

**Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ**



**TO EACH MEMBER OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

12 February 2013

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 13 February 2013

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet.

Late Sheet

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

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LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 13TH February 2013

Item 6, 7 & 8 (Page 13-134) – Maulden Footpath

Mid Bedfordshire



HOUSE OF COMMONS
LONDON SW1A 0AA

Ch. A. Shadbolt
20A White Horse Close
Hockliffe
Leighton Buzzard
Bedfordshire
LU7 9LT

Our ref: LDN2083

8th October 2012

Dear Alan,

This letter offers an explanation and more information regarding my support for Mr Bowers' endeavours to have Footpath 28 either extinguished or deleted. Having studied the events which have occurred over the years regarding Footpath 28, I wish to make the following observations:

There is written evidence in the form of a letter dated 21st October 1957 from the County Surveyor stating that the path in question was not a public footpath. This was confirmed in 1989 in searches Mr Bowers instigated when he purchased the property.

The Countryside Access Team of Central Bedfordshire Council has noted that, when Mr Bowers fenced the land to graze horses it 'precipitated the submission of an application under the Wildlife and Country Act to claim a public footpath through the land'. However, they also refer to an 'independent assessment'. I understand that neither the current nor previous owners were interviewed, but rather the officers conducting the survey encouraged people supporting the creation of a path to speak to them and even paid their legal expenses. This is not independent or impartial.

I think it is also important to note that the public would not be inconvenienced in any way by the removal of Footpath 28 due to the presence nearby of a bridleway. Indeed, as the bridleway has been recently upgraded and has a better junction with the road, it is in fact safer for the public to use this than Footpath 28.

It is high time that this case was looked at with some common sense rather than ideological blinkers about rights of way. Footpath 28 was created erroneously and has been maintained by incompetence. There is a path nearby the public can use conveniently and safely. I offer my full support to Mr Bowers and hope this case can be brought to a conclusion with the removal of the path as soon as possible.

Yours,


Nadine Dorries MP

Tel: 020 7219 5928 Fax: 020 7219 6428
dorriesn@parliament.uk www.dorries.org.uk

Item 9 (Page 135-224) – CB/12/02071/OUT – Retail Park at Grovebury Road, LU7 4UX

Additional Consultation/Publicity Responses

GVA Grimley (12/02/2013)

The Council's retail consultant has set out a more detailed response to the objections received. The response is attached as **Appendix 1** and can be summarised as follows:

- The differences between bulky and non-bulky retail should not be considered when local authorities consider 'planned need' in their emerging DPD's and town centre strategies. They should consider the sequentially most suitable sites for comparison goods.
- When considering applications, however, the Practice Guidance and NPPF directs applicants and local authorities to consider a range of more technical issues.
- Given the retail mix, it is right to point out that there is some non-bulky goods expenditure leakage to the four retail park destinations referred to in the GVA report, but as we have noted in paragraphs 5.33 and 5.34, total expenditure leakage would result in £19.4m by 2016, whilst the Grovebury Road schemes would require claw back of only £14.1m.
- The Grovebury Road proposals are not reliant on 100% claw-back from the four retail parks in Milton Keynes. The level of leakage is greater than the level of trade required. There will be some trade diversion from these destinations. There would also be an element of 'mutual impact' if both schemes were delivered, leading to less reliance on claw back.
- We are comfortable that there is sufficient bulky goods expenditure to claw back from a variety of destinations, primarily the four retail parks in Milton Keynes (GVA, para.5.36). The level of potential bulky goods trade is greater than the turnover required to support the Grovebury Road proposals, although not unlimited (GVA, para 5.41). The proposals will obtain trade from a number of other destinations also. We re-affirm our conclusions drawn in Section 5, in particular paragraph 5.39 onwards.
- The assessment is not merely about bulky retail as compared with non-bulky retail but also ensuring the range of goods proposed will not have a significant detrimental impact on Leighton Buzzard town centre. The mix of uses at the Grovebury Road schemes would divert trade primarily from the four retail parks, but likely also from a range of other town centre and out-of-centre destinations.

Strategic Planning (30/01/2013)

Overall, from a Policy perspective, I do not consider there would be significantly detrimental impact if the employment sites were utilised for alternative uses. The recent Economic and Employment Study identified an over-supply of employment land across Central Bedfordshire and there is a significant level of strategic land identified for allocation within the emerging

Development Strategy, 16ha of which are close to the two sites within the East Leighton Linslade Urban Extension. Although the two sites are reasonably well connected, the provision of the A5-M1 link road may result in the two sites being considered more favourably for the delivery of B Use employment - the road is however a couple of years away from being completed.

The Pre-Submission Development Strategy contains a number of employment policies which seek to be pro-active in the delivery of employment land and jobs within Central Bedfordshire and not overly restrictive. Policy 7 relates to the provision of employment generating non-B uses on employment sites and identifies a series of criteria which must be satisfied before employment land can be lost to alternative uses. We would expect proposals for the sites to have due regard to this policy and address the points identified. Consideration should also be given to the relevant retail policies within the Pre-Submission Development Strategy.

Economic Regeneration (06/02/2013)

Consultation response attached as **Appendix 2**.

89 additional objections have been received in response to the application, summarised as follows:

- The proposal conflicts with national guidelines which seek to protect and encourage High Streets.
- The High Street serves an important community function and must be regenerated through the planned development on land south of the High Street.
- The application sites are not accessible to non-drivers.
- The developments would not encourage footfall within the town centre.
- Concerns are raised regarding traffic congestion.
- The existing Homebase store should be retained in its current location.
- The town is well served by existing retailers and larger multiples at Milton Keynes and Luton.
- There is significant local opinion against the proposals including from smaller independent businesses.
- Leighton Buzzard is not supported by any significant tourism and could not support another retail area.
- GVA Grimley's Retail Review does not give sufficient weight to the impact upon local people.
- If both developments were to proceed, the scale of out of centre retail would be out of proportion with the current comparison floor space in the town centre
- GVA Grimley's predictions regarding the opportunity for 'clawback' trade from other centres is questioned.
- The future of many 'bulky goods' retailers are uncertain. A number of important 'bulky goods' retailers have recently folded and several would not have interest in Leighton Buzzard.
- Vacancy rates in Leighton Buzzard are low due to smaller units owned by smaller businesses with a presence on the High Street.

- The presence of food retailers as part of the developments would further harm the town centre.
- The applications do not satisfactorily address retail impact on the basis of current information.
- It is questioned whether there is a need for the developments in qualitative and quantitative terms.
- The application sites cannot be considered acceptable in terms of the sequential test given their location and accessibility. Land south of the High Street is the preferred site.
- 'Bulky goods' retailing should not be considered a separate category of retail. Many retailers in the town centre have offered these types of goods for many years.
- It is likely that Homebase would not relocate as their location supports 'linked trade' with Tesco. A competitive retailer such as Wickes would have a harmful impact on these existing retailers.
- Although it is suggested that there is potential for sufficient 'clawback' trade from other towns, a significant number of retailers at these other towns are not 'bulky goods' retailers. In reality the developments cannot therefore achieve sufficient 'clawback' trade.
- Town centre retailers cannot continue to rely on customer loyalty if customers are offered a better choice, price and service outside of the town centre.
- The Portas Pilot initiatives should be supported.

Third party representation forms, headed "Help Save Your High Street"

The Council has received a further 236 third party representation forms, headed "Help Save Your High Street". A number of those who had completed forms have also commented by way of objection. A number of those who had completed the forms did not provide full addresses. The forms state that there are two retail development options within Leighton Buzzard; Option 1, an extension to the existing retail centre on land south of the High Street or Option 2, a retail development on Grovebury Road. Of the 236 additional forms received;

- 228 indicated a preference for development on land south of the High Street.
- 6 indicated a preference for neither development
- 2 indicated a preference for the proposed retail park developments.

Leighton Buzzard Observer poll

The Council has received copies of the reader votes submitted in response to the Leighton Buzzard Observer's opinion poll regarding the applications. A total of 272 votes were made online and with paper forms. 55% responded against the proposals and 45% responded in favour of the proposals.

Detailed third party representations

The Council has also received several detailed third party representations in relation to this application. These are as follows:

- Wood Hardwick Planning objection. Letter comments on the sequential test, the impact test, the retention of employment land, the control of

goods sold. It is stated that the “third retail park” proposed at the Camden site is considered preferable to the application site. Planning agents have been instructed to prepare planning submissions for this site. **(Appendix 3)**

- Third party objection. Letter comments on the sequential test, highways considerations, retail impact. **(Appendix 4)**
- Third party objection. Letter comments on the distinction between bulky goods and main town centre uses, the make up of retailers at Milton Keynes retail parks, bulky goods definitions, the interpretation of the Roger Tym retail study, the Council’s retail consultant’s conclusions in relation to potential ‘clawback’ trade. **(Appendix 5)**
- Third party objection. Letter comments on the cumulative impact of both developments. It is indicated that the development would result in a significant over-provision of retail floorspace in Leighton Buzzard; harm the vitality and viability of the town centre; prejudice the Bridge Meadow and land south of the High Street developments; undermine the emerging Development Strategy which is underpinned by a more limited retail need than would be provided by the proposed schemes; conflict with the NPPF, Local Plan, emerging Development Strategy and Development Briefs for Leighton Buzzard; the conclusions drawn on the sequential test are contrary to the conclusions of the Council’s retail studies and deal with the Council’s retail studies incorrectly. **(Appendix 6)**

CBC Highways

Highways have commented on the applicant’s additional information as summarised below and have raised several detailed issues with the submitted capacity assessments. Concerns are raised in relation traffic growth, the implications of the Billington Road Transport Corridor scheme and the capacity of the Stanbridge Road/Grovebury Road/Lake Street junction. Highways do not consider that the applicant’s approach to assessing potential combined traffic flows for both retail developments is appropriate. As such it has not been satisfactorily demonstrated that there is sufficient capacity within the road network in the event that both developments were to be built out. **(Appendices 7 and 8)**

Applicants Additional Information

Since the finalisation of the Committee agenda, the applicant has submitted additional information which addresses the following:

- Mayer Brown Transport. Letter in response to CBC Highways comments regarding highway capacity. **(Appendix 9)**
- Mayer Brown Transport. Email in response to CBC Highways comments regarding highway capacity. **(Appendix 10)**
- Agent’s email dated 11/2/13. The proposed contribution to the Dash Direct service is considered the most appropriate method of providing a suitable bus service for the site. The likely timing of adjacent housing developments to support an extension to the Dash Direct bus service, the potential impact of a dedicated service for the application sites on the existing Dash Direct service are addressed. As a fall back to an extension to the Dash Direct service coming forward in the immediate

future, it is proposed that the retail park would temporarily support its own minibus service. If the Council insists that the development is served by its own commercial bus service, this would mean a reduction in Section 106 contributions towards other areas. **(Appendix 11)**

Additional Comments

Prior Notification of Proposed Demolition submitted in relation to previously developed site

Following the finalisation of the Committee agenda, Barwood developments Ltd (applicants) and Invesco P.I.T Ltd. (site owners) have submitted an Application for prior notification of proposed demolition for the demolition of the existing warehousing on the previously developed site. The notice was received by the Council on 7 February 2013. Under the notification procedure the Council is empowered to respond to this application in relation to the safety and environmental implications arising from the proposed demolition works but must do so within 28 days of receipt of the notice. The Council cannot object to the proposed demolition works on the basis of broader planning considerations.

Goods restrictions

It should be noted that pets and pet supplies were not included in the list of items to be sold as part of the retail developments (pages 160 and 166, Item 9 and pages 205 and 254, Item 10). However the sale of these types of products as part of the retail developments would be consistent with other 'bulky goods' developments in the area including the White Lion Retail Park, Dunstable. Taking account of the Section 106 controls imposed as part of the White Lion Retail Park development, the advice of the Council's retail consultant and Officers' conclusions regarding retail impact, it is considered that the sale of pets and pet supplies as part of the Grovebury Road developments is appropriate.

Potential 'clawback trade'

It is noted that some retail operators in the four retail parks in Milton Keynes/Bletchley will be 'less bulky'. GVA Grimley's Retail Review of the proposals has, to some extent (para 5.33), justified sufficient expenditure from just these four destinations to support the two proposals (a leakage of 9.4% £16.4m). GVA have stated that this is marginal, but sufficient. GVA add that overall leakage from Zone 8 substantially greater than 9.4% - it is 65% to both bulky and non-bulky town centre destinations. Whilst the Grovebury Road schemes would inevitably sell a small proportion of 'non-bulky' goods, they are primarily bulky. The trade that they don't draw from the four Milton Keynes retail parks will instead be drawn from a selection of town centres; for example, Milton Keynes, Luton, Dunstable, Aylesbury and Leighton Buzzard. On the basis that the two proposals will be strictly controlled to primarily bulky goods, the impact will be low and dispersed across a number of destinations. It is considered there is sufficient expenditure to support both proposals through claw-back from both the bulky goods destinations in Milton Keynes, and a selection of other town centre destinations.

Determination procedure

Members attention is drawn to the applicants' additional information and Counsel opinion (Appendix 2 of late sheet item 10) which raises concern that the Committee reports do not make it sufficiently clear that both schemes should be considered acceptable in combination. It is stated that the Committee reports frame the two proposals as alternatives. In order to avoid prejudice on this basis, it is asserted that the two applications should be dealt with as a single Committee item rather than two distinct items. Various case law is referenced to support this approach. Officers consider that this approach carries several inherent risks which might affect the soundness of the decisions taken, particularly the increased potential for the individual merits and characteristics of the two schemes to be confused at the decision stage. This approach is not therefore considered appropriate. Each of the two separate proposals should be dealt with on the basis of their individual merit but having regard to potential combined impacts. For the avoidance of doubt, Officers consider that both schemes should be regarded as acceptable in combination. Notwithstanding this, if the Council determines that one or both schemes should be refused, any planning refusal should be on the basis of a planning objection to the refused scheme itself. Importantly, the applications must not be determined on the basis of a preference for one scheme over the other.

APPENDIX 1

Page 1 of 3

Adam Davies

From: ~~Adam Davies (adam.davies@gva.gov.uk)~~
Sent: 11 February 2013 15:30
To: Adam Davies
Cc: David Hale
Subject: Grovebury Road Note
Follow Up Flag: Follow up
Flag Status: Red
Adam

I set out here some more detailed points in response to the objection received.

The objection makes the point that 'bulky goods are no longer considered a separate category of retailing'. We make the following points:

GVA concur with the statements made by Roger Tym, as quoted from policy, but there is a difference between policy 'planned' development and the consideration of planning applications. There is no longer policy support to provide a distinction between different types of comparison goods when considering the **planned need** for new floorspace. The town centre policy objective being to direct all comparison goods to town centres in the first instance.

But, when considering applications, more detailed sequential and impact issues should also be taken into account. Sequential: see paragraph 4.12, 4.13, 4.14 of GVA report, quoting the Practice Guidance. Impact: NPPF paragraph 26 commits the developer and local authority to consider the extent of adverse impact on existing, committed and planned investment. Section 5 of the GVA report has addressed this point.

In summary, the differences between bulky and non-bulky should not be considered when local authorities consider 'planned need' in their emerging DPD's and town centre strategies. They should consider the sequentially most suitable sites for comparison goods. When considering applications, however, the Practice Guidance and NPPF directs applicants and local authorities to consider a range of more technical issues.

The objection states that our arguments in respect of claw-back are in-accurate on the basis that the four retail parks in Milton Keynes referred to (GVA, para. 5.30 onwards) sell a range of non-bulky goods. We ascertain from their objection that they believe there is not, therefore, sufficient bulky goods expenditure to 'claw back' to support the proposals.

Winterhill and Central Retail Park, Milton Keynes, are traditional bulky goods destinations. Beacon Retail Park and Kingston Retail Park offer a wider retail offer with a greater range of non-bulky goods. Nevertheless, the raw survey results demonstrate that Zone 8 residents travel to all four retail parks for their more bulky goods shopping of the type proposed at Grovebury Road. For example, Zone 8 residents travel to all four retail parks for their 'DIY goods', 'furniture & floorcoverings', and 'electrical items'. They also travel for sport equipment and toys: all goods proposed at Grovebury Road.

Given the retail mix, it is right to point out that there is some non-bulky goods expenditure leakage to the four retail park destinations referred to in the GVA report, but as we have noted in paragraphs 5.33 and 5.34, total expenditure leakage would result in £19.4m by 2016, whilst the Grovebury Road schemes would require claw back of only £14.1m. We believe trade leakage is primarily bulky goods in nature given that this is where the gap is in Zone 8 in terms of retail goods type provision. There is very little expenditure leakage to the four retail parks for non-bulky goods

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items (clothing, health, beauty and chemist items, for example). Although two of the four retail parks offer these goods types, they attract minimal trade from Zone 8; residents can instead obtain these goods closer to home - Leighton Buzzard, for example.

We add the following points, demonstrating where else the Grovebury Road schemes will get their trade from; i.e. primarily, but not wholly reliant on the four retail parks.

1. The Grovebury Road proposals are not reliant on 100% claw-back from the four retail parks in Milton Keynes. The level of leakage is greater than the level of trade required.
2. The raw survey results do highlight other 'bulky goods' destinations for those living in Zone 8, notably, Vale Hundreds, Aylesbury; White Lion; Aspley Mills; Laporte Retail Park, Luton; Broadfield Retail Park, Aylesbury; and The Junction Retail Park, Aylesbury. There will be some trade diversion from these destinations also.
3. Paragraph 5.34 of the GVA report notes the 'mutual impact' if both schemes were delivered, leading to less reliance on claw back.
4. There is substantial trade leakage of bulky goods type expenditure to Milton Keynes, located outside Zone 8. This includes 30% of 'Furniture/Carpets'; 22.7% of 'Electrical'; and 18% of 'Sports goods, toys' expenditure to Milton Keynes town centre. There will certainly be some trade diversion from Milton Keynes town centre. As acknowledged by the applicant and GVA, there will be some trade diversion from Leighton Buzzard town centre.

In summary, we are comfortable that there is sufficient bulky goods expenditure to claw back from a variety of destinations, primarily the four retail parks in Milton Keynes (GVA, para.5.36). The level of potential bulky goods trade is greater than the turnover required to support the Grovebury Road proposals, although not unlimited (GVA, para 5.41). The proposals will obtain trade from a number of other destinations also. We re-affirm our conclusions drawn in Section 5, in particular paragraph 5.39 onwards.

The applicant states that substantial 'bulky goods' expenditure goes to Milton Keynes town centre (Point 4 of objection). We have noted above that a proportion of this is likely to be diverted to the proposals, although the level will be negligible compared to the turnover of Milton Keynes town centre.

We would state also that impact generally falls on 'like for like' shopping destinations/experience. The Grovebury Road proposals would therefore more likely impact on a like for like destination, such as the retail parks in Milton Keynes which offer ease of access, free and plentiful parking etc.

Table 3.1-3.3 - might not quote survey questions word for word, but this does not change the points being made in the report or the GVA conclusions/outputs.

Table 3.4 of the GVA report: The title is incorrect, it should be filled 'where else do you shop for electrical products'. It could actually be deleted, but this wouldn't change our conclusions.

Their points about range of goods and survey questionnaire categories not accurately defining bulky/non-bulky are irrelevant. The assessment is not merely about bulky v non-bulky, but ensuring the range of goods proposed will not have a significant detrimental impact on Leighton Buzzard town centre. The survey questions reflect accurately the types of goods being proposed at Grovebury Road; for example, both proposals include the sale of textiles/soft furnishings and gardening products, albeit the proposals are primarily bulky in nature. The survey results and views re: trade diversion/claw back are therefore reflective of actual shopping patterns and the role of the Grovebury Road proposals (irrespective of arguments around bulky or non-bulky goods).

12/02/2013

APPENDIX 2



Mr Adam Davies
Senior Planning Officer
Development Management
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands SG17 5TQ

Your ref: 12/02071/OUT and
12/03290/OUT
Our ref:
Date: 06 February 2013

Dear Adam

Planning Applications – 12/02071/OUT and 12/03290/OUT – Retail Parks at Grovebury Road

Thank you for inviting me to comment on the above applications.

I would like to comment on two aspects of the planning applications. Firstly, on the impact on Leighton Buzzard town centre and the planned future investment in the Land South of High Street site. Secondly, I will comment on concerns over the potential impact on loss of employment land and premises to retailing.

Impact on the Town Centre

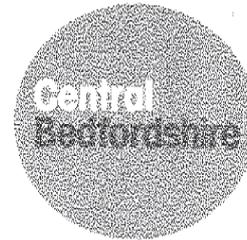
I am Project Sponsor for the Council's work to regenerate the Land South of High Street site in Leighton Buzzard Town Centre. A Planning and Development Brief for this site, along with another for the Bridge Meadow site on the edge of the town centre, was endorsed by the Council's Executive in March 2012.

Regeneration of the Land South of High Street site has the potential to bring significant benefit and improvements to the town centre, and importantly enhance the range and quality of facilities in the town to cater for current and future residents, businesses and visitors. The Planning and Development brief was undertaken with substantial input from stakeholders and the local community, including two rounds of public consultation. The responses to these consultations were overwhelmingly positive and supportive.

The Planning and Development Brief for Land South of High Street sets out appropriate uses for the site, along with key development principles. It envisages a mixed use development providing significant additional retail floorspace to extend and reinforce the town centre offer, along with related leisure uses such as cafes and restaurants, as well as civic / community uses, offices and residential.

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

Telephone 0300 300 8000
Email customer.services@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk



Central Bedfordshire Council is committed to regeneration of this site, and this is set out as an objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". Significant work is underway to bring forward regeneration of this site as quickly as possible, and we have recently commissioned architects to undertake further work to explore options for an optimal design solution which is viable, and which will meet market demand in line with the objectives and principles of the Development Brief. We are also engaged in land assembly.

It is important to fully examine the potential impact of the two proposed developments on Grovebury Road on Leighton Buzzard's town centre, both in terms of impact on the current centre but also in terms of the potential impact on the scope for regeneration of the Land South of High Street site, and the ability to attract new investment. I am pleased that an independent evaluation of the impact of the proposals on the town centre from GVA has been commissioned, and I have now received their final report dated 23 January 2012.

I note that the evaluation concludes that provided any permission(s) on Grovebury Road are appropriately conditioned, in order to limit the range of goods sold, there should be a minimal impact on the town centre, both in terms of impact on the trading situation in the town as it is today, but also in terms of the ability to attract developer and occupier investment into the Land South of High Street site, and the town centre more generally.

Any grant of planning permission to either scheme must include appropriate conditions as suggested by GVA, in order to mitigate any adverse impact on the town centre and planned investments there. These conditions should limit the range of goods sold to those which are generally unlikely to be suitable within a town centre location (such as bulky goods or DIY supplies) in order to give protection to the town centre. I would urge that the conditions on goods sold are as tightly defined as possible, so as to not inadvertently permit uses which would impact upon the town centre more than the evaluation by GVA suggests.

I would also request that in the event of permission(s) being granted, there be a condition imposed that would prevent subdivision of units to ensure that they were only suitable for occupiers requiring a large footplate.

In addition to these restrictions, I would request that in the event of permission(s) being granted, a significant contribution towards the town centre, and the regeneration of the Land South of High Street site more specifically, be secured through Section 106 agreement. The previous discussions on this matter have been productive and I would be happy to take part in further discussions.

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

Telephone 0300 300 8000
Email customer.services@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk



An additional issue of concern is the evidence from GVA that they conclude that there is a clear lack of a baseline need for the level of floorspace proposed with the two applications combined, but they acknowledge that "need" is no longer a reason for refusal in NPPF terms, and they argue there could be some scope for clawback of trade to Leighton Buzzard from elsewhere.

In the event that both applications were to be approved and only one site were developed in response to market demand, it could potentially leave the other site with a raised land value (hope value) based on a planning permission for retail uses. The current market evidence casts doubt on demand for both schemes based on the essential bulky goods restriction required to safeguard any adverse impact on the town centre and planned investment in South of High Street.

This would mean that B class employment development – for which the retail application sites are either allocated or in current use – would become less likely due to the higher retail hope value attached to them. This is a real concern and could have the effect of discouraging B class development on the site for the foreseeable future. We could expect under these circumstances that the landowner/developer might in time push for a relaxation of the bulky goods restriction, with a risk again to the town centre and planned investment there.. For this reason I would have concerns about granting permission for retail development at both sites.

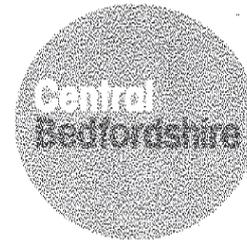
Impact on Employment Land and Premises

Secondly, I would like to respond on the potential impact of loss of employment land and premises. Here I would take issue with the analysis as set out in paragraphs 3.33 to 3.37 of GVA's report, on the impact of the loss of employment land. Their analysis refers to a significant oversupply of employment land across Central Bedfordshire as a whole. It does not however address the current supply in Leighton Buzzard. Given the geographic location of Leighton Buzzard relative the rest of Central Bedfordshire, the majority of the Central Beds pipeline supply would not in my view be considered to realistically serve the relatively localised Leighton Buzzard market, which for example is distinct from that of Dunstable/Houghton Regis.

The main source of demand in Leighton Buzzard for B Class premises has tended to be expansion by locally based firms, and some relocations from nearby areas. (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010) .The current available B1/2/8 land supply in Leighton Buzzard is much more limited, and currently amounts to approximately 7.59ha across five separate sites, and one of which is the subject of one of the

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Bedfordshire SG17 5TQ

Telephone 0300 300 8000
Email customer.services@centralbedfordshire.gov.uk
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two retail applications under consideration at Grovebury Road. This supply would increase by a further 16ha linked to the planned urban extension at East of Leighton Buzzard, but timescales for when this land would be available remain uncertain at present given that the development does not yet have planning permission.

