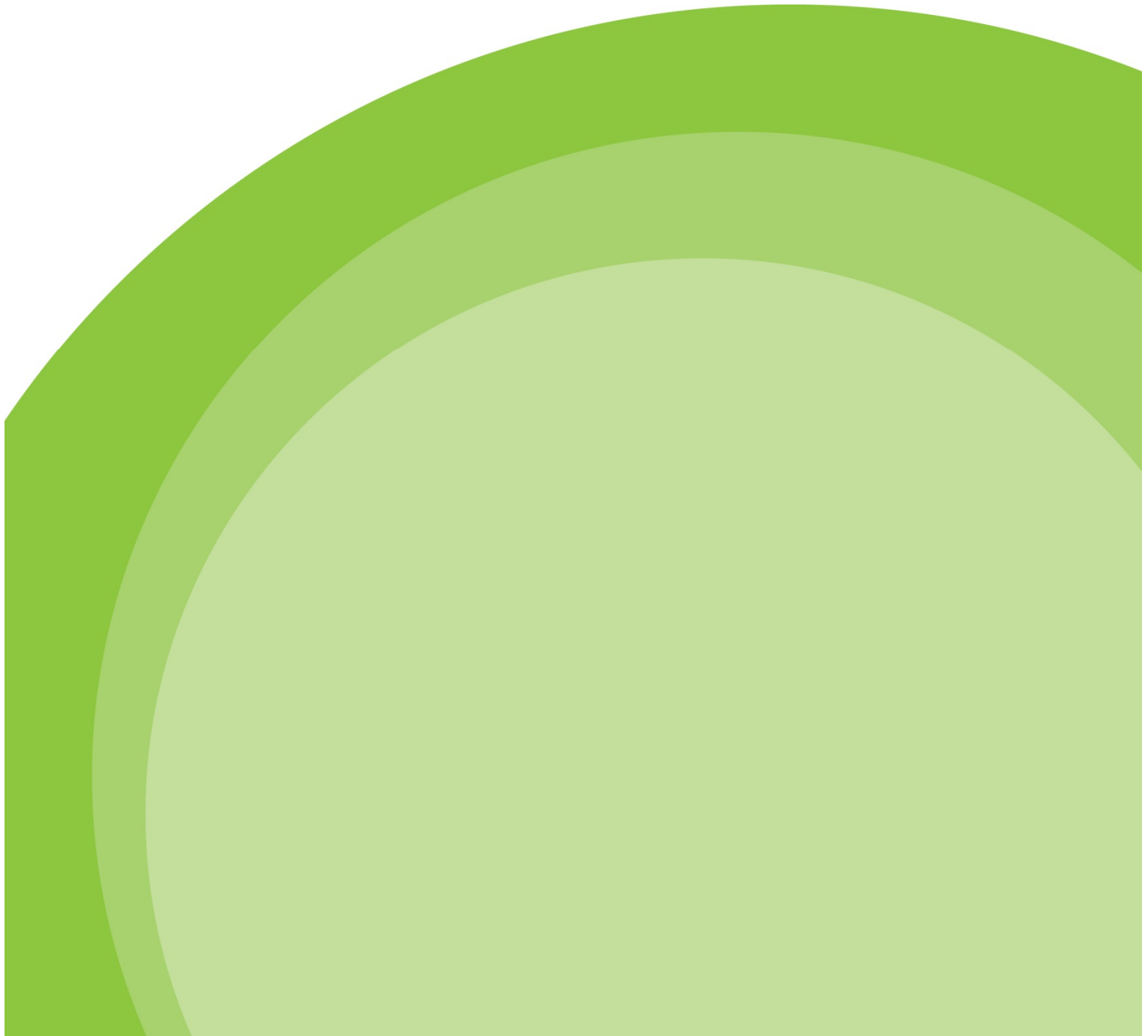




Dunstable Woodside Local Development Order

Draft Final Document and Statement of Reasons



1. Purpose of this document

1.1 Central Bedfordshire Council (CBC) (the Local Planning Authority) is adopting a Local Development Order (LDO) for the Woodside Industrial Estate and adjacent industrial areas in Dunstable including Eastern Avenue, hereafter referred to for simplicity just as “Woodside”.

