

## Item No. 11

<b>APPLICATION NUMBER</b>	<b>CB/15/00741/FULL</b>
<b>LOCATION</b>	<b>Downs Service Station, 3 Tring Road, Dunstable, LU6 2PX</b>
<b>PROPOSAL</b>	<b>Change of use from redundant workshop to A1 retail including demolition of the front section of the building to provide additional car parking</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Watling</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hollick &amp; Young</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>24 February 2015</b>
<b>EXPIRY DATE</b>	<b>21 April 2015</b>
<b>APPLICANT</b>	<b>Platinum Retail Ltd</b>
<b>AGENT</b>	<b>Jennings Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Young due to concerns in regards to the amenity of neighbouring occupiers.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

### Recommendation

That Planning Permission be GRANTED subject to the following:

### RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The retail premises shall only be open to customers between the hours of 7am to 10pm Mondays to Sundays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.  
(Policy BE8, SBLPR and Policies 43 and 44, DSCB)

- 3 No deliveries shall be taken at the site outside the hours of 7am to 8pm on Mondays to Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of neighbouring properties.  
(Policy BE8, SBLPR and Policies 43 and 44, DSCB)

4 **No development shall take place until a remediation strategy 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 (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.**
2. **The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.**
3. **Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.**
4. **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.**

**Reason: The condition must be pre-commencement 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).  
(Policy BE8, SBLPR and Policies 43 and 44, DSCB)**

5 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 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).  
(Policy BE8, SBLPR and Policies 43 & 44, DSCB)**

6 **No development shall take place until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. 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).  
(Policies 43 and 44, DSCB)**

- 7 All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal or distinctive quality) when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To ensure that the residential amenity of neighbouring occupiers is not prejudiced by excessive noise.  
(Policy BE8, SBLPR and Policies 43 & 44, DSCB)

- 8 **Development shall not begin until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. Any noise mitigation measures shall include those contained in the recommendations from the noise assessment submitted with this application report reference: GA-2015-0016-R1. Any works which form part of the approved plan shall be completed before the new premises becomes operational unless an alternative period for completion is agreed with the Local Planning Authority.**

**Reason: The noise scheme must be agreed prior to construction works beginning to minimise noise disturbance to the occupiers of neighbouring residential properties.  
(Policy BE8, SBLPR and Policies 43 & 44, DSCB)**

- 9 The retail use hereby approved shall not commence until the parking scheme shown on Drawing No. PLG3B has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.  
(Policy T10, SBLPR and Policy 27, DSCB)

- 10 The use hereby permitted shall not commence until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority and the scheme has been fully implemented. The scheme shall be retained for this purpose thereafter.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.  
(Policy 24, DSCB)

- 11 The 6m high wall to be located on the boundary of the application site with No.7 Tring Road as shown on approved drawing nos. 140654-PLG3B and 140654-PLG4B shall be retained at that height in perpetuity.

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

(Policy BE8, SBLPR and Policies 43 and 44, DSCB)

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 140654-PLG1, 140654-PLG2, 140654-PLG3B, 140654-PLG4B.

Reason: To identify the approved plans and to avoid doubt.

### Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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).
2. 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.
3. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

4. 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways

Helpdesk 0300 300 8049.

5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
7. The applicant's attention is drawn to their responsibility under The Party Wall etc Act 1996 and with particular regard to arrangements for notifying the owners of No. 7 Tring Road.

More information can be found via the following weblink:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process 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) Order 2015.

[Notes:

In advance of consideration of the application the Committee received representations made in accordance with the Public Participation Scheme.]