

## SCHEDULE B

<b>APPLICATION NUMBER</b>	<b>SB/07/01448/OUT</b>
<b>LOCATION</b>	<b>Land At Houghton Quarry, Houghton Road, Dunstable</b>
<b>PROPOSAL</b>	<b>Erection of up to 140 dwellings with associated car parking, amenity space and landscaping, formation of new vehicular access to Houghton Road and drainage works. (Outline)</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Regis</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Egan, Goodchild, Jones &amp; Williams</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>12 December 2007</b>
<b>EXPIRY DATE</b>	<b>02 April 2008</b>
<b>APPLICANT</b>	<b>Cill Dara Property Partnership</b>
<b>AGENT</b>	<b>DP9</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan, major application with unresolved objection from Town Councils</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

### Site Location:

**Houghton Quarry** is a large worked-out chalk quarry between Houghton Regis and north Dunstable, having the plan form of an inverted triangle. Its mile - long northern edge is cut into the top of the Lower Chalk scarp as it falls to the Ouzel Brook valley, although the Millers Way estate overlooks it from the eastern part of the low cliffs. The south-east side presents a mainly cliff-edge extending from the junction of Houghton Road/Townsend Farm Road to the junction of the A5 with Frenchs Avenue, the whole length being followed by a public footpath within the site. Off-site the northern part of this side, where there is more of a slope than a cliff, abuts a deeply sunken lake (former reservoir, and fished by Dunstable Angling Club) in scrub/woodland, and the southern part abuts the playing fields of All Saints Academy and commercial buildings fronting the A5. The south-west side has the highest chalk cliffs and runs parallel to the A5 (itself set in a parallel deep cutting) from Frenchs Avenue to the settlement of Puddlehill/Chalk Hill. The quarry floor gradually slopes or steps down from Townsend Farm Road (natural level 132m OD) to beneath the western cliffs (116m OD) which themselves rise sheer to 150m OD, the highest adjacent natural ground level. In this basin 2 marl lakes have formed, one seasonal and shallow and the other deep. Further ephemeral lakes occur on the barren steps depending on recent rainfall. The reservoir 'overflows' by a sluice onto a stream which makes its way to the shallow lake.

The main buildings for the quarry were located on the opposite (east) side of Houghton Road and have all been demolished and replaced by commercial Blackburn Road and Mayer Way. A smaller complex of buildings and plant was located in the quarry where a railway tunnel and road crossed from the main buildings to the eastern apex of the quarry. This complex also has been cleared and a considerable quantity of contaminated waste material bulldozed leaving residual landforms with occasional materials on the surface.

The present quarry is now naturally recolonising with more substantial scrub and small trees in patches, especially towards the east where the process of site clearance has resulted in more material overlying the bare geology. The fishing lake in particular is surrounded by naturally generating low woodland, which extends over a former fan of spoil from the main works and by the footpath. Intruders on trail bikes (and formerly cars) have carved numerous swathes through the vegetation. Concrete 'tank traps' and fencing has not entirely removed the problem of bikes and access on foot (including dog walking) still freely takes place.

**The site** comprises 4.9ha (4.5ha excluding adjacent roads) of land nearest Houghton Road, straddling the public footpath. The part north of the footpath (altitude 126m to 132m) covers the former building and plant area, former railway and road routes into the quarry. Its northern edge is a steep bank up to Millers Way/Farriers Way (and the gardens of some residential properties), rising to 139m. The southern part includes the tree-lined footpath and a former dumping area of the works dipping down to the fishing lake (123m). This is now partly covered with scrub and trees.

The site is not within the Green Belt. A small area at the northern edge (next to Millers Way) is shown in the Local Plan as having 'residential planning permission', although this may be simply the cartographic limitations at this scale of depicting the now-developed Millers Way estate. The 'non-residential' rest of the site is part of the Houghton Regis Chalk Pit County Wildlife Site (CWS - noted for re-colonisation of exposed chalk, albeit unmanaged). The more significant Houghton Regis Marl Lakes SSSI extends from the quarry proper but its eastern boundary is at all places at least 50m from the site. The broad safeguarding line of the A5 Dunstable Bypass crosses the site on an east-west axis. However, this road has been formally withdrawn as a proposal (letter 5/10/06 from Highways Agency) although there is renewed interest from the Woodside Link (see below).

The owner of the site (who is not the applicant) holds a total of 75ha land hereabouts, the remainder being the quarry and fishing lake and most of the large arable field to the north (25ha), which is in the Green Belt.

By road the site is about a third of a mile from Houghton Regis town centre and 1¼ miles from Dunstable town centre.

### **The Application:**

This outline application is to build up to 140 dwellings, with associated access infrastructure, drainage and open space, on the site. An Environmental Impact Assessment (EIA) has been undertaken, to be considered at the same time. Means of access to Houghton Road is to be considered at this stage, comprising 145m of estate road into the site from a junction opposite Mayer Way together with some land take for junction widening and a 55m access to the existing fishing club car park. The road would descend away from Houghton Road on an embankment and short 4m high retaining wall. Scale, layout, appearance and landscaping are reserved. In February 2009 the proposal was amended to relocate the highway access to a point opposite Townsend Farm Road, but land ownership issues have made it necessary to revert to the original scheme.

The application is accompanied by:

- Design and access statement (D+A) which includes Design Guidance intended to 'set design principles that will be used to inform the more detailed design stage' (ie. reserved matters)
- Environmental Statement (5 vols) including Flood Risk Assessment
- Transport assessment Final Report with draft Travel Plan.

The D+A includes a parameter plan which shows:

- a revised boundary for CWS (to exclude the portion within the site)
- a corridor for a potential future use as an urban extension or bypass link (the Woodside Connection), based on the safeguarded line
- wooded buffers to Millers Way and Houghton Road
- 10m 'no-build' buffer on western boundary
- road/path to incorporate public footpath crossing site
- amenity open spaces including a Local Equipped Area for Play
- 10m deep fenced off access for fishing lake and informal car park for fishing club

An illustrative masterplan shows frontage development to all highways within the site and a 3m shared footway/cycleway alongside Houghton Road.

The chosen surface water drainage scheme is a pipe extending from an oil interceptor 250m westwards to an existing seasonal lake, with inlet and outlet controls.

The Environmental Statement covers the following subjects: methodology, description of site and development, planning context, land use, community and socio-economics, ecology, landscape and visual, soils geology and contaminated land, groundwater and hydrogeology, hydrology and flooding, traffic and access, climate and air quality, noise and vibration, sustainability and use of natural resources, cumulative effects, conclusions. It includes specialist reports: Ecological Baseline, Geoenvironmental and Geotechnical Combined Factual and Interpretative Ground Investigation Report, Transport Assessment.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS9 - Biodiversity and Geological Conservation, PPS10 - Planning for Sustainable Waste Management, PPG13 - Transport, PPG14 - Development on unstable land, PPG15 - Planning and the Historic Environment, PPG16 - Archaeology & Planning, PPG17 - Planning for Open Space, Sport & Recreation, PPS22 - Renewable energy. Includes a companion guide, PPS23 - Planning and Pollution Control, PPG24 - Planning & Noise, PPS25 - Development and Flood Risk.

