

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Development Plan

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

Reference No.: 19/02143/FUL Full Application

Proposal: **Demolition of existing buildings and erection of A1 foodstore, access and resurfacing works, car park, servicing and plant area and installation of ATM**

Location: Former Penshaw Motor Body Works Penshaw Bank Top Station Road
Penshaw Houghton-le-Spring

Ward: Shiney Row

Applicant: Warrior Developments Limited

Date Valid: 4 February 2020

Target Date: 31 March 2020

PROPOSAL:

- Site and surroundings

The site is currently occupied by a vehicle repair and MOT garage and is within the Penshaw Village area of Houghton le Spring. The area is predominantly residential area with properties consisting of a varied type and design. The terrace of dwellings near to the site are Percy Terrace, with the end property consisting of a small Coop store, which is to be replaced by the proposed store.

The northern boundary of the site adjoins the Coxgreen Road Allotments and the western boundary is formed by a disused railway line.

- Proposal

The proposal seeks to provide a modern format replacement Coop foodstore extending to 418 square metres, 13 customer parking spaces with access taken from Coxgreen Road over an area of unregistered hardstanding.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbria Police
Network Management
Shiney Row - Ward Councillors Consultation
Environmental Health

Final Date for Receipt of Representations: **18.05.2020**

REPRESENTATIONS:

- Public consultations

5 representations have been received 4 objections and 1 in support.

The representation in support has given no additional comments.

Highway concerns:

The objections set out the following issues:

- The cycle parking on the Proposed Site Plan is shown as being further away from the entrance than most of the car parking. The cycle parking needs to be very near to the store entrance, undercover and easily accessed by cycle. Stands also need to be the Sheffield type and placed 1 metre apart.
- How will loading/ unloading noise affect the area;
- What times will lorries be delivering;
- Poor access;
- Traffic Generation;
- Customer parking at the front and rear of a resident's property is already a problem so a bigger store will make the issue worse;
- Opening hours from 0600 to 2300 will cause more noise impacts every day, plus impacts from deliveries and customer parking;
- Major problems when the old garage was being demolished from wagons taking away the rubble and from the parking of workers;
- What is proposed for the old Coop? Another shop so more cars?;
- Only part of the access appears to be resurfaced so only a half-done job;
- Already struggle with the sheer weight of parking and traffic from the existing co-op on the corner of the terrace, this was increased by the sanction of permission for a takeaway to be reopened.

Officer response:

The developer has provided cycle provision at this small development and the Council's Network Management team have offered no objection.

Network Management have also considered highway safety and offered no objection. The site provides sufficient parking facilities for a store of this size and access is also considered acceptable. Inconsiderate or obstructive parking is a matter for the Police.

Deliveries to and from the site will be conditioned so they are not carried out late in the evening or early morning.

Loading and unloading would be conditioned to protect the amenity of the adjacent residents.

Amenity concerns:

- Inappropriate use;
- Visual amenity;
- Loss of privacy;
- Noise from use;

- Overdevelopment
- Increased litter;
- Does the area warrant a large retail unit such as proposed, there is a large Co-Op and several shops in Shiney Row and Barnwell;
- Resident's property overlooks the garage, which is closed at 6pm, Saturday afternoons and Sundays so there are concerns over a lack of privacy;
- During demolition how will the security of the gardens be taken care of;
- Deliveries and footfall will greatly impact this quiet residential area;
- The garage is likely to contain asbestos which will be a health hazard if disturbed;
- The proposals are to open until 11pm seven days a week - totally unacceptable in a residential area where people work and have young children and need to have the benefit of undisturbed rest.

Officer response:

Regarding the justification of the use, please see the 'Principle of development and Sequential Test' section of this report.

In terms of demolition and security of gardens it is noted that the application site is physically separated from the adjacent residential properties; whilst safe development of the site rests with the developer;

Regarding impact upon amenity and loss of privacy the proposal will be constructed in excess of 40 metres from the nearest dwellings which is considered acceptable in view of the Council's spacing standards;

The applicant submitted land contamination assessments which have been reviewed by the Council's Public Protection and Regulatory Services team, please see the subsequent comments and considerations sections;

The hours of operation will be conditioned to minimise the noise and disturbance to nearby residential receptors.

