

Agenda Item:	5.1
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Site:	Land at the corner of Old Knotty Way, Uttoxeter, Staffordshire
Proposal:	Erection of a single storey detached building to form a Class A1 foodstore, together with car parking, landscaping, lighting, fencing and associated works.

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](#)

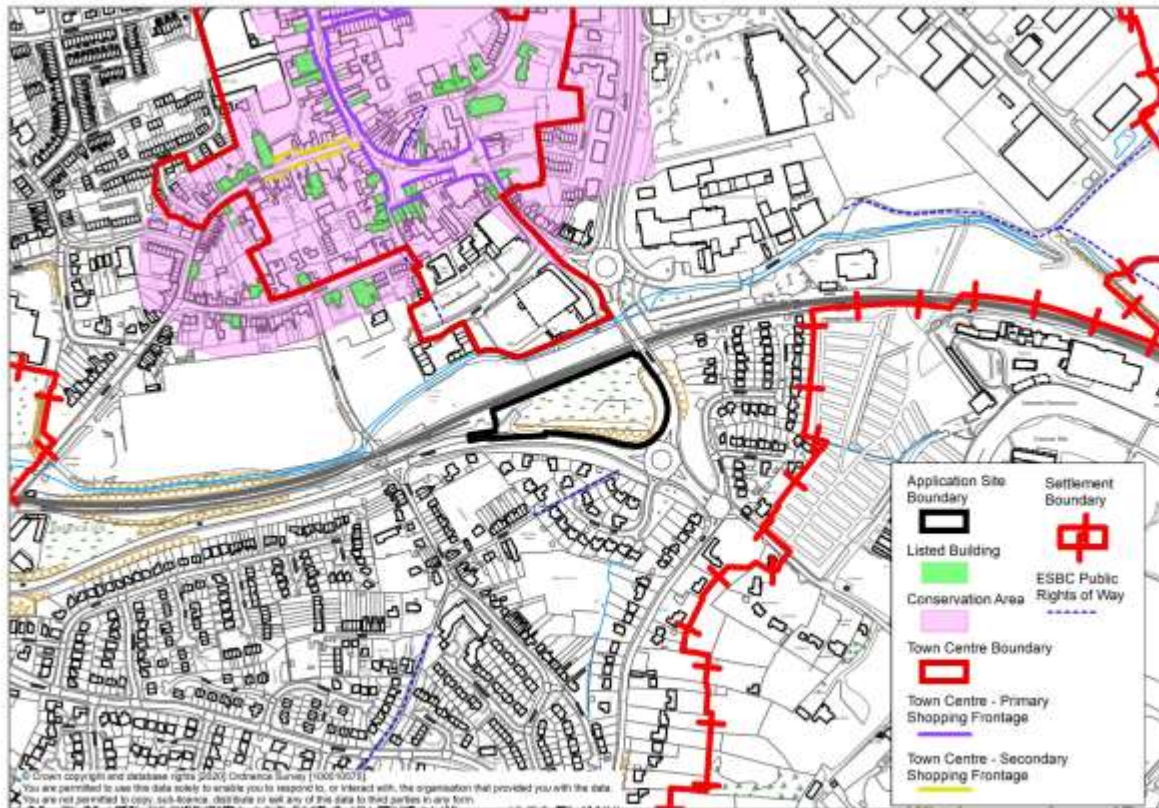
Application Number:	P/2019/01270	
Planning Officer:	Kerry Challoner	
Type of Application:	Detailed Planning Application	
Impact on Heritage Assets under S66(1) and S72	Yes. Addressed in report below.	
Applicant:	Aldi Stores Ltd	
Ward:	Town	
Ward Member (s):	Councillor G A Allen Councillor Mrs S J McGarry	
Date Registered:	22 November 2019	
Date Expires:	19 February 2020. An extension of time has been agreed with the agent.	

Reason for being on Agenda	The application is in the public interest.
Officer Recommendation	Approval subject to a S106 agreement and conditions

1. Executive Summary

- 1.1 The application site lies within the settlement boundary but is situated outside the Town Centre boundary as defined in the adopted Local Plan. Full Planning Permission is sought for the erection of an Aldi food store (Use Class A1), along with associated alterations to the vehicular access off Old Knotty Way, car parking and landscaping works.
- 1.2 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions.
- 1.3 Uttoxeter Town Council have raised no objections and 51 responses were received from local residents in support of the proposal. 4 responses raising objections on amenity and highway grounds. 4 responses were also received from interested parties raising objections on the grounds of the impact on the vitality and viability of Uttoxeter Town Centre and the Highway implications of the scheme.
- 1.4 It is considered that the scheme is compliant with the provisions of the relevant development plan policies and the National Planning Policy Framework. Specifically in retail policy terms, the Council have engaged specialist retail consultants to review the submissions and it is considered that the sequential test has been passed and the impact of the proposal as a whole will not lead to a significant adverse impact on the town centre.
- 1.5 The proposal would also not be likely to adversely affect the amenities of occupiers of any existing or proposed nearby dwellings and the County Highway Authority are satisfied that the proposal will not have an unacceptably adverse impact on the wider existing highway network. The scheme would also provide necessary mitigation in relation to soft landscaping and biodiversity and would not give rise to any environmental concerns.
- 1.6 The proposal would cause no detriment to the character and appearance of the Uttoxeter Conservation Area and Listed Buildings in the locality. 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.
- 1.7 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary S106 agreement and conditions.
- 1.8 **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 of site



