

## **Item No. 9**

**APPLICATION NUMBER**

**CB/15/01627/REG3**

**LOCATION**

**Land at Thorn Turn, Thorn road,  
Houghton Regis, Dunstable LU6 1RT  
Development of a winter maintenance  
depot (including salt storage bar, outdoor  
salt mixing area & stabling for gritting  
vehicles), highways depot (including  
stores area and vehicle maintenance  
shed, together with storage for vehicles  
and spares and vehicles associated with  
the Council's landscaping function),  
office block, overnight parking for  
highways maintenance and transport  
passenger fleet vehicles, staff car/cycle  
parking, operational yards, lighting,  
fencing, drainage, landscaping and new  
access road from Thorn Road.**

**PROPOSAL**

**PARISH**

**Houghton Regis**

**WARD**

**Houghton Hall**

**WARD COUNCILLORS**

**Cllrs: S Goodchild & J Kane**

**CASE OFFICER**

**Jerry Smith**

**DATE REGISTERED**

**21.05.2015**

**EXPIRY DATE**

**10.09.2015**

**APPLICANT**

**Central Bedfordshire Council**

**AGENT**

**Atkins Global**

**REASON FOR Call in to Committee**

**Council application**

**COMMITTEE TO DETERMINE**

**RECOMMENDED DECISION**

**Approval**

### **Summary of Recommendation:**

This application relates to the proposed development of a winter maintenance and highways depot on land at Thorn Turn. The site lies 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 and any other harm identified. The application has been treated as a departure.

The site is located within an area identified for growth in successive emerging development plans and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy for Central Bedfordshire (DSCB). It also forms part of a parcel of land allocated for development as a strategic waste management site within the adopted Minerals and Waste Local Plan. Whilst the proposal is not for such a land use, it is noted that an application reported elsewhere on this agenda has come forward for such a facility thereby giving some certainty over the remaining areas of the allocation being surplus to requirements for the delivery of that use. The allocated site can provide for waste management development in addition to the proposed winter maintenance and highways depot.

Very special circumstances as detailed in the report have been identified and are collectively considered to outweigh the harm to the Green Belt. The proposals would be of a character and scale broadly similar to the proposed waste development and benefits of co-locating these functions is acknowledged. The need for the development is accepted in order to provide a fit for purpose facility from which key statutory functions can be sustainably delivered overcoming environmental drawbacks associated with existing provision. An alternative site search has not identified a preferable location being available outside the Green Belt within the parameters of project delivery.

The scheme would give rise to the loss of 1.54 ha of best and most versatile agricultural land in conflict with Saved Policy NE10 of the South Bedfordshire Local Plan. Substantial woodland would also be lost although a broader mix of large-scale compensatory planting is proposed. Less than substantial harm has been identified to heritage assets. The harm caused by these impacts is considered to be outweighed by the identified very special circumstances in the wider public interest.

Subject to suitable mitigation, no other significant environmental impacts would arise as a result of the development and, in all other respects, the proposals are considered to be in conformity with the adopted Development Plan policies, the emerging DSCB and national policy contained in the National Planning Policy Framework. Committee's resolution at its July meeting to grant planning permission, subject to Secretary of State referral, for commercial development on the northern part of the allocated site is considered to further strengthen the case for supporting the proposals.

It is recommended that, subject to referral to the Secretary of State, planning permission is granted subject to conditions. In formulating this recommendation all of the evidence and potential impacts of the development that are considered to be material to determining this application have been examined. This has included assessing the application and Environmental Statement including the further information provided, representations received and consultation responses. All material issues have been adequately addressed in the application and the Environmental Statement.

#### **Site Location:**

The application site lies approximately 1km to the north-west of the Houghton Regis/Dunstable conurbation to the east of the A5 Watling Street and west of the Dunstable Waste Water Treatment Works (WWTW). It extends southwards from Thorn Road from which vehicular traffic would be served by means of a new access road. The A5 lies some 8-12m higher than the application site separated by an embankment planted with mature woodland. A rifle range, known as Thorn Ranges, occupies a site adjoining part of the WWTWs north-western boundary. Further agricultural land lies beyond the WWTW.

The site comprises greenfield land predominantly in agricultural use and falls within part of an extensive area proposed to be allocated for development as a Strategic Urban Extension in the emerging Development Strategy for Central Bedfordshire. This proposed allocation envisages development coming forward within a broad sweep of land to the north of the conurbation up to the line of the A5-M1 Link Road currently under construction. This land is currently identified as Green Belt in the

local development plan, although the emerging Development Strategy proposes its removal with a revised Green Belt boundary being drawn further north utilising the A5-M1 Link Road as its defensible boundary.

The area subject to the proposed allocation is envisaged as being primarily residential, but also including elements of employment with retail and mixed uses within the residential areas.

The Minerals and Waste Local Plan: Strategic Sites and Policies identifies a 24 ha 'L'-shaped parcel of land at Thorn Turn as a strategic waste management site. A separate planning application (Planning Ref. No. CB/15/01626/REG3) has come forward from the Council for a Waste Park including a waste transfer station and a household waste recycling centre on the central part of this allocation.

The site subject to the current application principally occupies the southern portion of this allocation. However, because the proposed development is not for a strategic waste management operation, and, in Green Belt terms, is defined as inappropriate, the application has been treated as a departure from the development plan.

Both the application subject to this report and the application for the Waste Park envisage using a new shared access road, extending southwards from Thorn Turn. Accordingly this new access road forms a common feature of both applications.

A further application submitted by the Council for outline planning permission for employment falling within Use Classes B1, B2 and B8, together with associated infrastructure and ancillary works, covers the remainder of the land identified within the allocated Strategic Waste Management Site. Committee resolved to approve that application at its July meeting subject to referral to the Secretary of State as a departure.

To the south of the application site lies an area of greenfield land with overhead power lines passing through in a generally northerly direction. This parcel of land is separated from the application site by a right of way afforded to Anglian Water in connection with the WWTW, although principal access to that facility is from the north off Thorn Road.

Specifically, the application site itself comprises an irregular shaped parcel of land totalling 6.9ha on relatively flat land at a height of 96m Above Ordnance Datum (AOD) gently rising to 100m AOD towards the south. It is overlooked by the rising Chalk Hill to the south and the dramatic chalk escarpment. There is also a gentle fall in land across the site from west to east.

The site includes an access corridor extending southwards from Thorn Road for a distance of some 0.6 km within which the new access road is proposed. The Ouzel Brook, a tributary of the River Ouzel, flows roughly parallel to Thorn Road in a north-east to south-west direction approximately 230m from Thorn Road. The Brook crosses the proposed access corridor.

The site also incorporates an area to the west of the proposed access corridor, south of the Ouzel Brook for sustainable urban drainage purposes, whilst the principal development is proposed on land further south, again to the west of the

proposed access road corridor. The application site is completed by a corridor extending southwards to the west of the WWTW.

The application site principally includes part of two arable fields with the access road proposed along the eastern boundary of a further field to the north. A broad-leaved plantation with patches of semi-improved grassland occupies some 1.2 ha. identified as lowland mixed deciduous woodland Habitat of Principal Importance. Three Common Ash trees, classified as Category A specimens, are present to the west of the woodland.

A hedgerow extends north-westwards from the plantation whilst a similar hedgerow forms the boundary with the WWTW and continues northwards intermittently to Thorn Road punctuated with occasional hedgerow trees. Further hedgerow is present alongside the southern bank of the Ouzel Brook although only a small section falls within the application site boundary together with another Common Ash (Category C).

An area of semi-improved neutral grassland habitat, formed from a widened field margin, lies to the west of woodland area. This area is fairly wet and was possibly a former pond area. The site's southern boundary is formed by a further hedgerow and includes an established sycamore tree (Category B).

Two statutory designated nature conservation sites lie within two kilometres of the site. Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI) lies some 370m to the south-east. It is a large disused chalk quarry with marl lakes that are an example of rare standing water habitat type confined to chalk or limestone areas. It contains a mosaic of wetland communities including base-rich fen and supports a range of species associated with wetland habitats including dragonflies and is important for its ornithological value.

Totternhoe Chalk Quarry SSSI lies approximately 1.68km to the south-west. It is a disused quarry on the north-west face of the Chilterns which contains species-rich unimproved chalk grassland with a number of rare plant species and notable invertebrates including butterflies.

In terms of non-statutory designated sites within one kilometre of the site, there are four non-statutory County Wildlife Sites (CWS) and a Roadside Nature Reserve (RNR). These are Houghton Regis Chalk Pit CWS (230m to the south-east); Barley Brow CWS (275m to the south); Houghton Regis Cutting RNR (320m to the south); Thorn Spring CWS (595m to the north-east); and Suncote Pit CWS (715m to the south). Thorn Spring is also designated as Ancient Woodland (i.e. continuously wooded since 1600 AD).

In terms of key designated heritage assets Thorn Spring moated site and associated woodbanks, a well defined moat and moat island with detached woodland, lies 750m to the northeast, whilst Maiden Bower Iron Age hillfort and Totternhoe mote and bailey castle both lie on a ridgeline to the south-west . All three are scheduled monuments.

Public Bridleway 49, known as the Icknield Way Trail, runs adjacent to the site's western boundary before turning north-eastwards to follow the course of the Ouzel

Brook adjacent to the northern extent of the proposed Waste Park scheme. The route of this bridleway would cross the proposed access road further to the east before turning north-westwards towards Thorn Road. A further bridleway, the Chiltern Way, runs to the south of the site in a southwest-northeast direction parallel to the southern boundary of the WWTW.

A network of public footpaths extend out from Thorn, a village situated to the north of Thorn Road to the north east of the application site. Further public footpaths are present on the western side of the A5.

The nearest residential property is Chalk Hill Farm, situated approximately 60m to the south. Other properties have been developed within Chalk Hill beyond in addition to properties to the west side of the A5 including those on higher ground in Sewell. Further properties lie to the north within Thorn approximately 180m from the proposed site access with Thorn Road and some 0.6km from the principal application site.

## **The Application:**

### Context:

Central Bedfordshire Council (CBC), as a Unitary Authority, has a statutory duty to act as Highways Authority for all de-trunked public roads within its jurisdiction. In terms of winter maintenance CBC has responsibilities under Highways legislation to protect the right of the public to use and enjoy the highway as well as duties to ensure, as far as is reasonably practicable, that safe passage along the highway is not endangered by snow or ice.

At present the winter gritting service is provided from the Brewers Hill Road depot in Dunstable. This site has evolved in response to service need rather than as any planned exercise and has capacity for the uncovered storage of 500 tonnes of road salt. Uncovered storage of road salt presents both operational and environmental difficulties as, on application, the material is not as effective as that stored under cover and the runoff associated with any rainwater coming into contact with the road salt would have elevated salinity levels and the potential to reach surface or groundwater resources.

CBC has calculated its total storage requirement as being 8,000 tonnes if sufficient salt is to be available for winter gritting. Capacity at the existing depot is clearly significantly inadequate and site constraints restrict the scope to enable its expansion.

A new storage facility is therefore required and CBC considers that the service would be best provided by a spatial distribution of facilities in order to maximise the efficiencies of crews delivering the service to strategic locations within the CBC area.

In 2009 the BEaR project was established with the aim of delivering a range of long term waste services for CBC. These included various waste management facilities but also included the construction of a salt barn. It was anticipated that the project would occupy the entirety of land allocated at Thorn Turn for waste recovery uses.

The current service provision for the Highways Fleet, in terms of stores, maintenance, overnight parking and ancillary development is through the London Road Depot Site at Bedford. Post the reorganisation of local authorities in Bedfordshire in 2009, this site fell within the administrative boundary and ownership of Bedford Borough Council leaving CBC in the position of not owning any in-house Highways Depot infrastructure and being wholly reliant on the facilities of adjoining authorities or third parties. There is presently no provision for overnight parking of the passenger transport fleet and, in the absence of alternative arrangements, drivers of such vehicles park at their own properties.

Difficulties were experienced nationally during the winter of 2009/10 when road salt supply was found to be inadequate for prevailing conditions leaving many roads untreated. Following a Government review, Councils are now under great pressure to avoid any recurrence of those problems. In addition to CBC's identified need for the storage of 8,000 tonnes, it has been necessary to determine the areas that the service would cater for. The priority areas for treatment are identified as the strategic highway network links and sensitive receptors as well as larger urban areas. The proposal subject to this application is designed to meet the needs of the southern part of the Council area, whilst a site search exercise is underway in respect of a facility to serve the northern area.

It should also be noted that once the A5-M1 Link Road becomes operational, a 14km stretch of the A5 from its new roundabout southwards would be de-trunked. It forms a key strategic road link and responsibilities for its maintenance and winter gritting requirements would pass to CBC.

#### Co-location Opportunities:

Existing service provision is therefore split between sites within and outside the Council area. CBC wishes to ensure security in its future service provision and therefore has assessed options for how the service may be provided within facilities it owns and operates and which lie within its area of jurisdiction. Needing to achieve value for money, and realise challenging budget savings, CBC has considered whether efficiencies can be achieved through the co-location of similar services. This has extended to not just the highways and winter maintenance functions, but also similar service functions such as waste management.

The applicant is of the view that efficiencies can be achieved in terms of the site provision as the land can be developed as one larger site rather than the Council needing to acquire additional plots and the associated costs, in addition to actual development and operating costs. All three services share similar characteristics, namely they comprise sizeable areas of hardstanding with associated buildings.

There is a requirement for a separate foul drainage system for the winter maintenance provision and the adjacent Waste Park so as to ensure that neither operational area has direct runoff to watercourses or groundwater. Further savings can therefore be realised through the development of a combined drainage system.

The applicant has also identified that the co-location of the facilities would provide a degree of security for the winter gritting facility given its use is restricted to the winter periods and consequently for the majority of the year it is unmanned. Its co-location with the main highways function ensures continuous surveillance of the building and

its associated vehicles to combat potential vandalism and theft in addition to infrastructure and maintenance.

### The Proposed Development:

The proposals, therefore, seek to provide a base from which the Council can deliver its statutory highway functions, including its salt storage requirements, to serve the south of the Council area. This centralised hub approach is designed to assist the Council in reducing the number of vehicle movements. Planning permission is sought for a highways and winter maintenance depot including a new access road, vehicle parking and ancillary development on an irregular shaped parcel of land situated directly south of the proposed Waste Park, which forms the subject of a separate application. It would accommodate the Council's Road Maintenance Team, its fleet operations together with salt storage and vehicle maintenance facilities offices, storage and parking facilities. The application site, measuring 6.9 ha, has no formal points of vehicular access with agricultural access currently provided via adjoining agricultural fields. Specifically the application includes the following elements:

#### **a) Highways Maintenance Depot/Stores**

This steel portal framed building would be sited adjacent to the northern boundary of the site. It would provide accommodation for highways maintenance storage depot; a fleet vehicle maintenance workshop including MOT bay/waiting area, store and office; landscape tool shed and lawn mower storage, plant rooms and welfare facilities. The highways maintenance storage depot would measure 36.00m x 27.00m x 12.20m (max. ridge height) providing 972sq.m. of floorspace. It would have a pitched roof constructed from single skin insulated panelling coloured grey featuring roof lights and incorporating roof mounted photovoltaic (PV) panels on the south facing roof section. The walls would be constructed in insulated, vertical profile metal cladding coloured grey with the exception of its western and eastern elevations which would be coloured beige set within a grey trim. An external staircase located on the western elevation would provide roof access. Access to the depot would be provided by means of a roller shutter door (4m x 6m high) coloured grey in a galvanised finish and two double doors within the southern elevation. Additional double doors within the southern elevation would provide access to smaller dry stores whilst an emergency pedestrian door would also be provided within the building's northern elevation.

The fleet vehicle maintenance workshop has been designed so as to extend out from the depot's eastern elevation, albeit at a lower level. It would measure 72.00m x 15.00m x 9.80m (max. ridge height) providing 1,080 sq.m. of floorspace. It would be served by eight roller shutter doors (4m x 6m high) set within the southern elevation. A set of double doors provide access to a lobby area whilst two additional personnel doors are shown, all within the southern elevation. The workshop would be constructed in insulated vertical profile metal cladding coloured grey to its northern elevation and beige to its southern, the latter being punctuated by the roller shutter doors coloured grey in a galvanised finish. It would have a single skin clad, mono-pitched roof sloping down to the north served by a series of roof lights. Polycarbonate panels located above the roller shutter doors would provide additional daylight. Internally the space would predominantly provide a series of eight workshop bays for vehicle maintenance purposes (six with inspection pits), one of which is identified for MOT purposes with a floor mounted rolling road whilst another

includes a pillar lift for the maintenance of smaller vehicles. A lobby, MOT waiting area, store, office, kitchen and WCs complete the facilities.

At its eastern end, the building would extend southwards to accommodate a landscape tool shed and lawn mower storage together with plant rooms. This 'wing' of the building would extend some 22.50m x 10.00m (max. dimensions) with a roof structure roughly forming the return pitch to the eastern end of the vehicle maintenance workshop. The roof would measure 7.30m to eaves and approximately 9.40m to ridge and would be served by roof lights. Access would be facilitated by means of a roller shutter door coloured grey to the lawn mower store's western elevation and a similar access, together with a personnel door, would serve the tool shed. A mix of double doors and single doors would serve the plant rooms, the latter being set within the building's eastern elevation. This wing of the building would be constructed from insulated metal cladding coloured grey to its southern elevation, roof and doors whilst the eastern elevation would be coloured a contrasting beige colour within a grey trim.

**b) Gritter Store**

This would provide stabling for six Gritter wagons and lie to the south east of the Highways Maintenance Depot. It would be a three sided 'dutch barn' style building, open on its eastern elevation, and measure approximately 25.80m x 13.00m x 7.30m high (max. ridge height) providing some 335 sq.m. of floorspace. It would have a pitched roof served with roof lights and be constructed from un-insulated profile metal cladding coloured grey with the exception of its western elevation which would be coloured beige set within a grey trim.

**c) Salt Barn**

This purpose-built, dome-like structure would be sited to the south east of the Gritter Store and provide storage for a total of 5,000 tonnes of road salt. This storage capacity would comprise two segregated bunkers (2,500 tonnes each) enabling storage of two grades of salt. It would measure approximately 45.60m x 23.10m x 12.90m high (max. dimensions) and incorporate two doorways, each measuring 5.70m x 10.40m high to its eastern elevation to allow vehicle access and egress although doors are not proposed to these openings. Vehicles would reverse into the building to deliver salt. The building would be designed and supplied by a specialist manufacturer and accordingly no final details are specified as to the proposed construction materials although reference is made to the building having a concrete base above which an internal timber frame would support a grey asphalt shingle roof cladding.

**d) Highways Office**

This building would be a two storey development occupying a central position adjacent to the site's southern boundary. It would provide first floor office accommodation for the Council's Highways Team whilst also offering welfare facilities for staff and drivers associated with the highways and winter maintenance functions at ground floor level. It would measure approximately 37.75m x 14.75m x 7.20m high providing a total floorspace of 1,114 sq.m. It would be of modular construction coloured light grey with beige feature panels to the entrance and other elevations. An external staircase would be provided on its western elevation whilst air conditioning units would be installed adjacent to its eastern elevation.



e) **Covered Parking/Cycle Store**

A three sided building with a mono-pitched roof is proposed to the west of the Highways Office. It would provide covered parking facilities for road safety cars and ten cycles, separated by a dividing wall. The building would measure 4.78m x 10.75m x 3.91m (max. height). It would be constructed from un-insulated profile metal cladding coloured grey.

f) **Operational Yard**

To the south of the Highways Maintenance Depot/Stores and east of the Gritter Store and Salt Barn, an extensive reinforced concrete yard area would be formed as an external working area. It would be marked out to provide a one way internal circulation route and manoeuvring areas and pedestrian walkways delineated with yellow cross-hatch markings. Two ramps, located centrally within the yard, would facilitate access between the southern half which would be constructed at a slightly higher level than the northern half. The yard would incorporate stretches of retaining wall to a maximum height of 1m.

The northern half of the yard would include:

- seven open bays for the storage of highways materials such as sand and gravel and the bulking of demolition materials such as road planings and general rubble. One bay would measure 25.0m x 6.0m whilst the other six would measure 4.0m x 6.0m;
- a three-sided de-watering bay measuring 12.8m x 9.9m with a sill to prevent foul water escaping from the bays and designed to collect decanted water via a yard gully;
- skip storage area measuring 21.7m x 6.0m to accommodate a mix of 40 cubic yard and 20 cubic yard 'half height' skips in addition to 'boat skips' for deposition of trade waste;
- 2 No. 'hot boxes' - steel boxes, measuring 5.5m x 3.4m x 1.75m high each, with opening roofs and hinged front doors which keep warm heated bituminous material for collection and use by the highways maintenance team;
- cold wash gantry for cleansing the road gritting fleet. Reinforced concrete steps with handrail would provide access to a walled gantry of reinforced concrete construction (measuring 9.5m x 2.6m x 3.15m high) allowing for the high level spraying of vehicles in two bays either side. This could be used on a 24hr basis as such vehicles need to be cleaned after finishing rounds. Whilst not using detergents, the foul drainage system is designed to capture saline run-off from vehicles. The system is not a high pressure wash;
- parking bays comprising one disability space for office staff plus two car bays and two large bays for fleet/minibus vehicles receiving maintenance.

The southern half of the yard would include:

- a three-sided bay (12.8m x 10.4m x 2.0m high) for loading/unloading and mixing salt with grit;
- a glycol storage tank area with raised concrete strip containing 2 No. lockable shipping containers measuring 6.1m x 2.45m x 2.6m high;
- vehicle fuelling area measuring 17.0m x 15.16m max to contain three bunkered fuel tanks (providing a total of 50,000 litres capacity) and two bays to allow refuelling of vehicles for use both on and off-site;

- vehicle 'hot wash' area (12.8m x 11.0m) including vehicle inspection ramps to clean highways fleet vehicles after finishing rounds and prior to maintenance inspection;
- an open storage area measuring 50.0m x 6.0m for lighting components.
- an open general storage area measuring 45.0m x 8.0m.

#### g) **Vehicle parking**

The eastern and southern sectors of the site would be predominantly given over to vehicle parking separated by the internal access road. In total, the site provides parking for 220 vehicles. The eastern area would provide a total of 80 parking spaces comprising 60 for highway maintenance fleet vehicles, 25 for passenger transport depot minibuses and five for Passenger Transport Drivers staff parking. It would also accommodate a small vehicle spares store measuring 5.0m x 4.0m x 2.5m high.

