

APPLICATION NUMBER	CB/19/03533/FULL
LOCATION	Land adjacent to 6 Bedford Road, Brogborough
PROPOSAL	Erection of office building (B1 use class), provision of hardstanding for external vehicle and equipment storage (B8 use class), maintenance building, ancillary sales building, car parking, new vehicular and pedestrian access and all hard and soft landscaping
PARISH	Brogborough
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Debbie Quinn
DATE REGISTERED	22 October 2019
EXPIRY DATE	21 January 2020
APPLICANT	Dawsongroup plc
AGENT	Q+A Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	The application is a major application and a departure from the development plan.

RECOMMENDED DECISION **Full Application - Recommended for Approval**

Summary of Recommendation:

The proposal would conflict with Policy DM4 of the Core Strategy and Development Management Policies (North) which is given moderate weight. The Development Plan is considered to be silent on the provision of B1 and B8 uses outside and not adjacent to settlement envelopes and therefore the NPPF requires proposals to be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. The proposal would bring significant economic benefits in the form of the provision of jobs within the local area, including skilled jobs and the supporting of a local business on a site in a well-connected location for the strategic transport and railway networks. The proposal is considered to be acceptable in terms of its impact on the character and appearance of the area, highway safety and capacity, and neighbouring amenity. Having regard to the policies contained within the NPPF, it is considered that material planning considerations exist which outweigh the conflict with the Development Plan of the Core Strategy and Development Management Policies (North) and therefore the proposal is considered to be acceptable.

Site Location:

The application site comprises an L-shaped, 5.89 hectare parcel of agricultural land located on the west side of Bedford Road, to the south west of the village of Brogborough. The site wraps around the side and rear of a row of dwellings comprising The Bungalow and 1-6 Bedford Road.

The north west boundary of the site abuts the A421, with agricultural land beyond. To the south of the site a B8 warehouse is nearing completion. To the north of the site is a cluster of dwellings with agricultural land beyond. To the south east of the site lies the Prologis Marston Gate distribution centre, comprising 9 storage and distribution warehouses, beyond which lies Ridgmont Station.

The site has a sloping topography from the north to the south, with an approximate level change of 4 metres across the site. The site is set lower than the Bedford Road by approximately 1 metre.

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

The Application:

The application seeks planning permission to create a new headquarters on the site for an existing commercial asset rental company, which hires out commercial vehicles, cold storage units and material handling equipment. The company is based locally but outside Central Bedfordshire. The development would include the provision of a three-storey B1 office building in the centre of the site and two single storey ancillary buildings to act as a maintenance building and a sales building respectively. The front of the site would comprise staff and visitor parking and a sales area for the storage and display of vehicles and equipment for sale.

The proposal also includes the provision of three external storage areas to the rear of the site to provide storage areas for different types of vehicles and equipment as follows:

- Area A - 0.89 hectares - Trucks and trailers, cold storage and refrigerated units;
- Area B - 0.75 hectares - Buses, coaches, material handling equipment (MHE) and road sweepers;
- Area C - 0.57 hectares - Vans

Landscaped bunds would be provided on the northern boundary; and the eastern boundary where the site abuts the residential properties on Bedford Road. A landscaping scheme is proposed which includes some tree planting and the creation of water bodies on site; and the provision of additional tree planting on the other side of the A421 on land also owned by the applicant.

The application states that the site will predominantly only be operational during standard office hours, (Monday - Friday, 8am - 6pm) with some limited use of the sales building and area at weekends.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

Core Strategy and Development Management Policies - North 2009

CS2 Developer Contributions
CS4 Linking Communities - Accessibility & Transport
CS10 Location of Employment Sites
CS13 Climate Change
CS14 High Quality Development
CS16 Landscape & Woodland
CS17 Green Infrastructure
CS18 Biodiversity & Geological Conservation
DM1 Renewable Energy
DM2 Sustainable Construction of New Buildings
DM3 High Quality Development
DM4 Development Within & Beyond Settlement Envelopes
DM9 Providing a Range of Transport
DM14 Landscape & Woodland
DM15 Biodiversity

Central Bedfordshire Local Plan - Emerging

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

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

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

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

LP SP2: NPPF - Sustainable Development
LP SP7: Development within Settlement Envelopes
LP EMP3: Employment proposals within or adj to Settlement Envelopes
LP T1: Mitigation of Transport Impacts on the Network
LP T2: Highway Safety and Design
LP T3: Parking
LP T5: Ultra Low Emission Vehicles
LP EE1: Green Infrastructure
LP EE2: Enhancing biodiversity
LP EE4: Trees, woodlands and hedgerows
LP EE5: Landscape Character and Value
LP EE9: Forest of Marston Vale
LP CC1: Climate Change and Sustainability
LP CC3: Flood Risk Management
LP CC4: Development close to watercourses
LP CC5: Sustainable Drainage
LP CC8: Pollution and Land Instability
LP HQ1: High Quality Development
LP HQ2: Provision for Social and Community Infrastructure Levy

Supplementary Planning Guidance/Other Documents
 Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/18/04179/FULL
Proposal	Erection of office building (B1 use class), provision of hardstanding for external vehicle and equipment storage (B8 use class), maintenance building, ancillary sales building, car parking, new vehicular and pedestrian access and all hard and soft landscaping
Decision	Application Withdrawn
Decision Date	03/04/2019

Case Reference	CB/18/03548/SCN
Proposal	Screening Opinion: Erection of Office (B1a), warehouse and external storage (B8).
Decision	Screening Opinion Released: EIA not required
Decision Date	11/10/2018

