

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/16/00814/OUT</b>
<b>LOCATION</b>	<b>Land at Camden Site, Grovebury Road, Leighton Buzzard</b>
<b>PROPOSAL</b>	<b>Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation &amp; landscaping areas.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Berry, Bowater &amp; Dodwell</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>03 May 2016</b>
<b>EXPIRY DATE</b>	<b>21 September 2016 (Extension of time Agreed until 31/05/17)</b>
<b>APPLICANT</b>	<b>EDS Holdings Ltd</b>
<b>AGENT</b>	<b>The W R Davidge Planning Practice</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<ul style="list-style-type: none"><li>• <b>Major application that is a Departure from Development Plan</b></li><li>• <b>Major Application with Town Council Objection</b></li><li>• <b>Updated information for committee to consider</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Approval subject to completion of a section 106 agreement and referral to the Secretary of State as a departure from the Development Plan</b>

### **Update to Committee**

The application was previously heard and considered by the Development Management Committee on 1st March 2017. The resolution of the committee was that the application be approved subject to the completion of a 106 agreement in consultation with Chairman and Vice-Chairman of the Development Management Committee and Cabinet Member. The 106 agreement was to include four matters resolved at the committee and the committee is asked to reconsider the application on the basis of the updated information in respect of this four matters as referenced below:

- Pedestrian Linkage to the Town Centre via Grovebury Road

Applicant advises that they are prepared to provide a pedestrian link at the western end of the site to connect with the existing adjacent footpath and cycleway. Furthermore the applicant has advised of their willingness to fund additional signage of these routes if found to be necessary through the heads of terms and as such it is considered that this matter is resolved.

- Bulky Goods Limitation

The applicant has advised that this matter is not considered to be necessary or justified given that the retail impact assessment undertaken does not identify any

adverse impact upon the town centre. However they have agreed to define the range of uses Units G to K as trade counter, limitations on all other units in the site to a minimum floor space of 850 square meters and total overall development area to 7350 square metres and exclusion of food sales throughout. As such it is considered that this matter is resolved.

- Section 106 Heads of Terms for contributions towards offsite Highways improvement works

- Off site Highway Works at maximum of £25,000
- Additional support and enhancement works of maximum £25,000

The applicant has agreed to these contributions and as such it is considered that this matter is resolved.

- Water Meadows Access

The applicant does not consider that access to this land could be delivered through the proposed development as there is no local or national policy link or other justification to support the provision of open space in support of a retail development. The applicant has advised that the access cannot be justifiably or reasonably be sought as a concomitant of the development.

### Conclusion

Whilst the applicant has failed to agree the provision of access across land also within their ownership to the Water Meadows and thereby providing a pedestrian link to the town, they have agreed to an alternative pedestrian link to the town centre via Grovebury Road and as such, it is considered that appropriate connections to the town centre could be realised and therefore our recommendation for approval remains the same, subject to the 3 additional head of terms agreed by the applicant as advised herein.

### **Reason for Recommendation**

Taking account of the site's history of low level employment use and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the NPPF. In relation to retail impact the proposal is considered to satisfy the sequential test, having regard to the availability and suitability of other sites within Leighton Buzzard. The identified retail impact would be marginal but not significant in NPPF terms.

The proposed development is also considered to be acceptable in terms of other environmental impacts and compliance with Local Plan policies and the provisions of the NPPF.

### **Site Location:**

1. The application site lies within an existing employment area containing a mix of employment uses including factories, offices and warehouses to the south of Leighton Buzzard. The town centre lies to the north of the application with the High Street approximately 0.6km to the north.

2. The application site is located to the west of the roundabout junction between Grovebury Road, Chartmoor Road and Boss Avenue. The site is roughly triangular in shape and the north eastern boundary is marked by Boss Avenue with a pedestrian/cycle way marking the southern boundary. To the west of the site lies open fields/meadows which stretch to the River Ouzel and Grand Union Canal. The Forticrete building materials factory lies to the north of the site.
3. The area of the site is 2.4 hectares and generally level with no significant level changes. Much of the site comprises hard standing although there are various buildings to the eastern side which appear to have been constructed as factory/warehouse units with ancillary office facilities. There are a variety of employment uses within the buildings but the main use of the site is for open storage with associated B1, B2 and incidental uses. There is a self storage use at the eastern end with extensive open storage of containers, mobile offices and related site plant structures on the southern side of the site. There is also open storage of cars and other light vehicles as well as large commercial vehicles to the northern and western parts of the site.
4. Access to the site is from two access points off Boss Avenue with one towards the southern end of the frontage with the other at the northern end towards the Forticrete unit.
5. The site boundaries are marked by palisade and chain link fencing with some hedge/scrub planting along the southern and north western boundaries. The site forms part of a Main Employment Area identified in the Local Plan.