In terms of premises, the Estates Gazette lists the currently available B class employment premises on the market in Leighton Buzzard. This suggests there is currently around 85,000 sq ft available spread over 9 premises ranging in size from 1,000 sq ft up to 21,000 sq ft. Of the larger units on the market, one is 21,000 sq ft, and three are in the range 13-15,000 sq ft. The majority are located in the Grovebury Road / Chartmoor Road area. The list does not include the warehouse which is the subject of the current planning application.

In addition, we have also recently become aware of specific interest from an established local employer who wishes to expand their operations in Leighton Buzzard. The company in question, B/E Aerospace, are one of the largest based in Leighton Buzzard, employing nearly 500 people. They are very successful which has led to recent growth over the last couple of years, and they anticipate further growth this year and in the next few years.

The company need to increase their manufacturing floorspace at Leighton Buzzard to enable them to grow their manufacturing capabilities and increase capacity to meet future demand. They need to keep manufacturing and associated areas of work, e.g. design, project development and management etc. on their main site at Grovebury Road (close to the two retail application sites), which would mean needing to move their current warehouse stock to another site. We understand that B/E Aerospace currently rent 25,000 sq ft of the warehouse at Grovebury Road, which is the subject of an application for redevelopment for retailing (12/03290/OUT), and they have an immediate requirement for a further 25,000 sq ft ideally within the same building, and they may need a further 25,000 sq ft assuming the business continues to grow. The warehouse building at Grovebury Road is ideally suited to provide this space being in close proximity to their current facility, and their interest demonstrates that there is still demand for this building in its current use. We understand that B/E Aerospace have registered interest in taking further space in the warehouse building and have objected to the planning application for this, and other, reasons.

The current warehouse is used by a Community Charity organisation 'Into the Light'. Into the Light provide local, national and international humanitarian aid by providing assistance in the way of food. They run and support a number of local schemes in both Dunstable and Leighton Buzzard. It is the only available facility

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It is not justifiable to allow a retail store selling e.g. sporting goods to locate in an out of centre purely because they prefer a particular size or format of store. Such retailers are common on high streets in many towns and cities.

Bridge Meadow Site – The committee report states that the site is not suitable for bulky goods and that a limited amount of retailing in restricted unit sizes is envisaged. We have no evidence to suggest otherwise and it is clear that the site is not as advanced as 'Land South of High Street'.

Camden Site – This site is being promoted through the emerging Development Strategy and the details of this are set out within the officer's report. The committee report rejects this site as being sequentially more preferable on the basis that the site is not currently subject to a planning application and is lacking in sufficient detail to carry significant weight for the purposes of determining this application. It also states that like the current applications it is an out of centre development and therefore cannot be sequentially preferable to the application sites.

It is submitted that this judgement is flawed. The NPPF clearly states at paragraph 24 that in considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. It is therefore clear that a distinction must be made between sites that are in out of centre locations.

The Camden Site is closer to the town centre by both vehicular and non-vehicular routes. It is more accessible by pedestrians and cyclists as there are direct footpath links between it and the town centre and surrounding residential areas with the distance being considerably shorter than from both of the application sites. It is therefore realistically reachable by non-vehicular modes such as walking and cycling. More significantly though, the site is directly adjacent to an existing bus route.

The application sites are not on a bus route and based on the comments made by the Sustainable Transport Officer, there is doubt that it will be served by some form of transport other than the car. It cannot be right that no distinction is made between this site and the application sites, when the NPPF clearly states that preference should be given to those in sequentially better locations.

The report also states that the promotion material is lacking in sufficient detail to carry significant weight. The site has been promoted by the landowner for redevelopment for around 8 years, involving numerous attempts at dialogue with both with the Local Planning Authority and the Town Council. Most recently submissions were made in response to the Call for Sites undertaken by Central Beds and on the Draft Development Strategy. At all times the promoter has shown a willingness to work with both Councils to agree an acceptable scheme for the site.

Our client, if given any indication that Central Beds would accept retail development on that part of the site currently within the existing employment area and therefore outside of the Green Belt would have come forward with a planning application rather than seeking to await the Development Plan process. Indeed as part of the submissions to the Development Strategy we did invite discussions on this. No response has been received to those requests.

This site is clearly available as there is a willing landowner and is sequentially preferable to both of the application sites. On this basis we are instructed to prepare a planning application for submission at the earliest opportunity. For the reasons explained below this would be for bulky goods retail, rather than some of the more general retail uses in the two applications currently being considered, to avoid impacting on the Town Centre.

Impact Test

Both the NPPF and policies within the emerging Development Strategy state that the proposals will be unacceptable if they have an adverse impact upon either existing, committed and planned investment (public or private) or the vitality and viability of the town centre.

Given the nature of the scheme, the applications will have an impact upon the vitality and viability of the town centre, a fact clearly stated by GVA Grimley in their report. They state that the scheme will have a material impact upon Leighton Buzzard Town Centre.

The committee report refers to the Council's 2012 Retail Study, which identifies a need for 2,521m² of net comparison in Leighton Buzzard by 2016, rising to 5,776m² (with a market share uplift of 3%) by 2021. The planned 2,000m² of comparison floorspace at 'Land South of High Street' and the approved expansion of Tesco fulfils the identified need up to 2016, leaving a residual need of 2,761m² net by 2021. In light of this, we would question why an allocation is not being brought forward in the emerging Development Strategy.

GVA Grimley has confirmed that the identified need is not sufficient to support one of the proposed developments let alone two. Whilst the need test is not part of the NPPF, the lack of need shown will lead to an impact upon the town centre. For the development(s) to succeed they need to draw trade from elsewhere, a fact highlighted by the GVA Grimley report. This is also highlighted in the committee reports which state that both proposals would be reliant on trade diversion, both from Leighton Buzzard town centre and elsewhere. The GVA Grimley report acknowledges that achieving sufficient claw back from Milton Keynes is marginal and that the impact upon the town centre is material, set out in more detail below.

It has been stated the nature of the scheme being for bulky goods, would not impact upon the planned developments at 'Land South of High Street' or 'Bridge Meadow'. The stated reasons for this are that neither of those sites would be suitable for such units due to size and other planning constraints. However, these two applications include a large amount of retail uses that clearly overlap with goods that are sold in the town centre.

The GVA Grimley report highlights 22 existing businesses in the town centre, upon whose trade the proposals would overlap with. It refers to the individual Retail Assessments that support each application, both of which quantify the anticipated diversion of expenditure from the town centre. This is estimated to be £6 million in total. They have then converted this into a percentage equivalent to 9.6% based on current town centre turnover. GVA Grimley has stated that this is material but not significant.

If you simply look at this in percentage terms then it could be argued either way that this figure is perhaps not significant. However, in monetary terms, the loss of £6 million worth of expenditure in a town the size of Leighton Buzzard is very significant.

The officer's report has stated that the section 106 will place a restriction on the type of goods to be sold so that the schemes are complimentary to the town centre. However, the GVA Grimley report could not be clearer in stating that this will not be the case. It is submitted that the potential loss of £6 million worth of expenditure and 22 businesses being affected is not ensuring that the schemes will complement the town centre.

The lack of restriction upon the goods to be sold will allow A1 retail uses such as sporting goods shops, operators like Halfords and other non-bulky goods retailers to locate in an out of town site. These types of retailers could easily be accommodated in the town centre as part of the two sites earmarked for redevelopment. The Council, with particular regard to the 'Land South of High Street' site has clearly made a significant commitment to bringing this site forward. These schemes provide a less sustainable alternative that will draw up to £6 million per annum of expenditure away from the town centre and potentially prejudice the delivery of the earmarked sites.

The committee reports both conclude that there will be an overlap with town centre trade, some businesses will be directly affected and there will be trade diversion. As such the report states that there should be section 106 contributions towards the town centre to support the attractiveness of the town centre. It is submitted that the sums of money suggested are insufficient and that the proposals cannot therefore mitigate the impact, estimated to be as much as £6 million trade loss per year from the town centre.

In addition to the specific tests relating to sequentially preferable sites and impact upon the town centre there are other issues on which we object.

Retention of employment land

The policy basis for seeking the release of the sites from their current employment designation (B use classes) is demonstrating that there is existing supply and that the sites have been marketed comprehensively. This is not argued, but it does not appear that the viability of redeveloping the existing developed site for B uses has been considered as an alternative to trying to let the site.

The committee reports both state that whilst potential operators have stated they would consider locations within the area, none have expressed committed interest publicly. These proposals must therefore be regarded as speculative and the job creation figures quoted are therefore not guaranteed. It cannot be right to release land from employment use on the basis of lack of demand and then approve another form of development which is not able to demonstrate demand or that it will generate more employment. An increase in employment is one of the tests within Policy 7 and these proposals do not appear to satisfy this.

The GVA Grimley report makes specific reference to advice that they have taken from colleagues regarding the likely market for the developments. The advice received states that it is unlikely that there is sufficient bulky goods demand to let both schemes now or in the foreseeable future and that planning permission for both schemes might leave one site vacant. This would lead in all likelihood to pressure for a relaxation in conditions.

GVA Grimley state that this is a risk and not in itself a reason for refusal. However, if the objective of Policy 7 in the Development Strategy is to consider alternative uses of employment land that delivers employment then clearly both of these applications cannot succeed.

Control of Goods Sold

The application has been assessed *inter alia* against Policy 7 which specifically deals with employment sites and uses and the potential release of sites to non-B uses. The final paragraph in this policy states that to support the role and function of the town centres, A1 retail uses will not normally be considered acceptable. It goes on to state that exceptions may be made for bulky goods and other specialist retailing which are less suited to town centres.

These applications clearly do not comply with this policy. Approval is recommended for non-bulky goods retail uses that can and have been located in town centre locations (many examples across the length and breadth of the country). This clearly conflicts with Policy 7.

The proposed wording for the restriction of goods sold will not mitigate the impact identified on the town centre, evidenced by the overlap of trade with 22 existing businesses and the potential loss of £6 million worth of trade per annum.

Summary

The applications fail the test of being the most sequentially preferable site, being on the edge of Leighton Buzzard and in an unsustainable location. The impact upon the town centre will be

significant, drawing trade and affecting local businesses. This would be to the detriment of the vitality and viability of the town centre and future development of 'Land South of High Street'

The employment land is proposed to be released on the basis of a lack of demand and the creation of new jobs from the proposed use. The developments are speculative with no operators committed to the scheme and therefore no guarantees regarding job creation. There is no justification for releasing these sites on this basis.

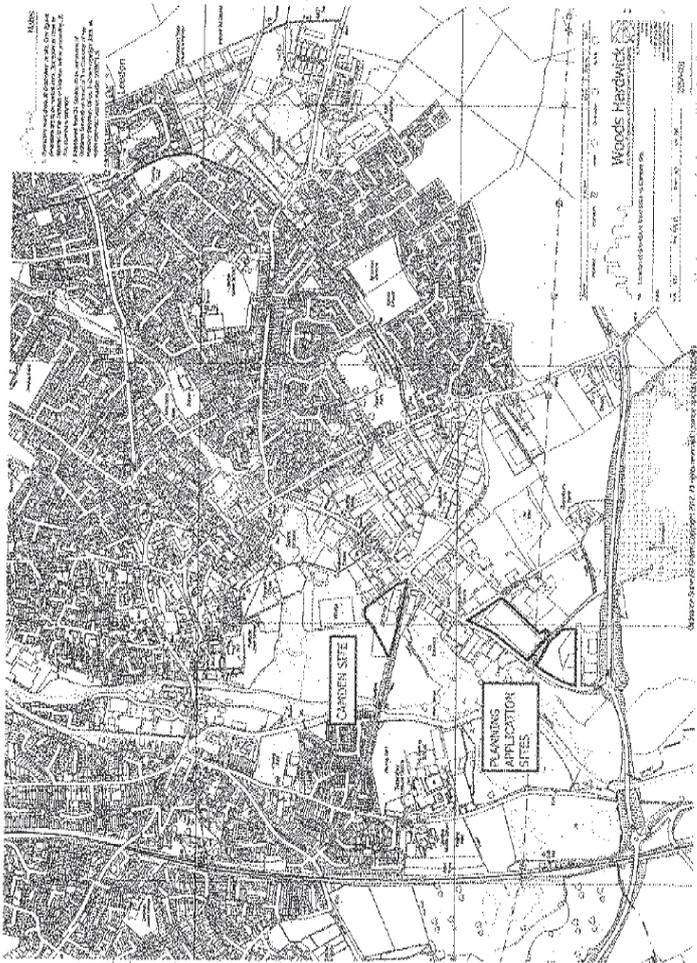
I have attached a bullet point summary of the points of objection, which we have circulated to members of the committee in advance of the committee, along with a plan to illustrate the fact that my clients' site is sequentially preferable and that we have been instructed to work up a planning application for bulky goods retail (only) on this basis.

Yours sincerely
WOODS HARDWICK PLANNING LTD



~~XXXXXXXXXXXX~~
Associate Director

Cc EDS Holdings



APPENDIX 4.

~~XXXXXXXXXXXX~~
Leighton Buzzard
~~XXXXXXXXXXXX~~

Objections against Applications CB/12/02071/OUT and CB/12/03290/OUT

Dear Councillor

The recommendation is wrong

The recommendation to give outline planning permission to both retail parks is extremely flawed on a number of levels but mainly on planning. This document will prove that the information used by the applicants, the review by GVA Grimley, who are not without their own interests in this and the consequent use of the Grimley figures and assumptions that are taken at face value actually shows this. To have the planning officers recommend these two retail parks based on flimsy evidence is not helping you to make a rational decision based on solid factual information.

The scale of the retail parks both together exceeds the high street comparison (non food and household goods) offer of 10,969 square metres of net selling space (Source; Roget Tym Main Report). The selling space for both applications is 13,109 square metres (119.5% increase on the town centre). So the proposals are planning to put in 14 units bigger than the town centre offer of 115 units fully let. This is another town centre built a mile away from the original town centre that has been there since Saxon days but with out the choice, amenities and multiple transport options that the town centre currently has. Government policy is Town Centres First. This goes against this.

There are three major areas that need to be explored in more depth than either applicants or Grimley have done to prove how incorrect their assumptions are. The three areas are sequential test, retail impact and claw back. The sequential test and retail impact are a major part of the National Planning Policy Framework and it is crucial to show the impact these two retail parks will have. Claw back is the basis for Grimley and consequently the planning officers recommendation that both can be built. The applicants claims are not substantiated by facts.

1. Sequential test

Central Bedfordshire's Local Development Strategy states that it will "rigorously apply the sequential test to proposals for retail, office and leisure uses that are not within a designated town centre boundary. "

The format of a retail warehouse is unsuitable for either South Side of Bridge Meadow based on what is proposed for them. Bearing in mind that there are two major independent furniture shops and Argos in the town centre as well as two carpet shops does give the lie that these stores require a retail park.

Quote from the Retail Study conducted by Roger Tym and Partners for Central Bedfordshire Council June 2012 and adopted September 2012

Bulky Goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as "main town centre uses" (Annex 2)

We (RTP) agree with this view – surveys by RTP, together with simple observation, have shown many, if not most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take bulky goods away in their car. At the same time many of the items traditionally defined as bulky goods are widely available on the High Street.

The other aspect is that apart from DIY which does require a large unit with parking, the list of types of retail proposed over both retail parks are available in the town centre now. The list of retail sectors for the retail park is too large. The larger the list of retail sectors the greater the impact on the town centre.

Planning for Town Centres Department of Communities and Local Government

Page 33 Paragraph 6.1

"Adopting a sequential approach to selecting sites means wherever possible seeking to focus new developments within town centres or failing that on well located sites on the edge of existing defined centres. Only if town centre or edges of centre sites are not available will out of centre locations be likely to be appropriate in policy terms, provided that they are well served by alternative means of transport, and are acceptable in all other respects including impact"

Page 33 Paragraph 6.2

"The sequential approach is intended to achieve two important policy objectives

1. First, the assumption underpinning the policy is that town centre sites (or failing that well connected edge of centre sites) are likely to be the most readily available locations by alternative means of transport and will be centrally placed to the catchments areas established centres serve, thereby reducing the need to travel.
2. The second, related objective is to seek to accommodate main town centre uses in locations where customers are able to undertake linked trips in order to provide for improved customer choice and competition. In this way, the benefits of the new development will serve to reinforce the vitality and viability of the existing centre."

Page 34 Paragraph 6.6

"A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre."

Page 34 Paragraph 6.8

Out of Centre Definition

“Out of centre locations are not in or on the edge of the centre but not necessarily out of the urban area. They are not within easy walking distance of the centre and are therefore unlikely to contribute to linked trips or to share the level of public transport accessibility as the town centre. Where locations in existing centres or edge of centre locations are not available, preference should be given to out of centre sites well served by a choice of means of transport, which are close to a centre and have a higher likelihood of forming links with a centre.”

NPPF page 8 paragraph 24

“Preference should be given to accessible sites that are well connected to the town centre”

Both sites are a mile from the town centre.

Both have poor access to the town centre other than by road

The main road is a busy thoroughfare through an industrial estate and needs to be crossed with no traffic control to get there.

The current footpath stops short of the Claymore site and just reaches the Barwood site on the opposite side of the road

Observations from Highways

There is no convenient bus service
In discussion with local bus company to divert but no details
Need clarification

Heed to but in half a bus lay-by

318 car parking spaces when there should be 398
Parking accumulation study undertaken. Maximum parking demand is 144 spaces

Capacity assessment are not considered robust for the following reasons

No account has been made for the re-routing of traffic along Grovebury Road due to the Billington Road Transport |Corridor scheme

No committed development traffic has been taken into consideration (Southern Leighton Buzzard development site and Brickyard Quarry)

No analysis of the Stanbridge Road/Grovebury Road/Lake Street junction have been included

Assessments have been undertaken for 2017 flows only

In Highway terms; without these matters being addressed I would be unable to recommend this application being approved.

Government figures for retail parks state that 90% of journeys will be made by car. Alternative modes of transport are encouraged throughout NPPF S106. It is proposed to enable these proposals to go ahead that money would be spent to accommodate transport.

Claymore £99,000 for bus service

Barwood £343,000 for bus service.

Sustainable Transport is wary that these figures would not create a sufficient service. The applicants are wary that there will not be sufficient custom to have a dedicated service.

To facilitate the proposals there is going to be expenditure of over £500,000 to make these applications acceptable. The bus service will not be sufficient. It is a price the developers are willing to pay to get what they want. However, after three years the bus service would have to be subsidized and that will come from Council. The economics do not work out.

The bus service, which will obviously go through the town centre, will enable people to leave the High Street and go to the retail parks. This is not wrong in itself but does go against the town centre first policy and will contribute to the town centres reduction in viability and vitality.

Summary

The retail warehouse (box) format will not fit in the proposed developments in the town centre, however;

All types of retail are available in the High Street therefore individual retailers can conform to town centres it is just they assume that it is better out of centre.

The sites are not accessible for all forms of transport.

The links to the town centre are poor and are along a busy road through an industrial estate.

The sites are a mile out of the town centre

To make the sites more acceptable there is over £500,000 in S106 money to put in a bus service the applicants suggest will not warrant the expense. The amount of money for the bus service would not be adequate for a good service -- needs at least twice as much. Footpaths would be welcome except they will not be well used.

2. Retail Impact

There is a claim from both applicants and Grimley that both applications are complementary to the town centre offer and the future development for Bridge Meadow and more importantly South Side is not in danger. The basis for "complementary" is bulky goods -- which are DIY, furniture and flooring and household appliances -- gas and electrical. However, the addition of other areas such as cycling, arts, crafts and stationary actually go far beyond bulky goods -- it is basically, without clothes and footwear, the town centre comparison offer. This in no conceivable way is complementary it is direct competition.

The assumption is that Leighton Buzzard town centre is a "vibrant and healthy town centre" is not one supported by the shop managers/owners and market traders of the town. To take the very limited view that Leighton Buzzard is vibrant and healthy based on a small number of empty units is very naïve. There has been no footfall count since 2006. Footfall counts are carried out by all major shopping areas, centres and retail parks as a matter of course as a management tool. The first hand knowledge that we have and conversations with friends with businesses in the town and on the market contradict this assumption. Desk research is no substitute for actual on the ground research. This is symptomatic of the developers work and Grimley's.

So a wide range of goods sold on the retail parks would certainly impact on the town centre. Margins are very thin and it will not take much to take out a good number of solid retailers who would normally survive.

Both applicant's and Grimley state that there will be little or no impact on the proposed developments on the South Side and Bridge Meadow because of the different retail uses. The wording in the NPPF states:

"The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal"

Both applicants and Grimley state that there will be modest impact on the town centre. Claymore state £2.09 million and Barwood £3.9 million. However, the recommendation is for both to be built. Therefore it would be logical to actually put the two together if both are built. The resultant 8.55%, excluding any DIY, is high, based on the proposed turnover in 2017. The figures quoted by both applicants do not specifically state which date they come in just that at 2017. These figures could equally apply three years before that which would result in over 10% impact on the town centre.

Also, you have to bear in mind that Tesco still have until May 28th 2015 to start work on their proposed extension. There has been no official word from Tesco of stopping the extension and positive changes in the economy or their fortunes could start the process. The impact on the town centre of the comparison sales of Tesco was estimated at £3.1 million. Therefore an impact of £9.1 million on a turnover in the town centre based on the base figure from Roger Tym of around £69 million, based on the general principle the next few years will see minimal growth; an impact of 13.18% in 2017 would be totally unacceptable. The figures produced at 3% uplift to around £80 million are pie in the sky, but even that is 11.37% again to high.

The assumption is that the impact is spread over the whole towns comparison spend of £62.2 million in 2012 up to £69 million in 2016/7. The reality is that the impact is more on the retailers directly in competition with the retail park. In this case the impact is not just on the comparison spend but also the food and drink sector of the town as well. This will make a big difference in whether a developer will come to Leighton Buzzard to build the two developments.

The reason is down to vacancy rates. Grimley assumes that loyalty to town centre shops will get them through. That is not the case for many businesses no matter how good they are. A decrease in footfall, therefore in sales, will affect many businesses. The diversion of customers from the town centre to the retail parks will reduce footfall. Couple that with the vacancies that will occur with the food and drink sector then there will be over 10% or more vacancy rate – possibly getting on to Dunstable levels.

The point here is that high vacancy levels in the town centre will put off new development in the town centre. The Councils stated aim to acquire the Quadrant in Dunstable and with developers rebuild it with better, more efficient units is the right way and should be applauded. However, the difficulty is the 22% vacancy rate in Dunstable town centre (Local Data Company) which no developer sees as the sign of a healthy town centre. The risk is too high and they will not commit.

Even Grimley admits that **“Early investor interest in the site (South Side and Bridge Meadow) is crucial. Implementation timescales might be longer, but an emerging scheme and developer and retailer interest is important from the early stages to ensure the emergence of a viable and deliverable scheme.”** Too high a vacancy rate and these developments will not happen.

Stores that could move out

Retail impact could also be increased due to relocation of town centre stores in Leighton Buzzard such as **Argos, Halfords and Boots**. Halfords in Bletchley town centre moved out to the retail park. Boots have a store in Bletchley town centre but it is performing badly. There is a branch of Boots on the retail park. To lose these three would be a major blow and certainly would greatly increase the diversion of trade from the town centre. These are multi-million pound turnover stores. Loss of these will certainly not attract developers to the town centre.

DIY Diversions

The basis for the speculative development of the retail parks is based on the assumption that Homebase may have to move. Currently it looks unlikely. Homebase is in a good position within the town and whilst Tesco decide what they are going to do it is in Tesco's best interests to keep Homebase as they derive a lot of income from them in top up shopping as well as rent.

DIY spending in Leighton-Buzzard is very high. White Young and Green in the 2009 study calculated it was 88.1% which is very high with very little leakage. Homebase

is the obvious retailer but there is a good number of builders merchants, specialist plumbing businesses and Screwfix that take a good proportion of the spend in DIY.

If both retail parks are built it is very unlikely that there will be two DIY stores moving there. One could but the proximity of Homebase to the town centre means that Homebase have an advantage. It is also probably there are linked trips to the town centre from Homebase though the evidence is that is usually by car.

A DIY store on Grovebury Road will divert trade from Homebase, which is out of centre but only by 400 metres, and could have the added effect of taking away some of the linked trips to the town centre. It is doubtful that there would be the revenue to sustain two DIY stores in the town and certainly not three.

The DIY diversion of trade to the retail parks and the impact on the town centre has not been calculated by the applicants which Grimley has noted "Leighton Buzzard town centre clearly has an element of DIY products on sale and the full extent of the proposal should be tested." This too will increase the percentage impact on the town.

Impact on the food and drink sector (Restaurants, cafes and takeaways)

There is no retail impact assessment on this sector. Therefore, until it was highlighted, there would be no recognition of the impact fast food drive-thru's or restaurants would have on both the day and night time economy of Leighton Buzzard town centre. Even then it was directed only at the proposed developments in the town centre.

Leighton Buzzard has a vibrant retail food and drink sector. With the Swan Hotel, there are 50 other businesses listed in or close to the town centre in the shopping map produced by Friends of the Earth, I Love Leighton Buzzard and Leighton Linslade Town Council. The vast majority are fast food stores. Within the town are restaurants and cafes.

The 3 proposed food outlets on the retail parks constitute 40% of space of the 31 food outlets in the town centre listed by Tym. The possibility of two fast food outlets is something that is of concern for the fast food outlets in Leighton Buzzard. These units on the retail parks will divert trade away from the town centre.

In studying Dunstable town centre there are a number of vacant units which used to be restaurants and fast food places, including a Burger King. On or by White Lion Retail Park there are three fast food places. There could be other circumstances but the fact that Dunstable with a similar population has far fewer restaurants and takeaways than Leighton Buzzard is striking.

