

## **Item No. 17**

<b>APPLICATION NUMBER</b>	<b>CB/15/00979/FULL</b>
<b>LOCATION</b>	<b>Land adjacent to and to the north west of Vauxhall Motors, Luton Road, Chalton</b>
<b>PROPOSAL</b>	<b>Erection of Distribution Centre with associated office accommodation, access, earthworks, landscaping, parking and ancillary works.</b>
<b>PARISH</b>	<b>Chalton</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Adam Davies</b>
<b>DATE REGISTERED</b>	<b>31 March 2015</b>
<b>EXPIRY DATE</b>	<b>30 June 2015</b>
<b>APPLICANT</b>	<b>AXA Real Estate Ltd &amp; General Motors Ltd</b>
<b>AGENT</b>	<b>David Lock Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan</b>

<b>RECOMMENDED DECISION</b>	<b>That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to conditions.</b>
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### **Summary of Recommendation**

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.

Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment stock of which there is current shortage of quality supply in the area. The development would contribute towards the delivery of local transport infrastructure and services for the area, including the Woodside link road scheme. The site is partly allocated for employment development under the adopted South Bedfordshire Local Plan Review 2004 and includes the route of the realigned B579 Luton Road, which is already separately consented. The development would be closely related to existing and consented development on all sides in the form of employment areas, and transport infrastructure. The proposal is consistent with the emerging policy allocation under the Development Strategy and the Council's adopted North of Luton and Sundon RFI Framework Plan which are supported by historic policy

documents, identifying the need for land in this area to be released from the Green Belt for mixed use development. If the Development Strategy is not progressed to adoption, there would be no allocated supply of employment land to meet local employment needs. In this context, delaying a decision or refusing the planning application in the absence of an adopted planning allocation for the entire site would serve no good planning purpose, other than to delay or prevent much needed employment and economic growth for the area. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

### **Site Location:**

The site comprises a 14.4ha area of arable farmland and scrub land to the north west of Luton. The land lies immediately to the north of the existing General Motors warehouse facility at Luton Road, east of the M1 motorway.

The site is bordered by the existing B579 Luton Road to the west, the Midland Mainline railway line to the east and the existing General Motors (Vauxhall) facility to the south. Immediately to the north is the site of the new Junction 11a of the M1 (J11a) which has been approved by Development Consent Order. The creation of the new motorway junction would necessitate the partial realignment of the existing Luton Road, within the application site. These realignment works have also been consented. To the west of the motorway the Woodside link road is planned to provide a direct connection between the new J11a and the centre of Dunstable. Works in connection with these committed highway development are underway and all of the new road projects are due to open to the public in Spring 2017. Should this be progressed and delivered in future, the route of the proposed A6-M1 link road would lie to the north.

The land is immediately adjacent to the administrative boundary with Luton Borough. The site is within the Parish of Chalton. Chalton village lies to the north, both to west of the motorway and to the east of the motorway at Sundon Road. The villages of Lower Sundon, Sundon and Upper Sundon are located to the north east.

The southern part of the site is designated as a Main Employment Area as defined on the proposals map for the South Bedfordshire Local Plan Review 2004. The remainder of the land is within the designated Green Belt but the site forms part of the proposed North of Luton Strategic Allocation, as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. The Land North of Luton and Sundon RFI Framework Plan, which has been adopted by the Council for Development Management purposes envisions the development of this area to provide mixed use employment.

### **The Application:**

Full planning permission is sought for the development of a new distribution centre (Use Class B8).

The proposal comprises two development plots. The larger plot (Plot 1), east of the realigned Luton Road would comprise a new 31,118 sqm B8 warehouse with associated office accommodation and a gatehouse. The proposed B8 unit would measure a maximum of 24 metres in height in order to provide an internal clearance of 20 metres. The external elevations would be finished with profiled cladding and elements of glazing. The site frontage onto Luton Road would be laid out to provide staff and visitor parking areas including disabled and cycle parking and soft landscaping including new tree planting along the road frontage. HGV parking, servicing and loading areas would be provided to the north and rear of the main building, adjacent to the trainline. Additional landscape planting is proposed to the south, east and north boundaries.

The smaller development plot (Plot 2) would be to the west of Luton Road. It would comprise a new 4,785 sqm B8 warehouse unit with associated office accommodation. The building would measure a maximum of 14 metres in height to provide an internal clearance of 10 metres. The elevations would be finished with the same profiled cladding and similar glazed elements as Plot 1. The staff and visitor parking areas, including disabled and cycle parking provision would be located at the northern end of the plot where the development would front onto Luton Road. The HGV turning, parking and loading areas would be located to the south (rear of the building). New soft landscaping is proposed on all boundaries of the plot, including onto Luton Road.

The proposed development plots would be served by a new roundabout onto the realigned Luton Road. Access to the strategic network using J11a of the M1 would be via a new road bridge forming part of the B579 and the new Woodside link road. In order to facilitate construction of Plot 1, a new temporary site access is proposed from the existing Luton Road, at the southern end of the site. Following the construction phase, the temporary access is to be stopped up and the land reinstated with structural landscaping.

Surface water is to be conveyed by piped drainage to four new surface water attenuation areas within the application site. The attenuation areas are to discharge to the surface water drain within the adjoining General Motors site.

The following has been submitted in support of the application:

- Plot location and site plans (August 2015)
- Proposed building plans, sections and elevations (February 2015)
- Gatehouse, fencing and external finishes details (August 2015)
- Landscape concept sections (July 2015) and plan (August 2015)
- Indicative Construction Phasing Plan (July 2015)
- Planning Design and Access Statement (February 2015)
- Landscape and Visual Assessment (February 2015)
- Draft Heads of Terms for S106 (February 2015)
- Acoustic Survey (February 2015)
- Agricultural Land Quality Assessment (February 2015)
- Air Quality Assessment (February 2015)
- Protected Species Survey (February 2015)

- Employment Statement (February 2015)
- Flood Risk Assessment (July 2015)
- Heritage Statement (February 2015) and Archaeological Evaluation (March 2015)
- Land Contamination Assessment (February 2015)
- Landscape Maintenance and Management Proposals (February 2015)
- Phase 1 Ecology Statement (February 2015)
- Transport Assessment (February 2015)
- Arboricultural Survey (February 2015)
- Utilities Report (February 2015)
- Waste Audit (May 2015)
- Letter from General Motors (applicant)
- Letter from Wincanton (prospective occupier)
- Letter from HTC DAF (prospective occupier)
- Letter from Agility Logistics (prospective occupier)
- Letter from DS Schenker (prospective occupier)

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the applicant obtained a formal screening opinion from the Council dated 10 December 2014 prior to the submission of the planning application. The Local Planning Authority has adopted the opinion that an EIA is not required.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF)**

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 9: Protecting Green Belt land

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 (SBLPR)**

Policy SD1: Sustainability Keynote Policy

Policy NE10: Diversifying the Use of Agricultural Land

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

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

*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 SD1, NE10 and BE8 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.*

### **Minerals and Waste Local Plan (2005)**

Policy W4: Waste minimisation and management of waste at source

**Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)**

Policy WSP5: Including waste management in new built development

**Emerging Development Strategy for Central Bedfordshire (DSCB)**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 6: Employment Land

Policy 7: Employment Sites and Uses

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 26: Travel Plans

Policy 27: Parking

Policy 28: Transport Assessments

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: The Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 61: North of Luton Strategic Allocation

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.*

**Luton and Southern Central Bedfordshire Joint Core Strategy** - adopted by CBC Executive for Development Management purposes on 23 September 2011.

**Supplementary Planning Guidance**

Land North of Luton and Sundon RFI Framework Plan - adopted by CBC Executive for Development Management purposes on 31 March 2015.

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Managing Waste in New Developments SPD (2005)

South Bedfordshire District Landscape Character Assessment (2009)

Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)

Central Bedfordshire Council Employment & Economic Study (2012)

## **Planning History**

None relevant.

## **Consultation Responses**

Chalton Parish  
Council

14/05/2015:

- The extent of consultation on the proposals is queried. It is noted that public consultations and exhibitions were undertaken in relation to the overall strategy for Land North of Luton but not specifically about the detail of this application.
- It is questioned who the end users of the site will be as this will dictate the nature and level of vehicle movements associated with the site affecting local roads.
- Concern is raised that the development would add to the projected increase in traffic movements, including goods vehicles, on minor, local roads, such as the B579 through Chalton village which is narrow and constrained.
- The application acknowledges existing pollution levels in the area which the development would add to. Concern is raised regarding the cumulative pollution impacts, including due to J11a.
- Appropriate environmental protection measures would be necessary.
- The Parish Council objects strongly to the uncosted draft S106 Legal Agreement which presents the proposed planning obligations as a fait accompli without consultation with the Parish.
- Employees will require the use of infrastructure which is defined as transport, flood defences, schools, hospitals, health and social care facilities, play areas, parks and green spaces. It is not unreasonable for the

development to contribute to these.

- Any public transport contribution must benefit the surrounding community.
- As the realignment of the B579 is necessary in connection with the construction of J11a, pedestrian and cycle ways should not be part of any S106 contribution.
- The use of solar panels on the roofs of the proposed warehouse units is recommended.
- Concerns are raised that jobs created by the development would be taken by incomers rather than local people. It is recommended that these jobs be set aside for local people if possible.

Toddington Parish  
Council

23/04/2015:

- Would not wish to see development allowed to be implemented until all new road networks are in place.

Luton Borough  
Council

05/05/2015:

- Object on grounds of prematurity, cumulative negative impacts and the proposal constitutes inappropriate development in the Green Belt which cannot be adequately justified.
- As per directions under the NPPF, the application should be refused on grounds of prematurity as :-
  - a) The proposal is substantial and has significant, cumulative impacts alongside excessive employment provision proposed by the Development Strategy. Permission would undermine the plan-making process by pre-determining decisions about the scale, location and phasing of new development.
  - b) The Development Strategy is at an advanced stage but is not yet formally part of the development plan for the area.
  - c) Refusal of planning permission on grounds of prematurity is justified where a draft Local Plan has been submitted for examination.
- CBC is urged to carefully consider the cumulative impacts of the development, particularly transport impacts, together with other developments in an around the North of Luton allocation area.
- The proposal is appropriate development in the Green Belt as it does not meet the exception tests under paragraphs 89 and 90 NPPF. The need for economic development does not represent very special circumstances.
- The application does not show the Woodside link road. If CBC is minded to approve the application, a condition should be imposed to ensure operations do not commence until the A5-M1 Link Road, J11a and Woodside Link are open to the public.

