

Item No. 11**SCHEDULE A**

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| APPLICATION NUMBER | CB/10/02908/FULL |
| LOCATION | 192 High Street South, Dunstable, LU6 3SJ |
| PROPOSAL | Conversion and change of use of tyre repair shop (sui generis) to provide neighbourhood foodstore (Class A1) with external alterations including new shop front and associated parking. |
| PARISH | Dunstable |
| WARD | Watling |
| WARD COUNCILLORS | Cllr Peter Hollick & Cllr Ann Sparrow |
| CASE OFFICER | Gill Claxton |
| DATE REGISTERED | 26 August 2010 |
| EXPIRY DATE | 21 October 2010 |
| APPLICANT | Sainsburys Supermarket Ltd |
| AGENT | Indigo Planning |
| REASON FOR COMMITTEE TO DETERMINE | Called in by Ward Councillor Miss Sparrow, because of the potential impact on small independent shops in the locality |
| RECOMMENDED DECISION | Full Application - Refused |

Site Location:

The 0.14 ha application site lies on the north western side of High Street South (A5). It has a frontage to High Street South of some 34m and a maximum depth of 45m. The site is currently in use as a specialist tyre, battery and exhaust sales and fitting garage, trading as HiQ. The main building, with a floor space of just over 550 sq.m, is set back some 10m from the highway frontage. The main building comprises a workshop with a separate area for battery storage, a customer reception, general office and 2 toilets. Above the battery storage area is a mezzanine floor which houses the manager's office and staff canteen. The building is composed of brickwork up to the top of the car workshop bays with corrugated metal cladding above and has a shallow pitched roof. The roof also comprises profiled metal cladding. There is customer parking to the front of the building and a delivery area to the rear of the site. To the rear of the main workshop is a small single storey brick building which is used as a tyre store.

To the northwest there is a Honda dealership with a large forecourt display area. There is a line of mature trees separating the two sites and the trees appear to be within the boundary of the Honda site. To the south east is a terrace of three dwellings at 194-198 High Street South, while to the south and south west is further residential development in Garden Road. There is a mix of commercial and residential development on the opposite side of High Street South.

The Application:

Planning permission is being sought for the refurbishment of the site and buildings to form a Sainsbury's Local convenience store.

The existing single storey side element of the building (52 sq.m) which currently provides the customer reception and general office area would be demolished. That area would be infilled with lime render on hemcrete insulated timber frame panels with an ATM inserted close to the front entrance.

Other external alterations would comprise the following:

- The insertion of clear glazing panels infilling the existing openings, with horizontal timber cladding between on the front façade;
- New single sliding automatic customer entrance door on the front elevation;
- The replacing of the roller shutter door in the delivery area with new delivery doors and the making good of the surrounding area with render;
- Replacement of the metal cladding with FSC approved horizontal and vertical timber cladding, except of the rear elevation where this will be treated with lime render on hemcrete insulated timber frame panels;
- Fascia signage would be applied to the front and side (north western) elevations.
- Skylights and sun pipes would be inserted within the roof.

The mezzanine floor comprising 25 sq.m would become redundant with the access stair demolished.

Refrigeration plant and air conditioning units would be positioned within the external tyre store to the rear of the building. This would typically consist of a flat bed refrigeration condenser and three air conditioning units. One side of the brick enclosure would be replaced with louvres plus hit-and-miss timber fencing.

The car park would provide 12 car parking spaces, including one space for disabled drivers and cycle parking provision for 6 cycles.

The refurbished store would have a gross floor area of 471 sq.m of which 280 sq.m would comprise the net retail sales area. The remainder of the building would be given over to warehousing, administration and staff facilities.

The proposed hours of opening are 07:00 to 23:00 daily.

