

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

<b>APPLICATION NUMBER</b>	<b>CB/10/02493/OUT</b>
<b>LOCATION</b>	<b>Unit 4, 5, 6, 7, 8, 9, 12, 13, 14, and 31 Humphrys Road, Dunstable, LU5 4TP</b>
<b>PROPOSAL</b>	<b>Development of industrial and warehouse unit(s) (within B1c, B2, B8 use classes) up to a maximum floor area of 45,057 sqm together with ancillary offices, service areas car parking and landscaping.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Regis</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Egan, Goodchild, Jones &amp; Williams</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>05 July 2010</b>
<b>EXPIRY DATE</b>	<b>04 October 2010</b>
<b>APPLICANT</b>	<b>Woodside Unit Trust &amp; Canmoor Developments Ltd</b>
<b>AGENT</b>	<b>Michael Sparks Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with unresolved objections from Houghton Regis and Dunstable Town Councils</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Site Location:**

This 8.24ha site comprises buildings and cleared sites of various sizes, totalling 10 'units', constituting about 75% of the 'island' bounded by Humphrys Road and Lovett Way in Woodside Estate. Recent permissions for the standing units tend to have been 'open', ie. B1(c)/B2/B8 and only 2 are still in use, to be vacated by 2012.

Units 10 (vacant) and 11 sit outside the site and abut its southwest boundary. The northwest and northeast sides of Humphrys Road are also flanked by units which face the site across the road. Beyond the units to the northeast is Poynters Road and Lewsey Farm Estate. Southeast of Humphrys Road is a tree belt (included in this site) on land owned by the applicant beyond which are the back gardens of Wilbury Drive houses.

The site falls in stages from the southeast towards the northwest boundaries by between about 1 and 3m. The original landscaped margin between units/cleared sites and road is intact and some trees are approaching middle age.

**The Application:**

The joint applicants own Woodside Estate.

This is an application for Outline planning permission with all matters reserved. It is proposed to clear the site and to obtain an open B1(c)/B2/B8 permission for a maximum of 45,057m<sup>2</sup> (GEA - external measurement) floorspace. Taking into account the 14,633m<sup>2</sup> GEA already demolished, a total of 39,724m<sup>2</sup> GEA 'first generation floorspace' would be replaced, representing an increase of up to

5,333m<sup>2</sup> or 13%.

The application intends flexibility so that intending occupiers could be reasonably sure of what could be built under reserved matters. To this end it includes indicative layouts of up to 5 options, with a single parameters plan to cover these. This plan proposes a landscaped margin of 5m minimum but this widens to a 10m bund to the southeast, where the total set back of any building would be 15m. A 3m high acoustic fence is proposed between the road and the tree belt. Up to 6 points of access are proposed, but no HGVs would use the accesses 'facing' Wilbury Drive. Most of the site (ie. apart from the southwest and northeast ends) would be available for building(s) of maximum dimensions 231m x 232m and between 12 and 18m high from FFL. Areas not used for building or landscaping would be available for parking and servicing.

The following documents accompany the application:

- Planning statement
- Design and Access Statement
- Transport assessment
- Flood risk assessment
- Landscape and visual assessment, including Tree survey and constraints plan
- Noise assessment
- Air quality assessment
- Television environmental impact study.

## **RELEVANT POLICIES:**

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

PPS1 - Delivering Sustainable Development; PPS4 - Planning for Sustainable Economic Growth; PPG13 - Transport; PPG24 - Planning & Noise; PPS10 - Planning for Sustainable Waste Management

### **Bedfordshire Structure Plan 2011**

25 Infrastructure

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

BE8 Design Considerations

E1 Main Employment Areas

T10 Parking - New Development

T11 Contributions - Alt Parking

### **Supplementary Planning Document**

Planning Obligations for Southern Bedfordshire

### **Planning History**

Unit 4 main permission DB/TP/71/216; other permissions SB/TP/00/0423

Unit 5 permissions SB/TP/83/0683, 83/0808, 95/0438, 00/0684

Unit 6 main permission DB/TP/73/222; other permissions SB/TP/82/230, 83/808, 92/0329

