

## **Item No. 15**

<b>APPLICATION NUMBER</b>	<b>CB/15/02223/OUT</b>
<b>LOCATION</b>	<b>Former site of Windy Willows Nursery, Sundon Road, Houghton Regis</b>
<b>PROPOSAL</b>	<b>Demolition of existing site buildings and proposed residential redevelopment comprising up to 30 new homes (Resubmission of application CB/15/00524/OUT)</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Parkside</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ryan</b>
<b>CASE OFFICER</b>	<b>Stuart Robinson</b>
<b>DATE REGISTERED</b>	<b>15 June 2015</b>
<b>EXPIRY DATE</b>	<b>14 September 2015</b>
<b>APPLICANT</b>	<b>Southern &amp; Regional Limited</b>
<b>AGENT</b>	<b>Phillips Planning Services Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan and Town Council objection to a major application</b>
<b>RECOMMENDED DECISION</b>	<b>That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to conditions.</b>

### **Summary of Recommendation:**

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

However, the relationship between the site and the large-scale development now consented for HRN Site 1 to the east and north; the previously developed nature of the site and its history; and the substantial body of evidence from work on planning policy documents to date supporting the adjoining mixed use development allocation site, which would remove the application site from the Green Belt have altered the planning context within which the site sits and weigh substantially in favour of the proposal. The proposed redevelopment would provide a complementary use adjacent to the larger urban expansion area. The development is capable of providing footway/cycle links, consistent with the aims of the Houghton Regis (North) Framework Plan, and public open space as part of a larger green corridor. The development would therefore support the delivery of a larger sustainable urban extension. These factors, taken together, represent very special circumstances to clearly outweigh the Green Belt harm.

Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central

Bedfordshire, and national policy contained in the National Planning Policy Framework.

### **Site Location:**

The application site comprises of a narrow strip of land, measuring 1.39 ha in area, adjoining Sundon Road. The majority of the site has previously contained various workshops, storage buildings and enclosures, used in connection with a horticultural nursery, landscaping contractors and a car breakers and vehicle storage use. The southern portion of the site comprises of vacant grassland. The site is bound by hedgerows along the southern, eastern and north eastern boundaries.

The site is located to the north of the Kingsland Campus site, adjoining a set of playing fields. To the west of the site is Osbourne House, a private residential property.

A lattice tower electricity pylon is located along the southern boundary of the site. Power lines cross the site, connecting to this lattice tower.

The site is located outside of the settlement of Houghton Regis and is located wholly within the Green Belt. The site is located outside of the proposed Houghton Regis North Strategic Allocation but is surrounded by the proposed allocation to the east and north. The site also adjoins the Houghton Regis North – Site 1 development which lies immediately to the north of Sundon road and to the east of the application site. The site is not a designated employment site. The site is not within close proximity to the Houghton Regis Conservation Area or any TPO trees.

### **The Application:**

This application seeks outline planning permission for up to 30 dwellings. As part of this application the existing site buildings are proposed to be demolished. All matters are reserved apart from access.

The proposed access would connect directly to Sundon Road, in a similar location to the existing site access. A 1.8 metre footpath would be provided along the southern side of Sundon Road, towards the existing Houghton Regis settlement. This footway would have an uncontrolled crossing which would then connect to a footpath on the northern side of Sundon Road to create a pedestrian link between the application site and the existing settlement. The proposed access would contain a 1.8 metre wide footway either side of the access road within the site.

The public and consultees were re-consulted on **23 July 2015** in order to consult upon a detailed access plan and a site parameter plan. The site parameters plan identifies an open space/ green infrastructure corridor at the front of the site, in close proximity to the existing lattice tower and electricity pylons. This plan identifies that residential development would be located to the east of the site, connected by an access road area which provides a link to Sundon Road.

### **RELEVANT POLICIES:**

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

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities  
Section 9: Protecting Green Belt land  
Section 10: Meeting the challenge of climate change, flooding and coastal change  
Section 11: Conserving and enhancing the natural environment

### **South Bedfordshire Local Plan Review Policies (SBLPR)**

Policy BE8: Design Considerations  
Policy T10: Controlling Parking in New Developments  
Policy H4: Providing Affordable Housing  
Policy R10: Children's Play Area Standard  
Policy R11: Provision of New Urban Open Space in New Residential Developments  
Policy R14: Protection and Improvement of Recreational Facilities in the Countryside

*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 BE8 and R14 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.*

### **Minerals and Waste Local Plan (2005)**

Policy W4: Waste minimisation and management of waste at source

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

Policy WSP5: Including waste management in new built development

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

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Growth Strategy  
Policy 3: Green Belt  
Policy 19: Planning Obligations and the Community Infrastructure Levy  
Policy 22: Leisure and open space provision  
Policy 24: Accessibility and Connectivity  
Policy 25: Functioning of the Network  
Policy 26: Travel Plans  
Policy 27: Parking  
Policy 28: Transport Assessments  
Policy 29: Housing Provision  
Policy 30: Housing Mix  
Policy 32: Lifetime Homes  
Policy 34: Affordable Housing  
Policy 36: Development in the Green Belt  
Policy 43: High Quality Development  
Policy 44: Protection from Environmental Pollution  
Policy 47: Resource Efficiency  
Policy 49: Mitigating Flood Risk  
Policy 50: Development in the Countryside  
Policy 56: Green Infrastructure  
Policy 57: Biodiversity and Geodiversity  
Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows  
Policy 60: Houghton Regis North Strategic Allocation

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement and the weight accorded to the Development Strategy in decision making should be viewed in this context. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn and its policies carry weight 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.*

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

#### **Supplementary Planning Guidance**

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

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

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

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

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 – Application Site**

CB/15/00524/OUT	Outline application withdrawn: Demolition of existing site buildings and proposed residential redevelopment comprising of up to 53 dwellings – 19/05/2015.
CB/14/01641/SCN	EIA Screening Opinion released: Construction of approximately 60 residential units, associated access, open space and landscaping – 15/05/2014.
CB/14/01642/SCO	EIA Scoping Opinion released: Construction of approximately 60 residential units, associated access, open space and landscaping – 15/05/2014.
SB/07/00220/FULL	Full application approved: Retention of existing surfacing and existing glasshouse. Change of use to composite use for

horticultural nursery and landscaping contractors.

### **Planning History – Adjacent sites of note**

The following relevant planning history relates to the adjoining development to the north and east of the application site, known as the Houghton Regis North Site 1 development (or HRN1).

CB/12/03613/OUT      Outline application approved: Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans – 02/06/2014.

### **Representations:**

Houghton Regis Town Council      30/06/15:  
Objects on the following grounds.

1. The site is in the Green Belt and as the Development Strategy has stalled and not been tested for soundness, it should not be relied upon as the basis for decision making on developments in the Green Belt.
2. The application proposals fail to adequately respond to the guidance and provisions of the Framework Plan.
3. The proposed access is potentially unsafe.
4. The application is premature. If delayed until HRN1 is underway, access for this development could possibly be achieved at the opposite end of the site, keeping away from the main road.

Sundon Parish Council      22/06/14:

- As you will be aware a Planning Inspector examined the Council's Development Strategy and concluded the Council failed in its duty to cooperate with a neighbour. On the 16th June 2015 at a hearing a judge 'threw out' the

Council's request for a Judicial Review of this decision on the grounds the Government had 'no case to answer'. Currently the Council does not have an approved Development Strategy.

- The National Planning Policy Framework, paragraph 83, says 'local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plan (Development Strategy) which set the framework for Green Belt and settlement policy'. The soundness of the Council's policy for changing the boundaries of its Green Belt is accepted when the Council's Development Strategy is approved by a Planning Inspector or the Secretary of State.
- The National Planning Policy Framework, paragraph 87, says 'As with previous Green Belt policy, inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances'. There are many examples of planning applications for housing developments within the Green Belt being refused because they are inappropriate and harm the Green Belt.
- The planning application to develop land west of Bidwell (HRN2) is supported by a 'Statement of Very Special Circumstances'. The Council does not have a policy that explains what very special circumstances justify changing Green Belt boundaries to accommodate a development site. The Council's 'Policy 36: Development within the Green Belt' stipulates a presumption against inappropriate development. It states new buildings are regarded as inappropriate except in very special circumstances. The Policy does not explain what very special circumstances justify building within the Green Belt. The policy is clearly only concerned with permitting small scale development in very special circumstances.
- The proposed HRN2 site is within the Green Belt and the plan is to provide new buildings on this site. Planning permission for the site should be refused on the grounds the development is inappropriate and contrary to the Council's 'Policy 36: Development within the Green Belt'. All development sites are within The Green Belt. Sites 1, 3, 4, and 5 are contiguous. HN2 by itself comprises 1850 houses therefore planning permission for each site should be refused for the same reason as HN2 and because the scale of their cumulative impact is

inappropriate.

