

Item No. 10

APPLICATION NUMBER	CB/12/03290/OUT
LOCATION	Unit 7, Grovebury Road, Leighton Buzzard, LU7 4SQ
PROPOSAL	Outline Planning Permission: Proposed non food retail park of up to 10,775 sqm (116,000sqft) Gross retail floorspace, up to 600 sqm (6,460 sqft) storage up to 604 sqm (6,500 sqft) pub/restaurant, up to 167 sqm (1800sqft) drive thru restaurant, new vehicular access and associated highway works, associated car parking; hard and soft landscaping and associated infrastructure works.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Adam Davies
DATE REGISTERED	18 September 2012
EXPIRY DATE	18 December 2012
APPLICANT	Barwood Developments Ltd & Invesco P.I.T. Ltd
AGENT	Framptons
REASON FOR COMMITTEE TO DETERMINE	Town Council objection to major application
RECOMMENDED DECISION	Outline Application - Granted

Site Location:

The application site comprises a broadly rectangular-shaped parcel of land with an area of 3.4ha located on the eastern side of Grovebury Road, on the south side of Leighton Buzzard. The site is currently occupied by a substantial eight bay portal framed Use Class B8 warehouse unit. The southern-most corner of the site is traversed by 400kW overhead power lines which run in an east-west direction with the existing warehouse building partly positioned below the power lines. The site is located immediately south of Grovebury Lane and situated to the north of a parcel of undeveloped grassland land with hedges and a copse. To the south east and north east, the site is bordered by other commercial uses and associated car parking. Further to the east of the application site, and to the north east of the neighbouring commercial uses, are land at Grovebury Farm and Brickyard Quarry which have outline planning permission for residential and associated development plus a local centre and community land. To the west of Grovebury Road are Tiddenfoot Waterside Park and the adjoining riverside meadows. The site forms part of a Main Employment Area as defined on the Proposals Map of the South Bedfordshire Local Plan Review 2004.

The Application:

Outline planning permission is sought for a non food retail park development with a gross floor area of 10,775 square metres providing a total of 6,959 square metres of net tradable floor space, including mezzanine levels and a garden centre enclosure/outdoor projects area.

The scheme would include an 'anchor' DIY unit with a ground floor retail area of 1,858 square metres gross (1,300 square metres net); a mezzanine floor area of 159 square metres gross (56 square metres net); and a garden centre enclosure/outdoor projects area of 465 square metres gross (326 square metres net). Eight smaller A1 retail units are proposed as follows:

- Unit 1 – gross floor area of 465 square metres + 50 % mezzanine;
- Unit 2 – gross floor area of 929 square metres + 50 % mezzanine;
- Unit 3 – gross floor area of 697 square metres + 50 % mezzanine;
- Unit 4 – gross floor area of 697 square metres + 50 % mezzanine;
- Unit 5 – gross floor area of 697 square metres + 50 % mezzanine;
- Unit 6 – gross floor area of 697 square metres + 50 % mezzanine;
- Unit 7 – gross floor area of 929 square metres + 50 % mezzanine;
- Unit 8 – gross floor area of 418 square metres + 50 % mezzanine.

A public house/restaurant of 604 square metres gross floor area and a drive thru unit of 186 square metres gross floor area are also proposed.

It is proposed that the retail floorspace would be used for the sale of DIY goods; plants, garden products and outdoor furniture; furniture and home furnishings; housewares; fabrics and floor coverings; seasonal goods such as Christmas decorations; motor vehicle parts and accessories; leisure and sports goods; arts, crafts and stationary; toys; home technology and electrical goods; cycles and cycling accessories; and camping goods.

Two vehicular accesses and two separate pedestrian accesses are proposed from Grovebury Road to serve the public parking area. A service access and a separate pedestrian access are proposed from Grovebury Lane. All matters, except those relating to access, are reserved for subsequent approval. As such the precise details of the siting, design, landscaping and appearance of the development would need to be determined at the approval of reserved matters stage.

An indicative site layout plan shows how the retail development could be arranged. The nine Use Class A1 retail units are shown positioned towards the south east side of the site, fronting onto a public parking area and backing onto a servicing area. The public house/restaurant and drive thru units are shown as two stand-alone buildings positioned on the north east side of the site. A total of 389 parking spaces and 50 cycle parking spaces are shown. A new bus stop is shown on Grovebury Lane adjacent to Unit 8 and the proposed drive thru unit.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced the previous national planning policy documents. The following sections of the NPPF are considered relevant to this application:

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

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

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

SD1: Sustainability Keynote Policy

BE8: Design Considerations

T10: Controlling Parking in New Developments

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

R14: Protection and Improvement of Informal Recreational Facilities in the Countryside

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

Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development

Policy 6: Employment Land

Policy 7: Employment Sites and Uses

Policy 11: Town Centre Uses

Policy 12: Retail Strategy

Policy 15: Leighton Buzzard Town Centre

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Capacity of the Network

Policy 26: Travel Plans

Policy 27: Car Parking

Policy 28: Transport Assessments and Travel Plans

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: The Historic Environment

Policy 49: Mitigating Flood Risk

Policy 56: Green Infrastructure

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, Trees and Hedgerows

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.

Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23 July 2010

Luton and Central Bedfordshire Core Strategy - adopted for Development Management purposes by the CBC Executive on 23 August 2011

CBC Emerging Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan, endorsed for Development Management purposes by Executive October 2012

Grovebury Road Industrial Estate Enhancement Plan, August 2012

White Young Green Evidence Base Retail Study 2009

Central Bedfordshire Retail Study, 2012

Land South of High Street Development Brief, GVA, March 2012

Bridge Meadow Development Brief, GVA, March 2012

CBC Medium Term Plan, "Delivering Your Priorities" 2012-2016

Planning History

The following relevant planning history relates to the land south of the application site:

CB/12/02701/OUT Development of the site for retail warehousing development within Class A1 (retail) to comprise 5,575sqm with 2,090sqm mezzanine floorspace and 929sqm garden centre enclosure and a restaurant/cafe/public house of 372sqm within Class A1/A3/A4/A5 use. Under consideration. On the same Committee Agenda.

SB/06/00137/FULL Erection of B1 office units (two and three storeys) with ancillary car parking and erection of B2 industrial/B8 warehouse unit (part two storey with ancillary car parking and service area. Permission granted. Not implemented.

SB/03/00340/FULL Erection of two industrial units with ancillary display area, car parking and service area. Permission granted. Implemented.

(Officer Note: This permission relates to the Browns retail and trade centre on Grovebury Road. Following the proposed residential redevelopment of the former Browns site at Mentmore Road, Browns proposed to relocate to the Grovebury Road site. Whilst this development involved an element of out of centre retail within the Main Employment

Area, given the requirement for Browns to relocate and the employment generation resulting from the proposed mixed use scheme, the proposal was considered acceptable).

The following application relates to Houghton Regis North Site 1:

CB/12/03613/OUT Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Under consideration.

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

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

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

(Officer note: If implemented, this development would involve the demolition of the existing Homebase store at Vimy Road. Importantly however Homebase are not identified as named operators as part of the current application. It is presently unknown whether the Tesco extension will be implemented or whether Homebase would be required, or seek, to relocate. Whilst the Tesco permission remains extant until 28 May 2015, it should be noted that Tesco have most recently submitted a planning application for a customer collection canopy to serve internet customers [detailed below]. This recent application does not appear to reflect the intention to extend the Tesco store in line with the previous planning permission).

