

Item No. 09

APPLICATION NUMBER	CB/15/04918/REG3
LOCATION	Land at Thorn Turn, Thorn Road, Houghton Regis, Dunstable, LU6 1RT
PROPOSAL	Regulation 3 - OUTLINE APPLICATION: Erection of up to 61,336m of B1, B2 and/or B8 employment development floorspace with associated infrastructure and ancillary works. All matters reserved except means of access from Thorn Road.
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Mrs Goodchild & Kane
CASE OFFICER	Andrew Horner
DATE REGISTERED	22 December 2015
EXPIRY DATE	22 March 2016
APPLICANT	CBC Assets
AGENT	Woods Hardwick Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan Council Application that has attracted objections
RECOMMENDED DECISION	That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to conditions.

Summary of Recommendation

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. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
2. The site is located within an area where the majority of the surrounding Green Belt land, comprising the Houghton Regis North development, already has planning permission for approximately 7,000 new dwellings together with circa 200,000sqm metres of additional development and a new link road between the A5, to the west, and the M1 motorway, to the east, along its northern boundary. The application site already has outline planning permission for a similar form of the development. The current application seeks to increase the allowed maximum floor space following revisions to the flood risk categorisation of the site by the Environment Agency.
3. The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the

Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Full applications for strategic-scale waste development and highways depot have been permitted on the remainder of the allocated site and this caters for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period. There is, therefore, certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can provide for waste management development in addition to the proposed employment development.

4. Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; and the recent planning decisions and other committed development within the HRN area, a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.
5. 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 and national policy contained in the National Planning Policy Framework.

Site Location:

1. The site is located wholly within the designated Green Belt. It comprises a 13.23Ha parcel of predominantly arable farmland and incorporates an existing rifle range facility within its south eastern corner. The land is wholly within the ownership of Central Bedfordshire Council. The land lies north west of the existing settlement boundary of Houghton Regis which forms a major conurbation with the adjoining urban areas of Dunstable and Luton.
2. The site is bordered by the A5 Watling Street to the west and Thorn Road to the north. The southern boundary of the site is defined by the route of the Ouzel Brook water course, which comprises an agricultural drainage ditch with steeply banked sides managed by the Buckingham and River Ouzel Internal Drainage Board (IDB). South of the brook, the application site is adjacent to additional agricultural land at Thorn Turn, also within the Council's ownership, and the existing Anglian Water sewage treatment facility. Agricultural land forming part of the HRN2 (Houghton Regis North 2) development is located immediately east of the site and north of Thorn Road. Existing development associated with Thorn Farm is located north of the site, accessed from Thorn Road.
3. The route of the under construction A5-M1 link road also lies to the north. The link road will form the northern Dunstable bypass between the A5 and the M1 motorway. The link road is due to open in spring 2017. The north western corner of the Thorn Turn land is excluded from the application site to allow for the

creation of a new balancing pond forming part of the drainage scheme associated with the A5-M1 link road where the alignment of Thorn Road is to be altered to create a new round about junction with the A5-M1 north of the application site.

4. To the east of the existing Houghton Regis settlement area, the Woodside link road is under construction to connect the new M1 Junction 11a to Poynters Road, Dunstable and the Woodside Industrial Estate. The Woodside link road is planned to open in Spring 2017 to provide traffic from the industrial estate with an attractive alternative route in order to gain access to the national motorway network and reduce local congestion, for example, within the centre of Dunstable.
5. The site forms part of a low lying, open landscape and is predominantly flat. Following recent reclassification by the environment Agency the majority of the site is considered to be the lowest level of flood risk (zone 1) with only a small area in the south east identified as theoretical flood plain, designated as Flood Zone 2 (medium flood risk). This represents a significant change from the situation when the earlier outline application was determined when a large part of the site was identified as falling in theoretical flood plain, designated as Flood Zones 2 and 3 (medium and high flood risk).
6. There are a number of definitive rights of way within and around the site. Public Bridleway No. 49 traverses the southern edge of the site broadly east-west and diverts north to Thorn Road through the centre of the site. Public Footpath No. 56 also runs along the southern boundary of the site, adjacent to the rifle range. The definitive routes of Public Footpaths A7 and No. 57 are located to the east. To the north of Thorn Road there are a number of north-west routes including Public Footpath Nos. 25, 26, 28 and 30.
7. The site formed part of the North Houghton Regis Strategic Allocation (HRN) that was set out within the, now withdrawn, emerging Development Strategy for Central Bedfordshire, which also proposed that this land be excluded from the Green Belt. The land was part of Site 2 (HRN2) of the proposed allocation.
8. The larger Thorn Turn site is also allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. The HRN2 site has the benefit of outline hybrid planning permission and the land to the south has full permission for a waste facility and highways depot. The current application site already has outline planning permission for employment related development.

The Application:

1. Outline planning permission is sought for B1, B2 and / or B8 (Business/General Industrial/Storage or Distribution) employment development with associated infrastructure and ancillary works. Up to 61,333 sqm of gross internal floorspace is proposed. The application seeks approval of matters relating to means of access. Matters relating to appearance, landscaping, layout and scale are reserved for subsequent approval.
2. The application is a revision to a previously approved scheme (reference CB/15/01928/REG3) granted on 2 October 2015 and seeks to increase the

maximum allowable floor space from 44,700 sqm of gross internal floorspace to 61,333 sqm of gross internal floorspace which represents an increase of 16,633 sqm or 37%. The change is a reflection of the reclassification of the site's flood risk level; employment development is generally acceptable within zone 2 (where as it is not encouraged in zone 3).

3. The increased floor space is the main change to the approved scheme; however, there would be an associated increase in parking and servicing space to serve the additional floor space and the design capacity of the SuDS drainage system has been increased. Whilst these are matters of detail reserved for future consideration they will have an impact on the final overall form of development including the land available for landscaping SuDS drainage and wildlife/biodiversity enhancement.
4. In accordance with the submitted parameter plan, buildings could be constructed to a maximum eaves height of 13 metres above the level of Thorn Road and would be set back from Thorn Road by a minimum of 15 metres.
5. Strategic access to the larger HRN development is to be obtained from the A5-M1 link road and its new Junction 11a with the M1 motorway to the east (the new junction is currently under construction). The application site is to be accessed via Thorn Road which, at its western end, will be realigned as part of the A5-M1 link road roundabout junction with the A5.
6. The planning application proposes a new vehicular access from Thorn Road and a new access road running broadly north south through the centre of the site to provide access to new employment development to the east and west. The proposed access road would also traverse the Ouzel Brook to serve the additional Council land to the south which is subject to separate development proposals as waste transfer and highways depot facilities.
7. The application is supported by illustrative proposals to demonstrate how the appearance, landscaping, layout and scale of the development could be realised through subsequent reserved matters applications. The indicative proposals detail the development of two Use Class B8 warehouse units with ancillary offices within the northern section of the site. The illustrative details indicate that these could provide for 25,780sqm and 35,556sqm gross internal floor area. The existing Ouzel Brook is shown to be retained in its present form with new surface water detention ponds, landscaping, parking and service areas within the southern part of the site. The illustrative plan has been updated following submission of the application.
8. The following documentation has been submitted in support of the application:
 - Topographic site surveys and plans
 - Parameter plan in respect of built height and building set back
 - Illustrative layout plans and site sections
 - Design and Access Statement
 - Planning Supporting Statement
 - Statement of Very Special Circumstances
 - Employment Report and Market Commentary
 - Arboricultural Impact Assessment
 - Site Constraints Plan

9. Additionally the application is supported by a full Environmental Statement (ES), the scope and content of which is broadly consistent with the Council's formal scoping opinion issued on 11 July 2014 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This opinion was issued in respect of the earlier development proposal; however, the issues in respect of this revised scheme are not materially different.

The technical documentation within the ES is set out in the following chapters:

- Introduction and Non Technical Summary
- Process and Methodology
- Site and Surrounding Environment
- Proposed Development
- Planning Policy Context
- Consideration of Alternatives
- Transportation
- Ecology
- Landscape and Visual Impacts
- Land Contamination and Geotechnical Issues
- Heritage and Archaeology
- Water
- Air Quality
- Waste
- Noise and Vibration
- Loss of Agricultural Land and Soils
- Utilities Assessment
- Cumulative Impacts
- Summary and Conclusion

The ES has been comprehensively updated from that which supported the earlier outline application; however, the change in the scale of development has not resulted in materially different assessment and conclusions in respect of many of the chapters.

10. Following initial consultation on the proposal, additional information was submitted in support of the application in March 2015. These are as follows:
- Confirmation that a 9m area is retained for maintenance of the Ouzel Brook
 - Updated Overall Development Plan showing increased indicative area for landscaping and SuDS storage ponds.
 - Detailed response to objections raised in respect of the loss of the existing rifle range.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities
Section 9: Protecting Green Belt land
Section 10: Meeting the challenge of climate change, flooding and coastal change
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies (SBLPR)

Policy SD1: Sustainability Keynote Policy
Policy NE10: Diversifying the Use of Agricultural Land
Policy BE8: Design Considerations
Policy T10: Controlling Parking in New Developments
Policy R14: Protection and Improvement of Recreational Facilities in the Countryside
Policy R15: Retention of Public Rights of Way Network

The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, NE10, BE8, R14 and R15 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

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 WSP2: Strategic Waste Management Sites (relates to adjoining land at Thorn Turn)

Policy WSP5: Including waste management in new built development

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 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)

Central Bedfordshire Council Employment & Economic Study (2012)

Planning History

The following application relates to neighbouring land which also formed part of the proposed North Houghton Regis Strategic Allocation:

CB/12/03613/OUT - Up to 5,150 dwellings (use class C3); up to 202,500 sqm gross of additional development in use classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Outline planning permission (HRN1) dated 02/06/2014.

Luton Borough Council was granted permission to apply for Judicial Review in respect of this decision. However, the claim was dismissed in the Court Judgement dated 19/12/2014. The subsequent appeal against this Judgement was dismissed in a further Court Judgement dated 20/05/2015.

CB/14/003047/OUT - Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of the Bedford Road, Houghton Regis. Outline planning permission (March 2015).

CB/14/03056/FULL - Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure and open space on land east of Bedford Road, Houghton Regis. Full planning permission (March 2015).

CB/15/00297/OUT - Outline 'hybrid' planning application with details of main access routes, primary road network and associated drainage in detail only and layout in outline with details of landscaping, appearance and scale reserved for later determination. Development to comprise: Up to 1,850 residential (C3) dwellings (including affordable housing), 2FE Primary School (D1), employment land (Use Classes B1 [a-c], B2 & B8), local centre comprising retail (A1, A2, A3, A4 & A5) and community/leisure uses (D1 & D2), layout of public open spaces including sports pitches and changing rooms, natural wildlife areas and all associated works and operations including engineering operations and earthworks.

Outline planning permission granted 18 November 2015.

CB/15/01626/MW - Full application for development of a Waste Park comprising waste transfer station, split level household waste recycling centre and resale building, together with new access road from Thorn Road.

Planning permission granted 21 August 2015.

CB/15/01627/MW - Full application for development of a winter maintenance depot (including salt storage barn, outdoor salt mixing area & stabling for gritting vehicles), highways depot (including stores area and vehicle maintenance shed, together with storage for vehicles and spares and vehicles associated with the Council's landscaping function), office block, overnight parking for highways maintenance and transport passenger fleet vehicles, staff car/cycle parking, operational yards, lighting, fencing, drainage, landscaping and new access road from Thorn Road.

Planning permission granted 5 October 2015.

CB/15/01928/REG3 - Outline planning application for up to 44,700m² of B1, B2 and/or B8 employment development floorspace with associated infrastructure and ancillary works. All matters reserved except means of access.

Outline planning permission granted 2 October 2015

Consultation Responses

Houghton Regis Town Council Comments: Object. This is too large an increase in size over the original application (which we did not object to) and will therefore exacerbate the concerns that were expressed on the previous application, which still remain. In addition, it was felt that the increase in hard surfacing will have a further detrimental effect on the wildlife in this area.

Tilsworth Parish Council Have no comment to make on the application.

CBC Sustainable Transport - Travel Plans The structure of the travel plan is acceptable; however the site audit of sustainable travel links is very brief- there is not enough detailed information on what the potential links to the site will be, and what improvements are proposed to increase the attractiveness of walking, cycling and using public transport (namely bus) to access the site. Recommends condition to secure detailed travel plan and ongoing annual monitoring of the outcomes.

CBC Green Infrastructure *Provided the following comments on the original submission*

The proposals as submitted demonstrate inadequate

consideration of how green infrastructure can be enhanced. The design of the sustainable drainage proposals is substandard, and fails to meet CBC's requirements for sustainable drainage set out in its SPD, and in requirements for sustainable drainage in the NPPF.

In comments made on the previous application for this site (CB/15/01928/REG3), the importance of the Ouzel Brook corridor as a strategic green infrastructure corridor was highlighted. The adopted Framework Plan for the North of Houghton Regis urban extension shows the Ouzel Corridor as part of the green network.

Proposals for green infrastructure in this area, particularly in respect of the design of sustainable drainage facilities are inadequate. The design for the attenuation ponds demonstrates a retrograde step from previous proposals. There is no consideration of how the shape, profile or location of these ponds has been designed. Within the section on drainage in the Environmental Statement, the applicant fails to recognise the requirements set out in CBC's sustainable drainage SPD, and there is a corresponding lack of consideration for the holistic design of the drainage system. CBC's local requirements for sustainable drainage, set out in its SPD, require that SuDS replicate natural drainage, enhance biodiversity, focus on multifunctional use, and contribute to place making through their design. The application fails to demonstrate how the drainage proposals meet these requirements, and their uninspiring design gives no indication that any consideration has been given, beyond their basic technical functionality. Conveyance by piped drainage to the attenuation ponds is also contrary to CBC's drainage guidance. The proposals are therefore contrary to CBC's adopted policy, and should be refused until satisfactory amendments are made.

