

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

Date valid application received: 18/06/2018

Application No: P/2018/00530

Name and address of Agent

Name and address of Applicant

Indigo Planning
Toronto Square
Leeds
LS1 2HJ

Lidl UK GmbH & M J Barrett Group
C/O Agent

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS**:

**Hybrid application including 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.
Brookside Business Park, Brookside Road, Uttoxeter, Staffordshire, ST14 8AU**

in accordance with the submitted documents and plans (as listed in this decision notice) and subject to the **Section 106 Agreement dated 2nd July 2019** and the condition(s) specified hereunder in relation to the outline and full planning permission applications respectively:

Outline Planning Permission for drive-thru restaurant (Classes A3/A5))

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins (other than any demolition/site clearance works shown on the relevant approved drawings listed at condition 3 below) and the development shall be carried out as approved.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

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

Drawing No. 2017-119-A-PL-001 Rev F dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-002 Rev E dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-003 Rev H dated as being received on 18 January 2019 insofar as it solely relates to the lands the subject of the outline application.

Drawing No. 2017-119-A-PL-011 Rev C dated as being received on 18 January 2019
Drawing No. V70855-D101 Rev A dated as being received on 20 September 2018
Drawing No. V70855-D102 Rev B dated as being received on 20 September 2018

Reason: For the avoidance of doubt to ensure the development complies with the retail 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 in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP9, SP20, SP21, SP24, SP25, SP27, SP29, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the made Uttoxeter Neighbourhood Plan Policies 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.

- 4 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5 The floor area of the building to occupy the site shall not exceed 169 square metres (Gross Internal Area) and the site shall only be used in connection with a Class A3 and/or A5 use as defined in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order).

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.

- 6 The details to be provided under condition 1 above shall include details of secure and covered cycle parking/the finish surfacing materials to the parking, access and turning areas (including delineation of parking spaces/pedestrian paths/pedestrian and cycle access to the development site). The approved details shall be delivered in line with an agreed written timetable and thereafter maintained for the purposes specified during the lifetime of the development.

Reason: In the interests of highway safety and to promote sustainable forms of transport in accordance in accordance with East Staffordshire Local Plan Policy SP35.

- 7 No new build development shall take place, and no site works related to the development hereby approved shall be carried out, until details of all slab levels and any land regrading works proposed to the site 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.

- 8 Details of the proposed foul and surface water drainage systems shall be submitted to and approved in writing by the Local Planning Authority before any new build development first commences. Any soakaway to serve the development scheme shall be located a minimum distance of 4.5 metres to the rear of the adopted highway boundary. Before the first bringing into use of the development the foul and surface water drainage scheme shall be completed in accordance with the approved details and in accordance with the measures set out in the flood risk

assessment document titled "Proposed Commercial/Retail Development Brookside Road, Uttoxeter Flood Risk and Runoff Assessment", reference 392669/ R01/B, prepared by Mott MacDonald dated 24 October 2018 (and dated as received on 29 October 2018).

Reason: To prevent pollution of the water environment and to mitigate flooding impacts and in accordance with East Staffordshire Local Plan Policy DP7.

- 9 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.

- 10 Prior to any part of the development being first brought into use details of the 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

- 11 Prior to the development being first brought into use details for the provision of waste facilities/litter bins to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved waste facilities/litter 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.

- 12 All planting, seeding or turfing comprised in the approved details of landscaping 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 Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

Full Planning Permission (for Lidl and Two No. Retail Units)

- 13 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.

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

Drawing No. 2017-119-A-PL-001 Rev F dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-002 Rev E dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-003 Rev H dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-004 Rev C dated as being received on 7 November 2018
Drawing No. 2017-119-A-PL-005 Rev C dated as being received on 7 November 2018
Drawing No. 2017-119-A-PL-006 Rev A dated as being received on 7 November 2018
Drawing No. 2017-119-A-PL-007 Rev B dated as being received on 7 November 2018
Drawing No. 2017-119-A-PL-008 Rev C dated as being received on 7 November 2018
Drawing No. 2017-119-A-PL-009 Rev D dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-010 Rev F dated as being received on 18 January 2019
Drawing No. 2017-119-A-PL-011 Rev C dated as being received on 18 January 2019
Drawing No. V70855-D101 Rev A dated as being received on 20 September 2018
Drawing No. V70855-D102 Rev B dated as being received on 20 September 2018

Reason: For the avoidance of doubt to ensure the development complies with the retail 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 in accordance with East Staffordshire Local Plan Policies NP1, SP1, SP2, SP4, SP9, SP20, SP21, SP24, SP25, SP27, SP29, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the made Uttoxeter Neighbourhood Plan Policies 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.

