

Item No. 09

APPLICATION NUMBER	CB/14/03047/OUT
LOCATION	Land to the rear of The Old Red Lion, Bedford Road, Houghton Regis
PROPOSAL	Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of the Bedford Road, Houghton Regis
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Mrs Goodchild & Jones
CASE OFFICER	Adam Davies
DATE REGISTERED	1 August 2014
EXPIRY DATE	31 October 2014
APPLICANT	Beechcroft Land Limited
AGENT	Hunter Page Planning
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan and Town Council objection to a major application
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 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 and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.

The site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. In recognition of the lengthy history of policy support for the proposed strategic allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation area, it is considered that the planning context within which the application site sits is such that it would not serve any of the five the purposes of including land within the Green Belt to resist the

development on Green Belt grounds. There are also a number of other factors and 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.

In combination with existing and planned green infrastructure, the proposal would facilitate the creation of a swathe of multifunctional open space west of Bedford Road. This represents a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan. Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

Site Location:

The site is located wholly within the designated Green Belt. It comprises a 3.18Ha parcel of undeveloped land located to the west of the A5120, Bedford Road, adjacent to the Grade II listed Old Red Lion Public House. Immediately to the west and north west of the site lie Bluewater Wood and an area of wet woodland managed by Houghton Regis Town Council. To the north there are small parcels of agricultural/paddock land and a number of existing residential properties grouped along Bedford Road. To the south, the site is bordered by public open space associated with existing residential properties along Plaiters Way and the adjoining streets.

There are a number of definitive rights of way running broadly east-west on the northern side of the site. These connect with the wider rights of way network across Bedford Road to the east and through Bluewater Wood to the west via Public Footpath 3. The primary used route follows the line of the Chiltern Way from Bluewater Wood, along the access track north of the site and continues as Public Footpath 45 east of Bedford Road.

The site forms part of the proposed North Houghton Regis Strategic Allocation (HRN), as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. The land forms part of the site proposed to be allocated as HRN Site 2. Due to the location of the application site, it is also subject to the approved Houghton Regis (North) Framework Plan.

The Application:

Planning permission is sought for residential development served by vehicular access from Bedford Road and the provision of public open space and other associated works.

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 specific fixed parameters for the development including the distribution of land uses, the maximum number of dwellings to be provided and the point of access off the Bedford Road.

Following initial consultation on the proposal, the application has been subject to amendment in December 2014 and the revised application has been subject to further consultation. Planning permission is now sought for up to 62 dwellings. A total of 30% of the dwellings provided would be affordable homes. The land use parameter plan shows that the residential development would be provided within the southern part of the site and land to the north and west of this would provide public open space adjoining Bluewater Wood, public open space at Plaiters Way and the woodland managed by the Town Council. Together with the proposed access road, the total development area would comprise 1.5Ha and 1.6Ha of public open space would be provided.

An indicative layout plan has been submitted as part of the application showing a proposed residential layout of 62 detached, semi detached and terraced dwellings and flats with associated parking. This comprises a mix of 1, 2, 3 and 4 bedroom dwellings. The layout plan also shows the provision of an informal footpath within the western part of the site between the existing public open space at Plaiters Way and the public footpaths bordering Bluewater Woodland to the west.

The following has been submitted in support of the application:

- Planning Statement (June 2014)
- Design and Access Statement (July 2014)
- Landscape and Visual Appraisal (July 2014)
- Ecological Assessment (July 2014)
- Flood Risk Assessment and Drainage Strategy (July 2014)
- Transport Assessment (July 2014)
- Travel Plan Statement (July 2014)
- Heritage Statement (July 2014)
- Archeological Written Scheme of Investigation (March 2014)
- Statement of Community Involvement (July 2014)
- Legal Advice Note in respect of policy considerations relating to Green Belt and the Houghton Regis North Framework Plan (September 2015)
- Noise Exposure Report (November 2014)
- Planning Statement in respect of Green Belt policy considerations and the Very Special Circumstances test (December 2014)
- Archaeological Trial Trench Evaluation (January 2015)

The Council has undertaken a formal screening exercise in order to establish whether an Environmental Impact Assessment (EIA) is required to support the

application. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the Council has adopted the opinion that an EIA is not required (Screening Opinion dated 3 September 2014).

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

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 (SBLPR)

Policy SD1: Sustainability Keynote Policy

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

Policy H4: Providing Affordable Housing

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 Recreational Facilities in the Countryside

Policy R15: Retention of Public Rights of Way Network

The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, BE8, R11, R14 and R15 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.

Minerals and Waste Local Plan (2005)

Policy W4: Waste minimisation and management of waste at source

Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

Policy WSP5: Including waste management in new built development

Emerging Development Strategy for Central Bedfordshire (DSCB)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 19: Planning Obligations and the Community Infrastructure Levy
Policy 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 31: Support an Ageing Population
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 60: Houghton Regis North Strategic Allocation

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The Development Strategy was submitted to the Secretary of State in October 2014 and the Examination Hearings are due to commence in February 2015

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

Supplementary Planning Guidance

Houghton Regis (North) Framework plan - adopted by CBC Executive for Development Management purposes on 2 October 2012.

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

Managing Waste in New Developments SPD (2005)

South Bedfordshire District Landscape Character Assessment (2009)

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

Planning History

The following application relates to neighbouring land east of Bedford Road which also forms part of the proposed North Houghton Regis Strategic Allocation:

CB/12/03613/OUT Up to 5,150 dwellings (use class C3); up to 202,500 sqm gross of additional development in use classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Outline planning permission (HRN1).

Luton Borough Council was subsequently granted permission to apply for Judicial Review in respect of this decision. However, the claim was dismissed in the Court Judgement dated 19/12/2014. The appeal process in relation to this Judgement is currently ongoing.

CB/14/03056/FULL Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure including car parking, drainage, pumping station, hard and soft landscaping, footway/cycleways, children's play space and informal public open space. Under consideration. Included on the same DM Committee Agenda.

The following planning history relates to the adjoining public open space at Plaiters Way and the associated residential development at Bedford Road and Bankside Close:

SB/00/00015 Erection of 12 dwellings with garages, access road and use of adjoining land as public open space. Full planning permission. Implemented.

In addition to the above, there is an extensive planning history relating to the Old Red Lion Public House for various extensions, alterations and signage.

Representations:

Town Council

05/09/2014:

Object to the access as this will increase the amount of traffic accessing and egressing an already busy, dangerous road in close proximity to a bend. Further object to the principle on the grounds that it is not in accordance with the Houghton Regis Strategic Urban Extension Plan and framework plan as the site has been identified as part of the green open space network; it would be in conflict with the current Green Plan; and the land is liable to flooding through ground springs.

06/01/2015:

The above objections regarding additional traffic, the Houghton Regis (North) Framework Plan and flood risk are restated. No objection is raised in relation to Green Belt considerations.

8 Roslyn Way

21/08/2014:

Additional traffic calming would be required to enforce the reduced vehicle speeds on Bedford Road from the town centre.

Bidwell Farmhouse

22/08/2014:

- Concern is raised regarding the cumulative impact of this development together with other development and the loss of existing green spaces which have been planned to be retained/undeveloped as part of the proposed urban extension.
- Given existing traffic levels on Bedford Road, and other planned development in the area which will also increase traffic, the proposal would have a negative effect on people's ability to travel freely and their quality of life. New roads provided as part of the planned urban extension are unlikely to change this and there will still be congestion on

Bedford Road.

- Given the scale of planned development in the area, concern is raised regarding the cumulative impact on natural drainage which could affect older properties not built to current building standards for foundations and drainage.

David Lock Associates 04/09/2014:

- Object on behalf of clients promoting development on more appropriate sites within Central Bedfordshire.
- The application states that there are very special circumstances to justify the grant of planning permission. However the Government policy is clear that the single issue of housing need is unlikely to outweigh Green Belt harm.
- Whilst the applicant refers to other issues which weigh in support of the proposal, it is apparent that unmet housing need is the principal consideration relied upon and the other issues raised are not weighty.
- The limited number of dwellings proposed limits the applicant's ability to demonstrate very special circumstances. So too does the non-conformity with the Houghton Regis (North) Framework Plan which identifies green infrastructure in this area. Notwithstanding this, limited weight should be attached to the Framework Plan ahead of the adoption of the Development Strategy given the objections to the proposed allocation.
- Any approval of the proposal should post-date any removal of the site from the Green Belt.
- Approval of the application should also depend upon a resolution of its non-conformity with the Framework Plan.