Unit 7 permissions SB/TP/83/0663, 06/0384, 09/6513

Unit 8 permissions SB/TP/76/1694, 83/0680, 95/0070, 00/0685, 01/0202, 06/0382, 09/6513

Unit 9 permissions SB/TP/76/1694, 78/69, 79/420, 81/0567, 83/0808, 00/0686

Unit 12 permissions SB/TP/79/34, 88/0014, 94/0506, 95/0144, 95/0458, 97/0539, 01/1084

Unit 13 main permission DB/TP/223; other permissions 77/673A, B, C, 99/0825  
Unit 14 main permission DB/TP/73/39; other permissions SB/TP/78/0798  
Unit 31 permissions SB/TP/82/1018, 86/1162, 87/0598.

- SB/OUT/04/0828 Demolition of units 4, 6, 13, 14 and erection of new building for B1(c), B2 or B8 use. S106 to secure travel plan and cycleway works. Conditioned for max gfsp 13,919m<sup>2</sup>.
- SB/OUT/08/1023 Erection of industrial/warehouse unit with a floorspace up to 13,937m<sup>2</sup> for use within class B1(c), B2 and B8.
- CB/10/00326/SCN Screening Opinion for redevelopment of (full current) site for employment purposes (B1/B2/B8 use) - Non-EIA development.

**Representations:  
(Parish & Neighbours)**

- Houghton Regis Town Council (27/7/10) No objections in principle but object to the proposed 24 hours per day, 7 days per week, including Bank Holidays, operation of the site. Concerns were also expressed about the likely increased noise levels that local residents, particularly those living in Wilbury Drive and Ridgeway Avenue, might be subjected to, as a result of the potential increased activity on the site. It was noted that a number of options for the actual layout of the site have been proposed. It was suggested that the preferred option would be one where access to the site is on the northwest or northeast boundary, with the bulk of movement, and those business activities that will create the most noise, kept to the area of the site furthest away from the residential areas mentioned above.
- Dunstable Town Council (25/8/10) No objection in principle. However: Option 3 is considered to be the most acceptable. Operating hours should be from 6am to 10pm and not 24 hours to avoid disturbance to local residents. A ban on lorries parking overnight in Humphrys Road should be introduced to avoid disturbance to local residents. A designated parking area for lorries requiring overnight parking should be incorporated into the layout. New landscape planting in the existing screen to the rear of Wilbury Drive and Ridgeway Avenue and the new landscaped bund should include even greater numbers of evergreen and coniferous trees to ensure that screening and noise reduction is maintained throughout the winter period. Developers should be encouraged to strongly support the Woodside Link proposal.
- Neighbours  
129 Ridgeway Ave (recd 16/8/10) - Concerned with noise as the Centrebus workshop can already cause a noise at times and buses are left in the evening with engines running.  
153 Ridgeway Ave (16/8/10) - Concern: would increase occurrence of lorries and unattended trailers on highway using refrigeration and heating units running - foreign

vehicles have even cooked meals and had sing-songs!  
Security officers have been helpful but being a public road can do little. Suggests making this a no parking road.

62 Wilbury Drive (12/8/10) - Concerns:

- Acoustic fence should be in position before development (and demolition) phase,
- High volume of HGV traffic using Humphrys Road behind houses - noise and pollution - should be conditioned that HGVs enter and exit away from housing side - makes OBJECTION if this is not done,
- Increase of incidence of lorry refrigeration units operating when parked along road/rest periods - double yellow lines should be painted,
- Prefers option 3,
- Council should satisfy itself of the adequacy of acoustic fence,
- Difference in ground levels to Wilbury Drive houses should be taken into account,
- This and development of Boscombe Road will add to traffic problems on Poynters Rd, Luton Rd and Boscombe Rd,
- Proper consideration of impacts to residents should be weighed against employment benefits.

