

**Item No. 15****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06437/OUT</b>
<b>LOCATION</b>	<b>Boscombe Place (former Renault site) Boscombe Road, Dunstable, LU5 4LX</b>
<b>PROPOSAL</b>	<b>Demolition of all existing buildings and erection of single 67,164 sqm Class B8 distribution warehouse including ancillary enclosed covered yard (adjacent Ridgeway Avenue site boundary), 3,132sqm three storey offices, 360sqm transport office and 32sqm gatehouse (total floor space 70,688sqm) and provision of 185 HGV parking spaces (including 76 loading bays) and 294 car parking spaces (revised application SB/OUT/09/00127).</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllr John Kane &amp; Cllr David McVicar</b>
<b>CASE OFFICER</b>	<b>Mr C Murdoch</b>
<b>DATE REGISTERED</b>	<b>11 November 2009</b>
<b>EXPIRY DATE</b>	<b>10 February 2010</b>
<b>APPLICANT</b>	<b>Gazeley UK Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This is a Major Development accompanied by an Environmental Impact Assessment</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Site Location:**

Located some 850m north east of the town centre crossroads, Boscombe Road serves a mixed commercial area comprising on its western side, Sainsbury's Supermarket, the White Lion Retail Park and the ProLogis Park warehouse units and on its eastern side, the application site, Chiltern Park Estate and Woodside Estate.

The site is at the southern end of the Boscombe Road commercial area near the junction with the A505 Luton Road. Since the 1950's it has been used by various companies for the manufacture of cars and lorries. The site has a width along the Boscombe Road frontage of 340m, a maximum depth of 382m and an area of 12.84ha. The principal building is a 46,926sqm Class B8 warehouse that is subdivided, each half having its own access/accesses from Boscombe Road and its own lorry yard and car parking areas. The northern half is vacant and was most recently occupied by Chep Limited who employed 191 full-time and 2 part-time staff. The southern half has been further subdivided. The greater part is vacant, but until October 2009 was occupied by Salvesen Logistics Limited who employed 160 full-time and 2 part-time staff. A smaller area at the rear is occupied by Sappi Nash who employ 16 full-time staff. In the north-western part of the site is a 5,449sqm two/three storey Class B1 office building that is largely vacant. The majority of this office accommodation was formerly occupied by Renault Trucks who employed 85 full-time and 2 part-time staff. The current sole occupants of the building are ICP Commercial Limited who employ 2 full-time and 3 part-time staff.

To the north, at an elevated level, are warehouse units in Chiltern Park Estate occupied by Mortimer Logistics and DHL and a vacant warehouse formerly occupied by Norbert Dentressangle/Thresher Group. To the east, at a lower level, are Nos. 23 to 83 Ridgeway Avenue and Sceptre School. Nos. 23 to 67 are single storey bungalows (some of which have rooms in the roof), whilst Nos. 69 to 83 are two storey houses. To the south, from west to east, is a small car park owned by Abbeygate Developments Limited, four storey blocks of flats and two storey houses at Bramley Court, a Homebase retail warehouse and the Renault Trucks Chiltern premises.

The northern boundary is defined by a grassed and treed embankment. The eastern boundary is defined by the rear garden fences of Ridgeway Avenue dwellings and Sceptre School. Immediately to the west of this fenceline is a maintenance strip that varies in depth between 5m at the rear of 83 Ridgeway Avenue in the north to 2.5m at the rear of Sceptre School in the south. Overgrown with scrub and trees of varying maturity, the maintenance strip is bounded on its western side by an acoustic fence that varies in height between 4m at its northern end and 3m at its southern end. For the most part, as far north as the rear of 69 Ridgeway Avenue, the acoustic fence is positioned on a retaining wall. Adjacent the acoustic fence in the southern half of the site, at the rear of Nos. 23 to 47 Ridgeway Avenue, is a 1.25m high bund with young shrubs and trees on the fence side of the bund. There is no bund or planting adjacent the acoustic fence in the northern half of the site, at the rear of Nos. 49 to 83 Ridgeway Avenue. From west to east, the southern boundary is defined by steel palisade fencing around the Abbeygate car park, by a landscape bund with an acoustic fence on top at the rear of Bramley Court, by a small embankment with more established planting at the rear of Homebase and by steel palisade fencing at the rear of Renault Trucks Chiltern.

The site is within an area designated as Main Employment Area in the adopted South Bedfordshire Local Plan Review.

### **The Application:**

It is proposed to remove all existing buildings, plant and structures and permission is sought to redevelop the site by the erection of a two-sided, ambient temperature, 24 hour distribution warehouse (Class B8) with a total of 70 dock levellers and 6 level access loading doors located on the western and eastern elevations. The application is in outline form with all matters except landscaping to be determined at this outline stage. The main warehouse building would be 273m wide by 246m deep and have a floor area of 67,164sqm (including the enclosed rear yard). It would have an internal clearance height of 12m, an eaves height of 14m and a roof comprising seven parallel shallow ridges (hipped at their northern and southern ends) with a maximum height of 14.6m. Projecting forward of the west (front) elevation of the warehouse, at its southern end, would be ancillary three storey offices with a plant deck above. The offices would be 76m wide by 14m deep and have a maximum height of 13.8m and a floor area of 3,132sqm. At the rear of the warehouse, the eastern yard would be fully enclosed by a canopy that would wrap around the rearmost bay of the warehouse. The canopy would have a maximum width of 296m, would project beyond the east elevation of the warehouse by 51m, would have an eaves height of 7m and a height of 8.2m to the apex of a shallow ridged roof. Transport offices with a combined floor area of 360sqm would be provided within single storey projections to the western and eastern elevations, serving the western and eastern yards respectively. Each transport office would

comprise logistics management accommodation plus welfare/rest areas for warehouse staff and drivers.

As mentioned above, there is no landscaped bund adjacent the acoustic fence at the rear of Nos. 49 to 83 and the new scheme would involve extending the existing bund and planting to the north.

There are five existing accesses into the site, two of which are available for HGVs. Under the new scheme, only two segregated accesses would be used. The northern access would be for HGVs, whilst the southern access would be for cars and light vehicles. HGV entry into and egress from the site would be controlled via a 32sqm gatehouse splitting the access. A one-way system would operate with HGVs approaching the enclosed eastern yard via the northern access road and returning to Boscombe Road via the southern and western access roads. With regard to parking, provision would be made for 185 HGV spaces (including 76 loading spaces) to be located at the front (west) and rear (east) of the new building and 287 car parking spaces (including 14 disabled spaces) laid out beside the southern boundary and in front of the ancillary offices.

The proposal is subject to an Environmental Impact Assessment and the application is accompanied by an Environmental Statement. The proposal is considered to be EIA development because of its scale and its likely impacts on neighbouring residents and on the wider area in terms of additional traffic, noise and disturbance and the likely impact of additional emissions on air quality.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

- PPS1 - Delivering Sustainable Development.
- PPS4 - Planning for Sustainable Economic Growth.
- PPG8 - Telecommunications.
- PPS9 - Biodiversity and Geological Conservation.
- PPG13 - Transport.
- PPS23 - Planning and Pollution Control.
- PPS24 - Planning and Noise.
- PPS25 - Development and Flood Risk.

