

Item No. 6

APPLICATION NUMBER	CB/14/02515/OUT
LOCATION	Vehicle Storage Area, Chaul End Road, Caddington, Luton, LU1 4AX
PROPOSAL	Outline Application: For the demolition of existing buildings and hard standing, residential development of up to 325 unit and up to 500 sq mtrs of community space (with flexible uses across Classes A1, - A3, B1a and D2) with green infrastructure and two access off Chaul End Road (with all other matters reserved apart from access), and works associated with the development including landscaping, informal and formal open space, roads, site re-profiling, selective tree removal, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking.
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Adam Davies
DATE REGISTERED	26 June 2014
EXPIRY DATE	16 October 2014
APPLICANT	General Motors
AGENT	CBRE Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan
RECOMMENDED DECISION	That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to the following conditions.

Summary of Recommendation

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness, its limited impact on openness and its limited encroachment. In line with national planning policy, substantial weight is to be attached to Green Belt harm.

The application relates to a brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt. The land has been identified by the Council as suitable for redevelopment as a strategic development site to be removed from the Green Belt and the application proposal is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy to accommodate the needs of a growing population in the area. The proposed development would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing. Given the emphasis placed within the NPPF on the need to significantly boost the supply of housing, significant weight is attached to this consideration. The redevelopment of this site also reduces the necessity to identify further greenfield sites to contribute to meeting housing need. The proposed development would deliver a range of broad community and environmental benefits and facilitate a number of highways improvements which go beyond baseline requirements under planning policy. There are also a number of other site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

Subject to suitable mitigation, no significant landscape, transport or environmental impacts would result from the proposed development. There would be no significant harm as a result of the loss of employment land or due to the impact on local services and facilities and in all other respects the proposal is considered to be in conformity with the development plan policies comprising the South Bedfordshire Local Plan Review, Minerals and Waste Local Plan as well as the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

Site Location:

The application site comprises the 24ha Vauxhall (General Motors) Vehicle Storage Centre located Chaul End Road, approximately 1km north of Caddington village.

The site is predominantly laid to hard standing (approximately 70%) providing approximately 6,500 parking spaces. The site incorporates an office and warehouse building within the southern part of the site, a gatehouse building adjacent the site access within the north west part of the site, a number of small ancillary structures and two drainage ponds. The storage site is served by a single vehicular access from Chaul End Road, approximately 750 metres from Hatters Way. The site is surrounded by a substantial woodland buffer and bunding which varies in width between 1.5m and 28m.

To the north, beyond the broadest section of the woodland buffer, lies Chaul End hamlet which includes the Grade II listed Chaul End Farm House. To the south there are a number of existing dwellings clustered along Chaul End Road including Brick Kiln Barns which lie approximately 300 metres south of the application site. Caddington Golf Club, including its club house and associated car parking, are located to the west of Chaul End Road. The M1 motorway and the settlement

boundary of Luton lie beyond open countryside and woodland to the east. The site is located approximately 4km from Luton town centre, via Hatters Way/the A505 and approximately 3km from junction 11 of the M1, via Hatters Way/Skimpot Road.

The site falls within the Green Belt and an Area of Great Landscape Value as identified on the proposals map for the South Bedfordshire Local Plan Review 2004. To the west, the land beyond Chaul End Road is located within the Chilterns Area of Outstanding Natural Beauty (AONB).

There are a number of designated **County Wildlife Sites (CWS)** within the locality. Principally these include:

Badgerdell Wood CWS

Adjoins the eastern boundary of the application site, incorporates Round Wood and Bush Wood.

The Linces CWS

Lies north of Chaul End hamlet.

Blows Down CWS

Lies south of Hatters Way, is bordered by the Luton and Dunstable Guided Busway to the north and extends up to Dunstable settlement boundary adjacent to Jardines Way. The western part of the Blows Down site is designated as a Site of Special Scientific Interest (SSSI).

Skimpot Wood CWS and Stanner's Wood CWS

Lie to the west, beyond Caddington Golf Club.

Folly Wood CWS

Lies further south, to the west of Chaul End Road.

The application site and the surrounding landscape are traversed by a number of **public rights of way**. These include:

Public Footpath A8

- Runs north-south between Chaul End hamlet and Caddington village, broadly following the alignment of Chaul End Road.
- At the northern end of the route it crosses the application site.
- At the southern end of the route it diverts east of Brick Kiln Barns, through paddock land and then rear of residential properties fronting Chaul End Road.
- The route is currently obstructed at various points including on the application site by fencing and vegetation.

Public Footpath 5

- Runs east-west across the northern part of the application site.

Public Footpaths 3 and 42

- Runs north from Luton Road, Caddington and diverts west through Badgerdell Wood CWS to adjoin the eastern boundary of the application site.

Public Bridleways 4, 8, 44 and 49

- Bridleways 4 and 8 run north-south between Chaul End Road and the M1, adjacent to the eastern edge of the application site.
- Bridleways 44 and 49 run east-west from the northern end of Bridleway 8 and Chaul End Road.

The Application:

Summary of Proposals

Outline planning permission is sought for the redevelopment of the site to provide up to 325 dwellings with up to 500 square metres of community space with flexible uses across Use Classes A1-A3, B1a and D2 (retail, financial and professional services, restaurants, cafés, offices or assembly and leisure). An additional vehicular access from Chaul End Road is proposed at the southern end of the site. The existing vehicular access would be retained with alterations to its width and alignment to suit the proposed development.

All matters, except those relating to access, are reserved for subsequent approval. As such the precise details of the siting, design, landscaping and appearance of the development would need to be determined at the approval of reserved matters stage. However the outline permission would establish a number of fixed parameters for the development including the distribution of land uses, building densities and height, access and movement arrangements and Design Codes setting key design principles.

The development would comprise two parcels of residential development with a central 'community hub'. The community hub would incorporate a mixed use community centre with a footprint of up to 500 square metres, informal green space, a pond and children's play areas. The existing woodland buffer is to be retained and enhanced with additional planting and the creation of additional informal green space surrounding the housing areas and community hub.

Density and height

The northern parcel of residential development is to be developed at a 'medium density' of up to 35dph whereas the southern parcel is envisioned as a lower density area of up to 25dph. Residential development of up to 2.5 storeys is proposed with building heights restricted to 2 storeys in height where ground levels are higher at the northern end of the site.

Access

A central spine road would be provided running broadly north-south through the proposed community hub to connect the existing and proposed vehicular accesses from Chaul End Road. The development would establish two primary pedestrian and cycle routes across the site, one running north-south and one running east-

west. Pedestrian and cycle access to and from the site would be provided adjacent to the entrance to Caddington Golf Club on the western boundary of the site, at two points on the eastern edge of the site adjacent to Badgerdell Wood CWS (Bush Wood) and at the southern end of the site to connect onto FPA8. The existing and proposed accesses from Chaul End Road would also allow for suitable pedestrian access points to and from the site where appropriate.

Highways Works

A series of highways works are proposed, predominantly to Chaul End Road, which are intended to improve highway and pedestrian safety, reduce vehicle speeds and provide improved traffic management. These include:

- The creation of a signalised junction at Hatters Way/Chaul End Road providing a right turn facility onto Hatters Way/A505 and a pedestrian and cycle crossing to Hatters Way.
- The establishment of a 40mph speed limit between Chaul End hamlet and the existing 30mph speed limit at the southern end of Chaul End Road.
- The creation of new gateway features in key locations on Chaul End Road.
- The provision of pedestrian refuges where rights of way cross Chaul End Road.
- Replacement of existing speed humps on Chaul End Road with road narrowing and priority workings.
- Alterations to the Chaul End Road/Luton Road/Dunstable Road junction to provide a raised speed table close to Caddington village centre.

Community Trust

In connection with the development, it is proposed to establish a Community Trust of local representatives and residents who would take collective responsibility for managing and maintaining various parts of the site including public open space, the surrounding woodland, footpaths, play areas and the community building. The trust would also be responsible for delivery of a community bus service from the site as well as a range of community outreach initiatives to establish connections with the existing communities within Caddington and Slip End. The Trust is to be funded through income derived from the rental income from a number of homes for Intermediate Rent which would be gifted to the trust by the developers.

The application was accompanied by:

- Environmental Statement consisting of Volume 1 – Non-technical Summary; Volume 2 – Environmental Statement Chapters; and Volume 3 – Technical Appendices
- Design and Access Statement
- Design Codes (for approval)
- Application and parameter drawings (for approval)
- Site context plan
- Illustrative Masterplan
- Planning Statement
- Statement of Community Involvement
- Transport Assessment (including Travel Plan and Public Transport Review)

- Housing Land Supply Analysis (Regeneris)
- Green Belt Review
- Draft Section 106 Heads of Terms (including draft Community Trust set up)
- Utilities Capacity Report
- Footpath Feasibility Assessment (FPA8)
- Footpath Feasibility Assessment (Chaul End Road)
- SuDs Maintenance Strategy

Additionally, the following has also been submitted in support of the application during the formal determination period:

- Draft CASE Community Trust Proposal, July 2014 (including draft Memorandum & Articles and Outline Financial Summary)
- Supporting letter dated 22 September 2014 addressing consultation responses and third party representations (including Outline Waste Audit and Indicative Public Art Plan)
- Chaul End Road Footpath Options Analysis, September 2014 (Chaul End Road Footpath Standard and Substandard Specification Options and FPA8)
- Thames Water Sewer Impact Study, September 2014
- Community Trust Business Plan Supplementary Note, October 2014

Executive Summary

- (i) **The application seeks planning permission for the redevelopment of the site to provide up to 325 dwellings and up to 500 square metres of community space (with flexible uses across Classes A1, - A3, B1a and D2). The proposals would provide for associated green infrastructure including landscaping, informal and formal open space, site re-profiling, selective tree removal, two accesses off Chaul End Road, roads, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking. It was determined that the development should be subject to an Environmental Impact Assessment**
- (ii) **The representations from the statutory and non-statutory consultees received raise a number of technical issues, concerns and a limited number of objections in relation to highways and pedestrian safety, other traffic impacts, utilities impacts, housing land supply and Green Belt considerations, and environmental impacts.**
- (iii) **In assessing the proposals, it is considered that limited weight should be given to a number of the current adopted Development Plan policies, due to its age. However some policies are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and can therefore be afforded significant weight. There will be harm to the Green Belt caused by the development but there are very special circumstances that are to be**

taken into account. The site's current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.

- (iv) An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way.**
- (v) It is recommended that, planning permission be granted subject to the prior consultation of the Secretary of State, the completion of a prior Section 106 Agreement and the conditions as set out as part of this report.**

General Introduction and Planning Context:

The Vehicle Storage Centre is located outside of any established settlement boundary and is washed over by the Green Belt. The site has been identified as a suitable location for a housing scheme with associated open space and community facilities and is subject to a proposed housing allocation, as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. There are several reasons why the site is proposed to be allocated for development at this time.

Firstly, the proposal is being promoted through the neighbourhood planning process by Caddington and Slip End Parish Councils (who are producing a joint Neighbourhood Plan). The proposals have been publicised in the vicinity of the site by the developers between April 2013 and December 2013 via an extensive community consultation programme including a community planning weekend, a masterplan update event and a further public consultation event. Whilst there is local support for the proposals, the uncertain timetable and risks associated with the neighbourhood planning process means that a proposal of this size is more appropriately allocated within the Development Strategy.

Secondly, it is a standalone brownfield site and reduces the necessity to identify further greenfield sites to contribute to meeting housing need in Central Bedfordshire.

Thirdly, the site is surplus to General Motors requirements and it is timely to allocate the site in line with the exceptional circumstances set out in the Green Belt Technical Paper forming part of the technical evidence which informs the Development Strategy.

This report is structured to assist the Committee in reaching a clear and lawful decision, taking into account all of the matters that it must, specifically the

information contained within the Environment Statement which accompanies the planning application.

The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework sets out this requirement:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” (para. 2)

The Framework also states:

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)

Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.

RELEVANT POLICIES:

National Planning Policy Framework

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

Policy SD1 Sustainability Keynote Policy

Policy NE3 Control of Development in Areas of Great Landscape Value

Policy BE8 Design Considerations

Policy T10 Controlling Parking in New Developments

Policy H4 Providing Affordable Housing
Policy E2 Control of Development on Employment Land outside Main Employment Areas
Policy R10 Children's Play Area Standard
Policy R11 Provision of New Urban Open Space in New Residential Developments
Policy R14 Protection and Improvement of Informal Recreational Facilities in the Countryside
Policy R15 Retention of Public Rights of Way Network
Policy R16 Control of Sport and Formal Recreational Facilities in the Countryside

The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, BE8, R14, R15 and R16 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF. This matter is discussed in detail in Section 1.

Minerals and Waste Local Plan: Strategic Sites and Policies

Policy WSP5: Including waste management in new built developments

Emerging Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Growth Strategy
Policy 3: Green Belt
Policy 5: Neighbourhood Planning
Policy 6: Employment Land
Policy 8: Change of Use
Policy 19: Planning Obligations and the Community Infrastructure Levy
Policy 20: Next Generation Broadband
Policy 21: Provision for Social and Community Infrastructure
Policy 22: Leisure and open space provision
Policy 23: Public Rights of Way
Policy 24: Accessibility and Connectivity
Policy 25: Functioning of the Network
Policy 26: Travel Plans
Policy 27: Parking
Policy 28: Transport Assessments
Policy 29: Housing Provision
Policy 30: Housing Mix
Policy 32: Lifetime Homes
Policy 34: Affordable Housing
Policy 36: Development in the Green Belt
Policy 43: High Quality Development
Policy 44: Protection from Environmental Pollution
Policy 45: The Historic Environment

Policy 47: Resource Efficiency
 Policy 48: Adaptation
 Policy 49: Mitigating Flood Risk
 Policy 50: Development in the Countryside
 Policy 56: Green Infrastructure
 Policy 57: Biodiversity and Geodiversity
 Policy 58: Landscape
 Policy 59: Woodlands, Trees and Hedgerows
 Policy 63a: Land at Vehicle Storage Depot, Chaul End, Caddington

The emerging Development Strategy for Central Bedfordshire is currently at the "Pre-Submission stage" having been subject to public consultation concluding in August 2014. The Development Strategy is due to be submitted for Examination this year. At the present time limited weight is given to the policies contained within it.

Luton and Southern Central Bedfordshire Joint Core Strategy - adopted by CBC Executive for Development Management purposes on 23 September 2011.

Supplementary Planning Guidance

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

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

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

Planning Obligations Strategy for Southern Central Bedfordshire adopted 23 October 2009

Planning History:

The following relevant planning history relates to the application site.

Case Reference	SB/85/00940
Proposal	Residential development comprising 400 dwellings, recreational facilities, shop, pub and community centre (outline)
Decision	Planning permission refused (1) Contrary to policy principles against residential development in rural areas; (2) within the Green Belt, no very special circumstances sufficient to outweigh Green Belt harm; (3) contrary to policy aims to protect the AONB and AGLV; and (4) detrimental to highway safety. Appeal withdrawn.

Decision Date	27/11/1985
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Case Reference	SB/87/00075
Proposal	Residential development including sheltered accommodation, recreational and communal facilities and new link road (outline)
Decision	Planning permission refused (1) Contrary to policy principles against residential development in rural areas; (2) within the Green Belt, no very special circumstances sufficient to outweigh Green Belt harm; (3) contrary to policy aims to protect the AONB; and (4) contrary to policy aims to protect the AGLV. Appeal withdrawn.
Decision Date	01/04/1987

Case Reference	SB/89/00086
Proposal	Temporary use of land for vehicle storage and erection of portacabin office and toilets
Decision	Planning permission granted
Decision Date	19/06/1989

Case Reference	SB/93/00391
Proposal	Use of site as vehicle distribution centre with associated buildings, structures, access and landscaping (outline)
Decision	Application withdraw
Decision Date	14/04/1994

Case Reference	SB/93/00392
Proposal	Use of site as vehicle distribution centre with associated buildings, structures, access and landscaping (outline)
Decision	Planning permission refused. (1) Within the Green Belt, no very special circumstances sufficient to outweigh Green Belt harm; (2) associated road infrastructure would be detrimental to the AONB and AGLV; (3) associated road infrastructure would result in the loss of the wildlife habitat known as the Linces; and (4) traffic generation would have an adverse impact on Caddington village. Appeal allowed. Sec of State decision, 01/07/1996 refers.
Decision Date	05/01/1994

Case Reference	SB/97/00305
Proposal	Development of vehicle distribution centre with inspection building, security lodge, associated structures, highways works, earthworks and landscaping (reserved matters)
Decision	Reserved matters approved
Decision Date	18/07/1997

Case Reference	SB/97/00763
Proposal	Erection of car wash facility
Decision	Reserved matters approved
Decision Date	18/11/1997

Case Reference	SB/02/00696
Proposal	Variation of Condition 11 of Planning Permission SB/TP/93/0392 to allow storage of new Vauxhall badged vehicles, including those manufactured at Luton.
Decision	Planning permission granted
Decision Date	04/09/2002

Case Reference	SB/07/00912
Proposal	Erection of new single storey company vehicle handover facility comprising pre-fabricated building with collection and inspection canopies, erection of new single storey valeting canopy adjacent to existing pre-delivery inspection building, internal alterations within existing building to include the installation of body repair line and spray booth and installation of 2 No. petroleum tanks in bunded area.
Decision	Application withdrawn
Decision Date	25/09/2007

Case Reference	SB/08/00402
Proposal	Erection of new single storey company vehicle handover facility comprising of pre-fabricated building with collection and inspection canopies. Erection of new single storey valeting building adjacent to existing pre-delivery inspection building, internal and external alterations to existing building to include the installation of body repair line and spray booth, installation of 2 no. petroleum tanks in bunded area and gas cylinder store, engineering operations for new roadway and lighting columns. (Revised application SB/TP/07/0912)
Decision	Planning permission granted
Decision Date	03/07/2008

Case Reference	CB/13/03674/SCO
Proposal	Scoping opinion in respect of outline planning application for demolition of existing buildings and hardstanding, and residential development of up to 325 units and up to 300 sq metres community space (with flexible uses across Use Classes A1 - A3, B1a, D1 and D2) with green infrastructure and two accesses off Chaul End Road (with all other matters reserved apart from access), and works associated with the development including landscaping, informal and formal open space, roads, site re-profiling, selective tree removal,

	pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking
Decision	Scoping advice released
Decision Date	20/11/2013

Land West of Luton/Bush Wood

The Committee will note within this report various references to land known as Bush Wood which has, at various stages, been promoted for allocation as a strategic development site. This relates to a significantly larger area of land also known as Land West of Luton which runs from the settlement boundary of Dunstable to the north and to Slip End to the south. This much larger site was previously promoted as an alternative growth option but was not progressed as part of the Luton and Southern Central Bedfordshire Joint Core Strategy. More recently the land has been put forward by land owners for consideration for allocation through the Development Strategy but has not been progressed and has not been identified as suitable for allocation by the Council.

