

APPLICATION NUMBER	CB/21/05254/OUT
LOCATION	Vauxhall Aftersale Warehouse, Luton Road, Chalton, Luton, LU4 9TT
PROPOSAL	Application on sites that cross local planning authority Boundaries:Outline Application: Hybrid planning application comprising: for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sqm of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8) and associated access, servicing, parking and landscaping (all matters reserved except access). Full planning application for the proposed site accesses and landscaping along the site's frontage with Luton Road.
PARISH	Chalton
WARD	Toddington
WARD COUNCILLORS	Cllrs Amantea-Collins & Walsh
CASE OFFICER	Peter Vosper
DATE REGISTERED	13 December 2021
EXPIRY DATE	14 March 2022
APPLICANT	Goodman
AGENT	Barton Willmore
REASON FOR COMMITTEE TO DETERMINE	Major Application and an Objection from Chalton Parish Council
RECOMMENDED DECISION	Full Application - Recommended for Approval Outline Application - Recommended for Approval

Reason for Recommendation:

The proposal for the demolition of the existing buildings (131,949 sq m floorspace) and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (use classes E(g)(iii)/B2/B8) is in an existing employment area and acceptable in principle.

The proposed landscaping along the Luton Road frontage, part of the Full element of the Hybrid planning application, is acceptable.

Landscaping on the main developable area of the site, and matters of appearance, layout and scale are reserved for determination at a later date. However, to control and limit the form and design of development at reserved matters stage, this application establishes parameters in respect of the amount and scale of development, and the proposed use.

Subject to the imposition of and compliance with conditions, the proposal is not objectionable in a highway context. However, a potential roundabout access to Luton Road forms part of the Outline element of the planning application. Should this be pursued, required design standards must be met with a subsequent reserved matters planning application.

It is not anticipated that the proposed redevelopment of the site would cause any adverse impacts to residential amenity.

Overall, the proposal is compliant with the Development Plan policies (National Planning Policy Framework, July 2021 and Central Bedfordshire Local Plan 2015 - 2035, July 2021).

Subject to conditions, Outline Planning Permission is recommended in respect of the Outline element of the planning application and Full Planning Permission is recommended in respect of the Full element of the planning application.

Site Location:

The application site of 23.41 hectares is occupied by a large three-storey warehouse building used for the storage and distribution of automotive parts by Vauxhall Aftersales (use class B8) and a series of ancillary buildings, including offices. As part of the restructuring of Vauxhall's operations the facility is scheduled for closure.

The site is accessed via Luton Road with a parking area for employees located to the south of the main warehouse building.

There is an existing strip of landscaping along the Luton Road frontage and further areas of landscaping on the site boundaries.

To the immediate north east the site is bound by the Midland Main Line railway from Luton to Bedford with industrial development beyond. To the south east lies the existing North Luton Industrial Estate and Luton Road (the B579) is located adjacent to the south west boundary with the M1 (J11A) beyond. To the north west of the site is Panattoni Park Luton, which accommodates two large warehouses.

A vacant field to the south west of the site between Luton Road and the M1 is the subject of a current undetermined planning application for a commercial employment scheme (reference CB/21/04483/OUT). This site is part of Strategic Allocation SA1 (North of Luton) as outlined in Local Plan Policy SP1 (Growth Strategy).

The site is shown on the Policies Map for the adopted Central Bedfordshire Local Plan, July 2021 as an existing employment area.

The site is mainly in Central Bedfordshire with a small area to the south (1.31 hectares) in Luton Borough.

The Application:

A Hybrid planning application is submitted for the proposals, comprising both an Outline element and a Full element.

The Outline element of the application is for the main developable area of the site, and will be for demolition of the existing buildings (131,949 sq m floorspace) and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8), and associated access, servicing, parking and landscaping. The matters of appearance, layout, scale and landscape are reserved for determination at a later date. A potential roundabout access to Luton Road also forms part of the Outline element.

The Outline planning application procedure is being used to enable the principle of the redevelopment to be agreed prior to the formulation of final detailed scheme designs.

To enable an assessment of the proposal at this Outline stage and to control and limit the form and design of development that could be progressed at the reserved matters stage, a Parameters Plan (F0025 Rev J) accompanies the application, that establishes the following parameters:

A. Amount - up to 116,000 sq m of Class E(g)(iii)/B2/B8 uses to be accommodated within a minimum of two units and up to seven units, across a developable area of 22.52 hectares.

B. Use - Use Classes E(g)(iii) light industrial/ B2 general industrial/ B8 storage and distribution and ancillary office accommodation.

C. Scale - Maximum building to ridge height of 24m, with a finished floor level of 129-130m AOD and a maximum AOD building ridge height of 153-154m AOD.

The Outline planning application is accompanied by an Illustrative Site Layout Plan (F0027 Rev J), to show how the redevelopment could look when progressed at the reserved matters stage in accordance with the Parameters Plan.

The Full element of the proposals relates to the frontage along Luton Road. It provides for two new T-junction vehicular accesses, one of which would use the existing site access albeit located some 6m northwards, and also includes the details of the proposed landscaping strategy along the site frontage.

A prior notification for the demolition of the existing buildings within the Vauxhall Aftersales site was granted under reference CB/22/04076/PADM on 15 November 2022.

As stated above, the site is mainly in Central Bedfordshire with a small area to the south in Luton Borough. In line with the National Planning Practice Guidance (NPPG) (paragraph 011 Ref ID: 14-011-20140306), where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority. An identical application has been submitted to Luton Borough Council (reference 21/01668/OUT) and was granted conditional planning permission on 19 October 2022; the Committee Report and Decision Notice are appended to this report.

Relevant Policies:

National Planning Policy Framework (NPPF), July 2021

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Central Bedfordshire Local Plan 2015 - 2035, July 2021

Policy SP1: Growth Strategy

Policy SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development

Policy EMP1: Small and Medium Employment Sites

Policy T1: Mitigation of Transport Impacts on the Network

Policy T2: Highway Safety and Design

Policy T3: Parking

Policy T5: Ultra Low Emissions Vehicles

Policy T6: Movement and Management of Freight

Policy EE1: Green Infrastructure

Policy EE2: Enhancing Biodiversity

Policy EE4: Trees, Woodlands and Hedgerows

Policy CC1: Climate Change and Sustainability

Policy CC3: Flood Risk Management

Policy CC5: Sustainable Drainage

Policy CC6: Water Supply and Sewerage Infrastructure

Policy CC8: Pollution and Land Instability

Policy HQ1: High Quality Development

Policy HQ7: Public Art

Neighbourhood Plan

Chalton: Not designated

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide, March 2014

Relevant Planning History:

Application Number	CB/22/04076/PADM
Description	Prior Notification of proposed demolition: Existing buildings within Vauxhall aftersales site
Decision	Prior Approval Notification - Approval
Decision Date	15 November 2022

CB/21/02117/PAPC - Pre-application Charging Fee Advice Released: Outline planning application for the demolition of the existing building and the erection of circa 116,000 sqm of flexible Class E(g)iii light industrial/ B2 general industrial/ B8 storage and distribution uses and associated access, servicing, parking and landscaping. (5 October 2021)

Application Number	CB/21/03339/SCN
Description	EIA Screening Opinion: Proposed re-development of Vauxhall Aftersales Warehouse
Decision	Opinion adopted that an Environmental Impact Assessment is not required
Decision Date	11 August 2021