Representations:

- Town Council
- Recommend refusal. A development of this size and nature in this location would have a detrimental impact on the town centre. Town Council supports Policies 7 and 11 of the draft Development Strategy for Central Bedfordshire which support the role and function of the town centres and states retail uses will not normally be considered appropriate on employment sites. Town Council supports proposals for long term development of the town centre and feels that any retail development should be focussed on the town centre rather than out of centre.
- Neighbours
- 15 objections have been received which can be summarised as follows:
- The proposal would reduce spending in the town centre and affect its viability, leading to shops closing and jobs lost.
 - The development would jeopardise the plans to develop the land south of the High Street for retail which should be progressed as soon as possible as an enhancement to the town centre.
 - The mix of retailers for this type of retail park is not appropriate for an out of centre location and would duplicate goods sold in existing furniture shops, pet shops and takeaways within the town.
 - The proposal would reduce pedestrian traffic in the town centre.
 - The Town Council and CBC have signed up to the Portas Pilot scheme. The Mary Portas review highlighted the importance of High Street centres as a social and community hub and the harm which retail parks can have on town centres.
 - The development would not be accessible for non-car users. The town centre is the only major shopping area which is accessible for non-car users.
 - The land should be developed for employment purposes, particularly given the increased requirement for jobs due to the significant increase in the number of homes within the town.
 - The town centre is not as healthy as it may appear. The proposal would have a very harmful impact on the retail and night time economies.
 - It is questioned whether the figures provided within the application, including the anticipated

number of jobs to be created are correct. Local retailers are unable to enlist professional companies to challenge the assumptions set out within the application.

- Permission should not be granted because of concerns regarding the costs of appeal.
- Local people and retailers did not support the expansion of the Vimy Road Tesco store as it was considered that this would be detrimental to smaller retailers. The relocation of the Homebase store to Grovebury Road would be to the further detriment of the town centre and mean it will be inaccessible to non-car users.
- Neighbouring towns with out of centre retail parks have a high percentage of empty shop units in the town centre. The proposal would have a similar impact in Leighton Buzzard.
- Given the economic climate, retail parks are not automatically viable. There is a growing movement away from large format, out of centre retail towards smaller format, town centre stores where there is greater variety and choice.
- Traditional town centre retailers are more robust than larger, discount based retailers likely to occupy a retail park.
- The Tesco expansion is uncertain and it is not guaranteed Homebase would wish to relocate.
- There are other suitable sites within the town for a DIY type store.
- The application does not adequately address any archaeological implications arising from the proposal.
- The development would increase vehicle movement and congestion increasing harmful emissions.
- The design of the development is generic and would not reflect its location.
- Companies such as Harvester, Starbucks, Costa, KFC and Burger King would prefer town centre locations.
- The proposal would result in the loss of wildlife habitats.
- Given the forthcoming A5-M1 link road, it would make more strategic sense to protect employment land and direct new businesses to this site.

A petition with 72 signatures of those wishing to object to the proposal has been received.

A total of 137 third party representation forms, headed "Help Save Your High Street", have been submitted. A number of those who had completed forms have also commented by way of objection, as summarised above. A number of those who had completed did not provide full addresses. The forms state that there are two retail development options within Leighton Buzzard; Option 1, an extension to the existing retail centre on land south of the High Street or Option 2, a retail development on Grovebury Road. Of the 144 forms received;

- 125 indicated a preference for development on land south of the High Street.
- 4 indicated a preference for neither development
- 3 indicated a preference for the proposed retail park development.
- 5 indicated a preference for both developments.

Two letters/emails of support have been received from local residents/businesses which can be summarised as follows:

- Given its accessible location, the proposal would not increase traffic congestion in the town and may reduce traffic in the town centre.
- A greater mix of shops are needed in Leighton Buzzard.
- The site would provide employment.
- The proposed restaurants/food uses would provide a service to neighbouring businesses and their staff.
- The retail park would attract shoppers normally using retail parks in other towns.
- Empty warehouse units would not be attractive at the entrance to the town.
- The majority of local objection to development outside of the High Street is from vocal retailers and is not representative of the views of others in the town.
- A refusal would send an anti-business message.

Buzzcycles

The provision of a cycle and footway along Grovebury Road is welcomed. The number of proposed cycle spaces is unclear as the drawings suggest 40 whereas the supporting information indicate 50. The layout of cycle parking should allow for options for parking in various parts of the site. Additional employee cycle parking with security measures to protect cyclists from machinery is required. The proposed cycle way should extend further south west to link with other existing routes.

Voluntary and
Community Action
Group

If permission is granted a contribution should be made to the running of a community house as part of the housing development on Site 17.

Consultations/Publicity responses

Council's independent
retail consultant (GVA
Grimley)

GVA Grimley has been instructed by the Council to carry out an independent assessment of the retail planning issues raised by the two retail proposals. GVA Grimley's Retail Review of the proposals is attached as an appendix to this report.

Highways Agency

No objection.

Highways

Vehicular access for customers is proposed via two new accesses on Grovebury Road: a ghost island junction to the south, and a simple priority junction to the north. This combination of junction types appears reasonable. It is proposed to extend the existing 30mph speed limit further south of the site along Grovebury Road.

HGV servicing access will be provided via Grovebury lane, thereby separating HGVs from customer traffic. Access for HGVs appears reasonable, and a turning head is provided at the southern end of the site to allow HGVs to turn and exit in forward gear.

In terms of Council parking standards, 394 parking spaces are required. At total of 389 parking spaces are proposed. At total of 52 cycle parking spaces would be provided. It is stated that 'detail on car parking and cycle provision (some of which will be covered) will be agreed with CBC during detailed design discussions.'

A 3m wide footway/cycleway is proposed along the site frontage on Grovebury Road, and central walkways will be provided within the car park.

A new bus stop is therefore proposed on Grovebury Lane as part of the development, including a shelter, timetable information and raised kerbs.

Highways capacity assessments have been undertaken for forecast years 2017 and 2022 which take account of growth factors and the Billington Road Transport Corridor scheme.

The site is currently not well served by public transport, at 600m from the nearest bus stops (it is also not clear to which point within the site this has been measured). However, there are plans to re-route the D1 service past the site, at a 15 minute frequency, and the proposed

development includes provision of a new bus stop adjacent to the site. A footway/cycleway is also proposed along the site frontage to link into the existing footways. The proposals are therefore considered reasonable in terms of promoting sustainable travel to/from the site.

Proposed parking provision is lower than the parking standards. It is suggested that a parking accumulation analysis is undertaken to determine the likely peak demand for parking, to determine whether the proposed parking is adequate.

In general the assessment of impacts on the local highway network appears to be reasonable, and the proposed vehicular access to the site for customers and HGVs is considered acceptable. The exception is the analysis of the Stanbridge Road/Grovebury Road/Lake Street Mini Roundabout, which is considered to over-estimate the capacity of the junction. I would not be able to recommend that this application be approved until this junction is re-assessed, preferably based on an engineering layout of the proposed junction.

Sustainable Transport

A framework travel plan (FTP) has been submitted aimed at influencing staff travel to and from the site. As a travel plan, the submission falls short of the information that we would require to be presented and various improvements are required.

