated 8 May 2015);
- Flood Risk Assessment (dated 13 May 2015);
- Ian Farmer Associates Ground Investigation Report (dated December 2012);
- Economic Statement (dated 12 May 2015);
- Sustainability Statement (dated 7 May 2015);
- Utilities Statement (dated 19 May 2015);
- Arboricultural Impact Assessment (dated 31 July 2015);
- Tree Protection Plan No. 5134801-ATK-HD-ZZ-DR-Z-0001 Rev P2;
- Tree Protection Plan No. 5134801-ATK-HD-ZZ-DR-Z-0002 Rev P2;
- Thorn Turn Ecological Surveys Update (dated 3 July 2015);
- Outdoor Access Statement (dated 19 May 2015);
- Green Travel Plan (dated 1 May 2015);
- Statement of Conformity with the Equality Act (received 20 July 2015)
- Anticipated Vehicle Movements Plus Assumptions (received 19 July 2015);
- Thorn Turn Ecological Surveys Update (dated 3 July 2015);
- Works Information - Specification Appendices; Landscape and Ecology (dated July 2015);
- Drainage Strategy (dated 24 July 2015);
- Lighting Strategy (received 29 July 2015);
- Great Crested Newt Report (dated 4 August 2015);
- Amended Noise and Vibration ES Chapter (revised August 2015).
- Thorn Turn Schedule of emails submitted during the determination period.

Drawings:

- Site Location Plan (Drawing No.HD\_PLA\_001 Rev P01);
- Planning Application Boundary (Drawing No.HD\_PLA\_002 Rev P01);
- Finished Levels (Drawing No.HD\_PLA\_004 Rev P01);
- Indicative General Arrangement (Drawing No.HD\_PLA\_005 Rev P04);
- Indicative Drainage Layout (Drawing No.HD\_PLA\_006 Rev P03);
- Landscape Plan Sheet 1 of 2 (Drawing No.HD\_PLA\_007 Rev P2);
- Landscape Plan Sheet 2 of 2 (Drawing No.HD\_PLA\_008 Rev P2);
- Landscape Planting Details and Schedule (Drawing No.HD\_PLA\_009 Rev P2);
- Access Road Details (Drawing No.HD\_PLA\_010 Rev P01);
- SuDS Attenuation Lagoon (Drawing No.HD\_PLA\_011 Rev P03);
- Pavement, Kerbing and Fencing Layout (Drawing No.HD\_PLA\_012 Rev P02);
- Earthwork Sections (Sheet 1 of 3) (Drawing No.HD\_PLA\_013 Rev P02);
- Earthwork Sections (Sheet 2 of 3) (Drawing No.HD\_PLA\_014 Rev P02);
- Earthwork Sections (Sheet 3 of 3) (Drawing No.HD\_PLA\_015 Rev P03);
- Road Lighting ISO-LUX South Contours (Drawing No.HD\_PLA\_016 Rev P03);
- Salt Barn Roof Plan (Drawing No.HD\_PLA\_017 Rev P01);
- Salt Barn Elevations (Drawing No.HD\_PLA\_018 Rev P01);
- Highways Welfare Office Plan and Elevation (Drawing No.HD\_PLA\_019 Rev P01);
- Highways Maintenance Depot GA Plan (Drawing No.HD\_PLA\_020 Rev P02);
- Highways Maintenance Roof Plan (Drawing No.HD\_PLA\_021 Rev P02);
- Highways Maintenance Depot Elevations (Drawing No.HD\_PLA\_022 Rev P03);
- Highways Maintenance Depot Internal Section Elevations (Drawing No.HD\_PLA\_023 Rev P03);
- Highways Maintenance Depot General Section (Drawing No.HD\_PLA\_024 Rev P03);
- Footpath Plan (Drawing No.HD\_PLA\_025 Rev P01);
- Covered Stores for Road Safety Cars & Cycle Store GA Plan & Elevations (Drawing No. HD\_PLA\_026 Rev P02);
- Swept Path Analysis (Drawing No. HD\_PLA\_027 Rev P01);
- Swept Path Analysis (Drawing No. 800516-2022-0000-03 Rev P02.2);
- SuDS Attenuation Lagoon Sections Sheet 1 of 2 (Drawing No. HD\_PLA\_028 Rev P01);
- SuDS Lagoon Sections Sheet 2 of 2 (Drawing No. HD\_PLA\_029 Rev P02);
- Highways Welfare Office Elevations (Drawing No.HD\_PLA\_030 Rev P01);
- Western Bridleway Section Layout (Drawing No. HD\_PLA\_031 Rev P01);
- Western Bridleway Sections Sheet 1 of 3 (Drawing No. HD\_PLA\_032 Rev P01);
- Western Bridleway Sections Sheet 2 of 3 (Drawing No. HD\_PLA\_033 Rev P01);
- Western Bridleway Sections Sheet 3 of 3 (Drawing No.HD\_PLA\_034 Rev P01);
- Highways Depot General Arrangement (Drawing No.HD\_PLA\_035 Rev P02);

- Highways Depot Car Park Dewatering Bay & Hot Box Plinth (Drawing No.HD\_PLA\_036 Rev P01);
- Highways Depot Car Park Salt Mixing Bay & Vehicle Hot Wash (Drawing No.HD\_PLA\_037 Rev P01);
- Highways Depot Car Park Vehicle Fuelling Area (Drawing No.HD\_PLA\_038 Rev P01);
- Operational Area Boundaries (Drawing No. HD\_PLA\_039 Rev P01);
- Indicative Combined General Arrangement (Drawing No. HD\_PLA\_040 Rev P01);
- Highways Depot Yard Cold Wash Elevations (Drawing No.HD\_PLA\_041 Rev P01);
- Highways Depot Yard Glycol Storage and Vehicle Spares Store Elevations (Drawing No.HD\_PLA\_042 Rev P01);
- Surface Water Drainage Exceedance Management (Drawing No.WP\_PLA\_042 Rev P01);

REASON: To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) by section 51 of the Planning and Compulsory Purchase Act 20014 and to enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

Archaeology:

3. **No development shall take place unless and until a written scheme of archaeological investigation that includes post-excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved scheme.**

REASON: Details are required to be submitted prior to the commencement of the development in order to record and advance the understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the NPPF and Policy 45 of the emerging Development Strategy for Central Bedfordshire.

Tree Protection:

4. **Notwithstanding the details contained within the submitted Arboricultural Impact Assessment and accompanying Tree Protection Plan Nos. 5134801-ATK-HD-ZZ-DR-Z-0001 Rev P2 and 5134801-ATK-HD-ZZ-DR-Z-0002 Rev P2, no development hereby permitted shall take place unless and until a site specific Arboricultural Method Statement (AMS) has been submitted to and approved in writing by**

**the Local Planning Authority. Such method statement shall include details of and provision for:**

- **Measures for the root protection of trees, shrubs and hedgerows;**
- **removal of any existing structures and hard surfacing;**
- **Installation of any temporary ground protection;**
- **excavations;**
- **ground works, foundations, drainage and services;**
- **installation of new hard surfacing (materials, design constraints and implications for levels);**
- **a schedule of works to trees, shrubs and hedgerows; and**
- **a schedule of specific events requiring input or arboricultural supervision and monitoring and compliance.**

**Thereafter, development shall only be carried out in accordance with the approved AMS and the approved protection measures shall be retained for the duration of the construction period.**

REASON: Details are required to be submitted prior to the commencement of the development in order to safeguard the health of existing trees, shrubs and hedgerows on or adjacent to the site for the duration of preparatory and construction works in the interests of visual amenity and nature conservation in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Construction Environmental Management Plan:

**5. No development shall take place unless and until a method of working in the form of a Construction Environmental Management Plan (CEMP) to include the following elements has been submitted to and approved in writing by the Local Planning Authority:**

