

## **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 RECOMMENDED DECISION</b>	<b>Departure from Development Plan</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>

### **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 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. L received 1 September 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 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).

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation/publicity responses, additional comments and amended conditions as detailed in the Late Sheet appended to these minutes as follows:
  - a. CBC Tree and Landscape dated 7 September 2015
  - b. A new government policy statement relating to intentional unauthorised development and Green Belt protection was published on 31 August 2015.
  - c. Revised landscape concept plan and letter received 1 September 2015
  - d. Conditions 7 and 9 were amended to refer to the revised Landscape Concept Plan – 01 Rev L.]