The southern parking area would provide 140 car parking bays (including four disabled spaces) to accommodate visitors and the following staff: highways operations, highways maintenance, highways control, gritter drivers, passenger transport staff, winter maintenance and workshop maintenance. Dedicated parking for ten motorcycles would also be provided close to the cycle storage facility. Road markings would provide dedicated pedestrian crossing points between the car parking areas and between the highways office and operational yard.

#### h) **Access Road**

A new, purpose built access road would extend south-eastwards from Thorn Road for a distance of some 0.61km. The majority of vehicles are anticipated to access the site from the A5 via the roundabout link being provided as part of the A5-M1 Link Road development. A 'ghost island' junction is proposed to allow right turning vehicles to access the site whilst minimising delays to traffic on Thorn Road. It would cross over the Ouzel Brook via a bridge structure, the details of which have not been provided, and the line of the bridleway before continuing adjacent to the south-western boundary of the waste water treatment works past the site of the proposed Waste Park before an entrance apron would facilitate access to the highways depot. The road would continue beyond the proposed access to the highways depot to provide a turning stub.

A mechanical sliding gate with a swipe card system or similar would provide secure access to the application site. The access road would then continue south-westwards separating the highways offices and southern parking area from the operational yard before skirting to the rear of the salt barn and gritter store in a north-westerly direction. Vehicles would access the operational yard at a point just north of the gritter store. The proposed access road is shown as continuing north-westwards to the site boundary to provide gated access between it and the adjacent Waste Park for operational traffic. It is anticipated that staff would utilise the eastern access road. Gates into operational areas would be closed when the site is not operational.

The proposed road corridor would be approximately 40m in width and would accommodate the new road with pedestrian footway on its western side whilst accommodating a stretch of an existing bridleway along part of its eastern side. The

application shows the footway extending from the junction of the access road with Thorn Road down to the proposed Waste Park. Pedestrian access to the application site is proposed to be achieved through the provision of footway within the Waste Park site entering the Highways Depot immediately to the west of the Highways Maintenance Storage Depot.

### Drainage

It is proposed that the site would be served by a sustainable drainage system common to both it and the adjacent Waste Park proposals. Surface waters from roofs and pavement areas would be collected via petrol interceptors and by a surface attenuation pond with 1:3 slopes proposed to the north of the adjacent Waste Park application and west of the access road. This is designed to provide both developments with a sustainable drainage facility and is a feature common to both applications. Water collected within this lagoon is proposed to be discharged to the adjacent Ouzel Brook via a pipe connection at an agreed discharge rate.

Foul water from the buildings and trade effluent from operational areas would be gravity fed to a wet well located close to the lagoon from where it would be pumped south-eastwards via rising main to an existing manhole within the Anglian Water foul sewer system south of the application site. The application site boundary has been drawn to include this connection, although this element of the site would contain no above ground built development. From there, foul water would be pumped to the adjacent waste water treatment works. The system would incorporate trapping saline run-off from the cold wash.

### Means of Enclosure

The operational site would be enclosed by 2.1m high weldmesh fencing coloured green. In a further revision to the original submission, the lagoon is proposed to be enclosed by a 1.2 m high stock-proof fence in order to provide a more aesthetically pleasing approach to the development. A short stretch of post and rail fencing would be installed at the southern end of the access road turning stub.

### Site lighting and CCTV

The site access road would be lit by 8m high free-standing lighting columns. Within the site a range of light fittings are proposed including further 8m high columns, 10m high columns, building mounted units and twin luminaires within the yard and serving the internal road and southern car park. The application includes a light contour plan illustrating the extent of light spillage and a lighting strategy.

It is proposed to co-mount CCTV cameras on selected lighting columns. Ten CCTV cameras would be installed within the Highways Depot providing surveillance of the site access, parking areas and operational yard. Nine of these would be co-mounted on free-standing lighting columns although one is proposed to be mounted to the Highways Maintenance Depot/Stores. Outside the proposed operational depot, another CCTV camera would be installed on the eastern side of the access road, approximately mid-point along the frontage to the Waste Park, whilst a further CCTV camera would be installed to the east of the SuDS lagoon.

### Landscaping

The scheme would entail the loss of the hedge-line principally that running through the centre of the site although other stretches would also be lost to facilitate access off Thorn Road and the bridge crossing to the Ouzel Brook. 1.2ha of woodland planting present in the eastern part of the site would also be lost in addition to 1.54 ha of agricultural land. Six trees would also be lost. It is proposed to remove planting outside of the bird nesting season. Existing tree planting along the embankment to the A5 and hedgerow planting along the eastern boundary would be retained.

The following replacement planting would be provided:

- a) individual oak, silver birch and alder trees alongside the eastern side of the access road set within a species rich grass mix to the embankment;
- b) broad leaved woodland planting along the western boundary bolstering retained planting as well as individual oak, field maple and common alder trees set within a species rich grass mix to the western fringe of the built development;
- c) 2,526 sq.m. of broad leaved woodland planting within a typically 5m wide belt along the southern site boundary comprising 55% trees (alder, rowan, birch, oak and field maple) and 45% shrubs;
- d) native hedge planting (predominantly hawthorn, hazel, blackthorn and field maple) to the west of the highways maintenance storage depot linking with similar planting to the north and east of the building proposed within the Waste Park application. Further native hedge planting is proposed around the eastern parking area together with areas of verge grass and individual tree planting;
- e) pockets of fruiting shrub planting is proposed on land adjoining the application site to the south although otherwise that land would be retained in agricultural use. The shrubs would provide approximately 2,500 sq.m

#### Enabling Works and Construction Hours:

Should planning permission be granted, it is anticipated that enabling works including the access road construction would commence in Autumn 2015. Enabling works would also involve removal of topsoil across the site and subsequent importation of material to form a development platform raising the site level by up to 2m to 98-100m Above Ordnance Datum (AOD) in order to mitigate the high water table and provide sufficient fall for drainage infrastructure. The application refers to the importation of some 134,500 tonnes of granular, cohesive or chalk engineering materials to achieve the platform with such material placed and compacted in accordance with highway works specification.

Phase 1 of the construction stage (excavation and access road) is anticipated to take six months with the main construction works for both depot and Waste Park combined being completed by Spring 2017. Construction works are proposed to take place between the following hours:

08:00 -18:00 hrs Mondays - Fridays

08:00 - 13:00 hrs Saturdays

By arrangement on Sundays and Bank Holidays.

Precise construction plant is yet to be finalised but is expected to comprise a mix of static and mobile plant including excavators, dumper trucks, bull-dozer, JCBs, tipping lorries, generators, delivery lorries and mobile crane.

#### Operational Hours:

Post construction, it is proposed to operate the facility between 07:00 - 18:00 hrs daily, although there would be periods of 24 hr operation in response to winter maintenance requirements and emergency highways maintenance incidents. Those

### Staffing:

The highways depot would employ 164 members of staff as follows:

Description	Proposed Number of Staff
Gritter Drivers	12
Winter Maintenance Office	2
Passenger Transport staff	4
Passenger Transport Drivers	25
Highways Maintenance Office/Control Rm	57
Highways Maintenance Ops staff	64
TOTAL	164

### Traffic:

The development is anticipated to give rise to 164 daily car movements (328 two-way movements) and 109 other vehicle movements (218 two-way movements) with the latter comprising a mix of highways maintenance vehicles, mini-buses and gritter wagons. Fleet vehicle movements are expected to leave the site between 07:00 - 09:00 hrs and return between 15:00-17:00 hrs. It is anticipated that the maximum number of HGVs entering or leaving the site in any one hour would be 90.

The application is accompanied by an Environmental Statement (ES) having been screened as a project falling within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The scope and content of the ES broadly accords with the Scoping Opinion issued by CBC on 30 April 2015. The ES considers the environmental impacts of the proposals against a number of topics under the following chapter headings:

- The site and its setting
- Description of the Development
- The need for the scheme
- Traffic and Transportation
- Landscape and Visual Impact
- Water and Flood Risk
- Noise and Vibration
- Air Quality
- Ecology
- Cultural Heritage
- Agricultural Land Assessment
- Waste and Minerals

The applicant undertook a public information event over two days in March 2015 allowing attendees the opportunity to ask questions and familiarise themselves with

the proposals. Revisions to the application have been received in order to provide further clarification and additional details. These relate to drainage strategy, footway provision; additional gates for pedestrians/cyclists; cross-sections of the SuDS lagoon; alterations to fencing; clarification on earthworks; construction and operational traffic; noise; ecology; landscaping; CCTV provision; elevations of the highway office; details of facilities proposed within the operational yard and cross-sections of the bridleway showing the planting after years 1, 10 and 25 years. The revisions have been subject to further consultation and publicity exercises.

## **RELEVANT POLICIES:**

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

*Section 4: Promoting sustainable transport*

*Section 7: Requiring good design*

*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.*

## **Planning Practice Guidance**

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

Policy SD1: Sustainability Keynote Policy

Policy BE8: Design Considerations

Policy NE10: Diversifying the Use of Agricultural Land

Policy R14: Protection and Improvement of Recreational Facilities in the Countryside

Policy R15: Retention of Public Rights of Way Network

Policy T10 Controlling Parking in New Developments

*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, NE10, R14 and R15 are consistent with the Framework and carry full weight whilst Policy T10 carries less weight where aspects of this policy are out of date or not consistent with the NPPF.*

### **Bedfordshire & Luton Minerals and Waste Local Plan 2005 (MWLP)**

Policy W4: Waste minimisation and management of waste at source

Policy GE25: Buffer zones

### **Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites and Policies (adopted January 2014)**

Policy WSP2: Strategic Waste Management Sites

Policy WSP5: Including Waste Management in New Built Developments

## **Emerging Development Strategy for Central Bedfordshire (DSCB) 2014**

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 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 36: Development in Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 60: Houghton Regis North Strategic Allocation

*The draft Development Strategy was submitted to the Secretary of State on the 24 October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. On 16 June 2015 the court declined to grant the Council leave to have its appeal heard in the High Court. The Council has, however, opted to appeal against this judgment which is expected to be heard in the Court of Appeal in the Autumn. The status of the draft Development Strategy therefore currently remains as a submitted plan that has not been withdrawn and its policies carry weight, albeit limited, as consistent with the NPPF. This also reflects the fact that its preparation is based on substantial evidence gathered over a number of years and is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State.*

## **Core Strategy and Development Management Policies - North 2009**

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

### **Supplementary Planning Guidance/Other Documents:**

Central Bedfordshire Design Guide (March 2014) - 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.

Central Bedfordshire Green Belt Technical Paper (2014) provided part of the evidence base for the emerging DSCB.

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 application site comprises undeveloped land currently in use for arable agriculture and woodland. Accordingly there is no relevant planning history, although it is understood that the woodland block situated close to the site's southern corner was formerly used as a nursery by South Bedfordshire District Council before being abandoned nearly 25 years ago.

In the wider area, there is a significant amount of committed development. The development closest to the proposal includes:

Planning Application No.

Description

CB/15/00297/OUT

HRN2 - The second element of (the growth agenda for Houghton Regis. The emerging DSCB identifies the site for approx. 1,850 new homes and 8ha of employment land. Initial proposals include land for commercial facilities including a local centre, education provision including playing fields, retirement accommodation, community



& health centres, and open space and green infrastructure. (Committee resolved to approve subject to Secretary of State referral).

CB/15/01626/REG3

Development of a Waste Park with new access road from Thorn Turn proposed on land adjoining the proposed Highways Depot.

CB/15/01928/OUT

Outline application for mixed B1,B2 & B8 uses on land north of the Ouzel Brook. (Committee resolved to approve subject to Secretary of State referral).

### **Representations:**

#### **(Parish & Neighbours)**

Houghton Regis Town Council

09/06/2015 & 21/07/2015

No objection in principle. However the following concerns are expressed:

1. The impact of the development on traffic flows along the Thorn Road. Access to Thorn Road should be from the A5 roundabout only. Will some form of barrier (i.e. no HGV) be in place to prevent access to the section of Thorn Road that will pass through the new housing areas?

2. The potential noise levels that residents in the nearby housing estates are likely to be subjected to. How will this problem be addressed?

3. Salt storage could lead to leaching into the Ouzel Brook resulting in contamination.

4. The development site is currently still in the Green Belt, so no work should begin until this is officially rolled back.

Tilsworth Parish Council

11/06/2015

No comment.

Toddington Parish Council

05/06/2015

Proposal noted.

Dunstable Council

Town

Advise that comments will be provided post Town Council's meeting of 11 August 2015.

Luton Borough Council      No comments received.

#### Neighbours

The application was publicised by way of 4 site notices, local newspaper advertisement and neighbour notification letters to occupiers of properties within 200m of the application boundary. A further round of consultation and publicity, again by way of site notices, newspaper advert and neighbour letters was carried out in July 2015. Several emails/letters of representations have been received, many of which have been received from a single resident at Chalk Hill objecting strongly to the loss of an extremely important chalk grassland habitat which is in decline and provides habitat for many species including the chalk hill blue, bats, kingfishers, and wild orchids. Reference is made to the area's historic links adjacent to the Roman Road and the loss of historic hedgerow and small woodland would be a tragedy for the local flora and fauna. Objection is raised that the area would be destroyed for the development of industrial units, the Waste Park and Highways Depot. Reference is made to the availability of a 9.5 acre site in Dunstable as a preferable site. The objection goes on to detail reasons for the decline in chalk grasslands including agricultural intensification; loss of species; scrub invasion; loss of habitat from built development; high visitor numbers impacting upon breeding of vulnerable species. The approach should be to maintain and expand the range and condition of calcareous grassland rather than see it lost to development.

The same resident also cites objections on the grounds of noise, odour and light pollution. Reference is made to the Council's Statement of Policy on Neighbourhood Noise Pollution which gives a commitment to improving the quality of the environment for residents and notes an entitlement that activities do not interfere unreasonably and unlawfully with quality of life. The objector fears possible all night disturbance noting the proposed hours of operation of the developments.

Reference is also made to the pollution complaints pages of the Council's website, specifically those relating to construction and demolition, which states that where a neighbour can hear noise in their back garden, generally it is expected that works would only take place between 08:00 -18:00 hrs (weekdays) and 08:00 – 13:00 hrs (Saturdays).

Concern is raised regarding the age of the ecological studies supporting the application and questioned whether further ecological work is programmed. The offer is made to have the Wildlife Trust comment on the findings of surveys.

It is queried what research has been undertaken regarding the habitat of Kingfisher observed on site, butterflies and insects as well as impact upon wild orchids.

It is queried why the hamlet of Chalk Hill is not referred to in the description of the site and setting of the ES and why Chalk Hill properties have been excluded from the noise assessment. A reference to no Highways Depot or Waste Park within 240m of Chalk Hill Farm is queried.

A further piece of correspondence has been received. Whilst expressing neither support for, or opposition to, the development, reference is made to the area being known as Angels on the 1766 Tithe Map of Houghton Regis and suggests that this name be re-used.

On 30 July 2015, Andrew Selous MP wrote to the Council on behalf of a constituent to ask that all objections made with respect of the waste park be taken into account given the impact that this site will have on the residents of Chalk Hill.

A final representation comments that the Thorn Turn site is in a Green Belt location safeguarded as a multi-fuel CHP scheme to serve existing and new planned developments in Houghton Regis and Luton with low/zero carbon heat and electricity. The correspondence further comments that a date is still awaited for examination of the Plan when the Inspector will be asked to support the change of use from agricultural to industrial land.

## **Consultations/Publicity responses**

CBC Policy

10/06/2015 & 13/07/2015

No objections in principle. The site sits within the Houghton Regis North Strategic Site Allocation and lies within the Green Belt. Outline planning permission has been granted for Site 1 of the Houghton Regis North (HRN) Strategic Site Allocation (CB/12/03613/OUT). An application for HRN2 is subject to a separate application. Two applications for housing development within the HRN Strategic Allocation have also been granted planning permission. It is important to consider the cumulative impact of the applications for the Waste Park

and commercial development given the site's Green Belt status. The application also needs to demonstrate how it conforms to the adopted Houghton Regis North Framework Plan which guides the development of the wider allocation.

The elevated position of the A5 is noted along the site's western boundary some 8-12m above the application site. Mature planting ensures the site is not very visible from the A5 and the scheme would retain and provide further planting along this boundary. The site would be more visible from the east and the salt barn, at 13m, would be the highest building.

The NPPF attaches great importance and protection to the Green Belt. The site's current agricultural use requires very special circumstances to be demonstrated which will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The withdrawn Joint Core Strategy identified land between the A5 and the M1 to the north of Houghton Regis as a strategic allocation for residential-led mixed use development. Although the plan was withdrawn, this was not due to any disagreement between the joint Councils regarding this allocation. Its removal from the Green Belt was supported by both Councils.

The emerging Development Strategy seeks to re-affirm the Houghton Regis allocation for an urban extension of Houghton Regis to meet urgent housing and employment need and its subsequent removal from the Green Belt (Policy 60). This plan has not been adopted and the land remains within the Green Belt.

In accordance with Policy 60 a Framework Plan was adopted by the Council (October 2012) and provides a high level strategic document identifying indication locations of infrastructure and land use so as to ensure applications demonstrate how the vision for Houghton Regis North will be achieved.

The western end of the growth area is more challenging to develop given the waste water treatment works (WWTW), scheduled monument, areas of ecological interest and flood risk issues. The Framework Plan diagram identifies Site 2 as predominantly residential with employment uses to the west along the A5 and the WWTW. The proposals are in general conformity with the Framework Plan.

The site falls within an allocated Strategic Waste Management Site allocated in the Minerals and Waste Local Plan 2014. Policy WSP2 identifies land at Thorn Turn as a strategic waste site as it was considered an appropriate location for large scale operations. The principle of development on this site is therefore considered acceptable although Policy WSP2 acknowledges its Green Belt location and the need for very special circumstances.

The Planning Statement supporting the application identifies very special circumstances. The application for HRN2 is currently being considered alongside the application for the Waste Park and the adjoining commercial development. On their own these special circumstances highlighted hold limited weight, but collectively it is considered that together with the application site's location and relationship to the adjoining sites and Houghton Regis, that very special circumstances may exist which outweigh the harm to the Green Belt.

Environment Agency

12/06/15, 13/07/2015 & 14/07/15

On the basis that infiltration of surface water drainage will not occur and parking / storage areas will only be impermeable areas, the Agency considers that a planning condition to secure a scheme of surface water disposal will not be required. It is noted that the detention lagoon is to be lined.

The Agency notes that the site falls within the jurisdiction of the Bedford and River Ivel Internal Drainage Board and should be consulted on the flood risk assessment.

The Agency also notes that the site is located above a Principal Aquifer. However, the proposal is not considered to be high risk. The developer should nevertheless address risks to controlled waters from contamination at the site following appropriate guidance.

The Agency advises that, irrespective of any planning approval, an Environmental Permit will be required. Advice on pollution prevention issues is included.

Buckingham and River Ouzel Internal Drainage Board (IDB)

08/06/2015, 10/07/2015 & 29/07/2015

On the basis that the development is set back from the edge of Flood Zone 3 as shown on the Environment Agency's plans and the surface water discharge is to be

restricted to the agreed rate of 3 litres per second per hectare, the Board removes its earlier objection. However, the access road is shown to be within Flood Zone 3 which will require the Board's prior consent. Although the Board is currently in discussion with the applicant regarding this matter, it is suggested that planning permission should not be granted without a condition requiring the access road design and construction details to be agreed before any development commences to ensure flood risk is not increased.

Anglian Water

09/06/2015

No objection subject to recommended conditions. Attention is drawn to the proximity of Dunstable WWTW and its potential to cause loss of amenity through odour emissions to sensitive property within the proposed development. An effective distance between the WWTW and sensitive accommodation is advised. It is recommended that an odour dispersion model is produced to establish the range at which the neighbouring property is likely to be impaired.

In terms of foul drainage, it is confirmed that Dunstable WWTW has capacity to treat the waste water. The sewerage system presently has available capacity for these flows which are acceptable in principle. Anglian Water is yet to agree a pumped discharge rate and no detail is provided. A condition covering the drainage strategy is requested.

Anglian Water comment that the surface water strategy/flood risk assessment is outside their remit and views of the Environment Agency should be sought. A condition is requested to cover the strategy. Advice is also provided in respect of trade effluent which can be included as an Informative to any decision.

CBC Flood Risk  
Management & Drainage

11/06/2015, 17/07/2015 & 31/07/2015

Following receipt of a revised Drainage Strategy (received 24/07/2015), it is considered that planning permission could be granted subject to compliance with that document and imposition of the following conditional requirements:

- details of temporary drainage arrangements during the construction phase as part of a Construction Environmental Management Plan. Surface water management during construction should be appropriate to the scale and nature of the site;

- prior to its construction, details of the final sizing, layout and operation of the surface water drainage system; and
- prior to occupation of the site, details of the management and maintenance arrangements for the surface water drainage system to ensure it functions as designed for the life of the development. Details are included as to the type of information that should be included.

CBC  
Infrastructure  
Ordinator

Green 10/06/2015

Co- The drainage proposals show discharge into the Ouzel Brook. Whilst discharge volumes have been included, there is no consideration as to how SuDS would be used to manage surface water quality. Information should be provided on how surface water will be conveyed and treated. Conveyance should be through sustainable drainage systems in line with the Council's SuDS guidance, rather than piped and consideration of SuDS features to treat surface water such as green roofs, permeable surfaces and filter strips should be demonstrated.

Highways England

02/06/2015  
No objection.

CBC  
Development  
Management Team

Highways 25/06/2015 & 05/08/2015

No objection in principle subject to conditions.

CBC Transport Strategy Team 12/06/2015 & 05/08/2015  
No objection in principle subject to conditions.

CBC Rights of Way 10/06/2015 & 29/07/2015  
No objection but comments are offered. Bridleway 49 (BW49) forms part of the Icknield Way Trail promoted route and is the only future connection for riders from the Totternhoe/Sewell area to the network north of the A5-M1 link. This then links west-east across the area, north of the link road and proposed housing, across the M1 to the north of Luton and into Hertfordshire. The bridleway will also form an important north-east-west link with other public rights of way proposed to be upgraded to provide new walking and cycling connections as part of the Bidwell West and Houghton Regis North 1 proposals.