3 Bidwell Farm Barns 18/09/2014:

- Concern is raised regarding the cumulative impact of this development together with other development and the loss of existing green spaces which have been planned to be retained/undeveloped as part of the proposed urban extension.
- Given existing traffic levels on Bedford Road, and other planned development in the area which will also increase traffic, the proposal would have a negative effect on people's ability to travel freely

and their quality of life. New roads provided as part of the planned urban extension, car share indicatives, cycling and public transport are unlikely to change this and there will still be congestion on Bedford Road particularly when the M1 is blocked.

Optimis Consulting

13/01/2015:

- The development is acceptable in principle as it accords to DSCB Policy 60 and the indicative principles of the Houghton Regis (North) Framework Plan.
- The proposals would have been better viewed in the context of a comprehensive scheme for the development of Bidwell village as a whole.
- The highway proposals put forward are inadequate but highway considerations need to be considered in a wider context.
- The present 30mph speed restriction would need to be extended north of the application site on Bedford Road and a suitable gateway feature should be provided to mark the change in road conditions.
- In the context of the larger planned allocation, the 30 mph speed limit should be extended further north, up to the planned A5/M1 link road.
- Optimis Consulting represent a consortium of landowners within Bidwell village promoting a comprehensive scheme to provide an additional 500 dwellings within the village. Optimis intend to hold a public consultation event and submit proposals to the Council as part of the Call for Sites procedure.
- There is a danger that piecemeal development along Bedford Road may not serve the broader aims of the allocation. A comprehensive scheme for Bidwell may enhance the wider development by delivering key infrastructure including improvements to Bedford Road.

Consultations/Publicity responses

CBC Countryside
Access

28/08/2014:

- It is understood the area is identified as a green corridor by the Houghton Regis (North) Framework Plan.
- The application is not accompanied by information to satisfy future maintenance arrangements for the

- proposed public open space.
- Clarification is required regarding the creation of informal linkages with adjoining open space and any boundary planting/fencing to be provided.
 - The site would not fit the criteria for the Countryside Access Service to maintain in the future.
 - Tree surveys should be undertaken.
 - Detailed SUDs proposals would be required. A number of concerns are raised regarding the indicative layout plan and the relationship between dwellings facing the natural play area within the public open space at Plaiters Way.
 - This could give rise to complaints from future residents if housing is too close to children's play areas.
 - In order to mitigate against increased use of Bluewater Wood and the Plaiters Way open space, the development would need to provide appropriate funding for surrounding recreation sites.
 - The development should not impede existing rights of way around the site.

05/01/2015:

The revised application does not address the above detailed comments and these still stand.

CBC Rights of Way

26/08/2014:

- Concern is raised that the proposal is not in line with the Houghton Regis (North) Framework Plan which identifies this area as part of the planned green infrastructure network.
- It would be necessary to clarify the future maintenance arrangements for the proposed open space and footpath links.
- Tree surveys should be undertaken and any necessary tree works should be carried out to ensure retained trees within the proposed open space do not present a safety hazard.
- The development should provide appropriate funding for surrounding recreation sites.
- It should be ensured that there is good visibility at the proposed access onto Bedford Road from the adjacent public rights of way which cross the road immediately to the north of the proposed access.

- The development will need to provide for good width footpaths on Bedford Road to connect with the public rights of way north of the vehicular access.
- A formal road crossing on the line of the used right of way here would be useful.
- Consideration should be given to any impact on the surrounding rights of way during the construction period and as a result the provision of utilities and services. Access to Bluewater Wood would be required at all times.

30/12/2014:

The revised application does not alter the above advice in relation to public rights of way.

CBC Leisure

29/12/2014:

Sufficient informal open space is proposed but no play facilities are proposed. Detailed proposals for on site play provision are required or the development should provide funding towards other planned play areas in the area.

CBC Landscape

10/09/2014:

The site forms a key landscape/green infrastructure within the Houghton Regis (North) Framework Plan and built development is not in accordance with this. The site is a well treed, scrubby screened glade integral to the surrounding woodland. There is an ambience of remoteness and tranquillity given the relationship to the existing urban edge. The retention of existing landscape structures and habitats needs to be promoted.

02/01/2015:

There appears to be no difference between the original application and the revised proposal. Built development on the site is not acceptable.

CBC Ecology

03/09/2014:

- The area includes a mix of habitats including open grassland, woodland, hedgerows and scrub.
- Records exist of a number of protected species and species of principal importance in the area.
- The Ecological Appraisal examines relevant surveys but mitigation and enhancement has not been adequately addressed.
- Ten trees are identified as offering potential for bat roosting and it is proposed that these be retained.

However, based on the indicative plan submitted, the tree line/hedgerow retained on the southern boundary would form part of residential gardens of housing in this part of the site. Lighting from houses would impact on commuting routes for bats and even the loss of hedgerow species.

- The phase 1 habitat survey identifies a number of grassland species which indicate the site is an important area of grassland connected to the wider habitat network.
- Substantial wildlife corridors should be maintained and strengthened through this site. Creatures relying on this link across Houghton Regis (North) require a continuous connected route with minimal risk of harm or disturbance.
- That the site is currently inaccessible to the public results in less disturbance to wildlife.
- Whilst opportunities for enhancements such as wetland areas and grassland management are identified, due to the overall loss of habitat and this impacts associated with the development due to disturbance, the proposal would not result in a net gain in biodiversity.

29/12/2014:

There appears to be no difference between the original application and the revised proposal. The previous comments above still stand.

20/01/2015:

Notwithstanding the strong reservations regarding the proposal, should planning permission be granted it would be appropriate to secure survey data referred to within the Ecological Assessment for the application in order to inform suitable habitat mitigation and enhancement measures for the development. This could be dealt with by condition.

CBC Tree and
Landscape

16/09/2014:

- Concern is raised regarding the indicative layout and the close proximity to important planting on the southern boundary of the site.
- This would result in pressure to heavily prune trees and hedging on this boundary, to the detriment of their health and visual amenity. This is also likely to be conflict between ground constraints and built development close to these trees and hedgerows.

- The final layout should be based on the above and below ground constraints identified as part of a tree survey. Therefore a Tree Protection Plan and Arboricultural Method Statement would be required as part of any detailed application.

CBC Public Art

11/09/2014:

The application falls below the threshold requirement for public art. No comment.

CBC Housing Development

13/08/2014:

- Support the application as it would provide 20 affordable homes in line with current policy requirements for 30% affordable housing provision.
- The Strategic Housing Market Assessment (SHMA) indicates a tenure split of 63% affordable rent and 37% intermediate tenures. On the basis of this application this would equate to the requirement of 13 units of affordable rent and 7 units of intermediate tenures
- The units should be dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness.
- The development should meet the Code for Sustainable Homes Level 3 and meet all HCA Design and Quality Standards.

16/12/2014:

- Based on the revised proposal for up to 62 units, the provision of 30% affordable housing would equate to 19.5 units and this would be rounded to 20 units.
- The previous comments in respect of tenure split, layout and built standards are therefore restated.

CBC Public Protection

14/08/2014:

- Concerns are raised regarding the close proximity of housing to the neighbouring public house and the potential for future noise disturbance for residents as a result of this.
- Further consideration needs to be given to the likely and known sources of noise, their impact on residents and mitigation.

09/01/2015:

- There are solutions to this issue and the Councils

preferred approach is to increase separation so that noise is no longer a problem through a revised layout.

- Alternatively the internal layout within any dwellings can be designed to mitigate the noise or through the use of high insulating fascades (enhanced glazing and ventilation etc). However this would necessitate that any windows be fixed shut and alternative forms of trickle and purge ventilation would be required.
- Likewise, noise standards would also be applied to residential gardens and detailed proposals would not be acceptable where the scheme would not meet the relevant standards.