2. The site description

- 2.1 The application site is 1.25 hectares in size and is located on a prominent location on the corner of Old Knotty Way and Bridge Street. The site lies 50m to the South of Uttoxeter Town Centre and is bound by the main road network on two sides and the railway along its Northern boundary. Beyond Old Knotty Way to the South lies a large residential area.
- 2.2 The site is currently vacant, and would be considered as a brownfield site. The site is a former coal/ railway yard and in recent years was used as a storage yard/ parking area as part of the Bamford Works site. The site has been disused since 2008.
- 2.3 The site is located within the settlement boundary for Uttoxeter and outside of the Uttoxeter Retail Centre boundary and its associated Conservation Area and Listed Buildings. The site is not designated for any particular uses in the Local or Neighbourhood Plan.

3. Planning history

- 3.1 24 April 2019- **P/2017/01307**- Outline application for the erection of up to 148 dwellings, formation of town park and re-naturalisation of Picknall Brook and alteration of existing vehicular access off Hockley Road, Pinfold Street and Old Knotty Way including details of access- Approved subject to conditions and a S106 agreement.

This application included a masterplan which indicated that 40 houses were proposed on the application site.

4. The proposal

- 4.1 Full Planning Permission is sought for the erection of an Aldi food store (Use Class A1), along with associated alterations to the vehicular access off Old Knotty Way, car parking and landscaping works.
- 4.2 The proposed floorspace of the building would have a gross area of 1,862 square metres, which includes a sales area of 1,315 square metres. The building would occupy the Eastern section of the site, and would have a fully glazed entrance located on the corner of the building overlooking the car park and the new pedestrian access steps off Old Knotty Way. Taking into consideration ground levels, the building would be set down from the elevated highway of Bridge Street. The remaining facades would otherwise be of silver and anthracite panels broken up with elements of high level glazing. In terms of the building it would be clearly an Aldi foodstore given the proposed materials and colour palette.
- 4.3 A total of 110 customer car parking spaces would be provided, this would include 6 disabled bays, 7 parent and toddler spaces and 2 No. electric vehicle charging points. Motorcycle bays and cycle hoops would also be provided to the frontage of the building. Whilst the existing vehicular access to the site will remain as the only vehicular access, an additional pedestrian and stepped footpath would be provided off Old Knotty Way close to its junction with Bridge

Street. Pedestrian route ways would be clearly marked throughout the car park.

- 4.4 A landscaping plan has been provided indicating the retention of trees around the perimeter of the site along with 33 new trees and low level planting and shrubs to break up the car parking area.

List of supporting documentation

- 4.5 The following documents have been provided as part of the application:

- Location Plan
- Proposed Site Layout
- Proposed Elevations, Layout, Roof and Sections
- Proposed photo montages
- Lighting Plan and Lighting Column Details
- Design Access, Site Waste Management and Sustainability Report
- Planning Statement
- Ecological Report and Updated Bat Survey (June 2020)
- Air Quality Assessment
- Arboricultural Report
- Flood Risk Assessment
- Heritage Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Contaminated Land Assessment

- 4.6 The relevant findings are dealt with in section 8 onwards below.

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	Uttoxeter Town Council have confirmed that they have no comments to make regarding the application. It was noted that Councillors Goodfellow, Green, McGarry and Sylvester declared an interest in the application and they left the Chamber during the debate/vote.
5.3	SCC Highways	No objection subject to conditions to ensure the car parking, cycle parking, turning and servicing arrangements are in place prior to the first use of the building, an updated travel plan is provided and off site highway works are secured.
5.4	Highways England	No objections were raised.
5.5	SCC Flood Risk Team	No objections subject to a detailed drainage strategy being provided prior to commencement of works on site.

5.6	Environment Agency	No objections were raised.
5.7	Severn Trent Water	No objections were raised subject to a condition requiring details of foul and surface water drainage.
5.8	Cadent	No objections were raised, although it has been confirmed that there is gas apparatus within the vicinity of the site. An informative to the applicant/ developer is required.
5.9	Architectural Liaison Officer	No objections were raised, advice provided confirming that it is important that a high level of physical security is incorporated. The advice has been forwarded to the agent.
5.10	Network Rail	No objections were raised providing the scheme does not compromise the safe operation of the railway. Conditions detailing the drainage, proposed boundary fencing, Armco barriers, construction method statement, lighting and landscaping are recommended.

