

<b>APPLICATION NUMBER</b>	<b>CB/12/03613/OUT</b>
<b>LOCATION</b>	<b>Houghton Regis North 1 (HRN1), Land on the northern edge of Houghton Regis, Bedfordshire</b>
<b>PROPOSAL</b>	<b>Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall, Parkside, Tithe Farm and Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Costin, Cllr Egan, Cllr Goodchild, Cllr Jones, Cllr Nicols and Cllr Williams</b>
<b>CASE OFFICER</b>	<b>Lachlan Robertson (Consultant Project Manager)</b>
<b>DATE REGISTERED</b>	<b>24 December 2012</b>
<b>EXPIRY DATE</b>	<b>15 April 2013</b>
<b>APPLICANT</b>	<b>Houghton Regis Development Consortium</b>
<b>AGENT</b>	<b>Barton Wilmore LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application of local authority-wide and sub-regional impact.</b>
<b>RECOMMENDED DECISION</b>	<b>Minded to Grant Outline Planning Permission, subject to referral to the Secretary of State and completion of a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 as amended.</b>

**Site Location:**

The site is a substantial area of largely arable farmland and covers an area of 262

hectares. It is situated on the northern edge of Houghton Regis, within the administrative boundary of Central Bedfordshire Council, but with a boundary also with Luton Borough to the south-east.

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

### **The Application:**

Outline planning application with the details of access, appearance, landscaping, layout, and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3, A4, A5 (retail); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings, routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

### **RELEVANT POLICIES:**

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

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

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

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

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

Proposed Policies:

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

#### **Supplementary Planning Documents**

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

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

## Recommendation

**That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a Section 106 Agreement and any necessary revisions to conditions be delegated to The Head of Development Management in consultation with the Chairman, Vice-Chairman and Executive Holder for Sustainable Communities, Strategic Planning and Economic Development. The Head of Development Management then be authorised to grant Planning application No CB/12/0361/OUT Houghton Regis North (HRN1), Land to the Northern edge of Houghton Regis Bedfordshire subject to no call in being made by the Secretary of State and Conditions as set out below**

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

Reason: To define the period of the permission

2. Before commencement of any of the development within each phase of development, details of access, appearance, landscaping, layout, and scale (hereafter referred to as the reserved matters) relating to that part of the development shall be submitted to and approved by the Local Planning Authority and the development to be implemented in accordance with the approved details. Applications for approval of reserved matters for the development hereby permitted must be made to the Local Planning Authority within twenty (20) years from the date of this permission.

Reason: To define the period within which details pursuant to a full planning permission may be submitted and to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and Policy 60 of the emerging Central Bedfordshire Development Strategy (Pre-Submission).

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

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

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

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

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

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

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

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

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

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

- 1) Residential uses
- 2) Location of Residential Self Build Areas.
- 3) Employment uses
- 4) Retail uses (to identify the location of the Main Convenience and Comparison Stores and the Local Centres)
- 5) Leisure uses
- 6) Educational uses
- 7) Community uses
- 8) Sui generis uses
- 9) Landscape Buffers
- 10) Retained landscaping
- 11) Structural landscaping
- 12) Major open spaces
- 13) Sports facilities
- 14) Recreational and Ecological corridors
- 15) Major water features

- 16) Principal public transport stops and corridors
- 17) Principal footpaths, public rights of way and cycle routes, including connections with the existing urban area
- 18) Walking, cycling and public transport route through Tithe Farm lower school.
- 19) Large-scale utilities infrastructure including large scale sustainable urban drainage structures.
- 20) Interfaces with neighbouring sites
- 21) The general location of sites to be used for self-build housing developments.
- 22) Zones in which noise mitigation measures might be necessary.
- 23) The general location of all other uses not specified above and identified in condition 5.

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

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

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

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

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

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

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

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

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

- 7 No development shall commence until a Site Wide Design Code ('SWDC'), in accordance with the approved details relating to Conditions 4 and 5 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. The SWDC shall detail the following:

1. Site wide character and materials palette
2. Site wide street surface materials palette
3. Site wide landscape planting palette
4. Site wide street furniture palette including cycle parking facilities
5. Site wide lighting strategy
6. Site wide signage strategy, including cycle and footpaths
7. Site wide public art strategy

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

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

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

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

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

- (i) Mitigation details for the preservation *in situ* and management of

archaeological sites and features that have been identified for protection within each Area Master Plan area;

- (ii) Fieldwork in accordance with the agreed written scheme of archaeological resource management;
- (iii) Post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority);
- (iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority).
- (v) Programme of interpretation, public outreach and community engagement.