- 15 Details of any phased programme of development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development (including demolition works on any part of the application site under application ref: P/2018/00530) and shall include a phasing timetable and details of the treatment of any lands that may remain vacant upon the occupation of any retail unit(s) on other areas of the site (including that the subject of the outline approval). 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 in accordance with East Staffordshire Local Plan Policies SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

- 16 Details of a Construction Vehicle Management Plan (CVMP) 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/2018/00530) to comprise the following :-

- a) the routing 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 to the eastern 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 routing 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.

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 and DP7.

- 17 Details of a scheme of a dust mitigation to be enacted during the construction phase 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/2018/00530). The scheme shall be in line with the recommendations of Section 7 of the "Mitigation Measures of the Air Quality Assessment (Ref: SLR: 414.05068.00013 version 1) (dated as being received on 2 October 2018). The approved scheme shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

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

- 18 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

- 19 Details of all proposed off site highway works shall be submitted for approval in writing by the Local Planning Authority prior to the new build development commencing on the site including provision for revised customer access and new service access/provision of new footway/road widening and resurfacing works on Brookside Road. The approved works shall all be completed in accordance with the approved details prior to the first occupation of any new retail units unless otherwise agreed in writing by the Local Planning Authority.

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

- 20 No new build development approved by this permission (including on any lands covered by the outline permission) shall be commenced prior to the submission and approval in writing of documents (1), (2) and (3) below to the Local Planning Authority, together with a timetable of works in relation to a remedial strategy. The remediation strategy shall comprise of the following components each of which will need to be submitted to and approved, in writing, by the Local Planning Authority:

(1) A preliminary risk assessment which has identified:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o potentially unacceptable risks arising from contamination at the site.

(2) Site Investigation

A site investigation scheme, based on (1) above to provide information for a detailed assessment

of the risk to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(3) Submission of Remediation Scheme

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 based on the results of the results of the site investigation and the detailed risk assessment referred to in (2) above. 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.

(4) Implementation of Approved Remediation Scheme

The approved remediation scheme required by (3) above 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.

(5) Validation

Following completion of measures identified in the approved remediation scheme required by (3) and (4) above, a verification report/validation report that demonstrates the effectiveness of the remediation carried out must be produced to be subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

(6) Reporting of unexpected contamination

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 then be undertaken in accordance with the requirements of (1) and (2) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (3) above, which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in any approved remediation scheme a verification report must be prepared, which is subject to the

approval in writing of the Local Planning Authority in accordance with (5) above. If works are intended to complete on a phased basis, then it is acceptable to submit details, and subsequent validation reports on a phased basis also, provided that plans showing the relevant area are also submitted alongside the other details for each phase.

Unless otherwise first agreed in writing by the Local Planning Authority the scheme shall be implemented as approved and therefore all components 1 to 5 (and component 6 where relevant) will need to be satisfied in full before any retail unit is first occupied.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

- 21 No new build development shall take place until a scheme for the disposal of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first occupation of any retail unit.

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 in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

- 22 No new build development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the flood risk assessment document titled "Proposed Commercial/Retail Development Brookside Road, Uttoxeter Flood Risk and Runoff Assessment", reference 392669/R01/B, prepared by Mott MacDonald and dated 24 October 2018 (and dated as received on 29 October 2018). The design must demonstrate:

- o Surface water drainage system(s) has been designed in accordance with national and local standards, including the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- o SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual 2015), to include tanked permeable paving for all car parking spaces.
- o Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to a total of 76l/s to ensure that there will be no increase in flood risk downstream. (FRA Table 6: Full Application 56.0l/s, Outline Application 20.0l/s)
- o 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. The 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 30 year, and 1 in 100 year plus climate change return periods.
- o Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- o Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

The scheme shall ensure no infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters

The approved surface water drainage scheme shall be completed prior to the first occupation of any retail unit.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with East Staffordshire Local Plan Policies SP27 and DP7.

- 23 Details of the retaining walls to be constructed to serve the car parking areas/access(es) (including external finishes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any new build development and the approved works shall be completed prior to the first occupation of any retail unit.

Reason: In the interests of highway safety and visual amenities of the locality in accordance with East Staffordshire Local Plan Policy SP35.

- 24 Any tree/hedgerow removal works approved by this development shall be undertaken outside the bird breeding/nesting season unless otherwise first agreed in writing by the Local Planning Authority.

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.

- 25 All ecological enhancement/mitigation measures in relation to the construction phase of the development and in respect of the long term retail use of the site shall be undertaken in accordance with the details set out in the Absolute Ecology Preliminary Ecological Appraisal November 2017 (dated as being received on 18 June 2018) and the Absolute Ecology Activity Survey for Bats May 2018 (dated as being received on 18 June 2018). 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.

- 26 Prior to the first occupation of any retail 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.

- 27 Prior to the first occupation of any retail 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 for the lifetime of the development.

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

28 Prior to the first occupation of any retail unit a scheme for the provision of covered and secure cycle storage facilities for staff and customers (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 for the lifetime of the development.

