

Item No. 5

APPLICATION NUMBER	CB/18/04119/FULL
LOCATION	Former Goods Transport Site, 7 Bedford Road and 1 and 2 Salford Road Brogborough
PROPOSAL	Site clearance and erection of a warehouse and distribution facility (Use Class B8) with ancillary offices, including new vehicular and pedestrian access, parking, internal access roads and service yard, external lighting, landscaping, infrastructure and associated works.
PARISH	Brogborough
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Debbie Willcox
DATE REGISTERED	06 November 2018
EXPIRY DATE	05 February 2019
APPLICANT	Prologis UK Limited
AGENT	Savills
REASON FOR COMMITTEE TO DETERMINE	The application is a departure from the Development Plan; and the application is for Major development and has unresolved objections from the Parish Council.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Reason for Recommendation:

The proposal would conflict with Policy DM4 of the Core Strategy and Development Management Policies (North) which is given moderate weight; and would also cause moderate harm to the character and appearance of the area, in conflict with policies CS14 and DM3. The Development Plan is considered to be silent on the provision of B8 uses outside and not adjacent to settlement envelopes and therefore the NPPF requires proposals to be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. The site is a partially brownfield site, part of which has an existing storage and distribution use. The proposal would bring significant economic benefits in the form of job creation, the supporting of the growth of an existing local business and the provision of a storage and distribution site in a well-connected location. The proposal would also deliver significant benefits in terms of off-site highways works providing and connecting sustainable transport links. Works to the village entrance of Brogborough are also considered to be a benefit. The proposal is considered to be acceptable in terms of highway safety and capacity and neighbouring amenity. Having regard to the policies contained within the NPPF, it is considered that material planning considerations exist which outweigh the conflict with the Development Plan of the Core Strategy and Development Management Policies (North) and therefore the proposal is considered to be acceptable

Site Location:

The 5 hectare site is roughly rectangular in shape and sits to the immediate north west of the junction of the A507, the C94 (Bedford Road) and Salford Road, directly to the north of Junction 13 of the M1. The site is bound to the west by the A421 and to the north by a green field. The village of Brogborough lies around 400m to the north of the site. On the opposite side of Bedford Road lies the Prologis

Marston Gate distribution centre, comprising 9 storage and distribution warehouses, beyond which lies Ridgmont Station.

The site is broadly flat and is predominantly open land, however, the south eastern quarter of the site is a brownfield site, which recently comprised three dwellings and their curtilages and a small storage and haulage business. These buildings have recently been demolished. The site is currently accessed from several points, including Salford Road and Bedford Road. Salford Road is closed to vehicular traffic just beyond the western most access to the site, but is open for cyclist and pedestrians.

The site lies within the boundaries of the Forest of Marston Vale. It is also located within a designated Archaeological Notifiable Area. There are no other planning designations on the site.

The Application:

The application seeks full planning permission for the erection of a B8 warehouse and distribution building to measure 203.4m long by 114.5m wide with a height of 18.3m, with associated access road, service yard, car parking provision and hard and soft landscaping.

The building would provide a gross internal floor area of 24,282 sqm and would include two storey ancillary office facilities. The building would be sited to the north of the site, albeit, an access road would run all the way around the building and a row of parking spaces would be provided along the northern boundary. The service yard and HGV parking would be provided to the south of the building, whilst car parking would also be provided to the east of the building. An attenuation pond would be created to the south of the site.

Two access points would be provided from Salford Road, one accessing the service yard and a second accessing the car park area. All other access points would be closed.

The proposal also includes offsite works as follows:

- The creation of a "village gateway" feature on Bedford Road to include new signage and planting; and the ongoing maintenance of the gateway;
- The provision of a 3m wide cycleway/footway along Salford Road to Bedford Road and then east of Bedford Road linking to the existing footway/cycleway network around Marston Gate linking to Ridgmont Station;
- A new staggered toucan crossing at Bedford Road; and
- The closure of two laybys on Bedford Road; the southern most layby on the west side of the road and the layby directly south of Highfield Crescent on the east side of Bedford Road.

The application was accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Landscape and visual impact assessment
- Flood Risk Assessment and Surface Water Management Plan
- Air Quality Assessment
- Noise Assessment
- Geo-Environmental Desk Study

- Preliminary Ground Investigation
- Ecological Walkover Survey
- Bat, badger and reptile surveys;
- Great Crested Newt Habitat Suitability Index Assessment
- Landscape Maintenance and Management Plan
- Archaeological Heritage Statement
- Sustainability Statement
- Arboricultural Survey and Report

The development was subject to a Screening opinion which determined that this is not EIA development and an Environmental Statement is not required.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (July 2018)

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate/coastal change, flooding

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

CS4 Linking Communities - Accessibility & Transport

CS11 Rural Economy & Tourism

CS13 Climate Change

CS14 High Quality Development

CS15 Heritage

CS16 Landscape & Woodland

CS17 Green Infrastructure

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development Within & Beyond Settlement Envelopes

DM9 Providing a Range of Transport

DM12 Horticulture & Redundant Agricultural Sites

DM13 Heritage in Development

DM14 Landscape & Woodland

DM15 Biodiversity

DM16 Green Infrastructure

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;

- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

- LP SP2: NPPF - Sustainable Development
- LP SP7: Development within Settlement Envelopes
- LP EMP4: Rural and Visitor Economy
- LP T1: Mitigation of Transport Impacts on the Network
- LP T2: Highway Safety and Design
- LP T3: Parking
- LP T4: Public Transport Interchanges
- LP T5: Ultra Low Emission Vehicles
- LP T6: Management of Freight
- LP EE1: Green Infrastructure
- LP EE2: Enhancing biodiversity
- LP EE3: Nature Conservation
- LP EE4: Trees, woodlands and hedgerows
- LP EE5: Landscape Character and Value
- LP EE9: Forest of Marston Vale
- LP CC1: Climate Change and Sustainability
- LP CC3: Flood Risk Management
- LP CC4: Development close to watercourses
- LP CC5: Sustainable Drainage
- LP CC8: Pollution and Land Instability
- LP HQ1: High Quality Development
- LP HQ2: Provision for Social and Community Infrastructure Levy
- LP HQ11: Modern Methods of Construction
- LP HE1: Archaeology and Scheduled Monuments