The proposal for a 3 metre wide cycle/footway along Grovebury Road and the provision of numerous pedestrian/cycle accesses from Grovebury Road and Grovebury Lane are supported. The north eastern-most cycle/pedestrian access should be designed to serve all uses and not just customers/staff of the drive thru unit. The principle of shared use path along the Grovebury Lane boundary is supported, but this part stops at the proposed service access where there is potential for conflict between cyclists/pedestrians and HGVs. At this point priority should be given to non-motorised vehicles, by way of appropriate signage, before the route diverts into the highway. There is a need to connect the site to the Black Bridge cycle route that runs between Grovebury Road and Mentmore Gardens such that this would provide a safe cycle route away from main road from the Linslade area to Grovebury Road and beyond. A financial contribution would also need to be secured to upgrade the length of existing footway to the toucan crossing at junction of Chartmoor and Grovebury Roads to provide a continuous shared use facility. It is expected that as part of the highways proposals this cycle route will be signed in accordance with the cycle town signage that utilises

times rather than distances for pedestrians and cyclists. The site would benefit from the proposed extension of the 30mph zone along Grovebury Road and street lighting already present along Grovebury Road.

The proposal for a bus stop to support an extension to the Dash Direct service is supported in principle. However this is dependant on future build out rates in southern Leighton Linlade. It is therefore suggested that a public transport contribution that is directed to meeting the needs of this site specifically rather than tying it in with a development proposal over which it has no control is required.

I would therefore propose that a contribution is secured that covers the costs of a service for a 3 year period. Should the appropriate linkages from south Leighton Buzzard be developed within this timeframe it will then be used to extend the Dash Direct service to the site if appropriate. Real time provision should also be provided on the site itself such that site users are aware of the options available to them and to give this service the best possible chance of success. A condition should be attached to the planning application to this effect. Any bus stops provided should also facilitate real time displays, shelters and raised kerbs to support low floor vehicular access and it is anticipated that this is delivered by the development to CBC design guidelines.

Environment Agency

No objection subject to conditions to deal with the potential risk to controlled waters on site from historical and current land use.

National Grid

Holding objection ahead of further information to demonstrate sufficient clearance between buildings and overhead powerlines.

Urban Design

Out of centre retail developments do not satisfy many of the accepted urban design objectives. However, I accept that in planning policy terms these types of development may be appropriate. This proposal needs to be considered in the context of the adjoining site to the south. If both proposals were to be allowed, then they should be designed comprehensively and the layouts would need to relate better to each other, e.g. access between the two sites, location of servicing. The general layout of the development is acceptable. The pub/restaurant and drive thru provide the opportunities to create active frontages to the car park but also to Grovebury Road/Grovebury Lane. The service area for the retail units is discreetly located behind the building frontages. Landscaping (both soft and hard) will be important to reduce the impact of the buildings and the

car parking to the front. Tree planting and landscaping should be provided within the car park to reduce the dominance of parked vehicles. The use of different paving materials would help to break up the large area of black tarmac. A hedgerow together with a line of substantial trees should be provided along the Grovebury Road frontage to help define the edge of the road and visually contain the site. Retail unit 8 has a frontage to Grovebury Lane and is located at the entrance to the site from the bus stop (cycle parking is also provided in this location. Unit 8 should turn the corner to provide a stronger entrance to the development for those arriving by bus and cycle. There are limited contextual clues to apply to the design of the buildings. Retail units 1-8 have a strong rhythm and individually have a simple, unfussy design. However it's a long frontage. There may be opportunities for this to be broken in the middle. The pub/restaurant is a key building being located on the corner of Grovebury Road and Grovebury Lane. The use of a 'vernacular' style helps to identify the building as a pub/restaurant and differentiate it from the retail units. If a vernacular style building is to be used, however, it should relate to the local vernacular, both in terms of building details/materials and form.

Strategic Planning	Awaiting comments.
Economic Regeneration	Awaiting comments.
Public Art	Recommends provision is made on site for public art integrated into the development itself. Examples of this could be treatments to streetscapes, floors, panels to buildings, glasswork, windows, lighting and so on. A condition is recommended to secure written details of how public art would be integrated and commissioned. It would be expected that the developer appoints artists at the detailed design stage so the artistic feature can be integrated into the development. In this vein, the art should aim to link the site with the town itself and the history, culture and materials of Leighton Buzzard thinking about how the site links with the rest of the town/area and flow from the retail park to the town centre.
Building Control	No comment.
Buckingham and River Ouzel Internal Drainage Board	It is intended to dispose of storm water runoff by means of a sustainable drainage system. The applicants should note that any discharge of storm water to adjacent watercourse must be limited to the appropriate rate and will require the consent of the Environment Agency. If it is intended to discharge to a Anglian Water sewer connection, confirmation from Anglian Water should be

sought that a suitable surface water sewer exists that can satisfactorily accommodate the flows from the site.

Trees and Landscaping

The Landscape Strategy and Proposed Site Plan indicates retention of retained trees where possible, but in the absence of any BS 5837 survey, a very quick site appraisal was made to make the following observations:

The northern corner of the site, near the junction of Grovebury Road and Grovebury Lane still retains a section of old Hawthorn hedgerow abutting Grovebury Road, which includes a number of attractive Sycamore trees, providing significant visual amenity along the road and site boundary.

Set within the site, just inside the northern corner, is an area of amenity grassland with individually planted specimens of Sycamore and Norway Maple cultivars, which also provided attractive amenity and should be retained.

Further southwest along the boundary with Grovebury Road are two poor examples of Weeping Willow where the crowns are breaking apart and are not worthy of retaining.

Along the Grovebury Lane boundary are two groups of Horse Chestnuts in fair condition, and a group of Hybrid Black Poplars in the eastern corner of the site. None of these trees are of a quality that should be considered a potential constraint to development.

As the Landscape Strategy identifies and embraces existing trees, and incorporates a need for strong linear new planting within the site, I have no objection to the outline application but recommend that a BS 5837 :2012 tree survey is undertaken to identify those constraints presented by quality trees in order that they can be successfully integrated into a final design layout.

Ecology

The proposed development does not appear to have any ecological impacts being redevelopment of an industrial site. The landscaping proposals seem to lend themselves to the inclusion of SUDS, such systems are beneficial to wildlife and would support a focus on the site's redevelopment achieving a net gain for biodiversity.

Archaeology

The proposed development is in an area containing evidence of prehistoric, Roman and medieval activity and occupation. It is also within an area of extensive sand extraction, a significant component of Leighton Buzzard's industrial heritage. Although the area has archaeological

potential and heritage assets with archaeological interest (as defined by the *National Planning Policy Framework*) do exist in the locality, the previous development and use of the site mean that any archaeological deposits are likely to have been heavily disturbed. On that basis it is unlikely that the proposed development will have a major impact on archaeological remains or on the significance of any heritage assets with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.

English Heritage

Application should be determined in accordance with national and local policy and on the basis of specialist conservation advice.

Landscape

Fully support the landscape principle to enhance the landscape frontage of Grovebury Road as part of the development. It is suggested that photo views / wire frames could be provided describing the building height and mass from views within the Ouzel Valley, Grand Union Canal and Tiddenfoot Country Park the valley / Park to gauge if there is likely to be visual impact. There are opportunities for appropriate hard and soft landscaping at the reserved matters stage. Lighting needs to be considered in terms of design, layout and lighting levels especially as the site is within the context of a Country Park and wider countryside which is an important habitat area - and remarkably dark at night. The Design and Access Statement includes exciting images of green roofs and walls but these do not appear to be included in the proposed building design. The inclusion of such features would assist in building insulation, rain water detention, be of ecological benefit and assist in visually mitigating built elevations - demonstrating a 'green' sustainable development - and should be pursued.