Internal Consultees		Response
5.11	Environmental Health	No objections were raised subject to conditions to secure appropriate land remediation, reporting of any unexpected land contamination, noise assessment and remediation, details of external illumination and a construction management plan.
5.12	Conservation Officer	No objections were raised.

6. Neighbour/ Interested Parties responses

6.1 51 responses in support of the proposal were received from local residents and members of the public. 4 responses containing objections were received from local residents along with 4 responses from interested parties. Objections are set out below.

Neighbour/ Interested Party responses	
Impacts on Amenity	<ul style="list-style-type: none"> Increased levels of noise, vibration. Air Quality would be affected.
Highways Impacts	<ul style="list-style-type: none"> The proposed access is unsuitable The development would have negative impacts on highway safety There is a lack of pedestrian access There is a lack of disabled access Lack of bus stops in vicinity
Waitrose and Partners	Waitrose and Partners have raised objections to the proposal.

Objections were raised on the basis of the original submissions, in particular concerns were raised in relation to the methodology of the retail impact assessment. In response to the updated retail impact assessment submitted in April 2020, Waitrose remain concerned that the updated assessment still significantly underestimates the impact of the new store on Uttoxeter town centre. It remains the view of Waitrose that the proposal is likely to have a significant adverse impact on the town centre.

Objections were also raised on behalf of Universities Superannuation Scheme Limited (“USS”), who own the freehold of the Waitrose site in Uttoxeter. USS consider that there are inconsistencies and insufficient information provided in the applicants updated Retail Impact Assessment. In particular, it is clear where previous parameters have been agreed for Lidl these should be used unless clear justification is provided as to why these are not being used. Furthermore, assumptions made about trade levels being higher mean that the true impact on existing retailers has not been able to be properly assessed. As the freeholder of the Waitrose site, our Client is concerned that any further additional retail supermarket such as the Aldi store could cause trade to reduce at Waitrose and other nearby retail stores. Reduction in trade, could impact the long-term viability of these stores in Uttoxeter. There is already sufficient choice of retailers in Uttoxeter, particularly in comparison to the size of the population. The updated Retail Impact Assessment does not provide clear and justified support for a new additional store. The proposal will introduce an additional impact on traffic as well as pedestrian movements. Our Client has concerns that the Transport Assessment has not reviewed all of the correct information and it is likely that vehicle movements will be higher than suggested. There are also concerns around the exclusion of new a pedestrian crossing. It is not clear that the proposal, would not have an unacceptable impact on highway safety or that the residual cumulative impacts would not be severe.

A further response was received on behalf of Waitrose and Partners on 21 September 2020. Previous objections are maintained. In particular the patterns of trade draw which have been forecast are not realistic and under-represent the amount of trade which will be drawn from existing supermarkets in Uttoxeter town centre. The retail case for the scheme has not been satisfactorily addressed by the applicants, and on this basis we continue to object to this application. Waitrose continue to be of the view that the proposed out of centre Aldi will undermine the long-term viability of their town centre store which, in turn, is likely to have a significant adverse impact on the health of the wider

	town centre.
Asda Stores Ltd	<p>Asda Stores Ltd have objected to the proposals. The Asda store in Uttoxeter lies within the Town Centre boundary and was developed in 2014. The store provides an anchor store within the Carters Square shopping centre. Asda have concerns that the retail assessment is underestimating the impact of this proposal. The base data used for the retail assessment is out of date given the changed nature of food retailing in the town. The Council appreciate the importance of the Town Centre, the anchor developments and regeneration investment which has taken place there over the last 5 years. This is evidenced in the policy position set out in the Local Plan. To allow this development to proceed would undermine those policy objectives and have a significant adverse impact on the Town Centre thereby detracting from its vitality and viability. As such we urge the Council to refuse this planning application.</p> <p>A further response was received on behalf of Asda Stores Ltd on 16 September 2020. Asda maintain their objection to the application.</p> <p>The applicants' response does not fully address all the points raised by WYG particularly in relation to concerns about linked trips from the out of centre site, the qualitative benefits of the proposal, the change in the trade draw assumptions between October 2019 and April 2020.</p> <p>Asda would also add that there is no assessment of the added effect that store closures during the COVID-19 lockdown will have on the health of the centres. Thus, we cannot see how the Council can conclude that the proposed development would not have a significant adverse effect on vitality and viability of any of the centre before the full effects of the lockdown are known.</p>
Central England Co Operative Ltd	<p>Central England Co-Operative Ltd have raised objections to the proposal citing that food stores are the biggest footfall generators within the town centre. Objections have been raised on the basis of the dismissal of the Maltings site within the town centre within the sequential test- this site has the potential to materially improve the viability and sustainability of the town centre.</p>
MJ Barrett Group Ltd	<p>MJ Barrett Group Ltd are a landowner and developer whom include The Maltings Shopping Centre within their portfolio. The company have a committed interest in the function, health and vitality of the town centre. Objections were raised regarding the principle of the proposal and the robustness of the submissions with particular reference to the retail and transport impacts. Serious concerns were raised regarding</p>