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Site

Application Number	CB/16/05108/LDCE
Description	Lawful Development Certificate Existing - Land used for storage and haulage for a small business use (Class B8)
Decision	Lawful Development Certificate Granted
Decision Date	17/01/2018

Application Number	CB/17/01110/PAPC
Description	Pre-Application Advice re: erection of storage/distribution unit (B8) with ancillary office space (B1), HGV and cycle parking, repair bays and storage unit for timber and pallet repair. Associated works and landscaping.
Decision	Pre-application advice released
Decision Date	25/04/2017

Application Number CB/17/04250/PAPC
Description Erection of warehouse and distribution units (use class B8) with associated office space, yard, vehicle parking and access from Salford Road.
Decision Pre-application advice released
Decision Date 06/11/2017

Application Number CB/18/02204/SCN
Description EIA Screening Opinion: development of site for warehouse and distribution (Class B8) use, car parking, access and associated landscaping.
Decision EIA not required
Decision Date 29/06/2018

Application Number CB/18/03521/PADM
Description Prior Approval Proposed Demolition - The buildings proposed for demolition comprise: a vacant detached dwelling house (No.7 Bedford Road) and associated garage building, timber workshops, stores and porta cabins, and a number of former greenhouse frames.
Decision Prior Approval Granted
Decision Date 09/10/2018

Land adjacent to 6 Bedford Road, Brogborough

Application Number CB/18/04179/FULL
Description Erection of office building (B1 use class), provision of hardstanding for external vehicle and equipment storage (B8 use class), maintenance building, ancillary sales building, car parking, new vehicular and pedestrian access and all hard and soft landscaping
Decision Pending
Decision Date N/A

Land to the South East of Prologis Park, Marston Gate

Application Number CB/18/04600/OUT
Description Outline Planning Permission - Outline application for the development of up to 166,000 sqm (gross) of storage and distribution facilities (Use Class B8) with ancillary office accommodation; HGV and car parking (including a dedicated lorry park and separate recreational use car park); works to footpaths, cycle routes and bridleways; landscaping, drainage and associated works. All matters reserved other than access. Access to include a new 3-arm roundabout on the A507, and ground works to create development plot access and development plateaus.
Decision Pending
Decision Date N/A

Consultees:

Brogborough Parish Council Brogborough Parish Council objects to this planning application for the following reasons to be considered ...

1. The junction J13 of the M1 is a known 'hotspot' having many traffic issues through sheer volume and its

poor design resulting in gridlock on most working days. The proposed entrance/exit to this site (re application CB/18/04119/FULL) is restricted to single lane queuing from J13 and - as would be the case of single lane queuing from the north along the Bedford Road (C94). This will intensify the traffic problem already apparent and prevent our residents from actively being able to drive in or out of our access to the south. We are without a credible public transport service and there are no shop facilities so travel by road in private cars is essential when shopping or visiting doctors, dentists and for pharmacy requirements (even for basic foodstuff). For our community private transport is mostly essential.

The entrance design planned for Bedford Road when approaching from J13, referred to as the 'Gateway feature' will easily be mistaken for the entrance of the existing Prologis site (the large warehouses visible immediately alongside about 1/4 mile of the Bedford Road) and will encourage HGVs and even lesser sized vehicles to attempt to enter the current site via our village roads. This is already a common occurrence which is slowly destroying our verges, grass areas and the quality of life for those immediately affected, the fact being that our community streets are not wide enough or sound enough to support 38 tonne vehicles and nothing positive enough is being done to prevent this happening.

Perhaps the Marston Vale Trust had an influence on this entrance design - which appears to be a 'carrot' to gain support for yet another infringement of unnecessary warehousing on our countryside.

The direction of vehicles travelling south along Bedford Road to the proposed site will turn in into the proposed development at the traffic light entrance for vehicles (including HGVs going about their business). As this section of road is also single lane it would almost certainly result in abnormal delays backing up to our community and would be preventing safe entry and exit from our village roads - the timing of this could be 24/7 as is the case with the existing site.

Local traffic in our immediate area and in particular, HGVs will not abide by the 7.5 tonne limit which is about to be placed along the Bedford Road from the Marston Little Chef roundabout to the traffic lights in our parish at J13. HGVs will use the road under the 'going about our working business' flag and continue to wreck our community (bearing in mind also the 16 houses on the west of the C94 and another 7 houses just significantly and 'conveniently' outside of our village envelope) using the lay-bys which should have been closed off when the Bedford Road - formerly A421 trunk was downgraded to a C class road.

Noted: that the application refers to Highways England when asked by the applicant if the lay-bys will be closed the answer was no ... which leaves us with little hope for future improvement for our village.

In addition to this the traffic increase from the imminent warehousing (courtesy Bedford Borough Council) at Kempston and in the parish of Wootton alongside the A421, Covanta and up to 600 HGVs per day, 5000 houses within the Vale, the proposal for 1000 houses at Stewartby, Hotel complex by Brogborough Lake and an undefined number of commercial premises in the shadows along the Bedford Road does little to improve the quality of our community.

No amount of mitigation (mown verges and tree planting) will convince site visitors that the Bedford Road traffic light entrance is not the general site entrance to Marston Gate Industrial Park.

2, Pollution and in particular traffic pollution, which doesn't seem to be considered by various authorities when understanding the effect of exhaust gas pollution. It is a recognised problem throughout the country and can be defined as crucial. Central Government acknowledges this, in particular pollution from diesel exhaust, and even though the applicants of the site development have included figures deemed to be 'safe' they cannot be classed as accurate unless measured at peak periods - we are not aware that CBC have measured pollution at J13 so any assessment would be speculative and inaccurate.

