

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.

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) **The development shall not be occupied before 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).

- 21 **The development shall not be occupied before all access and junction arrangement and off-site highway improvements serving the development have been completed in accordance with the approved in principle plans and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.**

Reason: To secure a satisfactory access and highway arrangements appropriate to the development, in the interest of public safety and convenience.

- 22 **No development shall commence at the site before details of the phasing of all the highway works has been submitted to and approved in writing by the Local Planning Authority. The approved phasing schedule shall be implemented to the satisfaction of the highway authority.**

Reason: In order to ensure that the approved development takes place in a comprehensive manner having regard to the highway safety and capacity.

- 23 Before first occupation or use of the development the customer and staff parking areas and service yard as shown on the approved plan shall be provided and maintained thereafter for that use.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

- 24 **No development shall commence at the site before details of wheel cleaning facilities to be provided on site during site preparation and construction have been submitted to, and approved in writing by, the local planning authority. As approved these shall be installed before any development commences and shall be retained in working order during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.**

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

- 25 **No development shall commence at the site before a scheme detailing provision for on site parking for construction workers and deliveries 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.

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.

Informatives:

The applicant is advised that in order to comply 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD

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.

- (1) In advance of the consideration of the application the Committee were advised of additional updates and representations that had arisen since the agenda was issued. The Committee were advised of additional Conditions and informatives that were detailed in the Late sheet.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation scheme