

Agenda Item:	5.4
Site:	Brookside Business Park Brookside Road Uttoxeter
Proposal:	Demolition of redundant business units to facilitate the redevelopment of the site to provide Class B1 (Business), Class B2 (General Industrial) & Class B8 (Storage and Distribution) units with trade counter and associated office space and the conversion and extension of an existing dwelling to provide office accommodation.

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2018/01547	
Planning Officer:	Alan Harvey	
Type of Application:	Full	
Applicant:	M J Barrett Developments Ltd and J JL Design and Build Ltd	
Ward:	Town	
Ward Member (s):	Councillor Mrs S J McGarry	
	Councillor G Allen	
Date Registered:	23 October 2019	
Date Expires:	Extensions of time agreed with the applicants to 26 June 2020 to provide for the resolution of technical issues and to report the application to Planning Committee.	
Reason for being at committee	The site is allocated for housing in the adopted Local Plan (in Policy SP4) and thus there are Development Plan Policy implications.	
Officer Recommendation	Approval subject to a Section 106 agreement and conditions	

1. Executive Summary

- 1.1 The application site, which has an overall area of some 3.02 ha, is situated on the northern side of Brookside Road in Uttoxeter. The eastern portion is vacant land and the western area is presently occupied by various twentieth century built industrial buildings. The application site lies within the settlement boundary for Uttoxeter but is situated outside the Town Centre boundary as defined in the adopted Local Plan. The site also comprises part of the Local Plan 'Brookside housing allocation' for 90 No. dwellings as set out in Strategic Policy 4 and on the policies maps.

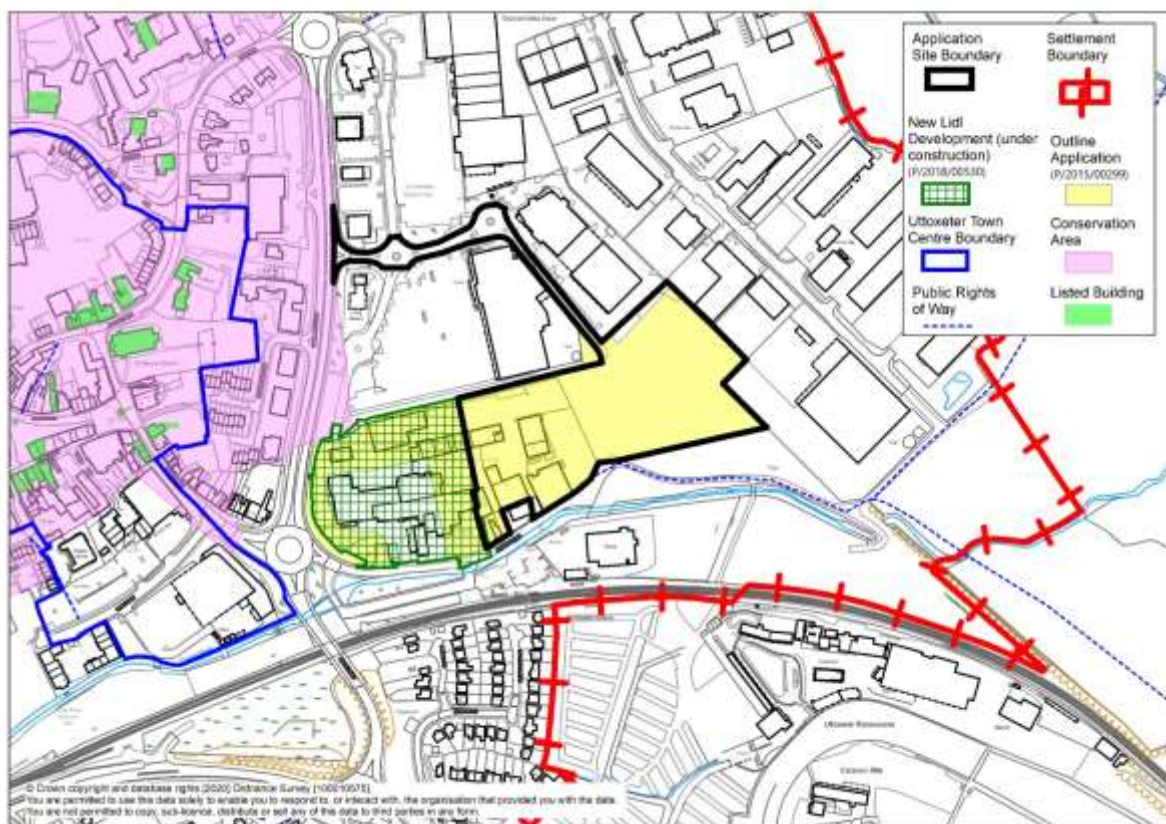
- 1.2 The development site will benefit from two access routes from Town Meadows Way (A518); one being from its roundabout junction with Brookside Road and the second being via the Dovefields Retail Park (off the junction between Ben and Jerrys and the Tesco Retail Store Filling Station). The site is bounded to the north by Tesco's and to the north-east and east by the predominantly commercial/industrial uses on Dovefields Retail Park and is adjoined to the west by a site with an approval for a New Lidl store, 2 No. other retail units and a drive-through restaurant.
- 1.3 The scheme is a full application for the proposed demolition of redundant business units to facilitate the redevelopment of the site to provide Class B1 (Business), Class B2 (General Industrial) and Class B8 (Storage and Distribution) units with trade counter and associated office space and the conversion and extension of an existing dwelling to provide office accommodation. Some existing industrial units are to be retained.
- 1.4 Statutory consultees raise no objections that cannot be overcome via planning conditions and an associated Section 106 Agreement. Uttoxeter Town Council have not made any specific comments on the development scheme but request that invasive plant species are addressed
- 1.5 Local residents/businesses were notified of the application, a press notice published and site notices posted. No representations have been received from local parties, although D&G Bus Limited request that the developer provide funding for new/revised local bus services or subsidized transport for employees; with in turn the County Highway Authority confirming that these issues will necessarily require consideration under a travel plan.
- 1.6 In overall terms it is considered that the scheme is compliant with the aims of local and national planning policies. Specifically, and whilst it is recognized that the site is part of a housing allocation in the Local Plan (under Policy SP4), there are fundamental material factors which indicate that the scheme is acceptable; namely the development retains and consolidates the existing employment opportunities offered by the site with the economic and job opportunities that will bring forward; it represents a complementary enhancement to the railway station area alongside the ongoing adjacent new Lidl development; and, the loss of the Local Plan housing allocation does not diminish the Council's present capabilities to deliver a five year housing land allocation.
- 1.7 The proposal would also not adversely affect the amenities of residential properties. The proposal will not have an adverse impact on the wider existing highway network and will benefit from appropriate pedestrian connectivity to the town centre. The scheme would not have a negative biodiversity impact and would not give rise to any environmental or flood risk concerns subject to mitigation.
- 1.8 The proposal offers the opportunity to enhance the character and appearance of the locality and the wider setting of the town's Conservation Area and to enhance views towards the Grade II star listed Parish Church. Section 66(1) and Section 72 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 are therefore engaged by this scheme and have been satisfied. The scheme would also enhance the wider visual amenities of the locality around the railway station.