	the retail and transportation impacts of the proposal.
Cllr B Peters	<p>I would like you to ensure that this building and any others have taken note of Climate Change Guidance – energy efficient buildings, solar panels etc</p> <p>In addition – apportionment of 106 funding from this application towards tree planting and battery charging stations in such as the business car park are examples I would like to see pursued.</p> <p>As the Cabinet Member with portfolio responsibility for Climate Change in East Staffs I am keen to use every opportunity available to engage housing and business developers to engage with the Climate Change agenda – more than happy to continue this conversation should there be a need to so.</p>
Ward Member	No response was received.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP9 Infrastructure Delivery and Implementation
- SP20 Town and Local Centres Hierarchy
- SP21 Managing Town and Local Centres
- SP22 Supporting Communities Locally
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- 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, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

'Made' Uttoxeter Neighbourhood Plan

- Policy D2 - Non-residential development
- 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 E2 - Landscape and Setting

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, Impact on Character and Heritage Assets
- Impact on Residential Amenity
- Access and Highway Matters
- Flood Risk and Drainage
- Impact on Biodiversity and Protected Species
- S106 Contributions

9. Principle of Development

National Planning Policy Framework

9.1 The National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be applied through plans and policies. Paragraph 11 of the NPPF states that for decision taking this means:

- approving development proposals that accord with an up to date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

9.2 Annex 1 of the NPPF states that 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree

of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 9.3 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.
- 9.4 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.
- 9.5 When assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up to date plan, local planning authorities should require an impact assessment. 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).
- 9.7 Where a proposal fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused.

East Staffordshire Local Development Plan

- 9.8 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 Local Plan provide a clear framework to guide sustainable growth and management of change, thereby following the Governments presumption in favour of sustainable development.
- 9.9 Strategic Policy 1 of the Local Plan sets out the East Staffordshire Approach to Sustainable Development. The policy sets out a range of principles which include social, environmental and economic considerations which should be taken into consideration in decision making. The principles include:
- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
 - it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;

- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

9.10 The Local Plan sets out in Strategic Policy 2 a strategy to direct development to the most sustainable locations within the Borough.

9.11 Strategic Policy 20 of the Local Plan identifies the requirement for 21,000 sq m of comparison goods floorspace and 5,750 sq m of convenience goods floorspace, of which Uttoxeter is expected to deliver comparison goods floorspace of approximately 4,200 sq m across the whole plan period and a share of 4,025 sq m of convenience goods floor space.

9.12 Strategic Policy 21 aims to see new retail uses being delivered within the town centres of Burton and Uttoxeter with existing town centre uses protected where this may affect the overall viability of the town centre. Policy SP21 states that sequentially the Council will expect proposals for town centre uses to be sited within defined town centres. Applications for such uses on sites outside of the town centre will be subject to the sequential test.

Uttoxeter Neighbourhood Plan

9.13 Uttoxeter Neighbourhood Plan was ‘Made’ in March 2017. The plan sets out several aims, including to rejuvenate Uttoxeter’s centre, increasing footfall and making it a more attractive place to visit, shop and hold community events and to promote and protect economic activity and to encourage job opportunities, particularly for the young.

9.14 Policy TC2 ‘Key Town Centre Sites’ provides support for proposals which would deliver the redevelopment or revitalisation of two key sites in the town centre- the Maltings Shopping Centre and Trinity Square.

Assessment

9.15 The application site is located outside of the Uttoxeter town centre boundary as defined in the Local Plan. The site is to the South of the town centre boundary, separated by the railway. As set out above, a sequential test and retail impact assessment are required in order to assess the impacts on the viability and vitality of the town centre. Officers engaged WYG as retail planning consultants to assess the submissions with specific reference to the sequential test and retail impact assessment.

9.16 The sequential test should be considered first as this may identify that there are preferable sites within the town centre boundary that could accommodate the proposal. The test identifies if proposed retail development cannot be located within town centres. If a development cannot be located within a town centre it should then be subject to a retail impact test. The impact test determines whether there would be likely to be significant adverse impacts of locating main town centre uses outside of a designated town centre and therefore whether the proposal should be refused in line with policy.

