

Item No. 6

APPLICATION NUMBER	CB/13/02017/FULL
LOCATION	Unit A & R, Stratton Business Park, London Road, Biggleswade, SG18 8QR
PROPOSAL	Demolition of existing units, erection of retail unit (Class A1) alterations to access and servicing arrangement and associated landscaping works.
PARISH	Biggleswade
WARD	Biggleswade South
WARD COUNCILLORS	Cllrs Lawrence & Woodward
CASE OFFICER	Nikolas Smith
DATE REGISTERED	21 June 2013
EXPIRY DATE	20 September 2013
APPLICANT	LXB RP (Biggleswade 3) Ltd
AGENT	WYG Planning & Environment
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The approval of this application would represent a departure from the Development Plan.
	That planning permission should be granted subject to conditions and a s106 agreement.

Summary of decision:

The application satisfactorily demonstrates that whilst the development would represent a departure from the development plan, that there would be sufficient justification for this and that the principle of the development would be acceptable. The development would improve the appearance of the site and the wider area, there would be no harm caused to neighbouring land uses and the development would cause no harm to the safe and free flow of traffic. The development would be in accordance with the objectives of the National Planning Policy Framework (2012) and the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Site Location:

The application site lies approximately 1 mile south of Biggleswade Town Centre, and is situated immediately east of the A6001 (London Road). The A1 London Road junction lies to the south of the site. The proximity to London Road means that the site is very visible.

The site sits to the east of London Road and on the frontage of Stratton Business Park. It is bounded to the north by Normandy Lane and Pegasus Drive lies to the south where the vacant Plot S has planning permission for two retail warehouse units.

The site (Plot C) currently consists of a total of 1,260sqm (13,563sqft) of B1 office space and 3,317sqm (35,7034sqft) of B2 industrial, arranged in two buildings. The combined gross floor area (GFA) of the existing buildings is 4,577sqm (49,266sqft).

The main vehicular access to each site is gained by way of priority controlled junctions with Normandy Lane and Pegasus Drive to the north and south respectively. The site is accessible by alternative modes other than the private car since they lie within walking distance of bus stops on London Road, Holme Court Avenue, Normandy Lane and Pegasus Mews. These bus stops are served by a number of local bus routes including the 185 and E4, providing on average two services an hour between 09:00 and 18:00 Monday to Saturday. These routes provide connections to surrounding residential and commercial areas, and the town centre.

London Road Retail Park is on the opposite side of London Road. Planning permission has been granted for extensive redevelopment there.

Stratton Business Park is designated as a Key Employment Site and is allocated by Saved Mid-Bedfordshire Local Plan Policy EMP04(1) and Policy E1 of the Central Bedfordshire (North) Site Allocations DPD for uses falling within use classes B1 (business), B2 (general industrial) and B8 (storage or distribution). The implications of this allocation on the acceptability of this proposal are described in detail later in this report.

The Application:

Planning permission is sought for the demolition of the existing units and construction of a 2,787sqm (30,000sqft) GFA of non-food A1 use with an associated 883sqm (9,500sqft) external sales area.

The proposed parking for the site consists of 110 car parking spaces including 6 disabled spaces. This equates to 1 space per 34sqm. A total of 26 cycle spaces are proposed.

Customer and staff vehicular access would be from a priority junction from Pegasus Drive. Service and delivery vehicles would use an access from Normandy Lane.

It should be noted in conjunction with the proposals to redevelop the existing Retail Park to the west of London Road it was proposed to widen London Road between Pegasus Drive junction and the Saxon Drive junction and provide an additional lane in both directions. London Road would therefore be upgraded to dual carriageway for the entire section between the A1 Biggleswade south junction and the Saxon Drive junction. Within these improvements it is also proposed to enlarge the roundabout junctions of Pegasus Drive/London Road and Saxon Drive/London Road to provide adequate circulatory carriageway space and entry and exit widths on all arms to accommodate the proposed widening of London Road. Although these improvements do not form part of this application, they should be taken into consideration in terms of how the site will be accessed in the future.