The exhaust pollution aspect alone for such extra transport use-age will be regarded as a threat to the safety of our residents by increasing the potential to be breathing in a Group 1 carcinogen (a proven common cause of lung cancer) ... and several other substances which are also known and proved to be human carcinogens as listed by the International Agency for Research on Cancer (IARC). Figures quoted in the plan regarding such traffic pollution cannot be provided accurately by design consultants within Prologis' application as the assigned referees will not have access to the end result in traffic movement.

It is factual that queuing traffic produces more harmful toxins than moving traffic. Toxin pollution figures - especially diesel exhaust - can be decided upon to suit the applicant and represents guesswork in this application.

The prevalent wind will bring such pollution directly into our village so our residents will be put at risk from the above mentioned carcinogens. Their human right to breathe clean air is questionable.

3. Light ... Light pollution at Brogborough is already placed at the highest ranking by the CPRE and can only increase with this development as safety and security of such will become a priority for the tenants. White light for security is already becoming the normal on Prologis' current industrial site and will damage the wildlife already struggling to understand the near daylight situation which has been created and we should not have to sleep behind closed windows and blackout curtains to live normal lives.

Noise... The hum of activity, along with general traffic noise from roads leading up to J13, is already in place around our community and includes HGVs reversing warnings and driving to and from the site anytime of night along with general industrial noise and, as previous applications have proven, once in place very difficult to counter.

4. The spread of warehousing in the countryside Considering there are still empty warehouses already in Milton Keynes, the application for H10 seems unnecessary and appears to be based on an apparent commercial greed which doesn't respect the wellbeing of local people or their environment. It is to be constructed on land which was previously residential and a low profile light industry as well as open farmland. The government is committed to delivering 300,000 homes a year by the mid 2020s and in October 2017 announced further plans to speed up the planning system as well as make better use of land and vacant buildings to provide the homes that communities. As part of this the government has announced plans to consult on further measures to speed up the planning system as well as make better use of land and vacant buildings to deliver the homes that communities need - such a statement certainly condemns demolition of three structurally sound houses on the proposed site - presumably to clear the way for warehouse construction.

For our source info see ...
<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>

5. East West Rail also propose to use a site at Junction 13 for their upgrading of the railway and Ridgmont Station (which is also in our parish) and the predicted vehicle movements of up to 300 - 400 a day locally. Add this to more warehousing with an unknown number of traffic movements and the general traffic movement in this whole area is unsustainable.

The need here is to make Brogborough more unified and safer with extra housing to the west of our community, rather than allowing warehousing to sneak slowly northwards on the western side of the Bedford Road.

Eventually it threatens to engulf our community and not allow us facilities normal for most Bedfordshire villages.

Wages available in these commercial projects are averaged in the scales of lower paid manual and higher paid management so it is easy to project an average wage higher than it really is. Hence it is rarely possible for the employees to purchase a home within the Vale. The majority of the workforce already travel by their own means or are bussed in from the bigger towns and cities.

6. Local commercial industry does not support local employment.

The government white paper 2017 fixing our broken housing market contains quotes from Theresa May ...

"We will diversify the housing market, opening it up to smaller builders and those who embrace innovative and efficient methods. We will encourage housing associations and local authorities to build more, and we will work to attract new investors into residential development including homes for rent."

Also in the white paper the following ... "We need to plan for the right homes in the right places. This is critical to the success of our modern industrial strategy. Growing businesses need a skilled workforce living nearby, and employees should be able to move easily to where jobs are without being forced into long commutes."

Brogborough Parish Council object to this application and ask for it to be rejected by Central Bedfordshire Council.

Milton Keynes Council

No response.

Inward Investment Team

Inward Investment would like to support this application based on this being a good location for a new logistics facility as it's located within the M1 corridor and is also close to Junction 13 of the M1 motorway, with good connections to regional markets and other logistics hubs.

The proposal also complements the existing Marston Gate Prologis development and strengthens the offer by being placed in close proximity to the existing development, clearly the demand is there as Prologis were able to fulfil the existing Marston Gate hub quite rapidly.

This proposal is also welcomed as it also contributes to our growing logistic sector and will be creating new jobs in the area.

Highways England

No objection but requests condition for a site specific travel plan.

Highways Officer

No objections subject to conditions.

Strategic Transport
Team

Strategically, the site is located just off the strategic network. The impact assessment shows that the direct impact of this site is non-material at 0.05% in an area that already suffers from capacity issues. It is understood that the mitigation needed to support further expansion of the Marston Gate site will be provided from the Larger site which is allocated under submitted Local Plan policy SE2.

We would also suggest that the site in reality is not 'extremely well served' by public transport as stated in the TA, and this 'offer' will need to be revisited in terms of assessing the suitability of timetables of existing bus services, considering the operational of site is likely to be shift based. This, along with an assessment of the attractiveness/ quality of the stated bus stops and a commitment to improvement if required will need to be covered in the revised travel plan, with targets reflecting the actual offer available to staff and visitors.

The Gravity model shows no HGV assignment to local routes; however, we would like to see a brief plan as to how this will be managed, particularly with regards to HGV impact on Brogborough and routing towards Bedford at peak times when the A421 as a route may be avoided.

The proposal to connect the site via a 3m shared use is welcomed, as is the proposed toucan crossing over Bedford Rd. This link is critical to creating a fully accessible route between the A421, this site and the existing Marston Gate site, and will improve sustainable connectivity in the area.

Pollution Officer

No objection subject to conditions.

Landscape Officer

No objection to this scheme on landscape grounds. It is understood that the desired 30% tree canopy cover will be met roughly half on site and half through a commitment to planting elsewhere within the forest area, in association with the Marston Vale Trust. This is a pragmatic approach and is welcomed.

Minor points about improving the landscaping scheme.

Forest of Marston Vale

Acknowledges 16% tree cover to be provided on site and seeks further discussions on how the other 14% can be met.