1.9 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary Section 106 agreement and conditions.

1.10 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map: Application Site and its Environs



2. The Site Description

2.1 The application site, which has an overall area of some 3.02 ha, is situated to the northern side of Brookside Road, Uttoxeter from which it presently takes access. The eastern area is vacant cleared land and the western area comprises of various twentieth century built industrial buildings and hardsurfacing. The existing industrial buildings are largely presently occupied.

2.2 Immediately to the west of the application site were other former industrial units in a dilapidated state which are currently in the process of being demolished; with the site being redeveloped for a new Lidl store (its

superstructure is already in place), two retail units and a drive-through restaurant (see Planning History set out in section 3 below).

- 2.3 The site is adjoined to the north by the Tesco store and its associated parking area and to north-east and east by the predominantly commercial and retail units on the Dovefields Retail Estate. The railway station lies to the south. On the Brookside Road frontage the site wraps around the premises of Omnia HV and Rail (in a separate ownership). The nearest residential properties are located beyond the approved adjoining retail site on the western side of Town Meadows Way.
- 2.4 The Picknall Brook runs alongside Brookside Road to the south and the site is in Flood Zones 1 and 2. The land on the application site rises gently northwards away from Picknall Brook. A Public Footpath - No. 3 Uttoxeter Town Parish - runs to the south-east of the application site; being outside the site boundaries.
- 2.5 The application site is located some 85 metres to the east of the town conservation area boundary. There are no listed buildings adjoining or within the site; with the nearest listed properties being the Grade II listed Wheatsheaf Inn on Bridge Street and Nos. 15/17/19 Bridge Street; being respectively some 240 and 250 metres distant from the site to the north-west. From various points on the site there are views towards the tower of the Grade II (star) listed St Mary's Church; which is approx. 260 metres to the north-west.
- 2.6 The application site lies within the settlement boundary but is situated outside the Town Centre boundary as defined in the adopted Local Plan. The site also comprises part of the 'Brookside housing allocation' in the Local Plan, identified in Policy SP4 and on the policies maps as an allocation for 90 No. dwellings.

3. Planning History

- 3.1 The site comprising this current application previously formed the eastern part of a larger development site which was subject to an outline application ref: P/2015/00299 for a mixed use development for up to 90 No. residential dwellings, 6 No. employment units and 4 No. trade units, including details of access (hereafter referred to as the '2015 application' in this report). The illustrative layout for the 2015 scheme indicated the current application site was likely to be developed for housing and associated playing space.
- 3.2 In September 2015, the Planning Committee resolved to conditionally approve the 2015 application subject to a Section 106 Agreement. The Section 106 Agreement, however, remains unsigned as the applicants have indicated that they are no longer in a position to pursue the '2015 scheme' (for the reasoning set out in Section 4 below). The planning permission has not therefore been issued.
- 3.3 In relation to the lands comprising the western part of the '2015 scheme' site, in early 2019 permission was granted for a hybrid application consisting of a full planning application for the demolition of existing buildings and structures to facilitate the erection of a Lidl food store (Class

A1) and two retail units (Class A1) and associated means of access, parking, landscaping and infrastructure works, and an outline planning application for the demolition of existing buildings and structures to facilitate a drive-thru restaurant (Classes A3/A5) including details of access. (The application is hereafter referred to as the ‘2019 permission’).

- 3.4 The proposed retail development would be served by an access/egress to from Brookside Road, although there would also be an internal access link proposed to the existing Tesco car park. There would be a separate HGV/delivery lorry access drive from Brookside Road (adjacent to the current application site).
- 3.5 The 2019 application scheme was approved subject to a section 106 Agreement, which includes provision for off-site highway works and a travel plan (with monitoring fee). Demolition works in connection with the scheme are substantially underway on site and the superstructure for the Lidl store has been erected.