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

- SS1 - Achieving Sustainable Development.
- SS2 - Overall Spatial Strategy.
- SS3 - Key Centres for Development and Change.
- SS5 - Priority Areas for Regeneration.
- E1 - Job Growth.
- E2 - Provision of Land for Employment.
- E3 - Strategic Employment Sites.
- T6 - Strategic and Regional Road Networks.
- T8 - Local Roads.
- T14 - Parking.
- ENV3 - Biodiversity and Earth Heritage.
- ENV7 - Quality in Built Environment.
- WAT4 - Flood Risk Management.

## **Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

## **South Bedfordshire Local Plan Review Policies**

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

## **Planning History**

SB/TP/74/0232	Permission for temporary store.
SB/TP/74/0493	Refusal for new roadway.
SB/TP/77/1100	Permission for canopy for storage of paint drums.
SB/TP/77/1108	Permission for building for oil drum and sawdust storage.
SB/TP/86/1127	Permission for portable office building.
SB/TP/89/0097	Permission for alterations to offices elevation and erection of dealership workshop building.
SB/TP/96/0726	Refusal for change of use of part of site (including 'A' Building) from general industrial (B2) to warehousing (B2), demolition of 'C' Building and construction of new access road and parking areas.
SB/TP/97/0066	Permission for change of use of part of site (including 'A' Building) from general industrial (B2) to warehousing (B8), demolition of 'C' Building and construction of new parking areas along eastern boundary.
SB/TP/97/0679	Permission for chain link boundary fence and alteration to Boscombe Road car park.
SB/TP/98/0078	Permission for paint store building.
SB/TP/98/0417	Permission for alterations to parking layout for cars and lorries.
SB/TP/00/0370	Application withdrawn for construction of new access and use of land and premises for Class B1(c), B2 and B8 purposes, new parking layout to independently serve existing offices and relocation of storage building.
SB/TP/00/0851	Permission for use of factory building for Class B8 (warehouse), B1(c) or B2 purposes, erection of replacement storage building, retention of access, provision of parking and erection of 4m high acoustic timber fence.
SB/TP/02/1107	Application withdrawn for temporary change of use from warehouse (B8) to retail warehouse (A1).
SB/TP/04/1509	Permission for remarking of existing car park, formation of new car park area, boundary treatment and installation of external lighting and associated works.
SB/OUT/05/0684	Application withdrawn for redevelopment of site for B* purposes (warehousing/distribution centre) including erection of two warehouse buildings and ancillary offices and including access, siting, associated parking and landscaping.
SB/09/00127/OUT	Application withdrawn for demolition of all existing buildings

and erection of single 68,663sqm Class B8 distribution warehouse with ancillary 16,005sqm enclosed canopy (adjacent Ridgeway Avenue site boundary), 3,132sqm three storey offices, 360sqm transport office and 32sqm gatehouse (total floorspace 88,192sqm) and provision of 185 HGV parking spaces (including 76 loading bays) and 294 car parking spaces.

**Representations:  
(Parish & Neighbours)**

Dunstable Town  
Council

No objections subject to planning enforcement on noise and operating restrictions being enforced.

Abbeygate  
Developments Limited

Objection.

Owns freehold of 0.4ha parcel of land zoned as employment land adjacent site's southern boundary with right of access over south west corner of site to/from Boscombe Road. Land was used most recently as temporary car park by Salvesen Logistics Limited and highways officers have indicated that access to land may only be taken via retained right of way. Former access to land (immediately south of right of way and used many years ago by former site owners, Rootes Group) is considered to be inadequate for employment or other commercial purposes, including car park. Notes proposal to stop up existing main access to southern part of site (to be replaced by planting) and does not accept termination of right of access.

In respect of Abbeygate access to Boscombe Road, whilst proposal appears to relocate existing access further north west, no provision is made for suitable access to Abbeygate site and no reference is made in Traffic Impact Assessment of need to retain proper commercial and private vehicle access to Abbeygate site.

In 2007 and subsequently, had several meetings with Council looking at proposed redevelopment of company's site and these identified opportunity for mixed B1, B2, B8, A1, A2, A3, A4, A5 and D1 development. Number of these uses may be accommodated off revised access to Boscombe Road, albeit not that identified on application drawings, but most of uses would require immediacy of highway access currently existing on site and for all forms of commercial traffic. Likely to submit outline application for redevelopment of Abbeygate site at earliest opportunity.

No objection in principle to form of development.

Ridgeway Avenue Nos.  
23, 31, 35, 37, 43, 45,  
51, 57, 67 and 75  
1 Hadrian School  
Houses

#### Objections.

- Although there has been some adjustment to original plans, giant warehouse of this nature means that proposal is still massive overdevelopment of site.
- Residents are disadvantaged by already having existing warehouse floor level more than 3m higher than back gardens.
- Enclosure of rear yard brings total building unacceptably close to boundary causing shadowing and loss of visual amenity.
- Existing landscape bund was to have been planted with shrubs that would be kept below height of acoustic fence. Trees that have been planted are densely populated tall spindly specimens trying to outgrow each other searching for some light.
- Existing trees only screen site during summer. During strong winds they pose danger of falling branches. Should be replaced by evergreen screening trees.
- Existing acoustic fence erected to stop noise is ineffective as voices can be heard from Gazeley side of fence.
- 185 lorries working 24/7 will make current situation much worse. Exhaust fumes, engine noise and vibration are all detrimental to residents' rights to reasonable air, light and living conditions.
- Introduction of HGVs on surface 3m above gardens running over stormwater pipework that is directly joined to pipes within residents' properties will transfer noise and vibration and cause damage to dwellings.
- As site is higher than dwellings, reduction in noise from HGV engines and reversing sirens and activities of forklift trucks will be impossible task, given close proximity of dwellings.
- Proposal will result in too much noise from extractor fans used to remove diesel exhaust fumes from site.
- Proposed warehouse loading bays should not be on residents' side of building and ban on HGV movements between 11.00pm and 7.00am together with Sunday and bank holiday restrictions must be maintained.
- Running HGVs close by will compromise education of Sceptre School pupils.
- Disused underground fuel tanks are too costly to remove because they are located below large stormwater pipe. They should only be removed by experts to prevent contamination and flooding. If tanks remain, under no circumstances should any HGV travel or park in this area.
- Large pipe serving town's storage/balancing tanks passes through Boscombe Place from west to east and continues beside No. 51 where large area within curtilage between site boundary and road cannot be

built over. Further three or four 0.8m diameter pipes have had to be added underneath dwellings to deal with stormwater from site.