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

SS5 - Priority areas for regeneration

SS8 - The urban fringe

H1 - Regional housing provision

H2 - Affordable housing

T2 - Changing travel behaviour

T4 - Urban transport

T8 - Local roads  
ENV3 - Biodiversity and earth heritage  
ENV7 - Quality in the built environment  
ENG1 - Carbon dioxide emissions and energy performance  
Wat3 - Integrated water management  
Wat4 - Flood risk management  
WM6 - Waste management in development

### **Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**

2(a) Luton/Dunstable/Houghton Regis and Leighton Buzzard  
3 Sustainable Communities

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure  
Policy 46 - New Infrastructure - CC

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

SD1 - Keynote Policy  
BE8 - Design Considerations  
T4 - Translink Project  
T10 - Parking - New Development  
T11 - Contributions - Alt Parking  
T13 - Future Road Construction  
H2 - Fall-In Sites  
H3 - Local Housing Needs  
H4 - Affordable Housing  
R10 - Play Area Standards  
R14 - Informal Recreational Facilities  
R15 - Rights of Way Network

### **Designation**

Houghton Regis Chalk Pit CWS

### **Supplementary Planning Document**

Houghton Regis Town Centre Masterplan 2008

### **Planning History**

15113/LRD/765/208	Slurry, clay and water pipelines. (Pipelines connected Sewell Quarry with this quarry. Bridge over A5 removed but quarry floor underground pipeline situation unclear.)
19707/LRD/71/483	Reclamation by controlled tipping for future recreational purposes.
LRD/71/484	Area for reclamation and recreational development.

(The latter 2 applications appear to relate to the fishing lake and were probably not implemented.)

SB/SCO/06/1195	Scoping opinion for proposed residential development of up to 140 dwellings with ancillary car parking, landscaping and formation of vehicular access to Houghton Road.
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Considerable pre-application discussion and consultations have taken place prior to this application, including in respect of the remainder of the quarry.

**Representations:  
(Town and Neighbours)**

- |   |   |
|---|---|
| Houghton Regis Town Council (18/08/09)            | Objects. The Local Plan does not designate this site for development. It is believed that, before such developments as this are permitted, a master plan, including appropriate infrastructure improvements, for the whole Growth Area, should first be determined and in place. Reverting back to the original proposal of a new junction at Mayers Way is considered a backward step. This will result in two junctions on Houghton Road too close to each other, potentially creating worse traffic congestion along this route than already exists. A more appropriate location would be opposite Townsend Farm Road, which was in fact proposed in the application submitted earlier in 2009. It is suggested that a further improvement to this alignment could be for the route of Millers Way to be altered to merge with the new development access road within the development itself, which would result in a simple crossroads on Houghton Road, rather than a staggered one. |
| Dunstable Town Council (20/08/09)                 | Welcomes the safeguarding of the Woodside Connection but is still concerned that further residential development in this area would lead to an unacceptable increase in traffic congestion.   |
| 24 Aldbanks (18/01/08)                            | Voluntary Warden both here and at Blows Downs. The quarry is one of the most important wildlife sites in the county being the only wintering site for Jacksnipe and should never be built on. The site accommodated a pair of turtle doves in 2007 (rare in county) and a pair of ring plovers (schedule 1) plus many other rare plants and birds. The applicant was stopped from clearing vegetation on part of the site about 2002. The application should be rejected as it is not enough that the Wildlife Trust (WT) agree a management plan, because the owners should be managing the site anyway. However he would accept houses at the northern end of the quarry in exchange for the freehold of the SSSI and CWS being given to the WT.  |
| GW Miller of Douglas Crescent (by email 12/08/09) | Objects to the traffic problems that would occur and asks for traffic lights at the end of Douglas Crescent. The submitted documents are particularly complex.  |

**Consultations/Publicity responses**

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|---------------------------------|---|
| Joint technical Unit (01/09/09) | The site is some distance from the potential urban extension and is more related to the existing urban area |
|---------------------------------|---|

and capable of being developed prior to the masterplanning of the potential urban extension. It falls within category 1 and 5 of the Development Strategy in the Local Plan (depending on the interpretation of Previously Developed Land). At the Joint Committee meeting on 20th March 2009 the discounted route option which crosses the site should be protected for further testing (Woodside Link).

Subject to appropriate treatment of the SSSI and CWS and access arrangements, no objection.

Environmental Health  
(18/12/07, 02/01/08,  
17/03/09, 13/08/09)

An area of quarried and infilled land. Requests conditions to carry out a risk assessment and informative. Agrees that road traffic noise should be addressed. Windows do not need to be fixed closed.

Minerals and Waste  
(15/09/09)

No objection - relatively small volumes of contaminated material to be removed from site. [Additional comments when acting for Beds CC:-] The quarry does not contain strategic reserves. Minerals and Waste Local Plan Policy GE26 can permit development provided opportunities for habitat creation are included. No objection provided it accords with other development plan policies.

Landscape Officer  
(4/01/08 and 19/02/08)

No attempt has been made to retain the B-rated poplar next to footpath, but has no objection if the residential scheme is otherwise acceptable: recommends replacements in mitigation. No objection to east buffer zone proposals provided no soil infilling except for road. New tree and shrub planting will need to take into account the reclaimed nature of the soil and avoid creating any ecological conflict with the management aims of the SSSI and CWS (eg. not to use invasive species).

Landscape Planner (and  
Ecology) (22/09/09)

Ecology:

- a. ecology and hydrology of the CWS and SSSI is evolving and complex;
- b. the Environmental Statement has not answered all questions but has investigated them in considerable depth;
- c. considerable caution needed when considering development in the vicinity of the site - possible impacts include reduced water infiltration, aquifer and lake pollution, aquifer flow diversion, flow diversion from fishing lake;
- d. accepts that, with appropriate safeguards, proposal would be unlikely to have a negative impact on the hydrology or ecology of the SSSI;
- e. applicants recognise their obligations in SSSIs, but there is no more than a moral duty to look after a CWS;
- f. recognises that without finance or 'public' purchase this will unlikely happen;
- g. CWS has been abused by public access and there is

- neglect of conservation management;
- h. if Council is minded to grant outline planning permission with the applicants' proposed management regime, all the items in chapter 8.5 will need to be agreed, funded and built into a management plan for the area before any application for detailed permission can be agreed [underlined];
  - i. bats, badgers and great crested newts, among other legally protected species, occur in the quarry; there are few if any likely bat roost sites within the development area as it contains no buildings and cliffs and very few large trees; newts attempt to breed in pools close to the site and appropriately licensed exclusion procedures, with improvements to their habitat elsewhere, would be needed in advance of any development; management plan would take into account other species;
  - j. has reservations about the proposed storm drainage into a quarry lake because of possible poor maintenance of oil interceptor or substances that bypass it and because of unknown 'natural' water volumes; Environment Agency should give advice here on minimising risk;
  - k. overall, no objections provided ch 8.5 matters agreed, funded and built into a management plan before any development details are agreed; preferable to finalise the detail of the wildlife matters in advance of any planning permission, although a robust condition could be sufficient.

#### Landscape:

The quarry is a unique open space within an urban area, having qualities of scale, character and history and a rare and beautiful biodiversity resource. Does not oppose the development on landscape grounds in view of the benefits to the SSSI. Some concerns:

- a. The strong linear design is too great a contrast with the informal quarry,
- b. The lack of a visual focal point to the boulevards could be addressed by redesigning the open space such as a viewing area overlooking the quarry, which would be desirable in any case,
- c. Would strongly resist Woodside Link or any other through road,
- d. The perimeter open space does not act as a transition between quarry habitat and urban habitat - the fence could be of varied height and provide an artwork feature (see b above),
- e. Access to quarry for vehicles and identification of an interpretation facility,
- f. Trees and planting should reflect local character and be sourced from the Community Tree Trust.

