

**Item No. 12****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/10/03110/FULL</b>
<b>LOCATION</b>	<b>Land and commercial units between King Street, Queen Street, Cemetery Road and fronting High Street, Houghton Regis</b>
<b>PROPOSAL</b>	<b>Erection of retail superstore, access and parking, highways works, landscaping and associated works</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Regis</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Egan, Goodchild, Jones &amp; Williams</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>26 August 2010</b>
<b>EXPIRY DATE</b>	<b>25 November 2010</b>
<b>APPLICANT</b>	<b>Dransfield Properties Ltd</b>
<b>AGENT</b>	<b>Planning Prospects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major development proposal - where a number of important planning issues have been highlighted and Houghton Regis Town Council have raised concerns</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted subject to Section 106</b>

**Site Location:**

The application site covers approximately 2.65ha and is located on the edge of Houghton Regis town centre, to the south west of the main shopping area. The site is defined by High Street to the north, Queen Street to the south, Cemetery Road to the west and King Street to the east. The site is rectangular in shape and is currently understood in two halves. The first part is a cleared development site located between High Street to the front and a service road to the rear. The second half of the site extends from the service road to Queen Street and accommodates a row of works units and their forecourts.

The area immediately to the south of the application site is residential with industrial estates beyond. A Netto supermarket is located to the west of the site. On the opposite side of High Street are a number of businesses and commercial premises with residential properties beyond. The town centre with a mix of services and shops is to the east of the application site.

**The Application:**

The application seeks consent for a retail superstore, access and parking, highway works, landscaping and associated works. The food superstore building including a kiosk and store restaurant space would have a total floor area of 4,749 square metres with 4,183sqm at ground floor and 567sqm at first floor and a store sales area of 2354 sq metres. The car park would have 249 spaces including 4 spaces with electric car charging points, plus 17 disabled spaces, 6 parent and child spaces and would serve the store and wider town centre. The proposed highway works

would include civilisation works to improve pedestrian and cycle links to the town centre. A service yard would be located to the west of the site and would be accessed from Cemetery Road. The service yard would be screened by a 3 metre high wall. The car park would be accessed by vehicles off High Street and pedestrian accesses would be provided off King Street and Queen Street. The southern boundary of the car park would be demarcated by a 1.8 metre high brick wall with the north and east boundaries marked with landscaping.

## **RELEVANT POLICIES:**

### **National Policies (PPM & PPS)**

PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth  
PPG13 - Transport  
PPS23 - Planning and Pollution Control  
PPG24 - Planning and Noise

### **Regional Spatial Strategy - East of England Plan 2008**

SS4 - Towns other than Key Centres and Rural Areas  
SS5 - Priority Areas for Regeneration  
SS6 - City and Town Centres  
T8 - Local Roads  
ENV7 - Quality in the Built Environment

### **Bedfordshire Structure Plan 2011**

No relevant policies

### **South Bedfordshire Local Plan Review Policies**

BE8 - Design Principles  
T4 - Translink  
TSC1 - Town Centre Shopping  
TSC5 - Houghton Regis Town Centre Enhancement  
T10 - Controlling Parking in New Development

### **Supplementary Planning Guidance**

Houghton Regis Town Centre Masterplan June 2008  
Design in Central Bedfordshire: A Guide for Development  
Design Supplement 2: Large Footprint Buildings  
Design Supplement 7: Movement, Streets and Places

### **Planning History**

SB/TP/06/00542 Demolition of vacant B1 light industrial unit and redevelopment to provide 93 residential apartments and A1(retail), A2(financial professional) and B1(business) units. Provision of car parking and landscaping (revised application SB/TP/2005/1273). Approved 25/10/07

SB/TP/05/01273 Demolition of vacant B1 light industrial unit and redevelopment to provide 93 residential apartments and A1(retail), A2(financial professional) and B1(business) units. Provision of car parking and landscaping. Withdrawn 24/2/06

**Representations:  
(Parish & Neighbours)**

Houghton Regis Town  
Council

Welcome and support the application subject to:

- concern that the development could result in severe traffic congestion along the High Street and the proposed highways improvements would not be adequate to cope with it
- safety concerns expressed about close proximity of proposed pelican crossings to proposed roundabouts
- the informal crossing point at the junction of High Street and King Street needs to be clearly marked to maintain pedestrian safety - this concern has been addressed by the informal crossing being amended to a zebra crossing
- consideration should be given to a pedestrian access at the south side of the store - this concern has been addressed by a pedestrian access being included in the southern boundary
- the pedestrian path between High Street, St Michael's Avenue and Bidwell Hill is in a poor state of repair, it was requested that consideration be given to a footpath enhancement scheme
- support for the request from Martin Slowe Estates that certain trading restrictions are secured by conditions to safeguard the traders in Bedford Square.

Neighbours

A further response has been received from the Town Council confirming that they support the revised plans showing a pedestrian access to the store from the south. A total of 107 letters have been received in response to the application.

97 letters have been received in support of the application. A petition containing 86 signatures in support of the application has been submitted.

The letters in favour of the proposal set out the reasons for supporting the application as follows:

- the creation of 300 jobs for local people
- the scheme promises to solve current traffic problems experienced with the current High Street by introducing a traffic civilisation scheme
- the civilisation scheme would provide an improved pedestrian link to the town centre
- an unattractive and dated part of the town would be redeveloped
- the proposal includes a landscaping scheme which would add to the town
- the town needs a large food store to serve the local

population

- additional town centre parking will benefit the area
- more trade for the existing shops would be generated
- people would stay in the town to do their shopping
- the existing businesses on the site would be relocated to a better location and improved premises
- the proposal would provide a foodstore in the town rather than in an out-of-town location
- the site is brownfield and should be used rather than building on a greenfield site
- the proposal would help regenerate the town

4 letters have been received objecting to the application.

The reasons for the objections are:

- the previously approved scheme for residential development on the site would have been better
- an estimated 4000 customers a day would visit the store, an estimated 3000 would arrive by car - how would the proposed new road layout handle the increase?
- the traffic survey submitted does not appear to cover the main congestion times
- concerns over how the residents parking bays would operate
- concern over the need for CCTV and the impact it would have on privacy
- light pollution from the car park lighting
- increase in noise, especially after 5pm and at the weekends
- risk to children's sleep patterns due to lighting and the resultant impact on academic performance
- increase in litter
- impact of HGV deliveries
- concern over trading hours and delivery arrangements
- the proposal would consign most of the site to an open car park

3 letters making comments on the application have been received, the comments are as follows:

- there used to be a roundabout at the junction of Bidwell Hill and the High Street at the Kings Arms and it caused delays for traffic coming from Dunstable because of the priority from the right rule and two lanes coming from The Green direction.
- consideration needs to be given to the effect on queuing traffic of siting the two bus stops so close together outside the proposed store
- not convinced that the civilisation scheme will prove of any benefit to the public using the thoroughfare or encourage people to use the store
- congestion will always exist on the High Street and it will not accommodate the level of traffic

