

**Item No. 11****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/07055/OUT</b>
<b>LOCATION</b>	<b>Land Adjoining 67, London Road, Sandy, SG19 1DH</b>
<b>PROPOSAL</b>	<b>Outline: Development of site for employment uses within use class B1(c), B2 and B8 with ancillary office accommodation, up to 8,180 sqm and approx. 163 car parking spaces and associated access arrangements, demolition and land raising (All matters reserved except access)</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Aldis &amp; Cllr Blaine</b>
<b>CASE OFFICER</b>	<b>Dee Walker</b>
<b>DATE REGISTERED</b>	<b>06 January 2010</b>
<b>EXPIRY DATE</b>	<b>07 April 2010</b>
<b>APPLICANT</b>	<b>Kier Property</b>
<b>AGENT</b>	<b>Planning Potential</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Aldis called the application to Committee on grounds of major development, highways issues and impact on nearby neighbours</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Update following deferral at 24 March 2010 Development Management Committee**

At its previous meeting on 24th March 2010, the Committee resolved to defer the determination of this application and asked the Highways Agency to review their comments, in particular regarding the acceleration and deceleration arrangements for the site onto the A1. This request was made following advice given by one of the Council's Principal Highway Control Officers who was present at the meeting. Since that time, it has become apparent the Officer double counted the traffic flow from the development thus concluding to Members that the access to the development was unacceptable in his opinion, whilst at the same time acknowledging the relevant highway authority would be the Highways Agency rather than this Council.

A Senior Development Control Engineer at the Highways Agency has checked the design requirements and can confirm that with traffic speeds on the A1 generally under 85kph (52.8mph) and traffic levels to and from the proposed development below 450 vehicles/day, the Design Manual for Roads and Bridges does not require the provision of either Diverge (Deceleration) or Merger (Acceleration) tapers. As such, they confirm their original advice dated 11 February 2010 remains current and forms the Highways Agency's response to the application.

The Council's Principal Highway Control Officer having looked at the traffic generation of the site and the Design Manual for Roads and Bridges in more detail concurs with the Highways Agency's view that the proposed access is satisfactory.

Having received confirmation from the Highways Agency that the access arrangements onto the A1 are acceptable in terms of highway safety, the recommendation to the Committee is to approve the application as set out in the report following this update.

### **Site Location:**

The site is located to the west side of the A1 at Sandy and is currently 1.7 hectares of un-used vacant land. There is currently a single storey detached building towards the front of the site that is used in conjunction with the sale of used vehicles. The surrounding area comprises of some residential dwellings fronting onto the A1 and along Nursery Drive, car salvage company to the north and west. To the south are two industrial units.

### **The Application:**

The application seeks outline permission for the development of the site of up to 8,180 sqm of units for employment uses within use classes B1(c), B2 and B8 together with ancillary office accommodation and approx. 163 car parking spaces and associated access arrangements, demolition and land raising. All matters are reserved except for access.

### **RELEVANT POLICIES:**

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

- PPS1 Delivering Sustainable Development (2005)
- PPS 4 Planning for Sustainable Economic Growth (2009)
- PPS9 Biodiversity and Geological Conservation (2005)
- PPG13 Transport (2001)
- PPS23 Planning and Pollution Control (2004)

#### **Regional Spatial Strategy**

East of England Plan (May 2008)

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

#### **Bedford shire Structure Plan 2011**

Policy 28 Safeguarding Employment Land

#### **Central Bedford shire Core Strategy and Development Management Policies 2009**

Policies CS1, CS9, Central Bedfordshire Adopted Core Strategy and Development CS10, CS17, DM2, Management Policies (2009)  
DM3 and DM4

#### **Mid Bedford shire Local Plan 2005**

Policy EMP 4(3) Mid Bedford shire Adopted Local Plan (2005)

## Supplementary Planning Guidance

None

### Planning History

MB/04/01509 Full: Erection of 19 no. light industrial units (B1 use) – Withdrawn 15.08.2006

MB/08/00179 Outline: B1, B2 & B8 development with unit, service and car parking areas and new vehicular access/egress junction onto A1 (All matters reserved except layout, scale and access) – Withdrawn 07.03.2008

### Representations: (Parish & Neighbours)

Sandy Town Council  
Adjacent Occupiers

No comments received to date

One letter from two neighbours received objecting on grounds of:

- Risk of flooding;
- Intensification of traffic along this busy stretch of the A1;
- Impact on existing right of way.