Case Reference	CB/17/02642/PAPC
Proposal	Pre-Application Advice: Commercial development consisting of an office, warehousing and external hardstanding for vehicle storage and maintenance.
Decision	Pre-App Charging Fee Advice Released
Decision Date	01/08/2017

Consultees:

Brogborough Parish Council (Final response) In response to the Dawson Freight planning application CB/19/03533/FULL we would like the following comments taken into consideration:

1. Our biggest concern is the movement of HGVs on the Bedford Road - to which Dawson Freight say they will advise drivers of their HGVs to 'avoid' travelling north from the site through the village. Essentially, we consider it should be signage installed by Highways at the exit to ensure that exiting left (north) on Bedford Road is a legal requirement which can be policed. If the development goes ahead we would hope Dawson Freight would monitor this with available camera technology and not just rely on the police and in particular where customers and members of staff, driving HGVs delivering or returning from Marston to the north, use the A421 and not the C94 under the flag of 'delivery - going about our business'.

2. Another statement which is apparent is that the site is accessible by bus and train. Although this statement has been used historically by all the commercial developers within our parish the services quoted "bus stop in Brogborough and train at Ridgmont station" there are no direct footpaths or cycle paths to the proposed site and, the weight of the traffic currently using Bedford Road could be a safety issue. Also, those services to Brogborough are very limited and the only cycle path currently in place runs from Prologis to the Lidlington road even though a sign saying 'Cycle Path' has appeared on the 150 year old footpath accessing the train station from the outlying farms. This footpath is also very narrow and unlit in places for pedestrians and cyclists so - for it's inclusion we would expect to see the path suitably widened and lighting improved. It should also be noted that the footpath now claimed to be a cycle-path is flanked closely by a brook (obscured by foliage) and an entrance to an orchard which will eventually be available for residents to access. Footpath access should remain along the C94 and safe from all traffic movement.

3. We also note that the C94 traffic count expressed in the plan is out of date as is the accident report (2012 -17) and, although we understand that this means traffic movement is mostly guesswork on the part of the authorities involved, we would hope the expected obvious surge in use of the Bedford Road is taken into consideration.

Expected movements on completion will add to the traffic back up already experienced by residents trying to exit the village at peak times. We do not wish to be isolated in our needs to shop (bearing in mind there is no general shop facility at Brogborough), attend medical appointments or to work outside the area.

In conclusion ...

Although we do not want to see more commercial development creeping north along the Bedford Road (which is also outside of the local plan and is currently agricultural) we note that the site actually becomes an immediate 'next door neighbour' to the six houses, bungalow and affected farm dwellings at Highfield Farm so, hopefully their consideration in construction of bunding etc will be respected.

We are aware the needs of the developer which is a family business - who have offered us security improvements to our village, much needed repairs to our village hall, and in fact offering to be a 'good neighbour' which is something new and which we have yet to experience.

Our community's greatest need is housing to make our village 'real' and for us to gain some of the amenities that most Bedfordshire villages accept as the norm. Should this application be approved then we would not like to see the site being sold on to other and more aggressive developers.

Planning Policy Team

Support the application. It will provide new B1 office space which aids the diversity of employment on offer within this locality of Central Bedfordshire. Moreover, the application will support the provision of skilled office-based jobs as well as high-skilled maintenance jobs. The application in question is well related and will support the existing employment site.

Inward Investment Team

Support this application for the following reasons:

(A) The business will create a variety of employment roles due to the Head Office element of the development which are not typical to the main occupants of Prologis Park at Marston Gate. We encourage new inward investment to the area and with the relocation of a new business as a head office is a bonus.

(B) Where the site is situated it will have good access to the A421 and M1 and is ideal for this type of business & with close proximity to Ridgmont station it creates opportunities for future employees to access the site easily.

(C) The relocation would create 215 + new jobs to Central Bedfordshire which is another positive factor as well as the forecasted contribution to non-domestic rates.

(D) We would want to attach some conditions including linking the business to the Council's All Age Skills Strategy, ensuring that the applicant is proactive in supporting the Council's employment and skills initiatives, this should be at pre and post construction of the site.

(E) As a Council we are looking to ensure that we have the right existing and future workforce that have the necessary skills, attributes and knowledge which means preparing our residents and the next generation of the talent pipeline to be work ready. The business will be key to our growing economy and having a great workforce behind it is also crucial which could be delivered through apprenticeship schemes, work experience and internships. Also offering employment to local residents will further strengthen our statement of low unemployment rate and furthermore as a head office we anticipate there to be high quality and well-paid jobs to attract the right calibre of people for the business.

Highways England

No objection.

CBC Highways Officer

A Transport Assessment (TA) has been provided which included the standard range of headings for details of junction capacity and TRICS information.

The posted speed limit on this section of Bedford Road which is also classified, the C94, is 50mph in the access location but changes to 40m some 60m to the north. There is limited footway provision with some street lighting and bus stops within proximity but no safe crossing point.

The access is to be via a new ghost right turn which is acceptable when assessed against CD123 of the Design Manual for Roads and Bridges for the 50mph speed limit. Tracking has also been provided for multi large vehicles expected to use this access which is considered acceptable. There is also to be a 3m wide footway/cycleway provision from the development southwards to the signalised junction at Junction 13. Additionally, a footway will be provided north of the access to link up to existing facilities including a Public Right of Way (FP4) that leads to Ridgmont railway station.