Identical Planning Application Submitted to Luton Borough Council:

Application Number 21/01668/OUT
Description Hybrid planning application comprising: Outline planning application (all matters reserved except access) for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sqm of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8) and associated access, servicing, parking and landscaping; and Full planning application for the proposed site accesses and landscaping along the site's frontage with Luton Road.
Decision Conditional Planning Permission
Decision Date 19 October 2022

Other Relevant Planning History:

Site Land to the west of Luton Road and east of the M1, Luton
Application Number CB/21/04483/OUT
Description Outline planning application, with all matters reserved except access, for a commercial employment scheme with ancillary offices, car parking, landscaping and service yard areas
Decision Pending
Decision Date

Site Land between Luton Road and the M1, Luton
Application Number CB/21/04213/DB
Description Development Brief relating to CB/21/03979/PPA - Commercial employment scheme with ancillary offices, car parking, landscaping and service yard areas.
Decision Development Brief Endorsed
Decision Date 6 May 2022

Site Land To The North And East Of Houghton Regis, Sundon Road, Houghton Regis
Application Number CB/19/04263/RM
Description Reserved Matters for access, appearance, landscaping, layout and scale (pursuant to Outline planning permission CB/12/03613/OUT) for provision of up to 125,000m2 of Class B8 storage and distribution use.) - Lidl distribution warehouse
Decision Conditional Planning Permission
Decision Date 13 March 2020

Site M1 junction 11a to A6 Barton Road Sundon Chalton Streatley
Application Number CB/19/00887/FULL
Description Construction of a new single and dual carriageway 2.75 miles (4.4km) road linking the M1 and the A6 between the M1 junction 11a and the A6 Barton Road. Comprising intermediate junctions, overbridges, underbridges, cycle paths, revisions to the Public Rights of Way network, drainage and landscaping
Decision Conditional Planning Permission
Decision Date 9 January 2020

Site	Houghton Regis North Site 1, Land on the northern edge of Houghton Regis
Application Number	CB/12/03613/OUT
Description	Outline planning permission to deliver up to 5,150 dwellings (Use Class C3) and up to 202,500 sqm gross floorspace of additional employment, retail, data and energy centre and leisure use
Decision	Conditional Planning Permission
Decision Date	2 June 2014

Consultees:

Chalton Council (first response)	Parish (first response)	<p>The Traffic Assessment Report Concludes in paragraph 7.9</p> <p>“Overall, the report demonstrates that the development scheme will have no material adverse impact on the safety or operation of the adjacent highway network. It further concludes that the development is in full accordance with the transport policy tests for new developments as set out in the revised National Planning Policy Framework.”</p>
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We cannot agree that there will be no material adverse impact in our opinion there will be a significant and adverse impact with many issues requiring clarification.

Any traffic from the proposed development (CB/21/04483/OUT) on the adjacent site must be included in the traffic assessment. It is not clear if the assessment includes this traffic.

National Highways has written to CBC requesting that no decision can be made on CB/21/04483 until the 24th February 2022 when they hope to have concluded a review of the B579 road which runs between the warehouses and other surrounding roads. We presume that the National Highways request to delay the Council’s decision applies equally to this application.

There is no mention in the assessment that the B579 rises some 10m along this length. We consider that as the difference in height could restrict the visibility of the entrances it should be factored into the design of the road access.

The roundabout on the B579 to the north was built by Panattoni primarily to provide access to their warehouses. We presume that National Highways will check if it is of a size where it is capable of handling the additional traffic from the proposed developments.

A traffic census paragraph 3.3.1 was carried out in April 2021 at a time when traffic was due to the Covid outbreak significantly reduced. As the measuring cables were positioned directly opposite the Vauxhall site they did not

collect the traffic data going north from the Panattoni warehouses. The larger Panattoni warehouse was empty at the time of the traffic census. It has recently been let and traffic created by the new tenants should accordingly be included in the assessment.

We note that the Applicant has used the now ten year old 2011 traffic census. In the intervening period there have been many new significant industrial and housing developments which have brought considerable traffic onto local roads. Traffic from other proposed developments which will come on stream in the next few years must be factored into any traffic analysis.

As we reported in our comments on the SCN traffic from these warehouses would have a short route to Junction 11A via the Sundon Road and Rail freight Interchange roundabout. A clear indication of the routes which all traffic from the warehouses will use must be clearly identified in the traffic assessment.

The air quality assessment must include the traffic from the Applicant's site, the Pegasus site and other developments in the area. The air quality in this area is already very poor and there is the potential to create an Air Quality Management Area.

Chalton Parish
Council (second
response)

Introduction

Although in this instance we are commenting specifically on planning application ref CB/21/05254 our comments relate equally to planning application ref CB/21/04483. Whilst we understand that each application would normally be judged individually on its own merits it is the cumulative effect of these developments on a short section of the B579 that must be considered.

History

This section of the B579 was originally a minor rural road connecting residential areas such as Houghton Regis, Chalton Village, Sundon and Leagrave. As such it experienced limited commercial traffic and served originally for residential throughput along with minimal HGV traffic from Vauxhall.

After the construction of the M1 junction 11A, with the building of the Panattoni warehouses, and the expansion of Houghton Regis, a significant increase of industrial use has already been observed. With these two proposals the road will be expected to carry the existing traffic plus additional commercial traffic from 13 additional warehouses without a significant upgrade.

The B579 road was never designed to carry the amount of industrial traffic that these developments will bring; it must be upgraded to the appropriate standard for the anticipated volume of traffic before the proposed warehouses are constructed.

Congestion beyond

North of the Deta/Panattoni roundabout we have the intersection with the B579/Sundon Road where there is already congestion during peak hours and this will only get worse with the increased traffic trying to cross either the M1 west to join at J11A or east over the railway then double bend to get to the A6. This section of road recently underwent a traffic survey over a 7 day period and revealed, approximately 92,000 vehicles total passed through (46,000 each direction) and 1197 were HGV. The speed assessment of all traffic showed the 85%ile to be approx 39mph. This is clear evidence of the need to improve highway infrastructure before development.

The offset roundabout

The roundabout is offset from the B579 and out of alignment with the centre line of the road, a location that will reduce considerably driver vision of the road ahead. The roundabout is also located at the highest point of the road; this also reduces driver vision particularly for drivers travelling north.

Numerous junctions

The spacing of the junctions may be suitable for traffic in a housing estate but as we believe inappropriate for the considerable number of large vehicles that will access the proposed industrial estates. There should preferably be one roundabout centrally on the B579 with internal site access roads connecting the various warehouses.

Industrial avenue

The location of the B579 between the Vauxhall site and Aviva/Pegasus will result in a busy avenue through an industrial estate for residential traffic getting to or from Leagrave. Whilst not ideal it would not be impossible to improve the aesthetics with sympathetic building design and landscaping.

Safety

Although central islands are shown at the junctions the difficulties and dangers of the high number of junctions to both cyclists and pedestrians requires further consideration especially given the recent change in law granting priority to

pedestrians. Provision of a safe cycleway should be included in the design, adding to what we currently have to allow safe passage from Legrave to the Sundon Road junction.

The requirement for and safety of public transport users should also be considered, suitable and safe locations which do not further restrict driver and pedestrian visibility must be shown.