Insufficient details are provided as to how BW49 would cross the access road. The appropriateness of a zebra crossing is questioned due to the number and type of vehicles which would use the access road especially at weekends when use of the BW would be high. Fuller assessment of vehicle use versus user safety at the crossing point is required.

The combined vehicle numbers of the Highways Depot and the Waste Park have been interpreted as:

Highways Depot: 109 HGVs/day (218 two-way movements) and 164 cars/day (328 two-way movements);  
Waste Park: 45 HGVs/day (90 two-way movements) and 615 cars/day (1230 two-way movements).

Such traffic levels remain a concern and justify a full crossing but willing to be guided by Highways colleagues. Queried whether the Stage 1 road safety



audit of the site road included an assessment of bridleway crossing. Pegasus crossing remains first choice given it is a public bridleway. Alternatives would need to demonstrate continuing safety for bridleway users. Assessment is suggested to be included in the design of the road link and brook crossing to ensure a level, safe crossing.

A cross section of the bridleway crossing of the access road should be provided and the access road design and construction proposals should be agreed before development commences. A zebra crossing is not a horse crossing and it is the number and type of vehicles not just type and speed which is relevant. Slow moving vehicles are irrelevant if they are frequent enough to make crossing with an impatient horse difficult. Current/initial user surveys are considered irrelevant. Whilst accepted that the bridleway is currently little used, its importance as a future connection should be considered.

The crossing of Thorn Road is also important although accepted that interim arrangements may apply as each development progresses. However, the ultimate aim must be a fully signalised Pegasus crossing. Should an interim crossing be provided, electrical ducting should be installed to allow for future upgrading of the crossing by Bidwell West which will result in greater use of the network.

A bridleway width greater than the legal width of 4m should be provided to allow for the visual impact and noise. An 8-10m wide landscape strip would give more room for riders to control horses affected by sudden noise and allow the Council to consider surfacing part of the bridleway width to accommodate increased use by all users. A part-surfaced, part-green route would provide a multi-user all year round route and may also allow room for further landscaping. Notwithstanding financial contributions from the Bidwell West development, consideration of any long term bridleway improvements should be considered now rather than post completion when provision may be more costly.

Clarification is required as to long-term maintenance of vegetation or SuDS areas. Blackthorn should be avoided adjacent to the bridleway as a fast encroaching species. Cross sections of proposals for the bridleway are welcome, although confirmation is sought as to whether the existing ditch and hedge alongside the bridleway on the site side are remaining.

Whilst the width of the bridleway adjacent to the A5 seems sufficient, if the existing ditch and hedge are to remain, confirmation is sought that there will be no change in levels for the bridleway, no topsoil stripping from its surface and no impact on it from drainage.

It is noted that the site layout design has considered the bridleway. Some noise will be unavoidable, but all reasonable mitigation should be in place. Officer agreement would be required as to the siting and wording of any signs.

In terms of sustainable transport connections the link/pedestrian gate to the south of the depot is welcomed. The link from BW49 to Public Footpath No. 57 should not be affected by earthworks or planting as this footpath may be upgraded to cycle track as part of the Bidwell West proposals.

Consideration is needed as to whether any temporary diversion or closure of BW49 is required to facilitate construction operations including any drainage, cabling or culvert work. At least six weeks notice of the start date is required to make a legal order.

No fencing should obstruct BW49 or Footpath 57. Fencing type for the 2.1m high security fencing should be considered so it blends in with the landscape and alternatives to a steel grating fence are encouraged.

Bait boxes to control vermin should not be placed on public bridleway to avoid consumption by dogs and construction activities should be mindful of the location of BW49.

Reference is made to the proposed foul sewer connection which may temporarily affect Public Footpath Houghton Regis No. 31, part of the Chiltern Way, and full details will need to be supplied to assess whether temporary closure/diversion is required.

CBC Countryside  
Access Service

11/06/2015

It is queried who would maintain the green spaces/SuDS and at what agreed specifications etc as it does not appear to meet the criteria for the team to maintain. The development is considered to be in the public interest facilitating delivery of statutory Council functions and does not directly impact upon the number of visitors to the nearby

Blue Waters and Plaiters Way Countryside sites.

CBC Integrated Transport Team

08/06/2015 & 30/07/2015

Note that the application would share an access road with the Waste Park and the commercial development and are therefore seen as co-dependent and need to operate as one in terms of access arrangements for both vehicles and others including pedestrians and cyclists. The site also needs to be considered in the context of the Bidwell West urban extension in promoting accessibility by all transport modes.

The Travel Plan (TP) targets a 20% reduction in single occupancy car journeys to/from the site. As recommended in the AECOM modelling report, traffic mitigation needs to be in the form of both highway measures and sustainability initiatives to minimise potential impact of site generated traffic on the local highway network. The TP will contain measures to encourage sustainable travel but opportunities for travel choice, including those without access to a car, are determined physical measures being in place.

The revised details show a footway alongside the western side of the access road which unfortunately does not continue to the site with the applicant citing width constraints due to the presence of the eastern hedgerow. As the road would be lightly trafficked, cyclists on the road would not present a problem thereby reducing the width required. The footway should continue as far as possible, entering the site at an alternative point.

Although bus services would serve Thorn Turn as a result of the Houghton Regis north housing development and also the A5 corridor, the site is not attractive from the public transport perspective until such services are in place. However, a link to the path south of the site would enable staff to access the rights of way network to access the A5 and is welcomed, although this will need to be marketed to staff and the two sites would need to work together in promoting and managing that access.

CBC Strategic Transport Officer (Travel Plans)

09/06/2015 & 27/07/2015

The Travel Plan's generic structure does not lend

itself well to a site which will be specific in its operation. The site audit of sustainable travel links needs to include potential links to nearby towns where employees may live. If the majority of staff will be relocated from other bases, an action to work with staff in advance of relocation is needed to ensure staff are know all travel options and assist in meeting the 20% reduction target.

More detail is sought on what the potential links to the site will be and what improvements are proposed to increase the attractiveness of walking, cycling and using public transport to access the site. However revised staff car parking is welcomed and pedestrian/cyclist access from the access track is welcomed. A condition is suggested to secure the Travel Plan and its annual monitoring.

Suggestions are also provided as to which components of the Travel Plan could be improved.

Natural England

09/06/2015 & 17/07/2015

No objection subject to conditions.

Natural England notes the site's close proximity to Houghton Regis Marl Lakes SSSI but is satisfied that the proposals will not damage or destroy the notified features of interest.

Natural England would expect the Council to use available resources to assess other potential impacts on local biodiversity and geodiversity sites, local landscape character and local of national biodiversity priority habitats and species.

It is recommended that Natural England's Standing Advice be applied in respect of protected species.

Natural England recommend that a planning condition be attached to any permission granted requiring the submission and approval of a Biodiversity Management Plan to ensure the new habitats proposed within the SuDS as compensation are successfully created and managed in the long term. Attention is also drawn to duty on public authorities under the Natural Environment and Rural Communities Act 2006 to conserve biodiversity.

12/06/2015, 13/07/2015 & 22/07/2015

Design of the site should take account of surrounding biodiversity interests. The ES addresses protected species issues and notes that a number of species require follow-up surveys.

Dormice have been identified on an adjacent site. Works to hedgerows/woodland could potentially impact on them and it is noted that the applicant plans to continue monitoring into the Autumn. Enhancement works to hedges should ensure the landscaping scheme includes locally native species such as hazel and fruit bearing shrubs to support dormice. Hedge removal should avoid the bird nesting season.

Given the Ouzel Brook has suitable habitat for water voles and requires 10m of culvert for the new access road, further water vole surveys are required. Survey timings and, if present, licensing arrangements will need to be factored into timescales.

Given suitable habitat exists for a number of protected species and potential impacts are not yet fully understood, a condition is required requiring updated surveys for reptiles, nesting birds, bats, water voles, and dormice and that appropriate mitigation is required and, where necessary, licences obtained. It is noted that an eDNA survey for great crested newts has been undertaken. If great crested newt are present in Pond 5, mitigation and a licence will be required.

With reference to the receptor area to be created within the northern sector of the Waste Park, it is noted that preparation of suitable habitat, potential trapping and translocation will take time, all of which should be done prior to works commencing on site.

Appointing an ecological clerk of works may be prudent to oversee construction works of the adjoining sites and ensure net gains in biodiversity.

The area to the north of the Waste Park is proposed for habitat creation but this acts as a net gain and compensation for the loss of habitats such as hedgerow and the brook culverting for the Waste Park and does not provide sufficient mitigation for the application site also.

The ES comments that alternative suitable habitat is available within adjacent land in the local area notwithstanding that the local area will undergo large scale development in coming years depleting the habitat

opportunities. Use of the land south of the application site would be supported as further habitat compensation for the loss of woodland.

The Highways Office appears to have a flat roof which may lend itself to a green or brown roof further enhancing habitat opportunities and supporting sustainable drainage aspirations.

The technical programme for further survey work does not include nesting birds or dormice.

Further targeted survey work has identified a badger sett on the site as being an outlier and it is noted that the applicant is preparing a licence application to Natural England with a view to closing it prior to 30 November 2015. Several potential bat roosts were also identified in trees. Further surveys are noted as being programmed to ascertain whether these are roosts. Updated surveys are also required for reptiles and these issues can be subject to conditions.

It is noted that no evidence of otters was found during the phase 1 walkover although the ditch was identified as suitable habitat for water voles. The culvert will provide mammal ledges but no other works are proposed to ditches or the banks and it is accepted that no further survey work is needed.

No bat boxes, dormice or bird boxes are specified in the habitat management plan but such measures would be informed by the updated surveys which may identify the need for further mitigation. As such, the habitat management plan may need updating.

Inclusion of native fruiting shrubs are welcomed on revised landscape drawings as are areas of wet grassland along with their management regimes. However, it is queried why remaining land to the south cannot become chalk grassland to mirror that to the south and east.

A lighting strategy has been provided to demonstrate how green corridors will be protected from light spillage, although it appears that the eastern hedgerow would be well lit. It is noted that time-controlled lighting would be deployed to avoid overnight hours and the A5 would remain lit yet it questioned what impact the additional intrusion will have on wildlife utilising the WWTW.

09/06/2015 & 20/07/2015

The extended Phase 1 survey (2011) recommended that the woodland be left intact but the application would see its complete removal. In mitigation 0.33ha of native woodland is proposed to be planted near the Ouzel Brook but this is only a fraction of the 1.5ha that would be lost. Reference is made to Policy 59 of the emerging Development Strategy for Central Bedfordshire which seeks to protect woodlands amongst other habitats from development.

Lowland mixed deciduous woodland is a priority Biodiversity Action Plan (BAP) habitat and, although replaced, it remains written in current legislation and policies. Para 117 of the NPPF promotes 'preservation, restoration and recreation of priority habitats'. Whilst the ES comments that the existing woodland is not older than 45 years, it is not newly planted and contains some mature specimens and any mitigated woodland would take many years to reach a similar stage. It is also the habitat most likely to support any notable species although the level of impact is not possible to predict given outstanding surveys.

Ideally such woodland and the grassland/scrub edge would be preserved as far as possible. The Trust query whether the land south of the site has been considered for development as an alternative thereby preserving the habitat. If not feasible, this land could accommodate native planting helping to mitigate the habitat loss and improve connectivity within the wider landscape, especially to Houghton Regis Chalk Pit SSSI.

The other key concern relates to the high number of other committed and proposed developments in the area. The ES refers to suitable habitat in the local area but the various projects will substantially reduce the amount of suitable habitat placing greater pressure on Houghton Regis Chalk Pit SSSI and CWS to support displaced wildlife. Reference is made to alternative habitat and foraging opportunities being available in other habitats adjacent to the application site and the local area.

Appropriate management of the remaining habitats fragments will be important and site lighting should be sensitive avoiding hedgerows and tree lines important for bats etc to commute along.

A badger sett is present and reference is made to the protection afforded such habitat under the Protection of Badgers Act 1992.

The adjacent WWTW supports a large number of notable bird species but no bird survey has determined the extent such species use the application site which could better inform the mitigation plan. Further bird surveys are recommended given that further surveys are required for other species. Until the results are known it is not possible to say what impact the development would have and whether the proposed mitigation is sufficient. Reference is made to the strengthening of the eastern boundary planting to reduce the impact of noise and light on the bird population. Whilst a thin screen of trees is proposed to be retained, the retention of the woodland would help buffer the effects of the development.

The importance of ensuring the SuDS removes all possible contaminants before discharge to the Ouzel Brook, together with any other runoff or spills, is highlighted.

#### CBC Landscape

17/06/2015, 22/07/2015, 23/07/2015 & 30/07/2015

In terms of landscape setting there are wider/longer distance views to the site from the Toddington-Hockliffe Clay Hills to the north orientated towards the Totternhoe chalk scarp and distinctive horizon associated with Chalk Hill and Houghton Regis Chalk Quarry.

In terms of urban setting, the cottages at Chalk Hill Farm are within the context of the setting of the application site. Sewell Conservation Area is set within the Totternhoe scarp. The site would form part of wider development associated with Bidwell West comprising residential, employment, school and public space. The commercial application for two large sheds would, *[subject to Secretary of State referral]*, form the northern backdrop to the Waste Park.

In assessing the visual impact of change, views to the site and proposed development would tend to be from adjacent footpaths and more elevated viewpoints. Of particular concern are those from the proposed open space associated with the Bidwell West development and views from Houghton Regis Chalk Quarry edge which offer expansive views across the vale, growth area on to the northern clay hills.

It is disappointing that green / brown roofs have not been explored further, especially given the need to reduce impact on views onto the development, but also to reduce urban heat, surface water attenuation,



biodiversity benefits etc. It is essential that roof elevations are rationalised in terms of design and finishes are addressed as part of mitigation of the development and adjoining CBC site. Design, materials and colours of the buildings need to be explored further regarding mitigation and it is requested that this be conditioned if the application is approved.

As green / brown roofs cannot be considered, it is requested that additional tree planting be introduced around and within the site comprising a number of species to increase canopy cover to assist in visual mitigation, reduce surface water run off, heat and enhance biodiversity.

Land to the south of the site offers the opportunity for additional trees planting outside the pylon corridor and could assist in visual mitigation of the development especially from Chalk Farm. Whilst shrub planting and scrub provides habitat and is acceptable in relation to overhead cables, additional tree planting is urged.

Whilst it is understood that the proposed lighting units are specifically designed to avoid overspill, it is disappointing to note that lighting columns have been retained to the external edges of the internal access road. Every effort should be made not to increase lighting to these landscape edges primarily because of negative impact on wildlife at night.

The lighting strategy refers to reduced lighting levels outside operational hours although clarification is sought regarding differing periods between the application site and the Waste Park. It also describes a reduction in lighting levels outside operational hours although the actual reduction is requested.

The cross-sections provided of Bridleway No.49 in relation to the site's western boundary and proposed boundary treatments are appreciated.

CBC Trees & Landscape  
Officer

15/07/2015 & 29/07/2015

The development will result in the loss of:

- 3 No. Category A trees
- 2 No. Category B trees
- 1 No. Category C tree
- 2,500 sq.m. of Group trees
- 9,500 sq.m. of a Woodland Group

- 410m of hedgerow

The loss of landscaping is substantial and should not be underestimated when considering the cumulative impact of that being lost in respect of the Waste Park application. However, the scheme proposes large scale new compensatory planting and, recognising the importance of the application to the wider community, it is accepted.

Any design changes will need to update Tree Protection Plans and should seek to conserve as much planting as possible. A site specific arboricultural method statement should be submitted to support tree protection measures especially given many retained specimens will be subject to bespoke protection requirements.

Campaign to Protect Rural England 19/06/2015  
Objection.

In terms of landscape and visual impacts, and notwithstanding the height and scale of the proposed Salt Barn, CPRE consider the proposals to be perhaps the least damaging of the Thorn Turn applications, though its visual and other impacts on Chalk Hill residents will undoubtedly be severe. The scheme is also considered to raise the least proximity issues in relation to the nearby residential and schools developments proposed under HRN2.

However, the Green Belt status remains a fundamental concern. CPRE comment that the problems with the existing gritting depot at Bedford and regeneration benefits associated with the existing Highways facility in Dunstable do not amount to 'very special circumstances' sufficient to outweigh the harm which the proposed combined depot would cause to openness.

The development should await the site's formal removal from the Green Belt via the currently suspended examination into the Development Strategy and declaration that the boundary changes are 'sound' followed by formal adoption.

CBC Public Protection 04/08/2015  
Issues regarding odour are not anticipated whilst issues of potential dust and light impacts can be dealt with by condition. The noise assessment indicates a minor daytime exceedance predicted at Chalk Hill Farm on account of a penalty in the calculations to reflect the

unpredictable characteristics of the noise. This is considered negligible and unlikely to detrimentally affect amenity of local residents sufficient to warrant an objection to the application.

Noise from gritter loading operations at night is likely to be more intrusive and detrimental to local amenity without mitigation. Scope exists to internally load salt spreading vehicles but little benefit arises due to the lightweight roof structure. Options include provision of a barrier so that it acts as a barrier. This is capable of delivering an acceptable reduction in noise and, subject to condition, no objection is raised. Suggested conditions are offered in respect of noise, dust and lighting and are structured to allow for subsequent monitoring.

Historic England

09/06/2015 & 29/07/2015

No objection in principle. Historic England comment that the proposals have potential to impact upon the setting of several designated heritage assets, primarily the Thorn Spring moated site and associated woodbanks, Maiden Bower and Totternhoe Castle, all being scheduled monuments.

Thorn Spring moated site and associated woodlands (750m northeast) comprises a well defined moat and moat island with a detached woodbank surviving c.160m south of the moat. Evidential and historic values contribute to the significance of the monument including the nature and extent of below and above ground archaeological features including the rarity of the surviving woodbank and the monument's association with Houghton and the de Gurney family in the latter half of the medieval period.

The monument's setting contributes to its significance including its placement within the wider landscape. This historically open and agricultural landscape still survives within the wider area although the monument is now wooded and at times visually obscured from it. Negative elements exist within the setting including the noise and visual intrusion from the busy road to the south and the encroachment of urban development and infrastructure which has somewhat eroded the landscape's historic character.

Totternhoe medieval mote and bailey castle and the Maiden Bower Iron Age hillfort both lie on a ridgeline to the southwest of the site. There is significance in the preserved archaeological evidence within both monuments including the upstanding earthworks and

below ground deposits and the potential for preserved palaeo-environmental evidence. Reference is made to the great historical and evidential value in these monuments, particularly their commanding views across the landscape and setting is cited as a vitally important aspect to their significance. Recognisable evidence remains e.g. ancient tracks and historic settlements. Both Totternhoe Castle and Maiden Bower have views looking northeast towards the site.

Historic England's review of the ES has focused on the development's impact upon the setting of the nearby highly graded designated heritage assets. Reservations are expressed over the conclusion in the EIA that the development would have no impact upon the setting of the scheduled monuments, considering the contribution setting makes to their significance to have been underplayed. Totternhoe Castle is not included within the Cultural Heritage Assessment despite being the highest point in the landscape with 360° views.

The NPPF requires applicants to describe the significance of any heritage assets including any contribution made by their setting with any harm or loss of significance requiring clear justification. Contrary to the EIA, Historic England considers that the proposals would have an impact upon the setting of the scheduled monuments primarily through the addition of large modern infrastructure and development and the erosion of the historic agricultural landscape in addition to some visual intrusion. It is however accepted that the impact upon the setting of Maiden Bower and Totternhoe Castle would not be high and unlikely to result in harm to their significance. Additional screening along the western boundary and site lighting controls would further minimise impact.

Historic England does anticipate a greater magnitude of impact to the Thorn Spring moated site due to the erosion being closer to the monument's immediate surroundings. Further impact from potential increases in noise, light and traffic within close proximity to the woodbank adjacent to Thorn Road is also highlighted. However, given the nature, extent and proximity of the site, it is accepted that the level of harm is likely to be low. Impact of increased traffic flows upon the woodbank element could be minimised by controls over traffic numbers, speed and timing as well as additional screening along the roadside of the monument. Traffic issues might potentially be mitigated by the new A5-M1 link road.

Historic England concludes that the scheme is likely to impact upon the settings of the scheduled monuments. The magnitude of such impacts would not be high and could be further reduced by increased screening, although the increase in traffic and the scale of urban development could result in some harm to the significance of the Thorn Spring site.

No objection is raised in principle but the Council is recommended to consider options to further minimise the magnitude of impact upon the setting and ensure it has convincing justification for the harm to the Thorn Spring site and that the level of harm is outweighed by the public benefits of the application. The Council is also recommended to seek opportunities in which the scheme could preserve those elements of setting that make a positive contribution to the scheduled monument or better reveal the asset's significance. Further opportunities could exist through legal agreements.

CBC Archaeologist

10/06/2015 & 21/07/2015

No objection. The northern part of the site is within the area identified as Thorn Green (HER 12242), the site of a former village green associated with the medieval settlement, heritage assets with archaeological interest.

Details are provided of extensive evidence of a rich archaeological landscape in the surrounding landscape including Watling Street adjacent to the site's western boundary, a major arterial route of the Roman period.

The site is within the setting of several Scheduled Monuments, designated heritage assets of the highest importance. These include Thorn Spring Moated Site, Maiden Bower Iron Age hillfort, Totternhoe Knolls motte and bailey castle and possibly Tilsworth Manor moat and Warren Knoll medieval motte.

Site evaluation has revealed archaeological features and more recent investigation in the surrounding area has identified further sites and features providing context to the application site. The archaeological remains that have been identified within the site form part of a wider contemporary landscape and their significance is partly derived from their relationship to the wider archaeological landscape.

The ES contains an acceptable approach to identifying baseline information on archaeology. Assessment of the site's archaeological potential concludes a high potential

for the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. This is considered reasonable although potential for the prehistoric period should be considered high rather than moderate.

Similarly, the significance of any archaeological remains, assessed in the ES as being of local significance for the prehistoric, medieval and post-medieval periods and of local-regional significance for the Roman and Saxon periods, should be considered to be of regional significance.

The ES recognises that topsoil removal, to facilitate ground raising, may lead to the full or partial destruction of potential heritage assets. Given such operations are proposed throughout the site, there will be little if any opportunity to preserve buried remains in situ. The ES proposes a programme of archaeological investigation and recording.