- Consultees

Public Protection and Regulatory Services (PPRS)

- Land Contamination

Condition a Phase II site investigation and if necessary, a Remediation Strategy/ Verification Plan and Verification Report, in addition to a condition dealing with any unexpected contamination.

- Noise

Prior to the commencement of the development the applicant should submit a detailed scheme of mitigation to achieve the rating levels calculated using BS 4142:2014, as noted in the submitted Noise Assessment. The scheme should include a suitable acoustic barrier to the plant and equipment area and service yard.

- Deliveries

Deliveries should not take place between the hours of 22.00 and 07.00 weekdays, and 19.00 and 08.00 Sundays and public holidays; except newspaper deliveries which can only be made by small vans after 05.00.

- Construction and Demolition

To ensure the environmental impact of the construction phase of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/ occupiers the Applicant should provide a construction environmental management plan which has regard to the impacts upon nearby sensitive receptors of noise and vibration, lighting, dust and other airborne pollutants, arising from demolition and construction work. The plan shall address measures to minimise those impacts.

Network Management Team

Initially Network Management considered that the change of use from a former garage to a convenience store would generate a higher turn-over of vehicles visiting the site and as a consequence, the following should be achieved:

- Access

Due to the intensification of use the access to the store from Coxgreen Road should include a formal access road with kerbed bellmouth and footway.

- Parking

The remainder of the un-adopted area, which is being used for parking for the existing Co-op should be marked out with bays and identified as a parking area, dropped kerbs would be required to gain access to these spaces.

- Junction

A formal priority T junction to be provided with white lining & give way markings at the exit from the site onto Coxgreen Road.

- Footpath

The new footpath to be provided should tie into the existing footpath on Station Road with kerbed edging and tactile crossing points to assist crossing at the junction and Coxgreen Road.

- Car park

There are 13 parking spaces proposed, including 1 disabled space and 1 parent & child space.

It must be ensured that 6 metre isle widths are provided to aid manoeuvring into and out of spaces.

- Floor area

The floor area of the store is 418 sqm, Sunderland City Council guidelines state 1 space per 50sqm is required. For this proposal 9 spaces would be required, therefore parking is considered acceptable.

- Electric charging point

Applicant to consider the installation of an electric charging point to promote sustainable travel for staff and customers and future proof the development.

- Servicing and deliveries

Details of Service vehicles to be provided including size, frequency and times of deliveries. A Service Delivery/ Management Plan should be submitted.

- Swept path

The Swept Path plan has been provided to demonstrate the turning movements of a large vehicle (10m long) entering and exiting the site. This appears tight however, it is assumed that deliveries would take place outside of store opening hours when the car park would be empty.

- Staff

Applicant to clarify staff numbers and parking arrangements.

- Cycle store

A secure covered cycle store should be provided closer to the store frontage to promote sustainable travel for staff/ customers.

- Section 278 works

Works would be required within the existing highway. The applicant to discuss and arrange the works with the Council's Adoption Engineer.

Following Network Management's initial response, the Agent submitted further information for their consideration. Network Management team has since advised that these details have successfully demonstrated an acceptable scheme subject to conditions for a service delivery/ management plan. These matters will be discussed further in the following highway considerations section this report.

COMMENTS:

The main issues to consider in the assessment of this application are:

1. Principle of development and Sequential Test
2. Design and amenity considerations
3. Amenity and Land Contamination
4. Ecology
5. Highway Safety considerations

1. PRINCIPLE OF DEVELOPMENT AND SEQUENTIAL TEST

- Principle

The site is not allocated for any land use within the Core Strategy and Development Plan, therefore the retained policy of the Unitary Development Plan (UDP) EN10 is relevant. Policy EN10 states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is commercial, retail and residential and as such, the proposal generally reflects the existing pattern of land use and as such, is considered acceptable in principle.

- Sequential Test

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 87 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 89 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The Agent has submitted a sequential assessment within their planning statement which considers whether there likely to be any significant adverse impacts of locating this main town centre development outside the applicable centres.

The statement explains that the current proposal involves the erection of a proposed foodstore to replace an existing substandard unit on Percy Terrace. It identifies that it would primarily serve the existing residential population of Penshaw and the immediate areas i.e. predominantly service local need.