CBC Contaminated
Land

08/09/2014:

No objection. Recommends standards planning conditions in respect of land contamination due to the presence of historic landfill in the area.

CBC Waste

06/09/2014:

Detailed proposals in respect of the following would be required:

- Communal bin store locations for flats, to include designs for store layout
- Proposed collection points for individual dwellings
- Tracking details using the Council's current collection vehicle dimensions

The development would need to provide funding to offset the impact on CBC waste and recycling services.

CBC Archaeology

04/09/2014:

- The proposed development site includes part of the medieval settlement of Bidwell and a post-medieval boundary earthwork. It is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. It is also within the setting of a number of Scheduled Monuments, including: Thorn Spring Moated Site, Maiden Bower hillfort, Totternhoe Knolls motte and bailey castle, Tilsworth Manor moat, Warren Knoll medieval motte and Conger Hill, Toddington motte and bailey castle.
- The Heritage Statement does not contain the results of trial trenching the need for which was identified at the pre-application stage and in the

Written Scheme of Investigation.

- There is a brief consideration of the setting of the Thorn Spring moated site Scheduled Monument but little consideration of the contribution of the setting to the significance of the Monument and little evidence to support the conclusion that the impact of the proposed development on its setting will be low to negligible. The Assessment does not provide any information on the impact of the development on the setting of the other Scheduled Monuments.
- There is insufficient information on the heritage assets with archaeological interest or the designated heritage assets in the application to be able to assess the impact of the development on archaeology and identify an appropriate mitigation strategy.
- Recommend refusal.

23/01/2015:

- A report on an archaeological field evaluation has now been submitted and the application now conforms with paragraph 128 of the NPPF.
- The evaluation has identified features dating to the late Iron Age period likely to be related to settlement activity and land division (pits and ditches), and remains of post-medieval occupation including a boundary ditch and at least two cottages.
- This does not represent an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets.
- This can be achieved by the investigation and recording of any archaeological deposits that may be affected by the development in the form of an open area excavation, the post-excavation analysis of any archive material generated and the publication of a report on the works.
- It is recommended that this be secured by a planning condition.

CBC Sustainable
Transport

21/08/2014:

- The site is within easy distance of the strategic road network. It is close to a range of facilities including Houghton Regis and Dunstable town centres, lower and secondary school provision in

Tithe Farm, north Houghton Regis and Bedford Road, and employment opportunities at Woodside Industrial Estate and Houghton Hall Park. The nearest railway station is Leagrave. The Luton Dunstable busway provide easy access to Luton and mainline London stations. The development would also be closely connected to Bluewater Woodland, open space at Plaiters Way, the surrounding rights of way network and new facilities and development planned in the area.

- Cycle parking will be required within the curtilage of properties in line with CBC cycle parking guidance.
- Road hierarchy should encourage walking and cycling. Proposed footways/cycleways to connect with existing rights of way and neighbouring developments would need to be of a standard to facilitate safe and convenient walking and cycling.
- Development along this part of Bedford Road will require the provision of a crossing facility between neighbouring development sites.
- It will be necessary to widen the existing footway along the site frontage to connect with existing and planned/improved footways on Bedford Road.
- Appropriate traffic calming proposals would also need to be planned in connection with other developments on Bedford Road.
- The application does not fully acknowledge existing travel choices including the extensive network of paths which have been implemented recently as parts of Central Bedfordshire's Travel Choices programme.
- Due to high traffic volumes on local roads, it is essential that opportunities for segregated travel by bicycle are maximised.
- Reference is made to existing bus services along Bedford Road which are mainly subsidised and for which the future is uncertain. Busway service E to Toddington is under review, the Dial a Ride service 74 and the Buzzer Buses service 169 only have funding until March 2015. Funding to ongoing bus provision in the area will therefore be required.
- A travel plan statement has been submitted which proposes the following mitigation measures: suitable pedestrian and cycle access for the site; secure cycle parking; a residents notice board adjacent to the site access; residents welcome

packs; targets and monitoring; new bus stop post and flags; a travel plan coordinator; and a personalised journey planning for residents.

- It is anticipated that travel plan measures including smarter choices and public transport would be provided by the local authority as an extension to Central Bedfordshire Travel Choice's programme and would need to be secured by way of a funding contribution secured in connection with any permission.

CBC Highways

23/01/2015:

- The Transport Assessment provides a reasonable representation of the site and the transport context including its relationship to the A5, the M1, Luton airport, Bedford Road (A5120), local retail and services including health care, education, footways and cycleways and public transport.
- The Transport Assessment highlights the road safety record of Bedford Road (3 serious and 4 slight accidents). This appears to be associated with vehicle speeds and lack of forward visibility. Carriageway width may also be relevant.
- Traffic data collected in support of the Transport Assessment has not been provided as an appendix to the Assessment. It is questioned why speed data is not provided.
- The Transport Assessment refers to local car ownership. It is questioned how this is helpful as it is not related to dwelling type or parking demand.
- Reference is made to other sites within the allocation area and feedback received in relation to public consultation. However it does not identify the need for developments to contribute towards the delivery of the Woodside Link road.
- The Transport Assessment sets out relevant planning policy and guidance but does not refer to specific CBC highways guidance.
- The Transport Assessment examines the likely impacts associated with a development of up to 70 units. *[OFFICER NOTE: The revised application seeks outline permission for up to 62 dwellings]*
- The proposed vehicular access is described as 6m wide with footways.
- The Transport Assessment describes two different levels of parking provision for the site. One of these would be substandard and would not comply

with the Council's parking standards. The submitted layout is indicative and is not considered. *[OFFICER NOTE: The revised application includes and amended layout (indicative) showing parking provision to meet current parking standards as under the Council's Design Guide]*

- It is proposed to provide a scheme of traffic calming on Bedford Road comprising a change in speed limit and 'dragon's teeth' road markings. Given nature of the road and available accident data, additional traffic calming features may be required.
- The predicted trip generation rates provided in the Transport Assessment appear low (5.024 trips per dwelling, per day). However the traffic generated by the development needs to be considered within the context of the traffic impacts of the allocation as a whole.
- The highway network needs improvement as it stands and in recognition of the planned housing growth in the area. As a result the A5/M1 link and Woodside Link roads have been proposed and approved. Housing developments will need to support the delivery of highway network improvements and contributions towards the Woodside Link will be sought.
- The site is within an acceptable walking and cycling distance of three primary schools and food stores and other points of interest.
- A contribution towards public transport would be required.
- It is accepted that the development would not affect the free flow of traffic on Bedford Road but right turning traffic accessing the site from Bedford Road would cause delay to southbound traffic.
- The traffic figures provided are acceptable based on current circumstances but do not account for the HRN1 development or the A5/M1 developments.
- Other traffic calming features which could be provided in connection with other developments can not be considered to provide mitigation for this development until these features are provided.
- The Transport Assessment is lacking in its analysis of the cumulative impact of the proposal

with other developments and does not provide capacity information in respect of the Thorn Turn or High Street junctions with Bedford Road. Whilst the A5/M1 link is acknowledged, the Transport Assessment does not highlight the relevance of the Woodside Link.

- Whilst the proposed development is not considered such a significant vehicle generator as to warrant a refusal on traffic congestion, it should be acknowledged that Bedford Road is already congested and the Thorn Road and the High Street junctions are over capacity.
- For that reason a contribution should be sought towards the deliver of planned highway network improvements in the area. Failure to agree upon a contribution would warrant refusal on highway grounds.

26/01/2015:

- Bedford Road is a classified road subject to a 40mph speed limit in this location. There is a narrow footway on the west side of Bedford Road. Street lighting is substandard and the carriageway is narrow. Bedford Road is a busy road carrying over 10,000 vehicles per day.
- The application proposes a simple priority junction. It is proposed to extend the existing 30mph speed limit to the north of the site. This will not be self governing with the provision of road markings alone.
- The provision of additional by lay-bys on Bedford Road could aid traffic calming but could add to congestion. This should be considered as part of the final scheme of highway improvements. A road safety audit should be undertaken before the improvements are agreed.
- The proposed access would appear to be sound.