- Positive road signage is recommended to direct goods vehicles to the new road infrastructure.

CBC Local Planning and Housing 18/08/2015:

- The majority of the site is within the Green Belt. The southern part of the site is allocated for employment in the South Bedfordshire Local Plan Review 2004 (Policy E1).
- The withdrawn Luton and Southern Central Bedfordshire Joint Core Strategy identified land north of Luton as a strategic allocation for a residential led, mixed use development. The principle of the north of Luton allocation was supported by both Luton Borough Council and Central Bedfordshire Council and the withdrawal of this plan was not due to disagreement between the authorities regarding this allocation.
- The emerging Development Strategy reaffirmed the Land North of Luton Strategic Allocation which would contribute to meeting local housing and employment needs.
- The land between the M1 and Midland Mainline, where the application site sits, was not included in the wider allocation under the withdrawn Joint Core Strategy. It is now proposed to be removed from the Green Belt as part of the emerging North of Luton Strategic Allocation under the Development Strategy in the interests of ensuring the best and most suitable site layout and as the land would be surrounded by development.
- The Development Strategy policy requirements include approximately 3,200 homes and up to 13ha of employment land to be provided within the plan period (2031), with additional development equating to around 800 homes and 7ha of employment land beyond the plan period. The allocation is predicated upon a requirement to provide a strategic link road from the new M1 junction 11A to the A6. The emerging policies carry some weight as part of a submitted plan.
- Under current policy, the application needs to demonstrate that very special circumstances exist to justify inappropriate development in the Green Belt.
- A Framework Plan for Land North of Luton and Sundon RFI has been adopted by the Council as technical guidance for Development Management. The Plan was produced in partnership with the North of Luton Consortium including one of the applicants, AXA Real Estate Ltd. The Framework Plan was informed by engagement with technical specialists, stakeholder and officers. The Council engaged proactively with Luton Borough Council in accordance with the Duty to Cooperate, particularly in relation to transport, the distribution of land uses and infrastructure, and the approach to public consultation. A period of extensive



public consultation took place in November 2014.

- Within this area, the land is identified for employment uses within the Framework Plan. Employment uses in this location have the opportunity to maximise access to the M1 and create a strategic employment hub centred on Junction 11A and the Woodside link road, alongside the employment uses permitted at North Houghton Regis. This area is well located for the proposed logistics use with very close access to the new Junction 11A of the M1. It is also adjacent to an existing employment site occupied by General Motors. The proposed application does not rely on the delivery of the M1 to A6 strategic Link Road, with access to the M1 facilitated by Luton Road and committed Highways England Junction 11A scheme. The proposal accords with the Framework Plan but is part of a larger vision for the wider urban extension.
- The NPPF places significant weight on the need to support economic growth through the planning system and that local planning authorities should plan proactively to meet the needs of businesses. This is reflected within the emerging Development Strategy.
- In terms of scale, quality and location the existing supply of employment land are unlikely to meet the needs of the warehousing logistics sector.
- The proposed application would bring forward B8 distribution floorspace, and the applicant states that this would create around 491 new jobs, in a location where demand has been demonstrated by potential end users. Given the committed housing growth at Houghton Regis North, the proposed development at North of Luton and the close proximity to the existing Luton and Dunstable conurbation, the site would benefit from access to key employment markets.
- The proposed development has the opportunity to capitalise on significant, committed infrastructure in the form of the new M1 Junction 11A, the Woodside link road and new and existing employment areas in Houghton Regis and Luton.
- There has been historic support for housing and employment growth to the north of the Luton and Dunstable conurbation, and proposals to the North of Luton have been reaffirmed by the emerging Development Strategy. It is considered that the proposed development accords with the adopted Framework Plan and contributes to achieving the overall aims and vision. Part of the site is allocated under South Bedfordshire Local Plan Policy E1 and the proposal has the potential to meet the aspirations of the NPPF and emerging Development Strategy in securing economic growth, by creating jobs in an area of need and meeting market demands. The proposed

development also has the opportunity to capitalise on significant, committed infrastructure and could contribute to the delivery of the Woodside link road. Taking these circumstances collectively it is considered that very special circumstances exist which outweigh the harm to the Green Belt.

CBC Business  
Investment

17/08/2015:

- Fully support the application from a commercial perspective.
- Recent analysis by Lambert Smith Hampton has identified that, excluding Prologis Park, Dunstable (part completed, let to Amazon, development underway on remainder of development, strong occupier interest) and large scale units already under offer, there is approximately 500,000sq.ft availability across the Luton and Dunstable Market area.
- This represents less than 7 months supply of employment land.
- Forecasting for the demand for strategic B8 use (above 100,000sq.ft) has historically been under estimated.
- Market demand is strong, particularly along the M1 corridor reflecting national shortages of supply and returning investor interest.
- Business Investment is currently dealing with three live enquiries (not related to the end user for this site) all over 100,000 sq.ft.
- Business Investment have seen a significant increase in the demand for land and premises, with a 75% increase in enquires over the last year, (a figure actually less than that noted by Lambert Smith Hampton).
- Dunstable and the surrounding area remains the highest level of overall demand.
- Recent jobs growth in Central Bedfordshire greatly exceeded forecast rates in the latest East of England forecasting model jobs forecasts data (6,200 jobs additional jobs according to 2013 Business Register and Employment Survey) compared to the Development Strategy forecast of approximately 1350 jobs per annum over the plan period.
- These factors combined, highlight the need for securing increased high quality employment land allocations, particularly of the right quality in the right location to meet known demand.
- Business Investment would seek to work with any occupiers/ developers to secure added benefit for the local area in terms of apprenticeships.

CBC Transport  
Strategy

14/08/2015 & 19/08/2015:

- No objection.
- The development would utilise the Woodside link road,

which is currently under construction, to access the M1 and the rest of the strategic road network. As such a contribution towards this scheme is appropriate.

- It must be ensured that the development site does not compromise the opportunity to increase capacity at the M1 J11a in the future if required.
- Opportunities should be provided to maximise the number of sustainable trips to the site and minimise reliance on the car. Contributions should be made to public transport, walking and cycling infrastructure as necessary and as detailed in other responses you will have received from the Highways and Transport Directorate.
- A contribution of £40,000 towards the delivery of the Woodside Link is requested.

#### CBC Transport Strategy – Travel Plans

06/05/2015:

- The travel plan submitted is of an acceptable standard for an interim plan, pre construction/ occupation.
- An assessment checklist is provided highlighting some issues that the eventual occupier(s) should be aware of.
- Concern is raised that the level of cycle parking does not meet current policy standards.
- The proposed Sheffield cycle stands would be acceptable.

10/08/2015:

- The proposed number of cycle parking spaces (99 on Plot 1 and 15 on Plot 2) is acceptable.
- The proposed location for the cycle parking shown on this plan is suitable for both long and short stay provision due to the proximity to the main entrances of both sites.
- It is recommended that the cycle parking areas are covered by on site CCTV to improve security and attractiveness.

#### CBC Highways Development Management

25/08/2015:

- The submitted Transport Assessment covers the current baseline conditions and a future Assessment year of 2031. This is supported and consistent with the Council's Development Strategy and the HRN 1 planning application.
- The submitted Transport Assessment has considered the NPPF, the Central Bedfordshire Local Transport Plan 3, the Luton Local Transport Plan 3 and the South Bedfordshire Local Plan to which the proposal accords well in highways and traffic terms.
- The submitted Transport Assessment highlights the planned highways schemes of the A5-M1 link road and the Woodside link road connections.

- Existing localised travel patterns have been determined by an interrogation of the 2011 census data, particularly for non-vehicular trips. This approach is supported.
- The principle of the proposed access strategy is supported by this office.
- The principle and geometric parameters of the proposed roundabout junction to Luton Road appear adequate. Constructional details for the junction should be supported by safety audits and swept path analysis drawings should be secured by condition.
- A new bus layby is shown to be provided within the site. This is supported. Swept path analysis drawings for this should be secured by condition.
- A temporary construction access has been illustrated. It is understood that this is not fixed and is dependent upon the opening of the realignment of Luton Road. A Construction Method Statement and Construction Traffic Management Plan that details both construction access and vehicular routing should therefore be secured by condition. *[OFFICER NOTE: The temporary construction access detailed within the application is a fixed element of the proposal. As such, this access can be controlled by planning condition without the need for a full Construction Method Statement and Construction Traffic Management Plan. Details of vehicle routing during construction are to be separately controlled as part of the Construction Environmental Management Plan which is to be secured by planning condition.]*
- Concern is raised that the level of proposed cycle parking, as set out in the Transport Assessment would be in excess of that required under local policy. The Council's Sustainable Transport Officers should be consulted for their views. *[OFFICER NOTE: Sustainable Transport Officers have confirmed the level of cycle parking proposed is appropriate for the development.]*
- The level of operational parking proposed meets adopted CBC standards and is supported.
- The site's proposed internal highways layout appears satisfactory. A condition should be attached to any planning permission granted requiring the submission of a full suite of internal swept path analysis for HGV manoeuvring.
- In interrogation of the TRICS database has been undertaken in order to establish a valid trip rate dataset. This is supported.
- The expected trip rates are as follows:  
AM Peak Hour (0800-0900) – In 31 Out 21 Total 52  
PM Peak Hour (1700-1800) – In 14 Out 34 Total 48
- Forecast traffic flows have been taken from the Central Bedfordshire and Luton Transport Model (CBLTM).

This has been agreed and is supported.