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development and to secure the protection and management of archaeological remains preserved within the development, Policy 45 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 128, 132 & 139 of the National Planning Policy Framework (2012).

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

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

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

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

- a. *Minimising emissions from approved uses through a consideration of potential air quality issues arising from their use, at the design stage.*
- b. *Encouraging commercial uses to employ low emission technologies and practices.*
- c. *Providing access to low emission vehicle re-fuelling infrastructure.*

- d. *Provision of inherent mitigation in the form of separation of emission sources and receptors.*
- e. *Maximisation of sustainable transport and minimising the need to travel.*

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

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

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

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

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

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

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

13 No reserved matters pursuant to Condition 2 shall be submitted until an Area

Master Plan ('AMP'), in accordance with the approved details relating to Condition 5 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority.

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

1. Maximum floor space for each land use;
2. A Phasing Plan to show the location of phases and including a timing and delivery schedule;
3. Ground levels plan to show existing land levels and final finished ground levels; such details to include cross sections with undisturbed local features for comparison purposes.
4. Extent of development area;
5. Building height ranges;
6. General location of landmark buildings and features;
7. Cross sections and perspectives of key streets, buildings and open spaces including adjacent areas (as built or as completed);
8. Access routes within the development area (vehicular, public transport, pedestrian and cycle) and the location of footpath, cycle path and public transport connections to surroundings areas and when these will become available for use;
9. A Public Rights of Way Scheme to show how ROWs will be incorporated into the development and during the construction of the development and specifying any diversions or extinguishments that are to be sought; (*Informative: such diversions and extinguishments can only be dealt with through a legal procedure separate from this planning permission*)
10. The location of bus stops and electric vehicle charging points;
11. The location of footpath and cycleway connections to the surrounding area;
12. The location of formal Children's Play Areas.
13. Areas to be protected from disturbance from construction or other works; to include public rights of way, areas associated with protected species, significant and specimen trees, woodland features, water features, buffer zones alongside all watercourses and archaeological areas
14. The locations of all areas of Green Infrastructure to be included taking account of the principles of location and design set out in the SWMP, Site Wide Design Code and the Green Infrastructure Strategy (as appropriate);
15. Ensure a provision of a variety of house types and accommodation;
16. Identification of overhead power lines (where present);
17. Identification of existing buildings where present and consideration of retention or demolition;
18. Identification of the locations of substations.

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

for Pre-Submission.

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

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

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

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

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

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

Framework (2012).

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

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

- a. To include a plan of the area at a scale of 1:500 and an updated layout plan of the AMP (or part where appropriate) at a scale of 1:1000;
- b. Landscaping, details of play areas and of all hard and soft landscaping;
- c. Materials (including all external materials, doors, windows, detailing, etc);
- d. Street lighting and street furniture;
- e. Boundary treatment;
- f. Surface finishes, hard landscaping details;
- g. Noise attenuation structures;
- h. Schedule of open space serving that part of the development (where residential) details to consist of amount, type and location and phasing;
- i. External lighting (not street lighting) (i.e. to buildings, car parks, etc.);
- j. Details of cycle parking;
- k. Details of television signal receivers and their location;
- l. Details of energy collection systems and their location.
- m. A Travel Plan.

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

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

- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each tree. The plan shall also show all hedges/hedgerows;
- b) A specific plan showing the location of, and allocating a reference number to the veteran Black Poplar Tree at Chalcutt Lodge and including details for its protection and retention during construction works thereafter.
- c) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each

retained tree and of each tree which is on land adjacent to the site and to which paragraph (c) and (d) below apply:

- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development;
- f) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site; and
- g) any trees removed or to be retained which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed by the Local Planning Authority.

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

Reason: To safeguard the existing trees on the site in the interests of visual amenity and in accordance with Policy 59 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraph 118 of the National Planning Policy Framework (2012).

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

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

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

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

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

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

18. No development shall commence within each phase of the development (including any works of demolition) until a Construction Environmental

Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:

- a) Environment Management Responsibilities;
- b) Construction Activities and Timing;
- c) Plant and Equipment, including loading and unloading;
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;
- e) Details of site compounds, offices and areas to be used for the storage of materials;
- f) Utilities and Services;
- g) Emergency planning & Incidents;
- h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
- i) On site control procedures:
  - i. Traffic mitigation measures including traffic management and parking
  - ii. Temporary haulage routes
  - iii. Air and Dust quality
  - iv. Noise and vibration
  - v. Waste and Resource Management
  - vi. Agricultural Soils and Materials
  - vii. Temporary surface water drainage during construction
  - viii. Protection of Controlled Waters
  - ix. Trees, Hedgerows and Scrub
  - x. Ecology
  - xi. Archaeological and Cultural Heritage
  - xii. Visual and Lighting
  - xiii. Utilities and Services
  - xiv. Protection of water resources
  - xv. Protection of species and habitats
- j) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;
- k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

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

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

19. No development shall take place within each phase of development, until a Landscape Management Plan ('LMP') for that phase, including long-term design objectives for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved LMP.