1.2 Local Development Orders 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. The Planning Act 2008 removes the requirements that LDO’s should implement policies set out in adopted local development documents.

1.3 The process governing the preparation and the implementation of Local Development Orders is outlined in Circular 01/2006 ‘Guidance on Changes to the Development Control System’, available online at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7667/144854.pdf .

1.4 Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2010 paragraph 1 outlines that if a local planning authority proposes to make a LDO they shall first prepare:

- (a) A draft of the Order; and
- (b) A statement of their reasons for making the order.

1.5 The final LDO document is provided in Appendix 1 of this document.

1.6 Article 34 paragraph (2) of the DMPO states that the statement of reasons shall contain:

- (a) A description of the development which the order would permit; and
- (b) A plan or statement identifying the land to which the order would relate.

1.7 This document contains the statement of reasons for making the LDO. A map identifying the area of land to which the Order relates is included in Appendix 2. The adopted LDO will be implemented for a period of 5 years from the date of adoption, but will be reviewed before this date to determine whether an extension to the timescale should be considered, whether the terms should be amended, or whether it should be allowed to lapse.

2. Introduction and Reasons for the proposed LDO

2.1 The Woodside Estate and the surrounding area is the largest continuous industrial area in Southern England. The site extends to approximately 107 hectares (265 acres), plus approximately 10.7ha (26.5 acres) 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.

2.2 Central Bedfordshire Council is undertaking significant work to improve and regenerate Dunstable. The Luton and Dunstable Guided Busway opened in September 2013, and the Woodside Connection which will enable traffic going to and from the Woodside Estate to access the M1 directly, thus avoiding the town centre, is scheduled to start construction towards the end of 2014.

2.3 Some of the area surrounding Woodside experiences deprivation issues. For example, Houghton Hall, one of the Wards which Woodside falls within, typically has a Job Seekers Allowance claimant count of almost twice the Central Bedfordshire average (3.5% in September 2013, compared to 1.9% for Central Bedfordshire as a whole). The situation for all Out of Work benefits is similar (12.8% in Houghton Hall in February 2013, as compared to a Central Bedfordshire average of 7.3%). Equally, one of Houghton Hall's Lower Super Output Areas (LSOA's) is the third most deprived LSOA in Central Bedfordshire, and in the most deprived 10-20% of LSOA's in England as a whole.

2.4 Central Bedfordshire Council is seeking to support significant job creation by 2031. This is detailed in the emerging Development Strategy for Central Bedfordshire. As well as allocating new land for employment development through this strategy, the Council is committed to helping existing businesses and employment areas to grow, and has adopted flexible and positive policies in order to help encourage employment growth and achieve jobs targets.

2.5 Woodside is ideally suited to a Local Development Order. 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.

2.6 In the past few years there have been a considerable number of applications for minor works which have been uncontroversial and have been approved under delegated authority, and it would be advantageous to make this process easier and quicker where possible.

2.7 The purpose of the LDO is to assist the Woodside Estate, help businesses located there and help contribute towards economic and employment growth in Dunstable, and in Central Bedfordshire more generally, through simplifying the planning permission requirements on the site. This will give businesses and developers more certainty in an uncertain economic climate by detailing the specific types of development and uses which are permitted and enable development to take place more quickly. It will support business by making it simpler for businesses to set-up, diversify or expand their existing operations. The LDO will also give greater confidence to business to invest in Woodside.

2.8 The 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.

2.9 Success will be measured by Woodside continuing to be a prime business location in Central Bedfordshire and continuing to attract investment and new employment.