- **the size and location(s) of any contractors' compounds;**
- **arrangements for routeing of construction traffic and parking of contractors' vehicles;**
- **measures to be adopted and equipment to be used to prevent the trafficking of mud and debris onto the public highway;**
- **a Dust Management Plan;**
- **measures for the control of noise and vibration;**
- **procedures for the control of lighting impact;**
- **procedures to safeguard utilities and services;**
- **management and re-use of indigenous soils, control of weeds and disposal of surplus soils and other wastes arising from construction;**
- **measures to manage and contain surface water run-off and mitigate any risk from blockage or severance of drainage pathways throughout the construction period;**
- **measures for the protection of groundwater;**
- **stand-off margin(s) to the top bank of the Ouzel Brook watercourse;**
- **construction site management practice to safeguard against**

**risk to mammals (protected species) throughout the period of construction;**

- **measures to safeguard and warn users of nearby public rights of way and minimise any disruption to the network; and**
- **procedures to be adopted in the event of any complaint.**

**The CEMP as may be approved shall be implemented in full and complied with throughout the construction period.**

REASON: Details are required to be submitted prior to the commencement of the development in the interests of highway safety, the ecology of the site and to protect the amenities at present enjoyed by occupiers of nearby properties and users of the surrounding public right of way network in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Drainage:

6. **No development shall take place unless and until construction design details of the bridge structure over the Ouzel Brook including culvert, together with scaled cross sections through the culvert extending at least 80 metres towards Thorn Road to include:**

- **the Flood Zone 3 area, incorporating the existing bridleway track to the east and proposed access road; and**
- **the intersection of the access road with the bridleway**

**have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no development shall take place except in accordance with the approved details.**

REASON: Details are required to be submitted prior to the commencement of the development in order to ensure flood risk is not increased by ground-raising above existing levels along the nearby bridleway track and to ensure that the bridge and culvert are of satisfactory design in accordance with the requirements of the Internal Drainage Board and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

7. Prior to its construction, and notwithstanding the details in the submitted Drainage Strategy (dated 24 July 2015), final details of the design of the sizing, layout, design and operation of the surface water drainage system for the combined application site and the adjoining site subject to application ref CB/15/01626/REG3 shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include demonstration that infiltration will not occur and that parking/storage areas will be of impermeable construction. Thereafter, no construction works shall take place except in accordance with the approved surface water drainage system details.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF and Policy 49 of the emerging Development Strategy for Central

Bedfordshire.

8. Prior to the highways and winter maintenance depot hereby approved coming into operation, details of a management and maintenance plan for the surface water drainage system over the life of the development shall be submitted for the written approval of the Local Planning Authority. Thereafter, the management and maintenance plan as may be approved shall be complied with at all times.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

Ecology:

9. **No development shall take place unless and until updated surveys of the site have been undertaken by a suitably qualified ecologist to ascertain the presence of the following protected / BAP species and, if evidence of any of these species is found, no development shall take place except in accordance with an appropriate compensation / mitigation strategy, accompanied by a programme for its implementation, that has first been submitted to and approved in writing by the Local Planning Authority.**
  - a) **Reptiles;**
  - b) **Water Voles;**
  - c) **Dormice; and**
  - d) **Otters.**

REASON: Details are required to be submitted prior to the commencement of the development in order to safeguard any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species and the NPPF.

10. **No development shall take place unless and until the outlier sett, and any other additional sett(s) which may be identified on the site following a further walkover survey immediately prior to the commencement of the development, are closed and removed in accordance with a licence granted by Natural England.**

REASON: A walkover is required prior to the commencement of the development in order to safeguard species protected by law.

11. No felling or removal of limbs from mature trees shall take place unless and until a survey for roosting bats has first been undertaken by a licensed bat ecologist. Should these species be found to be present an appropriate compensation / mitigation strategy accompanied by a programme for its implementation shall have been submitted to and approved in writing by the Local Planning Authority before any such tree works commence. No development shall be carried out except in accordance with the approved strategy.



REASON: To safeguard any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species.

12. No tree, shrub, scrub or other vegetation clearance works shall be carried out during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been immediately prior checked by an appropriately qualified ecologist and appropriate advance measures put in place to afford necessary protection to the written satisfaction of the Local Planning Authority.

REASON: To safeguard nesting birds in the interests of nature conservation.

Pollution:

13. If, during construction of the development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until the developer has submitted a method statement detailing how the unsuspected contamination shall be dealt with and obtained the written approval from the Local Planning Authority. This method statement shall detail how the unsuspected contamination is to be dealt with and work shall thereafter be carried out in accordance with the approved details.

REASON: To protect and prevent pollution of controlled waters in accordance with Policy 44 of the emerging Development Strategy for Central Bedfordshire.

14. No materials shall be imported to the site for purposes of construction of the development platform except the following classifications of engineering fill as defined in the '*Manual of Contract Documents for Highway Works – Volume 1 Specification for Highway Works Series 600 Earthworks*':

- Class 1A / 1B – general granular fill;
- Class 2A / 2B / 2C – general cohesive fill;
- Class 3 – general chalk fill

and all such materials shall be placed and compacted in accordance with this manual.

REASON: To ensure that the site is suitable for its intended use and to protect the quality of the water environment in accordance with Policy 44 of the emerging Development Strategy for Central Bedfordshire.

Noise (day-time 07:00 -23:00 hrs):

15. In accordance with the results of the BS:4142 day-time in the Noise and Vibration chapter of the revised Environmental Statement (dated August 2015), as set out in Table 8.22 of that document, the rating level from the noise sources on the operational site shall not exceed those specified

between 07:00 and 23:00 hrs.

REASON: To minimise nuisance to nearby residents by reason of noise in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Noise (night-time 23:00 -07:00 hrs):

16. Prior to the use hereby permitted coming into operation, a scheme for the control and monitoring of noise from the operational site between 23:00 and 07:00 hrs shall have been submitted to and approved in writing by the Local Planning Authority and thereafter no activities or operations shall take place except in accordance with the approved scheme. The scheme shall include and provide for:
- a) The operations associated with the use of the highways depot and winter maintenance/gritting lorries;
  - b) Noise monitoring and recording procedures;
  - c) Presentation of monitoring results to the Local Planning Authority;
  - d) Measures for the suppression and mitigation of noise, including but not limited to the use of broadband reversing alarms; and
  - e) Procedures to be adopted in the event of complaints.

Thereafter the scheme as may be approved shall be implemented in full and complied with at night-time for the life of the development.

REASON: To minimise nuisance to nearby residents by reason of noise in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Construction and Operational Hours:

17. No construction works associated with the development hereby permitted shall take place except between the following times:

0800 to 1800 hours Mondays to Fridays  
0800 to 1300 hours Saturdays

and no such works shall take place on Sundays or Public / Bank Holidays.

REASON: To minimise noise impacts arising from construction activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

18. No operations or activities authorised by this permission shall take place within the area shaded blue on Drawing No. HD\_PLA\_039 Rev P01 (Operational Area Boundaries) except between 0700 to 1800 hours daily unless in connection with essential winter maintenance and/or emergency highway maintenance operations, including the washing down of returning vehicles, which shall also be permitted to be undertaken between 1800

and 0700 hours daily.

REASON: To minimise noise impacts arising from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

HGV Traffic:

19. There shall not be more than 218 Heavy Goods Vehicle<sup>1</sup> movements<sup>2</sup> entering and exiting the operational area of the site (as shown shaded blue on Drawing No. HD\_PLA\_039 Rev P01) on any working day.

REASON: In the interests of highway safety and in accordance with Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Travel Plan:

20. In accordance with the Green Travel Plan Framework submitted in support of the application, within 6 months of the occupation of the development first being brought into use, a Travel Plan shall be submitted for the written approval of the Local Planning Authority. Such Travel Plan shall include details of and provision for:

- predicted travel to and from the site;
- a HGV<sup>1</sup> freight management plan, incorporating measures to co-ordinate deliveries and collections of materials/equipment, route optimisation, minimising travel through Dunstable town centre and maximising use of the strategic road network;
- details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks;
- measures and targets to minimise private car use and facilitate walking, cycling and use of public transport;
- timetable for implementation of measures designed to promote travel choice;
- details of cycle parking facilities;
- details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
  - travel and transport information;
  - travel vouchers;
  - details of relevant pedestrian, cycle and public transport routes to / from within the site;
  - copies of relevant bus and rail timetables
- details of the appointment of a travel plan co-ordinator;
- an action plan listing the measures to be implemented and relevant timescales; and
- annual monitoring and review of the Travel Plan for a period of 5 years.