CBC Local Planning and Housing 20/01/2015:

- The site is located within Bidwell, north of Houghton Regis. It is within the proposed North Houghton Regis Strategic Allocation but is within the Green Belt.
- Planning permission has been granted for development of HRN1. A planning application in respect of Site 2 (Bidwell West) is expected soon. *[OFFICER NOTE: An outline hybrid planning*

application relating to Bidwell West has now been submitted (January 2015)]

- The strategic allocation was identified in the withdrawn Joint Core Strategy. The plan was not withdrawn due to any disagreement between the joint Councils in relation to the allocation of the site. The proposed allocation is now reaffirmed through the emerging Development Strategy.
- A number of factors were considered in the determination of the HRN1 application including; Green Belt harm; the immediate housing and economic need for the area and over the next 20 years; the history of policy support for the strategic allocation since 2001; that the site had been identified as suitable for removal from the Green Belt as part of successive Development Plans; and that the scale of the development offered significant benefits.
- These factors are important in the consideration of the proposals for the development of HRN Site 2 which includes this site. It would need to be demonstrated that very special circumstances exist to support the development in the Green Belt and that proposals conform to the Houghton Regis (North) Framework Plan.
- The case for very special circumstances advanced in support of the current application are very similar to those considered in relation to HRN1, other than the significant contribution which HRN1 will provide towards the delivery of the A5/M1 link road.
- When taken collectively, the factors weighing in favour of the current application, including its relationship to the adjoining Site 1 and 2 of the allocation, are considered very special circumstances sufficient to outweigh the harm to the Green Belt.
- The Houghton Regis (North) Framework Plan has been prepared in support of the emerging Development Strategy and is adopted for Development Management purposes. The Framework Plan is a high-level strategic document that identifies the indicative location of infrastructure and land uses.
- The application site lies within an area identified on the Framework Plan diagram to provide a green corridor including Bluewater Wood. Residential

development is not envisioned in this location but the development would facilitate green connections and integrate with the existing urban form of Houghton Regis. This corridor would need to include paths to enhance connectivity.

- The site is near existing development at Bidwell but the proposed would be separated by adjoining land and would not harm the identity and character of Bidwell.
- No specific comments regarding this site have been raised in relation to consultation on the Development Strategy.
- Relevant comments in relation to the development of Site 2 include the development is inappropriate and unsustainable in the Green Belt; there is a requirement for a masterplan for Site 2; Bidwell Farm has a separate identity as identified in the Framework Plan; and other comments supporting the development or various landholdings around Bidwell and that sites outside the allocation could assist in the early delivery of housing.
- The proposal contributes to the aims of the Framework Plan and partially accords with it. Remaining open space needs to be safeguarded.
- The advice in relation to very special circumstances is restated.

CBC Conservation and Design Officer

No comments received.

Environment Agency

12/08/2014:

- Recommend refusal.
- No Flood Risk Assessment has been submitted in support of the application.
- Whilst the site is within Flood Zone 1 and defined as having a low probability of flooding, the scale of the development dictates that it may present risks of flooding on or off site if surface run-off water is not appropriately managed.
- It is noted that the site is above a Principal Aquifer but it is not considered that the proposal is high risk. The contamination risks to controlled waters should follow the requirements of the NPPF and EA guidance.
- If infiltration SUDs are considered, it would need to be demonstrated that these would not pose a risk to controlled waters. On an adjacent site it has

been suggested that ground conditions would prevent infiltration drainage. This can be satisfactorily addressed by way of a planning condition.

- Further detailed guidance on the design of SUDs proposals and ground water protection is provided.

29/08/2014:

- Having reviewed the submitted Flood Risk Assessment, the proposal is considered acceptable subject to a condition to secure the approval and implementation of a detailed surface water drainage scheme to prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity.
- Detailed advice on the requirements for the drainage scheme is set out.

Highway Agency

17/12/2014:
No objection.

Luton Borough Council

No comments received.

Determining Issues

The main considerations of the application are;

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. Green Belt considerations
6. Compliance with DSCB Policy 60 and relationship to Houghton Regis (North) Framework plan
7. Leisure, open space provision, green infrastructure
8. Housing mix and design considerations
9. Transport and highways
10. Archaeology
11. Ground conditions and flood risk
12. Other matters
13. Planning obligations
14. Conclusions

Considerations

1. Compliance with the Adopted Development Plan for the Area

- 1.1 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.
- 1.2 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)
- 1.3 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)
- 1.4 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.
- 1.5 The formal Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies (2014).
- 1.6 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 and the proposal is therefore inappropriate development in the Green Belt. 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 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.

- 1.7 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted land use parameter plan it is considered that the proposed residential development is capable of achieving a high quality design at the reserved matters stage which would relate well to the adjoining public open space and woodland. The application is therefore considered in compliance with Policy BE8.
- 1.8 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. 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.
- 1.9 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.
- 1.10 This 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 qualifying developments, is of greater relevance and the application is assessed in terms of its compliance with this policy below.
- 1.11 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. The standards set out in the Central Bedfordshire Leisure Strategy, which was adopted as technical guidance for Development Management purposes in March 2014, 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 addressed below.
- 1.12 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.

- 1.13 Policy R15 seeks the retention of the existing public rights of way. There are a number of established public rights of way around the site. Additional and improved footways and cycleway can be provided 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.
- 1.14 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. A detailed waste management scheme and financial contributions towards the provision of waste receptacles for all dwellings can be secured in connection with the development. The proposed does not therefore conflict with the aims of Policies W4 and WSP5.

2. Compliance with the National Planning Policy Framework

- 2.1 For the reasons set out above, 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 development of housing and the provision of appropriate infrastructure alongside support for local shops and services and employment relating to the construction of the development contribute to building a vibrant economy for Houghton Regis.
- 2.3 **Promoting sustainable transport**
The application is supported by a Transport Assessment and Travel Plan Statement. The site is well related to the local highway network with convenient access to the M1, Luton and Dunstable by car. There are public transport routes along Bedford Road and in proximity to the site there is a link to the Luton and Dunstable guided bus link.

2.4 **Delivering a wide choice of high quality homes**

The indicative layout plan for the proposed residential development shows a broad 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. 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.

2.5 **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. Aspects of the design proposals and parameters are assessed in more detail below. However, it is considered that the proposed residential development is capable of achieving a high quality design at the reserved matters stage which would relate well to the adjoining public open space and woodland.

2.6 **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 level of open space proposed as part of the application is considered appropriate to the scale of the development. The need for suitable play provision can be dealt with by planning condition and addressed at the reserved matters stage. Appropriate financial contributions to offset the impact of the development on facilities and services such as schools, healthcare, local sports and leisure facilities and emergency services can be secured by Legal Agreement.

2.7 **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.”

2.8 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. Opportunities for implementation of sustainable design and construction principles and the incorporation of renewable energy sources and low-carbon technologies as part of the development will need to be considered in the context of subsequent detailed submissions. 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, subject to a condition to secure the approval and implementation of a detailed surface water drainage scheme, the development would not give rise to an increased risk of flooding.

2.9 Conserving and enhancing the natural environment

The application was submitted with a Landscape and Visual Appraisal and an Ecological Assessment addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. The proposal would result in the partial loss of undeveloped scrub land. Retention of the site as undeveloped land may prove beneficial in terms of some biodiversity aims. However the development proposal represents an opportunity to secure an important element of accessible multi-functional open space to connect with the existing open space adjoining the site and the planned green infrastructure for the wider allocation area. Appropriate habitat mitigation, enhancement and conservation measures could also be secured for the retained green space in connection with the development. It is highly unlikely that any of these benefits could be realised without some form of development on this site in order to facilitate this. In balancing policy objectives in relation to the natural environment, it is considered that the proposal is compatible with NPPF principles in this respect.