The Archaeological Officer considers that the development will intrude into the setting of the three Scheduled Monuments closest to the site and that this will be exacerbated by the cumulative effect of the adjacent Waste Park and commercial development. There will be a negative impact on the setting of the designated heritage assets, which is likely to have some, albeit limited, affect on their significance. However this impact will not amount to substantial harm as referred to in the NPPF and no objection is raised on the grounds of impact on the setting of designated heritage assets with archaeological interest.

The site has been shown to contain archaeological remains of Roman and medieval date and has potential to contain further features. The proposals will have a negative and irreversible impact upon any archaeological deposits present and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing the applicant takes measures to record and advance understanding of the archaeological heritage assets. A suitable condition is suggested.

CBC Sustainable  
Growth/Climate Change

15/06/2015 & 13/07/2015

Local Plan Policy BE8 supports the maximisation of energy efficiency and conservation through orientation, layout and design of buildings, use of natural light and solar gain and fully ceasing opportunities to use renewable or alternative energy sources. It also requires

demonstration as to how planting has been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

Emerging Policy 47 *Sustainable Buildings* requires all new commercial development above 1,000 sq.m. to be delivered to BREEAM excellent standard or equivalent.

Site specific Policy 60 requires development to include measures to adapt to climate change, minimise energy use and include renewable energy technologies.

It is accepted that the BREEAM standard is not suitable for the maintenance depot but the approach to assessing sustainability is welcomed, particularly use of the dry store's roof space for PV panels.

Being of modular construction the office building it is recognised that there may be limited scope to influence the specification but, given its floorspace exceeds 1,000 sq.m. Policy 47 applies and efforts should be made to achieve BREEAM excellent or equivalent standard as practicable.

Roof mounted PV panels are encouraged on other buildings where suitable and provide a good return.

Central Bedfordshire &  
Luton Joint Local  
Access Forum

10/06/2015

No objection but several concerns raised.

A Pegasus crossing is required at Thorn Road where the plans only indicate a black high friction surface. Ducting for cabling should be provided when the surfacing is constructed. Further detail is required of the type of crossing to the access road. The proposed zebra crossing is unsuitable for equestrians and a Pegasus is recommended but, if not possible, cycle/horse activated flashing lights with barriers to provide safety from vehicles as a minimum.

Concern is expressed that the depot could accommodate noisy operations to which horses are sensitive. Whilst signage is proposed, the forum registered concern that there would be risks to riders. Efforts should be made to minimise sudden loud noises.

Where possible the forum would wish for an expanded metal fence especially alongside the bridleway to reduce the corridor effect. Screen planting should be maximised. A 10m wide area for the bridleway is required to help mitigate noise and provide sufficient space for

horses to keep calm.

Houghton Regis Bridleway 49 (BW49) provides an important link in the Icknield Way Trail, a key route around the north of the growth area. Currently the Trail should cross the A5 at grade north of Thorn Turn but this crossing was closed on safety grounds. BW49 and its associated crossings will provide a much safer route. It should be drained and surfaced to provide year round use. The width should be 3m (tarmac) for cyclists, 3m (grassed) for horses with 2m strips on each side.

The forum is keen to work with the Council to see a co-ordinated movement plan across the various proposals north of Houghton Regis and Luton to create a good network of safe routes for non-motorised modes.

The British  
Society (BHS)

Horse 10/06/2015

The BHS refers to campaigning with the Council's Rights of Way team to improve bridleway connectivity in Central Bedfordshire which they describe as 'very poor'. Bridleway (BW) 49 is considered an important connection along the edge of the site and includes the Icknield Way. The BHS comment that the plans do not allow enough width to cater for all users and require a 10m width to help keep horse riders further away from the noisy area and sudden loud noises which can cause horses to spin, bolt, unseat riders and run loose. Mesh fencing reduces the feeling of enclosure. The BHS comment that a 10m width would provide sufficient space for horses, cyclists with path edge either side.

Reference is made to the need for a suitable crossing to the A5 for users entering/exiting BW49 at Sewell to join/exit the Green Lanes.

The need for a Pegasus crossing or warning system along with a holding area is highlighted for riders to safely cross the access road noting the presence of large HGVs in addition to the general public using the HWRC as noted at other facilities. Traffic should be made aware of the BW by appropriate signage in both directions.

The route across Thorn Road will also require a Pegasus crossing given extra traffic from the planned new build.

Whilst referring to the 'waste building', it is queried whether the car parks would be better sited adjacent BW49 exposing its users to less noise.



London Luton Airport Operations Ltd	26/05/2015	No safeguarding objection on the basis that the proposal does not conflict with safeguarding criteria.
National Air Traffic Services	27/05/2015 & 13/07/2015	No safeguarding objection raised as it does not conflict with safeguarding criteria.
London Gliding Club	15/07/2015	No objection on the basis that there no tall chimneys or towers proposed.
National Grid		No comments received.
British Gas Transco		No comments received.
UK Power Networks		No comments received.
British Telecommunications PLC		No comments received.
Royal Society for the Protection of Birds (RSPB)		No comments received.
CBC Conservation & Design Team		No comments received.
Affinity Water Ltd		No comments received.
Chief Fire Officer		No comments received.
Bedfordshire Rights of Way Association		No comments received.
Friends of the Earth		No comments received.
National Planning Casework Unit		No comments received.

## Determining Issues

The main considerations of the application are:

1. Accordance with National and Local Planning Policy and other material

- planning considerations;
- 2.. The acceptability of the development within the Green Belt with regard to any very special circumstances;
  3. The acceptability of the development in terms of its impacts upon the highway network;
  4. The landscape and visual impact of the development; and
  5. The environmental impacts of the development.

## **Considerations**

### **Human Rights issues**

Based on the information submitted, there are no known issues in the context of Human Rights and as such there are no relevant implications

### **Equality Act 2010**

The Equality Duty came into force on 1 October 2010 and has the effect of making it unlawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil in the exercise of their functions. The applicant has submitted a compliance statement setting out how it accords with the legislation. It is considered that the buildings and infrastructure on site are compliant as evidenced by the level access to the main Highways Office and internal provision of a lift to facilitate access to first floor level. Designated parking spaces for drivers with disability are proposed close to the Highways Office for ease of access. The application comments that the physical nature of the work within the highways maintenance depot would be less suitable employment for staff with disability. Nevertheless, the buildings are designed with minimal steps and a further disabled parking bay is specified within the yard. The application does not present any issues of inequality or discrimination.

## **1. National and Local Planning Policy**

### National Planning Policy Framework

The NPPF sets out an underlying presumption in favour of sustainable development and, whilst not changing the statutory status of the development plan, it is a material consideration in the determination of applications. The NPPF's core planning principles include protecting the Green Belt and focusing significant development in locations which are, or can be made, sustainable. It contains a number of statements of policy which are relevant to the consideration of this application, notably:

- Section 4 *Promoting sustainable transport*
- Section 7 *Requiring good design*
- 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*

### Planning Practice Guidance

Government guidance is also available as a web-based resource under a series

of headings several of which have relevance to the subject application including air quality, climate change, conserving and enhancing the historic environment, design, flood risk, light pollution, natural environment, noise, transport assessments and water quality.

#### The Development Plan

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF echoes this requirement and, at para 12, states:

*"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."*

The NPPF advises that due weight should be applied to relevant policies within existing plans according to their degree of consistency with the Framework with greater weight afforded where policies are closer to those in the Framework. It also advises, at para 216, that decision-takers may give weight to relevant policies within emerging plans according to:

- the stage of preparation of the emerging plan, with greater weight given where the plan is more advanced;
- the extent to which there are unresolved objections to relevant policies; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework. Again, the closer the policies in the emerging plan are to those in the Framework, the greater the weight that may be applied.

The development plan for the area comprises the saved policies within the South Bedfordshire Local Plan Review (SBLP) 2004, the saved policies within the Bedfordshire and Luton Minerals and Waste Local Plan (MWLP) January 2005 and the Minerals and Waste Local Plan: Strategic Sites and Policies (MWSSP) January 2014. Relevant policies are highlighted earlier in the report.

The SBLP contains policies and proposals aimed at guiding the development of land in South Bedfordshire up to 2011. Certain policies were 'saved' by the Secretary of State in September 2007 and continue to form part of the development plan until such time as they may be superseded by the emerging Development Strategy for Central Bedfordshire.

The MWSSP sets out the vision, objectives and strategy for minerals and waste across Bedfordshire and identifies strategic sites for development. It replaces a raft of policies in the MWLP. Policy WSP2 of the MWSSP allocates four sites for waste recovery uses one of which is 'Land at Thorn Turn', the southern part of which forms the application site subject to this report. The MWSSP recognises the site's current location within the Green Belt whilst noting that it lies within a larger area allocated for housing and employment uses to the north of Houghton Regis as identified in CBC's emerging Development Strategy (see below). The supporting text refers to these sites as being the most appropriate given the land use circumstances of the Plan area and being the locations where large scale recovery operations should take place. Application No. CB/15/01626/REG3 has

been submitted for a Waste Park comprising waste transfer station, household waste recycling centre and resale building together with a new access road and relates to the central portion of the allocated site. Policy WSP2 states that "*Until Land at Thorn Turn has been removed from the Green Belt, the Waste Planning Authority will only support proposals for waste recovery uses at the site if very special circumstances can be demonstrated.*" The Proposals Map (Inset Map 5) of the MWSSP therefore identifies the proposed use of 'Land at Thorn Turn' as a 'non-landfill waste management operation.

#### Emerging Plans and Material Considerations

In March 2011 the Luton and Southern Central Bedfordshire Joint Core Strategy (JCS) was submitted for examination. However, this was withdrawn in July 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. Notwithstanding this, in August 2011, the CBC Executive Committee endorsed the JCS for development management purposes. Accordingly the JCS does not carry the degree of weight afforded the adopted development plan but remains a material consideration.

The Development Strategy for Central Bedfordshire - Revised Pre-Submission Version (DSCB) June 2014 is intended to become the principal planning document for the whole of Central Bedfordshire identifying what type of growth is needed, where it would be best directed and indicating the allocation of strategic development sites. Once adopted, the policies would replace the saved policies within the SBLP.

The DSCB was submitted to the Secretary of State in October 2014 and initial hearing sessions were held in February 2015. On 16 February 2015 the Planning Inspector informed the Council that, in his opinion, it had not met with its duty to co-operate to meet the objectively assessed housing needs of the Luton Housing Market Area. Section 33A of the Planning and Compulsory Purchase Act 2004 imposes a legal requirement for local authorities to work co-operatively on planning issues that cross administrative boundaries, particularly those in relation to strategic priorities, and demonstrate such co-operation through the plan-making process. The need to comply with this requirement is separate from the test of 'soundness' i.e. whether the plan is fit for purpose. In light of his view, the Inspector recommended the non-adoption of the Plan and advised CBC to withdraw the plan or await his final report. CBC subsequently notified the Planning Inspectorate that it does not intend to withdraw the plan and that the Inspector should not issue his final report as CBC intends to challenge the decision. An application for Judicial Review of the Inspector's decision was made by CBC in the High Court on 12 March 2015.

On 16 June 2015 the court declined to grant CBC leave to have its appeal heard in the High Court. CBC has, however, opted to appeal against this judgment which is expected to be heard in the Court of Appeal in the Autumn. The status of the emerging DSCB therefore currently remains as a submitted plan that has not been withdrawn and its preparation is based on substantial evidence gathered over a number of years such that CBC regarded it as a sustainable strategy that is NPPF-compliant and fit for submission to the Secretary of State. In line with para 216 of the NPPF, the emerging DSCB remains as a material consideration and its policies are considered to carry limited weight.

Policy 60 of the emerging DSCB sets out the requirements for the Houghton Regis North (HRN) Strategic Allocation to be delivered through a Masterplan covering a broad area split into two sites. Site HRN1 extends from the A5120 to the M1 whilst Site HRN2 comprises the area between the A5 and the A5120. The policy envisages the Green Belt boundary being revised to follow the alignment of the A5-M1 Link Road.

Para 13.27 of the DSCB notes that the Thorn Turn site had been identified by CBC as the likely site to develop required infrastructure. The procurement envisaged the delivery of various facilities including the delivery of two strategically located salt barns and the relocation of Dunstable's household waste recycling centre to Thorn Turn. The paragraph continues to note that the masterplan will consider the possible linkages with this proposed development and any potential synergies.

In support of this policy the Houghton Regis North Framework Plan has been produced and adopted in March 2014 as technical guidance for development management purposes. The Framework diagram and supporting text aim to outline broad aspirations for key elements of the allocation and to guide the development as a whole based on constraints and opportunities. Para 4.9 of the Framework identifies land at Thorn Turn, within Site 2 of the allocation, as forming:

*"....a commercial gateway into Dunstable from the north (A5) and west (A505)....also the location for a significant recycling facility for the area as a whole".*

Application No. CB/15/01928/REG3 has been submitted in outline for Class B1, B2 and B8 employment uses with associated infrastructure and ancillary works which Committee resolved to approve at its July meeting subject to referral to the Secretary of State. The application for a Waste Park is reported elsewhere on this agenda.

The Central Bedfordshire Design Guide 2014 sets out key principles and standards to ensure the delivery of high quality design in all types of new development proposals within the Council's area and is used as guidance for development management purposes.

The Green Belt Technical Paper 2014 provided part of the evidence base for the emerging DSCB reviewing the Green Belt around the Luton / Dunstable / Houghton Regis conurbation in order to accommodate anticipated growth.

## **2. Acceptability of the development in the Green Belt**

As noted above, the protection of Green Belt land forms one of the core planning principles set out in the NPPF and is a fundamental policy consideration. The NPPF attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a presumption against major

development which is considered inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where 'very special circumstances' can be demonstrated. Paragraph 88 of the NPPF states that:

*"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."*

The construction of new buildings should be regarded as inappropriate in the Green Belt unless the development is one of various exceptions identified at NPPF paragraph 89. Certain other forms of development are also identified, at NPPF paragraph 90, as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This is echoed in Policy 36 of the emerging DSCB. The proposed development does not fall within one of the identified exceptions nor constitute one of the other forms of development. The application has accordingly been treated as a departure.

#### Prematurity

At the present time the site lies within the Green Belt and would not be formally removed from it until such time as a new Development Plan has been adopted allowing for its removal. The NPPF, at paragraph 83, states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. Several consultees, including Houghton Regis Parish Council and the CPRE, have argued the development is premature on the basis that it is proposed within the Green Belt in advance of any formal change to the Green Belt designation arising from the adoption of a new plan.

It should, however, be noted that automatic refusal of planning applications simply on the grounds of prematurity would be incorrect as national planning policy requires broader account be taken of material considerations.

NPPF paragraph 83 was specifically addressed as part of the recent Court judgment in respect of the HRN1 planning permission handed down on 20 May 2015 between the Queen on the application of Luton Borough Council and Central Bedfordshire et al (Case No.C1/2015/0091). The following paragraphs 55 and 56 of the judgment may assist Members in the consideration of this application:

*"Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided "very special circumstances" exist.*

*Nor does para.83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through*

*the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to process in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding "exceptional circumstances" test) and then granting permission for development without having to satisfy the more demanding "very special circumstances" test, there is nothing in para.83 (read in the context of the entirety of Section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent "very special circumstances" test is satisfied."*

National Planning Practice Guidance gives clear direction in relation to circumstances when it may be justifiable to refuse planning permission on prematurity grounds. It states that, within the context of the NPPF and, in particular, its underpinning presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and any other material considerations into account.

Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the Development Plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to clearly indicate how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. In considering the present application, Members will be aware that the emerging DSCB is at an advanced stage but is not yet formally part of the Development Plan.

As noted above, the application is accompanied by an Environmental Statement submitted in accordance with the Environmental Impact Assessment Regulations which examines the potential effects of the development together with existing and committed development within the area, including the proposed HRN allocation. This report details Officer's assessments of these effects and concludes that, subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development.

As noted above, Policy WSP2 of the MWSSP allocates land at Thorn Turn for strategic waste recovery use. Whilst the site subject to this application is not proposed for such a use, and hence another reason for the application being treated as a departure, the application site including the access road falls entirely within the boundaries of this allocation and it is pertinent to note that an application for the allocated use has come forward in respect of a smaller parcel of land within the allocated area.

Members will also be aware that at committee's July meeting it was also resolved to grant planning permission for HRN2, subject to referral to the Secretary of State, and there appears a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future. In this context Committee are entitled to consider that, whilst the cumulative proposed development is substantial, the grant of planning permission for the application subject to this report would not prejudice the outcome of the plan-making process so as to warrant refusal on prematurity grounds.

#### The purposes of the Green Belt

The NPPF, at paragraph 80, identifies that Green Belt serves 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.

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 extent to which the proposal would conflict with or support these.

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

The application site falls outside the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The site lies between the A5 Watling Street forming the western boundary and the established Dunstable Waste Water Treatment Works to the east. Part of the site's southern boundary lies adjacent to Chalk Hill Farm and the site is relatively closely related to Thorn Road.

The application site forms part of a substantial proposed development (HRN2) which would expand the existing built-up area from its north western edge in the broad area between the A5 and the A5120 Bedford Road. The northern boundary of the expansion would be enclosed by the route of the A5-M1 Link Road currently under construction. The northern expansion of the settlement area to the east of the A5120 is already substantially approved through several permissions notably 262 ha comprising HRN1, which stretches to the M1 motorway and its intersection with the A5-M1 Link Road. (Committee will be aware that an application by Luton Borough Council to judicially review the HRN1 planning permission issued by CBC on 2 June 2014 was refused in the Court of Appeal in a judgment dated 20 May 2015 as referred to above).



It is pertinent to note that CBC's Green Belt Technical Paper recommended the deletion of the wider proposed expansion area at Houghton Regis North from the Green Belt following assessment. The expansion of the built-up conurbation would, therefore, be restricted by the existing and consented strategic road network which would provide for permanent, defensible boundaries on all sides of the enlarged settlement area. Within the context of the proposed Strategic Allocation, including committed development within it, and the permanent physical boundaries, it is not considered that development of a 6.9 ha Highways depot at this location would amount to unrestricted urban sprawl. It is worth noting that the actual footprint of buildings within the Highways Depot would account for less than 0.5 ha. Committee will be aware that at its July meeting it was resolved to approve outline applications for both the commercial scheme forming the northern portion of the Thorn Turn allocated site, and, as noted above, Site 2 of the proposed HRN allocation, both subject to Secretary of State referral.

*To prevent neighbouring towns merging into one another*

The proposed development of the site in this location would not cause the coalescence of specific neighbouring towns and as such this purpose of the Green Belt would not be compromised.

*To assist in safeguarding the countryside from encroachment*

Notwithstanding that the proposed Strategic Allocation is planned to be enclosed by strong, physical boundaries preventing unrestricted sprawl, at the present time the proposed development would represent an encroachment upon the countryside.

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

The preservation of the site as undeveloped land is not identified as important to the setting or special character of Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets, primarily Thorn Springs moated site and associated woodbanks, Maiden Bower and Totternhoe Castle, is also relevant to Green Belt function, it is judged that these potential adverse impacts would not be high and can be adequately mitigated.

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

Being a greenfield site, the proposals themselves would not constitute the re-use of derelict or other urban land. However, the proposals would allow for the recycling of the existing winter maintenance site at Brewers Hill Road, Dunstable. Residential development neighbouring the existing depot represents a significant constraint to its redevelopment in order to meet the needs of a modern winter maintenance service. However, its release would enable it to come forward in line with CBC's regeneration aspirations for Dunstable thereby allowing for the recycling of other urban land. Accordingly the proposals have some support in respect of this Green Belt function.

As the proposed Highways depot is considered to constitute inappropriate development within the Green Belt, and therefore harmful, it is necessary to consider whether there are any "very special circumstances" which clearly

outweigh the harm to the Green Belt and any other harm.

There is no legal or policy definition of the meaning of "very special circumstances" but there is a body of opinion expressed through planning appeal decisions and case law which may assist the Committee in reaching a decision on the issue:

1. Does the application have a unique feature that outweighs the harm to the Green Belt?
2. Is there a substantial economic need, especially at the national or regional level?
3. Is there a substantial need that cannot be met within the urban area?
4. Are there substantial cultural, social or community benefits?

#### The applicant's case for very special circumstances

The application refers to the following issues which the applicant considers to constitute very special circumstances:

- The site lies within land allocated within the Minerals and Waste Local Plan: Strategic Sites and Policies (MWSSP) January 2014 for a strategic waste recovery facility (Policy WSP2 refers). Whilst the development subject to this application is not for such a waste development, the principle of development on this allocation and the wider area to the north is accepted. The application site forms only a part (6.9ha) of the Policy WSP2 allocation area (24ha). The fact that an application has come forward for a Waste Park, on an adjoining parcel of land within the allocation, lends further weight to the fact that the delivery of the envisaged strategic waste recovery facility would not be compromised by the proposed Highways Depot. The proposed development is of a similar character and scale to the proposed Waste Park facilities with buildings, extensive hardstanding and ancillary uses. Its impacts in land use planning terms are therefore considered to be similar and the applicant considers that the proposals would not give rise to any significant material effects beyond those anticipated for any strategic waste facility that may be delivered as part of the MWSSP.
- Development of the site would not lead to the unrestricted sprawl and coalescence of Houghton Regis with Toddington mainly due to its location between the A5 and the Dunstable WWTW and the route of the A5-M1 Link Road to the north. CBC's Green Belt Technical Paper commented that the overall openness of the Green Belt area between Houghton Regis and Toddington would not be compromised. The site is not being developed in isolation with other current proposals for development within the Houghton Regis Framework Area including the proposed Waste Park on adjoining land. Whilst the Waste Park application has express policy support in the form of Policy WSP2, it is pertinent to note that the application's assessment of alternative sites does highlight as desirable the ability of the development to co-locate with similar CBC functions. Cited co-location benefits include access, security, drainage and landscaping.
- CBC has a statutory duty to act as Highways Authority for all de-trunked roads within its area. Such duties include responsibility for clearing snow and

ice from the highway where this is causing an obstruction and is unsafe. CBC's existing facility is restricted on its road salt storage capacity contributing only around 6% of the total volume calculated as being required for the Council to provide an efficient service in line with Government expectations. Furthermore, existing storage arrangements pose operational and environmental drawbacks on account of such storage being uncovered and therefore do not represent the most sustainable solution.