The intended retailer for the unit is Homebase who currently occupy a unit on the Retail Park. Originally the applicant had hoped to integrate the Homebase store and car park into the new scheme, leaving them in situ. However, Homebase have concerns over losing control of their car park, if amalgamated with the rest of the new scheme.

The existing Homebase store is 5,076sqm (54,632sqft) along with an external

garden centre. The proposed new store will meet their current requirements more suitably because it would be smaller. Homebase are more associated with home improvement products rather than the heavier DIY trade element (like B&Q and Wickes).

In summary the proposals include the following:

- Construction of 2,787sqm (30,000sqft) Class A1 retail unit.
- 110 space car park including 6 disabled spaces.
- Comprehensive landscape scheme of the site and with the boundary of London Road.

The approval of the application would represent a departure from the development plan because it would introduce an A1 (retail) use to a site that is allocation for employment uses (B1, B2 and B8).

The application would not be referable to the Secretary of State because of the floor space proposed falling below the threshold.

Relevant Policies:

National Planning Policy Framework (2012)

1. Building a strong, competitive economy
4. Promoting sustainable transport
7. Requiring good design

Central Bedfordshire (North) Site Allocations Development Plan Document (2011)

E1 Safeguarded Key Employment Sites

Core Strategy and Development Management Policies (2009)

CS1 Development Strategy
CS9 Providing Jobs
CS10 Location of Employment Sites
CS14 High Quality Development
DM3 High Quality Development
DM9 Providing a Range of Transport

Mid-Bedfordshire Local Plan Saved Policies (2007)

EMP04(1) Stratton Business Park

Biggleswade Town Centre Masterplan (SPD) (2011)

Relevant Planning History:

There is no recent, relevant planning history at this site, but the following relates to history at the retail park, to the West.

CB/11/3734/FULL Demolition of existing retail and commercial units. Construction of new retail units (Use Class A1) and (Use Class A3);

alterations to Homebase; associated access works, servicing and landscaping; improvements to London Road.

Approved: 25th July 2012

- CB/13/00949/VOC Variation of the following conditions attached to planning permission reference CB/11/03734/FULL dated 25 July 2012 for the demolition of existing retail and commercial units and the construction of new retail units (Use Class A1) and (Use Class A3), alterations to Homebase and associated access works, servicing, landscaping and improvements to London Road.
- Condition 8 (hours of delivery) to remove the requirement for a review of deliveries between 0600 and 0700 after 12 months.
- Condition 10 (plant and machinery) to clarify whether it should refer only to *movable* plant and machinery.
- Condition 26 (drawing numbers) to allow for the following amendments to the approved development:
- Amend the footprints of Units A and B
 - Elevational changes to Unit A
 - Increase in height of Unit A
 - Amendments to the servicing arrangements
 - Amalgamation of Units D and E including the introduction of a full cover mezzanine
 - Amended servicing arrangements to serve amalgamated Units D and E
 - Increase in height of Unit D
 - Elevational changes to amalgamated Units D and E
 - Removal of some mezzanine floor space within Units J to N
 - Amendments to the approved landscaping scheme

Approved: 12th June 2013

Representations:

Town Council Support the application

Neighbours (a site notice was displayed in addition to neighbour notification) No responses received.

Consultee responses:

Landscape Officer The Stratton Business Park / South Biggleswade has huge potential to develop as a commercial gateway / hub especially if innovative designs with a focus on sustainability are included in development - built form and landscape:

The proposed redevelopment of the site needs to consider further sustainable design technologies including

opportunities for green / brown roofs, if not whole roof then part of, which forms a strategic part of SUDs surface water management train, which also has thermostatic management attributes and offers habitat values.

