

## **Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/13/03433/OUT</b>
<b>LOCATION</b>	<b>Superstore, Bells Brook, Biggleswade, SG18 0NA</b>
<b>PROPOSAL</b>	<b>Outline planning permission for B1, B2 and B8 units on existing Lorry Park site (utilising existing access) all matters reserved except access</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Frank Firth</b>
<b>CASE OFFICER</b>	<b>Stuart Robinson</b>
<b>DATE REGISTERED</b>	<b>31 October 2013</b>
<b>EXPIRY DATE</b>	<b>30 January 2014</b>
<b>APPLICANT</b>	<b>Denison Investments Ltd</b>
<b>AGENT</b>	<b>Arrow Planning Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from the Development Plan</b>

**RECOMMENDED DECISION** **Outline Application - Approval**

### **Site Location:**

The application site is located to the east of the A1 (Trunk Road), north of the Sainsbury Superstore and the Biggleswade north roundabout and to the west of Biggleswade. To the east of the site is the River Ivel and the site falls within Flood Zones 2 and 3 of the Environment Agency Flood Map.

The site is largely undeveloped and grassed, however planning permission has been granted (and part-implemented) previously for the use of the land as a lorry park.

The site falls outside the Biggleswade Settlement Envelope and as such is within the open countryside.

### **The Application:**

The application seeks Outline planning permission for the B1, B2 and B8 use of the site, with all matters reserved except access.

The application is accompanied with an indicative site layout plan showing units and parking. Additional information in respect of drainage and traffic has been submitted since validation.

The application was originally submitted in 2013. It has been held in abeyance due to a longstanding objection from the Environment Agency, which would have meant any

approval would have to be referred to the Secretary of State. Rather than potentially risk a lengthy public inquiry, the developer has sought to work with the Council and the Environment Agency to address the concerns raised. The Environment Agency removed their objection on 13 August 2018.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (2018)**

### **Core Strategy and Development Management Policies (2009)**

CS1	Development Strategy
CS9	Providing Jobs
CS14	High Quality Development
DM3	High Quality Development
DM9	Providing a Range of Transport

### **Emerging Local Plan**

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:

SP1	Growth Strategy
EMP1	Employment Sites and Uses
T1	Mitigation of Transport Impacts on the Network
T2	Highways Safety & Design
CC1	Climate Change and Sustainability

- CC3 Flood Risk Management
- CC4 Development close to watercourses
- CC5 Sustainable Drainage
- HQ1 High Quality Development

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide  
 Central Bedfordshire Sustainable Drainage Guidance

**Planning History**

- MB/06/01023/FULL Single storey facilities building for lorry park.  
  
GRANTED: 21.09.2006 – this permission has been part implemented and remains extant as a result.
- MB/97/01319/FA Variation of condition 1 attached to approval 35/MB/91/1681 dated 22.12.92 for change of use of land to lorry park.  
  
GRANTED 18.11.1997
- MB/97/01089/FA Deletion of condition 12 (provision of bridleway) and variation of condition 4 (to permit the commencement of development in advance of the provision of the roundabout junction) attached to planning permission 35/91/1681 dated 22.12.92 for change of use of land to lorry park.  
  
GRANTED: 30.04.1997
- MB/91/01681/FA Change of use of land as lorry park.  
  
GRANTED: 05.01.1993

**Representations  
 (Parish & Neighbours)**

- Northill Parish Council No objection - future occupants should be monitored to ensure no contamination of watercourse occurs.
- Neighbours (One response received) Objection - Never been used as lorry park, access must be given to stream. Traffic from surrounding uses can be dangerous for pedestrians.

## Consultations/Publicity responses

Highways	Raised no objections following the submission of additional information
Highways Agency	Raised no objections following the submission of additional information.
Sustainable Urban Drainage Environment Agency	Raised no objections following the submission of additional information
Internal Drainage Board	Originally objected to the scheme due to drainage proposals.  Following the submission of additional and revised information the objection has been withdrawn.
Ecology	Raised no objections subject to an ecological appraisal being submitted with a reserved matters scheme.
Pollution Team	Raised no objections subject to conditions relating to noise, lighting and hours of operation.

## Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on character and amenity
3. Flooding and drainage
4. Highway safety implications

## Considerations

### 1. Principle of development

- 1.1 Policy CS1, within the adopted Local Plan, classifies settlements by virtue of their scale, services and facilities. This Policy identifies Biggleswade as a Major Service Centre.
- 1.2 The application site is located to the north west of Biggleswade. The site is located outside of the Settlement Envelope of Biggleswade.
- 1.3 Policy DM4, within the adopted Local Plan, applies weight in favour of

development within Settlement Envelopes and restricts development divorced from the settlements identified within Policy CS1. Policy DM4 states that:

*"Beyond Settlement Envelopes, limited extensions to gardens will be permitted provided they do not harm the character of the area. They must be suitably landscaped or screened from the surrounding countryside and buildings may not be erected on the extended garden area."*

The proposed development would therefore not comply with Policy DM4. Having said this, it must be considered whether there are material considerations that outweigh non-compliance with this Policy.