(7/12/09, 29/3/10, 4/02/10, 140 dwellings serving onto Houghton Road. A junction with Townsend Farm Road should be used if the site were to be used for access to larger developments to the west (or the Woodside Link). It is calculated that this type of development would generate a 4% increase in movements within the Houghton Road corridor, which is below the significance threshold. Its location next to a public transport corridor enables enhancement to public transport through developer contribution thus promoting the reduction in car usage. The existing highway network endures degrees of saturation, operating at 92% capacity in the AM peak and 82% capacity in the PM peak over the eastern section. To mitigate this the developer needs to link the traffic signals between Mayer Way and Bedford Road. The Transport Assessment suggests junction control for the new development will be via a signal controlled junction with a level of intelligent traffic management through SCOOT (an area wide computer controlled traffic management system for the signals). Whilst acceptable in principle the more practicable approach for the authority is likely to be a local control system such as 'Mover'. These systems adjust the timing of traffic lights to optimise traffic flow on the network. The developer should be encouraged to provide cycle storage facilities at each property to further increase the attractiveness of cycling as an alternative to car use.

In respect of the layout details, the parameter plan gives enough flexibility (and the indicative layout enough confidence) to ensure that details would be able to address appropriate on-street parking and servicing. It may be that at details stage the status of Woodside Link would be clearer, thus aiding detailed treatment of the safeguarded corridor. Conditions recommended, including Travel Plan.

Highways Agency  
(16/09/09)

No objection provided the submitted Travel Plan (June 2009) is included in the S106 Agreement.

Waste/Recycling Officer  
(18/01/08, 5/10/09)

Satisfied to consider waste audit (for post-construction phase) at reserved matters stage (ie. condition at this stage). However, provision should be made for a bring site of 25m<sup>2</sup>, ground anchors and a dropped kerb.

SBDC Community  
Involvement Team Mgr  
(23/01/09 and 16/03/09)

Central Houghton Regis venues will feel the impact of new development and the Memorial Hall, in a key position in the town, would be affected. Would welcome an opportunity to negotiate a contribution to improve the physical building and running costs, which could be matched by the Council.

Open Space (17/09/09,  
14/10/09,20/10/09)

a. The proposed LEAP play area is insufficient and provision should be made for a LEAP of specified increased provision ensuring no access to the Fishing Club Zone or lake. A commuted sum is also required for



- maintenance,
- b. Design, content and layout of Gateway open space and formal square, and its adoption arrangements, to be agreed with Council,
- c. The Council will not adopt the waterside zone,
- d. Contributions towards off-site formal facilities,
- e. Advises calculation for maintenance of on-site open space.

Public Art (12/10/09,  
30/10/09)

Generally agrees fully with comments of Landscape Planner (see above). Artwork, which could be a feature or landscaping, should be thematically and physically linked to the quarry and focus on local history, heritage and the aspects of the quarry as an SSSI. The boulevard especially could be more sympathetic to its surroundings and the open spaces should be linked, incorporating viewing spaces. The ideal process for 'public art' is for an artist to be involved at design and conception stage, and involving neighbouring residents in the process. Agrees that there is scope for art intervention for a fence/barrier and indeed a gateway feature (using materials relevant or complementary to the quarry) and could be a mix of landscaping and a 'made' piece. Recommends 1% of construction costs.

Rights of Way Officer and  
Countryside Access  
Service (11/01/08,  
27/03/09,5/08/09)

FP1 passes through site, although the trod route is an unauthorised deviation.

There is a legal process for upgrading a footpath for use by cycles. No information in the application as to timing.

- Advises on legal process for temporary closure;
- accepts the retention of the definitive route as a cycle/footway but further details will need to be provided, including a barrier to prevent cycles continuing on footpath;
- cycle/footpaths could link with housing to north;
- advises on width of cycle route within site and margins for tree planting;
- seeks either upgrade of footpath beyond site for cycle use or contribution towards this;
- cycle route within site would presumably be publicly maintained who would determine its surface;
- arrangements should be in place to maintain bordering trees;
- further details desirable on cycle link with infrastructure east of Houghton Road and how the cycle route would cross the estate road within the site;
- looks forward to future public access to main quarry as part of green infrastructure. Countryside Access Service would wish to be involved with marketing and promotion of walking and cycling routes in the locality.

School Planning Team

Developer contributions needed for nursery, lower and

(15/09/09, 21/10/09)	upper school places.
Affordable housing	No objection as the officer contributed to drafting of S106 Agreement which reflects his views in the context of the viability assessment.
Environment Agency (9/01/08, 12/03/08, 19/03/09, 30/09/09)	Floodrisk management, Groundwater and contaminated land, environmental management: Planning permission should only be granted with conditions. These refer to details of surface water works, further calculations and specifications, contamination and remediation, penetrative processes, foul water drainage. Also offers informatives.
Bucks and River Ouzel IDB (21/01/08)	Outside the Board's district. Suggests condition requiring details of storm water design and construction.
Anglian Water (13/03/09)	Sufficient local sewerage capacity for surface and foul water. Recommends informatives on assets, foul, treatment and surface water.
Thames Water (13/08/09)	Not within their area.
Natural England (1/02/08, 09/06/09, 3/11/09)	Adjacent to a CWS and an SSSI. The quarry is an exceptional site for a range of rare and protected species, and is of added significance given its urban setting and complicated hydrological regime. As part of the CWS will be lost the applicant must provide mitigation in terms of protecting existing ecological receptors and compensation in the form off a long term gain in the ecological value of the rest of the quarry. After consideration, including a meeting with the WT to discuss the SUDS, NE have reached a position where they do <u>not object</u> to the application subject to the rest of the site receiving much increased management effort to ensure that the biodiversity value of the site as a whole is enhanced. Has also been working closely with the WT over the drafting of conditions and endorse the recommendations in the letter from WT [see below]. In respect of draft condition 3 NE states that it has been agreed between the parties that the £300,000 would be used by the WT to employ a dedicated officer to undertake the necessary management works (including the SSSI) and who will engage the local community to reduce damaging/anti-social/illegal activity and will investigate the feasibility of opening the site to the public in the long term. This figure would need supplementing with money for capital items each year, such as tool hire, works materials, health and safety items etc.. Site owner contributions would be limited to £5000 per year. Other funding may be available in the longer term. In respect of draft condition 4 (the Management Plan) this should be prepared by a qualified ecologist and the timetable is essential. Indeed the applicant may find it

advantageous to commission the WT to undertake the production of the Plan, which NE would welcome.

Wildlife Trust (3/02/08,  
2/10/09, 2/11/09, 3/11/09)

Would normally object to an application which adversely affects a CWS, which is a Biodiversity Action Plan habitat, as this would in part, but commends the detailed ecological appraisal and accept the environmental statement's findings that this part is of lesser ecological quality than much of the rest of the site, but nevertheless has a buffering value.

- a. The marl lakes in the SSSI (offsite) are of major rarity and importance and it is noted that surface water would drain from the ephemeral lake into a second lake, rather than the marl lakes. This is preferable as any slight pollution would have greater effect in the marl lakes which are drying up;
- b. the red lined proposed pipeline would affect more of the CWS and its development should be protected by fencing and a watching brief;
- c. recognises that the loss of CWS could be compensated for by bringing the remaining CWS into an appropriate management plan in cooperation with Natural England and/or The Wildlife Trust - this approach is supported in policy;
- d. management of the grassland and wetland is needed and the application provides an opportunity to begin this management;
- e. does not believe there to be a suitable roost site for bats in the application area; but further work needs to be done regarding the ringed plover and turtle dove;
- f. correspondence with the applicants indicates that a sum of £300,000 would be immediately available to operate the management plan for 5 years; key elements are secure appropriate management dovetailed into SSSI management, community engagement; the management of the CWS and community engagement are positive benefits arising from the application and, given the history of deterioration of the site, a positive benefit to the remainder of the site;
- g. it is important to emphasise that the applicant would still fund, additionally, management work on the SSSI and continued hydrological studies of the chalk pit in relation to the marl lakes; this would be ongoing and should be funded to achieve agreed outputs with NE - this should also be for a 5 year period and the WT can assist the integration through supervision of contractors and monitoring of biodiversity;
- h. considers that this is an opportunity to begin to realise the potential of the chalk pit for its continued biodiversity value and its appreciation and use by the local community that has not been available before.
- i. gives proposed conditions, which have been devised

in consultation with Natural England:

- approval of scheme to protect Great Crested Newts and its implementation before implementation of planning permission,
- restriction of vegetation clearance without evidence on breeding birds,
- within 6 months of planning permission £300,000 to be released to the WT to fund 5 years' management and community engagement work to begin on the CWS,
- submission for approval of habitat management plan (per par.8.5 of ES) and its implementation,
- perimeter fencing to development area.