2.10 Conserving and enhancing the historic environment

The application site is adjacent to the Grade II listed Old Red Lion Public House. The Council's Conservation and Design Officer has raised no objection to the proposed development in response to formal consultation on the application. Having regard to the established pattern of development around the application site and the wooded scrub land screening between the application site and the neighbouring Public House, it is not considered the proposal would be detrimental to the historic setting of the Old Red Lion. The site is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. The submitted Archaeological Evaluation details the results of a geotechnical survey undertaken in May

2014 and trial trenching investigations undertaken in October and November 2014. Subject to further investigation and recording which can be secured by condition and carried out in connection with the development, the proposal satisfies NPPF requirements with respect to the historic environment.

- 2.11 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 below. 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.

- 3.3 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 has been submitted to Secretary of State 24 October 2014 with the first Examination hearings scheduled for early February and later ones for April this year.

- 4.2 The Development Strategy for Central Bedfordshire is not yet adopted policy, but as submitted deals with the 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 supply and infrastructure policies are more up-to-date and should be given greater weight than the related SBLPR (2004) and the L&SCB Joint Core Strategy.
- 4.3 Policy 60 of the emerging Development Strategy specifically sets out the requirements for the Houghton Regis North Strategic Allocation. Approximately 7,000 dwellings are anticipated to be delivered as part of the allocation as a whole. The application site forms part of Site 2 of 2 of the allocation. The policy also details opportunities to assist Houghton Regis through the delivery of supporting infrastructure including items such as new transport routes and green infrastructure.

5. Green Belt considerations

- 5.1 The site forms part of the proposed North Houghton Regis Expansion allocation, as set out within the emerging Development Strategy for Central Bedfordshire. However, at the present time until the Development Strategy is adopted, the land falls within the Green Belt. 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. Paragraph 83 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.
- 5.2 The emerging Development Strategy has been submitted for examination but has not yet been adopted. Government guidance contained within the National Planning Practice Guidance advises that, in the context of the NPPF and the presumption in favour of sustainable development, prematurity is unlikely to justify the refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 5.3 The application site forms part of a larger proposed allocation which comprises a key element of the housing provision and overall growth strategy planned to accommodate the needs of a growing population in the area. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan would serve no good purpose, other than to delay much needed housing. In relation to this specific application, the development proposed is not so substantial that to grant permission would undermine the plan-making process by

predetermining decisions about the scale, location or phasing of new development.

5.4 Within the Green Belt there is a presumption against residential development which is considered inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and is the fundamental policy consideration. Substantial weight is to be attached to any Green Belt harm.

5.5 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.

5.6 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.

5.7 *To check the unrestricted sprawl of large built-up areas*

The site is located outside of the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The site is closely related to the residential development at Plaiters Way which defines the existing settlement boundary, the existing development grouped along Bedford Road including the adjacent public house. Within the context of the proposed Strategic Allocation including the other planned and committed development within the allocation area, the site would no longer serve any Green Belt value in terms of preventing the sprawl of the existing large built-up area.

5.8 *To prevent neighbouring towns merging into one another*

The site does not serve any Green Belt function in terms of preventing the merging of neighbouring towns.

5.9 *To assist in safeguarding the countryside from encroachment*

At the present time, the proposed development would represent an encroachment upon the countryside. The proposed Strategic Allocation is planned to substantially enclose the application site and the immediately adjoining land, the site would constitute an area of scrub land surrounded by the extended built up area. Within this context the site would not serve any Green Belt function in terms of safeguarding the countryside.

5.10 *To preserve the setting and special character of historic towns*

The site is not identified as important to the setting or special historic

character of Houghton Regis.

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

The proposal would not constitute the reuse of derelict or other urban land. However the need for dedicated regeneration strategies for the area has long been recognised as successive planning policy documents which support the strategic allocation as a whole which is planned to support a broad range of regeneration objectives for the wider urban area. Resisting development of the site would not serve this Green Belt function.

5.12 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside. The NPPF states:

5.13 *“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.”*

5.14 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified.

The applicant’s case for very special circumstances

5.15 The application sets out that the weight to be attached to the protection of the Green Belt in this location is significantly reduced due to a number of factors. These are summarised as follows:

- The site has been promoted in successive emerging development plans for more than 10 years as suitable for removal from the Green Belt to be brought forward for development. The planning pedigree of the site was acknowledged by the Secretary of State for Communities and Local Government in determining that the HRN1 outline planning application would not be ‘called in.’ In granting outline planning permission for the development of HRN1, the Council acknowledged that successive Local Planning Authorities have sought substantial housing and employment development within a national, regional and sub-regional context of planning policy and that the HRN1 development conforms to the NPPF and the emerging Development Strategy where the current development plan is not up to date.
- The development of HRN Site 2, which includes the application, site is essential as HRN1 will deliver fewer affordable homes than required and, overall, could deliver fewer dwellings than expected.
- These circumstances provide certainty that the HRN allocation will be removed from the Green Belt.

- The development would not result in harm by the further merging of towns and would provide relatively minor encroachment into the open countryside. There is no special character which would be harmed by the development as the site is self contained and the proposal does not conflict with the objective of urban regeneration.

5.16 Within this context, the application sets out the issues which the applicant considers to constitute very special circumstances in favour of the application proposal with reference to the Committee Report in respect of the HRN1 outline application. These are summarised as follows:

- There is a clear, urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and for the next 20 years.
- Successive emerging development plans since 2001 have identified the application site and land around it as being suitable for removal from the Green Belt. The Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding the application site. Its intended removal from the Green Belt and allocation for residential and commercial development was supported by both Councils.
- The emerging Development Strategy re-affirms the Houghton Regis North allocation to meet the urgent need for development which the proposal can contribute to in the short term and in advance of the delivery of housing as part of HRN1.
- The Council has shown its continued commitment to the development of Houghton Regis through the adoption of the Houghton Regis North Framework Plan in advance of the adoption of the emerging Development Strategy.
- The proposed development would provide much needed affordable housing to offset the massive shortfall in affordable housing for the area.
- No formal development plan has been adopted since 2004, despite the continuing identification of the site in emerging policy documents. If subsequent development plans had reached adoption stage, the application site would already have been allocated for residential development and formally removed from the Green Belt. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy would serve no good purpose other than to delay much needed housing and (construction) employment opportunities for the area.
- The development would deliver highway improvements to complement other planned enhancements to Bedford Road.
- The development would contribute funding towards neighbouring wildlife habitats.
- The site is within a sustainable location within walking distance of the Town Centre.

- The site is visually contained as compared with other sites within the emerging allocation.
- The development would contribute funding towards the neighbouring public open space at Plaiters Way and would overlook the existing children's play area, thereby enhancing security.

5.17 The case is restated in the additional Planning Statement submitted in December 2014 to support the revised application. Relevant Green Belt policy considerations and the case for very special circumstances are also addressed as part of the Legal Advice Note (December 2014) which has been submitted to support the application.

Assessment of the case for very special circumstances

5.18 Evolution of planning policy

As noted, the site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the site allocation for North Houghton Regis in the emerging Development Strategy to accommodate the needs of a growing population in the area. It is acknowledged that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. Notwithstanding the current status of the emerging Development Strategy, there is considered a strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future.

5.19 Within this context, outline planning permission has been granted for the development of the largest parcel of the proposed HRN allocation (HRN1). This permission has been upheld in a Court judgement relating to Luton Borough Council's application for Judicial Review. Whilst the appeal process in respect of this decision is ongoing, at the present time the HRN1 planning permission still stands and establishes that Green Belt land north of Houghton Regis can be developed. The planned A5/M1 link road and Woodside Link road projects were formally approved by the Secretary of State for Transport approved with the granting of Development Consent Orders in September 2014. Preliminary works in relation to the A5/M1 link road have now commenced. The application site is also closely related to the development of Bidwell West which comprises the largest land parcel forming part of HRN Site 2. An outline hybrid planning application in respect of Bidwell West has now been submitted (January 2015).

5.20 The recent planning decisions and other committed development within the allocation area have also altered the planning context within which the application site sits. This is an important consideration in terms of the very special circumstances test.

