

Item No. 9

APPLICATION NUMBER	CB/16/00814/OUT
LOCATION	Land at Camden Site, Grovebury Road, Leighton Buzzard
PROPOSAL	Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation & landscaping areas.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Donna Lavender
DATE REGISTERED	03 May 2016
EXPIRY DATE	21 September 2016 (Extension of time Agreed until 31/05/17)
APPLICANT	EDS Holdings Ltd
AGENT	The W R Davidge Planning Practice
REASON FOR COMMITTEE TO DETERMINE	<ul style="list-style-type: none">• Major application that is a Departure from Development Plan• Major Application with Town Council Objection• Updated information for committee to consider
RECOMMENDED DECISION	Approval subject to completion of a section 106 agreement and referral to the Secretary of State as a departure from the Development Plan

Recommendation

That the application be **Approved** subject to completion of a section 106 agreement, referral to the Secretary of State as a departure from the Development Plan and the following conditions:

RECOMMENDED CONDITIONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin 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.

- 2 Details of the layout, scale, appearance (including materials) and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development on that plot begins and the development shall be carried out as approved.

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

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters 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.

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the development hereby approved shall be 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 protect, as far as possible the character of the locality, the materials are critical to the appearance and quality of the development and need to be approved prior to development commencing. (Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 5 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of any existing trees and hedgerows to be retained as part of the development and details of protection measures for the retained trees and hedgerows. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The new and retained trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping and ensure that the landscape is designed and delivered as a fundamental part of the overall design concept. (Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 6 **Before development begins, a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include written details of how public art would be commissioned and integrated as part of the development, setting out details of community engagement/consultation undertaken, timeframes for the creation and advertisement of an artists brief, the artist shortlisting and agreement process, and a maintenance plan for any artworks created including funding for long term maintenance. The strategy shall then be fully implement in accordance with the approved details.**

Reason: To ensure a satisfactory and appropriate artistic feature(s) or element(s) are integrated into the development itself as an intrinsic part of the design development process and thereby enhance, as far as

**possible the character of the locality.
(Policy BE8 S.B.L.P.R and Section 7 NPPF).**

- 7 Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To ensure that there is no light pollution or glare to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 8 Prior to the submission of a Reserved Matters Application an appropriate assessment and scheme shall be submitted to and approved in writing to ensure that the proposal in terms of noise (and vibration) from traffic, fixed plant, commercial activities and deliveries does not impact on the amenity of adjoining land users. No units shall be occupied until the any scheme or mitigation schemes have been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 9 No part of the development hereby permitted shall be brought into use until a Service Yard Management Plan which shall include details of hours of deliveries and loading/unloading of vehicles has been submitted to and approved in writing by the Local Planning Authority. Delivery management shall be implemented in accordance with the approved plan at all times.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area; the .
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 10 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 11 **No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**
A Phase 1 Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Policy BE8, SBLPR and Sections 7 & 11, NPPF).

- 12 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation/validation should include responses to any unexpected contamination discovered during works

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Policy BE8, SBLPR and Sections 7 & 11 NPPF).

- 13 **No development shall commence until a detailed Surface Water Drainage Scheme for the site based on the agreed Flood Risk Assessment and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The final scheme shall include a management and maintenance plan and be designed in accordance with the DEFRA 'Non-Statutory Technical Standards for Sustainable Drainage Systems' (March 2015) and the Central Bedfordshire Sustainable Drainage Guidance (Adopted April 2014, Updated May 2015). The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

The following information shall be included in the Surface Water Drainage Scheme:

- 1) A clearly labelled surface water drainage layout plan showing the position, gradient, dimension and level of each drainage element.**
- 2) Details of soil infiltration tests carried out in appropriate locations in accordance with BRE Digest 365.**
- 3) An assessment of the existing and proposed impermeable areas**

together with detailed design calculations for the proposed infiltration systems including an allowance for climate change.

4) Details of long term management arrangements and maintenance requirements for each drainage element.

Reason: To ensure that the approved system will be delivered as an integral part of the development function to a satisfactory minimum standard of operation and maintenance and to prevent the increased risk of flooding.

(Sections 7 & 10, NPPF).

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

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

(Section 8, NPPF)

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 123450/1 rev B, 123450/3 Rev D, 123450/4 Rev B, 123450/5 Rev A 123450/6 Rev B, 123450/7 Rev E, 123450/8 Rev E and 002.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a

substantial disadvantage to take reasonable steps to avoid that disadvantage;

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

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

For further information on disability access contact:

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

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

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

The Council acted pro-actively through engagement with the applicant during the application 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

NOTES:

- (1) In advance of consideration of the application the Committee was advised of additional other representations.
- (2) In advance of consideration of the application the Committee received representations made under the public participation scheme.