In support of the application it is stated that:

- The proposed Sainsbury's Local store will provide a top-up shopping destination that is not currently provided in this part of Dunstable. The rationale for having a convenience store of this size is that it will give local residents access to the choice, value, quality and consistency that is offered by the larger supermarkets but with a more limited range that would facilitate top-up shopping needs. Sainsbury's Local provides a small, local convenience store whilst guaranteeing Sainsbury's quality and complementing the existing larger Sainsbury's store adjacent to the White Lion Retail Park;
- The proposed Sainsbury's Local will provide a basic range of groceries and will include ready meals, sandwiches and snacks, wines and spirits and a range of fresh fruit and vegetables. In addition, it will sell newspapers, magazines, flowers and the type and range of associated goods that can be found in small convenience stores.
- The proposals for the store are a result of the time and effort taken by

Sainsbury's to understand customer requirements. In planning their 'Local' stores, Sainsbury's take into account customer comment, feedback and research which is derived from the local customer. Thus, Sainsbury's approach, providing investment into areas like Dunstable, reflects their understanding of their customer requirements. Sainsbury's customers want to be able to do a top-up shop and get quality products without having to go to the bigger supermarket at the White Lion Retail Park.

- The proposal accords with the relevant retail policy tests as set out in the Local Plan and PPS4. The Retail analysis also shows that there are no sequentially preferable sites in Dunstable town centre and that there is a clear need for retail investment in the town.
- The range of goods on offer will differ from the other local convenience stores and Sainsbury's Local will not compete directly with them. A reduced range of Sainsbury's products will be on offer which will allow customers to top-up on their main shop;
- It is anticipated that the diversion of trade from the other local convenience shops would be minimal. Sainsbury's Local would be competing with the Asda and Tesco stores;
- The Local store would bring further footfall to this part of High Street South which would be of benefit to all local stores by adding to the vitality of the area;
- The external appearance of the building has been designed to enhance the existing street scene without being detrimental to the character of the surrounding area. The proposals will have no adverse impact on the local amenity and the high quality design will enhance the street scene.
- The proposed store also offers socio-economic benefits. The store will create 25 to 30 jobs for which the majority of staff will be recruited from the local area. Sainsbury's also offer a range of training and skills qualification programmes to all employees.
- The company uses sustainable technologies in the building design and materials to be used. Sun pipes will be used to facilitate natural lighting, use will be made of intelligent heating and ventilation systems, the cladding will be FSC approved timber and the render will use lime render on hemcrete insulated timber-framed panels;
- The proposed Sainsbury's Local store satisfies PPG13 and Local Plan Policy T10. The scheme will not impact on the local highway network and an adequate level of car and cycle parking will be provided on the site.

The application was accompanied by a Design and Access Statement, Planning and Retail Statement, Transport Statement and a Background Noise Survey and Plant Assessment.

The scheme has been amended slightly since originally submitted with the ATM relocated from the front elevation to the side (north western elevation) and the size, location and number of sun pipes amended.

The application was due to be reported to the meeting of the Development Management Committee on 8th December 2010. However, it was deferred following representations from the Highways Agency, Network Route Manager which raised concerns about the following:

- the adequacy of the Transport Assessment especially in relation to trip generation, staff and customer parking and the implications for traffic congestion

- a suitable investigation and mitigation for pedestrians and all road users has not been undertaken, it is likely to require pedestrian refuges, guard rail and parking restrictions.
- the service vehicles will compromise parking within the site and it is unclear how the applicant will ensure the parking, access and egress are not compromised during the numerous visits by full size HGVs and ensure that the A5 does not get blocked in the process. The swept path diagram tracking the movements of delivery vehicles should include provision for an articulated lorry not a rigid vehicle.
- It is considered that the current proposal will have a negative effect on the A5 in this locality in terms of both safety and congestion. Considerably more development of the proposal is required to see if an acceptable situation can be achieved.

In response to these comments the applicant's transport consultants have submitted additional information in order to address the issues identified by the Highways Agency, Network Route Manager.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

PPG 13 – Transport

PPS23 – Planning and Pollution Control

PPG24 – Planning & Noise

East of England Plan (May 2008)

SS1 – Achieving sustainable development

SS6 – City and Town Centres

ENV7 – Quality in the Built Environment

T8 – Local Roads

T14 - Parking

South Bedfordshire Local Plan Review Policies

SD1 – Sustainability Keynote Policy,

BE8 – Design Considerations

E2 – Control of development on employment land outside main employment areas

TCS1 – Sustaining and Enhancing the District's Town Centres

T10 – Controlling Parking in New Developments

Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10

Planning History

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| SB/TP/87/00694 | Permission for the erection of a new depot to replace the existing building. |
| SB/TP/87/01158 | Withdrawn application for the removal of condition 11 of application SB/87/00694. |
| SB/TP/88/00758 | Refusal of permission for the erection of a new depot to |