## Consultations/Publicity responses

Houghton Regis Town Centre Management Committee	<p>Welcome and support the application - but the following comments were raised.</p> <ul style="list-style-type: none"><li>- safety concerns were expressed regarding the proximity of pelican crossings to the proposed roundabouts</li><li>- the informal crossing point on King Street needs to be clearly marked to maintain pedestrian safety</li><li>- the pedestrian path between High Street, St Michael's Avenue and Bidwell Hill is in a poor state of repair, it was requested that consideration be given to a footpath enhancement scheme</li><li>- consideration should be given to a pedestrian access at the south side of the store - this concern has been addressed by a pedestrian access being included in the southern boundary</li></ul>
Rights of Way	<p>A spur of public footpath no.5 which is shown on the definitive map would be directly affected by the proposals. To avoid disruption to the footpath it would need to be extinguished or diverted before development can take place. Recommend a condition is added requiring that an order to extinguish or divert the right of way before development commences.</p>
Martin Slowe Property Services Ltd Act on behalf of the owners of Bedford Square. Environmental Health	<p>No objection in principle but would seek to protect Bedford Square from undue competition. The proposed superstore should be prohibited from including a bank (excluding a cash machine), chemist, optician, betting office, hairdresser and estate agent.</p> <p>A condition should be added to any planning permission requiring a phase I contaminated land survey. Requests that normal working hours for demolition and construction phase are 0800-1800 Monday to Friday, 0800-1300 Saturday and no working on Sunday or Bank Holiday. There would not be any evidence that there would be a significant adverse impact on air quality. Appropriate measures should be put in place by the contractors to minimise noise during demolition and construction. Recommends a condition regarding noise limits for fixed plant. The level of noise resulting from servicing of the store has been subject of much discussion and it has been agreed that delivery times should be restricted to 0600 - 2200 Monday to Saturday, 0900 - 2130 Sundays and 0700 - 2130 Public Holidays to prevent undue disturbance to local residents.</p>
Tree and Landscape Officer	<p>The retention of the existing trees on the north side of Queen Street is welcomed, however care will need to be taken during works around and close to the trees. An appropriate tree protection plan will need to be submitted and approved, this can be secured by condition. The landscaping has been improved since the original landscaping plan and has strengthened the boundary planting and has introduced trees into the car park area. Care needs to be taken to ensure that there is no conflict</p>

LDF Team (Joint  
Technical Unit)

between trees and CCTV.

The application documents do not take into account the most recent version of the Joint Core Strategy. The application is generally consistent with the vision of the Core Strategy which identifies that Houghton Regis will be expanded and offer opportunities for the regeneration of its physical environment. The application is also consistent with Strategic Objectives SO1, SO6 and SO8 which relate to sustainable communities, town centres and sustainable development to minimise climate change. Whilst the application would contribute to achieving the vision for Houghton Regis it does not specifically conform to the finding of the evidence base that has informed the emerging Joint Core Strategy and resultant policy CS20. Furthermore the Joint Core Strategy identifies that Dunstable and its town centre are of greater significance within the urban hierarchy than Houghton Regis and proposals outside of Dunstable town centre should not have a detrimental impact on Dunstable itself. Nevertheless the benefits the proposed development could deliver are recognised and providing that there is no adverse impact on Dunstable town centre it is not considered that the proposal would harm the approach to growth and regeneration as detailed within the emerging Core Strategy.

It is recognised that the scale and nature of the proposals contribute positively to meeting local employment needs and contributing to the Core Strategy's aim of delivery of new jobs.

Houghton Regis High Street is identified as having existing congestion issues. Access and congestion in relation to this high trip-generating land use needs careful consideration.

Consideration should be given to design in conjunction with the emerging Core Strategy which states that regeneration in areas with a poor or degraded urban design quality should focus on using design to create a strong sense of place.

It is considered that given the identified need to support and regenerate Houghton Regis consideration should be given to how the application site would be linked to existing provision at Bedford Square through enhanced pedestrian facilities and public realm improvements.

Conclusion - whilst the application does not conform with the emerging Joint Core Strategy it is considered that the proposal would be unlikely to have a harmful impact upon the overall delivery of the strategy.

Houghton Regis Lower School	<p>The school caters for 225 children many of which live in Cemetery Road and surrounding areas. The children have to cross the High Street during peak traffic flow times i.e. 9am and 3.30pm. The school has campaigned many times for a crossing patrol to help children cross the busy road. Concern is raised that some of the zebra crossings are in the wrong places and request further consultation on the issue.</p>
Environment Agency	<p>Further discussion has taken place and the applicant has agreed to fund a crossing patrol of High Street for a period of 10 years.</p>
Luton Borough Council	<p>Request conditions regarding contaminated land investigation, remediation works, foundation type and ground water protection and surface water drainage.</p>
Highways Agency	<p>No comment - attention should be paid to the requirements for docking guided buses and the provision of level boarding for passengers. The provision of Real Time Passenger Information should be promoted.</p>
Houghton Regis Development Consortium (HRDC)	<p>No objection - Agree that the travel plan is acceptable. Request a condition is added to any planning permission requiring the development to be implemented in accordance with the travel plan.</p>
Luton and Dunstable Cycling Forum	<p>HRDC are developing the proposed urban extension north of Houghton Regis. No objection in principle to the application but it raises some concerns regarding current highway and access proposals. The proposed superstore access is close to the High Street - Bedford Road junction and as a result the close spacing of traffic queues from one junction could easily block the other junction leading to gridlock. Suggest that the new access should be taken off Cemetery Road further away from the junction. The application should not be approved until the access has been relocated. Raises questions regarding the traffic analysis and the capacity of the road network when pedestrian movements are taken into account.</p>
Walking and Cycling Officer	<p>No cycle parking is shown on the plans. No cycle lanes should be removed but additional ones should be provided and existing ones improved. The replacement of traffic lights with mini roundabouts would make it less safe for cyclists. How the store would prevent the local area being "littered" with trolleys is questioned, as they can be a hazard to cyclists.</p>
	<p>Generally welcomes the commitments set out in the Travel Plan regarding encouraging staff and customers to use environmentally friendly modes of transport.</p>
	<p>The path from the proposal site to the guided busway terminal on Blackburn Road should be shown as a recommended walking route on maps.</p>
	<p>Consideration should be given to providing a pedestrian</p>

access at the south east corner of the development site and a shared pedestrian and cycle access off Cemetery Road.

Details of the number of customer cycle parking spaces should be provided and separate employee cycle parking should be considered.

The cycle parking should be located as close to the store entrance as possible. A suitable cycling map should be provided as part of the recruitment and induction process.

The civilisation of the High Street is welcomed. The segregation between cycleway and footway on the south side of the High Street should be removed and the whole area made shared use.

The zebra crossings should be designed and signed as shared use for pedestrians and cyclists.

Side road crossings should afford priority to pedestrians and cyclists travelling east-west along the existing shared use path.

The southern footway from Whitehouse Close to The Green should be designated and signed as shared use.

A cycle bypass should be provided on the Cemetery Road roundabout to allow cyclists travelling west to east on the road to continue without interruption. This will require the provision of protective kerbing and repositioning of the central circle and splitter island on the western approach.

The northern footway of the High Street between No 88 and the entrance to the car park serving the town centre should be made shared use allowing cyclists travelling from west to east to bypass the two proposed roundabouts.

Appropriate drop kerbs and protective build outs will need to be provided to allow cyclists to enter the shared surface areas.

Developer contributions towards the costs of providing walking, cycling and bus route maps and funding improvements to recommended walking and cycling routes should be requested.

Sustainable Transport  
Officer (Travel Plans and  
Rural Transport)

The officer considers that the travel plan does not fully appraise the policy background of travel plans; include details on the estimated total number of staff to be employed; fully assess existing cycling/walking infrastructure provision in the vicinity of the site; provide



Bedfordshire Police  
Architectural Liaison  
Officer  
Economic Growth

sufficient information on the proposed cycling/walking/public transport/car-sharing measures proposed for the site or consider multi-modal targets for the site.

No response received.

The Town Centre Masterplan for Houghton Regis was adopted as Supplementary Planning Guidance (SPD) in June 2008 with the aim of providing a range of economic benefits including the creation of new jobs, the safeguarding of existing employment, an increase in land values and the attraction of new inward investment to Houghton Regis.

The economic strategy of the Masterplan, particularly in respect of retail, took into account the Luton and South Bedfordshire Retail Study undertaken by White Young Green in 2005. The Study recognised that Houghton Regis town centre appeared to perform an important shopping role, and that despite apparent low levels of patronage, the low vacancy rate suggested reasonable levels of vitality and viability. The Study also recognised that there was considerable scope to build on recent improvements to the public realm in order to improve the overall environmental quality of the town centre, although quality would continue to be compromised by the outdated 1960s buildings; this supported the need to redevelop and modernise the retail provision in the town centre. The Retail Study also recognised that, given the potential for future significant population growth in the area, opportunities for retail growth in Houghton Regis should be considered.