The proposed access goes through an existing lay-by which is to be closed up through an adjacent application 18/04119/FULL which is fully underway but can not be occupied until the lay-by has been removed. Works will need to be co-ordinated with the applicants of this development with the applicant of 18/04119/FULL.

A weight limit of 7.5tonnes has been recently provided on the C94, however this does not preclude HGV gaining lawful access for those buildings within this zone. Whilst the applicant looks to provide a non-prescriptive sign in within their land to advise of no left turns from the development it carries no legal weight and as such a Traffic Regulation Order to ban left turns for HGVs is required through a Section 106 Agreement financial contribution of £4,000.00. Furthermore, there would be no need for the Do not follow SAT NAV sign to reduce the amount of signage clutter.

The level of parking for the 5656m2 building requires 226 spaces, the application shows 219 spaces but given there is ample room within the site this level of provision is considered acceptable. Cycle parking is also provided with 40 covered spaces, however no details of this facility is provided and 12 visitor spaces (six Sheffield type stands) close to the front entrance need to be provided. A condition to cover this element is therefore requested.

Given the above it is felt that the application is acceptable and that there is no reason why development could not go ahead on highway grounds.

Pollution Officer

No issues with air pollution or land contamination.

The supporting information demonstrates that neighbouring residents can be adequately protected from noise and light pollution subject to conditions requiring the implementation of the mitigation measures set out in the Lighting Assessment and a Noise Management Plan.

Landscape Officer

The Proposed Site Sections drawing is helpful in gauging proposed development, changes in levels and landscaping within and beyond the application site - there are no further landscape queries or concerns regarding this.

The proposed off site tree planting as shown is acceptable. Landscape proposals are acceptable on the whole.

If the application were to be approved a detailed planting specification and maintenance plan would be required, by Condition if acceptable.

It would be beneficial to consider potentially undertaking off site planting in advance of commencement of works on site if planting season allows.

Trees & Landscape Officer	Boundary hedgelines and trees should be retained and protected throughout development in line with BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.
	Landscape Proposal Plans seem to include fairly substantial planting as a combination of mainly native species both container grown and bare root planting which should improve landscape value.
Ecologist (Initial Response)	Provision of the Ecological Appraisal is welcomed, this includes recommendations for biodiversity enhancements such as a green roof, wildlife friendly planting and new hedgerows.
	The site was assessed as primarily being sheep grazed improved grassland and it is accepted that the scheme has the potential to deliver a net gain for biodiversity though management of created features will be key in ensuring such gains come to fruition in the long term. A condition is advised to inform a strategy for enhancement.
	The creation of a wildlife pond is shown on site, but this is very close to Bedford Road with limited connectivity across the site beyond a hedge and ditch. Ideally this feature would be better placed in the west of the site. If this is not possible there may be more opportunities to deliver meaningful gains off site to the west of the A421 on land owned by the applicant, in addition to woodland planting, opportunities for wet areas should be considered.
Ecologist (Final response)	The applicants' consideration to plan amendments are appreciated and the new layout with additional pond provision is welcomed.
Great Crested Newt Officer	GCN method statement received. Proposed reasonable methods of avoidance are acceptable. Condition required to ensure the method statement is adhered to during works.
Forest of Marston Vale	The proposed off-site planting is welcome but further details are required.
Internal Drainage Board	The Board notes that the intended method of stormwater disposal is via a balancing facility and then to a watercourse against the Board's statutory control. Any discharge to the Board's watercourse will require the Board's prior consent, which is separate from and additional to any planning permission that may be granted.

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

The 9 metre byelaw strip is required by the Board for access for maintenance plant and equipment and for the spread and levelling of arisings from the watercourse. It is therefore inappropriate to develop within this strip such that maintenance is obstructed, and hence the landscape proposals within the strip are unlikely to receive the consent of the Board.

Please include a suitably worded condition in any planning permission that may be granted.

Flood Risk Management	No objection subject to conditions.
Anglian Water	No objection subject to a condition in respect of foul water drainage and imposition of informatives.
Archaeologist	No objection.
Sustainable Buildings	<p>The proposed development is to be designed and delivered using energy hierarchy principles that put emphasis on a fabric first approach followed by energy efficient services and use of renewable energy generation technologies, such as ASHP & PV panels, to reduce energy demand above and beyond requirements of the Building Regulations. The scheme is also designed to reduce water usage below the regulatory requirements. This approach is consistent with policy requirements and is supported.</p> <p>To ensure that the scheme is delivered to standards outlined above and proposed in the Energy and Sustainability Statement it is requested that the supplied condition is attached.</p>
Bedfordshire Fire and Rescue	Requests conditions to ensure sufficient access for fire vehicles and the provision of hydrants. Recommends the installation of a sprinkler system.
Travel Plan Officer	The promotion of sustainable travel associated with this development should be implemented in accordance with the approved Staff Travel Plan dated November 2019.

Other Representations:

Neighbours

2 x letters of objection for the following reasons:

- Lack of infrastructure enabling vehicular access / exit to Brogborough;
- Although the bund and buffer planting separating parking from the gardens of neighbouring occupiers has increased; it still may not be sufficient;
- The area of land behind residential gardens should be set aside as meadow for wildlife;
- Parking should be positioned on the land to the north of the A421;
- Prologis set aside land for a balancing pond, meadow land and community orchard;
- Use of the area of land behind the houses for parking would give unsightly views, noise and stressful interruptions;
- Lighting would ruin the dark skies that are currently experienced locally;
- The site exit must have appropriate signage to ensure that HGVs do not go through Brogborough, including those associated with the construction period. This must be properly enforced by the site manager;
- Developing the site for housing would give rise to less concern than the current proposal, which would result in houses bordering an active lorry park.