5.21 Housing need

In line with the NPPF, there is a need to boost significantly the supply of

housing. Taken as an individual consideration, housing need is not an overriding factor sufficient to clearly outweigh Green Belt harm. However given the emphasis placed within the NPPF on the need to boost significantly the supply of housing this is an important consideration in terms of the very special circumstances test.

5.22 Opportunities to support planned objectives for the HRN allocation

The applicant's case for very special circumstances refers to opportunities for positive contributions to neighbouring open space and wildlife habitats as well as enhancements to Bedford Road.

5.23 Subject to any development viability considerations, all developments within the proposed allocation would be required to provide appropriate contributions to mitigate their individual impact and support the delivery of the wider planned allocation. This is a policy requirement under emerging DSCB Policy 60. Where aspects of individual developments would fulfil baseline policy requirements, these should not be considered very special circumstances to outweigh Green Belt harm. In particular, a scheme of highways improvements and 'civilisation' works along Bedford Road and funding to offset the impact of planned development on the green infrastructure network would be required in any event as part of the proposed urban extension.

5.24 Notwithstanding this, it is acknowledged that the proposal does present an opportunity to secure an important element of multi-functional open space to connect with the existing open space adjoining the site and the planned green infrastructure for the wider allocation area. Whilst this matter is addressed in greater detail below, this factor is considered important in terms of the case for very special circumstances under this application.

5.25 Other circumstances put forward

Although the application contends that the site is visually contained, the site is visible in public views from Bedford Road, the public right of way to the north and potentially from Bluewater Wood and the other open space adjoining the site. It is important to note the impact upon the Green Belt does not simply relate to visual considerations and under the terms of the NPPF, the proposal would constitute inappropriate development which is by definition harmful to the Green Belt.

5.26 It is accepted that the site is in a sustainable location which is accessible to local centres and existing facilities and services. This is relevant to the allocation of the wider HRN site as a strategic development site, but in the context of the current proposal it is not the case that Green Belt considerations should be outweighed by the broader, general presumption in favour of sustainable development under national and local planning policy.

5.27 It is therefore considered that these two factors carry less weight in the very

special circumstances test.

Conclusions

- 5.28 The proposed development would be harmful to the Green Belt due to its inappropriateness. It would also give rise to harm by reason of its impact on openness. Under the terms of the NPPF significant weight is to be attached to this harm.
- 5.29 However, in recognition of the lengthy history of policy support for the proposed HRN allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation, it is considered that the circumstances set out above have altered the planning context within which the application site sits such that it would not serve any of the five the purposes of including land within the Green Belt to resist the proposed development on Green Belt grounds. There are also a number of other factors and site specific considerations which weigh in favour of the proposal.
- 5.30 Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

6. Compliance with DSCB Policy 60 and relationship to Houghton Regis (North) Framework plan

- 6.1 In terms of the requirements for HRN Site 2 as set out in DSCB Policy 60, the proposal would deliver against the broad objective to provide new housing in this area and would provide for 30% affordable housing.
- 6.2 The Houghton Regis (North) Framework Plan sets out the Council's general expectations on how the aims of the urban extension may take physical form and defines a vision for the development of the extension to Houghton Regis.
- 6.3 The Framework Plan diagram and supporting text set out the key land uses to be provided as part of the proposed urban extension. Employment, commercial, education provision and other development uses are not planned for in this location and can be accommodated in appropriate locations as part of the application for the largest land parcel of HRN Site 2 known as Bidwell West.
- 6.4 The Framework Plan also provides for a number of elements of essential infrastructure required in connection with the proposed allocation. These include a range of open spaces providing parks and gardens, natural and semi-natural green space (including green corridors), informal open space,

provision for children and young people (play areas), outdoor sport pitches and courts, allotments and community gardens.

- 6.5 The application site is located in an area which incorporates a mix of habitats including open grassland, woodland, hedgerows and scrub. A number of records exist for protected species and species of principal importance in this area. It is therefore essential that connectivity to these features is maintained and enhanced. In this context the Framework Plan identifies this part of the Bidwell area as providing an opportunity to deliver a major element of this open space and provide strategic green links with existing green infrastructure adjoining and close to the site. This includes Bluewater Wood, the public open space at Plaiters Way and the wet woodland to the north of the site, presently managed by Houghton Regis Town Council. The Framework Plan also sets out an aspiration to connect this open space with a green corridor to be retained/provided along Bedford Road and green links to the east of Bedford Road.
- 6.6 Houghton Regis Town Council has raised objection in principle to development on this site on the grounds that development in this location is not compatible with the Houghton Regis (North) Framework Plan and the objective to provide green space in this part of the proposed allocation. The consultation responses received from CBC's Countryside Access, Rights of Way and Ecological Officers also raise concerns regarding this and CBC's Landscape Officer considers that built development on the site is not acceptable. One of the third party responses objecting to the application also raises concerns regarding compliance with the Framework Plan.
- 6.7 The fundamental purpose of the Framework Plan is to set broad aspirations for key elements of the allocation and to guide the development as a whole. It is important to note that the Framework Plan is intended as a strategic document based on the constraints and opportunities for the proposed allocation. As such it should not be read as an exact masterplan document. Its purpose is not to closely define the exact extent of open space, housing development or other land uses.
- 6.8 In accordance with the Framework Plan a broad swath of multifunctional open space running east-west is envisioned in this location. Subject to this being achieved, it is not the case that the Framework Plan precludes all housing development on this site or that development in this location should be regarded as unacceptable in terms of delivering against the strategic objectives for the HRN allocation.
- 6.9 Various alternative layouts for the development of this site have been considered at the pre-application stage and in the early stages of the planning application. Under previous proposals, the retained open space would have been relatively limited and constrained by the proposed housing development which would have occupied the majority of the site. In response

to this, Officers have at various stages raised concerns that the proposed residential development would unacceptably compromise the opportunity to provide the scale and type of strategic open space envisioned for this area. In response to this, the applicant has revised the application in order to reduce the developable area as compared with previous proposals for the site. The revised application now proposes that more than half of the site would be retained as public open space. This would directly connect with the adjoining open space at Plaiters Way, Bluewater Wood and the neighbouring woodland to the north. This would form part of a broad swath of multi-functional open space running east-west across HRN Site 2.

- 6.10 Should the Committee be minded to refuse planning permission, and should a refusal be upheld at any subsequent appeal, the site would ultimately remain undeveloped. Whilst this may prove a positive outcome against some biodiversity aims, the present land use would not deliver against any broader aspirations for accessible open space or green infrastructure and would not secure multi-functional open space as envisioned in this location as part of the Houghton Regis North Framework Plan. Given that the site is within separate ownership to other land within the allocation area it is highly unlikely that any of these broader aspirations could be realised without some form of development on this site in order to facilitate this.
- 6.11 The current scheme would deliver strategic connections between the existing and planned green infrastructure and is capable of delivering the multi-functional open space envisioned for this area. This represents a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan.

7. Leisure, open space provision, green infrastructure

- 7.1 CBC Leisure considers sufficient open space is proposed against the requirements of CBC's Leisure Strategy. In connection with the development it is proposed to provide a contribution towards the provision of play equipment in the area. This would be in lieu of the provision of on site play facilities. Due to the scale of the proposed development, its relationship to the neighbouring natural play area at Plaiters Way and other children's play facilities which would be provided as part of the proposed allocation, this is considered appropriate in this case. A financial contribution towards play provision can be secured through Legal Agreement in connection with other funding towards leisure provision for the area.
- 7.2 Should planning permission be granted, future maintenance arrangements for the proposed open space and footpath links which would be provided within the site would need to be secured as a planning obligation.
- 7.3 The advice the Council's Ecological Officer in relation to biodiversity and

wildlife habitats is noted. In particular, concern is raised regarding the relationship between the proposed housing development and the existing hedgerow and trees which would be retained along the southern boundary of the site. The Tree and Landscape Officer has raised similar concerns regarding the potential negative impacts of the development on the health and amenity value of trees and hedgerow along the southern boundary.