The Travel Plan as may be approved shall be implemented in full and complied with at all times.

REASON: In the interests of sustainability and to minimise traffic impacts from the operational development in accordance with Policy 26 of the emerging Development Strategy for Central Bedfordshire.

Public Rights of Way:

21. The access road hereby approved shall include, as part of its construction, ducting for electrical connection to facilitate future upgrades through the provision of Pegasus crossings at the points where Bridleway 49 intersects with the access road and across Thorn Road to the east of its junction with the access road.

REASON: To allow for the timely delivery of suitable upgrades to the public rights of way network at an appropriate time.

Highway Safety Scheme:

22. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a highway safety scheme shall have been implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of and provision for:

- a) construction of a timber fenced holding area for horses on both sides of the access road at the point where it is intersected by Bridleway No. 49;
- b) construction of speed retarders or sleeping policeman on the site access road either side of its intersection with Bridleway No. 49; and
- c) the specification and positioning of suitable signage warning bridleway users of site traffic and vice versa, including potential for sudden noise impacts.

Such measures shall be retained for the life of the development.

REASON: In the interests of safety for users of the highway and public rights of way network in accordance with Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Environmental Protection and monitoring of impacts

23. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a scheme for the suppression and control of airborne dust and the monitoring of operational airborne dust impacts for a period of 1 year shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of and provision for:

- a) suppression of dust generated by handling and storage of materials and the movement of plant and vehicles on external site areas;
- b) a protocol for the recording and management of any dust-related complaints;
- c) a methodology for assessing dust impacts, including reference to monitoring points around the site, arrangements for measurement of wind speed and identification of maximum / target dust levels;
- d) presentation of assessment results to the Local Planning Authority;
- e) a programme for implementation of the above elements.

Thereafter, the scheme as may be approved shall be implemented in full and

complied with at all times.

REASON: To minimise nuisance to nearby receptors by reason of dust and to protect the amenities of surrounding land users in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

24. Prior to the use of the external lighting hereby permitted, a scheme for the monitoring of lighting impact from the site for a period of 1 year from the date of commencement of the highway and winter maintenance use hereby permitted shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a methodology for assessing light spill and glare;
  - b) presentation of assessment results to the Local Planning Authority;
  - c) a review of the effectiveness of procedures for the control of lighting use outside permitted operational hours and any additional control measures to be introduced during those times;
  - d) appropriate mitigation measures to be introduced taking account of the assessment results provided under part b) to further reduce the impact on sensitive receptors, including wildlife corridors on and surrounding the site; and
  - e) a programme for implementation of the above.

The scheme as may be approved shall be complied with at all times.

REASON: To allow lighting impacts to be assessed against predicted impacts and further mitigation measures or controls to be introduced and to minimise disturbance by reason of light spill and glare in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

25. Prior to the commencement of the highway and winter maintenance use hereby permitted, a scheme for the monitoring of water quality for a period of 1 year shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a technical assessment to establish whether any contaminants are present in surface water run-off and in the discharge from the SUDs pond;
  - b) presentation of assessment results to the Local Planning Authority;
  - c) identification of any remedial measures to be introduced in the light of assessment results provided under part a);
  - d) a programme for implementation of the above.

Such scheme as may be approved shall be implemented in full.

REASON: To allow water quality impacts to be assessed in accordance with Policy 44 the emerging Development Strategy for Central Bedfordshire.

Facing Materials:

26. Prior to their use on site, and notwithstanding the details submitted with the application, samples of proposed facing materials and external finishes of the highways office, salt barn, highways depot/vehicle maintenance workshop, gritter store, landscape tool shed/lawnmower store and ancillary buildings,

structures and enclosures approved by this permission, and a schedule of the colour of the external finishes of the windows, doors, roofs, soffits and fascias, and gutters and rainwater goods of the buildings, shall be submitted to the Local Planning Authority for its approval in writing. Development shall only be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to control the appearance of the buildings in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Landscaping:

27. Planting and landscaping of the site shall be undertaken in accordance with the details and specifications shown on Drawing Nos. HD\_PLA\_007 Rev P2 and HD\_PLA\_008 Rev P2) and contained within the document entitled 'Works Information – Specification Appendices Series 3000: Landscape and Ecology'. All works shall be completed no later than the end of the first full planting and seeding seasons immediately following the completion of construction activities hereby approved. The trees, shrubs, hedgerow plants and grassland areas shall be maintained for a period of 5 years from the date of planting in accordance with the 'Works Information – Specification Appendices Series 3000: Landscape and Ecology'. Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development.

28. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a scheme for the phased establishment of supplementary hedge, tree and shrub planting to the east of the access road between the Ouzel Brook and Thorn Road shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include a programme for its implementation, having regard to development that may come forward for employment uses on surrounding land in the event of any forthcoming reserved matter approvals pursuant to outline planning permission (ref CB/15/01928/REG3), and its maintenance for a period of 5 years from the date of planting. Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established. The planting shall be carried out in accordance with the approved scheme and phasing programme.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development.

29. Notwithstanding the details shown on Landscape Plan Sheet 2 of 2 (Drawing No.HD\_PLA\_008 Rev P2), prior to the commencement of the highways and winter maintenance depot use hereby permitted, a detailed scheme for the provision of landscaping and habitat creation on pockets of land to the south of the application site shall be submitted for the written approval of the Local Planning Authority. The scheme, together with a programme for its implementation and maintenance for a period of 5 years from the date of planting/sowing, shall provide a mix of habitats including the following elements:

- a) Pockets of woodland planting to assist the integration of the development and its screening from nearby residential properties;

- b) Areas of hedgerow comprising native fruiting shrubs; and
- c) Areas of chalk grassland and bare ground.

Any failed, damaged or missing plants during the 5 year period referred to above shall be replaced with others of a similar size and species and maintained until satisfactorily established. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development.

Habitat Management:

- 30. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a habitat and biodiversity enhancement and management plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. Such plan shall be fully informed by the findings of the species surveys and complement the species mitigation / compensation strategies approved pursuant to conditions 9, 10 and 11 respectively of this permission and also include provision of bird boxes. The plan as may be approved shall be implemented in full and complied with at all times.

REASON: To secure ecological improvements in the interests of nature conservation.