1 x letter from 5 occupiers, commenting as follows:

- The access drive to our properties from Bedford Road is substandard in width and the development of the application site will risk sterilising our site. Please consider a solution in regards to our access.

Determining Issues:

The main considerations of the application are;

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

Considerations

1. Principle of Development

- 1.1 The application site is located within the parish of Brogborough, which is identified in Policy CS1 as a Small Village. The site is not located within the settlement 'envelope' of Brogborough and, though Policy DM4 states that the Council may support developments on sites adjacent to the settlement 'envelope' if they make the best use of land and lead to more sustainable communities, the site is also not considered to be 'adjacent' to Brogborough. As such, the proposal is considered to conflict with Policy DM4. At this time, it is considered that Policy DM4 carries moderate weight, based on its degree of consistency with the National Planning Policy Framework (NPPF).

- 1.2 The emphasis of the Council's current employment strategy and objectives in the employment sections of local policy (Policies CS9, CS10 and CS11) is on husbanding reserves of employment land to ensure that there continues to be enough land and floor space in the District, in the right locations and of the right quality, to provide jobs for local people and to ensure that Central Bedfordshire maintains a diversity of employment uses which accommodates the requirements of local businesses and firms seeking to locate in the area.
- 1.3 However, although the Council has policies seeking to manage the growth and development of Key Employment Sites, it is not considered that there are any policies within the current development plan that consider proposals for B1 / B8 uses on land outside of designated Employment Sites. As such, the development plan is considered absent in this regard.
- 1.4 Section 38 (6) of Part 3 of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan and determination is, unless material considerations indicate otherwise, to be in accordance with that plan.
- 1.5 Paragraph 11 of the NPPF states that where a development plan is absent, developments should be approved unless any impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework, or specific listed policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 1.6 In this case, there are no specific listed policies within the NPPF that provide a clear reason for refusal, so the planning balance must be considered to determine whether the impacts of the development would significantly and demonstrably outweigh the benefits of the scheme.
- 1.7 Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 1.8 The emerging Local Plan currently only carries limited weight, however, it is useful as it provides a direction of travel. One of the supporting documents within the evidence base for the emerging Local Plan is the Employment Land Review (2016).
- 1.9 The 2016 ELR identifies that in the short term, Central Bedfordshire is undersupplied, and that whilst the pipeline of employment land is large, supply of market ready sites is limited. Furthermore, the current identified oversupply, does not consider qualitative deficiency in the supply.
- 1.10 The site was put forward within the call-for-sites process, however, it was too small to be considered for the Strategic Employment Area threshold of having a capacity to accommodate more than 40,000 sqm of employment floor space and its suitability for employment land was not assessed as part of the Local Plan process.

- 1.11 The applicant is an existing local business, currently based just outside Central Bedfordshire. They are looking for a suitable freehold site which will meet their business needs of a mix of high quality office space and external storage; thus allowing the business to consolidate and expand in facilities that are fit for purpose.
- 1.12 An Economic Statement has been submitted which states that the company has 217 FTE permanent jobs, 17% of which are currently held by occupiers of Central Bedfordshire. It is anticipated that this proportion would grow over time as a result of the relocation as staff turn over. It is also anticipated that the relocation to a site which is more fit for purpose and is less constrained in size would facilitate the growth of the company and an increase in the number of jobs, although the statement does not quantify the anticipated level of growth. It is noted that the size of the office space and the maintenance operations suggests that a large proportion of the jobs available are skilled. The proposal would also deliver short-term construction jobs.
- 1.13 Whilst the site is not located in a settlement, the site is well located for logistics, being in very close proximity to J13 of the M1 and the A421. The site is also to be linked to Ridgmont Station and the bus stops in Brogborough Village by new footways, providing access to public transport.
- 1.14 The development includes 5,665 sqm of B1 use; and therefore is over the threshold at which Section 7 of the NPPF (Ensuring the vitality of town centres) states that a sequential test will be required. The sequential test requires sites within town centres and at the edge of town centres to be considered prior to out of centre locations. However, in this case, this is not considered to be appropriate as the applicant requires a site with a combination of office space and a minimum of 2.6 hectares of external B8 storage space; which would not be appropriate within a town centre location.

2. Affect on the Character and Appearance of the Area

- 2.1 The application site is bounded to the west by the A421, which is elevated in this location and separates the site, the village of Brogborough and the Marston Gate distribution park from the much more rural open countryside to the west.
- 2.2 Whilst the site itself is in agricultural use and has the characteristics of open countryside, it is surrounded by development which influences the perception of the site, with the distribution park to the south and east, the A421 to the west and a scattering of dwellings to the north.
- 2.3 The application was accompanied by a Landscape and Visual Impact Assessment, which concluded that, whilst the character of the site itself would be subject to change, this would not have a harmful impact on wider landscape character. It is noted that the Landscape Officer has not raised any objections to the development and does not dispute these findings.