- 7.4 For the purposes of this outline application the submitted layout plan should be treated as indicative and would not be fixed as part of any outline planning permission. In line with the advice of the Tree and Landscape Officer the detailed layout of any reserved matters proposal would need to be informed by the constraints imposed by any important trees and hedgerows to be retained within the undeveloped areas of the site. In particular, the proposed layout submitted at the reserved matters stage would need to provide for a degree of separation between the housing area and the boundary planting. The Council's Ecological Officer has advised that, should Committee be minded to grant, a detailed scheme of habitat mitigation, enhancement and conservation measures informed by ecological survey data could be secured by condition.

8. Housing mix and design considerations

- 8.1 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 layout plan is indicative and would not form part of the planning permission. 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.
- 8.2 However the indicative layout has been considered in relation to the Council's Design Guide in order to satisfy whether the developable area proposed is capable of accommodating up to 62 units and whether the proposal is capable of achieving a well designed layout having regard to positive placemaking and urban design principles.
- 8.3 In relation to parking requirements, the indicative proposal would comply with the Council's minimum parking standards. In terms of garden sizes, there are a significant number of plots which do not meet the minimum depth standard of 12 metres as would be required for all 3 and 4 bed dwellings. However in terms of garden area, almost all plots exceed the minimum area standard, some considerably. The indicative plan shows a significant number of 3 and 4 bedroom dwellings. The final mix of dwelling types approved at the reserved matters stage would need to be designed to ensure that the detailed proposal achieves a good standard of design

against the Council's design standards.

- 8.4 In relation to bin storage and collection arrangements, the detailed advice of CBC Waste is noted. A detailed waste management scheme can be secured by condition.
- 8.5 The Council's Public Protection Officers have noted the close proximity of the neighbouring public house/restaurant and that this would give rise to the potential for noise disturbance to future residents. In recognition of this, a Noise Exposure Assessment report has been submitted in support of the application. This sets out the results of manual and automated noise monitoring undertaken on the application site to examine the current and likely noise disturbance associated with the public house. It is proposed that this could be satisfactorily addressed through the submission of a scheme of attenuation measures which could be secured by condition. In addition to this, Public Protection have advised that the potential for noise disturbance could be reduced by careful design at the detailed stage including consideration as to the type and layout of dwellings provided adjacent to the public house and the design and position of garden areas.
- 8.6 In addition to this, any subsequent reserved matters proposal would need to demonstrate a satisfactory relationship between the adjoining public open space and new housing fronting onto or adjacent to it in terms of building orientation. It would also need to be informed by physical constraints imposed by the retained trees and hedgerows around the site and provide for a degree of separation between the proposed housing and the southern boundary.
- 8.7 As noted, having regard to the established pattern of development around the application site and the wooded scrub land screening between the application site and the neighbouring Public House, it is not considered the proposal would be detrimental to the historic setting of the Old Red Lion.
- 8.8 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.
- 8.9 Therefore the proposed developable area is capable of accommodating up to 62 dwellings and it is considered that the proposed residential development is be capable of meeting the Council's Design Guidance at the reserved matters stage.

9. Transport and highways

- 9.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 9.2 Paragraph 32 of the NPPF states that where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 9.3 The existing transport and baseline situation (i.e. the existing transport conditions), related key strategic transport schemes and the proposed development transport impacts are set out below.

Existing transport / baseline situation

- 9.4 The site is located off the A5120 Bedford Road which has a speed limit of 40mph from the current northern urban edge of Houghton Regis. Further south on Bedford Road vehicle speeds are restricted to 30mph. The site is currently undeveloped scrub land and as such generates minimal traffic.
- 9.5 It is known that Bedford Road is already congested at peak times. The Bedford Road / Thorn Road priority junction and Bedford Road / High Street mini roundabout are already operating over capacity in current traffic conditions.
- 9.6 The road safety record for Bedford Road includes three serious and four slight accidents which are considered to be associated with vehicle speeds and lack of forward visibility and carriageway width.
- 9.7 There are currently regular bus services operating along Bedford Road and Tithe Farm Road. Two unmarked bus stops exist adjacent to and opposite Roslyn Way. These are within 400m from the site. The services along Tithe Farm Road provide connectivity with the Luton Dunstable busway. Leagrave is the nearest railway station, approximately 7km of the site.
- 9.8 There is an existing pedestrian footway on the western side of the carriageway adjacent to the site. The site is within reasonable walking distance of local facilities and services at Houghton Regis High Street including Tithe Farm lower school and All Saints Academy secondary school and a supermarket (Morrisons).
- 9.9 The National Cycle Network (NCN) Route 6 runs through Houghton Regis and is approximately 2km from the application site. The shared use path

along the busway is also within access from the site at a distance of approximately 1.1km away.

Related Key Strategic Transport Schemes

- 9.10 There are two key strategic transport schemes relevant to the consideration of the local highway network in the Houghton Regis area. These are the A5-M1 Link Road and the Woodside Link.
- 9.11 The A5-M1 Link road has been designed to act as a Northern Bypass of the town between the A5 and the M1 via a new M1 Junction 11a. Traffic forecasting has identified a significant traffic reduction in and around Dunstable and Houghton Regis, including up to 19% on High Street North, 12% on High Street South, 30% on the A5120 Bedford Road and 22% on the A5.
- 9.12 The Woodside Link is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and will also link the Woodside Industrial Estate to the M1 removing heavy goods vehicle traffic from Houghton Regis and Dunstable.
- 9.13 It is acknowledged that the A5-M1 Link Road is scheduled to open in 2017 and this will lead to a significant change in traffic patterns experienced on the local highway network. Together with the Woodside Link road, which is expected to open within a similar time frame, this is planned to reduce local congestion including on Bedford Road.
- 9.14 Funding contributions are to be sought from developers to deliver essential transport infrastructure provision in the area and address the challenges of increased congestion, air quality and traffic in the future.

Proposed development impacts

- 9.15 The Transport Assessment examines the likely impacts associated with a development on this site of up to 70 units. However the revised application now seeks permission for a reduced proposal of up to 62 dwellings which would have a lesser highways impact than the scheme considered as part of the Transport Assessment.
- 9.16 CBC Highways consider that the predicted trip generation rates provided in the Transport Assessment are low (5.024 trips per dwelling, per day). However the traffic generated by the development needs to be considered within the context of the traffic impacts of the allocation as a whole. The Transport Assessment is also lacking in its analysis of the cumulative impact of the proposal with other developments and does not provide capacity information in respect of the Thorn Turn or High Street junctions with Bedford Road.
- 9.17 Notwithstanding this, the proposed development is not such a significant trip

generator as to warrant a refusal on traffic congestion grounds when considered within the context of the existing congestion issues. It is acknowledged that the highway network needs improvement in order to address existing road congestion and to respond to planned growth within the area.

- 9.18 Accordingly the proposed development would need to support the delivery of highway network improvements. A contribution has been sought and agreed with the applicants for a significant financial contribution to the Woodside Link based on trip generation levels from this development.
- 9.19 Similarly developments will be expected to contribute towards funding of sustainable transport initiatives and public transport services. These are agreed as detailed below.
- 9.20 In connection with the proposed allocation, a number of enhancements would be required in order to improve road conditions on Bedford Road and to mitigate the additional traffic impacts of the planned developments. Having regard to the present road conditions, and in recognition of existing safety issues, the proposed development would need to deliver various safety improvements and traffic calming measures. This is likely to include an extension of the existing 30mph speed restriction area north of the site, additional road markings and other gateway features to highlight the change in speed restrictions and the provision of an improved footway/cycleway west of Bedford Road. Depending upon other planned improvements for Bedford Road which may be delivered in connection with other developments in the allocation, the provision of additional bus lay-by features will also need to be considered. The final scheme of improvement works would need to be informed by a road safety audit. A detailed scheme of road improvement works can be secured by condition. Additionally, the proposed point of access is considered acceptable subject to final construction details being submitted pursuant to planning condition.