- Operational junction assessment takes the form of 2016 assessment year and 2031 future year scenarios.
- The proposed site access roundabout has been modelled using ARCADY (Assessment of Roundabout Capacity and Delay) micro simulation software. The models have been validated by this office.
- During the 2016 Assessment Year, the proposed junction is expected to operate well within its theoretical capacity limits with a Max RFC (Maximum Ratio of Flow to Capacity) of 0.52 (52%) and a MaxQ (Maximum Vehicular Queue length) of 1 pcus (Passenger Car Units) occurring on the Luton Road southern arm of the junction during the AM peak hour (0800-0900).
- During the 2031 Future Year, the proposed junction is expected to operate well within its theoretical capacity limits with a Max RFC of 0.57 and a MaxQ of 1 pcus occurring on the Luton Road northern arm of the junction during the AM peak hour (0800-0900).
- The development is not expected to have any material traffic impact upon either the local or strategic local highway network.
- In line with the provisions detailed above, this office raises no objections to this proposal.

#### CBC Tree & Landscape

28/04/2015:

- The development would result in the loss of 4 individual Ash and Turkey Oak trees and large groups of semi/mature or early mature trees comprising of Ash, Oak, Cherry, Norway Maple, Hornbeam, Horse Chestnut, Alder, Sycamore, Field Maple and Elm, all of which are of moderate value. Other low value specimens would also be lost.
- A mitigation plan, comprising comprehensive replanting to restore landscape screening and habitat value is proposed.
- Further clarification regarding specific planting details may be required.
- Recommends a condition to secure the implementation of remedial works and tree protection measures.

15/05/2015:

- Concerns were previously raised regarding the sole use of *Acer platanoides* 'Emerald Queen' along the re-routed B579 Luton Road.
- Although this is an excellent avenue tree, a monotypical planting scheme is potentially vulnerable to future pest and disease attack and may therefore render the entire group vulnerable to loss.
- The applicant should diversify the planting species as much as possible to guard against such potential

problems.

21/08/2015:

- No further comment.

CBC Landscape

30/04/2015:

- No objection in principle.
- The area would undergo considerable change due to the development of J11a, HRN and North of Luton. The submitted photomontages show the site in this context.
- It is positive that the shorter elevations are orientated to more sensitive landscape views north of the proposed allocation area.
- The use of mid grey, pale green and pale grey cladding as proposed is preferable. There are other opportunities to deconstruct the external elevations with vertical elements and variation in roof heights to break up the mass of the units.
- Clarification is requested regarding the proposed roof forms in order to judge the impact of roofscapes in wider views. *[OFFICER NOTE: Pitched roof elements and roof lights would be set behind vertical upstands.]*
- The landscaping proposals are welcomed. Ideally these should be linked to a green infrastructure strategy and SuDs proposals.
- Landscaping proposals for J11a should be indicated as part of the plans.
- More information is required describing how SuDs features would integrate with the landscaping proposals.
- More variety within the fencing and boundary planting and additional planting would be welcomed to provide an improved relationship with the public realm.
- Car parking areas should include SuDs and trees to provide shade and reduce any 'heat island' effect.
- There does not appear to be any outdoor open space proposed for staff.

18/08/2015:

- The site would form a gateway to the planned growth areas and landscaping should evoke a sense of place and quality in design.
- The findings of the Landscape and Visual Assessment are agreed. Additional sections to gauge scale would be useful.
- Building design should engender distinctiveness, and sustainable design features. Various examples are provided.
- Opportunities to 'visually deconstruct' should be explored. Various examples are provided.
- It is disappointing that the use of green, brown or biosolar roofs is not considered.

- Landscaping should relate to planting proposals for the A5-M1; provide for landscaped approaches to buildings; include imaginative SuDs elements enhancing habitat creation; provide tree planting in parking areas to support SuDs and avoid 'heat island' areas and reinforce site boundaries and create an avenue on Luton Road.
- Details of lighting, social zones, and cycle provision would be required.

CBC Ecology

23/04/2015:

- No objection.
- Given the amount of disturbance that the area will suffer in connection with the approved Highway works for the M1 the overall ecological impact of this scheme will be minimal.
- The proposed layout plan includes an overarching green infrastructure strategy which would incorporate new woodland and hedgerows, species rich grassland areas and SuDS which will overall provide an enhanced ecological value for the site.
- The proposed species list for the trees and shrubs, including Emorsgate seed mixes is acceptable.
- Landscaping should be secured by condition to ensure a net gain for biodiversity is delivered.

05/08/2015:

No further comment.

CBC Green  
Infrastructure

17/08/2015:

- Green infrastructure proposals should relate to the visual and drainage context of the site.
- Landscaping on the western edge of the site is visible and important as the approach and gateway to the North of Luton area.
- The proposed parking for Plot 2 adjacent to the site access makes it difficult to provide an attractive gateway. A drainage basin in this area is suggested allowing for more landscaping on the western boundary.
- The SuDs approach is unsatisfactory as the attenuation ponds are located in the corners of the site, whereas a larger pond could provide broader landscape benefits and would be more preferable. SuDs elements should support ecological benefits.
- There is no demonstration of surface water treatment or source control. The use of green roofs, permeable paving, lack of kerbs and surface water conveyance (e.g. swales) should be demonstrated.

CBC Sustainable  
Development

24/04/2015 & 07/08/2015:

- Reference to the Council's sustainability policies

(SBLPR Policy BE8 and DSCB Policy 47).

- Reference to Government guidance regarding the use of solar PV installations on large roof spaces.
- Surplus electricity generated on site should be exported to the national grid.
- The core elements of BREEAM should be explored through the construction of the buildings.
- Recommends a condition to ensure the use of renewable energy sources.

CBC Public  
Protection

18/08/2015 & 21/08/2015:

- The acoustic report demonstrates that it is indeed feasible to operate the proposed distribution centre.
- The author of the report acknowledges that some assumptions have to be made in the assessment about the final end use and therefore it is necessary to undertake a revised assessment once these final details have been confirmed.
- Having regard to the submitted acoustic report assessment, it is agreed that vehicle noise is unlikely to result in any adverse impact on local receptors.
- Recommends a condition to control noise relating to fixed external plant.
- It is known to the Local Authority that the air quality in the study area is poor and that there are concentrations of nitrogen dioxide which exceed the annual mean objective along the M1 boundary.
- This was considered by the Authority during consideration of the various other significant development and infrastructure applications to date.
- However there is only likely to be an imperceptible increase in the concentrations of PM10 and PM2.5 as a result of this specific development. There is unlikely to be any new exceedances of the objectives and therefore it is unlikely that the Authority would be in a position to defend any objection to the application on these grounds.
- The Authority does have a duty to monitor air quality and therefore we will continue to fulfil these duties and take appropriate actions where necessary.

CBC Public  
Protection –  
Contaminated Land

05/05/2015 & 14/08/2015:

- The Land Contamination Assessment appears to satisfactorily scope out the need for any further investigations pertaining to potential risks to human health.
- No objection.
- Recommends informative regarding potential contamination.

CBC Archaeology

28/04/2015:

- The submitted Heritage Statement comprises the



results of a geophysical survey, a desk-based assessment and a written scheme of investigation.

- The archaeological trial trench evaluation has also been completed. The trial trench evaluation revealed two undated features in a total of fourteen trenches.
- The archaeological potential of this site is low and the development is unlikely to have a significant impact on any surviving archaeological remains.
- No objection.

19/05/2015:

- No further comment.

CBC Minerals &  
Waste

27/04/2015:

- MWLP: SSP Policy WSP5 is referenced.
- The application must be accompanied by a waste audit. The audit should set out measures which would be put in place to minimise the tonnage of waste going to landfill and how the amount of construction materials that have to be processed, purchased and transported would be reduced.

19/08/2015:

- Adequate provision for recycling facilities should be provided and the actions described in the submitted Waste Audit should be undertaken.

Environment  
Agency

23/04/2015:

- Object. No Flood Risk Assessment has been provided.

14/05/2015:

- EA removes its previous objection.
- The submitted Flood Risk Assessment and surface water management proposals satisfactorily outline surface water drainage proposals for the site.
- Recommend a condition requiring approval of detailed drainage proposals.
- The water environment is potentially vulnerable to infiltration in connection with Sustainable Urban Drainage systems. Relevant guidance is provided.
- The site is located above a Principal Aquifer. However, EA does not consider this proposal to be High Risk. Relevant guidance is provided.

Anglian Water

27/04/2015:

- No Anglian Water assets would be affected by the proposal.
- The foul water drainage for this site would be within the catchment of Chalton Water Recycling Centre which has capacity to accept flows from the site. The developer would need to serve notice under the Water Industry Act 1991 should they wish to connect to the

foul sewage network.

- The Environment Agency would need to consider surface water drainage proposals which would need to be secured by condition.

Natural England

01/05/2015:

- The site is in close proximity to the Sundon Chalk Quarry Site of Special Scientific Interest (SSSI). The SSSI does not represent a constraint in determining this application.
- General advice is provided with respect to protected species, local wildlife sites and biodiversity enhancements.

04/08/2015:

- No objection.

Highways England

28/04/2015:

- No objection.

Network Rail

08/06/2015:

- No objection in principle.
- The application site appears to include land within the ownership of Network Rail [*OFFICER NOTE: The extent of land ownership on the shared boundary with the Network Rail land has been clarified by the applicant and all land associated with the train line has now been excluded from the application site.*]
- Surface and foul water drainage proposals must be designed to be collected and diverted away from Network Rail property and to satisfy local and other regulations as part of any planning approval.
- All operations involving the use of cranes or other mechanical plant must be carried out in a 'fail safe' manner, with appropriate clearances from Network Rail property.
- No interference with the integrity of Network Rail property/ structure must occur in connection with earth works or excavations. Details of any such works to be carried out near Network Rail property should be submitted to the Local Planning Authority prior to commencement, to be approved in consultation with Network Rail.
- Security of the railway boundary will need to be maintained at all times.
- Suitable safety barriers should be provided alongside the Network Rail land.
- The proposed 3m high palisade fencing proposed on the boundary of the Network Rail land is acceptable to ensure securing of the railway line.
- Method statements may be required detailing the proposed method of construction, risk assessment in

relation to the railway and construction traffic management plan. Where appropriate, submissions must detail drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway, including vibro-impact machinery and abnormal vehicle loads.