Summary

There is need to upgrade highway infrastructure before development and focus on keeping residential/commercial traffic separated as much as possible. Thinking ahead rather than retrospectively improving things to accommodate the result of additional traffic. This mistake was immediately apparent with J11A which, we gather, is subject to some redesign in the future.

H i g h w a y s *Drawing No.19208 F0025 Revision J [Parameters Plan]*
(Development *Drawing No.19208 F0027 Revision J [Illustrative Site Layout Management) Plan]*
(most recent *Transport Assessment prepared by DTA dated 10th November response) 2021*

Transport Assessment Addendum prepared by DTA dated 17th June 2022

Drawing No.21066-BGL-XX-XX-SK-S-00005 Revision P9 [Luton Road – Highway Access Points – With Roundabout]

Drawing No.21066-BGL-XX-XX-SK-S-00006 Revision P8 [Luton Road – Highway Access Points – No Roundabout]

Drawing No.21066-BGL-XX-XX-SK-S-00007 Revision P9 [Luton Road – Highway Access]

Drawing No.21066-BGL-XX-XX-SK-S-00008 Revision P11 [Luton Road – Highway Access No Roundabout]

Drawing No.21066-BGL-XX-XX-SK-S-00009 Revision P5 [Luton Road – HGV Access Tracking]

Drawing No.21066-BGL-XX-XX-SK-S-00011 Revision P1 [Highway Access Arrangement: 36m Roundabout: Swept Paths]

Thank you for reconsulting the Highways Development Management (HDM) team regarding the above planning application, following a period of dialogue with the applicant and the submission of revised access details.

The proposal comprises the redevelopment of the Vauxhall Aftersales Warehouse off Luton Road (B579). The overall floor area applied for is less than the floor area of the existing buildings (up to 116,000m² proposed vs c.132,000m² existing).

Predicted Vehicle Trip Generation

The submitted Transport Assessment (TA) uses trip rates for 'Warehousing (Commercial)' (typically B8 uses) from the TRICS database to account for the existing traffic generation of the site. The same trip rates are used to account for potential B8 uses of the proposed buildings. Accordingly, the existing site has been identified as potentially generating some 441 and 445 two-way vehicle movements (sum of arrivals and departures) during the AM and PM peak hour periods respectively. The application proposal, with its smaller maximum potential floor area, is predicted to generate up to 388 (AM) and 391 (PM) two-way vehicle movements (i.e. fewer vehicle movements than the current potential use of the site).

The TA also presents trip rates for 'Industrial Unit' (typically B2) land uses from the TRICS database to account for other potential uses of the proposed buildings. This exercise shows that up to 411 (AM) and 351 (PM) two-way vehicle movements could be generated (i.e. also fewer vehicle movements than the current potential use of the site).

Parking

Whilst a reserved matters planning application (RM) would consider car parking etc., the Illustrative Site Layout Plan shows levels of car parking above CBC's standard for B8 uses, providing comfort that the demand for parking can be accommodated within the site and won't affect the public highway. Whilst falling below the B2 car parking standards, the TA presents a car parking accumulation exercise that indicates the proposed level of car parking could also accommodate the demand from B2 uses.

Operational (HGV) parking is proposed in accordance with CBC's standards. Electric vehicle charging facilities would need to be provided in accordance with the Council's standards applicable at the time of the RM application. The Illustrative Layout Plan shows six percent of parking spaces for accessible use. Motorcycle parking is included in the proposals. The TA also commits to providing cycle parking in accordance with CBC's standards.

Tracking drawings would be necessary for a RM submission, particularly in relation to the HGV parking areas.

Proposed Access Strategy

The site would be accessed off Luton Road (40mph speed limit) via two T-junction arrangements and, potentially, a third access provided as a roundabout positioned centrally along the site's frontage. Three T-junctions were initially proposed, but it became apparent that the vertical alignment of Luton Road is

such that it precluded a T-junction arrangement centrally on the site's frontage. It must be understood however that should planning consent be granted it would only secure the two T-junction arrangements. The applicant wishes to retain flexibility around a central access. Should they wish to pursue a central roundabout access, sufficient details must be provided within the subsequent reserved matters planning application, and a planning condition is suggested in this regard. Notwithstanding, whilst a roundabout located centrally on the site's frontage is acceptable in principle, the design currently tabled has some geometry that falls short of design standards and this remains to be addressed, should the roundabout option be pursued.

One of the T-junctions utilises the existing site access, albeit relocated some 6m northwards. The existing access does not have a ghost island right turn lane arrangement and it currently serves the entire existing 132,000m². The T-junction would be retained as a simple priority junction, but would serve a much smaller floor area and hence there would be a benefit from the proposal in terms of use of this existing access.

The second T-junction arrangement, located at the northern end of the site's frontage, would be entirely new and as such is proposed with a ghost island right turn lane.

The existing shared footway / cycleway on the eastern side of Luton Road would be widened as part of the proposals to comprise a 3m facility plus a 500mm margin adjacent to the carriageway. This would reflect that provided in the vicinity of the existing Panattoni buildings. Unlike with the existing site access, the bellmouth of each T-junction includes central refuge islands to enable pedestrians and cycles to cross in two stages.

The pair of bus stops in the vicinity of the existing site access would be relocated and upgraded, with details to be agreed via planning condition in terms of specification (shelters, real time information screens etc.). It would be important that bus stop infrastructure does not obstruct the shared footway / cycleway.

A new pair of bus stops is proposed towards the northern end of the site in order to comply with guidance regarding walking distances to new stops. The stop providing access to southbound services would be located in a layby because, otherwise, drivers wishing to pass a stationary bus in the carriageway would not have sufficient sight to oncoming traffic due to the bend in the alignment of Luton Road. Crossing facilities are proposed to and from the two pairs of bus stops.

Junction visibility and driver-pedestrian intervisibility at pedestrian crossing points is shown in accordance with speeds recorded via surveys commissioned by the applicant, which exceed the 40mph speed limit.

The scheme has been subject to an independent Stage 1 Road Safety Audit. Should planning consent be granted, there would be a requirement to obtain detailed technical approval from the local highway authority that would include further road safety audits.

Development Proposed on the Opposite (Western) Side of Luton Road

Efforts have been made to understand the influence of, and interaction with, proposals associated with the land on the opposite (western) side of Luton Road that are subject to a current separate planning application by others (ref.21/04483/OUT). The applicant for the subject planning application has provided drawings showing the combined proposals.

Current proposals for access to the land on the opposite side of the road involve four T-junctions. Two of these include ghost island right turn lane arrangements. Widening of Luton Road to accommodate those ghost island arrangements would occur on the opposite side of the road; the eastern kerb line would be unchanged. The spacing of junctions has been checked and a separate Stage 1 Road Safety Audit has been undertaken for the scenario whereby both developments proceed.

Notable differences with the combined proposals include toucan crossings proposed by the development opposite, to be located at each end of the proposed works that would allow pedestrians and cyclists to cross to and from the eastern side of Luton Road, away from influence of the crest in the vertical alignment of Luton Road. A shared footway / cycleway is proposed on the western development site's frontage. The toucan crossings could be used by occupiers of the subject application to access the bus stops for services travelling northbound.