- Since devolvement of the Bedford Councils in 2009, the existing site for the highways fleet was included within the administrative boundary and ownership of Bedford Borough Council leaving CBC without any in-house facility and dependent upon the facilities of adjoining authorities or third parties. Such an arrangement does not provide the optimum basis for long term security and investment in such a facility.
- As part of the EIA process, an Alternative Site Search has been undertaken to ascertain the availability of other potential sites lying outside the Green Belt or have least harmful impact within it. This exercise has been undertaken in conjunction with a site search for the Waste Park and initially involved a review of 95 potential sites identified across the former Bedfordshire county. The appraisal was refined to focus solely on sites within the Council's area involving assessment of 53 sites against various criteria including a minimum site area of 5 ha; within 3 miles of Dunstable and Leighton Buzzard as the principal areas it would serve; and with particular consideration as to the availability of sites outside the Green Belt. Need to deliver the project within a compressed timeframe was also considered. A multi stage sieve process progressively eliminated sites with only the application site and Land at Trent Way, south-east of Leighton Buzzard, progressing to Stage 6. However the latter was eliminated at Stage 7 on its Green Belt location without the benefit of an allocation, its proximity to residential properties and its isolated location with poor access to highways. The application site performed well against all other sites in terms of location and availability and its ability to co-locate with the proposed Waste Park on an allocated site was identified as an advantage. The exercise did not identify any sites that could be taken forward as equally preferable as the application site within the Dunstable/Houghton Regis area or that performed as well against the selection criteria.
- Proximity to the strategic network is an important locational requirement for the development and the site lies near highway network on the edge of the expansion area. Upon completion of the A5-M1 Link Road, it is intended that the A5 would be de-trunked and consequently fall under CBC's responsibilities as Highways Authority. The A5 represents a strategically important route for traffic and the proposed site is well placed to allow CBC to undertake its highway duties from this location.
- Relocation of the existing depot at Brewers Hill would allow the opportunity to regenerate a brownfield site within the urban boundary of Dunstable.

#### Assessment of the case for very special circumstances

The key issues to consider in assessing the existence and weight of any very

special circumstances is whether there are any overriding benefits in siting the development in this Green Belt location and the availability of alternative sites outside the Green Belt.

Need for the Development:

CBC has identified a need for 8,000 tonnes of salt storage capacity. In order to build in an element of contingency, CBC proposes to deliver a total of 10,000 tonnes capacity spread between two facilities to serve the north and south of the Council area. CBC's existing winter maintenance depot, based at Brewers Hill Road, Dunstable, falls substantially short of meeting this identified service requirement being a comparatively small site with a limited salt storage capacity of just 500 tonnes, a limitation highlighted during the winter of 2009/10. The existing depot is also heavily constrained and therefore provides no realistic opportunity to accommodate facilities of the scale required.

Furthermore, the existing facility only provides uncovered storage which presents a range of disadvantages from operational, environmental and sustainability perspectives. Uncovered storage facilities fail to keep salt in optimum condition for its intended purpose resulting in salt having to be discarded at the end of the winter season. Uncovered storage can also result in surface water run-off having high salinity levels potentially impacting upon surface and groundwater resources.

A Government review following the experiences of the 2009/10 winter now places authorities under greater pressure to avoid any recurrence and the need to provide a facility with sufficient covered salt storage capacity to meet CBC's identified requirements is therefore recognised.

The existing service provision for the Highways Fleet in terms of maintenance, stores and overnight parking is based at the London Road Depot, Bedford. However, post devolvement of the Bedford Councils, this site fell within the jurisdiction of Bedford Borough Council which has resulted in CBC not owning any in-house Highways Depot infrastructure and being entirely dependent upon the facilities of adjoining authorities or third parties. The existing facility also presents operational difficulties having no provision for overnight parking of the passenger transport fleet which could otherwise be parked in a secure environment.

The benefits of combining both the winter maintenance and highways fleet maintenance functions in a strategic distribution of facilities are recognised in order to achieve the most efficient means of delivering these statutory public services. The proposed development would serve the more populous southern part of the Council area whilst a similar site is being sourced to serve the northern part. CBC has identified an operational desire to be located within 3 miles of the Leighton Buzzard and Dunstable urban areas to maximise responsive of winter maintenance services to the most primary routes.

The site is well located in respect of the existing and planned strategic road network and, post construction of the A5-M1 Link Road, a section of the A5 would fall under CBC's responsibility as Highways Authority. The co-location benefits of the two highways functions are recognised, as are the benefits of co-

locating with the proposed Waste Park, in terms of access, drainage, landscaping and security. The need for the facility is therefore accepted.

#### Alternative sites:

In identifying sites for the development of a Highways Depot, developers should first look for sites outside the Green Belt and/or on previously developed land. The ES includes an alternative site search to ascertain the availability of other potential sites in excess of 5 ha in preferable locations.

The exercise was undertaken hand in hand with the search for an alternative site for the Waste Park. Given that an existing depot serves the east of the county, alternatives focussed on the west of the county, specifically within a search area of 3 miles from the urban boundaries of Dunstable and Leighton Buzzard (to minimise HGV journey times and maximise the efficiency of gritting services) and capable of being available for use by April 2016.

Sites were assessed at various stages of a sieve process linked to criteria identified below by the applicant. Prospective sites were ruled out where they failed to meet the criteria at any stage.

A total of 53 sites were initially identified within 3 miles of the Leighton Buzzard/Dunstable urban areas, 45 of which lie west of the M1. Of those, 43 were rejected at Stage 4 having either land uses incompatible with the proposed Highways Depot or linear shaped sites not lending themselves to the required operational layout. Of the final two sites at Stage 6, Land off Trent Way was ruled out at Stage 7 given its Green Belt location without the benefit of an allocation, its proximity to residential properties and isolated location with poor access to the highways.

The assessment therefore concludes that the Thorn Turn site outperformed other potential sites and represents the most developable option as a winter maintenance and highways depot being available and best related to both Leighton Buzzard and Dunstable. Whilst a Green Belt site, the application site falls within an allocated strategic waste management site and benefits from co-location with the proposed Waste Park, being a development with a broadly similar function and land use.

#### Wider planning context:

Given the long-standing proposals relating to the proposed North of Houghton Regis allocation as supported by an extensive evidence base culminating in Committee's approval of outline planning permission for HRN 1 and recent resolutions to support the HRN 2 and the commercial development, coupled with the on-going construction of the A5-M1 Link Road and Woodside Link Road, it is considered highly likely that the Green Belt designation will be formally removed as the plan-making process progresses. These recent decisions and other committed development have altered the wider planning context within which the application site lies and form an important consideration in terms of the very special circumstances test. It is not considered that delaying a decision or refusing the application on Green Belt grounds until such confirmation is formally made would serve any useful purpose and would in fact only delay delivery of a much needed facility capable of meeting statutory requirements and local public

expectations.

The alternative site search is considered to provide sufficient evidence to demonstrate that there are no other equally suitable sites outside of or within the Green Belt which could accommodate the Highways and Winter Maintenance Depot and be available within the required project timeframe. Notwithstanding the robustness of the exercise, the resolutions to approve HRN2 and the commercial applications further strengthen the credentials of the application site.

### Conclusions

The application site lies within the Green Belt and the development 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 and any other harm identified.

The site is located within an area identified for growth in successive emerging development plans and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging DSCB. It also forms part of a parcel of land at Thorn Turn allocated for development as a strategic waste management site within the MWLP. Whilst the proposed development is not such a land use, it should be borne in mind that an application has come forward for such a facility (as reported elsewhere on this agenda) on part of the allocation site thereby giving some certainty over the remaining areas of the allocation as being surplus to requirements for the development of such a facility. The allocated Thorn Turn site is capable therefore of providing for the envisaged waste management development in addition to the Highways and Winter Maintenance Depot and the commercial development the subject of a Committee resolution.

It is also recognised that the proposed development would be of a character and scale broadly similar to the proposed waste development with both sites comprising buildings of an industrial appearance and open yards. The benefits of co-locating these developments is acknowledged. The need for the development is accepted in order to provide a fit for purpose facility from which to sustainably deliver key highway functions noting the inadequacies of existing facilities. An alternative site search did not identify a preferable location as being available outside the Green Belt within the parameters of project delivery. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm. The impact of other harm is assessed under subsequent sections of this report.

### **Access, Traffic and Transportation**

In line with Policy 28 of the emerging DSCB, the ES includes a Transport Assessment (TA) which provides a systematic approach to transport issues in relation to proposed developments identifying measures necessary to improve accessibility and safety for all modes of transport and those measures needed to manage the development's anticipated transport impacts. During the course of processing the application a revised TA has been produced to take account of construction related traffic and includes swept path analysis of vehicles associated with the development.

Paragraphs 34 and 35 of the NPPF advise that developments that generate significant traffic movement should be located where the need to travel will be minimised and use of sustainable transport modes maximised. Transport policy at the local level is contained in the Council's Third Local Transport Plan (LTP3) (April 2011 to March 2026) and its relevant strategies and objectives have been considered in the TA.

The TA details the strategic modelling work undertaken by AECOM on behalf of the Council in order to inform its assessment of highway and transport impacts associated with this and the related planning applications in the wider area whilst also identifying necessary mitigation measures. This approach and the criteria adopted for key growth years were agreed in advance with the Highways Authority accounting for the cumulative impacts of committed and planned housing, employment and infrastructure projects within the Houghton Regis, Dunstable, Luton and Leighton Buzzard areas. The model also accounts for the new road programmes within the area, including the A5-M1 Link Road, the Woodside Link Road, junction 11a of the M1, the A6-M1 Link Road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area.

Based on the latest phase of modelling, and subject to committed highway infrastructure being delivered to serve the wider growth area, together with minor mitigation works and sustainable transport initiatives, the Council's Highways Development Management Team considers that there is sufficient capacity within the highway network such that undue congestion would not occur. The A5-M1 Link Road and Woodside Link are both scheduled to open in Spring 2017 and preliminary works have commenced on each scheme.

The consultation response from the Council's Highways Development Management Team considers that the applicant will need to provide support funding of £28,000 to alleviate the impact on the A5, A505 and A5120 in particular. A resolution of the Council's Executive Committee, however, acknowledged the fact that the Council has already agreed to underwrite the Woodside Link scheme at a cost of £12M. Therefore, the contribution of £28,000 that would otherwise be required to alleviate the impact on the A5, A505 and A5120, whilst also contributing to the Woodside link scheme and sustainable travel improvements, is being treated as if it has already been made as the Council is responsible for these costs in any event.

The application specifies that the development would give rise to a maximum daily total of 273 vehicle trips (546 two-way movements) comprising 164 car trips (328 two-way movements) and 109 other vehicle trips (218 movements). The 'other vehicle' movements represent a mix of fleet vehicles comprising highways maintenance vehicles, mini-buses and gritter wagons. For the purposes of the TA, however, such vehicles have been categorised as 'HGVs' in order to give the assessment robustness as a worst case scenario. The assessment also assumes gritter wagons are operational although this element would only operate during adverse weather conditions. It is normal practice to impose HGV traffic related planning conditions as a maximum daily permitted number of movements, as opposed to an average figure, in order to be readily

enforceable and set a 'worst case' scenario. The application indicates that normal operations would take place between 07:00 – 18:00 hrs. Whilst the applicant correctly observes that, during these normal operating hours, associated HGV movements equate to 15 HGVs per hour, the application identifies that all HGVs (fleet vehicles) will tend to leave the depot between 07:00 – 09:00 hrs and all are expected to return between 15:00 – 17:00 hrs. No objections are raised by the Highways Development Management Team and a condition could provide suitable control over traffic associated with the construction phase.

The site would be served by a new access road extending south-eastwards from Thorn Road which would also serve the adjoining development proposals for the Waste Park and employment uses. It has been designed and its capacity assessed using industry-standard software (Junctions 8) having regard to trip generation figures. The assessment is considered robust and demonstrates that the proposed junction will operate well within its theoretical capacity limits at peak times with the developments fully occupied.

At its junction with Thorn Road it is proposed to provide a 'ghost island' priority junction, dedicating a waiting area for those vehicles wishing to turn right into the site from the west. The consultation response from the Highways Development Management Team expresses support for the proposed access strategy and confirms that the 'ghost island' accords with relevant design guidance. Suitable visibility splays are noted as being achievable. Swept path analyses have been produced which demonstrate that the junction and internal highway layout is fit for purpose.

With reference to the comments made by Houghton Regis Parish Council, it is not considered necessary to restrict HGVs from entering the section of Thorn Road that would pass the new housing areas. This is on the basis that it is anticipated that only those vehicles with an operational need to access that section of the highway network would do so whilst vehicles travelling further afield are anticipated to access the strategic network via the A5 in order to realise efficient journey times.

In line with Policy 26 of the emerging DSCB the planning application is also accompanied by a Travel Plan setting out the proposed initiatives to promote transport by sustainable modes with the key aim of achieving a 20% reduction in single car occupancy journeys to / from the site. Officers agree with the Transport Strategy Officer's recommendation that, in line with LTP objectives, a number of improvements need to be made to the Travel Plan including increasing the ease of access to employment by sustainable modes and minimising the impact of operational freight traffic. A condition could be imposed on any grant of permission to secure a more comprehensive Travel Plan document within six months of the depot becoming operational including provision for ongoing monitoring and review of the success of the measures to be introduced.

The application originally proposed 162 car parking spaces but the revisions reduced this number to 140 spaces in line with the aspirations of the Travel Plan. In accordance with Policy 27 of the emerging DSCB, it is considered that



adequate provision has been made in terms of car parking spaces having regard to the key aim to reduce single occupancy car journeys. The revised site layout drawing refers to the provision of two charging points for electric vehicles. Covered parking for ten cycles is also proposed whilst the adjacent Highways Office would provide shower facilities. Provision is also made for motorcycle parking.

Consultation responses expressed a desire for footway to be provided alongside the full length of the access road in order to serve the Highways Depot. Whilst this point has been put to the applicant, investigations have concluded that sufficient space is not available to provide such a footway without impacting upon the hedge-line to the site's eastern boundary. Accordingly the applicant proposes for pedestrians to access the site from the north via footway within the Waste Park site. This would enter the Highways Depot via a gate in the shared boundary fence immediately west of the highways depot stores. Dedicated walkways would be marked within the depot's operational yard providing access to the Highways Office.

Officers consider that the provision of dedicated cycle lanes along the internal access roads, or as part of the footways, is not warranted given that it will be lightly trafficked with no access for through traffic. In further revisions to the application it is now proposed to install a gate in the site's southern boundary fence for use by cyclists and pedestrians. This gate is intended solely for staff use and would be operated by swipe card access. It would allow pedestrians and cyclists to access the site from the south via a short stretch of the track adjacent to the site's southern boundary. The applicant has confirmed it has freehold ownership of the track with Anglian Water granted an easement over it. This gate would also be well located to provide more direct access to existing bus stops on the A5 close to the junction with Chalk Hill in line with comments from consultees.

It is regrettable that footway cannot be provided alongside the access road as this would represent the most direct route to and from the north. However, it is also recognised that existing planting to the eastern boundary is an established hedge-line which offers benefits from both visual and biodiversity perspectives. Indeed, the Wildlife Trust has suggested that the planting along this boundary be strengthened. On balance, it is not considered that the proposed access arrangements are unacceptable and the provision of the new gate in the site's southern boundary fence will offer significant benefit for the higher number of staff expected to access the site from the south or from the nearby bus stops at Chalk Hill in accordance with Policy 24 of the emerging DSCB.

Whilst it is recognised that the proposed arrangements could potentially leave the development at risk of not having dedicated footway access in the event that planning permission is granted for the Highways Depot but refused for the Waste Park, the applicant has indicated that in such a scenario the Highways Depot is unlikely to come forward at the site given the identified benefits arising from co-locating the facilities as referred to earlier in the report.

The application site is well related to the existing and committed strategic highway network being in close proximity to the Designated Road Freight

Network in the form of the A5, A505 and A5-M1 Link Road. As highlighted earlier, it should be noted that once the A5-M1 Link Road is completed, responsibility for the section of the A5 south of its junction with the link road would fall to the Council as Highways Authority. The site is therefore well placed to serve the southern half of the Council area. There are no technical objections from the Council's Strategic Transport and Highways Development Management Officers and Highways England raise no objection to the application which is supported by a full TA. Subject to the imposition of appropriate conditions, the proposal is judged to be acceptable in relation to potential transport impacts and accords with the NPPF policy on promoting sustainable transport, Policy 25 of the emerging DSCB and the LTP3.

#### **4. Landscape and Visual Impacts**

NPPF paragraph 109 advises that the planning system should, inter alia, protect and enhance valued landscapes. At the local level, Saved Policy BE8 of the SBLP lists a number of design considerations that development proposals should reflect. Supplementary planning guidance in the form of the South Bedfordshire Landscape Character Assessment (2009) is a key tool in recognising the valuable features of each character area and is therefore an important material consideration.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the landscape resource, character and visual amenity effects of the proposed scheme by reference to 29 representative viewpoints chosen to demonstrate the extent of visibility and visual impact from a range of distances and directions. During the course of processing the application, revisions were made to some of the distances from these viewpoints to the application site.

The key conclusions of the LVIA are that:

- the long term impact of the scheme on landscape elements is assessed as being neutral as new planting matures to replace existing vegetation lost as a result of the development;
- the impact of the scheme on landscape character is judged to be of slight significance;
- there would be a long term moderate adverse effect (i.e. magnitude and nature of effect at Year 15 after completion) on visual amenity for users of the Chiltern Way Trail at Chalk Hill to the south of the site, for residents along this lane, including Chalk Hill Farm to the south of the site and for users of the Bridleway No. 49 to the west and north of the site. For motorists on Thorn Road and the A5 on raised ground to the northwest of the site, the LVIA concludes that there would be long term negligible adverse impact with long term neutral impact on visual amenity for other receptors.

The Council's Landscape Officer notes that views of the Highways Depot would tend to be from more elevated medium and long range viewpoints on the chalk escarpment to the south and the Toddington-Hockcliffe Clay Hills to the north. The site would also be visible at close quarters from certain sections of the local rights of way network in the surrounding area where vegetation allows, and from

proposed open space associated with the Bidwell West development. The most visually significant elements of the proposed Highways Depot are the Salt Barn measuring 45.6m x 23.1m x 12.9m (max. roof height) and the Highways Storage Depot / Vehicle Maintenance Workshop having combined measurements of 99.8m x 37.5m x 12.2m (max. dimensions). The Salt Barn has been designed to accommodate 5,000 tonnes of salt and, in addition to providing this storage requirement, needs to facilitate the safe operation of plant and vehicles engaged with unloading and loading operations. Similarly the Highways Storage Depot/Vehicle Maintenance Workshop has been sized to meet the needs of the highways fleet in order to deliver efficient services. Officers consider that the size of the proposed buildings reflects the functional needs of the facility and service delivery in line with Government requirements and wider public expectations.

Whilst the application specifies that the Highways Maintenance Depot, Vehicle Maintenance Workshop, Landscape Tool Shed/Lawnmower Store and Gritter Store would be finished in grey cladding and feature beige cladding to select side elevations, the applicant is willing to entertain alternative colour finishes. It is considered that an alternative palette of finishes may be preferable given that the backdrop to many of the proposed buildings would be the retained landscaped embankment to the A5. The issue of building materials and colour finishes can be made the subject of an appropriate condition. The applicant's willingness to specify the site security fencing as green coloured weldmesh is considered an improvement upon the originally proposed palisade fence and is to be welcomed in line with the views expressed by the British Horse Society and the Council's Rights of Way Officer.

The development would involve a substantial loss of planting, notably the loss of 3 No. Category A trees (all Common Ash) located within the hedgerow running centrally through the site north-south and the 9,500 sq.m of woodland situated towards the site's south-eastern corner. The woodland comprises an overgrown former South Bedfordshire District Council nursery, disused for almost 25 years, containing predominantly Common Ash but including London Plane, Goat Willow, Silver Birch, Blackthorn, Hawthorn and Norway Maple. It was abandoned because the site suffered from water-logging in the winter and trees could no longer be easily extracted. Two Category B trees would also be lost, namely a Silver Birch situated towards the site's eastern boundary and a Sycamore located within the existing hedgerow to the site's southern boundary. A further group of trees (Category C), comprising 2,500 sq.m. of Goat Willow and Blackthorn, would be lost from an area west of the woodland area. A single Category C tree, Common Ash, would also be lost to facilitate the access road crossing the Ouzel Brook. Some 410m of hedgerow would also require removal from the main site as well as to facilitate the access road's junction with Thorn Road and its crossing of the Ouzel Brook.

The scale of affected landscaping is not considered insubstantial, particularly when taking account the cumulative impact of that being lost in connection with the applications for the Waste Park, commercial development and Bidwell West. However, extensive compensatory planting and seeding is proposed as part of the overall landscaping strategy for the combined sites, notably an area of new native woodland adjacent to the SuDS lagoon. The scheme would provide 650

sq.m of woodland (net loss of 11,350 sq.m); 2,534 sq.m of shrubs (net gain of 2,534 sq.m); 663 linear metres of hedgerow planting (net gain of 253m), and 19,611 sq.m of grassland (net gain of 16,644 sq.m). 124 new trees would represent a net gain of 118 trees.

Whilst it is not possible to significantly widen the mature tree belt adjacent to the A5 embankment due to the constrained nature of the layout requirements of the application site, it is proposed to reinforce this planting with a 5m wide tree belt. This would provide greater screening of the development for users of Bridleway No. 49 to the west of the site. It is considered that the proposed landscaping scheme would, over time, help integrate the proposed built form, particularly the more substantial built elements of the Salt Barn and Highways Storage Depot located adjacent to this boundary being the most significant visual components of the proposed development, by increasing available screening over short and longer distances. Cross-sections have been provided by the applicant showing the screening effect of such planting in the first, tenth and twenty-fifth years after completion to illustrate how that would be achieved.