The Masterplan consists of two primary areas of change; the High Street area to the west (the application site) and the centrally located Bedford Square and Co-op sites. Whilst the Masterplan envisaged the High Street area as a vibrant mixed-use quarter, it recognised that planning permission already existed for the complete redevelopment of the current application site, predominantly for residential purposes. However, as a result of the economic recession and the downturn in residential land values and the lack of demand for flats/apartments, it is now extremely unlikely that this development will be implemented as approved.

It must be recognised that the Masterplan was developed prior to the economic recession, which has resulted in considerable impact, particularly upon the housing market and land values. This proposal will redevelop a site which has been vacant for a considerable period of time and create a substantial employment opportunity particularly

EDF Energy  
Highways Development  
Control

for local people. Furthermore, together with the proposed public realm improvements to the High Street, the redevelopment of this site would increase footfall which could assist in supporting further regeneration and improvements to other parts of the town centre

It would be hoped that consideration could be given to the existing employment uses to the rear of the site and the need to support these businesses if required, during their relocation to other premises.

No response received

### The Proposed Highway Improvements

The proposal is to widen the existing junction and create an additional lane approach from Dunstable to replace the signal controlled junction at Bedford Road/High Street with a roundabout on a raised table. There is the loss of the cycle lane on the Dunstable approach. However it should be remembered that there has been a speed limit reduction from 30 to 20mph along with road humps which will make the corridor more cycle friendly than it would otherwise be.

There is a new roundabout junction to create an access to the store and there is some 40m stacking distance between this and the Bedford Road roundabout junction.

The bus stop lay-by on the south side of High Street has been reduced to a half width and this has enabled the introduction of a half width bus lay-by on the north side of the High Street. This has the benefit of enabling the buses to maintain a presence on the carriageway and enabling them to re-enter the running lane while not, totally obstructing the free flow of traffic.

The existing roundabouts along the High Street at Cemetery Road and at Tithe Farm Road will be reconfigured and also put onto a raised table.

The existing pelican crossing by Whitehouse Close will be replaced by a zebra crossing. There will also be new zebra crossings at each of the newly formed roundabout junctions which will then form the extent of the new 20mph zone along the High Street.

### The Transport Assessment

The Transport Assessment has been extensively amended since the original submission.

### Trip Rate

A trip generation has been determined through the TRICS data base and the RFA of the store. There were only 8 stores within TRICS that could be used for comparison which included some stores that would be considered to have a different trading style than Morrison stores. It is usual, if there is sufficient sites within the data base to

use the 85<sup>th</sup>ile trip rate rather than the mean (50<sup>th</sup>ile). However, since only 8 stores could be used for a comparison the mean average (50%) had to be used.

Morrison trading style is such that the ratio of RFA to GFA is considerably lower than the average store (in this case at 49%). Most other stores operate at a ratio of up to 90%. There is a logic allowing the use of a RFA to determine a trip rate, however, if the same stores were to be used to calculate the trip rate in relation to the GFA then the tips in the peak hour would be some 37% higher than that which has been agreed.

For the reason mentioned above and while the trip rate has been agreed as being 496 trips in the pm peak (16:00-17:00) this could well increase by 60%. This could have a significant implication in relation to traffic congestion on the highway.

There could be measures to monitor and manage this trip rate. Some measures could include; charging for car parking at peak periods and extending the opening hours of the store.

There are 271 car parking spaces within the proposed car park. This is sufficient to be able to cater for any demand for parking by the customers and could not be considered as a restraint to manage the number of car born trips to the store.

### Journeys and Highway network

Unlike many other types of developments there is an acceptance that most of the traffic to and from new food stores are already (somewhere) on the network and it is merely being redirected from other stores. For that reason there would be an overall reduction in the total number of miles travelled on the highway network. There will also be a reduction in traffic/congestion on other junction such as the Houghton Road/High Street North as well as the Sundon Road/Park Road North. However, while it is existing traffic on the network the majority of it is new to the sensitive part of the network in question which is directly outside the store on High Street and the junction of Bedford Road/ High Street. This area has been the main focus of the work carried out by the applicant and the highway development control officer.

### Existing Bedford Road Junctions

The capacity and operation of the existing signal controlled junction has been determined through the LINSIG program and observations. The existing junction arrangement does not run efficiently and is over capacity (more demand than capacity). For that reason there is (technically) an average queue of 750m from the Houghton Regis side of the junction with approximately 200m from the Dunstable side during some of the busiest

periods of the week.

#### Proposed Bedford Road Junction

The modelling within TA demonstrates that, with the proposal, the two junctions are not operating over capacity (there is more demand than capacity) and this will generate delays and queuing. However, unlike the existing junction there will be an average of 200m queue from the Houghton Regis side of the junction with approximately 800m from the Dunstable side during some of the busiest periods of the week (Saturday). This may affect some of the bus services but not all of them.

It should be noted that there are some improvements within the weekday peak but the junctions still operate with delays and some queuing.

There is a perception that since the speed of the traffic has been reduced then the capacity of the roundabout could be higher than that determined through the programme (ARCADY). However, there is also a risk that queuing vehicles may back up from one roundabout onto the other and hence cause a gridlock affect at peak periods

#### General issues which affect the highway

As part of the planning stage the layout was subject to a Road Safety Audit (Stage 1) and while issues were raised it was considered by both the design team and the highway officers that these issues could be dealt with in a reasonable manner within the detailed design process where the final design would then be subject to a further Road Safety Audit (Stage 2).

A number of parking bays, by the entrance have been identified as those that could affect the capacity of the entrance and hence back up onto the highway causing congestion and a hazard. This has been solved by identifying these parking bays as dedicated to staff parking.

The original proposal had an ATM fronting High Street and it was perceived that this would cause congestion and a hazard on the highway. For that reason this has been removed from the application.

With the introduction of the 20mph zone it would be logical to extend this to Whitehouse Close; King Street; Queen Street; Walkley Road; Cumberland Street and Manor Park. It is understood that this would reduce the need for signage while not requiring any other works.

There is a Draft Travel Plan which is subject to further discussion and agreement. It is likely that the mitigation measures in relation to trip generation will be part of the Travel Plan.

## Conclusion

It is concluded that if the trip generation is maintained at a level that has been identified within the TA and the two mini roundabouts function as predicted then the proposal will not be detrimental to the highway network as a whole. However, there is not any margin for error and if either of these factors were to increase then the network directly outside the site (Bedford Road/High Street Junction) would experience an unreasonable degree of congestion and delay. The developer has been invited to introduce measures in the Travel Plan to mitigate against this. However, if these measures are found not to be successful in keeping the trip rate to below that agreed then ultimately there could be a requirement (within the Section 106 agreement) to introduce another entrance. This will be monitored by way of a multi modal survey carried out once every 18 months or sooner if the trip rate was found to have exceeded that in the TA on the last survey.

## **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Loss of Existing Industrial Units
3. Retail Impact Assessment
4. Impact on Character and Appearance of the Streetscene
5. Impact on Amenities of Nearby Neighbours
6. Highways, Access & Parking
7. Sustainable Transport & Rights of Way
8. Landscaping
9. Contamination
10. Flood Risk, Ground and Surface Water
11. Other Issues

## **Considerations**

### **1. Principle of Development**

The application site falls outside of Houghton Regis town centre as defined on the South Bedfordshire Local Plan First Review (SBLPFR) 2004 proposals map. The town centre boundary does however run along part of the southern side of High Street matching the boundary of the proposed superstore and car park. Part of the proposed highway civilisation works would fall within the town centre boundary.

SBLPFR policy TSC5 states that the Council will work with other relevant bodies to improve the environmental quality of Houghton Regis town centre, in particular High Street, Tithe Farm Road and Bedford Square.