- The proposals should ensure no encroachment into Network Rail land, including as a result of tree or shrub planting. A list of suitable planting species is provided.
- External lighting should be controlled by condition to ensure the development does not give rise to the potential for train drivers to be dazzled or result in confusion with railway signalling.
- Access to the railway operator's land must not be obstructed.
- Should planning permission be granted, it is requested that such matters are controlled by condition where appropriate and otherwise brought to the applicant's attention by way of informatives to the developer.

21/08/2015:

- No objection in principle.
- The developer has contacted Network Rail's Property Services team to resolve boundary concerns.
- Reference is made to Network Rail's previous comments of 08/06/2015 and the need to resolve technical matters, including drainage arrangements with Network Rail.

### **Determining Issues**

The "Determining Issues" in this report sets out the relevance of the current Development Plan to the decision, followed by the importance of the National Planning Policy Framework and the Green Belt.

Furthermore, there is detail on how the policy context above is reflected through the preparation of the emerging Development Strategy for Central Bedfordshire.

Therefore, the main determining issues for the application are considered in the following sections:

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to and compliance with the emerging Development Strategy for Central Bedfordshire

5. The Green Belt and assessment of the potential very special circumstances that may arise
6. Issues
  - a. Transport and highways
  - b. Landscape and visual impacts and design considerations
  - c. Air Quality, Noise impacts and Land Contamination
  - d. Flood Risk
  - e. Utilities
7. Other matters
8. The Requirement for Planning Conditions
9. The Requirement for Planning Obligations
10. Conclusion

## Considerations

### 1. Compliance with the Adopted Development Plan for the Area

- 1.1 The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The National Planning Policy Framework sets out this requirement:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.”* (para. 2)
- 1.3 The Framework also states:

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)
- 1.4 Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.
- 1.5 The formal Development Plan for this area comprises the South

Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014).

- 1.6 The site falls partly within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.
- 1.7 Policy NE10 sets out the Council's adopted policy in respect of the change of use of agricultural land which will be considered favourably provided the development is appropriate to the rural area, compatible with Green Belt Policies, has no adverse impact on nature conservation or protected areas, does not result in the loss of the best and most versatile agricultural land and has no significant adverse impact on the transport network or landscape. Having regard to the assessments set out below, it is considered that the proposal would not have an unacceptable impact on the transport network, landscape and local character, nature conservation or protected areas. The development would conflict with current Green Belt policy. The proposal would result in the loss of 7.4Ha of agricultural land categorised as Sub Grades 2 and 3a (good and very good quality). In these respects the proposal would be in conflict with SBLPR Policy NE10. This conflict must be considered in the context of the wider benefits arising from the development which are addressed in depth within the assessment of very special circumstances in support of the proposal as set out below.
- 1.8 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the detailed proposals submitted, including the proposed landscaping, it is considered that the application satisfies the design criteria of this adopted policy.
- 1.9 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 1.10 The southern part of the site is designated as a Main Employment Area as defined on the Proposals Map for the South Bedfordshire Local Plan Review 2004. Policy E1 states that, within Main Employment Areas, planning permission will not be granted for uses other than B1, B2 or B8. The proposed warehouse development would fall within Use Class B8 and would be in compliance with Policy E1.
- 1.11 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in MWLP: SSP policy WSP5 which relates to waste management in new built developments. CBC

Minerals and Waste have reviewed the Waste Audit which has been submitted in support of the proposal and consider that this will provide for satisfactory waste management as part of the development in order to comply with adopted Policies W4 and WSP5.

## **2. Compliance with the National Planning Policy Framework**

2.1 For the reasons set out above, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.

### **2.2 Building a strong, competitive economy**

The application is supported by an Employment Statement which sets out the national planning policy and the emerging local policy context which are supportive of job creation in general and economic growth in this particular location. The statement examines the local economic climate of both Central Bedfordshire and Luton. It is stated that growth in local employment has not kept pace with the growth in population between 2001 and 2011. Against a national average unemployment rate for Great Britain of 7.2%, Luton has an above average unemployment rate of 8.6% whereas unemployment rates with Central Bedfordshire are below average at 4.9% (NOMIS Official Labour Market Statistics, 2012). Office of National Statistics survey data shows high levels commuting out of Central Bedfordshire, particularly towards Greater London, Luton, Milton Keynes and Bedford. The proposed development would therefore be benefit to both authority areas in addressing unemployment, particularly in Luton Borough and out commuting. On a national basis, it is stated that office and industrial supply is becoming increasingly constrained, especially within the logistics sector (Lambert Smith Hampton, UK Investment Bulletin Q4 2014). Locally, the Council's own employment review and studies demonstrate recent growth in the supply of small and 'mid-sized' employment sites but a need for larger stock in order to meet local demand, particularly as a result of the planned delivery of the Woodside link road and M1 J11a road projects. The Council's employment review and studies reflect the significant market demand for large format B8 stock along the M1 corridor, of up to 84.3Ha of land. The applicant's employment statement indicates that vacant employment land within Central Bedfordshire is not capable of capturing this strategic B8 market due to its size and location.

2.3 Based on the HCA Employment Densities Guide, 2012, the application projects that the development is capable of supporting 491 full time equivalent jobs during full operation, 113 temporary jobs during the construction period as well as 147 additional jobs as a result of indirect support for local service employment which would result from the operation of the site. It is stated that, cumulatively, this would equate to an annual increase in the local economy of £11,293,000.

2.4 Whilst no named operator is provided as part of the application, the applicant has provided a letter from national supply chain solutions provider Wincanton which confirms their interest in the site. The applicant has provided a similar letter from road transport, trailer and vehicle provider, HTC

DAF. HTC DAF currently occupies a constrained site at Camden Way, Luton and have confirmed their interest in the application site. Global distribution firm Agility Logistics has confirmed that the site is of considerable interest to meet their needs in terms of its scale and strategic location along the southern M1 corridor and adjacent to the new J11a. Additionally DB Schenker has provided a letter expressing interest in the site. The letter states that supply chains are evolving such that inbound product flows are becoming shorter and easier to manage, closer to the point of consumption. As such there is a trend for some businesses, particularly retailers, to reduce their levels of owned stock. DB Schenker will therefore need to be able to base an increasing proportion of its activity in the region and the potential of the site, adjacent to J11a, is recognised. General Motors have also provided a letter in support of the application. This confirms that the proposed development and disposal of this land by General Motors is part of a strategic review of local surplus sites to enable General Motors to focus on its core business in Luton and Central Bedfordshire. In connection with this, the employment report accompanying the planning application states that the development would support opportunities for General Motors to reinvest in their existing facility, contributing to the safeguarding of existing employment. The letter provided by General Motors indicates that refurbishment works are planned as part of a future planning application.

- 2.5 Having regard to the above, and the advice of the Council's Business Investment section, there is a demonstrable need for specific commercial development within the area of this scale and type. The site is well located adjacent to the consented A5-M1 link road, Woodside link road and J11a of the M1 which will provide convenient access to the strategic road network for logistics, industrial and other commercial traffic within the area. This will allow for easy and efficient access to London and other locations. London Luton Airport, which is well connected globally, is within 11 miles of the site. The site of the proposed Sundon Quarry Rail Freight Interchange lies in close proximity to the north. The site is also well located to draw labour from the planned North of Houghton Regis Strategic Allocation area, the existing conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes. The proposal would therefore support the building of a strong and competitive economy in line with this core NPPF objective.

2.6 **Promoting sustainable transport**

The application is supported by a Transport Assessment which examines the existing baseline transport conditions alongside consented development including the A5-M1 link road, Woodside Link road and the HRN1 development, and the impacts of the proposed development on the local and strategic transport network. Subject to the delivery of committed highway infrastructure to serve the wider growth area, there would be sufficient capacity within the highway network to accommodate the proposed development. The site is well related to the local and strategic highway network with convenient access to the M1, Luton, Dunstable and Houghton Regis by car. Access to M1 J11a would be via a new road bridge forming part of the B579 and the new Woodside link road. The A5-M1 link road, Woodside link road and M1 J11a are all due to open in Spring 2017 and works have commenced in respect of these. In line with the recommendations of Transport Strategy Officers, the development would

need to provide support funding for the delivery of the Woodside link road, proportionate to its impact on the road network. The applicant has confirmed their agreement to provide suitable financial contributions, at £40,000 towards the delivery of the Woodside Link Road and this can be secured by Legal Agreement. The operation of the development is planned to coincide with the first opening of the planned road projects. This would ensure that commercial traffic associated with the site makes use of the strategic road network rather than constrained, local routes, to the detriment of neighbouring villages such as Chalton. This could be controlled by Legal Agreement. Other local mitigation works to facilitate safe and suitable access to the site for pedestrian and cyclists via the realigned Luton Road, together with appropriate traffic calming measures, can be secured by planning condition. Appropriate public transport provision would need to be secured by way of Legal Agreement. A Travel Plan has been submitted setting out proposed initiatives to promote transport by sustainable modes. The implementation of the final Travel Plan, specific to the end user, would need to be secured in connection with any planning permission. CBC Sustainable Transport Officers have confirmed that the proposal would provide an appropriate level and type of cycle parking provision.

## 2.7 **Requiring good design**

The NPPF promotes good design at every level. The development would be seen in views from Chalton village, in wider landscape views to the north, and within public views from the west, particularly from Houghton Regis and the M1. The applicant has explored variations in the design proposals in order to minimise the visual and landscape impacts of the proposal. This includes the use of graded external cladding and structural landscaping. The physical screening which would be provided by the planned motorway infrastructure would also serve to mitigate the visual impacts of the buildings. This would also be assisted by the proposed A6-M1 link road and any associated landscaped elements, should this be progressed and delivered as part of the proposed North of Luton strategic allocation. The development would make efficient use of the land for employment purposes incorporating suitable service and parking arrangements new landscaping and drainage features. It is considered that the application demonstrates an acceptable design proposal which would respond appropriately to the existing urban area, planned employment west of the motorway and the adjoining transport network.