**Notes to applicant**

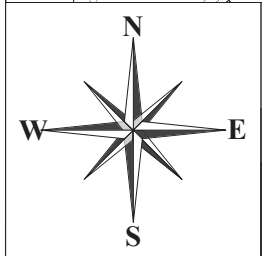
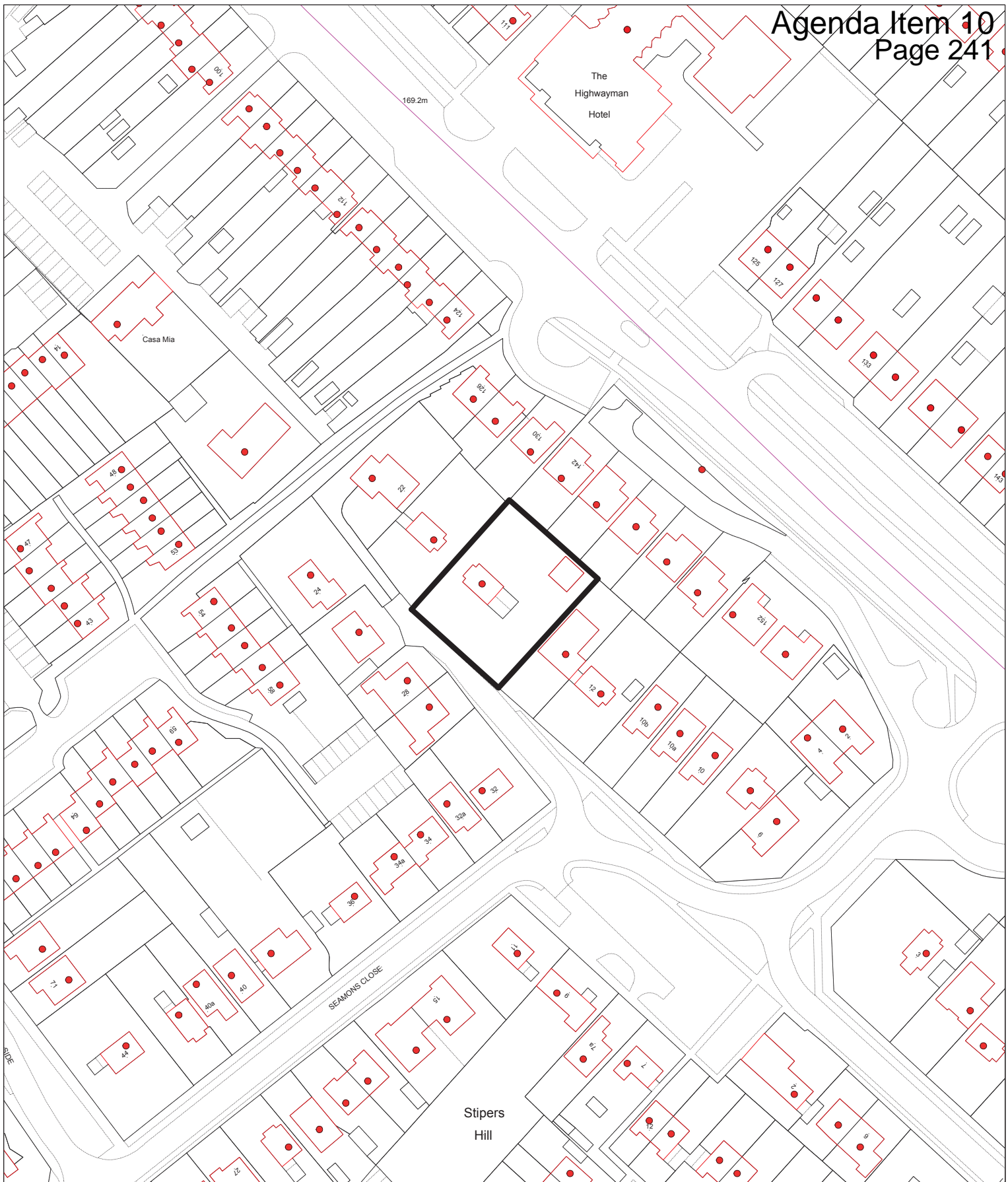
- 1. The applicant's attention is drawn to the content of the letters from the Environment Agency dated 14/07/2015 and Anglian Water dated 09/06/2015.
- 2. With reference to condition 10 the applicant is advised that closure of the badger sett will require an application for a licence to be granted by Natural England. Closure of the sett will need to be undertaken in full accordance with the terms and conditions of any such licence which may be issued.
- 3. <sup>1</sup> With reference to conditions 19 and 20, Heavy Goods Vehicle (HGV) means a vehicle above a gross weight of 7.5 tonnes.
- 4. <sup>2</sup> With reference to condition 19, for the purposes of this condition, a single Heavy Goods Vehicle entering and leaving the site, whether loaded or empty, shall count as 2 movements).
- 5. With reference to Condition 24, the lighting scheme shall be designed to comply with the Institute of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.
- 6. With reference to condition 29, the applicant's attention is drawn to the archaeological resource of this land and the presence of overhead cables which should inform the scheme design.

7. The applicant is advised to ensure that the Bridleway No 49 remains available at all times during construction and safe for the public to continue to use with appropriate signage. Should it become apparent that the public bridleway needs to be temporarily closed or diverted on public safety grounds, the Rights of Way Team will need to be contacted so that a temporary closure order can be processed. The lead in time for a temporary closure is a minimum of 6 weeks – i.e 6 weeks notice before the proposed closure date is required for the team to process and advertise the order.

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

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process, forwarding consultation responses in a timely manner and providing opportunities for the applicant to resolve issues, which led to improvements to the scheme, and giving the applicant advance sight of the draft planning conditions. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.





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Licence No. 100049029 (2009)  
Date: 28:July:2015  
Grid Ref: 502926; 220679

Application No.  
CB/15/02323/FULL

Scale: 1:1250

18 Seamons Close, Dunstable, LU6 3EQ

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**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/15/02323/FULL</b>
<b>LOCATION</b>	<b>18 Seamons Close, Dunstable, LU6 3EQ</b>
<b>PROPOSAL</b>	<b>Two Storey Side Extension</b>
<b>PARISH</b>	Dunstable
<b>WARD</b>	<b>Dunstable Watling</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hollick &amp; Young</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>26 June 2015</b>
<b>EXPIRY DATE</b>	<b>21 August 2015</b>
<b>APPLICANT</b>	<b>Miss Kary</b>
<b>AGENT</b>	<b>Kingswood Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Hollick for the following reason: Having had privacy for 14 years, the proposed 1st floor window will look straight into the lounge and front bedroom at 30, Seamans Close. It also affects no. 28 in a similar way.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

**Summary of Recommendation**

The proposed extension would relate acceptably to the character and appearance of the area and would not have an unacceptable detrimental impact on the amenity of the occupiers of neighbouring dwellings. The parking provision is considered to be acceptable and it is not considered that the proposal would have a detrimental impact on highway safety. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, policies BE8 and H8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises a detached bungalow with rooms in the roof, located on the north east side of the cul-de-sac of Seamons Close in Dunstable. Currently the two first floor rooms are lit by windows in the flank elevations within the bungalow.

The dwelling has an existing single storey side extension with a flat roof, which measures 6.2m wide and runs the full depth of the dwelling.

At the rear of the plot is a detached garage and parking for a further two vehicles on a hardstanding in front of the garage.

**The Application:**

The application seeks planning permission to demolish the existing single storey side extension and to construct a two storey side extension in its place. The proposed extension would measure 6.4m deep by 6m wide and would have front and rear facing gables with a ridge the same height as the existing ridge of the main roof of the bungalow. The front and rear elevations would have windows at ground and first floor. The extension would comprise a hall, sitting room and shower room on the ground floor and two bedrooms on the first floor. One of the existing

bedrooms would be converted into a bathroom.

## **RELEVANT POLICIES:**

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

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

BE8 Design Considerations

H8 Extensions to Dwellings

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight. Policy T10 is afforded less weight).*

### **Development Strategy for Central Bedfordshire (June 2014)**

Policy 27: Car Parking

Policy 43: High Quality Development

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

### **Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 7: Householder Alterations and Extensions, 2014

### **Relevant Planning History:**

Application Number SB/93/00232/FULL

Description Erection of first floor side extension and front window

Decision Planning permission granted

Decision Date 20/04/1993

Status Extension not constructed, planning permission lapsed.

### **Consultees:**

Dunstable Town Council No objection.

### **Other Representations:**

Nos. 28 & 30 Seamons Close Object to the proposal for the following reasons:

Close

- The proposal would introduce a first floor front window which would overlook the front rooms of Nos. 28 & 30 Seamons Close, causing a loss of privacy;
- There would be noise and dust during the construction period, which would be very disruptive and unpleasant;
- The houses which were built at the back of 18

Seamons Close have blocked views of Dunstable Downs;

- The applicant also owns the house at the rear and the proposed first floor window is at the front to avoid a loss of privacy to her other house;
- The planning office previously advised that any development within the locality should be kept at bungalow height;
- The extension may extend into the vacant plot of No. 16;
- Why does a single lady need three bedrooms?