4. The proposal

- 4.1 This current application for full planning permission relates to the proposed demolition of redundant business units to facilitate the redevelopment of the site to provide Class B1 (Business), Class B2 (General Industrial) & Class B8 (Storage and Distribution) units with trade counter and associated office space and the proposed conversion and extension of the existing two storey dwelling (at No. 37 Brookside Road) to provide office accommodation
- 4.2 In overall terms the demolition works are proposed to be undertaken in the north-western area of the site with the new build units in the northern and north-eastern areas providing for units which in terms of their floor areas range from 176 square metres to 805 square metres. These buildings have a maximum height to their roof ridges of 9.5 metres and the external materials are a mixed of brickwork, glazing and painted steel cladding (predominantly grey). The units largely provide ground floor accommodation; with two units having first floors.
- 4.3 Three larger buildings occupy the eastern area of the site. Unit 1 will have an overall height of some 11.4 metres and comprises three storeys of accommodation with ground floor industrial space and offices above (giving a total floor area of 1920 square metres). Units 2 and 3 both comprise of three individual ground floor premises - of between 264 - 290 square metres each in floor area - with a height to ridge of some 9 metres. The external materials are a mixed of brickwork, glazing and painted steel cladding.
- 4.4 The conversion of the existing dwelling to office accommodation will involve the erection of a two storey extension in a contemporary architectural style to its eastern side elevations with the existing elevations remodelled.
- 4.5 The site will benefit from two access routes from Town Meadows Way (A518); one being from at its roundabout junction with Brookside Road and the second being via the Dovefields Retail Park (off the junction

between Ben and Jerrys and the Tesco Retail Store Filling Station). Car parking and turning facilities will be provided within the site to serve the scheme.

4.6 In a supporting statement, the applicants point out that the 2015 outline residential scheme has not be progressed for the following reasons:-

- Land acquisition from a previous third-party land owner could not be secured with the land now on sold for a retained commercial use (and the new owners are the current joint applicants).
- A critical part of any progression of the 2015 redevelopment was the relocation of the main business on the application site but this process has been unsuccessful; an experience shared by existing tenants. This application scheme safeguards all these businesses and their employment.
- The approved Lidl development scheme extends into the 2015 approval site removing lands - and thus some 20 No. dwellings - from the Local Plan site allocation area. The land acquisition for employment purposes by the joint applicant effectively 'removes' a further 30 No. more dwellings from the allocation.

4.7 The submissions have also been accompanied by the following documents which are considered further in the assessment section of this report.

- Site Location Plan
- Site Layout Plan and Access details (including site levels and visibility splays)
- Elevation Drawings for the proposed development
- Plan layouts and roof plans for the proposed development
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment (Original and as Revised with supplementary submissions)
- Archaeological Note
- Ecological assessment and surveys (including bat survey)
- Highway Assessment and Technical Notes
- Travel Plan
- Land contamination appraisal
- Section 106 Heads of Terms

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Uttoxeter Town Council	It is requested that the Borough Council ensures that the scheme eliminates the invasive species on site; namely Himalayan Balsam and Japanese Knotweed.

5.3	Highways England	Have no objection.
5.4	County Highway Authority	No objections subject to conditions and a Section 106 Agreement with a monitoring fee of £6,895 for a Travel Plan.
5.5	Staffordshire County Council as Lead Local Flood Authority	Have no objection provided the mitigation measures set out in the Flood Risk Assessment and Drainage Strategy are incorporated by condition in an acceptable surface water drainage scheme.
5.6	SCC Archaeology	Raise no archaeological concerns.
5.7	Environment Agency	Initially raised concerns over the details provided, but further to the provision of supplementary information now raises no objections in principle.
5.8	Severn Trent Water	No objection subject to conditions
5.9	Natural England	Have no comments
5.10	Network Rail	Has no observations to make
5.11	Architectural Liaison Officer	No objection in principle
5.12	SCC PROW	Advise that the public footpath that runs to the south-east of the application site shall not be affected by the proposals.
5.13	The Ramblers	No objections but request that it be ensured that the scheme does not impact on the adjoining public footpath.

Internal Consultees	Response
Environmental Health	No objection subject to land contamination mitigation along with the submission of air quality mitigation scheme, dust mitigation and details of hours of construction (which are requested to be as per the Lidl scheme on the adjoining site).

6. Neighbour/Interested Party responses

- 6.1 The application was advertised on the site and in the press and adjoining properties consulted. No local representations were received in relation to the proposed development
- 6.2 D&G Bus Limited have requested clarification as to whether a Section 106 Agreement will be attached to any approval for this planning application

which would provide funding for new/revised local bus services to the site or for the developer to provide bus tickets for employees of businesses on site for an agreed period.

7. Policy Framework

7.1 The relevant national and local planning policies are set out below. Policy NP1 of the Local Plan sets out the role of Neighbourhood Plans and where relevant the policies of the made Uttoxeter Neighbourhood Plan are addressed alongside Local Plan policies in the assessment of the proposal in Section 8 onwards.

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- NP1 Role of Neighbourhood Plans
- SP1 East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Settlement Hierarchy for residential development
- SP5 Employment
- SP9 Infrastructure Delivery and Implementation
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP5 Protecting the Historic Environment: All Heritage Assets
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

'Made' Uttoxeter Neighbourhood Plan

- Policy B1 - Employment Land
- Policy D2 - Non-residential development
- Policy D3 - Space between buildings
- Policy D4 - Heritage Assets
- Policy T1 - Sustainable Transport
- Policy T2 - Links to the Town Centre
- Policy T3 - Parking Standards
- Policy T4 - Traffic and Town Centre
- Policy T5 - Railway Station
- Policy E2 - Landscape and Setting

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Revised Parking Standards
- Waste Storage and Collection Guidance for New Developments

8. Assessment

8.1 It is considered that the key issues relevant to the determination of this application are as follows:-

- Principle of the Development
- Design and Impact on the character and appearance of the area
- Residential Amenity (including noise and pollution)
- Highway Matters (including pedestrian safety)
- Impact on Heritage Assets
- Flood Risk/Drainage and Land Contamination
- Biodiversity Impacts/Impact on Protected Species
- Section 106 Agreement

9. Principle of the Development

9.1 The National Planning Policy Framework (NPPF) states that plans and policies should apply a presumption in favour of sustainable development and the Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. As set out in Principle 1: Presumption in Favour of Sustainable Development the policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant.