3. Benefits of the proposed LDO

3.1 There are a number of benefits to be derived from the LDO in that it will:

- Promote and communicate a clear and individual planning policy framework for the Woodside Estate to landowners, occupiers, and other stakeholders.
- Ensure that appropriate protections are in place for nearby residents and others so that their amenity is protected from inappropriate development.
- Provide a comprehensive outline of all development that is permitted, without the need for planning permission.
- Enable and facilitate economic development and allow sustainable economic growth to happen in a timely manner allowing businesses to react quickly to economic growth opportunities.
- Provide this location with a source of competitive advantage compared to other areas, particularly along the M1 and help attract footloose investment.
- Employment and the growth of companies on the Woodside Estate will be encouraged and these companies and landowners will enjoy a saving in time and cost when planning investment, and enjoy greater certainty on what they are able to do with their buildings.
- Enable the site to respond according to the requirements of industry.
- Build up confidence in and inform the community of future development.
- Improve investor and occupier clarity, certainty and confidence.
- Encourage the growth of micro generation of renewable energy, specifically through the use of solar and PV panels, biomass and Combined Heat and Power systems (CHP).
- Reduce the burden on the Local Planning Authority and its consultees.

- Demonstrate a positive approach to planning and the general desire by CBC to support business and encourage business growth.
- This initiative would add to the benefits to the area derived from the opening of the guided busway and, in time, the Woodside Connection.

4. Provisions of the LDO

4.1 The Woodside Local Development Order grants planning permission for specified development in the area, subject to Conditions.

4.2 The parameters for the LDO at Woodside seek to simplify the planning process in relation to:

1. The construction of new buildings
2. Extending existing buildings
3. Changes of use
4. Other minor works

4.3 The Woodside Local Development Order, set out in full in Appendix 1 of this document, modifies nationally prescribed permitted development rights (under the Town and Country Planning (General Permitted Development) Order 1995 as amended) to allow for small scale minor works to buildings and to the extension or construction of new floorspace as follows:

1. Changes of Use from B2 [General Industrial Uses] or B8 [Storage and Distribution Uses] to B1 [Offices, Research and Development or Light Industrial Uses].
2. Changes of Use from B2 to B8.
3. Sub division of existing units.
4. The recladding of existing units, or the installation of new windows, shutters or doors.
5. The installation of mezzanine floors into existing units.
6. The installation of solar or photovoltaic (PV) panels onto existing units.
7. The installation of external lighting, including columns to a height of 5m, subject to controls over light pollution.
8. New or replacement fencing is permitted up to 3m in height, unless the site is adjacent to a residential property or the Houghton Regis Conservation Area, in which case it is permitted to 2m in height, or a public highway, in which case it is permitted to 1m in height.
9. Single storey ancillary structures, for specific uses.

4.4 The Council believes that minor works of these types would be uncontroversial in this location. In addition, they are concerned with the normal operation of businesses of the type who locate on the Woodside Estate, so will assist those businesses with their everyday activities.

4.5 In addition, the Council will permit a degree of building extension and new build under the terms of an Order:

10. Extensions to existing units up to 1200sqm or 25% of the current building footprint (whichever is the greater), provided the extension is within the curtilage of the existing building, and the extension does not exceed the height of the existing building. The area of the Apex Business Centre is excluded from this provision, and in this case, a maximum extension of 35% of the existing building footprint is permitted.
11. New buildings, for uses falling within the Use Classes B1, B2 or B8, up to a maximum size of 1200sqm.

4.6 The Council believes that built development of this scale is entirely appropriate within the Woodside Estate and that provided appropriate safeguards around the proximity of neighbouring uses and appropriate heights are in place, any newly built development would be of an acceptable form in this location.

(N.B. For the avoidance of doubt, all references to new floor space to be provided through the LDO relate to Gross Internal Area (GIA). GIA means the gross internal area measured in accordance with the RICS Code of Measuring Practice published by the Royal Institution of Chartered Surveyors and the Incorporated Society of Valuers and Auctioneers Sixth Edition (2007 edition)).

4.7 The full terms of this LDO, along with conditions, are detailed in Appendix 1 of this document. The Local Development Order makes no changes to advertisement consent regulations, since these are subject to separate legislation outside of the terms of legislation covering Permitted Development.

5. Procedure

5.1 Where a development scheme is proposed, written confirmation should be sought from the Local Planning Authority that the proposals are in compliance with the LDO. A self certification form needs to be completed and submitted to the Council. In response, within 28 days of receipt, the Council will issue either a letter of conformity, a letter stating that the proposed development is not in line with the provisions of the LDO and therefore planning permission must be applied for, or a request for further information.