In order to be considered acceptable, the design of the attenuation features within the Ouzel Corridor should be redesigned to complement local character and replicate natural drainage patterns, design the area with a range of permanently, seasonally and infrequently wet habitats, complementing the existing ecological interest in the Ouzel Brook. This should be done in a way that demonstrates that the Ouzel Corridor has been designed as a multifunctional green infrastructure corridor that incorporates the bridleway and surface water attenuation areas within an attractively designed corridor that improves biodiversity, provides an effective landscape buffer and creates an attractive landscape corridor that integrates sustainable water management. This corridor should not be unnecessarily fragmented by high fences. The access routes and attenuation ponds should be designed for safe access. If boundaries are required, they should be designed sensitively and should not fragment the green corridor.

Furthermore, the proposals do not satisfy the requirements for sustainable drainage set out in the NPPF. As a Local Planning Authority, we need to be satisfied that there are clear arrangements in place for ongoing maintenance. Proposals for ongoing management and maintenance set out in the Environmental Statement are unclear - they are based on anticipations and possibilities, with no certainty provided. On this basis, we cannot be satisfied that clear arrangements are in place. The proposal is therefore contrary to national policy and should be refused until such clear arrangements can be demonstrated.

The following comments were provided following receipt of the amended/additional information

Previous comments on this application highlighted the importance of the Ouzel Brook corridor as a strategic green infrastructure corridor, and my concerns that the design of this corridor was inadequate. In comments made on the previous application for this site (CB/15/01928/REG3), the importance of the Ouzel Brook corridor as a strategic green infrastructure corridor was highlighted. The adopted Framework Plan for the North of Houghton Regis urban extension shows the Ouzel Corridor as part of the green network.

The proposals to widen the green corridor on the edge of the site and re-shape the ponds is a positive step.

Corridor width: I remain concerned that the amount of land dedicated to green infrastructure through this corridor is inadequate. The IDB tends to require between 8-10m alongside any watercourse, and bridleways should be 4m. This means that the minimum corridor width suggested of 10m is inadequate, and should be 15m at a minimum. This still leaves little space for landscape treatment that does not conflict with the IDB's need to access the watercourse for maintenance without impinging on the bridleway. The width of the corridor should therefore be increased, in order to be considered acceptable.

Drainage pond design: The re-shaping of the ponds is a positive proposal. However, in order for them to be acceptable, further information about the design of the drainage ponds replicate natural drainage, enhance biodiversity, focus on multifunctional use, and contribute to place making through their design. This would be required in order to meet the local requirements set out in the Council's Sustainable Drainage SPD. Sections of the ponds would be required to evaluate this. Further detail on the edge treatment of the ponds would also be required - the ponds should be designed for safe access, and should not require fencing to manage access.

The applicant has not demonstrated clear arrangements for ongoing maintenance, and this concern still remains critical.

Under national policy, we must be satisfied that satisfied that there are clear arrangements in place for ongoing maintenance. No further information has been provided in this regard, and the proposals for ongoing management and maintenance set out in the Environmental Statement are unclear - they are based on anticipations and possibilities, with no certainty provided. On this basis, we cannot be satisfied that clear arrangements are in place. The proposal is therefore contrary to national policy and should be refused until such clear arrangements can be demonstrated.

CBC Landscape

I have serious concerns regarding the visual impact of the proposed development on surrounding rural landscapes, subsequent impact on their landscape character quality, and the impact of such large development on views and amenity of existing residents at Chalk Hill and future residents associated with Bidwell West / HRN 2) urban extension which was approved in outline in November 2015.

I reiterate my comments made regarding the previous application CB/15/01928/OUT which was of a reduced scale compared to the current outline application which is 50% larger in area than previous.

Landscape setting:

The application site forms a key feature in the future ' gateway' to HRN2 and Dunstable forming part of the new urban edge and interface with the wider rural landscapes to the north, south and west of HRN2. The application site and development area associated with HRN2 sits within the Eaton Bray Clay Vale with HRN2 extending onto the Houghton Regis-North Luton Rolling Chalk Farmland. The elevated Totternhoe Chalk Escarpment forms the elevated horizon / landscape backdrop to the south / southwest offering clear views across the Rolling Chalk Farmland and Clay Vale to the Toddington-Hockliffe Clay Hills to the north and reciprocal views.

The visual sensitivity of the Totternhoe Chalk Escarpment is assessed in the South Beds LCA as having high sensitivity including:

- Providing a landscape setting to the clay vale beyond and a backdrop to views from these areas.
- Open skies and long range panoramic rural views sensitive to large scale changes within adjacent lower lying landscapes.

The Toddington-Hockliffe Clay Hills to the north are assessed as having moderate to high visual sensitivity to change. The S. Beds LCA describes the sensitivity of views from the clay hills across the clay vales to the chalk escarpments to the south and highlights future development may change the rural character of views particularly views to the south.

Urban setting:

The application site forms part of the wider development associated with Bidwell West (CB/15/00295/OUT), the master plan of which describes future employment, residential and school development to the north and east of the application site but at a much finer grain and smaller scale in terms of built form compared to the application site / proposed large units.

The integration of the two very large building masses within the finer grain and character of future adjoining development is of serious concern. This transition is not described in the application as far as I could see but needs to be explored further via photomontages and street sections to gain an understanding of the change and mitigation needs.

The proposed large units will sit against the backdrop of the Totternhoe escarpment and development area allocated in the Bidwell West outline approval for future residential development and which will look down on to the employment area, application site and large units. The key area of POS as part of the Bidwell West development is located on rising ground leading up to the Totternhoe escarpment and associated ridge which will offer extensive views for recreation users across future development and on to the rural northern clay hills.

Views from elevated viewpoints including those from future residential development and recreation sites need to be assessed in greater detail and photomontages provided describing the proposed development within the setting of these views.

The Ouzel corridor offers exciting opportunity to enhance the green corridor setting for wildlife and connectivity for recreation and the wider countryside. The Ouzel corridor to the southern site boundaries also offers opportunity to introduce extensive landscape mitigation that would assist in mitigating the large units.

The space allocated along the Ouzel corridor needs to be more significant in terms of scale to ensure an attractive and ecologically viable green corridor and structural landscape feature. Visual impact of change: The location of the application site, in forming part of a new urban edge, and principle in outline for two large 'sheds', is of serious concern in terms of visual impact especially from sensitive views from the northern clay hills and the southern chalk escarpment. The visual impact on future residents and users of POS associated with Bidwell West and Houghton Regis Chalk Quarry looking down on to the proposed development is also of real concern.

The design and finish of the large units and how the development is integrated within the landscape and urban

setting will require careful design consideration, it may be that a standard design of units and standard cladding system, as shown as example, will not provide the quality of design and finish required for and this key development site and highly visible, two very large mass development. Treatment of roofscapes is of serious concern given the elevated views down on to the application site and development.

☒The LVIA provides views showing extent of development but there are no photomontages or rendered images showing the proposed development at least in 'block' form - or potential landscape mitigation; this is necessary and must be provided to enable understanding of the scale of the proposed development, landscape mitigation and relationship with the wider site settings. Photomontages are required describing views on to development from elevated viewpoints particularly from the southern chalk escarpment describing views on to roof scapes and mitigation.

To minimise the wider impact of the large units I recommend: Development associated with this outline application and the other related CBC sites at Thorn Turn be set within a substantial landscape framework including extensive tree planting within and beyond the sites boundaries (including the CBC site area to the east of Chalk Hill Farm). This landscape framework will need to be linked in terms of character to existing landscape structures adjoining the application site, which may require management and additional new planting, and linked to landscaping proposals for the A5-M1 Link / A5 roundabout junctions. Any proposed landscaping must be in keeping with and enhancing local landscape / planting characters.

Development to Site B be set further back from Thorn Road to enable a wider landscape buffer to be included along the northern site boundary to increase opportunity for landscape mitigation of views from the residential development parcel to the north of the application site and assist in integrating the large units within the future entry point , 'gateway' to the Bidwell West residential area, new community centre and school. Sections describing this interface with adjoining development sites would be appreciated.

☒Offset of any development (built form and /or parking areas) must be at least 15ms from the red line site boundary to ensure adequate space is included to enable treed/ woodland belts / large tree species can be accommodated to assist in mitigating 12m high units.

Visual 'deconstruction' of elevations needs to be explored further to provided an indication of how the units can be integrated more sympathetically possibly employing relief in elevations to create shadows, colours and textures to visually break up facades and which relate to the scale, form, texture and colour of future adjoining residential units, e.g. linked to roof

top textures, pitches and gables could be explored further and example provided.

☐ The rooflines and roofs as an elevation when seen from elevated views from the north and south need to be considered in a similar 'deconstructed' manner; this may include staggered roof lines to reduce the impact of development against the rising landscape to the south / south east, Different surface treatments of roofscapes should be pursued - the inclusion of green roofs, at least in parts of the roof elevations, needs to be considered further using texture and tones to visually break up mass, whilst utilising all the other sustainable attributes of green/ brown roofs.

Evidence of exploring green and brown roofs, in parts at least, needs to be provided.

At a finer grain:

The current proposals for SuDS in terms of landscape design are not acceptable, a range of habitats must be integrated within the design and including wet woodland.

The applications sites should include far more planting / tree planting within sites and associated with SuDS - swales, filter strips around the sites and linked to attenuation areas that include different profiles and planting. The site context within the Ouzel corridor provides perfect opportunity to link SuDS with wet woodland creation with local landscape and habitat enhancement.

The Ouzel corridor, including the bridle way, offers exciting opportunity to create a significant landscape / treed buffer linked to strategic landscape mitigation of the application site and enhancement of the Ouzel corridor itself with bridle way running through.

Sections describing the proposed interface at the site boundary with the Ouzel corridor are required, indicating offset of the site boundary from the brook and bridle way, character of landscaping and boundary treatments - it may be that additional space is required for landscape mitigation to screen views to development from the Ouzel corridor.

CBC Leisure

The Leisure Strategy does not include an assessment of rifle ranges/shooting, nor does it make recommendation for future provision. Subsequent to the Sport England objection, Leisure would expect the loss of any sporting space/facility to development to be mitigated by the provision of equal or better facilities/space within a reasonable distance of the original facility.

CBC Sustainable Growth

Provided the following comments on the original submission and the additional/amended plans

Policy BE8 acknowledged as applicable to the development, however requirement of taking full advantage of opportunities to

use renewable or alternative energy sources is missed out. The development, due to its large roof provides opportunity to utilise the roof for large PV installation.

Government's policy on renewables, set out in the Solar PV Strategy (2014), makes it clear that the future intention is for national policy to encourage greater use large roofs space for PV installations as opposed to solar farm developments taking up agricultural land.

Although the Council's renewable energy policy is technology neutral I will strongly encouraged that the proposed buildings are at least PV ready allowing future occupants to install PV panels. In addition, energy needs of potential occupants should be analysed to make provisions for best suited renewable technologies to be installed now by the developer or in the future by the occupants.

In addition, the Viability Study undertaken by the Council to underpin the viability of policies within the withdrawn Development Strategy showed that achieving BREEAM excellent is cost neutral as buildings with higher sustainability standard achieve premium market values for resell and rent. It is disappointing that going beyond regulatory requirements have not been considered.

CBC Ecology

Provided the following comments on the original submission and the additional/amended plans

The existing permission for 44,700sqm of non-residential floorspace was accepted in ecological terms as the main loss of habitat was to be arable land with the majority of hedgerows and trees to be retained and the value of the Ouzel Brook was acknowledged. However, the current application calls for a significant increase in floorspace to over 61,000sqm. This has been facilitated by utilising the existing shooting ground which was previously excluded from the built footprint. I understand that the layout is indicative but I am concerned that if issues aren't addressed at the outline stage it may be hard to amend once reserved matters come in.

Treatment of the natural boundaries of the site needs to be improved, the original 15m landscape buffer to the east has been reduced to a 10m buffer and the loss of the shooting ground will result in a large number of mature trees, scrub and grassland being removed from site and the subsequent compression of the southern boundary / Ouzel Brook buffer to accommodate the large warehouse and balancing pond. SUDS on site are purely for attenuation and show no evidence of multi-functionality at all. More consideration needs to be given to the layout of the scheme to demonstrate its ability to retain the important dark corridor along the Ouzel.

The planning statement says in 2.6 that the increase in floorspace '..will not result in the need to consider any further environmental impacts that were not already considered'. The ES itself states in 9.10.1 that 'due to the lack of detailed protected species information at this stage and the outline nature of the planning application no attempt has been made to evaluate the nature conservation value of species groups present within the application site.'

Para. 165 of the NPPF states 'Planning policies and decisions should be based on up-to-date information about the natural environment... this should include an assessment of existing and potential components of ecological networks.'. However the ES reports that 'Once the full scope of the development is known in detail, including proposed lighting plans and the areas of hedgerow habitat to be lost..' surveys will be required, this to me seems as though the development is guiding mitigation rather than it being informed by biodiversity on site, hence the mitigation hierarchy is not being followed. Para 118 of the NPPF states if '..harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'. The ES acknowledges that suitable habitats exist on site for reptiles, nesting birds, bats, water voles, otters, dormice and badgers. Regardless of whether this application is outline or not I cannot support it without adequate information to inform the decision.

Provided the following further comments on the additional/amended plans

Of the information submitted with this re-consultation I note the concern regarding the inclusion of the shooting range in the application development area. My previous comments raised the issue of insufficient ecological information for this area of the site provided to adequately inform a planning decision. As the presence of a protected species is a material consideration my earlier comments still remain.

CBC Countryside Access

There are no contributions sought for Countryside Access from this development.