9.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing housing growth to the most sustainable places; and the lands forming the application site are identified in the table in Policy SP4 as comprising part of a housing allocation of 90 No. dwellings in the Borough in the plan period.

9.4 Strategic Policy 5 of the Local Plan sets out the employment strategy for the Borough and directs employment development to Burton Upon Trent, Uttoxeter and employment sites identified in the Employment Land Review.

9.5 Policy B1 (Employment Land) of the Neighbourhood Plan states that

“Existing Employment Land:

For land currently in employment use (including offices, retail and other commercial uses) changes of use will be permitted to other employment uses insofar as planning permission is required. The partial use of land in employment use for residential purposes will only be permitted if it is necessary to enable the development or change of use of the site to an employment use, and should not normally occupy the majority of the site.

Using Brownfield Land:

Applications for employment uses on brownfield sites within or adjacent to the town centre, and those within easy access of the A50, will be supported subject to ensuring the amenity of neighbouring uses is protected and in compliance with development plan policies. Storage and distribution uses will not be supported within and adjacent to the town centre.”

- 9.6 With relation to land allocations, the NPPF states that where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- “a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”*
- 9.7 In the current Local Plan, therefore, the site is within an area allocated for housing (as per Policy SP4). However, officers agree with the applicants conclusions (set out in paragraph 4.5 above) that there is now no reasonable prospect of the 2015 residential scheme - upon which that allocation was based - being progressed. Indeed, fundamentally, the approval of Lidl scheme means approximate 20 dwellings were ‘lost’ from the 2015 application site, whereas it is considered that the joint applicants have substantively demonstrated that they require the existing buildings and lands at the site for their existing businesses/tenants and future employment related development in line with the guidance set out in the National Planning Policy Framework.
- 9.8 Accordingly, it is essentially recognised that the proposed development allows for the retention, consolidation and expansion of the existing employment opportunities already provided by the site; with the economic and job opportunities that will bring forward. Such a retention in employment use would also be consistent with the overall aims of Local Plan Policy SP5 and Policy B1 (Employment Land) of the Neighbourhood Plan.
- 9.9 Furthermore, any ‘loss’ of the overall housing allocation for the Brookside Road site does not diminish or comprise this Authority’s capability to deliver a five year housing land allocation across the Borough which presently stands at a 6.30 year supply (30 September 2019 figures). Specifically, the delivery of housing is not reliant on the application site

coming forward; as the Policy SP4 site allocation for dwellings would only be counted towards the overall figures once the site has been developed.

9.10 It is therefore concluded in terms of the planning policy balance that given these material factors that in principle the scheme for the re-development and expansion of the existing employment use of the site would meet the overall sustainability aims for new development as set out in local and national planning policies.

10. Design and Impact on the character and appearance of the area

10.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. The NPPF states that 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.

10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.

10.5 Detailed Policy 2 of the Local Plan aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.

10.6 Policy D2 (Non residential development) of the Neighbourhood Plan seeks for applications for non-residential development to demonstrate that they meet appropriate levels of quality in terms of design and layout, materials and sustainability whilst meeting parking provision requirements (as per Policy T3) and ensuring there will be no significant detrimental impact on residential amenities in the immediate locality. Policy D3 (Space between buildings) aims to see quality public realm between

developments, that routes and spaces are well lit and subject to passive surveillance and that applications must provide a materials palette consistent with that found in the Uttoxeter vernacular.

- 10.7 Policy E2 of the Neighbourhood Plan states that new development should protect and where appropriate enhance the landscape setting of the town, and with a particular emphasis on the Picknall, Tean and Dove valleys. Policy T5 (Railway Station) of the Neighbourhood Plan advises *inter alia* that proposals for enhancements to Uttoxeter railway station will be supported.
- 10.8 The application will provide for the proposed demolition of some of the existing former industrial buildings on the site which would be to the visual benefit of the locality.
- 10.9 The proposed application also provides for predominantly functional buildings of a scale and of construction materials which reflect those of the existing retail and commercial development on the eastern side of Town Meadows Way and as such it is considered that the development itself would complement the established streetscape as well as enhancing the wider environs of the area around the railway station. The scheme would not detract from the character of the Picknall Valley. The development in its construction details incorporates energy efficiency techniques.
- 10.10 Accordingly, it is considered that the scheme complies with Policies SP1, SP24 and DP2 of the Local Plan and Policies E2 and T5 of the Neighbourhood Plan.

11. Residential Amenity (including noise and pollution)

- 11.1 The NPPF (in particular paragraph 127) and Policy DP1 of the Local Plan seeks to ensure new development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing. Policy DP7 seeks to ensure that pollution and contamination issues are addressed.
- 11.2 In terms of the siting, design and scale of the proposed buildings and the degree of physical separation from the nearest existing residential properties on the west side of Town Meadows Way and to the south of the railway line, it is considered that this would ensure that the scheme does not give rise to any overbearing, overshadowing or overlooking concerns.
- 11.3 In terms of noise and disturbance it is considered that the activities generated by the proposed development, including traffic movements and delivery operations, would not be sufficiently detrimental to any existing or potential residents in the locality of the site.
- 11.4 The Environmental Health Section are satisfied the scheme would not give rise to significant air quality concerns. There would be no significant lighting pollution generated as a consequence of the approved development. Conditions on hours of operation along with a dust mitigation strategy will be the subject of conditions of any approval.