The proposed public car park area offers opportunities to include swales and filter strips which can capture and attenuate surface water run off, plus offer planting beds for shrubs and tree planting within swales or rain water gardens - planting contributes to shade, attenuating rain water and reducing impact of urban heat island warming.

Conditions would require revised landscaping details and details of renewable energy sources.

Highways	No objection. Recommended conditions will be reported in the late sheet.
Environment Agency	No objection subject to conditions and informatives
Public protection (land quality)	No objection subject to condition
Highways Agency	No objection
IDB	No objection subject to condition
Public Protection	No comment
Trees and Landscape	<p>The available space for structural landscape planting of trees is now restricted largely to a 4 metre strip backed by a 3 metre security wall for the outdoor sales area. Tree planting proposed originally for this area consisted of a selection of species with a relatively large mature size and canopies of reasonable spread. To some extent the 4 metre strip and 3 metre security wall may affect the future development of these trees in that as the canopy develops and matures it will need to be raised above the height of the security wall.</p> <p>The security wall will now be an obvious feature in the. As a result we need to ensure that this wall design should be as unobtrusive as possible and hopefully blend in to some extent as well as can be expected.</p> <p>If consent is granted for this scheme then we are going to look for a quality and standard of landscaping that will compliment the landscape masterplan proposed for the development to the west of London Road. As such it will include a similar mix of tree species of the same proposed</p>

sizes also including an automated irrigation system.

Comprehensive landscaping details are required to include species, sizes and densities of planting, this depending on the final landscaping include protection of new tree planting from damage during grass cutting maintenance.

Proposal will include the removal of a large amount of existing vegetation that is likely to provide cover for nesting birds. This clearance work is to be carried out outside the bird nesting season generally recognised as being the beginning of March to the end of August. Nesting birds are protected under the Wildlife and Countryside Act 1981.

Conditions would require details of a revised landscaping scheme and wall details, including details of its foundations so as to minimise the impact of the wall on proposed trees.

Sustainable Transport

Summary

In order to satisfy the Sustainable Travel Teams aims and objectives contained within the CBC Travel Plans and Transport Assessment Guidance June 2012 and Walking and Cycling Strategy Documents (CBC Local Transport Plan Appendices E and F) discussion and or/additional information on the following is required:

- A Draft Travel Plan;
- Improvements to the footway/cycleway and crossing provision in the vicinity of the site;
- Improvements to connectivity to parts of the town west of the railway line;
- Improvements to bus stop provision and funding to divert town service 185;
- Impacts on the operation of the highway network at the southern end of London Road and how it might affect safety, congestion and travel patterns in the town.

The Transport Assessment has been updated to respond to the points raised. A Travel Plan would be secured by condition, as would details of a London Road crossing.

Sustainable Growth/Climate Change

The above planning application does not provide

information on how the proposed development will meet 10% of their energy demand from zero or low carbon sources (renewable technologies) as required by the Council's policy DM1: Renewable energy. I would like to see a planning condition attached, if the planning permission to be granted for the scheme, to ensure that the policy requirement is met.

I note that the applicant proposes to use passive techniques such as natural light and ventilation to reduce the energy demand and I agree that energy demand should be reduced as far as possible before implementation of renewable energy technologies. Such approach will reduce size and therefore cost of meeting 10% energy demand from renewable sources.

The Council's policy DM2 is encouraging non-residential buildings to meet or exceed BREEAM Excellent rating. The proposal does not include information on scheme's rating. The research conducted by Three Dragons consultants on behalf of the Council to support recent Viability Study has highlighted that higher built cost of BREEAM excellent rating buildings can be offset by the higher rental or re-sell values. I would strongly recommend that the applicant considers BREEAM assessment to demonstrate scheme's environmental credentials.

Policy DM 2 also encourages implementation of features which will increase the scheme's environmental credentials, e.g. green roofs; and requires all schemes to implement SUDS to deal with surface water run-off. The applicant states that the redevelopment of the site will help to create a 'gateway' on the major southern route into Biggleswade. It is therefore highly desirable for the proposed development to deliver visible environmental benefits. This could be achieved through incorporation of green roof and SUDS solution which contributes to increasing biodiversity of the site and provides a landscape feature.