CBC Rights of Way

Provided the following comments on the original submission and the additional/amended plans

I note that this is a fresh application to increase the development floorspace following additional advice from the Environment Agency regarding flood zones. I note there are no major changes to the proposals for Public Bridleway no. 49 within the new application and so I have no objections. I do, however, have the following comments and I would be grateful if these could be noted and taken into account:-

Proposed Bridleway Diversion

Since the original outline application, I have been asked by CBC Assets to process a public path diversion application to move the legal route of public bridleway no. 49 slightly in two locations. These are to accommodate a new permanent culvert over the Ouzel Brook for the proposed access road and a slight change at the Thorn Road end following a road safety audit for the road. There will also need to be the creation of a short section of new footpath or bridleway to link bridleway 49 back up with footpath no. 57 to the south of the Ouzel Brook. This will keep secure the proposed footpath and cycleway connection west-east to and from the Bidwell West development.

The diversion application is currently in its informal consultation stage which takes 6 weeks. Then the Council decides whether a diversion order should be made and a further 6 weeks of formal consultations take place with notices posted on site. If no objections are received, the Council can confirm the diversion order if it wishes. If objections are received, however, the Council cannot confirm any diversion order itself and must refer it to the Planning Inspectorate for determination. I have already informed the planning agent Woods Hardwick about the proposed diversion proposals. I will keep all parties fully informed as to progress. Plans will need to be updated within any further application for the employment site, however, to reflect the proposed changes to the route of the public bridleway in these two locations to ensure the bridleway and footpath link remain unobstructed/unaffected.

Width of Public Bridleway and Green Corridors

It will still be vitally important within any subsequent application to define the exact width of the bridleway as this is not clear from the submitted site sections. I note that this application includes reference to a 10 metre wide eastern landscape boundary for the proposed Bidwell West school so I would argue that there should be a 10 metre landscape corridor for the bridleway also. Future cross sections will need to show clearly the bridleway width and the detail of any swales, fencing and new landscaping/planting for mitigation (environmental/hedge loss) within the green corridors the bridleway will run through. There needs to be a good width for the bridleway and planting should not be sited in such a way that it would encroach upon the bridleway long-term. The latter will simply create an unnecessary maintenance burden upon the Council so good design of the green corridors will be important.

I feel there is some confusion within the application documents regarding the existing hedge which currently lies alongside the public bridleway and whether this is to be removed or remain - my understanding of the documents is that perhaps it is intended to be a partial removal/partial retention? This, I feel, needs to be

made clearer within any subsequent application. As parts of the existing hedge will be removed, the phasing of new planting will be important, particularly if the public bridleway is to remain open and useable during construction and early operation whilst parts of the site are still being developed.

Finally, I would also again argue for the surfacing of the bridleway to protect it as an important sustainable transport and recreational resource long-term. Ideally surfacing material should be sensitive to horses but suitable for cycling and walking - perhaps a part grass/part surfaced route to suit all users.

Fencing (and tree protection fencing)

The current application refers in brief to fencing to segregate bridleway users. Details will need to be provided at any further stage as to how high such fencing will be and of what type to ensure the bridleway's amenity through the site is not compromised.

It must be ensured that no tree protection fencing is installed which would affect the public bridleway and its use.

Road crossings

Increasing the floorspace of the development by adding the rifle range area does not seem to have a major impact on the public bridleway but Plot B obviously now shows 2 vehicle access points into Plot B with the new southern access road being proposed to a service area and therefore presumably to be used by HGVs. This increases the crossing points for the public bridleway to 2, 3 if the main site access road to the waste and highways depots is included. This increase in crossing points and potentially HGV traffic/lorry movements affecting the bridleway increases the argument for proper, well designed bridleway crossings of all access roads at the Thorn Turn site. I would reiterate that not only does the bridleway form an existing public right of way, there are long-term aspirations for it to become a strategic link east and north for horse-riders and east, west and north to link to footway and cycle provision provided as part of the Bidwell West development. It's potential, if properly surfaced and easy to use, to form a sustainable transport/travel link for some employees of the new employment areas at Thorn Turn and north of Thorn Road long-term should also not be underestimated. We would welcome further discussions about road crossings of the various site roads at Thorn Turn and would hope to see suggestions included in any subsequent application. Also their consideration included in any future Road Safety audit.

These are additional, updated comments to those I made to the original (already granted) outline application and I would hope to see both sets of comments considered when any subsequent

application for the employment site is taken forward.

Provided the following further comments on the additional/amended plans

I note that the documents mainly relate to the matter of the rifle range and these do not cause any new impacts for the public rights of way. I note in the covering letter the reference to the width of the Ouzel Brook corridor and this is welcome. I would reiterate, however, my previous comments with regard to the bridleway diversion and that any future plans should accurately reflect the bridleway diversion proposals plan (attached) provided by CBC Assets. I would also reiterate my view that all green corridors within which the bridleway sits should ideally be a minimum of 10 metres, with consideration given to surfacing to provide a sustainable transport and long-term leisure route with adequate safe crossings of all roads.

CBC Trees and Landscape

Provided the following comments on the original submission and the additional/amended plans

I have examined the plans and documents associated with this application, in particular the "Arboricultural Impact Assessment" dated December 2015, and the "Tree Protection Plans" (Dwgs No's 5134801-ATK-CD-ZZ-DR-2-001 and 5134801-ATK-CD-ZZ-DR-2-002 - Rev. P2), as prepared by Atkins.

It should be recognised that this is a preliminary report being made at outline stage, proposing preliminary management recommendations and mitigation measures., e.g. it is stated that the retained trees "may require access facilitation pruning" and that the location of protective barriers, which have not been indicated on the Tree Protection Plans, "will need to be detailed once construction methodologies are readily known".

Therefore, the document is subject to a further site specific "Arboricultural Method Statement" being made, and also the production of detailed "Tree Protection Plans", as it is noted that the two "Tree Protection Plans" currently submitted are actually little more than "Tree Constraints Plans", as there has been no reference to any tree protection measures. Such a plan is still essential however, as it should be used as a final design tool, to enable the architect to have an informed opinion of the above and below ground constraints presented by trees, along with their quality rating.

However, even at a preliminary stage, it should be recognised that this development will inevitably have a significant adverse impact on trees and hedging, and that the scheme will involve the removal of 50 No. BS Category "B" trees, 16 No Category "C" trees, and 315 linear metres of hedgerow, representing a substantial loss of landscape amenity and biodiversity. Replanting areas are being shown on the "Tree Protection

Plans", but nevertheless must accommodate a comprehensive and robust replanting scheme if it is to compensate for the detrimental impact on the local environment.

It is therefore strongly recommended that the designer requires particular adherence to the tree constraints outlined in the "Tree Protection Plans", when finalising the detailed scheme, and that tree and hedging loss is kept to an absolute minimum. The imposition of a condition requiring a site specific "Arboricultural Method Statement", and the production of detailed "Tree Protection Plans" should therefore be made

A standard landscape planting condition should also be imposed in order to secure the necessary mitigation for the unavoidable loss of trees, shrubs and hedging.

Provided the following further comments on the additional/amended plans

Further to my previous consultation response sent to you on the 19th January 2016, I have now examined the amendments to this application, and wish to state that I have no further comments to make.

CBC Sustainable
Drainage

Any changes to the proposal including increased built footprint, must be accounted for in a revised drainage strategy.

This must include the impact of any changes which would influence the flood risk from or to the site, including increased rate of run off or attenuation capacity requirements, with proposed mitigation of this.

We therefore require an updated drainage statement taking into account the changes proposed with the latest development submission.

CBC Archaeology

The northern part of the site is within the area identified as Thorn Green (HER 12242) the site of a former village green that is associated with the medieval settlement of Thorn (HER 16088). These are heritage assets with archaeological interest as defined by the National Planning Policy Framework (NPPF).

There is also extensive evidence for a rich archaeological landscape in the surrounding area. To the south, at the former Puddlehill Quarry, evidence for occupation, including burial and funerary remains dating from the Neolithic to Roman periods was found during a series of excavations (HER 687). Archaeological investigations in advance of the construction of the A5 - M1 Link Road to the north of Thorn Road produced evidence of Iron Age and Roman settlement and field systems (HER 18290) and later prehistoric and Roman occupation and funerary activity and late Saxon structures (HER 16541). The surrounding area contains extensive evidence of prehistoric and

Roman occupation. Additional investigation to the south of Thorn Road on the northern boundary of the proposed development site including a pit alignment, probably of later Bronze Age or Iron Age date, and a series of linear features all on north west - south east alignment all of which extend into the proposed development site. Other known sites include Neolithic pits found near Sewell (HER 3110) and two Iron Age occupation sites also near Sewell (HER 14581 and HER 15141) to the south west of the development site. To the west of the site surface finds indicate the existence of an Iron Age and Roman occupation (HER 16179). Watling Street (HER 5508), one of the major arterial routes of the Roman period, running between London and the north west of the province forms the western boundary of the proposed development site. Saxon occupation in the form of sunken floored buildings has also been found at Sewell (HER 12147). An archaeological field evaluation undertaken on the Bidwell West development site (largely to the east of this proposed development site) has also identified a number of sites and features of later prehistoric, Roman and later date.

The proposed development site is within the setting of a number of Scheduled Monuments, designated heritage assets of the highest importance (NPPF). These include Thorn Spring Moated Site (HER 140 and Heritage List Number 1013519, Maiden Bower Iron Age hillfort (HER 666 and Heritage List Number 1015593), Totternhoe Knolls motte and bailey castle (HER 533 and Heritage List Number 1020772).

An archaeological field evaluation of the proposed development site, comprising geophysical survey and trial trenching was undertaken in 2012 (Albion Archaeology 2012). The evaluation identified field systems of Roman and medieval date and extensive colluvial deposits dating to the Roman period towards the south of the site; archaeological features were identified beneath the colluvium and pre-date it, a number of undated features were also found. The archaeological remains that have so far been identified within the proposed development site form part of a wider contemporary landscape and their significance is, in part, derived from and enhanced by their relationship to the wider archaeological landscape.

The Environmental Statement accompanying the application contains a chapter (12) on Heritage Assets which deals with designated and non-designated heritage assets with archaeological interest. This is supported by a Heritage Statement (Albion Archaeology 2015) and reports of a geophysical survey (Stratascan 2012) and trial trench evaluation (Albion Archaeology 2012) contained in Appendix 12. The baseline information on archaeology is derived from a desk-based assessment and the results of the 2012 archaeological field evaluation, this is an acceptable approach to identifying baseline information on archaeology. The archaeological potential of the proposed development site is summarised in

Table 12.5 of the Environmental Statement and Table 1 of the Heritage Statement. It is concluded that there is high potential for the proposed development site to contain archaeological remains of the prehistoric, Roman and medieval periods with low potential for the Saxon, post-medieval and modern periods. The significance of the heritage assets with archaeological interest is also identified in Table 1 of the Heritage Statement, which suggests that remains of prehistoric to Saxon periods would be of low-moderate significance and those of later periods would be of low significance. Given the wider landscape context of the site any archaeological remains the site contains will contribute to a wider understanding of how human use of the landscape and environment evolved and changed through time and should, therefore, be considered to be of regional (high-moderate) significance. It is also acknowledged (Environmental Statement 12.4.17) that there is a "residual risk" that other sub-surface archaeological deposits may exist within the site; this risk is clearly demonstrated by the recent discovery of a later prehistoric pit alignment which will extend into the proposed development site.

The Environmental Statement (12.6.1) and Heritage Statement (4.2) identify groundworks required by construction works for the proposed development as having the potential to cause a significant adverse impact on any heritage assets that survive within the proposed development site. It is suggested that the impact of the proposal on archaeological remains within the proposed development site can be mitigated by a programme of archaeological investigation (12.8.2).

Designated heritage assets, including the Scheduled Monuments at Thorn Spring, Maiden Bower and Totternhoe Knolls are also discussed in the Environmental Statement and Heritage Statement. Historic England's guidance on the setting of heritage assets (Historic Environment Good Practice Advice in Planning Note 3, March 2015) says that the setting of a heritage asset is the surrounding in which the asset is experienced and is not fixed. It is, therefore, not possible to assign an arbitrary setting envelope around the site. This is particularly important for designated assets along the crest of the Chilterns (Maiden Bower and Totternhoe Knolls) which are located in prominent and strategic positions so that they command and indeed dominate the surrounding landscape. The setting of these monuments is very extensive, encompassing a wide tract of landscape particularly to the north of the ridge.

It is concluded that the setting of the Thorn Spring moated site is restricted to the surrounding woodland and that the contribution of the wider landscape, to significance of the monument is limited or neutral and as the proposed development is located c.400m south west of Thorn Spring it will have no impact on the setting of the designated heritage asset. It also suggested that the wider landscape setting of Thorn Spring has already been

compromised by existing and permitted development. The breadth and extent of the setting of Maiden Bower hillfort is identified as is the contribution the Monument's commanding position and strategic location within the landscape makes to its significance. It is recognised that the proposed development will intrude into the setting of Maiden Bower but will only have a negligible impact on the setting of neutral to slight significance. The strategic location of Totternhoe Knolls is recognised as is its dominant relationship over the surrounding area. It is acknowledged that the Monument's setting makes a major, positive contribution to the significance of the Monument. Although it is accepted that the proposed development will have a minor negative impact on the Monument's setting this is described as being of neutral to slight significance.

As this is an outline application there are no details of the proposed buildings, particularly their size and finish other than the proposed floor area. The only information on their height is in the Design and Access Statement which gives an indicative height of 13m to the eaves, though no indication of the height to the ridge line or highest point of the buildings. The proposed development site is in a prominent location which will be widely visible in the landscape and less well screened from the chalk scarp than the land further to the south. Without details of the size and massing of the building and their finishes, which will only become apparent when reserved matters applications are submitted, I am not able to assess the impact of the proposed development on the setting of designated heritage assets or make definitive comments on this aspect of the proposed development. At an indicative height of at least 13m the proposed buildings would be higher than most of the other buildings proposed for land to the south, only the Highways Depot salt dome at approximately 23m would be higher and this structure is set further back and better screened by the A5 cutting. I would certainly not wish to see any buildings with a maximum height greater than 13m. If the building height is restricted to 13m and adequate landscaping created to provide screening for the development it is likely that, although the proposed development will intrude into the settings of the three identified Scheduled Monuments but the impact is likely to be restricted and not amount to harm or substantial harm to the significance of the designated heritage assets. It will be important to ensure that the details of the development that come forward at the reserved matters stage do not exceed the parameters described in this application and any landscaping proposals provide adequate screening of the development to minimise the impact on the setting of designated heritage assets.