9.17 This application seeks consent for a retail food store with a proposed internal floor space of 1,785 sq m which includes a 1,315 sq m net sales area. The application is supported by a sequential test, which identifies the following sites as being prospective sites to accommodate a new food store:

- Maltings shopping precinct
- The former Co-Op Store adjacent to The Maltings
- Vacant Units, High Street and Bridge Street
- Existing Lidl, Town Meadows Way

9.18 In accordance with the conclusions of WYG (the Councils appointed retail consultants) and additional information provided by the applicants, Officers are satisfied that sequentially none of the above sites are suitable or available for accommodating the proposed development. This is briefly because:

- Maltings shopping precinct- the site is not suitable or viable and there is an absence of a car park area which Aldi could control.
- The former Co-Op Store adjacent to The Maltings- this site does not offer sufficient floor space, even when considering an adjacent site.
- Vacant Units, High Street and Bridge Street- the sites are not large enough and do not have the accessibility required by the applicant.
- Existing Lidl, Town Meadows Way- this site is subject to legal agreements to prevent competitors re using the site.

9.19 With respect to the retail impact test, this was triggered because the outcome of the sequential test indicated that there were no suitable town centre boundary sites available. Confirmation of how the retail impact test should be used in decision taking is set out in paragraphs 017 of the 'Planning for town centre vitality and viability' section of the NPPG. The guidance states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

9.20 During the course of the application the retail impact test was revised in response to concerns raised regarding the methodology used in the original submissions. The revised retail impact test included additional baseline evidence in the form of a household telephone survey to inform the analysis of potential effects on Uttoxeter town centre. It considers also the solus effects of the proposed Aldi and the cumulative effects with the consented Lidl relocation. It is important to note that whilst Waitrose, Asda and Iceland occupy sites within the town centre boundary as defined in the Local Plan, for retail purposes 'town centre' is defined by reference to the primary shopping area. In this context only Iceland occupies a town centre, primary shopping area location. For the purposes of a retail assessment Waitrose, Asda, Tesco and Lidl are considered as edge of centre locations within the meaning of national guidance. Edge-of-centre' sites are distinct and fall outside the 'town centre' and not therefore the focus of the assessment of the proposal on vitality and viability pursuant to national policy.

9.21 The applicants updated Retail Impact Assessment submitted in April 2020 concludes that when taking into consideration shopping patterns on the vitality and viability of Uttoxeter Town Centre, there would be some retail impact on existing traders. However, it is argued that any impacts would not be significant and would be mitigated by the benefits of bringing an Aldi Store to this location. Overall, it is not considered that the proposal would result in a 'significant adverse impact' as set out in the NPPF.

9.22 The Councils appointed retail consultants, WYG have reviewed the information submitted and raised a number of matters where further evidence or explanations were required in order to draw firm conclusions in relation to the retail impact test, particularly in respect of the trade draw assumptions and how these have changed, the absence and date of health check data and high expenditure per head figures adopted. This information including raw data where necessary has since been provided and assessed by Officers, It is considered that the applicants have addressed the points raised and having regard to the data supplied, it is reasonable to conclude that the retail impact test is met and the scheme would not cause significant adverse impact on the town centre of Uttoxeter.

9.23 The benefits of the scheme which the applicants argue include the street scene improvements, suitable re use of a sustainably located brown field site, linked trips and employment opportunities should be given consideration in the planning balance.

9.24 In principle, taking into consideration government guidance in relation to the sequential and retail impact tests and the various submissions and evidence provided on behalf of the applicants, it is considered that the objectives of Local Plan Policies SP1, SP20 and SP21 are met along with the objectives of the Uttoxeter Neighbourhood Plan and the NPPF.

10. Design and Impact on Heritage Assets

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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.
- 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. Policy DP2 sets out requirements for designing in sustainable construction.
- 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 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.
- 10.1 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.
- 10.2 The proposal would bring back into use a currently disused large brownfield site within the town and taking into consideration the overall scheme it is considered that it would complement its surroundings. It is noted that the landscaping proposals would ensure that the development integrates well into the site and lead to a cohesive extension of the town centre. The proposed construction details, and the standard operation of the Aldi store, incorporates energy efficiency techniques.
- 10.3 Accordingly, it is considered that the scheme complies with Policies SP1, SP24, DP1 and DP2 of the Local Plan and Policies D2, D3 and E2 of the Neighbourhood Plan.

- 10.4 Turning to Heritage Assets. Paragraph 126 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.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 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.
- 10.9 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.
- 10.10 The site lies outside of the Uttoxeter Conservation Area, and in its present form as a vacant brownfield site has little impact on its character and appearance. The towns Conservation Area along with its associated Listed Buildings are screened from the site by the intervening industrial development at bridge field, and/or far enough away that the proposed development would not affect their significance via setting, particularly as the majority of the listed buildings have intimate settings relating to their immediate streetscape context rather than more distant relationships with a wider landscape to the south.
- 10.11 In overall terms, therefore, the existing site, does not in its present form as vacant industrial site make a positive contribution to the character of the

Conservation Area or the setting of the listed buildings. This scheme provides an opportunity to enhance the approach into the Conservation Area and the setting of listed buildings by improving visual amenity on approach and providing a more coherent streetscape. The proposed built form itself would be well screened by existing built form and separation distances as such Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been engaged by this scheme and are satisfied.