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

29 Details of a scheme to provide for a Traffic Regulation Order on the south side of Brookfield Road shall be submitted for the approval in writing of the Local Planning Authority prior to any first occupation of any retail unit. Unless another timetable of implementation is otherwise agreed in writing by the Local Planning Authority the approved scheme shall be completed prior to the first occupation of any new retail unit on the application site and shall be retained thereafter.

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

30 Prior to the first occupation of any retail unit, a scheme of noise mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Once installed the relevant noise mitigation measures shall be maintained for the lifetime of the development.

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

31 Prior to first occupation of any retail unit the access drive(s) and associated visibility splays shall be provided in accordance with the approved plans (listed at condition 14 above). The visibility splays shall thereafter be kept free of all obstructions to visibility with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway

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

32 Prior to first occupation of any of the retail units the shared parking and manoeuvring areas shall be provided in a bound material in accordance with the approved details with the individual bays clearly delineated and thereafter shall be retained for the life of the development.

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

33 Prior to first occupation of any of the retail units the pedestrian ramped access from Town Meadows Way (as shown on the approved drawings listed at condition 14 above) shall be provided and all pedestrian accesses/paths clearly delineated in accordance with the approved details and shall thereafter be retained as available for use for the life of the development.

Reason: In the interests of pedestrian safety in accordance with East Staffordshire Local Plan Policy SP35.

34 The development shall be carried out in accordance with the submitted flood risk assessment titled "Proposed Commercial / Retail Development Brookside Road, Uttoxeter Flood Risk and Runoff Assessment", reference 392669/ R01/ B, prepared by Mott MacDonald and dated 24 October 2018

(and dated as received on 29 October 2018) and the following mitigation measures it details:

- In accordance with section 8.1 of the FRA finished floor levels shall be set no lower than 77.852m above Ordnance Datum (AOD).
- Compensatory storage shall be provided in accordance with Section 8.1 of the FRA and section 3.3 of Appendix E of the FRA. All flood compensation works must be completed and in place before built development takes place.

These mitigation measures shall be fully implemented prior to the occupation of any retail unit 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.

- 35 The boundary treatment scheme shall be completed in accordance with the approved details prior to the first occupation of any retail unit.

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

- 36 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any retail unit 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 Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

- 37 Any soakaway to serve the development scheme shall be located a minimum distance of 4.5 metres to the rear of the adopted highway boundary.

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

- 38 The two No. Class A1 retail units ('Units Nos. 2 and 3' on the approved drawings as listed at condition 14 above) as defined in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) shall only be used for the sale of comparison goods and no more than 20 per cent of the available sales area (i.e 121.6 sqm) of the Class A1 'Lidl Foodstore' retail unit shall be used for the sale of comparison goods unless planning permission has otherwise been first been approved by the Local Planning Authority.

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

- 39 No retail unit hereby approved shall be sub-divided, no mezzanine floor shall be inserted and nor shall any additional retail 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.

- 40 No gates or barriers shall be installed at the vehicular access to the customer parking areas at any time unless first agreed with the Local Planning Authority under the current application prior to the occupation of any retail unit or unless thereafter planning permission has otherwise been first been granted by the Local Planning Authority.

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

- 41 Any gates or barriers to be installed to the HGV/delivery access (as delineated on the approved plans listed at condition 14 above) shall be set a minimum distance of 18 metres back from the edge of the public highway and shall open away from the highway at all times.

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

- 42 There shall be a minimum number of 206 No. car/vehicle parking spaces provided within the application site to serve the development on the full extent of the lands the subject of application ref: P/2018/00530.

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

Informative(s)

1. 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.
2. It is pointed out that a number of conditions on this decision notice require details to be approved within specific timeframes in relation to this approval and the progress of the development on the lands the subject to the outline permission also requires the approval of matters under conditions 15, 16, 17 and 20 of the full permission. This means that a development may not be lawful until such time as they have been discharged and 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.

3. The applicant's attention is drawn to the comments of the Environment Agency in relation to water environment pollution.
4. The applicant's attention is drawn to the comments of the Network Rail on lighting provision at the site and the operation of the railway.
5. The applicant's attention is drawn to the comments of Cadent on the existence of gas mains in the locality.
6. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

7. This permission is subject to a Section 106 Agreement in relation to an approved Framework Travel Plan and associated Travel Plan monitoring sum of £11,900; in respect of a Traffic Regulation Order on Brookside Road (for which there is fee payable of £6,000); and in respect of an undertaking not to use the existing Lidl store on Town Meadows Way for food retail sales (upon its vacation by Lidl due to its re-location to the application site).

8. 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.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the Council is required.



Dated 3 July 2019

Signed

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Sal Khan CPFA, MSc
Head of Service (Section 151 Officer)
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