The Core Strategy Pre-Submission document, which will in time supersede the Local Plan, includes policy CS20 which states that Houghton Regis town centre

will be rejuvenated in accordance with the master plan through up to 333sqm of additional comparison retail floor space and the redevelopment of Bedford Square and the Co-op site for mixed use to deliver an improved retail and commercial offer and heart to the town centre. The policy continues, stating that improvements to the High Street, improved pedestrian and cycling access and measures to improve to the public realm and protect the historic features of the town should be delivered.

Policy CS1 of the emerging Core Strategy identifies that the main conurbations, which includes Houghton Regis, will be the focus for new development in order to maximise sustainability and promote regeneration. The policy continues, stating identifying sites in existing urban areas will be the priority for new development.

The Houghton Regis Town Centre Masterplan was adopted on 30th June 2008 and came into effect from 28th July 2008. The Masterplan recommends an overarching vision for the town centre yet provides the flexibility for the market to work within it, as and when required. Whilst the Masterplan envisaged the High Street area as a vibrant mixed-use quarter, it recognised that planning permission already existed for the complete redevelopment of the current application site, predominantly for residential purposes. However, as a result of the economic recession and the downturn in residential land values and the lack of demand for flats/apartments, it is now extremely unlikely that this development will be implemented as approved.

PPS4: Planning for Sustainable Economic Growth sets out, amongst other things, that new development should be focussed on existing town centres and that planning applications that secure sustainable economic growth should be treated favourably.

PPS4 sets out that applications for economic development (including retail) should be assessed against considerations including whether the proposal has been planned over the lifetime of the development to provide resilience to climate change, the accessibility of the proposal by a choice of means of transport, the effect on local traffic levels, 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.

It is considered that the proposal supports the objectives of the SBLPFR, emerging Core Strategy and Houghton Regis Town Centre Masterplan in providing additional retail floorspace and aiding in the regeneration of the town centre. Although the Masterplan included that the site is envisaged to be redeveloped as a mixed use site it is considered that allowing the site to be developed for retail use is not contrary to the aims of the Masterplan for this area. The proposal would deliver, in part, the desired highway, pedestrian and cycle improvements set out in the Masterplan and it could be argued that as there has been an extant planning permission for residential development for the last three years which has not been implemented that it is unlikely that residential development would come forward on the application site in the near future.

The Planning and Retail Statement submitted as part of the application sets out how the applicant considered the proposal meets the criteria of policy E10 of

PPS4. It is considered that the application proposal broadly meets the criteria of E10 with regard to climate change, accessibility via a choice of means of transport, high quality of design, impact on economic and physical regeneration and impact on local employment. Through a significant amount of work it has been demonstrated that the proposed superstore would not cause any additional congestion or increase in traffic levels than at present.

## **2. Loss of Existing Industrial Units**

The application site includes an area of unused land as well as a number of industrial units which are in use. The industrial units are located along the southern boundary of the application site.

SBLP policy E2 states that outside of main employment areas the redevelopment of existing employment land for uses other than B1, B2 and/or B8 will be permitted where:

- *they would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property;* the northern part of the application site has previously been granted planning permission for a mixed use development and the Houghton Regis Town Centre Masterplan proposes a mixed use for the whole of the application site resulting in the loss of the existing industrial units. The loss of the units was assessed during the preparation of the Masterplan when it was determined that the site should be developed by a mixed use proposal. It is therefore not considered that the application would result in an unacceptable reduction in supply, variety or quality of industrial and commercial land or property.
- *they would contribute towards meeting the employment needs of the district, or widening the range of employment opportunities;* the application states that significant job creation would be directly associated with the scheme with around 290 jobs likely to be created. In addition the applicants have agreed to work with the Authority's Regeneration and Skills Officer if and when recruitment takes place.
- *they would make a positive and necessary contribution towards urban regeneration and the supply of land for housing or other essential uses;* the proposal would result in the redevelopment of a large vacant site and provide Houghton Regis with a large food store. Residents currently have to leave the town to visit a superstore.
- *they would not unacceptably prejudice or be prejudiced by existing or proposed uses of adjoining land particularly through disturbance;* the scheme would not result in harm to the amenities of local residents.
- *traffic generated would not cause unacceptable disturbance in residential or other sensitive area;* no unacceptable disturbance would result from traffic generation from the site.

In addition the applicant has contacted each of the existing tenants of the industrial units and offered them professional advice in the search for and negotiation of new premises without charge. One of the occupiers was already seeking to consolidate their business in a single location this year independent of the application. Two of the occupiers have identified the situation as an opportunity for their business to work more closely and effectively together in more suitable accommodation.

### **3. Retail Impact Assessment**

The application was accompanied by a Planning and Retail Statement seeking to address retail impact issues in line with PPS4.

Policy E10.2 of PPS4 requires that all planning applications for economic development should be assessed against impact considerations including:

\* planned to limit carbon emissions, minimise vulnerability and provide resilience to climate change - the application would provide a food store within Houghton Regis reducing the need to travel outside of the town thus reducing carbon emissions, a travel plan has also been prepared to demonstrate how non-car modes would be promoted, SUDS are proposed and climate change measures incorporated.

\* accessibility - the site would be accessible to all and includes a variety of car parking provision, cycle parking, real time bus information in store and disabled facilities.

\* design - it is considered that the design of the store is appropriate.

\* regeneration and social inclusion - the site is currently vacant and has been for some time, the proposal would regenerate the site and provide a significant investment in highway civilisation works.

\* local employment - the proposal would generate around 290 new jobs for local people.

PPS4 policy EC14 sets out that a sequential assessment is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan.

Policy EC15 of PPS4 states how sequential assessments should be considered to ensure all sites are assessed for their availability, suitability and viability and that sites are properly considered before less central options are considered. The supporting documents with the application include a sequential assessment which sets out that there are two potential development sites for a foodstore within the town centre boundary. The first being Bedford Square which is an existing pedestrianised shopping area. The structure is inward looking and dated and it could be argued that its redevelopment would be beneficial. All the shops are occupied however and the demolition of existing healthy retailing premises and their replacement with a single superstore would not be acceptable. The second site is that of the old Co-op store. Following the demolition of the Co-op store after a fire, a small convenience store facility has been constructed in one corner of the site. The possibility of constructing the superstore on this site has been explored however a store half the size of that proposed on the application site would be all that could be accommodated on the Co-op site. The proposed store is modest in size by modern standards and could not be accommodated on the site. There are no other sites within the town centre suitable for consideration. The application site is on the edge of the town centre, immediately adjacent to the boundary. It is considered therefore that the application site is the most appropriate in terms of the sequential assessment.



Policy EC16 of PPS4 requires the impact of the proposal on the existing town centre to be considered. A retail impact assessment was submitted as part of the application and an external review of the assessment was commissioned. The review outlined that the site is on the edge of the town centre boundary and the proposed store would perform as part of the retail facilities within the town centre. The review also states that whilst there are a number of smaller convenience stores in the town they are too small to accommodate the full range of merchandise to meet the main food shopping requirements of the area. Houghton Regis is a minor district facility serving the needs of the immediate population with only 13% of main food shopping being retained within the centre. The proposed store is predicted to retain 61.5% of food shopping which is considered reasonable for a single store centre and would represent a more sustainable distribution of facilities than at present.

The existing supermarkets in Dunstable are currently overtrading which is indicative of a lack of facilities in the area. Trade diversion from existing supermarkets to the proposed store would be modest and is unlikely to affect trading health. Overall the review considers that the introduction of the proposed store to Houghton Regis would give rise to extensive spin off sales in all likelihood compensating for the trade diversion and the current overtrading of the supermarkets in Dunstable would off-set the loss of turnover.