### **The Application:**

1. The application is made in outline form with all matters except means of access reserved for subsequent approval. The application is supported by illustrative plans as well as the following detailed reports: Retail Statement; Framework Travel Plan; Transport assessment; Ground Investigation Report; Flood Risk Assessment; Drainage Strategy and Site condition and marketing report.
2. The application proposes the erection of non-food retail units with total floor area not exceeding 7350 square metres gross external area (GEA) – which equates to 4984 square metres net gross internal area (GIA) together with associated access arrangements, parking, servicing, circulation and landscaping areas. A design and access and planning statement have been submitted along with indicative site layout and elevations (these plans are purely illustrative and are not for approval at this time). The plans indicate that there would be two buildings with the larger providing conventional retail units with the other building providing trade counter uses to support activities such as the motor trade and building industry. The illustrative details suggest that the retail floorspace would extend to 6227 square GEA with the trade counters extending to 1121 square metres (GEA).
3. The applicant has advised that none of the proposed retail units would have a floor space of less than 850 square metres GEA (excluding the trade counter units).

4. The access is proposed from a revised access at the southern end of the Boss Avenue frontage. The access position and detail has previously been approved in connection with a small convenience store (see planning history below for details). There are no significant off site highway works proposed as part of the development.

#### **RELEVANT POLICIES:**

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

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of Town Centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

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

SD1: Sustainability Principles

BE8: Design Considerations,

T10: Controlling Parking in New Developments

E1: Providing for B1-B8 Development within Main Employment Areas

*The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE8 and R14 are broadly consistent with the Framework and carry significant weight. Policies T10 and E1 carry less weight but are considered relevant to this application.*

#### **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

#### **Supplementary Planning Guidance**

Land South of the High Street, Leighton Buzzard, Development Brief (2012)

Land at Bridge Meadow, Leighton Buzzard, Development Brief (2012)

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (April 2014, May 2015)

Managing Waste in New Developments SPD (2005)

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

Central Bedfordshire Council Employment & Economic Study (2012)

Central Bedfordshire Retail Study 2013

### Planning History

The following relevant planning history relates to the application site:

Application Number	CB/15/00817/OUT
Description	Erection of neighbourhood retail shopping facility, with associated access, parking servicing, circulation and landscaping areas.
Decision	Outline Application - Granted
Decision Date	14/07/2015

The following planning applications relate to land to the south of the application site off Grovebury Road:

Application Number	CB/12/03290/OUT
Description	Outline Planning: Proposed non food retail park of up to 10,775 sqm (116,000sqft) Gross retail floorspace, up to 600 sqm (6,460 sqft) storage up to 604 sqm (6,500 sqft) pub/restaurant, up to 167 sqm (1800sqft) drive thru restaurant, new vehicular access and associated highway works, associated car parking; hard and soft landscaping and associated infrastructure works.
Decision	Outline Application - Refused
Decision Date	21/02/2013
Application Number	CB/12/02071/OUT
Description	Development of the site for retail warehousing development within Class A1 (retail) to comprise 5,575sqm with 2,090sqm mezzanine floorspace and 929sqm garden centre enclosure and a restaurant/cafe/public house of 372sqm within Class A1/A3/A4/A5 use
Decision	14/11/2013
Decision Date	Outline Application - Granted
Decision Date	Undetermined
Application Number	CB/16/05251/RM
Description	Approval of all reserved matters pursuant to outline planning permission CB/12/02071/OUT comprising appearance, landscaping, layout and scale concerning development of retail warehousing of 7,258sqm GIA (including mezzanines) with associated outdoor project areas and a drive thru restaurant of 246sqm GIA with provision of car parking (270 spaces) and servicing.
Decision	n/a
Decision Date	n/a

The following application relates to Houghton Regis North Site 1:

Application Number	CB/12/03613/OUT
Description	Outline planning permission with the details of access,

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

*(Officer note: It is anticipated that this development will provide a maximum of 30,000 square metres of retail uses. This application therefore represents a material consideration for the current application in relation to matters of retail demand and viability.)*

Decision Outline Application - Granted  
Decision Date 02/06/2014

The following planning history relates to the existing Tesco and Homebase stores at Vimy Road, Leighton Buzzard:

Application Number CB/10/04238/FULL  
Description Demolition of existing Class A1 retail warehouse (Homebase) and construction of extension (2,850 sqm) to existing Class A1 foodstore (Tesco) with additional car parking and landscaping. Construction of freestanding canalside Class A3 restaurant/cafe unit with public realm enhancements on Leighton Road frontage. Permission. Not implemented. Expired 28 May 2015.