## 2.8 **Protecting Green Belt land**

The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is the fundamental policy consideration in relation to this application. Within the Green Belt there is a presumption against major development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*



This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately below.

**2.9 Meeting the challenge of climate change, flooding and coastal change**

The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. Concerns have been raised by Chalton Parish Council that, together with the planned J11a and other development, the proposal would add to local pollution levels in the Parish. It is known that the committed road infrastructure, consented development north of Houghton Regis and uncommitted development forming part of the proposed North of Luton strategic allocation would necessitate pollution monitoring and mitigation measures. Given the scale and nature of the development relative to the surrounding development proposals, CBC Public Protection does not consider the proposal to be objectionable in terms of pollution impacts. The applicant has provided further clarification in respect of the sustainability aspirations for the development. It is stated that the base buildings are designed to achieve BREEAM “Excellent” environmental performance on the basis that the building occupiers specifies an appropriate fit-out. The base buildings would exceed the standards identified in the Building Regulations for air tightness, and the need for artificial lighting would be minimised by the use of additional roof lights. The intention is that insulation standards would exceed current Building Regulation requirements and natural ventilation would be employed wherever feasible. Low energy gas fired hot water generators would be used in the offices, and water saving appliances would be used to reduce energy and water consumption. A Building Management System would be provided to minimise the carbon footprint of the building throughout its operational life. The development would be capable of meeting 10% of its energy demand from renewable sources, subject to final build spec and this can be controlled by planning condition. The site is within Flood Zone 1 and is defined as having a low probability of flooding. The proposed drainage strategy is based on the provision of surface water attenuation ponds to discharge to the surface water drain within the adjoining General Motors site. Subject to appropriate conditions the development would not give rise to an increased risk of flooding.

**2.10 Conserving and enhancing the natural environment**

As noted, the development would result in the loss of 7.4Ha of agricultural land categorised as Sub Grades 2 and 3a (good and very good quality). This would conflict with the high level aim of protecting the best quality agricultural land under the NPPF. The application was submitted with a Landscape and Visual Assessment, Landscape Maintenance and Management Proposals, Phase 1 Ecology Statement and a Protected Species Survey. These documents satisfactorily address the other key biodiversity and landscape impacts likely to arise from the proposed development.

**2.11 Conserving and enhancing the historic environment**

The submitted Heritage Statement sets out the results of archaeological

work undertaken in connection with the application in the form of a geophysical survey, a desk-based assessment and a written scheme of investigation. Archaeological trial trench evaluation has also been completed which has revealed two undated features in a total of fourteen trenches. The archaeological potential of the site is considered to be low and the development is unlikely to have a significant impact on any surviving archaeological remains. The proposal therefore satisfies NPPF requirements with respect to the historic environment.

- 2.12 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full below.

### **3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy**

- 3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy included a number of strategic development allocations, including land in the area north of Luton. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the Joint Core Strategy was not abandoned due to a disagreement between the joint Council's regarding the North of Luton allocation and both Councils were supportive of the principle of the development allocation. The Joint Core Strategy remains relevant to current policy in so far as the evidence base which underpinned it has directly informed the Development Strategy which remains supportive of this growth agenda.
- 3.2 For these reasons, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application. Limited weight is to be applied to it.
- 3.3 The withdrawn Joint Core Strategy identified land north of Luton as a strategic allocation for residential led, mixed use development. Whilst the application site now forms part of the proposed development allocation under the Development Strategy, the land between the M1 and the Midland Mainline, where this application site sits, was not part of the wider allocation area to be removed from the Green Belt under the Joint Core Strategy.
- 3.4 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail

elsewhere within this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire. However the proposal is considered to be in compliance with the policy principles of the Joint Core Strategy and would support the growth strategy set out as part of the withdrawn plan.

#### **4. The weight to be applied to and compliance with the emerging Development Strategy for Central Bedfordshire**

- 4.1 The Central Bedfordshire Development Strategy document was submitted to Secretary of State 24 October 2014 and initial hearing sessions were held in February 2015.
- 4.2 On the 16th February 2015 the Planning Inspector, Brian Cook wrote to the Council explaining his view that the Council had not met the Duty to Co-operate as set out in section 33A of the Planning and Compulsory Purchase Act 2004. This a legal requirement that Local Authorities work cooperatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph and demonstrate this cooperation through the plan-making process. The need to comply with this requirement is distinct from the test of “soundness” i.e. whether the Plan is fit for purpose. Given his view that the Duty to Co-operate had not been met, the Inspector’s letter recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final Report.
- 4.3 The Council has subsequently notified the Planning Inspectorate that it does not intend to withdraw the Development Strategy and that the Planning Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector’s decision dated 16 February 2015 was made by the Council in the High Court on 12 March 2015.
- 4.4 The first phase of the application for Judicial Review of the Planning Inspectorate’s decision took place at a Court hearing on 16 June 2015. This was to consider whether the Court would grant the Council leave to have an application for Judicial Review heard in the High Court. The Judge did not support the Council’s case, focusing on the mechanics of the plan making process. Having considered its case, the Council has decided to continue to pursue the challenge through the Courts and has now indicated its intention to do so. On the 22 June 2015 the Council lodged an appeal against this Judgement. The appeal process in relation to the Judge’s decision on 16 June 2015 is ongoing.
- 4.5 The Development Strategy for Central Bedfordshire is not adopted policy, but is an important material consideration in the determination of the application and carries weight as a submitted local plan. Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the

weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 4.6 The representations lodged in response to the Development Strategy and Policy 61 are therefore material to the consideration of the weight to be attached to the Development Strategy at this time. Following the Pre-Submission Consultation (known as Publication) further consultation was held between the 30 June to 26 August 2014. This was the final stage of formal consultation before the plan was submitted to the Secretary of State
- 4.7 Approximately 1,645 comments on the Development Strategy were received during this consultation; these included both comments in support and objection. The comments considered as main matters can be found within the Main Issues Statement (Regulation 22 (1) (c) (v) – Submission (October 2014). In summary the objections to the Development Strategy related to the Duty to Co-operate, viability and deliverability of the Development Strategy, consistency with the NPPF, the allocation of sites within the Green Belt and the unmet housing need and insufficient supply of houses. Policy 61 received 60 comments of which 28 were objections and 4 in support.
- 4.8 The objections lodged in response to consultation on the Development Strategy, the Inspector's letter and conclusions regarding the Duty to Cooperate, specifically with Luton Borough Council, and the outcome of the Court hearing of 16 June 2015 serve to limit the weight to be applied to the Development Strategy and Policy 61 at this time.
- 4.9 It is important to note that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. The Council has undertaken considerable work in connection with the Sustainability Appraisal to assess possible alternative sites which might be better suited to meet local planning needs, and none has been identified that was better than those identified within the emerging plan. As submitted, the Strategy remains the Council's emerging planning policy to deal with the development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy is at an advanced stage of preparation having been formally submitted to the Secretary of State and is considered by the Local Planning Authority to be consistent with the NPPF.
- 4.10 It is therefore concluded that limited weight is to be attached to the policies contained within the emerging Development Strategy at this time. However given the underlying evidence base and consistency with national policy, this remains a material consideration in the determination of the application.
- 4.11 Policy 61 specifically sets out the requirements for the Houghton Regis North Strategic Allocation. The policy details the delivery of approximately 3,200 homes and 13Ha of new employment land within the plan period focused primarily to the west of the allocation to maximise access to the M1. The allocation area also has the potential to provide up to 800 additional homes and 7Ha of employment land beyond the plan period. The

employment proposals form part of this overall package of growth as defined under the proposed allocation to support the creation of a sustainable urban extension and in support of the regeneration needs of the wider conurbation area. The proposal is therefore in accordance with the broad policy aspirations for Land North of Luton under the Development Strategy.

- 4.12 In support of DSCB Policy 61, the North of Luton and Sundon RFI Framework Plan has been produced and sets out the Council's general expectations on how the aims of the urban extension may take physical form. It defines a vision for the development of the North of Luton area. The Framework Plan diagram and supporting text set out the key land uses to be provided as part of the proposed urban extension. The fundamental purpose of the Framework Plan is to set broad aspirations for key elements of the allocation and to guide the development as a whole based on the constraints and opportunities for the proposed allocation. The Framework Plan has been adopted by the Council for Development Management purposes. The current employment proposal is in accordance with land use proposals as detailed the Framework Plan diagram which envisions employment development in this area.

## **5. Green Belt considerations**

- 5.1 The site is partly within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF dictates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The grant of planning permission will not therefore remove the land from the Green Belt. Rather, it would mean development in the Green Belt is permitted. A change to the Green Belt designation can only be realised through adoption of a new Development Plan.

- 5.2 Where proposals for inappropriate Green Belt development are made under a planning application, Paragraph 87 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### **Prematurity**

- 5.3 Luton Borough Council has raised concerns and objections to the proposals on the grounds that the development is proposed within the Green Belt, in advance of any formal change to the Green Belt designation and allocation of the land for development through the adoption of a new Development Plan. On this basis it is stated that the application should be refused on the grounds of prematurity.

- 5.4 In the context of this objection, it should be noted that automatic refusal of planning applications, simply on grounds of prematurity, would be incorrect. National planning policy dictates a fuller consideration of material considerations is required. This has been confirmed by the High Court Judgement in respect of the grant of planning permission for the HRN1 development. This Judgement was subsequently upheld within the Court of

Appeal. Paragraph 83 of the NPPF is specifically addressed as part of the High Court judgement in respect of the planning permission relating to Land North of Houghton Regis Site 1. Paragraphs 55 and 56 of the High Court Judgement may assist Members in the consideration of this application. These are as follows:

- 5.5 *“Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided “very special circumstances” exist.*
- 5.6 *Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding “exceptional circumstances” test) and then granting permission for development without having to satisfy the more demanding “very special circumstances” test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent “very special circumstances” test is satisfied.”*
- 5.7 Government guidance contained within the National Planning Practice Guidance provides clear direction in relation to circumstances when it might be justifiable to refuse planning permission on the grounds of prematurity. It is stated that, within the context of the NPPF and, in particular, the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.
- 5.8 Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.9 Refusal of planning permission on grounds of prematurity will seldom be

justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

- 5.10 In the consideration of the present application it should be acknowledged that the emerging DSCB is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.11 In relation to the nature of the proposal and its potential cumulative effects, the application is accompanied by range of reports examining the potential effects of the development together with existing and committed development within the area. This report details Officer's assessments of these effects. It is concluded that, subject to suitable mitigation, no significant adverse cumulative impacts would result from the proposed development. The site is partly allocated for employment development under the adopted South Bedfordshire Local Plan Review 2004 and includes the route of the realigned Luton Road which has already been separately consented.
- 5.12 On this basis, Officers do not consider that the proposed development is so substantial that the grant of planning permission would serve to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development. It is not considered that the grant of planning permission would prejudice the outcome of the plan-making process so as to warrant refusal on the grounds of prematurity.