- 2.4 The main building would measure 69m long and 32m deep and would be predominantly 3 storeys in height at 12.9m (a fourth storey containing the plant area would cover a small area of the rear of the building, set in from the front and side elevations). It would sit centrally within the site, well back from the road, with a landscaped staff parking area between the building and the road. The building would be a mix of red brick and glazed curtain walling with concrete columns and beams providing an appearance of articulation to the building. The roof would be flat and would include, in different sectors, a glazed area to allow light into the centre of the building; a green roof, a roof terrace and solar PV panels. Because of the rising site levels, the main roof would be some 4.5m lower than the highest part of the neighbouring warehouse building to the south, with the plant area being some 2m lower.
- 2.5 Building B would be located behind the main building and would be 8.4m high, 44m long and 29m wide. It would have the same material palette as the main building, albeit it would have a more functional appearance in its role as a maintenance shed.
- 2.6 Building C, the sales building, would be located to the south of the main building and would be 14m long x 10.4m wide with a height of 4.2m. It would also have a flat roof and the same material palette as the main building.
- 2.7 The external storage areas would be located behind and to the sides of the main building. The external storage would predominantly comprise varying types of commercial vehicles, with some material handling equipment and cold storage units. The storage areas would be separated from the site north and east boundaries of the site by landscaped buffer areas and bunds, with heights ranging from 1m to 3.5m.
- 2.8 The site is located within the Forest of Marston Vale, and the development plan requires the provision of 30% canopy cover of the site. The landscaping scheme provides canopy cover of around 17% of the site. The applicant owns land to the immediate west of the A421 and is proposing a shelter belt of some 9m in width to provide the other 13% canopy cover, which is considered to be acceptable by the Forest of Marston Vale and the Council's Landscape Officer, subject to details being agreed by condition.
- 2.9 The proposed development would significantly change the character of the site and bring commercial development closer to Brogborough on the west side of Bedford Road. However, the development would not project beyond the extent of commercial development on the east side of Bedford Road and would not harm wider landscape character.
- 2.10 It is considered that the buildings would be attractive, with a much smaller bulk and mass and a greater visual interest than the surrounding warehouse development. The setting back of the buildings from the road would reduce visual intrusion and the landscaping of the site, including the car parking areas and the site boundaries, which would retain as much of the mature landscaping as possible, would also contain and soften the visual impact of the development, including the external storage areas.

- 2.11 It is recommended that conditions are imposed to restrict the external storage to that specified within the application and to restrict the maximum height of unit storage; also to ensure the protection of those mature trees and hedgerows which are specified as being retained, the hard and soft landscaping and its maintenance; and the materials. Subject to the imposition of these conditions; it is considered that the proposal would not have an unacceptably harmful impact on the character and appearance of the area. The proposal is therefore considered to conform with Section 12 of the NPPF, policies CS14 and DM3 of the Core Strategy and Development Management Policies document and the Central Bedfordshire Design Guide.

3. Neighbouring Amenity

- 3.1 There are dwellings to the north and east of the site, the occupiers of which would be vulnerable to impact from the development, especially from noise and light pollution. The impacts of the development on these neighbours have been considered carefully.
- 3.2 A noise assessment has been prepared and mitigation measures are proposed that include the provision of bunding, landscaping and acoustic fencing between the active areas of the site and the residential properties. The Council's Pollution Officer is satisfied that surrounding residents would not suffer unacceptable levels of noise pollution subject to the implementation and maintenance of these measures and the agreement of a Management Plan which would control the hours of operation of the maintenance building to Monday - Friday 8am - 6pm; HGV movements to Monday - Friday 8am - 6pm and movements of assets within the external storage area to Monday - Saturday 8am - 6pm. All of this is proposed to be controlled by condition.
- 3.3 Artificial light has also been the subject of an assessment and includes mitigation proposals through the design of the lighting scheme as well as the bunding and landscaping buffers to the nearest residential properties. Again, this has been scrutinised by the Pollution Officer, who has recommended a condition requiring the implementation of the mitigation measures and a prohibition against any other external lighting without the submission of further details.
- 3.4 The main building would be of 3 storeys with a central roof terrace; however, it would be positioned a minimum of 66m away from the boundary with the nearest residential property, with the roof terrace being located c 94m away from the closest boundary. These separation distances are considered to be sufficient to prevent any overshadowing or sense of overbearing from the building; and also any material loss of privacy.
- 3.5 The proposal would result in a change to the view from the surrounding properties; however, loss of views is not a material planning consideration. The bunds and landscape buffers would provide a partial screen of the site. The bunds themselves would be graded so as to not be unduly overbearing to the occupiers of neighbouring dwellings.

- 3.6 Neighbouring occupiers to the north of the site have expressed concern that the proposal would risk sterilising their site; as their access is sub-standard and this development would remove the possibility of the access being widened to the south. However, it is noted that the land to the north of the access road is unaffected by the proposal and would still provide opportunities for the access road to be widened northwards; or for a new access road to be created.
- 3.7 Subject to the conditions mentioned above, it is considered that the proposal would not result in unacceptable harm to the amenity of the occupiers of any neighbouring properties and thus there would be no conflict with the NPPF or the development plan in this respect.