London Luton Airport  
Operations Ltd (27/12/07)

No objections.

Campaign to Protect  
Rural England (15/03/09)

Assume that EA, NE, WT and highway authority now accept the scheme. Has concerns of principle with any scheme that involves the loss of any protected areas of landscape. However, given the views above, on balance the environmental benefits of the scheme have the potential to outweigh the loss to the CWS and therefore do not object. But urge the tightest possible planning conditions and a S106 legal framework to ensure that the claimed environmental benefits are delivered.

Primary Care Trust  
(24/12/07, 20/03/08 and  
8/04/08)

Increased pollution through traffic would be more than balanced by capping contamination and better infrastructure. Therefore no likely threat to health. No other requirements.

Police ALO (10/01/08,  
10/03/08, 27/03/09,  
7/10/09)

The constraints of the site are such that it is unlikely to be a 'community safety model of best practice'. As such, and given the improvements which have been made to the latest plan, he has no objections provided: acceptable boundary treatments and acceptable lighting to parking courtyards.

Luton BC - Luton and  
Dunstable Busway Asst  
Project Mgr (03/03/09)

Should ensure that any alterations to the junction provide for improved bus priority and accommodate turning radii for bus operations; should safeguard (preferably segregated) route through scheme as a possible extension to the busway; requests financial contribution due to proximity to bus route.

Friends of the Earth (recd  
24/01/08 and 19/08/09)

- a. Website was difficult to use;
- b. The biodiversity value and other special qualities of Houghton Quarry preclude it from development;
- c. A CWS is not designated frivolously and the site is a large area to lose, all being needed as a buffer to the SSSI. Indeed the SSSI would have been designated

over a wider area but for the bypass corridor. Impacts would be wider than the site boundary;

- d. Schedule 1 bird species including turtle dove have nested and bred on and near the site for 3 years and the number of plant species and invertebrates in the CWS is an astonishingly rich total near an urban area - among species highlighted are Chiltern Gentian, newts, butterflies, turtle doves and ringed plover;
- e. Questions whether certain benefits are that at all - eg scrub removal is not necessarily beneficial and motorbikes help keep areas clear for some plants;
- f. PPS9 states that biodiversity/geological interests should be maintained, enhanced, restored or added to. There is no place for mitigation or an assessment that harm is exceeded by benefits, and the application should be refused;
- g. Criticises time and extent of surveys on trees, birds and bats;
- h. Would compromise and erode various elements of the Biodiversity Action Plan, the habitats directive, and the Directive on the Conservation of Wild Birds (App1);
- i. Less damaging options are available for the Woodside Link and the safeguarding corridor should be removed;
- j. Significant money should not be spent here on the arts but rather on conserving threatened natural species;
- k. Increased level of pollution, litter and disturbance from the new housing. Construction vehicles would be needed outside the red line. Imported soil could harmfully enrich CWS and leach to SSSI. New residents should be advised that asbestos is capped. Disturbed asbestos could pollute quarry;
- l. Considerable drainage work needed outside site boundary and in CWS - support EA objection especially as stormwater could surge into the SSSI where spring sources produce different water characteristics - unacceptable risks with insufficient understanding;
- m. Little understood hydrology - quarry hydrology may have a part to play in reducing risk of upper River Lea drying up;
- n. Precedent for other applications [presumably in CWS/SSSI] with damaging impact;
- o. Could bring about more prolonged gridlock on Houghton Road. If its relief takes the making of a new junction, this should be done anyway, without new housing;
- p. Organised supervised visits to the quarry are useful but not as useful as random access for people to appreciate the wilderness;
- q. No reference to energy efficiency of housing and all should be built to code 5.

Dunstable Angling Club  
(28/04/08, 25/08/09)

Landlord has agreed to sell them the fishing lake upon a successful application therefore support application. Needs:

- a. a secure perimeter because of danger of public access. Access from side road with good visibility and clear room to stop at gate,
- b. area for about 30 vehicles within perimeter,
- c. to maintain vehicular access to north west boundary of lake for maintenance and emergency,
- d. high security low maintenance fencing with no public access and conifers behind to prevent objects being thrown over the fence.

## Determining Issues

The main considerations of the application are:

1. Local Plan and Development strategy
2. Natural history and impact on County Wildlife Site
3. Drainage
4. Pollution control on site
5. Access and other highway projects
6. Site layout and design
7. Other matters
8. Viability and S106 matters
9. Conclusion.

### 1. Local Plan and Development strategy

The quarry is not required as a strategic mineral reserve.

The site is not within the Green Belt and it is undesignated in the Local Plan (apart from a strip of land at the north of the site which, inaccurately, is shown on the Local Plan as having a residential planning permission). It is therefore not within the area north of Houghton Regis identified in the *Core Strategy: Issues and Options* document as a preferred option nor indeed within or adjacent to any of the other possible urban extensions considered under the Regional Strategy<sup>1</sup>. A decision on this application can therefore be taken directly and does not need to await a future stage of the LDF.

The quarry as a whole is also outside the Green Belt but is a County Wildlife Site. The increased natural history value of the quarry floor has earned it SSSI status. The safeguarding line of the Dunstable Bypass crosses the north-central part of the quarry from Houghton Road to near Puddlehill, but avoids all but a small part of the SSSI. However, this road scheme is now formally abandoned although one of the options for the 'Woodside Connection' (see below), is on a broadly similar alignment through the site. To some degree it is possible to interpret T13 as protecting the corridor for this later road scheme.

The site keeps well away from the SSSI but is largely covered by the CWS and the highway safeguarding line. The adjacent Houghton Road is shown on the Local Plan for a Bus and Cycle Priority Scheme. Cycle lanes and shared surfaces have now been

provided linking Houghton Regis town centre with High Street North, Dunstable. The actual fenced and trod public footpath deviates from the recorded authorised route where it crosses the site, but this deviation appears to be long-lived. The proposal returns this to the authorised route.

We now examine the Local Plan Development Strategy and (saved) Policy SD1. Being largely undesignated the characteristics of the site could place it within categories 1 (within urban areas) or 5 (edge of urban areas). Category 1 applies both to previously developed sites (PDS) and vacant land within urban areas. We accept the view of the applicant that this site is a PDS<sup>2</sup>. Therefore in our opinion the site falls within the first category of the sequence. It should also be noted that a key principle of the RSS is maximising the contribution of previously developed land.

The proposal would not conflict with the roll-out and future implementation of the LDF and would be suitable on a sequential basis for residential development, offering important potential short-term delivery in a non-Green Belt location (acceptable in view of the highly accessible situation) and there is no need to hold up this land until after masterplanning of the urban extensions. Indeed, the delay to the Core Strategy makes the early delivery of 'windfall' sites the more valuable. These therefore are important findings when considering the objection made by Houghton Regis Town Council.