*(Officer note: This planning permission has now lapsed but was live when the previous applications off Grovebury Road, listed above, were determined. This lapsing of this permission is a material change in circumstances since the earlier applications were determined).*

Decision Full Application - Granted  
Decision Date 28/05/2012

### **Consultation Responses**

Leighton Linlade  
Town Council RESOLVED to recommend to Central Bedfordshire Council that objection be made to application reference CB/16/00814/OUT (Land at Camden site, Grovebury Road) on the following grounds:

- i) Loss of employment land and the impact on the supply of B Class land in the locality.
- ii) The impact the proposal would have on bringing forward

land South of the High Street.

iii) When taken with the extant permission on Grovebury Road, the proposal would represent an oversupply of non-food retail units to the detriment of the town centre.

It was agreed that the Town Council by way of the Town Clerk would wish to make verbal representations should the item be taken to Development Management Committee.

Public Protection

With respect to the above application whilst there are a number of Environmental Impacts it is believed that these can be dealt with by way of condition. The proposed conditions relate to lighting, noise management and contaminated land.

Highways  
Development  
Management

Original comments

The Transport Assessment concludes that there is significant detriment to the highway network at some of the junctions but this could be subject to further investigation with the highway authority.

It was recommended that the proposal should not be permitted until:-

The committed development within the area that is not represented with the TEMPRO forecasting has been revisited. The capacity calculations are amended to traffic flows relating to the site.

Proposed improvements to the highway have been put forward to mitigate against the detriment the proposal has on the highway network and in particular the Grovebury Road corridor.

Comments On Additional Information

Revised details were submitted to address the deficiencies in the originally submitted documents. These identified that the impact on the highway network would not be significant overall but there were locations where queuing at peak periods would increase and needed to be addressed.

A financial contribution towards off site works along with improvements to the Stanbridge Road entry to the Stanbridge/Billington Road roundabout to create two entry lanes should be sought.

Drawing number 1579L-01 shows a 2 lane approach on Stanbridge Road measuring a total width of 5.0m for the first 7m then narrowing down to single width. This width of 2.5m per lane is an absolute minimum and one where cyclists would feel intimidated. Further amendment is required to this

proposal.

Until the above issues have been addressed then in highway terms it is not possible to advise that the proposal would not cause unreasonable levels of congestion at the junction of Stanbridge Road and Lake Street.

*(Officer note: discussions are continuing with the applicant and their agent to address these issues and it is anticipated that these will be resolved prior to the Committee Meeting and covered in the Late Paper update; this will include any highway related planning conditions).*

Integrated Transport No comment to make.

Countryside Services A development of this size, and nature does not directly impact on the Countryside Service but attention needs to be raised to record that the site was previously put forward concerning residential development. Any further residential development applications of this site will meet a request for the same or if not improved offer regarding the future off-site contribution/connectivity of open spaces. The offer would be expected to include the attached All Saints Church Meadow for the provision of public accessible amenity greenspace as part of the wider Ouzel Valley partnership (OVP) requirements.

Countryside Access Spending Officer There are no contributions sought from this development.

Internal Drainage Board Provided that there is to be no change to the existing storm water drainage arrangements and no increase in the impervious area of this site the Board will offer no objection to this development.

Trees and Landscape Officer To ensure successful separation and avoid future conflict, these units will need to clear the boundary, and provide sufficient space for further landscaping, in order to enhance and reinforce the required visual separation.

The proposed access road running parallel to the southern boundary needs to respect the existing landscaping adjacent to a well used public footpath linking Grovebury Road with the Grand Union Canal and Tiddenfoot Waterside Park, and sufficient planting space should therefore be allowed in order to accommodate further planting needed to supplement and enhance this visual buffer.

Given the size and combined mass of these buildings, there will need to be sufficient provision for more extensive tree planting than is being proposed. This tree planting needs to be built into the layout scheme at the very onset, using tree

pits, tree grids and guards, as part of the integral design of the parking areas.

Effective tree planting is required in order to successfully soften the built form and provide specimens that will be of sufficient scale and proportion with their surroundings, and be protected by vehicle parking and traffic movements. In this respect, it should be recognised that such planting cannot just be made on the basis of a planning condition, where subsequently the space needed for planting is often already taken up by prior car parking allocation.

Environment  
Agency

We have no objection to this application.