- The approval of individual planning applications for Houghton Regis North sites is unwelcome as they represent the incremental implementation of this Strategic Allocation. This allocation together with the Luton North Strategic Allocation means the cumulative economic, environmental, and social impacts of all sites within them and across the remainder of South Central Bedfordshire and Luton are not being properly considered.
- The Council's failure to produce a sound strategy and then pursue a costly application for a Judicial Review despite clear Government advice calls into question the Council's plan making competence and therefore the presumption its Development Strategy is sound and sustainable.

Osbourne House

28/06/15:

- We full support this application.
- No issue regarding the access to the site.
- It should be noted that the Town Council fully supported a previous application on the site for Garden Centre that is in total contradiction of their current stance on the application proposal.
- Question what the land will be used for if it isn't redeveloped.
- The development would be very small in comparison with the Houghton Regis North Site 1 development. However, the application is very important to the overall flow of the HRN1 site. A link through the application site in to urban extension would be of benefit not just to the application site but also to the wider development.
- The applicant has engaged with us throughout the planning process for over 7 years now and our concerns and views have been considered at every stage.
- The proposed green corridor along with the adjoining scrubland/conservation land can be enhanced.
- Ask that you consider the overall benefits that this proposal can/will bring to the current and future residents in the immediate vicinity of the site and the local area.

Windrush

28/06/15:

- My partner and I objected to the first planning application for development of this site and the same objection criteria apply. Such as access and increased traffic flow.
- Whilst this second application shows a decrease in

housing, the proposal is purely a speculative development for personal gain and does nothing to enhance the area, whereas HRN Site 1 will afford the town greater opportunities.

- Major works are presently in operation along Sundon Road and extra traffic movement to and from Windy Willows during its development will impact on an already congested road network and also thereafter.
- The current speed limit is now at 40mph and is it to be expected to revert back to the National Speed Limit once the A5/M1 and Woodside Link completes. It is not yet known how this new road network will benefit this local area.
- Does this application fall within any existing District Development Plan?
- Has the site already applied for change of use from commercial to domestic? It appears that buildings on site are being occupied in this way and need to be investigated.
- Houghton Regis is undergoing great changes and its core infrastructure is still quite fragile and any extra unnecessary development will add to its saturation.

04/08/15:

- I am aware of the reduction of homes on the site, however my original objections are still applicable.
- HRN Site 1/A5 – M1 Link Road and Woodside Link Road developments are severely impacting on the traffic flow of Sundon Road. Any further increase in traffic will not serve the local residents.
- I am not convinced that the application is an acceptable productive use of the site and would not be for the benefit of Houghton Regis.
- It is not yet known how the final transport network capacity will accommodate the projected vehicular movement in the area and its sustainability. Any additional development will compromise the overall positive enhancement of Houghton Regis.

100 Westminster  
Gardens

01/08/15:

- The access plan indicates good visibility onto Sundon Road. Traffic on this road varies, however when it is empty traffic does have a tendency to run very fast. Added to the fact that the Woodside Link is being built, together with an expected reduction in traffic flows, I am happy to support the application on visibility lines.
- I welcome the proposed footpath alongside Sundon Road, together with the much needed cross-over point into the Tithe Farm area.
- The Site Parameter Plan is helpful, however it does not identify the management arrangements for this



site. There is a danger that this could become unsightly if not appropriately managed. CBC's green infrastructure team should be invited to comment.

## Consultations/Publicity responses

CBC Public Protection – 18/06/15:

Pollution

- No objection to the application on the understanding that the land adjacent to the site within the HRN1 development is to predominantly residential and unlikely to be to the detriment of the future occupiers in terms of pollution.

CBC Sustainable Growth

### Comments in relation to previously submitted application

- The Design and Access statement and the Planning Statement do not acknowledge sustainability policies from the emerging Development, such as Policy 47 Sustainable Buildings and Policy 48 Adaptation. These policies set requirements and standards guiding sustainable development in Central Bedfordshire. These policies are supported by paragraphs 56, 93, 95, 97 and 99.
- Policy 47: Sustainable Buildings requires development to source 10% of the energy demand from renewable or low carbon sources as a minimum. It also encourages the development to achieve higher energy efficiency than minimum standards set by the Building Regulations.
- In terms of water efficiency, the development should achieve 110 litres (105 litres for internal use plus 5 litres for external use) per person per day which could be met through installation of water efficient fittings, such as low flow taps and dual flush toilets. This requirement is an equivalent of minimum water standard for the CfSH Level 3/4. I would expect all dwellings within the proposed development to meet this standard.
- Policy 48: Adaptation requires that a new development is designed to minimise risk posed by climate change, e.g. overheating, surface water flooding. Dwellings should be design to prevent summer overheating; e.g. all flats to have double aspect, windows should be fitted with solar controlled glazing or other solar control measures such as brise soleil. Modelling for overheating should be undertaken based on temperatures projected for next 30 years rather than on actual temperatures from past 30 years.
- Three conditions have been requested. These include:
  - 10% energy demand of the development to be secured from renewable sources, this to be

- calculated as built;
- Water efficiency standard to be at 110 litres per person per day;
- Thermal modelling is undertaken and demonstrates that dwellings have no or low risk of overheating taking into account projected climate changes.

Comments in relation to current application - 25/06/15:

- In addition to previous comments, I would like to point out that the Local Policy BE8: Design and Environmental Standards has been acknowledged by the applicants as applicable to the development and yet there are no proposals to address this policy requirement. The policy states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain, and take full advantage of opportunities to use renewable or alternative energy sources. It also requires proposals to demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

CBC Housing  
Development

25/06/15:

- Would expect to see 30% affordable housing or 9 affordable homes of mixed tenures of 63% Affordable Rent and 37% Intermediate Tenure, resulting in 6 units for Affordable Rent and 3 units of Intermediate Tenure/Shared Ownership.
- Affordable housing should be dispersed through the site, integrated with market housing to promote community cohesion and tenure blindness
- Would expect all units to meet the minimum HCA design and quality standards.
- If these comments are applied then I would support the application.

CBC SuDS Engineer

01/07/15:

- Consider that outline planning permission could be granted and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage following an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plan being submitted.
- Two conditions have been requested if the application is approved. These conditions would require details of enhanced Surface Water Drainage Strategy and to require that the SuDS scheme is checked for completion.

Comments in relation to revised information submitted as part of the current application - 10/08/15:

- Further to previous comments, recommend condition to clarify the management and maintenance arrangements for SuDS and details of any temporary drainage and protection of the surface water drainage system throughout construction.

CBC Rights of Way

Comments in relation to previously submitted application - 06/03/15:

- Although no public right of way would be directly affected by the proposed development, there are several in the local area which the new local residents will undoubtedly use.
- It is unfortunate that the submitted transport assessment refers to walking and cycling routes but does not consider the nearby public rights of way in this and the availability of these for pedestrians and cyclists. Public Footpath no. 44 in particular is to become public bridleway as part of the A5-M1 link Side Roads Order and so this would be a cycle route available to these new residents.
- As part of the submission, it is noted that a new footway will be provided to the west of the Windy Willows site into Houghton Regis (along the southern side of Sundon Road) and a crossing of Sundon Road will be provided near to the existing housing. I have some concerns, however, that no footway/cycle route is proposed to the east of the development which would be required to join up with any crossing of Sundon Road provided by the HRN Site 1 scheme. This link to the east would be vital to allow any new residents of the Windy Willows development to link to any crossing and proceed north across the A5-M1 link bridge and into the wider countryside. Simply having the provision of a footway/cycle route on the north side of Sundon Road as suggested by the indicative site layout plan, would in my view simply lead to people crossing Sundon Road from the access road to go east which would be far from satisfactory. They are unlikely to go west to that crossing simply to come back on themselves again eastwards.

Comments in relation to current application - 01/07/15:

- The travel plan does not mention the rights of way network as a sustainable travel/walking and cycling option.
- There is no dedicated cycleway within the immediate vicinity of Sundon Road but there is public bridleway no. 44 to the north of Sundon

Road.

- There no mention of the provision of a footway to the east of the access road to link up to the HRN Site 1 proposals and any crossing of Sundon Road to be provided. My view is that the development should provide a pavement east of the proposed access along the south of Sundon Road within their red line boundary. Alternatively the heads of terms of Section 106 should include a financial contribution to the provision of a pavement in this location.
- The indicative layout plan shows a lack of pavement to the east of the access road and this would mean new residents would have to cross Sundon Road with no crossing point to go eastwards and get to public bridleway no. 44 and other public rights of way and countryside to the north of Sundon Road.

