

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.

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 ensure the development will not have an adverse effect on a protected species 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 **No development shall commence until a written scheme of archaeological investigation for an open area excavation followed by post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development in accordance with Policy 45 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 16 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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation received from the Green infrastructure Co-ordinator, Barton willmore and the Highways Consultant. In addition the Committee were advised of amended conditions.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.