## Consultations/Publicity responses

Environment Agency (10/8/10, 21/10/10)	No objection provided conditions imposed requiring details of drainage.
Anglian Water (4/8/10)	Public foul and surface water sewerage have adequate capacity. Recommends informatives.
Environmental Health Officer (15/9/10, 12/10/10)	<u>Contamination risk</u> : recommends condition. <u>Air Quality</u> : adjacent to an AQMA. No objections. <u>Construction phase</u> : recommends informative referring to best practice guidance. <u>End user noise</u> : recommends condition for plant and machinery. Does not challenge the applicant's noise readings. Accepts that the principal noise impact would be site-related HGV traffic using Humphrys Road during the relevant 0600 to 0700 period. Would not challenge the proposed provision of a 3m high acoustic fence alongside Humphrys Road adjacent to Wilbury Drive and Ridgeway Avenue to reduce noise emission levels. Would question why the traffic using this stretch of road would be as high as 50% of total site traffic. <u>Lighting</u> : Would request informative relating to reduction of intrusive light.
Highways Agency (21/10/10)	The proposal would not have a material impact on the Strategic Road Network. Directs a condition to be attached to any planning permission requiring the submission of a Travel Plan.
Highway authority	The assessment took into account the highest trip

(22/10/10)

generation classification and no objection is made on the basis of local junction capacity. It is important to reduce dependence in car travel as there could otherwise be parking on Humphrys Road and this should be done by a robust Travel Plan (via a S106 Agreement) which would set targets to reduce car use and manage parking. Failing this the developer would be required to fund a Traffic Regulation Order. The indicative points of access on the parameter plan are acceptable subject to standard visibility splays. Recommends conditions.

Archaeological Officer  
(29/7/10)

No objection.

Landscape Officer  
(19/8/10, 7/9/10,  
20/10/10)

Longer views: From Blows Downs the development would be highly apparent and echo the mass of Chiltern Park to the west, intrusively out of scale and context with the residential surrounds and substantially larger than the largest building on Woodside Estate. Somewhat less scale of detrimental impact from Five Knolls, being further away. From Lords Hill the proposal would form a dominant linear form in contrast to gently undulating topography. From Maidenbower there will be an increase in building mass, although mitigated somewhat by variable surface treatment.

Short views: Key among these is the view from Houghton Hall and Park (Conservation Area) - roofline is likely to blend in with built surrounds and would not be very apparent from this direction. Submissions give an unclear picture of impact. Views from residential areas appear filtered by the major tree belt, other trees and other buildings. Therefore long term management of the tree belt is crucial. Additional off-site planting would mitigate impact to residential areas and a more detailed local visual impact assessment would assist. Agrees with Tree and Landscape Officer regarding loss of trees on site, reduction of area allowed for new trees/landscaping and quality of resulting landscaping. Adequate space must be given to allow suitable trees to develop to mitigate proposal. If a noise barrier is necessary should more be done to mitigate noise through building layout and design, exploring planting screens?

In conclusion the elevational treatments will help somewhat to deconstruct the visual mass of the building(s) it will still be intrusive and detrimental viewed from Dunstable Downs/AONB and the Toddington/Hockliffe hills. It would be of much larger scale than other commercial units in the vicinity and would then appear as a lateral sprawl of Chiltern Park. While employment development may be desirable it must be planned and designed in a way that fits within the local fabric and wider landscape in terms of scale, form and finishes.

Tree and Landscape  
Officer (5/8/10)

The felling of 32 trees and areas of shrubs along the NW and NE frontages would significantly undermine the landscape layout typical of the Woodside Estate which is characterised by wide tree-lined frontages offering appropriate scale and sufficient buffer for the size of buildings being softened. This landscape is of high quality with the trees allowed to develop a natural canopy spread through unrestricted growth, combined with the buildings being set well back from the road to enable the landscaping to be more effective. The proposed layout would cramp new planting, fail to provide an adequate buffer and fail to soften the building. Objected to original submission. Recommends that the integrity of the existing landscape buffer be retained to allow trees to grow to their natural form. This would involve a strip about 10m deep from the back of footpath. [Parameter plan has now been amended].