The retail assessment and review set out that the proposed store would have a limited amount of floorspace for comparison goods, around 500sqm. Houghton Regis town centre attracts minimal comparison sales and the retail review sets out that the comparison sales by the proposed store would not have a significant adverse impact on the existing comparison retailers in the town centre. These conclusions are based on the trading style of a Morrison's store however if the store were to be sold to another supermarket this may change. It is therefore considered that a condition should be added to any planning permission granted requiring the floor area for comparison goods to be restricted. A condition has been used on other supermarket permissions in recent years limiting the percentage of retail floorspace for comparison goods to 30%. It is considered that this would be appropriate in this case.

The retail assessment and review outline that the store would be beneficial to Houghton Regis town centre and would reduce the number of people leaving to undertake food shopping in other town centres. The review concludes that the proposed store would have trading benefits to Houghton Regis Town Centre and would not prejudice the vitality and viability of surrounding centres.

The agents acting for the landowner of Bedford Square commented that they have no objection in principle to the proposal but want to protect Bedford Square from undue competition. The letter suggests therefore that clause is included in a s106 agreement to prevent the proposed store having a bank, chemist, optician, betting office, hairdressers or estate agent. The applicant has advised that these are not normal activities that the store would undertake and that the limited floorspace within the shop would automatically restrict the uses within the store. It is not considered necessary for such a restriction to be added as the retail impact assessment and review report conclude that there would not be a significant adverse impact on the town centre.

Overall it is considered that the application accords with PPS4 and would support the principles of sustainable development by providing Houghton Regis with its own food store reducing the number of people who have to travel to other towns and helping to support the existing retail offer.

#### **4. Impact on Character and Appearance of the Streetscene**

SBLPFR policy BE8 requires that proposals take account of the need to enhance or reinforce the character and local distinctiveness of the area. The policy continues stating that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings.

The local surroundings of the application site include residential dwellings finished in red, brown and buff brick or painted render with tiled roofs, industrial buildings finished in metal cladding with some brown and red brick and other commercial buildings finished in a mix of brick and metal cladding.

The proposed superstore building would be finished in red brick with contrasting vertical buff brick piers to reflect the brick colour of surrounding buildings. The roof would be finished in red tiles. A two storey entrance structure located on the northern corner of the building would address the car park and High Street. This entrance structure would be finished in stone and would have a pitched tiled roof. Two storey feature gables finished in stone would be included on the east and west elevations. Glazing at various points and heights would be included in the north, east and west elevations. The northern elevation along the High Street has been paid particular attention in order to provide an active frontage. Glazing, real and dummy, has been included at ground floor level as has additional detailing in the form of contrasting brick piers and bands. The cycle store for customers would be located on the northern elevation to provide additional activity on this frontage. A glazed canopy would be provided at first floor level along approximately half of the northern and eastern elevations.

It is considered that the proposed materials, brick, tile and stone, would reflect the character and appearance of nearby buildings and are therefore satisfactory. Details of the exact materials to be used would need to be approved, this could be secured by condition.

The superstore elevation facing High Street would be 11.5 metres in height for the majority of its length with the gable feature being 11 metres tall and the feature entrance being the highest point at 14 metres. The eastern elevation, facing the car parking would be 8 metres in height increasing to 9.5 metres at the gable features. The western elevation would stand at 9 metres and the southern elevation facing the dwellings on Queen Street would be 8 metres for the bulk of its length. The surrounding buildings vary in height with some three and four storey buildings. It is considered that the size, scale and massing of the proposed superstore would be appropriate for its setting.

The superstore has been located at the south western end of the site in order that the car park can be located between the store and the town centre with an aim to serve both. The service yard has been located in the southern corner of the site to minimise the impact on local residents. It is therefore considered that the orientation and siting of the store is appropriate and has responded to a number of factors.

There is little local distinctiveness which could be reflected in the proposed superstore, however it is considered that the materials and general appearance of the building would harmonise with the character of the surrounding buildings. It is considered that the design of the proposed building is acceptable and should help improve the overall environment of Houghton Regis.

## **5. Impact on Amenities of Nearby Neighbours**

The closest residential dwellings are located 15 metres away from the boundary of the site on Queen Street. These residential properties would face the southern boundary of the proposed superstore site. A 1.8 metre high brick wall is proposed for the southern boundary of the site to minimise the impact of the development on the properties on Queen Street. A pedestrian access has been added into the southern boundary of the site to allow access from the south of the site. The southern boundary wall is solid except for a 2m wide gap to provide the pedestrian access. The pedestrian access would be gated and locked outside of operating hours.

### Noise

SBLPFR policy BE8 requires that development does not unacceptably disturb adjoining properties and uses by reason of noise.

During the demolition and construction phase working hours should be limited to 0800-1800 Monday to Friday and 0800-1300 on Saturdays and not at all on Sundays and Bank Holidays. The Council does not specify permitted noise levels, instead contractors should employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration and have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

During the operational phase there would be some noise generated from the general activity on the site as well as deliveries. General site activity and use of the car park is predicted, according to the submitted noise survey, to result in increases of less than 1dB(A) during the day. PPG24, Planning and Noise, sets out that a change of 3dB(A) is the minimum perceptible under normal circumstances. Therefore, the normal daytime use of the car park is expected to result in no perceptible increase in daytime ambient noise levels at the closest dwellings. The noise survey states that the low levels of use of the car park during evening, night and early morning periods would mean that noise levels would be lower. There would be no perceptible increase in ambient noise levels during night-time periods.

Noise would also be generated by deliveries. Delivery vehicles would drive down Cemetery Road and turn into the service yard, drive to the south end, stop, then reverse up to one of the two loading docks at the north end of the service yard. Deliveries would be unloaded straight into the building. There would be no requirement for external loading/unloading operations. It is understood that there would be up to 12 deliveries per day, with 6 being by articulated lorries and the remainder by smaller lorries and vans. The submitted noise survey calculates that the noise generated by day time deliveries would be less than the 3dB(A) perceptible noise level. There would therefore be no significant increase in day time noise levels at the closest residential dwelling.

The noise survey shows that the situation is the same for night time deliveries, this has however been an area of disagreement between the acoustic consultants and the Council's Environmental Health Officer. Following discussions it has been agreed that deliveries would not be made between 10pm and 6am Monday to Saturday, 9.30pm to 9am Sundays and 9.30pm to 7am on Bank Holidays in order to avoid disturbance to nearby neighbours. On occasion one delivery vehicle may need to leave the site after 10pm, however no vehicles would arrive at the site after 10pm. Morrisons, the end user of the proposed superstore, has a quiet unloading policy to minimise any noise impacts as a result of stores receiving deliveries. With a condition limiting the delivery hours and requiring the submission of a service yard management plan, which would include the quiet unloading policy procedures, it has been agreed that it can be demonstrated there would be no significant increase in noise levels at night time.

Fixed plant would also generate a level of noise, but at the time of the application the specification of the plant had not yet been determined. A condition will be added to any planning permission granted requiring the noise arising from the plant to be no greater than 5dB(A) below the existing background level. In order to meet this requirement plant may need to be enclosed or attenuated. Providing the proposed condition is complied with there would be no adverse disturbance to residents by means of noise.

In addition to the residential properties there are commercial premises in the vicinity of the site. It is considered that as the proposal is considered to be acceptable in terms of noise levels at residential dwellings, there would not be any significant adverse impact on business premises.

### Light

SBLPFR policy BE8 requires that lighting associated with development does not have a detrimental impact on the surrounding area.

It is not anticipated that there would be any significant levels of lighting associated with the construction phase and there should therefore be no adverse impact arising from this phase.

The proposal includes lighting within the car park. Full details of the location and type of lighting proposed have not been submitted. It is therefore considered that a condition should be added to any planning permission granted requiring the details of the lighting to be submitted and approved before it is installed. One part of the required details will be light spill diagrams to ensure that nearby residents are not adversely effected by the lights. Some residents expressed concern regarding the proposed lighting, it is however considered that, subject to satisfactory details being submitted, there is no reason to believe that nearby residents would be significantly adversely effected by lights within the car park area.