The following planning history relates to Caddington Golf Club.

Case Reference	SB/09/00026/MW
Proposal	Importation of clean inert material to form six new holes and remodelling of part of the existing golf course, including landscaping and ancillary works (BC/CM/2009/1 refers).
Decision	Planning permission granted
Decision Date	01/10/2009

Since the grant of this planning permission in 2009, various detailed approvals have subsequently been granted pursuant to the conditions attached to the permission.

Representations:

Caddington Parish
Council (29/07/2014)

Unanimously in favour of 325 dwelling development as Vauxhall no longer require the site for vehicle storage and distribution.

The site is within the Green Belt but very special circumstances could be seen. Due to the location of the site and the wide band of surrounding woodland, the site would be well screened. Together with the housing to be provided at the former British Rubber Co. site bordering Dunstable and other sites within the parish, the proposal would result in the parish expanding by 34% to over 2,000 dwellings such that the parish would meet its housing need to 2031.

Footpaths

The provision of a footpath along Chaul End Road to Caddington village would be dangerous to pedestrians. Due to the narrow, winding nature of the road, drivers could lose sight of people using the footpath, especially in bad weather conditions.

There are other alternatives so funding could be used for other footpaths. The path running from Slip End to the application site via land rear of the church is preferred. This path would have to be upgraded to make it suitable for walkers and cyclists.

The path which runs to the rear of Rushmore Close would also need to be upgraded in a similar way.

Concerns are raised regarding pedestrian safety along the proposed footway/cycleway north of the site to cross Hatters Way. It is suggested that this path be fenced along Chaul End Road and a footbridge be provided over Hatters Way.

Chaul End Road speed limit and village parking

The southern section of Chaul End Road (Chaul End hamlet to the existing 30mph speed limit) should be subject to a 40mph limit. The northern section of Chaul End Road (Hatters Way to Chaul End hamlet) should be subject to a 50 mph limit.

Existing parking problems could be examined to identify solutions for extra parking required in Caddington village centre.

Community Trust

The proposed Community Trust would be responsible for the majority of site maintenance. The Parish Council should take overall responsibility for play equipment and sports facilities (MUGA) due to their expertise in this area.

CBC has an opportunity to open the Community Trust concept up to other sites where settlements are willing to expand but have reservations as this is an opportunity to manage day to day running of a development and provide affordable homes for rent. This is a fantastic idea and a revolutionary approach. The Community Trust business plan must show that adequate income can be achieved to fund all aspects of the Trust's responsibilities accounting for changing costs over time. If this cannot be shown, it is

questioned where any shortfall in funding will come from. Increases in Council tax or Parish precept would not be acceptable.

Sustainable Urban Drainage

This is a solution to one of the biggest problems on development sites in Caddington because of the clay content of the ground.

It is unclear where over flow water from the site would discharge. At present over flow water discharges via the golf course. The runoff goes down stream to Mancroft Road. It is questioned whether this would continue and how much runoff there would be from the developed site.

Under legislation Thames Water would be responsible for some drainage infrastructure, the Highway Authority are likely to be responsible for surface water drainage features such as swales, and the Community Trust would take responsibility for the pond and open spaces. It is questioned how the relationship between these three separate bodies would work. The drainage features must have a comprehensive maintenance program setting out the responsibilities of each relevant party. It is suggested that a single body should take sole responsibility for all drainage features. The Community Trust funding could be increased to allow the Trust to take over additional drainage responsibilities.

Integration with Caddington

It is suggested that a welcome pack should be provided for every new household. This could make residents aware of the upgraded footway/cycleway to Caddington, the community bus service, local activities, social groups, shops and services.

Development name

Due to the connection with Vauxhall, it is suggested that the development should be known as 'Griffin Park, Caddington' which sounds better and flows easier than 'Chaulington, Caddington'.

Slip End Parish Council
(24/07/2014)

The Parish Council supports this application. Caddington Parish Council's proposal of naming the site Griffin Park is supported. Concern is raised that the Community Trust may not provide enough money to be sustainable and this needs to be looked at closely. The Parish Council would like to see the Heritage Greenway route upgraded to

include a cycleway and a sturdier footpath away from the road, lit with solar lighting. The Parish Council has concerns about the site flooding.

Neighbours

The Paddocks, Chaul End

- Concern regarding the capacity of Chaul End Road giving rise to congestion and safety issues. An alternative route to Caddington should be provided.
- It is questioned whether the proposals would provide suitable utilities connections.
- Flatted developments would not be appropriate in this location.

1 Chaul End Cottages

- Concern about additional traffic queuing.
- The lack of a footway between the site and Caddington would force residents to use their cars.
- Concerns regarding disturbance caused during construction.
- It is hoped that the electricity substation in Chaul End hamlet will not be upgraded to supply new houses.
- Concerns regarding parking provision.

Chaul End Grange,
Chaul End

- Concerns are raised regarding the capacity of Chaul End Road and the capacity assessments which support the Transport Assessment. A greater number of vehicles than anticipated would travel south through Caddington to access the M1 at Junctions 9 and 10.
- Concerns regarding traffic impacts on Caddington village.
- The application documents include an inconsistency in the intended working hours for demolition and construction. It is critical that noise impacts on residents be fully assessed and limited.
- Concern that the existing electricity substation at Chaul End hamlet would be expanded.
- Concern regarding highway and parking design within the site.

8 Brick Kiln Barns

- Concern regarding health care provision and funding being provided for additional doctors.
- Concern regarding utilities capacity, connections and upgrade works.
- Concern relating to existing parking problems within Caddington village centre.
- Concern regarding the impact on Caddington village school and how children would get to school.
- Concern regarding financing and management

	<ul style="list-style-type: none"> arrangements for the Trust. • Concerns about traffic safety.
9 Brick Kiln Barns	<ul style="list-style-type: none"> • Reference is made to a number of road accidents on Chaul End Road, at Brick Kiln Barns. • Concern is raised about vehicle speeds, driver visibility and other safety issues.
1 Folly Lane	<p>Support. There is a need for additional housing and subject to consultation this is an appropriate location. Appropriate infrastructure, green space and a mix of housing to meet the needs of Caddington.</p>
6 Holly Farm Close	<ul style="list-style-type: none"> • Concern regarding the transport infrastructure including parking in Caddington. • Widening of Chaul End Road for vehicles could exacerbate existing problems and make it a 'rat run'. • It is requested that a lowering of the speed limit along Chaul End Road be considered along with improvements to bus services for the area and a pavement running the length of Chaul End Road to encourage walking rather than driving. • Concerns regarding the capacity of the medical facilities and schools in Caddington. • Concern regarding the disposal of sewage and waste water from the new residences.
Newsletter circulated within Caddington	<ul style="list-style-type: none"> • Reference is made to a former General Motors site within Luton Borough Council's administrative area for which planning permission was granted for residential development. Reference is made to planning obligations secured by LBC in connection with this permission. • Concern is raised that the developer should meet the cost impacts on various local services and facilities as a result of the proposal. • Concerns are raised regarding the capacity of the local roads, schools and doctors surgeries.
126a London Road, Dunton Green	<p>Support. The application which would benefit the local environment and community.</p>
David Lock Assoc. on behalf of O&H Properties Ltd.	<p>Objection.</p> <ol style="list-style-type: none"> 1. The applicant's assessment of 5 year housing supply conflicts with CBC's own assessment as at 30th September 2013. This creates uncertainty in relation to the Council's position in respect of housing land supply

and further work needs to be undertaken. In the absence of robust information, the application should not be determined.

2. O&H have concerns in relation to how the assessment of DS allocation sites has been undertaken and as a result the conclusions made within the assessment of the growth strategy for Central Bedfordshire. The conclusions within Council's Sustainability Appraisal: Assessment of Sites do not fairly reflect the significant landscape sensitivities, environmental constraints, relationship to Luton and its Green Belt location. The Marston Vale site is assessed in a similar way but would be more sustainable. It is not considered that exceptional circumstances have been demonstrated to justify the removal of the site from the Green Belt.

Bidwells
(on behalf of
neighbouring land
owners promoting land
forming part of 'Land
West of Luton/Bush
Wood')

- Our clients fully support the application who intend to put forward their own land to be considered as a logical extension of the application site. Our clients' land has previously been considered for development as part of the Bush Wood site which is not included in the site allocations within the Development Strategy.
- The proposed development is considered compliant with national policy and demonstrates the re-use of previously developed land within a sustainable location.
- Having regard to the existing use, it is demonstrated that the highway network could adequately cope with the associated traffic. The increased permeability and drainage measures proposed would improve surface water run-off. The site is screened by dense woodland and there would be no loss of visual amenity.
- The proposal would assist in delivering Central Bedfordshire's housing land supply in line with the Council's SHLAA.
- It is noted that the applicant's assessment of housing land supply concludes that the Council cannot demonstrate a 5 year supply of housing land. If this is accepted, the Council would need to proactively consider other residential developments coming forward, including our clients' land.

Consultations:

CBC Highways
(08/09/2014)

The accuracy of the Transport Assessment is accepted and the proposals to improve the highway network are in keeping and proportional to the mitigation required in

relation to the expected traffic generation of the proposal.

The proposal includes the provision of a bus gate in the centre of the development to segregate the site in relation to motor vehicles. While there is no objection in principle to the provision of a bus gate type feature, the logic of segregating the site is questioned as this is considered detrimental as far as sustainability is concerned. Overall, the proposed bus gate appears to have limited value.

[OFFICER NOTE: The parameter plans have subsequently been altered to remove the reference to 'bus and emergency only' at the central section of the 'spine road'. This will now be an all-vehicle through-route to allow greater permeability of the proposals.]

The applicant wishes to maintain the new highway network as private rather than public highway which may relate to a desire to reduce construction costs but this does not add any value to the proposal.

A speed reduction to 40mph and traffic calming along Chaul End Lane is proposed and while this is acceptable it does not fully address the problem in relation to pedestrian safety along this stretch of highway.

The main issue of concern remains the lack of provision of a footway within the confines of the highway corridor between the site and Caddington. It is likely that pedestrians will still attempt to walk along the road between the site and Caddington at all hours of the day and with the narrowness of the road and its alignment (even if the speed is reduced to 40mph) these pedestrians will be put at risk and will put other road users at risk. Unless an adequate pedestrian facility is provided along the route, the proposals cannot be supported by Highways Development Management.

The alternative being proposed is the improvement of the footpaths and rights of ways leading from the development to Caddington. This is not on land within the applicant's control and, consequently, there are concerns over the standard/quality of surfacing that can be achieved and the lack of lighting on these routes. Even if appropriate standards of design and construction are achieved, the question will remain over how attractive these routes will be to pedestrians, particularly during the winter period and at night.

As background, during the 1980's through to the 1990's South Bedfordshire District Council developed (retrospectively) a footway network along Parkside Drive, Houghton Regis after it had been found that the internal footway network of the estates did not promote a safe and convenient form of connectivity and people preferred walking along the road rather than remote from it. Further, Milton Keynes has a network of footway/cycleways remote from the highway corridor (Redways) which, due to increasing landscape maintenance costs, are becoming less attractive to users and a liability for the Local Authority.

The preferred option to mitigate against this is to provide a 2m wide footway on one side and a 3m wide footway/cycleway on the other of the carriageway for the entire length of the road from the existing village to the proposed development. An alternative would be to provide a 3m wide footway doubling up as a cycleway on the development side for the entire length from the existing village to the development. A further compromise would be the provision of a lesser width footway (1.8m wide), preferably on the development side, for the entire length of the road from the existing village to the development. Ideally, all of these footway options would be lit.

The footway/cycleway provisions proposed between the site and Hatters Way is substandard but this can be improved on and in the event that the proposal is approved this could be conditioned. I have concerns over the adequacy of the pedestrian link between Hatters Way and the halt for the Luton-Dunstable Bus link but, again, this can be improved upon.

In conclusion, it is recommended that the application should be refused on highway safety grounds unless the key issues raised above relating to footway facilities can be addressed.

CBC Sustainable
Transport (31/07/2014)

This site presents a number of challenges from the perspective of being sustainable in transport terms, most notably the lack of suitable alternatives to the car. Whilst the possibilities for the community bus service are acknowledged the opportunities for independent travel and safe and convenient access for all are still limited and whilst the ROW network offers some distinct possibilities

they are not guaranteed. While this council is realistic in terms of its aspirations for residents to travel sustainably it does favour the promotion of choice and currently that is not provided with any degree of certainty from this site.

Accessibility

Whilst proximity to Caddington village (1.5km) provides opportunities for access to local facilities including schools, the development is 3km from Luton town centre and 4.5km from Dunstable town centre by car. Against the accessibility criteria established by 'Shaping Neighbourhoods', the development is judged to largely meet expectations of access to facilities. However these criteria are based on distance only and make no reference to accessibility to different modes of transport. A range of services is therefore in reasonable proximity but is not currently accessible by means other than car. To overcome this, enhancements are proposed to the local public transport network through the introduction of a community bus service.

Walking and cycling

Accessibility to the site is currently poor for pedestrians and cyclists with no footpaths in existence along Chaul End Road. Possibilities for new footways are constrained by the geometry of Chaul End Road.

Other opportunities for connectivity are presented by the rights of way network. However the opportunities from improvements to achieve the desired levels of accessibility are constrained (FP3 goes through a church yard and FPA8 goes through a pony paddock).

The application indicates that footway proposals on Chaul End Road would detract from the rural character of the road and conflict with the environmental management plan for the Chilterns AONB. Whilst this is a consideration, the proposal would increase car and other traffic on roads that are currently unlit, unrestricted and rural in nature. The application does address the need for reduced vehicle speed limits and traffic calming but does not provide a highway solution addressing the need for footway connectivity.

Opportunities do therefore exist for improving access to green infrastructure and recreational routes. However there seems little practical alternative that would offer safe and suitable access for all.

Improved connectivity to the Luton and Dunstable guided busway is proposed through the introduction of a signalised junction. A signalised junction in this location is the preferred option as it offers the easiest crossing for cyclists and pedestrians and the incorporation of a right turn facility would offer the opportunity for the community bus service to connect to the guided busway via an improved footpath north of Hatters Way and access via the existing service road. There is an existing informal path in existence between the guided busway and Hatters Way. Whilst it is believed this land is in private ownership, this connection should still be pursued.

Public Transport

Currently opportunities for direct access to public transport are presently limited due to the poor level of bus services along Chaul End Road. Access to the guided busway (1km) is neither direct nor straightforward.

A plan is provided showing potential routes for the proposed community bus service. However it is intended that the service remains flexible to meet demand. The community bus model will ensure that the site is served by public transport in perpetuity rather one which sees the service withdrawn after any initial subsidy finishes. The exact mechanisms for ensuring its implementation would need to be secured by legal agreement if planning permission is granted.

Cycle Parking

Reference is made to CBC's cycle parking standards. However little mention is made as to potential provision as part of this outline application.

Travel Plan

A framework travel plan has been provided as part of the highway mitigation measures. It is assumed that the community trust will be ultimately responsible for the implementation of the travel plan which is reasonable and this will accompany the obligation for the bus service, however no mention of exact levels of funding is made with regard to other travel plan measures including promotional activities and literature. Despite the applicants decision not to provide a more comprehensive travel plan there are still deficiencies within the framework provided. For example, targets have been proposed which may be difficult to meet given the applicants own

CBC Rights of Way
(29/07/2014)

admission that the dominant mode of travel to and from this development will be by private car. A full travel plan should be secured by planning condition if planning permission is granted.

General

There are significant challenges in achieving sustainable connections for non-vehicular traffic for the site. The provision of a footway along Chaul End Road has been deemed unfeasible and improvements to the rights of way network are proposed as one way to meet the exceptional circumstances for allowing the development in the Green Belt with limited access other than by car. Rights of Way previously advised that the application would have to demonstrate that a full range of sustainable travel options have been considered. The application provides some suggestions but does not satisfy that the development can be considered sustainable.

Rights of Way directly affected by the proposal

Public Footpath No. A8 is located on the western edge of the development, adjacent to Chaul End Road. The application refers to this having fallen out of use. However this is likely because the footpath has been obstructed by fencing at the northern and southern ends of the site. This route would, in part, provide an alternative for walkers and cyclists to the site. It is expected that this path can be reopened and upgraded as part of the development to provide a suitable multi-user path all year round. A suitable crossing point or refuge would be required adjacent to the golf course. The design of the site accesses should also take account of FPA8 which will cross the new and existing site accesses.

Public footpath No. 5 lies to the north of the site and is within the red line boundary of the application. This path would be used by residents of the site and could be of benefit to existing residents of Chaul End. It is expected that this path can be reopened and upgraded as part of the development to provide a suitable multi-user path all year round. It is suggested that two or three path links from the development to FP5 be provided. Ideally a new linking path between FPA8 and FP5.

Wider sustainable travel and recreational routes

There are many public rights of way which lie outside of

the site which would see an increase in recreational use as a result of the development. There are other public rights of way which could offer sustainable travel options for new residents to Caddington, Luton and the Luton and Dunstable guided busway. Some of these routes form part of the Heritage Greenway aspirations of the Caddington and Slip End Neighbourhood Plan. It is generally agreed that if the applicant does not own the land over which these routes run, the applicant would provide the Council with a financial contribution to improve these routes as they would be directly affected by the development.

Public Bridleways 4, 8, 44 and 49

Public Bridleways 4 and 8 provide a link between Chaul End Road and Luton, running adjacent to the eastern edge of the application site. Public Bridleways 44 and 49 connect to the northern end of this route and provide a potential link to the guided busway. These routes require surface improvements and including some levelling and hard surfacing, vegetation clearance and waymark posts. At the northern end of the route, a suitable connection to any footway/cycleway to be created on Chaul End Road would be required (steps of multiuser ramp).

Heritage Greenway

A separate document relating to financial contributions towards the Heritage Greenway has been produced by Bedfordshire Rural Communities Charity and is endorsed by the Rights of Way team.

Submitted footpath feasibility reports

The submitted feasibility reports deal with the options for routes between the site and Caddington via FPA8 and Chaul End Road.

No analysis is provided regarding the level of use or surveying undertaken at different times of year. The reports do not consider how route improvements could be secured in terms of any land owner agreements or legal orders required allowing for route diversions etc. The costs of legal agreements and any compensation payable, officer time etc. are not addressed. Without these separate permissions and costs being covered the Council would have limited powers to pursue the route improvements or diversions considered.