The increase from the current single access to Vauxhall, to a total of six junctions serving the two developments (seven if a roundabout is introduced), together with the new and upgraded bus stops, new and upgraded footway / cycleways, and two toucan crossings, is anticipated to result in better compliance with the 40mph speed limit. Junction and pedestrian crossing visibility splays, and the junctions themselves, are therefore based on a 40mph design speed. It is not considered appropriate or necessary to reduce the speed limit because compliance with a 30mph limit would likely be poor, particularly outside of peak periods - the road would remain straight but would generally be wider due to the ghost island arrangements, and with good forward visibility. The applicant's survey information already shows 85th percentile speeds up to 47mph, demonstrating how compliance with an imposed 30mph limit, even with the combined proposals, is likely to be low. Furthermore, Luton Road is B-classification and an important

radial route into Luton. It is considered that the proposed access strategies and design speeds are appropriate for its position in the highway network.

Summary

In highway terms I offer no objection subject to stated conditions.

Green Infrastructure Policy EE1 of the adopted Local Plan states that '*All major development proposals must demonstrate a net gain in green infrastructure; linking, enhancing and extending existing green infrastructure assets, and creating new ones..... Where possible high quality, multifunctional green infrastructure will be integrated within developments, incorporating sustainable drainage systems and enhancing biodiversity...landscape character, the Rights of Way network and design quality.*'

Full Application:

The proposals for the access to the site impact on the existing bund which follows the length of Luton Road. It is queried why three access are required which have a cumulative impact on this green infrastructure corridor reducing its connectivity. The carparking along this edge eats into this important landscape feature, reducing its capacity for further enhancement. Should lighting be required within the carparks this may also have a negative effect on the biodiversity. The carparking should be pushed back to allow this feature to be enhanced with further planting and the number of access roads reconsidered.

Please note, there are concerns that the proposed access along Luton Road may not be compatible with that proposed for the adjacent site. Any need for highways works not identified in the plans may result in the loss of important landscape features on either side of the road. These would have to be fully consulted on to consider the impact on the green infrastructure, biodiversity and landscape.

Outline Application:

The development of this site should be supported by a strong green and blue infrastructure plan, showing how existing assets such as the vegetation along the eastern boundary is retained and enhanced; and how planting is incorporated throughout the site to provide connectivity to the wider countryside and green infrastructure features. This could include opportunities for rain water harvesting from the large roof areas to help maintain the plants across the site.

Surface water management should be incorporated across the site with features such as swales and rills supported by planting to meet the requirements of the policy. These areas would also provide amenity spaces for employees to enjoy during work breaks and planting to break up the large areas of parking.

Should an application be taken forward it must be supported by a Green Infrastructure Plan which shows how existing green infrastructure features will be protected and new green and blue infrastructure assets, including bioretention features, will be linked through and around the site providing connectivity to the wider landscape.

Further comments to amended plans:

Although the details of the staff garden/amenity space is welcomed and I am sure will be of value to employees and visitors of the site, these areas are still very small when considering the size of the units.

The inclusion of a wildlife pond is also welcomed however there are concerns as to how this will be managed and how it connects to the wider green and blue infrastructure. The management of this feature does not appear to be included within the landscape management plan.

Landscape (most Drawings or documents reviewed within this application: recent response) Proposed landscape concept plan 01H, Landscaping plan 02H

Access visibility splays - My concerns have been addressed and acceptable

Scale - Outline application - Parameters Plan F0025J acceptable

Appearance - Outline application to be conditioned

Boundary treatment - Outline application to be conditioned

Layout - Parameters Plan

Outline application - Acceptable

Detailed application - extent of landscaping acceptable

Existing vegetation -

Outline & detailed application - acceptable.

Existing Site - Outline and Detailed application acceptable.

Cycle parking - Outline application to be conditioned

Bin storage - Outline application to be conditioned

Lighting and CCTV - Applicant to provide a site wide lighting strategy per unit and to be conditioned

SUDs and Drainage

Outline application - no comment

Detailed application - acceptable.

Landscaping

Outline application - Hard and soft landscaping with maintenance and management programme to be conditioned

Detailed application - Planting specification to be provided inclusive of tree stakes and ties, mulch depth etc. To be conditioned

Trees and
Landscape (most
recent response)

No comments nor concerns regarding this proposal.

Ecology (most
recent response)

The further information provided has shown that the proposed development should, in principle, be able to provide a net gain in biodiversity and therefore comply with policy.

Any reserved matters application should be supported by a LEMP and an updated biodiversity metric, these may be conditioned. Documents should include details of how biodiversity net gain is to be delivered, trading rules must be met and the final site layout/ landscaping must be able to show a net gain for the site as a whole.

Sustainable Policy reference:
Growth

PPF Chapter 2 & 14
CC1 (LP 2015-35)
Sustainability Plan 2020-30

Document/Plan Reference:

Sustainability Statement

Summary of comments:

- Sustainability Statement proposes that the development will be designed and built to achieve BREEAM excellent certification and a detailed BREEAM strategy is to be submitted with the reserved matters application.
- BREEAM Excellent certification will provide evidence of achieving policy CC1 compliance (other policy areas to be assessed by other technical consultees)

Key Requirements/Conditions:

Should planning permission be granted for this development, suitably worded conditions must be attached to require the following:

- A detailed BREEAM strategy demonstrating that the proposal will achieve BREEAM Excellent rating must be submitted with the reserved matters application.
- A Post-Construction Verification Report with evidence that the BREEAM Excellent Certification has been achieved must be submitted within 12 months of completion.

S u D S Considered that outline planning permission could be granted to Management the proposed development and the final design and Team (most recent maintenance arrangements for the surface water system response) agreed at the detailed design stage, if stated recommendations and planning conditions are secured.

Public Art Given the proposed scale of development there would be a requirement for the inclusion of public art integral with proposals and associated public realm if the application were to be progressed

Therefore, a Condition requiring the submission of a Public Art Plan for approval by the LPA would be appreciated; to enhance placemaking and quality in design according to CBC Local Plan Policies HQ1 & HQ7 and the NPPF Section 12,

The Public Art Plan should identify focal points, potential themes, commissioning process, funding, timetable for delivery, future management and maintenance.

More information on Public Art in Central Bedfordshire is available via the CBC Design Guide / Public Realm.

Public Protection Topics considered:

Air quality
Contaminated land
Noise
Light
Odour

Noise

The application is supported by a noise assessment. The noise assessment reports the background noise levels from a survey undertaken near the site and concludes that noise levels below the existing background levels could be achieved with the installation of a barrier (the exact extent of which is to be determined at the reserved matters stage when firmer plans are available).

The noise report concerns itself with an illustrative layout which has a relatively small unit to the south east: this unit is the closest to the sensitive receptors in the vicinity. What the noise report does not consider is the potential for a commercial development to the west of the site which will offer some screening to the existing residential cottages and reduce the background noise levels experienced at this location. These reductions may render the predicted noise levels higher in relation to any resultant background noise levels.

I would argue that it may be more beneficial to re-orientate the unit in the south east of the site such that the loading

bays/service are facing away from the existing residential units. The building itself would then form a barrier and the proposed 3m barrier may not be required. This would perhaps reduce the cost of the build/ongoing maintenance.

I appreciate that this is an outline application and therefore recommend a condition, which offers some flexibility in terms of mitigation measures, including layout.