5.2 Development which has started under the provision of the LDO can be completed following the expiry of the LDO, or in the event that the LDO is revoked or revised. The uses that have taken place will therefore be allowed to continue to operate but no further changes of use will be allowed under the terms of the LDO following its expiry without planning permission.

5.3 Proposed development which falls outside the scope of the LDO will require the submission of a planning application or other appropriate application. For the avoidance of doubt, this LDO does not exclude applicants from applying for planning permission for developments that are not permitted

by this Order. Neither does the LDO supersede the requirements for development to comply with all other relevant legislation, for example, Building Regulations, Hazardous Substances Consent, and licences or permits from other bodies such as the Environment Agency.

6. Conditions and Informatives

6.1 Development undertaken under the terms of the Local Development Order will be subject to standard conditions in areas such as highways, contaminated land, noise, design, proximity to neighbouring uses and others. The full proposed standard conditions can be found in Part C of Appendix 1 of this document. Informatives, covering a number of areas, can be found in Part D of Appendix 1 of this document.

7. Environment Impact Assessment (EIA) Screening

7.1 There are a number of potentially sensitive receptors in the wider area, including designated heritage assets, the Houghton Regis Conservation Area and publicly accessible natural landscape, including the Blows Down Site of Special Scientific Interest (SSSI), and the Chilterns Area of Outstanding Natural Beauty (AONB) to the south of the site.

7.2 It is considered that, subject to the appropriate conditions, the proposed Local Development Order would not have any unusually complex or potentially hazardous environmental effects sufficient to trigger the need for an EIA. The proposed LDO has been considered against the relevant tests set out under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and the Local Planning Authority has formally adopted an opinion that an EIA is not required.

8. Monitoring

8.1 This LDO will be monitored to assess its effectiveness in delivering development. The outcome of this process will be reported as part of the Council's Annual Monitoring Report (AMR) process.

9. Compliance and Enforcement

9.1 Failure to comply with the terms of the LDO or any other statutory requirements may result in appropriate enforcement action being taken by the Local Planning Authority.

10. Consultation on the LDO

10.1 Central Bedfordshire Council undertook public and business consultation on a draft LDO with relevant stakeholders and the communities affected in January – February 2014. This consultation followed the publicity and consultation requirements of Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), and was in accordance with the Council's own guidelines on public consultation as set out in the 'Statement of Community Involvement' (2012).

10.2 The adopted Local Development Order takes on board a number of amendments made as a result of this consultation along with other updates and corrections from the draft document.

Appendix 1: The Dunstable Woodside Local Development Order

Part A

1. This Local Development Order relates to the area within the Woodside Estate and surrounding areas, as outlined in red on the map contained within Appendix 2.
2. The Order grants planning permission, subject to compliance with certain criteria and standard conditions, for the erection, extension or alteration of an office building, industrial building or warehouse. The criteria which proposed development will be permitted under is detailed in Part B.
3. Planning permission is granted for the above development proposals subject to conditions set out in Part C.
4. The Order, and the terms within it, will be active for a period of five years following the day of its adoption, and will expire following this period. The Order will therefore cease to apply following the fifth anniversary of the adoption of the Order.
5. Development which has started under the provision of the Order will be allowed to be completed in the event the Order is revoked or revised.
6. Development which has started under the provision of the Order prior to its expiry can be completed following the expiry of the Order.
7. The developments that have taken place under the Order will therefore be allowed to continue to operate but no new developments will be allowed under the terms of the Order following its expiry without planning permission.

Part B

In addition to the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, within the area identified in the map at Appendix 2, and subject to the conditions detailed in Part C, the following development is permitted:

1. The change of use of a premises from any purpose falling within Class B2 (general industrial) or B8 (storage or distribution), to a use for any purpose falling within Class B1 (business).
2. The change of use of a premises from any purpose falling within Class B2 (general industrial) to a use for any purpose falling within Class B8 (storage or distribution).
3. The sub division of a Class B1 (business); Class B2 (general industrial) or B8 (storage and distribution) premises to create a new planning unit falling within Class B1 (business); Class B2 (general industrial) or B8 (storage and distribution).