Replacement planting is also proposed along the site's southern boundary and, in line with Policy 59 of the emerging DSCB, the overall impacts are considered acceptable when recognising the importance of the application to the wider community, as noted by the Council's Tree Officer. Nevertheless, in line with responses from several consultees, there would appear some scope to provide further mitigation with revisions to the application now proposing pockets of fruit bearing shrubs on the land to the south of the application site. However, it is considered that scope exists to achieve a preferable solution whereby areas of the land to the south are planted to achieve a broader planting mix. This could comprise woodland planting, native shrubs and chalk grassland helping to better integrate the proposed built form whilst providing valuable replacement habitat. It is recognised that this area contains archaeological resource and is constrained by the presence of overhead cables. However, informal discussions with the Council's Archaeologist have indicated that small pockets of woodland would not be unacceptable and could be made subject to a planning condition.

Further supplementary planting is recommended alongside the eastern side of the access road's northern section. It is considered that this would assist in providing some greater separation between it and the bridleway as it runs parallel towards Thorn Road. It would also contribute some additional planting highlighted as being desirable in the consultation response from Historic England. The applicant is willing to bolster existing planting in this area which again can be controlled by condition. Collectively, it is considered that such additional planting provides improved mitigation for the loss of woodland impacted by the proposals.

A planning condition could provide for the submission of a site specific arboricultural method statement to support tree protection measures, given many specimens to be retained will be subject to bespoke protection requirements, and the suitable management of replacement planting.

With respect to lighting, NPPF paragraph 125 recognises that, by encouraging good design, planning decisions should limit the impact of light pollution from

artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation. Whilst the depot is principally proposed to operate between 07:00 and 18:00 hrs, the nature of the facility would, at times, give rise to operations outside these times. These occasions would arise in connection with winter maintenance requirements and emergency highways maintenance incidents. Accordingly it is necessary for the site to be appropriately lit at these times, as well as afternoons during the winter months, to ensure a safe working environment for operatives.

Lighting can, however, be a form of visual pollution and adversely impact upon neighbouring occupiers and users of the highway network and, as recognised in responses from consultees, any lighting scheme needs to be sensitive to those users as well as areas of ecological interest such as hedgerows used as wildlife corridors. In addition to several building-mounted units, the submitted lighting scheme proposes the installation of 8-10m high lighting columns and use of low output LED luminaires which would be directional in order to minimise light spill beyond the site boundary. The application includes a drawing depicting ISO-Lux contours for the site and its access road. This has been revised during the processing of the application with shields now proposed to the luminaires along the access road and confirms that illumination levels beyond the site boundaries would be limited. The proposed lighting should be considered in context with existing street lamps on the A5 which is elevated from the site and the potential for further lighting associated with other current proposals at Thorn Turn. The co-mounting of CCTV cameras on select lighting columns would minimise the number of on-site columns and is to be welcomed. In order to monitor the predicted effects of site lighting and secure further mitigation if deemed necessary once the site is operational, a suitable condition could be imposed. It is concluded that the development itself would not result in an unacceptable degree of visual pollution and therefore no conflict arises with saved Policy BE8 of the SBLP.

The applicant has provided further clarity on out of hours activities (see Section on Noise). This confirms that such activities would be infrequent, and relate to focussed areas of the depot site, principally the stores and Salt Barn. Operational arrangements would ensure that the yard area would solely be required for access and manoeuvring purposes during these times and impacts are not anticipated to be unacceptable. The proposed siting of the buildings would provide a degree of enclosure to the operational yard area which would be remote from sensitive ecological areas.

In conclusion, given the existence of site-specific planning benefits arising from the development as highlighted elsewhere in this report, and the acceptable level of landscape mitigation being put forward and recommended through conditions, it is considered that the application complies with saved Policy BE8 of the SBLP.

## **5. Flood Risk and Water Resources**

### Flood Risk

The NPPF provides advice on how to manage flood risk as part of the planning

process and the Framework has its basis in sustainable development and the precautionary principle. It includes a risk based approach to assessing flooding potential and promotes a sequential test to the allocation of land for development with the key aim of reducing the number of people and properties at risk of flooding.

NPPF paragraph 103 and accompanying Planning Practice Guidance: Planning and Flood Risk requires decision-makers to steer new development to areas with the lowest probability of flooding and ensure that the risk of flooding is not increased elsewhere.

The site is covered by the Buckingham and River Ouzel Internal Drainage Board (IDB) which operates under powers in order to safeguard the efficient working of the drainage systems under its jurisdiction.

In line with Policy 49 of the emerging DSCB the ES is accompanied by a site specific Flood Risk Assessment (FRA) which covers the potential risk of flooding from the prime sources, namely the Ouzel Brook, groundwater, rainwater and sewers.

The Environment Agency has confirmed that there are no historical flood levels available for the Ouzel Brook at the proposed development site and nor are there any records of the brook flooding at the application site. The Agency's flood maps show the majority of the site falling within Flood Zone 1 (defined as having a low probability of flooding), land abutting the Ouzel Brook lies in Zone 2 (medium probability of flooding in any given year) and Zone 3 (high annual probability of flooding in any given year), the latter covering a small proportion of the site's northern end.

Excavation and construction works have the potential to result in groundwater strike due to the existence of shallow groundwater with the principal aquifer and groundwater recorded as being at least 1.5m below ground level. In view of this, it is proposed to import material to raise ground levels across both the proposed Highways Depot and Waste Park sites by up to 2.5m to create a raised development platform although this maximum height would be confined to areas within the adjacent Waste Park site. Levels within the application site would generally be raised by between 1.25-1.75m. The imported material would be general engineering fill comprising suitable granular, cohesive or chalk engineering materials placed and compacted in accordance with highway works specification.

This re-profiling exercise would not encroach upon the modelled flood plain areas as no built development would occur in these zones. Nonetheless, these works have the potential to result in displacement of flood water and changes to surface water flow pathways (e.g. due to soil compaction) thereby increasing localised flood risk. The applicant proposes to produce and implement a Construction Environmental Management Plan (CEMP) in order to manage surface and groundwater flooding and to safeguard against blockage and severance of drainage pathways during the construction period. A condition could be imposed accordingly.

The proposed drainage strategy for the operational development is based on the provision of an attenuation lagoon as a Sustainable Urban Drainage System (SuDS) solution on land within the application site situated to the north of the proposed Waste Park. The SuDS lagoon is designed to discharge water to the adjacent Ouzel Brook, via piped conveyance, at a rate that does not exceed the greenfield run-off rate. It is designed with sufficient storage capacity to deal with a 1 in 30 year event. During the processing of the application a revised drainage strategy has been submitted to address initial consultation responses and to demonstrate that any flooding during longer period return storms would be contained within the kerb lines of the combined built development and drained in a controlled manner. Issues regarding the re-shaping of the SuDS lagoon and extending it to accommodate benched edges and variable water depths with a view to enhancing its appearance and biodiversity interest have been explored with the applicant in line with local policy requirements under the Council's Sustainable Drainage Guidance SPG. Extending the lagoon is not. However, considered to be feasible due to limited space and the need to ensure the lagoon remains entirely outside Flood Zone 3. On balance, Officers accept that the 1:3 lagoon sides, reasonably naturalistic shape and associated planting scheme are visually and ecologically appropriate for the lagoon's primary function.

There has been some criticism from consultees that infiltration as a method of surface water discharge has not been adopted. This approach has not been used due to specific site constraints and, in any event, the pipe and pond design put forward for the site is second in the hierarchy of surface water disposal solutions as set out in the Council's Sustainable Drainage Guidance SPG.

There are no technical objections from the Internal Drainage Board (IDB), Environment Agency or the Council's Drainage Engineer on grounds of flood risk. However, as the proposed access road into the main development area would cross Flood Zone 3, the IDB wish to approve final design details of the bridge structure over the Ouzel Brook including culvert and associated road levels. Additionally, prior to construction of the surface water management system, the Council's Drainage Officer would need to be satisfied as to the final sizing, layout and operation of the system. Suitably worded conditions can be attached to any grant of permission to secure this construction level detail.

### Water Resources

In terms of water quality, the receptors that may be impacted by the development are the Ouzel Brook, field drains in the catchment, groundwater and the Houghton Regis Marl Lakes. Groundwater vulnerability maps show that the geology underlying the whole site is classified as Principal Aquifer and therefore usually provides a high level of water storage.

During the construction phase, there is increased potential for deterioration in water quality from spillages (e.g. fuels) or from higher sediment delivery due to on-site traffic and plant movements, excavation activities and temporary stockpiling of materials. The applicant has indicated that the proposed CEMP would also include measures to mitigate potential impacts on water quality. A ground investigation study involving 12 No. boreholes and 5 No. machine-excavated trial pits was undertaken to inform the Scoping stage. It found no significant levels of contamination on the site and consequently a Contaminated

Land Assessment has been scoped out of the formal EIA process. The application documentation does, however, include the Ground Investigation Study which informed that decision.

At the operational stage of the development, there is a risk of accidental releases from the external road salt mixing area, storage of materials and from the washing down of vehicles. It is proposed to store road salt within the Salt Barn, representing a significant improvement over the existing situation at Brewers Hill Road Depot where only external storage is available. Normal salt storage operations, therefore, should not present a problem. Loading of gritting wagons would, however, take place externally, at least during times when salt stocks are high. The scheme would also involve the external mixing of salt with grit to maximise the effectiveness of gritting operations in certain weather conditions. Run-off from this bay could potentially present a risk to water resources along with scope for run-off with elevated salinity levels associated with the vehicle washing areas. The scheme also proposes the storage of fuel and glycol, the latter for use in busways during freezing conditions. The storage of these materials would be within appropriately bunded compounds to counter accidental release and the run-off from the washing areas would be captured within the foul drainage system. These are considered to represent adequate arrangements.

The SuDS lagoon is designed to ensure adequate retention time for contaminants within the surface water run-off to be treated prior to discharge. The applicant is committed to conducting a period of water quality monitoring for a temporary period upon completion of the development and a condition should be imposed to this effect if consent is given.

Conclusion on flood risk and water resources:

Subject to ensuring that appropriate conditions are in place in respect of flood risk, drainage and contamination, it is considered that the application does not conflict with the NPPF and Policies 48 and 49 of the emerging DSCB.

## **6. Noise and Vibration**

The NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments and mitigate other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions. Saved Policy BE8 of the SBLP states that proposals for new development likely to generate noise should ensure that adjoining properties and uses are not unacceptably disturbed.

In response to the comment made in representations, the ES does make reference to Chalk Hill Farm which is also identified as the nearest sensitive receptor in regard to specific assessments and accompanying plans identify the hamlet. The query raised in representations referring to no Highways Depot or Waste Park lying within 240m of Chalk Hill Farm is a reference to the Waste Park element only which lies at greater distance.

It is proposed to operate the facility between 07:00 - 18:00 hrs daily, although



there will be periods of 24 hr operation in response to winter maintenance requirements and emergency highways maintenance incidents.

The applicant has elaborated on the nature of out of hours operations. From an emergency highways maintenance perspective, crews would be on call but would take equipped fleet vehicles to their homes and would respond to incidents directly from there. Whilst there may be a need to access the depot during the night, this would be limited to the hand collection of additional equipment, such as traffic cones and road signs. Other potential night-time activities relate to winter maintenance operations. The applicant advises that gritting operations would generally be done during normal working hours with gritting taking place before evening rush hour. Where snow has fallen, however, the road salt would need to be pre-mixed with grit using the external salt mixing bay. The applicant advises that such mixing could generally be undertaken during normal hours, but where weather conditions require night-time reloading would be required. In order to give the noise assessment robustness, it has been assumed that such night-time reloading would be carried out from the yard area as the applicant has confirmed that conducting such operations from within the Salt Barn would be restricted at periods when salt stocks are high.

The nearest noise sensitive property is Chalk Hill Farm which has recently received planning permission (Ref CB/14/00813/FULL) for barn conversions as an extension to the house. The approved floor plans show the converted accommodation extending eastwards from the rear of the property with bedrooms along the northern elevation. It is, however, noted that development also exists to the north of this extension in the form of other buildings which complete the courtyard. These comprise some redundant single storey barns along with a two storey, L-shaped building presently being constructed to provide garaging and stores for which a retrospective application is being prepared. Accordingly the new bedrooms forming part of the approved conversion have been treated as the nearest noise sensitive location.

A noise assessment survey was carried out in March and April 2015 to establish existing noise levels and their impact on six sensitive receptors within 1km of the application site boundary, including Chalk Hill Farm being the closest property at approximately 59m. Construction noise impacts are expected to be negligible at all locations except Chalk Hill Farm where the impact is predicted to be major (+7dB). It should be noted however that the assessment assumed that all mobile plant was operational at the closest point of the development site to each sensitive property as a worst case scenario. It should also be noted that any noise effects are likely to be negligible on the most sensitive façade of this property due to the shielding afforded by the building envelope. Construction hours would be limited to 08:00 – 18:00 hrs on weekdays and 08:00 - 13:00 hrs on Saturdays.

In terms of operational day-time noise, the assessment makes a series of valid assumptions in order to calculate a worst case scenario including the addition of a +4dB and a +3dB penalty to take account of the tonality and impulsive characteristics of the noise. The revised noise modelling predicts a minor exceedance of noise during day-time at Chalk Hill Farm accepted as being negligible by the Council's Public Protection Officer and considered unlikely to

be detrimental to the amenity of local residents such as to warrant an objection to the proposals. At other locations, operational day-time noise levels are not predicted to be exceed background levels.

For noise assessment purposes, 23:00 – 07:00 hrs are treated as night-time and, as noted above, the proposals would involve some operations outside normal operational hours including night-time. The Council's Public Protection Officer has commented that noise from gritter loading operations at night are likely to be more intrusive and would be detrimental to the amenity of local residents without appropriate mitigation. In order to overcome this impact, options have been explored including scope to load the gritter wagons from within the Salt Barn. However, the lightweight structure of the building provides insufficient noise attenuation, regardless of operational difficulties of achieving this at times when the Salt Barn is full as noted earlier.

The applicant has therefore modelled various options including the attenuation that could be realised by the provision of a noise barrier at various heights or a reorientation of the Salt Barn. The model suggests that a noise barrier erected adjacent to the loading operations would achieve a reduction in noise impact such that the Council's Public Protection Officer now considers that this provides sufficient confidence to demonstrate that an acceptable noise solution to mitigate night-time impacts is achievable. This can also provide assurance to fears raised in representations about all night disturbance. A condition is accordingly recommended to provide for appropriate mitigation measures including the use of broadband reversing alarms. The suggested conditions are framed so as to ensure suitable controls are implemented in order to avoid any detrimental impact to nearest noise sensitive properties and subsequently monitored to demonstrate that predicted impacts are not being exceeded.

An assessment of road traffic noise during both construction and operation of the facility demonstrates that impacts are predicted to be negligible at all locations.

The British Horse Society, Local Access Forum and the Council's Rights of Way Officer have raised concerns regarding the impact of sudden noises on horses and their riders during both construction and operational phases. Practical measures can be introduced to reduce surprise or alarm, including prohibiting the use of conventional bleeper reversing alarms, installation of signage for both bridleway users and drivers and the imposition of speed limits. Suitably worded conditions can be imposed to secure such measures.

Subject to the imposition of appropriate conditions, it is concluded that noise impacts from construction and operational phases, including night-time operations, are capable of being satisfactorily controlled and monitored such that they would not give rise to a detrimental effect on residential amenity in compliance with saved Policy BE8 of the SBLP.

## **7. Air Quality and Disturbance**

Saved Policy BE8 of the SBLP states that proposals for new development likely to generate pollution emissions should ensure that adjoining properties and uses

are not unacceptably affected.

### Dust

The ES includes an air quality assessment. It highlights that the development has the potential to generate dust impacts principally as part of the construction phase. It is considered that the earthworks are anticipated to have the most likelihood of generating dust emissions, particularly as the soils to be excavated may be prone to suspension in dry conditions. In line with the consultation response from the Council's Public Protection Officer, however, it is considered that dust impacts can be appropriately mitigated by means of a Dust Management Plan secured as part of a wider range of controls within a Construction Environmental Management Plan.

In terms of operational dust impacts, it is noted that the site would be hard surfaced with activities principally contained within built structures. The ES refers to vehicles entering and leaving the site as being covered or enclosed, on-site vehicle speeds being restricted to 5mph and the use of a road sweeper on the access road and hard surfaced areas as required. It is also noted that unloading of road salt would take place within the Salt Barn. Whilst the operational yard would contain open storage bays, the bulk of such storage provision would be materials not prone to generate dust such as lighting columns, road planings, grit etc. Accordingly the potential for generating dust is considered to be slight, although the open storage of finer grained materials could give rise to dust impacts if not suitably controlled.

It is therefore considered prudent to impose a condition to secure a scheme for the control and monitoring of airborne dust emissions in line with the advice from the Council's Public Protection Officer. Such a condition includes provision for subsequent monitoring. The proposal therefore complies with the NPPF and Saved Policy BE8 of the SBLP.

### Odour

The nature of the development itself is not anticipated to give rise to any odour impact as confirmed in the consultation response from the Council's Public Protection Officer. However, potential exists for odour impacts arising from the adjacent WWTW and/or the proposed Waste Park to impact upon the amenity of those at the Highways Depot.

The ES notes that the Council received two odour complaints associated with the WWTW, one relating to the smell of sewage affecting dwellings in Thorn (August 2010) and another affecting Bedford Road (July/August 2014). Anglian Water has not received any complaints in the last five years. The ES also reviewed odour modelling previously undertaken by Anglian Water. This predicted a concentration of 5 odour units per cubic metre (OU<sub>E</sub>/m<sup>3</sup>) at the application boundary closest to the WWTW decreasing to 1.5 OU<sub>E</sub>/m<sup>3</sup> at the site's furthest boundary. The Highways Office and other areas where employees would be regularly present would fall outside the 3 OU<sub>E</sub>/m<sup>3</sup> contour on account of the proposed site layout providing a substantial stand-off from the WWTW to those elements of the development considered to be more sensitive, such as the Highways Office, in line with the recommendation made by Anglian Water.

Applying guidance issued by the Institute of Air Quality Management (IAQM), impacts on medium sensitive receptors, such as offices, should be described as slight where predicted odour concentrations are between 1.5 - 3 OUE/m<sup>3</sup>. As such the effects of odour on the proposed development from the WWTW are assessed as being slight.

The proposed Waste Park has the potential to emit odours from waste transportation, the unloading/loading of waste materials and their storage and decomposition. The application for the Waste Park includes an Odour Management Plan which identifies a number of practical measures in order to mitigate odour impacts. These include closure of doors other than to allow for the passage of vehicles; restricted waste storage times; rejection of excessively malodorous wastes; use of an odour misting system and regular washing down of the waste transfer building and refuse collection vehicles. The effects of odour on the proposed development from the Waste Park are assessed as being negligible. The IAQM guidance considers such impacts from the WWTW and the Waste Park to be insignificant and therefore further mitigation is not considered necessary.

#### Control of mud

The applicant proposes to employ a range of measures to prevent mud from being trafficked onto the highway during the construction phase. These include provision and compulsory use of wheel wash facilities, imposing site speed limits, installing signage, routine monitoring of the highway and use of road sweepers where necessary and through contractual arrangements. These measures can be appropriately secured through a planning condition for construction activities to be undertaken in line with a Construction Environmental Management Plan.

The development, once operational, would involve vehicles manoeuvring over areas of hardstanding only. The scheme includes cold and hot wash facilities for the purposes of washing down vehicles returning from rounds and the ES refers to the use of a road sweeper on the access road and hard surfaced areas as required. Consequently the trafficking of mud or other deleterious material is unlikely to be an issue on the public highway.

## **8. Ecology**

NPPF paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on biodiversity and where possible, providing net gains in biodiversity. Furthermore, NPPF paragraph 118 advises that, when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including:

- refusing planning permission where significant harm cannot be avoided through mitigation or compensation;
- refusing permission where development would result in the deterioration or loss of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh

- the loss; and
- encouraging opportunities to incorporate biodiversity in and around developments.

In terms of local policy advice, Policy 57 of the emerging DSCB seeks to secure net gains in biodiversity and supports the maintenance and enhancement of habitats. Where the need for the development outweighs its impact and relates to land within, adjacent to or in proximity to known locations of protected species, appropriate mitigation and /or compensation to minimise such impacts will be necessary.

An Ecological Assessment has been undertaken incorporating the following elements:

- a review of existing ecological survey information within the vicinity of the site;
- a preliminary ecological survey of land within the application site;
- evaluation of the land within and adjacent to the application site with regard to its nature conservation value;
- identification of the potential impacts on ecological features;
- mitigation measures to avoid or minimise negative impacts on ecological features;
- enhancement measures to increase the biodiversity value of the land within the application site; and
- assessment of the potential residual ecological impacts from the proposals, including habitat loss, disturbance of animals and indirect effects on adjacent habitats.

The baseline ecological conditions review of the site and its surroundings identify the presence of two designated sites within 2km of the application site (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI) and five local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Houghton Regis Cutting Roadside Nature Reserve (RNR) at A5 Watling Street, Thorn Spring CWS and Suncote Pit CWS). Existing habitats and the habitat potential of the site and its surroundings were also examined through Phase 1 ecological surveys supplemented by further survey work undertaken during the processing of the application and submitted as additional information. In response to concerns raised in representations regarding the age of ecological studies, such work has therefore been supplemented by further survey work and, in agreement with the County's Ecologist, targeted additional survey work is programmed to further inform detail of the mitigation strategy.

Natural England is satisfied that the proposed development would not damage or destroy the features of interest for which the above SSSIs have been designated. Accordingly Natural England concludes that the SSSIs do not themselves represent a constraint in determining the application.

The development would require clearance of arable land, woodland, semi-improved grassland, the loss of six individual trees and 410m of hedgerow including a section adjacent to Thorn Road to facilitate access and a further section adjacent to the Ouzel Brook to facilitate a new bridge structure for

access. Whilst the arable land is considered to be of negligible conservation value, the remaining habitats are recognised in the ES as providing nature conservation value albeit not assessed as being significantly valuable on a wider scale.

The development would result in a net loss of 11,350 sq.m of woodland although the net gains would be achieved in terms of 2,534 sq.m of shrubs; 16,644 sq.m of grassland; 253 linear metres of hedgerow; and 118 trees. The Wildlife Trust query whether land to the south represents a better location for the development, principally to allow the existing woodland to be preserved. However, whilst such an alternative would have benefits in retaining that woodland, this consideration needs to be balanced against other considerations such as bringing operational impacts closer to existing residents at Chalk Hill and having a far greater impact upon archaeological resource in this area in addition to other development constraints associated with rising ground and overhead power cables.