Seeks a gateway feature on Bedford Road acknowledging that visitors are entering the Forest of Marston Vale.

Ecologist

An Ecological Walkover survey was undertaken which advised a number of additional species surveys, the

reports from which have been submitted with the application. Whilst these surveys found that a detrimental impact on protected species was unlikely a number of recommendations were made in relation to the habitats found on site and the future development scheme. Of particular note is the recommendation for the 'protection and retention' of ponds on site. The submitted soft landscaping scheme does not include the retention of the ponds, nor does it indicate that any standing water will be retained on site.

The 2018 NPPF expects development to deliver net gains for biodiversity, the site currently contains a variety of habitats including a substantial area of open grassland. This will all be lost to a large B8 unit and consequently any landscaping scheme will have to work hard to mitigate impacts and provide connectivity for wildlife around the periphery of the site to minimise severance.

The degree of survey effort is welcomed and to pull the recommendations together a condition for the provision of an Ecological Design Strategy is required.

Internal Drainage Board

As the means of storm water disposal is to be via a balancing facility it is essential that this be completed prior to the construction of any impervious areas within the site.

Please also note that the water course is on the boundary of or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9m of the bank top, without the Board's prior consent, this includes any planting, fencing, or other landscaping.

Please note that storm water discharge will not be allowed into a watercourse under the Board's statutory control without the Board's prior consent.

Flood Risk Management Team

No objection subject to conditions.

Archaeologist

The proposed development would have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This would be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with

a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach the supplied condition to any permission granted in respect of this application.

Bedfordshire Fire and
Rescue Service

Requests condition requiring fire hydrants.

Travel Plan Officer

The Travel Plan which has been submitted is site-specific to the existing Marston Gate, dated February 2015, and therefore will need amending. Whilst the updated Plan can be based on the original, we would like to see evidence of the effectiveness of current monitoring and measures of the Travel Plan on the alternative site.

Sustainability Officer

Sustainability Statement submitted in support of this development outlines measures that will be integrated into the proposed development to meet the policy requirements. The described measures are supported and the development is expected to be built to the specification included in the Statement and conform with policy requirements. To verify compliance, it is requested that a planning condition is attached.

Other Representations:

Neighbours

8 letters objecting for the following reasons:

- The existing road infrastructure is overloaded and the proposal would exacerbate the problem;
- Jobs will not be for local people, but people from Bedford and Milton Keynes, which will further exacerbate traffic problems;
- Other planned developments in the area (Marston Valley, Covanta, East-west works rail traffic, Stewartby Brickworks) will also worsen traffic;
- Constant noise and air pollution from traffic;
- Air pollution causes cancer and other medical problems and the prevailing wind blows it straight to Brogborough from the areas of congestion around Junction 13 and the C94/A507 junction;
- Noise pollution from reversing vehicles on the existing Marston Gate site;
- The proposal would not respond to local character but would instead make the entrance to the village of Brogborough look like the entrance to Marston Gate industrial estate. No amount of mitigation could outweigh the massive building, which would be out of scale with the neighbouring village;
- Existing lorries trying to get to Marston Gate already get lost, don't obey existing signage and end up in the village, turning round in unsuitable places and tearing up the village verges, kerbs and hedges;
- The proposed HGV ban is practically unenforceable and will not prevent lorry drivers from parking in the

laybys over night and disposing of rubbish and the results of a lack of toilet facilities in the hedges, laybys and gardens of Brogborough;

- We would like to see some of the laybys on Bedford Road closed;
- Brogborough is being overwhelmed by commercial development. More houses are required instead;
- Warehouses are an eyesore and the proposal will result in the loss of more pleasant green and open space;
- The Greensand Ridge should be protected;
- The proposal will generate more light pollution. The lighting from the existing Marston Gate is so bright that the wildlife think they live in perpetual daylight and residents have to sleep behind blackout blinds. This contravenes our Human Rights;
- The houses on site were knocked down before the application was submitted;
- The proposal will not deliver any local benefits;
- There are available warehouses just up the A421, so there is no need for another warehouse.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Planning Balance
6. Other Considerations

Considerations

1. Principle of Development

- 1.1 The application site is located within the parish of Brogborough, which is identified in Policy CS1 as a Small Village. The site is not located within the settlement 'envelope' of Brogborough and, though Policy DM4 states that the Council may support developments on sites adjacent to the settlement 'envelope' if they make the best use of land and lead to more sustainable communities, the site is also not considered to be 'adjacent' to Brogborough. As such, the proposal is considered to conflict with Policy DM4. At this time, it is considered that Policy DM4 carries moderate weight, based on its degree of consistency with the National Planning Policy Framework (NPPF).
- 1.2 The emphasis of the Council's current employment strategy and objectives in the employment sections of local policy (Policies CS9, CS10 and CS11) is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the District, in the right locations and of the right quality, to provide jobs for local people and ensure that the District maintains a diversity of employment uses which accommodates for the requirements of local businesses and firms seeking to locate in the area.
- 1.3 However, though the Council has policies seeking to manage the growth and development of Key Employment Sites, it is not considered that there are any

policies within the current development plan that consider proposals for B8 uses on land outside of designated Employment Sites. As such, the development plan is considered absent in this regard.