<sup>1</sup> Land to the immediate north of the quarry is indicated in the Core Strategy Preferred Options report as part of one of the preferred urban extensions. The owner has already submitted representations for development in this regard. The site would not be adjacent to the indicative area but could be well placed for infrastructure links towards that area.

<sup>2</sup> PPS3 defines 'previously developed land' as '*...that which was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed infrastructure*' and excludes '*land that has been developed for minerals extraction...where provision for restoration has been made though development control procedures...*' or '*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)*.' The term 'curtilage' is not commonly used in planning law except in the context of permitted development rights. However, as a way of defining land normally associated with buildings, it could include part of the quarry adjacent to the buildings. The previous PPG3 offered a helpful impression that 'natural surroundings' would mean a state that could support a nature conservation designation.

In 1951 the Ministry of Local Government and Planning granted planning permission for winning and working of chalk here (and elsewhere) but with no condition requiring restoration here other than the provision of a level floor, suggesting 'previously developed land'. The remains of the permanent and fixed surface structure are still apparent but, although the CWS covers this land (with 'PDL' implications), we consider that it may well have been included with the better quality area to the west for convenience and therefore PDL is not proved. In respect of the red line application site, the site has previously been developed with no restoration in place.

## **2. Natural history and impact on County Wildlife Site**

The issue to be addressed under this head is whether the benefits, especially to natural history interests, clearly outweigh the substantive nature conservation value of the land to be lost.

The SSSI (offsite) is notable for its marl lakes, calcareous grassland, fen meadow, fauna, assemblage of nationally rare and scarce plants, and great crested newt breeding population. The CWS is notable for its pioneer grassland and invertebrates.

PPS9 states that development should have minimal impacts on biological and geological diversity and enhance it wherever possible. Appropriate weight should be attached to sites of national and local importance. Significant harm, especially to an SSSI, should generally not be permitted. Local sites (such as a CWS) have a

fundamentally important role in national biodiversity targets, local quality of life and education. LDDs will contain policies to guide applications. However, this stage has not been reached and yet the Local Plan policies are unsaved. Policy NE7 (unsaved) stated that development likely to have an adverse effect on a County Wildlife Site will not be permitted unless the benefits of the development clearly outweigh the substantive nature conservation value of the site. PPS9 states, in respect of previously developed land, that decisions should aim to retain this interest or incorporate it into the development. Pending a replacement LDF policy we consider that the Policy NE7 approach is sound when read alongside PPS9. The Landscape Planner and Wildlife Trust (WT) confirm that owners of a CWS have no obligation to manage their sites (unless through a planning permission). Therefore a management scheme delivered through a planning permission could result in a benefit to the designated land.

The ecological survey shows that the site has a low ecological value ('at most minor local value', which may only just qualify as a CWS), compared with the rest of the designated area. This is largely as a result of comprising mostly previously developed land with extensive hardstandings and rubble rather than areas of bare chalk (see 'Pollution control' section below as to the poor quality of the ground make-up). However, the scrub/trees do offer opportunities for nesting birds. It is also subject to past damage through its easy access; though currently stable, it appears not to have the potential to significantly improve.

The quarry has a complex hydrology. It appears that the SSSI marl lakes are fed by the water table (seepage/springs) at the base of the cliff backing onto the A5, together with a small stream from the fishing lake, but a greater understanding of the supply would be valuable as they had been drying up, affecting (together with covert introduction of fish) the great crested newt population. The SSSI is already being managed under measures agreed between the landowners and Natural England (NE) but understanding the hydrology and restoring the marl lake is another major benefit outside the normal resources available for SSSI management.

The applicant proposes that the CWS outside the site would be subject to a Management Plan as compensation for the development. The WT have negotiated extensively with the applicants (and now employ the former County Ecologist who had made earlier comments) and are now satisfied with the basis of the plan for the next 5 years. NE endorse this approach and advise that additional funding may be found. Among other conditions proposed by these bodies the matters in chapter 8.5 of the ES should be included.

The proposal, through the Plan, would therefore not produce significant ecological harm and should bring much needed benefits of protection, management and appropriate access and interpretation in the greater part of the CWS, together with further benefits to the SSSI. These would be in line with par.14 of PPS9 and the Regional Spatial Strategy, which seek to maximise opportunities to build-in beneficial biodiversity features. The proposal would therefore improve the overall local environment. Specific measures would be needed to safeguard newts (licence) and nesting birds but not for badgers; construction practices would also need to be controlled.

Formal public access to the quarry would not be possible at this stage because it would require a higher level of supervision and wardening than the applicants consider proportionate for the proposal (risks include trampling, vehicles, rubbish, animals, health & safety). Access would be denied by a 1.8m high fence, at least for the time



being, while supervised public visits could be arranged. The integrity of the SSSI would be further increased by a 10m no-build zone within the site, which would also help the CWS. This would ensure that the public could nevertheless enjoy a prospect over the natural resource and afford valuable surveillance.

None of the key features in the SSSI or CWS would be particularly vulnerable to pet predation; much of the quarry is already within the foraging range of local cats. The boundary fence would reduce access by people and dogs to the quarry and limit dumping of household waste. The new housing would also offer further opportunity for passive surveillance.

In conclusion we agree with the WT in that this development would afford an opportunity to begin to realise the biodiversity and community potential of the chalk pit that has not been available before. Therefore the benefits to the CWS and the SSSI clearly outweigh the harm by reason of loss of part of the CWS. The following 2 heads also have a potential impact on the natural habitat of the rest of the quarry.

### **3. Drainage**

Presently surface water from the site drains towards the quarry floor and fishing lake (although there is a deeper flow northwards in different geology). Despite capacity in the local surface water sewer it is proposed to employ a more sustainable solution. The new development would be drained by capturing surface water and piping it 250m via an oil interceptor to a seasonal (ephemeral) lake within the quarry (in the CWS) where it would drain through a control structure via an intermediate ephemeral lake towards the shallow marl lake, or drain/evaporate in situ. The Environment Agency and ecological bodies have closely examined this aspect, and accept it in principle, so that there should be no risk of pollution or harm to these interests. The benefits of this include sustainability, no pumping, capacity to absorb high discharge rates and potential amenity value (through the possibility of encouraging an ecosystem where none exists due to seasonal drying). The use of the intermediate lake outside the SSSI provides possible containment should there be a pollution incident. The oil interceptor would be regularly inspected and maintained by a management company for the development (through condition and S106). The lake would be managed through the proposed ecological management plan to be financed by the developer.

There is also capacity in the local foul water sewer although further work needs to be done on modelling the foul water infrastructure and this is proposed through a condition.

### **4. Pollution control on site**

The survey shows that most of the site has considerable depth of 'made ground' including compacted cement waste and rubble resulting from its former quarrying use. Asbestos has been found near the surface in 0.5ha of the site. The applicant proposes to remediate the asbestos presence through either (a) replacement of the top 1m of the surface layer containing the highest concentration of asbestos fragments (c325m<sup>2</sup>, for off-site disposal) with covering the area with uncontaminated material sourced from other parts of the site, or (b) overlaying the remaining affected land with 0.6 - 1.5m of such sourced material. Other sampled chemicals have been found and local remediation (removal or ground reprofiling) may be necessary. In some other locations

existing ground cover should not be reprofiled. Conditions would be required to secure the submission and approval of a remediation scheme. We do not expect these ground level changes to have material significance in the context of the site as a whole.

Further work is also necessary to confirm the stability of the quarry bank below Millers Way and a condition is proposed by the applicant. Otherwise the cut and fill would require low levels of export from the site. Construction would take place over 2 years during normal working hours, with all contractor's requirements met on-site within fenced enclosures. Relations with nearby houses would be helped by the anticipated absence of piling, sensitive hours, good site practice and maintenance of plant. A Pollution Prevention and Control Method Statement (condition) would safeguard sensitive areas.