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| SB/TP/88/01304 | replace the existing building. Permission for the erection of a new depot to replace the existing building. |
| SB/TP/90/00052 | Permission for the erection of a new depot. |

**Representations:
(Parish & Neighbours)**

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| Dunstable Town Council | No objection. |
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| Occupier 241 High Street South | <p>Object for the following reasons:</p> <ul style="list-style-type: none"> • Dunstable has a problem with vacant retail premises but this site is not vacant; • If Sainsbury's granted permission it will create problems for traders in the vicinity. There are smaller premises at Heyhoe's, a family business that has been part of the community for generations which has developed a convenience part of the business after the Post Office being closed. In addition there is a small supermarket at AM2PM which has recently opened in a premises that has been vacant for some time along with another small store in The Square. All of these are a short walk from one another. • The local needs are already well catered for without Sainsburys • The new store will cause even more traffic congestion. One of the problems faced by the town and the traders is traffic congestion and the knock-on effect on trade; • Big businesses like Sainsburys should not be able to walk rough shod over local businesses who are working hard to keep shoppers going to their stores; • New businesses opening should not be detrimental to existing ones. |
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| Hayhoe's Newsagents and Convenience, 215-217 High Street South | <p>Object on the following grounds:</p> <ul style="list-style-type: none"> • Planning and Retail Statement (P&RS) prepared by Sainsburys claim that the site is 'edge of centre' and will 'provide (for the) top-up and daily shopping needs of the local community'. Disagree with the definition of edge of centre. The site has not been earmarked for regeneration. It will not aid the regeneration of the town centre it will degenerate out of town centre shops and businesses. Heyhoe's sells the same goods that Sainsbury's will. Our business and others in the vicinity will suffer including the Premier Shop in Brittany Court, the BP Shop, Dunstable Discount and The Really Nice Sandwich Shop in High Street South and The |
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Sandwich Shop in London Road. The four local pubs: The New Greyhound, The Star & Garter, The Froth & Elbow and The White Swan as well as the United Services Club will all lose trade due to the sale of cheap alcohol.

- Existing businesses will no longer be viable and jobs will be lost.
- The P&RS claims that the store would meet criteria set out in national planning policy and would meet government objectives. This is not correct as Government policy hopes to build prosperous economies but not at the detriment to existing established businesses that are already fighting for survival in the current economic climate. The government encourages competition between retailers but competition from a retail giant is unfair;
- The P&RS states that the government expect Local Planning Authorities (LPAs) to adopt a positive approach when considering applications for new development which secure sustainable economic growth. The development will not achieve this. It will be in the wrong location and will damage the local economy and local businesses. The decimation experienced by the town centre will permeate out;
- Government Policy in PPS4 advises LPAs to refuse proposals for main town centre uses in an out-of-town or edge of town location where there is clear evidence that the proposal is likely to lead to a significant adverse impact. There will be an adverse effect here as livelihoods will be lost;
- While the town centre may be lacking in convenience and comparison retailing, the store is out-of-town;
- The P&RS claims that the town centre is unlikely to improve without new investment and proposals which comply with PPS4 should be encouraged. The site is in an out-of-town location so will not bring these benefits;
- All vacant town centre sites were dismissed as unsuitable
- The P&RS suggests potential losses of trade and turnover to the Town Centre of 1.9%. The losses to out of centre stores will be 100% when they close down;
- The P&RS claims that top-up shopping is not adequately catered for in south Dunstable. This is not true as there are number. The Co-op store in Lowther Road, the Tesco Express in Langdale Road, Premier Shop in High Street South and Hayhoe's. All of these shops have alcohol licenses and sell newspapers and groceries;

- The proposal states that there will be no loss of employment. That is untrue as the employees of HiQ will lose their jobs. Our own and other local businesses would also suffer job losses. The scheme would have an adverse effect on local employment.
- There will be further traffic congestion in the vicinity. The traffic on the A5 is often at a standstill. Early morning and evening congestion is bad;
- The P&RS states that the site is accessible and the Transport Assessment includes measures to reduce car journeys. The store would provide 12 spaces. The public may not use them and will park on the road whether there are double yellow lines or not. Parked vehicles will obscure views for traffic entering and leaving Periwinkle Lane and Garden Road. There will be increased volumes of traffic here to the detriment of road safety.
- Noise will also be a problem. The store will have longer opening hours than current businesses. People will congregate outside the shop at night and for a more prolonged period. Later deliveries will also increase noise levels. Local residents will be disturbed.