- 1.4 Section 38 (6) of Part 3 of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan and determination is, unless material considerations indicate otherwise, to be in accordance with that plan.
- 1.5 Paragraph 11 of the NPPF states that where a development plan is absent, developments should be approved unless any impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework or specific listed policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 1.6 In this case, there are no specific listed policies within the NPPF that provide a clear reason for refusal, so the planning balance must be considered to determine whether the impacts of the development would significantly and demonstrably outweigh the benefits of the scheme.
- 1.7 Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 states that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for ... storage and distribution operations at a variety of scales and in suitably accessible locations.
- 1.8 The emerging Local Plan has been submitted for examination and currently only carries limited weight, however, it is useful as it provides a direction of travel. One of the supporting documents within the evidence base for the emerging Local Plan is the Employment Land Review (2016).
- 1.9 The ELR considered the likely demand for strategic warehousing and logistics sites. Market analysis undertaken as part of the 2016 ELR shows that demand for space is likely to originate from outside Central Bedfordshire and the FEMA, and as strategic warehousing is highly footloose, it is attracted to the area due to the key strategic connectivity, particularly the M1 corridor. The provision of land for strategic uses within Central Bedfordshire is therefore likely to attract national footloose demand.
- 1.10 The ELR also identifies that, should the strategic warehouse sector be constrained within Central Bedfordshire, by only providing sufficient land to meet the job forecast, evidence suggests that logistics will continue to displace local demand on other sites. Strategic logistics demand will still be attracted to the Central Bedfordshire portfolio and local demand will remain unsatisfied.
- 1.11 The site was put forward within the call-for-sites process, however, it was too small to be considered for the Strategic Employment Area threshold of having a capacity to accommodate more than 40,000 sqm of employment floorspace and its suitability for employment land was not assessed as part of the Local Plan process. However, a strategic site allocation has been made on land to the south east of the existing Marston Gate.

1.12 In this instance, the proposal is designed to allow an existing business on the existing Marston Gate site to expand its operations; and would therefore support the economic growth of an existing Central Bedfordshire business, which may otherwise be lost to the area. It would also free up a unit on the existing Marston Gate development, which is currently at capacity. The proposal would therefore provide an increase in jobs, both at the existing company and any future company moving into the vacated unit.

1.13 The site is partially a brownfield site, with an existing storage and distribution use on part of the site, albeit of a much more limited scale. It is located within close proximity to the strategic road network, both the M1 and the A421 and the application includes off-site highway works which would provide walking and cycling links to the nearby Ridgmont Station; allowing future employees to make sustainable transport choices in respect of their journey to work.

2. Affect on the Character and Appearance of the Area

2.1 The site is bordered on three sides by existing roads, Bedford Road (C94), Salford Road and the A421. It is a partially brownfield site, albeit the existing operations were low-key and screened by the mature boundary hedges. There are two existing warehouses of 18m and 19m high on the opposite side of Bedford Road, with the rest of the Marston Gate distribution park further to the south and east.

2.2 The development would have a significant impact on the character and appearance of the area; by introducing a tall, large footprint building with all the associated infrastructure required to a site which is currently predominantly open.

2.3 Having regard to the purpose and character of the building, it is considered to be well-designed and would harmonise with the existing warehouse buildings on the other side of Bedford Road, with a similar height, building line, architectural composition and palette of materials.

2.4 The location of the site as described above, bordered by roads and adjacent to an existing distribution park means that the site is not currently considered to represent a valuable landscape, and the Landscape Officer has not raised an objection to the proposal. The submitted Landscape and Visual Impact Assessment (LVIA) identified that the impacts of the proposal on landscape character would be wholly local and, after mitigation planting, residual impacts would be negligible.

2.5 Notwithstanding the above, it is considered that the proposal would have a moderately harmful impact on the character and appearance of the area by introducing a large scale building on a currently predominantly open, landscaped site. This is supported by the submitted Landscape and Visual Impact assessment, which identified that the residual impact on views from the southern edge of Brogborough would be moderate adverse.

2.6 Brogborough Parish Council are concerned that allowing warehousing development on the west side of Bedford Road would result in the village being swamped by commercial development. It is considered that the site is sufficiently visually and spatially separated from Brogborough that it would not threaten its identity. Each application must be considered on its own merits; and any further applications for sites on the west side of Bedford Road would have to be judged on their impacts on Brogborough.

- 2.7 Brogborough Parish Council and third party objectors have raised concerns that the siting of the warehouse on the opposite site of Bedford Road would result in a perception of Bedford Road as the entrance to the wider Marston Gate distribution park. The village already experiences problems with lorries mistakenly taking Bedford Road instead of the A507 (which leads to the entrance to Marston Gate) and then having to turn around on Bedford Road or on village streets; and they fear that the proposal would exacerbate the confusion.
- 2.8 Some steps have already been taken to rectify this issue. A lorry ban is shortly to be introduced on Bedford Road, which will include improved signage at Junction 13 and the junction with Bedford Road, emphasising the lorry ban and providing clearer directions to Marston Gate. The proposed access to the development is on Salford Road, and would therefore not conflict with the lorry ban.
- 2.9 The application also seeks to mitigate any impact on the perception of Bedford Road by creating a village entrance feature to Brogborough adjacent to the Bedford Road junction. The proposal includes "Welcome to Brogborough Village" signs on both sides of Bedford Road attached to village gate features; red asphalt strip on the road to demarcate the village entrance and deter lorry drivers; and a landscape scheme including ornamental trees, larger lime trees, mown grass and a bulb planting area on Bedford Road, to provide a more formal, village entrance feel. The application also commits to maintaining the landscaping within the public highway.
- 2.10 The application also proposes the removal of the existing, incongruous leylandii in the south east corner of the site and their replacement with more appropriate trees and landscaping. Landscaping on the south, north and east boundaries would be enhanced. The scheme would result in tree cover of 16% of the site. A contribution would also be made to the Forest of Marston Vale to provide 0.7 hectares (equivalent to another 14% of the site) of tree planting off-site.
- 2.11 It is considered that the proposed mitigation works would result in a significant enhancement to the entrance of Brogborough and the junction of Bedford Road. In combination with the lorry ban and its associated signage, it is considered that the perception of Bedford Road as viewed from Junction 13 as the village entrance to Brogborough rather than the entrance to Marston Gate would be strengthened.
- 2.12 It is considered that the proposal would not result in the loss of a valued landscape and would be well-designed, but it would result in a moderate level of harm to the character and appearance of the area by introducing a large scale building to an area of land which is currently predominantly open. However, the proposal would not dominate the village of Brogborough and the proposed mitigation works would significantly enhance the village entrance, and ease confusion over the location of Marston Gate. As such the proposal is considered to have a minor conflict with Section 12 of the NPPF and Policies CS14 and DM3 of the Development Plan.