The rating level of noise emitted by all fixed plant on the site shall be submitted for approval in writing by the Local Planning Authority. The predictions, measurement and assessment of the plant shall be included and be in accordance with BS 4142:2014+A1.

Land Contamination

The application is supported by a phase 1 desk top investigation which concludes that a phase 2 investigation is required. I agree with this conclusion and recommend appropriate conditions.

Air Quality

The application is supported by an air quality assessment which concludes that appropriate mitigation measures would prevent any construction phase air quality impacts. These measures can be secured via the Central Bedfordshire code of conduct for contractors scheme.

Operationally, the report concludes that any impacts will not be significant and recommends that electric vehicle charging points are installed in line with Council policy and agreements. I am satisfied with this and raise no objections.

Lighting

Information on lighting for the site has been submitted and I have no objections to the proposals in principle. The lighting strategy may need to be altered in line with any layout changes.

Public Transport

The Public Transport Team acknowledge the commitment that the developer has already stated within their Transport Assessment to upgrade the existing bus stops on Toddington Road outside the existing site access, as well as providing a new pair of stops further north on Toddington Road for employees of the more northerly parts of the proposed site. We wish to note that the Council would expect all bus stop upgrades to be completed in accordance with Central Bedfordshire's Bus Stop Guidance and Design, available from the Public Transport Team on request. These stop upgrades could be carried out as part of a Section 278 agreement with the Council or alternatively, via a Section 106 contribution.

We note in the applicant's own Transport Assessment that the existing bus service passing the site is limited to only a handful of times per day at AM and PM peak times. These services are funded by Section 106 from another development further up Toddington Road and as such, may not be fully appropriate to meet the sustainable travel needs of this proposed site or indeed may no longer be in operation when the construction of this site is complete. In addition, for large parts of the day, no bus services pass the site and anyone wishing to leave the site and board the Service 28 towards Luton will have to walk a considerable distance down Toddington Road to the stop opposite Montagu Avenue, which is unlikely to be appealing to anyone travelling from the site outside of the main peaks.

As such, we are of the view that the developer needs to consider funding provision for an improved bus service frequency operating to and from the site, ensuring that the site is served on a regular basis around shift change times (an hour either side generally works well) and also at other times to enable visitors or other people with business at the site to be able to travel sustainably to and from the location. Warehousing often employs a significant number of people in lower paid roles and such people are often much more reliant on public bus services to travel to and from work, so a robust public transport provision is required. Additionally, given that this site is close to residential areas, every attempt should be made to mitigate against increased private car journeys, especially when many people employed at the site may live locally and as such there is a much higher chance to encourage them to complete their journey to work via sustainable modes.

As there are already limited bus services passing the site to serve the Panattoni Park (Deta / Ocado) development further up Toddington Road, this presents a good position for the developer to discuss with bus operator Arriva what it would take to improve those services to enable increased service provision to this site, especially around shift change times and if possible, all day. The Public Transport Team would be happy to facilitate any discussion with local bus operators if the developer wished. Any agreement in this instance could be confirmed via a Service Level Agreement (SLA) between the Council and the developer. Alternatively, we would be happy to discuss a financial contribution to the Council for increased bus service provision to and from the site. We would also be keen to see an early commitment to ensure that the end occupiers of the site are committed to incentivise sustainable modes to their staff - in particular public bus services - as a clear mitigation against increased commuting via private cars at this site.

Archaeology

No comments.

Waste Services

As the premises are going to be used for commercial purposes, we have no comments to make. The landlord/occupier will have to make their own commercial waste collection arrangements as this is not a service Central Bedfordshire Council provides.

Broadband Consideration should be given to ensuring that any new commercial premises are connected to an adequate broadband service and therefore engagement with a supplier of the applicants choice is recommended ahead of the build.

E n v i r o n m e n t No objection.

Agency

National Highways (most recent response) Following an email from the applicant's email dated 1 March 2022, clarifying trip distribution, we are in the position to lift the current holding direction and move to a position to recommend a pre-commencement condition requiring a Construction Environmental Management Plan (CEMP).

Network Rail

Following assessment of the details provided to support the above application, Network Rail has some concerns about the proximity of the proposed attenuation pond to the railway boundary. The pond is sited at the crest of the railway embankment which may import risk of flooding to the railway and also potentially undermine embankment stability. There have been previous incidents of flooding within 500m of this site, exacerbated by third party development and this causes damage and delays on the adjacent Midland Main Line as well as the risk of accidents.

The developer must be able to demonstrate that their drainage scheme imports no additional risk to the operational railway and we would strongly recommend that they consider relocating the attenuation pond to a location further from the railway boundary.

Drainage:

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

Condition

It is expected that the preparation and implementation of a surface water drainage strategy addressing these above points will be conditioned as part of any approval.

Further suggested conditions provided.

Bedfordshire Fire and Rescue Service We request S106 funding to cover the cost to the Fire and Rescue Service for the provision of fire hydrants for this site.

We recommend the installation of fire sprinklers as per the guidance appended to this reply.

Specific Detail:

The existing fire hydrants within this site are not sufficient to serve the proposed industrial properties. The developer must provide fire hydrants otherwise we would object to this development.

Anticipated cost for fire hydrant installations:

The estimated cost of fire hydrants for this site is £10,000.00 based on current water company prices.

Other Representations:

Neighbours No representations received.

Determining Issues:

The main considerations of the application are:

1. Principle of Development
2. Design and Layout, and Impact on Character and Appearance
3. Highway Considerations
4. Impact on Amenity of Neighbouring Occupants
5. Other Considerations
6. Conclusion

Considerations:

1. Principle of Development

- 1.1 The proposal is for the demolition of the existing buildings (131,949 sq m floorspace) and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (use classes E(g)(iii)/B2/B8). The site is shown on the Policies Maps for the adopted Central Bedfordshire Local Plan, July 2021 as an existing employment area and therefore falls to be considered against Local Plan Policy EMP1 (Small and Medium Employment Sites). Such sites are required to contribute towards meeting the identified local Objectively Assessed Need of 24,000 jobs within the Plan period (2015-2035), outlined in Policy SP1 (Growth Strategy).
- 1.2 The Policy states that within such areas planning permission will be granted for appropriate B2, B8 and E(g) uses where all of the following criteria are met:
 1. The proposal would contribute towards meeting the overall employment needs of the district, or widening the range of employment opportunities;
 2. The proposal would not conflict with neighbouring land uses; and
 3. The location is appropriately accessible and the proposal would not result in unacceptable levels of traffic generation.
- 1.3 Criteria 2 and 3 are considered in the sections below. In terms of criterion 1, the proposal would generate new jobs and therefore would contribute towards meeting employment needs.

- 1.4 At this stage, the final occupiers of the proposed development are not known. However, paragraph 5.16 of the Planning Statement (Barton Willmore, November 2021) submitted in support of the application states that a proposal delivering 116,000 sq m of floorspace could create approximately 1,500 or more gross direct new employment opportunities at the operational stage, depending on assumptions regarding floorspace quantum and final mix of uses across the site.
- 1.5 The proposal accords with Section 6 (Building a strong, competitive economy) of the NPPF, for example paragraph 81 which states '*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*'. It would also make use of previously-developed or 'brownfield' land which in accordance with paragraph 120 in Section 11 (Making effective use of land) of the NPPF should be given substantial weight.
- 1.6 In view of the above the proposal is acceptable in principle.