4. Highways Considerations

- 4.1 A Transport Assessment has been provided, which has been assessed by the Council's Highways Officer, who has not objected to the scheme. It is considered that the surrounding highway network has sufficient capacity to safely absorb the proposed traffic movements generated by the development, subject to the introduction of a ghost right-turn into the site from Bedford Road.
- 4.2 A key consideration is the need to prevent HGV movements to or from the site into Brogborough. Whilst a HGV ban is proposed for Brogborough, this would not prevent HGVs lawfully gaining access to and from the site through the village; so a further Traffic Regulation Order (TRO) banning HGVs from turning left out of the site is proposed and a financial contribution is sought for the TRO. A condition is also proposed to ensure vehicle movements into and out of the site can be monitored and managed. Whilst all of these measures should significantly reduce the potential for the applicant's vehicles to drive through Brogborough, it is possible there may still be isolated incidents where this does occur, however, the management measures to be implemented by the applicant should minimise this as far as possible.
- 4.3 The proposal also includes the installation of new footpaths along Bedford Road, which would link the site with Brogborough village and Footpath 4, which joins Bedford Road to Ridgmont Station; and would also link the site with the signalised junction of Bedford Road with Salford Road and the A507, which is shortly to benefit from a new footpath to Ridgmont Station as part of the permission for the new warehouse to the south of the application site (CB/18/04119/FULL).
- 4.4 The comments of the Parish Council in respect of the traffic count and accident data; it is noted that the Transport Assessment has been completed in accordance with industry best practice by using data of less than three years and then uplifting the date by applying growth-factors derived from the DfT's TEMPRO tool, which predicts the future traffic levels following economic growth and local development forecasts. Additional traffic from local committed developments has also been included in the assessment, to account for local traffic growth which may not be included in the TEMPRO forecasts.
- 4.5 The accident data for 2018 has been released following the submission of the application; and this shows no accidents at the Bedford Road / Salford Road signal junction, nor on Bedford Road north of M1 junction 13.

- 4.6 The comments of the Parish Council in respect of Footpath 4 are noted, however, Footpath 4 is lighted. Its width is constrained in places by the brook, however an alternative route to Ridgmont Station will be available along Bedford Road and the A507 via those new footpath links.
- 4.7 Subject to the imposition of the conditions recommended by the Highways Officer and mentioned above, it is considered that the impact of the proposal on the safety and capacity of the surrounding highway network would be acceptable.

5. Planning Balance

- 5.1 The site is an unallocated site in the open countryside and the proposal would conflict with policy DM4 of the Development Plan, which is considered to carry moderate weight.
- 5.2 The development plan is considered to be silent on the provision of B1 and B8 development of this scale on unallocated sites outside and not adjacent to settlement boundaries, and therefore the NPPF requires development proposals to be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.3 The NPPF places significant weight on economic growth and on meeting the needs of local businesses.
- 5.4 The site is in an ideal location for the provision of B8 facilities, with direct links to the strategic transport network in the form of the M1 and the A421 and links to the railway network to allow employees to make sustainable travel choices for their commute. The site is also clustered with existing storage and distribution uses which may be supported by the proposal.
- 5.5 The Council's Employment Land Review has identified a short-term deficiency in the supply of employment sites, particularly freehold sites. This B1 / B8 development would allow the relocation, consolidation and expansion of a local business and would bring significant economic benefits in the form of long-term jobs, including skilled maintenance and office based jobs, which would provide a better balance to the types of jobs available within the local area. It would also provide short-term construction jobs and non-domestic rates.
- 5.6 The above report has found that, although there would be a change to the character of the site, there would not be any harm to wider landscape character. Subject to necessary controls by condition, there also would not be harm to neighbouring amenity or to the safety and capacity of the highway network.
- 5.7 Having regard to all the factors, it is considered that the conflict with DM4 would be outweighed by the significant weight that is to be attributed to the economic benefits of the scheme. In accordance with paragraph 11 of the NPPF, therefore, it is recommended that the application be approved.

6. Other Considerations

6.1 Drainage

Surface water is proposed to drain to an on-site balancing facility and then to an Internal Drainage Board watercourse. The Council's Flood Risk Management Team is satisfied that a suitable surface water drainage system can be delivered on site subject to a condition requiring the submission of further details.

6.2 The landscaping scheme has been modified during the application process to remove landscaping from the Internal Drainage Board's maintenance strip. An informative is recommended to advise the applicant that consent will be required from the IDB to discharge surface water to the water course and to keep the maintenance strip free from obstruction.

6.3 Anglian Water have requested a condition in respect of foul drainage, which is recommended to be applied.

6.4 Ecology

In response to the initial comments from the Ecologist, a second pond has been provided on site, which would provide more suitable habitat than the roadside pond in the south-eastern corner of the site. A condition is recommended to be imposed to secure further net gains.

6.5 Section 106 Contributions

The applicant is a family business who have expressed an intention of becoming embedded within the local community. The development of this site therefore has the potential to increase pressure on usage of the village hall and the Parish Council have identified required improvements. It is suggested that the applicant meet the cost of the improvements up to a maximum of £20,000, to be secured through the Section 106 Agreement. The agreement would also include the £4,000 contribution requested by the Highways Officer towards the cost of the TRO to prohibit HGVs from turning left out of the site.

6.6 Parish Council Comments

The majority of the Parish Council comments have been addressed elsewhere within the report. In respect of the Parish Council's wish to not see the site sold on to more aggressive developers; the planning system is unable to control the ownership of the land, however, the recommended conditions would tightly control the use of the B8 element of the site.

6.7 Fire Safety

The request of Bedfordshire Fire and Rescue Service for the imposition of conditions in respect of access and hydrants is noted, however, these matters are controlled by Building Regulations and it is therefore not considered appropriate in this instance to impose the requested conditions.

6.8 Equality Act 2010

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

6.9 **Human Rights Issues:**

Based on the information submitted there are no known issues raised in the context of Human Rights.

6.10 **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 through the Section 106 Agreement.