- In June 2005, Hadrian School Houses, several properties in Goldstone Crescent and Hadrian Lower School suffered severe flooding when stormwater balancing tank in Ridgeway Avenue 'exploded'. In May 2007, there was 'near miss' and serious flooding was averted by prompt action of fire brigade who pumped water away before damage to properties occurred.
- Stormwater drains which run under Hadrian Lower School grounds take most of surface water from town. Any future development in this area will further reduce land's natural ability to drain. Proposal involves doubling of existing roof area and run-off will serve only to overload stormwater drainage system which cannot cope in extreme conditions causing even more homes to be flooded.
- Headteacher and governing body of Hadrian Lower School consider that existing storm drain system is not working as it should. It would be wholly inappropriate for proposal to go ahead without full investigation into working of system.
- Town is looking for reduction in HGVs to encourage shoppers into town centre and giant warehouse will not help situation.
- Town will not be able to cope with increased traffic. Planning applications are being submitted to Council to put extra loading bay doors on most of town's existing warehouses. Occupants then apply to increase their existing goods vehicle operators' licence.
- Existing warehouses standing empty should be put to use first. Gazeley should have purchased empty Ecomold site in Luton Road where site and residents' problems would be minimal.
- Use of steel cladding and proposed position of covered yard together with its alignment with rooftop aerials will cause problems for terrestrial radio and TV reception. Multi-path signal reflection distortion will cause 'ghosting' of analogue TV and make digital reception dependent on complicated and expensive aerials.

### **Consultations/Publicity responses**

Environmental Health  
Officer

Recommends conditions in respect of possible site contamination, specification for construction of canopy enclosing eastern yard, fixed operational plant noise limits, normal construction working hours and Construction Environmental Management Plan.

Anglian Water

Foul water flows from development can be accommodated within foul sewerage network system that at present has adequate capacity. Foul drainage will be

treated at Dunstable Sewage Treatment Works that at present has available capacity for these flows.

Surface water flows from development can be accommodated within public surface water network system which at present has sufficient capacity. AW will advise developer of most suitable point of connection and maximum rate of discharge that should be made. Attenuation may be required and this could affect site layout. Surface water run-off from parking areas for 25 vehicles or more must pass through petrol/oil bypass interceptor before discharging to public sewer. Refuelling areas must drain via oil/petrol/grit interceptor to foul sewer.

East of England  
Development Agency

Broadly supports proposal.

In Regional Economic Strategy (RES), Dunstable is identified as being within Milton Keynes South Midlands Engines of Growth where benefits of agglomeration can be maximised and geographical concentration of assets is available. Sub-region has undergone significant economic restructuring and is continuing to move into higher value industries. Area has been successful in attracting logistics inward investors, given proximity to key UK markets and location on strategic transport network.

EEDA supports redevelopment of site in order that it is retained and safeguarded in employment use. Although new scheme is consistent with Local Plan employment policy, Council needs to be satisfied that development accords with policies that relate to highways, urban design and residential amenity.

Proposal is broadly consistent with RES and particularly spatial economy goal that aims to ensure sufficient supply of high quality and sustainable business land and premises in region to support economic growth and regeneration. In providing business use development including new employment opportunities, proposal would provide accommodation and services needed to stimulate and act as catalyst for commercial activity in Dunstable and thus help with town's regeneration.

Economic Growth and  
Regeneration Officer

Support retention of this important site for employment purposes.

Ex-Renault Trucks site is largest brown-field site in Dunstable/Houghton Regis urban area. Existing buildings and structures on site are in excess of 50 years old and are not suitable for needs and requirements of today's businesses. Site is in need of complete



redevelopment.

At present, there are only 16 full-time and 3 part-time employees at Boscombe Place, although applicants advise that some 454 full-time and 9 part-time staff were employed on site when existing buildings were most recently occupied.

Applicants state also that using a ratio of 1 job per approximately 95sqm of B8 floorspace, proposal could potentially generate over 730 jobs in total. Only site of comparable size is part of former Bedford Trucks site in Dunstable, now known as ProLogis Park and occupied by Superdrug and Cinram. That site was redeveloped for 2 distribution warehouses with combined floorspace of 71,535sqm and creating some 800-900 jobs, majority of which have been taken by local people. Current proposal comprises 67,164sqm of distribution warehouse floorspace and could create similar number of jobs. Past involvement with initial recruitment process at Superdrug facility suggests that current skill levels of considerable proportion of local workforce would ideally match majority of employment opportunities that would be available at Boscombe Place.

Environment Agency

Proposed development will only be acceptable if recommended conditions are imposed on any planning permission.

Landscape Planner

Consider current proposed treatment of design of elevations will assist in visually breaking up building mass.

#### Blows Downs/AONB

Proposed design and finish to roof area will hopefully assist in mitigating development in views onto site from AONB. Blows Downs scarp provides important backdrop to site and surrounds. More extensive tree planting along Boscombe Road site frontage may assist in visually softening built elevation in terms of immediate views to site and longer views to Blows Downs.

#### Ridgeway Avenue dwellings and recreation ground

Visual mitigation of development in relation to these dwellings is reliant on planting, both existing and new. Consider there is opportunity to include additional tree planting to that shown along eastern site boundary which would also assist in mitigating views from recreation ground. Realise there is need to ensure balance between screening of development and allowing light through to dwellings, but suggest this could be achieved through choice of tree species and mix of medium and taller growth heights.

Natural England

Although site is within 800m of Blows Downs SSSI (part of Chilterns AONB), do not consider that proposal would have detrimental effect on special interest features of SSSI. No objection in respect of protected species.

Accept that impacts on AONB are only minor adverse and viewpoint included reinforces this point. Accept also that scheme cannot deliver multiple benefits such as open space provision. Note that substantive reason for rejecting use of green/brown roofs at Boscombe Place is cost and given there are no other imperative reasons for providing such features, not surprised over decision. Economics aside, generally green/brown roofs are considered to provide opportunities for enhancements to biodiversity, especially warehouse developments where, given building footprints involved, habitat enhancement is marginalised to peripheral landscaping. In respect of industrial area around AONB, although individual sites won't have great impacts on improving views from AONB, cumulative incorporation of such features could go some way towards achieving vision for conserving and enhancing AONB and its setting.

Tree and Landscape  
Officer

It would appear that whilst applicants' landscape consultants are trying to appease Ridgeway Avenue residents who are concerned about future nuisance that tree planting may cause, this may now be at expense of screening. Spacing of trees along Ridgeway Avenue along boundary at 20m, as originally proposed, would have been insufficient to soften new warehouse from all rear garden vantage points. Emphasis should be on planting closely spaced trees that could be thinned as mature trees approach canopy closure. No objection to wording of applicants' suggested condition in respect of landscaping and interval planting along the Ridgeway Avenue site boundary.

Bedfordshire Police  
Architectural Liaison  
Officer

No objection.

Sustainable Growth  
Officer

Recommend that ancillary offices be built to BREEAM 'Excellent' standard and warehouse built to BREEAM 'Very Good' standard, as would be achieved at Ecomold site on Luton Road.

Applicants' aspirations to use solar thermal, PV panels and ground source heat pumps should be more definite, particularly to make offices as close to zero carbon as possible. Sheer size of warehouse roof will provide enough space for solar thermal panels for all hot water needs and for PV panels to offset electrical demand for

lighting. Ground source heat pump coils could be laid beneath car park and yard areas to address building's heating demand.