A condition would require details of renewable energy measures at the site.

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the building and the site
3. Traffic and parking
4. The impact on neighbouring living conditions
5. Drainage and sustainability

6. S106

Considerations:

1. Principle

Stratton Business Park is designated by Saved Mid-Bedfordshire Local Plan Policy EMP04(1) (Stratton Business Park) for B1, B2 and B8 employment uses. That policy protection is reinforced by Policy E1 (Safeguarding Key Employment Sites) of the Site Allocations Development Plan Document (2011). The demolition of the existing buildings at the site and their replacement with an A1 unit would conflict with this policy allocation.

The National Planning Policy Framework (2012) enforces the position that proposed development that conflicts with an up to date Local Plan should be refused unless other material planning considerations indicate otherwise.

In order that the development could be found acceptable in principle, it would need to be demonstrated that:

- There was sufficient justification for the loss of the existing floor space at the site and its replacement with buildings in a different use class
- There was sufficient justification for the introduction of that different use class to be an A1 (retail) use

The loss of the existing floor space at the site and its replacement with a different use

The applicant has set out that the office building at the site is currently vacant and has been for a period of time. European Oat Millers, the cereal production unit is looking for alternative locations independently outside Biggleswade to relocate and expand, as shown by them having only been willing to extend their lease last year until the end of 2013.

An Employment Land Statement has been prepared in support of the application. The study highlights that there is a current significant oversupply for the region of existing industrial buildings, and it is not expected that there will be demand from occupiers for a new development of small units in Biggleswade or indeed in the neighbouring major centres. The statement concludes that the application site is not suitable for small unit development in the current climate. Furthermore there is also other land within Biggleswade and the wider area that is suitable for development and is at a much more advanced stage in terms of promotion and deliverability.

Justification provided for the loss of employment floorspace at the site is quite limited. Whilst one of the units is currently vacant, one is occupied. There is no evidence that the site has been marketed unsuccessfully. Some weight can be afforded to the argument that traditional employment generating uses would no longer be appropriate at this site but that weight would not be sufficient to justify a diversion from the site allocation policy in itself.

However, the appearance of the site is a material planning consideration. The site is prominent and forms part of a 'gateway' in to Biggleswade town centre.

The impact that the development would have on the appearance of the site is described later in the report. The report concludes that the appearance of the site would be significantly enhanced and that the improvement to the townscape does carry weight in an assessment of whether the loss of the existing employment floor space and the introduction of a different use would be acceptable, in the context of the site allocation.

When taking in to account improvements to the appearance of the site and the wider area, the loss of the existing uses and the introduction of a different use at the site would be acceptable. In order for the proposed development to be found acceptable, the introduction of an A1 (retail) use at the site would also need to be considered appropriate.

The introduction of an A1 use at the site

Policy DM7 (Development in Town Centres) sets out that where there is a demonstrable need for new retail development, which cannot be accommodated within a town centre, this should be in a location which is highly accessible by a range of modes of transport and where there is the potential for one journey to serve multiple purposes.

The site is an accessible location and one trip could serve a range of purposes, especially if the consented redevelopment of the existing retail park to the East goes ahead, and given the proximity to the Sainsbury's supermarket.

The National Planning Policy Framework sets out that where town centre uses are proposed outside of town centres, a sequential approach should be taken to site selection. The applicant has carried out a sequential test, which seeks to demonstrate that the proposed site is the only one that could reasonably accommodate the development. The test concludes that because of the specific demands on the proposed building (whilst not confirmed, it is anticipated that the building would be used by a DIY retailer), no sites nearer to the town centre would be appropriate.

Additionally, given the close proximity to the existing retail park on the Eastern side of the London Road, the site would be a logical one for the type of building proposed.