Comments in relation to revised information submitted as part of the current application - 05/08/15:

- See previous comments (dated 01/07/15).
- The need for a pavement/footway to the east along Sundon Road from the junction of the proposed access road with Sundon Road will be key to allow full permeability to the HRN1 facilities and the public rights of way network to the north through the development and beyond the A5-M1 link road. At the very least I believe the applicants for this proposal should provide an eastern pavement within their red line boundary or provide a financial contribution to the Council to provide such a pavement connection at some future date.

CBC Ecology

02/07/15:

- The Ecological Appraisal has assessed potential impact on habitats on species and made recommendations to ensure these are minimised whilst also suggesting enhancements. I would like to see the provision of a condition to produce a Construction Environment Management Plan, which would include the recommendations which this appraisal made as a condition. This will guide the future development procedures to ensure the development delivers a net gain for biodiversity.
- The Design and Access Statement acknowledges that there will be an ecological corridor under the pylons, which is welcomed.
- The existing vegetation in the eastern part of the site has developed to a nectar rich habitat of value for pollinators so a refecation of this species diversity both within the ecological corridor and also in the landscaping around the residential properties would help to demonstrate a net gain for

biodiversity.

Comments in relation to revised information submitted as part of the current application - 04/08/15:

- Would like to see a condition included if the application is approved to secure the recommendations within the Ecological Appraisal.

CBC Integrated  
Transport Team

03/07/15:

- The proposed layout of the site indicates that footway and cycle links would be provided through the residential cul-de-sacs and also potentially through the south east corner of the site. This is acceptable and it should also be noted that the HRN1 masterplan looks to create links through to Parkside Drive via Linmere Walk, adjacent to the educational campus. It is important therefore to safeguard this connection as it will be the most direct link to Houghton Regis Academy without going along Sundon Road.
- Previous discussions around footway and cycle route connectivity had focussed on the lack of footway connecting the site to Houghton Regis and I am pleased to see that this has now been addressed although the proposal is only for a 1.8m wide footway. This also needs to be accompanied by speed limit reductions along this section of road.
- The application also discusses accessibility to public transport and the fact that residents of Windy Willows would be within 8 to 10 minutes walking distance of the services along Sundon Road/Parkside Drive. The Council's policy is for all residents to be within 400 metres walking distance of a bus stop and it is not clear how that would be facilitated until the public strategy for HRN Site 1 is implemented.
- The HRN Site 1 development also proposes a secondary school opposite the proposed site and therefore access to these facilities will be particularly important in the context of this site and a crossing of Sundon Road needs to be secured.
- A travel plan statement has been provided, however given the fact that this application is to be considered against the context of the surrounding development known as HRN Site 1 it is appropriate that the delivery of any smarter choice measures should be in line with those secured for HRN Site 1.

CBC Leisure

06/07/15:

- The facility priority for indoor sports and leisure centre facilities relevant to this development is the Central Bedfordshire Council medium term priority

to provide a replacement for the current Houghton Regis leisure centre.

- A commensurate contribution is sought for provision of a new leisure centre. A contribution of approximately £24,450 is sought.
- The application proposes a LAP play area. This is insufficient for the development. A play area of approx. 540sqm (3 above typologies requirement combined) should be provided with 8 pieces of equipment to cater for 3-12 year olds with a buffer of 10-20m.
- With appropriate design and landscaping, the area under the pylons should provide a mixed use green corridor, providing formal play facilities with associated amenity space, walking and cycling routes as well as informal space delivering biodiversity and ecological benefits
- The D&A Statement (pg 23 4.42) states that it would be inappropriate to locate the play area in the green corridor. The green space provides a good opportunity to provide play facilities on the periphery of the green corridor, integrating formal and informal uses with the choice of appropriate play facilities. This location allows the appropriate buffer area to be achieved.
- No contribution is sought regarding outdoor sporting space.

CBC Education

07/07/15:

- A deficit of secondary school places is expected from September 2017 onwards and the relocation and expansion of Houghton Regis Academy is planned to manage demand for places in the area.
- Using pupil yield multiplied by 2009 DfE cost multiplier identifies that:
  - £261,384.04 would be required as a secondary school contribution towards the relocation and expansion of Houghton Regis Academy.
  - £36,639.96 would go towards early years provision in the area.

CBC Green  
Infrastructure

08/07/15:

- Welcome the principle of a GI corridor linking the GI network across the wider HRN site.
- As the corridor is currently occupied by buildings extensive enhancement would be required to maximise amenity and ecological benefits.
- There is little information provided in the application regarding how to achieve a net GI benefit. It would also take time to develop such a corridor.
- Would like to see the development phased so as to require enhancement and creation of the GI

corridor prior to construction of the residential development.

- The proposals for infiltration are welcomed, however the Drainage Impact Assessment and the Flood Risk Assessment make no reference to the Council's Sustainable Drainage Guidance SPD.
- A surface water drainage strategy should be required by condition and should demonstrate how local policy objectives will be delivered.
- It is noted that the site will use filter drains for surface water management. The use of surface conveyance (swales) should be prioritised. Currently the proposals do not demonstrate why piped conveyance is proposed, as they are not in line with existing policy.

Comments in relation to revised information submitted as part of the current application - 04/08/15:

- The updated parameter plan shows that the open space/green infrastructure corridor does not extend the full width of the area below the electricity pylons.
- The green infrastructure corridor needs to be wider, covering the full width of the pylon corridor, in order to complement the adjacent development proposals, and deliver green infrastructure at the strategic scale necessary to support the wider urban extension.
- Furthermore, much of the corridor is identified as being for 'access'. This appears to be much wider than that required for an access road, and therefore impinges unnecessarily on the extent of the green infrastructure corridor. As identified above, there is a need to maximise the extent of the green infrastructure corridor in order to deliver strategic scale green infrastructure. Therefore, in order not to prejudice this green infrastructure corridor, the area identified as 'access' needs refining and reducing, and the area of the green infrastructure corridor should be increased.

CBC Archaeology

08/07/15:

- The proposed site is known to contain a late Iron Age and Roman settlement, defined as a heritage asset.
- The Iron Age and Roman settlement was first identified from finds of Roman pottery and domestic material and iron slag, suggesting industrial activity made during fieldwalking and small scale trenching. Subsequently, an archaeological field evaluation was undertaken as part of the planning application for the Houghton Regis North 1 development to the east and south of this site. The evaluation comprised geophysical

survey and trial trenching. This identified a series of enclosures and other features including possible trackways and evidence of domestic occupation. Features relating to this Iron Age and Roman settlement extend into the site.

- The application includes a report on an archaeological trial trench evaluation (Heritage Network 2015). The trial trenches were all located at the south eastern end of the proposed development site because of land access issues and layout of the development which locates the houses in that part of the site. The evaluation identified a number of archaeological features within the south eastern part of the site. Pottery found in these features suggests that they are mainly of Late Iron Age to Early Roman date, though a small quantity of Late Bronze Age – Early Iron pottery suggests that there may also be an earlier phase of activity within the site. The character and date of the features found in the evaluation indicate that they represent a north westwards extension of the Iron Age and Roman settlement identified within the Houghton Regis North 1 development site to the south and east. It is likely that further remains relating to the Iron Age and Roman settlement site extend in to the north western part of the site, though this cannot be confirmed as this area has not been subject to trial trenching.
- The evaluation report identifies that groundworks required by construction of the development as being likely to have a destructive impact on the buried archaeological remains.
- Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. While there may have been some truncation of archaeological deposits as a result of later development within the application area; it is now well proven that archaeological deposits can and do survive in good condition in such circumstances
- The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance



understanding of the archaeological heritage assets or protect remains in situ in areas where this is possible such as the play and open space shown on the Indicative Site Layout plan. A condition has been sought in order to secure a written scheme of archaeological resource management.

Comments in relation to revised information submitted as part of the current application - 13/08/15:

- The submitted amendments do not materially alter the impact of the proposed development on archaeological remains, therefore my original comments still apply.

CBC Landscape

09/07/15:

- No objection in principle, however the following points are made.
- The proximity of proposed development in relation to existing trees along the northern and eastern site boundaries appears very tight. Concerns have been raised regarding the impact of development on tree roots, shading of gardens, future inappropriate management of trees. Loss of screening effect of existing landscape structures must be avoided.
- The dwellings to the north west portion of the site would benefit from being set further back from the corridor to enable the planting of trees to assist screening of the pylons.
- The surface water drainage and inclusion of SuDS needs to be described in principle at least; rills, bio retention areas, swales and filter strips, and linked to the proposed landscaping.
- Natural and formal play needs to be accommodated within the green corridor. An indication of landscape character of this corridor within the site needs to be described.
- The layout of the pumping station is not shown.