Recommendation:

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

RECOMMENDED CONDITIONS

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

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

- 2 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until a Tree and Hedgerow Protection Plan based on the guidance and recommendations within *BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction* for the protection of the retained trees and hedgerows on the site has been submitted to and approved in writing by the Local Planning Authority and the protective fencing specified within the approved plan has been erected within the approved positions. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

Reason: The condition must be discharged prior to commencement to protect the trees and hedges to be retained throughout the construction period, in the interests of visual amenity and biodiversity. (Sections 12 & 15, NPPF)

- 3 **No development shall take place until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as bird/bat and bee boxes in buildings/structures, ponds and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content shall be informed by the October 2019 Ecological Appraisal of the site and include:**
 - a) detailed design of enhancements (including, where relevant, type and source of materials to be used);
 - b) extent and location of proposed works shown on appropriate scale maps and plans;

- c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- d) persons responsible for implementing the works;
- e) details of initial aftercare and long-term maintenance.

Reason: The condition must be discharged prior to commencement to ensure that development, including during the construction period, is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework. (Section 15, NPPF)

- 4 **No development shall commence until a final detailed design of the surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development shall be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Internal Drainage Board. The final detailed design shall be informed by the agreed 'Flood Risk Assessment including Drainage Strategy' (Ref: 2359-FRA01-RevC, Oct 2019) and DEFRA's Non-statutory Technical Standards for Sustainable Drainage Systems (March, 2015), and shall be subsequently implemented and maintained as approved. In addition, the scheme to be submitted shall:**
- a) **Demonstrate mitigation of the existing flood risk to the site from surface water and the adjacent ordinary watercourse.**
 - b) **Include details to demonstrate the receiving downstream network is of sufficient capacity/condition so that a connection into this will not increase flood risk.**
 - c) **Include a plan of exceedance in the event the drainage system fails or is overwhelmed, demonstrating the risk from this to people and property is mitigated to an acceptable level.**
 - d) **Include detailed plans of the system in its entirety, to be supported by calculations including for greenfield run off, storage volumes, areas to be drained and pollution controls.**
 - e) **Include details that show permeable paving will still be able to function effectively when blocked by up to 95% to allow for the system becoming less efficient, and a factor of safety of 10 is applied to the detailed design allow for clogging to affect a proportion of the surface area over the design life.**
 - f) **Include consideration of the depth to groundwater and the design implications on the drainage system.**
 - g) **Include an overview of the integration of the drainage system with wider site objectives, including water quality treatment, amenity, biodiversity and amenity; and**
 - h) **Include an overview of the proposed construction of the system and any phasing of works.**

Reason: The condition must be discharged prior to commencement to ensure that ground works do not prejudice the delivery of an acceptable drainage scheme which will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site. (Section 14, NPPF)

- 5 The development hereby permitted shall not be occupied until 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 verification that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details have been submitted to and approved in writing by the Local Planning Authority. The Maintenance and Management Plan must demonstrate that the system will be maintained to function as designed for the lifetime of the development.

Reason: To ensure that the implementation and long-term operation of the sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.
(Section 14, NPPF)

- 6 No construction work shall take place above the damp-proof course until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the foul water drainage works relating have been carried out in complete accordance with the approved scheme.

Reason To ensure that adequate foul water drainage is provided and to prevent environmental and amenity problems arising from flooding.
(Section 14, NPPF)

- 7 No finishing materials shall be applied to the external faces of the buildings hereby permitted, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Policies CS14 and DM3, CSDMP and Section 12, NPPF)

- 8 No construction work shall take place above the damp-proof course until a landscaping scheme to include all on-site hard and soft landscaping, including a detailed planting schedule; and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of the development (a full planting season means the period from October to March). The landscaping shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any plants which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity.
(Policies CS14 & DM3, CSDMP and Sections 12 & 15, NPPF)

- 9 No construction work shall take place above the damp-proof course until an off-site planting scheme for the provision of off-site tree planting sufficient to provide canopy cover equivalent to 13% of the application site area on the land shown on drawing no. 16748 0330 P-00 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the precise location of the planting, a planting schedule, a timetable for implementation and a management scheme. The planting shall be carried out in accordance with the approved details within the agreed timetable and shall be managed in accordance with the approved management scheme for the lifetime of the development.

Reason: In the interests of encouraging woodland creation within the Marston Vale Community Forest, in accordance with Policy CS16 of the Core Strategy and Development Management Policies 2009.

- 10 No part of the development hereby permitted shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 9, NPPF)

- 11 No part of the development hereby permitted shall be occupied until details of a 3m wide footway/cycleway on the western side of Bedford Road (C94) between the development access and A507/Salford Road signalised junction have been submitted to and approved in writing by the Local Planning Authority and the footway / cycleway has been constructed in accordance with the approved details. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.
(Section 9, NPPF)

- 12 No part of the development shall be occupied until visibility splays have been provided at the junction of the site access with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed site access from its junction with the channel of the public highway and 160m measured from the centre line of the proposed site access along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.
(Section 9, NPPF)

- 13 No part of the development shall be occupied until the scheme for car and HGV parking shown on approved drawing no. 16748-0320 P04 has been provided. The spaces shall thereafter be kept available for parking at all times.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate parking and access arrangements at all times.