The proposed development site has been shown to contain archaeological remains of Roman and medieval date, it also has the potential to contain as yet unidentified archaeological features and deposits; any archaeological sites and features the

site contains will relate to a wider identified archaeological landscape known to exist in the area. 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 (CLG 2012). 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. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works. Recommends that this is secured by condition.

CBC Public
Protection

The application provides limited detail as the final uses and design remain unknown at this stage.

However, the final design and use(s) of such buildings can vary significantly and therefore the impact can also significantly differ. Experience suggests that such uses may generate significant noise, such as from plant operations and 24hr deliveries and possibly light pollution: the site because of the proposed neighbouring developments is likely to have constraints.

Conditions can be applied to address the issue on the basis that any impacts will be quantified by the developer through detailed studies in terms of noise prior to the commencement of the development.

In terms of air quality this is unlikely to have any adverse environmental impacts. With regards to odour impacting on the proposed uses from the sewage works, the site lies outside an area previously defined as likely to be susceptible to unacceptable odours.

Given that this application is similar in nature to 15/01928 then I ask that the conditions specified in that permission are imposed on this application, namely:

- Condition 4 - CEMP
- Condition 7 - Contaminated land
- Condition 13 - Noise
- Condition 14 - Noise

CBC Public
Protection -
Contaminated Land

Due to the history of the site and the findings of the submitted letter report please attach conditions to any Permission granted in respect of assessment of investigation and remediation of

contamination in respect of the rifle range site.

Environment Agency We have no objection to this application.

Please consult the IDB on this application.

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Bedfordshire and
River Ivel Internal
Drainage Board

On the basis that the proposed surface water discharge is to be restricted to the agreed rate of 3 litres per second per developed hectare for development up to and including 1 in 100 years plus climate change, the proposal is acceptable.

Anglian Water

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Dunstable Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

We request a condition requiring a drainage strategy covering

the issue(s) to be agreed.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that an informative be included within your Notice should permission be granted.

London Luton Airport Operations Ltd. The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, London Luton Airport Operations Ltd. has no safeguarding objection to the proposal.

Wildlife Trust We commented on the previous application on this site in our letter dated 8th June 2015. After looking at the current application in conjunction with the surrounding developments (the adjacent waste park, highways depot, the M1-A5 link road and Bidwell West) we would like to make the following comments. These particularly relate to the Management Plan for the Ouzel Brook which will be developed (ES 9.11.5) should this proposal be granted permission.

To allow animals to move between the remaining habitats patches and the greenspaces proposed in the surrounding developments, it is important that the Ouzel Brook corridor and hedgerows around the site remain free from disturbance. This will include sensitive lighting of the site, with the brook, hedgerows and tree lines left dark for bats and other animals to commute along and forage. This may be done by only using lights during operational hours and using directional lighting. The results from the bat surveys, which the Environmental Statement states are to be conducted, should be used to inform the lighting plan.

Given the proximity of this proposal to the Waste Park (CB/15/01626/MW) south of the Ouzel Brook it would be of great benefit to local wildlife if the landscaping plans of these two developments were advanced together. The Waste Park plans shows native planting for wildlife of the south side of the brook and this application includes soft landscaping features on the north. If these soft landscaping features could include native planting and sympathetic management it would widen the Ouzel Brook corridor and maximise the biodiversity benefits.

The adjacent Dunstable Sewage Treatment Works is known to support a "large number of notable bird species" and yet no bird survey has been carried out to determine the extent these notable species use the application site which could better inform the mitigation plans of this development. Given that further species surveys are required, bird surveys would also be recommended at this site.

Natural England

SSSI No objection - no conditions requested

This application is in close proximity to Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- ☐ local sites (biodiversity and geodiversity)
- ☐ local landscape character
- ☐ local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the

developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details.

Biodiversity Mitigation and Enhancements

We note that the application does not appear to include any proposals for habitat creation with the Overall Development Plan simply identifying soft landscaped areas. Although this is an outline application it would be beneficial to show consideration for opportunities to enhance the environment. The proposals offer significant opportunities for biodiversity enhancement and any planning approval should ensure these are realised through the use of suitably worded conditions. In particular the southern part of the site adjacent to the Ouzel Brook should be an area where enhancements are sought including species rich grassland, ecologically designed attenuation ponds and potentially areas of woodland. This would strengthen an existing habitat corridor and compliment the ecological mitigation on the south side of the brook proposed as part of the waste and highways depot proposals. Conditions should include a Biodiversity Management Plan to include the design, creation and long term management of habitats within the application site.

This advice is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

National Grid

Advise that they have equipment in the vicinity of the site but do not raise any objection to the planning application.

Sport England

Provided the following comments on the original submission and the additional/amended plans

The Proposal and Assessment against Sport England's Objectives and the NPPF

The proposal is for an employment development that would result in the loss of the Bedfordshire Smallbore Shooting Association's (BSSA) shooting range known as the Thorn Range. This is a revised scheme following planning permission (Ref: CB/15/01928/REG3) being granted in 2015 for an employment development on the site which retained the Thorn Range. There are no proposals for replacing the shooting range

and the documents submitted with the planning application have made limited reference to the loss of the range and have not assessed the impact of the loss of the facility against national or local planning policy which would have been expected.

Sport England would only consider the loss of the shooting range to be justified if it could be satisfactorily demonstrated that the facility is surplus to requirements based on a thorough needs assessment or if the facility was replaced with a facility in a suitable location that is equivalent or better in terms of quantity and quality. Without this, the proposal would be considered to be contrary to NPPF policy (paragraph 74) as well as Sport England's above policy objective (Objective 1).

The Thorn Range has been established on the site since 1976 and its facilities have been improved over the years so that it can now offer shooting of small-bore rifle three positional (at distances of 50 yards, 50 metres and 100yards) with 48 firing points, lightweight sport rifle, air rifle and air pistol shooting on a dedicated 4 firing point indoor range (at 10 metres), black powder rifle & pistol and an outside airgun range for the shooting of iron plate action shooting. The BSSA is affiliated to the National Small-bore Rifle Association (NSBA), the national governing body for small-bore shooting in the UK, which is part of the umbrella shooting governing body, British Shooting. The range has over 500 members, has 3 shooting clubs based at the site and is open 7 days a week throughout the year and is used extensively every weeknight as well as use at weekends.

The range is considered to be of strategic and local importance for the sport of shooting for the following reasons:

- The size of the range and its suitability for a number of shooting disciplines allows the facility to attract a large number and variety of users from beginners to international shooters which allows it to be of strategic importance for the sport as well as sustaining the operation of the facility;
- The BSSA runs open shooting competitions throughout the year which attracts shooters from across the UK;
- The indoor airgun range caters for disabled shooters, with visually impaired shooters in particular being able to shoot on what is the only facility suitable for such use in the region. The facility is also used by the Dunstable and District Disabled Group;
- The range is used as a training facility for shooters of all abilities, including the Bedfordshire County Team and the Eastern Regional squad. An international shooter also uses the facility for training and the range has hosted trials for the Great Britain team (for the Pershing Match - a major competition with the USA which is held every 4 years).
- There is no other comparable facility in the area. There are no other shooting ranges in the Dunstable/Houghton Regis

area and the NSBA have advised that the closest range with comparable facilities is in Northamptonshire.

- British Shooting and the NSBA have confirmed that the range is of strategic importance for the sport and its loss would have adverse implications for the sport as alternative ranges are unlikely to have the capacity or suitability for accommodating displaced users plus participants based in the local area may be discouraged from continuing the sport if there is no local range in the area that they can access.

Due to the summary of the use of the range outlined above, it is not considered that it would be possible to satisfactorily demonstrate that Thorn Range is surplus to requirements. The only acceptable solution would be to amend the planning application to retain the range or to make provision as part of the planning application to relocate the range to an alternative site.

Conclusion

Sport England considers that the application conflicts with Objective 1 of its planning objectives in that it would result in the loss of a sports facility that is both of strategic and local importance. While no needs assessment has been prepared to support the planning application to demonstrate that the shooting range is surplus to requirements it is not considered that such an assessment would be able to satisfactorily demonstrate this in any case due to the considerations outlined above. As well as conflicting with our planning objective the proposal would also be contrary to Government policy in paragraph 74 of the NPPF.

In light of the above and the lack of evidence of any exceptional circumstances Sport England objects to the application. I can also advise that the governing bodies, British Shooting and the NSBA, also object to the application.

I would be prepared to review this position if the planning application was amended to retain the shooting range (including ancillary facilities and vehicular access). Alternatively, the only other solution which would be acceptable in principle would be for the shooting range to be relocated to a suitable alternative site and for the development to fund and deliver a replacement facility which is equivalent or better to the Thorn Range facility in terms of quantity and quality. Such a solution would need to be discussed and progressed by the applicant in consultation with the BSSA and if a suitable site could be identified, a planning application for a replacement facility would need to be submitted and approved. Any planning permission for the current planning application would then need to be secure the delivery of the replacement facility through a planning obligation i.e. section 106 agreement. It would not be acceptable to permit the application subject to a planning obligation or condition requiring

the shooting range to be relocated without a suitable site first being identified which has planning permission. Due to the nature of a shooting range, finding a suitable alternative site may be challenging and therefore certainty is required that such an alternative exists which can be implemented in practice as a requirement of planning permission.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date and the publication of any agenda(s) and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Provided the following further comments on the additional/amended plans

The amendments partly relate to the applicant's explanation of the proposed loss of the BSSA shooting range which was not included in the original planning application documents. I have considered the explanation and associated documents and would make the following comments:

- Reference is made to the Houghton Regis North Framework Plan not making provision for the retention of the rifle range. However, this plan is a 'Framework Plan' and provides a strategic framework rather than definitive site allocations and associated detailed site development guidance. The land uses shown on the plan's diagram are indicative and the document itself does not go into any detail on the development requirements of each site within the plan area. The document is silent on the rifle range and therefore does not provide a policy steer on whether it was intended that the range be protected or lost without mitigation. It would not be expected that a strategic framework document of this nature would go into detail on site specific issues on each site within the plan area as this would be dealt with through a planning application where matters such as the potential loss of the range would be considered against Government planning policy including paragraph 74 of the NPPF. Consequently, it is not considered that the plan establishes the principle of development on the rifle range or that this was the purpose of the document. Furthermore, the base map for this plan does not identify the range so it is unclear whether the range was accounted for when the plan was prepared. As the applicant acknowledges, the framework plan does not have the status of a SPD and is not part of the development plan so no weight should be given to it in terms of informing whether it establishes the principle of developing the range for alternative uses.
- Reference is made to adopted Minerals & Waste Local Plan:

Strategic Sites and Policies (2014) identifying the entirety of the development site for waste recovery uses. While the plan does identify a large area around Thorn Turn for waste recovery uses including the site of the rifle range this does not mean that the rifle range is specifically allocated for waste recovery uses and that it would be acceptable to lose the range without mitigation. Like the Houghton Regis North Framework Plan, the Thorn Turn allocation is silent on the rifle range and therefore does not provide a policy steer on whether it was intended that the range be protected or lost without mitigation. A strategic document such as this plan would not be expected to go into site specific requirements in such detail and issues relating to the impact on existing uses would be dealt with through the determination of planning applications. The waste recovery facility that the broad Thorn Turn allocation was made for has now been implemented and therefore it was not intended that the entirety of the allocation be safeguarded only for waste recovery uses or that the principle of displacing all existing uses on the site was established through the allocation. If this was the case, the permitted employment development adjoining the rifle range would have been contrary to the Minerals & Waste Local Plan as this is not a waste recovery use. Furthermore, there have been no waste recovery planning permissions directly on the site of the rifle range in accordance with this plan which have established the principle of developing the range for waste recovery uses. Neither the minerals and waste local plan or the Houghton Regis North Framework Plan would therefore provide clear evidence that it "is reasonable to conclude that it was not envisaged that the rifle range would remain in its current location in the longer term" as suggested by the applicant.

- It is suggested that the 2015 planning permission for the business development and other planning permissions for development on adjoining sites question the appropriateness of retaining the rifle range. These planning permissions are not considered relevant as none of them have permitted development on the site of the rifle range even where the red line incorporated the range. They all retained the range and development was not proposed on it because of the flood zone restriction that applied when this application was being considered. While it is acknowledged that the permitted employment and residential/school developments may not be ideal neighbouring uses for a rifle range, permissions for these adjoin development do not affect the current lawful planning use of the site as a rifle range or establish the principle of redeveloping it. These matters would be relevant if a new rifle range was proposed adjoining existing residential/ employment/school uses but not in reverse. It should be noted that the existence of the rifle range did not prevent these schemes securing planning permission so the

compatibility with proposed adjoining uses should not be used as a reason to justify the principle of losing the range without mitigation. In this regard, the Bidwell West planning application for instance acknowledged the existence of the Rifle Range and confirmed that the safety or the operation of the range would not present any issues for the co-existence of the uses proposed in this development. It is also challenged that the rifle range operated discretely as it advertised on various websites and the terms of the BSSA's lease prevented signs being erected.