Therefore, the impact of the proposed retail parks is far greater than a straightforward comparison retail impact. A town centre is far more than shopping. Losing some of the takeaways would have a detrimental effect as the units they occupy would not be taken up by others. This will leave a good number of vacant units.

Impact of the loss of businesses in Leighton Buzzard town centre on the South Side and Bridge Meadow

There are four threats to Leighton Buzzard town centre from the proposed retail parks.

1. Loss of businesses due to competition outside the town centre diverting trade
2. The potential loss of businesses such as Argos, Halfords and Boots to the retail parks
3. The diversion of revenue from Homebase and the town centre
4. The loss of businesses in the food and drink sector due to outside competition

Vacancy levels are low at the present though starting to increase. There is a downward spiral once the vacancy level reaches a certain point. There will be a loss of confidence in the town centre; this is illustrated by customers who come from Dunstable to Leighton Buzzard as we have shops they want to come to and they regret they have lost a lot of theirs and lost the character of their town.

The retail impact on Leighton Buzzard town centre would be greater than 10% and that is unacceptable in the light of the governments 'Town Centre First' policy

3. Claw Back

Both applications have stated that that 70% of their revenue would come from Milton Keynes retail parks. Grimley state that "We conclude that there is little bulky goods trade above that being leaked to Milton Keynes retail parks" therefore the concentration is on Milton Keynes retail parks. Grimley state that based on Roger Tyms figures £19.7 million will be leaked to the Milton Keynes Retail Parks by 2017.

It is Grimley's view that **"Providing the schemes are conditioned appropriately, we conclude that there is sufficient expenditure to claw back from bulky goods destinations to support both proposals"**

All that is stated is that Roger Tym's study showed £16.4 million, which is a rounded up figure, went to the Milton Keynes retail parks from Zone 8. There is no analysis of exactly what retailers are on these retail parks. There is no analysis, which Grimley is well aware of, of the fringe population of Zone 8's actual shopping habits. Fringe populations often go to other centres as a matter of convenience or choice and are unlikely to change. To actually take raw data, which is what the Tym's figure is, and state that this will support both schemes is an error of judgement.

Appendix 1 is a listing of the 4 retail parks in Milton Keynes and White Lion in Dunstable. Just a cursory look at this listing will show up glaring errors in the assumption that there will be sufficient revenue clawed back to support both schemes. Kingston, which is a Shopping District, has no furniture, flooring stores at all and very little if anything that is "bulky" yet has a £4.5 million spend figure from Roger Tym.

Looking at the other three there are major problems with these as well. Clothing, which is the major percentage spend at around 24% is well represented on Beacon which is the closest to Leighton Buzzard. With the recent opening of MK1, which is all clothing that will attract more spending from Leighton Buzzard as this will divert trade from Central Milton Keynes.

Central, which is just off the A5 near Milton Keynes station, has the major draw of Curry's/PC World for Leighton Buzzard which has nothing comparable. There was a PC World on Winterhill which is now incorporated into the Central site. That branch would have taken a good proportion of the Winterhill figure as it was still trading at the time of the Tym report.

Winterhill, with its predominance of furniture stores is actually the lowest in value. Bearing in mind that furniture, flooring and soft furnishings is the staple of bulky goods retail parks this is not a good sign for the applicants.

The spend in the retail parks is all from Zone 8. Zone 8 is primarily Leighton-Linslade and surrounding villages. The likelihood is in most of the villages there is more than likely a preferred centre, usually one that is easy to get to and with the by-pass it is much easier now to get to Milton Keynes from the villages by car than it ever was.

Research on the Ayiesbury Vale Retail Study 2009 (G L Hearn) shows that the Leighton Fringe, which is similar to the western and south west areas of Zone 8 show that the closer to Leighton Buzzard the more shopping is done there and vice versa to

Aylesbury and to the north most goes to Bletchley/Milton Keynes. The figures from this study states that 15% of furniture and flooring spend was carried out in Leighton Buzzard. The bulk was in Aylesbury.

This proves that a substantial part of money spent outside of Zone 8 is spent from the fringe settlements. Retail parks make divert some but it will not divert the majority.

Also individual retailers have an impact as well. IKEA is the largest Furniture retailer in the UK. It also has a range of household goods and soft furnishings. IKEA, though not properly shown in the Tym's figures, has a substantial income from all of Zone 8. The lowest estimate is £600,000 (Tym's Milton Keynes 2011) but that is way too low and probably is tied in with the general Central Milton Keynes as it is not obviously in Bletchley. Turnover is over £1 million possibly £2 million. Customer loyalty as well as cheaper prices are a major factor in IKEA's success and unlikely to be drawn back by a retail park offer in Leighton Buzzard. The same is true with John Lewis and Marks and Spencer in Central Milton Keynes.

Appendix 2 shows calculations of the types of retail on both parks and the potential sales. This is based on benchmark sales figures taken from various retail studies, including Grimley's, from 2010 figures. There is overlap as when calculated the possibility of one being built was considered but not both.

Benchmarking is widely used in retail studies and some stores do a lot better some will do a lot worse. Carpetright are looking at the 88 store leases coming up for renewal in the next few years – they will close units if they are not performing (Carpetright Company Report 2012). Carpetright are also expanding out into beds a sign that all is not well. Most Carpetright units are on retail parks and all rent reviews on retail parks are always upward. It is a guide only but useful.

Both applicants are over confident in their sales forecasts. Their benchmark £2500 per square metre sales average is out by over £700 per square metre. (Barwood took this figure from Claymore). There is a lot of revenue but will it come from the Milton Keynes retail parks?

Based on Bulky Goods (DIY, Furniture, Flooring, soft furnishings, domestic appliances)

Kingston District Centre £4.5 million (Estimated Roger Tym from Household study)

No specific retailer of bulky goods. There is minimal representation in Tesco, Marks & Spencer and Costco – unlikely to claw back much if any.

Clothing £1,054,105
Furniture, Flooring and soft furnishings £362,597
DIY £116,404
Electricals £854,096
Other £1,690,044
Total £4,077,246

DIY possibly is due to buys in Tesco. Furniture is probably soft furnishings from some stores. No specific retail of DIY, Furniture or flooring.

Beacon/various retail parks in vicinity £5.3 million

Clothing £1,756,843
Furniture £241,731
DIY £583,473
Electricals £854,096
Other £1,976,617
Total £5,412,760

Clothing is the dominant category and will get bigger now that MK1 is open. Furniture is dominated by IKEA, though the likelihood is that a good amount for IKEA is actually in the Central Milton Keynes figures. This money will not get drawn back as IKEA customers are very loyal. DIY is dominated by a large B&Q and Wickes.

Centre/The Place/others £4.5 million

Clothing £702,737
Furniture £241,731
DIY £232,808
Electricals £1,992,891
Other £1,690,046
Total £4,860,213

Curry's/PC World is the main attraction for Leighton Buzzard shoppers coupled with the now defunct Comet. This is verified by people who used to work at Curry's. DIY and furniture is from the large B&Q behind the Place. Other is from the other retailers.

If the range of goods was extended then this would be the main retail park that it would be possible to claw back from. However not all retailers would be attracted to Leighton Buzzard

Curry's/PC World are revamping their portfolio and closing or amalgamating stores

Hobbycraft have specific criteria and the Leighton Buzzard catchment is too small.

If clothing and footwear are excluded Brantano's is excluded

Pets at Home are interested but it is unlikely that money spent here from Zone 8 is very much. .

Halfords we have a branch already.

Next at Home and Dwell Clearance are the two main contenders for claw back but that is minimal.

Winterhill £3.5 million

Furniture £1,087,779
DIY £116,404
Electricals £1,708,192
Other £279,224
Total £3,191,599

Winterhill has the largest concentration of furniture, flooring and soft furnishing stores in Milton Keynes. As can be seen the now closed PC World took the largest share of money spent. Furniture spend is quite low and is spread between 14 retailers. Clawback even at 70% will only net £700,000.

Claw back: £9.2 million from Barwood and £4.87 million from Claymore. If both are built could they take £14.07 million from Milton Keynes?

Kingston - £253,000 (70% furniture)
Beacon/IKEA - £170,000
The Place/Central - £223,000 (70% furniture)
Winterhill - £700,000 (70% furniture)

Total £1,346,000 claw back -- maximum possibly £4 million

GVA Grimley Report on bulky goods and the retail park proposals

5.33 The applications are therefore reliant on Zone 8 claw back from the 4 Milton Keynes retail parks

5.36 Providing the schemes are conditioned appropriately, we conclude that there is sufficient expenditure to claw back from bulky good destinations beyond Zone 8 to support both proposals.

5.45 "We understand from our retail agents that it is unlikely that there is sufficient 'bulky goods' demand to let both schemes in the market and in the foreseeable future. Clearly, planning permission for both schemes might leave one site vacant and unimplemented leading to pressures to relax conditions in the future.

6.14 Our conclusions are based on a DIY and bulky goods scheme and the council must implement appropriate conditions to limit the range of goods that can be sold from either site. The conditions put forward by both schemes appear appropriate and we would not recommend any widening of product category to ensure the maximum protection for the town centre.

Where else will the income come from?

It is very clear that the claw back from the Milton Keynes retail parks will not be sufficient to support one scheme let alone two. Grimley have identified that in their opinion there is little that can be gained from other areas such as Aylesbury, Dunstable and Luton.

The Barwood site actually goes further in the types of retail and if it is read right they are assuming that all their revenue will be from bulky goods when they are listing most retail categories in the town centre. Grimley picked up on some of this but dismissed the impact as minimal. Therefore they have not taken into account the impact of the other category sectors they have listed. Therefore their assumption of £3.9 million hit on the town centre is too low.

The legal agreement set out by CBC for the Barwood site is most of the town centre offer (page 254/5 Planning Officers report). This could lead to retailers such as Argos, Boots and Halfords to move from the town centre out to the retail parks.

There has been no impact assessment on these areas of retail on the town centre as the bulky goods have been the focus of the retail impact. Claw back for a lot of the additional category areas is again quite low from the Milton Keynes retail parks. The main two retail parks would be Central and Beacon but these are marginal. The trade diversion would be from the town centre. If the multi-million turnover shops leave the town centre the impact would be measured in double digits. That impact would be unacceptable.

Leighton Buzzard

Clothing £4,454,852
 Furniture LB £2,715,966
 Furniture Linslade/Zone 8 £478,997
 DIY LB £8,881,652
 DIY Linslade £701,220
 Electricals £7,264,047
 Other Leighton Buzzard £39,392,735
 Other Linslade/Zone 8 £1,116,899
 Total 65,006,368

Having just a bulky goods retail park on both sites there is not enough to support both retail parks. A wider range could support two but as can be seen the right retailers need to be attracted and they will not be attracted to Leighton Buzzard as the catchment area is too small for many and clawing back revenue from their own retail parks stores would not be a good economic move. Therefore the revenue would be diverted from the town centre.

The revenue for the retail park if not from claw back will have to come from somewhere and that is Leighton Buzzard and only if the range of retail categories is wider than "bulky goods" which actually does not exist. For this reason alone these applications should be rejected. The financial impact on all the shops and the service businesses that are supported by them and the market would be devastating. There is no qualitative need for these retail parks or their bulky goods. There is however, if you look at the figure for Milton Keynes retail parks to clawing back clothing, electrical goods and other goods and that can be done in the South Side and Bridge Meadow developments. That is what Leighton-Linslade needs and that is what the people want.

Planning Officers reasons for approval (Claymore and Barwood)

Having regard to the current supply of employment land within the area, the site's history of employment use marketing and development initiatives 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 sites employment land allocation.

The number of jobs estimated for both sites is too high. Barwood's 130 is more likely to be around 87. Claymore's around 44. The job losses in the town centre and beyond will exceed the jobs gained. There is no benefit from these proposals.

Taking account of the availability and suitability of other sites within Leighton Buzzard and the impact on existing, committed and planned public and private investment, subject to appropriate town centre contributions, the identified retail impact is considered to be marginal but not significant in NPPF terms.

As demonstrated the impact is too great on the town centre. There would be a great danger that planned investment would not happen. The retail impact study was not carried out correctly by either applicant and Grimley did not properly assess either plan; yet quite happy to recommend both be built based on very raw data with no assessment on the assumptions of either applicant that could back up their claims properly. Bearing in mind the scale of both applications adding an extra 120% of retail space with no obvious improvement in the range and choice for the consumer failure to properly check something as important as this is very poor.

Subject to the delivery of a public bus service to serve the sites and other sites along Grovebury Road, the proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath links and parking areas.

£106 money to provide a bus service that will not used that often, most journeys will be made by car, again against government aims to reduce car travel, is a great waste. This offer of £106 money does illustrate that to mitigate a major development the developers are willing to spend what is not a great deal of money to get the application through. £106 can blind councils to what is actually needed.

Conclusion

The scale of the developments is far greater in sales area than the comparison shops in the town centre. In short another town centre but without the library, doctors and health facilities, chemists, banks, building societies, services and the other services that constitute a town centre. These are both speculative developments and do not fit in with the Local Plan and are certainly not what the town needs. These have to be rejected and firmly fought against at appeal. There is no merit in either proposal.

Both proposals fail the sequential test and retail impact test and should be rejected.

Appendix 1 Milton Keynes Retail Parks and White Lion

Bletchley

IKEA

Beacon

Brantano's -- shoes
Wickes - DIY
B&M Home Store - Home Furnishing
Carpet Right - Flooring
Matalan - Clothing
TK Maxx - Clothing
Boots -- Chemists (Branch in LB)
Halfords -- Bicycles and Motoring (Branch in LB)
Next Clearance - Clothing
Sports Direct -- Sports and recreation
Argos -- Catalogue (Branch in LE)

MK One Opened December 2012

Marks and Spencer
BHS
H&M
Primark
River Island
2 empty -- one being fitted out

Milton Keynes (excluding Bletchley)

Kingston Shopping District (not a retail park)

M&S
Boots (Branch in LB)
Mothercare
Blacks
Carphone Warehouse
Claires Accessories
Clarkes (Branch in LB)
Dolland and Aitcheson
First Choice
Images
Mamas and Papa
Next
Nutrition Centre
Thomas Cook
Thorton's (Franchise in LB)
Zig Zag Hair

Costco
Tesco

Central

Comet - Closed

Halfords -- Bicycles and Motoring (Branch in LB)

Next at Home -- Home Furnishings

Hobbycrafts -- Arts and Crafts

Dwell Clearance -- Furniture clearance

Pets at Home -- Pet accessories

E E -- Mobile phones

Fabrics for Less -- Closed

Carpets for Less -- Closed

1 Empty Unit

The three above are now being converted to a Go Outdoors

Retail Park opposite the Place

Cotswold -- Outdoor pursuits and Cycling

Carphone Warehouse -- mobile phones

Jessops -- closed

The Place

Curry's -- Home appliances/electrical goods

Brantano's - Footwear

Horsetack -- Horse accessories

American Golf - Golf Accessories

Vacant

Winterhill

Dunhelm - Homewares

Paul Simon -- Furniture and Homewares

Harvey's - Furniture

Empty unit

SCS - Furniture

Furniture Village - Furniture

Carpet Right - Flooring

DFS - Furniture

Furnitureland - Furniture

Dreams -- Bedroom Furniture

Empty Unit

Sharps -- Bedroom Furniture

PC World closed now B & M -- Homewares

Empty unit

Multyork - Furniture

Wickes - DIY

Dunstable White Lion Retail Park

Staples – Office supplies
Holiday Hypermarket - Holidays
Laura Ashley – Furniture and Soft Furnishings
Pets at Home – Pet accessories
Comet – closed
SCS – furniture
Dreams – Bedroom Furniture
DW Sports – Gym/Fitness
Paul Simon – Furniture and Homewares
Halfords – Cycling and Motoring
Empty Unit

Pizza Hut

KFC – Drive Thru

Appendix 2 Retail sales for each site based on benchmark sales on net selling area

Claymore

Retail warehouses

Pets at Home Unit E 696.75sqm ground floor 348.38 sqm mezzanine

Net sales (70%) 487.72 Ground
121.93 Mezzanine
609.65 total

Average sales Pets at Home £2538

Ground floor sales 2538 x 487.72 = £1,23m
Mezzanine (50%) 1269 x 121.93 = £154,729
Total = £1,384,729

This includes pet foods sales which come under convenience sales which as a percentage of total Pets at Home sales is around 11% (Company Annual Report 2010)

Dreams Unit D 696.75 sqm ground floor 348.48 sqm mezzanine

Net sales (70%) 487.72 Ground
121.93 Mezzanine
609.65 total

Dreams average sales £1750 psm

Ground floor sales £1750 x 487.72 = 835,510
Mezzanine sales (50%) £875 x 121.93 = 106,688
Total = 942,148

Carpetright Unit C 464.5sqm ground floor 232.25sqm mezzanine

Net sales (70%) 325.15 sqm Ground
81.28 sqm mezzanine
406.43 sqm Total

Carpetright average sales £1341 psm

Net Sales (70%) £1341 x 325.15 sqm = £436,026
£670.5 x 81.28 sqm = £54,498
= £490,524

Bensons for Beds Unit B 464.5sqm ground floor 232.25sqm mezzanine

Net sales (70%) 325.15 sqm Ground
81.28 sqm mezzanine
406.43 sqm Total

Bensons for Beds average sales = £1700

Net sales (70%) Ground $487.9 \times £1700 = £829,430$

Net sales (70% of 50%) Mezzanine $121.97 \times £850 = £103,674$

Total = £933,104

Brantano's Unit 4 697 sqm ground floor 348.5 sqm mezzanine

Net Sales (70%) 487.90 sqm ground floor

174.25 sqm mezzanine

662.15 sqm total

Brantano's average sales = £1076 (worked out average store size x number of stores and by revenue)

Net sales (70%) $487.9 \times 1076 = £524,980$

$121.97 \times 538 = £65,619$

Total = £590,595

Harvey's Unit 5 697 sqm ground floor 348.5 sqm mezzanine

Net Sales (70%) 487.90 sqm ground floor

174.25 sqm mezzanine

662.15 sqm total

Harvey's average sales = £2500 sqm

Net sales (70%) $487.90 \times 2500 = £1,219,750$

$121.97 \times 1250 = £182,955$

Total £1,402,705

Staples Unit 6 697 sqm ground floor 348.5 sqm mezzanine

Net Sales (70%) 487.90 sqm ground floor

174.25 sqm mezzanine

662.15 sqm total

Staples average sales = £2155 sqm

Net sales (70%) Ground $487.9 \times 2155 = £1,051,424$

Mezzanine $121.97 \times 1077.5 = £131,422$

Total £1,182,846

Dreams Unit 7 929 sqm ground floor 464.5 sqm mezzanine

Net Sales (70%) 650.30 sqm ground

232.25 sqm mezzanine

882.55 sqm total

Dreams average sales £1749 sqm

Net sales (70%) Ground $650.30 \times 1749 = \pounds 1,137,374$
Mezzanine $162.75 \times 874.5 = \pounds 142,324$
Total = $\pounds 1,279,698$

Bath Store Unit 8 418 sqm ground floor 209 sqm mezzanine

292.60 sqm ground
104.50 sqm mezzanine
397.10 sqm total

Bath Store average sales $\pounds 1500$ sqm

Net sales (70%) Ground $292.6 \times 1500 = \pounds 438,900$
Mezzanine $73.15 \times 750 = \pounds 54,862$
Total = $\pounds 493,762$

Comparison sales average $\pounds 1820$ sqm

Total sales 70% ground floor/mezzanine divided by two then 70% of 50%

491,053 Carpetright
1,650,667 Pets at Home
933,104 Bensons for Beds
590,595 Brantano's
1,402,705 Harvey's
1,182,846 Staples
1,279,698 Dreams
493,762 Bath Store
8,024,430 Total

Appendix 3 Calculations to obtain claw back figures

Based on the WYG percentage retained figures from 2009 the totals for Zone 8 can be calculated. These figures are based on a smaller base and focussed more on Leighton-Linslade. The percentages are:

Clothing 24.05
Electricals 16.2
Furniture 9.46
DIY 8.06
Other 42.23

Therefore totals for Zone 8 based on the rounded up figure of £174 million for 2012 (Roger Tym)

Clothing 41,829,600
Furniture 16,460,400
Electricals 28,188,000
DIY 14,024,400
Other 73,480,200
Total £173,982,600

The basic calculation to find market share is to take the number of people contacted, take off the internet and other non shop sales, take off the don't buy and don't remember. The total then is divided by the number of people for each zone who last brought from a particular area. Figures are raw data; however they do give a good indication of size of money spent. Therefore these are the figures from

Clothing

Beacon £1,756,843
Kingston £1,054,105
Central £702,737
Total £3,513,685

Furniture

Beacon £241,731
Central £241,731
Kingston £362,597
Winterhill £1,087,779
Total £1,933,838

DIY

Beacon £583,473
Central £232,808
Kingston £116,404
Winterhill £116,404
Total £1,049,089

Electricals /Appliances

Beacon £854,096
Central R/P £1,992,891
Kingston £854,096
Winterhill £1,708,192
Total £5,409,275

Other

Beacon £1,976,617
Central RP £1,690,046
Kingston £1,690,044
Winterhill £279,224
Total 5,635,931

The data is based on raw data from Tym which has been rounded up or down and some calculations are not known. Though the overall figure is a little higher the general trends can be seen and furniture is not the large proportion of the money spent in the retail parks. The largest two areas are electrical goods and other retail with clothing in third, though that may change with the arrival of MK1.

This proves beyond doubt that the "bulky goods" spend is not that great in the retail parks and certainly not enough to warrant building two retail parks.

Appendix 4 Responses for and against both retail parks
(Tuesday 5th February 2013)

Unit 7 Barwood (Larger site)

Responses received 467

In favour 13

Against 406

Comments 46

Petitions Against 0

Petitions For 0

Claymore site

Responses received 467

In favour 13

Against 409

Comments 44

Petitions against 0

Petitions for 1

The figures quoted in the Planning Officers report are incorrect. The petition signed by the shopkeepers is not recorded here but listed in the report. The overwhelming numbers of people against the retail parks are ordinary citizens of the town not "vocal retailers". If there had been proper consultation on the retail parks then the numbers would be far higher and people more vocal. Something like this needs proper consultation not 6 hours in the library on a Saturday.

Over the years the local population has been consulted on the town and its town centre. The Big Plan is population led. The findings from the Big Plan were used by South Bedfordshire to set up the Local Plan and that continues to Central Bedfordshire today. Nowhere is there any reference to retail parks but more to town centre development and improvements. This is not in the Local Plan and never will be.

Quotations

“Further decline in the retail share of Town Centre’s is due to Supermarkets, the Internet and Retail Parks, in that order.” All Party Parliamentary Group for Town Centres Report January 2011

High Street Britain 2015: All Party Parliamentary Report

Is concerned that most small shops will disappear from the streets of Britain by 2015:
“The small retailer sector is a key driver of entrepreneurship, employment, skills, local economics, innovation and sophisticated business relationships. “

All Party Parliamentary Group on Town Centres Report Jan 2011

“Town Centres First Policy has across-the-board support in Parliament, among the public and with most developers and retailers.”

Likely outcomes if this policy not supported:

“Medium size/smaller towns - will continue to lose out if out-of-centre superstores selling non-food as well as food take their trade.”

Action needed:

“To recognize that strong and healthy, vital and viable town centres are essential to the local economy -- there is a strong rationale to the Town Centres First policy”

“There are strong social reasons that town centres are accessible to all, especially those without access to a car; they enable people to make trips that allow several tasks to be done in the same trip (linked trips) and town centres are the heart of our communities”

“Restate the need for town centres and recognize that town centres need good management to stay healthy -- a partnership between local authorities, business and local communities.

Portas

“Make explicit a presumption in favour of town centre development in the wording of the national Planning Policy Framework” Portas Review Recommendation 14

“I believe that the most sustainable form of retail development in town centres. Out-of-town is less sustainable taking into account the social and environmental impacts it has; so the new NPPF policy needs to explicitly presume in favour of sustainable development in town centres.” Portas Review Page 31

“We have sacrificed communities for convenience” Portas review Page 12

“It is not sustainable to have a shopping centre outside the town centre”

“..if it’s commercial premises when you want to keep town centres thriving then that wouldn’t be sustainable, it would not be in the public interest and so should not go ahead” Greg Clark Planning Minister March 2012 (asked about out of town retail)

APPENDIX 5. ^{Page 1 of 1}

Adam Davies

From: ~~Victoria Hannon (v.hannon@humber.ac.uk)~~
Sent: 06 February 2013 10:33
To: David Hale; Adam Davies
Subject: bulky goods in GVA is incorrect
Follow Up Flag: Follow up
Flag Status: Red
Attachments: bulky goods definition cases doubt on applications.docx

Dear David,

You very kindly said that you would look at this. It has taken me days to double check this, but GVA are definitely misquoting the Roger Tym surveys in appendix two and three and this distorts the whole bulky definition.

I am working on longer response with our planning consultant, but I felt that you should see this as soon as possible

thanks

~~Victoria~~

~~Victoria Hannon~~

~~Senior Business Development Officer, Humber College~~

~~www.humber.ac.uk~~

please note change of email

~~Victoria.Hannon@humber.ac.uk~~

tel: ~~01482 462222~~

or ~~01482 462222~~

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

08/02/2013

1. The Retail Review of Planning Applications Ref: CB/12/03290/OUT & CB/12/02071/OUT By GVA has several critical inaccuracies in how it quotes and uses the CBC Retail Assessment by Roger Tym and Partners, especially the appendices which influences the outcome of their final recommendation.

2. Roger Tym's report does not support the distinction of bulky goods from main town centre uses.

In his report "Chapter 8 Recommendations"

Para 8.8 "We do not recommend that the Council plan for a separate floorspace need for "bulky goods" retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as "main town centre uses" (Annex 2). In our view, applications for retail warehouses (defined by their format, i.e. big sheds, rather than what is sold there) should be considered on their merits.