The 3m acoustic fence to the buffer planting north of Wilbury Drive would be a harsh feature and the hedgerow would be an ineffective substitute to more natural landscaping.

Sustainable Growth  
Officer (16/9/10,  
19/10/10)

- Seeks confirmation that BREEAM 'very good' should be sought,
- Seeks energy statement: how the 10% reduction in carbon emissions will be achieved (including efficiency savings and technological installations) and which Low and Zero carbon technologies would be integrated,
- Car sharing bays and electric charge-up points?
- Means to disguise roof line from valuable viewpoints eg. green/sedum roofs.

An appropriate way would be to seek a sustainability appraisal at reserved matters stage.

Waste (12/10/10)

Recommends submission of Waste Audit a detailed stage.

Police ALO (17/8/10)

No objections subject to acceptable boundary treatments.

## **Determining Issues**

The main considerations of the application are;

1. Employment land
2. Visual impact
3. Noise and air quality impact
4. Sustainability and access
5. Conclusion
6. Infrastructure and other matters

## **Considerations**

## 1. Employment land

This is a Main Employment Area in the Development Plan and the proposal accords with Policy E1 of the Local Plan Review by retaining the appropriate range of uses. It also conforms with national policy statements relating to regeneration and employment opportunities in sustainable locations. The standing of this industrial estate in serving the future needs of Luton and southern Bedfordshire has been confirmed in the 2008 employment land review where Woodside Estate is in the green category 'recommended to be retained to meet future employment land demand'. This review has been followed up with an Employment Land and Market Assessment Study 2010 (part of the set of studies prepared for the next stage of the Core Strategy). In respect of this estate the report states that there is generally good demand for distribution uses, being close to the M1 and A5. Further office space, it states, is less likely to be needed because of the office park at Houghton Hall Park.

This suggests that the future of the estate will be assisted by providing flexible space and enabling larger distribution premises such as are now to be seen to the west of the estate. This conclusion is supported by the Pre-submission Joint Core Strategy which looks to Houghton Regis (within which the site lies) to deliver redevelopment of existing employment land and where proposed Policy CS9 states "*Redevelopment of existing employment sites for B use class development will be encouraged and supported...*". The applicant continues to offer refurbished units on the estate but the uptake has been particularly slow and much of the floorspace on the estate presently makes no contribution towards local employment needs. Neither have the recent permissions, including extant planning permission SB/OUT/08/1023 on the the smaller site, resulted in sustained interest. Indeed, some of the refurbished units are planned in this application to be demolished. The applicant's case is similar - that this flexibility is essential and allows the site to be marketed to a range of different occupiers with different operational requirements.

As recorded above, the proposal envisages increasing the employment floorspace by up to 13%. In comparison SB/OUT/08/1023 increased floorspace over its part of this site by 5%. New PPS4 takes PPS1 further and states that the objective of the government to achieve economic growth will be partly achieved through regeneration and that planning authorities should adopt a positive and constructive approach (Policy EC10). It sets out 5 tests to be applied:

- a. limiting carbon emissions and providing resilience to climate change - this will be addressed in section 4 below;
- b. accessibility by a choice of means of transport - see section 4 below;
- c. high quality design improving the character of the area - see section 2 below;
- d. impact on economic regeneration and social inclusion;
- e. impact on local employment.

In respect of (d) and (e) the number of employees is of course as yet unknown but the increase of floorspace within the same range of uses will increase potential employment. The flexibility of the scheme by aggregating plots would increase the likelihood of take up and remove the negative impression of many vacant units on the towns' premier industrial estate.