Energy statement should be submitted to show development's potential heat and electricity demand and how renewable energy would help offset this. Simply bolting on renewable technologies is often not most appropriate way to reduce running costs and carbon emissions. Making building fabric as airtight as possible reduces energy need. It is important to look at how efficiently this energy is used and only then should energy be supplied from renewable sources. This would reduce amount of renewable energy technologies needed and would ultimately reduce building costs.

Highways Officer

No objection on ground of intensification of use provided modal share of sustainable means of transport can be increased. This will require implementation of submitted travel plan and contributions towards improved sustainable means of transport - footpath/cycleway along site frontage and its extension to connect with footpath/cycleway on town centre link road, 'toucan' crossing(s) on Boscombe Road, real-time information and upgrading of bus stops, upgrading of Luton Dunstable Busway halts and/or improvement of pedestrian link between Boscombe Road and halts.

Highways Agency

Recommend condition requiring submission for approval of framework travel plan to mitigate against additional traffic generation effecting M1 motorway and A5 trunk road.

## **Determining Issues**

The main considerations of the application are;

1. Job creation
2. Design, appearance and impact on visual amenity
3. Traffic generation and sustainable transport
4. Noise emissions
5. Air quality
6. Flood risk
7. Other issues

## **Considerations**

### **1. Job creation**

The site is within an area designated as a Main Employment Area in the adopted South Bedfordshire Local Plan Review. Such areas represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises that the Council considers have the greatest value in these respects

and are subject to the provisions of Local Plan Review Policy E1 that states:

*Within Main Employment Areas, defined on the Proposals Map, planning permission will not be granted for uses other than B1, B2 or B8 of the Use Classes Order 1987.*

*Outside the Main Employment Areas new development within Use Classes B2-B8 will only be permitted where the proposal can be accommodated without unacceptable harm to the amenity of the surrounding area.*

The proposal involves the redevelopment of the site for Class B8 storage and distribution purposes and clearly accords with Policy E1.

The applicants advise that at the time the existing warehouse and office buildings were fully occupied 463 people were employed on site. Survey data demonstrates that employment densities in large warehousing units equate to an average density of 1 worker per 95sqm. Assuming a ratio of 1 job per 95sqm of B8 floorspace, the applicants argue that the new facility could potentially generate over 730 jobs in total, a net increase of 267 jobs. The only site of comparable size is part of the former Bedford Trucks site (now known as ProLogis Park) which was redeveloped for two distribution warehouses with a combined floorspace of 71,535sqm, creating some 800-900 jobs. The current proposal comprises 67,164sqm of distribution warehouse and, in the opinion of the Economic Growth and Regeneration Officer, could create a similar number of jobs.

With regard to the attractiveness of the site to potential occupiers, a letter to the applicants from property agents Knight Frank dated 8th March 2010 offers an up-to-date market assessment and is reproduced as an appendix. Knight Frank advises that the market in the South East is improving with severely constrained supply, there being no existing building over 32,500sqm (350,000sqft) available south of Corby at present. The size of the site and the potential availability of Assisted Area grant may be sufficient to attract a new occupier in the near future.

## **2. Design, appearance and impact on visual amenity**

The existing warehouse has an eaves height of approximately 11m, a width of 200m and is positioned 55m from the rear boundaries of dwellings in Ridgeway Avenue.

In the previous withdrawn scheme (reference CB/09/00127/OUT), the main warehouse would have had an eaves height of 17m, a maximum height of 18m, a width of 267m and would have been 68m from the rear boundaries of Ridgeway Avenue dwellings. The canopy (the yard enclosure at the eastern end) would have had a maximum height of 9.3m, a width of 290m and would have been 17m from the rear boundaries Ridgeway Avenue dwellings. When taken together, the height and scale of this building and its impact on views from Ridgeway Avenue was a concern. The ground level of the Chiltern Park Estate to the north of the site is some 5m above that of Boscombe Place and at its eastern end the former Norbert Dentressangle/Thresher Group warehouse is 15m high. The cumulative impact of the combined scale and massing of the existing and previously proposed warehouses on the visual amenity of the Ridgeway Avenue street scene was of further concern.

In the current proposal, the main warehouse would have an eaves height of 14m, a maximum height of 14.6m, a width of 273m and would be 75m from the rear boundaries of Ridgeway Avenue dwellings. The proposed canopy would have an eaves height of 7m, a maximum height of 8.2m, a width of 296m and would be 24m from the rear boundaries of Ridgeway Avenue dwellings. In comparison with the withdrawn scheme, the eaves of the proposed main warehouse would be 3m lower, the eaves of the canopy would be 2.3m lower and the building would be 7m further away from the rear boundaries of Ridgeway Avenue dwellings.

Whilst these amendments may appear modest, they are significant in terms of the proposal's impact on views from Ridgeway Avenue and on the visual amenity of the Ridgeway Avenue street scene. As mentioned above, at the rear of Nos. 23 to 47 there is an existing landscaped bund, the trees and shrubs having been planted over 10 years ago. Together with mature trees growing in some of the rear gardens, this newer planting screens the existing warehouse building fairly effectively. It is proposed to extend the landscaped bund to the north to provide a planted screen in due course at the rear of Nos. 49 to 83. Predominantly native species would be chosen that are typical of the local area. Standard and feathered trees would be planted within a shrub mix to mitigate the visual impact of the new building from close by as well as filtering views of the proposal from distance. Following advice from the Tree and Landscape Officer, the emphasis would be on planting closely spaced trees that could be thinned as maturing trees approach canopy closure. As mentioned by the objectors, the existing yard in the northern part of the site is some 3m to 3.5m above the ground levels of Ridgeway Avenue dwellings. Where the acoustic fence is 4m high, the combined height of the retaining wall and the acoustic fence is 7m, when viewed from ground level. Here, following construction of the new development, little of the proposed canopy (eaves height 7m) would be visible from ground level. Again, although the proposed main warehouse would be 3m higher and 73m wider than the existing warehouse, at a distance of 75m it would be 20m further away from the rear boundaries of Ridgeway Avenue dwellings. The visual impact of the bulk of the warehouse would be mitigated over time as the new planting matures.

The proposed warehouse would be seen within the context of an existing industrial and commercial area bounded by residential properties to the east and in part to the south. The walls of the new building would be clad in black, white and various shades of grey panelling, in blocks and bands of colour. Similarly, the roof would be clad in two shades of grey panelling. The Council's Landscape Planner confirms that this approach would help to break up the mass of the building when viewed from neighbouring roads and from Blow's Downs to the south. In conclusion, in terms of its design, appearance and impact on visual amenity, the proposed development is considered to be acceptable.

### **3. Traffic generation and sustainable transport**

In the applicants' transport assessment a comparison of traffic generation from the existing and proposed uses of the site indicates that the new development would generate less total vehicles in the peak hours, although there would be a marginally higher number of goods vehicles than present. This reduction would be due to the removal of the existing stand-alone office block that, when fully occupied, generated high numbers of car movements at peak times. The net

development vehicle generation has then been assigned to the highway network to ascertain how vehicle flows would change at key junctions. This process indicates that there would be an overall reduction in traffic at all junctions considered, although there would be minor increases in vehicles on the M1 off-slip roads.