This picks up his earlier statements on using the term bulky goods and why a separate definition is not needed.

5.22 Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as "main town centre uses" (Annex 2).

5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street.

5.24 In our view, applications for retail warehouses (defined by their format, i.e. big sheds, rather than what is sold there) should be considered on their merits.

3. GVA derives the conclusion of bulky goods going to the retail parks of Milton Keynes through error.

They incorrectly ascribe the term retail warehouses to cover district shopping centres and retail parks that sell clothes and chemist goods and then use this premise to refer to the figures for the comparison sales in Milton Keynes retail parks as bulky goods sales.

GVA misquote the Roger Tym study appendix 3 table 4. This covers all comparison goods without distinction, but GVA insinuate that this covers bulky goods by describing retail parks as retail warehouses.

Paragraph 5.30 of the GVA report. "*Both applicants have identified the leakage of*

According to Milton Keynes Council, The Milton Keynes Retail Capacity and Leisure Study by Tym Feb 2010 Para 4.32 Indeed, Bletchley is the second most popular destination for clothing and shoes purchases for residents in five of the seven inner survey zones." http://www.milton-keynes.gov.uk/planning-policy/documents/VOLUME_1_-_MAIN_REPORT_February_2010.pdf

4. Inconsistency in town centre definitions.

The issue is over the definition of main town centres uses. CMK gets the highest share of furniture, carpets and soft furnishings three times that of the so called warehouse retail parks. This is supported by the Tym report for Central Bedfordshire Council and the Tym Milton Keynes retail capacity and Leisure Study 2010.. GVA and the officers say that these type of sales are not suitable to town centre uses, as they cover bulky goods yet three times these sales of the goods covered by the white lion agreement are coming from central Milton Keynes which is a town centre than from the so called retail warehouse parks.

5. Bulky good definition from Practice guidance to PPS4 still valid with NPPF and quoted in recent appeal decisions

6.31 The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.

This definition fits with the line in the officer report that there are not suitable sites in the town centre hence according to sequential test the retail parks cannot be stopped. But the bulky goods definition is totally different to the white lion agreement being applied to these retail parks.

6. Misrepresentation of Bulky goods and the Tym appendices.

The Tym household surveys that GVA rely on for their figures do not make the distinction of bulky goods. IN paragraph 3.27 of the GVA report, GVA talk of the " more bulky goods categories" and say that they are based on the household surveys done by Tym. However the Tym surveys cover in each category a much wider definition of comparison goods than bulky goods. So it is totally disingenuous for

GVA to quote the practice guidance to PPS4. In 3.32 as it only cover bulky goods not the wider.

From incorrectly describing the household surveys t in the Tym report as falling under the bulky goods definition and producing tables 3.1 to 3.4 which are incorrect representations of the Tym report, GVA are able come to the conclusion in para 5.36 of their report that there is sufficient expenditure to claw back from bulky goods destinations .

Incorrect representation in table 3.1 of the GVA report.

Table 3.1 on page 12 of the GVA rpeort refers to furniture floorcoverings and household textiles. This heading is close to Roger Tym's definition of furniture carpets and soft furnishings , but goes directly against the definition of Bulky goods which GVA is claiming that it is linked to. Bulky goods definitions as regards furniture and household textiles is covered by The retail expenditure guide by Pitney Bowes 2012

http://reference.mapinfo.com/software/anysite/english_UK/8_8/UK_Data_Ref_Docs/Retail_Expenditure_Guide_2011-12.pdf page 17

"Bulky Goods

The bulky goods category is made up of furniture and floor coverings (not the larger "furniture, floor coverings and household textiles" group) and domestic appliances"

The definition uses by Tym is therefore very definitely not of bulky goods but covers town centre uses. Soft furnishings can cover a very wide range of shops such as Marks and Spencer, BHS, ie shops commonly found as main town centre uses. It is also notable that three times as much trade in this category goes to the town centre of Milton Keynes as it does to the retail parks, so it must fall under town centre uses rather than bulky goods and out of town uses.

Incorrect representations of Table 3.2

Table 3.2 in GVA is headed DIY and decorating goods.

This is incorrect as it leaves out gardening . The Tyms survey that this is based on in appendix 2 question 19 and 20 is headed " DIY, Decorating goods and gardening items"

Gardening dramatically widens the scope. This can cover many town centre uses.

This then challenges the distinction between town centres and retail warehouses again as Milton Keynes Town centre has the same share as the retail park. Also Selections in LB town centre depends on selling gardening items and LB also has a garden centre.

Incorrect representation and very misleading in table 3.3 and 3.4

There is no indication of where these surveys come from as they do not come from Tym appendix 2 household surveys. There are not two categories of electrical goods only one definition which also covers computers. The actual question in the Household surveys appendix 2 is "Q21 Now can you tell me where your household last made a purchase of electrical items (this may include domestic appliances, MP3 players, TV's, digital cameras, computers etc)?" Digital cameras and computers is a much wider range than just electrical and so cannot be confined to large retail warehouses or bulky goods. Again the fact that Milton Keynes has a much larger attraction of the spend than the retail parks again challenges the bulky goods definition.

Clawback

This likely to be much lower than £16.4 million as quoted or about 9.4 % of all spend. Apart from the fact that two of the retail parks cover clothes so the spend in those retail parks could be due to clothes which are not allowed to be in the retail parks on Grovebury Road. This could rule out half of the estimated clawback.

The bulk of the spend on soft furnishing and furniture goes to Winterhill, about 6.7% or 4.9% according to the household surveys appendix two of Tym. Winterhill has a Dunelm store. Dunelm is only considering new stores of 30,000 feet according to Dunelms chief exec report page 10. <http://dunelm-mill.production.investis.com/~media/Files/D/Dunelm-Mill/annual-reports/dunelm-2012-annual-report.pdf>. The units in the retail parks are not large enough of this. The retail parks in MK also contain Next furnishing and Marks and Spencer which have not expressed interest in the retail parks on Grovebury road. So will there really be the claw back.

On electrical, the household survey covers computers and cameras. Jessops has gone into administration and PC world has moved into the centre of Milton Keynes into Currys. It would be

hard to have an offer in the Gorevbury Road retail parks which would claw this back.

On DIY the units for DIY are smaller considerably than Homebase and therefore are likely to be much smaller than the DIY stores in the Milton Keynes retail parks such as Wickes, B and Q and so would not claw back trade from there.

Below is a list of the stores in the retail parks listed in Tym's Analysis.

A. Beacon retail park Bletchley, sells many comparison retail that is not bulky goods.

Brantano's - shoes
Wickes - DIY
B&M Home Store - Home Furnishing
Carpet Right - Flooring
Matalan - Clothing
TK Maxx - Clothing
Boots - Chemists (Branch in LB)
Halfords - Bicycles and Motoring (Branch in LB)
Next Clearance - Clothing
Sports Direct - Sports and recreation
Argos - Catalogue (Branch in LB)
MK One Opened December 2012
Marks and Spencer
BHS
H&M
Primark
River Island

B. Kingston Shopping District (not a retail park)

M&S
Boots (Branch in LB)
Mothercare
Blacks

Carphone Warehouse
Claire's Accessories
Clarkes (Branch in LB)
Dolland and Aitcheson
First Choice
Images
Mamas and Papa
Next
Nutrition Centre
Thomas Cook
Thorton's (Franchise in LB)
ZigZag Hair

Central MK Patriot drive

Comet - Closed

Halfords -- Bicycles and Motoring (Branch in LB)

Next at home -- Home Furnishings

Hobbycrafts -- Arts and Crafts

Dwell Clearance -- Furniture clearance

Pets at Home -- Pet accessories

E E -- Mobile phones

Fabrics for Less -- Closed

Carpets for Less -- Closed

1 Empty Unit

The three above are now being converted to a Go Outdoors

Winterhill

Dunelm - Homewares

Paul Simon -- Furniture and Homewares

Harvey's - Furniture

Empty unit

SCS - Furniture

Furniture Village - Furniture

Carpet Right - Flooring

DFS - Furniture

Furnitureland - Furniture

Dreams -- Bedroom Furniture

Empty Unit

Sharps -- Bedroom Furniture

PC World closed now B & M -- Homewares

Empty unit

Multyork - Furniture

Wicks - DIY

APPENDIX 6.

CHARLIE HOPKINS
Planning & Environmental Consultant

Springfield
Kilmington
Axminster
Devon
EX13 7SB

Tel/Fax 01392 825505
~~01392 825505~~
www.charliehopkins.co.org

Charlie Hopkins has worked for over 20 years as an environmental lawyer (barrister and solicitor), most recently with EarthRights. He has very wide experience of all aspects of environmental and planning law, and access to an extensive network of technical and legal experts. As a non-practicing solicitor he now provides planning and environmental advice, representation at public inquiries, and, where necessary, instruct barristers and technical experts. He has been a member of the Environmental Law Foundation (ELF), since its foundation in 1991, and is also a member of the Environmental Law Alliance Worldwide (E-LAW), an international network of environmental lawyers and experts. He has particular specialisation in Environmental Impact Assessment, European Environmental Directives (Habitats, EIA, Water and Waste) as well as UK planning. Over recent years, Charlie Hopkins has worked on a large number of major development projects, including football stadiums (Arsenal, Brighton, Everton), road building schemes (Westbury By-Pass, Stonehenge, M6 Heysham Link), quarries, housing and retail developments, sewage treatment works, allotments, and urban regeneration schemes.

PLANNING APPLICATION REFERENCE:

CB/12/02071/OUT – RETAIL PARK AT GROVEBURY RD.

CB/12/03290/OUT – UNIT 7 GROVEBURY RD.

SUMMARY.

- The cumulative effect of the grant of planning permission to both schemes would result in significant over-provision of retail floorspace in Leighton Buzzard. Either scheme alone will exceed the need for retail provision in Leighton Buzzard until 2021.
- The individual or cumulative impact of both schemes will have significant adverse impacts on the vitality and viability of Leighton Buzzard town centre.

- This over-provision will prejudice future regeneration identified in Development Briefs adopted for both Land South of the High Street and Bridge Meadow.
- It will also undermine emerging spatial strategy for retail development in the Central Bedfordshire District Council area, and Leighton Buzzard in particular. The emerging Development Strategy is underpinned by the Tym Report which identifies a need for 5,553 sq. metres of retail floor space in Leighton Buzzard by 2021. Either proposed development if permission is granted will more than exceed this total proposed provision, thus prejudicing the Council's planned retail strategy for the town.
- The proposals are contrary to the National Planning Policy Framework, the adopted Local Plan, the emerging Development Strategy and the Development Briefs for Leighton Buzzard.
- The conclusions drawn on the sequential test are directly contrary to the conclusions of the Tym Report, and the Retail Impact Assessments produced in support of the applications are inaccurate as they misquote and misrepresent the evidence of the Tym Report.
- In the light of the conclusions drawn above, were planning permission to be granted to either application such a decision could be susceptible to legal challenge.

1. INTRODUCTION.

1.1 Planning application CB/12/02071/OUT is for a retail warehouse development of 8,594 sq. metres gross floor area, of which 6,132 sq. metres is net tradable floor space.

1.2 Planning application CB/12/03290/OUT is for a retail park development of 10,775 sq. metres gross floor area, of which 6,460 sq. metres is net tradable floor space.

Taken together, these proposed developments amount to 19,369 sq. metres of gross floor area of which 12,592 sq. metres is net tradable floor space.

1.3 In order to place these proposals in a wider perspective, reference should be made to the Central Bedfordshire Retail Study 2012 (the Tym report). This document was commissioned by the Council and has contributed to the evidence base for the emerging Development Strategy for the period 2011-2031. The Tym Report states: "This study provides up-to-date evidence to inform future policy for the whole Central Bedfordshire area." (Tym Report para.2.60)

1.4 Pre-submission consultation has been completed, and the next stage of the emerging local plan process will be the Examination in Public (EIP). It is anticipated that the new Development Strategy will be adopted early in 2014.

1.5 In addition, the Council has adopted and put in place 2 Development Briefs for Leighton Buzzard which form an integral part of the adopted Development Plan. One is for the regeneration of Land South of the High Street, the other for the Bridge Meadow area of the town.

1.6 The Tym Report, which the Council clearly regards as being sound (otherwise it would not be used as the basis for the emerging Development Strategy), states that Leighton Buzzard could accommodate an additional 5,553sq. metres of floor space by 2021, rising to 8,500 sq. metres by the end of the plan period, 2031. This figure has been accepted by the Council and is now being proposed in draft Policy 12 of the emerging Development Strategy.

1.7 Any grant of planning permission for either of the proposed developments would fly in the face of the evidence and recommendations of the Tym Report, and would render the proposed spatial strategy for Leighton Buzzard susceptible to being challenged on the grounds of lack of soundness at the forthcoming Examination in Public, with potentially serious consequences for the Development Strategy.

1.8 The Development Brief for Land South of the High Street identifies an area of approximately 2,000 sq. metres of retail floor space, which, when set in the context of the Tym Report leaves a residual requirement for retail floor space in Leighton Buzzard for the plan period up to 2021 of approximately 3,500 sq. metres.

1.9 As it is envisaged that the Bridge Meadow site will also comprise an element of retail floorspace, this overall residual figure should be reduced accordingly.

1.10 When set against this background it becomes immediately apparent that either of the proposals for development at Grovebury Road, if permitted, will almost double the area of retail floor space required for Leighton Buzzard for the period up to 2021.

1.11 Although lack of need in itself is no longer a reason for refusal in planning terms, lack of need for retail development can, if ad hoc, opportunistic schemes are permitted, lead to the over-provision of retail floor space, with adverse impacts on existing retail businesses and also prejudice adopted and emerging regeneration plans and district spatial strategy.

1.12 It is for these reasons that National Planning Policy requires both sequential and impact tests to be undertaken in respect of proposals such as these.

2. DISCUSSION.

2.1 Each planning application is accompanied by a retail report. In addition, the Council has the benefit of a report by GVA published in January 2013, which assesses both applications and takes into account the Tym Report.

2.2 The GVA Report describes these applications as "competing" (para.1.1), as opposed to complimentary, and concurs with an earlier retail study of 2009 that Leighton Buzzard has a "good range of independent comparison retailers" (para.3.7). It also notes that the operation of the Morrisons supermarket has had some (unquantified) adverse impact on town centre retailers since it was opened (para.3.11).

2.3 The GVA Report accepts the recommendations of the Tym Report uncritically, and also notes in passing the Tym Report's observation derived from National Planning Policy Framework (NPPF) Appendix 2 that "bulky goods" is no longer considered as a separate category for the identification of retail floor space (para.3.31)

2.4 Notwithstanding this recognition expand, the GVA Report nevertheless utilises the category of "bulky goods" (as do both applicants) when it comes to applying the sequential test.

2.5 The application of the sequential test is a requirement of NPPF para.24 which states that it should be applied to planning applications for main town centre uses

that are not in an existing centre and not in accordance with an up-to-date Local Plan. There seems to be agreement amongst the parties that the applications are for out of town centre locations and contrary to the Local Plan.

2.6 "Main town centre uses" is defined in Appendix 2 of the NPPF as;

"Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities, the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs..."

2.7 The reports accompanying both planning applications, and the GVA Report, conclude that neither application fails the sequential test, but only on the basis that Land South of the High Street (identified in the Development Brief) whilst being suitable for retail provision of up to 2,000sq. metres of retail floor space) is unsuitable for "bulky goods" provision.

2.8 This conclusion is clearly arrived at by way of a fundamental misinterpretation and misapplication of the sequential test as defined in the NPPF. Whilst "bulky goods" as a category of retail provision is derived from PPS4 practice guidance, it is no longer recognised in the NPPF as a separate category (see also Tym Report para.8.8 – "We do not recommend that the Council plan for a separate floor space need for "bulky goods" retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as "main town centre uses" (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits.")

2.9 The invalidity of the approach adopted by the applicants and GVA is reinforced by the evidence of the retail situation in Leighton Buzzard itself. The appendices to the Tym Report based on household surveys show that as a retail category DIY and gardening (regarded as "bulky goods" by the applicants and GVA) has the second highest level of retention in the town centre, at 48%. It is precisely these retail categories that are regarded as unsuitable for town centre use by the applicants and GVA in the sequential test as it has been applied and as are being proposed at the new schemes.

2.10 By way of illustrating the inappropriateness of this approach, the evidence from the Tym Report shows that there are three times the volume of sales of this category, DIY and gardening, in the town centre of Milton Keynes rather than the retail parks out of the town centre.

2.11 To simply disregard town centre locations as being unsuitable for bulky goods retailing fails to apply the sequential test as set out in para.24 of the NPPF, leading to inappropriate and unsustainable development in out of town centre locations.

2.12 As regards the impact assessments undertaken, both assessments provided by the applicants have specifically failed to assess the impact on the town centre of the potential diversion of the DIY/gardening element (see GVA Report paras. 5.14 and 5.22). The GVA Report advises that the full extent of the proposed schemes should be tested (GVA Report para.5.21) in this respect. This has still not been undertaken.

2.13 Even with the exclusion of these categories the cumulative impact on the town centre is estimated ("conservatively" – GVA Report para.5.14) at a figure of 9.6% diversion of trade from the town centre to the Grovebury road sites. (GVA Report para.5.35)

2.14 This, amongst other considerations, including any element of clawback of retail trade from other centres, leads GVA to conclude that it is unlikely that there is sufficient "bulky goods" demand to let both proposed schemes in the current market or in the foreseeable future (GVA Report para.5.45). This is wholly unsurprising given the conclusions of the Tym Report and its assessment of need for retail floor space, and provides further support for the validity of its analysis.

2.15 No apparent consideration has been given by GVA or the applicants as to whether a further consequence of the Grovebury Road schemes will be to lead to a similar situation at the regeneration areas of the Land South of the High Street and Bridge Meadow sites, which, given the findings of the Tym Report, is highly likely.

2.16 South Bedfordshire Local Plan Review 2004 Policy TCS1 states that favourable consideration will be given to proposals which will sustain and enhance the vitality and viability of town centres and contribute to town centre regeneration.

2.17 Proposed Policy 15 of the emerging Development Strategy for Leighton Buzzard town centre requires that proposals for development outside the town centre should complement and not prejudice the viability and vitality of the town centre.

2.18 The proposed schemes at Grovebury Road conflict with both policies and threaten the regeneration of Land South of the High Street as set out in the Development Brief for the area. A likely loss of close to 10% of retail trade from the town centre in the current economic climate, with the retail high street sector experiencing particular difficulties, represents a very real threat to the continued viability of the town centre, despite previous resilience.

2.19 The justification for the scheme as regards impact assessment is based on the application of the retail category of "bulky goods", although the Officer's Report appears to be based on a much wider definition than that as set out in the Practice Guidance to PPS4 and seems to include all comparison goods except clothing. The Tym Report has highlighted that the town lacks menswear shops (see para. 6.11).

2.20 The appendices to the Tym Report, appendix 3 table 4, which sets out the overall comparison spend in different areas of the District does not distinguish between bulky goods and other comparison goods. It includes central Milton Keynes and several retail parks. The GVA Report however has applied the category of bulky goods to the 4 retail parks in the Milton Keynes area which are Beacon Park in Bletchely, Kingston, Winterhill and Central Milton Keynes, Patriot Drive. There is nothing in the Tym Report appendices to justify the distinction between bulky goods and other comparison goods. The Tym Report examines comparison goods expenditure overall and does not break this down further into a separate bulky goods category.

2.21 The Tym Report refers to household surveys of the Leighton Buzzard area in terms of where goods are purchased, but this data is not linked to expenditure and so figures of expenditure cannot be derived from such. However, the GVA Report takes the figure of 10% of trade (£16.4 million) going to four retail parks in Milton Keynes, and presumes that this represents sales of bulky goods (see GVA Report paras. 3.26 and 3.27 and tables 3.1 and 3.4). Such a presumption cannot be reasonably made, and is not one made in the Tym Report.

2.22 For example, two of the four retail parks in Milton Keynes have some major clothing outlets such as Marks and Spencers, Primark, Matalan, and Next, so there is clearly a substantial spend on clothing as opposed to bulky goods.

2.23 As regards the possibility of claw back on furniture, floor coverings and soft furnishings, there are some serious questions as to whether these could be clawed back from Milton Keynes. Firstly, as regards soft furnishings, the Winterhill Retail Park, which according to the Tym Report appendices, is both responsible for the majority of the expenditure in the categories of soft furnishings, furniture and floor coverings and also that of electrical appliances, cameras, computers etc. The proposed schemes at Grovebury Road are very unlikely to be able to compete against these outlets. Dunelm is a large store selling all types of furnishings and appliances. This store operates from a site of 30,000 square metres. This is significantly larger than either or both of the proposed retail park developments, and the GVA Report itself acknowledges that the scope for any claw back from these outlets is "marginal" (GVA Report para.5.36)

2.24 However, the GVA Report states in para 5.30 that "Both applicants have identified the leakage of comparison goods trade, primarily to Milton Keynes town centre and retail warehouses in Milton Keynes/Bletchley, and acknowledge the opportunity to claw back trade. As Framptons have pointed out in their assessment, this leakage comprises 9.4%/£16.4m of Zone 8 trade to four retail warehouse parks in Milton Keynes/Bletchley. This figure has been identified from Table 4, Appendix 3 of the Roger Tym Retail Study, September 2012, and we agree with this conclusion."

2.25 This appears to be a further example of GVA drawing conclusions from the Tym Report which cannot be derived from the data.

2.26 The GVA Report considers the offer as being complimentary to the town centre, yet it is difficult to see how this is justified. The GVA Report itself states in para. 3.37 that: "There is some product overlap with the town centre, and an increasing scale of floor space in out-of-centre locations will inevitably erode town centre turnover, range of operators and in time the health of the centre." It also considers that the offer is complementary to the Development Brief for Land South of the High Street. The Brief appears to be limited to use-class A1, and there is clear overlap and potential for competition between the Grovebury Road schemes and the site identified in the Brief South of the High Street.

2.27 The Tym Report states in para. 6.11 that: "*The centre offers quite a diverse range of comparison goods, with all the sectors being represented apart from menswear.*"

2.28 The retention figures for clothing in the Tym Report appendices (household surveys, appendix 2) are the lowest of all categories at only 9.6%, yet the proposed White Lion Retail Park condition would permit virtually all town centre uses apart from clothing.

2.29 There are additional concerns about the future of the Homebase outlet. When the Tesco expansion was granted planning permission in 2011, there was considerable concern about losing Homebase as it was regarded as very important to residents to have a DIY store within the town centre. The Officer's Report highlights that there is a strong possibility that Tesco will not expand and that Homebase is not identified as an operator in either application. The DIY units proposed are smaller than the existing Homebase site (Claymore is two thirds of the size and Barwoods one third of the size). There has however been an expression of interest from Wickes. If this were to proceed and there were to be a Wickes store on either proposed retail park, it is highly likely that this could divert trade from Homebase in the town centre with significant adverse impacts on the viability of the town centre.

3. MITIGATION AND CONDITIONS.

3.1 Whilst the financial contributions proposed by way of S106 agreements for both schemes are to be welcomed, significant questions remain as to whether they will be sufficient to secure the vitality and viability of existing town centre retail trade, to ensure that the planned regeneration of Land South of the High Street will not be adversely impacted and also to compensate retail outlets in the town centre that will suffer losses of trade due to leakage to the Grovebury Road schemes.

3.2 The proposed limitation on retail use of the Grovebury Road sites derived from the White Lion Retail Park in Dunstable is also unlikely to protect town centre businesses to a sufficient degree.

3.3 For example, the S106 agreement derived from the White Lion Retail Park would permit the Grovebury sites to sell sports clothing goods (albeit as ancillary to the sale of sports equipment). It is noted from the Tym Report appendices based on household services that the category of household goods that experiences the highest level of leakage from town centres to retail parks is that of clothing (retention (9.6%). The Tym Report highlights in para. 6.11 that: " The centre offers quite a diverse range of comparison goods with all the sectors being represented apart from menswear".

3.4 The Tym household surveys directly contradict the GVA Report that the town is not reliant on bulky goods (see para. 5.6). The Tym Report household surveys appendix 2 show that the major areas of retention are chemists 78%, DIY and gardening 48% followed by electrical goods 18%, Books, DVD's, jewellery, china or glass 16%, soft furnishings 12%, Recreational goods such as sports equipment, musical instruments, toys etc 10.7%, clothes or shoes is only 9.6% Similar concerns extend to the proposed food outlets at both sites.

3.5 It is further noted that, at the time of writing, no sustainable transport package has been fully agreed, the financial packages being offered in respect of both sites are inadequate and that both sites are fundamentally unsustainable in terms of reducing the need to travel and of being easily accessible by walking, cycling or public transport. (See NPPF Section 4)

4. CONCLUSIONS.

4.1 In summary, both schemes are fundamentally unsustainable and pose a very real threat to the continued viability and vitality of Leighton Buzzard town centre.

4.2 The sequential test has been misapplied, and the retail impact assessments fail to assess the full impacts of the proposed developments on the town centre and on the regeneration Land South of the High Street.

4.3 The cumulative effect of the grant of planning permission to both schemes would result in significant over-provision of retail floor space in Leighton Buzzard. Either scheme alone will exceed the need for retail provision in Leighton Buzzard until 2021.

4.4 The individual or cumulative impact of both schemes will have significant adverse impacts on the vitality and viability of Leighton Buzzard town centre.

4.5 This over-provision will prejudice future regeneration identified in Development Briefs adopted for both Land South of the High Street and Bridge Meadow.

4.6 It will also undermine emerging spatial strategy for retail development in the Central Bedfordshire District Council area, and Leighton Buzzard in particular, with potentially serious repercussions for the emerging Local Plan process.

4.7 The proposals are contrary to the National Planning Policy Framework, the adopted Local Plan, the emerging Development Strategy and the Development Briefs for Leighton Buzzard.