The aspirations of the Heritage Greenway are to provide suitable multiuser paths year round. Much wider routes than those considered would be required (minimum 2 metres for public footpaths and 4 metres for public bridleways). The Heritage Greenway route should ideally be a bridleway/cycleway 4 metres in width. There would also be a need for a higher specification of surfacing and drainage than the surfacing options considered. Crushed limestone or hoggin could be used. Wood chippings would not be suitable to provide a year round surface. The planting of trees along the considered routes can lead to planting encroaching on rights of way and maintenance issues. Signage and other information such as interpretation boards would also be required to assist/encourage users. Resident welcome packs/travel packs should promote the use of the rights of way network and areas of local countryside interest.

The route options considered would not be enough to offer sustainable travel options and further work would be required in respect of suitable improvements to recreational routes.

Transport Assessment and road crossings

The potential impact (positive or negative) of the southern site access on Bridleway 4 should be considered. The proposed footway/cycleway along the northern section of Chaul End Road and the proposed crossing to Hatters Way should provide a suitable connection to Bridleway 44 (steps or multiuser ramp). *[OFFICER NOTE: These can be incorporated within the final design of highways works and would be dealt with through the separate S278 process.]*

The provision of improved pedestrian and cycle access to and crossing Hatters Way is most welcome. However it does not seem enough for the developer to work with the Council to provide a more direct link to the guided busway. Providing access to the busway via the existing service road would mean walkers and cyclists doubling back on themselves and would not be ideal.

The construction phase

It is not stated whether any temporary closures/diversions of any public rights of way would be required during construction or as a result of the provision of utilities. Should this be the case, there is a formal process which the applicant would be required to follow. Reference is

made to protective fencing and site hoarding, tree protection and noise barriers and ecology mitigation fencing during construction. These should not obstruct/affect any rights of way. FPA8 which crosses the existing site access and may be affected during construction but it is likely that this currently has are relatively low level of use.

Landscape and visual considerations

Any improvement of the existing woodland buffer should not impact on any right of way. The woodland buffer would be an enhancement to the development but may also mean paths within it are less overlooked and feel less safe.

Design codes

Public rights of way should be overlooked supporting the principles of Secured by Design. No design code is provided in respect of the proposed upgraded footpaths. The Rights of Way section does have its own surfacing specifications and can provide advice on these on request.

CBC Education
(28/07/2014)

The nearest primary school is Caddington village which should be able to manage pupil yield from this development without expansion. However additional early years and secondary provision is likely to be required. A financial contribution towards the provision of early years and secondary education is requested.

CBC Leisure
(25/07/2014)

For a stand-alone development of this size, formal open space and play facilities should be provided on site.

Formal Open Space (Sports Playing Pitches)

The parameter plans show a requirement for 2.184ha of sports pitches but it is unclear where this could be accommodated within the site. Due to the size of the development and its location, it is considered some formal sporting facilities should be provided on site.

The Design and Access Statement indicates a MUGA would be provided. This is welcomed but more detail would be required in terms of its size and specification. It is unclear where the MUGA would be located. It would be appropriate to locate this close to the proposed community building so as to allow for opportunities for management and surveillance.

The following are priorities for local sports facilities in Caddington:

- Caddington Sports and Social Club – football - good facility (although youth teams struggle for pitches)
- Caddington CC – site at capacity, lack of artificial wicket
- Provision of cricket training nets / artificial wicket
- New formal recreation space, potentially linked with requirement to provide additional capacity for cricket and / or demand for small amenity spaces

Further discussion would be required to identify the appropriate mix of on-site facilities and contributions to the identified local priorities as an alternative to full on site provision.

Children's Play Space

The parameter plans show a requirement for 0.66ha of children's play space. This is acceptable. The location of major play facilities within the centre of the development allows for the creation of a destination facility, a focal point for the development and allows facilities for all ages to be provided with sufficient space, surveillance and buffer zones to residential properties.

The Design and Access Statement proposes ten doorstep children's play areas. This level of individual dispersed provision is too high and a central destination play area is preferable in combination with two or three smaller play areas within the housing areas.

The content/form of the facilities for young people should be agreed with CBC Leisure and the Parish Council. This discussion should also include the ongoing management and maintenance of both the formal play and sporting facilities provided.

With regard to the flood attenuation basins/duck pond, appropriate safety measures are also required to ensure children playing nearby are adequately safeguarded.

Indoor Sports and Leisure Centres

An on-site provision is not appropriate for this development. A financial contribution to support existing leisure centre facilities is requested to accommodate additional demand generated by the development.

[OFFICER NOTE: Further to the comments of CBC Leisure, Officers have engaged in further discussion with the applicant regarding the level and type of on-site facilities and contributions to off-site facilities and this is addressed in detail below.]

CBC Housing
Development Officer
(11/08/2014)

There would be a requirement for 30% affordable housing (98 affordable residential units). A tenure split of 63% Social/Affordable Rent and 37% Intermediate tenures would be expected. This would equate to 62 units for Affordable Rent and 36 units for Intermediate tenure. Affordable units should be interspersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. All units should meet the minimum code for sustainable homes level 3 and meet all HCA design and quality standards.

CBC Public Protection
(29/09/2014)

No objection subject to conditions to deal to secure Construction and Environment Management Plan (CEMP) and suitable noise attenuation measures and controls.

CBC Pollution Officer
(22/07/2014)

Requests further investigation and remediation be secured by condition as shown necessary by the submitted Phase 1 Environmental Assessment.

CBC Waste
(01/08/2014)

The following would need to be addressed as part of any reserved matters application:

- All flats would need to have purpose-built bin stores which are adequate in size to store the recycling and domestic waste bins
- Dropped kerbs in front of the bin stores, no parking in front of any bin stores
- All bin stores must be within 10 metres of the middle of the highway
- No gradient to the bin stores due to the size and weight of communal bins
- All individual dwellings must store their bins in the rear of the property boundary, there would need to access to the rear of each property without transporting them through the dwelling
- Communal collection points would need to dedicated for the individual dwellings
- Tracking will be needed for the whole of the site using our vehicle specification.

It is requested that a financial contribution towards the waste services and collections for the site be secured as part of the legal agreement.

CBC Minerals and
Waste (24/09/2014)

The main concern at this stage is whether the application would either generate significant volumes of waste materials or require significant volumes of materials to make up ground at the initial stages of development. There was the potential for this to add to the 200 HGV loads per day of waste soils going into Caddington golf course. It appears that based on a more realistic assessment of the start date for the development if successful, the importation of material into Caddington Golf course should have ceased. Therefore there does not appear to be any conflict with whatever may be needed at the construction stage. The principles contained in the waste audit are acceptable with further details to follow at the reserved matters stage.

CBC Local Planning and
Housing (01/10/2014)

The site is to be allocated for development within the emerging Development Strategy and the proposal should accord with emerging DSCB Policy 63a. The site has been promoted by Caddington and Slip End Parish Council's through the neighbourhood plan process and there is community support for the proposal. Given that the Heritage Greenway is to be the principle means of access to Caddington for pedestrians and cyclists, any future layout needs to make sure that the layout is sufficiently legible to make sure this route is clear and its use is encouraged. The Council have recently published a revised Design Guide which sets out the key principles and standards to ensure the delivery of high quality developments. Design codes will need to demonstrate how the overarching requirements of the Design Guide can be met.

CBC Public Art
(05/08/2014)

There are opportunities for the inclusion of public art as part of this development including as part of the central hub/shared space, the community building and the surrounding trim trail. It would be useful to draw on the areas of nature, history and materials and echo these themes across the site. Artistic elements to buildings and floorscapes including treatments and colour to paving designs, glasswork, panels and graduated colour to buildings, landscaping, planting, lighting, street furniture and signage could all add value. Guidance for producing a public art strategy and examples documents are provided. It is suggested that a public art strategy could

be incorporated within the Design Codes for the development rather than being provided as a standalone document.

CBC Sustainable
Growth Officer
(29/07/2014)

Policy Considerations

DSCB Policy 47 requires development to source 10% of energy demand from renewable or low carbon sources as a minimum and achieve standards set by the Building Regulations. Energy demand can be reduced through considering building orientation, individual building features such as canopies and planting to achieve shading or heat gain at appropriate times of the year. In terms of water efficiency, the development should achieve 110 litres per person per day. Water efficient fittings are recommended. Water harvesting systems could achieve a higher level of water efficiency. DSCB Policy 48 requires developments to minimise the risk posed by climate change. It is expected that the detailed application be accompanied by a sustainability statement demonstrating how these policy requirements would be met. It is suggested that details of how these standards would be met should be secured by planning condition.

Environmental Statement

Consideration should be given to climate change impacts on the built environment and its residents. Mitigation measures should be suggested to minimise risk of overheating. Impacts on social and health infrastructure should be assessed in terms of capacity rather than in terms of percentages. In percentage terms, some impacts may seem limited but these can put a strain on underused services.

CBC Ecology
(23/07/2014)

The Environmental Statement provides an accurate account of the site and adequately addresses the potential impacts on the natural environment. The proposed mitigation is appropriate to minimise impacts on key receptors and provides suitable enhancement opportunities. Habitats identified at risk are woodland and ponds whilst a number of plant and animal species are in need of protection. An additional Construction Environment Management Plan (CEMP) would be required by condition to ensure the specific measures proposed are implemented.

The submitted landscape and biodiversity management plan (LBMP) addresses the need to protect and enhance the biodiversity value of the site and is acceptable.

However the following points are noted:

- White helleborine, a priority species, has been identified in large numbers in the northern woodland and yet this does not appear to feature in the specific woodland management targets. Proposed additional woodland planting here needs to take this into consideration.
- Some of the wildflower species proposed to be used for meadows are not well suited to open grassland.
- Ponds on site have been noted to support common toad, a species of principal importance. The indicative masterplan indicates that the pond is envisioned as a 'duck pond'. Whilst this has a nice village appeal it will not necessarily serve the purpose to 'enhance biodiversity and nature conservation'.

The concept of a well treed design is supported. At an earlier stage it was suggested that a SUDs proposal could be accommodated through the centre of the site. However this is now omitted and a tree lined avenue is now proposed north-south. The tree canopy shown as part of the street sections is too small to allow for substantial provision of cooling effect or achieve a 'forest feel'. The majority of the tree planting to achieve this 'forest feel' relies on trees out of the public realm in private gardens where care and maintenance may be reduced. It is considered that the masterplan shows an unrealistic level of tree cover.

CBC Landscape
(22/07/2014)

No objection in principle. However the following points are noted:

Existing Tree Belt

- It is requested that a tree survey be undertaken as the species make up, quality, age and condition of the tree belt are important factors in visual mitigation.
- The species to be used in providing reinforcement planting should be specified.
- A longer east-west section describing wider topography would be appreciated.

Landscape Design

- As compared with earlier concepts the current scheme suggests a reduction in tree cover within the site and reduced provision for small 'community greens'. This does not support the design concept of a 'forest hamlet'. More trees within the public realm are required.

Landscape and Biodiversity Management Strategy

- Proposed woodland trees are described as including Ash @25% planting. Ash is currently not an appropriate tree species to plant and/or is not available due to Chalara fraxinea. A replacement species should be included. Canopy planting spacings may need to be revised dependent on the canopy tree selection and planting character. Description of stock is required.
- Details of planting distances, hedgerow species, planting ratios would be required if hedging is to be included.
- Further details of boundary treatments would be required at the reserved matters stage but these could be specified as part of the Design Codes at the outline stage.
- Details of planting within the private and public realms, including management and maintenance would be required.

Trees within the development

- Information is required regarding species, types and form of trees within the housing areas along with details of management arrangements.

SUDs – Green Infrastructure

- As part of earlier concepts a SUDs was proposed through the centre of the site running north-south. This is now omitted and should be reconsidered.
- A comprehensive SUDs management train needs to be provided including rain water gardens, rills, swales, attenuation areas.
- The management of SUDs should be integral to the landscape and biodiversity plan.

Public Open Space – Access

- The POS provision on site not only has to fulfil POS needs in terms of area but also character, location and quality of onsite provision to reduce over demand on sensitive sites outside the application site.
- The potential impact of dog walking on Bagerdell Wood and the sensitive ancient woodland is highlighted in the ES but proposed mitigation is not disclosed. This needs to be considered further.
- Footpath access to Caddington in a quality landscape environment needs to be resolved.

Chaul End Road

- Sympathetic highway works and traffic management are required in order to maintain the rural character of Chaul End Road.

Chaulington name

- Local distinctiveness can be reinforced by relating place names to local history and features.

CBC Archeology
(23/07/2014)

The proposed development site lies within an area that has produced archaeological remains dating to the Palaeolithic period and under the terms of the National Planning Policy Framework (NPPF) these are heritage assets with archaeological interest.

In the late 19th and early 20th centuries local archaeologist Worthington G Smith made a number of important discoveries of in situ Palaeolithic flint artefacts in brick pits. Smith interpreted his finds as a series of living floors preserved within the brickearth layers. More recent research (White 1997 and Sampson 1978) suggests that the finds appear to represent short term and small scale Palaeolithic activity around ponds and watering holes.

Palaeolithic remains are of national and international significance because archaeological deposits and/or artefacts dating to this period are extremely rare and as a result this period is not well understood.

Archaeological observation and monitoring of a geotechnical survey was undertaken at the site in April. A Brickearth deposit was identified in one trench however it did not contain any evidence for worked flint. The other test pits demonstrated that the site had undergone a degree of truncation, most likely associated with the previous land use. Sufficient work has been carried out to establish both the archaeological potential and the extent of the truncation within the proposed development site and it is clear that there is low potential for the survival of archaeological remains. No objection.

CBC Conservation
Officer (22/07/2014)

The application site abuts the important historic hamlet of Chaul End, which has well-documented medieval origins. Chaul End hamlet retains the character of a small settlement, including the historic and listed Chaul End Farm. The application seeks to preserve the distinctive, individual character of the historic hamlet through the

maintenance of a vigorous 'green break' between the two sites. The detailed layout must safeguard the topographic 'isolation' and intrinsic character of the historic hamlet.

CBC Partnerships and
Community Engagement
(04/09/2014)

- The Draft CASE Community Trust Proposal is to be treated as supporting information which would not be binding as part of a planning permission
- The Legal Agreement and planning conditions would be the appropriate vehicles to give control over the finer points of this development and the Trust business case as necessary.
- The proposed Trust is put forward as the preferred option to ensure the quality management of a community bus service, public open spaces community facilities and develop related social, community and environmental initiatives.
- A key public benefit derived from the Trust is suggested to ensure integration of the new with the existing community through the use of open space, improved connectivity (bus service) and community facilities which are designed to serve a wider catchment.
- At this stage the draft Memorandum and Articles of Association provides standard wording not specific to Chaul End/Caddington. Reference is made to the Trust providing financial advice, addressing social and economic deprivation, acting in the interests of local sites of architectural or historic significance and to establishing 'local branches' of the Trust, none of which would seem appropriate to the Trust.
- The proposal would appear to sit comfortably within the context of DSCB Policy 21 which requires provision for social and community infrastructure within developments.
- Community Trusts are a standard model of delivery vehicle for achieving sustainable community outcomes. The Trust would be set up as a company ltd by guarantee with charitable status which offers a good combination of minimal liability for trustees as well as access to future grant funding and exemptions from certain financial liabilities.
- Principal advantages of charitable status include opportunities for tax relief, donations, rate relief and charitable funding. It also establishes a specific public image which helps convey its purpose and credibility.
- Principal disadvantages include restrictions on activities (e.g. trading), limitations on trustees, and the administration requirements (e.g. financial reporting).

- Inclusive of representatives of key parties and stakeholders such as Central Bedfordshire Council and the Parish Councils are suggested as Trustees thereby ensuring those with a democratic mandate are included.
- The proposal does state that alternative ownership and governance models have been reviewed and considered. However no information regarding these options has been provided.
- Added value clearly lies in the Trust's local focus to provide much needed community facilities and opportunities for its local residents. This is very attractive to prevent isolation and separation to existing communities.
- The Trust's role / duty / responsibilities as a Housing Manager would need to be clarified during the set up phase. There is potential tension here as the rented housing would be subsidising substantial benefits to be enjoyed by the other residents and existing communities.
- There is the potential for conflict / duplication with the role of the local authorities (parish and unitary) but this could be resolved with much more discussion in the preparatory phases.
- The Trusts role as a 'catalyst' to making things happen would need to be clearly established to emphasise partnership and collaborative working which might achieve better, more cost effective outcomes than might be the case should the Trust assume the role of both commissioner and provider.
- The proposal does not suggest setting up a Shadow Board to facilitate and manage the process of set up and incorporation. A shadow Board can ensure the key parties are engaged from the outset and therefore build ownership and responsibility for the future Trust.
- Concerns lies in the costs associated with set up and preparatory work necessary to develop the Trust and when responsibilities would be expected.
- Arrangements to provide initial funding need to be established by Legal Agreement.
- BPS has considered three main elements a) the set up and operation of the Trust b) the likely obligations of the Trust c) the likely revenue and capital available to Trust and the financial forecasts provided by the applicant.
- The concept of a Community Trust offers many advantages over a more typical management

CBCs Financial
Consultant (BPS
Chartered Surveyors)
(16/09/2014)

company which is farmed out of the residue of the developer's activities on a major site. It does however carry with it a number of additional risks.

- The inclusion of affordable housing may require the Trusts focus to be predominantly on the management of the housing to the possible exclusion of other priorities.
- Some of the liabilities of the Trust will evolve and become clearer through processes of procurement. It is therefore essential that in establishing the capital and revenue available to the Trust with the land owner and developer, their liabilities to the Trust are not capped before the cost of the significant "ticket" items has been clearly established through letting appropriate contracts.
- The Council has a major role in setting some clear parameters within the S106 Agreement to define beneficial outcomes. For example setting priorities around the operation of the community bus in terms of pricing and frequency and range of services will in turn help define the costs of the services and with it the developer/land owner contributions.
- The Outline Financial Summary shows progressive cash surpluses which are founded primarily on the assumption that income is growing at a faster pace than costs. It is open to question whether this core assumption is valid and will stand the test of time. However assuming the projections are incorrect and that costs grow above anticipated revenues, the business case would still provide a reasonable period of income security.
- Consideration should also be given to the potential impact of tenant rights to buy in relation to the affordable housing gifted to the Trust.
- Care would need to be taken that the group is initially well balanced to ensure that there is appropriate expertise available to it in terms of key decisions, regarding procurement of buildings, building design, procurement of services and operation contracts, letting the bus service and financial management.
- In the longer term it is envisaged that the Trust will employ a full time manager to provide additional capacity and to possibly allow the Trust to bring "in-house" some services it would otherwise initially contract out.
- The need to engage with a registered housing provider would constrain the Trusts ability to sell units or otherwise manage its asset base.