- 1.4 The site is located within close proximity to several retail and other uses. To the south of the site lies a petrol station and to the west lies a Sainsbury's store and Biggleswade Waste Recycling Centre. As such, the application site is considered to be well related to existing built form.
- 1.5 It must also be noted that planning permission has previously been granted for the use of the site as lorry storage, has been part-implemented. There would also be significant economic benefits associated with the provision of additional employment land.
- 1.6 Whilst the proposal would not comply with Policy DM4 of the adopted Local Plan, it is considered that there are other material considerations that outweigh non-compliance with this Policy. The site has previously benefited from planning permissions, which were renewed but were only part-implemented (in terms of access and lorry storage). It is also considered to be well related to the existing built form and would provide significant economic benefits. The principle of the development, therefore, is considered acceptable.

## **2. Impact on character and amenity**

- 2.1 The application seeks outline planning permission, with only access detailed. Therefore, appearance, landscaping, layout and scale are all reserved as part of this application.
- 2.2 The submitted information provides an indicative layout to help demonstrate that the proposal can be adequately accommodated within the site. The Design and Access statement indicates that the development would include a number of small business units with a height of approximately 7 metres. The provision of units of this size is considered to be a benefit of the scheme particularly considering recent consents in the Stratton Business Park in Biggleswade have been for large scale industrial buildings. This scheme, if realised as indicated, would add to the balance of unit sizes in the town. The heights as indicated in the design and access statement are also considered appropriate given the relationship with the adjacent Sainsburys superstore and petrol station.

- 2.3 The indicative layout shows the scheme can provide a maximum of 2604 sqm of floor space. Such a layout would provide sufficient space for parking and landscaping.
- 2.4 The development of the site will materially change the character of the site. This impact is not considered harmful and it is considered that an appropriately scaled scheme would sit comfortably adjacent to the existing retail store. Therefore, the development would not adversely affect the character of the area.
- 2.5 Furthermore, weight is attributed to the fact that the existing consent for the lorry park on this site remains extant and could be implemented. It is also considered that a small business unit scheme would have less of a visual impact than a lorry park.
- 2.6 The scheme is therefore considered to have an acceptable impact on the character of the area.

### **3. Impact on Neighbouring Amenity**

- 3.1 The site is not within close proximity to residential properties and sits approximately 150 metres away from the nearest properties, situated on Shortmead Street. The site adjoins a petrol filling station, to the south and a waste recycling centre to the west.
- 3.2 At this outline stage, there is not considered to be any significant adverse impact on neighbouring properties, particularly given the existing uses within close proximity of the site.
- 3.3 Conditions are attached to control noise levels and lighting which will ensure that any future use is adequately controlled so as to not harm the existing amenities of neighbouring properties or the character of the area.
- 3.4 As such, the proposal is considered to have an acceptable impact on neighbouring amenity.

### **4. Highway Issues**

- 4.1 The proposal utilises the existing highway and would use roads that are associated with the adjacent Sainsburys superstore and petrol station. In considering the scheme some weight is given to the extant consent on the site to be used as a lorry park. The application has been proposed bearing in mind the possible nature of vehicle movements and types associated with this use.
- 4.2 At the point the application was submitted concerns were raised by both the Council Highways Officer and Highways England over the possible impact of the scheme on the local highway network and the A1 trunk road. Following the submission of additional information no objection has been raised although it is

noted that a greater pressure will be put on the roundabout at Sainsburys. The scale of development proposed, however, is not considered to amount to harm in this respect.

- 4.3 Since the application was submitted the highway leading to the site has been upgraded and is wide enough to allow vehicles to pass and has a footway link leading to the entrance. No requirement to upgrade the highway is therefore apparent from this scheme now.

## **5. Flooding and Drainage**

- 5.1 The application has been held in abeyance for a significant period due to issues with demonstrating an acceptable impact in respect of drainage. When the application was first submitted and considered lead flood authority was the Environment Agency.

- 5.2 The EA had consistently objected to the principle of this development since its submission on the grounds that the proposal falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the site is located. The EA have now removed their objection, following the submission of further information which detail new ground modelling and the compensation scheme (concerning loss of floodplain storage).

- 5.3 Due to legislative changes the Council is now the Lead Local Flood Authority and the opportunity was taken to explore drainage options for the site. Following the submission of additional information and meeting with both the Council and the Internal Drainage Board (as the body responsible for the management of the watercourse) it has been possible to work to a solution in respect of surface water drainage. As a result there are no objections raised by the IDB and the Council's Drainage Team to the scheme subject to including conditions for detailed surface water drainage schemes to be approved.

- 5.4 Therefore, subject to conditions, the application is considered to be acceptable in terms of flooding and drainage.

## **6. Other Issues**

### **6.1 Human Rights Act**

Based on the information submitted there are no known issues raised in the context of the Human Rights Act and as such there would be no relevant implications.

### **6.2 Equality Act**

Based on the information submitted there are no known issues raised in the context of the Equality Act and as such there would be no relevant implications.