4.8 In the light of the conclusions drawn above, were planning permission to be granted to either application such a decision could be susceptible to legal challenge.

CHARLIE HOPKINS M.A.(Oxon), Dip Law (Solicitor, non-practicing)

11.2.13

APPENDIX 7

Adam Davies

From: Dave Ager
Sent: 07 February 2013 15:21
To: John Gilby
Cc: 'Edward Ledwidge'; Adam Davies
Subject: RE: Application Ref. CB/12/02071/OUT
Follow Up Flag: Follow up
Flag Status: Red

Dear John
In response to your letter dated 30 January which was also passed on to me by email I make the following comments:-

Assessment years

Although I'm aware of DfT's requirements (5 years) CBC's usual requires 10 years. However, I note that you requested this information and that for whatever reason it was not forthcoming and for that reason on this occasion I will accept 5 years

Traffic Growth / Committed developments

I would disagree with your assertion that applying TEMPRO growth (5-6%) should take into account planned housing developments in the area. I consider that committed developments will increase traffic by 4-13% locally. I also think that looking at traffic growth between 2008 and 2011 (which is generally flat) is not a sound basis for assuming TEMPRO growth for 2012-2017 is conservative - looking over a longer period would indicate that 2008-2011 is not typical.

It is interesting to look at traffic growth at the DfT sites you have attached between 2010-2011:

57676 +1.4%

77374 +61.7%

81173 +1.4%

81174 -0.1%

Ignoring site 77374 (not sure what is going on there), the average of the other 3 is +0.9%. This would give you close to 5% growth over 5 years.

Billington Road Transport Corridor scheme

A convincing reason for not taking this into consideration has not been provided. However, I am aware that the impact on Grovebury Road would operate within capacity.

Modelling of Stanbridge Road/Grovebury Road/Lake Street junction

Paragraph 7 on p3 - the justification for not assessing this junction is that 'only 50% of site traffic would arrive/depart to the north via Grovebury Road'. Even allowing for some distribution along the way, approx. 30-35% of generated traffic would go through this junction.

Paragraph 8 on p3 - if what is stated here is true and people will choose alternative routes to

12/02/2013

avoid congestion then this should have been accounted for in your distribution! Also, although it is true that 'the majority of trips to new retail development are not entirely new to the network', they would be new to the part of the network under consideration here.

I await your comments on the above.

Dave Ager
Principal Highway Control Officer
Highway Development Control
Sustainable Communities

Central Bedfordshire Council: Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct dial: 0300 300 6026 | Internal: 76026 | Email: Dave.Ager@centralbedfordshire.gov.uk

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From: ~~Edward Ledwidge [mailto:edward.ledwidge@centralbedfordshire.gov.uk]~~
Sent: 30 January 2013 18:13
To: Adam Davies
Cc: Dave Ager
Subject: RE: Application Ref. CB/12/02071/OUT

Adam

Please see attached Mayer Brown's response to the highways comments.

It seems that Mr Ager may not have seen other submissions made in respect of bus/cycle/footway connections. These are also attached for convenience.

Regards

Edward

Edward Ledwidge MRTPI
Director

Tel: ~~01462 44340~~
Fax: ~~01462 44345~~
Mob: ~~07746 44318~~

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Blus Sky Planning Limited, Bourne House, 475 Godstone Road, Caterham, Surrey, CR3 0BL (Registered In England 4461037)

12/02/2013

From: Adam Davies [mailto:Adam.Davies@centralbedfordshire.gov.uk]
Sent: 25 January 2013 10:34
To: Edward Ledwidge
Subject: FW: Application Ref. CB/12/02071/OUT

Edward,

Please see the attached as discussed.

Best regards,

Adam Davies
Senior Planning Officer
Development Management

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct dial: 0300 300 5191 | Internal: 75191 | Email: adam.davies@centralbedfordshire.gov.uk

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From: Planning Online
Sent: 24 January 2013 14:50
To: Adam Davies; Dave Ager
Subject: Application Ref. CB/12/02071/OUT

Please see the attached document in relation to application reference CB/12/02071/OUT.

Development Management

Central Bedfordshire

Central Bedfordshire Council
Priory House, Monks Walk, Chicksands,
Shefford, Bedfordshire SG17 5TQ
customer.services@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

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12/02/2013

APPENDIX 8.

Adam Davies

From: Dave Ager
Sent: 07 February 2013 16:52
To: Adam Davies
Subject: RE: Grovebury Road retail parks
Follow Up Flag: Follow up
Flag Status: Red

I do not agree with this approach as if both developments were to be approved it would be very unlikely that you would have identical provision on both sites and for that reason it is likely that it would generate proportionally the same amount of traffic as if the trip rates supplied in both TA were added together. Further, once it has been established the principle of use then the use can be changed (through planning approval and this trip generation will also be established. For that reason it would be very unsafe to approve the Greenfield site in particular. I also question the issue of 'Drive Past' and only 10% of traffic to Retail Parks are already on the network. Further as I recall this refers to Food Retail in the main in any case. However this would need to be proven through the full analysis within a TA.

Dave Ager
Principal Highway Control Officer
Highway Development Control
Sustainable Communities

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct dial: 0300 300 6026 | Internal: 78026 | Email: Dave.Ager@centralbedfordshire.gov.uk

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From: Adam Davies
Sent: 06 February 2013 16:19
To: Dave Ager
Subject: Grovebury Road retail parks
Importance: High

Dave,

Please can we discuss these applications asap as I need to brief Members on Monday ahead of Committee on Wednesday.

For the brownfield scheme (12/03290), I need clarification on your consultation response, particularly regarding parking. Is there a typing error in the parking section? It seems to suggest 394 spaces would be required under current standards. 389 spaces are proposed, suggesting a shortfall of only 5 spaces. However you state the proposed parking would only represent 96% of the standard and would be a significant shortfall which would need to be justified in terms of demand.

For the greenfield scheme (12/02071), please can you provide some comment on the transport consultant's letter sent to you by email last Wednesday (from Edward Ledwidge). You had raised concerns regarding the capacity assessments. It is argued that these are adequate. There are technical aspects of their letter which Members and I will need your guidance on. Separately, the transport consultant has provided some brief comments on highway capacity in the event both schemes were to proceed (reproduced below). It would be useful to have a Highways position on this.

Thanks,

Adam Davies
Senior Planning Officer
Development Management

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct dial: 0300 300 5191 | Internal: 75191 | Email: adam.davies@centralbedfordshire.gov.uk

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Not Protected - General Data

12/02/2013

~~From: [Redacted]~~
Sent: 06 February 2013 14:30
To: Edward Ledwidge
Cc: Paul Stocker
Subject: RE: Application Ref. CR/12/02071/OUT

We have reviewed and compared the existing and proposed vehicle trip generation for both the Grovebury Farm and 7 Grovebury Road development sites. It is unlikely that both retail parks would be built side by side but should this occur we would expect visitors to drive to and park in one of the sites and either visit just the site they have parked at or, if they are visiting both, they would walk the short distance to the adjacent retail park. Based on this we consider that the "worst-case", for amount of trips attracted to the site, would be to use those of the bigger site, 7 Grovebury Road. The table below summarises the trip generation to the 7 Grovebury Road site during the assessed three peak periods.

Vehicular Trip generation - 7 Grovebury Road

		AM Peak			PM Peak			Saturday Peak		
		Arrivals	Departures	Total	Arrivals	Departures	Total	Arrivals	Departures	Total
Existing/Extant Use	Surveyed	4	2	6	1	5	6	1	5	6
	TRICS	100	43	143	24	76	100	0*	0*	0
	TOTAL	104	45	149	25	81	106	1	5	6
Proposed Development	TOTAL	97	59	156	196	182	378	338	319	657
Net Difference	TOTAL	-7	14	7	171	101	272	337	314	651

Note: * - it is assumed, in the TA - part 5.34, that the extant use of the site would not have been generating significant levels of vehicular trips

The table above clearly indicates that the net difference of an additional 7 vehicular trips in the AM Peak would be insignificant, amounts to 1 additional trip approximately every 8.5 minutes. The proposed development would result in a net increase in trips of 272 vehicles which, although not insignificant would see an additional 3 arrivals and 2 departures per minute. During the Saturday peak hour, the development would result in an increase in 651 vehicle trips, an increase of 6 arrivals and 5 departures per minute.

However, this assessment, and table, has not made any allowance for transferred trips (typically 60% weekday and 80% weekend), pass-by trips (typically 21% weekday and 5% weekend) or diverted trips (typically 5% weekday and 5% weekend) which will reduce the impact. The TRICS research report, "TRICS 95/2", states that entirely new trips generated by the building of a retail store and in most circumstances 10% or less of the total trips. Therefore only 10% of the above trips could be considered to be entirely new trips.

A Framework Travel Plan will also be applied to the development which would reduce staff single occupancy car trips and encourage travel by public transport and other sustainable modes of travel which will reduce the impact of the development in the peak periods.

Kind Regards,

~~[Redacted Signature]~~

~~[Redacted Signature]~~

Senior Consultant

Meyer Brown Limited
 Linn House
 Ormsal Road

Woking
 Surrey

GU22 8AR

www.meyerbrown.co.uk

Switchboard: ~~[Redacted]~~

DDI: ~~[Redacted]~~

Fax: ~~[Redacted]~~

E: ~~[Redacted]~~



Thank you for your interest in the environmental impact of this project. Thank you.

12/02/2013

APPENDIX 9



mayer brown

TRANSPORT PLANNING INFRASTRUCTURE DESIGN ENVIRONMENTAL & WATER ENGINEERING

Dave Ager
Development Management
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

30 January 2013

Our Ref JRG/BSPLBuzzard.1
Your Ref CB/12/02071/OUT

Dear Mr Ager,

Proposed Retail Park Development at Grovebury Road, LU7 4UX

This letter has been produced in response to your memorandum to Adam Davis of Central Bedfordshire Council (CBC) dated 24th January regarding the proposed retail park development at Grovebury Road, Leighton Buzzard (CB/12/02071/OUT).

This letter sets out our response to your comments raised regarding the Transport Assessment (TA) we produced for the above application in May 2012. The comments raised in each section of your memorandum are summarised in turn below.

Site Location and Existing Conditions

We note and agree with your comment that the provision of a half bus lay-by on Grovebury Road along the frontage of the application site should be dealt with by way of a planning condition.

We also note that you agree that there are no particular safety issues with the location of the proposed site access.

Development Proposals

We note that you agree that the proposed site access junctions are suitable to serve the site.

Parking

It is noted that you confirm that the proposed parking levels are within the permitted parking standards set out in the Council's LTP, and provide adequate parking capacity for the expected parking demand at the site and hence is satisfactory in this regard

Policy

We note your comment that the TA covered relevant extracts from the appropriate local and national policy documents.

Trip Generation and Distribution

I note that you state that both the weekday and weekend trips rates used in the TA appear reasonable with appropriate sites identified, and that reasonable percentages have been allowed for pass-by trips.

We also note that you are aware that our trip generation assessment very robustly assumed that there would be no reduction in traffic resulting from the proposed mezzanine floor areas, as well as no allowance being made for linked trips. This is considered important as, if the mezzanine allowance was taken into account, the level of peak traffic movements to and from the site will be significantly less than that set out in the TA.

- Mayer Brown Limited
Woking (Head Office)
Tel: 01443 750 000
e: wokingoffice@mayerbrown.co.uk
- Birmingham Office
Tel: 0121 224 7900
e: birmingham@mayerbrown.co.uk
- Nottingham Office
Tel: 0115 226 1900
e: nottingham@mayerbrown.co.uk
- Cardiff Office
Tel: 01495 293 550
e: cardiff@mayerbrown.co.uk
- Site of Works Office
Tel: 01763 850 120
e: sww@mayerbrown.co.uk
- Leicester Office
Tel: 01533 342 570
e: leicester@mayerbrown.co.uk
- Luton Office
Tel: 0117 258 1115
e: luton@mayerbrown.co.uk
- London Office
Tel: 020 774 1500
e: london@mayerbrown.co.uk
- Newcastle Office
Tel: 0191 270 0000
e: newcastle@mayerbrown.co.uk



Mayer Brown Limited Lion House, Oriental Road, Woking, Surrey GU22 0AR
Telephone: 01443 750 000 Fax: 01443 750 002 wokingoffice@mayerbrown.co.uk www.mayerbrown.co.uk

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Regarding the future year growth rates used in the TA, we note that you agree that the growth factors appear reasonable. However, you raised a concern that our junction modelling assessments only assessed a future year of 2017.

In response, I can confirm that the TA assessed both the application year and a future assessment year (2012 and 2017 respectively in this case) using TEMPRO growth factors. This is in accordance with the guidance set out in the Department for Transport's (DfT's) *Guidance on Transport Assessment* document which states in paragraph 4.47 that "For the local transport network, a development should be assessed with regard to the LDF, and for a period of no less than five years after the registration of a planning application." The 2017 TEMPRO factors obtained predicted traffic growth of between 5%-6% during the peak periods assessed and should have already taken into account planned housing developments in the area.

Furthermore, we have obtained data from numerous traffic counts produced by the DfT in Leighton Buzzard area. The data from four data points close to the site is enclosed with this letter and is summarised in the following table:

Site #	2008 Daily Traffic	2011 Daily Traffic	Average Yearly Change (%)
57676	5554	5522	-0.6
77374	4710	4840*	+0.9
81173	14912	14187	-1.2
81174	21633	21740	+0.1

*DfT Traffic Growth Data – Leighton Buzzard (*2010 data value as 2011 data appears anomalous)*

The above table identifies that between 2008 and 2011 traffic growth in Leighton Buzzard has flat-lined and in some cases traffic volumes have reduced. It is therefore clear that the TEMPRO growth factors obtained provided a very robust future year assessment for the area.

It is therefore evident that the actual growth occurring on the roads around Leighton Buzzard is minimal and is indeed declining in some areas. We can therefore conclude that any future growth on the local highway network has been sufficiently and robustly assessed in the TA.

It is also noted that you consider it to be a failing that no account has been taken of committed developments in the area. We consider this to be an unfair criticism as we requested details of any committed developments that needed taking into account during our scoping discussions with you (see enclosed e-mail dated 11/04/2012). We received no information on any relevant committed developments from CBC.

In any case, as set out in the TA, the proposed retail development will attract the majority of its traffic during weekends and attracts a minimal level of traffic during the weekday peak periods on the local highway network (approx. 2.5 trips per minute). In addition it should also be noted that development traffic can disperse quickly on to the highways system and that further away from the site the impact of the development traffic on any one junction will be negligible. It should be noted that this is a worst case scenario in terms of traffic attraction as referred to earlier.

Therefore, any committed residential developments in the area (i.e. the new housing developments along Billington Road) are unlikely to create any conflict with the majority of traffic going to the proposed development. Furthermore, given the scale of the committed developments referred to, it is assumed that any mitigation works required to accommodate the traffic from these development has already been taken into account.



Regarding the Billington Road Transport Corridor (BRTC) scheme to use Grovebury Road as a preferred route into town, the modelling of the proposed site access junction in the TA clearly shows that there is significant space capacity at the proposed access, especially during the AM and PM peak periods on the local highway network and therefore there is the capacity to accommodate significant traffic growth at the site access. Additionally, as stated, one of the main aims of the BRTC is to increase the use of Grovebury Road as a main route into the town from the south; as such the capacity of Grovebury Road to accommodate this greater use must have been taken into account during the planning process. As shown in the TA, the impact of the proposed development on the A4146 roundabout to the south and the Chartmoor Road roundabout to the north is insignificant compared to the existing situation on the network.

Given the potential increase in traffic on Grovebury Road resulting from the BRTC, the percentage impact of the development traffic on the operation of these junctions will be even less.

Taking the above into account, we are therefore confident that providing a detailed assessment of the BRTC was and is unnecessary as part this application.

Junction Modelling

I note that you agree that the development traffic distribution [redacted] in our TA are reasonable, and confirm that traffic data has been input into our junction modelling using the robust One Hour method (OD Tab method), which assumes a peak within a peak One Hour period.

We are also pleased to note that you agree with the findings of our TA that all three junctions assessed operate within capacity in the 'total traffic' 2017 scenario during [redacted] peak periods on the local highway network.

However, it is also noted that you consider it to be a failing that no assessment of the impact of the proposals on the operation of the Stanbridge Road / Grovebury Road / Lake Street junction was undertaken.

The decision not to model the above junction was undertaken following the results of our development traffic distribution exercise. This showed that only 50% of the site traffic would arrive from/depart to the north via Grovebury Road. Taking into account the further dispersing of site traffic that would occur along Grovebury Road past the Chartmoor Road junction, it is evident that any impact on junctions towards the centre of Leighton Buzzard as a result of the proposed development would be minimal.

It must also be taken into account that trips to retail developments tend to be discretionary, in that shoppers often decide to use different routes to avoid known areas of congestion. In this case they may be more likely to use the A4146 than go through the middle of town during busy periods on the network. Additionally, the majority of trips to new retail development are not entirely new to the road network and in this case would include a large proportion of diverted trips from other retail developments in the town.

It should also not be overlooked that our assessment took no account of diverted trips or included any reduction in trip rates resulting from the mezzanine floor areas used at the site, and therefore represents very much a worst case scenario and robustly assesses the impact of the proposals.



Page 4

To summarise, four main concerns regarding the TA we produced were raised in your memorandum:

- No account has been taken for re-routing of traffic along Grovebury Road due to the Billington Road Transport corridor
- No committed development traffic has been taken into consideration
- No analysis of the Stanbridge Road/Grovebury Road/Lake Street junction has been included
- Assessments have been undertaken for 2017 flows only

Given the information provided in this letter we trust that these matters have now been addressed to your satisfaction and I would be grateful if you could confirm that you are now in a position to recommend that this application be approved. If you have any questions regarding this letter please feel free to contact me.

Yours sincerely

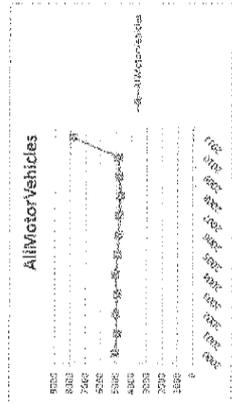
Senior Transport Planner

email

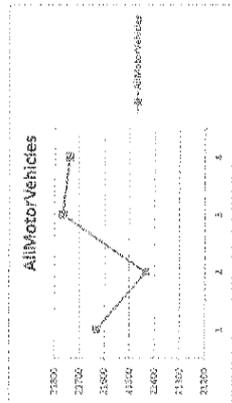
enclosure

OFT Traffic Counts
E-mail - 11/04/2012

AGP Year	Region	Location	State	Agency	Agency Code	Agency Name	Agency Type	Agency Address	Agency City	Agency State	Agency Zip	Agency Phone	Agency Fax	Agency Email	Agency Website	Agency Status	Agency Description	Agency Notes
2000	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2001	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2002	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2003	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2004	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2005	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2006	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2007	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2008	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2009	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2010	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											
2011	73374	East of Eng Central	SD	488300	133336	Apprentice	Apprentice											



AGP/FY/CP	Region	Local Authority Road	Numbering	Sum of Motor Vehicle Registrations	Linkage	Peak	Motor Vehicle Registrations	Rate	Count										
2006	S1172	East of Fife Central	451570	2233961	0.4	0.34	1812	81	243	71	241	223	1285	3333					
2009	S1174	East of Fife Central	451570	2233961	0.4	0.34	1812	81	243	71	241	223	1285	3333					
2010	S1174	East of Fife Central	451570	2233961	0.4	0.34	1812	81	243	71	241	223	1285	3333					
2011	S1174	East of Fife Central	451570	2233961	0.4	0.34	1812	81	243	71	241	223	1285	3333					



John Gilby

From: John Gilby
Sent: 11 April 2012 16:59
To: 'Dave Ager'
Subject: Grovebury Road
Attachments: TRICS Report 95-2 Pass-by Diverted Traffic.pdf; TRICS Data.pdf; Figure 6.3.pdf; Figure 6.1.pdf; Figure 6.2.pdf

Dave,

Following my conversation with you last week regarding the proposed retail development at the site off Grovebury Road, Leighton buzzard, you requested that you required some further data to help establish the scope of our assessment.

As requested I have attached:

- Flow diagrams showing the surveyed traffic flows we obtained in January
- The TRICS data used in my previous letter to you
- The TRICS research report containing the pass-by trip percentage evidence

As also discussed, I would be grateful if you could forward to me a master plan of the East Leighton scheme and details of any relevant committed developments.

Regards,

John.

APPENDIX 10

Adam Davies

From: ~~John Gilby, BEng (Hons) MCIHT~~
Sent: 08 February 2013 17:13
To: Dave Ager
Cc: Paul Stocker; Edward Ledwidge; Adam Davies
Subject: RE: Application Ref. CB/12/02071/OUT
Follow Up Flag: Follow up
Flag Status: Red

Dave,

Further to your e-mail concerning the proposed retail park development off Grovebury Road.

I note that you are now in agreement with the assessment years used in the submitted Transport Assessment (TA) and agree that the Grovebury Road access would operate within capacity taking into account the Billington Road Transport Corridor scheme.

However, we disagree with your comment that the DfT traffic growth figures contained in our letter do not provide a sound basis for assuming the TEMPRO growth factors used in our TA for 2012-2017 are conservative. The 3 years covered by the DfT data is normally considered a reasonable period of time and allows a good indication of the trend in traffic growth in the area. Indeed, two of the datasets we attached (57676 and 77374) have time periods extending back to 2000, and both of these datasets show traffic levels have either fallen or not changed significantly from 2000-2011.

We are also concerned that the 5% traffic growth figure over 5 years stated in your response was calculated using 2010-2011 figures only. We consider it unreasonable to calculate traffic growth over 5 years based on only 1 years data. Using the more robust 2008-2011 average yearly change percentages given in our letter actually results in a yearly reduction in traffic of 0.2%.

Regarding your comment that alternative routes to avoid congestion should have been accounted for in our distribution, I must reiterate that trips to retail developments tend to be discretionary, and therefore customers can decide when to carry out their trip, as well as taking alternative routes to avoid known congestion hot spots. As we highlighted previously, there are a number of routes that shoppers can take to access the site and development traffic will disperse quickly as you go further away from the site, and therefore the impact of the development traffic at any one point will be small. Many customers may and do choose to travel outside of the peak periods on the highway network covered in our assessment and therefore we have assessed very much a worst case scenario in our report.

We note that you agree that the majority of trips to new retail developments are not entirely new to the road network. We also note and agree that there would however be a higher proportion of new trips in the vicinity of the site. As set out in our TA, the proposed site access junction will operate with significant spare capacity during all the peak periods assessed, using traffic figures that took no account of diverted trips or the potential reduction in site traffic as a result of the proposed mezzanine floor areas. It is therefore evident that the site access can accommodate the 'new' traffic flows generated by the proposals.

Taking the above into account, I trust your remaining concerns regarding traffic growth and discretionary trips have been resolved. Please feel free to contact me if you have any further comments.

Regards,

John.

John Gilby, BEng (Hons) MCIHT
Senior Transport Planner
Mayer Brown Limited
Lion House
Oriental Road
Woking
Surrey

T: ~~01483 700000~~
F: ~~01483 700007~~
E: ~~john.gilby@mayerbrown.com~~

12/02/2013

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From: Dave Ager [mailto:Dave.Ager@centraibedfordshire.gov.uk]
Sent: 07 February 2013 15:21
To: John Gilby
Cc: 'Edward Ledwidge'; Adam Davies
Subject: RE: Application Ref. CB/12/02071/OUT

Dear John

In response to your letter dated 30 January which was also passed on to me by email I make the following comments:-

Assessment years

Although I'm aware of DfT's requirements (5 years) CBC's usual requires 10 years. However, I note that you requested this information and that for whatever reason it was not forthcoming and for that reason on this occasion I will accept 5 years

Traffic Growth / Committed developments

I would disagree with your assertion that applying TEMPRO growth (5-6%) should take into account planned housing developments in the area. I consider that committed developments will increase traffic by 4-13% locally. I also think that looking at traffic growth between 2008 and 2011 (which is generally flat) is not a sound basis for assuming TEMPRO growth for 2012-2017 is conservative - looking over a longer period would indicate that 2008-2011 is not typical.

It is interesting to look at traffic growth at the DfT sites you have attached between 2010-2011:

57676 +1.4%

77374 +61.7%

81173 +1.4%

81174 -0.1%

Ignoring site 77374 (not sure what is going on there), the average of the other 3 is +0.9%. This would give you close to 5% growth over 5 years.

12/02/2013

Billington Road Transport Corridor scheme

A convincing reason for not taking this into consideration has not been provided. However, I am aware that the impact on Grovebury Road would operate within capacity.

Modelling of Stanbridge Road/Grovebury Road/Lake Street junction

Paragraph 7 on p3 - the justification for not assessing this junction is that 'only 50% of site traffic would arrive/depart to the north via Grovebury Road'. Even allowing for some distribution along the way, approx. 30-35% of generated traffic would go through this junction.

Paragraph 8 on p3 - if what is stated here is true and people will choose alternative routes to avoid congestion then this should have been accounted for in your distribution! Also, although it is true that 'the majority of trips to new retail development are not entirely new to the network', they would be new to the part of the network under consideration here.

I await your comments on the above.

Dave Ager
Principal Highway Control Officer
Highway Development Control
Sustainable Communities

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17
5TQ
Direct dial: 0300 300 6026 | Internal: 76026 | Email: Dave.Ager@centralbedfordshire.gov.uk

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Protected - Contains personal data covered by the Data Protection Act
Not Protected - General Data

From: ~~Edward Davies~~
Sent: 30 January 2013 18:13
To: Adam Davies
Cc: Dave Ager
Subject: RE: Application Ref. CB/12/02071/OUT

Adam

Please see attached Mayer Brown's response to the highways comments.