The report states that the only defined centre within the area is the Shiny Row Local Centre, which lies approximately 1km to the south and as such the sequential assessment focuses on alternative sites within and to the edge of the Shiny Row Local Centre. The report states that in

order to demonstrate the requisite flexibility they have considered sites and premises capable of accommodating the store with a gross floor area of between 355 square metres to 2480 square metres (give or take 15% + or -), with adequate servicing arrangements to meet the requirements of convenience foodstore operators. It was also factored that dedicated off street parking would not necessarily be required within in-centre locations and that at least 10 spaces would be required in edge of centre locations.

The Agent has stated that they have used the services of Commercial Property Agents, adopted Development Plan and on the ground assessments to assist in the collation of information.

The report states there are no development sites of sufficient size that are currently available or likely to become available within a reasonable timeframe within or to the edge of Shiny Row Local Centre to accommodate the proposed development. A small number of vacant units were identified within this centre however, these were all small scale traditional high street shops of insufficient size to accommodate the proposed development. It is on this basis that there are no suitable available sites within or to the edge of the Shiny Row Local Centre capable of accommodating the proposed development and as such, the application proposal satisfied the sequential test.

The Agent's Statement also refers to the Policy VC2 of the Core Strategy and Development Plan. This Policy adopts a 500 square metres limit for impact assessments for out of centre retail development. Consequently, as the proposal does not meet this threshold an impact assessment is not required.

The application submission also highlighted that the existing Co-op store building is no longer able to accommodate its existing custom and as such, the application proposal will secure their relocation to a more suitable site. The current store is limited to a restricted range of products that fails to adequately serve its community. The proposed comprehensive redevelopment will create a purpose-built modern replacement convenience food-store that will provide an enhanced shopping facility for the local population.

It is considered that the proposal has satisfied the Sequential Test, as required by local and national planning policy.

2. DESIGN AND VISUAL AMENITY CONSIDERATIONS

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraph 124 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 127 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Finally, Paragraph 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BH1 and BH2 of the Core Strategy Development Plan (CSDP) states that high quality design and positive improvement, development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. It should be of a sustainable design and construction limited to integral development.

Policy HS1 also states that new development must demonstrate that it would not result in unacceptable adverse impacts upon quality of life and amenity that cannot be addressed through appropriate mitigation.

The site is currently not of great architectural merit and offers minimal visual amenity to the surrounding area. The Agent has submitted a statement which explains that the proposal will secure a comprehensive redevelopment of the site to provide a modern format, purpose built foodstore to facilitate the relocation of the existing Co-op store from the small unit on Coxgreen Terrace. The store would be single storey and the principal elevation would face the customer car park and the remainder of the proposal will be finished in dark grey cladding.

The proposed design would not appear out of keeping within its vicinity and is considered to be an acceptable form of design, particularly as compared to the existing garage building.

The proposal is therefore be considered to comply with the requirements of Policies BH1 and BH2 of the Core Strategy and Development Plan.

3. AMENITY AND LAND CONTAMINATION

The National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), requires the planning system to contribute to the achievement of sustainable development and Plans and decisions should apply a presumption in favour of sustainable development.

Policy HS2 of the Core Strategy and Development Plan states that development sensitive to noise or which would result in noise impacts (including vibration) will be controlled by implementing the following measures:

1. noise sensitive development will be directed to the most appropriate locations and protected against existing and proposed sources of noise through careful design, layout and uses of materials;
2. noise-sensitive development affected by existing sources of noise should submit an appropriate noise assessment and where necessary, a detailed schedule of mitigation. In assessing such mitigation, account will be taken of:
 - i. the location, design and layout of the proposed development; and
 - ii. measures to reduce noise within the development to acceptable levels, including external areas.
3. In areas of existing low levels of noise, proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required to ensure that noise does not adversely impact on these receptors.

Policy HS3 of the Core Strategy and Development Plan states, when development is considered to be on contaminated land, development should:

- Ensure all works, including investigation of the nature of any contamination, can be undertaken without the escape of contaminants which would cause unacceptable risk to health or to the environment.

- Identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and future site users are adequately quantified and addressed.
- Ensure appropriate mitigation measures are identified and implemented which are suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and
- Demonstrate that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings. Services to the environment including the apparatus of statutory undertakers.

Noise considerations:

In terms of noise the Agent has submitted a Statement that draws attention to the distance that will exist between the proposed store and the nearest residential properties, as well as the fact that the existing use of the site is as a MOT centre, which can be a noise generating use. On the submission of a noise assessment and following consultation with PPRS it is not considered that the amenity of adjacent residents would be harmed to such a degree to justify a refusal.

It is considered that the greatest level of noise would be from servicing and deliveries and in this respect the store's operation will be located furthest away from the nearby residential receptor, whilst the times of deliveries is proposed to be limited by condition.

PPRS initially proposed a condition requiring that no deliveries should take place between the hours of 22.00 and 07.00 weekdays, and 19.00 and 08.00 Sundays and public holidays. However, the Agent responded by requesting an exception for newspaper deliveries prior to 07.00, explaining that such deliveries would only be made by a small transit/ Luton type van. The Agent further explained that these deliveries will be short in duration and will not generate a level of noise that would be noticeable at nearby residential properties.

Following a further consultation with PPRS the proposed suggested hours condition was amended to read as *"No deliveries should take place between the hours of 22.00 and 07.00 weekdays, and 19.00 and 08.00 Sundays and public holidays with the exception of newspaper deliveries, which can only be made via a small transit/ Luton Van after 05:00"*.

PPRS have also advised that a condition should be included which requires that prior to development commencing a detailed scheme of mitigation to achieve the rating levels calculated using BS 4142:2014 should be submitted for approval. The scheme should include a suitable acoustic barrier to be provided to the plant/ equipment area and service yard.

To conclude, subject to the inclusion of these conditions the proposal is, in accordance with Policy HS2 of the Core Strategy and Development Plan, considered to be acceptable.

Land contamination and construction works:

In respect of land contamination, a preliminary investigation report was submitted with the application. Public Protection and Regulatory Services team commented that the development would be acceptable subject to conditions imposed on any grant of consent for a Phase II and if necessary, a Remediation Strategy/ Verification Plan and Verification Report, in addition to a condition dealing with unexpected contamination.

Regarding Construction and Demolition, to ensure the environmental impact of the construction phase of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/ occupiers the Applicant should provide a construction

environmental management plan. The plan should consider impacts upon nearby sensitive receptors of noise and vibration, lighting, dust and other airborne pollutants, arising from demolition and construction work. The plan shall address measures to minimise those impacts.

The proposal, subject to the above conditions, is considered to comply with Core Strategy and Development Plan policies HS2 and HS3.

4. ECOLOGY

Policy NE1 of the Core Strategy and Development Plan states that development should maintain and improve the Green Infrastructure Network through enhancing, creating and managing multifunctional greenspaces and bluespaces that are well connected to each other and the wider countryside.

Furthermore, development that would sever or significantly reduce green infrastructure will not normally be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts and suitable mitigation and/or compensation is provided.

Policy NE2 of the CSDP states that where appropriate development must demonstrate how it will:

- Provide net gains in biodiversity; and
- Avoid (through locating on alternative site with less harmful impacts) or minimise adverse impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

Development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

Policy NE3 of the Core Strategy and Development Plan relates to woodlands/ hedgerows and trees and states that development should aim to conserve significant trees, woodlands and hedgerows.

The Council's Natural Heritage Team offered no objections but advised that lighting should be designed to minimise impact on the wider landscape and any vegetation works should be planned to avoid breeding birds (March to August inclusive), unless it is confirmed by a competent ornithologist that no birds are breeding.

Subject to the inclusion of these conditions the proposal is considered acceptable and in accordance with local and national planning policy.

5. HIGHWAY SAFETY CONSIDERATIONS

Policy ST2 of the Core Strategy states that proposed development should retain off street parking in the interests of highway safety.

Policy ST3 of the CSDP states, in part, that development should provide safe and convenient access for all road users, not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling, or exacerbate traffic congestion on the existing highway network or increase the risk of accident or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users;

As discussed in the consultation section of this report the Network Management Team requested additional information clarification and information.