Determining Issues

The main considerations of the application are;

1. Planning policy and background
2. Employment land allocation
3. Retail impact
4. Pedestrian and cycle links, public transport and highways matters
5. Landscape, biodiversity and archaeology
6. Design concept
7. Other matters
8. Conclusions

Considerations

1. Planning policy and background

The application site is located on the southern edge of Leighton Linlade and forms part of a designated Main Employment Area. In line with South Bedfordshire Local Plan Review Policies E1 and E2, and Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. Accordingly the Council would not wish to see current employment land lost to non-employment uses. However, in order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites will also be considered on a site-by site basis in relation to detailed considerations as set out in Development Strategy Policies 7 and 8.

In line with the 'town centres first' approach advocated by the National Planning Policy Framework (NPPF), the Council seeks to support the role and function of the town centres. Policy 11 of the emerging Development Strategy sets out that proposals for retailing outside of town centre boundaries should be considered against a sequential test. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered. For proposals over 500 square metres gross external floorspace that are outside a designated town centre boundary, the development should be considered against a retail impact test. The retail impact test should consider the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. The impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made will also be considered. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

It is therefore necessary to consider whether the proposal is acceptable in terms of the employment land allocation and retail impact, having regard to the sequential and impact tests. These assessments take account of the Retail Review undertaken by the Council's independent retail consultant and the advice of internal and external consultees. Whilst the application is made in outline and points of detail relating to siting, design, landscaping and appearance will be dealt with at reserved matters stage, regard should also be had to various detailed considerations at the outline stage.

This application has been made following the submission of a similar retail warehouse proposal on the adjoining site to the south. These schemes should be regarded as separate proposals and each application must be considered on its own planning merit. However regard should be had to the potential for combined impacts in the event of both sites coming forward for similar retail developments. As such these applications have been considered in parallel and are included on the same Committee agenda.

These proposals have emerged following the grant of planning permission for the erection of an extension to the existing Tesco store at Vimy Road, Leighton

Buzzard which, if implemented, would involve the demolition of the adjacent Homebase store. Importantly however, Homebase are not identified as named operators as part of either proposal. Additionally it is presently unknown whether the Tesco extension will be implemented or whether Homebase would be required, or seek, to relocate. Whilst the Tesco permission remains extant until 28 May 2015, it should be noted that Tesco have most recently submitted a planning application for a customer collection canopy to serve internet customers. However this recent application does not appear to reflect the intention to extend the Tesco store in line with the previous planning permission. The applicants have identified a number of retailers likely to be targeted as potential occupiers, based on the range of goods which would be sold as part of the development and have submitted copies of correspondence from retailers who would consider locations within the area. However at present none of the identified operators have publically expressed a commitment to the proposals.

2. Employment land allocation

The Council's 2012 Employment Land Review identifies a significant amount of vacant (employment) land in Central Bedfordshire. There is presently an oversupply of between 75 and 100 hectares of industrial land, although office land supply is broadly in balance. The level of industrial land supply is currently in excess of demand. It is important to note however that a high proportion of vacant employment land is identified to include poor sites which may affect the attractiveness of the employment land market across the area. A number of allocated and unallocated employment sites are not necessarily prime employment sites and are not considered sufficient in scale and quality to be the strategic employment locations needed in order to achieve the Council's job growth aspirations. These types of sites are better suited to service local needs and whilst they have historic employment uses, the likelihood of future strategic employment is questionable given the lack of strategic and market drivers.

Leighton Buzzard has a mixture of large and small industrial estates, located predominantly around Stanbridge Road and Grovebury Road. The application sites are located within an employment allocation concluded as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision. Whilst the review concludes that the quality of the employment land in the area where the application sites are located is 'good', the Council must balance the current supply of industrial land, with future land requirements, the encouragement of inward investment and the need for employment growth.

In connection with this, it should be noted that approximately 16 hectares of new employment land, creating up to 2,400 new jobs, is expected to come forward as part of the East Leighton Buzzard Urban Extension allocation of the emerging Development Strategy.

In relation to existing allocated employment sites, the Council therefore seeks to provide flexibility, choice and the delivery of a range of employment opportunities, in line with national guidance contained within the NPPF and will therefore consider proposals for employment generating non-B uses on employment sites on a site-by site basis.

It is noted that part of the land to the south of the application sites has previously been developed as the Browns retail and trade centre site at the junction with the A505/A4146. Following the proposed residential redevelopment of the former Browns site at Mentmore Road, Browns proposed to relocate to the Grovebury Road site. Whilst this development involved an element of out of centre retail within the Main Employment Area, given the requirement for Browns to relocate and the employment generation resulting from the proposed mixed use scheme, the proposal was considered acceptable.

In terms of the detailed considerations to be applied to non-B uses on employment sites, emerging Development Strategy Policy 7 sets out that proposals should have regard to marketing and viability appraisals of the B class uses; the suitability and impact of the proposal in relation to the location and neighbouring land uses; any increase in the number of jobs that can be delivered; and the potential to strengthen existing clusters through the delivery of complementary employment generating uses.

The application was accompanied by a Marketing Summary Report compiled by Bidwells which sets out details of the present facilities, their current and recent occupation and the marketing initiatives undertaken.

The site presently occupies an eight bay 1970s warehouse building totalling approximately 19,324 square metres, divided into four units of circa 4,800 square metres. The building is of a steel-framed construction with brick elevations and multi-pitched roofs with valley gutters. The building largely retains the original asbestos roof structure and single glazed fenestration. The Report states that ongoing maintenance is increasingly problematic as a result. It is stated that modern commercial access and storage is limited by the buildings 4.5 metre eaves height, the lack of level dock accesses and the limited manoeuvring space for HGVs to turn within the site.

The Council has separately received copies of the marketing material for the site which indicates that the buildings are in good condition and suitable for continued use. However it is accepted that the lack of level loading facilities, internal clearance heights and the present layout and condition of the building may limit the attractiveness of site to potential Use Class B8 occupiers.

Bays 1-4 are presently vacant. Whilst these bays continue to be let to TransHaul Storage, the company went into administration in February 2012 and the lease will ultimately be disclaimed by the Administrator.

Bays 5-8 are presently occupied by Into the Light (Leighton Buzzard) Ltd, a local charity requiring dry storage for pallet foods and clothing which are distributed to the vulnerable and needy in the UK and abroad. Into the Light are a charitable organisation who receive 100% rating relief for the site and occupy the premises on a short term lease at a nominal £12 per annum.

Bidwells were appointed in June 2010 to advise and market the vacant accommodation. It is stated that the site has been subject to an extensive marketing campaign comprising direct mail to local and regional operators, press advertisements and web media, site marketing boards and banners. The

Marketing Summary states the premises were offered to market on short-term flexible lease and the terms of the lease were considered cost-effective for the region. Bidwells were subsequently instructed to market units Bays 7-8 in March 2011. Details of the marketing schedule for the site have been provided. It is stated that over the two year marketing period circa 70 enquiries and expressions of interest were received. These included the following:

- Mini Clipper Logistics, a logistics operator within Leighton Buzzard, looking for various short term contract-based storage requirement, viewed the property on three separate occasions.
- Downton Logistics, a distributor of magazines and newspapers, viewed the premises once but deemed the site unsuitable given the HGV parking available.
- Web Warehouse, a warehouse operator with pallet storage requirements, viewed the premises but deemed the site unsuitable due to the eaves height of the buildings which would limit storage space.
- BE Aerospace, the occupier of an adjacent site on the opposite side of Grovebury Road, viewed the property as a potential short term occupation but did not take the interest further.
- Spirit Fleet Solution, the occupiers of an adjoining site which manages a fleet of cars and vans, viewed the premises as a flexible short term solution for vehicle parking/storage whilst works were undertaken at their existing site but did not take the interest further.
- Clockwork Group, a storage and removal company seeking to relocate to a cost effective space, viewed the premises but dismissed the site due to the eaves height of the building.
- Into the Light, the present occupiers of Bays 5-8, viewed the adjoining bays.