Consultation responses suggesting that the land to the south be used for species rich grassland have been explored. The applicant has commented that, given an end use has not been confirmed for this field, it is assumed to remain in agricultural use. It is therefore not put forward for mitigation, although the scheme does propose for pockets of native fruiting shrubs. It is, nevertheless, considered that scope exists to bolster the breadth of habitats proposed in this area, including pockets of woodland planting, to help off-set the loss of woodland habitat, and areas of chalk grassland and bare ground. This would provide welcome habitat for invertebrates and habitat types raised in representations. This could be made the subject of a condition notwithstanding the mitigation offered on this parcel of land.

The impact of the development upon the woodland is a substantial loss and conflicts with Policy 59 of the emerging DSCB which seeks to protect such habitats from development. The Wildlife Trust's comments regarding the under-provision of replacement woodland planting are also noted.

Compensation for the loss of habitat is proposed in the forming of new planting to create a woodland and species-rich grassland mix. The area identified for this, to the north of the Waste Park, lies adjacent to the Ouzel Brook and outside the application boundary but is within the applicant's ownership. This area, together with the SuDS lagoon would ensure a suitable buffer is provided between the built development of the combined Highways Depot and Waste Park complex and the ecologically sensitive Ouzel Brook. Any impact on Kingfisher habitat along the brook would therefore be limited to construction of the bridge structure for the access road and a condition would require removal of vegetation to avoid the bird nesting season.

During the processing of the application, the applicant has indicated a willingness to consider supplementary planting alongside that part of Bridleway 49 which runs parallel to the access road towards Thorn Road. In addition to providing additional compensatory planting, this would have the benefit of

strengthening the barrier between the proposed access road and the bridleway. The applicant notes that provision of planting along this stretch may be impacted in the event that detailed proposals are worked up in relation to the scheme for commercial development in this area. Whilst a valid point, it is considered that a condition can be suitably worded to cover the timing of such a scheme coming forward so as to avoid any abortive planting.

Whilst the scheme does not allow for the preservation of the woodland, it would, collectively, provide large scale compensatory planting in the longer term with an overall net gain in habitat and the under-provision of woodland is considered to be outweighed by the wider public benefits of the scheme as recognised by the Council's Trees and Landscape Officer.

The loss or disturbance of the identified habitats has the potential to impact upon a number of protected species. Suitable habitat exists for reptiles, bats, water voles, otters, badgers and dormice. Further survey work has helped inform the potential presence of such species. An outlier sett has been identified which the applicant proposes to close prior to the end of November 2015 subject to an appropriate licence being issued by Natural England. This can be controlled by condition although it is important that further checks are made immediately prior to development commencing, should planning permission be granted, to ascertain any new setts or badger activity. Several trees have also been identified with potential for bat roosting and artificial roosting sites are proposed in compensation if the presence of this species is confirmed.

Great crested newts (GCN) were the subject of further surveys conducted on behalf of the applicant between April and June 2015 to identify the location and estimated population size of the species in six suitable ponds within 500m of the application site. Pond 1 was confirmed again as a breeding pond in 2015 whilst the five other surveyed ponds were confirmed as having no GCN presence this year. Pond 1 lies to the north of Thorn Farm, at a distance of some 330m and separated by Thorn Road. No further mitigation is considered necessary in respect of this species.

As recommended by the Council's Ecologist, mitigation measures, including compensation for habitat lost, would need to be further informed by several other targeted follow-up surveys and would need to be secured through a condition to ensure impacts on protected species are avoided or reduced to a negligible level. The applicant has since provided a schedule for such follow up surveys which the Council's Ecologist considers broadly acceptable. In response to comments raised in representations, the Wildlife Trust has been consulted on the application and further information.

In order to ensure that the habitat compensation areas are successfully established and maintained, Officers concur with the recommendations of Natural England and the Council's Ecologist for a biodiversity management plan. This could deliver a package of habitat improvements, including provision of bird and bat boxes together with a sensitive landscape management regime. In line with the Council's adopted Sustainable Drainage Guidance (October 2014), this should be prepared in accordance with a SuDS Management Plan covering such issues as management goals and a maintenance schedule. The applicant

submitted a landscape and ecology management plan as part of the further information and, whilst broadly acceptable, a planning condition would need to allow for adjustments to reflect outcomes from final programmed surveys and to ensure alignment with the management of the SuDS lagoon.

Several consultees have suggested that the design of the SuDS lagoon be reviewed in an effort to introduce more varied slopes and terraces which, in turn, should deliver better habitat interest. Whilst this suggestion has been further investigated, on balance it is considered that the proposed design represents an acceptable solution given the need to deliver the core function of the lagoon within a constrained part of the site having regard to the need to avoid areas identified as Flood Zone 3. The specification of stock-proof fencing around the SuDS lagoon is, however, welcomed as a more aesthetically pleasing approach to the development.

The submitted lighting strategy now specifies shielding to the rear of luminaires along the access road. Whilst providing a modest improvement the accompanying LUX contour plan indicates that a degree of light spillage, albeit limited, would still fall on the eastern hedgerow. A planning condition could require adjustments to the lighting provision to mitigate this impact on this wildlife corridor. Planning conditions could also control the timing of plant removal and root protection areas for retained planting in line with comments from consultees.

It is concluded that adequate ecological information has been provided for the development to be assessed as acceptable within the terms of the NPPF and Policy 57 of the emerging DSCB having demonstrated a net gain in biodiversity and, whilst the loss of woodland conflicts with Policy 59, this is considered to be outweighed by the wider public benefits of the proposals. Natural England and the Council's Ecologist do not object subject to the imposition of appropriate conditions.

## **9. Cultural Heritage**

The ES contains a chapter on Cultural Heritage. Policy 45 of the emerging DSCB states that the Council will conserve, enhance, protect and promote the enjoyment of the historic environment. Sufficient information should be made available to evaluate the importance of known or potential heritage assets and to assess how the proposals may impact upon them in line with the requirements of paragraph 128 of the NPPF.

The site lies within a rich archaeological landscape and the development area has the potential to contain as yet unidentified archaeological features and deposits. Archaeological field evaluation of the site was carried out in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets undertaken on behalf of the applicant concludes that there is a high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. Whilst acknowledging this as a reasonable assessment of the site's archaeological potential, the Council's Archaeological Officer regards prehistoric archaeological potential as high rather than moderate



given recently discovered pit alignment and linear features to the south of Thorn Road. In his judgement, any archaeological remains found on the site would be of regional significance. There will be very little if any opportunity to preserve buried archaeological remains given the extensive requirement for topsoil removal and subsequent ground raising. However, the Council's Archaeological Officer is satisfied that a programme of investigation and recording, to be agreed by way of condition prior to the commencement of the development, can mitigate against irreversible damage to any surviving archaeological deposits in compliance with NPPF paragraph 141.

There is one designated heritage asset within 500m of the application area comprising the medieval moated site at Thorn Spring, some 400m to the north-east. The ES considers that the proposed development would not have a negative impact on the setting of this Scheduled Ancient Monument. Maiden Bower Hillfort lies about 1.3 km to the south-west of the project site on a ridgeline. The ES recognises that the proposed development would intrude into the setting of this monument and have a very minor negative impact on its setting, albeit that the wider setting of the monument would not be obscured by the development. Totternhoe Knolls motte and bailey castle is located on the same ridgeline some 3km to the south west, and whilst not specifically assessed in the ES in terms of impact on setting, there is a reference in the Landscape and Visual Impact Assessment within the ES that the proposed development would be "*barely perceptible*" from the monument due to distance and would be screened by the wooded embankment to the A5. Both Historic England and the Council's Archaeological Officer consider that the development would intrude into, and have a negative on, the setting of these three Scheduled Ancient Monuments, taking account of the cumulative effect of the current proposals for the Waste Park and commercial buildings on neighbouring and nearby land, but are of the view that this would not amount to substantial harm on their setting and significance. As such, there is no objection from either consultee. Historic England suggest that consideration should be given to increased screen planting to reduce the impacts. The northern portion of the site is identified for substantial structural landscaping and the applicant is in principle agreeable to provide further planting by bolstering the intermittent hedgerow running alongside the proposed access road subject to the requirements for visibility splays to serve the commercial development proposals. A suitable condition can be imposed.

In line with the advice in paragraphs 132 and 134 of the NPPF, decision-makers must ensure that there is a clear and convincing justification for any harm or loss of significance to designated heritage assets public and that where there is less than substantial harm it should be outweighed by the public benefits of the proposal. It is considered that the wider benefits arising from the operational need for the provision of a strategically important highways and winter maintenance depot to serve the south of the Council area as discussed elsewhere in this report, particularly within the section on the assessment of 'very special circumstances' in support of the proposal, clearly outweighs the degree of harm identified. Therefore, the relevant policy test is met.

The ES notes the existence of a number of Grade II listed buildings within a 500m radius of the site's centre, seven of which can be found within the Sewell

Conservation Area. The closest listed building is the 13th/14th century Manor Farmhouse, which is located approximately 950m to the south west of the proposal site. Given that the setting of these heritage assets largely comprises their immediate environs within small-scale rural settlements, the conclusion in the ES that the proposed development would not impact on their setting is accepted.

In conclusion the application is considered to accord with Policy 45 of the emerging DSCB. A condition is recommended for a written scheme of archaeological investigation.

Paragraph 141 of the NPPF advises that Local Planning Authorities should require developers to record and advance understanding of the significance of the heritage assets before they are lost to development in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible. The suggested condition would provide for the suitable recording of the archaeological fieldwork in accordance with the NPPF.

## **10. Public Rights of Way**

Bridleway (BW) 49 runs alongside the western boundary of the application site before turning eastwards to follow an alignment adjacent to the northern bank of the Ouzel Brook. The proposed access road would intersect this section of BW49 close to the point at which the road would need to traverse the Ouzel Brook by means of a suitably engineered culvert. Whilst details have not been provided within the application, reference is made to a zebra crossing facility being provided at this juncture. Responses from consultees have, however, cast some doubt on the suitability of a zebra crossing in this location and suggest, as an alternative, a Pegasus crossing.

A similar point has been raised by consultees in respect of a bridleway crossing point over Thorn Road close to its junction with the proposed access road. At this particular location, the applicant assumes the provision of a Pegasus crossing coming forward as part of the anticipated wider North of Houghton Regis strategic development. However, this would not come forward in the short term and neither would it be delivered before the projected opening of the highways depot.

Whilst it is accepted that a zebra crossing over the access road would not be the ideal solution, it is also considered that the application subject to this report is unlikely to result in any significant increase in the usage of BW49 although such demand can be reasonably anticipated to arise as residential development is built out in connection with the wider North of Houghton Regis strategic development area. It is concluded therefore that a compromise solution would be for the construction of the access road to include the provision of electrical ducting at both locations in order to allow for the future upgrading of crossing points without the need to re-excavate the highway at those future dates. The applicant is in agreement to this approach which could be made the subject of a planning condition. Further planning conditions would also need to be attached in connection with the erection of suitable signage warning bridleway users of the presence of vehicular traffic and vice versa. Subject to these controls being

in place, the development is not considered to conflict with Saved Policy R15 of the SBLP and Policy 23 of the emerging DSCB which seek to protect and enhance the public rights of way network.

As a further measure, provision of speed retarders ('sleeping policeman') within the access road is considered to be beneficial in this location. This would ensure that vehicle speeds are kept in check in the vicinity of BW49, particularly as the three Thorn Turn applications would involve significant HGVs in addition to significant access by car comprising members of the public accessing the household waste recycling centre on the adjacent land and staff accessing the Highways Depot. The fact that the access road is dead-ended would not impact upon through traffic but would be a useful addition to improve highway safety in proximity to BW49. The speed retarders could be secured through planning condition.

Some sections of BW49 are likely to need to be subject to Temporary Closure Orders to facilitate construction, but this should be managed and disruption minimised through the appropriate rights of way legislation. The public rights of way network would otherwise be retained in accordance with SBLP Policy R15.

The British Horse Society (BHS) and Joint Local Access Forum have both suggested that the width of BW49 be increased to 10m so as to provide a multi-user path. Policy R14 of the SBLP supports improvements to existing rights of way facilities and, it is argued, this would also have the benefit of giving greater space in which horses could be controlled in response to sudden noise impacts. Whilst the impact of sudden noise on horse behaviour is an important issue, the suggested provision of a 10m wide multi-user path is not feasible for various practical reasons. Firstly, the required land lies outside the applicant's control. Secondly, because the western edge of the bridleway abuts the toe of the embankment to the A5, the bridleway could only be extended eastwards. However, creating a wider multi-user path utilising land to the east would entail the loss of existing mature vegetation. Furthermore, whilst providing a greater space, it would have the effect of bringing users closer to the proposed development whereas retention of the existing vegetation, in addition to its landscape, ecological and amenity value, would act as a visual screen to the development together with supplementary planting proposed as part of the application.

The BHS suggest that the development be reconfigured such that the car parking provision lies adjacent to BW 49 in an effort to reduce noise impacts to users of the bridleway. Ultimately, siting has to strike an appropriate balance and it is considered that the proposed siting of the buildings helpfully uses the backdrop of retained planting along the site's western boundary and those structures would, in turn, provide some attenuation of noise impacts arising from activities undertaken within the yard. Notwithstanding the above practical difficulties, noise impact upon horses is acknowledged as an issue relevant to both during construction and operational phases. Further planning conditions are recommended, therefore, to ensure provision of suitable signage to warn users of the potential of sudden noise impacts as requested by several consultees in addition to provision of a holding area for horses where the proposed access road would intersect with BW49. Perimeter fencing is also now

proposed to be of weldmesh construction including along the site's western boundary in line with the preference expressed by the BHS.

## **11. Design and Sustainability Considerations**

Saved Policy BE8 of the SBLP states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain and maximise opportunities to use renewable or alternative energy sources. Emerging DSCB Policy 47 '*Resource Efficiency*' requires all new commercial development over 1,000 sq.m to be delivered to BREEAM excellent standard or equivalent standard. Site specific Policy 60 requires new development on the site to incorporate measures to adapt to climate change, minimise energy use and include renewable energy technologies. Guidance is also set out in the Central Bedfordshire Design Guide.

The applicant has supported the proposal with a sustainability statement. The statement argues that the project is unsuitable for BREEAM Assessment primarily due to the maintenance workshop being unheated space and therefore unable to be assessed against a number of energy credits in the BREEAM methodology. Furthermore, the Highways Office is considered inappropriate for assessment as a proprietary unit. The development therefore has been considered against a range of alternative sustainability-related measures and has applied the issues within the BREEAM methodology wherever suitable.

The Sustainability Statement assessment has therefore sought to consider the development against the categories of Management/Procurement; Health and Wellbeing; Energy; Transport ; Water; Materials; Waste; Land Use and Ecology; and Pollution.

The scheme proposes a range of measures in order to adapt to climate change. Photovoltaic (PV) panels, totalling an area of some 117.6 sq.m are proposed on the south-facing pitch of the roof of the highways dry store in order to reduce greenhouse gas emissions. This is welcomed and supported by the Government's UK Solar PV Strategy which encourages greater use of commercial roof space for such installations. Provision of further PV panels has been encouraged in consultation responses and may come forward as part of detailed design.

Extensive provision of polycarbonate roof lights would maximise natural light on the maintenance workshop, parts store, dry store and gritter vehicle store. The scheme proposes a SuDS solution to manage surface water flows and filter out contaminants prior to discharge of water to the Ouzel Brook.

The applicant has also investigated scope for green or brown roofs, as encouraged by emerging DSCB Policy 48, although these were ultimately ruled out for design reasons. The Highways Store and Vehicle Maintenance building requires a long span roof which need to be lightweight in order to be sustainable in terms of materials, finance and inbuilt carbon. Provision of a green/brown roof would add additional weight in terms of both materials and retained water with

knock-on impacts to the structural loading and wider design. The applicant also notes that provision of a green/brown roof would introduce potential risk given the need for roof access and would alter the visual appearance of buildings through the introduction of perimeter safety railing or parapets. Whilst some reservation is expressed as to the arguments presented, on balance, the development is considered to make adequate provision of sustainable features.

Government encourages modes of transport with low environmental impact such as walking, cycling and public transport. An additional gate for pedestrians and cyclists is proposed in the site's southern boundary fence in order to provide linkages to the existing infrastructure and the bus stops located at Chalk Hill. The scheme includes covered and secure parking for cycles and the Highways Office includes shower facilities.

The revised application details have reduced the number of car parking spaces to 140 in line with the aspirations of the Green Travel Plan. Two bays fitted with charging points for electric vehicles are proposed within the car park close to the provision of bays for the disabled.

Comments have been received regarding the need to rationalise roof elevations. The development seeks to provide for a mix of functions ranging from office accommodation, workshops and stores notably a specially designed Salt Barn. Accordingly achieving a rationalisation of building design is not straight forward given the competing functions such accommodation provides. Nevertheless it is accepted that further consideration could be given to the finishes and colour of the buildings and a condition is recommended. It is concluded that, subject to conditions, the design and sustainability considerations of the development are acceptable in line with Saved Policy BE8 of the SBLP, Policy 47 of the emerging DSCB and the Central Bedfordshire Design Guide.

## **12. Agricultural Land Quality and Soils**

The NPPF recognises the need to protect soils. The application is accompanied by an agricultural impact assessment which identifies that the proposals would result in the loss of 1.54ha of agricultural land. A soil survey was undertaken in respect of the site in April 2015, examining the soils to a depth of 1.2m at two locations 100m apart. The survey revealed the soils have an almost stoneless, dark brown medium or heavy silty clay loam topsoil beneath which are whitish, slowly permeable Chalk Marl lower subsoils with very pale brown upper horizons of very calcareous heavy silty clay loam or silty clay.

Best and most versatile (BMV) agricultural land is categorised as land that falls within grades 1, 2 and 3a of the Agricultural Land Classification. Both soil profiles are assessed as being Grade 2 (very good quality) and therefore the site falls within the BMV category. Saved Policy NE10 of the SBLP 2004 states that BMV land should, where possible, be protected from irreversible development. With reference to the effect on the national soil resource, the ES concludes that the permanent loss of this area of Grade 2 agricultural land would be assessed as negligible.

The soil survey identified that field drains from the application site flow downhill to the Ouzel Brook. However, no drains from surrounding fields cross the site and consequently there would be no wider impact on agricultural drainage. Surface water discharge from the site post development has been considered earlier in the report.

With regards to the effects on farming practice, the application site is currently let on a short agricultural tenancy providing only year to year use of the land. As such the applicant does not regard the land as a strategic agricultural asset in either national or local terms. Provided the soils to be lost are handled in line with best industry practice, they will provide a valuable resource to be used in site landscaping. The applicant is committed to this which can be made subject to a planning condition for a soils management plan to include control of dust and weeds to avoid impacting upon surrounding farmland.

With regards to the potential issue of severance, the applicant advises that the land to the south of the application site is farmed by a different farmer to that of the site. Access to the field to the south appears to be gained off the track separating the two parcels and accordingly no issue of severance arises.

In conclusion, the loss of Grade 2 agricultural land, whilst negligible in terms of national resource, nevertheless conflicts with Saved Policy NE10 of the SBLP 2004. However, this conflict must be weighed against the wider public benefits arising from the operational need for a strategic highways and winter maintenance depot to serve the south of the Council area as highlighted within this report under the assessment of 'very special circumstances' in support of the proposal which collectively are considered to outweigh the impact.

### **13. Cumulative Impacts**

The EIA Regulations 2011 stipulate that effect interactions need to be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor, although no national guidance is available as to how interactions between effects should be assessed, how significance is to be reported, or the extent to which interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual chapters of the ES where relevant.

Cumulative effects are those which could be expected to arise from the combination of likely significant effects from the proposed development with likely significant effects from other committed developments in the vicinity. Cumulative effects of the proposed development with other committed development have been considered throughout individual chapters of the ES where relevant. The consideration of other sites includes those within the North of Houghton Regis strategic development area.

It is considered that the cumulative effects of construction can be adequately mitigated through the package of measures identified to address specific impacts as identified through the EIA process together with a suitable

## Construction Environmental Management Plan.

### **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 and subject to the following conditions:

### **RECOMMENDED CONDITIONS**

#### General:

1. Planning permission shall extend to the area delineated by a solid red line on the attached plan no. CB/15/01627/REG3 (dated August 2015). Development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained within the planning application. The approved plans and particulars comprise (except where modified by other conditions of this permission):

#### Documents

- Application form dated 18/05/2015;
- Planning Supporting Statement (dated May 2015);
- Addendum to Planning Statement Summary of Proposed Mitigation Measures (dated July 2015);
- Design and Access Statement (dated 8 May 2015);
- Flood Risk Assessment (dated 13 May 2015);
- Ian Farmer Associates Ground Investigation Report (dated December 2012);
- Economic Statement (dated 12 May 2015);
- Sustainability Statement (dated 7 May 2015);
- Utilities Statement (dated 19 May 2015);
- Arboricultural Impact Assessment (dated 31 July 2015);
- Tree Protection Plan No. 5134801-ATK-HD-ZZ-DR-Z-0001 Rev P2;
- Tree Protection Plan No. 5134801-ATK-HD-ZZ-DR-Z-0002 Rev P2;
- Thorn Turn Ecological Surveys Update (dated 3 July 2015);
- Outdoor Access Statement (dated 19 May 2015);
- Green Travel Plan (dated 1 May 2015);
- Statement of Conformity with the Equality Act (received 20 July 2015)
- Anticipated Vehicle Movements Plus Assumptions (received 19 July 2015);
- Thorn Turn Ecological Surveys Update (dated 3 July 2015);
- Works Information - Specification Appendices; Landscape and Ecology (dated July 2015);
- Drainage Strategy (dated 24 July 2015);
- Lighting Strategy (received 29 July 2015);
- Great Crested Newt Report (dated 4 August 2015);
- Amended Noise and Vibration ES Chapter (revised August 2015).
- Thorn Turn Schedule of emails submitted during the determination period.