Policy DM7 states that any development that is likely to cause harm to the vitality or viability of any town centre will be strongly resisted. The applicant has carried out a Retail Impact Assessment (RIA) that seeks to demonstrate that the impact of the development on Biggleswade (and other neighbouring) town centre would not be a harmful one.

The RIA concludes that it is anticipated that the development alone would have an impact of 1.82% on Biggleswade town centre at 2016. Although the proposed occupier is unconfirmed, and the RIA has been undertaken on the basis that the unit could be occupied by any non-food retailer. It is likely that the unit would be operated by a DIY retailer. As such, this 1.82% impact is likely to come from a wide range of stores.

In terms of DIY spend, the RIA has identified only a small number of shops in Biggleswade town centre that could be affected by the proposed development,

including JR Goldthorpe & Son, Ivel Building Supplies and Loline Interiors Ltd. However, in reality it is unlikely that a significant level of trade will be diverted from any of these stores, with trade instead being diverted from similar, large out of centre stores such as the B&Q in St Neots, Wickes in Letchworth and the large stores in Stevenage.

The applicant has successfully demonstrated that the owing to the scale and nature of the proposed unit at the site, the impact of it on the vitality and viability of Biggleswade town centre would not be significant.

So as to seek to mitigate the impact that has been identified, the developer would make the following contributions, which would be secured through a s106 agreement:

- Town centre initiatives: £25,000
- Town centre parking: £10,000

The character of the proposed A1 (retail) use

The driver behind the allocation of Stratton and other Key Employment Sites in Central Bedfordshire is the provision of local employment.

The National Planning Policy Framework (2012) sets out that 'the Government is committed to securing economic growth in order to create jobs and prosperity (Para. 18) and that 'the planning system [should do] everything it can to support sustainable economic growth' (Para 19).

These objectives are reflected in the Council's policies. Core Strategy and Development Management Policy CS1 (Development Strategy) sets out the role of Biggleswade as a Major Service Centre and highlights the importance of Stratton Business Park in providing jobs to help limit out-commuting and Policy CS9 (Providing Jobs) outlines aspirations to provide 17,000 new jobs in Central Bedfordshire by 2026. Policy CS10 (Location of Employment Sites) reinforces the importance of Key Employment Sites, like Stratton.

The reason that Stratton Business Park is safeguarded is to ensure that it can provide jobs. Whilst not a traditional employment generating use class, an A1 use class would result in jobs being created. The applicant estimates that 60 jobs would be provided at the site. It should be noted, though, that were Homebase to occupy this unit, jobs would be transferred from the retail park. It would not be until the existing Homebase Unit was occupied again that new jobs would actually be created. Without knowing the number of jobs that would be lost by the removal of the existing buildings from the site, it is difficult to add significant weight to that, but it is clear that the proposed use would, at least partially, meet some of the objectives of the site allocation policy.

In summary:

- Some justification has been provided for the loss of the existing buildings at the site and the introduction of a different use.
- That justification would be reinforced by the significant improvements to the appearance to the site and the area that would be the result of the

development and are described later in this report.

- The applicant has satisfactorily demonstrated, by way of a sequential approach, that there are no other sites that could reasonably accommodate the development that are nearer to the town centre.
- The applicant has satisfactorily demonstrated that the development would not result in unacceptable harm to the vitality and viability of the town centre.
- Contributions towards town centre initiatives and town centre parking would seek to mitigate any identified impact.
- The proposed use would generate some employment and so would meet some of the objectives of the existing site allocation policy.

The development would be acceptable in principle.

2. Appearance

The site is prominent because of its proximity to the London Road. It does not make a positive contribution towards the appearance of the area because of the design and quality of the buildings at the site, which are typical of their use.