3. Neighbouring Amenity

- 3.1 The site is not within close enough proximity to residential dwellings that it would give rise to any loss of light, be overbearing to residential properties or cause any loss of privacy. However, concerns have been raised about the impact of the proposal from noise, light and air pollution on residents within

Brogborough and along Salford Road. The nearest residents in Brogborough are 200m north of the northern boundary of the site and on Salford Road are 150m north west of the boundary, but separated by the A421, which is raised some 7m above the ground level of the application site and the residential dwelling.

- 3.2 In respect of noise pollution, a noise assessment has been carried out, based on the proposed layout of the site. The proposed layout locates the building located close to the north boundary of the site and the service yard and lorry parking to the south so that the building would act as a noise barrier for dwellings in Brogborough. The A421 also acts as a noise bund, protecting the dwellings on Salford Road from noise emanating from the site (noting that the A421 itself can be a considerable source of noise). It is considered that additional traffic going through Brogborough as a result of the development is likely to be minimal, with the majority of car drivers coming from the M1, A507 or A421. The lorry ban and village gateway improvement works should also prevent lorries from passing through Brogborough.
- 3.3 The Council's Pollution Officer has raised no objections to the proposal on noise grounds, however, a condition has been requested for a noise management plan. The applicant has queried this, on the basis that there is no similar condition on the wider Marston Gate site (which is significantly closer to residential properties.) The Pollution Team has explained that the outstanding concern relates to noise emissions from plant, which could be located at the rear of the building; as no details of plant have yet been specified. It is therefore considered reasonable to impose a condition requiring the submission of details of any plant to be installed prior to installation. Subject to the proposed condition; it is considered that the proposal would not give rise to a material increase in noise pollution to any neighbouring residents.
- 3.4 No details of lighting were provided with the application. The LVIA states "the lighting design will incorporate directional and low powered LED light source that will minimise light spill to a level which can be considered acceptable for adjacent residents to the north in Brogborough and will have a minimal impact to wildlife." Again, the A421 and the bulk of the building would provide screening from neighbouring residents from lighting within the service yard, however, car parking located to the north and west of the building would also require lighting to ensure safety. It is therefore considered necessary to impose a condition controlling external lighting to ensure that the development is safe, and yet does not result in unacceptable levels of light pollution to neighbouring residents.
- 3.5 In respect of air pollution, an air quality assessment has been provided. It concludes that the proposal would have a negligible impact on air quality in the vicinity of the site. The Pollution Officer has raised no concerns in respect of the impact of the proposal on air quality, and it is therefore considered that the proposal would not give rise to a material adverse impact on air quality.
- 3.6 Overall, it is considered that, subject to the imposition of appropriate conditions, the proposal would not have a harmful impact on the amenity of neighbouring occupiers and therefore conforms in this respect with Sections 12 and 16 of the NPPF and Policies CS14 and DM3 of the CSDMP (North).

4. Highway Considerations

- 4.1 The application is accompanied by a Transport Assessment and has been subject to extensive pre-application discussions with Highways Officers. A traffic impact assessment has demonstrated that Junction 13 of the M1 is forecast to operate over capacity at 2020 prior to the addition of development generated traffic, however, the impact of the development proposal only results in a 0.5% reduction in capacity on the most over-saturated approach to the intersection. The forecast impact would be significantly below accepted daily variation tolerance thresholds and, as such, is considered to be a non-material impact on the operational performance of the intersection.
- 4.2 Highways England has raised no objections to the scheme, subject to the imposition of a site specific Travel Plan. The Travel Plan which has been submitted relates to the existing Marston Gate development and is out-of-date. The applicant would like to connect the existing Marston Gate scheme with this site, to allow opportunities for car-sharing to be joined up over the two sites, and has therefore requested that the condition requires the Marston Gate Travel Plan to be updated and extended to include the site. This is considered to be acceptable.
- 4.3 The accesses to the site would be taken from Salford Road, which means that there would be no conflict between the site and the proposed lorry ban on Bedford Road.
- 4.4 The proposal includes proposals to enhance pedestrian and cycle links (including the installation of new pedestrian and cycle routes and a toucan crossing at Bedford Road), not only to Ridgmont Station (allowing employees and visitors to the site to use the train for commuting) but also to the existing links further to the west. This is considered to be a significant benefit to the scheme as it will allow the connection of links which currently dead end, requiring cyclists and pedestrians to use heavily trafficked roads and/or uncontrolled crossings.
- 4.5 The proposal also includes the closures of two laybys on Bedford Road. This is also considered to be a benefit of the scheme as, with the imposition of the proposed lorry ban, the laybys would no longer serve a useful purpose. The closure of one of the laybys on the west side of Bedford Road would contribute towards the planned 3m wide footway / cycleway on this side of Bedford Road which would come forward if plans for Marston Vale New Villages (a draft allocation within the emerging Local Plan) were to be delivered. The removal of one of the laybys on the east side of Bedford Road, directly adjacent to residential gardens, would remove a source of nuisance to occupiers of those dwellings.
- 4.6 The proposed village entrance works, mentioned in Section 2 of this report would take place within the public highway and would be subject to a Section 278 Agreement. The maintenance of the works by the applicant would also take place under legislation within the Highways Act. These works have been reviewed by the Highways Team and have not attracted any concerns. A condition is proposed to control the delivery and ongoing maintenance of the works. This is considered to be necessary as the delivery and maintenance of the works are an important mitigation measure to the impacts of the scheme on the character and appearance of the area.

4.7 Subject to the imposition of appropriate conditions; it is considered that the proposal would not have a material impact on the capacity of the surrounding highway network. The proposed off-site highways work would deliver a significant benefit by connecting sustainable transport links. The proposal is therefore considered to be in accordance with Section 9 of the NPPF and Policy CS4 of the CSDMP (North).

