

Item No. 9

APPLICATION NUMBER	CB/12/02071/OUT
LOCATION	Retail Park at Grovebury Road, LU7 4UX
PROPOSAL	Development of the site for retail warehousing development within Class A1 (retail) to comprise 5,575sqm with 2,090sqm mezzanine floorspace and 929sqm garden centre enclosure and a restaurant/cafe/public house of 372sqm within Class A1/A3/A4/A5 use
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Adam Davies
DATE REGISTERED	08 June 2012
EXPIRY DATE	07 September 2012
APPLICANT	Claymore Group and CC Trading Ltd
AGENT	Blue Sky Planning
REASON FOR COMMITTEE TO DETERMINE	Town Council objection to major application
RECOMMENDED DECISION	Outline Application - Granted

Resolution

That Planning Permission be GRANTED subject to;

- (1) the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009;
- (2) final discussion with the Chairman, Vice Chair and Executive Member concerning Section 106 matters;
- (3) the completion of a prior Section 106 Agreement to secure the planning obligations to support the vitality and viability of the town centre; support the delivery of a public bus service to serve the site and other sites along Grovebury Road; support the implementation of privately run mini bus service for the site; deliver a bus stop and half bus lay-by on Grovebury Road and the provision of real time passenger information on site; meet the costs of providing public feet/cycle path connections linking the site to the existing public foot/cycle path along Grovebury Road/Grovebury Lane; the creation of a dedicated public link along north eastern boundary; the funding of servicing, access arrangements and marketing for the retained employment site to encourage the delivery of small business/industrial units on the adjacent site; the funding of a public art strategy as part of the development; appropriate controls over goods sold; and appropriate controls over the size of the retail units along with suitable restrictions on sub-division, the merging of units, and the extent of eating/drinking facilities; and
- (4) the following conditions and informatives;

CONDITIONS

- 1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 2 Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To protect, as far as possible the character of the locality. (Policy BE8 S.B.L.P.R and Policy 43 D.S.C.B).

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

Reason: To ensure a satisfactory standard of landscaping.

(Policy BE8 S.B.L.P.R and Policy 43 D.S.C.B).

6 **Before developments begins, a scheme that includes the following components to deal with the 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, and**
- Potentially unacceptable risks arising from contamination at the site.**

2) A further site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to controlled waters as the Environment Agency are not confident that the initial site investigation sampling and the results of the risk assessment provides sufficient evidence to prove that there is no risk to controlled waters on site.

3) The results of the site investigation and detailed quantitative risk assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall then be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the River Ouzel and the Woburn Sands Formation (Principal aquifer) below the site which is part of the Upper Bedford Ouse Woburn Sands waterbody) from potential pollutants.

7 Prior to the initial public use of the development, a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall then be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the River Ouzel and the Woburn Sands Formation (Principal aquifer) below the site which is part of the Upper Bedford Ouse Woburn Sands waterbody) from potential pollutants.

- 8 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 until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the River Ouzel and the Woburn Sands Formation (Principal aquifer) below the site which is part of the Upper Bedford Ouse Woburn Sands waterbody) from potential pollutants.

- 9 **Before development begins, a scheme for surface water disposal shall be submitted to and approved by the Local Planning Authority. The scheme shall then be implemented as approved. Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**

Reason: To protect and prevent the pollution of controlled waters.

- 10 **Before development begins, a Foundation Works Risk Assessment Report shall be submitted to and approved by the Local Planning Authority. The report shall detail the method of foundation construction, avoiding piling, and making use non-invasive methods, such as rafts, where possible. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Appropriate mitigation measures and/or environmental monitoring shall be incorporated into the design. The development shall then be carried out in accordance with the approved details.**

Reason: To protect and prevent the pollution of controlled waters.

- 11 Prior to the initial public use of the development, a revised Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Framework Travel Plan shall include the following:
- Targets for trip reduction and modal shift
 - The methods by which these targets will be met
 - The mechanisms for monitoring and review;
 - The mechanisms for reporting;
 - The penalties to be applied in the event that targets are not met;
 - Timescales for the implementation of the travel plan;
 - Mechanisms to secure variations to the travel plan following monitoring and review;
 - Mechanisms for managing the travel plan and coordinating with other travel plans in the area.