10.12 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.

11. Residential Amenity

11.1 The National Planning Policy Framework and DP1 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

11.2 In terms of the proposed siting of the foodstore, and the substantial separation distances to any residential properties it is considered that there would be no overbearing, overshadowing or overlooking concerns. 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 subject to a condition providing for necessary noise mitigation measures being put in place and retained.

11.3 In residential amenity impact terms the proposals therefore comply with the aims of the Local Plan.

12. Highway Matters

12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 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 all major applications to take account of the traffic impacts on the town centre,

journeys should be managed in order to reduce environment and road safety impacts.

- 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.
- 12.5 The Council's 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 The site is situated within walking and cycling distance of various neighbouring residential areas and settlements providing potential for employees and customers to travel to and from the site on foot or by cycle. The site is within a short walking distance of the nearest bus stop which is serviced by frequent and direct services to multiple residential areas as well as Uttoxeter centre, Burton, Derby and Stafford.
- 12.7 In addition, the site is well located to provide employees with supporting goods and services within a short walking / cycling distance of the site. Overall, the site is easily accessible to employees and customers by sustainable modes of transport.
- 12.8 In terms of the impacts on the local highway network, a Transport Assessment has been submitted in support of the proposals and has been assessed by SCC Highways. The Transport Assessment considers the likely traffic generated by the proposal to be at a peak on a Friday afternoon and Saturday. Deliveries to the store have also been included. Using trip rates based on the nearby Lidl, the trips or arrivals and departures to the site at peak times have been modelled and it is considered that this would operate within capacity with minimal queuing and is not considered likely to result in a severe and detrimental impact on the capacity of the local highway network.
- 12.9 The proposals look to provide 110 off street parking spaces for a gross floor area of 1,862 sq m, falling short of the requirement of the Car Parking SPD by 23 spaces. Notwithstanding this, the submitted Transport Assessment takes into consideration the specific operations of an Aldi Foodstore, likely traffic generation and the length of time that visitors are likely to stay parked within the site. Aldi would retain control of the parking operations, using a private company to restrict the length of time vehicles can be left in the site. The County Highway Authority are satisfied that whilst there is a modest deficit in spaces in relation to the guidelines set by the SPD, the proposed parking provision, which includes parent and baby, disabled and additional motorcycle and cycle storage would remain acceptable.
- 12.10 The Travel Plan submitted suggests various ways of reducing travel to the site. It is considered that a more detailed Measures/Outcomes Travel Plan is required, with a monitoring strategy supported by a Section 106 Agreement to

secure monitoring that should include penalties or financial contributions to support sustainable travel measures if the targets in the Travel Plan are not achieved. It is considered that if the Travel Plan measures are effective it will reduce any potential pressure on the car parking provision included within the proposals.

- 12.11 The level of car parking for the development is therefore considered appropriate in this case subject to a Section 106 Agreement to secure the monitoring of the Travel Plan for the site.
- 12.12 The site access was originally designed as a 'ghost island' junction, but during the course of the application this has been revised to be a simple priority junction. This would involve the removal of a raised central reserve and the widening of the carriageway into the verge opposite the access. These access arrangements are considered to be acceptable in light of the details included within the Transport Assessment and importantly the trip data for peak times.
- 12.13 An additional pedestrian access point will be provided off Old Knotty Way, albeit due to the ground levels this will be stepped. Discussions between the applicant and the County Highways Authority have resulted in a number of off site Highway Works being proposed along Old Knotty Way which include the provision of a new pedestrian crossing and a pathway linking the site to an existing pedestrian crossing. These works would improve disabled access to the site. It is noted that throughout the proposed car park provision for disabled access would be provided, with lowered kerbs and textured paving for example. The off site highway works would be secured by means of a Grampian condition and would ensure that pedestrian infrastructure in the vicinity of the site is good, providing good quality connections to the wider area.
- 12.14 The Parking Standards SPD also requires major developments to have provision for electric vehicle charging points, the applicant has confirmed that it is their intention to provide 2 No. electric vehicle charging points within the car park, with the cabling laid for a further 4 charging points which could be brought into operation in the future depending on demand. A condition is recommended to ensure implementation.
- 12.15 The County Highway Authority are satisfied that the development would have create no additional traffic congestion on the surrounding highway network and as such the development would accord with policies SP1 and SP35 of the Local Plan.

13. Flood Risk and Drainage

- 13.1 Section 10 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 probability 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.