5. Planning Balance

5.1 The site is an unallocated site in the open countryside and the proposal would conflict with policy DM4 of the Development Plan, which is considered to carry moderate weight. Although the residual impacts on landscape would be negligible, the impact on the character and appearance of the area is considered to be moderately harmful (albeit mitigated to a certain extent by the proposed village gateway works). There is therefore also a minor conflict with policies CS14 and DM3 of the CSDMP (North).

5.2 The development plan is considered to be silent on the provision of B8 development of this scale on unallocated sites outside and not adjacent to settlement boundaries, and therefore the NPPF requires development proposals to be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3 The application site is a partially brownfield site, with a history of storage and distribution operations, albeit on a smaller scale.

5.4 The site is in an ideal location for the provision of B8 facilities, with direct links to the strategic transport network in the form of the M1 and the A421 and links to the railway network to allow employees to make sustainable travel choices for their commute.

5.5 The Employment Land Review supporting the emerging Local Plan has identified significant demand along strategic transport links for Warehouse development; noting that a failure to provide sufficient sites could risk local demand for other employment land from being met.

5.6 The NPPF places significant weight on economic growth and the needs of local businesses and the need to site storage and distribution facilities in appropriately accessible locations.

5.7 The proposal would allow an existing local business to expand in an accessible location, and would deliver job creation. It is considered that, having regard to the strategic location of the site and the links with the existing Marston Gate facility, significant weight should be given to the economic benefits of the scheme.

5.8 Significant weight is also given to the proposed highways improvements, which go beyond facilitating sustainable transport options to the site, but would also connect up the walking and cycling network around the area in a much safer and more logical way.

5.9 The proposed village entrance works and the closure of the laybys in Brogborough would also provide benefits to the local community; providing visual and practical deterrents to lorry drivers entering Bedford Road. Only limited weight is given to this, as it is considered to represent needed mitigation to offset the impacts of the development on the character and appearance of the area.

5.10 Having regard to all the factors, it is considered that the conflict with DM4 and the moderate harm to the character and appearance of the area would be outweighed by the significant weight that is to be attributed to the economic and sustainable transport benefits of the scheme. In accordance with paragraph 11 of the NPPF, therefore, it is recommended that the application be approved.

6. Other Considerations

6.1 Ecology

The Ecologist has not objected to the proposal, but has requested a condition for an Ecological Design Strategy. A condition is recommended to be imposed.

6.2 Forest of Marston Vale

The proposal would provide 16% on-site tree cover. A financial contribution to plant an area equivalent a further 14% has been agreed with the Forest of Marston Vale and will be secured by legal agreement.

6.3 Drainage

The Flood Risk Management Team has raised no objections to the proposal, subject to the imposition of conditions, which are recommended to be imposed.

6.4 Contaminated Land

The Pollution Officer has raised no objections to the proposal, subject to the imposition of a condition, which is recommended to be imposed.

6.5 Sustainability

The application is accompanied by a Sustainability Statement which includes a series of recommendations. It is proposed that a condition be imposed requiring the development be constructed in accordance with the Sustainability Statement and the results of the BREAAAM 1 year completion appraisal be submitted within 18 months of the occupation of the development.

6.6 Archaeology

Initial Archaeology Assessments identify that there could be deposits on the site, and a condition is imposed to ensure that these are fully investigated, with the results published to capture any archaeology interests on the site.

6.7 Equality Act 2010

The proposed use is an employment site and it is therefore recommended that an informative be added to the decision notice advising the applicant of their responsibilities under the Equality ACT 2010.

6.8 Human Rights Issues

Third party objectors have advised that they consider the proposal breaches their human rights, as it would lead to unacceptable levels of pollution. This is addressed in Section 3 of the report, and it is considered that, subject to the imposition of the recommended conditions, there would not be a material increase in pollution levels. It is therefore considered that the proposal would not affect the Human Rights of any third party.

Recommendation:

That Planning Permission be APPROVED subject to the completion of a legal agreement and the following:

RECOMMENDED 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 take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme and this condition will only be fully discharged when all of the archaeological work; including post excavation analysis, the publication of the results of the fieldwork and the deposition of the archive with a store approved by the Local Planning Authority has been completed.**

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 199 of the National Planning Policy Framework (NPPF), revised July 2018, that requires developers to record and advance of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part).

(CS15 & DM13, CSDMP and Section 16, NPPF)

- 3 **No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the Local Planning Authority.**

The EDS shall include the following.

a) Purpose and conservation objectives for the proposed works to be informed by the suite of ecological surveys undertaken in 2018 by Middlemarch Environmental Ltd.

b) Review of site potential and constraints.

c) Detailed design(s) and/or working method(s) to achieve stated objectives.

d) Extent and location/area of proposed works on appropriate scale maps and plans.

e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

g) Persons responsible for implementing the works.

h) Details of initial aftercare and long-term maintenance.

i) Details for monitoring and remedial measures.

j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: The condition is pre-commencement to ensure that all impacts from development, including ground works, are taken into account and mitigated and that the development delivers a net gain for biodiversity.

(DM15, CSDMP and Section 15, NPPF)

- 4 **No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the development the fire hydrant(s) serving that development shall be installed as approved. Thereafter the fire hydrant(s) shall be retained as approved in perpetuity.**

Reason: In the interests of fire safety and providing safe and accessible developments.

(Section 8, NPPF)

- 5 Details of any external plant (to include location on the site and anticipated noise levels) shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the plant. The plant shall thereafter be maintained such that it complies with the approved anticipated noise levels.

Reason: To ensure that the residential amenity of neighbouring occupiers is not prejudiced by excessive noise.

(Section 15, NPPF)

- 6 The development hereby permitted shall not be occupied a verification report demonstrating that any necessary ground remediation works have been completed to manage risks to human health and the wider environment from any land contamination risks has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of human health and the environment.

(Section 15, NPPF)

- 7 No external lighting shall be installed on the development site until the details of the lighting, including the design of the lighting unit, any supporting structure, lux levels and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and maintained as such thereafter.