## 2. Visual impact

It is important to the applicant that as much of the site as possible is capable of taking a building up to 18m height, in order that the unit(s) can attract a full range of B8 interest in particular. This inevitably has repercussions on an estate, itself on slightly elevated land, which has few buildings over 10m high (the D+A

Statement states that the tallest is 16m). The 2008 permission anticipated a building 15m high. It was assumed then that only a warehouse (or other large building with a single floor level) would likely reach this height and would be built using the lowest ground level to avoid steep approaches to the doors. Therefore it was calculated that this would be only about 6m higher than most surrounding units, after taking into account topography. That permission was granted after noting that any visual harm due to the scale of the building could be adequately minimised at the reserved matter stage by considering design and elevational treatment in the details. No building line was proposed as this would be considered at detailed stage and would relate to the eventual height of the building. Consequently the adequacy of the proposed 4m deep landscaping belt addressed a scenario where even a 15m high building would be set well back from the street. The instant proposal could see a 15m high building within 10m of the street in one location (and 3m higher 10m further back). This is a material difference and impacts local views of the development.

We have examined the submitted visual assessment (VA) which includes 'before and after' views from adjacent streets (Humphrys Road); from nearby (Houghton Hall Park Conservation Area, Lewsey Farm Estate, Wilbury Drive/Ridgeway Avenue, Eyncourt Road); and from a distance (Lords Hill, Blows Downs, Maidenbower, Five Knolls). The proposal therefore has visual impact from 3 distance ranges: immediate, local and long distance views.

#### (a) Immediate

Unlike the previous permission this application sets zones within which a building up to 15m/18m high could be erected and this zone extends to within 10m/20m respectively of the street on the long NW boundary, and 15m on the long SE boundary. The other road frontage has a much larger setback. This provides a landscaped area sufficient, with local enlargements, to retain most of the significant trees in the existing landscape belt. This is a critical aspect in that the character of the estate would be damaged by the significant loss of these trees. The photomontages from Humphrys Road show the impact of 15m and 18m high options for a single building which would undoubtedly change the character of the estate hereabouts. The retention of trees and new planting would only go some way to integrating a tall and long building and much will also depend on elevational treatment. The acoustic fence would also have a significant impact on local character. It would be a long linear feature 3m high tucked into the tree belt but only 2m from the highway. Provided the 2m strip is landscaped imaginatively, rather than a single hawthorn hedge, the impact would be reduced. The character would change from an open 'parkland' to a strong wooded boundary; this is not necessarily harmful.

#### (b) Local

These views are taken from Houghton Hall and Park, Hadrian Estate and Lewsey Farm Estate. They are more likely to be filtered by trees or part of the buildings appearing between foreground buildings. Occasionally the new buildings would appear against the sky and overtop existing development. From Wilbury Drive area much of the building would be filtered by the tree belt and views from gardens which pass beneath the canopy would be blocked by the acoustic fence and new shrub and tree planting. From the Park the largest building would provide a regular shape just above the perimeter tree line and well below the height of the Aldwyck building in the foreground. It would not impact on the Conservation Area. We also accept that a tall building would not have a significant impact from Lewsey Farm Estate. We also accept that, from elsewhere within the Woodside Estate, a tall and bulky building in the distance may alter the character but without causing visual offence.



(c) Long distance

We consider that the most important distant views are from Blows Downs and Lords Hill. Whereas the built up area is already characterised by large 'patches' of light grey cladding, these views show the proposal has the potential to significantly add to this impact, especially if similar materials were used. From Blows Downs the proposal has the potential to introduce very large regular shapes which would be highlighted against the darker wooded conservation area behind. We agree with the Landscape Officer that this would appear as a sprawl eastwards of Chiltern Park. Although we agree that the tree belt to the southeast of the site helps reduce the vertical extent, an 18m high building would be up to 7m higher than the Scapa building which is already seen above the trees. From Lords Hill a single building would clearly stand out as a long flat wall sitting among a fluid landscape of rising and falling trees and darker buildings. Its regular shape would be the issue and upper parts would have to be treated with a complex arrangement of darker colours and materials to break up this line.