It is noted that the site has only been offered to market on a short term basis. However Bidwells state that interest in the site is only likely to be on the basis of requirements for short term flexible storage space for a localised occupier. On the basis of the responses to the marketing initiatives, Bidwells do not consider that the present facilities meet operational requirements for modern warehouse use on a longer term basis. It is argued that the existing facilities have limited potential to generate significant employment for Leighton Buzzard. At present the site is technically fully let but in reality is 50% vacant and 50% occupied by a charity at nil rent. The premises provide no rental income for external repairs and maintenance. The Marketing Summary Report concludes that the premises are a deteriorating asset and the wholesale refurbishment of the accommodation is economically unviable.

The Council's Economic Regeneration section will be commenting on the submitted marketing appraisal in more detail ahead of the Development Management Committee meeting.

The Planning Statement submitted with the application indicates that the proposed retail development would provide the equivalent of 130 full time jobs and would indirectly generate additional employment due to the impact on supply and service providers. Having regard to the present and recent occupation of the premises, it is considered that the level of employment associated with the proposed retail warehouse development would compare favourably with the present warehouse use, in the event that a B8 occupier

could be secured on a longer term basis to secure the future use of the site for B Class use.

Taking account of the current supply of employment land within the area, the site's history of employment use, the marketing initiatives undertaken and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the employment land allocation and Policy 7 of the emerging Development Strategy.

In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, Local Planning Authorities in England are required to consult the Secretary of State before granting planning permission for certain types of development. This Direction applies in relation to any application, received by a planning authority on or after 20 April 2009, for "development outside town centres" which is not in accordance with one or more provisions of the development plan in force and where the floor space to be created by the development is 5,000 square metres or more. The purpose of the direction is to give the Secretary of State an opportunity to consider whether to exercise call-in powers under Section 77 of the Town and Country Planning Act 1990. The Town and Country Planning (Development Management Procedure) (England) Order 2010 gives the Secretary of State power to issue directions restricting the grant of planning permission by a Local Planning Authority, either indefinitely or during such a period as may be specified in the directions. Notwithstanding the above conclusions in relation to emerging Development Strategy Policy 7 and the NPPF, the proposals are in conflict with Policy E1 of the South Bedfordshire Local Plan Review 2004. Irrespective of the weight to be attached to the employment policies contained with the Local Plan Review 2004, given this conflict, the proposal constitutes "development outside town centres" for the purposes of the 2009 Direction. Therefore the Local Planning Authority is required to consult the Secretary of State, prior to granting planning permission.

3. Retail impact Sequential test

In line with the Council's broad objective to support the role and function of the town centres, proposals for retailing outside of town centre boundaries will be considered against a sequential test as required under Policy 11 of the emerging Development Strategy and NPPF guidance. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered favourably.

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

Land south of the High Street is identified as providing an opportunity to extend the town centre to improve facilities for the town's current and future population. Development on this site is an objective within the council's Medium Term Plan,

“Delivering Your Priorities 2012-2016”. Accordingly the Council are committing substantial resources and have commenced, and in some cases concluded, the assembly of key land parcels for land south of the High Street. As such this site should be considered available within the plan period.

This site is located within the historic core of the town, adjacent to the Leighton Buzzard Conservation Area which incorporates a large number of listed properties. Notwithstanding the potential scope for a single larger anchor store in line with the Council’s Development Brief, the scale, detailed design and format of new commercial units provided as part of the town centre extension scheme would need to be compatible with properties along the historic High Street which is largely characterised by smaller retail units. In terms of their format scale and design, the warehouse retail developments proposed would not be appropriate within this context taking account of the historic pattern of the development within the town centre. Due to the aspirations of the Development Brief and the complexity of wider planning considerations within the town centre, this site is considered to be unsuitable and unviable for bulky goods retailing as proposed under the terms of the sequential test as set out within the NPPF.

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

The Council has received details of a “third retail park” proposal as referred to within the recent local press. This relates to a proposal, made on behalf of EDS (Holdings) Ltd, concerning land west and north west of Grovebury Road known as the “Camden site”, which falls within the Main Employment Area and the adjacent Green Belt field. The proposal sets out two options for development; a mixed use scheme comprising retail and employment development, or an extension of the existing employment area at the “Camden Site” to include the adjacent Green Belt field. In connection with this, it would be proposed to dedicate a parcel of the land for use as recreational open space. Following a public presentation to the Town Council, the details of the proposal were submitted to Central Bedfordshire Council through its Call for Sites consultation, undertaken towards the beginning of last year. This process directly informed the preparation of the Development Strategy. This proposal has not been advanced as part the Development Plan process and has not been put forward by the Council as a site allocation identified within the emerging Development Strategy. It is not currently subject to a planning application and is lacking in sufficient detail to carry significant weight for the purposes of this application. The proposal would be in conflict with current and foreseeable planning policy and, like the current Grovebury Road application proposals, would involve out of centre retail development in the Grovebury Road area. In relation to the sequential test, this site cannot therefore be considered preferable to the application sites.

In sequential terms, the two application sites should be regarded as equal and one should not be regarded as preferable to the other purely on retail grounds.

Therefore, in terms of retail impact, neither application fails the sequential test under the terms of the NPPF.

Impact test

In accordance with NPPF guidance and Policy 11 of the emerging Development Strategy, the proposals should be also considered against a retail impact test which examines the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

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

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

On the basis of the aspirations for the Bridge Meadow site (a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme) and the timescales of this development, the Council is advised that neither proposal would impact upon the deliverability of the Bridge Meadow development.

Additionally both proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations. Given the different aspirations of the application proposals and those for the town centre expansion site, the developments are unlikely to impact on the marketability of the land south of the High Street. The Council's retail consultant notes that both proposals include A3/A4/A5 units and has considered the potential impact of this element of the proposals on the future aspirations for the town centre. The proposals, on their own or together, would be unlikely to impact on planned town centre investment given that they have different target markets.

The Council's 2012 Retail Study shows there is a substantial amount of comparison goods leakage (65%) from Zone 8, the area in which Leighton Buzzard is located and the Study does highlight opportunities to 'clawback' some of this trade to increase market share through new retail development. The Retail Study has identified a need for only 2,521 square metres of net comparison in Leighton Buzzard by 2016, even when incorporating a 3% market share uplift. This figure grows to 5,775 square metres net by 2021, 7,043 square metres net by 2026 and 8,643 square metres net by 2031.

The development at land south of the High Street is intended to provide around 2000 square metres of comparison floor space. In combination with an expansion to the Vimy Road Tesco store, this planned development would fulfil all of the identified need over the next five years, and 3,014 square metres net of identified need by 2021, leaving a residual need of 2,761 square metres net by 2021. This would not be sufficient to support one of the Grovebury Road application proposals.

