

Item No. 12

SCHEDULE B

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

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 implementation of the highway improvements shown on drawing 09/315/TR/021C is approved in writing by the Local Planning Authority. The development shall not be open to the public until those works have been substantially completed to the Local Planning Authority satisfaction.**

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 Development shall not begin until the detailed plans and sections of the proposed highway improvements, including gradients, method of surface water disposal and construction details have been approved by the Local Planning Authority. The development shall not be open to the public until those works have been constructed in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 13 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.

- 14 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).

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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.

- 24 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.

- 25 No more than 30% of the retail sales 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.

- 26 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.

- 27 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.

28 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.

29 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.

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]