2. Design and Layout, and Impact on Character and Appearance

- 2.1 Local Plan Policy HQ1 (High Quality Development) seeks to ensure that all developments are of the highest possible quality and respond positively to their context.
- 2.2 As stated above, landscape is a matter for full consideration with this application for the site frontage along Luton Road. In respect of the remaining main developable area of the site, the matters of appearance, layout, scale and landscape are reserved for determination at a later date.
- 2.3 However, to control and limit the form and design of development that could be progressed at the reversed matters stage, a Parameters Plan (F0025 Rev J) accompanies the application, together with an Illustrative Masterplan (F0027 Rev J), the latter demonstrating one way in which the site layout could be developed, i.e. with five units.
- 2.4 The stipulated parameters which relate to layout and scale, i.e. up to 116,000 sq m of Class E(g)(iii)/B2/B8 uses to be accommodated within a minimum of two units and up to seven units, and a maximum building to ridge height of 24m should be imposed as a condition attached to any planning permission granted.
- 2.5 As appearance and scale are reserved matters, elevation plans of the proposed units have not been submitted. However, paragraph 3.10 of the Planning Statement (Barton Willmore, November 2021) outlines the key principles with regards to appearance, scale and layout; these include:
- *Providing buildings that offer architectural character, while adding quality and aesthetic enhancement to the immediate vicinity.*
 - *Utilising an architectural hierarchy within the overall composition of the site that seeks to break down massing, through the use of cladding panels, in a neutral colour palette, to emphasize elements of the structure, with horizontal and vertical textures creating juxtaposition between the different components of the buildings.'*

- 2.6 A reserved matters submission shall present a scheme with a design treatment, detailing and materials which deliver a high-quality outcome.
- 2.7 The proposed units would have a maximum height to ridge of 24m. This is significantly higher than the existing warehouse building on the site, which at its tallest is approximately 9m. The proposal presented a reserved matters stage needs to harmonise with other buildings, respond positively to its context, not appear 'out of character', and not have an adverse impact on short and long range views.
- 2.8 In terms of the latter point, the proposed units would be most likely viewed, particularly in long range views, as part of a wider area of similar existing development. In this regard, a Reserved Matters application for the provision of up to 125,000 sq m of Class B8 floorspace for a Lidl distribution warehouse at Land to the North and East of Houghton Regis was approved on 13 March 2020 under reference CB/19/04263/RM; this development to the west of the application site on the opposite side of the M1 is currently being built and has a maximum height of 30m.
- 2.9 The application is supported by a Landscape Concept Plan (01 Rev F) for the site subject to the Outline element of the scheme and a detailed Landscaping Plan (02 Rev F) showing the landscaping to the frontage of the site which forms part of the Full element of the scheme. The former demonstrates one way in which a detailed landscaping scheme could be delivered. As stated in the Landscape consultation response, the landscaping presented in these plans, including the extent on the Luton Road frontage, is acceptable.

3. Highway Considerations

- 3.1 As outlined in the Highways (Development Management) consultation response, due to the smaller maximum potential floor area, the application proposal would result in fewer vehicle movements than the current potential use of the site.
- 3.2 Whilst a subsequent reserved matters planning application would consider car, electric vehicle, HGV and cycle parking, the Illustrative Site Layout Plan (F0027 Rev J) indicates that the demand for parking can be accommodated within the site and would not affect the public highway.
- 3.3 The site would be accessed off Luton Road (40mph speed limit) via two T-junction arrangements and, potentially, a third access provided as a roundabout positioned centrally along the site's frontage. Three T-junctions were initially proposed, but it became apparent that the vertical alignment of Luton Road is such that it precluded a T-junction arrangement centrally on the site's frontage. It must be emphasised however that should planning permission be granted it would only secure the two T-junction arrangements. The applicant wishes to retain flexibility around a central access. Should the applicant wish to pursue a central roundabout access, sufficient details must be provided within the subsequent reserved matters planning application, and a planning condition should be imposed in this regard. Notwithstanding, whilst a roundabout located centrally on the site's frontage is acceptable in principle, the design currently tabled has some geometry that falls short of design standards and this remains to be addressed, should the roundabout option be pursued.

- 3.4 Comment is also made in the Highways consultation response in respect of the potential interaction of the proposal with the commercial employment scheme on the opposite (south west) side of Luton Road, subject of current undetermined planning application CB/21/04483/OUT, in terms of access arrangements and alterations to the highway proposed by the other scheme. It is considered that the proposed access strategies and design speeds are appropriate for the position of Luton Road in the highway network.
- 3.5 As outlined in the Public Transport consultation response, improvements to existing bus service frequency passing the site, in order to maximise sustainable travel opportunity for future employees and others visiting the site, need to be sought. This could be confirmed via a Service Level Agreement (SLA) between the Council and the developer.
- 3.6 Overall, subject to the imposition of and compliance with conditions, the proposal is not objectionable in a highway context and accords with Local Plan Policies T1 (Mitigation of Transport Impacts on the Network), T2 (Highway Safety and Design) and T3 (Parking).

4. Impact on Amenity of Neighbouring Occupants

- 4.1 Local Plan Policy HQ1 seeks to ensure that all developments do not have an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality.
- 4.2 The site is bound to the south east by the North Luton Industrial Estate and to the north east by the Midland Main Line railway with industrial development beyond. To the north west of the site is Panattoni Park Luton, which accommodates two large warehouses. To the south west is a vacant field subject of a current undetermined planning application for a commercial employment scheme. There are no residential properties adjacent to the site. The nearest dwellings (Nos. 1 and 3 Tythe Cottages) are on the opposite side of Luton Road - the closest part of the proposed development would be the frontage landscape strip, with the indicative position of the nearest proposed unit (Unit 5) approximately 75m away.
- 4.3 A Noise Assessment (Sharps Acoustics, 8 November 2021) submitted in support of the application concludes that noise levels below the existing background levels could be achieved with the installation of a barrier, the details of which would be determined at the reserved matters stage. This is based on an Illustrative Site Layout Plan (F0027 Rev J). The comments in the Public Protection consultation response, including the potential re-orientation of Unit 5, closest to the sensitive receptors in the vicinity, to enable the building itself to form a noise barrier, should be considered at reserved matters stage.
- 4.4 In view of the above, and subject to the imposition of conditions, it is not anticipated that the proposed redevelopment of the site would cause any adverse impacts to residential amenity.

5. Other Considerations

5.1 *Response to Parish Council Concerns*

The concerns outlined are considered in the Highways (Development Management) consultation response and the discussion above.

5.2 *Human Rights and Equality Act Issues*

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

5.3 *Construction Code of Practice*

The Council has adopted a Construction Code of Practice for Developers and Contractors in order to minimise the impact of construction work on residents who live near to development sites. The applicant has agreed to comply with the requirements of the Code, and compliance will be secured by condition.

6. **Conclusion**

6.1 *Sustainability Objectives*

The NPPF, July 2021 identifies at paragraphs 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, namely economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

6.2 Economic and Social

The redevelopment of the site would provide significant economic investment through provision of modern commercial accommodation across a range of unit sizes. It would provide job opportunities at both the construction and operational stages of the development. The proposal could create approximately 1,500 or more gross direct new employment opportunities at the operational stage. It is also intended to support local employment, skills development, apprenticeships, and other training opportunities in both the construction and end-use phases.