Ecology

It is acknowledged that this is a brownfield site with extensive, existing hard standing. However the site does lie within the Greensand Ridge Nature Improvement Area and is immediately adjacent to meadows in the River Ouzel corridor. As such I would ask that the landscape scheme considers this edge of the site to ensure it is adequately buffered to prevent a detrimental impact from the proposed development and that the objectives of the NIA are considered when preparing the planting scheme.

Landscape

No objection to the principle of redevelopment of this site.

The redevelopment of the site offers opportunity for proposed development and landscape to enhance not only the application site but also the surrounding natural environment.

Detailed recommendations are also offered on how the indicative layout plans could be improved and the landscape provision greatly enhanced.

Public Art

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments including commercial uses and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Travel Plan Officer

The revised travel plan dated July 2016 now meets the criteria for a travel plan at outline stage. The updating, implementation and ongoing monitoring of this plan will need to be secured via an appropriate condition.

Green Infrastructure

No Comment.

SuDS Management  
Team

We consider that planning permission could be granted for the proposed development if details of the final design,

construction and future maintenance of the surface water drainage scheme are secured by appropriate planning conditions.

Anglian Water Raise no objection to the application but make a number of recommendations related to the detailed design of the development and links to Anglian Water assets.

Highways England Offer no objection

Planning Policy The site is currently in use as employment land (allocated as an E1 site in the South Beds Local Plan). As the proposal is above the default threshold in the NPPF (para 26) of 2,500 sqm, the proposal is subject to a sequential and impact test, which have been submitted with the application.

The Retail Study 2012 found that Leighton Buzzard town centre performed well with a diverse range of retail offer and local vacancy rates providing an attractive shopping environment.

Following receipt of further information and clarification from the applicant:

The further information has been reviewed together with the updated Retail Study (Still in draft). The Retail Study Update basically echoes what the 2012 Study has said. It also acknowledges that there is retail leakage to centres such as Luton and Milton Keynes from Central Bedfordshire. Therefore this type of development would reduce this leakage out of Central Bedfordshire especially with the development to the east of Leighton Linlade.

There is concern that out-of-centre retail parks will have a similar effect to what the White Lion Retail Park is having on Dunstable town centre. However it is acknowledged that Leighton-Linslade is a more vibrant and healthy town centre serving a different population and many visitors access it regularly. To address this it would be appropriate for there to be a condition put on place restricting the minimum size of the units, as suggested by the applicant, so as not to compete with the town centre.

Bedfordshire Fire and Rescue Service We would ask that fire hydrants are installed at the developers cost and that the numbers are as follows: On a commercial site we will require one hydrant at least every 120 metres apart for normal risk premises and 90m apart for high risk premises with no premise further than 90 metres from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association.

The Greensand  
Trust

Object to the planning application. The proposal is located in an area of high landscape value, as highlighted in the Leighton-Linslade Green Infrastructure Plan (2014) and we do not see sufficient evidence of appropriate landscaping elements to mitigate such a significant proposed development as this. The views across the meadows are extremely important locally, and they and their setting must be protected.

Additionally, it is noted that the Meadows are within the ownership of the applicant. The Meadows have long been identified as a potential public access resource, particularly because this could facilitate key access corridors identified within the Leighton-Linslade Green Wheel – a proposed network of routes and spaces supported through the Ouzel Valley Park Strategy, The Big Plan II and the Leighton-Linslade Green Infrastructure Plan.

It is therefore suggested that should the authority be minded to approve the application, that the opportunity to secure the meadows for the greater public benefit must be taken. The Greensand Trust is a key partner in the Ouzel Valley Park Steering Group and is the owner of land adjacent to the west (across the River Ouzel) so is well placed to help take this opportunity forward.

### **Other Representations**

Six letters have been received from residents and local business people from: Highfield Road, Rowley Furrows, Hockliffe Street, High Street, Mill Road, Stanbridge Road and Ampthill Road which raise objection on the following grounds:

- What we really need are more companies to provide more jobs not a hotel or big retail outlets.
- The traffic on Grovebury Road is always a nightmare as it is.
- We already have all the large retail outlets we need in the town.
- Would rather go to Milton Keynes or Aylesbury than cause more congestion in an already gridlocked town with very limited amenities for an increased population.
- Our profitability as a company has halved since 2008 and our building has more value than the business, but we are happy to carry on and promote the town as a town with a high street worth preserving and a community worth fighting for.
- It is in the wrong place and older people cannot get there anyway.
- Would potentially devastate the town centre.