11.5 The proposals therefore comply with the aims of Policies DP1 and DP7 of the Local Plan.

12. Highway Matters (including pedestrian safety)

12.1 The NPPF in Section 9 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

12.3 Policy T4 (Traffic and the Town Centre) of the Neighbourhood Plan requires the following:

“All major applications should take account of the consequent traffic impact on the town centre. Where appropriate major planning applications should be designed to reduce and manage journeys and reduce environmental and road safety impacts.

Applications that are likely to generate heavy commercial vehicle movements will only be supported if they commit to a routing strategy that avoids the town centre. Applications that through their location or design are able to help reduce the number of heavy commercial vehicles through the town centre will also be supported.”

12.4 Policy T1 (Sustainable Transport) of the Neighbourhood Plan states that all applications, regardless of scale, should consider their wider impact on traffic and road safety. It also states that all new developments, excluding householder applications should seek to encourage a modal shift (or transition) by integrating into existing walking/cycling links and bus routes and provision of bike storage. Policy T5 (Railway Station) of the Neighbourhood Plan advises inter alia that *“adjacent developments should seek to respect and safeguard the railway station in a manner that will improve its accessibility to the rest of the town, including improved walking routes.”*

12.5 The Council’s revised parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. Policy T3 of the Neighbourhood Plan deals with parking standards and seeks that the level

of provision within the site is appropriate for the development being proposed and meets the standard set out in the recently updated District Council's Parking SPD.

- 12.6 .Policy T2 of the Neighbourhood Plan states that new development, where appropriate, should contribute towards the provision and enhancement (including servicing and lighting) of pedestrian and cycle links to the wider town and to routes identified under Policy E3 (Green Links). The policy also seeks improvements to existing key walking and cycling routes, including from development sites to the town centre.
- 12.7 In terms of the overall strategic road network, Highways England raise no objections. In respect of the impact on the surrounding highways, the County Highway Authority have no objections in principle subject to the Borough Council securing a monitoring fee of £6,895 for a travel plan by way of a Section 106 Agreement (as was similarly the case with the adjoining re-development site including the new Lidl store). The County Highway Authority also confirm that the issues raised by D&G Bus Limited that the developer provide funding for new/revised local bus services or provide bus tickets for future employees of the proposed businesses will necessarily require consideration and assessment under the travel plan once it is submitted as a discharge of any relevant condition.
- 12.8 Insofar as off-street car parking provision is concerned, as noted by the County Highway Authority the scheme meets this Council's Revised Car Parking Standards and conditions - including putting in place a phasing plan - will secure the provision of the facilities prior the occupation of the relevant parts of the development. Also in line with the aims of the Council's Revised Car Parking Standards conditions will also require the provision (and retention) of schemes for electrical vehicle charging points and secure and covered cycling parking.
- 12.9 The scheme would not impact on the use of the adjoining public footpath, which runs outside the boundaries of the application site, although an informative will advise the developers of the need to ensure that the route is not blocked at any time either during the construction or occupation phases.
- 12.10 Accordingly, it is considered that the scheme would successfully address issues as they relate to vehicular and pedestrian safety issues in the line with the relevant development plan policies and Supplementary Planning Documents.

13. Impact on Heritage Assets

- 13.1 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 13.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 13.3 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 13.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 13.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 13.6 Policy D4 (Heritage Assets) of the Neighbourhood Plan indicates that all new development must take account of its impact on heritage assets across the Neighbourhood Plan Area - both designated and non-designated - seeking to protect and enhance them.
- 13.7 The proposed development site is located outside the Uttoxeter Conservation Area; with the boundary being some 85 metres to the west. The site in its present form makes a negative contribution to the wider setting of the Conservation Area being characterised by various poor quality industrial structures of no architectural or historic merit. The demolition of these structures would be considered to represent an opportunity for enhancement.
- 13.8 Further, in comparison to the haphazard nature of the existing structures to be demolished, the proposed development and its layout is more cohesive and responds to the large scale stores and development found elsewhere within this part of the town as the scheme approved for the adjoining site (incorporating the new Lidl store).
- 13.9 The proposal therefore is considered to preserve and enhance the character and appearance and setting of the Conservation Area in line

with Local Plan Policies SP25 and DP5 and the requirements of Section 66(1).

- 13.10 With regard to the setting of listed buildings the proposed development would have no direct inter-visibility with the nearest listed buildings on Bridge Street some 240 metres distant to the north-west. There are views towards the tower of the Grade II star listed Parish Church - some 260 metres away to the north-west - from various parts of the site, although it is considered that the scheme would not materially impact on the setting of the church which is derived from its position within the streetscape of the historic core of the town.
- 13.11 Where there are distant views towards the Parish Church from Brookside Road/Station Road and the public footpath (Uttoxeter Parish No. 3) it is considered that the re-development of site will enhance those by the visual improvement to the townscape that would be provided by the new buildings. As such Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been engaged by this scheme and has been satisfied.
- 13.12 In relation to archaeological matters, the County Archaeologist comments that no significant impact to the archaeological resource is anticipated. As such no archaeological mitigation condition is required in this instance.

14. Flood Risk/Drainage and Land Contamination

- 14.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest risk of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 14.3 The site lies within Flood Zone 1 and 2 and the Environmental Agency raise no objections in principle on flood risk grounds further to the applicants' submission of a revised Flood Risk Assessment during the application process. A condition will be applied to any approval to ensure compliance with the revised Assessment.
- 14.4 The County Council as the Local Lead Flood Authority and Severn Trent Water raise no objections in principle to the scheme in terms of foul and surface water drainage subject to conditions of any approval. The Borough Council's Environmental Health do not raise any objections in

principle on land contamination grounds with the relevant mitigation measures also to be secured by condition.