(Section 9, NPPF)

- 14 The development hereby permitted shall not be first occupied until a Lorry Routing Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail measures to minimise the incidence of HGVs (vehicles over 7.5 tonnes) approaching the site from the Brogborough village direction on the C94 / Bedford Road and leaving the site and turning left onto the C94 / Bedford Road towards Brogborough village. The statement shall include transport management measures that the site occupier(s) will be required to commit to and communicate to their suppliers / distributors / customers and details of a CCTV system to monitor the movement of all HGVs (vehicles over 7.5 tonnes) entering and leaving the site, and a method of recording incidences of non-compliance within the preceding 3-month period, which shall be submitted to the Local Planning Authority on request, along with details of the mitigation that has been carried out in response to any incidents that have been recorded in that time period. The approved Lorry Routing Statement shall be maintained and operated at all times that the development is in use.

Reason: To ensure that the development does not result in HGVs using Bedford Road through Brogborough Village in the interests of highway safety and amenity.

(Section 9, NPPF)

- 15 The development hereby permitted shall not be occupied until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include the following:

- details of acoustic screening to be installed on site;
- restrictions on the hours of HGV movements to and from the site;
- restrictions on the hours during which assets stored on site can be moved; and
- restrictions on the hours of use of the maintenance building.

The approved acoustic screening measures shall be installed in accordance with the approved details and shall be retained on site and kept properly maintained throughout the life of the development. The development shall be operated in accordance with the restrictions set out in the approved Noise Management Plan.

Reason: In the interests of neighbouring amenity.

(Section 15, NPPF)

- 16 The development shall not be occupied until details of on-site electric vehicle charging infrastructure and points have been submitted to and approved in writing and the approved infrastructure and points have been provided in accordance with the approved details.

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

(Section 14, NPPF)

- 17 No items shall be stored on the site except trucks, trailers, cold storage and refrigerated units, buses, coaches, material handling equipment (MHE), road sweepers and vans. The height of trailers and cold storage and refrigerated units shall not exceed 4.85 metres.

Reason: To safeguard the residential amenity of neighbouring properties.

(Policy CS14 & DM3, CSDMP and Section 12, NPPF)

- 18 The development hereby permitted shall not be occupied until a detailed external lighting scheme consistent with the approved Lighting Assessment (Project Ref: 42409/3002 Rev: V 1.0 Dated October 2019) has been submitted to and approved by the Local Planning Authority. The lighting scheme shall include detail of all proposed external lighting including:

- A lighting plan;
- Details of a timer to control lighting duration;
- Light spill control measures to be applied;
- Evidence of the Lux levels emitted

External lighting shall be operated in accordance with the approved scheme permanently thereafter and no other external lighting shall be installed on the site without further written consent from the Local Planning Authority.

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

(Sections 12 and 15, NPPF)

- 19 All ecological measures and/or works shall be carried out in accordance with the details contained in the "Brogborough Method Statement for Great Crested Newts", dated 21st November 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: In the interests of biodiversity conservation.

(Section 15, NPPF)

- 20 Within six months of the first occupation of the development, a Post-Construction Verification Report which demonstrates that the development has been constructed to achieve the following:

- a minimum 10% energy use reduction from that specified within Part L of the Building Regulations;
- a 12.5% reduction in water use over baseline building water consumption.

shall be submitted to the Local Planning Authority for written approval.

Reason: In order to ensure sustainability of the development and to minimise development's impact on climate change, in accordance with Policies: CS13, DM1 and DM3 of the adopted Local Plan and Section 14 of the NPPF.

- 21 The promotion of sustainable travel associated with this development should be implemented in accordance with the approved Staff Travel Plan (November 2019). All measures agreed therein shall be undertaken in accordance with the approved Plan. There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval of the plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal and the results of the annual review shall be submitted to and approved in writing by the Local Planning Authority.

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

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16748-0300-P-02, 16748-0320-P-04, 16748-0321-P-00, 16748-0322-P-00, 16748-0323-P-00, 16748-0324-P-00, 16748-0325-P-00, 16748-0326-P-00, 16748-0327-P-00, 16748-0328-P-00, 16748-0329-P-01, 16748-0330-P-00, 16748-0331-P-00 and 2127-PL003 Rev F.

Reason: To identify the approved plans 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. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
3. The applicant is advised that in order to comply with Conditions 10 and 11 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail: highwaysagreements@centralbedfordshire.gov.uk. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

4. The applicant is advised that the closure of existing access and layby's shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 10. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant will also be expected to bear all costs involved in closing the access.
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 from the Highways Help Desk tel: 0300 300 8049.
6. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
7. The Internal Drainage Board advise that separate prior consent will be required from the drainage board to discharge surface water into the watercourse on the boundary of the site.

Please also note that the watercourse on the boundary of this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development shall take place within 9m of bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping. Please contact the Internal Drainage Board at Vale House, Broadmead Road, Stewartby, Bedford. MK43 9ND - Telephone (01234 767995) - E-mail contact@idbs.org.uk

8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience in order to obtain a connection point, discharge rate and to ensure the required infrastructure will be in place in time for development completion. If you have not done so already, we recommend that you submit a Pre planning enquiry with our Pre-Development Team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>.

To discharge the condition in respect of foul water drainage, Anglian Water will require a copy of the following information prior to recommending discharge of the condition: Foul Water:

- o Phasing plan
- o On-site drainage strategy detailing:
- o Proposed discharge rate (should you require pumped connection, please note that our minimum proposed discharge rate is 3.8l/s)
- o Connecting manhole discharge location (no connections can be made into a public rising main).

9. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;

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

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

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)

Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

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

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