### Privacy

SBLPFR policy BE8 requires that development does not have an unacceptable adverse impact on the privacy of nearby neighbours.

The store has been designed so that there would not be any windows in the southern elevation which faces the properties on Queen Street. There would not be any overlooking from staff or customers as a 1.8 metre high brick wall and landscaping demarcate the southern boundary of the site.

There are some residential properties on the opposite side of High Street, around 20 metres from the northern elevation of the store. The northern elevation does contain some windows at ground floor level, however it is not considered that views across a busy road would compromise the privacy of residents living opposite. There are also first floor windows some of which serve the staff room areas. It is considered that due to the distance between the store and properties on the opposite side of the road there would not be an adverse impact on privacy.

Some residents raised concern that the proposed CCTV would adversely effect their privacy as the cameras would be able to "see" into their dwellings. The applicant has worked closely with the Police Architectural Liaison Officer to ensure that he is satisfied with all aspects of the scheme from a security perspective. Installation of CCTV is one aspect of securing the site and would act as deterrent to crime. The applicant has advised that CCTV cameras would be located so they could not look into neighbouring properties. No details of the location of the cameras or their design have been submitted, therefore a condition will be added to any planning permission granted requiring the submission of details before the CCTV is installed.

### Disturbance

SBLPFR policy BE8 requires that development does not unacceptably disturb adjoining properties and uses.

Some residents expressed concern regarding general disturbance resulting from the operation of the site. It has been demonstrated that there would not be any significant adverse impact due to noise. The installation of CCTV and other security measures, such as appropriate boundary treatments, are designed to minimise anti-social behaviour. It is considered that with the site in use as a retail superstore with appropriate security measures there would be no significant level of disturbance to nearby residents.

## **6. Highways, Parking and Access**

The store is proposed to be located on the western side of the site with the car park located on the eastern side closest to the town centre. A layout with the store closest to the town centre was displayed at a public exhibition prior to the submission of the application. Comments were invited from the public on the proposal and particular concern was raised to the proximity of the service yard to dwellings on Queen Street and the access to the car park being on Cemetery Road. As a result of these comments the decision was made to relocate the store to the western side of the site in order to ensure the service yard was as far away from residential properties as possible. The change in the location of the store also led to the amendment of the car park access from Cemetery Road to High Street. These changes were as a direct result of public consultation.

## **The Proposed Highway Improvements**

The proposed highway improvements would widen the existing junction and create an additional lane approach from Dunstable to replace the signal controlled junction at Bedford Road/High Street with a roundabout on a raised table. The giveaway lines would be slightly closer to the junction than the stop lines associated with the existing traffic signal junction. The cycle lane on the Dunstable approach would be lost. However it should be remembered that there has been a speed limit reduction from 30 to 20mph along with road humps which will make the corridor more cycle friendly than it would otherwise be.

A new roundabout junction to create an access to the store is proposed and there would be some 40m stacking distance between this and the Bedford Road roundabout junction.

The bus stop lay-by on the south side of High Street has been reduced to a half width and this would enable the introduction of a half width bus lay-by on the north side of the High Street. This would have the benefit of enabling the buses to maintain a presence on the carriageway and enable them to re-enter the running lane whilst not, totally obstructing the free flow of traffic. Real Time Passenger Information would be provided in store.

The existing roundabouts along the High Street at Cemetery Road and at Tithe Farm Road would be reconfigured and also put onto a raised table.

The existing pelican crossing by Whitehouse Close would be replaced by a zebra crossing. There would also be new zebra crossings at each of the newly formed roundabout junctions which would then form the extent of the new 20mph zone along the High Street.

The service access would be off Cemetery Road into the service yard located along the western flank of the store.

The application proposes a significant amount of civilisation works to improve the public realm, calm traffic and improve pedestrian links. Measures, including new pedestrian crossings, improved pavements etc, to encourage pedestrian movement into and within the site and between the site and rest of the town centre would be provided.

## **The Transport Assessment**

The Transport Assessment has been extensively amended since the original submission through discussion with the applicant.

### **Trip Rate**

A level of trip generation which the store would produce has been determined through the TRICs data base and the Retail Floor Area (RFA) of the store. There were only 8 stores within TRICS that could be used for comparison with the proposed store, which included some stores that are considered to have a different trading style to Morrison stores. While these 8 stores have a similar RFA and are located in similar town centre areas it could not be said that in retail terms, these stores are trading at the same level as that proposed. It is usual, if there are sufficient sites within the data base around 20 stores are

needed, to use the 85 percentile trip rate rather than the mean (50 percentile). This is on the basis that new stores are only proposed where their performance would be expected to be above average. However, since only 8 stores could be used for a comparison the mean average (50%) had to be used.

As the trip generation figures were calculated on the retail floorspace of the store a condition will be added to any planning permission requiring the retail floor area to remain the same.

Morrison's trading style is such that the ratio of RFA to Gross Floor Area (GFA) is considerably lower than the average store (in this case at 49%). Most other stores operate at a ratio of up to 90%. It is logical to allow the use of RFA to determine a trip rate, however, if the same stores were to be used to calculate the trip rate in relation to the GFA then the trips generated by the proposed store in the peak hour would be some 37% higher than that which has been agreed.

For the reason mentioned above and while the trip rate has been agreed as being 496 trips in the pm peak (16:00-17:00) this could well increase by 60%. This could have a significant implication in relation to traffic congestion on the highway.

There are measures which could be used to monitor and manage this trip rate. Some measures could include; charging for car parking at peak periods or extending the opening hours of the store. However, if the trip rate were to exceed that which was agreed, the measures mentioned above would have limited effect. This would be exacerbated by the possibility that there could be uncontrolled queuing on one of the roundabouts which in turn would cause the other roundabout to operate ineffectively. This is a concern and there must be a real option to mitigate against this if it were to happen.

There are 271 car parking spaces within the proposed car park. This is sufficient to be able to cater for any demand for parking by the customers and could not be considered as a restraint to manage the number of car born trips to the store.

### **Journeys and Highway network**

Unlike many other types of developments there is an acceptance that most of the traffic to and from new food stores are already on the network and it is merely being redirected from other stores. For that reason there would be an overall reduction in the total number of miles travelled on the highway network. There will also be a reduction in traffic and congestion on other junctions such as the Houghton Road/High Street North and Sundon Road/Park Road North. However, whilst the traffic is existing on the network the majority of it is new to the sensitive part of the network in question which is directly outside the store on High Street and the junction of Bedford Road/ High Street. This area has been the main focus of the work carried out by the applicant and the authority.

The Transport Assessment (TA) identifies where the customers will be originating from and hence what affect this will have on the highway network which is referred to as a traffic model. This traffic model is based on professional assumptions and logic by the highway engineers and those carrying out the retail impact assessment.

### **Existing Bedford Road Junction**

The capacity and operation of the existing signal controlled junction has been determined through the LINSIG program and observations. The existing junction arrangement does not run efficiently and is over capacity (more demand than capacity). For that reason there is, in theory, an average queue of 750m

from the Houghton Regis side of the junction with approximately 200m from the Dunstable side during some of the busiest periods of the week.

### **Proposed Bedford Road Junction**

The modelling within TA demonstrates that, with the proposal, the two junctions would also operate over capacity and this would generate delays and queuing. However, unlike the existing junction there will be an average of 200m queue from the Houghton Regis side of the junction with approximately 800m from the Dunstable side during some of the busiest periods of the week (Saturday). This may affect some bus services but not all of them.

It should be noted that there are some improvements within the weekday peak but the junction still operates with delays and some queuing.

There is a perception that since the speed of the traffic has been reduced then the capacity of the roundabout could be higher than that determined through the programme (ARCADY). However, there is also a risk that queuing vehicles may back up from one roundabout onto the other and hence cause a gridlock affect at peak periods.

The impact of any additional congestion resulting from the proposed store would be reduced by the construction and opening of the Woodside link and the A5/M1 link which are proposed to be bought forward in around 5 years time.