Comments in relation to revised information submitted as part of the current application - 10/08/15:

- Reiterate previous comments.
- It is unclear which trees or length of trees will be lost around the access. More information is required.

CBC Contaminated Land

09/07/15:

- Two conditions have been suggested if the application is approved.
- These conditions would seek that a Phase 2 investigation report be submitted and approved prior to development and that a validation report is submitted and approved before occupation.

10/07/15:

Comments in relation to previously submitted application.

- The northern, eastern and southern boundary hedgerows, although marked for retention and protection within this scheme, will require considerable pruning to accommodate development. The hedges have a good degree of natural canopy depth and height and offer a diverse range of native species. To accommodate the proposed layout will result in a severe reduction in hedgerow height and width, which has important ecological and landscape implications.
- The hedgerows have been identified in the ecology report as having elevated ecological value, and were noted as being strong wildlife corridors, significant for foraging and transit movement. The hedgerow canopy height and spread offers considerable benefit in this respect. Bats would also use these hedgerows for commuting routes and for foraging. From a landscape perspective, the size of the existing hedgerows are presently in keeping with the scale and proportion of the buildings being proposed, and the severe reduction in height and width would reduce their effective landscape value in relation to this new development, and their ability to soften the large buildings, many of which will be up to three storeys high.
- It is therefore requested that the development imposes less boundary encroachment, by altering the layout accordingly, so as to retain a robust network of hedgerows not requiring any heavy access facilitation pruning, in order to enable a more effective landscape feature in both screening terms, and to provide more sustainable wildlife corridor routes that are fit for purpose.
- Sufficient provision should also be made for internal landscaping, using carefully chosen tree cultivars to break up the lines of the built form, and also the extensive car parking areas serving the high number of homes for this site.

Comments in relation to current application

- The latest site layout in respect of CB/15/02223/OUT places less pressure on the northern and eastern boundary, although there will be branch conflict with the gable ends of various properties on the northern boundary, but the southern hedgerow will still be subject to heavy access facilitation pruning, compromising both the screening and environmental value of the hedgerow.
- If the hedgerow is deemed to have strategic

planning significance, or significant ecological value, then the layout should be adjusted accordingly to place less pressure on boundary planting, and if the Arboricultural Implications Assessment Plan is adjusted accordingly to respond to this concern, then an appropriate condition can be related to it.

CBC Planning Policy

13/07/15:

- The site is located outside of the Houghton Regis North Strategic Allocation.
- The area contains two strategic sites which have recently been approved and one which is due to be considered.
- The withdrawn Joint Core Strategy identified land between A5-M1 to the north of Houghton Regis as a strategic allocation for residential-led mixed use development. Although this plan was withdrawn, it was not because of any disagreement between the joint Councils regarding the site. The emerging Development Strategy reaffirms the Houghton Regis North allocation.
- In the decision-making process for granting planning permission for CB/12/03613 (Site 1), the harm to the green belt and the very special circumstances for allowing development in the Green Belt were discussed at length. It was considered that the harm to the green belt was outweighed by the very special circumstances that existed for the site.
- As the application site is within the Green belt it needs to demonstrate that there will be no harm to the green belt, that very special circumstances exist and that the proposals conform to the adopted Houghton Regis North Framework Plan, which guides the development of the wider allocation.
- The application site is currently a brownfield site which has been used previously as a mixed nursery and landscape contractors as well as storage and car related uses. As the site will be enclosed by Houghton Regis and HRN Site 1 the application site will no longer check the unrestricted sprawl of large built-up areas nor prevent neighbouring towns from merging into one another. Due to the planning permission of HRN Site 1 which is located along the northern boundary of the application site, the application site does not assist in safeguarding the countryside from encroachment.
- The applicant identifies a range of very special circumstances within the application. On their own, these 'special circumstances' hold limited weight but collectively it is considered that together with the application sites location and relationship to

the adjoining Site 1 and Houghton Regis, that very special circumstances may exist which outweighs the harm to the green belt.

- A Framework Plan for the Houghton Regis North Strategic Allocation has been adopted. The application site itself is not covered by the Framework Plan. It is located next to an area indicated for residential and mixed use. Power lines run through the site and as such the layout of the application site has taken this into account in that development is located on the far east of the site, adjoining the proposed development at HRN1. It is considered that although the site is not covered by the Framework Plan it is in general conformity with it and has aligned development on the site to development on the adjoining site.
- In conclusion, it is considered that the proposed development in principle accords with the adopted Framework Plan and contributes to the aims and objectives of this Plan, albeit the proposal does not fall within the Framework Plan. In terms of the application site's very special circumstances it is considered that there may be very special circumstances that outweighs the harm to the green belt to the north of Houghton Regis given the history of the site and the planning permission for Site 1 HRN.

CBC Waste Services

30/07/15:

- Question whether the access road is to be adopted and whether it would be built to adoptable standard allowing for a 26 tonne refuse vehicle to access the site.
- Need to see proposals for turning a refuse vehicle within the site in order to enter in forward gear and exit again in forward gear. This will need to be in the form of vehicle tracking using a 11 metre long vehicle

CBC Highways

25/08/15:

- The Transport Assessment was undertaken for a scheme of 46 residential flats and 7 houses. The scope of the Transport Assessment has been agreed during pre-application discussions.
- Personal Injury accident data for the Transport Assessment's highway network of interest has been obtained for the most recent five year period. This approach is supported.
- Vehicular access from a new created simple priority junction at Sundon Road is supported.
- Vehicular visibility splays in excess of the required 160m can be achieved and as such, the proposed site access is acceptable in this regard.
- A new footway/cycle way linking the site to the

current footway network of Houghton Regis is proposed. The footway width is limited to 1.8m by on site constraints including street furniture including telegraph poles and highway verge level differences. Although considered to be a minimum width for footway provision, linking only to the site, the pedestrian flows are likely to be very low with just 28 arrivals and 30 departures on foot predicted over the course of a day. This is supported.

- The level of traffic expected to utilise the site access during the network peak hours is considered immaterial in traffic engineering terms. The development is not expected to have any material traffic impact upon either the local or strategic local highway network. In line with the above, this office raises no objections to this proposal.

Environment Agency

30/06/15:

- No objection.
- If planning permission is approved then a condition has been requested to submit a scheme for surface water disposal.

Historic England

29/06/15:

- It is not necessary for this application to be notified to Historic England.

Highways England  
(previously Highways  
Agency)

26/06/15:

- Offer no objection.

Bedfordshire Fire &  
Rescue Service

29/06/15:

- Requested that hydrant provision for this development is a requirement at the planning stage under Section 106 of the Planning Act at a cost to the developer.
- The recommended hydrant spacing for dwellings would be 90 metre from the nearest property and then a distance of up to 180 metres apart.

Anglian Water

03/07/15:

- No assets owned (or subject to an adoption agreement) by Anglian Water within the site.
- The site is within the catchment of Dunstable Water Recycling Centre, which will have available capacity for these flows.
- If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will advise the most suitable point of connection.
- The Environment Agency should be consulted regarding the surface water strategy/flood risk. Request that the agreed strategy is conditioned in

the planning approval.

National Grid Assets

19/06/15:

- Confirm receipt of consultation letter.

03/07/15:

- No objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line – ZA.

RPS on behalf of  
National Grid

23/07/15:

- Objects as the application misrepresents the overhead line as a constraint on development. The green corridor should be identified as constraint instead.
- Objects as the illustrative masterplan has failed to mitigate the impact of the retained line and the lattice tower in terms of urban design and proximity to the pylon.
- National Grid requests that the application, if approved, includes protection as such of the HRNFP strategic green infrastructure corridor where it passes through the application site, and unobstructed public access to it. Not to do so risks severing the continuity of the strategic green infrastructure corridor, and risks a reserved matters application for development across it. To protect the strategic green infrastructure corridor could contribute to the 'very special circumstances' justifying development of the remainder of the application site in the Green Belt.
- Landhold Capital has notified National Grid of a proposed claim for injurious affection based on an assumption of developing the whole application site (to include the site of Osborne House) with 92 dwellings. This is not justified by 'very special circumstances', would cause significant and further harm to the already diminished Green Belt and could require National Grid to cause even further harm in the Green Belt contrary to its statutory duties to private, public and environmental interests.
- There is no planning policy reason to prevent development under or near to an overhead power line, provided statutory restrictions are met.
- The Design and Access Statement should make reference to the industry standard guidance on development in proximity to power lines – A Sense of Place.
- Poor urban design as the illustrative layout shows that five properties would directly face a lattice tower.
- The following amendments have been suggested:
  - A parameter plan to show the extent of the

- green corridor and the development area.
- A requirement that the layout is fixed rather than illustrative or an adjustment so that the five houses do not face the lattice tower.
- The introduction in a parameter plan of mitigating landscape between the development area and the lattice tower.
- An addendum to the Design and Access Statement reconciling the illustrative layout with the established principles in 'A Sense of Place'.
- A condition has been suggested to codify these amendments.