- It is implied that the applicant's objective in relation to the future of the rifle range (as expressed in the committee report for the previous planning application) is a relevant consideration. However, this is not considered relevant as the previous planning application retained the rifle range with no proposals for redeveloping it at the time and therefore the applicant's previously expressed objective would not have been of relevance when determining the previous planning application and would not have any planning policy status for the determination of the current application. The same would apply in relation to the status of previous discussions between the applicant and the BSSA. In this regard, the BSSA have confirmed to Sport England that in the informal discussions that have taken place between the BSSA and the Council since 2013 about a new lease that the applicant's intention to redevelop the range for employment uses was not discussed. The BSSA have also confirmed that they had not expressed a desire to relocate due to concerns about compatibility with the proposed adjoining uses. Furthermore, as noted in the committee report, if the Council did not renew the lease to the BSSA and took vacant possession of the range, the relocation of the range would need to be facilitated elsewhere which is consistent with Sport England's advice.
- It is suggested in the explanation that Sport England have sought a condition/obligation requiring a suitable alternative site to be found to address our objection. However, our advice on this matter has been misunderstood. We did not seek a condition/obligation requiring an unidentified alternative site to be found because this, as the applicant sets out, would not accord with the NPPF or the CIL Regulations in terms of meeting the relevant tests due to the lack of certainty that a suitable site could be found. What we sought was for an identified site to be found (and planning permission secured for it) before the current planning application is determined in order to provide the necessary certainty that a planning condition/obligation covering the relocation of the rifle range could be delivered in practice in accordance with the relevant tests.
- The applicant's suggestion that the Council would investigate

whether there are any suitable sites within the Council's landholdings for relocating the range is welcomed and would be considered a positive step forwards to addressing our objection to the application. However, this is just a statement of intent and does not offer any mitigation that can be secured through a planning permission.

In conclusion, in the context of the above comments, I would wish to advise that our position on the planning application remains as set out in our previous response dated 19th February 2016 i.e. an objection is made to the application in its current form. The BSSA have advised that their position also remains unchanged.

National Air Traffic
Services Ltd

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Highways England

Offer no objection.

CPRE Bedfordshire

Note that they raised objection to the previous application but their arguments did not prevail and do not consider that the revised plans materially increase the level of adverse landscape impact.

An objection is, however, raised on grounds of flood risk. Concern is expressed at the downgrading of the site's flood risk. It is suggested that the climate change factors applied in the assessment of the site underestimate the potential impact of climate change. It is stated that further work is needed to validate the assessment of likely impact of climate change on flood risk.

Chilterns
Conservation Board

Chilterns Conservation Board are aware that this site is identified in the CBC Houghton Regis North Framework Plan as a part of the strategic urban expansion of Houghton Regis. This is the

subject of a previous planning consent - this one altering the floor space configuration and comprises a total of 13.23 ha and to be taken out of GB. The application is accompanied by a comprehensive LVIA within the Environmental Statement, which concludes that there is relatively little inter-visibility between this site (to N of AONB) and AONB itself which lies to the S and E.

The application forms part of one half of two strategic urban extensions that have identified Houghton Regis and forms part of Site 2, the smaller of the two sites and with site 1 granted planning permission in June 2014. We understand that the Secretary of State has determined that this need not be called in on Green Belt grounds. Clearly at outline stage we would not expect any detailed design but a decision in principle. Looking to the future and any conditions proposed at outline approval CCB would seek design / visual impact conditions to ensure that the future impact of roof design is mitigated by, for example, use of sedum roofs and careful regard to the wider visual impacts of development on the wider rural setting, which includes the relationship to the protected landscape to the south of the development area.

Other Representations

Bedfordshire Smallbore Shooting Association (BSSA) have written as the lessee and occupier of the existing Thorn Turn Range raising objection on the following grounds:

The change to the planning application appears to arise as a result of the formal designation of the functional flood plain being amended by the Environmental Agency for the land north of Ouzel Brook.

If the application is granted it is likely to have a major impact on the land currently used as an international shooting Range by many of the residents of Bedfordshire and surrounding areas

Bedfordshire Smallbore Shooting Association (BSSA) has been using land rented from Central Beds Council (CBC) since 1976. The shooting range was created to increase the sport facility to the residents of Bedfordshire and beyond. Although the range was

Predominately created as a .22 small-bore shooting range it has developed to encompass many other shooting disciplines which it is now able to offer to the wider community.

It is used every week day evening and most weekends by local clubs who have memberships in excess of 500 Target shooting members.

It is used by all persons regardless of gender race or disability for all shooting aspects and indeed of the many clubs using Thorn Ranges, one is the Dunstable and District

Disabled Group (DADDS) whose members use the facility regularly. It is used by visually impaired persons using specialist equipment.

It also hosts a large number of open shoots to which shooters from all around the country attend.

It has been the choice venue for the trials for the Great Britain Shooting Team in trials for the Pershing Trophy which is shot against America every 5 years. It is also used by a GB international shooter for training on a regular basis.

The decision by the Environmental Agency is both baffling and most disappointing

If the current application is passed it is very likely to mean the range will have to close.

The shooting ground, in very wet weather is under water and the local rivers and ditches become full to overflowing. Indeed just recently the contractors works compound for the new relief road (which is opposite the range) flooded and needed urgent drainage channels dug to clear excess water.

Historical evidence shows that the range and surrounding area was formed into a flood plain to assisting storm water discharge. This is proven on occasions when the range area floods and the field is under 150mm of water.

The positioning of the shooting Range was originally chosen as it was in the former green belt area and whilst this area has now been extended to the new Bypass road location the flood plan issue as far as we are concerned still remains.

This situation doesn't affect the use of the range as it is an outdoor sport and shooting has continued readily over the past 30 years despite flooding.

Objection and opposition is on grounds that it is considered that the Environmental Agency are Wholly wrong in coming to the decision to take the land north of Ouzel Brook out of the designated flood plain

If the application is granted it will have the effect of giving rise to a major sporting venue being closed down with the resultant loss to the community. That in turn we believe will be disastrous to the local economy and the reputation of Central Bedfordshire Council

Representations have been received from the following rifle/shooting clubs and organisations:

- Basildon Rifle and Pistol Club
- Ex-Waterlow Rifle Club
- Luton and Dunstable Air Rifle Club
- Bury St Edmunds Small Bore Rifle Club
- Bedford Rifle Club
- Phoenix Rifle Club
- The Gogs Rifle Club, Cambridge
- Bucks County Rifle Association
- Bedford Rifle Club
- Suffolk County Rifle Association

- Iron Plate Action Shooting Association
- Naval cadet Corps
- Vauxhall Target Rifle Section
- National Rifle Association Range Conducting Officer

Which raise the following objections and issues:

- BSSA have been using the site since 1976
- The shooting range was created to increase the sport facility to the residents of Bedfordshire and beyond
- The facility was created for .22 smallbore shooting but has expanded to encompass many other shooting disciplines
- The range is used by all individuals regardless of gender, race, age or disability
- Many clubs use the facility including Dunstable and District Disabled Group
- The range is used by visually impaired persons using special equipment
- The facility holds many open shoots
- The facility has been used for Great Britain Shooting Team Trials
- A GB international shooter regularly uses the range for training
- The decision of the EA is baffling and most disappointing and is likely to mean that the range will have to close
- In very wet weather the shooting ground is under water
- Local rivers and ditches become full to overflowing
- A nearby contractors compound flooded and required urgent action to clear excess water
- The area around the range was historically formed into flood plain to assist storm water discharge.
- The position of the range was chosen as it was in Green Belt land.
- Flooding does not impact on use of the range with use continuing for over 30 years
- The EA assessment of flood risk is incorrect
- If permitted the application will result in a major sporting venue being closed with resultant loss to the community
- There will be a disastrous impact on the local economy
- Clubs have a wide range of members of all ages
- There is an indoor 30m range and outdoor 90m range
- Clubs (other than BSSA) use the facilities on a weekly basis
- The facility supports an extensive range of social activities open to family members of shooters
- The range only occupies a small area of land
- There are no other facilities of a similar scale or quality in the surrounding area
- Smallbore rifle clubs were promoted by the Government in the early 20th century
- The range should be protected for the future of shooting in Bedfordshire
- The range provides an important part of personal development for users, including members of the Naval Cadet Corps

35 Representations have been received from individual shooters and rifle/shooting club members:

Which raise the following objections and issues:

- BSSA have been using the site since 1976

- The shooting range was created to increase the sport facility to the residents of Bedfordshire and beyond
- The facility was created for .22 smallbore shooting but has expanded to encompass many other shooting disciplines
- The range is used by all individuals regardless of gender, race, age or disability
- Many clubs use the facility including Dunstable and District Disabled Group
- The range is used by visually impaired persons using special equipment
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- The decision of the EA is baffling and most disappointing and is likely to mean that the range will have to close
- In very wet weather the shooting ground is under water
- Local rivers and ditches become full to overflowing
- A nearby contractors compound flooded and required urgent action to clear excess water
- The area around the range was historically formed into flood plain to assist storm water discharge.
- The position of the range was chosen as it was in Green Belt land.
- Flooding does not impact on use of the range with using continuing for over 30 years
- The EA assessment of flood risk is incorrect
- If permitted the application will result in a major sporting venue being closed with resultant loss to the community
- There will be a disastrous impact on the local economy
- There are better locations for employment development than the application site
- Alternative facilities are both smaller and further away
- Thorn range is unique to the area as a facility that can support 40 shooters at the same time
- Membership of existing clubs is full so there would be no capacity to accept displaced members of the BSSA
- Loss of the range is contrary to the Council's Leisure strategy and planning policies
- The range is not surplus to requirements
- The design of the development should be reviewed to safeguard the range
- The existing range is well run
- The range is an important part of the community
- The local authority cannot keep taking from the community and must put something back
- The facility should be relocated to an alternative Council owned site

One letter has been received from a resident of Chalk Hill raising objection on the following grounds:

I would like to highlight the risk to pedestrians and cyclists on the Chalk Cutting. Following a serious incident on Saturday 30th January 2016. There was a RTA involving a cyclist and lorry causing the chalk cutting to be closed for quite some time. The cycle path and pedestrian path is not fit for purpose, the extra traffic caused by these developments in the area is only going to increase the risk level considerably.

I would like to raise an objection to the above application. I have made a formal complaint regarding all of the proposed development at the Thorn Turn. It is my opinion that there has been a complete misinterpretation of the area.

Please see the section 'assault on the green belt' regarding CBC's proposal on the following link

<http://www.chilternsociety.org.uk/nchilterns.php>

The landform of the Chalk Hill escarpment forms a 'dramatic' visual backcloth to the area, particularly as one approaches Dunstable from the north.

What is proposed will seriously damage and detract from this important landscape feature, by inflicting alongside it a scar of industrial buildings of unacceptable prominence, from both short and longer distance viewpoints.

- Inappropriate in the vicinity of a settlement washed over by the greenbelt. Settlement hierarchy.
- Suitable brownsite options available. (e.g. Brewers Hill Rd, Eco mould)
- Loss of openness and character to the area
- Loss of public amenity and views from areas such as the Chiltern Way, Icknield Way and SSSI
- Health and Safety including use for storage near a proposed Waste Park and Highways depot including fuel and asbestos storage.(fire risk)
- Risk of pollution to the Wetland and surface water. Toxic run off.
- Area in flood zone 3
- There has been no evidence of need or shortage of industrial units or offices no example of very special circumstance.
- A glut of industrial units currently available in Bedfordshire.
- No exceptional circumstance that warrants industrial units and office space in the green belt.
- Loss of prime agricultural land and Chalk Grassland, loss of habitat for protected and rare species.
- Road Safety (collision blackspot) path and cycle path on the chalk cutting not fit for purpose.
- Industrial buildings out of scale to the current character of Chalk Hill settlement.
- Atkins misinterpretation in their site assessments.
- Development strategy withdrawn
- Lack of response to objections from CPRE, Chiltern Society, Wildlife Trust
- Area not removed from the green belt.
- Proposed site of units obstructing the migrating bird route, risk of bird strike.
- The inspectors report states he was 'disregarding its location in the Southern Bedfordshire Green Belt'.

Determining Issues

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

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

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The Green Belt considerations
4. Environmental Impact Assessment: Issues arising and their mitigation
 - a. Transportation
 - b. Ecology
 - c. Landscape and Visual Impacts
 - d. Land Contamination and Geotechnical Issues
 - e. Heritage and Archaeology
 - f. Water
 - g. Air Quality
 - h. Waste
 - i. Noise and Vibration
 - j. Loss of Agricultural Land and Soils
 - k. Utilities Assessment
 - l. Cumulative Impacts
 - m. Other Issues
5. Issues
 - a. Transport and highways
 - b. Design considerations
 - c. Loss of existing rifle range facility
6. The Requirement for Planning Conditions
7. Conclusion

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 the starting point for decision making.

*Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place." (para. 12)*

- 1.4 Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.
- 1.5 The formal Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014).
- 1.6 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.
- 1.7 Policy NE10 sets out the Council's adopted policy in respect of the change of use of agricultural land which will be considered favourably provided the development is appropriate to the rural area, compatible with Green Belt Policies, has no adverse impact on nature conservation or protected areas, does not result in the loss of the best and most versatile agricultural land and has no significant adverse impact on the transport network or landscape. Having regard to the detailed assessments set out below, it is considered that the proposal would not have an unacceptable impact on the transport network or landscape and local character. The proposal has the potential to support the broader biodiversity aspirations for the wider area and enhance the ecological interest and long term conservation management of the Ouzel Brook corridor subject to suitable mitigation measures to address the ecological impacts arising. The development would conflict with current Green Belt policy. The proposal would result in the loss of 10.23Ha of agricultural land categorised as Sub Grades 2 and 3 (good and very good quality). In these respects the proposal would be in conflict with SBLPR Policy NE10. This conflict must be considered in the context of the wider benefits arising from the development which are addressed in depth within the assessment of very special circumstances in support of the proposal as set out below.
- 1.8 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted parameter plans, the potential for structural landscaped elements including an attractive green corridor proposal for the Ouzel Brook corridor, it is considered that the proposed development is capable of achieving an acceptable design proposal through subsequent detailed planning stages. The application is therefore considered in compliance with Policy BE8.