### Consultations/Publicity responses

Highways Agency No objections subject to conditions being attached to any consent granted

Environment Agency Groundwater - Initial objections withdrawn following additional study reports received. Conditions required to be attached to any consent granted in order for the proposed development to be acceptable

Flood Risk - Acceptable subject to relevant condition being attached to any consent granted

Ecology - Comments received advising that the proposal is not in accordance with PPS9

Natural England They have no further comment to the proposed development in respect of legally protected sites or species as we are not aware that they are likely to be adversely affected by the proposal. They recommend a condition be attached to any consent granted to protect nesting birds.

Internal Drainage Board Comments received regarding the ground water levels, flood risk and discharge rates. They have raised objections to the proposal with regards to it being within 7.0m of a Board's watercourse.

Anglian Water They raise objections as the site is within the recommended 400.0m cordon sanitaire of Sandy Waste Water Treatment Works

Highways Team No comments to make

Tree & Landscape Officer No objections subject to relevant conditions being attached to any consent granted

Archaeological Officer No objections

Biodiversity Officer	No comments received to date
Waste & Recycling Officer	No comments received to date
Public Protection Officer	No objections raised to the proposal subject to relevant condition attached regarding noise assessment
Site Notice Posted	15.01.2010
Newspaper Advert	15.01.2010

## Determining Issues

The main considerations of the application are;

1. Principle of Development
2. The effect on the character of the area
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Highway Implications
5. Drainage Implications
6. Any other implications of the proposal

## Considerations

### 1. Principle of Development

The site forms part of a larger allocation of land safeguarded for employment use by Policy EMP4(3) of the Mid Bedfordshire Adopted Local Plan. This policy was saved by the Secretary of State on 23 September 2008 and as it has not been superseded by policies in the Central Bedfordshire Core Strategy and Development Management Policies DPD, it remains to be part of the development plan until such a time the Council indicates that it is to be superseded.

Policy EMP4(3) supports B1, B2 or B8 use subject to the following criteria:

- The scale and height of built development would not appear unduly prominent and that there is satisfactory layout and building design;
- The retention of substantial mature landscaping and landscaping belts are secured and any additional landscaping proposals incorporated;
- There is no unacceptable impact upon nearby residents and properties;
- A safe, convenient and adequate standard of access including that for pedestrians and cyclists, and provides for appropriate cycle parking and reflects need to maximise use of public transport; and
- The development seeks to further the objectives of the Ivel and Ouse Countryside Project and realize the potential to complete the Blunham to Girtford Underpass link in the Bedford-Sandy cycle path.

The Council will particularly encourage provisions of units and workspace suitable for accommodation of small businesses.

Furthermore, the Core Strategy and Development Management Policies DPD states that *'Additional employment land will be provided, together with improvements to the towns existing employment areas such as Land West of the A1, Girtford Underpass to make them more attractive to a wider range and higher quality of jobs.'* (para. 3.15.6)

The proposal indicates that buildings may consist of 11 no. small units and 1 no. large unit. Although they are shown as relatively modest in terms of their height this element will be considered within the submission of a future Reserved Matters application.

This also relates to the layout of the site. The indicative site layout allows for the retention of the existing substantial, mature landscaping to the east to be retained and where possible introduces additional landscaping, which can be secured by an appropriate condition. The matter of landscaping will be considered within a future Reserved Matters application.

The access has been assessed thoroughly via the submission of a Travel Assessment and negotiations have been carried out between the Highways Agency, their consultants and those acting for the developers. The outcome of those negotiations is that the proposal is acceptable to the Highways Agency.