The main 'device' put forward by the applicant as mitigation is elevational treatment. The Design and Access Statement states generally that visual impact would be reduced by variety in the use of materials: *'a combination of metal cladding profiles and colours are incorporated...to allow large areas of the cladding to be broken down. The lower walls comprise silver coloured horizontal and vertical profile cladding panels separated by vertical flashings that visually break the walls into smaller components. These panels are capped by a wide band of white cladding with a further section of green and grey cladding above divided by a horizontal flashing... The layering of cladding up to the underside of the eaves provides visual interest and serves to reduce the apparent height of the units. The bulk and mass of the larger units are further reduced by using a variety of roof colours together with a full height section of black cladding at the centre of the elevations. When viewed from the downs this will break down the mass of the building and create the impression of a group of buildings blending into the estate.'* Some developers can find this control of colour unduly restrictive, especially with the bold house styles popular with 'big sheds'. However, the applicant confirms that the controls proposed in the elevations would be a design code which he would accept for carrying forward to the reserved matters stage.

In our opinion, it would be possible to produce a range of development options which would appropriately address the views into the site from a distance and not harm the local character. There are more imaginative ways of screening the acoustic fence than providing a single long trimmed hedge, as is rightly criticized by the Tree Officer, and grouping of shrubs and trees outside the fence would offer a more fluid landscape which can be considered at detail stage.

### **3. Noise and air quality impact**

The Air Quality report concludes that, with appropriate site management practices in place, effects associated with demolition and construction would be minor, and negligible beyond the immediate vicinity. Building plant would embody general requirements to address emissions. The expected increase in traffic should not result in new exceedances of air quality objectives or an extension of the existing Air Quality Management Area. The EHO has accepted the justification for the acoustic fence which is to reduce the impact of vehicles using Humphrys Road on residents of Wilbury Drive and Ridgeway Avenue.

#### **4. Sustainability and access**

The Highways Agency is satisfied that the proposal would not impact the Strategic Road Network provided a Travel Plan is brought into operation. This would address car use and parking head on undergirded by a funded Traffic Regulation Order should targets not be met. The indicative points of access are acceptable subject to visibility and would not materially reduce the effectiveness of the landscaped margin.

The scheme aims to achieve a 10% reduction in carbon emissions, having been designed before Policy ENG1 of the RSS was cancelled. There would also be a careful use of materials including treatment of arisings, sourcing and recyclability. Buildings would be designed to last for a minimum of 25 years (exceeding Building Regulations), to control daylight and solar gain, balance air tightness and natural ventilation and use energy saving features. Without further adopted policy in place we would propose a condition requiring submission of a sustainability appraisal at reserved matters stage.

The general subject of safety and security has been considered. Individual sites would be secured appropriately and provided with CCTV cameras locally controlled. Car parking would be overlooked and lit. The acoustic fence would have returns at each end (with lockable gates) to prevent unauthorised access/misuse within the woodland. Pedestrian access would be mobility friendly.

#### **5. Conclusion**

PPS4 states at Policy EC10 that planning applications which secure sustainable economic growth should be treated favourably. This policy is proving particularly relevant as such growth will need to be nurtured at a time of public spending constraint. This proposal represents an important opportunity to attract a range of potential businesses to the area and could be a catalyst. The parameter plans could provide some options which would result in change away from the spacious character of Humphrys Road which was set in the 1970s but this would not inevitably result in harm to local character. Furthermore, there is also a need to attract companies with larger space requirements and few other sites can presently be assembled for that purpose.

With regard to design much time has been spent seeking a solution which provides such floorspace while integrating it within the estate. The elevational interventions also stand good prospect of rendering the largest of buildings much less obtrusive in the distant landscape.

We consider that an acceptable balance has been struck and that the proposal can be supported.

Both Town Councils have asked for restricted hours of operation. There are no previous or current operational restrictions on this site and we consider that it is unnecessary to introduce this now especially having regard to the acoustic fence and extra restrictions on HGV access opposite houses in Wilbury Drive and Ridgeway Avenue. We have also addressed the complaints of noise emanating occasionally from lorries parked opposite the houses. It is not the role of the planning authority to require an applicant to deal with pre-existing problems for which he is not responsible. But the proposed Travel Plan will include measures to deal with on-street parking arising from the proposal, which could if found necessary include Traffic Orders.

## **6. Infrastructure and other matters**

The applicant accepts that the application will give rise to a requirement for planning obligation contributions but implies that, in current economic conditions, these should in the main be restricted to the additional floorspace. They may also be payable over stages.