It is envisioned that the North Houghton Regis 1 development would provide a significant element of retail development. Whilst the appropriateness and impact of this should be considered separately, this development clearly also has the potential to impact upon retail need within the wider area. Overall, there is a clear lack of baseline need for the comparison goods floorspace sought.

Under the terms of local planning policy and the NPPF need cannot any longer be cited as a reason for refusal. However deficiencies can lead to greater levels of impact and this is therefore a relevant consideration under the impact test. Both proposals would be reliant on trade diversion, both from Leighton Buzzard town centre and elsewhere. It is necessary to consider whether the proposals would give rise to acceptable levels of trade diversion, without leading to any unacceptable impact upon the vitality and viability of the town centre. It is important to consider whether the town centre could withstand the levels of trade diversion being suggested; either individually or in parallel if both schemes came forward. In some circumstances the loss of one or two key retailers in a town centre could commence the process of gradual and continued decline, either through national economic trends, or new development and a consequent significant impact. Recent rises in national town centre vacancy rates and the loss of several important national multiple retailers should be noted. At this stage, the Council's retail consultant does not suggest Leighton Buzzard town centre is vulnerable to this.

The current leakage of comparison goods trade from Leighton Buzzard and opportunities for 'clawback' trade within Leighton Buzzard are identified within the applications. In light of the Council's 2012 Retail Study, the Council's retail consultant concludes there is little 'bulky goods' trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks. Any trade diversion from elsewhere in the Study area would more likely result in the creation of unsustainable shopping patterns and this would not be in line with the broad objectives of the NPPF. The applications are therefore reliant on 'clawback' trade from the four Milton Keynes retail parks. Whilst the Council's retail consultant anticipates there would be sufficient 'clawback', this would be marginal and is dependent upon both schemes being subject to appropriate restrictions as 'bulky goods' developments. If both schemes were to proceed on this basis, there would be an element of 'mutual impact' whereby the retail warehouse schemes would impact upon each other, and would be less reliant on 'clawback' from other areas. The Council's is advised that the impact identified is material, but not, in itself, significant in NPPF terms. The Council's retail consultant is comfortable that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment. Again, this is in the context of appropriate restrictions being placed on any consent restricting the sale of goods as a greater level of flexibility in the

range of goods is unlikely to be unacceptable in impact terms.

Despite this conclusion, the range of goods proposed for retail sale includes items which are not 'bulky goods'. In this respect the proposals are not consistent with the emerging Development Strategy Policy DS7 which states that, as an exception to employment land policy, proposals for 'bulky goods' and other forms of specialist retailing less suited to a town centre location will be considered. However, given the clear conclusion regarding the impact of the proposals, it is not considered that an objection purely upon retail policy grounds could be sustained. Nevertheless, it is inevitable that there will be some product overlap with the town centre, including some businesses that would be directly affected such as those primarily focused around the furniture, floor coverings and home interiors and soft furnishings sectors and there are a few operators selling sports goods and toys. This may in time reduce town centre turnover, the range of operators within the main retail area and impact more generally upon the health of the centre. The applicants will therefore need to satisfy that appropriate Section 106 contributions would be forthcoming to support the attractiveness of the town centre, in order mitigate against this impact.

As it is unlikely that there would be sufficient 'bulky goods' demand to let both schemes in the present market or the foreseeable future, the grant of planning permission for both schemes might leave one site vacant and unimplemented creating a retail value (higher than B Class use value) that cannot be realised. This could lead to undermine the value of the vacant land for future B Class uses and pressures to relax restrictions in the future. However this is not in itself a reason to refuse the specific schemes subject of these applications. Any future proposals for retail developments seeking an alternative or broader range of retail goods should be assessed on their own merits.

Town centre contributions

Notwithstanding the above, there would be some product overlap with the town centre and some businesses that would be directly affected such as those primarily focused around the furniture, floor coverings and home interiors and soft furnishings sectors. Whilst the Council's retail consultant advises that the proposed retail parks would be primarily dependent upon "clawback" trade taken from other retail centres, it is acknowledged within the application that there would be some trade diversion from the town centre as a result of an out of centre bulky goods retail development on Grovebury Road. It is therefore essential that appropriate Section 106 contributions are secured to support the ongoing vitality and viability of the main shopping area and assist in the delivery of the land south of the High Street for redevelopment as a direct extension to the main shopping area.

Through its 2011 Portas Pilot Bid, Leighton Linlade Town Council has identified a number of priority initiatives, developed to enhance the attractiveness of the town centre as the main retail quarter, that require financial investment. The Town Council has allocated some funding to meet these objectives and identified that a further £100-150,000 is required for the following:

- Summer Sundays Programme – funding to support the employment of an event manager to coordinate a programme of summer events held on Sundays and fund the provision of barriers, pop-up stalls, staging and other important items of infrastructure.

- Street Screen Project – funding to developing a “24 hour High Street” concept allowing smart phones and near field communication technology to interact with retail stores, expanding retail hours and creating more dynamic window displays.
- Twice Weekly Market traffic management and infrastructure - traffic management and infrastructure-related costs associated with relocating the twice weekly market, bringing it into the centre of the High Street
- Town Centre Hub Celebrations – funding to develop the concept of the town centre as a hub for the celebration of the town’s local history, where trails, time-lines and mobile and web technologies are used draw people into and augment their experience of exploring the High Street and its offer.

In connection with these, there is a need to reinforce public links between land south of the High Street and the Main Shopping Area through environmental improvements to courts and alleyways and signage.

In order to inform decisions relating to land assembly and assist in the development of site-specific proposals for the land south of the High Street, architectural and feasibility work relating to the potential relocation of the fire station is needed. This would need to take account of the practical requirements of the Fire Service and other existing land owners in terms of the service and interface requirements as well as public safety issues. It would need to examine various parking and access configurations. A contribution towards these costs would assist the Council in bringing forward land south of the High Street for redevelopment involving retail more quickly and support the development of the town centre as the primary retail area.

A contribution of £135,000 is proposed by the applicant to support these and other related town centre initiatives. This is not considered adequate and proportionate to the retail impact identified. At the time of drafting this report Officers are engaged in discussions with the applicants and Economic Regeneration with regard to this element of the proposal. Notwithstanding this, as addressed below, the proposed town centre contributions should be considered as part of an overall package of planning obligations which are required and those which are offered as part of the development.

Sections 106 controls

In relation to the above considerations it is also necessary to control range of goods sold from the proposed retail park and, as far a possible, ensure that it is complimentary to the town centre. The Council’s retail consultant has given consideration to control of development by way of planning condition or by Section 106 Agreement as appropriate. It is considered that the development should be subject to Section 106 controls as any Legal Agreement would offer greater control over the specific detail of retail offering and the manner in which the site would operate. The development would be subject to similar Section 106 restrictions to those imposed at White Lion Retail Park, Dunstable.

Having regard to the proposed range of goods to be sold as part of both schemes, the advice of the Council’s retail consultant and the above conclusions regarding retail impact, it is considered appropriate that both developments be restricted to the retail sale of DIY goods; plants, garden products and outdoor

furniture; furniture and home furnishings; housewares; fabrics and floor coverings; seasonal goods such as Christmas decorations; motor vehicle parts and accessories; leisure and sports goods; arts, crafts and stationary; toys; home technology and electrical goods; cycles and cycling accessories; and camping goods. The ancillary A3/A4/A5 elements would provide for the ancillary sale of hot and cold beverages and food confectionary for consumption in or outside the floorspace.