Natural England

28/07/15:

- No comments to make regarding this application.

## Determining Issues

The main considerations of the application are;

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy
4. The weight to applied to and compliance with the emerging Development Strategy for Central Bedfordshire
5. Green Belt considerations
6. Relationship to DSCB Policy 60 and to the Houghton Regis (North) Framework Plan
7. Highways considerations
8. Landscape, Green Infrastructure and open space considerations
9. Housing mix and design considerations
10. Other considerations
11. Planning obligations
12. Conclusions

## Considerations

### 1. Compliance with the Adopted Development Plan for the Area

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

1.2 The National Planning Policy Framework sets out this requirement:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood*

*plans, and is a material consideration in planning decisions.” (para. 2)*

1.3 The Framework also states:

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

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

1.5 The formal development plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) (2004), the Minerals and Waste Local Plan (2005), and the Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies (2014).

1.6 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development within the Green Belt. Green Belt is the fundamental land use issue in relation to both the development plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the development plan are addressed below.

1.7 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted site parameter plan it is considered that the proposed residential development is capable of achieving a high quality design at the reserved matters stage. The proposed development would be able to integrate into the surrounding urban expansion area and would be capable of taking account of the need for hard and soft landscaping, as well as amenity space. The application is therefore considered in compliance with Policy BE8.

1.8 Policy T10 identifies the considerations that relate to the provision of car parking within new developments. Revised parking standards are contained within the Central Bedfordshire Design Guide, which was adopted as technical guidance for Development Management purposes in 2014. With this in mind, it is considered that very little weight should be given to Policy T10.

1.9 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.

1.10 Policy H4 was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development



Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes. Therefore this policy is considered to be out-of-date and it is recommended that limited weight is afforded to Policy H4 in respect of occupancy and the indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of qualifying developments, is of greater relevance and the application is assessed in terms of its compliance with this policy below.

- 1.11 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. The standards set out in the Central Bedfordshire Leisure Strategy, which was adopted as technical guidance for Development Management purposes in 2014, supersede previous requirements set within Policies R10 and R11 and the weight to be attached to the standards in Policies R10 and R11 is diminished. The provision of play areas and open space is addressed in Section 8 of this report.
- 1.12 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. The detailed access plan, identifies that footpaths will be provided, linking the site with Houghton Regis. The site parameter plan identifies that the site is capable of providing a Green Infrastructure/open space corridor to the north-west of the site. The specific nature of this area will be developed through detailed reserved matters applications. The application is therefore considered to be compliance with Policy R14.
- 1.13 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. The provision of waste receptacles for all dwellings can be secured through a condition, if the application is approved. The proposed does not therefore conflict with the aims of Policies W4 and WSP5.

## **2. Compliance with the National Planning Policy Framework**

- 2.1 For the reasons set out above, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.
- 2.2 **Building a strong, competitive economy**  
The development of housing and the provision of appropriate infrastructure alongside support for local shops and services and employment relating to the construction of the development contribute to building a vibrant economy for Houghton Regis.
- 2.3 **Promoting sustainable transport**

The application is supported by a Transport Assessment and Travel Plan Statement. The site is well related to the local highway network with convenient access to the M1, Luton and Dunstable by car. The proposal would provide a new footway to Houghton Regis, promoting pedestrian access.

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

The indicative layout plan for the proposed residential development shows a suitable mix of likely housing types. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should demonstrate that an appropriate variety of housing will be provided. It is appropriate to ensure that variety in general market housing is provided for and the reserved matters scheme(s) should reflect the latest available information on such requirements. The proposal would provide for on-site affordable housing at 30% of the total residential provision and this would be secured through Legal Agreement. In relation to this, it is relevant to note that there are no development viability constraints which would prevent full affordable housing provision in this case.

#### **2.5 Requiring good design**

The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level. Aspects of the design proposals and parameters are assessed in more detail below. However, it is considered that the proposed residential development is capable of achieving a high quality design at the reserved matters stage which would relate well to the surrounding area and to the features within the site.

#### **2.6 Promoting healthy communities**

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The level of open space proposed as part of the application is considered appropriate to the scale of the development. The detail regarding suitable play provision can be dealt with by planning condition and addressed at the reserved matters stage. Appropriate financial contributions to offset the impact of the development on facilities and services such as secondary education, early years education and leisure facilities can be secured by Legal Agreement.

#### **2.7 Protecting Green Belt land**

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

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

2.8 Very special circumstances have been submitted as part of this application. The merits of these very special circumstances are addressed in Section 5 of this report.

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

The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. Opportunities for implementation of sustainable design and construction principles and the incorporation of renewable energy sources and low-carbon technologies as part of the development will be need to be considered in the context of subsequent detailed submissions. The site is not located in an area at risk from flooding (located in Flood Zone 1). The application is accompanied by a Flood Risk Assessment which demonstrates that, subject to a condition to secure the approval and implementation of a detailed surface water drainage scheme, the development would not give rise to an increased risk of flooding.

2.10 **Conserving and enhancing the natural environment**

The application was submitted with a Landscape and Visual Appraisal and an Ecological Assessment addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. The proposal would create an area of accessible multi-functional open space at the front of the site, providing opportunities to connect with the wider green infrastructure in the area. The residential development would be predominantly located on an area of vacant grassland. It is considered that the development can deliver a net gain for biodiversity by providing a specific area for open space, which could provide provision for bird/bat nesting opportunities, new native tree planting and suitable habitat enhancements. It is highly unlikely that any of these benefits could be realised without some form of development on this site in order to facilitate this. In balancing policy objectives in relation to the natural environment, it is considered that the proposal is compatible with NPPF principles in this respect.

2.11 **Conserving and enhancing the historic environment**

The application site is not within close proximity to any listed buildings. The site is known to contain a late Iron Age and Roman settlement. The submitted archaeological report contains an evaluation of trial trenching. This evaluation identified a number of archaeological features within the site, suggesting a range of Late Iron Age to Early Roman features, in addition to a small quantity of Late Bronze Age features. Subject to further investigation and recording which can be secured by condition and carried out in connection with the development, the proposal satisfies NPPF requirements with respect to the historic environment.

2.12 As previously stated, Green Belt considerations are dealt with in full in Section 5 of this report. The proposal is considered compliant with all other relevant planning principles and aims under the NPPF.

### **3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy**

3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South

Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the evidence that supported the Joint Core Strategy remains supportive of the growth agenda for the area.

- 3.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application.
- 3.3 The site is not included within any specific development allocation within the Joint Core Strategy, however it is closely related to land within the Houghton Regis North Allocation within the Joint Core Strategy, which would have removed the application site from the Green Belt. The proposal is considered in compliance with the general policy tests of the Joint Core Strategy.
- 3.4 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report.

#### **4. The weight to be applied to and compliance with the emerging Development Strategy for Central Bedfordshire**

- 4.1 The Central Bedfordshire Development Strategy document was submitted to Secretary of State 24 October 2014 and initial hearing sessions were held in February 2015.
- 4.2 On the 16 February 2015 the Planning Inspector, Brian Cook wrote to the Council explaining his view that the Council had not met the Duty to Co-operate as set out in section 33A of the Planning and Compulsory Purchase Act 2004. This is a legal requirement that Local Authorities work cooperatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities and demonstrate this cooperation through the plan-making process. The need to comply with this requirement is distinct from the test of "soundness" i.e. whether the Plan is fit for purpose. Given his view that the Duty to Co-operate had not been met, the Inspector's letter recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final Report.
- 4.3 The Council has subsequently notified the Planning Inspectorate that it does not intend to withdraw the Development Strategy and that the Planning Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector's decision dated 16 February 2015 was made by the Council in the High Court on 12 March 2015.