**DRAINAGE** Although existing surface water drainage is to soakaway, surface water is proposed to be drained to mains sewer and the Flood Risk Assessment states that a cellular soakaway or SUDs would be investigated. The EA requires conditions for subsequent approval of foul and surface water.

**TELEVISION RECEPTION** The impact study concludes that the incremental effect of the new buildings would be minimal with analogue reception potentially affected in only a few dozen dwellings at the most. Mitigation measures would include aerial adjustment and/or fitting a new antenna system, which would be likely soon with the digital switchover (April 2011?). Radio impacts are considered minor. Modern computer coverage software combined with careful measurements can give good predictions of impact when the construction and cladding of a building are known. We consider that the completion of the development would likely be after this date.

**Reasons for Granting** The proposal would provide an opportunity to encourage economic regeneration while reducing the physical impacts of this scale of building to acceptable levels.

## **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 a Travel Plan and developer contribution towards Public Art and subject to the following:

- 1 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - **access**
  - **appearance**
  - **landscaping**
  - **layout; and**
  - **scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 4.**

**REASON: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.**
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 All reserved matters details for the development of new buildings hereby approved shall conform to the layout principles illustrated on drawing 30147/PL/103C and shall not exceed the maximum widths, lengths or heights above ground level specified thereon.  
REASON: To define this permission and to ensure that the development relates appropriately to the character of the area and is capable of providing an appropriate parking and landscaped area.  
Policies: BE8, T10 SBLPR.

4 This permission extends to a maximum 45,057m<sup>2</sup> floorspace (external measurement).  
REASON: This would be the reasonable capacity of the site having regard to the character of the area.  
Policies BE8, T10 SBLPR.

5 **Prior to the commencement of any phase of the development hereby approved 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 Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination,**
- 2) **Where shown to be necessary by 1) a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling,**
- 3) **Where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment,**
- 4) **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 IV 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.**

REASON: To protect human health and the environment.

6 **No development shall commence until details of the proposed method of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is completed.**

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. (Environment Agency condition)

- 7 **Prior to the commencement of development hereby approved (or such other date or stage in development as may be approved in writing by 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 that 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**
    - **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 ensure protection of controlled waters. (Environment Agency Condition)

- 8 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: To confirm that any remediation (if required) is completed to an acceptable standard. This is to ensure that the groundwater below the site (which is used to supply drinking water to the public) remains free from pollution. (Environment Agency condition)

- 9 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 that Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that any contamination that is not identified during site

investigation is dealt with appropriately. (Environment Agency condition)

- 10 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. The development shall be carried out in accordance with the approved details.

REASON: To ensure that any piling that is undertaken does not pollute the groundwater below the site (which is used to supply drinking water to the public). (Environment Agency condition)

- 11 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water, install of oil and petrol interceptors and roof drainage (sealed at ground level) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that suitable provision is made for both surface and foul drainage. It is important if mains drainage is being used, to make correct connections and obtain permission from the water company. It is advisable that systems are in place to prevent pollutants arising from the industrial site escaping into the wider surface water system, including groundwater below the site (which is used to supply drinking water to the public). (Environment Agency condition)

- 12 All fixed plant, machinery and equipment installed or operated in connection with his permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to 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 applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

REASON: To protect neighbouring residents from any adverse impact from noise arising from internal or external plant on the premises.

- 13 The application of external materials to be used in any building hereby permitted shall conform to the design principles illustrated on drawing 30147-PL-111A and precise details of materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the buildings, in view of their scale and potential dominance in the landscape, are sensitive to distant views from surrounding countryside.

- 14 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The 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).**

- 15 **Before development commences, a Waste Audit shall be submitted to and approved in writing by the District Planning Authority. Such Audit shall cover all wastes generated until completion of building and site works and shall include anticipated nature and volumes of waste that the development will generate, steps to incorporate the maximum amount of waste arising from the previous use of the land, steps to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage and recovery and recycling facilities, and steps to manage waste that cannot be incorporated within the development or that arises once development is completed.**

REASON: To provide suitable management of waste from the development.