- The potential for lack of community engagement in the Trust, particularly in the early stages, and the need for significant input from Trustees is of concern.
- It is clear the developer and landowner will naturally seek to limit their medium to long terms financial exposure. It is also realistic to assume that in the early years the buildings and other facilities will have limited repairing liabilities given they are new structures. The framework for decision making would need to be clearly established.
- Clear criteria need to be established to determine the extent to which charging for Trust services is both practical and desirable as excessive charges will limit access to those services and therefore their potential community benefit.

Environment Agency
(21/07/2014)

The site is located above a Principal Aquifer Source Protection Zone. The previous land use is potentially contaminative and the site is considered to be of high sensitivity. Planning permission could be granted for the development subject to appropriate conditions. The following should be dealt with by condition:

- Secure the submission and implementation of a detailed surface water drainage scheme based on the agreed flood risk assessment.
- Secure the submission and implementation of appropriate remediation strategies to deal with the risks associated with contamination of the site.
- Prevent the use of foundation designs using penetrative methods without express consent where it has been demonstrated that there is no unacceptable risk to groundwater.

Chilterns Conservation Board (23/07/2014)

Regard should be had to the following:

- The Chilterns AONB Management Plan
- The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chiltern Materials
- The Environmental Guidelines for the Management of Highways in the Chilterns
- The Board's Position Statement on Development Affecting the Setting of the Chilterns AONB

Natural England
(08/08/2014)

Nationally designated landscapes and sites

The proposed development would not impact significantly on the purposes of designation of the Chilterns AONB. The comprehensive landscape and visual impact assessment concludes that there would be no significant

impacts on the landscape. The existing woodland buffer would mean the site would be well screened and this would be enhanced to minimise impacts on visual amenity and enhance landscape character.

The development is unlikely to result in an adverse impact on the Blows Downs SSSI if carried out in accordance with the submitted details. In terms of recreational impacts, housing growth should be supported by adequate investment in green infrastructure. In this respect the proposed mitigation measures are supported. It is recommended that appropriate management plans be prepared for the site and this should be secured by condition. Consideration should be given to the need to secure financial contributions towards management and enhancement of the wider green infrastructure network to offset the impact of the development.

Other advice

Considerations should also be given to the potential impacts upon the following;

- local sites (biodiversity and geodiversity);
- local landscape character;
- local or national biodiversity priority habitats and species;
- Natural England standing advice on protected species; and
- opportunities to secure enhancements in biodiversity on site.

Various case studies are provided demonstrating how multi-functional green infrastructure can perform a range of functions including flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. It is requested that these are shared with the applicant.

Campaign to Protect
Rural England
(29/07/2014)

The site is within the Green Belt and it is acknowledged that there would be harm arising from the proposal which would be inappropriate development. Although it is proposed that the land be removed from the Green Belt as part of the Development Strategy, this should carry limited weight until the Development Strategy is adopted. It is agreed that there would be a limited degree of incremental adverse impact to the Green Belt and this is outweighed by the contribution to housing provision and particularly affordable housing. No objection is raised in

principle.

Concern is raised that the development could lead to pressure for a larger development within the Green Belt such as the larger 'Bush Wood' scheme which was not progressed by CBC.

The proposed highway works and traffic calming would introduce a degree of urbanisation. Intrusive impacts on rural character should be avoided. Any further works to Chaul End Road (widening, straightening, hedgerow removal, lighting, footpaths) should be resisted. The site is adjacent to the AONB and additional works to Chaul End Road could be seen as sufficient to enable additional infill and larger developments in this location. Off-road pedestrian and cycle access is anyway provided for.

Future reserved matters applications should ensure a high quality, well landscaped development.

Highways Agency
(17/07/2014)

The development would not affect the safety or operation of the M1. No objection.

National Air Traffic
Services (14/07/2014)

No objection.

Luton Borough Council

The Council has formally consulted LBC in respect of the application. To date no response has been received. In August 2014, LBC made formal representations to consultation on the emerging Development Strategy and these respond to the proposed allocation under DSCB Policy 63a in the following way:

1. LBC objects to the methodology underpinning CBC's Green Belt Review. There is no sound justification for only including sites with capacity of 500 dwellings or 20 ha or more and the review makes an exception to these criteria for the Chaul End site based upon local support for the development (paras. 7 -16) *[OFFICER NOTE: The reasons why this site has been identified as suitable for removal from the Green Belt and allocation for housing development are addressed within the General Introduction and Planning Context and Section 5 of this report.]*
2. Clarification is required as to the provision of education and schools at the allocations. The

proposed Chaul End allocation does not mention any provision for improving local education facilities to accommodate these children (para. 19) *[OFFICER NOTE: The implications for the provision of education and school places are addressed within Sections 6 and 8 of this report.]*

Additional representations to the emerging Development Strategy relevant to Policy 63a

Lawes	<ul style="list-style-type: none"> • Concern over transport infrastructure, already experience congestion in Caddington. • Impact on capacity of facilities, including Caddington GP surgery and local school. • Will worsen existing parking problems in Caddington.
The Chiltern Conservation Board	<ul style="list-style-type: none"> • The policy should refer to the 'Chilterns Buildings Design Guide' • The Board welcomes the fact that a Framework Plan and Masterplan will be prepared and trusts that it will be involved in their preparation. • This should be subject to public consultation.
Paul Newman Homes	<ul style="list-style-type: none"> • Questions the rationale, objectivity and the comparative analysis that led to the selection of the strategic site at Chaul End as a strategic allocation for 325 dwellings. • Questions the rationale for the proposed removal of this land from the Green Belt.
English Heritage	<ul style="list-style-type: none"> • Surrounding countryside renowned for its archeological importance, in particular in regard to the Paleolithic era. • Given policy requirements, supporting text, relatively small size and the fact that the land has previously been developed, EH are broadly comfortable with principle of allocation from an archeological perspective. • Would like to see the desk-based assessment of the archeological landscape around Caddington added to the evidence base for this DS. • Policy 63a and the supporting text fails to acknowledge the proximity of the Grade II listed Chaul End Farmhouse. The lack of clarity regarding the listed farmhouse and new access points means the DS is unsound in terms of not being effective or consistent with national policy.
Parry	<ul style="list-style-type: none"> • Promotes site abutting Policy 63a. • Fully support allocation of Policy 63a.

<p>O&H Properties</p>	<ul style="list-style-type: none"> • Have serious concerns regarding the further release of Green Belt land for a site with so few sustainability credentials. • Do not consider its release from the Green Belt is warranted when other alternative sites are available, including outside of the Green Belt. • Object to this policy and believe that it renders the Plan unsound. • Primarily residential site will not help secure balanced growth of new homes and jobs and the site does not have the critical mass to deliver a sustainable mix of uses, facilities and infrastructure. • Site is disconnected from the urban area of Luton and will increase levels of commuting, contrary to one of the primary aims of the DS. • Site will have significant landscape impacts given its location within an area of Great Landscape Value and adjacent to the Chilterns AONB and to ancient woodland.
<p>Abbey Land Developments Ltd</p>	<ul style="list-style-type: none"> • Location is inappropriate in the Green Belt for new housing development of this scale • Isolated proposal unrelated to the existing settlement pattern and as such, would result in highly unsustainable development contrary to the NPPF and NPPG. • The provision of 300 square metres of community buildings is a totally inadequate response to making an unsustainable development sustainable. • Other Strategic Allocations clearly relate to the expansion of existing urban areas whereas this is an isolate development. • No certainty that sustainable transport links are achievable and it is questionable as to whether by providing them, the development will be considered sustainable. • Land surrounding Chaul End Road/Hatters Way junction is controlled by our clients and any re-configuration involving land outside of the existing highway would need to be agreed. Clients also control the land on the north side of Hatters Way between Chaul End Road and the Guided Busway and therefore, achieving a connection to the Guided Busway without their agreement brings into serious question, the deliverability of this Strategic Allocation. • Limited/no capacity for foul drainage in the existing sewage treatment works at Caddington. • Removal of the site from the Green Belt brings into question the exceptional circumstances required to alter the Green Belt boundary in this location. • Proposed allocation is inconsistent with controlling the unrestricted sprawl of development and safeguarding the

	<p>countryside from encroachment. Responses in Green Belt Technical Paper are inadequate.</p> <ul style="list-style-type: none"> • The scale of the proposed allocation is totally disproportionate to Chaul End hamlet. • It is still a requirement to ensure that the redevelopment of previously developed sites would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. • Assessment in the Green Belt Technical Paper appears to regard the previously developed status of the site to justify the safeguarding of the countryside from encroachment, however the site is 'mainly tarmac and some buildings' and therefore is largely an open site with minimal impact on the openness of the Green Belt in its present condition. • Proposals would have significant impact on the openness of the Green Belt. • The land being surplus to requirements is insufficient justification for bringing forward any site for development. • Argue CBC's assessment that the site has no significant concerns and some positive impacts in terms of accessibility. • CBC rely upon the proposal being promoted through the neighbourhood plan process as a justification for its allocation. This approach is contrary to the Neighbourhood Planning Regulations and the order of plan making.
Friends of Bush Wood	<ul style="list-style-type: none"> • Objects to the Chaul End allocation as it undermines the 'Bush Wood' allocation • Lacks the necessary critical mass
Haxell	<ul style="list-style-type: none"> • Policy forms only a part of the cumulative effects on Luton of all proposed developments within and around the urban complex and therefore should not be considered initially as a separate issue
The Wildlife Trust for Bedfordshire	<ul style="list-style-type: none"> • There are a number of significant wildlife sites very close to this Strategic Allocation to which we feel there is a substantial risk of harm from the proposed development. • The policy should include clauses which require assessment of this risk and contributions to mitigating any potential harm to these sites
Bedfordshire Rural Communities Charity	<ul style="list-style-type: none"> • Specific reference should be made to the delivery of the Caddington & Slip End Heritage Greenway within bullet point 5.

<p>General Motors UK Ltd</p>	<ul style="list-style-type: none"> • Supports policy. • Greater emphasis should be placed on the role of the allocation and the proposals in the aspirations of the Caddington and Slip End Neighbourhood Forum and the emerging Neighbourhood Plan • Recommends the policy is amended as follows: “The site will be developed to include a mix of <u>approximately</u> 325 dwellings and <u>around</u> 300 square metres of community buildings...” “Suitable pedestrian and cycle links must be provided to connect with existing routes on Hatters Way and within the village of Caddington including <u>enhanced pedestrian connectivity</u>, including enhanced Public Rights Of Way connections to the wider area.” “<u>Public/community</u> transport connections will be required to link the development to both Caddington and the Luton conurbation, including <u>providing connections</u> to the Guided Busway.” “<u>Approximately</u> 325 market and affordable homes.” “Suitable pedestrian and cycle links to connect with existing non-vehicular routes on Hatters Way and within the village of Caddington including <u>enhanced pedestrian connectivity</u>. New public transport connections to Caddington, Luton and the Guided Busway.”
<p>Highways Agency</p>	<ul style="list-style-type: none"> • Provision of sustainable transport links with nearby town centres and transport interchanges will be critical in helping to reduce car trip generation.

Determining Issues:

The “Determining Issues” in this report sets out the relevance of the current Development Plan to the decision, followed by the importance of the National Planning Policy Framework and the Green Belt.

Furthermore, there is detail on how the policy context above is reflected through the preparation of the emerging Development Strategy for Central Bedfordshire.

Therefore, the main determining issues for the application are considered in the following sections:

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire

5. The Green Belt and assessment of the potential very special circumstances that may arise
6. Environmental Impact Assessment: Issues arising and their mitigation
7. Issues
 - a. Loss of employment land
 - b. Design concept, density, housing mix and type
 - c. Transport impact, accessibility and connectivity
 - d. Leisure, open space provision, green infrastructure
 - e. Community trust
 - f. Utilities
8. Consequences for a Section 106 Planning Agreement
9. The Requirement for Planning Conditions
10. Conclusion

1. Compliance with the Adopted Development Plan for the Area

- 1.1 The formal Development Plan for this area comprises The Minerals and Waste Local Plan (M&WLP) 2014 and the South Bedfordshire Local Plan Review (SBLPR) 2004.
- 1.2 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 4 of this report. All other relevant policy considerations under the Development Plan are addressed below.
- 1.3 Policy NE3 seeks to protect Areas of Great Landscape Value from development which would adversely affect the landscape character and setting of the area. A package of supporting information has been submitted to address the potential landscape impacts of the proposal in the form of a Landscape and Visual Impact Assessment including site sections demonstrating the likely massing and height of the development, relative to the surrounding woodland buffer. Landscape and visual effects are addressed as part of the ES which is appraised in detail below. Given that the site would remain substantially enclosed within the enhanced woodland buffer, the undulating landform, and the other woodland cover in the area, views of the site in the wider landscape are limited. The proposal would have a limited impact on existing landscape features. The proposed development

would not therefore conflict with Policy NE3.

- 1.4 Policy BE8 lists a number of design considerations that development should generally take into account. The submitted parameter plans and Design Codes establish positive design principles which will ensure that the proposed residential development would be capable of achieving a high quality design at the reserved matters stage which would relate well to the surrounding woodland and associated informal open space and community hub. The application is therefore considered in compliance with Policy BE8.
- 1.5 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. However, the policy is written as a set of amendments to an earlier Parking Standards document published in 1994 which is itself now significantly out of date. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments. The outline application does not present any conflict with this objective. However the requirement for sufficient parking provision would need to be addressed in detail at the reserved matters stage.
- 1.6 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.
- 1.7 The policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes. Therefore this policy is considered to be out-of-date and it is recommended that limited weight is afforded to Policy H4 in respect of occupancy and the indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of this development, is of greater relevance and the application is assessed in terms of its compliance with this policy below.
- 1.8 Policy E2 seeks to protect employment land outside of main employment areas for B1, B2 and B8 uses. This policy applies to all allocated

employment land and also unallocated employment sites such as the application sites. Development other than B Class uses will be considered acceptable where proposals are in accordance with the detailed criteria set out within the policy. In relation to these, the site is subject to a restrictive personal planning permission, is significantly under-utilised, supports a limited level of employment and is deemed surplus to requirements. These matters are addressed in greater detail below. Overall it is considered that the proposal would not unacceptably reduce the available industrial and commercial land. The development would make a positive contribution towards regeneration and the supply of land for housing. It would not prejudice, or be prejudiced by adjoining land uses and is considered acceptable in terms of traffic generation and the proposal is not considered contrary to Policy E2.

- 1.9 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. Since these policies were established, new guidance was published in 2009 in the form of a Supplementary Planning Document for Planning Obligations in the former South Bedfordshire area. Subsequently various updated quantity and quality standards in respect of play and open space provision as part of developments have been established as part of the Central Bedfordshire Leisure Strategy which was adopted as technical guidance for Development Management purposes in March 2014. These standards supersede previous requirements set within Policies R10 and R11 and the weight to be attached to the standards in Policies R10 and R11 is diminished. The provision of play areas and open space is appraised in detail below.
- 1.10 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing rights of way, opportunities for enhancements to the network and new pedestrian and cycle connections which can be provided in connection with the development to improve recreational access to the countryside. The proposal therefore complies with the requirements of Policy R14.
- 1.11 Policy R15 seeks the retention of the existing public rights of way. The planning application has a number of footpaths and bridleways in and around the site. Various enhancements to the existing rights of way network are being planned for in connection with the development and financial contributions towards the enhancement of routes outside of the application site can be secured by Legal Agreement to meet the policy aims of Policy R15.
- 1.12 Policy R16 offers support to the provision of land for outdoor sport though referring also to the general Green Belt policy that buildings would not be appropriate. The provision for outdoor sport is addressed in detail below. This policy is a material consideration and should be considered alongside

the section in this report on the Green Belt. The opportunities to provide outdoor sport facilities have been explored as part of the application. In addition to the proposed multi-use games area, the development would support local sport objectives elsewhere by way of a financial contribution to be secured by Legal Agreement and this is considered appropriate to meet the objectives of Policy R16.

- 1.13 Minerals and Waste Local Plan Policy WSP5 relates to waste management in new built developments. The application is supported by an outline waste audit which satisfactorily demonstrates appropriate waste management principles at the outline stage. A detailed waste audit/management scheme can be secured by condition as part of reserved matters submissions. The proposed does not therefore conflict with the aims of Policy WSP5.

2. Compliance with the National Planning Policy Framework

- 2.1 For the reasons set out in the previous section, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.

2.2 Building a strong, competitive economy

The proposal would result in the loss of the existing vehicle storage use with potential to support employment generation. In this case there is limited potential for continued or alternative employment generation and the Vehicle Storage site is not considered a prime employment site needed in order to achieve the Council's job growth aspirations. This matter is addressed in greater detail below. In relation to opportunities to support a strong, competitive economy, the following also weigh in favour of the proposal:

- Provision for commercial and community uses to support the development itself
- Additional housing to support local shops and services, and in particular those within Caddington village
- Shorter term employment / investment benefits within construction / housing sector

2.3 Promoting sustainable transport

The application was submitted with a comprehensive Transport Assessment. The site is well related to the local highway network with convenient access to the M1, Luton and Dunstable by car. However the redevelopment of the site to residential presents a number of challenges in achieving sustainable non-vehicular connections. The application acknowledges the importance of providing safe and suitable connections to neighbouring settlements, including Caddington village, for access to local facilities, and the Luton and Dunstable guided busway. There are various practical barriers to providing a footway/cycleway on Chaul End Road between the site and Caddington village, not least because land required to provide this is outside of the

applicants control and is within private ownership. This has also been resisted as works to widen the road corridor would have a significant urbanising effect on the rural character of the locality and would give rise to adverse biodiversity impacts due to removal of established hedgerows and trees along the road. Various options for providing an alternative non-vehicular connection between the site and Caddington village are available through various enhancements to the existing rights of way network and the Heritage Greenway scheme which is being planned through the Caddington and Slip End Neighbourhood Plan Steering Group. Suitable contributions towards the enhancement of these routes can be secured by Legal Agreement. The Community Trust proposals support the funding of a community bus service in perpetuity to serve the site and the surrounding area. The development would be subject to a residential travel plan which would promote the available sustainable travel options. A detailed appraisal of these aspects of the proposal is provided below.