- At the moment businesses struggle to survive.
- We now have 14 empty shops approximately.
- The market continues to struggle.
- Take away more footfall from the town and the tipping point could be reached.
- The growth of the internet in recent years has caused retail businesses to struggle further, and continues so with many big companies going out of business.
- Many people decide to shop and be active locally.
- This type of retail park has been voted down before.
- We have buses and cycle routes into the town centre.
- The town centre is a beautiful, well cared for centre.
- There are lots of town centre based community activities.
- It has been shown time and time again that out of town shopping damages town centres.
- Leighton Buzzard is one of the few towns in Bedfordshire that still has a town centre of Old English character.
- An open A1 use is requested.
- Traffic accessibility is poor.
- The site has current tenants.
- Out of town developments hollow out town centres.
- There is no over capacity in comparison goods.
- The retail study is flawed.
- Impact on the town centre is under estimated.
- Any impact on the town centre turn over greater than 5% is harmful.

A petition containing 36 signatures has been received from the Leighton Buzzard Market Traders Association which raises objection on the following grounds:

- Harm to town centre trade.
- Loss of trade to market stallholders.

- Loss of retail choice for local people.
- Adverse impact on long established market.
- Work with the Town council to improve the market offer will be undermined.

One letter of support has been received from an adjacent business which makes the following comments:

We would like to take this opportunity to formally lodge our support for the application as presently before you and as shown indicatively on the attached revised plan(s). It represents an appropriate use of land adjoining our significant roof tile plant situated immediately adjacent.

Leighton Buzzcycles have made the following comments:

Whilst we in no way object to the proposed land use & development, & also note the provision of cycle parking & access onto the neighbouring cycleway, the proposed application is limited purely to the brown-field site (bounded by the application red line) rather than including the flood-plain meadows within the blue line also owned by the applicant.

The latter is critical proposed open space & cycle & pedestrian access within the Leighton Linslade Cycle Town long-term plan as evidenced by the LLTC Big Plan, the Green Infrastructure Plan endorsed by the Partnership Committee & also the wider Cycle route Green Wheel strategies. The proper development of this open space provides a vital link between the proposed development & the Town Centre & also between Parsons Close, the White Bridge crossing of the Canal & thence to the Railway Station, schools & Leisure Centre integrating the development into the wider cycle & walking network. It is recommended that no approval be given for this development until the wider network & amenity use of the meadows is agreed, & also the cycle route upgrade along Grovebury Road, linking the development into the south end of town.

### **Determining Issues:**

The main considerations of the application are;

- 1. Planning policy and background**
- 2. Employment Land Allocation**
- 3. Retail Impact**
- 4. Mitigation of Impact on Town Centre**
- 5. Highways and access**
- 6. Landscape**
- 7. Design concept**
- 8. Meadows**
- 9. Other Matters**

### **Considerations**

- 1.0 Planning policy and background**

- 1.1 The application site is located on the southern side of Leighton Linlade and forms part of a designated Main Employment Area. In line with South Bedfordshire Local Plan Review Policies E1 and E2 the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. Accordingly the Council would not wish to see current employment land lost to non-employment uses. However, in order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites should also be considered on a site-by site basis in relation to detailed considerations.
- 1.2 In line with the 'town centres first' approach advocated by the National Planning Policy Framework (NPPF), the Council seeks to support the role and function of the town centres. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered.
- 1.3 For proposals over 500 square metres gross external floorspace that are outside a designated town centre boundary, the development should be considered against a retail impact test. The retail impact test should consider the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. The impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made will also be considered. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

## **2.0 Employment Land Allocation**

- 2.1 Taking account of the site's history of low employment levels and development initiatives and the opportunities for employment creation which would result from the proposal. The applicant has indicated that over 70 jobs could be created against the current level of less than 10 jobs across the site. The proposed non-B Class development is considered acceptable.
- 2.2 The current buildings on the site do not conform to modern design standards in terms of form, insulation and ancillary facilities and are not attractive to existing or new businesses. Much of the site is turned over to open storage which generates very little employment.
- 2.3 The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites.
- 2.4 The proposed non-B Class development is considered acceptable given the

current low level of employment use on the site when compared to the proposed uses.

### **3.0 Retail Impact**

#### **3.1 Sequential test**

In line with the Council's broad objective to support the role and function of the town centres, proposals for retailing outside of town centre boundaries will be considered against a sequential test as required under the NPPF guidance. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered favourably.

3.2 The applicants have undertaken an assessment of the availability and suitability of other sites within Leighton Buzzard. These include the planned developments at land south of the High Street and the Bridge Meadow site, for which the Council has endorsed Planning and Development Briefs. The briefs set planning frameworks to guide the future regeneration of the two sites and set down appropriate land uses and development principles.