It seems that Mr Ager may not have seen other submissions made in respect of bus/cycle/footway connections. These are also attached for convenience.

Regards

Edward

12/02/2013

Edward Ledwidge MRTPI
Director

Tel: 01883 621040
Fax: 01883 621043
Mob: 07958 515318

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From: Adam Davies [<mailto:Adam.Davies@centralbedfordshire.gov.uk>]
Sent: 25 January 2013 10:34
To: Edward Ledwidge
Subject: FW: Application Ref. CB/12/02071/OUT

Edward,

Please see the attached as discussed.

Best regards,

Adam Davies
Senior Planning Officer
Development Management

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ
Direct dial: 0300 300 5191 | Internal: 75191 | Email: adam.davies@centralbedfordshire.gov.uk

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From: Planning Online
Sent: 24 January 2013 14:50
To: Adam Davies; Dave Ager
Subject: Application Ref. CB/12/02071/OUT

Please see the attached document in relation to application reference CB/12/02071/OUT.

Development Management

Central Bedfordshire

Central Bedfordshire Council
Priory House, Monks Walk, Chicksands,
Shefford, Bedfordshire SG17 5TQ

12/02/2013

APPENDIX 11.

Adam Davies

From: Edward Ledwidge (mailto:edward.ledwidge@blue-sky.co.uk)
Sent: 11 February 2013 09:50
To: Adam Davies
Subject: Grovebury Road CB/12/02071/OUT - Transport Contributions

Dear Adam

Further to our recent discussions, we understand that the Transport Officer considers that a Transport Contribution of £344,088 to finance a dedicated bus service from the retail park to the Town Centre for a period of 3 years is preferable to the Applicant's proposal to link the development to the planned extension of the Dash Direct service. The Officer has concerns over the timing of the new Dash Direct service given that it is related to a separate development proposals on Grovebury Farm and Brickyard Quarry which are controlled other developers and that implementation of the retail park may be out of sync with the housing developments.

We are aware that reserved matters for part of the Grovebury Farm site (Site 17A) was submitted by the developers in December 2012 and is expected to be determined in the next few weeks. This is as clear indication that the developer is committed to the site and is working toward implementation. Indeed it is stated within the Planning Statement (Para 4.18) that the developer intends to implement the scheme shortly after reserved matters approval. The outline consent relating to Site 17B was renewed in August 2012 and it is understood that the developer intends to submit reserved matters applications shortly. There is an extant consent of the Brick Yard Quarry site and we understand from the developer that it is the intention to move this forward to the detailed stage. On this basis there is a clear intention to bring forward these developments with the relatively short term which will trigger the relevant public transport measures relating to planned housing south of Leighton Buzzard.

With regards to the current retail park proposal, it is anticipated that subject to the outline planning permission being approved that detail approval will be sought in spring/summer 2013 with a view to development commencing in late 2013/early 2014. The development programme will be 12 months which means that the retail park would become operational by late 2014/early 2015. Accordingly there will be a period of nearly two years before the development opens by which time it is reasonable to assume that the Grovebury Farm developments will be well underway and probably also the Brickyard Quarry scheme.

As a general principle from a strategic transport perspective we consider that, in the first instance, it is important to make efforts to coordinate development that will be taking place on the south side of Leighton Buzzard with the planned bus service. In putting forward the offer to contribute towards the new Dash Direct bus we consulted with the service coordinator (Arnold White Estates) who agreed that this would be the most appropriate means of including the retail park on the bus network. A separate commercial service from the retail park to the town centre is unlikely to attract a level of patronage to make it viable. It would also compete directly with Dash Direct and impact the viability of that service.

On this basis, the applicant considers that the proposed contribution of £99,000 to fund the new Dash Direct bus is the most appropriate means of ensuring that the development is included on the bus network. It is proposed that this should be included within the Section 106 as the preferred option.

We accept that the trigger point for the new Dash service will be subject to factors outside the applicant's control. Therefore it is suggested that there should be provision within the S106 for the applicant to implement a viable fallback position. In this regard we have sought input from Mayer Brown Transport Planning who recommend that the Retail Park operates its own minibus service between the site and the town centre, via the railway station. This minibus service will be primarily for staff but customers could also use it. The timing of the service will be planned such that it will fit staff shift patterns and make regular trips. This service would be monitored annually to enable patterns of usage and demand to be recorded. Depending on usage/demand the service would be run until such a time as the second Dash service comes online.

In the event that the Council insists that the development must be served by its own commercial bus service at a cost of £344,088, the applicant would need to reduce financial contributions that have been put forward in respect of other measures in order to ensure that the development is viable and the level of overall contributions remains proportionate to the scale and nature of the scheme.

We look forward to discussing matters with you again shortly.

11/02/2013

Page 2 of 2

Regards

Edward

Edward Ledwidge MRTPI
Director

Tel: 01256 69 1000
Fax: 01256 69 1000
Mob: 07700 809000

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11/02/2013

Additional Comments

Additional/Amended Reasons

Item 10 (Page 225-262) – CB/12/03290/OUT – Unit 7, Grovebury Road, Leighton Buzzard, LU7 4SQ

Additional Consultation/Publicity Responses

GVA Grimley (12/02/2013)

The Council's retail consultant has set out a more detailed response to the objections received. The response is appended to late sheet item 9 and can be summarised as follows:

- The differences between bulky and non-bulky retail should not be considered when local authorities consider 'planned need' in their emerging DPD's and town centre strategies. They should consider the sequentially most suitable sites for comparison goods.
- When considering applications, however, the Practice Guidance and NPPF directs applicants and local authorities to consider a range of more technical issues.
- Given the retail mix, it is right to point out that there is some non-bulky goods expenditure leakage to the four retail park destinations referred to in the GVA report, but as we have noted in paragraphs 5.33 and 5.34, total expenditure leakage would result in £19.4m by 2016, whilst the Grovebury Road schemes would require claw back of only £14.1m.
- The Grovebury Road proposals are not reliant on 100% claw-back from the four retail parks in Milton Keynes. The level of leakage is greater than the level of trade required. There will be some trade diversion from these destinations. There would also be an element of 'mutual impact' if both schemes were delivered, leading to less reliance on claw back.
- We are comfortable that there is sufficient bulky goods expenditure to claw back from a variety of destinations, primarily the four retail parks in Milton Keynes (GVA, para.5.36). The level of potential bulky goods trade is greater than the turnover required to support the Grovebury Road proposals, although not unlimited (GVA, para 5.41). The proposals will obtain trade from a number of other destinations also. We re-affirm our conclusions drawn in Section 5, in particular paragraph 5.39 onwards.
- The assessment is not merely about bulky retail as compared with non-bulky retail but also ensuring the range of goods proposed will not have a significant detrimental impact on Leighton Buzzard town centre. The mix of uses at the Grovebury Road schemes would divert trade primarily from the four retail parks, but likely also from a range of other town centre and out-of-centre destinations.

Strategic Planning (30/01/2013)

Overall, from a Policy perspective, I do not consider there would be significantly detrimental impact if the employment sites were utilised for alternative uses. The recent Economic and Employment Study identified an over-supply of employment land across Central Bedfordshire and there is a significant level of strategic land identified for allocation within the emerging Development Strategy, 16ha of which are close to the two sites within the East Leighton Linslade Urban Extension. Although the two sites are reasonably well connected, the provision of the A5-M1 link road may result in the two sites being considered more favourably for the delivery of B Use employment - the road is however a couple of years away from being completed.

The Pre-Submission Development Strategy contains a number of employment policies which seek to be pro-active in the delivery of employment land and jobs within Central Bedfordshire and not overly restrictive. Policy 7 relates to the provision of employment generating non-B uses on employment sites and identifies a series of criteria which must be satisfied before employment land can be lost to alternative uses. We would expect proposals for the sites to have due regard to this policy and address the points identified. Consideration should also be given to the relevant retail policies within the Pre-Submission Development Strategy.

Economic Regeneration (06/02/2013)

Consultation response appended to late sheet item 9.

National Grid (29/01/2013)

No objection.

BE Aerospace (30/01/2013) – Appendix 1

The Council has received an objection from BE Aerospace, the occupier of an adjacent site on the opposite side of Grovebury Road. The letter is attached below and can be summarised as follows:

- BE Aerospace employs 8,000 staff. 1,200 of these are located within the UK across four manufacturing sites and four distribution centres.
- The company occupies a 160,000 square foot (circa 14,860 square metres) facility at Grovebury Road/Chartmoor Road where 490 staff are employed.
- The company has seen significant growth in recent years and plan to employ 40+ new staff in the next 12 months.
- There is a need to increase manufacturing floor space to increase capacity to meet future demand.
- It is critical to keep manufacturing at the Grovebury Road site, therefore warehousing stock will have to move away from the existing Grovebury Road facility.
- BE Aerospace currently rent 25,000 square feet (circa 2,320 square metres) of warehouse space from Into the Light at the application site.
- There is a requirement for 25,000 square feet (circa 2,320 square metres) of additional warehouse space on a long term basis.

- BE Aerospace have made extensive enquiries to find suitable warehousing and have been in contact with Bidwells the marketing agents for the application site.
- Into the Light currently occupy two of the four warehouse units at the application site and have expressed an interest in leasing the entire site.
- Whilst the application states the warehouse buildings are no longer suitable for occupation, BE Aerospace has a clear need for the Use Class B8 warehouse space.
- Failure to secure suitable warehouse space of this type may reduce BE Aerospace's future recruitment requirements and use their current distribution centres outside the area.
- Given likely traffic volumes, shift patterns and freight activity, the proposed development would adversely impact access and egress from the existing BE Aerospace site which is already compromised and benefits from only one effective access.

(Officer Note: The existing warehouse building at the application site totals approximately 19,324 square metres, divided into four units of circa 4,800 square metres.)

90 additional objections have been received in response to the application, summarised as follows:

- Two large organisations have expressed an interest in leasing the site. The existing warehouse units should be retained in line with the Council's employment policies.
- The proposal conflicts with national guidelines which seek to protect and encourage High Streets.
- The High Street serves an important community function and must be regenerated through the planned development on land south of the High Street.
- The application sites are not accessible to non-drivers.
- The developments would not encourage footfall within the town centre.
- Concerns are raised regarding traffic congestion.
- The existing Homebase store should be retained in its current location.
- The town is well served by existing retailers and larger multiples at Milton Keynes and Luton.
- There is significant local opinion against the proposals including from smaller independent businesses.
- Leighton Buzzard is not supported by any significant tourism and could not support another retail area.
- GVA Grimley's Retail Review does not give sufficient weight to the impact upon local people.
- If both developments were to proceed, the scale of out of centre retail would be out of proportion with the current comparison floor space in the town centre
- GVA Grimley's predictions regarding the opportunity for 'clawback' trade from other centres is questioned.

- The future of many ‘bulky goods’ retailers are uncertain. A number of important ‘bulky goods’ retailers have recently folded and several would not have interest in Leighton Buzzard.
- Vacancy rates in Leighton Buzzard are low due to smaller units owned by smaller businesses with a presence on the High Street.
- The presence of food retailers as part of the developments would further harm the town centre.
- The applications do not satisfactorily address retail impact on the basis of current information.
- It is questioned whether there is a need for the developments in qualitative and quantitative terms.
- The application sites cannot be considered acceptable in terms of the sequential test given their location and accessibility. Land south of the High Street is the preferred site.
- ‘Bulky goods’ retailing should not be considered a separate category of retail. Many retailers in the town centre have offered these types of goods for many years.
- It is likely that Homebase would not relocate as their location supports ‘linked trade’ with Tesco. A competitive retailer such as Wickes would have a harmful impact on these existing retailers.
- Although it is suggested that there is potential for sufficient ‘clawback’ trade from other towns, a significant number of retailers at these other towns are not ‘bulky goods’ retailers. In reality the developments cannot therefore achieve sufficient ‘clawback’ trade.
- Town centre retailers cannot continue to rely on customer loyalty if customers are offered a better choice, price and service outside of the town centre.
- The Portas Pilot initiatives should be supported.

Third party representation forms, headed “Help Save Your High Street”

The Council has received a further 236 third party representation forms, headed “Help Save Your High Street”. A number of those who had completed forms have also commented by way of objection. A number of those who had completed the forms did not provide full addresses. The forms state that there are two retail development options within Leighton Buzzard; Option 1, an extension to the existing retail centre on land south of the High Street or Option 2, a retail development on Grovebury Road. Of the 236 additional forms received;

- 228 indicated a preference for development on land south of the High Street.
- 6 indicated a preference for neither development
- 2 indicated a preference for the proposed retail park developments.

Leighton Buzzard Observer poll

The Council has received copies of the reader votes submitted in response to the Leighton Buzzard Observer’s opinion poll regarding the applications. A total of 272 votes were made online and with paper forms. 55% responded against the proposals and 45% responded in favour of the proposals.

Detailed third party representations

The Council has also received several detailed third party representations in relation to this application which are appended to late sheet item 9. These are as follows:

- Wood Hardwick Planning objection. Letter comments on the sequential test, the impact test, the retention of employment land, the control of goods sold. It is stated that the “third retail park” proposed at the Camden site is considered preferable to the application site. Planning agents have been instructed to prepare planning submissions for this site.
- Third party objection. Letter comments on the sequential test, highways considerations, retail impact.
- Third party objection. Letter comments on the distinction between bulky goods and main town centre uses, the make up of retailers at Milton Keynes retail parks, bulky goods definitions, the interpretation of the Roger Tym retail study, the Council’s retail consultant’s conclusions in relation to potential ‘clawback’ trade.
- Third party objection. Letter comments on the cumulative impact of both developments. It is indicated that the development would result in a significant over-provision of retail floorspace in Leighton Buzzard; harm the vitality and viability of the town centre; prejudice the Bridge Meadow and land south of the High Street developments; undermine the emerging Development Strategy which is underpinned by a more limited retail need than would be provided by the proposed schemes; conflict with the NPPF, Local Plan, emerging Development Strategy and Development Briefs for Leighton Buzzard; the conclusions drawn on the sequential test are contrary to the conclusions of the Council’s retail studies and deal with the Council’s retail studies incorrectly.

Applicants Additional Information

Since the finalisation of the Committee agenda, the applicant has submitted a number of additional letters which address the following:

- Content of Committee reports and appropriate Committee procedure, Counsell opinion – The Council is advised that both schemes are acceptable in combination and should be treated together rather than as alternatives. **(Appendix 2)**
- The BE Aerospace objection. **(Appendix 3)**
- The BE Aerospace objection and demolition notice. **(Appendix 4)**
- The recent termination of Into the Light’s leases on the site. **(Appendix 5)**
- Parking demand; the capacity of the Stanbridge Road/Grovebury Road/Lake Street junction; cumulative traffic flows; and Section 106 contributions. A total contribution of £600,000 is now proposed. It is open to the Council as decision maker to determine how this is spent. The contributions taken should be necessary to make the development acceptable in planning terms. The contributions taken should be directly related to the development and fair and reasonable in terms of scale and kind. **(Appendix 6)**
- Members briefing note. **(Appendix 7)**

Additional Comments

Prior Notification of Proposed Demolition submitted in relation to previously developed site

Following the finalisation of the Committee agenda, Barwood developments Ltd (applicants) and Invesco P.I.T Ltd. (site owners) have submitted an Application for prior notification of proposed demolition for the demolition of the existing warehousing on the previously developed site. The notice was received by the Council on 7 February 2013. Under the notification procedure the Council is empowered to respond to this application in relation to the safety and environmental implications arising from the proposed demolition works but must do so within 28 days of receipt of the notice. The Council cannot object to the proposed demolition works on the basis of broader planning considerations.

Goods restrictions

It should be noted that pets and pet supplies were not included in the list of items to be sold as part of the retail developments (pages 160 and 166, Item 9 and pages 205 and 254, Item 10). However the sale of these types of products as part of the retail developments would be consistent with other 'bulky goods' developments in the area including the White Lion Retail Park, Dunstable. Taking account of the Section 106 controls imposed as part of the White Lion Retail Park development, the advice of the Council's retail consultant and Officers' conclusions regarding retail impact, it is considered that the sale of pets and pet supplies as part of the Grovebury Road developments is appropriate.

Potential 'clawback trade'

It is noted that some retail operators in the four retail parks in Milton Keynes/Bletchley will be 'less bulky'. GVA Grimley's Retail Review of the proposals has, to some extent (para 5.33), justified sufficient expenditure from just these four destinations to support the two proposals (a leakage of 9.4% £16.4m). GVA have stated that this is marginal, but sufficient. GVA add that overall leakage from Zone 8 substantially greater than 9.4% - it is 65% to both bulky and non-bulky town centre destinations. Whilst the Grovebury Road schemes would inevitably sell a small proportion of 'non-bulky' goods, they are primarily bulky. The trade that they don't draw from the four Milton Keynes retail parks will instead be drawn from a selection of town centres; for example, Milton Keynes, Luton, Dunstable, Aylesbury and Leighton Buzzard. On the basis that the two proposals will be strictly controlled to primarily bulky goods, the impact will be low and dispersed across a number of destinations. It is considered there is sufficient expenditure to support both proposals through claw-back from both the bulky goods destinations in Milton Keynes, and a selection of other town centre destinations.

Parking assessment

It has been brought to Officers attention that, under the Council's maximum parking standards, a greater number of parking spaces would be required for this development than is indicated in the Committee report (page 251, Item 10). Under the Council's emerging Parking Strategy, a maximum of 570

parking spaces would be required as part of the development. A total of 398 spaces are proposed and this represents approximately 70% of the parking standard. The planning agent indicates that there is likely to be a maximum parking accumulation of approximately 185 on a Saturday based on the average trip rates demonstrated (Appendix 11). In line with the emerging Parking Strategy, which allows for the consideration of parking accumulation information and the likely maximum parking demand, Officers consider the level of parking proposed for the development to be acceptable.

Determination procedure

Members attention is drawn to the applicants' additional information and Counsel opinion (Appendix 2) which raises concern that the Committee reports do not make it sufficiently clear that both schemes should be considered acceptable in combination. It is stated that the Committee reports frame the two proposals as alternatives. In order to avoid prejudice on this basis, it is asserted that the two applications should be dealt with as a single Committee item rather than two distinct items. Various case law is referenced to support this approach. Officers consider that this approach carries several inherent risks which might affect the soundness of the decisions taken, particularly the increased potential for the individual merits and characteristics of the two schemes to be confused at the decision stage. This approach is not therefore considered appropriate. Each of the two separate proposals should be dealt with on the basis of their individual merit but having regard to potential combined impacts. For the avoidance of doubt, Officers consider that both schemes should be regarded as acceptable in combination. Notwithstanding this, if the Council determines that one or both schemes should be refused, any planning refusal should be on the basis of a planning objection to the refused scheme itself. Importantly, the applications must not be determined on the basis of a preference for one scheme over the other.

APPENDIX 1



David Hayle
Central Bedfordshire Council
Monks Walk,
Chicksands,
Shefford,
Beds.

SG17 5TQ

Date 30.01.13

Objection to Planning Application - No CB/12/03290/OUT Grovebury Road Retail Park.

Dear David,

I am writing in regard to the planning application for the proposed retail park on Grovebury Road, Leighton Buzzard, your reference number CB/12/03290/OUT.

B/E Aerospace is a corporate employer and employs 8,000 staff of which 1200 are employed within the UK. We have four manufacturing sites and four distribution centres within the UK as well as seven overseas.

The company has a manufacturing capacity of 160,000 square feet at the Grovebury Road Facility, spread across five buildings, 4 on the main site in Grovebury Road and 7000 Square feet in Chartmoor Road. We currently employ 490 staff at the Leighton Buzzard facility and plan to employ a further 40 + staff in the next 12 months. Due to our strong market position, the business has seen growth of 20% last year and will have growth of 17% this year. We expect to see similar growth figures out to 2016.

We need to increase our manufacturing floor space within our main LB facility to allow us to grow our manufacturing capabilities and increase our capacity to meet future demand. Due to our process requirements it is critical that we keep our manufacturing on the main site which means we have to move our current warehouse stock away from the Grovebury Road facility. We are currently renting 25,000 square feet of warehouse space from a charity called Into the Light Ministries on the site where the new planning permission is being sought. We have a future requirement for an additional 25,000 square feet of space also.

We have made extensive enquiries over the past 12 to 18 months to try to find suitable warehousing of this size close to the existing manufacturing facility. Naturally, this warehousing needs to be as close as possible to the main site for logistical reasons. We have been in contact with Bidwells, the managing agent of this site, and have again registered our interest one of the units. We would like to draw your attention to the fact that Into Light Ministries currently occupies two of the units on the proposed development site and has expressed an interest in leasing the entire site.

B/E AEROSPACE (UK) LTD., LEIGHTON BUZZARD OPERATIONS, NISSEN HOUSE, GROVEBURY ROAD,
LEIGHTON BUZZARD, BEDS. LU7 4TB TEL: ~~01494 422222~~ ~~01494 422222~~
REGISTERED IN ENGLAND NO. 3599118 B/E AEROSPACE (UK) LTD



~~Our main manufacturing site is located at Grovebury Road, Leighton Buzzard, Bedfordshire. Attached below are the contact details of the charity.~~

Contact details are

~~01494 422222
01494 422222
01494 422222
01494 422222~~

~~01494 422222~~

B/E Aerospace (UK) Ltd. wishes to lodge an objection to the planned development for the following reasons.

- 1.0 The planning application submitted by Barwood Developments Ltd states that the warehouse buildings are no longer suitable for occupation. This is not the case as B/E has a clear and defined need for the warehouse space which fulfils the B8 classification as stated under the Town and Country Planning Order.
- 2.0 The units currently on the proposed development site are suitable and sufficient to allow B/E Aerospace, a world leader in the aerospace industry, to retain warehousing facilities close the main manufacturing site in Leighton Buzzard.
- 3.0 Failure to find suitable and sufficient warehouse space of this type in the local area may possibly reduce our future recruitment requirements and we may take a decision to use our current distribution centres outside the local area and possibility outside of the UK, rather than the Leighton Buzzard facility for warehousing.
- 4.0 The proposed plans for the new retail development will significantly impact on access and egress to the main B/E Site on Grovebury Road, which is already compromised as the facility only has one effective access to site. This traffic flow into and out from the facility will be severely affected by additional high volume traffic entering and exiting the retail park. This will be further impacted by the nature of the shift patterns currently in force at our manufacturing site, which sees high volumes of traffic entering and exiting the B/E Facility onto Grovebury Road at key times of day, namely between 8AM and 9AM, and between 4PM and 5PM in the evening. In addition, heavy goods vehicles require constant access throughout the day and this freight activity will increase in the future due to the forecast business growth.

B/E AEROSPACE (UK) LTD., LEIGHTON BUZZARD OPERATIONS, NISSEN HOUSE, GROVEBURY ROAD,
LEIGHTON BUZZARD, BEDS. LU7 4TB TEL: ~~01494 422222~~ ~~01494 422222~~
REGISTERED IN ENGLAND NO. 3599118 B/E AEROSPACE (UK) LTD



We believe that the above arguments give valid grounds to object to the proposed development as it will severely impact on several key areas of our local business operations.

Yours Sincerely

~~XXXXXXXXXXXXXXXXXXXX~~

B/E Aerospace (UK) Ltd
Vice President – Operations
Nissen House
Grove bury Road
Leighton Buzzard
Beds
LU7 4TB

~~B/E AEROSPACE (UK) LTD, LEIGHTON BUZZARD OPERATIONS, NISSEN HOUSE, GROVEBURY ROAD,
LEIGHTON BUZZARD, BEDS, LU7 4TB TEL: 01494 444444 FAX: 01494 444444
REGISTERED IN ENGLAND NO. 3699116 B/E AEROSPACE (UK) LTD~~

CHARTERED TOWN PLANNING CONSULTANTS

APPENDIX 2



Our Ref: GM/GIB01/8845
(Please reply to Banbury office)

7th February 2013

Mr D Hale
Planning Manager South
Central Bedfordshire Council
Priory House
Monks Walk
Clicksands
Shefford
Bedfordshire
SG17 5TQ

Dear David

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION CB/12/03290/OUT
GROVEBURY RETAIL PARK, LEIGHTON BUZZARD**

Further to my letter of the 24th January 2013 and the matters set out at Section 4 relating to the Council's proposed procedure to determine the two retail park proposals at Grovebury Park, I reiterate our concerns about the approach to consider the schemes as separate agenda items. We are strongly of the view that the two applications should be considered together as one agenda item and that Members should be clearly advised that in the absence of significant impact, both schemes can be permitted.

We have received the reports to Committee relating to both applications and have sought the advice of planning Counsel. A copy of the Advice is enclosed herewith. As you will note, Counsel's view confirms that the schemes should be considered together in the interests of consistency and fairness and Members should be advised in detail about GVA's overall conclusions as they represent relevant material considerations. The absence of any reference to the fact that GVA conclude that both schemes can be permitted in combination, is a significant omission and in the context of the failure to consider important aspects of the NPPF, represents a failure to detail with relevant material considerations properly. As currently framed, the reports plainly allow Members to treat the applications as alternatives, which is wrong. Separating the applications into consecutive agenda items creates the risk of the second application being treated differently from the first despite the planning issues

Ortel House 42 North Bar Banbury Oxfordshire OX16 0TH Tel: 01295 672310 Fax: 01295 275606
Aylesford House 72 Clarendon Street Leamington Spa Warwickshire CV32 4PE Tel: 01926 831144 Fax: 01926 882939
www.framptons-planning.com
Frampton Town Planning Ltd Registered Office is Ortel House, Banbury Registered in England No 5579269



being the same. There is a clear risk of inconsistent decisions being reached, which would be wrong and highly prejudicial, requiring recourse to further proceedings, which in the light of the recommendation to permit both schemes, would be unfortunate.

