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**Meeting:** Executive

**Date:** 27 May 2014

**Subject:** Local Development Order for Woodside Industrial Estate, Dunstable

**Report of:** Cllr Nigel Young, Executive Member for Regeneration

**Summary:** The report recommends that the Executive adopt the proposed Local Development Order for the Woodside Industrial Estate and surrounding area in Dunstable to assist economic and employment growth in the area.

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**Advising Officer:** Jason Longhurst, Director of Regeneration and Business

**Contact Officer:** Matt Pyecroft, Major Projects Officer - Economic Growth and Regeneration

**Public/Exempt:** Public

**Wards Affected:** Houghton Hall and Dunstable Icknield

**Function of:** Executive

**Key Decision** Yes

**Reason for urgency/ exemption from call-in (if appropriate)** N/A

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

This proposed Local Development Order (LDO) will contribute towards the Council priority of enhancing Central Bedfordshire by creating jobs and managing growth, encouraging employment growth in this key location in Dunstable and seeking to make the area more attractive to businesses.

### **Financial:**

1. Based on applications received in the period 2007-2011, it is estimated that the proposed LDO will result in an approximate £2,500pa in lost planning fees. However, this reduced income will be offset by a reduction in the workload of planning officers in processing applications, and in reduced costs from not being required to undertake public consultation on planning applications.

**Legal:**

2. Local Authorities are permitted to make Local Development Orders (LDO's) under Part 4 of the Planning & Compulsory Purchase Act 2004. A LDO allows a local authority to extend permitted development rights for certain forms of development within a defined area. This order seeks to streamline the planning process by removing the need for developers to make a planning application to Central Bedfordshire Council in respect of the Woodside Industrial Estate in Dunstable thus creating certainty and saving time and money for those involved in the planning process.
3. A draft order and statement of reasons has been prepared and advertised and an extensive consultation period has been conducted in accordance with the Town & Country Planning (Development Management Procedure) (England) Order 2010 and the Council's own Statement of Community Involvement.

**Risk Management:**

4. It is considered that there are no operational, financial or reputational risks from this proposal. There is a very small risk that unintended development could arise if the parameters of the proposed LDO are not drafted properly. However, these have been considered in detail, so officers are confident that such an eventuality will not occur. As with any document of this nature, there is a small risk of legal challenge, but the LDO has been subject to public consultation, and the risk is considered to be minimal. Adoption of the LDO will provide stakeholders with more certainty in the planning process.

**Staffing (including Trades Unions):**

5. Not applicable.

**Equalities/Human Rights:**

6. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
7. Good planning can improve environments and opportunities for communities experiencing disadvantage. Planning which does not adequately engage with, or consider the needs of, local communities is unlikely to improve their life chances and may further entrench area-based disadvantage. Promoting equality of opportunity and social inclusion relates to the access to facilities and services, enhancing employment opportunities, the protection of open spaces as well as a broad range of policies concerned with the quality of life.
8. This proposal seeks to increase employment in the Dunstable area, which will increase opportunities for residents to work locally. This will have a positive impact upon equalities.

**Public Health:**

9. Good quality employment has a significant positive impact upon health and wellbeing. This proposal seeks to improve the economic and employment prospects in Dunstable and is therefore likely to impact upon health and wellbeing in this area of Central Bedfordshire.

**Community Safety:**

10. It is not considered that the proposed LDO will have any impact upon Community Safety.

**Sustainability:**

11. This proposal should help sustainability by improving employment in the Dunstable area and increasing opportunities for residents to work nearer home. In addition, the proposal to allow solar or photovoltaic (PV) panels and development for housing biomass or Combined Heat and Power (CHP) systems under the order will encourage the growth of renewable energy.

**Procurement:**

12. Not applicable.

**Overview and Scrutiny:**

13. This matter has not been considered by Overview and Scrutiny.

**RECOMMENDATION:****The Executive is asked to:**

1. **adopt the proposed Local Development Order (LDO) for the Woodside Estate and surrounding area in Dunstable, in order to assist businesses and contribute towards economic and employment growth in the area.**

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| <i>Reason for Recommendation:</i> | <i>To encourage economic and employment growth in the Dunstable area.</i> |
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**Executive Summary**

14. LDO's allow Local Planning Authorities to extend permitted development rights for certain specified forms of development and are intended to help businesses by making the planning process quicker, easier and cheaper, making the site in question more attractive for investors and occupiers, therefore encouraging employment growth, whilst ensuring that nearby residents are protected.
15. It is proposed that an LDO be adopted for the Woodside Estate and surrounding area in Dunstable. It is proposed that this should allow a range of minor works including certain changes of use, extensions and a degree of new build. The conditions proposed as part of the LDO include specific conditions around parking, noise, light pollution and building heights to ensure appropriate protection for nearby residents.