15. Biodiversity and Protected Species

- 15.1 Paragraph 175 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 15.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 15.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits. Policy DP8 seeks that protection is provided for trees on development schemes.
- 15.4 The scheme largely utilises brownfield land and as such there will no loss of mature trees and any loss of existing habitats would be minimal. There is an existing hedge in the eastern area of site to be removed, although its replacement is proposed on the landscape masterplan by way of mitigation. The landscape masterplan also proposes new planting to the site boundaries to enhance biodiversity (for example by helping to form wildlife corridors) as well as being to the long term betterment of visual amenities.
- 15.5 With regard to the impacts on protected species, the scheme will not result in the loss of any bat roosts, however, as (was the case with the Lidl scheme) there is bat activity across the site, therefore mitigation measures are recommended to protect the habitats for bats - for example bat boxes - which will be secured by a condition. Similar provisions to be secured by condition will be made for nesting birds; along with a specific provision of swift bricks.
- 15.6 Accordingly, subject to the identified mitigation and landscaping enhancements, it is considered that the submissions would meet the aims of national and local planning policies in terms of biodiversity and ecological mitigations.
- 15.7 With regard to the Town Council's request that the Planning Authority ensures that the owner/developer controls/eliminates the invasive species as identified (in the applicant ecology report) as Himalayan Balsam and Japanese Knotweed this matter sits outside the Planning Acts. An informative will nevertheless draw the applicant's attention to address the invasive species under the appropriate legislation.

16. Section 106 Contributions

- 16.1 Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of

planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

16.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

16.3 A financial contribution is being sought in relation to the provision of monitoring fee of £6,895 in connection with the travel plan as per the requirements of the County Highway Authority (as per paragraph 12.7 above) and would not take the pooling threshold above five.

17. Conclusions

17.1 Having due regard to the planning balance provided across local and national policies in terms of sustainable development it is therefore considered that any approval of this employment re-development scheme would not conflict with the overall aims of the housing development strategy for the Borough (as envisaged by Policies SP1, SP2 and SP4) in terms of the ability for the Council to deliver a five year housing land supply. The proposal would be consistent with the development plan employment aims for Uttoxeter as set out in the Local Plan (at Policy SP5) and the made Neighbourhood Plan (at Policy B1). Further the scheme will consolidate and enhance job opportunities on the site whilst - and particularly given the redevelopment of the adjoining site (for the new Lidl) - providing for complementary visual enhancement of Brookside Road and the wider environs of the town's railway station.

17.2 There are no objections raised to the scheme by Highways England or the County Highway Authority and as such the proposal will not have an unacceptably adverse impact on the wider existing highways. The travel plan monitoring fee contributions will be secured by way of a Section 106 Agreement.

17.3 The proposal would not adversely affect the amenities of occupiers of any residential properties or compromise the use or operation of the surrounding businesses. The scheme would also provide necessary mitigation in relation to biodiversity and ecology and would not give rise to any environmental concerns. There are no flood risk or land contamination concerns subject to conditions being put in place.

17.4 The proposal would enhance the wider setting of the town's conservation area and provide the opportunity to enhance views towards the Grade II star listed Parish Church where the site is an integral part of any such views. Section 66(1) and Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 are therefore engaged by this scheme and have been satisfied.

17.5 Accordingly, having regard to the above planning issues it is recommended that the application should be approved subject to conditions and the Section 106 Agreement requirements set out in this report.

17.6 **RECOMMENDATION - THAT PLANNING PERMISSION BE GRANTED** subject to a Section 106 Agreement (securing a monitoring fee of £6,895 in connection with the travel plan) and the following conditions

Condition 1 - Standard Time Limit (Standard Condition No. 0000001a)

The development hereby permitted shall be begun before the expiration of three years from the date of this full permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 - Compliance with the approved plans (Standard Condition No. 0002).

The development hereby permitted shall be carried out in accordance with the following approved plans/documents subject to compliance with other conditions of this permission:

Drawing Nos.

A-002-01 dated as being received on 6 December 2018

A-200-01 dated as being received on 6 December 2018

A-200-02 Rev D dated as being received on 12 June 2020

A-200-03 Rev D dated as being received on 15 October 2019

A-200-04 Rev A dated as being received on 1 October 2019

A-200-05 Rev A dated as being received on 1 October 2019

A-200-06 Rev A dated as being received on 1 October 2019

A-200-07 dated as being received on 6 December 2018

A-200-08 Rev B dated as being received on 1 October 2019

A-200-09 dated as being received on 1 October 2019

A-201-P-01 Rev A dated as being received on 25 January 2019

A-201-P-02 Rev A dated as being received on 21 February 2019

JJL Design-IDS-250-DR-A-00-10-003C U1 GF & FF Plans dated as being received on 4 October 2019

JJL Design-IDS-250-DR-A-00-10-004C U1 GF & SF Plans dated as being received on 4 October 2019

JJL Design-IDS-250-DR-A-00-10-005D U1 Elevations dated as being received on 12 June 2020

JJL Design-IDS-250-DR-A-00-10-013B U2 Floor & Roof Plans dated as being received on 4 October 2019

JJL Design-IDS-250-DR-A-00-10-014B U2 Elevations dated as being received on 4 October 2019

JJL Design-IDS-250-DR-A-00-10-015B U3 Floor & Roof Plans dated as being received on 4 October 2019

JJL Design-IDS-250-DR-A-00-10-016B U3 Elevations dated as being received on 4 October 2019

Documents

ADC2034-RP-A-V5 Transport Assessment dated as being received on 1 October 2019

J-D0954_R1_STM_Geo_Environmental Report dated as being received on 20 December 2018

Absolute Ecology Bat Activity Report (August 2018) dated as being received on 19 December 2018