10. Archaeology

- 10.1 The application site includes part of the medieval settlement of Bidwell and a post-medieval boundary earthwork. It is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. It is also within the setting of a number of Scheduled Monuments.
- 10.2 The Council seeks to conserve, enhance, protect and promote the enjoyment of the historic environment by requiring applications that affect heritage assets with archaeological interest or which affect potential heritage assets with archaeological interest to give due consideration to the significance of those assets, and ensure that any impact on archaeological

remains, which occur as a result of a development are appropriately mitigated.

- 10.3 The application is accompanied by a Heritage Statement providing an assessment of the significance of key heritage assets and archaeological interests in the area. Investigative trial trenching was undertaken in October and November 2014 in accordance with the submitted Written Scheme of Investigation. This has identified features dating to the late Iron Age period likely to be related to settlement activity and land division (pits and ditches), and remains of post-medieval occupation including a boundary ditch and at least two cottages.
- 10.4 In connection with the development further investigation and recording of any archaeological deposits that may be affected by the development should be undertaken. It is recommended that this be secured by condition.

11. Ground conditions and flood risk

- 11.1 CBC Contaminated Land has highlighted the presence of historic landfill activity in the area of the application site. However any potential risk to health can be satisfactorily addressed through the submission of a contamination Desk Study and, where shown to be necessary, further site investigation, remediation and validation. These can be secured by condition.
- 11.2 Houghton Regis Town Council has raised concerns that the land is liable to flooding through ground springs. The site is within Flood Zone 1 and defined as having a low probability of flooding. Having regard to the submitted Flood Risk Assessment and the advice of the Environment Agency, it is not considered that the proposed development would give rise to an increased risk of flooding. A full surface water drainage scheme for the site, including where appropriate, detailed SUDs proposals in line with CBC's Sustainable Drainage Guidance would need to be secured by condition.

12. Other matters

- Human Rights*
- 12.1 In assessing and determining this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity impacts, further action is not required. This planning application is not considered to present any human rights issues.

Equality Act 2010

12.2 In assessing and determining this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

Crime and Disorder Act 1998

12.3 Section 17 of this Act places a duty on local authorities and the police to cooperate in the development and implementation of a strategy for tackling crime and disorder. Officers are satisfied that the development is capable of achieving a design that can assist in preventing crime and disorder in the area.

13. Planning Obligations

13.1 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:

- Provision of **affordable housing** at 30% of the overall residential development and the tenure mix.
- Establish obligations in respect of **site management** (e.g. by Management Company) including long term management and maintenance arrangements in relation to areas of informal green space and associated footpaths, planting and drainage features.
- Various **financial contributions** in order to offset the impact of the development on various local facilities and services.

13.2 The costs of mitigating the impacts associated with the proposed development have been calculated having regard to the Planning Obligations Strategy for Southern Central Bedfordshire and in consultation with various service providers. A full list of financial contributions is set out below:

STRATEGIC TRANSPORT INFRASTRUCTURE	£276,527
EDUCATION	£543,394.29
PRIMARY HEALTHCARE	£38,502
SECONDARY HEALTHCARE	£35,216
MENTAL HEALTHCARE	£1,984
SUSTAINABLE TRANSPORT INITIATIVES	£20,984.62
PUBLIC TRANSPORT SUBSIDY	£30,070
INDOOR SPORT AND LEISURE	£44,330
OUTDOOR SPORT AND LEISURE	£38,254

COUNTRYSIDE RECREATION SPACE AND GREEN INFRASTRUCTURE	£43,834
SOCIAL AND COMMUNITY INFRASTRUCTURE	£27,962
WASTE	£6,510
POLICE	£12,834
TOTAL	£1,120,401.91

- 13.3 The planning obligations set out above are considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and therefore meet the test for planning obligations as under paragraph 204 of the NPPF and Part 11 of the 2010 CIL Regulations.
- 13.4 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 the necessary planning obligations, including full affordable housing provision, being secured in this case.

14. Conclusions

- 14.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.
- 14.2 The site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. In recognition of the lengthy history of policy support for the proposed strategic allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation area, it is considered that the planning context within which the application site sits is such that it would not serve any of the five the purposes of including land within the Green Belt to resist the development on Green Belt grounds. There are also a number of other factors and 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.

- 14.3 In combination with existing and planned green infrastructure, the proposal would facilitate the creation of a swathe of multifunctional open space west of Bedford Road. This represents a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan. Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

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 this report and subject to conditions:

RECOMMENDED CONDITIONS

- 1 Approval of the details of the appearance, landscaping, layout and scale (herein called ‘the reserved matters’) of the development 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, shall be made to the local planning authority before the expiration of three years from the date of this permission. The development shall begin no later than two 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 until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Beechcroft Land Ltd v1 11th July 2014 has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall include a restriction in run-off and surface water storage**

on site as outlined in the FRA. The scheme shall subsequently be implemented prior to any occupation of the development 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 in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 4 **No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:**
- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
 - b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**

Reason: To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 5 **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:**
- a) Where shown to be necessary by any Phase 2 Desk Study required in connection with the conditions attached to this permission, a Phase 3 detailed remediation scheme and measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.**
 - b) A validation report demonstrating the effectiveness of any remediation scheme (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation shall include responses to any unexpected contamination discovered during works.**

Reason: To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 6 **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 be designed to protect internal noise levels and external noise levels in outdoor amenity areas from external road traffic and noise sources associated with the Old Red Lion Public House. The scheme shall be informed by the details required by Condition 1 of this permission in respect of the type and layout of dwellings to be provided, the design and position of garden areas and the degree of separation between the residential development and the public house and road traffic. Any works which form part of the approved scheme approved shall be completed and, unless otherwise agreed in writing by the Local Planning Authority, 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 Revised Pre-Submission Version June 2014.

- 7 **A new means of access shall be provided from Bedford Road as shown on Drawing No. AP100. No development shall commence until construction details of this junction have been submitted to and approved in writing by the Local Planning Authority. The access shall be established in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.**

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 Revised Pre-Submission Version June 2014.

- 8 **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:**

- a) Measures to reduce vehicle speeds on Bedford Road to 30mph including appropriate traffic calming features**
- b) A roadway lighting scheme along the extended 30mph scheme**
- c) Rights of way improvements and connectivity to establish shared footpath/cyclepaths connecting the development to the existing urban area of Houghton Regis to the south and the existing rights of way connecting with Bedford Road to the north of the site**

The approved scheme shall then be implemented in full prior to the first occupation 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 and that public rights of way are protected, enhanced and promoted as part of the development in accordance with Policy R15 of the South Bedfordshire Local Plan Review and Policies 23 and 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

9 **No development shall commence until a scheme of habitat mitigation, enhancement and conservation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the following ecological survey data undertaken in support of the Ecological Assessment (July 2014) forming part of the application:**

- a) Three on-site bat activity surveys undertaken between the months of April and October to cover Spring, Summer and Autumn seasons. One or more of these surveys should comprise a dusk/dawn survey in line with BCT survey guidance.**
- b) One on-site reptile survey undertaken between the months of April and June.**

The outcomes of the ecological survey data shall in turn inform the details required by Condition 1 of this permission and the scheme of habitat mitigation, enhancement and conservation measures shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To safeguard existing trees on site in accordance with Policy 57 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

10 **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 Revised Pre-Submission Version June 2014.

11 **The details required by Condition 1 of this permission shall include a detailed waste management scheme for the residential units in that area. The waste management scheme shall include details of refuse storage and recycling facilities and provision of turning facilities for waste collection vehicles. 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 Revised Pre-Submission Version June 2014.

12 **No development shall commence 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) **Construction Activities and Timing;**
- b) **Plant and Equipment, including loading and unloading;**
- c) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- d) **Details of site compounds, offices and areas to be used for the storage of materials;**
- e) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- f) **Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP 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 Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

13 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 Revised Pre-Submission Version June 2014.

- 14 The details required by Condition 1 of this permission shall include a scheme detailing the proposed boundary treatments including the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the approved 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 Revised Pre-Submission Version June 2014.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AP01; AP02; and AP100.

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 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.
- 7 The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 8 In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
 - a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.
 - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
 - e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.
 - g) Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

- 9 There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.
- 10 Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately.

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

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the determination period 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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