4. The installation, alteration or replacement of external cladding, shutters, windows or doors.
5. The installation, alteration or replacement of mezzanine flooring
6. The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.
7. The installation, alteration or replacement of external lighting.
8. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
9. The erection or installation of a single storey structure for the purposes of the parking of bicycles, the charging of electric cars, a smoking shelter, a covered bin store or the housing of plant or machinery, including those for biomass or Combined Heat and Power (CHP) systems.
10. The extension of a Use Class B1 (business), B2 (general industrial) or B8 (storage or distribution) building up to a maximum size of 1200sqm or 25% of the building footprint (whichever is the greater). Within the Apex Business Centre (which is shown as cross hatched on the map at Appendix 2), the extension of a Use Class B1 (business), B2 (general industrial) or B8 (storage or distribution) building up to a maximum of 35% of the building footprint.
11. The erection of a Use Class B1 (business), B2 (general industrial) or B8 (storage or distribution) building up to a maximum size of 1200sqm.

(N.B. For the purposes of Appendix 1, Part B (10), 'building footprint' means, in relation to a building existing on 27 May 2014, as existing on that date and, in relation to a building built after the date of adoption of this Local Development Order, as originally built. For the avoidance of doubt, 'building footprint' does not therefore include any extension erected under the provisions of Appendix 1, Part B (10) of the LDO, the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any order revoking or re-enacting those orders with or without modification.

All references to new floor space to be provided through the LDO relate to Gross Internal Area (GIA). GIA means the gross internal area measured in accordance with the RICS Code of Measuring Practice published by the Royal Institution of Chartered Surveyors and the Incorporated Society of Valuers and Auctioneers Sixth Edition (2007 edition)).

Part C

Development under this Local Development Order is subject to the following conditions:

1. Height and layout:

No development under the provisions of Appendix 1, Part B (11) of the LDO shall exceed –

- (i) if within 10 metres of any residential property, 5 metres in height; or
- (ii) in all other cases, 15 metres in height.

Reason: In the interests of visual and residential amenity.

No development under the provisions of Appendix 1, Part B (10) of the LDO shall exceed –

- (i) if within 10 metres of any residential property, 5 metres in height; or
- (ii) in all other cases, the height of the building being extended.

Reason: In the interests of visual and residential amenity.

No development under the provisions of Appendix 1, Part B (8) of the LDO shall exceed –

- (i) if erected or constructed less than 2 metres from any highway used by vehicular traffic, 1 metre in height; or
- (ii) if erected or constructed less than 2 metres from any residential property or the Houghton Regis Conservation Area, 2 metres in height; or
- (iii) in all other cases, 3 metres in height.

Reason: In the interests of visual and residential amenity and highway safety.

(N.B. The Houghton Regis Conservation Area Appraisal and Management Plan, which included details of it's boundaries, can be found at:

<http://www.centralbedfordshire.gov.uk/environment/conservation/conservation-areas.aspx>)

All development under the provisions of the LDO shall be within the curtilage of an existing Class B1 (business), Class B2 (general industrial) or B8 (storage or distribution) site and shall only be used for a purpose incidental to the use of that Class B1 (business), Class B2 (general industrial) or B8 (storage or distribution) site.

Reason: To prevent the amalgamation of existing B Class sites to create larger planning units and thereby ensure that the LDO only permits development of an appropriate scale.

2. Noise disturbance and privacy:

Noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To prevent nuisance from noise and to safeguard the amenities of neighbouring residents.

Any upper-floor window located in a wall or roof slope fronting any residential dwelling at a distance of 21 metres or less shall be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To safeguard the amenities of neighbouring residents.

3. Lighting:

Any external lighting on the site shall be installed to meet the guidance provided by the Institution of Lighting Professionals in their document 'Guidance Notes for the Reduction of Light Pollution'. The guidance notes are available from the Institute of Lighting Professionals website.

Reason: In the interests of visual and residential amenity.

No external lighting column shall exceed 5 metres in height.

Reason: In the interests of visual and residential amenity.

4. Land contamination:

No development under the provisions of Appendix 1, Part B (11) of the LDO shall take place until written confirmation has been secured from the Environment Agency as to whether a Site Investigation and Remediation Report will be required.