## Drawings:

- Site Location Plan (Drawing No.HD\_PLA\_001 Rev P01);
- Planning Application Boundary (Drawing No.HD\_PLA\_002 Rev P01);
- Finished Levels (Drawing No.HD\_PLA\_004 Rev P01);
- Indicative General Arrangement (Drawing No.HD\_PLA\_005 Rev P04);
- Indicative Drainage Layout (Drawing No.HD\_PLA\_006 Rev P03);
- Landscape Plan Sheet 1 of 2 (Drawing No.HD\_PLA\_007 Rev P2);
- Landscape Plan Sheet 2 of 2 (Drawing No.HD\_PLA\_008 Rev P2);
- Landscape Planting Details and Schedule (Drawing No.HD\_PLA\_009 Rev P2);
- Access Road Details (Drawing No.HD\_PLA\_010 Rev P01);
- SuDS Attenuation Lagoon (Drawing No.HD\_PLA\_011 Rev P03);
- Pavement, Kerbing and Fencing Layout (Drawing No.HD\_PLA\_012 Rev P02);
- Earthwork Sections (Sheet 1 of 3) (Drawing No.HD\_PLA\_013 Rev P02);
- Earthwork Sections (Sheet 2 of 3) (Drawing No.HD\_PLA\_014 Rev P02);
- Earthwork Sections (Sheet 3 of 3) (Drawing No.HD\_PLA\_015 Rev P03);
- Road Lighting ISO-LUX South Contours (Drawing No.HD\_PLA\_016 Rev P03);
- Salt Barn Roof Plan (Drawing No.HD\_PLA\_017 Rev P01);
- Salt Barn Elevations (Drawing No.HD\_PLA\_018 Rev P01);
- Highways Welfare Office Plan and Elevation (Drawing No.HD\_PLA\_019 Rev P01);
- Highways Maintenance Depot GA Plan (Drawing No.HD\_PLA\_020 Rev P02);
- Highways Maintenance Roof Plan (Drawing No.HD\_PLA\_021 Rev P02);
- Highways Maintenance Depot Elevations (Drawing No.HD\_PLA\_022 Rev P03);
- Highways Maintenance Depot Internal Section Elevations (Drawing No.HD\_PLA\_023 Rev P03);
- Highways Maintenance Depot General Section (Drawing No.HD\_PLA\_024 Rev P03);
- Footpath Plan (Drawing No.HD\_PLA\_025 Rev P01);
- Covered Stores for Road Safety Cars & Cycle Store GA Plan & Elevations (Drawing No. HD\_PLA\_026 Rev P02);
- Swept Path Analysis (Drawing No. HD\_PLA\_027 Rev P01);
- Swept Path Analysis (Drawing No. 800516-2022-0000-03 Rev P02.2);
- SuDS Attenuation Lagoon Sections Sheet 1 of 2 (Drawing No. HD\_PLA\_028 Rev P01);
- SuDS Lagoon Sections Sheet 2 of 2 (Drawing No. HD\_PLA\_029 Rev P02);
- Highways Welfare Office Elevations (Drawing No.HD\_PLA\_030 Rev P01);
- Western Bridleway Section Layout (Drawing No. HD\_PLA\_031 Rev P01);
- Western Bridleway Sections Sheet 1 of 3 (Drawing No. HD\_PLA\_032 Rev P01);
- Western Bridleway Sections Sheet 2 of 3 (Drawing No. HD\_PLA\_033 Rev P01);
- Western Bridleway Sections Sheet 3 of 3 (Drawing No.HD\_PLA\_034 Rev P01);
- Highways Depot General Arrangement (Drawing No.HD\_PLA\_035 Rev P02);



- Highways Depot Car Park Dewatering Bay & Hot Box Plinth (Drawing No.HD\_PLA\_036 Rev P01);
- Highways Depot Car Park Salt Mixing Bay & Vehicle Hot Wash (Drawing No.HD\_PLA\_037 Rev P01);
- Highways Depot Car Park Vehicle Fuelling Area (Drawing No.HD\_PLA\_038 Rev P01);
- Operational Area Boundaries (Drawing No. HD\_PLA\_039 Rev P01);
- Indicative Combined General Arrangement (Drawing No. HD\_PLA\_040 Rev P01);
- Highways Depot Yard Cold Wash Elevations (Drawing No.HD\_PLA\_041 Rev P01);
- Highways Depot Yard Glycol Storage and Vehicle Spares Store Elevations (Drawing No.HD\_PLA\_042 Rev P01);
- Surface Water Drainage Exceedance Management (Drawing No.WP\_PLA\_042 Rev P01);

REASON: To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) by section 51 of the Planning and Compulsory Purchase Act 20014 and to enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

Archaeology:

3. **No development shall take place unless and until a written scheme of archaeological investigation that includes post-excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved scheme.**

REASON: Details are required to be submitted prior to the commencement of the development in order to record and advance the understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the NPPF and Policy 45 of the emerging Development Strategy for Central Bedfordshire.

Tree Protection:

4. **Notwithstanding the details contained within the submitted Arboricultural Impact Assessment and accompanying Tree Protection Plan Nos. 5134801-ATK-HD-ZZ-DR-Z-0001 Rev P2 and 5134801-ATK-HD-ZZ-DR-Z-0002 Rev P2, no development hereby permitted shall take place unless and until a site specific Arboricultural Method Statement (AMS) has been submitted to and approved in writing by**

**the Local Planning Authority. Such method statement shall include details of and provision for:**

- **Measures for the root protection of trees, shrubs and hedgerows;**
- **removal of any existing structures and hard surfacing;**
- **Installation of any temporary ground protection;**
- **excavations;**
- **ground works, foundations, drainage and services;**
- **installation of new hard surfacing (materials, design constraints and implications for levels);**
- **a schedule of works to trees, shrubs and hedgerows; and**
- **a schedule of specific events requiring input or arboricultural supervision and monitoring and compliance.**

**Thereafter, development shall only be carried out in accordance with the approved AMS and the approved protection measures shall be retained for the duration of the construction period.**

REASON: Details are required to be submitted prior to the commencement of the development in order to safeguard the health of existing trees, shrubs and hedgerows on or adjacent to the site for the duration of preparatory and construction works in the interests of visual amenity and nature conservation in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Construction Environmental Management Plan:

**5. No development shall take place unless and until a method of working in the form of a Construction Environmental Management Plan (CEMP) to include the following elements has been submitted to and approved in writing by the Local Planning Authority:**

- **the size and location(s) of any contractors' compounds;**
- **arrangements for routeing of construction traffic and parking of contractors' vehicles;**
- **measures to be adopted and equipment to be used to prevent the trafficking of mud and debris onto the public highway;**
- **a Dust Management Plan;**
- **measures for the control of noise and vibration;**
- **procedures for the control of lighting impact;**
- **procedures to safeguard utilities and services;**
- **management and re-use of indigenous soils, control of weeds and disposal of surplus soils and other wastes arising from construction;**
- **measures to manage and contain surface water run-off and mitigate any risk from blockage or severance of drainage pathways throughout the construction period;**
- **measures for the protection of groundwater;**
- **stand-off margin(s) to the top bank of the Ouzel Brook watercourse;**
- **construction site management practice to safeguard against**

**risk to mammals (protected species) throughout the period of construction;**

- **measures to safeguard and warn users of nearby public rights of way and minimise any disruption to the network; and**
- **procedures to be adopted in the event of any complaint.**

**The CEMP as may be approved shall be implemented in full and complied with throughout the construction period.**

REASON: Details are required to be submitted prior to the commencement of the development in the interests of highway safety, the ecology of the site and to protect the amenities at present enjoyed by occupiers of nearby properties and users of the surrounding public right of way network in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Drainage:

6. **No development shall take place unless and until construction design details of the bridge structure over the Ouzel Brook including culvert, together with scaled cross sections through the culvert extending at least 80 metres towards Thorn Road to include:**

- **the Flood Zone 3 area, incorporating the existing bridleway track to the east and proposed access road; and**
- **the intersection of the access road with the bridleway**

**have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no development shall take place except in accordance with the approved details.**

REASON: Details are required to be submitted prior to the commencement of the development in order to ensure flood risk is not increased by ground-raising above existing levels along the nearby bridleway track and to ensure that the bridge and culvert are of satisfactory design in accordance with the requirements of the Internal Drainage Board and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

7. Prior to its construction, and notwithstanding the details in the submitted Drainage Strategy (dated 24 July 2015), final details of the design of the sizing, layout, design and operation of the surface water drainage system for the combined application site and the adjoining site subject to application ref CB/15/01626/REG3 shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include demonstration that infiltration will not occur and that parking/storage areas will be of impermeable construction. Thereafter, no construction works shall take place except in accordance with the approved surface water drainage system details.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF and Policy 49 of the emerging Development Strategy for Central

Bedfordshire.

8. Prior to the highways and winter maintenance depot hereby approved coming into operation, details of a management and maintenance plan for the surface water drainage system over the life of the development shall be submitted for the written approval of the Local Planning Authority. Thereafter, the management and maintenance plan as may be approved shall be complied with at all times.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

Ecology:

9. **No development shall take place unless and until updated surveys of the site have been undertaken by a suitably qualified ecologist to ascertain the presence of the following protected / BAP species and, if evidence of any of these species is found, no development shall take place except in accordance with an appropriate compensation / mitigation strategy, accompanied by a programme for its implementation, that has first been submitted to and approved in writing by the Local Planning Authority.**
  - a) **Reptiles;**
  - b) **Water Voles;**
  - c) **Dormice; and**
  - d) **Otters.**

REASON: Details are required to be submitted prior to the commencement of the development in order to safeguard any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species and the NPPF.

10. **No development shall take place unless and until the outlier sett, and any other additional sett(s) which may be identified on the site following a further walkover survey immediately prior to the commencement of the development, are closed and removed in accordance with a licence granted by Natural England.**

REASON: A walkover is required prior to the commencement of the development in order to safeguard species protected by law.

11. No felling or removal of limbs from mature trees shall take place unless and until a survey for roosting bats has first been undertaken by a licensed bat ecologist. Should these species be found to be present an appropriate compensation / mitigation strategy accompanied by a programme for its implementation shall have been submitted to and approved in writing by the Local Planning Authority before any such tree works commence. No development shall be carried out except in accordance with the approved strategy.

REASON: To safeguard any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species.

12. No tree, shrub, scrub or other vegetation clearance works shall be carried out during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been immediately prior checked by an appropriately qualified ecologist and appropriate advance measures put in place to afford necessary protection to the written satisfaction of the Local Planning Authority.

REASON: To safeguard nesting birds in the interests of nature conservation.

Pollution:

13. If, during construction of the development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until the developer has submitted a method statement detailing how the unsuspected contamination shall be dealt with and obtained the written approval from the Local Planning Authority. This method statement shall detail how the unsuspected contamination is to be dealt with and work shall thereafter be carried out in accordance with the approved details.

REASON: To protect and prevent pollution of controlled waters in accordance with Policy 44 of the emerging Development Strategy for Central Bedfordshire.

14. No materials shall be imported to the site for purposes of construction of the development platform except the following classifications of engineering fill as defined in the '*Manual of Contract Documents for Highway Works – Volume 1 Specification for Highway Works Series 600 Earthworks*':
  - Class 1A / 1B – general granular fill;
  - Class 2A / 2B / 2C – general cohesive fill;
  - Class 3 – general chalk fill

and all such materials shall be placed and compacted in accordance with this manual.

REASON: To ensure that the site is suitable for its intended use and to protect the quality of the water environment in accordance with Policy 44 of the emerging Development Strategy for Central Bedfordshire.

Noise (day-time 07:00 -23:00 hrs):

15. In accordance with the results of the BS:4142 day-time in the Noise and Vibration chapter of the revised Environmental Statement (dated August 2015), as set out in Table 8.22 of that document, the rating level from the noise sources on the operational site shall not exceed those specified

between 07:00 and 23:00 hrs.

REASON: To minimise nuisance to nearby residents by reason of noise in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Noise (night-time 23:00 -07:00 hrs):

16. Prior to the use hereby permitted coming into operation, a scheme for the control and monitoring of noise from the operational site between 23:00 and 07:00 hrs shall have been submitted to and approved in writing by the Local Planning Authority and thereafter no activities or operations shall take place except in accordance with the approved scheme. The scheme shall include and provide for:
- a) The operations associated with the use of the highways depot and winter maintenance/gritting lorries;
  - b) Noise monitoring and recording procedures;
  - c) Presentation of monitoring results to the Local Planning Authority;
  - d) Measures for the suppression and mitigation of noise, including but not limited to the use of broadband reversing alarms; and
  - e) Procedures to be adopted in the event of complaints.

Thereafter the scheme as may be approved shall be implemented in full and complied with at night-time for the life of the development.

REASON: To minimise nuisance to nearby residents by reason of noise in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Construction and Operational Hours:

17. No construction works associated with the development hereby permitted shall take place except between the following times:

0800 to 1800 hours Mondays to Fridays  
0800 to 1300 hours Saturdays

and no such works shall take place on Sundays or Public / Bank Holidays.

REASON: To minimise noise impacts arising from construction activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

18. No operations or activities authorised by this permission shall take place within the area shaded blue on Drawing No. HD\_PLA\_039 Rev P01 (Operational Area Boundaries) except between 0700 to 1800 hours daily unless in connection with essential winter maintenance and/or emergency highway maintenance operations, including the washing down of returning vehicles, which shall also be permitted to be undertaken between 1800

and 0700 hours daily.

REASON: To minimise noise impacts arising from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

HGV Traffic:

19. There shall not be more than 218 Heavy Goods Vehicle<sup>1</sup> movements<sup>2</sup> entering and exiting the operational area of the site (as shown shaded blue on Drawing No. HD\_PLA\_039 Rev P01) on any working day.

REASON: In the interests of highway safety and in accordance with Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Travel Plan:

20. In accordance with the Green Travel Plan Framework submitted in support of the application, within 6 months of the occupation of the development first being brought into use, a Travel Plan shall be submitted for the written approval of the Local Planning Authority. Such Travel Plan shall include details of and provision for:

- predicted travel to and from the site;
- a HGV<sup>1</sup> freight management plan, incorporating measures to co-ordinate deliveries and collections of materials/equipment, route optimisation, minimising travel through Dunstable town centre and maximising use of the strategic road network;
- details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks;
- measures and targets to minimise private car use and facilitate walking, cycling and use of public transport;
- timetable for implementation of measures designed to promote travel choice;
- details of cycle parking facilities;
- details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
  - travel and transport information;
  - travel vouchers;
  - details of relevant pedestrian, cycle and public transport routes to / from within the site;
  - copies of relevant bus and rail timetables
- details of the appointment of a travel plan co-ordinator;
- an action plan listing the measures to be implemented and relevant timescales; and
- annual monitoring and review of the Travel Plan for a period of 5 years.

The Travel Plan as may be approved shall be implemented in full and complied with at all times.

REASON: In the interests of sustainability and to minimise traffic impacts from the operational development in accordance with Policy 26 of the emerging Development Strategy for Central Bedfordshire.

Public Rights of Way:

21. The access road hereby approved shall include, as part of its construction, ducting for electrical connection to facilitate future upgrades through the provision of Pegasus crossings at the points where Bridleway 49 intersects with the access road and across Thorn Road to the east of its junction with the access road.

REASON: To allow for the timely delivery of suitable upgrades to the public rights of way network at an appropriate time.

Highway Safety Scheme:

22. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a highway safety scheme shall have been implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of and provision for:

- a) construction of a timber fenced holding area for horses on both sides of the access road at the point where it is intersected by Bridleway No. 49;
- b) construction of speed retarders or sleeping policeman on the site access road either side of its intersection with Bridleway No. 49; and
- c) the specification and positioning of suitable signage warning bridleway users of site traffic and vice versa, including potential for sudden noise impacts.

Such measures shall be retained for the life of the development.

REASON: In the interests of safety for users of the highway and public rights of way network in accordance with Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Environmental Protection and monitoring of impacts

23. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a scheme for the suppression and control of airborne dust and the monitoring of operational airborne dust impacts for a period of 1 year shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of and provision for:

- a) suppression of dust generated by handling and storage of materials and the movement of plant and vehicles on external site areas;
- b) a protocol for the recording and management of any dust-related complaints;
- c) a methodology for assessing dust impacts, including reference to monitoring points around the site, arrangements for measurement of wind speed and identification of maximum / target dust levels;
- d) presentation of assessment results to the Local Planning Authority;
- e) a programme for implementation of the above elements.

Thereafter, the scheme as may be approved shall be implemented in full and



complied with at all times.

REASON: To minimise nuisance to nearby receptors by reason of dust and to protect the amenities of surrounding land users in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

24. Prior to the use of the external lighting hereby permitted, a scheme for the monitoring of lighting impact from the site for a period of 1 year from the date of commencement of the highway and winter maintenance use hereby permitted shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a methodology for assessing light spill and glare;
  - b) presentation of assessment results to the Local Planning Authority;
  - c) a review of the effectiveness of procedures for the control of lighting use outside permitted operational hours and any additional control measures to be introduced during those times;
  - d) appropriate mitigation measures to be introduced taking account of the assessment results provided under part b) to further reduce the impact on sensitive receptors, including wildlife corridors on and surrounding the site; and
  - e) a programme for implementation of the above.

The scheme as may be approved shall be complied with at all times.

REASON: To allow lighting impacts to be assessed against predicted impacts and further mitigation measures or controls to be introduced and to minimise disturbance by reason of light spill and glare in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

25. Prior to the commencement of the highway and winter maintenance use hereby permitted, a scheme for the monitoring of water quality for a period of 1 year shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a technical assessment to establish whether any contaminants are present in surface water run-off and in the discharge from the SUDs pond;
  - b) presentation of assessment results to the Local Planning Authority;
  - c) identification of any remedial measures to be introduced in the light of assessment results provided under part a);
  - d) a programme for implementation of the above.

Such scheme as may be approved shall be implemented in full.

REASON: To allow water quality impacts to be assessed in accordance with Policy 44 the emerging Development Strategy for Central Bedfordshire.

Facing Materials:

26. Prior to their use on site, and notwithstanding the details submitted with the application, samples of proposed facing materials and external finishes of the highways office, salt barn, highways depot/vehicle maintenance workshop, gritter store, landscape tool shed/lawnmower store and ancillary buildings,

structures and enclosures approved by this permission, and a schedule of the colour of the external finishes of the windows, doors, roofs, soffits and fascias, and gutters and rainwater goods of the buildings, shall be submitted to the Local Planning Authority for its approval in writing. Development shall only be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to control the appearance of the buildings in accordance with saved Policy BE8 of the South Bedfordshire Local Plan Review.

Landscaping:

27. Planting and landscaping of the site shall be undertaken in accordance with the details and specifications shown on Drawing Nos. HD\_PLA\_007 Rev P2 and HD\_PLA\_008 Rev P2) and contained within the document entitled 'Works Information – Specification Appendices Series 3000: Landscape and Ecology'. All works shall be completed no later than the end of the first full planting and seeding seasons immediately following the completion of construction activities hereby approved. The trees, shrubs, hedgerow plants and grassland areas shall be maintained for a period of 5 years from the date of planting in accordance with the 'Works Information – Specification Appendices Series 3000: Landscape and Ecology'. Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development.

28. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a scheme for the phased establishment of supplementary hedge, tree and shrub planting to the east of the access road between the Ouzel Brook and Thorn Road shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include a programme for its implementation, having regard to development that may come forward for employment uses on surrounding land in the event of any forthcoming reserved matter approvals pursuant to outline planning permission (ref CB/15/01928/REG3), and its maintenance for a period of 5 years from the date of planting. Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established. The planting shall be carried out in accordance with the approved scheme and phasing programme.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development.

29. Notwithstanding the details shown on Landscape Plan Sheet 2 of 2 (Drawing No.HD\_PLA\_008 Rev P2), prior to the commencement of the highways and winter maintenance depot use hereby permitted, a detailed scheme for the provision of landscaping and habitat creation on pockets of land to the south of the application site shall be submitted for the written approval of the Local Planning Authority. The scheme, together with a programme for its implementation and maintenance for a period of 5 years from the date of planting/sowing, shall provide a mix of habitats including the following elements:

- a) Pockets of woodland planting to assist the integration of the development and its screening from nearby residential properties;

- b) Areas of hedgerow comprising native fruiting shrubs; and
- c) Areas of chalk grassland and bare ground.

Any failed, damaged or missing plants during the 5 year period referred to above shall be replaced with others of a similar size and species and maintained until satisfactorily established. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development.

Habitat Management:

- 30. Prior to the commencement of the highways and winter maintenance depot use hereby permitted, a habitat and biodiversity enhancement and management plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. Such plan shall be fully informed by the findings of the species surveys and complement the species mitigation / compensation strategies approved pursuant to conditions 9, 10 and 11 respectively of this permission and also include provision of bird boxes. The plan as may be approved shall be implemented in full and complied with at all times.

REASON: To secure ecological improvements in the interests of nature conservation.

### **Notes to applicant**

- 1. The applicant's attention is drawn to the content of the letters from the Environment Agency dated 14/07/2015 and Anglian Water dated 09/06/2015.
- 2. With reference to condition 10 the applicant is advised that closure of the badger sett will require an application for a licence to be granted by Natural England. Closure of the sett will need to be undertaken in full accordance with the terms and conditions of any such licence which may be issued.
- 3. <sup>1</sup> With reference to conditions 19 and 20, Heavy Goods Vehicle (HGV) means a vehicle above a gross weight of 7.5 tonnes.
- 4. <sup>2</sup> With reference to condition 19, for the purposes of this condition, a single Heavy Goods Vehicle entering and leaving the site, whether loaded or empty, shall count as 2 movements).
- 5. With reference to Condition 24, the lighting scheme shall be designed to comply with the Institute of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.
- 6. With reference to condition 29, the applicant's attention is drawn to the archaeological resource of this land and the presence of overhead cables which should inform the scheme design.

7. The applicant is advised to ensure that the Bridleway No 49 remains available at all times during construction and safe for the public to continue to use with appropriate signage. Should it become apparent that the public bridleway needs to be temporarily closed or diverted on public safety grounds, the Rights of Way Team will need to be contacted so that a temporary closure order can be processed. The lead in time for a temporary closure is a minimum of 6 weeks – i.e 6 weeks notice before the proposed closure date is required for the team to process and advertise the order.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process, forwarding consultation responses in a timely manner and providing opportunities for the applicant to resolve issues, which led to improvements to the scheme, and giving the applicant advance sight of the draft planning conditions. 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) Order 2015.