Premier Store, 1
Brittany Court

Object for the following reasons:

- Store would have an adverse effect on business which is a family run concern serving the community between 7am and 11pm
- Livelihood would be lost if Sainsbury's goes ahead;
- The area is already well served by existing local businesses;
- Scheme would lead to the closure of the Premier Store
- Between 10 and 15 jobs would be lost.

Occupier of 85 High
Street South

Object for the following reasons:

- Adverse impact on a number of small businesses already in the vicinity of the site who sell all the items that would be stocked in the Sainsbury's Local;
- Adverse effect on traffic flow on a busy highway which is often at standstill when there are problems on the M1 motorway;
- Would lead to the demise of smaller retailers leading to a loss of employees which the town can ill afford.

Consultation/Publicity responses

Public Protection South

No objections subject to conditions restricting night-time deliveries to the store, limitations on noise from external

plant, machinery and equipment and potential site contamination.

Highways Agency -
Development Control

No objection.

Highways Agency –
Route Performance
Manager

Recommends refusal on the grounds that
The Transport Assessment does not address the following:

- The A5 is already a very congested route in this area, with a higher than average accident frequency and severity than national targets;
- The Safety Camera Partnership has identified it as a problem area;
- This part of the A5 has been identified as a higher accident risk for pedestrians and has been identified as a desirable area to increase pedestrian provisions;
- The route is part of the strategic diversion route for the M1;

The Transport Statement does not address or justify the following:

- Increased pedestrian flow and where from;
- It has not mitigated the increased risk to pedestrians;
- A normal articulated delivery lorry has not been shown to enter or exit in a forward gear;
- Increased flow due to the ATM;
- The increased safety risks have not been quantified;
- Not developed a suitable traffic impact assessment;
- Impact on increased congestion has not been quantified;
- No provision for staff parking;
- No consideration regarding parking on the A5;
- The different traffic effects of a local store compared to a superstore;
- Trip generation and cost to the country of increased congestion;
- Has not shown how turning traffic will not significantly increase congestion on the A5;
- Has not shown any proposals for changes to the A5.

Disagrees with the following areas of the Transport Statement

- A 10m rigid HGV will not be the only delivery vehicle;
- A reduction of 25% in parking provision;
- Trip generation and timing not based on similar stores

- Timing and impact of trip generation.
The Statement contradicts itself or just makes statements with no justification.

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| Environment Agency | No objection, subject to conditions on potential site contamination and ensuring that there is no infiltration of surface water drainage into the ground. |
| Highway Engineer | Originally did not comment on the degree of parking means of access or servicing or the acceptability of the TA as the A5 is a trunk road and the responsibility of the Highways Agency but recommended a pedestrian crossing to safeguard pedestrians accessing the site. Has subsequently reviewed the Transport Assessment and additional material and concludes that the information supplied does not demonstrate that the scheme would not give rise to conditions of congestion and hazard on the A5. |

Determining Issues

The main considerations in the determination of the application are:

1. Principle of development including retail impact on Dunstable Town Centre and other local shopping facilities
2. Design and external appearance considerations
3. Highway and parking considerations
4. Impact on the amenity of nearby residential occupiers
5. Other matters

Considerations

1. Principle of development including retail impact on Dunstable Town Centre and other local shopping facilities

Planning Policy Statement 4 (PPS 4) on Planning for Sustainable Economic Growth was published in December 2009. It sets out the Government's objectives for building prosperous communities and improving the sustainable economic growth of cities, towns and sub-regions across the UK. PPS4 provides policy guidance in relation to plan making and development management. The development management policies set out in the PPS must be taken into consideration in determining planning applications.

Policy EC10 of PPS4 expects local planning authorities to adopt a positive and constructive approach when considering applications for new economic development and to treat favourably those applications which secure sustainable economic growth. It is considered that the proposal falls within the definition of economic development as set out in the PPS. Economic development includes the development of main town centre uses and proposals which achieves at least one of the following objectives: provides employment opportunities; generates wealth or produces or generates an economic output or product.