It is considered appropriate to impose additional restrictions to control, for example, the number of units selling specific type of goods and ensure any sports 'clothing' sold remains ancillary to a sports equipment operator. This would assist in the protection of the town centre now and in the future as a possible consequence of changing economic circumstances, market demand and operator formats etc. The Council's retail consultant have advised that the unit sizes proposed as part of the application are broadly in accordance with the expectations of retailers looking to acquire space in bulky goods categories. The size of retail units would also need to be controlled with size restriction for each individual retail unit along with suitable restrictions on sub-division, the merging of units, and the extent of eating/drinking facilities. This would enable control over any future aspirations at the developments if planning permission were granted, allowing the Council to consider changes on a case by case basis.

4. Pedestrian and cycle links, public transport and highways matters

In terms of the Council's current parking standards, 394 parking spaces are required as part of the development. A total of 398 spaces are proposed. It is suggested that a parking accumulation analysis is undertaken to determine the likely peak demand for parking, to determine whether the proposed parking is adequate. However given the nature of the proposed development, this is not considered appropriate for a shortfall of only five spaces.

Highways do not consider that the submitted capacity assessment for the Stanbridge Road/Grovebury Road/Lake Street mini roundabout is sufficiently robust. It will be necessary for the applicants to provide additional information to address this.

Notwithstanding the lack of identified demand for two retail warehouse schemes as proposed, in terms of highway capacity, the potential for combined impacts should also be considered, in the event of both retail developments coming forward. As the capacity assessments submitted in support of the proposals do not address this Officers have requested that additional information to examine highway capacity in relation to a potential combined impact. The combined impact of the proposals should be considered in relation to the capacity of the road network itself but also the combined impact of the established use on the brownfield site and an alternative employment generating development on the greenfield site.

The development would need to meet the costs of delivering a 3 metre wide cycle/footway to connect with existing public routes along Grovebury Road and Grovebury Lane. This can be secured by Section 106 Agreement.

Sustainable Transport advise that due to uncertainty over the timing of the adjacent housing development at Grovebury Farm and a second route being

added to the existing Dash Direct bus service, it would be appropriate for the development to fund a dedicated bus service from the retail park to the town centre. The applicants have confirmed their willingness to enter into a planning obligation to secure the requested contribution towards a bus service for the site.

A new bus stop would be provided at the northern end of the site on Grovebury Lane. This would be delivered as part of the development and it would be appropriate for this to be secured by way of legal agreement.

Sustainable Transport have identified that various changes are required to improve the Framework Travel Plan which has been submitted in support of the application. This can be dealt with by planning condition.

5. Landscape and biodiversity

Due to the location of the site at the southern edge of Leighton Linlade and its close proximity to key public open spaces, the potential impact of lighting on the wider landscape would represent a key consideration at the reserved matters stage. The application was accompanied by a Lighting Assessment which sets out the broad principles for the design of a detailed proposal. Reserved matters proposals would need to provide suitable detail by way of light spill plans and lux level drawings. Taking account of the location of the site within the Main Employment Area and adjacent to established commercial premises to the north west, north east and south east, it is considered that an acceptable lighting scheme could be achieved if carefully designed at the reserved matters stage.

An outline landscape strategy has been submitted in support of the application which sets out the basic principles which would inform the design of a detailed landscape strategy for the site.

A detailed scheme of hard and soft landscaping would be required by condition. The detailed landscaping proposals would need to be developed, having regard to the importance of suitable soft planting along site frontage and within public parking areas in light of the comments of the Urban Design Officer, the Council's Grovebury Road Industrial Estate Enhancement Plan and opportunities to create new habitat opportunities.

6. Design concept

The proposed indicative site layout plan shows how the retail development would be arranged. The nine Use Class A1 retail units are shown positioned towards the south east side of the site, fronting onto a public parking area and backing onto a servicing area. The public house/restaurant and drive thru units are shown as two stand-alone buildings positioned on the north east side of the site. The site is located adjacent to other commercial uses and associated car parking to the north east, south east and south west. Further to the east of the application site, and to the north east of the neighbouring commercial uses, are land at Grovebury Farm and Brickyard Quarry which have outline planning permission for residential and associated development plus a local centre and community land.

Within this context it is considered that an acceptable scheme could be achieved in terms of amenity and the impact upon the character and appearance of the locality. Whilst the application is made in outline only, detailed proposals would

need to be developed in response to the comments of the Urban Design Officer, taking account of the need to create an active and interesting elevation to Grovebury Lane, and design elements to provide a visual break within the main retail frontage elevation. The form and external treatment of the public house/restaurant and drive thru units and the importance of suitable landscaping will also need to be carefully considered.

Reserved matters applications would also need to adequately address community safety. All buildings and public spaces will need to incorporate measures to reduce crime opportunities. Design of car parking areas will need to be carefully addressed at the reserved matters stage.

Having regard to the comments of Public Art, a framework public art strategy for the site would need to be agreed with the Council prior to the reserved matters applications and should inform the detailed design of the proposal. This can be secured by condition.

7. Other matters

As the application is made in outline, full details of disabled facilities for staff and customers have not been provided. Suitable arrangements for disabled users including adequate disabled parking provision, WCs and disabled lifts for internal mezzanine levels would need to be demonstrated at reserved matters stage in line with the guidance of Building Control regarding disability requirements under Building Regulations.

On the basis of the indicative layout submitted, the proposed DIY anchor store would be located below the existing overhead power lines which traverse the southern part of the application. National Grid have advised that they have been unable to determine whether the current scheme would achieve an acceptable overhead clearance between the power lines and the buildings and have registered a holding objection, pending additional information. As the application is submitted in outline, matters relating to scale and layout are reserved for subsequent approval. As such the proposed elevations and layout should be regarded as indicative and may not reflect the final heights of the buildings. It would be necessary to consult National Grid at the detailed stage before granting approval on any final details regarding height or layout. The detailed scheme would need to be designed to meet National Grid clearance requirements in terms of layout and height.

8. Conclusions

Taking account of the current supply of employment land within the area, the site's history of employment use, the marketing initiatives undertaken and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the employment land allocation and Policy 7 of the emerging Development Strategy. In relation to retail impact, both retail warehouse proposals are considered to pass the sequential test, having regard to the availability and suitability of other sites within Leighton Buzzard. The identified retail impact would be marginal but not significant in NPPF terms.

Prior to Development Management Committee, it will be necessary for the applicants to provide additional information to support the highway network

capacity assessments. Subject to this, it is considered that an acceptable scheme could be achieved at the reserved matters stage, having regard to the relevant detailed considerations for this outline proposal.

In terms of the individual merits of the two proposals, the brownfield scheme would involve the redevelopment of the existing Use Class B8 site. This would be in line with Local Plan Review Policy SD1 and the core planning principles within the NPPF which seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land) (paragraph 17). Whilst one of the proposals would involve the development of a previously undeveloped site, this does not render the greenfield scheme unacceptable in planning terms, particularly given the longstanding objective for this site to be developed for employment purposes. Similarly any associated benefits which could only be secured through greenfield development do not render the brownfield scheme unacceptable.