3.3 Land south of the High Street is identified as providing an opportunity to extend the town centre to improved facilities for the town's current and future population. Development on this site is an objective within the council's Plans. Accordingly the Council have committed substantial resources and have commenced, and in some cases concluded, the assembly of key land parcels for land south of the High Street. As such this site should be considered available within the plan period.

3.4 However this site is regarded as unsuitable and unviable for bulky goods retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.

3.5 As with the land south of the High Street, any future scheme for the Bridge Meadow site would need to be in line with the objectives of the Development Brief. The Brief identifies opportunities for development which could incorporate a mix of uses including further education, health, recreation and residential. The Bridge Meadow Development Brief envisages a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme. Given this, and the complex land assembly and tenancy issues, the Bridge Meadow site should be regarded as unavailable, unsuitable and unviable for the proposals being put forward.

3.6 As noted in the planning history section planning permission has been granted in outline for retail development further to the south on the edge of Leighton Buzzard. This site would be of sufficient size to accommodate the proposed development, however, it would be located further from the town centre and as such the current site would be sequentially preferable in terms of location. It should be noted that reserved matters have recently been submitted for this consented site and these are subject to a separate report

on this committee agenda. This site should, therefore be considered as likely to be delivered in the short to medium term.

3.7 There are no other sites of suitable size to accommodate the proposed development in the Leighton Buzzard area and it is considered that the site does not fail the sequential test under the terms of the NPPF. The Vimy Road permission noted in the planning history has lapsed and the site remains in active use and is considered unlikely to come forward in the short term. The HRN1 site referenced in the planning history is part of a very large development which would require significant infrastructure and reserved matters approval before delivery could commence; it is considered that this site is also not available in the short term.

3.8 Impact test

In accordance with NPPF guidance the proposals should be also considered against a retail impact test which examines the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

3.9 In particular, due consideration must be given to retail proposals on land south of the High Street and the Bridge Meadow site. The proposed retail developments must demonstrate that the proposals will not compromise either of these planned schemes from coming forwards over the plan period.

3.10 In general terms the Retail Impact Assessment submitted in support of the application indicates that Leighton Buzzard continues to perform well, and overall is a vibrant and healthy centre. It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and 'bulky goods' trade. These conclusions are in line with the Council's own retail studies and the advice of the Council's retail consultant.

3.11 On the basis of the aspirations for the Bridge Meadow site (a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme) and the timescales of this development it is considered that the proposal would not adversely impact upon the deliverability of the Bridge Meadow development.

3.12 Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations. Given the different aspirations of the application proposals and those for the town centre expansion site, the development is unlikely to impact on the marketability of the land south of the High Street. It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.

3.13 The Council's 2013 Retail Study (the most recently published version) shows there is a substantial amount of comparison goods leakage (65%) from Zone 8, the area in which Leighton Buzzard is located and the Study does highlight opportunities to 'clawback' some of this trade to increase market

share through new retail development. As noted in the Consultation responses from the Policy officer the Study has an error which results in an under estimate of available capacity; the applicant's retail consultant has produced updated data that takes account of this discrepancy.

- 3.14 It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. The trade counter use would not compete with town centre uses. The proposed retail floor space (which could impact on the town centre) would be limited to 6,221m<sup>2</sup> (GEA) – 4984m<sup>2</sup> GIA of the total 7,350m<sup>2</sup> (GEA) – 5880m<sup>2</sup> GIA proposed.
- 3.15 The findings of the Council's study are reflected in the findings of the applicant's assessment that supports the application. It should be noted that consent for an extension to the Tesco store has lapsed which effectively adds another 2,850m<sup>2</sup> into the need for floor space when compared to the 2013 Council Study. This means that the figure can be added to the floor space identified in the retail Study as this was seen as a commitment thereby increasing the potential floor space need.
- 3.16 Taking all of the above into account the updated information derived from the 2013 retail study shows a capacity for Leighton Buzzard of 13,911m<sup>2</sup> (GIA). The proposed development could deliver upto 8,037m<sup>2</sup> GIA which when combined with the 6,132m<sup>2</sup> GIA for the consented Grovebury Road scheme and Bridge Meadows scheme's potential 1,000m<sup>2</sup> GIA gives a total of 15,169m<sup>2</sup> GIA. This total is above the capacity estimate and generates a small excess of 1258m<sup>2</sup> GIA. Whilst this is above the figure identified in the capacity study it is less than 10% and not considered to represent a significant over supply. The figure also assumes that all of the potential floorspace will be delivered.
- 3.17 Under the terms of the NPPF need cannot be cited as a reason for refusal. However deficiencies can lead to greater levels of impact and this is therefore a relevant consideration under the impact test. The proposal would be reliant on trade diversion, both from Leighton Buzzard town centre and elsewhere. It is necessary to consider whether the proposals would give rise to acceptable levels of trade diversion, without leading to any unacceptable impact upon the vitality and viability of the town centre. In some circumstances the loss of one or two key retailers in a town centre could commence the process of gradual and continued decline, either through national economic trends, or new development and a consequent significant impact.
- 3.18 The current leakage of comparison goods trade from Leighton Buzzard and opportunities for 'clawback' trade within Leighton Buzzard are identified within the application. In light of the Council's 2012 Retail Study, there is little 'bulky goods' trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks. Any trade diversion from elsewhere in the Study area would more likely result in the creation of unsustainable shopping patterns and this would not be in line with the broad objectives of the NPPF.
- 3.19 The applications are therefore reliant on 'clawback' trade from the four Milton