- 4.4 The first phase of the application for Judicial Review of the Planning Inspectorate's decision took place at a Court hearing on 16 June 2015. This was to consider whether the Court would grant the Council leave to have an application for Judicial Review heard in the High Court. The Judge did not support the Council's case, focusing on the mechanics of the plan making process. Having considered its case, the Council has decided to continue to pursue the challenge through the Courts and has now indicated its intention to do so. On the 22 June 2015 the Council lodged an appeal against this Judgement. The appeal process in relation to the Judge's decision on 16 June 2015 is ongoing.
- 4.5 The Development Strategy for Central Bedfordshire is not adopted policy, but is an important material consideration in the determination of the application and carries the weight as a submitted local plan. Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.6 The site is not included within any specific development allocation within the emerging Development Strategy for Central Bedfordshire, however it is closely related to land within the Houghton Regis North Strategic Allocation within the emerging Development Strategy, which would remove the application site from the Green Belt. The proposal is considered in compliance with the general policy tests of the emerging Development Strategy for Central Bedfordshire.

## **5. Green Belt considerations**

- 5.1 The site is located to the south west of the proposed North Houghton Regis Strategic Allocation, as set out within the emerging Development Strategy for Central Bedfordshire. At the present time, until the Development Strategy is adopted, the land falls within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.
- 5.2 The emerging Development Strategy has been submitted for examination but has not yet been adopted. Government guidance contained within the National Planning Practice Guidance advises that, in the context of the NPPF and the presumption in favour of sustainable development, prematurity is unlikely to justify the refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

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

5.4 The National Planning Policy Framework identifies that the construction of new buildings within the Green Belt should be considered inappropriate within the Green Belt. Paragraph 87 of the National Planning Policy Framework identifies that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

5.5 Paragraph 88 of the National Planning Policy Framework further this point, stating 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.”*

5.6 There is no definition of the meaning of ‘very special circumstances’ but case law has held that the words “very special” are not simply the converse of “commonplace”. The word “special” in the guidance connotes not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes.

5.7 The applicant has submitted a Planning Statement which identifies a range of issues which the applicant considers to constitute very special circumstances in favour of the application proposal. These are as follows:

1. *The adoption of the Luton & South Bedfordshire Core Strategy for development control purposes and the emerging Development Strategy for Central Bedfordshire.*

2. *The Houghton Regis North – Site 1 planning permission.*

3. *Lack of Green Belt impact.*

4. *Redevelopment of a brownfield site and the enhancement of the environment.*

5.8 The report will now consider the merits of each issue considered to merit very special circumstances before considering whether the submitted very special circumstances, when considered together, can be judged to be very special circumstances sufficient to clearly outweigh the harm identified.

**The adoption of the Luton & South Bedfordshire Core Strategy for development control purposes and the emerging Development Strategy for Central Bedfordshire**

5.9 The applicant has identified that, as the site is located within an area of land to be removed from the Green Belt within the Luton & South Bedfordshire

Core Strategy and emerging Development Strategy for Central Bedfordshire, this should warrant very special circumstances. In order to consider this point, one must consider the relevance and weight of the Luton & South Bedfordshire Core Strategy and the emerging Development Strategy for Central Bedfordshire.

- 5.10 As previously stated within Section 3, the L&SCB Joint Core Strategy has been adopted for Development Management purposes, however it does not carry the same degree of weight as the adopted Development Plan. Therefore it is still a material consideration in the assessment of the application.
- 5.11 This document identifies the site as suitable for removal from the Green Belt as the Houghton Regis North Strategic Allocation, located to the north and east of the site, would be allocated to provide a mixed use development of approximately 7,000 dwellings.
- 5.12 The Houghton Regis North Strategic Allocation has been identified within the emerging Development Strategy for Central Bedfordshire, as Policy 60. Once again, as part of this proposed allocation, the application site would be removed from the Green Belt.
- 5.13 The emerging Development Strategy for Central Bedfordshire sets out the current proposed Houghton Regis North Strategic Allocation as a key component of the planned growth strategy for the period until 2031. Given the emerging nature of the Central Bedfordshire Development Strategy, the representations lodged in response to Policy 60 are therefore material to the consideration of the weight to be attached to the Development Strategy at this time. Following the Pre-Submission Consultation (known as Publication) further consultation was held between the 30 June to 26 August 2014. This was the final stage of formal consultation before the plan was submitted to the Secretary of State.
- 5.14 Approximately 1,645 comments on the Development Strategy were received during this consultation; these included both comments in support and objection. The comments considered as main matters can be found within the Main Issues Statement (Regulation 22 (1) (c) (v) – Submission (October 2014)). In summary the objections to the Development Strategy related to the Duty to Co-operate, viability and deliverability of the Development Strategy, consistency with the NPPF, the allocation of sites within the Green Belt and the unmet housing need and insufficient supply of houses.
- 5.15 43 responses were received on Policy 60: Houghton Regis North Strategy Allocation. Of these 43 responses, 7 were in support, 17 were general comments and the remaining 17 were objections. The supporters of Policy 60 were; Woburn Sands and District Society, Axa Real Estate Investments Ltd, David Locke Associates, Houghton Regis Development Consortium, Landhold Capital and Bidwell West Consortium.
- 5.16 The objections related to the viability and deliverability of the allocation, consistency with the NPPF, clarification on details of the allocation, specifically phasing, and the Duty to Co-operate. The objectors included; Paul Newman Homes, Trenport Investment Ltd, O&H Property Ltd, Compton Land Development, Taylor French Development, Harlington Parish Council, Chalgrave Parish Council and private individuals.

- 5.17 In terms of comparison to other Policies in the emerging Development Strategy related to sustainable urban extensions, namely North of Luton (Policy 61), East of Leighton Linlade (Policy 62), Wixams Southern Extension (Policy 63) and Chaulington (Policy 63A). Policy 61 received 60 comments of which 28 were objections and 4 in support. Policy 62 received 23 comments; 10 objecting and 3 in support. Policy 63 received 6 comments; 3 objecting and 2 supporting. Policy 63A received 12 comments; 4 objecting and 2 supporting. The objections received to Policy 60 were less than those received for the other Strategic Allocations (SA) policies in percentage terms, with the exception of Policy 63A. The support and objections for and against Houghton Regis North was therefore in line with the support and objections received for the other SA's.
- 5.18 The objections lodged in response to consultation on the Development Strategy, the Inspector's letter and conclusions regarding the Duty to Cooperate, specifically with Luton Borough Council, and the outcome of the Court hearing of 16 June 2015 serve to limit the weight to be applied to the Development Strategy and Policy 60 at this time.
- 5.19 It is concluded that the weight is to be attached to the policies contained within the emerging Development Strategy at this time is limited. However given the underlying evidence base and consistency with national policy, this remains a material consideration in the determination of the application.

#### **The Houghton Regis North – Site 1 planning permission**

- 5.20 In December 2012 an outline planning application was received for the Houghton Regis North – Site 1 site, located around the northern and western edge of Houghton Regis. This application was granted outline planning permission in June 2014 for up to 5,150 dwellings, employment and retail land and other associated uses. This permission has been upheld in a Court judgement relating to Luton Borough Council's application for Judicial Review. The subsequent appeal against this judgement was dismissed in a further Court judgement dated 20th May 2015. The HRN1 planning permission establishes that Green Belt land north of Houghton Regis can be developed.
- 5.21 The applicant notes that, as the site is located in a similar location to this development, the same principles apply. As such, the applicant considers that it is no longer realistic or logical to consider the application site as an edge of settlement Green Belt site and rather it must be reasonably seen as part of the permitted, expanding urban edge.
- 5.22 Given the context of the site and its relationship to the consented Houghton Regis North – Site 1 development, it is appropriate to consider the application site against the five purposes of including land within Green Belt, within the National Planning Policy Framework. This is detailed in the following section.
- #### **Lack of Green Belt impact**
- 5.23 The applicant has argued that, as the Houghton Regis North - Site 1 application has been approved, the value of the application site as Green Belt has diminished. As such it no longer serves the five purposes of land within the Green Belt.
- 5.24 Paragraph 80 of the National Planning Policy Framework discusses this point



specifically, stating 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”*

5.25 The following paragraphs provide an assessment of the value of the application site against the five purposes within the National Planning Policy Framework.

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

5.26 The site adjoins the Houghton Regis North – Site 1 site, which has been granted outline planning permission. The application site is bounded by the approved site on three sides. The other site boundary adjoins Kingsland Campus, an existing education facility. With this in mind, it is not considered that the development of the application site would result in unrestricted sprawl as it would be enclosed on all sides by the existing developed area and the consented urban expansion area.

*To prevent neighbouring towns merging into one another*

5.27 The site is enveloped by the Houghton Regis North – Site 1 site. The site does not serve any Green Belt function in terms of preventing the merging of neighbouring towns.