The Ivel and Ouse Project are now considered within the Planning Obligations Strategy contributions. This application would not be subject to any contributions and as such is not relevant within this determination.

## **2. Effect on the Character and Appearance of the Area**

As already commented above, the proposed buildings are not considered to be of an excessive scale. Although the building design does not form part of this application, it is stated in the Design and Access Statement that it is anticipated the buildings will be of a metal finish with low pitched roofs. As this is not considered out of character with this type of development, the likely design would be visually acceptable. However, these details will be subject to submission of samples for final approval. It is noted from the sectional plans that due to the location of the site to water courses, the land levels will require raising as part of flood mitigation. However, as a result they will remain relatively low and not unduly prominent. Combined with the extensive existing landscaping on site, it is not considered that the development a proposed will have any adverse impact upon the character of the area.

## **3. Impact of the Proposal on the Residential Amenity of Neighbouring Properties**

There are some residential properties within a relatively close proximity of the site. The buildings located towards the eastern boundary have been set off the shared boundary so as to indicate that the existing mature landscaping is to remain and provision for further landscaping. The actual distance relationship between the buildings and the closet residential property is 5.0 metres to the boundary and 30.0 metres to the dwelling itself at no. 67 London Road.

Nos. 91 and 93 London Road are located to the east of the site and are set some 50.0 and 55.0 metres from the shared boundary. Given the physical distance of the dwellings and the indication that the existing mature trees are to remain, the proposal's impact upon these neighbouring properties will be fully address within the consideration of a future Reserved Matters application. However, in principle the development should not have an unacceptable impact on any nearby dwelling.

In terms of noise, the proposed buildings are to be for B1(c), B2 and B8 use.

The issue of noise is also set within the context that noise residential properties are adjacent to the A1. Although no noise assessment has been submitted with the application the Public Protection Team have requested a condition be attached to any consent granted requiring the submission of such a report prior to commencement of development.

#### **4. Highway Implications**

The application has been accompanied by a Travel Assessment and negotiations have been carried out between the Highways Agency, their consultants and those acting for the developers. A Travel Plan and Stage 1 Safety Audit was submitted to the Highways Agency and they consider that the proposal is acceptable with regard to its impact upon the A1 and the highway network. However they request that conditions be attached to any consent granted securing the new access and implementation of the Travel Plan.

#### **5. Drainage Implications**

Concerns have been raised by both the Environment Agency and Internal Drainage Board with regards to flooding. A Flood Risk Assessment was submitted as part of the application.

The Environment Agency were consulted and made comments on a number of issues, these are set out as follows:

##### Groundwater

They initially objected to the proposed development as submitted due to insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. They highlighted three separate issues that needed to be addressed they were level of risk posed by the proposal is unacceptable; that the application failed to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided; and the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures; as in accordance with PPS23.

The applicant submitted a desk study report in order to address the above issues and the Environment Agency have subsequently withdrawn their objections subject to relevant conditions being attached to any consent granted.

##### Flood Risk

The EA advise that the proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment and Modelling Report submitted with the application are implemented and secured by way of a planning condition.

##### Ecology

Comments have also been made with regards to the timing of vegetation clearance for breeding birds and planting of locally sourced native species.

The site consists of a derelict grass field, which has been un-managed for a number of years. The grazing seems to be coarse and unpalatable. It is therefore considered to have little or no ecological value.

The Internal Drainage Board raised objections to the proposal on grounds of the proposed development contravening the Board's Byelaw which restricts development within 7.0m of the top bank of any drain, ditch, watercourse etc. without the formal consent of the Board. Notwithstanding the above objection, they also raised comments with regards to the ground water levels and discharge rates. They suggest a condition for additional ground water run off details.

The requirement for the 'maintenance strip' of 7.0m is a Byelaw and as such it is not a reason for refusing planning permission. Therefore, an informative will be placed on any consent granted advising the applicant that further consent is required from the Internal Drainage Board. However, they suggest the applicant applies for consent now to building within the 7.0m maintenance strip. They note that the application intends to adjust the position the buildings in order to ensure sufficient clearance of the boundaries of the site so that there is no impact on the drainage contiguous with the site.