- 13.2 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.
- 13.3 The Environment Agency have been consulted and raise no objections in principle following consideration of the submitted Flood Risk Assessment. The County Council as the Local Lead Flood Authority and Severn Trent Water raise no objections in principle to the scheme, a condition is attached as recommended to ensure that an appropriate scheme is secured for the discharge of foul and surface water drainage. The Borough Council's Environmental Health do not raise any objections in principal on land contamination grounds with the relevant mitigation measures also to be secured by condition. An informative would be attached to any approval drawing the applicants' attention to the fact that there is gas apparatus in the vicinity of the site as referred to by Cadent (National Grid).
- 13.4 The requirements in terms of drainage and flooding of Local Plan Strategic Policy 27 and the objectives of the National Planning Policy Framework are met.

14. Biodiversity and Protected Species

- 14.1 Paragraph 118 within Section 11 of the National Planning Policy Framework 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.
- 14.2 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.
- 14.3 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.
- 14.4 The proposals, including the provision of the car parking and associated infrastructure will result in the loss of some existing mature trees. In the short term the loss may be noticeable, however, the scheme proposes substantial compensatory replacement planting and this will be secured by condition. It is considered the initial loss of trees would be outweighed by the wider benefits of the scheme as a whole will bring to this locality.
- 14.5 The application is supported by an Ecological Impact Assessment which sets out that there is limited evidence of bats or other protected species within the site. Notwithstanding this, it is noted that a licence from Natural England will be required prior to any works being carried out on site and the supporting information sets also sets out a range of mitigation measures as it is noted that the future development of the site provides an opportunity to enhance the existing situation through measures such as bird and bat boxes. A suitably worded condition is recommended to ensure that the necessary mitigation

measures are followed during the redevelopment of the site and appropriate ecological enhancement measures are provided.

15. Section 106 Contributions

15.1 Paragraph 204 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.

15.2 In this case a Section 106 Agreement would be required to secure the necessary off site highway works and travel plan monitoring fee of £6,895 in line with the requirements of SCC Highways.

16. Conclusions

16.1 Having to due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the necessary Section 106 agreement and conditions.

16.2 RECOMMENDATION

16.3 Grant, subject to the following conditions and the completion of a S106 Agreement:

1. Grampian Condition: Off Site Highway Works

The development hereby permitted shall not be brought into use until written confirmation has been secured from Staffordshire County Council (as the highway authority) and submitted in writing to the Local Planning Authority that the new access off Old Knotty Way including the widening of the road and removal of a central island, the construction of a new signal controlled pedestrian crossing and a new footpath from the existing pedestrianised crossing have been completed to the satisfaction of the County Highway Authority under the Highway Acts.

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

2. Time Limit - 3Yr Standard

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

3. Approved Plans

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

Drawing No.s:

AMA/40035/SKO12 dated as received 21 July 2020
2554-051 Location Plan dated as received 30 October 2019
2554-100 Rev A Proposed Site Layout dated as received 21 July 2020
2554-101 Rev A Proposed Layout Plan dated as received 23 December 2019
2554-102 Rev A Proposed Elevations dated as received 23 December 2019
2554-103 Rev A Proposed Sections dated as received 23 December 2019
2554-104 Rev A Proposed Roof Plan dated as received 23 December 2019
2554-VL-L01 Rev D Landscape Plan dated as received 23 December 2019
2554-100 Rev 1 Lighting Plan dated as received 01 November 2019

Ecological Impact Assessment SLR Ref: 414.02748.00009 Version 1 dated September 2019

Results of Dusk Bat Surveys of Trees 10 and 11 SLR Ref: 424.07248.00015 Version 1 dated June 2020.

Flood Risk Assessment dated as received 09 October 2019.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP3, SP9, SP20, SP21, SP22, SP24, SP25, SP27, SP28, SP29, SP35, DP1, DP2, DP5, DP7 and DP8, Uttoxeter Neighbourhood Plan Policies, the Uttoxeter Neighbourhood Plan Policies D2, D4, E2, T1, T2, T3 and T4, the East Staffordshire Design Guide, the Car Parking Standards SPD, and the National Planning Policy Framework

4. Materials

All external materials used in the development shall be as set out on the approved plans listed under condition 2 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP2 and DP5, the Uttoxeter Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

5. Implementation of Landscaping

All planting, seeding or turfing comprised in the approved details of landscaping as set out on the approved plans listed under condition 2 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; 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 gives written consent 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, SP24, SP25, DP1 and DP5, the Uttoxeter Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

6. Protection of Trees During Development

All existing trees and hedges shown as being retained on the plans hereby approved under condition 3 above shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations contained within British Standard 5837 (2012) 'Trees in Relation to Construction'. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

7. Highways- Bespoke

The development hereby permitted shall not be brought into use until the access, parking, cycle parking, servicing and turning areas shown on the approved plans listed under condition 3 above have been provided, hard surfaced, marked out and drained in accordance with the approved plans and shall not be used for purposes other than those and maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

8. Highways- Bespoke

The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway have been completed.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

9. Highways- Bespoke

The development hereby permitted shall not be brought into use until the pedestrian access to the site off Old Knotty Way has been completed. The pedestrian access shall be retained for the lifetime of the development.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

10. Travel Plan (Bespoke)

The development hereby permitted shall not be brought into use 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.