Policy EC10 also outlines the impact considerations against which all planning applications for economic development should be assessed. In brief, these are:

- whether the proposal has been planned to limit carbon dioxide emissions and impact on climate change;
- the accessibility of the proposal by a choice of means of transport, the effect on local traffic levels and congestion;
- whether the proposal secures a high quality and inclusive design;
- the impact on economic and physical regeneration in the area; and
- the impact on local employment.

Policy EC14 sets out the requirements for the supporting evidence that should accompany applications for main town centre uses that are not located within an existing centre and are not in compliance with an up-to-date development plan. A sequential assessment is only required where an extension to a retail or leisure facility exceeds 200 sq. m. An assessment of the likely impacts on existing centres is only required for schemes in excess of 2,500 square metres

Policy EC15 sets out the criteria for the assessment of sequential sites and Policy EC16 deals with the impact for proposed main town centre uses that are not in town centres.

The Applicant's agent has set out both an assessment of sequential sites in relation to the criteria set out in EC15 and an impact assessment addressing the criteria of EC16 in the Planning and Retail Statement.

In terms of the sequential assessment the applicant has investigated whether there are any available, suitable and viable sites that could reasonably accommodate the proposed store. The applicant contends that on the basis of its proximity to and opportunity to establish linkages with the Dunstable Town Centre, the store would function as an edge of centre store. The site is located just over 350m from the south eastern edge of the Town Centre boundary as set out in the Proposals Map and is considered therefore not to be at an edge of centre location.

The applicant has considered suitable, available sites within the Town Centre of sufficient size to accommodate the proposal. Whilst it was noted that Dunstable Town Centre had a number of vacant sites and premises, some of these were not of an appropriate size to accommodate the proposal, were under offer by others with negotiations at an advance stage or had no rear unloading of goods. The sites that were considered were 11-15, 21-25 and 62 High Street South; 17B, 59-65 and 67 High Street North; 5-7, 9-11, Icknield House, West Street; 13-17 Nicholas Way and 50-52 Broadwalk. Other sites were considered in an edge of centre/out-of-town location and were also rejected on a number of grounds including in too close proximity to the main Sainsbury's store, the subject of restrictive conditions prohibiting the sale of convenience goods or of inadequate size. The sites considered were 1 Grove Park, Court Drive, White Lion Retail Park, The Egg, Luton Road Retail Park. Many of the sites also would not offer the opportunities for incorporating the sustainability features that the applicant is seeking.

None of the sites identified for redevelopment in the Local Plan have come forward or are available to accommodate this proposal.

The applicant contends that there are no sequentially preferable sites and premises in Dunstable that are suitable, available or viable for the proposed development. The applicant continues that the proposed location is appropriate to meet local needs and provides the opportunity to establish linkages with the existing town centre. We would concur with that view.

With regard to the retail impact of the proposals on Dunstable Town Centre, given the size of the proposed development at a gross internal area of 471 sq.m, a full impact assessment against Policy EC16 is not required. However, in order to demonstrate that the proposal will not result in any significant adverse impacts on Dunstable town centre, the applicant has assessed the proposal on each of the relevant criteria:

- planned public or private investment in Dunstable town centre;
- the vitality and viability of Dunstable town centre;
- the turnover of existing facilities in Dunstable town centre; or
- any locally important impacts.

Impact on Public and Private Investment

There are a number of key regeneration sites in the town centre, which are allocated in the Local Plan and will be carried forward as key sites in the Dunstable Masterplan. There are aspirations for significant town centre redevelopment and improvements to secure the future of Dunstable town centre as a retail destination.

There has been significant investment in Dunstable for non-retail uses in recent years, including the development of the Grove Theatre, accompanied by bar and restaurant opportunities and residential development, which has contributed greatly to the evening economy of the town.

There are plans for Dunstable College to redevelop its town centre facility with a brand new college, resulting in investment in excess of £40m.

Significant investment in public transport is planned including the Luton-Dunstable Busway.

The applicant concludes that given the relatively small scale of the proposed store, there is no reason to suggest that the proposed development would undermine current or future investment in the town centre. Moreover, the proposal relates to a new format Sainsbury's Local Store which will be a flagship store of this type. This ongoing investment will be positive, providing new employment opportunities and an overall boost to the local economy.

We concur with the applicant's conclusions and consider that the proposed scale of the development would not result in a significant adverse impact on investment in the town centre.