The site is within the recommended 400.0m cordon sanitaire of Sandy Waste Water Treatment Works. Anglian Water take all reasonably practical steps to prevent odour arising from the works, nevertheless it is important that there should be no development within 400.0m which is potentially sensitive to odour or other nuisance arising from the location of the works. They request that this objective is supported by the Local Planning Authority in dealing with the planning application for this development

With regards to the objection received from Anglian Water, the Sandy Waste Water Treatment Works is located some 50.0m away from the edge of the application site. However, it is considered that the proposed employment development is not considered sensitive to odour or other nuisance arising from the location of the works.

Overall, it is considered that the proposal would not have an unacceptable risk to the environment.

## **6. Any Other Implications**

Comments have been received regarding the existing right of way running beside no. 67 London Road to a electricity sub-station. As this is not a planning issue but a civil matter it cannot be considered within this determination.

## **Reasons for Granting**

In conclusion, is in compliance with Policy EMP4(3) of the Mid Bedford shire Adopted Local Plan 2005. The proposed uses of B1c, B2 and B8 are considered acceptable within the context of this policy and London Road as Employment Land. Furthermore, the scheme is in conformity with Policies CS1, CS9, CS10, CS17, DM2, DM3 and DM4 of the Central Bedford shire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 4 (2009). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

## RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 The development hereby permitted shall be begun either before the expiration of three 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 the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 3 Approval of the details of:-

- (a) the layout of the buildings;
- (b) the scale of the buildings;
- (c) the appearance of the buildings;
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 4 **No development, pursuant to planning application number CB/09/07055/OUT shall commence unless and until the developer has submitted to and approved in writing by the Local Planning Authority design details relating to the required improvement to the A1. The scheme shall generally conform to the arrangements shown in outline on Mayer Brown drawings KVSANDY.1/SK25B. The scheme details shall include drawings and documents showing the following:**

1. **how the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;**
2. **full construction details relating to the highway improvement. This should include any modification to existing or proposed structures, with supporting analysis, full signing and lighting details where**



- applicable;
3. confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
  4. an independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

**Reason:** The Highways Agency must be satisfied with all the details of the proposed improvements to the A1 prior to the commencement of construction work.

- 5 **Prior to the commencement of development hereby approved, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority;**

1. **A desk study identifying:**
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. **A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.**
3. **The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.**
4. **A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.**

**Any changes to these agreed elements require the consent of the Local Planning Authority.**

**Reason:** To protect and prevent the pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and Environment Agency Groundwater Protection policies (GP3).

- 6 **Details of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

**Reason:** To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.

- 7 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

- 8 **Prior to the commencement of development, a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect the visual amenities of the building and of the area generally.**

- 9 **Prior to the commencement of development, a detailed scheme of noise attenuation measures for protecting neighbouring residential properties from noise from activities associated with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are brought into use unless an alternative period for completion is agreed by the Local Planning Authority.**

**Reason: In order to prevent detriment to the amenity of and noise nuisance to the occupants of neighbouring residential properties.**

- 10 **On the occupation of any of the buildings hereby approved, the Travel Plan prepared by Mayer Brown dated November 2009 shall be implemented unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to ensure that car travel from the development is reduced in the interest of highway safety and to encourage the use of sustainable modes of transport.**

- 11 **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 Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reasons: To protect and prevent the pollution of controlled waters in accordance with PPS23 and Environment Agency GP3 policies.**

- 12 **No infiltration of surface water drainage into the ground is permitted other than with the 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.**

Reasons: To prevent the pollution of controlled waters in accordance with PPS23 and our GP3 policies.

- 13 Any removal of trees, scrub or hedgerow should take place outside of the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is use by nesting birds and the report be submitted and approved in writing by the Local Planning Authority.

Reason: To safeguard and protect nesting birds.

### **Notes to Applicant**

1. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.
2. You are reminded that the consent of the Internal Drainage Board is also required for this development.

### **DECISION**

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