### **General issues which affect the highway**

The layout has been subject to a Road Safety Audit (Stage 1) and while issues were raised it was considered by both the design team and the highway officers that these issues could be dealt with in a reasonable manner within the detailed design process where the final design would then be subject to a further Road Safety Audit (Stage 2).

A number of parking bays, by the entrance have been identified as those that could affect the capacity of the entrance and hence cause traffic to back up onto the highway causing congestion and a hazard. This has been resolved by identifying these parking bays for use as staff parking only. Designating the spaces for staff only would reduce the turnover of the spaces and mean that opportunities for delays to occur would be minimised.

The original proposal included an ATM fronting High Street and it was perceived that this would cause congestion and a hazard on the highway. For that reason this has been removed from the application.

The introduction of the 20mph zone would result in a high level of signage at the entrance and exit of the zone. It is considered therefore that it would be logical to extend the 20 mph zone to Whitehouse Close; King Street; Queen Street; Walkley Road; Cumberland Street and Manor Park. It is understood that this would reduce the need for signage while not requiring any other works. This matter will be discussed in detail during the S278 process.

There is a Draft Travel Plan which is subject to further discussion and agreement. It is likely that the mitigation measures in relation to trip generation will be part of the Travel Plan.

Some customers to the store may choose to park in Queen Street and walk through the gate in the southern boundary wall to access the store rather than using the car park. This would lead to inconvenience to the residents of Queen Street the majority of whom rely on using on-street parking. The applicant has therefore offered to meet the cost of a Traffic Regulation Order (TRO)



application that could provide residents only parking bays on Queen Street. Gateway signage, road marking and the TRO will be detailed in the section 278 agreement

### **Conclusion**

It is concluded that if the trip generation is maintained at a level that has been identified within the TA and the two mini roundabouts function as predicted then the proposal will not be detrimental to the highway network as a whole. However, there is not any margin for error and if either of these factors were to change then the network directly outside the site (Bedford Road/High Street Junction) would experience an unacceptable degree of congestion and delay. The developer has been invited to include measures in the Travel Plan to mitigate against this. The trip generation will be monitored by way of a multi modal survey carried out once every 18 months or sooner if the trip rate was found to have exceeded that in the TA on the last survey. A suite of measures which will be negotiated and included in the Travel Plan, which the S106 requires is submitted before the development is brought into use and must then be complied with at all times. These measures would seek to control the trip rate through actions such as charging for parking, longer opening hours etc. If such measures were not successful more significant actions such as the creation of a new entrance or egress may be required.

## **7. Sustainable Transport and Rights of Way**

PPG13, Transport states that a key planning objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling. This is important for all, but especially for those who do not have regular use of a car and to promote social inclusion.

### Walking

The application site has a large residential catchment within the preferred walking distance of 1.6 to 2km which is the maximum distance included in PPG13. There are a range of pedestrian routes to the proposed store and three pedestrian accesses to the site. The addition of a pedestrian access in the southern boundary wall would enable those people who live to the south of the site to directly access the store rather than walking to the accesses on the northern boundary.

The submitted Transport Assessment points out that even if customers drive to the store they are likely to walk to access services in other parts of the town centre.

The application includes significant works to High Street and provides improved pedestrian access along High Street between Cemetery Road and Bedford Square. The improvements would include widening of the footway and introduction of zebra crossings to give the pedestrian more priority.

The Council's Walking and Cycling Officer recommends that contributions should be sought to fund improvements to recommended walking routes serving the development. It is considered that the application already contains a significant level of investment in pedestrian routes and it would be unreasonable to expect further contributions.

Concern was raised by Houghton Regis Lower School that the removal of a traffic light controlled pedestrian crossing and replacing it with a zebra crossing would be dangerous for the children crossing the road to and from school. In response to this concern the applicant agreed to fund a lollipop person for a period of ten years.

### Cycling

PPG13 notes that the bicycle is the ideal mode of transport for journeys under 8km. The entire population of Houghton Regis is within 5km as are parts of Dunstable, Toddington and north west Luton. The store is therefore located within easy cycling distance of a large population.

There are existing cycle ways close to the site and the application proposes improvements to High Street including shared surfaces for cyclists and pedestrians.

The application includes cycle storage for customers and a long stay cycle storage area for staff. Lockers, showers and changing facilities would be provided for staff who cycle to work.

The Council's Walking and Cycling Officer recommends that contributions should be sought to fund improvements to recommended cycling routes serving the development. It is considered that the application already contains a significant level of investment in cycling routes and it would be unreasonable to expect further contributions.

### Public Transport

The most convenient form of public transport serving Houghton Regis is the bus. High Street is already served by a number of bus services and there are existing bus stops on both sides of the road near the application site.

As part of the application the bus stops would be relocated to bring them closer to the store entrance and provided with improved facilities. Both will have a half width layby and a Real Time Information Screen would be provided in the entrance area to the store. Improved crossings of High Street would be provided to enable the store's customers to cross the road to access the bus stop on the other side.

## **8. Landscaping & Trees**

SBLPFR policy BE8 states that proposals should take full account of the need for hard and soft landscaping in order to integrate the development into its surroundings.

The landscaping proposals have been revised following discussions with the Council's Tree and Landscape Officer.

The proposals retain the existing trees along the southern boundary of the site with Queen Street. Care will need to be taken with the existing trees during the construction period to prevent damage being caused to the trees. A condition will be added to any planning permission granted requiring a tree protection plan to be drawn up, submitted for approval and implemented. In addition to the

existing trees a scheme of robust, large scale shrub planting is proposed to help screen the site and soften the impact of the brick wall. A range of shrubs of different sizes, colours, textures and flowering seasons would add visual interest.

Linear tree planting is proposed along the King Street boundary with a Beech hedge maintained at 1200mm beneath. Similar linear tree planting is proposed on Cemetery Road along the service yard wall and on the western end of the northern elevation on High Street with a Portuguese Laurel hedge beneath. The hedge along the service yard wall would be allowed to grow taller than the one on King Street to soften the impact of the wall. Linear planting is also proposed at the north east corner of the site, orientated to provide a visual link to the town centre. A line of trees would also demarcate the pedestrian link through the car park leading the eye to the main entrance.

Outside the cafe, on the eastern end of the northern elevation of the store, a more contemporary approach to landscaping has been taken, with conical conifers in planting boxes proposed.

Tree planting with hedges beneath within the car park is also proposed with the aim of breaking up the hard surfacing and reducing the impact of the parked cars.

No specific details of the materials to be used for the hard landscaping have been provided. The use of good quality hard surface materials would have a significant impact on the overall standard of the scheme.

The Tree and Landscape Officer is satisfied with the proposed landscaping scheme, however a condition would need to be attached to any planning permission granted requiring a full, detailed landscaping scheme to be submitted.

## **9. Contamination**

PPS23, Planning and Pollution Control states that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use.

The Environment Agency request a number of conditions are added to any planning permission granted to deal with the potential for contamination. The Environment Agency's focus is on ground water protection.

The Council's Environmental Health Officer requests a condition is added to any planning permission regarding the contamination of the land, including appropriate soil and gas sampling.

The application was accompanied by a short report on ground investigations at the site. The report highlights that the site does not appear to have been seriously impacted by discharge of contaminative substances either to soils or groundwater.

It is considered that due to there being no significant evidence that the site is contaminative it is possible to secure appropriate site investigation and where

necessary remediation via condition. This approach is satisfactory to the Environment Agency and the Council's Environmental Health Officer.

## **10. Flood Risk and Drainage**

The application site is located within Flood Zone 1 which has the lowest probability of flooding. In addition to flooding from rivers, the site could be flooded as a result of intense rainfall that is unable to soak into the ground or flooding from sewers from exceptional levels of rainfall that cause flows in excess of the sewers capabilities.