Part of the site would fall within noise category C which makes it necessary to consider noise-attenuating measures. Calculations indicate that this could be achieved, by condition. A further part may need subsequent treatment if the Woodside Connection crossed the site. The location of buildings would also be important so as to shield gardens and open spaces from highway noise. In view of the early state of the Woodside Connection scheme we do not consider the developer should do more than provide a frontage development to the corridor to contain most of the potential noise.

Noise to dwellings is also considered below under design.

## **5. Access and transportation**

The Transport Assessment has been examined and is accepted. The full response from the Local Transport Team heads the highway response above. The following should be noted:

- (a) the additional traffic on Houghton Road would be within the technical acceptability range;
- (b) we recognise that the road already suffers from congestion especially at peak times and that signal timing may not be optimal;
- (c) the proposal would, through the S278 Agreement (within the S106 Planning Agreement), address signal timing along High Street by an appropriate model system such as 'Mover';
- (d) the potential traffic implications of the scheme could be further reduced with developer contributions to the existing bus services, which will pass the site, provision of cycle storage in dwellings, and cycle links.

The proposal, and Transport Assessment, have noted the stage reached in the proposed Woodside Connection. This project seeks to find ways of providing improved access to the Woodside industrial area avoiding the need for heavy vehicles to travel along the A5 and A505. After public consultation, of the 3 possible routes the L&SB Joint Committee preferred the option (option 1) which did not pass through the site, although it was resolved that option 2 through the quarry (and site) should be protected until confirmation. The proposal therefore includes a corridor (treated in this application as a landscaped boulevard) which could be upgraded should preference change. However, in the meantime and in view of the low weight which can be placed on the likelihood of a major road running through the site, its potential traffic levels have not been modelled. In any case, the Highways Officer makes it clear that, should

this route be used (which we consider unlikely), highways would in any case need to be remodelled locally.

About 145m of estate road are included in the application together with a 3m wide cycle/footway alongside Houghton Road either side of the proposed signalised junction. The parameter plans (layout and building height) are based on the submitted indicative layout. In highway terms they are acceptable and allow flexibility to accommodate the servicing and parking requirements of a detailed layout. For example, parking rates are likely to be higher than can be accommodated entirely off-street and road widths may need to be designed accordingly. Yet, the proposal also addresses reduced car use. The draft Travel Plan proposes: notice boards in communal areas, that marketing information be provided to sales staff and that an information pack be provided to residents. A contribution would be made to sustainable travel objectives. The accessibility of the site to the footway and cycle network of the towns should also be noted, as too the good local bus service, referred to above.

The public footpath crossing the site would be realigned slightly to conform with the legal route, satisfying Policy R15. It is intended to make this a major access route through the site (a S106 schedule would require the making of an appropriate legal instrument to create new foot/cycleways) with onwards views towards the quarry. The Rights-of-Way Officer has provided much useful material for the detailed design stage which we have forwarded. We cannot reasonably promote upgrading of the rest of the footpath for cycle use as it would be very expensive to upgrade nearly half a mile of narrow path situated precariously at the top of a steep drop and where any exit onto the A5 would also be expensive to arrange. We consider that the proposal would be satisfactorily laid out with alternative multi-use paths ringing the site boundary.

During site clearance and construction it is estimated that 20 HGV movements per day would be necessary for a 3 month period. There is uncertainty with the additional amount of contamination removal due to the presence of metals but this should not be significant.

## **6. Site layout and design**

PPS3 draws attention to the need for sustainable, inclusive and mixed communities and in suitable, sustainable locations. It also encourages efficient use of land. The applicant calculates overall net density as 50dpha on the site for 140 dwellings, excluding the land for the fishing lake access and the road junction, which is within the target range in PPS3. However, the indicative layout shows that the identification of the relevant areas on which to base the calculation is an imprecise exercise and this figure could be below 40dpha. The overall figure is therefore suitably related to the generally lower densities of the vicinity as well as to the unusual and the sensitive neighbouring uses. In the absence of designated densities in an LDF we can accept this figure. The site scores well by being on previously developed land.

The indicative layout has been designed to show parking provision. We are satisfied with the 1.8 spaces per dwelling overall which on the indicative layout are largely off-street but with a mixture of edge-of-highway visitor provision. This gives us confidence that an acceptable layout could be achieved at details stage. A condition is recommended with regard to parking standards.

Noise calculations conclude that dwellings may front Houghton Road provided facing habitable room windows are designed with acoustically treated ventilation to give the option of keeping them closed. The same may be required for facing habitable rooms should the Woodside Link pass through. For reasons given above we can accord only low weight to this likelihood at this stage will bear this in mind when the condition is discharged. In respect of noise in gardens, careful design will be needed to ensure a satisfactory degree of attenuation.

An indicative layout has been produced with building heights, suggesting 2 and 3-storey with a feature near the main road. One focus would be the east end of the boulevard, where it would take the form of an interrupted crescent around a green. The layout is based on sound principles of good design.

The main trees in the 'woodland' buffer adjacent to Houghton Road are on or at the foot of a slope falling steeply away from the road. This bank is not to be backfilled and we consider that the present extent of tree removal is reasonable. Those at the lower edge of the buffer could be retained in the detailed layout. Landscaping near to the CWS should be in native species and of as local an origin as possible.

The impact on the local landscape has been assessed. In view of the degraded appearance of the site from Houghton Road we conclude<sup>1</sup> that the proposal would not have a harmful impact on landscape, notwithstanding the local raising of ground level by up to 1m to cover contamination. Some concerns have been raised by consultees on the way the indicative layout links in with the character of the quarry, and all it stands for. We consider that an appropriate level of influence can be exercised at details stage, engaging open space and public art interventions, and would propose an informative to that effect. Design coding is considered appropriate.

The submission makes no reference to a proposed mix or proportion of affordable housing and only states that 'the application will accord with the requirements of the Local Plan in respect of affordable housing (subject to detailed viability assessment)'.

<sup>1</sup> Historically, the excavation of the quarry had an immense impact on the local landscape. The chalk cutting containing the modern A5 was cut (1837) into a scarp which reached an altitude of 152m. But this hill was systematically cut away (leaving a narrow fin of back to back cliffs between quarry and road) so that the northern quarry edge is in one place below 130m, opening up a view directly across to Houghton Road (132m). The effect was to produce a 'crater' ringed by cliffs and low banks. As a result of the proposal, more open views across the quarry from Millers Way junction would be channelled into views along the boulevards (in the classic tradition), with the open views returning, with a far wider panorama, at the western edge of the development. New direct views would be opened up through the new cut through existing trees opposite Mayer Way. The higher buildings of the scheme would abut Houghton Road and the principal estate road, extending the urban character.

The assessment does not consider views from the A5 beyond Tilsworth Turn, but these are more long distance and would not be material provided reflective facing materials were not used.

## **7. Other matters**

**ARCHAEOLOGY.** It is accepted that no significant archaeological or cultural remains (such as industrial archaeology) exist such as would limit the future use of the site.

**FISHING LAKE** Dunstable Angling Club have apparently been in negotiations to purchase the lake. This would need to remain private land, behind a 1.2m – 1.8m gated fence, given the depth of the water and steepness of the slope (water level is about 9m below the site and road). Its natural beauty could be appreciated from the

public spaces within the site adjoining it to the north-east, which would include an extension to the 10m deep no-build zone and an amenity open space. The amended proposal provides a link to their existing main car park.

