

Item No. 9

APPLICATION NUMBER	CB/18/03205/FULL
LOCATION	Land adjacent to Ashridge, Pepsal End Road, Pepperstock, Luton, LU1 4LJ
PROPOSAL	Erection of a production facility (with use classes B1(a) (offices) and B1(c) (light industry appropriate in a residential area)) with associated office, on-site parking and an access road off Pepsal End Road
PARISH	Slip End
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	James Peck
DATE REGISTERED	20 August 2018
EXPIRY DATE	15 October 2018
APPLICANT	Harper
AGENT	DLA Town Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in for determination by the Development Management Committee by Cllr Stay if minded to refuse on the basis of: <ul style="list-style-type: none">• Minimal to zero impact on landscape• This development is justified on Green Belt because VSC's include sustainability of the Harpers facility, employment and minimal impact on Green Belt
RECOMMENDED DECISION	Full Application - Recommended for Refusal

The Council as the Local Planning Authority hereby gives notice of its decision to **GRANT PERMISSION** for the development specified above and shown on the submitted plans, subject to the following conditions:

- 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 **No development shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100-year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate**

rate as agreed by the Bedford Group of Internal Drainage Boards. The final detailed design shall be based on the agreed drainage Strategy (to be submitted) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018), and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. An as built drainage drawing should be submitted to the Local Planning Authority as part of this condition.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with paragraphs 163 and 165 of the NPPF and its supporting technical guidance. (Section 15, NPPF)

- 3 No building shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long-term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161. (Section 15, NPPF)

- 4 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it. (Policy T10, SBLPR, policy T2 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 5 Visibility splays shall be provided at the eastern junction of Front Street and Pepsal End Lane before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 120m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it. (Policy T10, SBLPR, policy T2 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 6 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been submitted to and approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises. (Policy T10, SBLPR, policy T2 of the emerging

Central Bedfordshire Local Plan and section 9, NPPF)

- 7 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it. (Policy T10, SBLPR, policy T2 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 8 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway. (Policy T10, SBLPR, policy T2 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 9 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened. (Policy T10, SBLPR, policy T2 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 10 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises. (Policy T10, SBLPR, policies T2 & T3 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 11 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety. (Policy T10, SBLPR, policies T2 & T3 of the emerging Central Bedfordshire Local Plan and section 9, NPPF)

- 12 Prior to the occupation of the production facility with sedum roof hereby approved, equipment shall be installed to effectively suppress and disperse fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved equipment shall be installed and in full working order at all times to the satisfaction of the Local Planning Authority.

Reason: In order to prevent the adverse impact of odour arising from cooking activities on the amenity of nearby residents. (Policy BE8, SBLPR, policies HQ1 and CC8 of the emerging Central Bedfordshire Local Plan and section 15, NPPF)

- 13 The kitchen ventilation system approved in accordance with condition 12 above, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (when measured or calculated according to BS4142:2014. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises. (Policy BE8, SBLPR, policies HQ1 and CC8 of the emerging Central Bedfordshire Local Plan and section 15, NPPF)

- 14 The premises shall not be used, nor deliveries received or despatched, except between the hours of 0600 hours to 1800 hours Monday to Friday, 0900 hours and 1330 hours on Saturdays. The premises shall not be used on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of nearby residents (Policy BE8, SBLPR, policies HQ1 and CC8 of the emerging Central Bedfordshire Local Plan and section 15, NPPF)

- 15 **Prior to development, full details of a Design and Works Specification, including an appropriate Method Statement, to be used in respect of the installation of a "No-Dig" cellular confinement system for the new access road, are to be submitted to the Local Planning Authority for approval. The cellular confinement system shall be of a specification that will withstand the weight of delivery vehicles that will use the premises, and also for all construction traffic that will visit the site. The approved Design and Works Specification and Method Statement shall then implemented to construct the cellular confinement system to its completion, before the commencement of all other construction works, and before allowing any other site access.**

Reason: To protect the root system and rooting medium of "off-site" trees, which are vulnerable to excavation, asphyxiation and/or compaction damage resulting from traditional driveway construction methods, machinery and plant, by creating a load suspension layer over existing ground levels that can sustain the function of tree roots beneath its surface, so as to maintain the health, stability, screening and amenity value of the trees concerned. (Policy BE8, SBLPR, policies HQ1 & EE4 of the emerging Central Bedfordshire Local Plan and section 15, NPPF)