2.4 Delivering a wide choice of high quality homes

The Design and Access Statement provides an indicative mix of likely housing types. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should demonstrate that a suitable variety of housing will be provided. It is appropriate to ensure that variety in general market housing is provided for and the reserved matters scheme(s) should reflect the latest available information on such requirements.

2.5 The proposed Development Strategy includes a policy which seeks 30% of the housing to be classed as Affordable Housing. The proposal seeks to provide for on-site Affordable Housing at 30% of the total residential provision and this would be secured through Legal Agreement. In relation to this, it is relevant to note that there are no development viability constraints which would prevent full Affordable Housing provision in this case. A proportion of the Affordable Housing provision would be provided as Intermediate Rented units through the proposed Community Trust in order to fund the provision of a Community Bus and other Trust facilities, services and responsibilities. Intermediate Rents are due to be declassified by the Homes and Communities Agency as Affordable Housing in April 2015 and on this basis Intermediate Rented units are not technically classified as such. However, in recognition that the provision of Intermediate Rented units is part of an innovative approach to delivering ongoing funding arrangements for the much broader community benefits which the Community Trust could deliver, this is considered an acceptable approach to the provision of Affordable Housing in this case.

2.6 Requiring good design

The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level including: overall scale, density, massing, height, landscape, layout, materials and access of new development. The application includes a comprehensive Design and Access Statement and Design Codes which sets

basic design principles for the quality of the development. This is a reasonable approach as it establishes broad design aspirations and baseline standards. This would also allow the Council to consider the quality of the detailed proposals which would come forward at the reserved matters stage and the degree to which these would conform to the agreed Design Codes. Aspects of the design proposals and parameters are assessed in more detail below.

2.7 **Promoting healthy communities**

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The proposal includes provision for a community facility of up to 500sqm with the opportunity for flexible complementary uses such as a shop or restaurant use. Formal and informal open space would be provided along with play space and a multi-use games area (MUGA). These are considered appropriate to that scale of the proposal, having regard to its location in relation to existing facilities and services in the area. There is also the opportunity to secure appropriate financial contributions by Legal Agreement to offset the impact of the development on facilities and services such as schools, healthcare, local sports and leisure facilities and emergency services.

2.8 **Protecting Green Belt land**

The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is fundamental policy consideration. Within the Green Belt there is a presumption against residential development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

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

This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately below.

2.9 **Meeting the challenge of climate change, flooding and coastal change**

The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. The applicant acknowledges and supports the incorporation of renewable energy sources and low-carbon

technologies as part of the development and this can be secured by planning condition. The site is not located in an area at risk from flooding (Flood Zone 1). The application is accompanied by a Flood Risk Assessment which demonstrates that the proposals would reduce surface runoff and increase filtration and soak away as a result of the significant reduction in hard standing across the site (33%) and introduction of a detailed Sustainable Urban Drainage (SUDs) Strategy.

2.10 Conserving and enhancing the natural environment

Great weight should be given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. For the reasons set out in the previous section and addressed in detail below in relation to the submitted ES, the proposed development would not have any significant adverse effect on landscape character and would not be detrimental to the setting of the AONB. The application was submitted with comprehensive documents addressing the likely biodiversity and other environmental impacts and benefits likely to arise from the proposed development. The removal of extensive hard standing across the site would open up significant areas for landscaping and the potential to enhance ecology and biodiversity. Various proposals for woodland and biodiversity enhancements have been included within the Environmental Statement and are supported by a detailed Landscape and Biodiversity Management Strategy.

2.11 Conserving and enhancing the historic environment

The application seeks to retain the substantial woodland buffer surrounding the site and would ensure the site remains separate and distinct from Chaul End hamlet thereby retaining its modest character and preserving the setting of the listed Chaul End Farm. The site is located within an area that has produced archaeological remains dating to the Palaeolithic period. The submitted Environmental Statement details the results of a geotechnical survey undertaken in April. This is considered sufficient to establish that there is low potential for the survival of archaeological remains.

2.12 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 4 of this report. The proposal is considered compliant with all other relevant planning principles and aims under the NPPF.

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

3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda

promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the evidence that supported the Joint Core Strategy remains supportive of the growth agenda for the area.

- 3.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application. The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire.

4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire

- 4.1 The Central Bedfordshire Development Strategy document is at a stage of production where following recent public consultation and further amendments it is due to be submitted for Examination later this year.
- 4.2 Policy 63a sets out the requirements for the proposed allocation. The policy expects the following to be delivered.
- 325 market and affordable homes.
 - Two access points from Chaul End Road.
 - Suitable pedestrian and cycle links to connect with existing non-vehicular routes on Hatters Way and within the village of Caddington including a new footway along Chaul End Road.
 - New public transport connections to Caddington, Luton and the Guided Busway.
 - Delivery of measures to improve traffic issues along Chaul End Road and appropriate junction re-configuration works for the junction of Chaul End Road and A505 Hatters Way.
 - A Green Infrastructure network within the site which links in to the existing and proposed green infrastructure beyond the site
 - Appropriate provision of community buildings, community facilities, and children's play and formal sport space in line with the Leisure Strategy.
 - Mitigation against the impact of development on the nationally designated Chilterns AONB, through the sensitive design of new

development and landscape enhancements within and at the boundary of the allocation.

- A form of development which incorporates measures which allow it to adapt to climate change, provide sustainable urban drainage, minimises energy use, compensates for loss of carbon in soils and provide recycling measures and renewable energy technologies.

The planning application has been designed to align closely to the details of this policy and, in general, it is appropriate to conclude that the planning application has taken full account of this policy and is broadly compliant with it.

- 4.3 The Development Strategy for Central Bedfordshire is not yet adopted policy, but is being prepared to deal with development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy also seeks to be consistent with the NPPF. To that end, it is considered that its housing policies that define a quantum of development and its policies about new infrastructure and its delivery are more up-to-date and should be given greater weight than those equivalent to or missing from the adopted SBLPR (2004).
- 4.4 The planning application conforms closely to the policy direction that the Council wishes to go and explicitly delivers a significant housing allocation that the Council considers to be a key part of its Development Strategy.
- 4.5 At this stage, some weight can be given to the document which is greater than the L&SCB Joint Core Strategy. However, until it is formally adopted, the National Planning Policy Framework should carry greater weight.

5. The Green Belt and assessment of the potential very special circumstances that may arise

- 5.1 Policy 63a of the emerging Development Strategy proposes that the land is removed from the Green Belt and allocated for housing development. There is a body of evidence developed in support of the Development Strategy which has concluded that it is appropriate to remove the site from the Green Belt. This has been referred to above within the General Introduction and Planning Context section of this report. However, this policy is not yet in place and, at the present time, the application site is located within the Green Belt. The development does not constitute one of the types of development which are set out in the NPPF as appropriate within the Green Belt and the proposal therefore constitutes inappropriate development. Very special circumstances therefore need to be demonstrated to clearly outweigh the harm to the Green Belt, both by reason of inappropriateness and other harm identified below.

- 5.2 The first consideration is; what will be the harm to the Green Belt caused by the proposal?
- 5.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.4 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.
- 5.5 The application site is substantially previously developed land comprising an extensive area of hard standing, capable of storing approximately 6,500 vehicles. The site incorporates a warehouse and office building, gatehouse building and external lighting. The land is substantially enclosed by a dense woodland buffer and earth bunding which visually contains the land such that the developed areas of the site are not readily visible within the landscape. The woodland edge also provides physical separation between the site, the surrounding open countryside and Caddington Golf Club which lies to the east, beyond Chaul End Road.
- 5.6 **To check the unrestricted sprawl of large built-up areas and prevent neighbouring towns merging into one another**
The site is separated from neighbouring settlements and does not adjoin an existing settlement boundary. The development would not involve an extension to an existing settlement boundary. Due to its current use, location and the surrounding land uses, the site does not therefore make any contribution to checking unrestricted sprawl of large built-up areas. The existing woodland buffer is to be retained and enhanced to ensure the current separation from Chaul End hamlet is not reduced as a result of the development. The development would not result in unrestricted sprawl or neighbouring towns merging into one another.
- 5.7 **To assist in safeguarding the countryside from encroachment**
As the site is previously developed land, the development would not result in the loss of countryside. The retention of the established woodland buffer would ensure that the site remains a stand-alone and self-contained development, separate from the surrounding countryside. This would also serve to preserve a clearly defined boundary between the developed site and the open countryside. While the land would remain substantially and visually enclosed, it is acknowledged that the development would involve a limited degree of encroachment as a result of facilitating works such as the

creation of a new vehicular access from Chaul End Road.

5.8 To preserve the setting and special character of historic towns

There are no historic towns within the immediate vicinity of the application site. However, as noted, the development would ensure the site remains separate and distinct from Chaul End hamlet thereby retaining its modest character and preserving the setting of the listed Chaul End Farm. Given that the site is visually contained within woodland and due to its separation from other settlements, the development would not have any impact on the setting or character of Caddington, Luton or Dunstable.

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

The proposal would not compromise the Green Belt objective to encourage the recycling of derelict and other urban land. While the site itself is not derelict or urban land, the site has been previously developed and, at present, is substantially underutilised and is deemed surplus to requirements. On this basis, it is considered that the development would actively assist in urban regeneration through redeveloping a previously developed and under used site and by reducing the need to identify undeveloped sites within the Green Belt for development.

5.10 Conclusions on Green Belt harm

The application seeks to demonstrate that the level of Green Belt harm would be limited as the site would remain substantially and visually contained by the established woodland buffer such that the developed areas of the site would not be readily visible within the landscape. Whilst this would be the case, it is important to note that the impact upon the Green Belt does not simply relate to visual considerations. Under the terms of the NPPF, the proposal would constitute in appropriate development which is by definition harmful to the Green Belt.

5.11 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Therefore the impact on the openness of the Green Belt must also be considered, whether or not this would be visible from outside of the site. In terms of this basic objective, the proposed development would increase the amount of built development within the site. However the site has been previously developed. The site has the capacity to store for approximately 6,500 vehicles, incorporates a substantial expanse of hard standing, a number of buildings and external lighting storage and has the potential to support a substantial number of HGV movements and other associated activities relating to the commercial storage use. This results in a significant loss of openness. The level of harm in terms of openness which would result from the proposed development is therefore considered to be limited in this case.

5.12 The proposal does not conflict with the five purposes of including land within the Green Belt other than by way of the limited encroachment resulting from

facilitating works such as the creation of a new access from Chaul End Road.

5.13 Therefore the proposed development would be harmful to the Green Belt due to its inappropriateness, its limited impact on openness and its limited encroachment.

5.14 Having concluded this, it is necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the Green Belt harm identified having regard to the substantial weight to be attached to any Green Belt harm

5.15 **The case for very special circumstances**

The application sets out the issues which the applicant considers to constitute very special circumstances in favour of the application proposal. These are summarised as follows:

- 'Greening of the site'. The improvement and enhancement of visually bleak, previously developed land, including the removal of the vehicle storage use and the introduction of landscaping, planting and green open space.
- Highways improvements to Chaul End Road and associated junction improvements, including reductions in vehicle speeds and traffic calming measures to enhance community and highway safety.
- Enhancement of existing public rights of way, including assisting in the delivery of the proposed Heritage Greenway to improve connectivity and accessibility between the site, Caddington and the surrounding rights of way network.
- Provision of a community bus to serve the new and existing communities to enhance connectivity of the site and providing a sustainable mode of transport to be secured long term through the proposed Community Trust.
- The opening up of a Green Belt site for use and enjoyment to the benefit of the public where accessibility does not currently exist.
- The improvement and long term management of the woodland and ecological interest of the wider site, secured in perpetuity through the Community Trust.
- The pressing need for housing provision, including affordable housing, and the contribution of the proposals towards meeting housing need in the area.

5.16 **‘Greening’ of the site**

Whilst the site is contained by woodland and the site is not readily visible in wider views, there is an opportunity for landscape and visual amenity improvements as result of the development not least due to the removal of the expansive hard standing across the site and implementation of the proposed landscaping proposals. In line with current and emerging planning policy. The removal of the extensive ‘blanket’ of hard standing across the site and increase in permeable surfaces would be beneficial for the management of water resources and in terms of biodiversity. There is a policy requirement for development proposals to demonstrate a net gain in biodiversity and make a positive contribution to managing flood risk and improving water quality. However, given the way the application site has been developed, its scale, current use, rural location and relationship with established woodland and wildlife areas, the ‘greening’ benefits of the proposal are considerable in this case.

5.17 **Highways improvements**

Various highways improvements would be required to serve the proposed development including safe connection to, and crossing of, Hatters Way for pedestrians and cyclists. It is understood that the existing junction at the northern end of Chaul End Road provides sufficient capacity to serve existing traffic and additional traffic resulting from the proposed development. However, the proposed improvements to the junction north of Chaul End Road would introduce a right turn facility onto Hatters Way, improving traffic flow and reducing vehicle waiting time. Additionally the proposed improvements to the junction south of Chaul End Road represent an opportunity to improve traffic flow to address existing congestion issues and enhance the public realm and the street scene within the village centre and conservation area through the use of suitable materials and street furniture. While suitable highway safety and traffic calming measures would be required in connection with the proposed development, there have been instances of traffic accidents on Chaul End Road and the proposal does represent an opportunity to address existing safety issues. Elements of the proposed package of highways improvements works would be required in order to provide necessary mitigation to deal with impacts which would result from the proposed development. However many of the proposed works do go beyond the minimum measures required for mitigation purposes and weight in favour of the case for very special circumstances.

5.18 **Enhancement of existing public rights of way, including assisting in the delivery of the proposed Heritage Greenway**

As with the proposed highways improvements, various rights of way enhancements would be required in connection with the development due to its relationship with the surrounding rights of way network and the need to provide suitable non-vehicular connections, particularly between the site and Caddington village. However the proposal would assist in the delivery of the Heritage Greenway scheme which represents a key component in the emerging Caddington and Slip End Neighbourhood Plan and is part of a

larger project of wider value intended to benefit the existing and expanded communities. Accordingly this also carries weight in terms of very special circumstances.

5.19 Provision of a community bus to serve the new and existing communities

Any development of this nature would, as a minimum, be required to contribute to the provision of public transport within the vicinity of the site and it is often the case that the development would be expected to subsidise the running of a new or extended bus service to serve the site. However the service could be withdrawn after any initial subsidy finishes. In this case, the proposed Community Trust would establish a community bus service which is to be funded in perpetuity through rental income from Trust housing. The community bus service would be available to residents of the proposed development and also the wider community. This would provide a wider benefit in expanding the public transport options in the area.

5.20 The opening up of a Green Belt site to the benefit of the public

The proposal would provide access to the surrounding woodland and open space for the wider community. However suitable public access to informal open space would be required in connection with the proposed development and there is a separate requirement for established rights of way to remain unobstructed. Accordingly limited weight is attached to this benefit.

5.21 Improvement and long term management of the woodland and ecological interest of the wider site

Various proposals for woodland and biodiversity enhancements within the site are set out as part of the submitted Landscape and Biodiversity Management Strategy. As noted, notwithstanding baseline policy requirements in relation to biodiversity, the opportunities for ecological benefits are considerable in this case because of the current use of the site, its rural location and its relationship with established woodland and wildlife areas. Additionally long term management of the woodland and natural areas within the site would be secured in perpetuity through the proposed Community Trust. The aspect of the proposal weighs in favour of the case for very special circumstances.

5.22 The pressing need for housing provision and the contribution of the proposals towards meeting housing need in the area.

In line with the NPPF, there is a need to boost significantly the supply of housing. Accordingly Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing and identify a supply of specific, developable sites or broad locations for growth. The application site has been identified by the Council as suitable for development to provide up to 325 dwellings and is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy.

- 5.23 In support of this aspect of the case for very special circumstances, the applicant has submitted an assessment of housing land supply (Regeneris) which seeks to demonstrate the level of local housing need in Central Bedfordshire.
- 5.24 The representations of Bidwells and David Lock Associates also raise the issue of housing supply and note that the applicant's assessment differs from the Council's own approach.
- 5.25 The applicant's assessment of housing need and supply
The Regeneris report states that Central Bedfordshire's five year land supply should be assessed against a need for 1,620 dwellings per annum (8,100 dwellings over five years). This is based on government guidance which states that household projections published by DCLG should provide the starting point for estimating overall housing need. Additionally, it is stated that there is a backlog need of 960 homes and, in line with the NPPF, an additional 5% buffer should be applied to this to account for historic under-delivery of housing against previous targets. The close housing market relationship with Luton and the duty to cooperate between the two Authorities in relation to housing supply is acknowledged. Luton is assessed as having a shortfall of 2,007 dwellings within its housing supply (to meet a need of just less than 4,998 dwellings over the next five years). Accounting for backlog need, previous under delivery, and Luton's need, it is calculated that housing need should be increased 11,018 (2,204 per annum). CBC's 2012/2013 Annual Monitoring Report identifies Central Bedfordshire's housing supply as 9,176 dwellings. In order to account for non-implementation, it is stated that this figure should be reduced by 10% to 8,258.
- 5.26 On this basis, the Regeneris report concludes there would be shortage of 2,760 dwellings over the five year period and the overall supply equates to a 3.7 year housing supply.
- 5.27 The Council's assessment of housing need and supply
The objectively assessed housing need for Central Bedfordshire is 25,600 homes for the period 2011 to 2031, as set out in the Strategic Housing Market Assessment (SHMA), completed in June 2014. The SHMA considers DCLG household projections as the starting point but uses local patterns of births, deaths and migration based on Census information to form robust projections for Central Bedfordshire. Recent case law has established that, in the absence of an up-to-date Development Plan, it is this "policy off", objectively assessed need figure that forms the housing requirement for five-year housing land supply calculations. This excludes any policy considerations such as helping to meet Luton's housing need. Taking the objectively assessed need figure (6,400 homes over five years) and adding a 20% buffer for previous non-delivery (1,280 homes), together with the shortfall since 2011 (360 homes) made up over the next five years, gives a total five-year requirement of 8,040 homes between 2015 and 2020.