11. Bespoke: Surface/ Foul Water Drainage Scheme

No development shall take place until a detailed surface and foul 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 and Severn Trent Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall demonstrate:

- Surface water drainage system to be 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 40% (for climate change) critical storm to 8.0l/s.
- Provision of adequate 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.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited and the Lead Local Flood Authority in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

12. Bespoke: Contaminated land

No development shall take place 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 must be prepared, and is subject to the approval in

writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that 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.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

13. Bespoke: Contaminated land

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

14. Bespoke: Contaminated land

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

15. Noise Assessment

No development shall take place until a Noise Impact Assessment with regards to external plant and deliveries has been submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required. The development shall only be implemented in

accordance with the approved mitigation measures and maintained as such for the life of the development.

Reason: In the interests of the amenity of the adjacent occupiers of the site in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

16: Construction Management Plan

No development shall take place until a Construction Management Plan, which shall specify the routing of demolition and construction vehicles to and from the site, parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority and the Environmental Health Team in the interests of highway safety and to prevent unacceptable risks the environment in accordance with East Staffordshire Local Plan Policies SP1, SP35 and DP7.

17. Bespoke: Network Rail

No development shall take place within the application site until details of boundary fencing to be located along the boundary with the Railway will be provided and agreed in writing by the Local Planning Authority. The approved fencing shall be installed prior to the first occupation of any dwelling on the site.

Reason: As recommended by Network Rail to provide for the safe operation of the adjoining railway in accordance with the National Planning Policy Framework.

18. Bespoke: Network Rail

No development shall take place within the application site until a method statement detailing the proposed method of construction, risk assessment in relation to the railway and a construction traffic management plan shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: As recommended by Network Rail to provide for the safe operation of the adjoining railway in accordance with the National Planning Policy Framework.

19. Bespoke: Ecological Measures Required

The development shall be carried out in accordance with the mitigation measures set out in the Ecological Impact Assessment and the Results of the Dusk Bat Surveys Documents listed under condition 3 above unless first agreed in writing by the Local Planning Authority.

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

20. Bespoke: Electric Vehicle Charging Points

Prior to first use of the development hereby permitted 2 No. electric vehicle charging points shall be installed and retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan and the Parking Standards SPD.

21. Bespoke: To define the permission

Notwithstanding the provisions of the Town and Country Planning (general permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 263sq m of the net sales are devoted to comparison goods without the consent of the Local Planning Authority.

Reason: To ensure any future use of the premises does not adversely affect the vitality of the Town Centre and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP20, SP21 and DP7.

22. Bespoke: To define the permission

The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be subdivided into two or more units, and no concessions shall be permitted within the unit without the consent of the Local Planning Authority.

Reason: To ensure any future use of the premises does not adversely affect the vitality of the Town Centre and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP20, SP21 and DP7.

23. Bespoke: To define the permission

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that order with or without modification), no mezzanine floor or other form of internal floor to create additional Retail floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit without the consent of the Local Planning Authority.

Reason: To ensure any future use of the premises does not adversely affect the vitality of the Town Centre and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP20, SP21 and DP7.

Informatives

1: Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development.
Condition No's 1, 11, 12, 15, 16, 17 and 18.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for 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.

2: Engagement (Proactive)

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

3. Highways

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Minor/Major Works Information Pack and an application form for the Minor/Major Works Agreement. Please complete and send to the address indicated on the application from which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<https://www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx>

4. Ecological Responsibilities

The applicant/ developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

5. Network Rail

Given the proposed works adjacent to the boundary with the railway it is imperative that the developer liaises with the Network Rail asset protection team.

assetprotectionlneem@networkrail.co.uk

6. Network Rail

The drainage strategy required under condition 11 above should take into consideration the following requirements:

- All soakaways should discharge away from the railway infrastructure
- Any attenuation ponds next to the railway should include adequate storm capacity and overflow arrangements so that there is no risk of flooding to the railway line in any event

7. Cadent

Cadent have advised that there are gas pipelines and associated equipment within the vicinity of the application site. The applicants are advised to contact the plan protection team prior to any works commencing on site.

Email: plantprotection@cadentgas.com Tel: 0800 688588

17. Background papers

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

- Papers on Planning Application file **P/2019/01270**
- Papers on Planning Application file **P/2017/01307**
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above
- Uttoxeter Neighbourhood Plan

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.

For further information contact: Kerry Challoner

Telephone Number: 01283 508615

Email: dcsupport@eaststaffsbc.gov.uk