Absolute Ecology Preliminary Ecology Appraisal (July 2018) dated as being received on 19 December 2018

Absolute Ecology Reptile Survey (September 2018) dated as being received on 19 December 2018

Absolute Ecology Water Vole/Otter Survey (August 2018) dated as being received on 19 December 2018

Brookside FRA report of Wallace Engineering Limited dated 27 April 2020 reference 1847/01 Revision A dated as being received on 27 April 2020

Reason: For the avoidance of doubt to ensure the development complies with the sustainable development policies of the adopted Local Plan and so that it will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways and will not raise flooding or biodiversity concerns in accordance with East Staffordshire Local Plan Policies NP1, SP1, SP2, SP4, SP5, SP9, SP14, SP24, SP25, SP27, SP29, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the made Uttoxeter Neighbourhood Plan Policies B1, D2, D3, D4, T1, T2, T3, T4, T5 and E2, the East Staffordshire Design Guide, the East Staffordshire revised Parking Standards SPD and the National Planning Policy Framework.

Condition 3 (Bespoke)

Details of a phased programme of development (including the timing for site clearance works and for the provision of highway works and landscaping) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development (and thus including demolition works on any part of the application site) and shall include a phasing timetable and details of the treatment of any lands that may remain vacant upon the occupation of any new unit(s) on other areas of the site. The agreed phasing of any approved scheme shall be adhered to at all times unless other agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is progressed with due safeguard to the character and appearance of the locality and in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP35 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 4 (Bespoke)

Details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development (including demolition works on any part of the application site under application ref: P/2018/01547) to comprise the following :-

- a) the routeing of demolition/delivery vehicles to and from the site including timing of movements to minimise congestion
- b) arrangements for the parking of site operatives
- c) arrangements to ensure vehicular access along the full extent of Brookside Road at all times/loading and unloading of plant and materials/storage of plant and materials used in constructing the development/construction and delivery hours
- d) delivery vehicle routeing and hours
- e) recorded daily inspections of the highway adjacent to the site access
- f) measures to mitigate/to remove mud or debris carried onto the highway
- g) hours and days of operation (including delivery vehicle operation hours).

The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of residential amenities and highway safety and in accordance with East Staffordshire Local Plan Policies SP35, DP1 and DP7.

Condition 5 (Bespoke)

Prior to the commencement of the development (including any site clearance works) a scheme of dust mitigation in relation to the construction phase of the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved dust mitigation scheme shall be adhered to at all times during the construction phase.

Reason: In the interests of residential amenities in accordance with East Staffordshire Local Plan Policy DP7.

Condition 6 (Bespoke)

No new build development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority, the County Highway Authority and Severn Trent Water. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rainstorm to 17.4 l/s.

- Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent increased flood risk by ensuring the satisfactory storage of/disposal of surface water from the site and in interest of highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP27 and SP35, the East Staffordshire Design Guide and the National Planning Policy Framework

Condition 7 (Bespoke)

No new build development hereby permitted should commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the aims and objectives of the National Planning Policy Framework.

Condition 8 (Bespoke)

Unless otherwise agreed in writing by the Local Planning Authority, no new build development or land regrading works (including associated site clearance works) shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local

planning authority. The site shall be remediated in accordance with the approved measures before development begins.

Reason: To prevent unacceptable risk to health and pollution of the environment in accordance with Policy DP7 of the East Staffordshire Local Plan and the aims and objectives of the National Planning Policy Framework.

Condition 9 (Bespoke)

The development shall be carried out in accordance with the submitted flood risk assessment undertaken by Wallace Engineering Limited dated 27 April 2020 reference 1847/01 Revision A and the following mitigation measures it details:

- a) Finished floor levels shall be set no lower than 77.21 m above Ordnance Datum (AOD), 300mm above the 1 in 100 year plus climate change flood level.
- b) Compensatory storage shall be provided as outlined in paragraph 6.4 Flood Plain Compensation of the Flood Risk Assessment. All flood compensation works must be completed and in place before built development takes place.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with East Staffordshire Local Plan Policies SP1 and SP27 and the National Planning Policy Framework

Condition 10 (Bespoke)

All ecological mitigation measures in relation to the construction phase of the development shall be undertaken in accordance with the details set out in the Ecology Reports (listed at condition 2 above).

Reason: To safeguard protected species and other wildlife and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework

Condition 11 (Bespoke)

No development shall progress above slab level until samples and details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the locality in accordance with East Staffordshire Local Plan Policies SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 12 (Bespoke)

Prior to the first occupation of any new build industrial unit a scheme of boundary treatments (including materials/finishes) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the locality in accordance with East Staffordshire Local Plan Policies SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework

Condition 13 (Bespoke)

Prior to the first occupation of any new build industrial unit a scheme for the provision of electric charging points (including a timetable for installation) shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be provided in accordance with the approved details and timetable of implementation and shall thereafter be maintained as available for use for the lifetime of the development.

Reason: To promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the East Staffordshire Revised Parking Standards SPD and the National Planning Policy Framework.

Condition 14 (Bespoke)

Prior to the first occupation of any new build unit a scheme for the provision of covered and secure cycle storage facilities (including timetable of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details and timetable of implementation and shall thereafter be maintained as available for use at all times for the lifetime of the development.

Reason: To promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the East Staffordshire revised Parking Standards SPD and the National Planning Policy Framework.

Condition 15 (Bespoke)

Prior to the first occupation of the relevant new build unit(s) hereby approved the parking, turning and servicing areas to the relevant unit(s) concerned shall be provided in a bound material in accordance with details first submitted to and approved in writing by the Local Planning Authority with the individual bays clearly delineated and thereafter shall be

retained as available at all times for their specified purposes for the life of the development. The relevant access road (or part thereof) shall also have been constructed in the accordance with any phased programme agreed by another condition of this permission.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

Condition 16 (Bespoke)

No part of the new build development hereby permitted shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent. The Travel Plan shall include targets for modal shift as well as additional measures should those targets be missed.