- 16 **Prior to commencement of any works on site a scheme of landscape proposals shall be submitted to the Local Planning Authority for its approval in writing and shall include full detailed plans and specifications for all hard and soft landscape works.**

A landscaped buffer zone shall be provided on the southern side of the new driveway and between the new driveway and along the entire northern boundary of 11 Pepsal End Road/ Pedlars of the site. A scheme for fencing the

buffer zone along the southern edge of the new driveway shall be submitted to the Local Planning Authority for its approval in writing.

The submitted landscaping scheme will include the following:

- 1. Survey of all existing trees, hedgerows and shrubs on the site, identifying those to be retained and method for their protection in the course of the development;**
- 2. Layout and specification for all hard landscaping materials, boundary treatments, enclosures, lighting and furniture;**
- 3. Layout and specifications describing cultivation, protection and future management, for all soft landscaping including trees, hedgerows, shrubs, groundcover and grassed areas;**
- 4. Schedules for planting noting species, plant sizes, forms, numbers / densities, mostly comprising native species typical of local area;**
- 5. Detail on construction of sedum roof, planting specification, maintenance specification, and;**
- 6. Implementation programme and long-term management schedule for all planting.**

The approved fencing for the buffer zone along the southern edge of the new driveway shall be implemented prior to the construction of the new driveway and loading bay forecourt within the site.

All approved hard landscaping shall be implemented prior to the occupation of the development.

All planting comprised in the approved landscape scheme details shall be carried out in the first planting and seeding seasons following completion of the development.

Any trees, hedges or shrubs which within a period of 5 years from completion of development die, are removed, or become seriously damaged or diseased shall be replaced with similar species and sizes, unless the Local Planning Authority give written consent to any variation.

REASON: To protect visual amenity and character of the area and ensure a satisfactory environment (Policy BE8, SBLPR, policies HQ1, EE4 & EE5 of the emerging Central Bedfordshire Local Plan and paragraphs 127 & 153 of the National Planning Policy Framework 2018.)

- 17 Notwithstanding the provisions of Part 7, Classes:
- o F (extensions etc of office buildings);
 - o G (hard surfaces for office buildings);
 - o H (extensions etc of industrial and warehouse), and;
 - o J (hard surfaces for industrial and warehouse premises)
- of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no hardsurfacing, buildings or other structures except those hereby and subsequently approved by the Local Planning Authority shall be constructed or erected within the red outline of the application site shown on the approved drawing with the reference PL 01/ Rev. P3 (dated April 2018) without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of the area

and to control development which could be prejudicial to the openness and rural character of the South Bedfordshire Green Belt.
(Policy BE8, SBLPR and sections 12 & 13, NPPF)

- 18 The parking of vehicles shall be restricted to the 12 nos. bay car park and the loading bay forecourt serving the production facility with sedum roof identified on drawing no. PL02/ Rev. P4. No other vehicle parking or open storage of materials shall take place on the site.

Reason: To preserve the openness of the Green Belt, the character of the locality and the residential amenity of neighbouring occupiers. (Policy BE8, SBLPR and sections 12 & 13, NPPF Policy BE8, SBLPR, policies SP4 and HQ1 of the emerging Central Bedfordshire Local Plan and sections 12 & 13, NPPF)

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL01/ Rev. P3, PL02/ Rev. P4, PL03/ P2 and PL04/ Rev. P3.

Reason: To identify the approved plans and to avoid doubt.

NOTES TO APPLICANT

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.

The application form for approval of details reserved by a condition, guidance notes and fees (i.e. £34.00 for householder applications and £116.00 for all other applications, per submission) can be found on our website www.centralbedfordshire.gov.uk or alternatively call Customer Services on 0300 300 8307 for hard copy forms.

- 1 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) and the National Planning Policy Framework (NPPF).
- 2 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.
- 3 The applicant is advised that in order to comply with Conditions 4 to 8 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. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail highwaysagreements@centralbedfordshire.gov.uk
- 4 The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from The Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8301.

- 5 The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary further details can be obtained from The Street Works Co-ordinator, Central Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8301.
- 6 The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)