#### **Determining Issues:**

- 1. Impact on the Character and Appearance of the Area**
- 2. Amenity Considerations**
- 3. Highways Considerations**
- 4. Other Considerations**

#### **Considerations**

##### **1. Impact on the Character and Appearance of the Area**

- 1.1 It is considered that the proposed extension would relate acceptably to the subject dwelling in scale and design and would represent an aesthetic improvement on the single storey, flat roofed side extension that it would replace. While it would not be subservient to the subject dwelling, it is considered that, based on the design and scale of the existing property, the proposal would represent an appropriate design solution in this instance.
- 1.2 While the majority of dwellings within the streetscene are single storey or comprise chalet bungalows with dormer windows within the roof slope, it is noted that the neighbouring property at No. 20 has previously had a two storey side extension and therefore the proposed extension would not look out of character within the streetscene.
- 1.3 It is therefore considered that the proposal would have an acceptable impact on the character and appearance of the area and would thus be in accordance with policies BE8 & H8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

##### **2. Amenity Considerations**

- 2.1 The proposed extension would be located 9m away from the closest neighbouring occupier at No. 14 and therefore would not result in any loss of light or the creation of a sense of overbearing from the extension to the occupiers of No. 14. The existing first floor window that faces No. 14 would be removed and no first floor windows are proposed that would face No. 14.
- 2.2 The neighbouring occupiers at No. 20 would not be affected by the proposal as the extension would be located on the other side of the existing dwelling.
- 2.3 The proposal would introduce a first floor window facing the front elevation of Nos. 28 & 30, which are located across the road from the application site. It is noted that the window would be located between 22m and 23m away from the front windows of these properties. Design Supplement 7 states that a

recommended distance of 21m between the habitable rooms of houses which directly face each other is normally required to avoid overlooking and protect neighbouring amenity.

- 2.4 It is noted that a number of dwellings within Seamons Close have similar relationships with first floor windows, including the relationship between Nos. 20 and 26. The previous planning permission, reference no. SB/93/00232/FULL, which was not implemented and has expired is still a material planning consideration. This consent granted planning permission for the installation of a dormer window in the front roof slope, which would have had the same impact on privacy as the current proposal.
- 2.5 Given the separation distance involved, the guidance within the Council's Design Guide, the existence of similar relationships within the immediate vicinity and the previous planning permission, it is considered that the proposal would not have an unacceptable impact on the privacy of the occupiers of Nos. 28 and 30 Seamons Close.
- 2.6 In response to the other comments from neighbouring occupiers, the following points are made:
- 2.7 It is acknowledged that construction activities are typically disruptive to neighbouring occupiers. However, these activities will be temporary and in themselves are not considered to be a sufficient reason to refuse a planning application.
- 2.8 The impact of the construction of new dwellings at the rear of the site is not a material planning consideration in the determination of this application.
- 2.9 The proposal includes the installation of a first floor rear facing window.
- 2.10 No pre-application advice was given on this proposal prior to the submission of the application. No evidence has been found of advice stating that future development should be kept at bungalow height. The proposed extension would not exceed the height of the existing bungalow and would not be the first two-storey element to be introduced within the streetscene.
- 2.11 The site includes the plot of No. 18 and the plot that previously formed No. 16, which have been amalgamated. The proposed extension would not increase the footprint of the existing dwelling as it would replace an existing single storey side extension.
- 2.12 The motives of the applicant are not a material planning consideration in the determination of this application.
- 2.13 It is considered that the proposal would not result in an unacceptably detrimental impact to the amenity of neighbouring occupiers and thus would adhere to policies BE8 & H8 of the South Bedfordshire Local Plan Review.

### **3. Highways Considerations**

- 3.1 The proposed extension would increase the number of bedrooms at the property from two to three. The Council's parking standards for dwellings with

three bedrooms require the provision of a minimum of two parking spaces and a suggested provision of three parking spaces. The site currently has three parking spaces, which would be unaffected by the proposal and it is therefore considered that the proposal would not have a material impact on the safety or capacity of the surrounding highway network.

#### **4. Other Considerations**

##### **4.1 Human Rights issues:**

The proposal raises no Human Rights issues.

##### **4.2 Equality Act 2010:**

The proposal raises no issues under the Equality Act 2010.

#### **Recommendation:**

That Planning Permission be APPROVED subject to the following:

#### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.

(Policies BE8 & H8, SBLPR and Policy 43, DSCB)

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1913-PL-100, 1913-SU-001, CBC/001, CBC/002.

Reason: To identify the approved plans and to avoid doubt.

#### **Notes to Applicant**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax. If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

[www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx](http://www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx)

- 4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

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

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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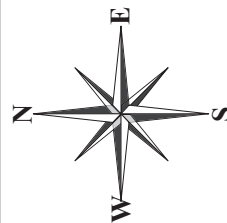


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Date: 04:August:2015

Map Sheet No

Scale: 1:1250



Application No. CB/15/02657/FULL

Bridge Farm, Ivel Road, Shefford, SG17 5LB

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<b>Item No. 11</b>
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<b>APPLICATION NUMBER</b>	<b>CB/15/02657/FULL</b>
<b>LOCATION</b>	<b>Bridge Farm, Ivel Road, Shefford, SG17 5LB</b>
<b>PROPOSAL</b>	<b>Development to construct 49 no. dwellings, together with ancillary car parking, landscaping, and associated highway, access and infrastructure works. (Revised application to CB/14/03159/FULL)</b>
<b>PARISH</b>	<b>Shefford</b>
<b>WARD</b>	<b>Shefford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Birt &amp; Brown</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>15 July 2015</b>
<b>EXPIRY DATE</b>	<b>14 October 2015</b>
<b>APPLICANT</b>	<b>Bovis Homes</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Development - Contrary to Policy</b>
<b>RECOMMENDED DECISION</b>	<b>To grant Full planning permission subject to the completion of a S106 Agreement securing Affordable Housing provision and other relevant contributions, and upon the expiry of the advertisement in the local press.</b>

**Reason for recommendation:**

The proposed 49 dwellings is contrary to Policy MA6 of the Core Strategy and Development Management Policies Document, as the proposal would not provide employment uses on an allocated employment site. However the applicant has demonstrated that there is no reasonable prospect of the employment site being used for such purposes therefore an alternative use needs to be considered. The proposal would provide additional houses which would benefit the Councils 5 year housing supply and these benefits are considered to add significant weight in favour of the development and therefore the proposal is considered to be acceptable.

The proposal is considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document( 2009)

**Site Location:**

The Bridge Farm site is located on the southern edge of Shefford. It lies to the north of the A507 and to the east of Ivel Road.

The site forms one part of a larger site allocated for mixed use development for residential and employment. The employment area forms the southern half of the site with the residential area to the north which is currently under construction and partly occupied.

To the west of the site is Ivel Road, one of the main routes into Shefford. On the opposite side of Ivel Road there is existing residential development. The front section of the site, facing Ivel Road, has been granted outline planning permission for a Care Home and on the junction with Ivel Road and the A507 there is a petrol filling station with a small Tesco convenience store.

Immediately to the south of the site is agricultural land separating the site from the A507 which runs in an east west direction around the perimeter of Shefford. To the east of the site is further agricultural land and woodland.

### **The Application:**

The application for 49 dwellings on 1.34ha of land to the rear part of the site (to the east).

### **RELEVANT POLICIES:**

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

#### **Core Strategy and Development Management Policies - North 2009**

CS1 Development strategy  
CS2 Developer Contributions  
CS3 Healthy and Sustainable Communities  
CS5 Providing Homes  
CS7 Affordable Housing  
CS6 Delivery and Timing of Housing Provision  
CS9 Providing Jobs  
CS10 Location of Employment Sites  
CS14 High Quality Development  
DM1 Renewable Energy  
DM3 High Quality Development  
DM4 Development Within & Beyond the Settlement Envelopes  
DM10 Housing Mix

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is

considered that the emerging policies carry weight in this assessment.