- 1.9 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 1.10 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. Policy R15 seeks the retention of the existing public rights of way. These policies are directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing Public Bridleway No.49 and the wider rights of way network of which it forms a part. The proposal provides opportunities for enhancements to the route of the bridleway and suitable crossing points at roads within and adjoining the site. These can be secured by planning condition. The proposal therefore complies with the requirements of Policy R14 and Policy R15.
- 1.11 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. A detailed waste management scheme for the site can be secured by condition.
- 1.12 Under Policy WSP2 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan, land at Thorn Turn, including the application site and land south of the Ouzel Brook, is allocated for waste management uses. Previously, the BEaR Project was established in 2009 set up to deliver a range of long term waste services for Central Bedfordshire. The primary aim of the project was to provide a facility to divert waste from landfill and support the following long term services.
- Residual Waste Treatment & Disposal Service (25 year term);
 - Organic Waste Treatment & Disposal Service (15 year term);
 - Household Waste Recycling Centre (HWRC) Redevelopment and Operation (15 year term); and
 - The Construction of one Salt Barn
- 1.13 In August 2014, the Council's Executive considered an update report on the future of waste management provision, which recognised that there was still a requirement for the Council to deliver a sustainable residual waste management solution. The current development proposals for Thorn Turn would provide for a new Waste Park comprising waste transfer station, split level household waste recycling centre and resale building occupying 8.36Ha of the land at Thorn Turn. The new Waste Park is subject to a separate planning permission, reference CB/15/01626/MW. Additionally a highway depot including salt storage barn, outdoor salt mixing area, vehicle storage and maintenance areas, offices, parking and associated development has been granted permission, reference CB/15/01627/MW, south of the Waste Park.

1.14 Whilst the proposed employment development would be in conflict with the waste management allocation under Policy WSP2, the requirement for waste management facilities within the area can be fully met within a smaller area of the land than had anticipated under the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan. It is not therefore considered that the employment proposal would compromise this policy requirement being met by the provision of Waste Park now proposed under reference CB/15/01626/MW. This is effectively confirmed by the earlier grant of planning permission for smaller scale development on the current application site.

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 application is supported by an Employment Report and Market commentary which seeks to provide a qualitative assessment of the site for industrial and logistics use and an assessment of current demand having regard to existing and proposed supply in the area. The report provides an overview of existing and projected market conditions from a national, regional and local perspective.

2.3 It is stated that, at a national level, shortages of Grade A employment space, a stronger economy and healthy levels of active demand are expected to support increased levels of new builds, including an increase in speculative development. An expansion in the 'mid-sized' employment development sector (50-100,00sq ft) is predicted over the coming years. The report states that the regional market is consistent with the national market. Growing occupier demand, diminished levels of supply and increased availability of funding developers have sought to prepare strategic sites for development within the 'big-shed' sector (100,000sq ft plus), particularly along the M1 corridor. Particular reference is made to the decision by Prologic to develop speculatively at Prologis Park, Dunstable which has been justified following the recent letting to Amazon and the creation of 500 jobs. During 2014, take up across Luton and Dunstable increased by 34% over 2013. Inward investment rose by 260%, partly driven by new and committed infrastructure including the M1 junction 10a (grade separation), the A5-M1 and Woodside link roads.

2.4 The site occupies a high profile position at the western edge of the Houghton Regis North development area, adjacent to the A5. It is well located adjacent to the consented A5-M1 link road junction which will provide strategic access to the M1 motorway. London Luton Airport is within 11 miles of the site. The site is well located to draw labour from the planned North of Houghton Regis Strategic Allocation area, the existing conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes.

- 2.5 Based on Housing and Community Agency's figures for employment density, a wholly B8 development as indicated by the illustrative proposals, the proposal has the potential to create in the region of 750 jobs and support additional employment in the area during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 2.6 **Promoting sustainable transport**
The site is well related to the local and strategic highway network with convenient access to the M1, Luton and Dunstable by car. The application is supported by a Transport Assessment which examines the existing baseline transport conditions alongside consented development including the A5-M1 link road, Woodside Link road and the Houghton Regis North development, and the impacts of the proposed development on the local and strategic transport network. Subject to the delivery of committed highway infrastructure to serve the wider growth area together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development.
- 2.7 The A5-M1 link road and Woodside link road are due to open in Spring 2017 and construction works have commenced in respect of both of these schemes. In line with the recommendations of Strategic Transport Officers, the Council will need to provide support funding for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.
- 2.8 A Framework Travel Plan has been submitted setting out proposed initiatives to promote transport by sustainable modes. Future travel plans specific to the end use and final development proposal would need to be secured in connection with any outline planning permission.
- 2.9 **Requiring good design**
The application is an outline proposal with detailed matters relating to appearance, landscaping, layout and scale reserved for subsequent approval. Whilst many detailed aspects relating to design will be for later consideration, the NPPF promotes good design at every level. The proposal represents an opportunity to deliver positive landscaping proposals to create an attractive natural corridor along the Ouzel Brook, together with structural landscaping will need to be secured as part of subsequent reserved matters applications.
- 2.10 Whilst the application is supported by fixed development parameter proposals in respect of building height, the built development will need to be carefully designed to assist in integrating the proposed built development within its local context. It is considered that this revised proposal, notwithstanding the increase in proposed maximum footprint when compared to the approved scheme is capable of achieving an acceptable design at the detailed planning stages as part of the wider strategic development area.
- 2.11 **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. The application acknowledges the route of Public Bridleway No.49, which crosses the site, and the wider rights of way network of which it forms part. The proposal represents an opportunity to enhance the route of the bridleway for all users and provide for appropriate road crossings within the site and at the edges of the site to create a safe and attractive route and continuity within the network.

2.12 **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 major development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

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

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

2.13 **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 can be secured by planning condition and considered in the context of subsequent detailed submissions.

2.14 There is an existing watercourse known as the Ouzel Brook which traverses the site broadly east-west. The land immediately adjacent to the Brook is defined as Flood Zones 1 and 2. And the information submitted in the Environmental Statement demonstrates that the site is not at risk of flooding from this source.

2.15 The proposed drainage strategy is based on the provision of surface water attenuation ponds in the area north of the Ouzel Brook to discharge surface water to the Ouzel Brook via piped drainage. Surface water discharge would be at a rate that does not exceed the natural greenfield runoff rate. Subject to appropriate conditions the development would not give rise to an increased risk of flooding.

2.16 **Conserving and enhancing the natural environment**

The application was submitted with a detailed Environmental Statement incorporating a Landscape and Visual Impact Assessment (LVIA) and an Ecology chapter addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. Together with other proposed development within the area, the development has the potential to result in adverse impacts on sensitive landscape elements, particularly when seen views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. Careful controls to mitigate against these impacts, such as restrictions over built height and requirements for structural landscaping would be required as part of any outline planning permission. The development would provide for appropriate habitat mitigation, enhancement and conservation measures specifically within the area adjacent to the Ouzel Brook.

2.17 Conserving and enhancing the historic environment

The site is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. The development has the potential to affect the setting of the Scheduled Ancient Monument of Thorn Spring, north of Thorn Road and the wider landscape setting of the Scheduled Monuments of Maiden Bower and Totternhoe Knolls. Structural landscaping, careful design at the detailed stages and restrictions to minimise built height will be required in order to mitigate against adverse impacts upon the significance of these designated heritage assets. 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.

2.18 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full below. It is considered that the proposal is compatible with all other relevant planning principles and aims under the NPPF.

3. Green Belt considerations

3.1 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 dictates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The grant of planning permission will not therefore remove the land from the Green Belt. Rather, it would mean development in the Green Belt is permitted. A change to the Green Belt designation can only be realised through adoption of a new Development Plan.

3.2 Where proposals for inappropriate Green Belt development are made under a planning application, Paragraph 87 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3.3 The purposes of the Green Belt

Within the Green Belt there is a presumption against large scale 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.

3.4 Green Belts serve five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.5 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.

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

The site is located outside of the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The site is closely related to the existing A5 Watling Street and Thorn Road which border the site on its western and northern boundaries respectively. It is also located adjacent to the existing Anglian Water foul water treatment facility.

3.7 The application site forms part of a larger consented urban extension which would expand the existing built-up area from its northern edge in the broad area between the A5 Watling Street and the M1 motorway. The northern boundary of the urban extension would be enclosed by the route of the A5-M1 link road. This major new strategic route is now consented by way of Development Consent Order and works to construct the link road are already underway with the road due to open in Spring 2017.

3.8 The expansion of the built-up conurbation would therefore be restricted by the existing and consented road network which would provide for permanent physical boundaries on all sides of the enlarged settlement. Within the context of the consented HRN development, it is not considered that the development of the application site would result in unrestricted sprawl.

3.9 *To prevent neighbouring towns merging into one another*

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

3.10 *To assist in safeguarding the countryside from encroachment*

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

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

The preservation of the site as undeveloped land is not identified as important to the setting or special historic character of Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets such as the Thorn Spring SAM is considered relevant to Green Belt functions, these potential adverse impacts can be adequately mitigated against.

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

Housing, employment and other development needs within Central Bedfordshire derive substantially from those settlements in the southern part of the Council area. Evidence suggests that whilst some development can take place within the existing urban areas, the total amount of land available is well below that needed to meet the local planning need. The requirement for dedicated regeneration strategies for the area has long been recognised through previous emerging planning policy documents which support the urban extension as a whole which is planned to support a broad range of regeneration objectives for the wider urban area. Resisting development of the site would not serve this Green Belt function.

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

3.14 *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."*

3.15 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified. This is the primary decision that the Council will need to reach before considering other material considerations.

3.16 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.

3.17 **The case for very special circumstances**

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

1. *There is a clear urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and over the next 20 years;*
2. *Successive emerging Development Plans since 2001 have identified the application site as being suitable for removal from the Green Belt and*

allocation as a residential-led mixed use development. The abandoned Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding this site. Its intended removal from the Green Belt and its allocation for residential and commercial development was supported by both Councils at the Joint Planning Committee.

3. *The withdrawn Central Bedfordshire Development Strategy re-affirms the Houghton Regis North allocation for removal from the Green Belt and development for an urban extension of Houghton Regis to meet urgent need.*
4. The granting of planning consents for the Houghton Regis North urban extensions will result in the removal of the land from the Green Belt when a new development plan is adopted.
5. *The site and surrounding land no longer makes any meaningful contributions towards fulfilling the objectives of including land within the Green Belt. The additional development proposed will therefore have a very limited impact upon the Green Belt.*
6. *The site is recognised as being one of the most suitable locations for new employment development in Central Bedfordshire, a view supported by Lambert Smith Hampton who have provided specialist input to show that the site will deliver jobs and has the flexibility to respond to market demand.*
7. *The revised planning application will maximise the development potential of the site making best use of the land to deliver a greater number of jobs than originally planned.*

3.18 In line with the NPPF it is appropriate to apply some weight to withdrawn or revoked plans in certain circumstances. In the consideration of this application, the following policy and planning documents are relevant to the Houghton Regis North development.

- The Bedfordshire and Luton Strategic Housing Market Assessment (March 2001)
- Regional Planning Guidance for the South East (March 2001)
- The Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)
- The East of England Plan (May 2008)
- The Luton and South Central Bedfordshire Joint Core Strategy (September 2011) - Identified the Houghton Regis North development site as suitable for development as part of a mixed use sustainable urban extension.
- Development Strategy for Central Bedfordshire (October 2014) - Identified the Houghton Regis North development site as suitable for development as part of a mixed use sustainable urban extension.

3.19 It should be acknowledged that Regional and Sub-Regional Plans were formally revoked in January 2013 and these no longer form part of development plan. The Joint Core Strategy and Development Strategy both reached the formal submission stage prior to being withdrawn from the

examination process before achieving any formal status as part of Development Plan. Whilst preparation of the Central Bedfordshire Local Plan has begun, at the present time, the 'planning pedigree' of these previous growth strategies, including their site-specific development allocations, should carry very limited weight.

- 3.20 However the significant need for growth in this area is important and must be acknowledged. It is clear that there is a substantial body of evidence to demonstrate that the need for significant growth in the area is well established. It is considered that the granting of planning permission for the majority of the Houghton Regis North development reflects and confirms this.
- 3.21 Having regard to the substantial body of evidence which demonstrates the urgent planning needs within the area, it is considered that there is a high degree of likelihood that the Green Belt designation would be formally removed to reflect the major development north of the conurbation through the plan making process. Delaying a decision or refusing the planning application on Green Belt grounds until the formal confirmation of a planning allocation in the Development Plan will serve no good purpose, other than to delay much needed employment and economic growth for the area.
- 3.22 Within this context, outline planning permission has been granted for the development of the majority of the proposed HRN development, including the current application site. The recent planning decisions and other committed development within the allocation area have already altered the planning context within which the application site sits. These factors represent important consideration in terms of the very special circumstances test.
- 3.23 The application is supported by a Lambert Smith Hampton Employment Report and Market commentary providing qualitative assessment of the site for industrial and distribution uses and current supply and demand for employment premises in the area. This is an update of this document that supported the earlier outline application.
- 3.24 Having regard to market indicators, including recent enquiries and engagements with other commercial agents, Dunstable and the surrounding area remains the highest level of overall demand. It is projected that take up and inward investment can be expected to rise significantly in the short term, partly in response to committed development and infrastructure including the consented HRN development, the M1 junction 11a, the A5-M1 and Woodside link roads.
- 3.25 These factors highlight the need for increased employment land, particularly of the right quality in the right location to meet known demand. Given the strategic nature of much of the consented employment land in the Dunstable/Houghton Regis area and the findings of the Lambert Smith Hampton report, there is a need for these allocations to support the growth of local businesses. In particular, there is a demonstrable local need for commercial land to accommodate an expansion in the 'mid-sized' employment development sector (50-200,00sq ft) in the short term future. The current availability of some larger facilities such as Prologis Park DC2 is not likely to meet this requirement. Other sites identified with the future potential to support

strategic employment within the area, such as North of Luton and Sundon Rail Freight Interchange are not yet committed or consented.