Impact on Vitality and Viability

The applicant's findings indicate that Dunstable's retail offer principally caters to

the everyday and service needs of the local community. The town centre has good accessibility and includes some key non-retail uses within the town centre. There are, however, some weaknesses in the town centre's retail offer and the centre struggles to compete with surrounding larger centres. Vacancies within the centre have increased over time. In part, this can be attributed to corporate closure nationally following the onset of the recession. In light of the town centre weaknesses and the need for growth and improvement in the retail offer, there are significant long-term regeneration proposals for the town, through the preparation and implementation of the Dunstable Town Centre Masterplan. These proposals will help to improve the attraction and strength of Dunstable town centre over time.

Furthermore, Dunstable still serves an important town centre role in meeting the needs of its residents and the surrounding population. The proposed Sainsbury's store will assist in improving access to everyday and top-up needs of local residents and visitors to Dunstable.

Impact on Allocated Sites

The redevelopment sites which have been identified to come forward as part of the Dunstable Masterplan have been addressed previously. This has confirmed that the proposal will not impact on these sites coming forward in accordance with the Council's aspirations.

Impact on In-Centre Trade/Turnover

In order to assess the potential impact of the store on the turnover of Dunstable town centre, it is necessary to examine the potential turnover of the store and how it will impact on shopping patterns.

Based on the size of the store (280m²) and Sainsbury's company average sales density, it is estimated that the store will achieve a turnover of £3.05m.

In January 2009, White Young Green published the Luton and South Bedfordshire Retail Study Update (LSBRSU) on behalf of Luton Borough and South Bedfordshire Council. The findings of the LSBRSU indicate that there is a significant leakage of convenience expenditure from Dunstable to Luton and centres outside of the district. On this basis, it is highly unlikely that the entire store's estimated turnover will be diverted from Dunstable town centre. Even in the 'worst case scenario' the impact on Dunstable Town Centre would be 1.9%. The LSBRSU estimates that Dunstable town centre is currently achieving a turnover in the order of £160m. Assuming the total £3.05m is diverted from Dunstable town centre, the impact will be 1.9%. This level of impact would be negligible. In reality, the proposed store is likely to divert turnover from the out-of-centre foodstores. The applicant concludes that the proposal will not result in a significant adverse impact on Dunstable town centre.

Scale

Dunstable town centre currently has in the order of 42,910m² floorspace. The store proposes a net sales area of 280m².

The scale of the development would not have an adverse effect upon Dunstable Town Centre.

We concur with the applicant's assertion that the development would not have an adverse effect upon the vitality and viability of Dunstable Town Centre.

Locally Important Impacts

As part of a further submission the applicant has considered the likely impact upon local shopping facilities in the vicinity of the site. It is noted that there have been third party representations in relation to the potential impact on the trade pattern for existing businesses.

The applicant concludes that the existing stores and the Sainsbury's Local would be competing for a different market share. Whether that is the case or not, it is not the role of the planning system to restrict competition.

In conclusion, whilst PPS4 encourages new retail development to take place in town centres, it does not preclude edge or out-of-centre locations, providing the policy tests noted above are satisfied. We conclude that the proposals accord with PPS4 because:

- there are no sequentially preferable sites that are suitable, viable or appropriate for the proposed foodstore;
- the proposed development will make the best use of an existing site and is of appropriate scale; and,
- it will not have a significant adverse impact upon Dunstable town centre.

Although the site is currently in use for employment-generating purposes, albeit with a Sui Generis use class, it is not considered that there would be any conflict with Policy E2. The proposed food store would create employment opportunities for up to 30 people in full and part time roles. It is acknowledged that those jobs of those currently employed at HiQ would be lost from this site, but there would be unlikely to be any worsening of the current situation. The comments of interested parties relating to potential job losses for their businesses are noted. However, as has been stated it is not the role of the planning system to regulate competition.

It is therefore, considered that the principle of development is acceptable in this location.

2. Design and external appearance considerations

The existing building would be largely retained and refurbished, with only the single storey customer reception and general office being demolished. The scheme proposes changes to the external appearance of the building involving the removal of the profiled metal cladding and its replacement with timber boarding; new render panels on areas where making good is required, the insertion of a shopfront on the High Street South elevation and the insertion of skylights and sun pipes on the roof. Where possible sustainability would be a consideration with the timber from FSC approved sources, lime render on hemcrete blocks and other measures to reduce energy consumption and CO2 production, including energy efficient lighting, Computerised Building Management systems, daylight optimisation through natural daylight penetration and sun piping systems.