Policy 6 Employment Land  
Policy 7 Employment Sites and Uses  
Policy 8 Changes of Use  
Policy 19 Planning Obligations and the Community Infrastructure Levy  
Policy 27 Parking  
Policy 29 Housing Provision  
Policy 38 Within and Beyond Settlement Envelopes  
Policy 43 High Quality Development  
Policy 44 Protection from Environmental Pollution

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

CB/12/01123/OUT      Outline Application: Commercial development for B1 office floor space up to 3, 247 sq. metres after demolition of existing buildings at the site with all matters reserved. Granted 29/11/12

CB/12/01125/Full      Erection of 85 dwelling with associated garaging. Granted 29/11/12

CB/14/02182/OUT      Outline: Outline: Proposed mixed-use development on 1.83ha of agricultural land to provide: - up to 49 dwellings, including 17 on-site affordable housing units, together with ancillary car parking, open space and landscaping on 1.34ha; and - a care home on 0.49ha. Refused 16/10/14

#### Reasons for refusal -

1 The application site is allocated for employment use under Policy MA6 of the Site Allocation Development Plan Document adopted April 2011. Policy MA6 seeks to safeguard the site for employment use therefore the proposal for 49 dwellings and a Care Home would result in the loss of an safeguarded employment site which is unacceptable. The proposal is therefore contrary to Policy MA6 of the Site Allocations DPD. Furthermore the proposal is within the open countryside and outside of any defined Settlement Envelope therefore the proposed development would result in harm to the character and appearance of the open countryside and no material planning considerations would outweigh this harm. The proposal is therefore also contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009.

2. The proposed development would result in an unacceptable impact on school places for the existing and proposed residents of Shefford, as well as school places

in the surrounding villages. As a result the proposal would be unsustainable and contrary to the National Planning Policy Framework (2012), particularly paragraph 72, and policy CS3 (Healthy and Sustainable Communities) of the Core Strategy and Development Management policies (2009).

3. In the absence of an agreement securing the provision of affordable housing and financial contributions, the development would fail to mitigate its impact on existing local infrastructure and would be contrary to the objectives of the National Planning Policy Framework (2012) and Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Central Bedfordshire Core Strategy and Development Management Policies.

4. The applicant has failed to demonstrate that appropriate access for refuse vehicles and collection arrangements can be provided within the site which would result in a detrimental impact on highway safety. The proposal is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

CB/14/02182/OUT

Outline: Erection of Care Home and ancillary works: Granted April 2014.

CB/14/03159/Full

Full: 49 Dwellings including 17 Affordable Housing units together with ancillary car parking, open space, landscaping, highways works and access. Refused 18/11/14

Reasons for refusal:

1. The application site is allocated for employment use under Policy MA6 of the Site Allocation Development Plan Document adopted April 2011. Policy MA6 seeks to safeguard the site for employment use therefore the proposal for 49 dwellings would result in the loss of an safeguarded employment site which is unacceptable. The proposal is therefore contrary to Policy MA6 of the Site Allocations DPD. Furthermore the proposal is within the open countryside and outside of any defined Settlement Envelope therefore the proposed development would result in harm to the character and appearance of the open countryside and no material planning considerations would outweigh this harm. The proposal is therefore also contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009.

2. The proposed development would result in an unacceptable impact on school places for the existing and

proposed residents of Shefford, as well as school places in the surrounding villages. As a result the proposal would be unsustainable and contrary to the National Planning Policy Framework (2012), particularly paragraph 72, and policy CS3 (Healthy and Sustainable Communities) of the Core Strategy and Development Management policies (2009).

3. In the absence of an agreement securing the provision of affordable housing and financial contributions, the development would fail to mitigate its impact on existing local infrastructure and would be contrary to the objectives of the National Planning Policy Framework (2012) and Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Central Bedfordshire Core Strategy and Development Management Policies.

**Consultees:**

Shefford Town Council      No comments received at time of preparing committee report

**Other Representations:**

- 1. Neighbours      No comments received at time of preparing committee report
- 2. CBC Highways      Whilst I have not had an opportunity to look at the proposals in detail I can confirm that there is no fundamental highway objection to the principle of residential development on this site previously allocated for employment uses.

The site is accessed from the recently constructed estate road and the volume of traffic can be accommodated on the existing highway network and the expectation is that the site layout will be compliant with the latest design guide requirements as far as highway elements are concerned.

However, key to the acceptability of the site for residential development and to safely accommodate pedestrian movement to the site is the provision of a controlled crossing of Shefford Road between the Churchill Way roundabout and the A507 south of the site. I would expect the crossing, and any footway linking the facility to the site to be secured by condition and implemented under a s278 agreement and be available for use prior to occupation of any new dwelling.

I will respond fully with recommended conditions and advice notes in due course

- 3. CBC LDF Team      The principle of development on this site is already

established by the fact it has been allocated for mixed use. Therefore there can be no policy level debate about possible harm to the openness of the countryside.

It should be noted that the Policy Team originally objected to residential development on this site. However, since that time the planning policy context has changed. At the time of writing (31/07/15), the Council cannot demonstrate a 5 year supply of deliverable housing, and therefore policies with respect to the supply of housing (including Settlement Envelopes) are deemed out of date as per paragraph 49 of the NPPF. The Council's need for sustainable housing sites is therefore a fundamental factor which should not be overlooked when determining applications for residential development.

- |                                       |  |
|---------------------------------------|--|
| 4. CBC Housing Strategy               | Support this application as it provides for 17 affordable homes which reflects the current affordable housing policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split for sites meeting the affordable threshold as being 63% affordable rent and 37% intermediate tenure. From this proposed scheme that would make a requirement of 11 affordable rent units and 6 intermediate tenure units. The units should be well dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness and should meet all HCA Design and Quality Standards. |
| 5. CBC Education Officer              | The development will place pressure on the existing lower school places. Land secured from the Land at Campton Road Development would enable expansion of the school and would provide the additional places required.   |
| 6. CBC Tree and Landscape Officer     | No comments received at time of preparing committee report   |
| 7. CBC Open Space Officer             | No comments received at time of preparing committee report   |
| 8. Anglian Water                      | No comments received at time of preparing committee report   |
| 9 . Internal Drainage Board           | No comments received at time of preparing committee report   |
| 10 Public Protection (Noise)          | No comments received at time of preparing committee report   |
| 11. Public Protection (Contamination) | No comments received at time of preparing committee report   |
| 12 CBC Waste Officer                  | If the shared surface is to be adopted is needs to be built  |



to adoptable standards in order to allow access for a 26 tonne refuse vehicle

Plots 1-4 with the communal bin store, the store is situated in a location that exceeds the maximum pull distance we can permit. The store will need to be moved to be within 10 metres pull distance from the store to the middle of the highway in order to permit collections.

BCP2,3,4 need to be moved to the edge of the shared surface and not set back as presently proposed

13. CBC Sustainability Officer	No comments received at time of preparing committee report
14. CBC SUDS Team	No comments received at time of preparing committee report
15. CBC Economic Development	With regard to the above after reviewing the application, I welcome the development of the care home on the site and recognise the valuable employment opportunities this will create. I would still raise concerns around the loss of employment land however, particularly given the potential loss of employment sites in the wider Stotfold development area ie the Pig Development unit. Despite our conversation regarding the marketing of the site not bringing forward a client, I remain concerned around the availability of commercial sites (particularly smaller no strategic employment sites) in the local area to meet existing local and future demand, which will increase as economic conditions continue to improve and as local population increases.
Site Notice	30/07/15
Application Advertised	07/08/15 (Major Development and Departure from Local Plan)

**Determining Issues:**

1. The principle of the development
2. The effect upon the character and appearance of the area
3. Affect on neighbouring amenity
4. Any other issues

**Considerations**

**1. The principle of the development**

- 1.1 Policy MA6 of the Council's Site Allocations Development Plan Document (adopted April 2011) allocated 5 hectares of land at Bridge Farm Shefford for a minimum of 70 dwellings and 2 hectares of employment land to be

developed for uses compatible with the neighbouring residential area.