- Details of Individual Travel Plans (ITPs) for site occupants
- Details of how the travel plan will be funded.
- A requirement to produce of staff induction packs containing travel information and incentives to travel by sustainable travel.
- Commitments to set up a site-wide car-share database, provide a guaranteed lift home scheme for staff, allocated staff car-share parking bays, permit scheme/bay patrol by TPC and the promotion of CBC Travel Plan Guidance and National Liftshare Week or Central Beds and Luton Lift Share.
- A commitment to provide cycle parking in compliance with CBC cycle parking guidelines, or commit to the provision of a 'cycle to work' salary sacrifice scheme or promotion of national sustainable travel events for walking and cycling.
- A commitment that the TPC will seek to negotiate a site-wide bus season ticket discount scheme for staff.

The Framework Travel Plan shall then be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.

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

Reason: To ensure a satisfactory and appropriate artistic feature(s) or element(s) are integrated into the development itself and thereby enhance, as far as possible the character of the locality. (Policy BE8 S.B.L.P.R. and Policy 43 D.S.C.B).

- 13 The development shall be carried out in accordance with the ecological enhancement/compensation measures set out in section 5.3 of the submitted Land off Grovebury Road, Leighton Buzzard, Ecological Site Appraisal by Urban Edge Environmental Consulting, dated May 2012 and in accordance with the generic migration strategies set out in section 5.2 of this appraisal.

Reason: To ensure the appropriate protection of existing and creation of replacement wildlife and supporting habitats opportunities (Policy BE8 S.B.L.P.R and Policy 43 D.S.C.B).

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number 5195 – 33 received by the Local Planning Authority on 21 January 2012.

Reason: For the avoidance of doubt.

Reasons for Granting

Having regard to the current supply of employment land within the area, the site's history of employment use marketing and development initiatives and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the site's employment land allocation. Taking account of the availability and suitability of other sites within Leighton Buzzard and the impact on existing, committed and planned public and private investment, subject to appropriate town centre contributions, the identified retail impact is considered to be marginal but not significant in NPPF terms. Subject to the delivery of a public bus service to serve the site and other sites along Grovebury Road, the proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath links and parking areas. The proposal is therefore in conformity with Supplementary Planning Guidance contained within Central Bedfordshire Design Guide: A Guide for Development 2010, the development plan policies comprising the South Bedfordshire Local Plan Review and the emerging Development Strategy for Central Bedfordshire and national guidance contained in the National Planning Policy Framework.

Notes to Applicant

1. The development is subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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. Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited. Any further site investigation, demolition, remediation or construction works on site must not create new pollutant pathways or pollutant linkages in to the underlying principal aquifer to avoid generating new contaminated land liabilities for the developer. Clean drilling techniques may be required where boreholes, piles etc penetrate through contaminated ground.
5. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code

of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

The Waste (England and Wales) Regulations 2011.

6. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, including in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' for waste to be removed from site, and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.
7. Soakaways and other infiltration SuDS must not be constructed in contaminated ground. The use of infiltration drainage would only be acceptable if a phased site investigation showed the presence of no significant contamination. The use of non infiltration SuDS may be acceptable subject to our agreement. The Environment Agency would need to be consulted on the results of the site investigation and on any protection measures. Please refer to the Environment Agency website at www.environment-agency.gov.uk for more information.
8. The applicant should note that any discharge of storm water to adjacent watercourse and/or the Buckingham and River Ouzel Internal Drainage Board statutory district must be limited to the appropriate Greenfield rate and any direct discharge will require the Board's statutory consent. If the method of storm water disposal is to be by way of soakaways then it is essential that the ground conditions be investigated and if found satisfactory the soakaways constructed in accordance with the latest BRE Digest 365.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation and publicity responses as follows:
 - GVA Grimley, the Council's retail consultant setting out a detailed response to the objections received

- 89 additional objections
 - Strategic Planning consultation response
 - Economic regeneration consultation response
 - Third Party representations headed 'Help Save your High street'
 - Leighton Buzzard Observer Poll
 - Detailed Third Party Representations
 - Central Bedfordshire Highways
 - Additional comments from the Applicant.
 - Additional comments from the Case Officer.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.