In connection with the greenfield scheme, excluding those specific benefits which could only be achieved as part of the development, a contribution of £399,000 is proposed towards the town centre and transport requirements. This compares with a proposed contribution of £489,088 towards town centre and transport requirements for the brownfield scheme. Having regard to their relative scale and likely individual impacts, it is considered that the proposed town centre/transport contributions for the two schemes are broadly proportionate to each other. On the basis of the current Section 106 proposals, the transport contribution offered as part of the greenfield development is inadequate, whereas the town centre contribution offered as part of the brownfield scheme is insufficient. The suitability of the proposed transport/town centre contributions, and the manner in which these monies are apportioned will need to be determined on the basis of the package of contributions put forward by the applicants and appropriate package of Section 106 contributions will need to be secured in discussion with the applicants.

The applicant currently proposes to enter into a Legal Agreement to secure the following:

- A total contribution of £135,000 to support the vitality and viability of the town centre comprising; (1) £50,000 towards Town Council Portas Pilot Schemes; (2) £35,000 towards improvements to courts and alleyways and signage; (3) £25,000 towards cost associated with architectural and feasibility work relating to the relocation of the fire station; and (4) £25,000 towards the costs of providing temporary car parking at land south of the High Street.
- A contribution of £344,088 to fund the delivery of a public bus service to serve the site and other sites along Grovebury Road.
- A contribution of £10,000 to meet the costs of providing public foot/cycle path connections linking the site to the existing public foot/cycle path along Grovebury Road/Grovebury Lane.

The Legal Agreement would also need to secure the following:

- Appropriate controls over goods sold. The developments should be restricted to the retail sale of DIY goods; plants, garden products and outdoor furniture; furniture and home furnishings; housewares; fabrics and floor coverings; seasonal goods such as Christmas decorations;

motor vehicle parts and accessories; leisure and sports goods; arts, crafts and stationary; toys; home technology and electrical goods; cycles and cycling accessories; and camping goods. The ancillary A3/A4/A5 elements would provide for the ancillary sale of hot and cold beverages and food confectionary for consumption in or outside the floorspace.

- Appropriate controls over the number of units selling specific types of goods and ensure any sports 'clothing' sold remains ancillary to a sports equipment operator.
- Appropriate controls over the size of the retail units along with suitable restrictions on sub-division, the merging of units, and the extent of eating/drinking facilities.
- The funding of a public art strategy as part of the development.
- The creation of a bus stop and half bus lay-by on Grovebury Road as part of the development and provision of real time passenger information on site.

Recommendation

That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Head of Development Management be authorised to GRANT Planning Permission subject to the following:

CONDITIONS

- 1 An 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.

- 2 Approval of the details of the appearance, landscaping, layout and scale of the development (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.

- 3 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.

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

Reason: To protect, as far as possible the character of the locality. (Policy BE8 S.B.L.P.R and Policy 43 D.S.C.B).

- 5 Before development begins, a landscaping scheme based upon a full BS 5837 :2012 tree survey and including any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of any existing trees and hedgerows to be retained as part of the development and details of protection measures for the retained trees and hedgerows and identify opportunities for the creation of new wildlife and supporting habitats to be incorporated as part of the development. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The new and retained trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory standard of landscaping and the appropriate creation of wildlife and supporting habitats opportunities (Policy BE8 S.B.L.P.R and Policy 43 D.S.C.B).

- 6 Before developments begins, a scheme that includes the following components 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 further site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to controlled waters as the Environment Agency are not confident that the initial site investigation sampling and the results of the risk assessment provides sufficient evidence to prove that there is no risk to controlled waters on site.

3) The results of the site investigation and detailed quantitative risk

assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall then be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the River Ouzel and the Woburn Sands Formation (Principal aquifer) below the site which is part of the Upper Bedford Ouse Woburn Sands waterbody) from potential pollutants.

- 7 Prior to the initial public use of the development, a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall then be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the River Ouzel and the Woburn Sands Formation (Principal aquifer) below the site which is part of the Upper Bedford Ouse Woburn Sands waterbody) from potential pollutants.

- 8 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 a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the River Ouzel and the Woburn Sands Formation (Principal aquifer) below the site which is part of the Upper Bedford Ouse Woburn Sands waterbody) from potential pollutants.

- 9 **Before development begins, a scheme for surface water disposal shall be submitted to and approved by the Local Planning Authority. The scheme shall then be implemented as approved. Infiltration systems and penetrative methods should only be used where it can be**

demonstrated that they will not pose a risk to groundwater quality.

Reason: To protect and prevent the pollution of controlled waters.

10 Prior to the initial public use of the development, a revised Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Framework Travel Plan shall include the following:

- measures to give visitors to the site, as well as staff, a choice of travel options;
- clarification on where cycle spaces will be provided on site;
- a commitment that showers, changing rooms or storage facilities will be installed onsite prior to occupation, or that site occupants will be required to set up 'Cycle to Work' salary sacrifice schemes for staff;
- a commitment to promote of Central Beds and Luton liftshare and CBC's 'Travel choices' programme;
- a commitment to offer a free personalised journey planning (PJP) service to staff and seek business sign-up to CBC's new Employers Travel Club;
- a commitment to allocate staff car-share bays, set up a private, web-based liftshare scheme for staff or run promotional events during National Liftshare Week.

The Framework Travel Plan shall then be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.

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

Reason: To ensure a satisfactory and appropriate artistic feature(s) or element(s) are integrated into the development itself and thereby enhance, as far as possible the character of the locality. (Policy BE8 S.B.L.P.R. and Policy 43 D.S.C.B).

12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers 11853-100 Revision A Received by the Local Planning Authority on 12 Seotember 2012 and 26560/001 Revision received by the Local Planning Authority on18 September 2012.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

Having regard to the current supply of employment land within the area, the site's history of employment use, the marketing initiatives undertaken and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the site's employment land allocation. Taking account of the availability and suitability of other sites within Leighton Buzzard and the impact on existing, committed and planned public and private investment, subject to appropriate town centre contributions, the identified retail impact is considered to be marginal but not significant in NPPF terms. Subject to the delivery of a public bus service to serve the site and other sites along Grovebury Road, the proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath links and parking areas. The proposal is therefore in conformity with Supplementary Planning Guidance contained within Central Bedfordshire Design Guide: A Guide for Development 2010, the development plan policies comprising the South Bedfordshire Local Plan Review and the emerging Development Strategy for Central Bedfordshire and national guidance contained in the National Planning Policy Framework.

Notes to Applicant

1. The development is subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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. Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and

water analysis should be fully MCERTS accredited. Any further site investigation, demolition, remediation or construction works on site must not create new pollutant pathways or pollutant linkages in to the underlying principal aquifer to avoid generating new contaminated land liabilities for the developer. Clean drilling techniques may be required where boreholes, piles etc penetrate through contaminated ground.

5. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project
 - some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

The Waste (England and Wales) Regulations 2011

6. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, including in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' for waste to be removed from site, and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.
7. Soakaways and other infiltration SuDS must not be constructed in contaminated ground. The use of infiltration drainage would only be acceptable if a phased site investigation showed the presence of no significant contamination. The use of non infiltration SuDS may be acceptable subject to our agreement. The Environment Agency would need to be consulted on the results of the site investigation and on any protection measures. Please refer to the Environment Agency website at www.environment-agency.gov.uk for more information.
8. It is intended to dispose of storm water runoff by means of a sustainable drainage system. The applicant should note that any discharge of storm water to adjacent watercourse must be limited to the appropriate rate and will require the consent of the Environment Agency. If it is intended to

discharge to a Anglian Water sewer connection, confirmation from Anglian Water should be sought that a suitable surface water sewer exists that can satisfactorily accommodate the flows from the site.

DECISION

.....

.....