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| 16. | What is proposed through the LDO are developments for which planning permission would normally be granted, and the proposed conditions and restrictions are those which would normally be imposed, so the LDO seeks to make development easier for businesses, save them time and money, and help make them more competitive in order to help the economy of the Dunstable area and Central Bedfordshire more generally. Once the LDO is adopted, it will be used to support wider promotion activities in the area, to promote the area as an “Enterprise Area” for businesses. |
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## **Background**

17. LDO's were introduced with the Planning and Compulsory Purchase Act 2004, and allow Local Planning Authorities to extend permitted development rights for certain specified forms of development to enable businesses and landowners to undertake a greater range of works without the need for planning permission. The nature of these works and precise parameters needs to be stated by the LDO. Equally, to protect nearby amenity, this is balanced by standard conditions and restrictions, which again need to be stated by the LDO. The intention is to help businesses by making the planning process quicker, easier and cheaper, making the site in question more attractive for investors and occupiers, and therefore to encourage employment and economic growth, whilst ensuring that nearby residents are protected.

## **Woodside Estate and Surrounding Area**

18. The Woodside Estate and the surrounding area is the largest continuous industrial area in Southern England. The site extends to approximately 107 hectares plus approximately 10.7ha for the Eastern Avenue area. Woodside's strategic importance as well as position close to the M1 makes it an attractive location for business. There are, however, competing areas in the vicinity and along the M1 corridor, all of whom may attract occupiers seeking an accessible location.
19. Some of the area surrounding Woodside experiences deprivation issues, such as the Houghton Hall ward, which Woodside partly falls within. Details of the Job Seekers Allowance claimant count and Out of Work benefits can be found in Section 2 of the proposed LDO, which is attached to this report as Appendix 1.
20. Woodside is ideally suited to an LDO. It is a substantial, purpose built established industrial / employment area, with well-defined development parameters and site boundaries, but with some scope for intensification. Some of the units are also of an age where improvements are required, as is shown by the large number of planning applications received in recent years for small scale improvements or minor works to existing buildings, which have been uncontroversial and approved under delegated authority.

## **Proposed Woodside LDO**

21. It is proposed that the LDO for Woodside and the surrounding area should enable a mixture of minor works such as certain changes of use, new or replacement windows, shutters and doors, mezzanine floors and the sub division of units to be undertaken without the need for planning permission. The draft LDO also proposed that extensions up to 1200sqm or 25% of the current floor area, and new builds of 25% should be permitted without the need for planning permission. The full list of provisions is detailed in Part B of Appendix 1 of the LDO, which is appended to this report.

## **Restrictions and Conditions**

22. The proposed LDO will also ensure that the needs of nearby residents and others are properly recognised and their amenity protected, so that they can be assured that the LDO permits only development of an appropriate scale, and that appropriate safeguards are in place. The proposed LDO has conditions relating to building height, noise levels, light levels, contaminated land, parking standards and conformity with the Central Bedfordshire Design Guide, and these are conditions which would normally be imposed on a planning permission in this area. A full list of conditions, along with a number of informatives designed to assist businesses and landowners, is at Sections C and D of the Local Development Order, which is attached to this report.
23. It is important to stress that any development which falls outside of the terms of the proposed LDO is not prohibited, but instead must go through the normal planning process. It should also be made clear that the proposed LDO does not supersede the need to comply with other relevant legislation, for example Building Regulations, Hazardous Substances Consent or licences or permits from other bodies such as the Environment Agency.
24. It is also important to clarify that the proposed LDO does not allocate any additional land, but instead seeks to maximise the potential of the existing site. LDO's are intended to be in place for a specified period of time. It is proposed that the Woodside LDO be put in place for five years, at which point it will be reviewed and could then be extended, amended, or allowed to lapse.

## **Public Consultation**

25. A public consultation on a draft LDO took place between 30 January and 28 February 2014. This consisted of a public exhibition held on the Woodside Estate, where members of the public or businesses could attend and ask questions of Officers, which was publicised locally. There was also a static display in Dunstable library. The consultation process and the results are summarised in the public consultation report, but the key aspects are as follows:

- A total of 32 questionnaire responses were received along with five letters from statutory consultees and a landowner and two internal responses. Of the questionnaire responses, 75% were from residents living close to the area in question.
- A majority (56.3%) agreed with the principle of the LDO, namely allowing businesses to undertake a greater range of work without planning permission. A majority (59.4%) agreed with allowing a range of minor works to be undertaken without planning permission.
- 50% disagreed with proposals to allow extensions, whereas 40.6% agreed. A majority (53.1%) disagreed with proposals to allow new build up to 1200sqm. A large majority (83.3%) agreed with the principle of placing restrictions or conditions in an LDO to protect residents and others.

A range of comments were forthcoming, but the majority of those who raised concerns did so based on the potential impact upon residents from noise, light and proximity of buildings to residential areas.

26. The final document takes on board the results of the consultation and several amendments have been made as a result. These amendments include an additional condition on surface water drainage, slightly amended boundaries and points intended to provide further reassurance for residents.

The LDO was verbally reported to Development Management Committee on 7 May 2014.

### **Appendices:**

Appendix A – Dunstable Woodside Local Development Order – Draft Final Document and Statement of Reasons

### **Background Papers:** (open to public inspection)

Draft Woodside Local Development Order – Consultation Report.

Environmental Impact Assessment Screening Opinion Letter (dated 18 November 2013)