#### **The purposes of the Green Belt**

- 5.13 Within the Green Belt there is a presumption against large scale development which is considered inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and is the fundamental policy consideration. Substantial weight is to be attached to any Green Belt harm.
- 5.14 Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.15 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.

- 5.16 *To check the unrestricted sprawl of large built-up areas*  
The site is partly located outside of the existing settlement boundary but would be closely related to the existing Vauxhall distribution centre to the south; the realigned B579 Luton Road and the new Junction 11a

infrastructure to the west and north; and the Midland mainline and existing industrial areas within Luton to the east (Willow Gate trading estate/Camford Way). The site would be substantially contained on all sides by this existing and committed development. This would provide for permanent physical boundaries on all sides. It is not therefore considered that the development of the application site would result in unrestricted sprawl.

5.17 *To prevent neighbouring towns merging into one another*

The site does not serve any Green Belt function in terms of preventing the merging of neighbouring towns.

5.18 *To assist in safeguarding the countryside from encroachment*

Notwithstanding that the site would be substantially enclosed by strong, physical boundaries preventing unrestricted sprawl, at the present time, the proposed development would represent an encroachment upon the countryside.

5.19 *To preserve the setting and special character of historic towns*

The preservation of the site as undeveloped land is not identified as important to the setting or special historic character of Luton or other settlements.

5.20 *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

Housing, employment and other development needs within Central Bedfordshire derive substantially from those settlements in the southern part of the Council area. Evidence suggests that whilst some development can take place within the existing urban areas, the total amount of land available is well below that needed to meet the local planning need. There is historic policy support for the proposed strategic allocation which is planned to support a broad range of planning objectives for the wider urban area. Resisting development of the site would not serve this Green Belt function.

5.21 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside. The NPPF states:

5.22 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

5.23 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified. This is the primary decision that the Council will need to reach before considering other material considerations.

5.24 There is no definition of the meaning of ‘very special circumstances’ but case law has held that the words “very special” are not simply the converse of “commonplace”. The word “special” in the guidance connotes not a quantitative test, but a qualitative judgement as to the weight to be given to



the particular factor for planning purposes.

### **The applicant's case for very special circumstances**

5.25 The Planning, Design and Access Statement for the application sets out an assessment of the Green Belt value of the site. It is stated that, excluding land allocated for employment development under current planning policy, and the realigned Luton Road, which has already been separately consented, 55% of the site is within the Green Belt. The site is visually and geographically constrained by existing and committed boundaries. The development would infill an area of land surrounded by development and would sit within the context of the general character of the area. The application concludes that the level of harm to openness is relatively low as the site fulfils a limited function in respect of the five purposes of including land within the Green Belt. The application then sets out the following matters in support of the development which weigh against this Green Belt harm. These are summarised as follows.

- There is national policy support for economic development and growth under the NPPF. This is reflected in other recent planning permissions for employment development in the Green Belt (reference to Doncaster Inland Port, Rossington; Pinewood Studios, South Buckinghamshire; and Radlett RFI, Hertfordshire).
- The proposal responds to an identified market need along the M1 corridor and would deliver a significant number of jobs for the existing conurbation and the planned growth area.
- The proposal would provide opportunities for General Motors to reinvest in their existing operations site at Luton Road.
- The proposal would support an expansion of local bus services and connectivity for cyclists.
- The visual and landscape impact would be limited due to the surrounding development and the visual profile of the development.
- Reference is made to previous policy documents which have identified land within the area as suitable for removal from the Green Belt.
- The continued use of the land for agricultural purposes would be compromised by air quality, land quality and viability reasons following the delivery of Junction 11a.

### **Assessment of the case for very special circumstances**

5.26 The application is supported by an Employment Statement and several letters from prospective occupiers as is detailed within paragraphs 2.2 to 2.5 of this report.

5.27 Having regard to market indicators, including live enquiries and engagements with other commercial agents within the area, CBC Business Investment consider that this provides an accurate assessment of current

levels of supply and demand. CBC Business Investment has seen a significant increase in the demand for land and premises, with a 75% increase in enquires over the last year. It is projected that take up and inward investment can be expected to rise significantly in the short term, partly in response to committed development and infrastructure including the consented HRN1 development, the M1 junction 11a, the A5-M1 and Woodside link roads. These factors highlight the need for increased employment land, particularly of the right quality in the right location to meet known demand and support the growth of local business.

- 5.28 The site occupies a highly accessible location, closely related to the consented J11a of the M1 and the associated A5-M1 and Woodside link road projects which will provide access to the strategic road network. The site is within 11 miles of London Luton Airport.
- 5.29 It can be anticipated that the development would provide wider economic benefits for the area through inward investment and the creation of jobs. The site is well located to draw labour from the planned North of Houghton Regis Strategic Allocation area. It is also capable of supporting local employment for the existing community within the current conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes. Based on HCA employment density guidance, it is projected that the development has the potential to create in the region of 491 jobs and support additional employment during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 5.30 The need for employment development is supported the Council's employment land reports and review, including the Central Bedfordshire Council Employment & Economic Study (2012). This forms part of the evidence base for the Development Strategy and the proposed development allocations under the emerging plan, including the application site. The development is consistent with the emerging DSCB Policy 61 and the Council's adopted North of Luton and Sundon RFI Framework Plan. It is also supported by previous policy documents, including the withdrawn Joint Core Strategy which identified a need for land within the Green Belt to be released for mixed use development in this area.
- 5.31 It is appropriate to apply some limited weight to the policy context which supports employment development in this location. However, irrespective of the degree of weight to be applied to the Development Strategy, there is an evident need for employment development of this type and in this location. Within this context, it should be acknowledged that, if Development Strategy and DSCB Policy 61 are not progressed to adoption, there would be no allocated supply of employment land to meet local employment needs.
- 5.32 Part of the site is currently allocated for employment development under the South Bedfordshire Local Plan Review 2004. The application site also includes the route of the realigned B579 Luton Road which has already been consented. Given this, the demonstrable need for employment development in this location, and the above assessment against the five purposes of including land within the Green Belt, it is considered that delaying a decision

or refusing the planning application on Green Belt grounds until the formal confirmation of a planning allocation in the Development Plan will serve no good purpose, other than to delay or prevent much needed employment and economic growth for the area.

5.33 The development would provide significant funding, at £40,000 towards the delivery of the Woodside link road. This is appropriate in order to mitigate the impact of the development on the road network but would also support the wider growth aspirations within the area by contributing to the delivery of the strategic Woodside link road and the broad-ranging benefits associated with the scheme. The delivery the Woodside link road, A5-M1 and J11a projects are critical to the successful delivery of the planned growth in the area the associated economic and regeneration benefits for the wider conurbation.

5.34 The development would additionally provide support for the expansion of local bus services and pedestrian and cycle connections on the realigned Luton Road. These would be required to provide for sustainable connections to the site but would also benefit the wider area.

### **Conclusions**

5.35 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.

5.36 Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment stock of which there is current shortage of quality supply in the area. The development would contribute towards the delivery of local transport infrastructure and services for the area, including the Woodside link road scheme. The site is partly allocated for employment development under the adopted South Bedfordshire Local Plan Review 2004 and includes the route of the realigned B579 Luton Road, which is already separately consented. The development would be closely related to existing and consented development on all sides in the form of employment areas, and transport infrastructure. The proposal is consistent with the emerging policy allocation under the Development Strategy and the Council's adopted North of Luton and Sundon RFI Framework Plan which are supported by historic policy documents, identifying the need for land in this area to be released from the Green Belt for mixed use development. If the Development Strategy is not progressed to adoption, there would be no allocated supply of employment land to meet local employment needs. In this context, delaying a decision or refusing the planning application on Green Belt grounds in the absence of an adopted planning allocation for the entirety of the site would serve no good planning purpose, other than to delay much needed employment and economic growth for the area.

5.37 Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

## 6 Issues

### (a) Transport and highways

- 6.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 6.2 Where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 6.3 The submitted Transport Assessment (TA) sets out the existing transport baseline situation. This details the key road network connections including the consented A5-M1 link road, M1 J11a and Woodside link road which are under construction, and the realignment of the B579 Luton Road, through the application site. There is presently no regular bus route serving this part of Luton Road. The nearest bus connections are approximately 400 metres north (No. 20 - Luton Road / Sundon Road) and 1km south (No.6 – Toddington Road). Connections to London and other locations via rail are available from Leagrave Station, approximately 2.8km south of the site. Reference is made to the consented Houghton Regis North Site 1 development, west of the M1, for up to 5,150 dwellings and circa 200,000sqm of additional development.
- 6.4 The TA details the parking requirements and likely trip generation for the development based on the proposed floor area and the TRICS database. A transport impact assessment is provided, detailing local and national policy, which concludes that the level of traffic generated would be negligible when distributed onto the wider network. The proposed roundabout onto the realigned B579 Luton Road would be suitable to accommodate the expected vehicle trips.
- 6.5 CBC Highways Development Management has reviewed the TA and raises no objection to the proposal in transport impact terms. The development would need to provide support funding at £40,000 towards the delivery of the Woodside link road, which is required to serve the site. It is understood that a HGV ban is planned for roads through Chalton village which would prevent goods vehicles associated with the proposed development from utilising local roads in preference to strategic routes. Any local HGV ban would need to be implemented through highways legislation, rather than under planning legislation and is beyond the scope of this planning application. However the operation of the site is planned to align with the public operation of the new strategic transport connections and this can be subject to control through Legal Agreement in the interests of ensuring the site is served by these major roads and to avoid adverse impacts upon constrained local roads

through the neighbouring villages.