**OPEN SPACE** The scheme provides 2 open spaces. The Open Space requirement is for a specified Local Equipped Area for Play (LEAP) for children aged 4 - 8 years, an appropriately designed open space(s), formal outdoor and formal indoor off-site contributions. This has the capability of adapting to the wishes of other consultees who seek a greater relationship with the character of the quarry through landscape and public art interventions. The applicant accepts the requirement.

**THIRD PARTY LAND** The strip of land which prevents a junction with Houghton Road/Townsend Farm Road is nevertheless narrow and short, ending well before the point at which the diverted footpath comes out. However, it is highly desirable that control over this land is obtained by the eventual developer in order to produce a comprehensive landscaping scheme and potential additional pedestrian link(s). We recommend that the applicant employ best endeavours to acquire the title or control over the land for this purpose (S106). The fact that the scheme does not depend on this will improve prospects of realisation.

**COMMUNITY SERVICES** The applicant accepts the requirement for an education contribution but the PCT has not asked for a contribution. A contribution has been sought for local community facilities; this is considered below.

**SUSTAINABILITY** The proposal is in a sustainable location, re-uses previously developed land, is at an appropriate density and would safeguard a potential access to land to the north/bypass. Existing trees are kept where possible and there would be a significant benefit through a planning agreement towards enhancing the natural history resource of the quarry proper. The scheme would encourage use of non-car transport modes. The Waste/Recycling Officer's requirement for a bring site is in line with the 'Managing Waste' SPD. The ES recommends that the developer uses materials with a high-recycle content or otherwise sustainably sourced. Recommendations are made also on reducing energy demands, water husbandry, security through design and adaptable housing.

**OTHER OBJECTIONS** Both Town Councils object to the proposal. Houghton Regis would await a more comprehensive masterplan for the growth area. For the reasons given above, we see reason not to wait for what is becoming a much delayed Core Strategy process in view of the fact that this is not Green Belt land. It would also be an appropriate development in its own right. We note the point about 'capturing' Millers Way but the option of a junction with Townsend Farm Road/Millers Way is presently ruled out by land ownership issues. Dunstable's concern about traffic congestion is not supported by the advice of the highway authorities who would conclude that an objection on this basis would not be sound. The indicative layout and proposed junction has been designed to accommodate a road of the scale of the Woodside Connection should it proceed in the future.

## **8. Viability and S106 matters**

The applicant has produced evidence to indicate that the proposal would be unable to meet all infrastructure costs sought by the Council's consultees. We have assessed the evidence and discussions have taken place between the parties on the basis that

the Planning Obligations SPD (which, although only relating to applications registered recently, plainly sets out the Council's current approach to viability) states "proven impact on the viability of a scheme will be a material consideration in the assessment of the planning application".

- a. Affordable housing. The applicant offers 20% assuming a full grant by the HCA and the viability of the scheme deems this appropriate.
- b. Houghton Quarry Management Scheme. The applicant accepts that this must be provided in full as a capital contribution plus a 5 year management contribution.
- c. Education. The full requirement has been agreed between parties.
- d. Open space. Formal outdoor and indoor contributions have been agreed, together with an on-site maintenance figure.
- e. Transport. Standard contribution has been agreed.
- f. Public art. This will now be subsumed into provision of a high quality public realm through the submission of details.
- g. Community facilities. The contribution to the Memorial Hall will not be sought.

## **9. Conclusion**

The proposal would release previously developed land for up to 140 dwellings, including affordable units, which would help take some pressure off Greenfield sites in the Green Belt and provide much-needed housing at a time when recent events have delayed house-building.

Access to Houghton Road/Mayer Way is acceptable although, in the event that the Woodside Connection (or other strategic) road crosses the site, such scheme could relocate the junction further north. The Transport Assessment is accepted and the internal network should function well. The site is convenient for a good bus service between Luton and Dunstable via Houghton Regis town centre and connects with foot and local cycle routes. The proposal could well contribute positively to reviewing local congestion, which is at times evident on Houghton Road, and there is no reason to support refusal of the proposal on the basis of traffic impact.

The design principle would accord with saved Policy BE8 and the development with saved Policy H2.

A part of the CWS which is generally degraded is lost but this is more than offset by a proposed management scheme in the SSSI and remaining CWS. The Environment Agency is satisfied that the proposal, through conditions, would incorporate appropriate flood risk, adequately handle pollution and safeguard the sensitive ecology of the remaining CWS and SSSI. The natural history consultees generally accept that the benefits to biodiversity and community more than offset the loss of a less well endowed part of the CWS and that this opportunity should be taken. Developer contributions towards affordable housing, open space, transport and education have taken a realistic position in the light of the viability of the scheme.

The indicative scheme would make the most of the existing site features and outlook and produce a strong identity and sense of place, addressing positively the varied adjacent land uses. These include the SSSI, fishing lake, public footpath and much of the existing trees and shrubs bounding the site. It would form a suitable gateway to the west of Houghton Regis. We see no risk of precedent or material encroachment

into other parts of the quarry and a permission would not prejudice a Woodside Link option.

**RECOMMENDATION:** that the application be referred to the Secretary of State as a departure from the approved Development Plan and subject to it not being called in by him for his decision, that Planning Permission be GRANTED subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 to include the following Heads of Agreement:

1. Affordable Housing land;
1. Compliance with Parameter Plans;
2. Provision and maintenance of Public Open Space on-site;
3. Provision of recreational facilities off-site;
4. Sustainable transport and Highways measures;
5. Houghton Quarry Management Scheme;
6. Educational facilities;
7. Acquisition of control over Third Party Land for the purposes of being able to apply landscaping and highway works;

and the following conditions:

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the
  8. appearance
    - landscaping
    - layout; and
    - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 3(4).

REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 2 Further to condition 1 above any application for submission of reserved matters shall include detailed design codes on building form, scale and design, including heights, bulk, massing, materials, detailing, colour pallettes, boundary treatments, street furniture, surface features, key building groups, frontages, landmarks, public squares, and important open spaces. The layout and design should demonstrate how the development relates appropriately to the quarry, as a landscape, natural history and historical resource, and on the way in which open spaces within the site are be linked together with landscape treatment and artistic interventions.

REASON: To produce an acceptable development in view of its sensitive and prominent location.

- 3 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **Before development commences, including clearance of vegetation, a Waste Audit shall be submitted and approved in writing by the Local Planning Authority which shall demonstrate how opportunities for the reduction, recycling and re-use of waste during the construction and occupation of the development will be taken into account. The development of the site shall be carried out in strict accordance with the Waste Audit.**

REASON: To provide a wider sustainability basis for the development.

- 5 **No development shall take place until a scheme for the protection of Great Crested Newts has been appropriately licensed and implemented in accordance with section 8.5 of the Land at Houghton Road, Houghton Regis Environmental Statement, November 2007.**

REASON: To ensure that species protected under the Wildlife and Countryside Act 1981 (as amended) are not harmed.

- 6 No clearance of vegetation or ground works shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year unless a survey confirming that there will be no negative impacts on breeding birds has been completed by an appropriately qualified person and has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that species protected under the Wildlife and Countryside Act 1981 (as amended) are not harmed.

- 7 **Before development commences, including clearance of vegetation, a schedule of all trees which it is proposed to retain (the “retained trees”) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence unless and until the retained trees are protected by substantial protective fencing in accordance with details which shall also be approved by that Authority. The protective fencing shall be retained at full height and extent until the development is substantially completed and no materials shall be stored or deposited and no mixing of materials shall take place within the areas so protected. No protected tree shall be lopped or topped, cut down or destroyed and if so affected it shall be replaced by a replacement tree(s) of such size and species as may be set out by that Authority.**

REASON: To protect suitable trees on the site.  
(Policy BE8 S.B.L.P.R).