Any scheme of investigation and/or remediation, including variations as required by the Environment Agency shall be submitted to and approved in writing by the Environment Agency prior to the commencement of such works. This should include responses to any unexpected contamination discovered during works.

Should groundwater or surface water courses be at risk of contamination during or after development, Environment Agency approval of measures to protect water resources must be sought. Waste Licensing and related matters are also in the remit of the Environment Agency.

Reason: To protect human health and the environment.

5. CBC Parking Standards:

All development under the provisions of Appendix 1, Part B (1), (2), (3), (10) and (11) of the LDO, shall make provision for vehicular parking and manoeuvring arrangements in accordance with the CBC Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan as endorsed for Development Management purposes by CBC Executive October 2012 and the Central Bedfordshire Design Guide, Adopted March 2014 (or any adopted documents revoking or re-enacting those documents).

For any development where the parking and manoeuvring arrangements are not in accordance with those documents, an evidence base demonstrating that the parking and manoeuvring arrangements proposed will not have a detrimental affect on the adjacent highway safety, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interest of highway safety and to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. Drainage:

No development under the provisions of Appendix 1, Part B (11) of the LDO shall take place until a scheme to dispose of foul and surface water drainage has been submitted to and approved in writing by the Environment Agency. The scheme shall incorporate a plan showing foul and surface water drainage arrangements and where they connect to the mains; location of petrol interceptors; and approval from Anglian Water. The scheme shall then be implemented in accordance with the approved details and retained as such thereafter.

Reason: To prevent the pollution of the underlying Principal Aquifer and the water environment.

7. Wheel cleaning facilities:

No development under the provisions of Appendix 1, Part B (11) of the LDO shall take place until a wheel cleaning facility has been provided at all site exits to prevent the deposit of mud or other extraneous material on the highway during the construction period. The wheel cleaner(s) shall be removed from the site following the construction period.

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

Part D

Additionally, attention is drawn to the following advice notes:

1. Land contamination:

INFORMATIVE: It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Council's Contaminated Land Pollution Team and the Environment Agency without delay. Any land contamination identified shall be remediated to the satisfaction of the Environment Agency to ensure that the site is made suitable for its end use.

2. Wheel Cleaning:

INFORMATIVE: It is contrary to Section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. All development should therefore be designed and constructed so that surface water from the development does not drain into the public highway or the highway drainage system.

3. Travel plans and travel plan statements:

INFORMATIVE: In the interests of improving site access and travel choice, reducing congestion and demand for parking spaces and increasing business efficiency and equality, a Travel Plan should be prepared and implemented for all commercial premises in accordance with the Council's detailed guidance and thresholds which are available online via the Council's website (<http://www.centralbedfordshire.gov.uk/travelling/your-travel-choices/travel-plans/travel-plans-and-guidance.aspx>).