PPS25, Planning and Flood Risk, requires that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate. The application is accompanied by an FRA which has been found acceptable by the Environment Agency.

The FRA proposes that, subject to further ground investigations, surface water drainage using SUDS would be used. If the use of infiltration devices would be ineffective or undesirable due to contamination issues, the use of on-site attenuation tanks would be incorporated into the scheme.

Conditions have been recommended by the Environment Agency regarding surface water drainage as the details of the drainage scheme have not yet been determined.

Overall it is considered that the Flood Risk Assessment is acceptable and therefore meets the requirements of PPS25.

## **11. Other Issues**

A Section 106 Agreement has been prepared and secures the funding for a lollipop person to help pupils from Houghton Regis Lower School cross the High Street. The funding of £50,000, which provides £5,000 per year for 10 years, would be paid directly to the Lower School which has entered into a separate agreement which commits them to using the money to fund a lollipop person. The provision and maintenance of Real Time Passenger Information in store and the submission and compliance with a travel plan have also been secured. The S106 also includes a small contribution to public art in accordance with the Planning Obligations SPD.

## **Recommendation**

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Prior to the commencement of any construction works approved by this planning permission, the following components of a scheme to**

deal with risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the groundwater below the site remains free from pollution.

- 3 The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the surface water drainage scheme does not pollute the groundwater below the site.

- 4 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future

**maintenance of the surface water drainage system.**

- 5 Before development begins, including any ground clearance or excavation, substantial protective fencing, the details and position of which shall first be approved in writing by the Local Planning Authority, shall be erected and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.  
(Policy BE8 S.B.L.P.R)**

- 6 Before development begins, a scheme for the parking of customer and staff cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

- 7 Before the development hereby approved is commenced a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external finishes of the building hereby approved, associated structures and boundary treatments. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect the visual amenities of the building and of the area generally.**

- 8 Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

**Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.**

- 9 Development shall not commence until a schedule detailing the timing of the implementation of the highway improvements shown on drawing 09/315/TR/021 is approved in writing by the Local Planning Authority.**

**Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.**

- 10 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by**

**the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

**11 Before any development commences full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- proposed finished levels or contours;**
- materials to be used for any hard surfacing;**
- minor structures (e.g. furniture, play equipment, signs, etc);**
- proposed and existing functional services above and below ground level;**
- planting plans, including schedule of size, species, positions, density and times of planting;**
- cultivation details including operations required to establish new planting;**
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

**The development shall be carried out in accordance with the approved details.**

**Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.**

**12 The approved landscaping scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season shall mean the period from October to March). The 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.**

**13 All plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level, or 10dBA below if there is a tonal quality, when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.**

**Reason: In the interests of residential amenity.  
(Policy BE8 S.B.L.P.R).**

**14 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The**

report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To confirm that any remediation (if required) is completed to an acceptable standard, to ensure that the groundwater below the site remains free from pollution.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on any part of the site affected by such contamination until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that any contamination that is not identified during site investigation is dealt with appropriately if encountered.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any foundation designs using penetrative methods do not pollute the groundwater below the site.

- 17 The premises shall only be open to customers between the hours of 6am to 11pm Mondays to Fridays, 6am to 11pm on Saturdays, and 9am to 5pm on Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 18 No deliveries shall be taken at or dispatched from the site outside the hours of 0600 and 2200 on Mondays to Saturdays, 0900 and 2130 on Sundays and 0700 and 2130 on Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties.

- 19 The development shall be carried out in accordance with 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, which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the site and its surrounding area.



20 Details of the height, location, style and colour of the CCTV cameras, poles and any other associated plant shall be submitted to and approved in writing by the Local Planning Authority before the CCTV system is installed.

Reason: In the interests of visual amenity and to protect the privacy of nearby residents.

21 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

22 Prior to the occupation of the store hereby permitted a service yard management plan shall be submitted and approved in writing by the Local Planning Authority. The service yard management shall then be adhered to at all times.

Reason: To minimise the impact of deliveries on nearby residents.

23 The net sales area of the building hereby approved shall not exceed 2,354sq metres.

Reason: To restrict the traffic generated by the development and limit the introduction of additional services to minimise any adverse impact on nearby retail stores.

24 No more than 30% of the retail floor area shall be permitted to be used for the sale of comparison goods.

Reason: To ensure that the amount of comparison goods sold does not increase to a level which would adversely impact on existing retailers.

25 Before the premises are occupied all on site vehicular areas shall be surfaced and marked out in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

26 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaners shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

27 Prior to commencement of the works a temporary turning space for construction vehicles shall be provided and maintained throughout the construction period in a position to be approved in writing by the Local Planning Authority

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

28 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 09-114 PL-01B, 09-114 PL-02, 09-114 PL-03W, 09-114 PL-04M, 09-114 PL-05E, 09-114 PL-06L, 09-114 PL-07D, 09-114 PL-08B, 0525-D-1, 0525-1 Rev G & 09/315/TR/021 Rev C.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development would meet the needs of the local residents within Houghton Regis and would stem the significant outflow of shopping expenditure currently experienced. Furthermore, it would provide a more sustainable option by reducing the high level of car trips for main food shopping currently being undertaken to other centres, thereby reducing CO2 emissions and responding to climate change. In terms of the sequential assessment there is no other suitable site nearer to the town centre. The retail assessment and review concur that the proposal would bring trading benefits to Houghton Regis town centre and would not prejudice the vitality and viability of surrounding centres.

The proposal would create a large number of jobs and provide significant investment into Houghton Regis. It would regenerate an existing vacant site and contribute to the aims of the Houghton Regis Town Centre Masterplan.

The proposal would be accessible by all modes of transport and would not have a detrimental impact on the residential amenities of dwellings within the area, nor would it have a material impact on the character and appearance of the surrounding area.

It has been demonstrated that based on the agreed trip generation figures the additional traffic generated by the proposal would not change the existing traffic situation within Houghton Regis. It is possible that the trip generation could increase if the store is successful which could lead to unacceptable congestion and delays. There are however measures which could be put in place to mitigate against this increase.

The proposal is therefore in conformity with National Planning Guidance PPS1, PPS4, PPG13, PPS23, and PPS24 and RSS East of England Plan. It is further in conformity with policies BE8, T4, TSC1, TSC5 and T10 of the South Bedfordshire Local Plan First Review 2004 and Supplementary Planning Guidance: Design in Central Bedfordshire: A Guide for Development, Houghton Regis Town Centre Masterplan and Planning Obligations Strategy.

## Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### **East of England Plan (May 2008)**

SS4 - Towns other than Key Centres and Rural Areas

SS5 - Priority Areas for Regeneration

SS6 - City and Town Centres

T8 - Local Roads

ENV7 - Quality in the Built Environment

### **Bedfordshire Structure Plan 2011**

No relevant policies

### **South Bedfordshire Local Plan Review**

BE8 - Design Principles

T4 - Translink

TSC1 - Town Centre Shopping

TSC5 - Houghton Regis Town Centre Enhancement

T10 - Controlling Parking in New Development

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4. The applicant is advised that the development should not begin unless, or until, the public right of way which is illustrated on the current Definitive Map and which the development would otherwise affect has either been stopped up or diverted in accordance with:-
  - i) An Order made by the Secretary of State for the Environment under the provisions of Section 247 of the Town and Country Planning Act 1990; or
  - ii) An Order made by the Local Planning Authority under the provision of Section 257 of the said Act.
5. The applicant should follow the Mayor of London's Best Practice Guidance *The Control of Dust and Emissions from Construction and Demolition*. The application site is 2.65 hectares, which would place it in the "High Risk"

category and appropriate mitigation measures for such sites should be employed.

6. The applicant is advised that on the advice of the Highways Agency the Travel Plan required by the s106 should include measures to mitigate against the additional traffic generation onto the M1 Junction 11 and A5/Church Street, Dunstable.
7. The applicant is advised that in order to comply with Condition 9 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. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

**DECISION**

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