- 3.26 The site occupies a high profile position at the western edge of the North of Houghton Regis development area, adjacent to the A5. It is well located adjacent to the consented A5-M1 link road junction which will provide strategic access to the M1 motorway. London Luton Airport is within 11 miles of the site.
- 3.27 It can be anticipated that the development would provide wider economic benefits for the area through inward investment and the creation of jobs. The site is well located to draw labour from the planned North of Houghton Regis development area. It is also capable of supporting local employment for the existing community within the current conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes. A wholly B8 development as indicated by the illustrative proposals, the proposal has the potential to create in the region of 750 jobs and support additional employment during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 3.28 The employment proposals form part of the overall package of growth planned to address an identified need. The proposed employment provision is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension but also the wider growth and regeneration needs of the existing conurbation area.
- 3.29 **Conclusions**
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. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 3.30 The site is located within an area where the majority of the surrounding Green Belt land, comprising the Houghton Regis North development, already has planning permission for approximately 7,000 new dwellings together with circa 200,000sqm metres of additional development and a new link road between the A5, to the west, and the M1 motorway, to the east, along its northern boundary. The application site already has outline planning permission for a similar form of the development.
- 3.31 The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Full applications for strategic-scale waste development and highways depot have been permitted on the remainder of the allocated site and this caters for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period. There is, therefore, certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can

provide for waste management development in addition to the proposed employment development.

3.32 Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; and the recent planning decisions and other committed development within the HRN area, a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

3.33 Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

4. Environmental Impact Assessment: Issues arising and their mitigation

4.1 Prior to the submission of the first planning application, a formal scoping opinion from the Local Planning Authority established the elements to be addressed within a formal Environmental Statement (ES) as required under the statutory Regulations. The original application was supported by a full ES.

4.2 The current planning application is accompanied by a full comprehensively updated ES. The ES is a substantial set of documents which form a considerable part of the material submitted with the planning application. The ES incorporates a non-technical summary; a general introduction; an explanation of the EIA methodology; a description of the site and the surrounding environment; the proposal description; a summary of the policy context; and an assessment of the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:

- Transportation
- Ecology
- Landscape and Visual Impacts
- Land Contamination and Geotechnical Issues
- Heritage and Archaeology
- Water
- Air Quality
- Waste
- Noise and Vibration
- Loss of Agricultural Land and Soils
- Utilities
- Cumulative Impacts

4.3 Transportation

The Transportation chapter of the ES is supported by a Transport Assessment (TA) detailing the strategic modelling work undertaken on behalf of the Council in order to inform its assessment of transport and highway impacts associated with this and the related planning applications and necessary mitigation

measures. The strategic model has informed the Council officers' assessment of highway network capacity at key years over the growth period accounting for planned and committed housing, employment and infrastructure developments within the areas of Dunstable, Houghton Regis, Luton and Leighton Buzzard. The model accounts for new road infrastructure in the area including the A5-M1 link road, the Woodside link road, J11a of the M1, the A6-M1 link road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area.

- 4.4 Subject to the delivery of the A5-M1 link road and Woodside link road, together with minor mitigation works and sustainability initiatives, the TA indicates that there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and works have commenced in respect of these.
- 4.5 It is stated that the proposed site access, which would also serve the adjoining development proposals for waste transfer and highways depots on the Thorn Turn site has been designed and assessed using the industry-standard software, Junctions 8 having regard to trip generation figures extracted from the TRICS database. The assessment demonstrated that the access will operate well within its capacity in the year 2026, with the development fully occupied.
- 4.6 The ES is accompanied by a Framework Travel Plan setting out proposed initiatives to promote transport by sustainable modes. Future travel plans specific to the end use and final development proposal would need to be secured in connection with any outline planning permission.
- 4.7 The proposal is judged to be acceptable in relation to potential transport impacts having regard to the advice of the Council's Strategic Transport and Highways Development Management Officers and that Highways England raise no objection to the application.
- 4.8 **Ecology**
An Ecological Assessment incorporating the following elements has been undertaken:
- A review of existing ecological survey information within the vicinity of the application site;
 - a preliminary ecological survey of land within the application site;
 - evaluation of the land within and adjacent to the application site with regard to its nature conservation value;
 - identification of potential impacts on ecological features;
 - mitigation measures to avoid or minimise negative impacts on ecological features;
 - enhancement measures to increase the biodiversity value of the land within the application site; and
 - provisional assessment of the potential residual ecological impacts from the proposals, including habitat loss, disturbance of animals, and indirect effects on adjacent habitats

- 4.9 The baseline ecological conditions review of the site and surrounding area identifies the presence of two designated sites within 2km of the site (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI), and four local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Thorn Spring CWS and Houghton Regis Cutting Road-side Nature Reserve [RNR] at A5 Watling Street). Existing habitats and the habitat potential of the application site and area were also examined through Phase 1 ecological surveys.
- 4.10 The development would require clearance of arable land and hedgerow. The arable land is considered to be of negligible conservation value, whereas the hedgerow is considered to have nature conservation value within the site, but is not significantly valuable on a wider scale. The loss of these habitats there is potential for a number of protected species to be affected. Suitable habitat exists for reptiles, nesting birds, bats, water voles, otters, and badgers. Mitigation measures, including compensation for habitat loss, informed by further survey work, would need to be secured to ensure impacts on protected species are avoided or reduced to a negligible level.
- 4.11 The comments of CBC Ecology are noted and the need for additional information is acknowledged. The current outline application should be considered in the context of the previous outline planning permission. This already establishes the principle of development subject to detailed planning controls including conditions to secure additional details and ecological mitigation measures appropriate to the final form and layout of the development.
- 4.12 **Landscape and Visual**
The ES contains a description and analysis of landscape features and elements such as landform, vegetation cover, settlement and transport patterns, land use, building styles and historical and cultural components. An assessment of landscape character and sensitivity is provided with reference to the South Bedfordshire District Landscape Character Assessment (2009) and other published character assessments.
- 4.13 The visual assessment considers the potential impact of the development on specific landscape views and receptors. It is judged that there would be slight, negligible and moderate adverse visual impacts on existing residents and slight adverse impact on the visual impact of motorists in the vicinity of the site. Impacts on Rights of Way users during construction phase would be more significant. Temporary impacts including temporary closures or diversions would need to be addressed through by way of Construction Environmental Management Plan (CEMP) secured in connection with any planning permission.
- 4.14 The proposal, and the cumulative development associated with it, has the potential to result in adverse impacts on sensitive landscape elements, particularly when seen views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. The ES concludes that the long term adverse impacts on landscape character would not be significant subject to mitigation measures including screening and careful design at the detailed planning stages. Careful controls to mitigate against these impacts, such restrictions over built height

and massing and requirements for structural landscaping would be required as part of any outline planning permission.

4.15 **Land Contamination and Geotechnical Issues**

The ES provides consideration of baseline ground conditions. The existing use of the site as agricultural land dates from at least 1879 and a rifle range facility was present on site since at least 1974. An assessment of geological conditions shows superficial deposits (generally clay, sand and gravel) over a solid geology of West Melbury Marly Chalk Formation (soft chalk and hard limestone). Whilst there are no recorded groundwater abstractions recorded within 500m of the site, the Environment Agency (EA) classifies the West Melbury Marly Chalk as a Principal Aquifer.

4.16 Ground investigations have been undertaken within the north eastern and south western areas of the site. No potential sources of soil contamination have been identified in these areas. Based on the history of the site it is not anticipated that any other sources of contamination will be encountered in the remaining undeveloped parts of the site. In the area associated with the rifle range, contamination is likely to be in the form of heavy metals (i.e. lead) confined to the topsoil and shallow strata across the area. Contamination risks to users of the site and controlled waters are likely to be limited in extent and as such do not pose a risk to groundwater or surface water.

4.17 At this stage, no mitigation is expected to be required in order to protect end users from risks associated with contamination. This will need to be confirmed by further ground investigation. Oil, fuel and chemical storage facilities required during construction and sediment and dust migration have the potential to impact on controlled and surface waters. These risks can be adequately mitigated by implementation of good site, environmental and health and safety practises.

4.18 **Heritage and Archaeology**

The ES acknowledges that the site is within the area identified as Thorn Green, the site of a former village green associated with the medieval settlement of Thorn and within the setting Thorn Spring Moated Site Scheduled Monument. Archaeological field evaluation on the site was undertaken in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets and the 2012 field evaluation work is provided.

4.19 There is high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. It has been judged that there is a moderate potential for archaeology relating to the prehistoric period. However CBC Archaeology considers the potential for this should be regarded as high given recently discovered linear features south of Thorn Road. The impact of the development on archaeological remains can be mitigated by a programme of archaeological investigation and possible investigation strategies are identified.

4.20 It is concluded that the setting of the Thorn Spring moated site is restricted to the surrounding woodland and that the contribution of the wider landscape to significance of the monument is limited or neutral. Due to its distance from the

Monument, the ES indicates the development would have no impact on the setting of Thorn Spring. It is judged that the cumulative effects of the wider development associated with the proposed growth area would have a more significant impact on the historic setting of Thorn Spring and these impacts will need to be minimised where possible in connection with other development proposals including Bidwell West (HRN2). It is considered that the development would not give rise to significant adverse impacts on the wider setting of other scheduled monuments in the area (Maiden Bower hillfort and Totternhoe Knolls motte and bailey castle). However this should be ensured through appropriate mitigation including structural landscaping and careful design at the detailed stages and restrictions to minimise built height.

4.21 **Water**

The ES is supported by a Flood Risk Assessment and Surface Water Drainage Strategy. The majority of the site is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing watercourse known as the Ouzel Brook which runs along the southern boundary of the site, broadly east-west. Land immediately adjacent to the Brook is defined as Flood Zones 2. A hydraulic model undertaken in support of the previous application demonstrated that the site was not at risk from flooding from the Ouzel Brook; this was accepted by the Environment Agency who subsequently updated their flood risk maps to take parts of the site out of flood zone 3 and reduce the proportion of the site within zone 2.

4.22 The proposed drainage strategy is based on the provision of surface water attenuation ponds in the area north of the Ouzel Brook to discharge surface water to the Ouzel Brook via piped drainage. Surface water discharge would be at a rate that does not exceed the natural greenfield runoff rate. The comments of CBC Green Infrastructure regarding the need for sustainable drainage options to be explored are noted. The surface water drainage strategy is considered acceptable in functional terms at this outline stage to satisfy that the development would not increase the risk of flooding at the site or down stream. Opportunities for more varied SuDs features delivering broader amenity, biodiversity and water quality benefits in line with local policy requirements under the Council's Sustainable Drainage guidance SPG will need to be explored as part of subsequent detailed applications. The final surface water drainage strategy can be secured by condition in connection with any permission granted.

4.23 **Air Quality**

The ES has regard to the air quality impacts associated with the construction and operation of the development and impacts of dust and odour from the proposed waste transfer facility. Existing odour conditions have been determined from the odour modelling undertaken by Anglian Water and records of complaints relating to operations at adjacent sewage treatment facility.

4.24 During the construction phase, a package of mitigation measures to minimise dust emissions from the site. The ES acknowledges the poor air quality conditions in the centre of Dunstable where an Air Quality Management Area (AQMA) has been declared. It is assessed that additional traffic associated

with the development would affect air quality by an imperceptible degree and these impacts are judged to be negligible. No significant adverse air quality impacts are anticipated on Houghton Regis Marl Lakes SSSI.

- 4.25 Anglian Water has previously produced an odour emission survey report and model (dated July 2013) in relation to odour impacts associated with the existing sewage treatment facility. The entirety of the application site is located outside of the sensitive area identified within the odour dispersion model. Therefore users are not expected to result in significant exposure to odour. The development is considered to be acceptable in relation to potential odour impacts.
- 4.26 **Waste**
The ES provides an assessment of potential waste generation impacts associated with the development. The formal allocation of the Thorn Turn site for waste management uses is addressed elsewhere within this report in relation to the adopted Development Plan (Section 1).
- 4.27 The need to remove significant amounts of excavated soils during construction is considered to be limited. Construction waste is expected to be predominantly agricultural (green) waste. It is concluded that waste generation and management during construction can be controlled as part of the CEMP. It is proposed that a Waste Management Strategy should be required as part of subsequent reserved matters applications to ensure appropriate management practices are implemented during the operation of the site. It is not anticipated that the proposed waste transfer or highways depot developments would impact on the waste management of the site. Indeed, the waste transfer facility may be beneficial in this regard, as some waste could potentially be taken there.
- 4.28 **Noise and Vibration**
This section of the ES sets out a description of the site with reference to key noise sources, national policy, standards and guidance relating to planning and noise, details of the baseline noise levels and an assessment of the suitability of the site for the proposed development against the relevant standards and guidelines.
- 4.29 A noise measurement survey was carried out at various locations around the site during the day and night on the 20th and 21st March 2015 to establish existing noise levels and their impact of sensitive receptors within approximately 1km of the application site. Having regard to the data gathered during baseline noise monitoring, and assumed construction equipment impacts at houses immediately north of the site have the potential for significant impacts, all other sensitive receptors are expected to have negligible impacts.
- 4.30 Based on the prior advice of CBC Public Protection Officers and a review of technical guidance, noise threshold levels at sensitive receptors have been proposed. These levels will need to be observed as the proposal is developed. An assessment of road traffic during both the construction and operation of the facility has shown that noise impacts are predicted to be negligible at all receptors.

4.31 **Loss of Agricultural Land and Soils**

The development would result in the loss of 10.23Ha of agricultural land categorised as Sub Grades 2 and 3 (good and very good quality). Under Agricultural Land Classification (ALC) criteria Sub Grades 1, 2 and 3a are considered to represent the best and most versatile agricultural land. Given the area of best and most versatile farm land lost, this effect is judged to equate to a moderate adverse effect. The good quality soils, if handled and stored according to best industry practice, will provide a valuable resource for landscaping. Control of dust and noxious weeds during the construction process should follow best industry practice to avoid their spread to surrounding farmland. These measures could be secured in connection with the CEMP.

4.32 **Utilities**

It is proposed to connect to the existing Anglian Water foul water sewer which lies to the south of the site, which in turns connects into the sewage treatment works adjacent to the south east of the site. A combined services spine is proposed to serve the application site, the proposed waste transfer and the highways depot developments south of Thorn Road. This would accommodate a HV electrical supply, telecoms, mains water and gas. During operational phase, the cumulative impacts are judged to be negligible. Existing capacity exists within the foul water network system and the mechanical and electrical infrastructure would be implemented to accommodate the proposed development.