- 1.2 In November 2012 the northern parcel of the site was granted planning permission for 85 residential dwellings, garages and associated works under reference number CB/12/01125/Full. The residential development is under construction and partly occupied.
- 1.3 Outline consent has also been granted for 1.82 hectares of commercial B1 Office space, approved under reference number CB/12/01123/OUT in November 2012 for the southern section of the site, part of which is the subject of this application. The Section 106 agreement for application CB/12/01123/OUT required a three year marketing strategy in order to bring forward occupiers for the site, the three years expiring in November 2015.
- 1.4 In 2014 a further application was submitted in outline for a proposal for 49 dwellings and a 60 bed Care Home. This application was refused on 16 October 2014 for the reasons set out above.
- 1.5 Two further applications were subsequently submitted; an outline application submitted for the Care Home (granted outline planning permission by the Development Management Committee on 24 April 2015) and a separate Full application for 49 dwellings under reference number CB/14/03159/Full (refused in November 2014 for the reasons set out above).
- 1.6 Similar to the previous applications for residential use, the proposal as set out does not offer any employment generation on land which has been allocated for employment uses, as such the proposal is contrary to Policy MA6 of the Site Allocations Development Plan Document Adopted April 2011. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material planning considerations indicate otherwise and would outweigh the failure to accord with adopted policy.
- 1.7 Loss of employment land  
The submitted marketing report advises that the employment land has been marketed for a period of over 4 years. It has been updated over the years and involved two individual agents and various marketing strategies. There has been a limited interest in the land however interested parties have not been willing to commit further.
- 1.8 The marketing information submitted by the applicant has been carefully considered and while there has been some interest in the site for employment purposes the submitted report would suggest there is no reasonable prospect of the site being used for employment purposes. The marketing period required by the S106 agreement is due to lapse (November 2015) and no further positive interests in the site have materialised. It is accepted that the marketing period is not yet complete, however there are other benefits to the scheme which are outlined below.
- 1.9 Paragraph 22 of the NPPF advises that long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose should be regularly reviewed and applications for alternative uses of land should be treated on their merits having regard to the

need for different land uses to support sustainable local communities.

- 1.10 Further Policy 8: Change of Use, of the emerging Development Strategy supports proposals for non employment generating uses on employment land providing the site has been marketed for the employment use, where there is a local need for the proposed intended use and where there are no strong economic reasons why the proposed intended use would be inappropriate.
- 1.11 While the Council would not wish to see employment land lost, it would appear that there is no prospect of the land being used for this purpose in the future. However it should be noted that the approved care home would generate around 60 full time equivalent jobs on the remainder of the employment land which would significantly contribute towards job provision in the area and therefore an element of employment would be provided as part of MA6 site allocation. In addition, there is a demonstrable local need for additional housing and therefore the proposal accords with Policy 8 as outline above.

Sustainability of the proposal

- 1.12 In order for this development to be considered sustainable, the existing services and facilities of Shefford would need to be able to cope with the demands of the new unplanned residential development.

- 1.13 Shefford Lower School has been recently expanded to 450 places in order to cater for the expected housing growth in Shefford as a result of the allocated sites. The current population of the school catchment has therefore been planned for and adequate school place provision made. The proposed development will increase the number of children within the catchment and create a deficit of school places. This means that Shefford Lower School would need to be further expanded to cater for the additional children, or a new lower school within Shefford would need to be provided.

- 1.14 The planning application for the development of Land at Campton Road Shefford (CB/14/01726) provides land for the expansion of Shefford Lower School therefore the additional school places can be provided. However the application is awaiting a decision from the Planning Inspectorate. It is reasonable for the Council to proceed on this application based on the likelihood the appeal will be allowed, particularly as the Council did not contend the appeal. As land is provided for the expansion of the school as part of the Campton Road development it is recommended that a financial contribution is secured from this development to fund the additional school places.

- 1.15 With the additional land for the school expansion, the proposal is considered to be sustainable development in accordance with the NPPF.

Affordable housing

- 1.16 The proposal does comply with Policy CS7 (Affordable Housing) in that 35% of the residential units are to be affordable with a mix of tenures.

- 1.17 Conclusion

While the site is outside of the Settlement Envelope, where new development is restricted to protect the countryside, the provision of the employment land was considered to outweigh the harm to the character and appearance of the

countryside. As already stated the proposal is contrary to adopted policy however in this case there are material planning considerations which outweigh the non compliance with policy. The site has been marketed for several years and given the unlikelihood of employment development coming forward, the proposed 49 dwellings would add to the Councils 5 year housing supply which in this case is considered to a significant benefit which outweighs any harm to the character and appearance of the countryside.

- 1.18 The proposed development for housing is on land previously allocated for development, therefore taking into account the government advice in the NPPF and emerging DS Policy 8, the loss of the allocated non B uses employment generation is considered to be acceptable in principle subject the proposed intended use being compliant with all other relevant planning policies.

## **2. The effect upon the character and appearance of the area**

- 2.1 The proposed layout of the site is dictated by its rectangular shape. The front part of the site has outline consent for a care home, but this element does not form part of this application. In general the layout of the site is similar to the adjacent Bovis Homes development and house designs take the same form.
- 2.2 The proposed house types vary from 1 bedroom apartments up to 5 bedroom dwellings across a range of tenures. The properties have garden sizes which are compliant with the Design Guide together with the relevant level of parking spaces per dwelling.
- 2.3 Access to the site would be via the existing access known as Harvest Rise, off Ivel Road.
- 2.4 Taking into account the residential development adjacent together with the site allocation and previously granted planning permission for commercial use of the site, overall the current proposal is not considered to result in harm to the character and appearance of the area. It is important to note the allocated use of the site would contain built development in the form of commercial units therefore the proposal for housing is not considered to result in any greater visual harm to the area. The proposal would therefore comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

## **3. Impact on neighbouring amenity**

- 3.1 In terms of future occupiers of the proposed housing, each property is sited so as to avoid any adverse overlooking into neighbouring properties and the existing nearby dwellings opposite the access road.
- 3.2 Given the separation distance between the existing dwellings in the opposite Bovis development and those in Ivel Road, there would be no material loss of amenity in terms of loss of privacy, overbearing impact and loss of light.
- 3.3 There are to be dwellings located close to the approved care home,

particularly Plot 16 which is adjacent to the service area. Details of how the dwellings adjacent to the boundary shared with the care home are to be protected from noise should be included as a condition if permission is granted.

3.4

Overall the proposal is not considered to result in an adverse impact on neighbouring amenity.

3.5

The proposal is not considered to result in unacceptable harm to the amenities of the neighbouring properties and as such would be compliant with Policy DM3 of the Core Strategy and Development Management Policies (2009).

#### **4. Other Considerations**

4.1

##### Highways

The proposal will use the existing access that serves the new development already under construction. There are no objections to the use of this access. Highway Officers have confirmed that the development will be required to provide a controlled crossing on the southern side of the Ivel Road roundabout at the junction of Harvest Rise.

4.2

A financial contribution towards a raised table crossing was secured from the approved Care Home development however there is no guarantee that the care home would be implemented. Given that residential use of the site would increase the use of the crossing in this location, in this case it is appropriate to secure a signal controlled crossing on Ivel Road as part of the Section 106 Agreement.

4.3

Garage and parking provision is considered to be acceptable and complies with the Design Guide.

4.5

##### Archaeology

On previous applications there were no objections to the development from an archaeology point of view subject to the requirement for a Written Scheme of Investigation as a condition.

4.6

##### Tree and Landscape

The area to be developed is at present unused arable land. The west boundary with Bridge Farm incorporates an existing 2 metre high native hedgeline and three mature Yew trees. South boundary is again a mature maintained native hedgeline.