We invite you to give careful and prompt consideration to the content of the Advice and to rectify the deficiencies highlighted therein, both in relation to the process and contents of the reports, before the matter is considered by Committee, making it clear that both schemes in combination should be approved.

I am sure that you will agree that in the light of the constructive dialogue that has occurred with Officers since submission of our client's application, and is still continuing, a flawed outcome would be in no one's interests. We look forward to your early response to the points raised above and will be happy to discuss the matter further at your earliest convenience.

Yours Sincerely,

PP 

~~Andy Nield~~

Enc: Advice from ~~the~~ ~~Director~~ of Counsel

Cc: ~~the~~ ~~Director~~ ~~of~~ ~~Counsel~~
~~Director~~

**RE: GROVEBURY RETAIL PARK, GROVEBURY ROAD,
LEIGHTON BUZZARD – APPLICATION ON BEHALF OF
BARWOOD DEVELOPMENTS LTD AND INVESCO PUL LTD**

ADVICE

1. There is a marked absence of confirmation in the two reports to committee relating to the retail schemes before Central Bedfordshire Council, of the clear acknowledgement by its own independently commissioned retail experts (GVA) that both schemes can be granted consent, in combination. This is unexplained and coupled with the fact that each application is to be considered as separate agenda items, gives rise to an understandable concern that the fairness and legitimacy of the procedure currently being contemplated to determine these applications, is wrong.
2. The Council is considering two outline applications for out of centre non-food retail parks on adjacent sites at Grovebury Road, Leighton Buzzard, which are due to be determined by Planning Committee on the 13th

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February 2013. The schemes relating to Site A (The Claymore Group Application) and Site B (The Barwood Developments Application) have been assessed in separate reports and are currently identified as separate agenda items, despite both schemes raising similar issues.

3. It appears to have been suggested that the applications may be considered on a "first come first served" basis. As my Instructing Consultants have indicated to the Council's Planning Manager by letter dated 24th January 2013, given the similarity of the material considerations relevant to both applications, the evidence base and the clear conclusions of the Council's own retail consultants that both schemes combined, would not have a significant impact in the context of National Planning Policy Framework (NPPF), this approach cannot be justified and should not be adopted in the circumstances of these applications.
4. This is not a case where the schemes should be considered as alternatives. On the basis of GVA's assessment, it is clear that both developments can be accommodated in policy terms, specifically in relation to impact and the sequential test. It is imperative therefore that the Planning Committee is properly advised that both schemes can be granted permission, subject to final clarification of site specific issues highlighted in the reports. To ensure consistency in decision making and in the interests of fairness, these two applications should in my view be considered by Committee

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together, as one agenda item, with proper emphasis being given to the totality of GVA's conclusions, which essentially support the Applicant's own retail assessments.

5. Having reviewed the reports to committee, the Officer's references to GVA's assessment do not in my view convey the important overall conclusion reached in respect of the impact of permitting both schemes. The GVA report is clear on the issue and confirms in sections 5 and 6, that both schemes can be permitted in combination.
6. Whilst the recommendation in each of the reports is to grant permission for each application, the fact that GVA's full conclusions confirming that both proposals can be supported, is omitted from each report, is a material omission. If the applications are considered as separate agenda items as currently proposed, there is a significant risk that Members will seek to treat the applications as alternatives, contrary to the evidence before the Council. Such an outcome in the circumstances would be clearly prejudicial to the interests of one of the Applicants. Given the totality of evidence on retail and policy issues, it should be made clear that both schemes can be granted permission, without causing significant impact on Leighton Buzzard Town Centre. Any rational process of reasoning must consider the full conclusions of the GVA assessment, which address the impact of the schemes in individual and cumulative terms, to demonstrate

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that the schemes are in fact acceptable in combination. As currently worded, the reports relating to Site A (Agenda Item 9) and to Site B (Agenda Item 10), do not convey this fundamental point, and whilst the GVA assessment is attached as an Appendix, the conclusion that both schemes can be permitted together is simply not reflected in the contents of the Officers' reports.

7. In the third paragraph on page 152 (Agenda Item 9 – Site A) and the fourth paragraph on page 241 (Agenda Item 10 – Site B), the reports refer to the submission of similar retail warehouse proposals on the adjoining sites and state:

“...These schemes should be regarded as separate proposals and each application must be considered on its own planning merits. However, regard should be had to the potential for combined impacts in the event of both sides coming forward for similar retail developments. As such these applications have been considered in parallel and are included on the same committee agenda.”

This does not go far enough in my view and there is no clear acknowledgement within either report that the evidence base supports both applications being granted permission.

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8. GVA carried out an independent review of the applications and supporting retail assessments, reaching firm conclusions in relation to the sequential test and retail impact, taking account of paragraphs 24 to 27 of the NPPF.
9. As a preface to the consideration of retail impact specifically and in the context of national policy, the GVA report quite properly highlights the importance of the Government's commitment to securing economic growth in order to create jobs and prosperity and to ensure that the planning system does everything it can to support sustainable economic growth (Section 3- GVA Report). Reference is also made to the fact that the NPPF states that local planning authorities (LPAs) are required to adopt a positive approach to decision taking and to apply a presumption in favour of sustainable development. Applications which accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly outweigh the benefits of the development when assessed against the policies of the NPPF.
10. In the planning policy section, the reports relating to Sites A and B, both fail to refer explicitly to the important growth agenda or the presumption in favour of sustainable development set out in the NPPF, which again is

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a material omission in the light GVA's overall conclusions relating to the impact of these two schemes in combination.

11. The GVA assessment considers the sequential test in Section 4, reviewing each Applicant's sequential site assessment in turn. It is concluded that both sites A and B are equal in sequential terms and both comply with the sequential test as set out in the NPPF, in respect of retail issues. Neither application "fails" the sequential test on retail grounds only (paragraph 4.16 GVA report January 2013).
12. In Section 5 of the report, GVA review the retail assessments in respect of both sites in the context of impact, and broadly agree with most of the points made by the Applicants, as set out in the "Conclusions – Retail" section of their report, at paragraph 5.24.
13. GVA's most significant conclusions in relation to both sites coming forward in combination, are set out at paragraphs 5.34 to 5.52 of the January Report.
14. At paragraph 5.34 in the context of the retail assessment submitted in support of Site B (by Framptons) and the claw back figures set out therein, GVA conclude that

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"This demonstrates that there is sufficient leakage (£19.4m) to support both application."

15. This is reinforced in paragraph 5.36 of the report which confirms that:

"Provided the schemes are conditioned appropriately, we conclude that there is sufficient expenditure to claw back from bulky goods destinations beyond Zone 8 to support both proposals. This takes into account an element of mutual impact. It is our view that this level of claw back is marginal and the introduction of any further floor space over and above the proposed retail park schemes, would rely instead on trade diversion from town centres, notably an increasing impact on Leighton Buzzard Town Centre" [my emphasis].

16. GVA confirm at paragraph 5.37 that the impact identified is material but not in itself significant in NPPF terms, a conclusion reinforced at paragraph 5.46 which states:

"We conclude that the cumulative impact of the proposals is material and in our view borderline. There is sufficient expenditure available to claw back from alternative bulky goods retail park destinations to support both proposals, provided the proposals are of

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a sufficient mix and quality to achieve the trade diversion required. In this context, the cumulative impact of both proposals would not seem to be significant in NPPF terms..."

17. Further, in the summary section (page 32) in the second bullet point, GVA confirm

"The Town Centre is performing well, the proposals are largely complementary, and there is sufficient available expenditure to claw back from retail parks in Milton Keynes. The cumulative impact would be material and the level of available expenditure is borderline, but in the context of the data presented, the schemes combined would not have a significant impact..." [my emphasis].

This point is explicitly reinforced in the final conclusions (section 6 of the report) at paragraph 6.11. At paragraph 6.13, GVA conclude *"that the proposals cannot be refused on retail impact grounds"* [my emphasis].

18. It is clear from the above, that the retail consultants commissioned to advise the Council in respect of these two schemes, confirm that both schemes are acceptable in combination, in terms of retail impact and the sequential test and should be permitted, as they cannot be refused on retail

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grounds. In the context of the NPPF's support for economic growth and the presumption in favour of sustainable development, this is a significant conclusion.

19. The two reports to committee deal with the impact test at pages 157-159 (Agenda Items 9 Site A) and pages 247-249 (Agenda Item Site B), in exactly the same terms.
20. The final paragraph on page 158 and the top of page 159 (Agenda Item 9) and page 248 and the first line of page 249 (Agenda Item 10), refer to aspects of the retail conclusions contained within Section 5 of the GVA report, but fail to accurately reflect the important view set out in paragraph 5.34, which confirms there is sufficient leakage to support both applications. There is no reference at all to paragraphs 5.36 or 5.46 of the GVA report, which explicitly confirm that there is evidence to support both proposals. Nor are the contents of the summary in section 5, second bullet point or paragraph 6.11 of the GVA report mentioned in either report.
21. This approach of referring to selective extracts of the GVA conclusions in the reports, plainly presents a partial evaluation of a highly material consideration and element of the evidence, in the context of retail impact and fails to convey the clear message that GVA confirm that both

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applications can be approved in combination, without causing significant impact. Nowhere in the reports is that conclusion explicitly referred to. That omission represents a flaw in the evaluation and presentation of the totality of evidence that Members should consider, and encourages them to treat these applications as alternatives, rather than two schemes which are acceptable in combination and should be permitted. If the applications are treated as alternatives and separately rather than considered together as one agenda item, there is plainly the potential for inconsistency in approach in the decision making process, which would be unfortunate and susceptible to challenge.

22. These are important matters. The determination of planning applications is governed by S.70(1) of the Town and Country Planning Act 1990. Section 70 subsection (2) provides that in dealing with applications for planning permission, the authority shall have regard to:

- (a) The provisions of the development plan, so far as material to the application;
- (b) Any local finance considerations, so far as material to the application and
- (c) Any other material considerations.

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The general principles as to "*material considerations*" are now well established by case law and are wide ranging. There are two limbs to materiality. The Authority is required to have regard to all considerations which are material to the application, and to be material they must be planning considerations. The starting point is the broad interpretation adopted by Cooke J, in Stringer v. Minister of Housing and Local Government [1971] 1 AER 65 at 77:

"In principle it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances".

23. The Courts have sought to avoid a prescriptive definition of material considerations, although specific issues are now established by case law as relevant in the context of S.70(2)(c) of the 1990 Act.

24. Consistency in decision making is recognised as a relevant material consideration (See North Wiltshire District Council v. Secretary of State for the Environment (1992) 65 P&CR 137, followed by the Court of Appeal in Dunster Properties Ltd v. The First Secretary of State and

Another [2007] EWCA Civ 236 – the ratio of both cases referred to the materiality and importance of consistency in decision making).

25. In Fox and Strategic Land and Property Limited v. Secretary of State for Communities and Local Government [2012] EWHC 444 Admin, Andrew Gilbart QC, (sitting as a deputy High Court Judge) considered the issue of consistency in the context of two decisions made by the Secretary of State relating to planning appeals in the same location, raising similar issues, but dealt with separately. The learned deputy Judge held that whilst it is within the Secretary of State's discretion not to determine two appeals together, that may not be the most prudent course. The risks of not doing so include those of the decision maker following a different and contradictory approach in two decisions even though they raise very similar issues. What he could not do, unless he gave clear reasons for doing so, was to determine one in a way that was contradictory to the other, as is clear from the North Wiltshire case. The learned Judge confirmed at paragraph 45 of the judgment, that if there are two appeals relating to similar proposals in the same town, there is a much reduced risk of problems of inconsistent decisions, if the two cases are determined together.

26. It is clear therefore, that consistency is self evidently important to both developers and development control authorities. It is also important for

the purpose of securing public confidence in the operation of the development control system. This issue does not appear to have been considered properly by the Council.

27. According to the Council's Constitution, Part G1, Section 2, "*Decision Making*", all decisions of the Council, its Committees, the Executive and those taken under delegated powers will be made in accordance with the principles set out at paragraphs 2.1.1 to 2.1.11 inclusive. Sub-paragraph 2.1.3 confirms that decisions will be made in consideration of all options available. In addition, professional advice will be taken from Officers, (sub-paragraph 2.1.4) and importantly, due weight is to be given to all material considerations (sub-paragraph 2.1.9).

28. In this instance, as currently drafted, the reports do not give any or any proper consideration to the option of granting consent to both schemes. In the light of the omissions from the reports set out above, they also fail to give weight to all the relevant material considerations. The professional advice offered to Members in the reports as currently drafted, is incomplete in significant respects and appears to encourage consideration of the two applications as alternatives to each other, giving the committee the option of rejecting one scheme, when the evidence base patently justifies approval of both, particularly in the light of the explicit encouragement of sustainable economic growth and the presumption in

14

favour of sustainable development in the NPPF, a significant material consideration in itself. The latter point, recognised by GVA, as important, has been given no weight at all, in the reports to Members.

29. There appears to be a significant failure to adhere to two of the principles set out in the Council's Constitution, which is of concern. Whilst the recommendation in each separate report is to grant permission for each scheme, the fact that they are to be considered separately and without clear advice in each report that both should be permitted on the available retail evidence is a misconceived approach, which is likely to encourage Members to erroneously treat the applications as alternatives. In my view, the proper and fair way for Members to consider these applications is to take them together as one agenda item, and to be advised explicitly that both can be approved in combination, according to the available evidence.

6th February 2013
No 3 Chambers
Birmingham – London – Bristol

~~XXXXXXXXXX~~

RE: GROVEBURY RETAIL PARK,
GROVEBURY ROAD, LEIGHTON
DUZZARD – APPLICATION ON BEHALF
OF BARWOOD DEVELOPMENTS LTD
AND INVESCO PIT LTD

ADVICE

~~XXXXXXXXXX~~

No5
CHAMBERS

Birmingham – London – Bristol
Tel: ~~0121 633 3000~~
Fax: ~~0121 633 3000~~

APPENDIX 3

Your ref: MK799/CM/01
Our ref: 01908 202197
dd: 01908 202199
e: ~~john.owens@bidwells.co.uk~~
Date: 8 February 2013



~~Barwood Developments Ltd~~
Barwood Developments Ltd
Grange Park Court
Roman Way
Northampton
NN4 5EA

John Oswald Howe
899 Silbury Boulevard
Central Milton Keynes
MK9 3JL
t: ~~01908 202199~~
f: ~~01908 202199~~
bidwells.co.uk

Dear ~~John~~

By Email

Grovebury Road, Leighton Buzzard

Thank you for sending me a copy of the letter of objection from B/E Aerospace dated 30th January 2013. It is perhaps surprising that an objection such as this should emerge at this late stage in the application process. We do not consider the objection to be robust for the reasons that are highlighted below.

To clarify the situation in terms of the previous contact with B/E Aerospace, I confirm that within the past 12-18 months we offered them space at Grovebury Road on a number of occasions. Specifically:

- In February 2011 they inspected Units 5 & 6 but dismissed them as being unsuitable due to the state of repair.
- Having dismissed Units 5 & 6 they registered an interest in Units 7 & 8 for when the accommodation became vacant i.e. on the expiry of the Pitacs lease in June 2011.
- With Pitacs known to be vacating we pursued discussions and in May 2011 B/E Aerospace confirmed they had discounted Units 7 & 8 and the site stating that the accommodation was not suitable.
- B/E Aerospace expressed an interest in new build (c. 50,000 sq ft) but no meaningful dialogue materialised.

We were not aware of B/E Aerospace's occupation of 7 & 8 Grovebury Road by way of a sublease from Into The Light.

As a matter of fact, B/E Aerospace made no approach to us regarding additional warehouse space in the intervening period. They did however express some interest in additional car parking making an approach in February/March 12. Discussions re: car parking did not proceed as the car parking area in question was still demised to Trans Haul (in receivership).

I can confirm that the Landlord's consent to underlet was not secured. Also, it may be the case that under the current arrangements B/E Aerospace benefit from avoiding paying rates as an occupier utilising Into the Light's charitable status. This produces an artificially low 'peppercorn rent' for the premises which would otherwise not be available on the open market. The email suggests B/E Aerospace are now seeking c. 50,000 sq ft to meet their storage requirements plus c. 80 car parking spaces. No discussion about proper commercial terms has taken place. They confirm that development is their non-preferred option suggesting they would only consider it if occupation of one of the existing units is not possible.

RICS Property Advisor of the Year 2009 - Eastern Region
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A list of members is available for inspection at the above address.



Grovebury Road, Leighton Buzzard
8 February 2013
Page 2



For information, Into the Light Ministries initially took 50,000 sq ft (Units 5 & 6) in January 12 and took on an additional 50,000 sq ft (Units 7 & 8) in April 2012.

Kind regards

Yours sincerely

~~John Oswald Howe~~
Partner

APPENDIX 4.



Invesco Real Estate
Portman Square House
First Floor
33-35 Portman Square
London W1H 6LY
United Kingdom
Telephone +44 (0)20 7622 6000
Facsimile +44 (0)20 7622 6000
www.invescorealestate.co.uk

~~XXXXXXXXXXXX~~
Barwood
Grange Park Court
Roman Way
Northampton
NN4 5EA

8th February 2013

Dear ~~XXXXXXXXXXXX~~

Grovebury Road, Leighton Buzzard, LU7 4SQ

Thank you for providing details of correspondence concerning the occupation of our premises at Grovebury Road, Leighton Buzzard.

We have now spoken with Into the Light, since we were not aware they had sub-let any of the units to B/E Aerospace. Landlord's consent was not sought for any such sub-letting. Our managing agents, Collier & Madge, have been on site at various times recently and had not noticed any of this had occurred.

The letting of these obsolete buildings to Into the Light was carried out in good faith, and does not require them to pay any rent. As a charity they are also not required to pay non-domestic business rates. We did not envisage they would look to sub-let any of the units to profit from such an arrangement. We also recently had to take steps to remove cars belonging to employees of B/E Aerospace that had been parked illegally on the site, having been arranged by Into the Light, in an area that was un-demised to them.

Now that this more recent subletting has been brought to our attention, we have decided to serve notice on the two separate Into the Light leases, which in turn will allow us to remove both the charity and B/E Aerospace from the site. A copy of our solicitor's letter terminating these two leases is attached. We have kept Into the Light informed of this directly, and confirmed if they are unable to remove stored materials from site, within the time required, we will allow them to re-enter the site afterwards by mutual arrangement.

Further we have served notice on the Council seeking the right to demolish the subject obsolete premises.

Yours sincerely

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~
Director - Asset Management UK and Nordics

Invesco Real Estate
A division of Invesco Asset Management Limited
Authorised and regulated by the Financial Services Authority

Company Number 949417
Incorporated in England & Wales
Registered Office
30 Finsbury Square, London EC2A 1AC
Group VAT No. 245 055 771

CHARTERED TOWN PLANNING CONSULTANTS

APPENDIX 5.



Our Ref: GM/CHB01/8843
(Please reply to Banbury office)

8th February 2013

Mr D Hale
Planning Manager South
Central Bedfordshire Council
Priory House
Mooles Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

Dear David

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION CB/12/03290/OUT
GROVEBURY RETAIL PARK, LEIGHTON BUZZARD**

We have reviewed the letter dated 30th January 2013 from B/E Aerospace which coincidentally was submitted a few days before the Economic Development consultation response was also received by you, with both coincidentally submitted the week before the subject application goes to committee. Given the press coverage concerning this application and the length of time given for consultations the timing of these responses is at best questionable?

I attach copy letters from the owners of the property; Invesco, and the agents marketing the premises for them; Bidwells the contents of which are self explanatory and which put this situation expressed by B/E Aerospace into its proper context. In our view this is how the matter should be considered by officers and members.

In summary, B/E Aerospace, an American corporate (not to be confused with BAE Systems), have been offered the subject property at a market rent on a number of occasions directly by the owner's agent and have declined in each instance. B/E Aerospace have however then chosen to take a sub lease from the Charity 'Into the Light' of the same property. The reason for this is pretty obvious in that they are benefiting from the charity's status which does not require them to pay property rates to the Council, thereby providing them with virtually cost free storage having no

Oral House 42 North Bay Banbury Oxfordshire OX16 0TH Tel: 01295 872310, Fax: 01295 375608
Aylesford House 70-72 Clarendon Street Leamington Spa Warwickshire CV32 4PE Tel: ~~XXXXXXXXXXXX~~ Fax: ~~XXXXXXXXXXXX~~
www.framptons-planning.com
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regard to a commercial rent or obligations to pay business rates. I am surprised that a Council would condone such practice, which is certainly morally wrong if not illegal.

Invesco having now been made aware of this mis-use of their trust and generosity, given they had allowed the Charity 'Into the Light' rent free occupation of the obsolete buildings, have terminated the leases, and issued a demolition notice for the obsolete buildings.

Should this situation have been a debate about a good quality modern building, which a local occupier wanted to occupy on commercial terms on a long term basis, creating a large number of high quality jobs in the building then it should clearly have a material bearing on officers' and members' consideration of the subject application.

As demonstrated above and by the attached this is not the case, but an occupier benefitting from some virtually cost free storage having exploited a Charity's 'Rate free' status being disgruntled that this will no longer be available to them forcing them to go out and take further storage space but this time on commercial terms.

On this basis the B/E Aerospace objection should be disregarded or at best have very limited weight attached to it.

Yours Sincerely,

~~cc: [redacted]~~

Enc: Correspondence from Bidwells
Correspondence from Invesco

Cc: ~~[redacted]~~
~~[redacted]~~

APPENDIX 6

CHARTERED TOWN PLANNING CONSULTANTS



Our Ref: GM/GIB01/8845
(Please reply to Banbury office)

8th February 2013

Mr A Davies
Senior Planning Officer
Central Bedfordshire Council
Priory House
Mooke Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

Dear Adam

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION CB/12/03290/OUT
GROVEBURY RETAIL PARK, LEIGHTON BUZZARD**

Following the receipt of comments very late in the determination process from your colleague David Ager on highway matter, I have discussed these with Peter Brett Associates and we wish to make the following responses. Clearly the lateness of the comments has an impact on some our responses. I have also included comments on a revised S106 package for the scheme.

Parking

We note that Appendix F (Parking Strategy) of the LTP sets out MAXIMUM parking allowances for the proposed onsite uses. However, in this case, an assessment of the parking that would be required has been undertaken through a TRICS analysis for the development proposals (considering land-uses individually and separately as a worst case trip accumulation analysis) which suggested that there would be maximum car parking accumulation of approximately 185 on a Saturday based on average trip rates.

Therefore making an allowance for, circulating traffic (typically 10-15%), seasonal variation in demand, and potential variations within the peak demand hour itself (for example, as a worst case if all vehicles arrive in the first half hour and depart in the

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second half hour further to this), the provision of 389 car parking spaces is considered appropriate for this scale of development.

In addition it should be noted that the maximum number of spaces allowed by this Parking Strategy would be 570 rather than 694 as set out in the attached response (with only 415 allowed for the retail units not 539). Therefore we are currently providing nearly 70% of the maximum allowed by the Parking Strategy in Appendix F of the LTP.

We would also note that providing the maximum allowable number of parking bays would not be conducive to the requirements to promote other modes of transport and a mode shift towards this.

In this context we consider the level of car parking to be appropriate. Moreover, I note that the level of car parking on the site was reduced in accordance with your request following pre-application discussions.

Stanbridge Road / Grovebury Road / Lake Street Mini Roundabout

Comments regarding how this Stanbridge Road / Grovebury Road / Lake Street junction have been modelled have been received and we would make the following response.

As part of the Leighton Buzzard Southern Expansion proposals for enhancing the vitality of the Town Centre and improving the public realm along the Billington Road Transport Corridor (the Leighton-Linslade Exemplar Scheme), and specifically related to the Stanbridge Road / Grovebury Road / Lake Street junction, resurfacing and improved pedestrian facilities are being proposed. The aim is to make the Town Centre less attractive for vehicles and more attractive for pedestrians, cyclists and other sustainable modes of transport. Indeed the proposals also include the removal of the signalised junction at the Morrison's Junction to the north and replacement with a mini roundabout which will slow journey times towards the town centre. As such traffic will begin to naturally reroute along other more peripheral highway corridors unless the journey directly relates to the town centre.

In the context of the above, it is important to note that an assessment has been undertaken on the Stanbridge Road / Grovebury Road / Lake Street junction proposals including traffic anticipated from the Leighton Buzzard Southern Expansion, and allowing for traffic growth anticipated in future years. Department for Transport guidance [Guidance for Transport Assessments, 2007] requires the capacity of junctions to be assessed utilising anticipated traffic flows 5 years in the future, and in this scenario all arms are operating below the desirable maximum.

However as part of the pre-consultation with CBC it was requested that we also undertake a sensitivity assessment looking at the capacity of the junction utilising anticipated traffic flows 10 years in the future. Whilst this sensitivity test does indicate that one arm of this junction may start to operate at close to its capacity, it should be noted that:

- This junction has been assessed in isolation, a conservative approach has been taken by including the proposed Southern Expansion traffic generation (included within the Transport Assessment for the Southern Expansion Area) as well as the anticipated flows from the development proposals.
- In reality there would likely to be a degree of traffic rerouting along other parts of the network to avoid this junction due to the cumulative impacts of traffic from the two developments.
- This assumes a worst case scenario where no sustainable measures are put in place or promoted, and no rerouting of traffic takes place along the wider network.

You will be aware of the Guidance in NPPF paragraph 32 which states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Clearly in this case the cumulative impacts are not severe.

In addition to the above, it is noted that a comment has been made regarding the methodology for this assessment. In a busy town centre location, where congestion is evident, it is likely to produce a relatively flat traffic profile. This is caused by constraints at local junctions combining to produce a limit on traffic movement which would prevent the short term peaks that can occur on the highway network across a longer time scale. Therefore, we would suggest that the Flat profile used to model the assessment of this junction in the sensitivity test as set out above is valid at this particular location, and would suggest that creating a peak within a peak as suggested would further overestimate flows at this junction when combined with the conservative approach as set out above.