4.33 **Cumulative Impacts**

The Environmental Impact Assessment Regulations direct effect interactions should be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor. No national guidelines are provided regarding the manner in which interactions between effects should be assessed, how significance is to be reported, or to what extent interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual ES chapters where relevant.

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

4.35 It is considered that the cumulative effects of construction can be adequately mitigated through the CEMP and mitigation packages to address specific impacts identified through the EIA process.

5 Issues

5.1 **Transport and highways**

National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle

movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.

- 5.2 The proposed access arrangements are considered to be acceptable. Final constructional details, together with suitable crossing facilities of Thorn Road including footway/cycleway along the site frontage, will need to be secured by planning condition and in connection with the S278 highways process.
- 5.3 With respect to pedestrian and cycle movements and public transport initiatives, Travel Plan measures would need to be secured by condition, along with a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site. This would need to detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site.
- 5.4 **Design considerations**
The proposed employment development would occupy a prominent location at the western edge of the proposed HRN development area. Subsequent reserved matters applications would need to provide for an appropriate 'gateway' and landmark development. Details proposals would be expected to demonstrate high quality development with contemporary design elements which respond positively to the wider character area proposals within this area of the adjoining Bidwell West (HRN2) site.
- 5.5 Fixed development parameters have been submitted as part of the application and reflect those agreed in the earlier scheme. These establish that buildings could be constructed to a maximum eaves height of 13 metres above the level of Thorn Road and would be set back from Thorn Road by a minimum of 15 metres. In these respects the proposal is comparable to the equivalent development parameters proposed to control the employment forming part of the Bidwell West (HRN2) application, immediately north of Thorn Road. Should planning permission be granted, the proposed parameters would provide for appropriate controls over built height and would serve to limit the landscape and visual impacts of the built form.
- 5.6 Notwithstanding this, structural landscaping proposals would be required reflecting the character of existing landscape structures around the application site and maximising the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. Detailed planning proposals would need to respond to opportunities to enhance the landscape, visual amenity, and ecological interests of the Ouzel Brook and provide for suitable connectivity with the wider green infrastructure network, including that proposed as part of the Bidwell West (HRN2) development, should this be delivered. In line with the recommendations of the Environment Agency and CBC Sustainable Drainage, submission of final details of the surface water drainage system would need to be secured by way of planning condition. Such submissions will need to be based on sustainable principles and demonstrate that appropriate SuDs options have been explored in line with the Council's Sustainable Drainage Guidance.
- 5.7 All such matters can be adequately controlled by way of appropriate planning conditions.

5.8 **Loss of Rifle Range**

The current application has attracted a significant level of objection to the loss of the existing rifle range that is located in the south eastern section of the site. The objections relate to the principle of the loss of the facility and the potential for flooding on the site. The issue of flood risk is addressed elsewhere in this report; this section of the report will focus on the principle of the loss of the rifle range.

5.9 The issue of the loss of the rifle range was addressed in report on the earlier outline application which noted at paragraph 6.34:

"The land at Thorn Turn incorporates an existing rifle range facility located within the eastern part of the application site. The Council has a current agreement for the lease of the land which expires in March 2017. Following further ongoing technical work in relation to flood risk, there is a strong possibility that the land on which the shooting range sits could also be brought forward for commercial development. Should this be possible, the Council could determine that the lease of the shooting range should not be renewed and the Council could take vacant possession of the land. Should this be determined, the relocation of the shooting range would need to be facilitated elsewhere."

5.10 The objections to the loss of the Rifle Range include one from Sport England which highlights the relevant NPPF policy at paragraph 74 which states:

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

5.11 The information supplied in the objections, including the comments of Sport England confirm that the existing range provides facilities for several clubs and many individual shooters. The information confirms that the facility is of at least County significance. It is, considered that the rifle range is the type of facility to which NPPF paragraph 74 applies.

5.12 The provisions of the NPPF have to be weighed against other planning considerations. The other considerations are discussed and weighed in detail elsewhere in this report and overall they weigh strongly in favour of the grant of planning permission.

5.13 The planning history of the site including the rifle range is also material. The site already has benefit of outline permission with no requirement to retain the rifle range or any requirement to deliver an alternative facility prior to removal of the range. As noted above the report on the outline application highlighted the likely loss of the rifle range. It is, therefore, considered that there is an

existing fall back position that allows the whole of the site including the rifle range to be redeveloped.

- 5.14 It should also be noted, as highlighted in the earlier report, that the landlord of the range could end the lease of the site thereby bringing the use to an end. Such ownership control is outside the influence of the planning system.
- 5.15 A review of the various policy documents and plans reveals that they are silent on the matter of the future of the range following redevelopment of the site. Whilst limited weight can be attached to these documents there is no indication that retention or relocation of the rifle range had been identified as a priority.
- 5.16 Overall it is considered that the employment, economic and other benefits when weighed with the fall back development position outweigh the planning harm caused by the loss of the existing rifle range.
- 5.17 Notwithstanding the officer view on the planning balance, CBC Assets has engaged with the representatives of the Bedford Small Bore Shooting Association (who are the lessees of the site) to explore the possibility of identifying alternative sites within Council control that could be appropriate to provide a new rifle range. It is understood that the BSSA are also looking for possible alternative locations for a replacement facility.

6. Other matters

Human Rights

- 6.1 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

- 6.2 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

- 6.3 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 addressing 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.

7. The Requirement for Planning Conditions

- 7.1 The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.

- 7.2
1. Submission of details at reserved matters stage (appearance, landscaping, layout and scale)
 2. Time limit for submission of reserved matters, time limit for implementation
 3. Amount and scope of approved development
 4. Submission of CEMP
 5. Archaeological investigation, assessment, recording, protection and management
 6. Submission of detailed surface water drainage scheme
 7. Controls in respect of potential risks to ground water and contamination
 8. Arboricultural Method Statement
 9. Biodiversity Mitigation Strategy and Management Plan
 10. Submission of scheme of landscape mitigation
 11. Submission of scheme of rights of way enhancement scheme for Public Bridleway No. 49
 12. Controls in respect of potential noise impacts
 13. Controls in respect of potential noise impacts
 14. Controls in respect of potential lighting impacts
 15. Sustainable construction
 16. Submission of waste audit
 17. Submission of scheme of highway works
 18. Submission of Travel Plan
 19. Foul water strategy
 20. Surface Water Strategy
 21. Approved plans and documents

8 Conclusions

- 8.1 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. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 8.2 The site is located within an area where the majority of the surrounding Green Belt land, comprising the Houghton Regis North development, already has planning permission for approximately 7,000 new dwellings together with circa 200,000sqm metres of additional development and a new link road between the A5, to the west, and the M1 motorway, to the east, along its northern boundary. The application site already has outline planning permission for a similar form of the development. The current application seeks to increase the allowed maximum floor space following revisions to the flood risk categorisation of the site by the Environment Agency.
- 8.3 The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Full applications for strategic-scale waste development and highways depot have been permitted on the remainder of the allocated site and this caters for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period. There is, therefore, certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can

provide for waste management development in addition to the proposed employment development.

- 8.4 Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; and the recent planning decisions and other committed development within the HRN area, a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.
- 8.5 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 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 and subject to conditions:

RECOMMENDED CONDITIONS

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

Reason: To comply with Article 5 (1) of the Town and Country Planning (Development Management Procedure) Order 2015.

- 2 Application for approval of the reserved matters, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 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 more than 61,336 sqm of gross non-residential floor space (to include mezzanines) within Classes B1, B2 and B8 (Employment) (of the Town and Country (Use Classes) Order 1987, as amended) shall be constructed on the

site pursuant to this planning permission.

Reason: For the avoidance of doubt and to define the planning permission.

- 4 **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 comprise;

- a) Environment Management Responsibilities;**
- b) Construction Activities and Timing;**
- c) Plant and Equipment, including loading and unloading;**
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) Works affecting rights of way including route diversions, extinguishments or temporary closures**
- f) Details of site compounds, offices and areas to be used for the storage of materials;**
- g) Utilities and Services;**
- h) Emergency planning & Incidents;**
- i) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- j) On site control procedures in respect of:**
 - i. Traffic management measures**
 - ii. Air and Dust quality**
 - iii. Noise and vibration**
 - iv. Water quality**
 - v. Ecology**
 - vi. Trees, Hedgerows and Scrub**
 - vii. Waste and Resource Management**
 - viii. Archaeological and Cultural Heritage**
 - ix. Visual and Lighting**
 - x. Utilities and Services**
 - xi. Protection of water resources**
 - xii. Protection of species and habitats**
- k) Detailed phasing plan to show any different phasing, different developers and/or constructors;**
- l) Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).**

The works shall be implemented only in accordance with the details approved.

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 the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with development.

- 5 **Part A: No development shall take place within any phase of the development until a written scheme of archaeological investigation for that phase has been submitted to and approved in writing by the Local Planning Authority.**

The written scheme of investigation shall include the following components:

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A outline strategy for post-excavation assessment, analysis and publication**

Part B: The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- **The completion of all elements of the archaeological fieldwork, which shall be monitored by the Archaeological Advisors to the Local Planning Authority;**
- **The submission within nine months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority;**
- **The completion within two years of the conclusion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report**

Reason: In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.

- 6 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The approved scheme shall be implemented in accordance with the approved timetable and detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF). Details must be approved prior to the commencement of development to prevent any potential pollution of controlled waters which could occur in connection with development.

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

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF.

- 8 The final design shall be undertaken in adherence to the identified tree constraints, as shown in the "Arboricultural Impact Assessment", dated December 2015, and the preliminary "Tree Protection Plans" (Dwgs No's 5134801-ATK-CD-ZZ-DR-2-001 and 5134801-ATK-CD-ZZ-DR-2-002 - Rev. P2), as prepared by Atkins, supplied in the Outline Application. The final design shall then be supported by an "Arboricultural Method Statement", and detailed, "Tree Protection Plans" to demonstrate that both maximised tree and hedgerow retention, and tree and hedgerow protection measures, have been appropriately considered in the design process. The approved "Arboricultural Method Statement" and "Tree Protection Plans" shall be implemented both prior to and during development, in strict accordance with the stipulated tree protection requirements and recommendations, as shown on the approved documents and plans.

Reason: To ensure that trees have been duly considered in the design process, in order to retain as many tree and hedgerow specimens as possible within the design scheme, and to successfully accommodate and protect both the existing landscaping, and areas designated for new planting, in the interests of providing visual amenity, protection of landscape habitat and biodiversity.

- 9 **No development shall commence until a Biodiversity Mitigation Strategy & Management Plan has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved Mitigation Strategy & Management Plan.**

The scheme shall include details of ecological surveys and suitable habitat mitigation, including lighting strategies and monitoring including details extent and type of new planting and new habitat created on site.

Reason: To protect wildlife and supporting habitat and in accordance

with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impacts which could occur in connection with development.

- 10 The details required by Condition 1 of this permission shall include a scheme of detailed landscaping proposals. The scheme shall detail structural landscaping proposals reflecting the character of existing landscape structures around the application site to enhance the landscape setting and visual amenity of the Ouzel Brook corridor, including the route of Public Bridleway No. 49 and maximise the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To protect the landscape character and visual amenity of the locality in accordance with the NPPF.

- 11 No part of the development shall be brought into use until a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site. The Rights of Way scheme shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the public bridleway route within the site is protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 12 **No development shall take place until an appropriate noise assessment has been undertaken and any relevant scheme for mitigation and/or management of noise has been submitted to and approved by the Local Planning Authority. Any scheme or management plan hereby approved shall be implemented prior to any uses becoming operational and operated in accordance with the approved details unless alternative arrangements are agreed in writing by the Local Planning Authority.**

Reason: In the interests of local amenity in accordance with the NPPF. Details must be approved prior to the commencement of development to ensure the development is constructed in a way which ensures a satisfactory standard of local amenity.

- 13 The rating level of sound emitted from any fixed plant and/or machinery associated with the development or educational activities at the use hereby approved shall not exceed a level of 5dB(A) below the existing background level at the boundary of the nearest noise sensitive premises. All measurements and calculations shall be made in accordance with the methodology of BS4142:2014 (Methods for rating and assessing industrial and commercial sound.)

Reason: In the interests of local amenity in accordance with the NPPF.

- 14 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways etc. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) in accordance with the NPPF.

- 15 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 16 No part of the development shall be brought into use until a detailed waste audit scheme has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.

- 17 No part of the development shall be brought into use until a until a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes construction details of approved access arrangements at Thorn Road, appropriate crossing facilities of Thorn Road including footway/cycleway along the site frontage. The approved scheme shall then be implemented in full prior to the first occupation of the development.

Reason: To ensure that the proposed highway works are constructed to adequate standard, are appropriate and proportional to the mitigation required to serve the development and that public rights of way are protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 18 No part of the development shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of:
- Predicted travel to and from the site and targets to reduce car use.
 - Details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks.

- Measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
- Details of provision of cycle parking in accordance with council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include site specific travel and transport information; travel vouchers; details of relevant pedestrian, cycle and public transport routes to/ from and within the site; and copies of relevant bus and rail timetables.
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

No part of the development shall be occupied prior to implementation of those parts identified in the travel plan. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.

- 19 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding.

- 20 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents;
- Existing site location plan 17384_SK01B
 - Existing site location plan 17384_SK10
 - Existing site plan 17384SK02A
 - Site constraints plan 17384SK03A
 - Site parameters plan 17384SK07A

- Topographical survey 20985/1
- Topographical survey 20985/2
- Arboricultural Impact Assessment dated December 2015, and the Tree Protection Plans 5134801-ATK-CD-ZZ-DR-Z-0001P2 and 0002 P2.

Reason: For the avoidance of doubt.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35(1) 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 NPPF.
3. Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

7. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the development should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

The Council acted pro-actively through positive engagement with the applicant at the pre application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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