- 5.28 The Council's Strategic Housing Land Availability Assessment (SHLAA) sets out the supply of new homes. The SHLAA has recently been updated at June 2014 as part of the technical evidence in support of the emerging Development Strategy. The SHLAA is therefore based on meeting the Development Strategy housing target of 31,000 new homes, rather than simply on meeting the objectively assessed housing need of 25,600. As per the case law, five-year housing land supply calculations should be based on objectively assessed need, excluding the Development Strategy contribution to meeting Luton's housing need. The housing trajectory in the SHLAA also includes a number of sources of supply that, at this stage, cannot be relied on outside the Development Strategy context, such as housing emerging through the Allocations Local Plan and the Market-Led Sustainable Development policy. Once these sources are discounted, together with more detailed recent changes to the trajectory, the total housing supply is 9,986 homes. Against the requirement of 8,040 this constitutes a five-year supply of 6.21 years.
- 5.29 This five-year supply figure includes delivery from the Chaul End site. At 325 homes, the application site is an important component of the five-year supply
- 5.30 Conclusions on housing need and supply
The applicant's assessment (Regeneris) concludes that the Council's approach to calculating its five year supply is incorrect and the Council cannot demonstrate a five year supply at the present time.
- 5.31 However the Regeneris report was prepared in advance of the Council's own more recent assessments which informed the Revised Pre-Submission Development Strategy (June 2014) and which establish a five year supply of housing land. The Development Strategy now contains an increased housing supply which includes a proposed allocation for the Chaul End site. Whether one takes the applicant's or the Council's housing supply figure, there is sufficient evidence to demonstrate a need for the application proposals to be brought for development and this is an important factor in the consideration of very special circumstances.
- 5.32 Taken as an individual consideration, housing need is not an overriding factor sufficient to clearly outweigh Green Belt harm. However the proposal would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing, and is a key element of the Council's overall growth strategy. Given the emphasis placed within the NPPF on the need to boost significantly the supply of housing significant weight is attached to this consideration in terms of the case for very special circumstances.
- 5.33 **Other considerations**
Additionally, there are various factors which have led to the site being identified as suitable for redevelopment to residential.

- The site is a standalone brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt.
- The redevelopment of this site reduces the necessity to identify further greenfield sites to contribute to meeting housing need in Central Bedfordshire.
- The site has been promoted through the neighbourhood planning process by Caddington and Slip End Parish Councils.
- The site constitutes previously developed land which is surplus to General Motors requirements.

5.34 **Conclusions**

The proposed development would give rise to limited Green Belt harm. Under the terms of the NPPF, significant weight is to be attached to any Green Belt harm. However in this case, a number of other considerations including the general need for housing; that the site is brownfield land of limited Green Belt value; and the redevelopment of this site reduces the necessity to identify further greenfield sites to contribute to meeting housing need carry significantly weight in favour of the proposal. Additionally, the proposed development would deliver a range of broad community and environmental benefits and facilitate a number of highways improvements which go beyond baseline requirements under planning policy. These also weigh in favour of the proposal.

- 5.35 Taking all of the factors set out cumulatively, it is considered that very special circumstances exist which are sufficient to clearly outweigh the Green Belt harm identified.

6. Environmental Impact Assessment: Issues arising and their mitigation

- 6.1 Prior to the submission of the planning application, the applicant obtained a formal scoping opinion from the Local Planning Authority which established the elements to be addressed within a formal Environmental Statement (ES) as required under the statutory Regulations. The planning application was accompanied by a full ES. This is a substantial set of documents which form a considerable part of the material submitted with the planning application. The ES incorporates a non-technical summary (Volume 1). The main volume (Volume 2) provides a general introduction; an explanation of the EIA methodology; a description of the site and the proposals; an analysis of the alternatives considered and the design evolution as required under the regulations; details of the proposed construction strategy and CEMP; and a summary of the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:
- Socio-economics
 - Landscape and Visual
 - Ecology
 - Transportation
 - Noise

- Cumulative Effects

6.2 Various technical appendices are compiled within Volume 3 which comprises two parts.

6.3 **Socio-economics**

This element of the assessment considers social and demographic effects (changes to the local population and the implications for social and community infrastructure, education and healthcare provision) and economic effects (changes in employment, residential expenditure and fiscal effects).

6.4 It is estimated that between 0.54 and 0.58 additional GPs would be required to meet the needs of the additional population (855-910 residents). This is the equivalent to a 1.7-1.8% increase in the patient waiting lists within 2km of the site. This could be accommodated by way of a flexible part-time service within the community, which could be provided within the proposed community facility, or through expansion of existing GP surgeries. The proposal would result in less than 0.1% increase in the protected population of Luton and Dunstable Hospital's catchment area and this effect is judged to be of negligible significance.

6.5 In terms of school places, projections indicate sufficient capacity within the Dunstable and Houghton Regis area to accommodate anticipated pupil numbers likely to be generated by the development. However the ES notes that the recent change to a two tier school system may place additional pressure on secondary capacity and a financial contribution towards secondary education may be required.

6.6 At present the site supports four jobs in connection with the current vehicle storage use. It is estimated that the development would support 240 FTE construction jobs per annum over a three year build period. The ES suggests that 25 jobs across Central Bedfordshire would be supported through resident spend and public service demand. Depending on its use, between 5 and 60 jobs could be supported by the proposed community facility which would allow for a range of complementary uses within the customer service sector. The effects are considered of minor beneficial significance.

6.7 The delivery of 325 dwellings over a three year period is estimated to represent 7.5% of the annual housing target. The 98 affordable dwellings would also contribute to the affordable housing target for southern Central Bedfordshire to 2031. The effects are considered of moderate beneficial significance.

6.8 Resident expenditure would support the vitality and viability of local retail centres. This is estimated to amount to £300,000 per annum in Caddington and £900,000 per annum across Central Bedfordshire. These effects are considered of moderate beneficial significance.

- 6.9 By way of mitigation to address the socio-economic effects identified, suitable financial contributions towards the delivery of primary, secondary and mental healthcare would need to be secured by Legal Agreement. In line with the advice of CBC Education, a financial contribution towards the provision of early years and secondary education would be required. Additionally it is noted that a number of effects would deliver economic benefits to the area.
- 6.10 **Landscape and Visual**
This section of the ES provides an assessment of the effects of landscape character; views from sensitive locations including rights of way; the night sky; and tranquillity and urban intrusion.
- 6.11 A moderate adverse effect is anticipated as a result of the removal of a small area of woodland to facilitate the creation of an additional vehicular access from Chaul End Road. However given the temporary nature of construction activities, the scale of the site, the existing, predominantly industrial character of the site and the limited direct impact on landscape features, the ES concludes that the development would have a minor adverse to negligible effect on landscape character and no significant effects on the landscape character of the AGLV or AONB. The establishment and maturing of new landscaping within the site and the retention and ongoing management of surrounding woodland would have a minor beneficial effect on landscape character.
- 6.12 The visual effects of the development have been considered from 20 viewpoints in the surrounding area including 9 short distance (0-300m from the site), 4 middle distance (301-600m from the site) and 7 long distance views (600m+ from the site). These include views from the adjacent AONB and various rights of way. Due to the woodland buffer, undulating landform and woodland cover, views of the site are limited. On the basis of the maximum building heights proposed, the development would be screened in the landscape and few effects on visual amenity were identified.
- 6.13 Construction activity would take place predominantly during daylight hours during standard working hours. Permanent security lighting to the construction compound would be required during the construction phase. However changes to lighting for construction are predicted to result in reduced lighting effects due to the reduction in the extent of lighting across the site and a reduction in reflective surfaces (vehicles). No significant effects to the night sky are predicted.
- 6.14 Construction activities would result in a limited temporary adverse effect in terms of tranquillity and urban intrusion due to increased noise and traffic movements due to building works which would be visible from the AONB. The operational phase is judged to have a limited effect on tranquillity due to the retention of existing woodland surrounding the site. The development would change the nature of traffic movements resulting from the use of the

site from predominantly HGV movements to domestic vehicles and this would be more in character with the area.

6.15 With regard to mitigation, appropriate landscaping within the site and suitable enhancements to existing landscaping features along with long term management and maintenance arrangements where necessary in line with the Landscape and Biodiversity Management Plan submitted in support of the application. These can be secured in connection with subsequent reserved matters submissions and through Legal Agreement setting out obligations in respect of the Community Trust and Management Company.

6.16 **Ecology**

A number of ecological surveys were undertaken to inform the ES including habitat and botanical, bat, reptile, Great Crested Newt and amphibian and dormice surveys.

6.17 The proposed development would result in a significant reduction in hard standing and the introduction of areas of landscaping and sustainable drainage features within the site. The planted woodland buffer includes a range of broadleaved species including Hazel, Hawthorn, Field Maple and Silver Birch. The level of ground flora is sparse. At the northern end of the site, where the planted buffer mixes with naturally regenerating woodland, Hawthorn and Willow become more prevalent. White Helleborine is present which is a priority species. Around the outer edges of the site, particularly on the western and southern sides, there are a number of mature trees and the ground flora has a good range of woodland species. Overall this habitat is considered to be of 'district value'. Direct impacts on this would be limited to the area where the additional access from Chaul End Road would be created. There are no mature trees within this part of the site and woodland species are typical of those found across the site. New woodland planting is proposed along with long term management arrangements in line with the Landscape and Biodiversity Management Strategy which would be implemented by the Community Trust and, in time, this should bring the woodland habitat up to 'county value'.

6.18 Badgerdell Wood CWS lies immediately adjacent to the eastern edge of the application site. This is an ancient woodland with sensitive ground flora which is identified as being potentially impacted by increased recreational use as a result of the development. To address this, a range of mitigation measures are proposed:

- Provision of on-site recreational space including a 'trim trail' adjacent to the surrounding woodland, including a dog-walking loop, and new landscaped areas.
- Provision of dog bins with appropriate signage.
- Provision of clearly defined paths with barriers where appropriate to discourage increased use of sensitive areas.
- Provision of interpretation boards to emphasise the sensitive nature of the woodland habitat.

6.19 No Great Crested Newts, reptiles, or dormice were identified by the ecological surveys. Badger tracks and a badger latrine were found but no setts were identified. A small population of Smooth Newt and a medium population of Common Toad were recorded within the large pond within the centre of the vehicle storage area. Toads would be protected during the construction phase in accordance with the agreed CEMP. Operations between the pond and the western woodland edge would be timed to avoid the breeding season and ensure suitable terrain suitable for toads to cross. Low numbers of bats were recorded. None of the trees to be removed are considered likely to support bats roosts. Lighting would be designed to avoid direct impacts on the woodland areas. Impacts on birds would be minimised by undertaking clearance works outside of the bird breeding season and in accordance with the CEMP.

6.20 **Transportation**

It is anticipated that construction would be carried out in two phases. However in order to consider the likely 'worst case' transportation effects, it has been assumed that both residential parcels would be built out concurrently in 2016. Assuming the 'worst case' scenario, construction traffic is judged to have a negligible effect on terms of severance, pedestrian delay and amenity, fear and intimidation, accidents and safety. The CEMP would prevent construction traffic from travelling south of the site through Caddington.

6.21 A package of highway improvement works are proposed to address the impacts of addition traffic likely to result from the operational phase including junction upgrades at the northern and southern ends of Chaul End Road and a range of traffic calming measures. All of the proposed improvement works are addressed in greater detail below, along with the proposed community bus service which is likely to reduce private vehicle trips. Following implementation of the proposed mitigation measures, the development is considered to have a minor adverse effect on the Chaul End Road/Luton Road/Dunstable Road junction, a moderate beneficial effect on the Chaul End Road/Hatters Way junction and a moderate beneficial effect in terms of accidents and safety.

6.22 **Noise**

Predictions for noise impacts on neighbouring properties at Chaul End hamlet and Brick Kiln Barns have been produced using noise modelling software. These account for noise resulting from the removal of hard standing, other demolition works, building works, vehicles and the use of plant and machinery. The predictions also take account of 'worst case' scenarios where the demolition and construction phase in both residential parcels is undertaken concurrently. Assuming standard working hours, the ES concludes that noise from the demolition phase would not cause any significant adverse effect on neighbouring residents at Chaul End hamlet or Brick Kiln Barns. Various practical measures would be implemented during

the construction phase, in line with British Standards, in order to minimise noise. These include:

- Proper use of plant with respect to regular maintenance and use of exhaust silencers.
- Use of inherently quiet plant where appropriate.
- Shutting down machines in intermittent use when not in periods of work or throttling down to minimum.
- Appropriate positioning of plant and machinery so as to minimise noise disturbance where possible and use of acoustic enclosures where appropriate.
- Channels of communication to be established between the contractor/developer, the local authority and residents.
- Appointment of a site representative responsible for matters relating to noise.
- Monitoring of typical noise levels during critical periods and in sensitive locations.

In relation to other associated works such as the proposed off-site highways improvements and utilities works, these could result in an equivalent noise level of 59dB(A) at the nearest property at Chaul End hamlet and 79dB(A) at the nearest property at Brick Kiln Barns. However this is on the basis of an assessment of the 'worst case' scenario. It is unlikely that this level of noise would continue for long periods or outside of normal working hours. Noise levels from highways works could also be reduced through the use of temporary acoustic barriers around fixed plant and machinery.

6.23 The ES concludes that noise from traffic generated from the proposed development would have a negligible effect on existing residential properties.

6.24 Additionally, the developer will need to ensure that new houses are constructed to ensure internal noise levels are appropriate and in accordance with guidance.

6.25 In line with the advice of CBC Public Protection officers, various noise mitigation measures to protect the amenity of existing and new residents would need to be secured by condition through the agreed CEMP.

6.26 **Cumulative Effects**

The ES provides an assessment of the effects of the proposed development in combination with the following committed and reasonably foreseeable developments:

- Remodelling and landscaping works at Caddington Golf Club including the importation of material to this site which is currently ongoing.
- Forthcoming proposals to convert the disused barns north of the site (Chaul End Barn) to residential.
- Associated development including the proposed junction improvements, traffic calming, utilities works and improvements to the public rights of way network including the Heritage Greenway.

- 6.27 The cumulative effects which would arise during the construction and post-construction phases as a result of these developments is assessed in terms of their impact on the following receptors.
- 6.28 *Chaul End hamlet residents*
Visual, noise and air quality impacts are considered. No impacts above negligible significance are anticipated on Chaul End residents during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.29 *Brick Kiln Barns*
Visual, noise and air quality impacts are considered. No impacts above negligible significance are anticipated on Brick Kiln Barns residents during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.30 *Woodland surrounding the site*
Ecological, noise and air quality impacts are considered. No adverse impacts of above negligible significance are anticipated on the woodland buffer during construction. No significant adverse cumulative effects are predicted during the post-construction phase.
- 6.31 *Badgerdell Wood*
Recreational, noise and air quality impacts are considered. No impacts of above negligible significance are anticipated on Badgerdell Wood during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.32 *Chilterns AONB*
Landscape, visual, noise and air quality impacts are considered. No impacts of above negligible significance are anticipated on the AONB during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.33 **Other Issues**
The topic areas summarised above reflect those agreed with the Local Planning Authority at the scoping stage. In addition to these, the Local Planning Authority previously considered that the matters relating to archaeological and built heritage impacts and drainage and flood risk should be scoped in and addressed as part of the ES. Subsequent consultation has been undertaken on the scope of assessments for specific environmental topics and these responses are addressed within the technical chapters of the ES.
- 6.34 In relation to archaeological and built heritage impacts, sufficient work has now been carried out to establish both the archaeological potential within the proposed development site and it is clear that there is low potential for the

survival of archaeological remains. The proposal would ensure the site remains separate and distinct from Chaul End hamlet thereby preserving the setting of the listed Chaul End Farm. These matters are satisfactorily addressed as part of the Archeological Desk-Based Assessment and Watching Brief Report and the Heritage Statement which are contained within the technical appendices of the ES.

- 6.35 Matters relating to drainage and flood risk are addressed within the Surface Water Management Strategy and the Flood Risk Assessment which is contained within the technical chapters of the ES. These demonstrate that the proposals would reduce surface runoff and increase filtration and soak away as a result of the significant reduction in hard standing across the site and introduction of SUDs where appropriate. A full surface water drainage scheme for the site would need to be secured by condition.
- 6.36 With regard to ground conditions, it is noted that the site is located above a Principal Aquifer, Source Protection Zone. Site investigation has identified areas of contamination which will require remediation during the construction phase which is typical of brownfield sites. Significant site-wide contamination has not been identified. This is addressed as part of the Preliminary Phase 2 Environmental Assessment. Suitable remediation can be secured by condition as recommended by CBC's Pollution Officer. Similarly, the risk of contamination to controlled waters can be satisfactorily controlled by condition in line with the advice of the Environment Agency.

7. Issues

(a) Loss of employment land

- 7.1 The Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The proposal would result in the loss of the existing vehicle storage use with potential to support employment generation.
- 7.2 The site is subject to a restrictive personal planning permission granted on appeal in 1996. At the present time, due to more efficient and 'made to order' production processes implemented by General Motors, the site is significantly underutilised, supports a limited level of employment and is deemed surplus to requirements. An alternative employment generating use, or the use of the site by an alternative operator would require a new planning permission supported by specific justification in this rural location, having regard to the sensitivities of the Green Belt, landscape, highway network and the existing neighbouring settlements.
- 7.3 The Council's 2012 Employment Land Review identifies a significant amount of vacant (employment) land in Central Bedfordshire which supports opportunities for employment generation. However there are also a relatively

high proportion of poor sites which may affect the attractiveness of the employment land market across the area.

- 7.4 The Review provides an assessment of a number of allocated and unallocated sites in Central Bedfordshire with employment potential and recommends that those sites which score highly for strategic employment purposes be prioritised for consideration. The Review also highlights the need to ensure that all proposed employment sites are considered carefully while maintaining the importance of the Green Belt. Land in this location (Land West of Luton) was considered in this assessment but has not been identified as suitable for strategic employment purposes.
- 7.5 In this case there is limited potential for continued or alternative employment generation and the Vehicle Storage site is not considered a prime employment site needed in order to achieve the Council's job growth aspirations. The proposal would not therefore unacceptably reduce the supply, variety and quality of employment land within Central Bedfordshire.

(b) Design concept, density, housing mix and type

- 7.6 Detailed design, scale and layout does not form part of the outline application and would be subject to later reserved matters applications in the event that planning permission is granted. The submitted masterplan is indicative and would not form part of the planning permission.
- 7.7 Subsequent detailed proposals would need to address the detail within the scheme, and ensure that solutions and measures would be adopted to ensure the consideration of privacy, relationships between dwellings, garden spaces and relationships with access roads, footpaths and public spaces.
- 7.8 However a package of Design Codes has been submitted for approval. This establishes positive design principles in respect of key groupings of buildings, street design, set backs and boundary treatments, parking typologies, materials and street furniture. An indicative Public Art Plan has been provided which sets out proposals for the Community Trust to implement a detailed public art strategy in discussion with CBC's Public Art Officer. This can be secured by condition.
- 7.9 Landscaping and Ecology officers have raised a number of detailed issues about amount of tree planting shown as part of the indicative masterplan and the extent to which this would be provided within private gardens where opportunities for long term care and maintenance are more limited. The level of information provided in respect of planting species and types is also queried. Landscaping is a reserved matter and does not form part of the outline planning application. It is considered that many of these detailed comments are matters which can be addressed through a reserved matters application at a later date. This would need to be informed by further detailed tree survey work at reserved matters stage.