*To assist in safeguarding the countryside from encroachment*

5.28 The majority of the site has previously contained various workshops, storage buildings and enclosures, used in connection with a horticultural nursery, landscaping contractors and a car breakers and vehicle storage use. As the land is predominantly previously developed and closely related to the existing developed area of Houghton Regis, the site does not serve any Green Belt function in terms of safeguarding the countryside from encroachment.

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

5.29 The site is not identified as important to the setting or special historic character of Houghton Regis.

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

5.30 The proposal would involve the reuse of land which is predominantly previously developed. As the site measures approximately 1.39 ha in area, the development of the site is unlikely to stifle the regeneration of derelict urban land. This must also be viewed in the context of the wider urban expansion of Houghton Regis, which would have a far more significant impact to urban regeneration of the area.

5.31 With these points in mind, it is considered that it would not serve any of the five the purposes of including land within the Green Belt to resist the development on Green Belt grounds. As such, this point is a key consideration in the case for very special circumstances.

### **Redevelopment of brownfield site/ enhancement of the environment**

- 5.32 The applicant notes that the existing site is previously development, having been used as a mixed nursery and landscape contractors as well as various storage and car related uses. The applicant has stated that the site, as it currently exists, would detract from the wider Houghton Regis North urban extension. It is also identified that the proposed green space would improve the character of the area.
- 5.33 The majority of the site is considered to be previously developed, while the remaining land within the site comprises of vacant grassland associated with these uses. The site contains several containers and buildings which are considered to add little to the amenity of the wider area.
- 5.34 The National Planning Policy Framework identifies in paragraph 89 that the construction of new buildings may be acceptable in exceptional circumstances. This includes:
- “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 5.35 The National Planning Policy Framework provides further support for the redevelopment of previously developed land in Paragraph 111, stating that:
- “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.”*
- 5.36 The site is not considered to be of high environmental value. The site is not considered to positively contribute to the character of the local area due to the existing uses on site and the site’s design and layout.
- 5.37 The proposal would contribute towards a larger green infrastructure/open space corridor, which forms part of the consented urban extension. The development would also provide pedestrian and cycle connectivity through the wider Houghton Regis area. As such, it would support the delivery of the urban extension.
- 5.38 These aspects of the proposal are considered to weigh in favour of the case for very special circumstances.

### **Conclusions**

- 5.39 The proposed 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 any Green Belt harm.
- 5.40 However, the relationship between the site and the large-scale development now consented for HRN Site 1 to the east and north; the previously developed nature of the site and its history; and the substantial body of evidence from work on planning policy documents to date supporting the adjoining mixed use development allocation site, which would remove the application site from

the Green Belt have altered the planning context within which the site sits and weigh substantially in favour of the proposal. The proposed redevelopment would provide a complementary use adjacent to the larger urban expansion area. The development is capable of providing footway/cycle links and public open space as part of a larger green corridor. The development would therefore support the delivery of a larger sustainable urban extension.

- 5.41 Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

## **6. Relationship to the Houghton Regis (North) Framework Plan**

- 6.1 The Houghton Regis (North) Framework Plan sets out the Council's general expectations on how the aims of the urban extension may take physical form and defines a vision for the development of the extension to Houghton Regis.
- 6.2 Whilst the Framework Plan primarily focuses on the area of the Houghton Regis North Strategic Allocation, the Framework Plan does consider adjoining land parcels.
- 6.3 The Houghton Regis Town Council have responded to this application, stating that the proposal fails to adequately respond to the guidance and the provisions within the Framework Plan.
- 6.4 The Framework Plan Diagram identifies that a pedestrian/cycle route should be provided through the site, in a broadly north/south direction. The Framework Plan Diagram does not identify any specific land uses relating to the application site, simply noting the route of an electricity pylon.
- 6.5 The Framework Plan identifies the opportunity for a larger green corridor of open space along the route of the electricity pylons, north and south of the site, to be planned as part of the larger development. The proposal would provide for public open space as part of this green corridor. This is reflected in the land use parameter plan for the application and would be a fixed element of any planning permission. The proposal therefore responds positively to the general land use proposals under the Framework Plan.
- 6.6 The application contains a detailed access plan which identifies the access arrangements, including footways, onto Sundon Road. While the detailed layout is reserved, the indicative site layout plan identifies that access routes can be provided through the site at the south eastern corner and to the north of the site. The applicant does not have ownership of these adjoining parcels of land, however it is considered that the detailed layout can provide opportunities for pedestrian and cycle links.
- 6.7 With these points in mind, the application is considered to be capable of delivering the pedestrian/cycle links envisioned for the area. The proposal would be consistent with the aims of the Houghton Regis (North) Framework Plan.

## **7. Transport and Highways**

- 7.1 The site is currently accessed from Sundon Road, providing an access point in a very similar location to the proposed access point.

- 7.2 The site is within close proximity to two major road infrastructure schemes; the A5-M1 Link Road and the Woodside Link Road. These schemes will have a significant impact in terms of reducing congestion across the wider Houghton Regis and Dunstable area. It must also be noted that the application site directly adjoins the HRN Site 1 application site to the north and east.
- 7.3 Whilst the details of the layout are reserved, the applicant has provided an indicative site layout plan which shows that connections are possible between the application site and the HRN Site 1 development.
- 7.4 Concerns have been raised by Houghton Regis Town Council and an adjoining neighbour regarding the safety of the proposed access and the anticipated increase in traffic. CBC Highways have considered this application and have identified that the access will achieve the required visibility splays to provide for safe access.
- 7.5 It is noted that the Transport Assessment considered the site earlier when 53 residential units were proposed. CBC Highways have considered the scope of the Transport Assessment and have considered this approach acceptable.
- 7.6 As part of the detailed access arrangements the applicant has identified that a 1.8 metre wide footway will be provided on both sides of the access road. As part of the application, the 1.8 metre wide footway would be extended along Sundon Road where it will then provide an uncontrolled crossing with dropped kerbs, tactile paving and bollards. The applicant has not specifically identified whether the footway would be extended along the east of Sundon Road.
- 7.7 CBC Rights of Way have commented on this application, welcoming the provision of a western footway, but requesting that a footway is provided along the east of Sundon Road in order to connect with the Houghton Regis Site 1 development. One must also note that the HRN Site 1 development has yet to produce a site wide masterplan, and so the layout of the HRN Site 1 development is indicative at this moment in time. In order to address this point, a condition has been recommended, if the planning application is approved, to provide details of a scheme of Highways works. If the application site is developed after the HRN Site 1 development has begun construction, then the applicant would be expected to provide an eastern footway link.
- 7.8 CBC Waste Services have raised questions regarding whether the access will be built to adoptable standards and adopted, and whether a refuse vehicle can enter and exit the site. The details regarding adoption of the road have not been detailed at this moment in time. Detailed tracking plans, to identify that refuse vehicles can enter and exit the site, will be provided when the reserved matters application is submitted for the proposed layout.

## **8. Landscape, Green Infrastructure, open space and leisure considerations**

- 8.1 As part of this outline application the applicant has provided a Site Parameter Plan, which identifies the extent of land to be used for open space and green infrastructure.
- 8.2 The Site Parameters Plan identifies that the open space and green infrastructure corridor would be approximately 35.0 metres wide, allowing the

area identified for access to measure approximately 14.0 metres in width. It must be noted that the applicant has sought to balance the need to provide a footway on both sides of the access road with the need to provide open space and green infrastructure. The applicant has also included a narrow buffer between the access road and the land to the north. Whilst the concerns of CBC Green Infrastructure regarding the scale of proposed open space are noted, there are no specific requirements for strategic green infrastructure on this site under the Houghton Regis (North) Framework Plan. Given the number of dwellings proposed, it is considered that the proposed Parameters Plan establishes an appropriate balance between open space, housing development and its access arrangements.

- 8.3 CBC Landscape and CBC Trees have also responded to this application. Although no objections have been raised, clarification has been sought regarding the impact to the northern and southern hedgerow/tree boundaries. Details regarding the landscaping and layout of the proposed development have yet to be provided. These details will be sought at reserved matters stage, if the application is approved. Any such reserved matters submission would need to satisfy suitable relationships between new and retained trees and hedging and built development.
- 8.4 CBC Leisure have considered this application and have identified that a play area of 540 square metres and contributions for local leisure facilities should be provided. Whilst details of landscaping and layout are reserved at this moment in time, the site has sufficient land to accommodate such a play area. Should planning permission be granted, future maintenance arrangements for the proposed open space and play area would need to be secured as a planning obligation.
- 8.5 With these points in mind, the application is considered to be acceptable in terms of landscape, green infrastructure, open space and leisure.