- 8 **Before development commences a Pollution Prevention and Control Method Statement, to include hours of working, shall be submitted to and approved in writing by the Local Planning Authority indicating site operation practice from commencement of site operations to completion of development. Subsequent operations shall conform with the approved statement.**

REASON: To safeguard the amenities of local residential properties.

- 9 **No development shall commence, including ground clearance, until details of all excavation, imported soil, fill and capping material and new ground forms, including any stabilisation of retained slopes, have**



**been submitted to and approved in writing by the Local Planning Authority. Subsequent operations shall conform with the approved details.**

REASON: To enable control to be had of the movement of ground materials in relation to potential contamination and the sensitivity of adjacent areas.

10 **Prior to the commencement of any phase of the approved development the following shall be submitted to the Local Planning Authority:**

- (a) a Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination;**
- (b) where shown to be necessary by the Phase I Desk Study, a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling;**
- (c) where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment;**

**On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase IV validation report to incorporate photographs, material transport tickets and sampling.**

**Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to commencement of works. This should include responses to any unexpected contamination discovered during works.**

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 **No development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved plans.**

REASON: (Environment Agency condition) To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

12 **Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

**(a) a preliminary risk assessment which has identified:**

- all previous uses**
- potential contaminants associated with those uses**
- a conceptual model of the site indicating sources, pathways and**

**receptors**

- **potentially unacceptable risks arising from contamination at the site;**

**(b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;**

**(c) the site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;**

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

**Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.**

REASON: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 13 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by that Authority.

REASON: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy; the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

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

REASON: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to

groundwater.

REASON: Environment Agency condition. To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill). The site is potentially contaminated and such a foundation solution could lead to the contamination of groundwater in the underlying aquifer.

- 16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: Environment Agency condition. To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 17 **Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.**

REASON: (Environment Agency condition) To prevent the increased risk of pollution to the water environment.

- 18 **Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than private domestic gardens and areas adopted by a Local Authority, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.**

REASON: To ensure that such areas contribute positively to the character of the development.

(Policy BE8 S.B.L.P.R).

- 19 **No development shall commence (a) unless details have been submitted to and approved in writing by the Local Planning Authority of the position, design and type of boundary treatment to the main site, being the whole site except for the corridor to the west used to construct the Sustainable Drainage System (SUDS), and (b) until the perimeter of the site, including the corridor used to construct the SUDS has been securely fenced in accordance with details which shall have previously been submitted to and approved in writing by that Authority.**

REASON: To ensure that the development does not harm further areas of the County Wildlife Site in accordance with the Luton and South Bedfordshire Core Strategy Preferred Option CS17 – Biodiversity and Geology and Planning Policy Statement 9 – Biodiversity and Geological Conservation and in the interests of providing a high quality of design.

- 20 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding 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 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 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 and maintained until satisfactorily established.**

REASON: To ensure a satisfactory standard of landscaping.

(Policy BE8, S.B.L.P.R).

- 21 **Before development begins, details of the materials to be used for the external walls and roofs of all new buildings, external hard surfaces, walls, fences, railings, and lighting of areas not to be adopted by a Local Authority, shall be 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: To control the appearance of the development.

(Policy BE8 S.B.L.P.R).

- 22 A hardstanding of 25m<sup>2</sup> area with tie down anchor points shall be provided for the purposes of a waste recycling facility.

REASON: To provide appropriate community level recycling facilities.

- 23 No operation in the course of constructing a dwellinghouse shall take place until a scheme of noise mitigation for dwellings has been submitted to and approved in writing by the local planning authority. All dwellings on the site shall be constructed in accordance with the approved scheme.

REASON: To provide a satisfactory living environment in relation to the nearby highways.

- 24 **Before development begins, a scheme showing the special facilities to be provided for the convenience of disabled persons, particularly those in wheelchairs, including the means of access to any building, their parking facilities and access to any outdoor facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use.**

REASON: To safeguard the interests of disabled persons.

(Policy BE8 S.B.L.P.R).

- 25 **Development shall not begin until details of the proposed estate road, the proposed ramped access road, the proposed retaining wall and the junction between the proposed estate road and Houghton Road have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until those works have been constructed in accordance with the approved details.**

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the proposed estate road.

- 26 The development shall not be commenced until a site wide Travel Plan has been submitted to and approved in writing by the Local Planning Authority, such Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use,
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks,

- Proposals and measures to minimise private car use and facilitating walking, cycling and the use of public transport,
- Timetable for implementation of measures designed to promote travel choice,
- Details of provision of cycle parking in accordance with Central Bedfordshire Guidelines,
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include site specific travel and transport information; travel vouchers; maps showing the location of shops, recreational facilities, employment and educational facilities; details of relevant pedestrian, cycle and public transport routes to and from and within the site; copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.

No part of the development shall be occupied otherwise than in accordance with the approved Travel Plan.

REASON: To reduce reliance on the private car.

- 27 **No dwelling shall be occupied until a foot/cycleway has been provided alongside Houghton Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

REASON: To provide appropriate sustainable infrastructure.

- 28 This permission relates only to the details shown on Drawing No. 5039/OPA/002 Rev 5 received 23/07/09; Drawing No. B0015829/C/SK008 Rev.0 received 22/06/09, and Parameter Plan 5039/OPA/005 received 22/06/09 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved plans and to avoid doubt.

## Notes to Applicant

1. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
2. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### **Regional Spatial Strategy**

SS5 Priority areas for regeneration

SS8 The urban fringe

H1 Regional housing provision

H2 Affordable housing

T2 Changing travel behaviour

T4 Urban transport  
T8 Local roads  
ENV3 Biodiversity and earth heritage  
ENV7 Quality in the built environment  
ENG1 Carbon dioxide emissions and energy performance  
Wat Integrated water management  
WM6 Waste management in development  
2(a) Luton/Dunstable/Houghton Regis and Leighton Buzzard  
3 Sustainable communities

### **Bedfordshire Structure Plan 2011**

25 Infrastructure

### **South Bedfordshire Local Plan Review**

SD1 Keynote policy  
BE8 Design and environmental considerations  
T4 Translink project  
T10 Parking - new development  
T11 Contributions - alternative parking  
T13 Future road construction  
H2 Fall-in sites  
H3 Local housing needs  
H4 Affordable housing  
R10 Play area standards  
R14 Informal recreational facilities  
R15 Rights of way network.

3.
  - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
  - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and *Environment Agency/NHBC R&D Publication 66 - Guidance for the Safe Development of Housing on Land Affected by Contamination*.
  - Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
  - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.
  - The applicant shall advise the Local Planning Authority of commencement of the works.
  - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under

Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".

- Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
4. In respect of conditions requested by the Environment Agency (usually so indicated above), reference should be made to the formal response of the Agency in their letter dated 30th September 2009 in which background information and advice is set out. This advice should be noted. Contact: Neville Benn, EA, 01480 483996.
  5. You are advised to contact Anglian Water Services Ltd further to their formal advice in respect of the application, in respect of their assets in relation to the site. This would include any connection to the surface water and/or foul water sewerage system. Contact: Mrs D Harding, Anglian Water Services Ltd, Peterborough, 01733 414690.
  6. Prior to starting preparations for the submission of reserved matters the developer is advised to contact the Local Planning Authority in respect of the treatment of the public realm. This would involve discussions on the way in which the layout and design would enable the development to relate appropriately to the quarry, as a landscape, natural history and historical resource, and on the way in which open spaces within the site can be linked together with landscape treatment and artistic interventions, engaging an artist as appropriate.
  7. In respect of condition 3 it is recommended that the Waste Audit be submitted with the application for reserved matters.

**DECISION**

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