- 7.10 It is considered that the site is capable of accommodating up to 325 dwellings in a way which would relate well to the surrounding woodland and associated informal open space and community hub.
- 7.11 Having regard to the general pattern of development within Chaul End and Caddington, it is considered that the density of residential development proposed (25dph to 35dph) is appropriate in this location. Subsequent reserved matters submission would need to demonstrate that an appropriate mix of housing types and sizes would be provided.
- 7.12 The development would provide on-site Affordable Housing at 30% of the total residential provision. The provision of affordable housing, including the tenure mix can be secured through Legal Agreement. There are no development viability constraints which would prevent full Affordable Housing provision in this case.
- 7.13 As noted, a proportion of the Affordable Housing provision would be Intermediate Rented units provided through the proposed Community Trust in order to fund the provision of a Community Bus and other Trust facilities, services and responsibilities. While Intermediate Rented units will no longer be classified as Affordable Housing in terms of Homes and Community Agency classification, the provision of Intermediate Rented units is considered an acceptable approach to the provision of Affordable Housing in this case as it is part of ongoing funding arrangements proposed to support the Community Trust which would deliver much broader community benefits.

(c) Transport impact, accessibility and connectivity

- 7.14 **Transport Impact**
The submitted Transport Assessment sets out the outcomes of junction assessments which examine the existing capacity of key highway junctions around the site and the impact of additional traffic as a result of the development. The capacity assessments examine existing and resultant junction capacity in 2012 (as the existing/base data collection year) and 2018 and 2024 forecast years with and without the proposed developments. The following junctions have been tested:
1. Luton Road/Dunstable Road/Skipot Road/Poynters Road roundabout
 2. Hatters Way/Skipot Road/Skipot Lane roundabout
 3. Hatters Way/Chaul End Road junction
 4. Hatters Way/Chaul End Lane/Dallow Road roundabout
 5. Chaul End Road/Luton Road/Dunstable Road junction
 6. The two site accesses onto Chaul End Road
- 7.15 Of these, the Hatters Way/Skipot Road/Skipot Lane roundabout, the Hatters Way/Chaul End Road junction and the two site accesses onto Chaul End Road are shown to operate within capacity in all baseline and future

scenarios tested with and without the proposed development.

7.16 The Luton Road/Dunstable Road/Skimpot Road/Poynters Road roundabout and the Hatters Way/Chaul End Lane/Dallow Road roundabout are both currently over capacity during the AM and PM peaks. The proposed development would only increase the number of trips through these junctions by up to 1.47% in the AM peak and 2.33% in the PM peak. It is not considered that mitigation measures should be considered for these junctions on the basis of this negligible increase.

7.17 The Chaul End Road/Luton Road/Dunstable Road junction currently operates just beyond its theoretical capacity and development traffic would cause further queuing. This junction would require improvement as a result of the proposed development.

7.18 **Highway Mitigation and Improvement measures**

Chaul End Road/Luton Road/Dunstable Road junction improvements

A number of alternative junction improvement schemes were considered in this location. The proposed improvement scheme is designed to improve traffic distribution from Chaul End Road by reducing vehicle speeds along Dunstable Road/Luton Road through the provision of a raised table. The scheme is also intended to make it easier for pedestrians to cross the road and enhance the public realm and street scene in the centre of the village through the introduction of sympathetic materials and street furniture.

7.19 Hatters Way/Chaul End Road junction improvements

On the basis of the junction testing undertaken there is no requirement to upgrade this junction on capacity grounds. However provision for safe crossing of Hatters Way for pedestrians and cyclists is required to allow for access to the guided busway. The proposed signalised junction would provide improved access to the guided busway and introduce a right turn facility onto Hatters Way towards Luton. This would serve to reduce vehicle waiting times at the northern end of Chaul End Road.

7.20 Chaul End Road traffic calming proposals and safety improvements

Speed surveys were undertaken in December 2013 to determine actual vehicle speed. These showed that drivers tended to negotiate Chaul End Road more cautiously and significantly slower than the national speed limit, likely due to the narrow carriageway which is closely bound by hedging. However it is clear that there is some local concern regarding vehicle speeds and road safety on Chaul End Road. Available accident data shows a total of 105 accidents during the 60 month period from July 2008. The majority of accidents were caused by driver or pedestrian error. In order to improve road safety conditions, the following measures are proposed:

- The establishment of a 40mph speed limit between Chaul End hamlet and the existing 30mph speed limit at the southern end of Chaul End Road.
- The creation of new gateway features in key locations on Chaul End

Road.

- Replacement of existing speed humps on Chaul End Road with road narrowing and priority workings.
- The provision of pedestrian refuges where rights of way cross Chaul End Road.
- The creation of a new shared use pedestrian/cycle path on the west side of Chaul End Road between Hatters Way and the northern access to the site.

7.21 CBC Highways have confirmed the accuracy of the submitted Transport Assessment and consider that the proposed highways improvement works are appropriate and proportional to the mitigation required in this case.

7.22 **Pedestrian and cycle connections**

Connections between the site and Caddington village

There is presently no footway between the site and Caddington village along Chaul End Road. This part of Chaul End Road is significantly constrained by the width and geometry of the road corridor and concern is raised regarding the implications for pedestrian safety. CBC Highways consider pedestrians would attempt to walk along the road between the site and Caddington and, due to the narrowness and alignment of the road, pedestrians would be put at risk and would put other road users at risk. Unless an adequate pedestrian facility is provided along the route, the proposals cannot be supported by CBC Highways.

7.23 Various options for providing a footway/cycleway on Chaul End Road between the site and Caddington have been considered by the applicant. These include the following:

7.24 *A non-continuous footway within the existing road corridor*

The footway would vary between 1m, 1.5m and 2m in width. It is shown to run along the eastern side of the road between the site and Brick Kiln Barns and cross to the western side of the road south of here. This option was considered by Officers at the pre-application stage. It was determined that the provision of a non-continuous footway with a crossing point would be unsafe. In addition, this option would involve significant vegetation removal, engineering and urbanising works giving rise to concerns regarding the likely adverse impact on biodiversity and landscape character.

7.25 *A continuous footway provided by widening the road corridor*

Consideration has been given to the provision of a continuous footway along the eastern side of Chaul End Road of three standard specifications (1.8m wide footway; 2.5m wide shared footway/cycleway; and 3m wide shared footway/cycleway). This would involve the following:

- Levelling of raised verge
- Removal of established trees/hedgerow
- Provision of road kerbs and road drainage
- Reinforcement of road edge and verge

- Setting back of private gardens and provision of new garden boundaries
- Removal of established trees/hedgerow on field edge and residential properties
- Alterations/potential diversion of overhead cables
- Redefining existing 30mph termination point with road narrowing/ Gateway feature with footway crossing

7.26 This option would provide a safer pedestrian and cycle route along Chaul End Road. However, it would require additional third party land and would give rise to significant landscape and biodiversity impacts, through the required removal of existing vegetation. This option may also require Central Bedfordshire Council to exercise compulsory purchase powers to acquire the necessary land and for significant landscape, visual and biodiversity impacts to be accepted. It is important to note that a number of statutory and non-statutory consultees responses summarised above, including the Parish Council's, raise concerns about the provision of a footway on Chaul End Road between the site and Caddington village and there would be local objections to this option.

7.27 It is therefore considered appropriate that the development should maximise safe, off-road connections between the site and Caddington village in lieu of a footway/cycleway being provided on Chaul End Road itself.

7.28 *Public Footpath A8*

The options appraisals submitted in support of the application also consider the opportunities for enhancements to the existing FPA8 route and the diversion of FPA8 forward of Brick Kiln Barns to broadly align with Chaul End Road. Opportunities for various enhancements to FPA8 exist and financial contributions could be secured to deliver these in connection with the development. However, as with the road widening options considered, the proposed diversion of FPA8 would still result in a loss of hedgerow and trees giving rise to landscape and biodiversity impacts. Additionally, this would be subject to negotiation with land owners who would lose land to provide for public access.

7.29 *Caddington & Slip End Heritage Greenway*

The Caddington and Slip End Neighbourhood Plan Steering Group (NPSG) has worked in partnership with Bedfordshire Rural Communities Charity (Beds RCC) to identify the need for and viability of an off-road, multi-user route linking the communities within the parishes of Caddington and Slip End. The NPSG has developed a concept plan to provide a multi-user countryside trail linking the local communities known as the Heritage Greenway. The proposed route would comprise two main sections:

- The southern section from Pepperstock to Caddington (Luton Road), measuring approx. 3.3km
- The northern section from Caddington (Luton Road), to the guided busway, measuring approx 3.4km, to encompass Public Footpaths 3

and 42 and Public Bridleways 4, 8, 44 and 49

7.30 The NPSG have agreed the following vision:
“The CaSE HG will provide an ‘easy access’ route for pedestrians, cyclists, and where possible, horse-riders. The HG will seek to celebrate and secure the rural setting of Caddington and Slip End, which has high heritage, wildlife and landscape value.

The route will link the communities to each other, with surrounding areas of heritage and wildlife interest; and with Luton. Opportunities will be sought to protect and celebrate the area’s rich heritage and to enhance and create habitats and landscape features. Much more than a linear access path, the HG will seek to be a corridor of great environmental value, with many links to adjacent destinations and features of interest.”

7.31 Key aspirations for the Heritage Greenway linear routes include:

- Be traffic free
- Be un-broken, with no missing links and a minimal number of road crossings
- Be safe and inspire confidence in visitors
- Offer ‘easy access’ i.e. be reasonably easy to use for users with a wide range of mobility levels, including pushchairs and walking aids
- Provide connections between where people live and where they want to travel (for recreational or employment purposes)
- Be clearly signed and easy to follow
- Be well maintained

7.32 In order to deliver a suitable off-road connection between Caddington village, the application site and the guided busway, the Legal Agreement associated with any planning permission should secure contributions to cover the costs of creating the northern section of the Heritage Greenway. This should provide sufficient funding for the following:

- Resurfacing, drainage improvements, levelling
 - Maintenance of path surface and furniture for a period of 10 years (likely to include interpretation panels, benches, bins, cycle racks, and sculptures).
 - Habitat enhancement and management including additional planting/clearance
 - Officer time in landowner liaison/negotiation
 - Legal costs of PRow orders
- Possible landowner compensation for loss or productive land

7.33 It is acknowledged that the land required to provide the Heritage Greenway is outside of the applicants control and this cannot be delivered through a planning permission as any enhancements to the public rights of way network are subject to separate legal and consultation processes. As such there is a risk that the aspirations for the Heritage Greenway may not be

realised in full. For example, elements of the Heritage Greenway proposals, such as specific diversions or aspects of the resurfacing works along part of the route could give rise to objections from land owners or interest groups. Notwithstanding this risk, given that it forms part of a larger initiative led by the Caddington and Slip End Neighbourhood Plan Steering Group, it is considered that the Heritage Greenway route is capable of delivering an attractive and accessible route between the site and Caddington which would be suitable for users with a wide range of mobility levels, year round.

- 7.34 In terms of the propensity for residents to walk Chaul End Road south of the site, the final layout and design secured at reserved matters stage should encourage use of the Heritage Greenway and other alternatives rather than directing residents to walk/cycle Chaul End Road. This should be supported by the content of residents welcome packs and the travel plan initiatives which should educate residents about travel options and encourage travel by mean other than private car. These should include information about the safest, accessible walking and cycling routes to Caddington.
- 7.35 Connections between the site, Luton and Dunstable guided busway
Due to the increased width and alignment of Chaul End Road to the north of the site, a suitable shared footway/cycleway can be provided within the road corridor to connect the site with Chaul End hamlet and Hatters Way. The final specification of this path would need to be determined in connection with the other highways works which would be required.
- 7.36 The proposed signalised junction at Chaul End Road and Hatters Way would provide a safe crossing for pedestrians and cyclists. From here there is an existing desire line across third party land between Hatters Way and the guided busway. This is currently walked such that an informal, worn path has been established. The number of pedestrians/cyclists wishing to access the guided busway via this route would inevitably increase as a result of the proposed development and it has been requested that the applicant secure suitable rights to provide direct, formal access to the guided busway across this land.
- 7.37 The applicant has therefore engaged in discussions with the owners of the land between Hatters Way and the guided busway. Options were explored to provide a direct pedestrian and cycle connection to the guided busway. The information submitted in support of the application states that the applicant has made various offers to the owners to acquire either rights of access or the freehold interest in a strip of land to create a formal footpath to the west of the landholding. Unfortunately, the owners were unwilling to sell the rights of access or the freehold interest in the land in question.
- 7.38 In the absence of control of this land, is it envisioned that pedestrians and cyclists would travel east along Hatters Way to an existing access road providing access to the guided busway. To allow for this, a new path along the north side of Hatters Way may be required in connection with the other

S278 highways works. There is an existing footway/cycleway alongside the guided busway, west to the Stanton Road stop. While this route would involve pedestrians travelling further than would be the case if direct access over third party land could be secured, the proposal would provide a deliverable pedestrian link from the site to the guided busway.

7.39 Other connections

CBC ROW have requested enhancements to FP5 and FPA8 on land within the applicant's control. These can be secured through condition and as part of subsequent reserved matters submissions. There is a need for suitable connections/pedestrian refuges where rights of way connect with Chaul End Road. These can be secured in connection with other highway works through the S278 process. The financial contributions secured as part of the Legal Agreement could also support potential enhancements to the public rights of way around the site which could see an increase in use as a result of the development.

7.40 Public Transport Strategy

At present there is a poor level of bus services along Chaul End Road. The establishment and running of the community bus service would need to be secured by Legal Agreement. Various routes and service options for the community bus service have been considered in detail as part of the Transport Assessment. However the community bus service should retain a degree of flexibility to allow for increased frequency in peak hours and provide a school service to Caddington Primary School. Subject to appropriate funding mechanisms, considered below, Community Trust proposals represent an opportunity to deliver a regular bus service in perpetuity for the development and significantly improve bus service provided in rural area.

7.41 Framework Travel Plan

A framework travel plan has been submitted which sets out opportunities for promotional activities, literature and other measures which would be available to encourage travel by means other than private car. It is envisioned that the Community Trust would assume responsibility for the implementation of the travel plan as this would encompass measures to promote the use of the community bus service. The Travel Plan would need to promote the use of the Heritage Greenway as the safest and most accessible walking/cycling route to Caddington village and discourage pedestrians and cyclists from accessing shops and services in Caddington via Chaul End Road. A full Travel Plan would need to be secured by condition.

7.42 Public parking within Caddington

The concerns raised regarding existing parking problems within Caddington village, and the Parish Council's comments on this, are noted. It is accepted that Caddington supports a busy village centre with a range of popular shops and services where it can be difficult to park during busy times. However

existing parking problems cannot be addressed as part of this proposal. In line with planning policy, parking requirements are determined on the basis of the size and type of facility or service. For example planning policy would normally dictate that the size of a shop or restaurant would determine the level of parking required rather than the size of the settlement or its population. Additional traffic using parking within the village centre would be a result of additional customers using village shops and services. This would be considered beneficial to the vitality and viability of the village.

(d) Leisure, open space provision, green infrastructure

- 7.43 Formal open space/playing pitches, indoor sports and leisure
Given the scale of the site and number of dwellings proposed, indoor sports and leisure facilities are not required as part of the development. However, a financial contribution to support existing leisure centre facilities would need to be secured by Legal Agreement in order to support additional demand generated by the development.
- 7.44 In terms of outdoor sports facilities, a number of priorities for local sports in Caddington have been identified as part of the work undertaken to support the Council's Leisure Strategy and through public consultation. In particular, Caddington Sports and Social Club and Caddington Cricket Club have been identified as local priorities. Contributions to off-site sports provision, rather than the provision of new facilities on-site, may assist in establishing community connections with the existing settlements within Caddington and Slip End. It is therefore appropriate to secure financial contributions towards off-site facilities in lieu of on-site provision in agreement with CBC Leisure.
- 7.45 The proposals include provision for a multi-use games area (MUGA) within the community hub in the centre of the site and adjacent to the proposed community building allowing for opportunities for shared management and surveillance. The specific details regarding its size and specification would need to be agreed at a later stage.
- 7.46 Children's play space
The community hub would include a Local Equipped Area of Play (LEAP). This would provide the primary element of play space. Additionally, a number of smaller Local Areas of Play (LAPs) would be provided within the site to ensure the overall play provision would be in accordance with the quality standards and catchment areas as specified within the Council's Leisure Strategy. Indicative proposals show the provision of up to ten individual LAPs. This level of individual provision is too high for a development of this size and type and would detract from the value of the LEAP as the destination facility. The individual provision of LAP and their design and specification would need to be agreed at a later stage including through the submission of subsequent reserved matters applications.

7.47 Open space proposals
The development would provide for 23,100 to 24,400 square metres of informal open space. This would include 5,500 to 6,800 square metres of public amenity space as part of the central community hub providing a landscaped setting to the primary play area, pond and community building. Additionally 17,600 square metres of woodland edge open space would be provided in the form of a circular walking route/'trim trail' with play provision, ecological mitigation and SUDS elements. The level and type of open space provision is considered appropriate to the scale of the site and the nature of the proposal, having regard to its woodland setting and rural location.

7.48 Off-site green infrastructure
The development would give rise to additional pressure on existing recreational sites within the area. In particular Blows Downs SSSI/CWS and Badgerdell Wood CWS would be likely to see increased footfall as a result. Suitable contributions toward the ongoing maintenance and management of existing countryside recreation sites would need to be secured by Legal Agreement, in line with the requirements of the Council's Planning Obligations SPD and emerging DSCB Policy 19.

(e) Community trust

7.49 It is proposed that Community Trust would take responsibility for managing and maintaining the proposed community building and other parts of the site which would be available for public use such as including informal open space, the surrounding woodland, footpaths and play areas. The trust would also be responsible for delivery of a community bus service from the site as well as a range of community outreach initiatives to establish connections within Caddington and Slip End.

7.50 The application is supported by a draft Community Trust Proposal which sets out the basic structure and governance arrangements for the Trust including a draft Memorandum & Articles.

7.51 The finer detail about availability of the community space/hub booking arrangements should not be set at this stage as these would be matters for the Board of Trustees to determine. Similarly the legal status of the Trust (e.g. Co Ltd by Guarantee or Charitable Incorporated Organisation or other) would be established by the Trust itself.