Reason: To promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 17 (Bespoke)

Prior to the first occupation of the new build development on the scheme hereby approved an air quality mitigation scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details upon first occupation of any unit(s) and any specified ongoing requirement(s) shall be complied with at all times further to occupancy.

Reason: To mitigate unacceptable risk to health and pollution of the environment in accordance with Policy DP7 of the East Staffordshire Local Plan and the aims and objectives of the National Planning Policy Framework.

Condition 18 (Bespoke)

Prior to the first occupation of any new build development a detailed scheme of landscaping (including a timetable of implementation) shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 19 (Bespoke)

Prior to any part of the new build development being first brought into use details of a lighting scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the locality in accordance with East Staffordshire Local Plan Policies SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework

Condition 20 (Bespoke)

Prior to the new build development being first brought into use details for the provision of waste facilities/ bins to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved waste facilities/bins to serve the development shall be provided before the development is first brought into use and the facilities thereafter retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the locality in accordance with East Staffordshire Local Plan Policies SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 21 (Bespoke)

All ecological enhancement/mitigation measures shall be undertaken in accordance with the details set out in the Ecology Reports (as listed in the approved documents at condition 2) along with the provision 2 No. swift bricks to buildings on the site in accordance with the a scheme first agreed in writing with the Local Planning Authority prior to the first occupation of any new build development on the site. All mitigation measures once installed shall thereafter be retained for the lifetime of the development.

Reason: To safeguard protected species and other wildlife and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

Condition 22 (Bespoke)

All making good of retained buildings on the site shall be by way of the construction of blank elevations using matching materials with the bonding and coursing of any brickwork to match that of the existing building.

Reason: To safeguard the character and appearance of the locality in accordance with East Staffordshire Local Plan Policies SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 23 (Bespoke)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the timetable of implementation agreed under condition 18 above and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 24 (bespoke)

No mezzanine floor area shall be inserted to any unit hereby approved (other than those shown on the approved plans listed at condition 2) and nor shall any additional trade counter floorspace be created above that shown on the approved plans/specified in the application submission unless planning permission has otherwise been first been granted by the Local Planning Authority.

Reason: To comply with the aims of the retail policies of the development plan for Uttoxeter and in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP20, SP21 and SP35.

Informatives**1. Engagement**

ESBC Environmental Protection Section advise that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

2. Permission subject to Section 106 Agreement

This permission is subject to a Section 106 Agreement in relation to provision of a Travel Plan (including a monitoring fee) and that the issues such as developer provide funding for new/revised local bus services or provide bus tickets for future employees of the proposed businesses will necessarily require consideration under such a plan and also point out that the Travel Plan should set out options to be implemented should the targets in the Travel Plan not be reached in terms of sustainable transport methods.

3. Details of Proposed Air Contamination

With regard to Condition 17 above (air contamination) ESBC Environmental Protection Section advises that the scheme should consider measures encouraging a move away from conventional single occupancy vehicles to more sustainable modes of travel. This could (by way of the travel plan for example) include;

- a) Provision of designated and differential parking for low emission vehicles.
- b) Inclusion of infrastructure to encourage cycle and walking.
- c) Public transport infrastructure and subsidies.
- d) Commercial vehicles should comply with the latest European Emissions Standards from the development opening, and be updated over the lifetime of the development.
- e) Fleet operators shall have a strategy for minimising emissions.
- f) Ultra low emission vehicles shall be utilised for service use.

4. Discharge of Conditions

The condition(s) identified below require details to be approved prior to the commencement of development/works.

Condition Nos. 3, 4 and 5

The condition(s) identified below require details to be approved during the development/works.

Condition Nos. 6, 7, 8, 11, 12, 13, 14, 16, 17, 18, 19, 20 and 21

This means that a development may not be lawful unless the particular requirements of these conditions have been met.

Confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

5. Advice on the removal of invasive species

You are advised that it is suggested that any invasive species (e.g. Japanese Knotwood etc) may be present on the site and you are reminded of the need to comply with the relevant legislation in the treatment of those species.

6. Advice on dust mitigation

With regard to the condition requiring a scheme of dust mitigation ESBC Environmental Health Division advise that the scheme shall follow the principles of the latest version (currently v1.1 Feb 2014) of the Institute of Air Quality Management's (IAQM) Guidance on the assessment of dust from demolition and construction.

7. Advice on hours of operation.

With regard to condition 4 above the applicants are recommended to adopt the hours of operation during the construction phase set out in the Construction Vehicle Management Plan agreed for the adjoining Lidl development site; namely 0730hrs to 1800hrs Mon - Fri; 0900hrs to 1300hrs Saturday with there being no operations permitted on Sundays or Bank Holidays.

8. Advice on adjoining public right of way.

The development scheme should at no time cause an obstruction to the use of the adjoining Public Right of Way.

9. Need for Advertisement Consent

The applicant is advised that a separate application would be required for advertisement consent and the approval of this planning application does not imply any approval for any signage shown on the submitted plans.

Background papers

17.7 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in Section 7
- Papers on the Planning Application file reference P/2018/01547
- Papers on the Planning Application file reference P/2018/00530 (and associated discharge of condition submissions)
- Papers on the Planning Application file reference P/2015/00299

18. Human Rights Act 1998

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

19. Crime and Disorder Implications

19.1 It is considered that the proposal does not raise any crime and disorder implications.

20. Equalities Act 2010

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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