The Highways Officer has no objection in principle to the proposal. For a time there was an issue with regard to trip generation and the intensification of the potential trips within the PM peak. However, an update to the Trip Rate Information Computer System (TRICS) database has been issued that now demonstrates that the potential for intensification in relation to the existing use is not significant. The Highways Officer does not object to the proposal on the ground of intensification of use provided that the modal share of sustainable means of transport can be increased. This modal shift would require investment and the applicants would need to implement the travel plan submitted with the application and provide or make financial contributions towards improvements to sustainable means of transport in the vicinity of the site (walking, cycling, public transport, real-time bus information). The Highways Officer identifies the following improvements.

- A condition is recommended requiring the provision of a footpath/cycleway along the frontage of the site. There would also be a requirement to extend and connect this to existing footpath/cycleways, in particular to the town centre link road off Boscombe Road - £14,000 would be an appropriate financial contribution towards this scheme.
- The provision of pedestrian/cyclist crossing facilities on Boscombe Road. A 'toucan' crossing currently costs £48,000 and consideration of desire lines may generate a need for the provision of 2 'toucan' crossings.
- The introduction of real-time bus information. The installation of this facility into the new warehouse building would be included within the travel plan. The upgrading of a bus stop to provide a shelter incorporating real-time information and raised kerbs currently costs £16,000 per stop.
- If the proposal is completed before the A5-M1 link is opened, a financial contribution of £108,000 towards the Luton Dunstable Busway project, in particular the upgrading of the halts in the local area and/or the improvement of the footpath link between Boscombe Road and the halts. In addition, a small part of this sum could be allocated to the authority that would monitor the travel plan.

#### **4. Noise emissions**

In respect of noise emissions arising from the proposed operation of the site and their likely impact on neighbouring residents, it is necessary to ensure that the new working arrangements are acceptable. Permissions granted in April 1997 (reference SB/TP/97/0066), January 1999 (reference SB/TP/98/0417) and December 2000 (reference SB/TP/00/0851) established a night-time exclusion zone for HGVs some 100m deep from the site boundary with Ridgeway Avenue properties. Conditions state that no HGV movements or running of engines shall be carried out within the exclusion zone outside the hours of 0700 to 2300 on weekdays, 0700 to 1800 on Saturdays and 0900 to 1800 on Sundays and Public Holidays.

The Environmental Health Officer (EHO) notes that the new warehouse and the proposed service yard canopy at its eastern end would completely enclose the

night-time exclusion zone, thereby containing all operational activity. The entrance and exit of the service yard would be some 100m from the site boundary with Ridgeway Avenue properties. Accordingly, the position within the site where HGVs would enter and leave the enclosed area would be similar to the western boundary of the existing night-time exclusion zone. The EHO notes also that the proposed canopy would provide additional noise screening over areas of the site to the west of the canopy where HGVs are currently permitted to operate at night.

Bramley Court overlooks the southern part of the site, in particular a number of dock levellers and an area of where HGVs used to manoeuvre. This area is outside the night-time exclusion zone for that part of the site and until October 2009 night-time activities continued to take place. The proposal is for this area to form the exit route for HGVs leaving the enclosed service yard and this road would be the same distance from Bramley Court as the existing dock levellers. After exiting the enclosed area, HGVs would travel some 220m before making a right turn in front of the proposed warehouse. At a constant speed of 10mph (not an unreasonable speed restriction for the external area of a distribution depot) it would take approximately 45 seconds to travel along this road. Bramley Court residents would overlook vehicles moving at low speed along a short straight road, rather than being manoeuvred and loaded/unloaded, as was the case. Bramley Court has been designed with the existing distribution use in place and it is considered that the proposal is likely to have less impact on residents adjoining this part of the site than the former permitted activities.

The applicants have assessed changes in road traffic noise levels arising from the proposed development using survey data from measurement positions in Boscombe Road and Luton Road. The results indicate that the change in daytime noise levels would be negligible - an increase of 0.2 decibels for Boscombe Road and an increase of 0.1 decibels for Luton Road. With regard to night-time noise levels, the increases range from 0.5 to 2.0 decibels for Boscombe Road and 0.3 to 1.3 decibels for Luton Road. In the context of the site's urban location, its proximity to M1 Junction 11 and the use of a significant number of sites in the local area for 24-hour haulage operations, such relatively minor increases in road traffic noise levels are acceptable.

During consideration of the previous withdrawn application the EHO questioned the ability of the design specification for the walls and roof of the canopy enclosing the eastern yard to adequately reduce sound emissions from that part of the new building. He considers that a well designed and constructed canopy would be able to contain internally generated operational noise, but he was concerned that the specification stated might not have been sufficient.

The applicants advise that the calculations of noise breakout from the canopy (based on the measured frequency content of HGV diesel engines from recorded measurements) have taken into account the build up of reverberant sound within the enclosed space and the sound attenuating performance of the cladding. The canopy walls and roof panels would be formed of two leaves of metal with an insulated core. The cladding would prevent some sound energy from passing through to the external environment by reflecting sound back into the yard and by absorbing sound energy as it passes through the various elements of the panel. There would be no openings in the facade facing Ridgeway Avenue, vehicle entry and egress being gained through openings in

the elevation facing away from the dwellings. This means that any sound transmitted to the dwellings must pass through the insulated metal cladding. Daylight to the eastern yard would be provided by the incorporation of rooflights into the roof pitch facing away from Ridgeway Avenue, covering 7.5% of the canopy roof area.

To address the concerns previously raised by the EHO the applicants indicate that the construction of the walls would be required to achieve a sound reduction index of 32 decibels. The inner metal liner would be perforated to assist in controlling reverberant noise levels that would be generated within the eastern yard. The applicants argue that this would significantly reduce internal noise levels and have the effect of reducing noise levels at neighbouring properties to a degree equal to or greater than an unperforated wall achieving a sound reduction index of 38 decibels. The construction of the roof, again with a perforated inner metal liner, would be required to achieve a sound reduction index of 32 decibels. The EHO considers that the specification for the canopy construction is acceptable and that this specification be the subject of a condition. He recommends also that the applicants be required to demonstrate that the proposed sound reduction performance of the walls and roof of the canopy can be achieved prior to the commencement of the warehouse use.

With regard to fixed operational plant noise sources within the site, the EHO considers that these should be sufficiently attenuated or be capable of being attenuated so as not to cause a nuisance. The applicants have suggested wording for a condition that would require fixed operational plant to be designed to achieve a noise level that would be at least 5 decibels below the background noise level at any potential noise-sensitive residential property nearby. The EHO considers that this condition would be acceptable and would, in particular, control noise emissions from the proposed mechanical air handling plant associated with the enclosed eastern yard. Here, air inside the canopy would be extracted via internal louvres and ductwork, up through the main warehouse, and out via cowls on top of the warehouse roof. Any additional air handling plant needed in the future, for example where the health and safety assessor dictates increased air change requirements, would be fitted with the attenuation necessary to ensure that the fixed operational plant noise limits would be met. The applicants would be required to demonstrate that such noise limits would be met prior to the first use of any air handling plant.