The scheme shall include the following elements:

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

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

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

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

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

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

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

21. No development shall take place within each phase of development until a method statement is submitted to, and approved in writing by, the Local

Planning Authority setting out appropriate control measures in respect of plant species included on Part 2 of Schedule 9 of the Wildlife and Countryside Act, and in addition measures to prevent the spread of Signal Crayfish from the site as a result of construction and maintenance works for that phase.

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

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

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

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

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

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

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

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

24. All fixed plant, machinery and equipment within the Class B2 and B8 uses

shall not exceed the following vibration levels measured at the nearest residential receptor:

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

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

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

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

The development shall only be implemented in accordance with the approved odour mitigation scheme for that phase.

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

26. No development shall take place within each phase of development until a scheme comprising details of connections to the existing public foul sewer system, including phasing, timetable of works, location, size of connection and installation of oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented fully in accordance with the approved details relating to this condition for each phase.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 44 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109 & 162 of the National Planning Policy Framework (2012).

27. No construction or re-contouring works shall take place on the development hereby permitted outside of the hours of 08.00 to 19.00 (Mondays to Fridays

inclusive) and 08.30 to 13.00 on Saturdays, and not at all on Sundays and Bank Holidays unless otherwise agreed within the Construction Environment Management Plan.

Reason: In the interests of the amenity of existing residents and for the avoidance of doubt.

28. Not more than 1000 residential dwellings shall be occupied unless and until the A5-M1 Link Dunstable Northern Bypass as detailed in:

The M1 Motorway (A5-M1 Link Dunstable Northern bypass Connecting Roads) Scheme 20.. (“CRS”);

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No1.20.. (“SRO1”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No2.20.. (“SRO2”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Order 20 (“LO”)

is open and in use.

Reason : To ensure that the proposed A5-M1 Link Road will fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980. This is a Direction of the Highways Agency.

29. No Class B1, Class B2 or Class B8 development shall be brought into use unless and until the A5-M1 Link Road as detailed in

The M1 Motorway (A5-M1 Link Dunstable Northern bypass Connecting Roads) Scheme 20. (“CRS”);

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No1.20.. (“SRO1”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No2.20.. (“SRO2”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Order 20 (“LO”)

is open and in use.

Reason : To ensure that the proposed A5-M1 Link Road will fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980. This is a Direction of the Highways Agency.

30. If, during development, contamination not previously identified is found to be present at the site then no further development within that phase shall be carried out within the affected phase until the developer has submitted a remediation strategy (to include a timetable of works) to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority.

The approved remediation strategy shall be only be implemented as approved and in accordance with the submitted timetable of works.

Reason: To protect and prevent the pollution of controlled waters and in

accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

31. Where a remediation strategy is required under Condition 31, no occupation of development for the affected phase shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved in writing by the Local Planning Authority.

The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include the implementation of any further requirements as identified in the verification plan, which shall thereafter be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

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

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

33. Where Piling and Ground Source Heat Pump (GSHP) Installation or any other development design using penetrative methods is proposed, a risk assessment (to include a timetable for any mitigation required) shall be submitted with each phase to demonstrate that there is no resultant unacceptable risk to groundwater. Such details shall be submitted to and approved in writing by the Local Planning Authority.

The approved risk assessment's mitigation requirements shall only be implemented as approved and in accordance with the submitted timetable.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

34. No development shall take place within each phase of development until a scheme for the provision of a specified number of self-build residential units (within a total requirement for the development of 100 self-build residential units) shall be submitted to the Local Planning Authority for approval. The scheme shall include:

1. Details of the arrangements that will ensure that the self-build units are constructed by bona-fide self build, co-operative organisations.
2. Phasing and the timing of the release of the sites over the period of the development.
3. Details of how the sites will be marketed and at a reasonable commercial value to bona-fide self-build organisations,

The marketing of the sites shall begin from the dates set out in the scheme and sites shall be made available according to the phasing schedule for a period of not less than five years. Should no interest at reasonable commercial terms be taken by the end of that period, the site shall return to general housing purposes and this condition shall be deemed to have been discharged.

Reason: In the interests of ensuring that a wide variety of housing types and delivery methods are made available to the area.