6.3 Environmental

The proposal would retain a landscape strip on the Luton Road frontage, and be subject to a Green Infrastructure Plan. The scheme will also be required to deliver net gains for biodiversity and is subject to a Sustainability Statement which proposes that the development will be designed and built to achieve BREEAM excellent certification.

6.4 *Planning Balance*

The proposal for the demolition of the existing buildings (131,949 sq m floorspace) and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (use classes E(g)(iii)/B2/B8) is in an existing employment area and acceptable in principle.

6.5 The proposed landscaping along the Luton Road frontage, part of the Full element of the Hybrid planning application, is acceptable.

- 6.6 Landscaping on the main developable area of the site, and matters of appearance, layout and scale are reserved for determination at a later date. However, to control and limit the form and design of development at reserved matters stage, this application establishes parameters in respect of the amount and scale of development, and the proposed use.
- 6.7 Subject to the imposition of and compliance with conditions, the proposal is not objectionable in a highway context. However, a potential roundabout access to Luton Road forms part of the Outline element of the planning application. Should this be pursued, required design standards must be met with a subsequent reserved matters planning application.
- 6.8 It is not anticipated that the proposed redevelopment of the site would cause any adverse impacts to residential amenity.
- 6.9 Overall, the proposal is compliant with the Development Plan policies (National Planning Policy Framework, July 2021 and Central Bedfordshire Local Plan 2015 - 2035, July 2021).

Recommendation:

That FULL Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 No building within the development hereby permitted shall be occupied until the scheme of highway works (comprising access arrangements, widening of the existing shared footway / cycleway, and new and relocated bus stops), as shown indicatively on plan ref 21066-BGL-XX-XX-SK-S-00008 Revision P11, has been constructed in accordance with the approved details, amended as necessary by the technical and safety audit process, and opened to traffic. In the event that the development proposed under application CB/21/04483/OUT proceeds in advance of or at the same time then, in addition to the works shown on plan ref 21066-BGL-XX-XX-SK-S-00008 Revision P11, the applicant shall provide the island in proximity to the southern bus stop (for northbound services) as a pedestrian refuge (as shown indicatively on plan ref 21066-BGL-XX-XX-SK-S-00006 Revision P8) rather than as a traffic island as proposed by that development.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the proposed development accesses, and to encourage sustainable modes of travel.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 3 Details of the siting and layout of bus stop infrastructure, for the bus stops identified in the scheme of highway works that are the subject to Condition 2, shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme.

Reason: In the interest of pedestrian and cyclist safety and convenience, and the encouragement of public transport use by occupiers of the proposed development.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 4 For the avoidance of doubt, this permission does not extend to the central vehicular access to the site (shown as a roundabout and identified as an Outline element only on the Parameters Plan (F0025 Rev J), and representing a third access to the site). If a third access is required, details of this access, including an updated Stage 1 Road Safety Audit, shall be included within a reserved matters application for the review and approval by the Local Planning Authority.

Reason: To ensure the proposed development does not give rise to unacceptable highways impacts

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 5 Visibility splays shall be provided at the northernmost site access junction with the public highway before the development hereby permitted is brought into use. The minimum dimensions to provide the required splay lines shall be 4.5m (x-distance) measured along the centre line of the proposed access from its junction with the channel of the public highway, and 134m (y-distance; looking right [north]) and 139m (y-distance; looking left [south]) measured from the centre line of the proposed access along the line of the channel of the public highway. In the event that development under application CB/21/04483/OUT has taken place on the opposite (western) side of the road then the minimum y-distance may be reduced to 120m as shown on the indicative plan ref 21066-BGL-XX-XX-SK-S-00006 Revision P8. 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.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 6 Visibility splays shall be provided at the southernmost site access junction with the public highway before the development hereby permitted is brought into use. The minimum dimensions to provide the required splay lines shall be 4.5m (x-distance) measured along the centre line of the proposed access from its junction with the channel of the public highway, and 137m (y-distance; looking right [north]) and 132m (y-distance; looking left [south]) measured from the centre line of the proposed access along the line of the channel of the public highway. In the event that development under application CB/21/04483/OUT has taken place on the opposite (western) side of the road then the minimum y-distance may be reduced to 120m as shown on the indicative plan ref 21066-BGL-XX-XX-SK-S-00006 Revision P8. 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.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 7 Any gates provided shall open away from the highway and be set back a distance of at least 17m from the public highway (including footway / cycleways).

Reason: To enable vehicles to draw off the highway before the gates are opened.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the maximum gradient of the site accesses shall be 4% (1 in 25) for the first 15m measured into the site from the nearside channel of the public highway.

Reason: The interests of the safety of persons using the access and users of the highway.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 9 **No development hereby permitted shall take place, including any works of demolition, until a Construction Traffic Management Plan, associated with the development of the site, has been submitted to and approved in writing by the Local Planning Authority which will include information on the following, as may be relevant to this site:**

- **The parking of vehicles;**
- **Loading and unloading of plant and materials used in the development;**
- **Storage of plant and materials used in the development;**
- **The erection and maintenance of security hoarding / scaffolding affecting the highway if required**
- **Wheel washing facilities;**
- **Measures on site to control the deposition of dirt / mud on surrounding roads during the development;**
- **Footpath/footway/cycleway or road closures needed during the development period;**
- **Traffic management needed during the development period;**
- **Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site;**
- **Details of escorts for abnormal loads;**
- **Temporary removal and replacement of highway infrastructure and street furniture;**
- **The reinstatement of any signs, verges or other items displaced by construction traffic; and**
- **Banksman and escort details.**

The approved Construction Traffic Management Plan associated with the development of the site shall be adhered to throughout the development process.

Reason: To limit the impact of construction traffic, to ensure that the M1 continues to be an effective part of the national system of routes for through traffic, and to satisfy the reasonable requirements of road safety.

(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

- 10 In accordance with approved plan 02 Rev H (Luton Road Frontage Landscaping Plan), a planting specification shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be implemented in accordance with the approved specification and by the end of the full planting season immediately following the completion and / or first use of any part of the development (a full planting season means the period from October to March). The planting shall subsequently be maintained in accordance with the approved landscape maintenance scheme and management arrangements outlined in 'Maintenance and Management Statement' (Barry Chinn Associates, Reference 2192/21/RP04), and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

(Policies EE1 and EE4, CBLP July 2021, and Section 15, NPPF July 2021)

- 11 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/3

Reason: In order to minimise the impact of development on existing trees, landscape features and biodiversity.

(Section 15, NPPF July 2021)

- 12 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties.

(Section 12, NPPF July 2021)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P0001 Rev C, F0029 Rev C, P0002 Rev C, F0025 Rev J, 21066-BGL-XX-XX-SK-S-00005 Rev P9, 21066-BGL-XX-XX-SK-S-00006 Rev P8, 21066-BGL-XX-XX-SK-S-00007 Rev P9, 21066-BGL-XX-XX-SK-S-00008 Rev P11, 21066-BGL-XX-XX-SK-S-00009 Rev P5, 21066-BGL-XX-XX-SK-S-00011 Revision P1, and 02 Rev H.

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

That OUTLINE Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 14 Details of the layout, scale, appearance and landscaping and access, the latter only if a roundabout access to Luton Road is pursued, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall be carried out as 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.

- 15 An application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development shall begin not 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.