- 16 A Sustainability Appraisal shall be submitted to the Local Planning Authority with the submission of reserved matters.

REASON: To demonstrate to the Local Planning Authority that sustainability issues have been fully taken into account and to inform the Authority of any matters which may need to be tied to any approval of reserved matters.

- 17 Development shall not begin until details of the junction of any proposed vehicular access with the highway have been approved by the Local Planning Authority and the building to which it relates shall not be occupied until the junction has been constructed in accordance with the approved details.

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

- 18 Before any access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

REASON: To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).

- 19 Visibility splays shall be provided at the junction of any access with the public highway, in accordance with the Design Manual for Roads and Bridges, before the building to which it relates is brought into use.

REASON: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 20 Any gates provided shall open away from the highway and be set back a distance of at least 5m (for cars), 17m (for HGVs) 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.

- 21 Before any new access is first brought into use, any existing access within the proposed frontage of the building to which it relates, not incorporated in the access hereby approved, shall be closed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

- 22 Before any building is occupied all on site vehicular areas to which it relates 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.

- 23 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area within the curtilage of all premises taking access directly from the public highway.

REASON: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 24 No development shall commence until a wheel-cleaning facility has been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

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.

- 25 The detailed layout plans to be submitted for approval as reserved matters in connection with this development shall illustrate a scheme for the parking of vehicles on the site. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the building to which the scheme relates is first occupied or brought into use and such spaces and land shall thereafter be retained for this purpose.

REASON: To ensure provision for car parking clear of the public highway.

- 26 Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.



REASON: To ensure safe operation of the surrounding road network in the interests of road safety.

- 27 Development shall not commence until a scheme detailing provision for 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. The scheme shall be implemented throughout the construction period.

REASON: To ensure adequate off street parking during construction in the interests of road safety.

- 28 Any access in the position shown on the parameter plan..30147/PL/103C with the text "Car entrance only" or "Emergency entrance only" shall only be used for those purposes and shall not be otherwise used by commercial vehicles.

REASON: To minimise noise and disturbance to nearby residential properties.

- 29 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings numbers 30147/PL/101, 13652\_OGL rev.0, 30147/PL/102 received 5/7/10; 30147/PL/103C, 30147/PL/111A received 26/10/10.  
REASON: For the avoidance of doubt.

- 30 **No development shall take place, including ground clearance, until a scheme for tree protection of all retained trees in accordance with BS5837:2005 "Trees in relation to construction" and including provision for supervision by a suitably qualified arborist has been submitted to and approved in writing by the Local Planning Authority. No development shall proceed except in accordance with such scheme and fences shall be kept in place until the completion of the development. Within the fenced area, nothing shall be stored or placed, no fires shall be started, and no tipping, refuelling, disposal of solvents or cement mixing shall be carried out Any tarmac hardstanding which encroaches within the fenced area shall be broken out by hand, removed and fencing reinstated.**

REASON: To protect those trees which it is intended to retain.

## Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the 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:

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

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

BE8 Design and environmental considerations

E1 Main Employment Areas  
T10 Parking - New developments  
T11 Contributions - alternatives to parking.

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the 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.
4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under S185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

It is recommended that petrol/oil interceptors be fitted to all car wash/parking/repair areas.

5. During the construction phase the developer is recommended to refer to the Mayor of London's Best Practice Guidance (BPG) *The Control of dust and emissions from construction and demolition*. The impacts upon air quality are likely to be in the 'High Risk' category and mitigation measures will need to be applied. It is recommended that normal working hours be 0800 - 1800 Monday to Friday, 0800 - 1300 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Contractors should employ 'best practical means' as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites. For other information, including noisy activities, vehicles and equipment, contact: John Eden, Environmental Health Officer CBC.
6. It is recommended that regard be had to the Institution of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.
7. The applicant is advised that no works associated with the construction of a vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of a vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be

required to bear the cost of such removal or alteration.

- 8. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
  
- 9. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
  
- 10. The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access(es).

**DECISION**

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