All of these changes would improve the visual appearance of the building,

enhancing the street scene and character and appearance of the locality. The proposal is in accordance with the design criteria of Policy BE8 of the South Bedfordshire Local Plan Review.

3. Highway and parking considerations

While the usual Highways Agency Development Control consultee has raised no objections to the scheme, discussions took place with the Route Performance Officer of the Highways Agency who is responsible for the day-to-day operation of the network as part of exploring whether it would be possible to accommodate a suitable pedestrian crossing over the A5 in the vicinity of the site. It was during these discussions that concerns were raised about the Transport Statement and a number of issues were identified. These can be summarised as follows:

- the adequacy of the Transport Assessment especially in relation to trip generation, staff and customer parking and the implications for traffic congestion
- a suitable investigation and mitigation for pedestrians and all road users has not been undertaken,
- the service vehicles will compromise parking within the site and it is unclear how the applicant will ensure the parking, access and egress are not compromised during the numerous visits by full size HGVs and ensure that the A5 does not get blocked in the process. The swept path diagram tracking the movements of delivery vehicles should include provision for an articulated lorry not a rigid vehicle.

The applicant submitted further information in order to address these concerns. the applicant stated the following:

Trip Generation:

The TRICS database was used to model the trip generation for the existing situation, based upon the existing floor space of 582sq.m and provides an average for motorist centres; the proposed trip generation based upon an overall floor space for convenience store and also provided a comparison for a typical Sainsbury's Local store in another location at Worcester Park, Malden, Surrey on the A2043.

Parking

The applicant acknowledges that no provision has been made within the scheme for staff parking and the company intends to manage staff travel by means of a Staff Travel Plan, which could be covered by condition.

In the absence of published car parking standards by the Council for the store, a standard of 1 space per 30sq.m was proposed which is generally recognised to be appropriate.

In the vicinity of the site, parking on High Street South is unrestricted on either side of the highway, a situation which continues all the way into the Town Centre with small areas of double yellow lines. The applicant concludes that if on-street parking were a problem it would be discouraged by parking restrictions and in addition the Highways Agency and the Council have not sought a particular method of controlling parking in High Street South in the vicinity of the site.

Service Vehicles

It is stated that Sainsbury's operate a fleet of vehicles to provide flexible

solutions depending on differing scenarios. It is recognised that the site would be an unsuitable location for a 16.5m HGV and that the site could not accommodate such a vehicle. It would also be unacceptable and inefficient for the store to have goods wheeled in from the highway to the store. All servicing would be undertaken away from the public highway, with vehicles leaving and returning to High Street South in a forward gear. It is unusual for the company to service the convenience stores with articulated vehicles.

The applicants information suggests an 11m rigid delivery vehicle can access the site without an impact on the public highway. The applicant suggests that the type of vehicle to be used could be covered by condition.

We do not consider that such a condition would meet the tests for conditions as set out in Circular 11/95. In addition while Sainsbury's may manage their delivery fleet of vehicles in this way Sainsbury's may not be the store operator in perpetuity and another retailer may operate a different vehicle regime.

Congestion and highway safety

The applicant contends that the majority of the traffic generated by the development would be drive-by and would already be on the road network.

The accident data for the site reveals a total of 24 accidents occurred over a five year period on this part of High Street South of which one was serious and the other a fatality.

The applicant considers that the traffic generation would be low and the lack of severe or serious personal injury accidents shows that the development would not result in increased congestion or be detrimental to highway safety.

The Highways Agency's Route Performance Manager has evaluated the additional information but does not consider that this overcomes the concerns. However, in discussions between officers and the Agency the development control arm of the Highways Agency is still maintaining that it has no objection to the scheme. We have sought to discuss this impasse with the Highways Agency either through a meeting or correspondence without success.