Keynes retail parks. It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment. This is in the context of appropriate restrictions being placed on any consent restricting the sale of goods and minimum floor space of units as a greater level of flexibility in the range of goods is unlikely to be unacceptable in impact terms.

3.20 The applicant's retail capacity assessment has indicated a 5.4% trade diversion attributable to the proposed development which would rise to 7% when the other consented scheme, at Grovebury Road, is taken into account. Generally a diversion of 10% is considered to be significant and potentially seriously detrimental.

3.21 Given the clear conclusion regarding the impact of the proposals, it is not considered that an objection purely upon retail policy grounds could be sustained. Nevertheless, it is inevitable that there will be some product overlap with the town centre, including some businesses that would be directly affected.

#### **4.0 Mitigation of Impact on Town Centre**

4.1 Whilst the principle of the development is considered to be acceptable in terms of retail impact, safeguards are required to minimise the potential for impact on the town centre. The applicant has proposed a minimum floor space of at least 850m<sup>2</sup> (GEA) for any unit within the development. Such a floor space would be significantly larger than most town centre units and would encourage smaller operations to look for premises in or adjacent to the town centre.

4.2 It is also proposed to restrict the sale of goods to comparison goods only and exclude convenience goods which would add further protection to the town centre. The restrictions would also address the minimum unit size and control the overall maximum number of units. The restrictions would be secured through the proposed section 106 agreement.

#### **5.0 Highways and access**

5.1 The site would take access from a new junction on the eastern boundary off Boss Avenue; this junction has previously been agreed to serve a small retail unit adjacent to the roundabout. The proposed access would provide access for commercial vehicles and customer vehicles.

5.2 The highway officer has confirmed that the updated traffic assessment is robust and that the principle of the development is acceptable in terms of impact on the immediate road network. There are concerns over the impact on the wider road network at times of peak demand.

5.3 The applicants have proposed capacity improvements to the Stanbridge Road arm of the Stanbridge Road/Billington Road Roundabout. The details of this improvement are being finalised and an update on progress will be provided in the Late Sheet.

- 5.4 The applicants have also proposed a £25,000 contribution towards the provision of bus signals at the Billington Road Junction. A contribution would also be made to upgrade the nearest bus stops to provide real time passenger information. These contributions will be secured through a section 106 agreement and would be in conformity with the CIL regulations.
- 5.5 The proposed travel plan will address travel to the site by means other than the private car. The travel plan and its implementation will be secured through the proposed section 106 agreement.
- 5.6 With the proposed mitigation measures the proposed development is considered to be acceptable in highway terms.

## **6.0 Landscape**

- 6.1 Several of the consultees have raised issues around the need to provide appropriate landscaping as part of the development along with safeguarding vegetation on or adjacent to the site boundaries. These are matters of detail that should be addressed at reserved matters stage should planning permission be granted. The advice received to date would be used to guide the design development. It is considered that adequate landscaping could be provided as part of the detailed design of the proposal.

## **7.0 Design concept**

- 7.1 The submitted indicative proposals show two separate building blocks with large areas of car parking. The larger building would contain the retail uses with the smaller building providing the trade counter element. The detailed design and layout would be subject to a reserved matters application but the principle of two substantial buildings is considered acceptable given the character and nature of the surrounding area which is characterised by substantial employment buildings. The site is of sufficient size to provide adequate car parking which would be designed in detail at reserved matters stage.

## **8.0 Meadows**

- 8.1 Several of the consultation responses have highlighted the opportunity to bring the meadows to the west into public use/management. It is acknowledged that this area has high amenity value and could provide significant amenity value to residents of the area. There is not, however, a significant planning link between the proposed development and community use of this land. It is not considered that access to this land could be delivered through the proposed development as there is no local or national policy link or other justification to support the provision of open space in support of a retail development. Notwithstanding this the matter has been discussed with the applicant but they have confirmed that use of the meadow land is not part of the current proposal.
- 8.2 It should also be noted from the consultee responses that the Council does not have the resources available to manage the land should it be made available at this time.