Planning permission has been granted for the redevelopment of the retail park on the West side of the road. Whilst not yet implemented, if it is, the appearance of that site would significantly improve. That scheme would include a comprehensive and high quality landscaping scheme that would do much to create an impressive 'gateway' in to the town centre. That landscaping scheme did include works to the East side of the road, along the boundary with this application site but those proposed now must be assessed in isolation so as to cater for the possibility that the redevelopment of the retail park did not come forward, although there is no indication that this will be the case.

The design of the building

The proposed building would be of an appropriate mass and scale and design features like the entrance canopy and slight staggers in the elevations would add visual interest. The use of high quality and varied materials would ensure that the appearance of the building would be positive and that there would be a significant improvement to the townscape, when compared with the very functional looking buildings that are currently at the site.

Proposed landscaping

Landscaping is proposed throughout the site, but importantly along the Western boundary of the site with London Road. The scheme would reflect that which was proposed for this area as part of the consented retail park development proposals. The landscaping would have a significant impact on the appearance of the area in general and would improve the character of the approach to the town centre.

There were initial concerns that the introduction of a wall along the Western boundary of the site (described below) would undermine the appearance of the landscaping scheme and the ability of proposed trees to properly develop. The concerns have been addressed by the relocation of the wall so that it would

further away (4m) from the footpath so as to allow for sufficient space for landscaping to prosper. A condition would require details of a permanent irrigation system so as to ensure the long term health of planted trees.

The boundary wall

A wall is required by the potential occupier for security purposes along the Western boundary of the site. It would be set back from the back of the footpath by 4m and would be obscured, to an extent by proposed landscaping along the edge of the site. Despite that, the wall would be 3m tall (when seen from outside the site – level changes would mean it would slightly taller from within the site) and so its quality would be critical to the success of the scheme overall. The applicants have taken the importance of this boundary treatment onboard and have sought to design it with this in mind. Despite that, it could still be improved and so a condition would require the submission of revised details so as to ensure that it was of the highest possible quality.

Subject to conditions, the design quality of the development would be high. It would represent a significant improvement when compared with the current appearance of the site. Whether or not the retail park development does come forward, the quality of the townscape and the character of the approach in to the town centre would be very good. This design quality represents a material planning consideration that would mitigate the gaps in the policy justification for the loss of the employment floor space and the introduction of a different use at the site.

3. Traffic and parking

The redevelopment of the retail park to the West included the dualling of this part of London Road. This development, in isolation would not necessitate those works but the scheme could be implemented whether or not those works went ahead.

The Highways Agency has not objected to the application and the submitted Transport Assessment satisfactorily demonstrates that the existing (and proposed) highways network could safely accommodate this development.

110 parking spaces would be provided and they would be accessed from a new roundabout on Pegasus Drive. The Council has maximum parking standards for these types of developments, which would not be exceeded here. The layout of the car park would minimise the risk of traffic backing up on the road in the event that there was too much demand for the spaces available. 6 spaces would be allocated for disabled drivers.

A service yard would be accessed from Normandy Lane and a condition would require the submission of a Management Plan so as to ensure that it operated successfully.

Cycle parking would be provided for staff and visitors. There would be pedestrian/cycle link through the site to London Road. The redevelopment of the retail park would require the introduction of crossings linking the sites on either

side of London Road. A condition attached to this consent would require the provision of a crossing in the event that the retail park redevelopment did not come forward.

A contribution towards walking and cycling improvements in the area would be secured. The amount of that contribution will be set out in the late sheet.

The impacts of the development on traffic and parking would be acceptable.

4. Neighbours

Unlike the existing retail park, this site does is not near to houses. The nearest buildings to the North, South and East are in commercial use and the proposed use at this site would be compatible with them.

5. Drainage and sustainability

Drainage

The Environment Agency and Internal Drainage Board have recommended conditions and in informatives that would ensure that drainage from the site was properly dealt with.

Sustainability

A condition would require details of how at least 10% of the energy needs of the development would be delivered through zero and low-carbon energy sources.