## **9. Housing mix and design considerations**

- 9.1 The detailed design, scale and layout does not form part of the outline application and would be subject to later reserved matters applications in the event that planning permission is granted. The submitted layout plan is indicative and would not form part of the planning permission. Subsequent detailed proposals would need to address the detail within the scheme, and ensure that solutions and measures would be adopted to ensure the consideration of privacy, relationships between dwellings, garden spaces and relationships with access roads, footpaths and public spaces.
- 9.2 However the indicative layout has been considered in relation to the Council's Design Guide in order to satisfy whether the developable area proposed is capable of accommodating up to 30 units within the constrained nature of the site. The proposal has also been considered regarding whether it is capable of achieving a well designed layout having regard to positive placemaking and urban design principles.
- 9.3 An objection has been received from National Grid, identifying concerns regarding the design of the scheme, its relationship to the lattice tower electricity pylon and the lack of reference to the industry standard guidance on development in proximity to power lines, known as "A Sense of Place". As

previously stated, the detailed layout and landscaping of the proposed development do not form part of this outline application. While no specific reference is made to the A Sense of Place guidance within this application, the proposal does address some of the principles within this guidance, such as utilising land beneath power lines. Having considered the Council's Design Guide alongside the A Sense of Place guidance the proposed development is considered acceptable in design terms.

- 9.4 The development would provide on-site affordable housing at 30% of the total residential provision. The provision of affordable housing, including the tenure mix can be secured through Legal Agreement. There are no development viability constraints which would prevent full affordable housing provision in this case.

## 10. Other considerations

### Human Rights

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

### Equality Act 2010

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

### Crime and Disorder Act 1998

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

## 11. Planning obligations

- 11.1 Having regard to the above, various planning obligations would need to be secured by Legal Agreement. Principally, the Legal Agreement would need to achieve the following:
- Provision of **affordable housing** at 30% of the overall residential development and the tenure mix.
  - Establish obligations in respect of **site management** (e.g. by Management Company) including long term management and maintenance arrangements in relation to the proposed play area and areas of open green space, planting and drainage features.
  - Various **financial contributions** in order to offset the impact of the development on various local facilities and services.
- 11.2 The costs of mitigating the impacts associated with the proposed development have been calculated in consultation with relevant spending officers. A full list of financial contributions is set out below:

<b>Service area</b>	<b>Financial contribution</b>
Education – Early Years	£36,639.96
Education – Secondary	£224,744.08
Leisure – Leisure Facility Provision	£24,450

- 11.3 The planning obligations set out above are considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and therefore meet the test for planning obligations as under paragraph 204 of the NPPF and Part 11 of the 2010 CIL Regulations.
- 11.4 The applicant has agreed to meet these costs in full in order to offset the impact of the development on local infrastructure and services in line with DSCB Policy 19 and the Council’s Planning Obligations SPD. There are no development viability constraints which would prevent the necessary planning obligations, including full affordable housing provision, being secured in this case.

## **12. Conclusions**

- 12.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.
- 12.2 However, the relationship between the site and the large-scale development now consented for HRN Site 1 to the east and north; the previously developed nature of the site and its history; and the substantial body of evidence from work on planning policy documents to date supporting the adjoining mixed use development allocation site, which would remove the application site from the Green Belt have altered the planning context within which the site sits and weigh substantially in favour of the proposal. The proposed redevelopment would provide a complementary use adjacent to the larger urban expansion area. The development is capable of providing footway/cycle links, consistent with the aims of the Houghton Regis (North) Framework Plan and public open space as part of a larger green corridor. The development would therefore support the delivery of a larger sustainable urban extension. These factors, taken together, represent very special circumstances to clearly outweigh the Green Belt harm.
- 12.3 Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

## **Recommendation**

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

obligations as summarised in this report and subject to conditions:

## **RECOMMENDED CONDITIONS / REASONS**

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

**Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2015. This information is required prior to commencement of the development as it will provide the detail necessary for this development to be delivered.**

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development shall begin no later than two years from the approval of the final reserved matters.**

**Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 3 No development shall commence until a detailed surface water drainage scheme for the site, with detailed design, management and maintenance plans, has been submitted to and approved in writing by the Local Planning Authority. The detailed design must be based on sustainable principles, the national Non-statutory Technical Standards for Sustainable Drainage Systems and a detailed site-specific assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented prior to first occupation of the development in accordance with the approved details before the development is completed.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 49 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. This condition must be approved prior to construction as the construction of the development prior to the implementation of the surface water drainage scheme may have a detrimental impact upon the surface water drainage of the site and the surrounding area.**

- 4 Prior to the first occupation of the development a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes details regarding improvements to footways/cycleways , including connectivity to establish shared footways/cycleways including to the existing urban area of Houghton Regis to the west. The approved scheme shall then be implemented in full prior to the first occupation**



of the development.

**Reason:** To ensure that the proposed highways improvement works are appropriate and proportional to the mitigation required and are constructed to adequate standard and that public rights of way are protected, enhanced and promoted as part of the development in accordance with Policy R14 of the South Bedfordshire Local Plan Review and Policies 23 and 43 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. These details are required prior to occupation of the development in order to establish sustainable transport routes to the existing settlement.

**5** No development shall commence until the following documents have been submitted to and approved in writing:

(a) A Phase 2 investigation report as recommended by the previously submitted February 2015 Nott Group Desk Study Report.

(b) Remediation Method Statement if the Phase 2 investigation report discovers the need for remediation.

**Reason:** To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 49 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. Details are required prior to commencement of development in order to identify any issues and appropriate mitigation which may impact the construction of the development.

**6** Prior to the first occupation of the development a Validation Report (including photographs and depth measurements) shall be submitted to and approved in writing by the Local Planning Authority. Any unexpected contamination discovered during works should be brought to the Attention of the Local Planning Authority.

**Reason:** To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 49 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. Details are required prior to occupation of the development in order to confirm that any contamination has been appropriately managed and to ensure that further mitigation is not required while residents are present.

**7** No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

a) Construction Activities and Timing;

b) Plant and Equipment, including loading and unloading;

c) Construction traffic routes and points of access/egress to be used by construction vehicles;

- d) Details of site compounds, offices and areas to be used for the storage of materials;**
- e) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- f) Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).**

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

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

**Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 44 of Development Strategy for Central Bedfordshire. These details are required prior to construction of the development as the details will directly influence how the construction is managed.**

- 8** The development shall source 10% of the energy demand from renewable or low carbon sources as a minimum.

**Reason: To ensure that the development achieves high energy standards, to mitigate the impacts of climate change and to deliver sustainable and resource efficient development in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 47 of the emerging Development Strategy for Central Bedfordshire and in accordance with Section 10 of the National Planning Policy Framework.**

- 9** **No development shall commence until a scheme of habitat mitigation, enhancement and conservation measures has been submitted to and approved in writing by the Local Planning Authority. The schemes of habitat mitigation shall be informed by the Ecological Appraisal (June 2015) and shall include:**
- (a) General construction safeguards and measures**
  - (b) Safeguards in respect of roosting bats, hedgehogs and nesting birds**
  - (c) Details of a sensitive lighting scheme**
  - (d) Provision of invertebrate dead wood piles**
  - (e) Provision of bat boxes**
  - (f) Provision of bird boxes**

**The development hereby permitted shall be carried out only in accordance with the approved details.**

**Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire Revised**

**Pre-Submission Version June 2014. These details are required prior to construction of the development as the details will directly influence how the construction is managed.**

- 10 No development shall take place until a written scheme of archaeological resource management; 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: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure the protection and management of archaeological remains in accordance with paragraph 141 of the National Planning Policy Framework. Details are required prior to commencement of development so that the development does not unavoidably affect the heritage assets with archaeological interest before they can be protected and managed.**

- 11 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and agreed in writing by the local planning authority. The receptacles shall be provided before occupation takes place.**

**Reason: To provide sufficient provision for secure and appropriate storage and removal of waste in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the Development Strategy for the emerging Central Bedfordshire Revised Pre-Submission Version June 2014. These details are required prior to occupation of the development in order to guarantee that waste storage and removal can take place when the development is occupied.**

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Project Number: 093992, Drawing No. 15-01 and 15-05 and Drawing No. 1321-01.**

**Reason: To identify the approved plans and to avoid doubt.**

### **Notes to Applicant**

- 1** The applicant must note that the application site has several significant constraints which have an impact upon the future design of the layout and the wider development. The applicant must note that indicative layout's proposed connections through to neighbouring sites to provide sustainable access to the Houghton Regis North Strategic Allocation. Any detailed layout should incorporate this element.
- 2** The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).

- 3 This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
- 4 In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
- 5 Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
- 6 The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
- 7 The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- 8 The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
- 9 The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 10 There is a duty on the applicant to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

## DECISION

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