In order to progress the highway issues, the Council's Highway Officer has evaluated the information whilst acknowledging that the Council is not the highway authority for the A5. In response to the additional information, he states:

"When this application was dealt with by the Council's Highways Development Control team, the issues addressed were just those relating to the local highway and that of vulnerable highway users. However, I have been asked to deal with the application in its entirety and as a result I make the following comments:-

The retail floor area of this store is only 271sq.m. Within TRICs there are only 2 stores that are below 1000sq.m (GFA)(800 and 950sq.m) which are almost twice the size of the store subject to the application and is therefore not a direct comparison of this local store

Further, since the trip rate is proportioned from much larger stores it does not properly account for trip generation relating to the ATM as this, in its self, is a trip generator. Putting this aside the original Transport Assessment (TA) demonstrated that there is a potential increase from 12 to 71 trips in the PM

peak. This is an increase of nearly 500%.

Additional evidence has been put forward of a similar site in Worcester Park. This is in a more sustainable location and appears to be within a high street location. At present it is unclear how that data was collated and for what reason. It is also unclear if there are any other nearby ATMs or banks. While the Worcester Park site is on a classified road (A2043) I would not agree that this store and the movements would be similar to that subject to the application site.

This Dunstable site is on a trunk road and within the jurisdiction of the Highway Agency and for that reason I am not privileged to the traffic flow data along this corridor. However, it is understood that the level of flow to capacity is at critical level and any further delay or turning movement could cause an additional hazard by drivers becoming impatient while attempting to turn right either from or to the highway.

Within the TA the application has identified that 24 accidents occurred within the last 5 years along this corridor and within the location of the site. There has been 1 "serious" and 1 "fatal" accident involving vulnerable road users near to the site entrance. Further, there was an accident from the junction from the neighbouring premises (Garage) and also from Garden Road; both involving vehicles turning right onto the main road.

It could be argued that the problem of right turning manoeuvres into the site could be mitigated against by the installation of a right turn lane. A pedestrian refuge could also be installed and it could be perceived that there is the road space to install these features. However, this would not totally mitigate against the increase in hazard caused by traffic turning right out of the site.

It is my view that while there could be some mitigating measures to counter the increase in turning movements and the additional hazard that this creates from and to the site, it could not be mitigated against entirely. Therefore, there will be an increase in potential for conflict and hazard on the highway. For that reason I would advise that the application should not be permitted.

It should also be noted at this point that the issue of parking is not to provide parking in relation to standards but rather to ensure that there will not be indiscriminate parking within the public highway or that an under provision in relation to demand will cause a hazard on the highway. I would therefore advise that it has not been proven that there is sufficient parking for vehicles likely to use the proposal subject to the application."

It is clear that there are doubts over the adequacy of the information in relation to trip generation, the impact of right turning manoeuvres into and out of the site and the amount of parking provision and clear concerns that there is the potential for conflict and hazard on the A5 to the detriment of the free and safe flow of traffic. Accordingly, it is considered that these doubts and concerns are sufficient to warrant a recommendation for refusal.

4. Impact on the amenity of nearby residential occupiers

The premises are situated adjacent to existing dwellings in High Street South and Garden Road, primarily. There is the potential for noise to be an issue which may have an impact upon residential amenity. A noise report has been submitted with the application. The Council's Public Protection Officer has no objections to the scheme subject to the imposition of conditions preventing night-time deliveries between 23.00 and 07:00 the following day, preventing and ensuring that all plant, equipment and machinery to be installed and operated in

connection with the scheme shall be enclosed and attenuated such that noise arising shall not exceed a level of 5dB(A) below the existing background level in order to safeguard residential amenity.

The applicants have indicated that they are seeking trading hours of 07:00 to 23:00 each day. It is considered that this could also be regulated by condition in order to safeguard residential amenity.

The building is already in situ and there would be no change to the current relationship to neighbouring properties. Therefore, there is no objection to the scheme in relation to the impact on the amenity of neighbouring occupiers in terms of loss of sunlight, daylight, overlooking or overbearing effect.

If the scheme were otherwise acceptable, any potential impact on the amenity of neighbouring occupiers could be regulated by conditions.

5. Other matters

The impact of the development on the potential for ground contamination and pollution to controlled waters from surface water run-off could be regulated by conditions. The Environment Agency is satisfied with this approach and has recommended conditions in this regard.

Recommendation

That Planning Permission be refused for the following reason:

- 1 The applicant has not demonstrated through the Transport Assessment and additional information that the proposed development would not, by reason of trip generation, parking demand and right turning movements, give rise to conditions prejudicial to the free and safe flow of traffic on the A5. The proposed development is thereby contrary to PPG13: Transport.

DECISION

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