In respect of the construction phase of the proposal, the applicants advise that before commencement of works on site the contractor would seek approval for the proposed methods of work and the steps to be taken to minimise noise and vibration. The example Code of Construction Practice set out in the Environmental Statement states that normal working hours within the site would be 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays with no working on Sundays, Bank or Public Holidays. Such normal working hours could be conditioned. A further condition could be imposed requiring the agreement and implementation of a Construction Environmental Management Plan covering noise, vibration and air quality management.

## **5. Air quality**

PPS23 'Planning and Pollution Control' states that air quality is particularly important when development is proposed inside or adjacent to an Air Quality Management Area (AQMA), as designated under Part IV of the Environment Act



1995. The proposal is adjacent to the town centre AQMA that includes Luton Road.

The applicants have assessed the impact that the proposal's operations would have on air quality in the vicinity of the site. Compared with current traffic flows, whilst there would be a rise in the number of heavy duty vehicles, there is predicted to be a decrease in the number of light duty vehicles. They conclude that the increase in heavy duty vehicles would have a negligible effect on local air quality, in particular nitrogen dioxide and particulate matter concentrations. The EHO is satisfied with the conclusions of the applicants' air quality assessment.

With regard to the mechanical ventilation and extract system proposed to be installed in association with the use of the enclosed eastern yard, the applicants argue that the spread of the 6 extract points across the rear of the new building above the main warehouse roof would dissipate extracted fume laden air to a point where detection at the site boundary with neighbouring properties would be negligible. In response, the EHO advises that Section 3 of the Health and Safety etc. Act 1974 states:

*"It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety"*

There is therefore a general duty imposed on employers to safeguard persons other than their employees. The EHO further advises that if extracted exhaust fumes are a risk to the health of nearby occupiers, the health and safety regulator (either the Council or the Health and Safety Executive) would have recourse to that section of the 1974 Act.

In respect of the construction phase of the new development, the applicants refer in the Environmental Statement to the Mayor of London's Best Practice Guidance "*The control of dust and emissions from construction and demolition*". The EHO agrees that the use of this document is acceptable. The applicants conclude that the impacts on air quality are likely to be in the 'high risk' category and that mitigation measures would be applied. They have cited a number of mitigation measures from the Best Practice Guidance, though not all, which would be set out in the Code of Construction Practice. Such mitigation measures could also be incorporated into any agreed Construction Environmental Management Plan.

## **6. Flood risk**

The site is within Flood Zone 1, outside any known main river floodplain. The nearest watercourse is Lewsey Brook, some 1.5km to the north east of the site. There is therefore a very low risk of fluvial flooding – less than 0.1% in any given year. Groundwater levels are approximately 15m below ground level and the flood risk from this source is similarly low. The primary flood risk at Boscombe Place is considered to be from surface water runoff. At present, the site is 100% impermeable and is drained predominantly by strip drains which discharge unattenuated runoff into an Anglian Water surface water sewer that crosses the site under the existing warehouse building in a south west to north east direction. The applicants advise that there is no history of flooding within the site

from this sewer.

The particular catchment in which the site is located is highly urbanised and responds rapidly to rainfall. There are known problems with surface water flooding downstream, referred to by objectors, which the Environment Agency is seeking to reduce through redevelopment and limiting runoff, in accordance with PPS25. The Agency requires that the surface water drainage strategy for the new development must attenuate a 1 in 100 year storm event plus 20% for climate change. This would be achieved by a number of measures. There would be a reduction in the impermeable area of the site from 100% to 90%. By virtue of the freely draining nature of the soil, six soakaways would be constructed that would drain 55% of the area of the site. In addition, it is proposed to divert the public sewer from under the warehouse building to adjacent the southern site boundary. Such diversion would lower the risk of the sewer surcharging and therefore reduce the flood risk from this source.

Anglian Water confirms that surface water flows from the proposal could be accommodated within the public surface water drainage system that at present has sufficient capacity. It is unlikely that Boscombe Place is the sole source of surface water flooding downstream. The surface water sewer that passes through the site serves a wide catchment area to the west and the sustainable drainage measures proposed for the site would significantly reduce Boscombe Place's contribution to surface water flows downstream.

## **7. Other issues**

### Sustainable construction

With regard to the Sustainable Growth Officer's comments, the applicants indicate that they would be prepared to use solar thermal and PV panels, although the extent of coverage would need to be assessed and agreed. In addition, they would need to assess the viability of ground source heat pumps before any formal commitment is made. In respect of BREEAM standards, whilst they would commit to the BREEAM 'Very Good' standard for the warehouse, they would only commit to the BREEAM 'Excellent' standard for the ancillary offices if this can be achieved at reasonable commercial rates.

In response, the Sustainable Growth Officer confirms that in general terms the wording of the conditions suggested by the applicants is acceptable. He considers that the environmental performance of the new building should achieve at least the BREEAM 'Very Good' standard for the warehouse and the offices and that if the BREEAM 'Excellent' standard for the offices could not be achieved, clear justification shall be provide for not meeting this standard.

### Television reception

In January this year, the applicants commissioned a survey of existing television reception and an investigation of the potential effects of the proposal on such reception. The surveyors' report concludes that the new development is likely to cause localised interference to analogue terrestrial television reception. However, it is also likely that the majority of local residents already use digital receiving equipment in order to receive interference free transmissions. After 2011 there will only be digital terrestrial television services and no opportunity for the proposal to effect analogue television reception. The new development is not expected to have any effect on the reception of digital terrestrial television, although substandard antenna installations would increase the likelihood of

interference.

The applicants propose to monitor television reception throughout the construction phase of the development and a condition is recommended that would require them to identify any measures that would need to be undertaken to maintain at least the existing level and quality of television reception.

#### Abbeygate Development Limited's site access

The applicants advise that they have a legal obligation to provide and/or maintain an access to the adjoining Abbeygate landholding. This site is presently used as a car park, access to which is gained via the existing main access beside the application site's southern boundary that until October 2009 was principally used by former tenants, Salvesen Logistics Limited. The maintenance of Abbeygate's legal right of access is a private matter that can only be resolved by the adjoining landowners concerned. It is not a material planning consideration in the determination of the current application. Notwithstanding this, the applicants indicate that in order to satisfy their legal obligation they intend to provide an access spur to the Abbeygate site from the proposed car and light vehicle access to the site. This arrangement is acceptable to the Highways Officer. He states also that if the existing redundant access to the car park directly off Boscombe Road were to be re-opened, it should be moved to the most northerly end of the car park's frontage.

#### **Reasons for Granting**

The proposal accords with national guidance and strategic and local policy in respect of job creation and would restore to beneficial use a site that has been under-used for many years. Furthermore, in terms of its design, appearance and visual and environmental impacts, the new development is considered to be acceptable.