- 6.6 The site access arrangements are considered to be acceptable subject to final constructional details, together with suitable footway/cycleway connections and traffic calming measures to be provided on the realigned B579 Luton Road. These works do not form part of the consented realignment being undertaken as part of the development of M1 J11a and would need to be secured by planning condition and in connection with the S278 highways process.
- 6.7 Temporary access, to allow for construction on Plot 1, during the realignment of the B579 is proposed to the south of the site from the existing Luton Road. This would involve the temporary loss of an existing landscaped area adjacent to the adjoining General Motors site. The stopping up of this construction access and reinstatement of this land as a landscaped area following occupation of Plot 1 would need to be controlled by condition.
- 6.8 With respect to pedestrian and cycle movements and public transport initiatives, Travel Plan measures would need to be secured by condition. It is proposed that public transport provision for the site would be secured by separate agreement with local bus providers. This would ensure that the site is accessible using public transport from local centres such as Luton, Dunstable and Houghton Regis and from the Luton-Dunstable Busway. The applicant has engaged with local bus operators, including Arriva and Grant Palmer regarding potential bus provision, such as through an extension to any existing service route. The timing, running routes and other parameters for any bus service for the site would need to be agreed with the Council's Public Transport Officers. This would be required in advance of any wider public transport strategies being implemented over the longer term to serve the wider growth area including the consented developments, North of Houghton Regis and the proposed North of Luton Strategic Allocation, should this be progressed.

**(b) Landscape and visual impacts and design considerations**

- 6.9 The development would occupy a prominent location at the western edge of the proposed North of Luton allocation area. Given the scale of the development, there would be wider views of the warehousing, particularly the larger unit proposed for Plot 1. The application is accompanied by a Landscape and Visual Assessment which provides photomontages to show the site in this context and an analysis of the visual impacts of the development at various times of the year, from various public viewpoints.
- 6.10 The larger building proposed for Plot 1 would be appreciably taller than the existing General Motors warehouse but would not be of the same scale of footprint and it would not present the same wide elevations when seen in close public views. In longer range views from the north, the proposed building would also be partly screened by new structural landscaping within the site and also by the new M1 J11a which would be constructed 4 to 5 metres above the level of Luton Road and the application site. Graded colour panelling would assist in minimising the visual impact of the building in wider views. Other design solutions to break up the massing of the building have been considered by the applicant, in discussion with the

Council, but are not a feature of the submitted application, given that no end user is yet to be identified.

6.11 Significant tree planting is proposed adjacent to the realigned Luton Road to provide a landscaped approach to the buildings with soft landscaped areas to the site boundaries. CBC Landscape and Green Infrastructure Officers have expressed a preference for additional landscaped areas and have recommended various changes to the proposed landscape strategy for the site. These have been discussed with the applicant but can not be accommodated due to a number of practical constraints. The realignment of Luton Road would necessitate the siting of a major electrical cable along one side of the realigned road. Due to the size of the cable, wayleave/easement requirements would dictate a minimum setback for trees along the road. Opportunities for additional landscaping within the site or a single, large surface water attenuation area, are also constrained by practical servicing requirements for the site and available land. Having regard to the employment aspirations of the site under the adopted Framework Plan, the physical constraints of the site and the character of the existing employment areas to the south and east, it is considered that the proposal demonstrates an acceptable balance between soft landscaping, built development and servicing areas.

**(c) Air Quality, Noise impacts and Land Contamination**

6.12 Matters relating to air quality are addressed above within paragraph 2.9 and as part of the comments provided by CBC Public Protection which are summarised as part of the representations section. Whilst the wider growth area development would necessitate pollution monitoring and mitigation measures, it is not considered that the proposed development is objectionable in relation to potential pollution impacts. Given the location of the site and its relationship to employment areas and transport infrastructure, the development is unlikely to have an unacceptable impact on local receptors as a result of vehicle noise. This is subject to the construction of the Woodside link road and J11a, and the routing of logistics traffic towards these strategic roads, away from local routes through the neighbouring villages. Potential noise impacts from fixed external plant can be adequately controlled by planning condition. Having regard to the advice of the Council's contaminated land officer, the submitted Land Contamination Assessment and the historic use of the land, no significant risks to human health associated with contaminated land are anticipated.

**(d) Flood Risk**

6.13 The site is within Flood Zone 1 and is defined as having a low probability of flooding. The application is accompanied by a Flood Risk Assessment which has been appraised by the Council's technical drainage officer and the Environment Agency. The proposed drainage strategy is based on the provision of surface water attenuation ponds to discharge to the surface water drain within the adjoining General Motors site. It has been satisfactorily demonstrated that development would not give rise to an increased risk of flooding. In line with the advice of CBC Sustainable Drainage and the Environment Agency, a detailed surface water drainage scheme, based on sustainable principles and an assessment of the hydrological and hydrogeological context of the site is to be secured by planning condition.

**(e) Utilities**

6.14 The application is supported by a Utilities Report which provides a review of available capacity and potential connection arrangements for the site. In relation to electricity infrastructure, the report notes that the existing 33 KV underground electricity cable at Luton Road is to be realigned within the highway as part of the works to facilitate the construction of J11a. There is also an existing 11KV overhead line to the north of the site. UK Power Networks indicate the development can be served from this line. No off-site reinforcement of gas infrastructure would be required and the site can be served by the existing gas infrastructure main presently serving the existing General Motors facility. Existing BT Openreach telecoms apparatus is installed underground at Luton Road which would need to be diverted as part of the realignment of the highway. Connections to serve the site could be accommodated as part of these diversion works. Additionally, Virgin Media and Vodafone broadband infrastructure is located between the application site and the M1. This would require diversion in connection with the construction of J11a. Connections for the site could be provided as part of these works. Affinity Water has been contacted on behalf of the applicant. It is expected that potable water for the site can be provided via a new connection to the existing 9 inch diameter water infrastructure main serving the existing General Motors development to the south. In response to consultation under the planning application, Anglian Water have advised that the foul water drainage for this site would be within the catchment of Chalton Water Recycling Centre which has capacity to accept flows from the site. The developer would need to undertake further detailed statutory utilities appraisals in connection with the development and meet the costs of all necessary utilities works as required by statutory undertakers and other individual utilities providers as outlined in the Utilities Report.

## **7. Other matters**

### Human Rights

7.1 In assessing and determining this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity impacts, further action is not required. This planning application is not considered to present any human rights issues.

### Equality Act 2010

7.2 In assessing and determining this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

### Crime and Disorder Act 1998

7.3 Section 17 of this Act places a duty on local authorities and the police to cooperate in the development and implementation of a strategy for addressing crime and disorder. Officers are satisfied that the development is capable of achieving a design that can assist in preventing crime and disorder in the area.

## 8. The Requirement for Planning Conditions

8.1 The recommendation includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.

- 8.2
1. Time limit for implementation
  2. Office areas to be used as ancillary to main warehouse use
  3. Submission of CEMP
  4. Submission of detailed surface water drainage scheme
  5. Submission of material to be used in external construction
  6. Implementation of tree protection
  7. Implementation of landscaping
  8. Noise controls
  9. Lighting controls
  10. Use of sustainable energy sources
  11. Waste management measures
  12. Submission of detailed scheme of highway improvement works
  13. Implementation of parking
  14. Control over temporary access for construction
  15. Submission of travel plan
  16. Submission of waste audit
  17. Submission of employment and skills plan
  18. Approved plans and documents

## 9. The Requirement for Planning Obligations

9.1 Having regard to the above, various planning obligations would need to be secured by Legal Agreement. Principally, the Legal Agreement would need to achieve the following:

- **Financial contributions towards the delivery of the Woodside link road, at £40,000**, which is required to serve the development.
- Controls over the **occupation of the development tied to the public**



**opening of the new strategic road network connections**, including the Woodside link road.

- Procurement of a suitable **public transport service for the site**, by separate agreement with a bus operator, the parameters of which are to be agreed with the Council.

9.2 The comments of Chalton Parish Council are noted which indicate that broad infrastructure contributions should be considered as the definition of infrastructure includes flood defences, schools, hospitals, health and social care facilities, play areas, parks and green spaces. The statutory tests for planning obligations dictate that infrastructure funding to be secured in connection with a planning permission can only sought to mitigate against the impacts specifically arising from the development. Other, broader, infrastructure requirements such as those referred to by the Parish Council, would not meet statutory tests as they apply to the proposed warehouse development. These should be met in connection with the larger urban extension, if this is progressed, where those requirements arise. The planning obligations summarised above under paragraph 9.1 are considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and therefore meet the test for planning obligations as under paragraph 204 of the NPPF and Part 11 of the 2010 CIL Regulations.

## **10 Conclusions**

10.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.

10.2 Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment stock of which there is current shortage of quality supply in the area. The development would contribute towards the delivery of local transport infrastructure and services for the area, including the Woodside link road scheme. The site is partly allocated for employment development under the adopted South Bedfordshire Local Plan Review 2004 and includes the route of the realigned B579 Luton Road, which is already separately consented. The development would be closely related to existing and consented development on all sides in the form of employment areas, and transport infrastructure. The proposal is consistent with the emerging policy allocation under the Development Strategy and the Council's adopted North of Luton and Sundon RFI Framework Plan which are supported by historic policy documents, identifying the need for land in this area to be released from the Green Belt for mixed use development. If the Development Strategy is not progressed to adoption, there would be no allocated supply of employment land to meet local employment needs. In this context, delaying a decision or refusing the planning application in the absence of an adopted

planning allocation for the entire site would serve no good planning purpose, other than to delay or prevent much needed employment and economic growth for the area. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

- 10.4 Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

### **Recommendation**

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in this report and subject to conditions:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Notwithstanding the provisions of Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), the premises shall only be used as offices ancillary to the main Class B8 use of the site.