- 16 An application for approval of the reserved matters shall be made in accordance with the approved Parameters Plan (F0025 Rev J), that establishes the following parameters:

A. Amount - up to 116,000 sq m of Class E(g)(iii)/B2/B8 uses to be accommodated within a minimum of two units and up to seven units, across a developable area of 22.52 hectares.

B. Use - Use Classes E(g)(iii) light industrial/ B2 general industrial/ B8 storage and distribution and ancillary office accommodation.

C. Scale - Maximum building to ridge height of 24m, with a finished floor level of 129-130m AOD and a maximum AOD building ridge height of 153-154m AOD.

Reason: To control and limit the form and design of development.

- 17 An application for approval of the reserved matters shall include a Green Infrastructure Plan which shows how existing green infrastructure features will be protected and new green and blue infrastructure assets, including bioretention features, will be linked through and around the site providing connectivity to the wider landscape.

Reason: To ensure a net gain in green infrastructure.
(Policy EE1, CBLP July 2021, and Section 15, NPPF July 2021)

- 18 The detailed plans to be submitted for approval of reserved matters shall include details of boundary treatment.

Reason: To ensure the finished appearance of the development is acceptable.
(Policy HQ1, CBLP July 2021, and Section 12, NPPF July 2021)

- 19 An application for approval of the reserved matters shall include a Landscape and Ecological Management Plan (LEMP) and an updated biodiversity metric.

Reason: To ensure the development delivers net gains for biodiversity and these are managed in an appropriate manner.

(Policy EE2, CBLP July 2021, and Section 15, NPPF July 2021)

- 20 In accordance with the submitted Sustainability Statement (Eight Associates, reference 6049 - Vauxhall Luton - Sustainability Statement-2110-07gd.docx), an application for approval of the reserved matters shall include:

- A detailed BREEAM strategy demonstrating that the proposal will achieve BREEAM Excellent rating must be submitted with the reserved matters application.
- A Post-Construction Verification Report with evidence that the BREEAM Excellent Certification has been achieved must be submitted within 12 months of completion of the development.

Reason: To demonstrate high quality sustainability standards.

(Policy CC1, CBLP July 2021, and Sections 2 and 14, NPPF July 2021)

- 21 **No development hereby permitted shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+30%CC), via attenuation into a sewer authority system, and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The final detailed design shall be based on the agreed Flood Risk Assessment and Drainage Strategy (Burrows Graham, 21066-BGL-XX-XX-RP-D-00001 Version 3 and plan 21066-BGL-XX-XX-DR-S-00250, P3) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The discharge rate from the development will be limited by the sewerage undertaker.**

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, and to ensure that drainage associated with the site does not impact on or cause damage to adjacent railway assets.

(Policies CC3 and CC5, CBLP July 2021, and Section 14, NPPF July 2021)

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

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved. (Policies CC3 and CC5, CBLP July 2021, and Section 14, NPPF July 2021)

- 23 Prior to occupation of the development, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: To enhance placemaking and quality in design. (Policies HQ1 and HQ7, CBLP July 2021, and Section 12, NPPF July 2021)

- 24 **No development hereby permitted shall take place until a noise mitigation scheme, and the rating level of noise emitted by all fixed plant on the site, has been submitted to and approved in writing by the Local Planning Authority. The predictions, measurement and assessment of the plant shall be included and be in accordance with BS 4142:2014+A1. The approved scheme shall be installed and retained in accordance with those details thereafter.**

Reason: To protect the amenity of neighbouring occupants. (Policies CC8 and HQ1, CBLP July 2021, and Section 12, NPPF July 2021)

- 25 **No development hereby permitted shall take place until a Phase 2 investigation report, as recommended by the previously submitted Environmental Resources Management Ltd report dated 6th May 2020 (Ref: 0508378-04), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.**

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. (Policy CC8, CBLP July 2021, and Section 15, NPPF July 2021)

- 26 Prior to any permitted building being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. (Policy CC8, CBLP July 2021, and Section 15, NPPF July 2021)

- 27 **No development hereby permitted shall take place until a plan showing the locations of fire hydrants within the site have been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the fire hydrants have been installed, and shall thereafter be retained.**

Reason: To ensure sufficient provision of fire hydrants to meet the requirements of the proposed development.

(Policy HQ1, CBLP July 2021, and Section 12, NPPF July 2021)

- 28 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/3

Reason: In order to minimise the impact of development on existing trees, landscape features and biodiversity.

(Section 15, NPPF July 2021)

- 29 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties.

(Section 12, NPPF July 2021)

- 30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P0001 Rev C, F0029 Rev C, P0002 Rev C, F0025 Rev J, 21066-BGL-XX-XX-DR-S-00250 Rev P3 and 21066-BGL-XX-XX-SK-S-00001 Rev P2.

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

INFORMATIVE NOTES TO APPLICANT

1. GDP Policy Informative – Central Beds Local Plan

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 Central Bedfordshire Local Plan and the National Planning Policy Framework (NPPF).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. The applicant is advised that in order to comply with the conditions related to highways and access works related to this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail highwaysagreements@centralbedfordshire.gov.uk
4. The applicant is advised that no private surface water drainage system designed as part of a new development will be allowed to enter any existing highway surface water drainage system.
5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained by contacting the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301.
6. The applicant is advised that the storage of materials associated with the construction of this development should take place within the site and not extend into or within the public highway without authorisation from the highway authority. If necessary the applicant should contact the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301.
7. When submitting details to discharge Condition 21, the following points shall be addressed:
 1. We will require a full set of calculations for each phase and in total, providing evidence of all surface water retained on site for the 1 in 100 (+30%CC). Any exceedance should be shown with pathways, depths and velocity.
 2. We will require full drainage drawings showing all connections, control features, storage, inverts etc. and how it communicates with the development wide scheme.
 3. Culverting of existing watercourses will not be permitted.
 4. There should be a minimum 1m between the base of a soakage unit and the seasonal water table.
 5. Any watercourses within or adjacent to the site should be included in the maintenance and management plan, even if there is no discharge to them. This would be a riparian ownership issue but leaving it as such is no longer acceptable.
 6. Under Central Bedfordshire Council and IDB bylaws, any watercourse within or adjoining the site boundary will maintain a 9m development free easement (on the development side), unless otherwise agreed with the relevant drainage authority. This applies to all watercourses, where water is present for all or some of the year, including those not clearly stated on mapping, topography or planning documents.
 7. The connection of private surface water drainage systems to a highway system is not permitted.

8. Permeable block paving should be laid to CIRIA C768 "Guidance on the construction of SuDS" guidelines. This guidance also stipulates following Interlay guidance.
 9. The Council does not, and is not required to, adopt any SuDS feature. It is the responsibility of the applicant to ensure that the surface water drainage system, in its entirety, will be effectively maintained in the long-term. We therefore expect confirmation of the proposed arrangements for maintenance to be provided with the final detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage components).
 10. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).
 11. Permission for connection from the sewerage undertaker (including discharge rate) must be included in detailed design.
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8. Consideration should be given to ensuring that any new commercial premises are connected to an adequate broadband service and therefore engagement with a supplier of the applicants choice is recommended ahead of the build.
 9. Advice and considerations from the Environment Agency and Network Rail, to be reviewed and addressed with a reserved matters application submission, are appended to this Decision Notice.

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. 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.