#### **Recommendation**

That Planning Permission be granted subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure the provision of pedestrian/cyclist crossing facilities on Boscombe Road, the provision of footpath/cycleway links to existing footpath/cycleways, the introduction of real-time bus information, the enhancement of public transport facilities and the provision of public art on the site frontage and subject to the following:

- 1 **Details of landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out only as approved.**  
**REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).**
- 2 Plans and particulars of the reserved matters, referred to in Condition 1 above relating to landscaping, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.  
**REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).**
- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years after the date of this

permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Development shall not commence until a landscaping scheme - to include any hard surfaces and earth mounding and details of the proposed interval planting of trees along the eastern site boundary (the boundary with Ridgeway Avenue properties) - has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R).**

- 6 **Development shall not commence until a Tree Protection Plan (reference BS 5837: 2005 *Trees in Relation to Construction*) has been submitted to the Local Planning Authority for written approval, showing clearly the position, dimensions and build specification of protective barriers to be erected around the required Root Protection Area for all boundary trees to be retained and trees situated "off-site", in order to establish an effective Construction Exclusion Zone. The Construction Exclusion Zone shall also recognise the need to protect the existing canopy spread of trees from damage if this extends beyond the Root Protection Area. The Root Protection Area shall be calculated in accordance with Table 2 "Calculating the RPA" of BS 5837: 2005 as an area equivalent to a circle with a radius of 12 times the diameter for single stemmed trees, measured at 1.5m from ground level, and 10 times the basal diameter for trees with more than one stem arising below 1.5m above ground level.**

**REASON: To ensure a satisfactory protection of rooting medium needed to sustain the satisfactory health and stability of respective root systems and to exclude plant, machinery and storage materials from encroaching into the existing canopy spread of the trees. (Policy BE8, S.B.L.P.R).**

- 7 The existing trees and shrubs within the tree belt adjacent the eastern site boundary (the boundary with Ridgeway Avenue properties) shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or shrubs removed without such consent or dying or being severely

damaged or becoming seriously diseased shall be replaced by trees or shrub specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or shrub specimens shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

REASON: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on site.

(Policy BE8, S.B.L.P.R).

- 8 Before the development is first occupied or brought into beneficial use, the parking spaces, servicing and unloading areas shown on the 'Proposed Site Layout Plan', Drawing No. 15398/A1/0100J received 11/11/09 (or on any subsequent appropriately endorsed revised plan), shall be completed and thereafter retained for this purpose. The HGV and car parking spaces hereby permitted shall be kept permanently available for the parking of the vehicles for which they are laid out.

REASON: To ensure provision for car parking and servicing clear of the highway and to ensure that off-street parking for HGVs and cars is retained in the interests of highway safety.

(Policy T10, S.B.L.P.R).

- 9 **Development shall not commence until samples of the external materials to be used for the walls and roofs of all new buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**REASON: To control the appearance of the proposed building.**

**(Policy BE8, S.B.L.P.R).**

- 10 **Development shall not commence until details of the levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details. The eaves height of the main warehouse building shall not exceed 14m above existing ground levels and the eaves height of the canopy enclosing the eastern (rear) yard shall not exceed 7m above existing ground levels.**

**REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.**

**(Policy BE8, S.B.L.P.R).**

- 11 **Development shall not begin until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junctions have been constructed in accordance with the approved details.**

**REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed access roads.**

- 12 No building shall be occupied or brought into beneficial use until a 3m wide footpath/cycleway has been constructed along the entire length of the Boscombe Road site frontage. Details of a scheme to construct the footpath/cycleway shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the footpath/cycleway shall be constructed in accordance with the approved details. Any statutory undertakers' equipment or street furniture shall be re-sited to provide an unobstructed footpath/cycleway.

REASON: In the interests of road safety and pedestrian/cyclist movement.

- 13 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

REASON: To enable vehicles to draw off the highway before the gates are opened.

- 14 The maximum gradient of the vehicular accesses shall be 10% (1 in 10).

REASON: In the interests of the safety of persons using the accesses and users of the highway.

- 15 Before any new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved, shall be closed in a manner to the Local Planning Authority's written approval.

REASON: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 16 Before the proposed buildings hereby permitted are first occupied or brought into beneficial use, all on-site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 17 **No development shall commence until wheel cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**REASON: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

- 18 **Development shall not commence until a scheme for the parking of cycles on the site and the provision of changing facilities for staff and visitors has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development hereby permitted is first occupied or brought into use. Thereafter, the cycle parking and changing facilities shall be retained for these purposes.**

**REASON: To ensure the provision of adequate cycle parking to meet**

**the needs of occupiers of, and visitors to, the proposed development in the interests of encouraging the use of sustainable modes of transport.**

- 19 **Development shall not commence until details of a scheme for the provision of on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking scheme shall be implemented in accordance with the approved details and the designated on-site parking spaces for construction workers shall be retained for this purpose for the duration of the construction period.**

**REASON: To ensure adequate off-street parking during the construction period in the interests of highway safety.**

- 20 Before the proposed development hereby permitted is first occupied or brought into beneficial use, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the travel plan shall be implemented in full within 6 months of the development being first occupied or brought into beneficial use. Moreover, the travel plan shall be monitored and the results of this monitoring be reviewed on an annual basis. Further recommendations for improvements to the travel plan shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

- 21 No goods, waste, materials or equipment shall be deposited or stored on the site in the open where it would obstruct use of the parking, servicing and unloading areas shown on the 'Proposed Site Layout Plan', Drawing No. 15398/A1/0100 received 11/11/09 (or on any subsequent appropriately endorsed revised plan).

REASON: To ensure that vehicle parking, servicing and unloading areas are available for those purposes at all times.

(Policy BE8, S.B.L.P.R).

- 22 There shall be no beneficial occupation of any part of the development hereby permitted until details of a scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority and until the scheme has been implemented in accordance with the approved details and is operational. There shall be no departure from or variation to the approved lighting scheme without the prior approval in writing of the Local Planning Authority.

REASON: To protect the amenity of the surrounding area and highway safety.

(Policy BE8, S.B.L.P.R).

- 23 **Development shall not commence until details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and including details of how the scheme shall be maintained, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with the approved details before the proposed development is completed.**

**REASON:** To ensure that any increased risk of surface water flooding is prevented, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

24 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and,
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**REASON:** To protect the quality of controlled waters.

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

**REASON:** To protect the quality of controlled waters.

26 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**REASON:** To protect the quality of controlled waters.

27 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.



REASON: To protect the quality of groundwater.