Reason: To protect the visual amenity of the site and its surrounding area.

(CS14 and DM3, CSDMP and Section 15, NPPF)

- 8 The development shall be not be first occupied until the measures set out in the Flood Risk Assessment and Surface Water Management Plan (Ref: 3880 Rev A, December 2018) have been installed in full accordance with the Flood Risk Assessment and Surface Water Management Plan. No variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction shall be made without the written approval of the Local Planning Authority for written approval.

Reason: To ensure the approved system will be implemented in full to prevent the increased risk of flooding both on and off site, in accordance with Section 14 of the NPPF.

(Section 14, NPPF)

- 9 The development shall not be first occupied until a Management and Maintenance Plan for the Surface Water Management system has been submitted to and approved in writing by the Local Planning Authority. The Surface Water Management System shall thereafter be maintained in full accordance with the Management and Maintenance Plan.

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 Section 14 of the NPPF.

(Section 14, NPPF)

- 10 The development hereby permitted shall not be occupied until details of the following proposed off-site highway works and landscaping works, along with a timetable for their completion, have been submitted to and approved by the Local Planning Authority:

a) The provision of new HGV and car park accesses from the application site onto Salford Road, together with improvements to Salford Road and introduction of a pedestrian / cycle phase, Toucan Crossing into the existing signalised Bedford Road crossing. Subject to the successful implementation of a TRO, no waiting (double yellow) lines will be introduced on Salford Road to prevent lorry parking;

b) Provision of a new 3m wide footway / cycleway connecting from Bedford Road in the west to the existing footway on Badgers Rise in the east;

c) The removal of existing laybys, kerbs and disused bus stop as identified in the approved drawings and the provision of new kerbs along Bedford Road channel line and topsoil / seed remaining verge area behind; and

d) Provision of landscaping works to each side of Bedford Road to create a 'village entrance' feature, which landscaping shall subsequently be maintained by Prologis as part of the wider Marston Gate development.

The off-site highway works shall be in general accordance with the following approved drawings: 248/P/001 Rev E, 248/P/003 Rev B and 248/P/005 and the landscape works shall be in general accordance with drawings 1817/18 01 Rev I and 1817/18 05 Rev C.

The works shall be completed in accordance with the approved details and the approved timetable; and signed off as complete by, or on behalf of, the Local Planning Authority.

Reason: To ensure the delivery of the off-site works which are necessary to the acceptability of the scheme in terms of mitigation and the delivery of identified benefits of the scheme).

(Policies CS4, CS14 and DM3, CSDMP Sections 9 and 12, NPPF)

- 11 The development shall not be first occupied until an updated Travel Plan has been submitted to and approved in writing by the Council, in consultation with Highways England, such a Travel Plan to include details of:
- Joint working with other local employers and shared travel plan activities across the local industrial area
 - Predicted travel to and from the site and targets to reduce car use for both visitors and staff

- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks
- Proposals and 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 within 6 months of occupation and then annually for a period of 5 years at which time the obligation will be reviewed by the planning authority
- Details of provision of cycle parking in accordance with Central Bedfordshire guidelines
- Details of site-specific marketing and publicity information, to include:
 - Site specific travel and transport information
 - Incentives for sustainable travel
 - Details of relevant pedestrian, cycle and public transport routes to, from and within the site
 - 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
- Details of the transfer of the travel plan obligation to the future occupier

No part of the development shall be occupied prior to implementation of those parts identified within the Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with an agreed timetable and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network. (Section 9, NPPF)

- 12 The on-site planting and landscaping scheme shown on approved Drawing No. 1817-18-01 Rev I dated 31-01-18 shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season shall mean the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the Soft Landscape Works Maintenance and Management Proposals - 10 Years dated 14/01/2019, reference 1817-18-RP03 Rev D.

Reason: To ensure an acceptable standard of landscaping is planted and maintained in the interests of the visual amenities of the area. (CS14 & DM3, CSDMP and Sections 12 & 15, NPPF)

- 13 No equipment, machinery or materials shall be brought on to the site for the purposes of development until protective tree fencing for the protection of retained trees, has been erected in the positions shown on Drawing No. 1817-18-04. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.

(Policies CS16 & DM 14, CSDMP and Sections 12 & 15, NPPF)

- 14 The development shall be carried out in accordance with the Sustainability Statement dated November 2018 by Turleys. Within 18 months of the first occupation of the development, the results of the 1 year BREEAM review shall be submitted to the Local Planning Authority.

Reason: To ensure that the development is of sustainable construction.

(Policies DM1 and DM2, CSDMP and Section 14, NPPF)

- 15 The development shall not be occupied until 4 22kW electric vehicle charging pedestals have been erected within the car parking and the necessary infrastructure provided for a further 51 parking spaces to allow the installation of future pedestals as required.

Reason: To ensure that the development provides adequate electric vehicle charging infrastructure in the interests of enhancing the sustainability of the development.

(Section 14, NPPF)

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1817-18-01 Rev I, 1817-18-02 Rev D, 1817-18-04, 1817-18-05C, 284/P/001 Rev E, 284/P/003 Rev B, 284/P/005, 30992-PL-200 Rev A, 30992-PL-201 Rev D, 30992-PL-202 Rev A, 30992-PL-203 Rev B, 30992-PL-204 Rev B, 30992-PL-205, 30992-PL-206, 30992-PL-220 Rev B, 30992-PL-221 Rev A, 30992-PL-2030 Rev B and 30992-PL-231 Rev B, .

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

INFORMATIVE NOTES TO APPLICANT

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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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 Internal Drainage Board have provided the following advice:

As the means of storm water disposal is to be via a balancing facility it is essential that this be completed prior to the construction of any impervious areas within the site.

Please also note that the water course is on the boundary of or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9m of the bank top, without the Board's prior consent, this includes any planting, fencing, or other landscaping.

Please note that storm water discharge will not be allowed into a watercourse under the Board's statutory control without the Board's prior consent.

- 4. The applicant's 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)

- 5. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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