4.7

A Landscaping scheme would be required as a condition should the application be considered acceptable and permission granted. The southern boundary hedge should be retained if possible. These trees are to be protected throughout the development using tree protection fencing at a distance and form as indicated in BS5837 2012 Trees in relation to Design, Demolition and Construction Recommendations.

4.8

##### Noise

Road traffic noise is likely to be the dominant noise source with some possible noise from any development on the adjacent parcel of land to the front of the site. There are no objections to the development with regard to noise impacts, however a condition is recommended requiring the developer to set out noise attenuation measures particularly for the dwellings adjacent to the approved Care Home.

4.9 Planning Obligations

Policy CS2 (Developer Contributions) sets out that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate an existing deficiency.

4.10 The applicant has submitted a draft S106 agreement however should the Committee be minded to approve the application a completed S106 Agreement will need to be agreed prior to the decision be issued in order secure the above contributions and the affordable housing provisions.

4.11 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications

**Recommendation:**

That Planning Permission be granted subject to the completion of a S106 Agreement and the following conditions:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: Required prior to the commencement of the development to control the appearance of the building in the interests of the visual amenities of the locality. (Policy DM3, CSDMP)**

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the**

**adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: Required prior to the commencement of the development to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Policy DM3 CSDMP)**

- 4 Prior to the commencement of construction works a landscaping scheme to include all hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of any building (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 5 **No development shall take place until a written scheme of archaeological investigation for an open area excavation followed by post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: Required prior to the commencement of the development to record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. (Policy DM13 CSDMP)**

- 6 No construction works shall begin until the applicant has submitted in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise sources shall not exceed 35dB(A)eq, 0700-2300 in any habitable room or 30dB(A)eq 2300-0700 inside any bedroom, and that external noise levels from external road traffic noise sources shall not exceed 55dB(A)eq 1hr in any outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority

Reason: To protect the amenity of future occupants of the buildings. (Policy

DM3 CSDMP)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered SHEF2-02-210 rev B, SHEF2-02-215/1 A, SHEF2-02-215/2 A, SHEF2-02-220 (SHEET 1), SHEF2-02-220 (SHEET 2), SHEF2-02-220 (SHEET 3), SHEF2-02-230 B, SHEF2-02-270 A, SHEF2\_02\_101 B, SHEF2\_02\_103 A, SHEF2\_02\_105 A, SHEF2\_02\_280 A, SHEF2-02-300 E, SHEF2-02-850 A, JKK7191\_FIGURE 4, SHEF2-03-100 B, SHEF2-03-081 B, SHEF2-03-101 B, 17272/SHEF/5/302, 17272/SHEF/5/501 D, HTPD\_SA1000 HT S1, HTPD\_S241 HT S2, HTPD\_S351 HT S3 rev A, HTPD\_P303 HT A, HTPD\_P303 HT B, HTPD\_P401 HT C (Brick) - Rev A, HTPD\_P401 HT C (Render), HTPD\_P402 HT D, HTPD\_P403 HT E 1/2 Rev A, HTPD\_P403 HT E 2/2 Rev A, HTPD\_P404 01 HT F, HTPD\_P404 02 HT F, HTPD\_P404 03 HT F, HTPD\_P502 01 HT H Rev A, HTPD\_C525\_HT G, SHEF2\_02\_AGT-1 VT Rev A (TANDEM STORE GARAGE), SHEF2\_02\_AGD-1 VT (DOUBLE GARAGE), SHEF2-02-260, SHEF2-02-900, SHEF2\_02\_BSCS Rev A (BIN STORE/CYCLE STORE), SHEF2\_02\_AGS2-1 VT Rev B (SINGLE GARAGE), LE1812/1300/01, Environmental Noise Assessment 15130-1 July 14, FRA Compliance Note v 1.0 Sept 14, Flood Risk and Run-off Assessment J-B0348-R03, Archaeological Evaluation Report 12/82 April 12, Archaeological Impact Assessment May 2012, `Archaeological Investigation Recording and Analysis January 2013, Geo-Environmental Investigation Report March 2012, Ecological Appraisal 2012, Bat Surveys J005527 July 2014, Construction Waste and Materials Recycling Statement, Transport Assessment J-D1719.00-R001, Statement of Community Involvement, Pre-Development Tree Survey & Arboricultural Implications Assessment, Marketing Report P364 v 3. 27 July 2015, Planning Statement, Design and Access Statement.

Reason: To identify the approved plan/s and to avoid doubt.

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies within the Core Strategy and Development Management Policies Document (2009).
3. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.



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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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**Meeting:** Development Management Committee  
**Date:** 19<sup>th</sup> August 2015  
**Subject:** Development Management Performance Statistics  
**Report of:** Development Infrastructure Group Manager  
**Summary:** The report provides a bi-annual update of Development Management Performance

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**Advising Officer:** Director of Regeneration & Business  
**Contact Officer:** Andrew Davie  
Development Infrastructure Group Manager  
(Tel: 0300 300 8307)  
**Pubic/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

**Council Priorities:**

This is an information report for noting Development Control Performance Statistics

**Financial:**

1. None

**Legal:**

2. None.

**Risk Management:**

3. None

**Staffing (including Trades Unions):**

4. Not Applicable.

**Equalities/Human Rights:**

5. None

**Public Health:**

6. None

**Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. To receive a six monthly update of Development Control Performance Statistics at Appendix A.**

**Background**

- 10.** There has been a 5.1% increase in the number of applications received from October 2014 to March 2015 compared with same period last year. (Note: Lawful Development Certifications and Notifications i.e. Electricity Board are removed from the October 2013 to March 2014 data to enable comparison).
- 11.** There has been a 45% increase in Major applications received in Year 2014/15 compared to Year 2013/14; a 7% increase in Minor applications and 4% decrease in Other category applications.
- 12.** The number of validated major applications has increased from 40 (October 2013 to March 2014) to 57 (October 2014 to March 2015) which is an increase of 42%.
- 13.** There has been a decline in the percentage of major applications determined within 13 week target time from 62% in October to March 14 to 47% in October to March 2015. Taking into account the way the Government has changed the way they collect data 22 of the applications had Planning Performance Agreements or Extension of Time agreements and of those 15 were determined within the agreed timeframe. Therefore 75% of Major applications were determined within the agreed time between October and December 2015.
- 14.** There has been a decrease in performance in the minor application category from 88% in October to March 2014 to 77% in October to March 2015. The Government target time is 65% and CBC's target is 75%.

15. The other application category has also seen a decrease in performance from 95% in October to March 2014 to 91% to October to March 2015. The Government target time is 80% and CBC's target is 90%.
16. Planning Performance Agreements and Pre-application advice;  
  
16 new Planning Performance Agreements were received into in Year 2014/15 (April 2014 and March 2015).  
  
There were 12 Planning Performance Agreements received in Year 2013/14.  
  
Charging for householders' pre-application advice commenced in April 2013 – 141 advice requests validated in 2013/14 and 137 requests validated in 2014/15.
17. Permitted Development rights for Larger home extensions and Prior Approval for Changes of Uses came into force on 30 May 2013.  
  
The Council has received an increase in volume of these types of applications.  
  
60 Permitted Development and 46 Prior approval applications registered 30 May to 31 March 2014.  
  
97 Permitted Development and 53 Prior approval applications registered 1 April 2014 to 31 March 2015.
18. The number of applications to be determined at the end of the six month period has seen a very small increase from 436 (October to March 2014) compared to 443 (October to March 2015).
19. The volume of appeals determined has increased from 65 in Year 2013/14 to 71 in Year 2014/15. There were 16 granted on appeal in Year 2013/14 and 20 in Year 2014/15. 2 of those granted on appeal in Year 2014/15 were overturns by planning committee against officers recommendation.
20. The latest annual published data (April 2014 to March 2015) indicates that CBC are 2% above England average for the determination of Major applications in a timely manner, 13% above for Minor applications and 12% above for Other applications.

**Appendices:**

Appendix A – Development Control Performance

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