Reason: To prevent the establishment of an independent office unit on the site.

- 3 **No phase of the development shall commence until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.**

**The CEMP(s) shall comprise;**

- a) **Environment Management Responsibilities;**
- b) **Construction Activities and Timing;**
- c) **Plant and Equipment, including loading and unloading;**
- d) **Construction traffic routes, points of access/egress and parking to be used by construction vehicles;**
- e) **Details of site compounds, offices and areas to be used for the storage of materials;**
- f) **Emergency planning & Incidents;**
- g) **Contact details for site managers and details of management**

lines of reporting to be updated as different phases come forward;

- h) On site control procedures in respect of:
  - i. Traffic management measures including wheel cleaning for construction vehicles
  - ii. Air and Dust quality
  - iii. Noise and vibration
  - iv. Water quality
  - v. Ecology
  - vi. Trees, Hedgerows and Scrub
  - vii. Waste and Resource Management
  - viii. Archaeological and Cultural Heritage
  - ix. Visual and Lighting
  - x. Utilities and Services
  - xi. Protection of species and habitats
- i) Detailed phasing plan to show any different phasing;
- j) Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).
- k) A method statement detailing the proposed method of construction and risk assessment in relation to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway and Network Rail property. Where appropriate, the method statement shall detail the following:
  - i. Excavations/ earthworks to be carried out in the vicinity of Network Rail property/ structures
  - ii. Temporary works compounds to be installed in the vicinity of Network Rail property/ structures
  - iii. Security of the railway boundary including any temporary or permanent alterations to the boundary treatment or safety barriers
  - iv. The use of vibro-compaction machinery
  - v. Routing of abnormal loads construction traffic
  - vi. Diversion of any surface and foul water away from Network Rail property

The works shall be implemented only in accordance with the details approved.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with development.

- 4 No phase of the development, with the exception of site clearance shall not begin until a scheme for surface water disposal for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development. Infiltration systems shall only be used where it can be demonstrated that they will not pose a

**risk to groundwater quality. The scheme(s) shall be implemented in accordance with the approved details and shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses. Details must be approved prior to the commencement of development to prevent any potential pollution of controlled waters which could occur in connection with development.**

- 5 Notwithstanding the details submitted with the application, no construction of an approved building shall take place, until details of the materials to be used for the external walls and roofs of that phase of development hereby approved have been 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 control the appearance of the development in the interests of the visual amenities of the locality.

- 6 All tree protection measures, remedial tree works and arboricultural methodology, shall be undertaken in accordance with the recommendations made in Section 6 of the Tree Survey Report (received 16 March 2015), including Appendix 2 "Survey Schedule" and Appendix 3 "Tree Protection Plan" as prepared by RGS Arboricultural Consultants, dated February 2015. All tree protection fencing shall remain securely in place throughout the construction phase of the development.

Reason: To ensure the implementation of all tree protection measures and good arboricultural practice in respect of retained trees, in order to maintain their health, screening, biodiversity, habitat and amenity value.

- 7 The planting and landscaping scheme shown on approved Drawing No. 01 Rev. J received 10 August 2015 and as detailed within the Landscape Design Statement reference 1525/15/RP01 Rev B (received 16 March 2015) and the 5 Year Soft Landscape Works Maintenance and Management Proposals reference 1525/15/RP02 Rev B (received 16 March 2015) shall be implemented by the end of the full planting season immediately following the completion and/or first use of any phase of the development (a full planting season shall mean the period from October to March). The trees, shrubs and grass for each phase 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 with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping in the interests of biodiversity, visual and landscape amenity.

- 8 Noise resulting from the use of any external 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 or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one

metre external to the nearest noise sensitive building.

Reason: In the interests of amenity.

- 9 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details for each phase shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: In the interests of biodiversity, visual and landscape amenity, highway safety and any potential nuisance and disturbances to neighbours.

- 10 **No phase of the development (excluding site clearance and ground engineering) shall take place until a scheme of measures to source 10% of the energy demand for that phase from renewable or low carbon sources. The scheme(s) shall then be implemented in accordance with the approved details and shall continue to be implemented as long as any part of that phase of the development is occupied.**

**Reason: To ensure the delivery of sustainable and resource efficient development. Details must be approved prior to the commencement of development to ensure the development incorporates suitable sustainable measures as part of the building construction where appropriate.**

- 11 The Site Waste Management Plan and Operational Waste Management Plan for each phase, including provision for on-site refuse storage and recycling facilities for that phase, shall be implemented in accordance with the Waste Audit received 6 May 2015 hereby approved throughout the construction and operational phases of the development as detailed within the Waste Audit.

Reason: To ensure that development is adequately provided with waste and recycling facilities.

- 12 No part of the development shall be brought into use until a until a scheme of access arrangements and highways improvement works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction details of the permitted access arrangements, traffic calming and footway/cycleway connections at Luton Road, to be supported by a Stage 1 Road Safety Audit and associated Designers Response and a full suite of swept path analysis drawings associated with the roundabout junction hereby permitted. The approved scheme shall then be implemented in full prior to the first occupation of the development.

Reason: To ensure that the proposed highway works are constructed to adequate standard, are appropriate and proportional to the mitigation required to serve the development.

- 13 No phase of the development shall be brought into use until a scheme for the laying out of the HGV parking and service areas within the site, and bus infrastructure within the site, for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be supported by a full suite of internal swept path analysis plans for HGV and bus manoeuvring, including full vehicle wheels and body tracking details. The approved scheme(s) shall then be implemented in full prior to the first occupation of that phase of the development.

Reason: To ensure that the proposed serving areas and bus infrastructure are constructed to adequate standard to serve the development.

- 14 No phase of the development shall be occupied or brought into use until the parking scheme for that phase shown on Drawing No. 3668-114 Rev. 21 hereby approved has been completed. The parking scheme for each phase of development shall thereafter be retained for this purpose.

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

- 15 Temporary vehicular access to allow for the construction of the approved development for Plot 1 shall be provided in accordance Drawing No. 3668-114 Rev 21 hereby approved. The temporary access shall then be stopped up and the land shall be reinstated as a landscaped area within three months of the commencement of operational vehicular movements (excluding construction movements) of Plot 1. Prior to the commencement of operational vehicular movements (excluding construction movements) of Plot 1, a scheme of soft landscaping for this area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the cessation of the use of the temporary access (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To allow for safe and suitable access to the site during the construction phase for Plot 1 and to ensure that this landscaped area is reinstated in the interest of biodiversity, visual and landscape amenity, and highway safety.

- 16 No phase of development shall be brought into use until a Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan(s) shall include details of:
- Predicted travel to and from the site and targets to reduce car use.
  - Details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks.
  - Measures to minimise private car use and facilitate walking, cycling and use of public transport.
  - Timetable for implementation of measures designed to promote travel choice.
  - Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.

- Details of provision of cycle parking in accordance with council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include site specific travel and transport information; travel vouchers; details of relevant pedestrian, cycle and public transport routes to/ from and within the site; and copies of relevant bus and rail timetables
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

The Travel Plan(s) for each phase of the development shall be implemented in accordance with the approved timetable for that phase and shall continue to be implemented as long as any part of that phase of the development is occupied.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car.

- 17 No development of any buildings shall take place until details of the existing and final ground and slab levels of the buildings for that phase of development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a fixed datum point outside of the site. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the development, adjacent buildings and public view points, in the interests of the visual amenities of the locality.

- 18 Prior to the commencement of operational vehicular movements (excluding construction movements) of each development plot, an Employment and Skills Plan for that plot shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with each approved Employment and Skills Plan.

Reason: To provide an opportunity for residents of the local area to access employment opportunities.

- 19 The phased development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents;
- Plot Location Plots 1 and 2 – 3668-122 Rev 11 (received 10 August 2015);
  - Site Plan Plots 1 and 2 - 3668-114 Rev 21(received 10 August 2015);
  - External Finishes Plan – 3668-123 Rev 10 (received 10 August 2015);
  - Landscape Concept Plan – 01 Rev J (received 10 August 2015);
  - Fencing Layout & Details – 3668-124 Rev 7 (received 9 July 2015);
  - Gatehouse Details – 368-125 Rev 4 (received 9 July 2015);
  - Landscape Concept Sections – 02 Rev B (received 9 July 2015);
  - Flood Risk Assessment & Drainage Strategy July 2015 – R14791/F001 (received 9 July 2015);
  - Proposed Warehouse Plan Plot 1 (20m Haunch) – 3668-117 Rev 5

- (received 16 March 2015);
- Proposed Sections Plot 1 (20m Haunch) – 3668-115 Rev 2 (received 16 March 2015);
- Proposed Roof Plan Plot 1 (20m Haunch) – 3668-126 Rev 4 (received 16 March 2015);
- Proposed Warehouse Plan Plot 2 (10m Haunch) – 3668-118 Rev 4 (received 16 March 2015);
- Proposed Sections Plot 2 (10m Haunch) – 3668-119 Rev 2 (received 16 March 2015);
- Proposed Roof Plan Plot 2 (10m Haunch) – 3668-127 Rev 3 (received 16 March 2015);
- Landscape Design Statement – 1525/15/RP01 Rev B (received 16 March 2015);
- 5 Year Soft Landscape Works Maintenance and Management Proposals – 1525/15/RP02 Rev B (received 16 March 2015);
- Tree Survey Report dated February 2015 (received 16 March 2015);
- and
- Waste Audit dated May 2015, received 6 May 2015

Reason: For the avoidance of doubt.

## INFORMATIVES

- 1 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.
- 2 In accordance with Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR), the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014), the emerging Development Strategy for Central Bedfordshire (DSCB) and the NPPF.
- 3 Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
- 4 As the site is of long historic use there may be unexpected materials or substances in, on or under the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so any indications of potential contamination issues encountered during construction should be forward to the Contaminated Land Officer, Andre Douglas for advice, on 0300 300 4004 or via [andre.douglas@centralbedfordshire.gov.uk](mailto:andre.douglas@centralbedfordshire.gov.uk).
- 5 The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne



by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

- 6 The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
7. The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).