## 9.0 Other Matters

### 9.1 Human Rights issues

The proposal raises no Human Rights issues.

### 9.2 Equality Act 2010

The proposal raises issues of access under the Equality Act and an Informative will be added to the decision notice to remind the applicant of their responsibilities accordingly.

## Recommendation

That the application be **Approved** subject to completion of a section 106 agreement, referral to the Secretary of State as a departure from the Development Plan and the following conditions:

### RECOMMENDED CONDITIONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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.

- 2 Details of the layout, scale, appearance (including materials) and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development on that plot begins and the development shall be carried out as approved.

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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.

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To protect, as far as possible the character of the locality, the materials are critical to the appearance and quality of the development**

and need to be approved prior to development commencing.  
(Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 5 Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of any existing trees and hedgerows to be retained as part of the development and details of protection measures for the retained trees and hedgerows. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The new and retained trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory standard of landscaping and ensure that the landscape is designed and delivered as a fundamental part of the overall design concept.  
(Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 6 Before development begins, a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include written details of how public art would be commissioned and integrated as part of the development, setting out details of community engagement/consultation undertaken, timeframes for the creation and advertisement of an artists brief, the artist shortlisting and agreement process, and a maintenance plan for any artworks created including funding for long term maintenance. The strategy shall then be fully implement in accordance with the approved details.

Reason: To ensure a satisfactory and appropriate artistic feature(s) or element(s) are integrated into the development itself as an intrinsic part of the design development process and thereby enhance, as far as possible the character of the locality.  
(Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 7 Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To ensure that there is no light pollution or glare to the detriment of the amenity of users and occupiers of the site and surrounding area.  
(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 8 Prior to the submission of a Reserved Matters Application an appropriate assessment and scheme shall be submitted to and approved in writing to ensure that the proposal in terms of noise (and vibration) from traffic, fixed plant, commercial activities and deliveries does not impact on the amenity of adjoining land users. No units shall be occupied until the any scheme or

mitigation schemes have been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.  
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 9 No part of the development hereby permitted shall be brought into use until a Service Yard Management Plan which shall include details of hours of deliveries and loading/unloading of vehicles has been submitted to and approved in writing by the Local Planning Authority. Delivery management shall be implemented in accordance with the approved plan at all times.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area; the .  
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 10 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.  
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 11 **No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:  
A Phase 1 Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.**

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.  
(Policy BE8, SBLPR and Sections 7 & 11, NPPF).**

- 12 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by

a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation/validation should include responses to any unexpected contamination discovered during works

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.  
(Policy BE8, SBLPR and Sections 7 & 11 NPPF).

- 13 **No development shall commence until a detailed Surface Water Drainage Scheme for the site based on the agreed Flood Risk Assessment and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The final scheme shall include a management and maintenance plan and be designed in accordance with the DEFRA 'Non-Statutory Technical Standards for Sustainable Drainage Systems' (March 2015) and the Central Bedfordshire Sustainable Drainage Guidance (Adopted April 2014, Updated May 2015). The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

The following information shall be included in the Surface Water Drainage Scheme:

- 1) **A clearly labelled surface water drainage layout plan showing the position, gradient, dimension and level of each drainage element.**
- 2) **Details of soil infiltration tests carried out in appropriate locations in accordance with BRE Digest 365.**
- 3) **An assessment of the existing and proposed impermeable areas together with detailed design calculations for the proposed infiltration systems including an allowance for climate change.**
- 4) **Details of long term management arrangements and maintenance requirements for each drainage element.**

Reason: To ensure that the approved system will be delivered as an integral part of the development function to a satisfactory minimum standard of operation and maintenance and to prevent the increased risk of flooding.  
(Sections 7 & 10, NPPF).

- 14 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of any unit comprising the development, the fire hydrant(s) serving that development unit shall be installed as approved. Thereafter the fire hydrant(s) shall be retained as approved in perpetuity.**

**Reason: In the interests of fire safety and providing safe and accessible developments.  
(Section 8, NPPF)**

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 123450/1 rev B, 123450/3 Rev D, 123450/4 Rev B, 123450/5 Rev A 123450/6 Rev B, 123450/7 Rev E, 123450/8 Rev E and 002.

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

**INFORMATIVE NOTES TO APPLICANT**

1. 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 National Planning Policy Framework (NPPF).
2. 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.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through engagement with the applicant during the application 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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