I also highlight that through consultation with CBC the following sustainable forms of transport (as set out within the Travel Demand Management Strategy / Workplace Travel Plan) will be actively and extensively promoted through the development proposals which would reduce the actual impact of the development proposals on the Stanbridge Road / Grovebury Road / Lake Street junction through the provision of:

- Real Time displays within the site and at new bus stops on Grovebury Lane in anticipation of an extended Dash Direct bus service
- Dedicated Travel Plan Co-ordinator
- Cycle to Work, Liftshare (the Central Bedfordshire and Luton Liftshare website will be promoted by the Travel Plan Co-ordinator) and journey planning initiatives
- Pedestrian links and cycle parking provision
- Financial commitments for extended cycle facilities from Grovebury Retail Park to the Black Bridge cycle route and
- An interim bus service between the site and Leighton Buzzard town centre.

In addition to the provision of hard measures to encourage and facilitate sustainable travel practices by both staff and visitors, as part of the marketing regime for the development site, information on foot, cycle, public transport, and car sharing opportunities will be made available to visitors through the provision of a travel information noticeboard on the site and/ or through the retail park's website. The

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Travel Choices programme (which is a three year project funded through the Governments Local Sustainable Transport Fund to support the economy of Dunstable, Houghton Regis and Leighton Buzzard by providing residents and businesses with an improved choice for local journeys reducing car use, cutting costs and improving health) will be also promoted by the Travel Plan Co-ordinator.

In terms of sustainable travel proposals, we note that Mr Ager considers these to be reasonable in terms of promoting sustainable travel to/from the site. In overall terms therefore it is considered that the highway proposals are acceptable.

Notwithstanding the comments above however it is acknowledged that the operation of this junction is currently modelled based on future flows following implementation of the Billington Road Scheme which has yet to be completed (as derived from the Transport Assessment for the Southern Leighton Linslade Development – March 2011) and therefore is not currently calibrated against an existing baseline situation. Therefore, given the above, it is suggested that an appropriate way forward could be to adopt a 'monitor and manage' approach to the future performance of this junction. This is anticipated to comprise the establishment of an agreed monitoring strategy within the provisions of the S106 and agreed trigger points which if surpassed require a defined level of remedial funding to support appropriate sustainable transport mitigation measures. There are numerous examples of such an approach being adopted e.g. Silverstone Circuit Re-development and the North West Cambridge Development.

We would therefore suggest that the minor comments set out within the attached response at this late stage in the consultation process are addressed through the extensive provisions for mode shift that will be put in place through the development proposals and (if necessary) could be easily addressed as part of the detailed design process and therefore conditioned.

Cumulative Flows

Separately and in response to comments about the wider highway network needing to be assessed with a cumulative impact of both developments how they are both recommended for approval in your reports to committee, I have the following comments:

- You are aware of our view that both developments should be approved
- A cumulative assessment of both developments has not been undertaken to date as this has not been requested until very recently by CBC and we note that Dave Ager has not made such a request in his comments.
- In this context it seems unreasonable that CBC should request both applicants to undertake duplicate junction assessments for both developments
- We suggest that it is for CBC to assess and understand what further capacity (and therefore improvements) would be required (as part of your own modelling work for Leighton Buzzard) should you be minded to consent both developments as per your recommendations to the committee.

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- Ultimately should such an assessment indicate that further improvements are required purely to facilitate both consented developments, it is reasonable that CBC should request that both development proposals should contribute to paying for the design, approvals and improvements to those improvement, whatever they may be, in order to facilitate both.
- Accordingly, I envisage that it would be appropriate for CBC to undertake this work and each development would pay a contribution towards this as part of its S106 obligation.
- The cumulative assessment process will be complex needing to take account of various matters including, the fact that due to existing B2/B8 approvals on site the net impact of my client's scheme is likely on balance to be no more than the greenfield Claymore scheme; the geographic range and form of improvements to be considered (it is noted that the Claymore scheme provides no consideration of wider impact); and, assuming that both schemes are consented and built it does not follow that traffic flows will be a simple factoring of the total level of floorspace – there will be a significant element of shared trips to both retail parks (The TRICS research report 95/2 states that 10% of trips to retail developments are new trips and the proportion of linked trips could be considered as high as 90%). Therefore the cumulative impact of both developments coming forward is likely to have a minimal additional impact on the highway network.

Section 106 Contributions

In my letter of 24th January, I referred to the S106 proposals that had been set out in my letter to you of 12th December 2012. This proposed a figure of £489,088.

I am very disappointed that your committee report did not state that my Client is flexible as to how the S.106 payment is applied as stated in my letter of 24th January. I had thought that this position was made clear to you and agreed at our meeting on 22 January and confirmed in my subsequent letter. You have simply referred to £354,088 for sustainable transport (including cycleway/footpath improvements) and £135,000 for town centre improvements i.e. the superseded position as set in my letter of 12th December 2012.

Having given further consideration to the situation, my client now proposes to offer £600,000 as a S106 contribution. I reiterate that it is open to the Council to decide how this is spent. **If the desire is to spend the entire amount on town centre improvements then that is a choice open to the Council as decision maker having regard to its priorities.**

The real question is whether the contributions being sought are necessary to make the development acceptable in the sense that without them planning permission could reasonably be refused; whether they are directly related to the development, and whether what is being sought is fair and reasonable in terms of scale and kind. These are questions of judgment for the decision-maker, i.e. the Council when it comes to consider the application.



Please can you make members aware of the contents of this letter as part of your briefing prior to the committee meeting and at the meeting itself.

Yours Sincerely,

AP 

~~Clare Mitchell~~

Co: ~~Clare Mitchell~~



APPENDIX 7.



Planning Application CB/12/03290/OUT

Grovebury Retail Park, Grovebury Road, Leighton Buzzard (Brownfield re development)

Briefing note for Members Planning Committee 13th February 2013

- We are strongly of the view that the two applications (the brownfield re development and green field development sites (see Plan A) should be considered together as one agenda item and that Members should be clearly advised that in the absence of significant impact, both schemes can be permitted.
- We have sought the advice of planning Counsel. A copy of the Advice has been sent to officers and is available to view. Counsel's view confirms that **the schemes should be considered at the same time in the interests of consistency and fairness** and Members should be advised in detail about GVA's (the independent consultant instructed by the Council) overall conclusions as they represent relevant material considerations.
- The absence of any reference in the committee reports to the fact that **GVA conclude that both schemes can be permitted in combination**, is a significant omission and in the context of the failure to consider important aspects of the NPPF, represents a failure to deal with relevant material considerations properly.
- As currently framed, there is a clear risk of inconsistent decisions being reached, which would be wrong and highly prejudicial, requiring recourse to further proceedings, which in the light of the recommendation to permit both schemes, would be unfortunate.
- The independent Roger Tym Retail Study identifies the loss of trade from Leighton Buzzard amounts to £113 million (65%) of available comparison goods expenditure. **Leakage to Milton Keynes retail parks alone amounts to £16.4 million in 2012**, rising to £19.4 million in 2016. GVA agree that there is sufficient expenditure leaving Leighton Buzzard which can be retained in the town to support both proposals. Total claw back of this leaked expenditure from both schemes is estimated to be £14.1 million i.e. well within what is available.
- GVA state that the cumulative impact of both schemes on the Leighton Buzzard Town centre would be only 7.5% of the total spend of £80 m in 2016. GVA conclude that the impact of both proposals is therefore not significant in NPPF terms.
- This brownfield re development scheme is offering a range of S.106 controls in respect of limiting the range of goods to be sold and the size of retail unit, in response to the advice provided within the GVA report, and in line with the White Lion Retail Park S.106 Agreement, thereby affording suitable protection to the High Street. PTO



- This brownfield re development scheme proposes a **\$.106 contribution of £600,000**. How this money is spent is at the discretion of the Council related to its priorities, if the Council choice is to spend all the monies on town centre improvements then so be it.
- The views expressed by B/E Aerospace should not be taken at face value and should be disregarded. Their interest is not based on proper commercial considerations. Their use of part of the existing building for basic storage by way of an informal sub lease takes advantage and abuses the occupation of the premises by a Charity, exploiting their rate free occupation. As a result of this situation being brought to light, the landlord has terminated the lease of the charity and with it that of B/E Aerospace and submitted a demolition notice to the Council. To date the evidence indicates that B/E Aerospace has no interest in occupying the premises at a commercial rate.
- NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe – in this case the impacts are not severe – **there is therefore no basis to refuse planning permission on transport grounds.**
- The Leighton Buzzard Observer survey in November showed a **61% poll in favour** of a Retail Park for Leighton Buzzard
- The high quality re development scheme (see Plan B) proposed includes significant landscaping, will provide 6,959 sq. m net of bulky goods retail space (circa 12% larger than that proposed on the greenfield site) and will result in a **total investment of circa £12m and circa 130 jobs.**
- The re development includes provision of a bus stop and shelter on Grovebury Lane, enabling integration into the re-routed bus service as part of the Grovebury Farm and Brickyard Quarry residential development.
- The design reflects the requirements of Wickes, Pets at Home, and Dreams amongst others and we are firmly of the view from these and other direct conversations with occupiers, further reinforced by the expenditure lost to competing towns, that there is significant occupier demand which will result in full occupancy being achieved quickly.
- Barwood have a proven track record built up over 17 years, have built over 9 million sq. ft. of commercial floor space, and currently have over £100 M of Funds under management, so have the skills, experience and capital to successfully deliver this important and exciting project to Leighton Buzzard.

Additional Comments

None

Additional/Amended Reasons

None

Item 11 (Pages 263-276) CB/12/03575/FULL – 29 **Steppingstones, Lancot Drive, Dunstable.**

Demolition of existing care facility and construction of new building with associated works. Proposed ground floor 8No x studio bedrooms with ensuites and associated communal and staff facilities. First floor assisted living 4No x two bedroom flats and 2No x one bedroom flats.

Additional Consultation/Publicity Responses

Highways Development Control – The development falls within category C2 for parking purposes. This section of Lancot Drive is not highway maintained at public expense and it would appear to have double yellow lines to control any indiscriminate parking. There is no turning area within the site for light goods vehicles but as this is a private road I could not insist that one is provided as service vehicles could reverse into the access of the site.

Additional Comments

The double yellow lines outside of the site are not currently subject to a Traffic Regulation Order and therefore not enforceable. However the CBC Parking Team has requested that Bedfordshire Highways investigate making a TRO to enable the restrictions to be enforced. The unadopted highway forms part of the Lancot Lower School site.

Item 12 (Page 277-286) – CB/12/04310/FULL – Brickhill Farm Park Homes, Halfmoon Lane, Pepperstock, Luton, LU1 4LW

Additional Consultation/Publicity Responses

Health and Safety Executive (01/02/2013)

The proposed development does not fall within the consultation distance for any explosive facility, therefore the Explosives Inspectorate have 'no comment' to make.

Additional Comments

None

Additional/Amended Reasons

None

Item 13 (Page 287-294) - CB/13/00101 - 113 Camberton Rd, Linslade, Leighton Buzzard LU7 2UW

Additional Comments

Email 4th February 2013

Leighton-Linslade Town Council Consultation Response

RESOLVE D to recommend to Central Bedfordshire Council objection to application reference CB/13/00101 (113 Camberton Road) on the grounds that the amenity land was important to the visual amenity of the street scene and the loss of it would be detrimental to the surrounding area

CB/13/00101 - 113 Camberton Rd, Linslade, Leighton Buzzard LU7 2UW

01/02/13 Consultation Response – Tree Officer

I refer to your memorandum dated 16th January 2013 and my subsequent site visit on the 1st February 2013.

It is considered that the extension has sufficient clearance from a nearby Lime tree, located on Local Authority amenity land, and would thereby avoid incurring root damage to this specimen.

It was calculated that the proposed new fence will just clear the branch spread of the largest specimen of mixed ornamental conifers, planting along the boundary of the applicant's side garden, which will help serve to soften the fence if granted consent.

However, it is well recognised that the fence will be out of character with the open plan nature of the estate, facilitated by the use of privately owned amenity land, which was the original design concept of the garden layout found throughout Camberton Road.

SITE NOTES REF TREE:-

Trunk diameter of Lime (measured just above basal flare) = 500 mm
Crown spreads 1m over garden boundary.

Application No: CB/13/00101/FULL

113 Camberton Road, Linslade, Leighton Buzzard, LU7 2UW

Consultation Response Rec'd on 05/02/13

Highways - No Objection

Application No: CB/13/00101/FULL

113 Camberton Road, Linslade, Leighton Buzzard, LU7 2UW

Rec'd on 5/2/13

Neighbour Objection from No 73 Camberton Road

In respect of the above application, I am writing to strongly object to the proposal. If the application for the property to expand the garden to the side goes ahead then their new fence will be much closer to our back garden wall. This will not only impact on our privacy but will increase any potential noise from the owners of 113 Camberton Road and indeed passers by. The whole pathway behind our house and to the side of 113 will feel narrower, darker and closed in. I also feel that it will alter the lovely spacious feel that our road has. If this application is passed then you will have set a precedence for other properties on the road to expand onto green space that is next to their house. The road was designed to be an open and green area with grass verges which should be preserved in the same way as you have rightly placed preservation orders on many of the trees on the road and as such our houses are at a premium. We do not want to become similar to a new estate where all the houses are on top of each other. You will notice that many of our houses have walled gardens, a fence will be not in keeping with the area. In summary I believe that the proposed plans will have a detrimental affect on the road.

Item 14 (Page 295-302) – CB/12/03999/FULL – 37 Moor Lane, Maulden, Bedford, MK45 2DJ

Additional Consultation/Publicity Responses

Further to the consultation response issued by the highway authority dated 22nd November the following additional comments are relevant to consideration of the proposal.

From further investigation into the history of this site it is apparent that there is a strip of land approximately 1m in width extending across the frontage of the land which actually forms part of the public highway. However the land in question has been inaccessible to the public for a number of years due to the existence of a sectional concrete wall acting as a retaining structure and conifer hedging which has grown to a substantial width and height over the years. Nevertheless despite the appearance and most recent use of the land public highway remains as public highway in perpetuity unless those highway rights have been formally stopped up by Magistrates Court Order under Section 117 of the Highways Act 1980 or, in cases where development has not already occurred under the Town and Country Planning Act.

In this case it is recommended that the following advice note is included if planning approval is to be considered;

Notwithstanding any grant of permission under the Town and Country Planning Act the applicant is advised that the garage building hereby permitted has been partially constructed on land forming part of the public highway and the land shall remain public highway and declared on any Land Charge Search unless the highway rights are formally extinguished by Magistrates Court Order under Section 117 of the Highways Act 1980.

Furthermore, as the roof pitch will fall towards the highway, any surface water will need to be intercepted and disposed of separately so that it does not discharge into the highway. The following condition should be attached to any permission granted:

*Within **one month** of the date of this decision, arrangements shall be made for surface water drainage from the garage hereby approved to be intercepted and disposed of separately so that it does not discharge into the highway.*

Reason: To avoid the carriage of surface water from the building into the highway so as to safeguard the interest of highway safety.

Additional Comments

None

Additional/Amended Reasons

None

Item 15 (Page 303-316) – CB/12/04248/FULL – Oak Tree Farm, Potton Road, Biggleswade, SG18 0EP

The applicant has provided additional information as follows:

- The existing retail premises ceased trading on 28 April 2012 and has been on the market since March 2012.
- Whilst some teachers will move from the existing schools there will be a need to recruit new staff from the area to work at the school.
- At the existing Dunstable Campus (formerly known as Sceptre School) all the professional teaching staff are from outside the bretheren community.

Additional comments

Reference in the report to the catchment area should include Hertford and not Hereford.

Access and Parking – Should read parking for 12 minibuses, as referred to in other parts of the report.

Item 16 (Page 317-330) – CB/12/04272/FULL – 32 Astwick Road, Stotfold, Hitchin, SG5 4AT

The Ward Councillors should read Cllrs B Saunders, J Saunders & Mrs Clarke.

Additional Consultation/Publicity Responses

An additional letter has been received from the occupier of 10 Ivel Way reiterating previous comments, however also making the following new comment:

- The new access road will be used by the customers of the adjacent garage.

Additional Comments

A completed signed unilateral undertaking has now been received in respect of a contribution towards infrastructure facilities.

Item 17 (Page 331-342) – CB/12/04342/FULL – Land To The Rear Of 152 - 156, St Neots Road, Sandy

Additional Comments

A Unilateral Undertaking has been submitted and is approved by the Council's Legal Team

Additional/Amended Reasons

Item 18 (Page 343-348) – CB/12/04140/FULL – 16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional/Amended Reasons

None

Item 19 (Page 349-356) – CB/12/04247/FULL – 49 Common Road, Stotfold, Hitchin, SG5 4DF

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional/Amended Reasons

None

Item 20 (Page 357-382) – CB/13/00088/OAC – London Luton Airport, Airway Way, Luton

Additional Consultation/Publicity Responses

Landscape Planner (1/2/13) (Summary)

- LANDSCAPING - Welcomes reconfiguration of the terminal as the airport buildings have a greater harmony, but the success will depend on the use of quality materials and finishes. The landscape scheme is based on limited tree planting and grass. Space is limited which heightens the need to invest in landscaping to aid the legibility of space, aid movement through space, reduce stress, screen car parking and upgrade the environment. The approach taken is too basic for a nationally important development. The safety railings are a key part of pedestrian experience and should be high quality, as should be other external furniture such as benches, bins and notice boards. Lighting does not seem to have a distinctive solution.

The landscape design should be upgraded. It has not been given sufficient status for an international destination. There is scope to increase the planting opportunities within the external environment and in particular to select a more distinctive tree for the feature planting. The range of trees planted could be increased to include planting in the car park as well as on the road embankments. Shrub planting, bulb displays or appropriate wildflowers should also be included to benefit biodiversity, where this does not conflict with flight safety. There is also a role for horticultural displays.

- MULTISTOREY CAR PARK – This will be in scale with the other buildings. The quality of design and finish will be critical. The pedestrian bridge and walkways appear very hard and unrelieved. Colour and materials will be important as could be green roofs, green walls or climbing plants.
- WASTE SOILS – The Waste Management Plan states that around 34,000m³ of waste soils will be removed offsite whereas the Landscape and Visual study mentions that some bunding could be created on the perimeter to aid screening; it is unclear where this would be. It is also rare for landraising as a result of disposal of spoil to benefit the local landscape; more information would be needed on destinations for the spoil in within CB.
- ART, LOCAL IDENTITY – Fails to respond to local heritage and the setting on the edge of the Chiltern Hills. Imaginative artworks should be considered at major points on the access (eg M1, station, access road etc) and would improve the undistinguished road approach.
- NOISE, LIGHT POLLUTION – Noise impact on countryside, Luton Hoo and Lea Valley from traffic as well as planes. Greater intrusion to landscape and its enjoyment through noise.

Ecologist (12/2/13)

Extensive surveys of the site have been undertaken and where ecological impacts have been identified, for example on invertebrate habitat, appropriate mitigation has been suggested. No impacts to Central Bedfordshire have been identified. Construction works are not expected to be complete for some years to come and as such further ecological surveys will be required to update baseline information and where necessary amend mitigation requirements.

Archaeology (6/2/13) (Summary)

- The proposed development site lies in an archaeological landscape that contains evidence of occupation from the early prehistoric onwards. It has the potential to contain previously unrecognised archaeological remains, particularly in the area of the proposed taxiways.
- The evidence presented in the *Environmental Statement* is limited to a desk-based assessment and does not include the results of an archaeological field evaluation. This makes it difficult to understand the nature and significance of the archaeology of the site and the impact the development would have on it.

- In respect of the mitigation for the impact on any buried archaeological remains proposed in the *Environmental Statement* a watching brief is not sufficient. However, a programme of archaeological investigation of a more substantial nature may represent an adequate response.
- The proposed development will have an impact on two nationally designated heritage assets (Someries Castle and Luton Hoo Park). The impact on these assets is not sufficient to cause substantial harm to the significance of the heritage assets.
- If Luton BC are minded to grant planning permission, the following condition should be attached:
No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.
Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development.

External response:

Slip End Parish Council has written (29/1/13) and fully supports the comments made by Cllr Stay in his letter direct to Luton Borough Council. Slip End is the Parish closest to the airport and suffer more than anyone else the increasing noise and pollution of arrivals and departures. There are no proposals from Luton Borough Council to mitigate the additional noise and pollution which the Parish will experience if the expansion proceeds.

Cllr Stay's letter is ATTACHED to this Late Sheet.

Additional Comments

Note: The applicant is not Luton BC (as on this agenda) but London Luton Airport Operations Ltd.

Serving our communities



Wendy Rousell
Luton Borough Council
Town Hall
Luton
LU1 2BQ

Your ref: 12/01400/FUL
Our ref:
Date: 7th Jan 2013

By e-mail

Dear Ms Rousell

Ref: Proposed alterations to Airport Way/Airport Approach Road, infill extensions and alterations to terminal buildings, extensions to existing mid and long term car parks, new taxiway (Foxtrot), extensions to the existing taxiway (Alpha) and aircraft parking aprons (including 6 new stands) and a new multi-storey car park linked to terminal building

I represent the Parishes of Caddington, Hyde, Kensworth, Slip end, Studham and Whipsnade and I am grateful for the opportunity to make comment on the above planning application under consideration by Luton Borough Council. I am responding to the consultation in my capacity as a Ward Member within Central Bedfordshire.

I have read the details of the consultation process already carried out by London Luton Airport Operations Ltd (LLAOL) and I would wish to note one concern that the 2 Parishes most impacted by airport operations, Caddington and Slip End, do not appear to be listed as key stakeholders by LLAOL in Annex 4 of their extensive list of organisations formally consulted with, although Parishes some distance from Luton have been formally consulted. I would ask for clarification -- is this an oversight or an omission?

I accept that there are potentially some economic benefits to be derived from the proposed expansion of the airport. A number of employment opportunities appear to be derived from the expansion plans.

My principle concern and that of my constituents will be around the environmental impact that such a significant expansion plan will inevitably bring. Therefore I wish to OBJECT to the planning application and add the following comments in support of this objection:

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

Telephone 0300 300 8000
Email info@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

1. The Planning application and previous consultation lacks any real impact assessment as to the noise and environmental impact that will result from such a huge uplift in passenger numbers.
2. There will be an inevitable increase in flights. Both landing and take-off movements will further deteriorate the quality of life in adjacent communities.
3. There is no demonstrable need for such a significant increase in capacity at London Luton Airport.
4. A prerequisite of any planning approval should be stringent limits on night flights as are applicable at Heathrow, Gatwick and Stansted
5. This planning application should provide the Borough Council with an opportunity to fundamentally review, improve and mitigate the impact that aircraft noise has on surrounding communities.
6. Significant concerns exist around surface access and increases in traffic on surrounding rural roads. Further work is required and an assessment made of the potential impact on the secondary road network to the East, the West and the South of the airport.
7. This planning process also provides an opportunity to directly link the airport to the Luton / Dunstable Busway. An added benefit of this could be opening up job opportunities to a wider geographic area, particularly lower paid jobs.
8. Currently the revenues that arise from the airport's operations accrue to Luton Borough Council by way of a dividend. There is no evidence to show that the environmental pain suffered by surrounding communities is alleviated by any sharing of the financial gain that accrues to Luton Town, which as a whole suffers a fraction of the noise pollution than Parishes such as Caddington and Slip End.
9. I would welcome proposals to share the gain more widely – we accept that there are employment opportunities offered at the airport, but this planning application offers a real opportunity to consider how those that suffer most pain can also gain from the airports operations through direct investment in local infrastructure.

I would also wish to comment on the appropriateness of Luton Borough Council deciding on this planning application. Whilst it is entirely lawful for the Borough Council to decide the outcome of this application, the perception of an authority hearing an application which could significantly increase its own revenues is not a helpful one. LBC

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Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

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Email info@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

receives a very significant sum every year by way of a dividend and it is LBC's own interests to maximise that potential income.

As noted above I am grateful for the opportunity to respond to this significant planning application which, if approved, will have a long-term impact on the area. Therefore, if it is decided to approve, it is essential that the Borough Council gets the right structures in place for monitoring, control and oversight of the airport's ground and air traffic movements.

I look forward to receiving a response to the questions posed and an answer to the query around the apparent lack of consultation with Parishes who are potentially most impacted on by this application.

Yours sincerely



Councillor Richard Stay

Tel: 
PA: 0300 300 4260
Mail: richard.stay@contralbeds.gov.uk

Representing the Parishes of Caddington, Hyde, Kensworth, Slip End, Studham and Whipsnade

Central Bedfordshire Council
Priory House, Monk Walk
Chicksands, Bedford
Bedfordshire SG17 5TQ

Telephone 0300 300 2000
Email info@contralbedfordshire.gov.uk
www.contralbedfordshire.gov.uk

Amended Recommendation

The above responses are full and it is proposed that the full response texts be forwarded to Luton BC with this Recommendation. Indeed, as the CBC Archaeologists provide a service to Luton BC the archaeological response has also been forwarded directly to them. It is proposed that the Recommendation be amended to the following:

The Committee is asked to:

1. **Inform Luton Borough Council that this Council makes a holding OBJECTION to the proposal for the reasons given in section 17 of the main Report, to which is added:**
 - **The evidence presented in the *Environmental Statement* is limited to a desk-based assessment and does not include the results of an archaeological field evaluation. This makes it difficult to understand the nature and significance of the archaeology of the site and the impact the development would have on it.**
2. **Inform Luton Borough Council of the additional comments received by this Council, both from internal consultees and bodies reporting to this Council, by the date of this meeting, and that this shall take the form of a letter giving the summary of the comments (as set out in the Report and Late Sheet) accompanied by a copy of the original representations in full.**