In response the Agent provided further details which can be summarised as follows:

The proposed amendments have been subject to discussions between the Applicant's highway's consultant and the Council's highways officer and include a formal T-junction arrangement with tactile crossing points. It is noted that the proposed level of car parking to serve the proposed retail unit has been deemed to be acceptable and as such, the layout can accommodate the movements of both customer and service/ delivery vehicles, as illustrated by the previously submitted swept path detail. An electric vehicle charging bay has also been included on the revised plans.

In terms of staff, it is envisaged that the proposed retail unit will generate 12 (FTE) jobs with the majority of the staff drawn from the local area. There will be no allocated staff parking within the site with staff encouraged to travel to work by sustainable modes of transport so that the car parking is reserved solely for customers. A review over whether the cycle parking can be relocated has been undertaken, however, due to the on-site constraints and the need to accommodate the turning movements of service/ delivery vehicles within the site, it was not feasible to amend the external layout in order to relocate the cycle parking spaces.

Nonetheless, the proposed cycle parking will be highly visible from the front of the store and the car parking areas and pedestrian crossings will be provided within the site to aid movement between the cycle parking and the store. On this basis, it is not considered that the location of the cycle parking facilities would unduly discourage cycle usage amongst staff and customers and, as such, it is not considered that any concerns in this regard would form sufficient grounds to refuse planning permission.

The Agent confirmed that Applicant would be willing to accept a Service Delivery/ Management Plan.

To conclude, as confirmed in the consultation section of this report, the amended submission has been accepted by Network Management and the proposal is considered acceptable and in accordance with local planning policy.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;

- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

CONCLUSION

The development is considered to be acceptable in respect of the principle of development, retail policy considerations, design, amenity, land contamination, ecology and highway safety and subject to the following conditions, as listed below, it is recommended that Members Approve the application

RECOMMENDATION:

APPROVE, subject to the conditions listed below

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Amended proposed site plan drawing No. 1579-101 (P) Rev P received on 8.7.20
- Amended proposed elevations drawing No. 1579 -103 (P) Rev D received on 4.2.20
- Amended existing site plan drawing No. 1579- 100 (P) Rev A received on 4.2.20
- Location plan drawing No. 1579-103 (P) Rev B received on 4.2.20

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy Development Plan.

3 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

4 Development shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The

Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

5 The building hereby approved shall not be occupied until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

6 If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

7 Prior to the commencement of development, a scheme of mitigation to achieve the rating levels calculated using BS 4142:2014 and reported in the submitted Noise Assessment dated 3 February 2020 from Echo Acoustics, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the acoustic barrier to the plant and equipment area and service yard. The development shall be carried out in full accordance with the agreed details and maintained as such thereafter. In order to comply with Policy HS2 of the Core Strategy Development Plan.

8 No deliveries shall take place between the hours of 22.00 and 07.00 weekdays, and 19.00 and 08.00 Sundays and public holidays with the exception of newspaper deliveries, which can only be made by a small transit or Luton van after 05:00. In order to protect the amenity of

the neighbouring properties and comply with Policy HS2 of the Core Strategy and Development Plan

9 Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted and agreed in writing by the Local Planning Authority. The Plan shall ensure the environmental impact of the construction phase of the development is adequately managed and mitigated and have regard to the impacts upon nearby sensitive receptors of noise and vibration, lighting, dust and other airborne pollutants arising from demolition and construction work. Thereafter the development shall be carried out in accordance with the agreed details. In order to comply with Policy HS2 of the Core Strategy and Development Plan.

10 Prior to occupation of the development hereby approved a scheme of lighting designed to minimise the impact on the surrounding area and wider landscape shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the agreed details. In the interests of nature conservation and to comply with policy NE2 of the Core Strategy and Development Plan.

11 All vegetation clearance works shall be undertaken outside of the bird nesting season of mid-March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season, the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active nests are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected. In the interests of nature conservation and to comply with policy NE2 of the Core Strategy and Development Plan.

12 Prior to occupation of the development a Service Delivery/ Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the store shall operate in complete accordance with the agreed details. In order to protect residential amenity and ensure highway safety in accordance with policy ST2 and ST3 of the Core Strategy and Development Plan.