6. S106

As described elsewhere in this report, contributions would be secured to mitigate the impacts of the development. These would be towards town centre initiatives (£25k), town centre parking (10k) and cycle and walking projects (amount will be set out in the late sheet).

Recommendation:

That Planning Permission be granted subject to the following conditions and a 106 agreement reflecting the terms set out above:

- 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 **No development shall commence until details of all hard surfacing for**

the car parking areas and service areas have been submitted to and agreed in writing by the Local Planning Authority. The hard surfacing shall be implemented solely in accordance with the approved details.

Reason: To ensure a that the areas are finished to the satisfaction of the Local Planning Authority and in accordance with Policy DM3 of the Core Strategy and Development Management Policy (2009).

- 3 Within three months of the implementation of the development hereby permitted, details of pedestrian crossing arrangements on London Road together with a timetable for their completion shall be submitted to and agreed in writing by the Local Planning Authority. The pedestrian crossing arrangements shall be wholly completed in accordance with the approved details in accordance with the approved timetable.

Reason: In the interests of pedestrian and highway safety and in accordance with Policy DM3 of the Core Strategy and Development Management Policy (2009).

- 4 i) **No development shall commence until a site wide travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:**
- **Initiatives of joint working with local employers and shared travel plan activities across London Road Retail Park and Plot 'S';**
 - **Predicted travel journeys to and from the site and targets to reduce journeys;**
 - **transport links, to include pedestrian and cycling links and details of public transport to and from the site;**
 - **A timetable to implement the identified measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice;**
 - **The mechanism for monitoring and review annually for a period of five years from the date that the travel plan detailed within this condition has been approved in writing by the Local Planning Authority;**
 - **Cycle parking;**
 - **The appointment and role of the travel plan co-ordinator;**
 - **Promotion of the approved travel plan to all occupiers of the site.**
- ii) **Before the development is brought in to use, the approved travel plan shall be submitted to the Local Planning Authority for review and approval so that prevailing conditions at that time can be considered and the plan adjusted as necessary at that time.**

The development, hereby approved, shall only be used in accordance

with the approved travel plan and the timetable agreed within to implement measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice.

Reason: In the interests of sustainable travel.

- 5 Notwithstanding the submitted details, no development shall commence at the site before revised details of landscaping and a landscape management plan to include details of the proposed irrigation system for the site hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details in accordance with the timetable identified within the landscape management plan and agreed by the Local Planning Authority.**

Reason: In the interests of the character and appearance of the area and to mitigate against the removal of TPO trees in accordance with Policies DM3 and DM14 of the Core Strategy and Development Management Policies (2009).

- 6 No development shall commence until details (including samples) of materials for the development hereby permitted have been submitted to and approved in writing. The development shall be constructed solely in accordance with the approved details.**

Reason: To protect the character and appearance of the area and to ensure a high quality development in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 No development shall commence until a scheme for storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained thereafter in accordance with the approved details.**

Reason: To ensure no open storage of rubbish on the site and to protect the character and appearance of the surrounding area in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 8 The development hereby approved shall be used for A1 (retail) but shall not**

be used for the sale of food, as a post office, for the sale of tickets, as a travel agency, for hairdressing, for the direction of funerals, for the reception of goods to be washed, cleaned or repaired, as an internet café where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet or as a pharmacy.

Reason: To define this permission and to ensure that the Local Planning Authority retain planning control over the retail functions of the site.

- 9 The development hereby permitted shall not be sub-divided to provide a unit of less than 500 sqm (5,382 sq ft) without the express written consent of the Local Planning Authority.

Reason: To ensure the vitality and vibrancy of the existing Town Centre, for the avoidance of doubt, and in accordance with the intentions contained within the National Planning Policy Framework (2012).