35. No development shall take place within any phase of development until an Employment and Skills Plan has been submitted and approved by the Local Planning Authority. The development shall be implemented in accordance with the Plan as so approved.

Reason: To provide an opportunity for residents of the local area to access employment opportunities.

*Informative: The Plan can give priority to the local recruitment of construction employees, priority to local recruitment for general employees, commit to training schemes for local people, provide transport and bursaries to support local recruitment, set standards for recruitment and any other initiative beneficial to the local area's residents.*

36. No development shall take place within any phase of development as defined in Condition 13 until a Public Art Plan has been submitted to the Local Planning Authority for approval. The Plan shall include:

1. A management plan consisting of a summary of the knowledge, skills and time allowed for Public Art project management
2. A brief for the involvement of the artists, including what marketing will be undertaken to offer commissions, where Public Art is not already included in the architecture or landscaping of the scheme
3. An assessment of the positive impact the Public Art will have on the environment and / or the local residents.
4. A description of the commissioning and procurement process.
5. Details for future care and maintenance. Permanent works should be durable of good quality construction requiring very little if any maintenance

The marketing of the Public Art Plan shall adhere to the timetable set out in the Public Art Strategy and the commissions shall be made available accordingly.

Reason: In the interests of ensuring that a wide variety of public art is incorporated into the development in the interests of increasing the public

enjoyment of the area.

37. The net floorspace of the 'Main Foodstore' (as defined in Condition 5) hereby permitted shall not exceed 6,500 square metres including any mezzanine or other floor inserted into a building capable of use as a net sales area. No more than 30% of the net retail sales area shall be used for the sale of comparison goods

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

38. The net floorspace of each on any 'Other Class A1 Convenience' stores (as defined in Condition 5) hereby permitted shall not exceed 500 square metres for each individual store, and together shall not exceed a total of 1,625 square metres, including any mezzanine or other floor inserted into a building capable of use as a net sales area. No more than 30% of the net retail sales area shall be used for the sale of comparison goods.

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

39. The net floorspace of the 'Other Class A1 Comparison' stores (as defined in Condition 5) hereby permitted shall not exceed a total of 8,750 square metres including any mezzanine or other floor inserted into a building capable of use as a net sales area.

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

### **Reasons for Granting Planning Permission**

1. The proposal falls wholly within an area where successive Local Planning Authorities (LPAs) have sought substantial development principally for housing and employment purposes, within a national, regional and sub-regional context of planning policy changes, including a review of the Green Belt boundary, and where the current LPA wishes to support the delivery of the A5 – M1 link road and Junction towards the overall objective of the economic development and regeneration of the wider area.
2. Planning Permission is considered to be appropriate as it complies with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and where the current Development Plan (the South Bedfordshire Local Plan 2001 – 2011) is not up-to-date in this respect.
3. The LPA has taken account of the Environmental Statement and considers that none of the identified impacts will harm the identified environmental interests provided that the appropriate mitigation is secured, where relevant, by planning conditions and clauses to be included within the proposed Section 106 Planning Agreement.
4. The LPA has taken account of the Viability Appraisal and considers that the

planning permission can be granted conditionally, provided that a suitable Section 106 Planning Agreement can be completed to ensure that the appropriate contributions package is implemented. Also on this basis, it is considered that the provision of 10% of the housing as affordable housing is appropriate.

5. The LPA has considered each of the classes and individual items within the description of development and considered these to be appropriate to create a balanced and functioning urban extension. This includes, for the avoidance of doubt, a substantial retail floorspace proposal where the LPA considers that on balance there will be no substantial harm to retail centres within the general area and that it would contribute to the viability of the development which will have an overall benefit to bring to the area. The development as a whole will deliver the A5 – M1 link road which in itself will have a beneficial effect to the environment of Houghton Regis and Dunstable Town Centres.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The application has been determined following the process contained within the signed Planning Performance Agreement held between Central Bedfordshire Council and the applicant, and has therefore been determined on a co-operative basis towards seeking solutions to problems arising.

#### **Notes to Applicant**

1. This decision must be read with the relevant Planning Agreement for this site and all requirements of that Agreement must be discharged or complied with.
2. Attention is drawn to the proximity of National Grid Apparatus and you are therefore advised to contact the local representative for this area accordingly.
3. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
4. Attention is drawn to the existence of Public Rights of Way crossing the site and the legal obligations that arise accordingly.
5. You are advised to contact the Highways Officer for Central Bedfordshire Council should you intend to seek the adoption of roads, footways and cycleways under the Highways Act at the earliest practical stage in the development.
6. The planning permission does not remove or otherwise prevent the

exercising of any private rights that may affect the site; including private rights of access.