4. Conformity with the design guide:

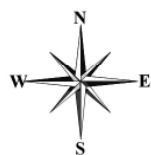
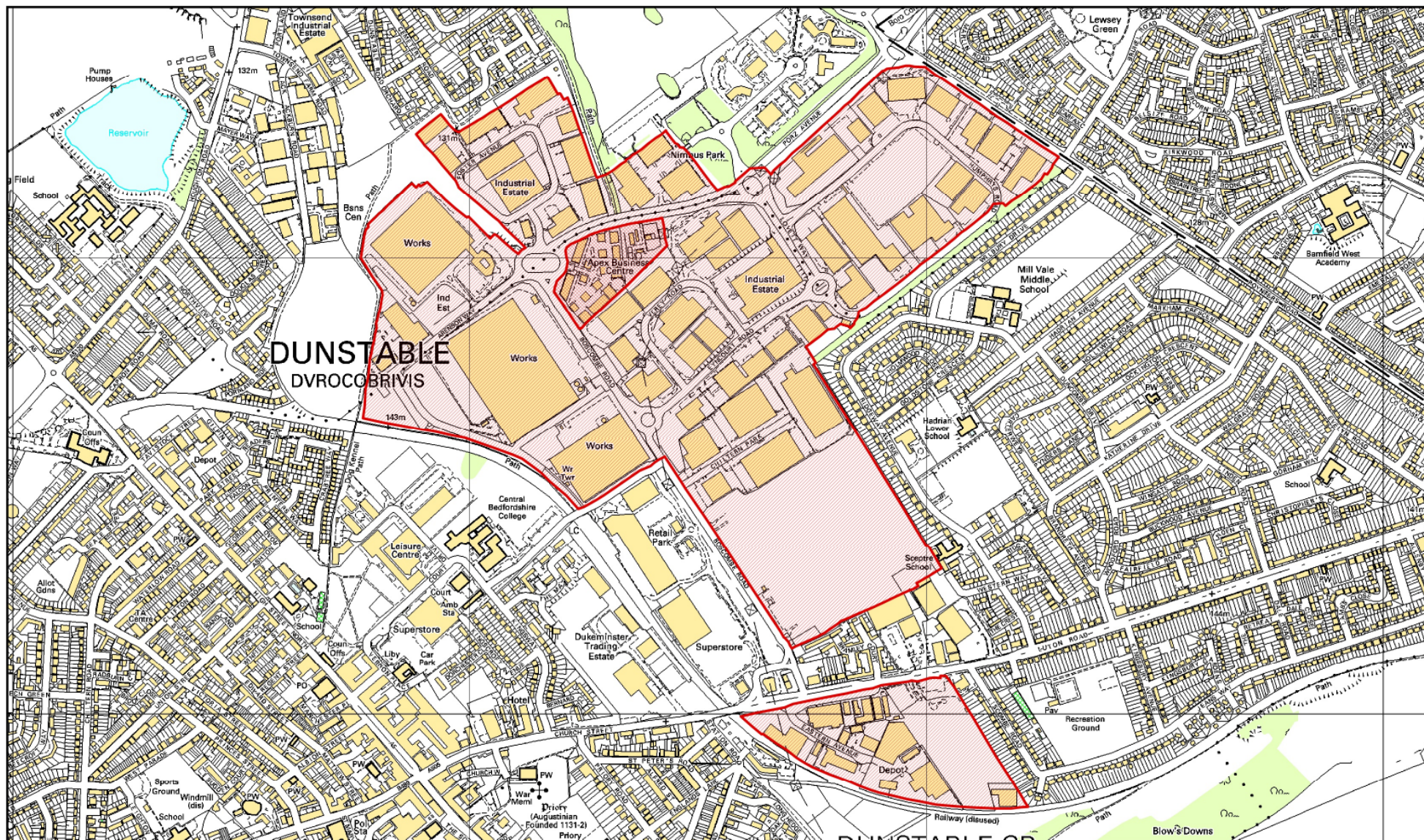
INFORMATIVE: The building siting, design and materials of all development, landscaping and green infrastructure should be carried out in accordance with the design principles set out within the Central Bedfordshire Design Guide, Adopted March 2014 (or any subsequent Central Bedfordshire Design guidance document revoking or re-enacting that document) and shall include appropriate manoeuvring space for vehicles to access and egress from site in forward gear.

5. Flood risk and drainage:

INFORMATIVE: The LDO area falls within Flood Zone 1 where all uses of land are appropriate in terms of flood risk. However all development should aim to not increase, and where practicable reduce, the rate of surface water runoff from the site as a result of the development. Allowance should be made in design for opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the application of sustainable drainage systems. Prior to any development involving the erection of new buildings or the extension of any existing premises you should discuss it with the Environment Agency.

- Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding susceptible to oil contamination should be passed through an oil interceptor designed to be compatible with the site being drained. Roof water must not pass through the interceptor.
 - Surface water from roads and impermeable vehicle parking areas should be discharged via trapped gullies.
 - All surface water from roofs should be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
 - Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter must not be connected to the surface water drainage system.
 - All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent must be discharged to the public foul sewer, with the prior written approval of statutory undertaker.
 - Detergents entering oil separators may render them ineffective.
- Further advice in respect of flood risk and the design of foul and surface water drainage is available online via the Environment Agency's website.

Appendix 2: The Dunstable Woodside Local Development Order Site Plan



Date: 28 April 2014

Scale 1:11000

Woodside Industrial Estate, Dunstable Local Development Order area

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The GeoInformation Group, 2010

Central
Bedfordshire

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