7.52 The Trust Proposal also provides an Outline Financial Summary to substantiate the running of the Trust over the long term which accounts for maintenance, staffing and other running costs. The financial model seeks to demonstrate that the trust can be financially self-sufficient in perpetuity through income derived from the rental income from 46 homes for Intermediate Rent gifted to the trust by the developers.

- 7.53 CBC's Community Engagement Manager has provided an operational appraisal of the Community Trust concept. The Council's financial consultant has also provided a financial appraisal of the Financial Summary. These are broadly positive and conclude that the Community Trust model is entirely feasible.
- 7.54 The financial appraisal highlights a concern regarding the rate at which costs are projected to rise at a lower level than income. This reflects current low inflation and relatively low levels of economic activity but may be over optimistic. There are also a number of risks and variables which create a degree of uncertainty regarding the level of funding required at this point. Some of these variables, such as the timing of the housing developer's liability and the parameters for procurement and delivery of various Trust facilities and services, cannot be clarified at this stage, some being dependent upon parameters yet to be set within the Legal Agreement and some being a matter for the end developer and the Trust itself.
- 7.55 It should be acknowledged that there would be opportunities for the financial model to be refined at a later stage when there is greater certainty over the variables involved. The Outline Financial Summary addresses only one potential funding stream and alternative arrangements could be explored by the trust over the long term. There would be opportunities for the funding arrangements to be adapted over time by the Trust to account for any increased or additional costs or delays in funding which could arise. Importantly, the applicant's Outline Financial Summary and Community Trust Business Plan Supplementary Note provide sufficient reassurances that the Trust can remain viable over the long term on the basis of the proposed financial model. The Legal Agreement associated with the planning permission would need to establish the mechanism for the Trust and set out what the final Business Plan and Trust constitution will need to cover and provide for.

(f) Utilities

- 7.56 An indicative drainage and utilities strategy, based on the indicative masterplan, has been provided as part of the Design and Access Statement. The final strategy would need to be revised at a later stage to respond to detailed development proposals. Additionally, the application was accompanied by an Initial Utilities Capacity Report which sets out existing utilities provision within and around the site, the implications for providing suitable upgrades and connections as required to serve the proposed development and the risks and costs associated with these.
- 7.57 *Electricity*
There are presently four substations within the vicinity of the site; one located within the site, west of the balancing pond within the centre of the site; one to the north of the site, adjacent to Chaul End Farm at Chaul End

hamlet; one south of properties fronting Chaul End Road; and one adjacent to Luton Road, Caddington. Pre-application enquiries have been undertaken with UK Power Networks to establish the likely electricity demand and cost to the developer. These are based on the existing point of connection within the western part of the site and account for diversionary works including relocation of the existing substation on site and low voltage mains around the site including domestic and street light connections.

7.58 *Potable Water*

A 225mm water mains runs through Chaul End Road adjacent to the site. Pre-development enquiries have been carried out with Affinity Water to establish if sufficient capacity is available and whether reinforcement works would be required. No off-site reinforcement works would be needed in connection with the proposed development. There will be a cost for the developer for installation of pipework within the site.

7.59 *Gas*

There is currently no gas infrastructure on the site or in the immediate vicinity. There is a low pressure gas main terminated approximately 400 metres south on Chaul End Road and a medium pressure gas main terminated approximately 400 metres north, buried within an agricultural field. National Grid has confirmed that off-site and on-site reinforcement works would be required and these have been costed.

7.60 *Telecomms*

An overhead BT cable runs north-south along Chaul End Road and diverts east into the northern portion of the site. Existing Virgin Media infrastructure is located to the east of the M1 and further south on Chaul End Road. Based on the connection points available the applicants consultant has estimated the costs associated with supply to the site which would need to be confirmed by BT, and Virgin Media if required, following detailed surveys.

7.61 *Storm and Foul Water Drainage*

There is a terminated foul water sewer approximately 400 metres south of the site on Chaul End Road. Caddington Sewage Treatment Works is located approximately 5km downstream of the development site. Thames Water has investigated the likely implications and has confirmed that the proposed development would necessitate off-site works to provide improvements to the existing foul network. Storm water is presently managed by discharging into the balancing pond within the centre of the site which in turn discharges to Caddington Golf Club where the drain terminates and water is managed into local water courses. As there is no evidence of a

reasonably available surface water pipe for the proposed development to discharge into, surface water would need to be managed on site through continued discharging to the golf club and the implementation of a detailed surface water drainage strategy and SUDs proposals as agreed with the Environment Agency.

7.62 In relation to this, forthcoming changes under national legislation may require the establishment of a local SUDs Approval Body who would be responsible for formally adopting SUDs infrastructure where national standards are met (Schedule 3 of the Flood and Water Management Act). However relevant elements of this legislation have not yet been fully commenced.

7.63 Additionally, Defra are currently consulting on policy changes to the planning system to give increased weight to the provision and maintenance of sustainable drainage systems and to make it clear what is expected of developers. A number of potential maintenance options are outlined in the consultation which could be appropriate for the proposed development. These are as follows:

- a) **Service Management Company** – this could mean national management companies or bespoke for each site. Residents pay a charge for SUDs maintenance as part of the annual service charge which would need to be specified in the property's deeds. Community Trusts may also be pursued.
- b) **Water and sewerage companies** – charges could be included in the surface water drainage element of the household water bill and regulated by OfWat where applicable.
- c) **Voluntary adoption by the local authority** – where SUDs provide advantages to the local community some local authorities “may wish to take on responsibility for the maintenance of sustainable drainage systems as part of their wider open space an amenity management function”.

7.64 The applicants SUDs Maintenance Report sets out a package of best practice maintenance arrangements but does not deal with management responsibilities. It is anticipated that the first year of responsibility for maintenance of the drainage and SUDs network would fall to the developer/land owner. The extent of maintenance and monitoring will vary depending on the final detailed design of the site and its drainage strategy which would be developed at a later stage. The mechanisms for establishing appropriate long term management arrangements and responsibilities would also need to form part of the Legal Agreement.

7.65 *Conclusion*

The developer would need to undertake a further detailed statutory Utilities Appraisal in connection with detailed proposals and meet the costs of all necessary utilities works as required by statutory undertakers and other individual utilities providers as outlined above.

8. Consequences for a Section 106 Planning Agreement

8.1 Having regard to the above, various planning obligations would need to be secured by Legal Agreement. Principally, the Legal Agreement would need to achieve the following:

- 8.2
- Establish the mechanism for **the Community Trust** and set out what the final Business Plan and Trust Constitution will need to cover and provide for.
 - Establish the mechanism for the implementation of **the community bus service** including parameters for the core service and additional services including school and other services to meet demand.
 - Provision of **Affordable Housing** at 30% of the overall residential development and the tenure mix.
 - Establish the mechanism and timings for the provision of the **community centre, informal green space, MUGA and children's play areas**.
 - Establish obligations in respect of **site management and environmental mitigation measures** (e.g. by Management Company) including long term management and maintenance arrangements in line with the Landscape and Biodiversity Management Plan, particularly in relation to areas of woodland, informal green space and associated footpaths, drainage features and play spaces.
 - Secure a range of **financial contributions** in order to offset the impact of the development on various local facilities and services.

8.3 In particular, these would include a contribution toward the delivery of the Heritage Greenway. Bedfordshire Rural Communities Charity has produced a comprehensive document setting out the costs of creating the Heritage Greenway. This has been produced in partnership with the Caddington and Slip End NPSG and in discussion with CBC Rights of Way officers. The following funding would be required to deliver (and maintain for 10 years) the northern section of the Heritage Greenway:

Luton Road to Rushmore Close	£60,130
Rushmore Close to Badgerdell Wood	£79,820
Badgerdell Wood	£89,250
Badgerdell Wood (west) to Guided Busway	£142,000
50% of 1-off costs	£11,000
Total:	£382,200

8.4 The costs of other impacts identified have been calculated on the basis of the Planning Obligations Strategy for Southern Central Bedfordshire and in consultation with various service providers at the pre application stage. A full list of financial contributions is set out below:

EDUCATION	£1,602,826.68
HEALTH	£396,825
INDOOR AND OUTDOOR SPORT AND LEISURE	£466,375
COUNTRYSIDE RECREATION SPACE, GREEN INFRASTRUCTURE AND RIGHTS OF WAY	£611,975
LIBRARIES	£82,225
WASTE	£40,850
POLICE	£67,275
TOTAL	£3,268,351.68

8.5 In relation to the agreed contributions towards rights of way, countryside recreation and green infrastructure, it should be noted that there is a significant degree of overlap between the aims of the Heritage Greenway and other rights of way, recreation/green infrastructure objectives. This is because the Heritage Greenway proposals seek to provide route improvements, deliver a variety of biodiversity enhancements and meet a broad range of other green infrastructure aims, and also due to the relationship between the Heritage Greenway, Badgerdell Wood and other recreational routes/sites. Accordingly, the final ‘split’ of agreed contributions to the Heritage Greenway, other rights of way improvements and countryside recreation would need to reflect this, with priority given to the £382,200 required to deliver the Heritage Greenway as the primary non-vehicular connection to Caddington village.

8.6 The applicant has agreed to meet these costs in full in order to offset the impact of the development on local infrastructure and services in line with DSCB Policy 19 and the Council’s Planning Obligations SPD. There are no development viability constraints which would prevent full planning contributions, including full Affordable Housing provision, being secured in this case.

9. The Requirement for Planning Conditions

9.1 Given the scale and nature of the proposal a considerable number of planning conditions would be required. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.

- 9.2
1. Submission of details at reserved matters stage (appearance, landscaping, layout and scale)
 2. Time limit for submission of reserved matters
 3. Submission of Construction and Environment Management Plan (CEMP)
 4. Submission/approval/implementation of a detailed surface water drainage scheme (Environment Agency)
 5. Submission of remediation strategies to deal with any potential contamination risk (Environment Agency)
 6. Measures to address contamination not previously identified if any is identified during development (Environment Agency)
 7. Prevention of piling or any other foundation designs using penetrative methods to deal with any potential contamination risk (Environment Agency)
 8. Submission of suitable noise attenuation measures (CBC Public Protection)
 9. Noise limit for plant and machinery within the site (CBC Public Protection)
 10. Further investigation and remediation be secured by condition as shown necessary by the submitted Phase 1 Environmental Assessment (CBC Pollution Officer)
 11. Submission of a detailed scheme for the construction of the proposed access and alteration of existing access from Chaul End Road
 12. Submission of a scheme of highways improvement works
 13. Submission of a full Travel Plan (CBC Sustainable Transport)
 14. Implementation of approved Design Codes
 15. Submission of Public Art Strategy (CBC Public Art)
 16. Submission of an Arboricultural Method Statement and Tree Protection Plan as part of reserved matters applications
 17. Submission of a detailed waste audit scheme to include details of refuse storage and recycling facilities as part of reserved matters applications
 18. Submission of a scheme for parking, garaging, manoeuvring, loading and unloading as part of reserved matters applications

19. Submission of scheme of improvements to public rights of way within the applicants' control (FPA8 and FP5) as part of reserved matters applications (CBC Rights of Way)
20. Submission of finished floor and site levels as part of reserved matters applications
21. Submission of details relating to boundary treatments for residential plots as part of reserved matters applications
22. Submission of information to demonstrate how the development would minimise the risk of climate change as part of reserved matters applications (CBC Sustainable Growth Officer)
23. Approved plans

10. Conclusion

- 10.1 The application proposal is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy to accommodate the needs of a growing population in the area.
- 10.2 The application relates to a brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt. The land has been identified by the Council as suitable for redevelopment as a strategic development site to be removed from the Green Belt. Whilst the proposal would involve Green Belt harm, on the basis of the considerations set out within this report, the level of harm to the Green Belt would be limited in this case.
- 10.3 In terms of other harm, subject to suitable mitigation, no significant landscape, transport or environmental impacts would result from the proposed development and there would be no significant harm as a result of the loss of employment land or due to the impact on local services and facilities.
- 10.4 In line with national planning policy, substantial weight is to be attached to Green Belt harm. However, the proposed development would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing, and is a key element of the Council's overall growth strategy. Given the emphasis placed within the NPPF on the need to significantly boost the supply of housing, significant weight is attached to this consideration. The redevelopment of this site also reduces the necessity to identify further greenfield sites to contribute to meeting housing need. The proposed development would deliver a range of broad community and environmental benefits and facilitate a number of

highways improvements which go beyond baseline requirements under planning policy. There are also a number of other site specific considerations detailed as part of this report which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

Recommendation

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in Section 8 of this report and subject to the following conditions:

RECOMMENDED CONDITIONS

- 1 **Approval of the details of the appearance, landscaping, layout and scale (herein called ‘the reserved matters’) of the development in each development area as defined by the approved parameter plans shall be obtained in writing from the local planning authority before development is commenced in that area. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2 Application for approval of the reserved matters for each development area as defined by the approved parameter plans, shall be made to the local planning authority before the expiration of 5 years from the date of this permission. The development shall begin no later than 2 years from the approval of the final reserved matters.

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.

- 3 **No development shall commence (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 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 in respect of:
 - i. Traffic management measures
 - ii. Air and Dust quality
 - iii. Noise and vibration
 - iv. Water quality
 - v. Ecology
 - vi. Trees, Hedgerows and Scrub
 - vii. Waste and Resource Management
 - viii. Archaeological and Cultural Heritage
 - ix. Visual and Lighting
 - x. Utilities and Services
 - xi. Protection of water resources
 - xii. 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 management (to include a review process of the Construction Environmental Management Plan during development).

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The 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.

- 4 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Rev F3 flood risk assessment (FRA) prepared by Campbell Reith Ref: 11386 dated 18/06/14 has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

5 No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority. Where the development is brought forward in phases, each phase may only be begun once a remediation strategy for that phase has been submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.

2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.

3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3) is submitted to, and approved in writing by the Local Planning Authority. The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved. Where the development is brought forward in phases, no occupation of the relevant phase of the permitted development shall take place until the above verification report is approved.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development within that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 7 No piling or any other foundation designs using penetrative methods shall be used in the construction of the development 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. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 8 **No development shall commence until a scheme of noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that internal noise levels from external road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that noise levels from external road or rail traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To protect the amenity of any future occupiers in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 9 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To safeguard the amenity of adjoining residents and landowners in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 10 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

As shown to be necessary by the Phase 1 CBRE 2014 Report, a further detailed investigation strategy incorporating a remedial plan for soil capping and any gas protection measures shown to be necessary. Any works which form part of the strategy approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works and shall be completed in full before any permitted building is occupied.

Reason: To protect human health and the environment in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 11 **A new means of access shall be provided from Chaul End Road and the existing means of access from Chaul End Road shall be altered as shown in principle on the indicative Drawing Nos. 27329/004/003 and 27329/004/004. No development shall commence until construction details of these junctions has been submitted to and approved in writing by the Local Planning Authority. The altered access shall be established in accordance with the approved details prior to the initial occupation of any part of the development forming part of the northern area of residential development as defined by the approved parameter plans and retained as such thereafter. The new access shall be established in accordance with the approved details prior to the initial occupation of any part of the development forming part of the southern area of residential development as defined by the approved parameter plans.**

Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

12 **No development shall commence until a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes the following elements:**

- **Junction reconfiguration works at the Hatters Way/Chaul End Road junction to improve traffic flow and provide a pedestrian and cycle crossing to Hatters Way.**
- **Junction reconfiguration works at the Chaul End Road/Luton Road/Dunstable Road junction to improve traffic flow and pedestrian safety and provide public realm enhancements.**
- **Traffic calming and other traffic management measures to address traffic issues and improve highway safety on Chaul End Road.**
- **Pedestrian refuges/crossing points and suitable connections as appropriate where established public rights of way meet Chaul End Road.**
- **Provision of a shared footway/cycleway north of the site on Chaul End Road to provide a continuous route between the site and the Luton and Dunstable guided busway.**

The approved scheme shall then be implemented in full prior to the initial occupation of any part of the development.

Reason: To ensure that the proposed highways improvement works are appropriate and proportional to the mitigation required and are constructed to adequate standard in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

13 **No part of the development hereby approved shall be brought into use until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:**

- The identification of targets for trip reduction and modal shift;
- The methods to be employed to meet these targets;
- The mechanisms for monitoring and review;
- The mechanisms for reporting;
- The penalties to be applied in the event that targets are not met;
- The mechanisms for mitigation including budgetary provision;
- Implementation of the travel plan (until full occupation) to be agreed timescale or timescale and its operation thereafter; and
- Mechanisms to secure variations to the travel plan following

monitoring and reviews.

The Travel Plan shall then be implemented as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with Policy 26 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 14 **The development shall be carried out in accordance with the approved Design Code documents received by the Local Planning Authority on 26/06/2014.**

Reason: To ensure a high quality development in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 15 No part of the development hereby approved shall be brought into use until a Public Art Strategy has been submitted to an approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; artists briefs and commissioning arrangements; strategies for community involvement as appropriate; timescales for implementation of the strategy; and project management and long-term maintenance arrangements. The Public Art Strategy shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 16 The details required by Condition 1 of this permission shall include an Arboricultural Method Statement and Tree Protection Plan. The development shall be carried out in accordance with the approved statement and plan.

Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 17 The details required by Condition 1 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 18 The details required by Condition 1 of this permission shall include a scheme for parking and garaging for the residential units in that area. The scheme shall then be carried out in accordance with the approved scheme.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with Policies 27 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 19 The details required by Condition 1 of this permission shall include a scheme of improvements to public rights of way within the application site (FPA8 and FP5) including access improvements with appropriate connections north and south of the site and upgrades and enhancements to surfacing and drainage arrangements where deemed appropriate. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure that public rights of way within the site are protected, enhanced and promoted as part of the development in accordance with Policy R15 of the South Bedfordshire Local Plan Review and Policy 23 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 20 The details required by Condition 1 of this permission shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 21 The details required by Condition 1 of this permission shall include a scheme detailing the proposed boundary treatments in that area including the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential units are first occupied.

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 22 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development. The scheme shall identify opportunities to meet higher water efficiency standards including through the use of water efficient fixtures and fittings and rain water harvesting and storage. Building design, layout and orientation, natural features and landscaping, including green and brown roofs and walls and suitable street tree planting, should be considered to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with Policy 47 and 48 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 00642_PP01 P1; 00642_PP02 P1; 00642_PP03 P1; 00642_PP04 P1; 00642_PP05 P2; 00642_PP07 P1; 00642_RG P2; and the Design Code documents received by the Local Planning Authority on 26/06/2014.

Reason: For the avoidance of doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.

4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

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

The application has been recommended for approval. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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