- 28 **Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**
- (a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
  - (b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
  - (c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
  - (d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.**

**Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.**

**REASON: To protect human health and the environment.  
(Policy BE8, S.B.L.P.R).**

- 29 To mitigate against the breakout of internally generated noise from the enclosed eastern (rear) yard, the walls shall comprise a 40mm (minimum) thick 'Kingspan' or similar composite wall panel together with 50mm acoustic insulation (33kg/m<sup>3</sup>) and a 0.7mm thick profile metal liner sheet internally (for example, 'Kingspan' 8W - KS1000 RW/40+I+L or equivalent) to provide a sound reduction index of 38dB<sub>Rw</sub> and the roof shall comprise a 80mm (minimum) thick "Kingspan" or similar composite roof panel together with 100mm acoustic insulation and a 0.7mm profile metal liner sheet internally (for example, 'Kingspan' 11R - KS1000RW80+I+PL or equivalent) to provide a sound reduction index of 32dB<sub>Rw</sub>.

The applicants/developers/occupants of the site shall clearly demonstrate that the above quoted sound reduction index for the walls and roof is achieved prior to the commencement of the beneficial use of the site.

With the exception of the rooflights to be incorporated into the roof structure of the enclosed eastern (rear) yard, indicated on Drawing No. 15398/A1/0100J received 11/11/09 (or any subsequent appropriately endorsed revised plan), there shall be no openings created in the eastern, northern or southern elevations or roof of the enclosed eastern yard without the express permission of the Local Planning Authority.

**REASON: To prevent nuisance from noise and to safeguard the amenities of the surrounding area.  
(Policy BE8, S.B.L.P.R).**

- 30 Fixed operational plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.  
The applicants/developers/occupants of the site shall clearly demonstrate that noise from the installed fixed operational plant achieves the required noise standard prior to the use of the plant.  
REASON: To prevent nuisance from noise and to safeguard the amenities of the area.  
(Policy BE8, S.B.L.P.R).
- 31 Normal working hours for demolition and construction works shall be 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no working on Sundays, Bank or Public Holidays.  
REASON: To minimise disturbance to the occupants of neighbouring properties during the demolition and construction phases of the development.  
(Policy BE8, S.B.L.P.R).
- 32 **No development shall take place until the Local Planning Authority has agreed in writing the content of a Construction Environmental Management Plan for the proposed development which shall cover noise, vibration and air quality management. Construction and installation of plant and machinery shall proceed strictly in accordance with the approved Plan.**  
**REASON: To minimise disturbance to the occupants of neighbouring properties during the construction phase of the development.**  
**(Policy BE8, S.B.L.P.R).**
- 33 There shall be no beneficial occupation of the development hereby permitted until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. The energy demand assessment shall demonstrate the total energy demands of the site and the likely annual carbon emissions. Energy savings through energy efficient design and technology should be assessed and renewable energy technologies shall be incorporated into the design where feasible. The likely energy supply from renewable sources and where possible carbon savings shall be stated as a percentage of total energy usage (established from the energy demand assessment). If renewable options are rejected, justification shall be provided. The details as approved in the energy demand assessment, by virtue of this condition, shall thereafter be implemented and maintained.  
REASON: To ensure the efficient use of resources during construction and in use, to reduce the scheme's impact on the environment and to promote sustainable development.  
(Policy BE8, S.B.L.P.R).
- 34 There shall be no beneficial occupation of the development hereby permitted until details of an Environmental Sustainability Assessment have been submitted to and approved in writing by the Local Planning Authority in order to demonstrate how the development will adopt and incorporate sustainable construction standards and techniques and achieve not less than the

BREEAM standard of 'Very Good' for both the main warehouse building and the ancillary offices. Furthermore, the BREEAM standard of 'Excellent' for the ancillary offices shall be achieved unless reasonable justification is provided for not achieving this standard. The development shall be undertaken in accordance with these approved details.

REASON: To ensure the efficient use of resources during construction and in use, to reduce the scheme's impact on the environment and to promote sustainable development.

(Policy BE8, S.B.L.P.R).

35 **Before development commences and notwithstanding the information submitted with the application, the applicant shall, with regard to television signal reception in the area containing the application site, provide the Local Planning Authority with details of a study that:**

a) **Measures the existing television signal reception within the impact area and within an area of 500 metres radius surrounding the building. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries (CAI) or by a body approved by the Office of Communications (OFCOM), and shall include an assessment of the survey results obtained.**

b) **Assesses the impact of the development on television signal reception within the impact area identified in (a) above.**

**The study shall identify such measures necessary to maintain at least the pre-existing level and quality of television signal reception identified in the survey carried out in (a) above. The measures identified must be carried out before the proposed development is substantially completed.**

**REASON: To provide an indication of the area of television signal reception affected by the proposed development and provide a basis on which to assess the extent to which the proposed development affects television signal reception and to ensure that the development at least restores the original level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.**

**(Policy BE8, S.B.L.P.R).**

36 There shall be no beneficial occupation of any part of the proposed development hereby permitted until the details of the Framework Travel Plan prepared by RPS Planning and Development dated March 2010, to support the application and to mitigate against the additional traffic generation onto the M1 motorway and A5 trunk road Dunstable, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. Thereafter, the Travel Plan shall be implemented in accordance with the approved details.

REASON: To ensure that car travel generated by the proposed development is reduced in the interests of highway safety and to encourage the use of sustainable modes of transport.

37 Before the development hereby permitted is first occupied or brought into beneficial use and notwithstanding the details submitted with the application, further particulars of the design, siting, external appearance, internal structure/technical specification and means of operation of the mechanical air handling plant and equipment proposed in association with the use of enclosed eastern (rear) yard shall be submitted to and approved in writing by

the Local Planning Authority. Thereafter, the air handling plant and equipment shall be installed in accordance with the approved particulars.

There shall be no additional exhaust cowls installed on the building over and above the six exhaust cowls indicated on Drawing No. 15398/A1/0101E received 02/11/09 (or any subsequent appropriately endorsed revised plan) without the express permission of the Local Planning Authority.

REASON: To control the appearance of the proposed development and to safeguard the amenities of the surrounding area.

(Policy BE8, S.B.L.P.R).

- 38 This permission relates only to the details shown on RPS Drawing Nos. 15398/A1/0101E, 15398/A1/0105A, 15398/A0/0110B, 15398/A1/0111A, 15398/A1/0112, 15398/A2/0120A, 15398/A1/0125, 15398/A0/0210A, 15398/A0/0300B, 15398/A0/0301, 15398/A0/0605 and 15398/A0/0611 received 02/11/09, RPS Drawing No. 15398/A1/0100J received 11/11/09, RPS Drawing No. 15398/A1/0130B received 22/01/10, RGA Drawing No. BOS/2/C/1A, BOS/2/C/3, BOS/2/C/4, BOS/2/C/5 and BOS/2/C/6 received 02/11/09 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans and to avoid doubt.

## Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### Regional Spatial Strategy

#### East of England Plan (May 2008)

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change.

SS5 - Priority Areas for Regeneration.

E1 - Job Growth.

E2 - Provision of Land for Employment.

E3 - Strategic Employment Sites.

T6 - Strategic and Regional Road Networks.

T8 - Local Roads.

T14 - Parking.

ENV3 - Biodiversity and Earth Heritage.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

#### Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

**South Bedfordshire Local Plan Review Policies**

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

- 2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
  
- 3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

.....  
  
.....