## **Recommendation**

That Outline Planning Permission be approved subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin no later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.**

**Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 3 Prior to the commencement of the development, hereby approved, wheel-cleaning facilities, which prevent the deposit of mud or other extraneous material on the highway during the construction period, shall be installed at all vehicular site exits. The wheel-cleaning facilities shall be retained until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period, in accordance with Policy DM3 within the adopted Local Plan and the NPPF. These details are required prior to commencement, as any of the construction works, proposed as part of this development, have the potential to impact the highway.**

- 4 No development pursuant to this outline permission shall commence on any part of the site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented 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 and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.**

- 5 Notwithstanding the details in the outline application, any reserved matters application submitted pursuant to this outline permission shall include a Detailed Surface Water Drainage Scheme to be prepared in accordance with the principles established within the approved Woods Hardwick Flood Risk Assessment and Drainage Strategy (November 2017). The final scheme shall be based on an assessment of the hydrological and hydro geological context of the development. The scheme shall cater for the 1in100 year event + 40% allowance for climate change and discharge shall be limited to 2.5l/s/ha. The scheme will prioritise sustainable drainage systems in the final layout as agreed in the outline strategy. In addition to this the Detailed Surface Water Drainage Scheme shall, at a minimum, include the following:

Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 years, 100 years and 100 years plus climate change;

- Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
- Details of flow control measures to be used, demonstrating that runoff rate and volume will not exceed greenfield rates;
- Full calculations of the attenuation storage volume required including allowances for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;
- Flooded areas for the 1 in 100-year storm when system is at capacity, demonstrating flow paths for design for exceedance;
- Integration of the drainage system with wider site objectives, including water quality treatment, amenity, biodiversity and amenity;
- Details of the structural integrity, proposed construction of the system, and any phasing of works;
- Full details of the maintenance and/or adoption proposals for the entire drainage system, including all elements listed above, and any proposed split of the surface water management system and/or maintenance responsibilities between private (i.e. within curtilage) and public (i.e. in public open space and/or highway).

The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed 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 the NPPF.

- 6 Prior to the first use of the development, a 'management and maintenance plan' for the entire surface water drainage system shall be submitted to the Local Planning Authority, for approval in writing. The plan shall demonstrate that all surface water management structures and facilities shall be maintained in perpetuity to ensure that the structures and facilities function as originally designed, and that the approved surface water drainage scheme shall be correctly and fully installed as per the approved details for that phase.

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 the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 7 Prior to the occupation of any of the proposed units a scheme shall be submitted to the Local Planning Authority, for approval in writing, demonstrating that noise from fixed plant, equipment and machinery shall not exceed the existing background level (or 5dBA below if there is a tonal quality or distinguishable characteristics) for that building, when measured or calculated according to BS4142:1997, at the boundary of noise sensitive premises.

Reason: To protect nearby residential properties against noise impacts associated with the use of the units in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 8 Notwithstanding the details in the outline application, any External Lighting installations will comply with "ILE External lighting" Guidelines & Dark Sky policy's zonal classification E2: Low district brightness areas, Rural or small village locations and shall be in place prior to the occupation of any of the proposed buildings subsequently approved through reserved matters.

Reason: To protect the future neighbouring occupiers from light pollution associated with the use of the business parking the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 9 Any reserved matters application submitted pursuant to this outline permission shall include details of the finished ground levels and finished floor levels for the reserved matters development for which approval is sought. Details

submitted shall also include sections through the site and include adjacent land and buildings. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 10 Any reserved matters application submitted pursuant to this outline permission shall include a foul water strategy for the reserved matters development for which approval is sought. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 11 Any reserved matters application for proposed buildings on the site will include details to show how the buildings will be constructed to achieve either BREEAM excellent rating or BREEAM Very Good and source 10% of its energy demand from renewable or low carbon sources. The works shall then be carried out in accordance with the approved details.

Reasons: To ensure development is constructed to an appropriate standard in the interests of policies DM1 and DM2 of the Core Strategy and Development Management Policies.

- 12 Any reserved matters application submitted pursuant to this outline permission shall include a Biodiversity Mitigation Strategy & Management Plan. The scheme shall include details of ecological surveys and suitable habitat mitigation, including lighting strategies and monitoring including details extent and type of new planting and new habitat created on site. Any reserved matters proposals permitted shall be carried out in accordance with the approved Mitigation Strategy & Management Plan.

Reason: To protect wildlife and supporting habitat and in accordance with the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009

- 13 The reserved matters proposal shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no building shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road, in accordance with the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009

- 14 Visibility splays shall be retained at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the retained 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 for the perpetuity of the development remain free of any obstruction to visibility.

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 (them), in accordance with the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009

- 15 Visibility splays shall be provided at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junction in the interest of road safety, in accordance with the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001 (Site Plan), Drawing Number 01 Rev C (to the extent that it shows the access proposal only).

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

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. 1/ The applicant is advised that all HGV/car parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Design Guide 2014.

2/ The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**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 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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