- 10 **No development shall commence at the site until a Service Yards Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of processes designed to deliver the efficient operation of the service yards, a schedule of delivery vehicles and delivery times, management and operational measures designed to decrease noise levels within the yards and monitoring methods. The service yards shall thereafter be operated as approved.**

Reason: To protect living conditions at neighbouring properties.

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [8659 C P22 A, 8659 C P23 A, 8659 C E08 B, 8659 C P25 B, 8659 C P26 B, 8659 C P50 A, Planning and Retail Statement, Strutt and Parker note, Flood Risk and Drainage Assessment, Design and Access Statement and Technical Note by Vectos].

Reason: For the avoidance of doubt.

- 12 **No development shall commence at the site before a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological 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:**

1. Details of all elements (i.e. modelling reference labels, designs, diameters, gradients, dimensions, and so on of all pipes, inspection chambers, and flow control device(s)) of the proposed drainage

systems should be provided as part of the detailed surface water drainage scheme.

2. Overland flood flow routes and subsequent flood risk in the event of surface water system failure. It is essential the flood flow is routed away from vulnerable areas and property, and that the development remains “safe”.

3. Clear details of the ownership and responsibility of maintenance of all drainage including pipe networks, control structures and SuDS elements for the lifetime of the development

4. Details of adoption of any drainage elements of the drainage system including any correspondence or agreements with Anglian Water regarding accepted discharge to their drainage system or watercourse.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

13 No development shall commence at the site before a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) which has identified: - all previous uses - potential contaminants associated with those uses - a Conceptual Site Model (CSM) 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 results of the site investigation and the detailed 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.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

14 No occupation of any part of the permitted development shall take place until 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 be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 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 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 be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 16 No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 17 Piling or any other foundation designs and investigation boreholes 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.

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 18 **No development shall commence at the site before the following has been submitted to and approved in writing by the Local Planning**

Authority:

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

- 19 **No development shall commence at the site before details that demonstrate how at least 10% of the energy demand of the development would be met through zero or low carbon sources (renewable technologies) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that the development would meet the objectives of Policy DM1 (Renewable Energy) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 20 **Notwithstanding the submitted details, no development shall commence at the site before revised details of the proposed wall on the Western boundary of the site including its design and foundations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that the appearance of the site and the impacts on existing and proposed trees would be acceptable and in accordance

with Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Notes to Applicant:

1. Site Investigation

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.

2. Waste

The CL:AIRE 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.

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.

3. Sustainable Drainage Systems (SuDS)

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. We would need to be consulted on the results of the site investigation and on any protection measures. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. We consider that deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). Deep soakaways increase the risk of groundwater pollution. See our Groundwater Protection GP3(2012) documents, particularly G9, for further information.

4. Borehole Drilling and Piling

Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.

If piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided. Submission of a Piling Risk Assessment with the planning application may negate the requirement for a piling related planning condition.

We recommend that developers follow the risk management framework provided in our guidance for „Piling into Contaminated Sites“ and also refer to the document: „Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention“.

5. General

How we classify groundwater bodies within England and Wales changed in response to the Water Framework Directive and related UK enabling legislation. A summary of the changes can be found at <http://www.environment-agency.gov.uk/homeandleisure/117020.aspx>, with the new maps available on the "What's in my Backyard" section of our website.

6. The developers should:

1. Follow the risk management framework provided in CLR11, „Model Procedures for the Management of Land Contamination“, when dealing with land affected by contamination;
2. Refer to our “Guiding Principles for Land Contamination” for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
3. Refer to our “Verification of Remediation of Land Contamination” report;
4. Refer to our **NEW** “Groundwater Protection: Principles and practice (GP3:2012 v1)” documents <including waste management, land contamination, drainage, effluent drainage and cemeteries> (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
5. Refer to our „Position Statement on the Definition of Waste: Development Industry Code of Practice“;
6. Refer to our “Technical Aspects of Site Investigations” Technical Report P5-065/TR;
7. Refer to our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73;
8. Refer to our website at www.environment-agency.gov.uk for more information.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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