

11 March 2011  
L 110311 Planning - Application Covering Letter.doc



Head of Planning  
East Staffordshire Borough Council  
Planning Department  
Town Hall  
Burton upon Trent  
Staffordshire  
DE14 2EB



Savills  
DL: +44 (0) 20 7409 8025  
F: +44 (0) 20 7495 3773

20 Grosvenor Hill  
London W1K 3HQ  
T: +44 (0) 20 7499 8644  
savills.com

P/11/00295

Dear Sir or Madam

**SECTION 62 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION FOR OUTLINE PLANNING PERMISSION FOR DEMOLITION OF EXISTING BUILDINGS,  
CONSTRUCTION OF NEW BUILDINGS FOR USE WITHIN CLASSES A1 (10,519 SQ M), AND A2/A3/A5  
(396 SQ M), TOGETHER CAR PARKING AND WORKS TO THE HIGHWAYS TO CONSTRUCT A NEW  
MEANS OF ACCESS, PLUS ASSOCIATED WORKS TO LANDSCAPING, TREES AND BOUNDARY  
TREATMENT  
PEEL CROFT, LICHFIELD STREET, BURTON UPON TRENT, STAFFORDSHIRE, DE14 3RH  
BURTON RUGBY FOOTBALL CLUB AND PEEL CROFT BURTON LTD**

#### Introduction

We write on behalf of our client, Burton Rugby Football Club (BRFC) and Peel Croft Burton Ltd, to submit an outline application for the demolition of existing buildings, construction of new buildings for use within Classes A1 (10,519 sq m), and A2/A3/A5 (396 sq m), together car parking and works to the highways to construct a new means of access, plus associated works to landscaping, trees and boundary treatment, at Peel Croft, Burton upon Trent.

In accordance with the Town and Country Planning (General Development Procedure) Order 1995 (as amended), we enclose the following documents which comprise the application:

- This covering letter;
- The completed application forms duly signed;
- Drawing Ref: 4443 - 039 - 'Site Location Plan';
- Drawing Ref: 4443 - 038 - Rev A - 'Multi Level Food Store';
- A Design and Access Statement, produced by AJA Architects;
- A Planning and Retail Statement, produced by Savills;
- A Transport Statement, produced by David Tucker Associates;
- Staffordshire County Council Transport Assessment / Statement Validation Form;
- A Flood Risk Assessment, produced by Shepherd Gilmore Infrastructure Ltd;
- Statement of Community Involvement, prepared by Bramwell Associates.

As the application is submitted via the Planning Portal (Ref: PP-01410798), an electronic transfer to East Staffordshire Borough Council, for £5,695.00 has been made under the reference 'BRFC Acc 200290'.

#### The Application Site

The application site is known as Peel Croft and currently accommodates the administrative and playing elements of Burton Rugby Football Club. The site has been home to the Rugby Club for over 100 years.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills Commercial Limited. Chartered Surveyors. A subsidiary of Savills plc. Registered in England No. 2605125.  
Registered office: 20 Grosvenor Hill, London W1K 3HQ



Peel Croft is a Town Centre Gateway Site, accessed off Lichfield Street, itself off Orchard Street/St Peter's Bridge (A5189). The site lies within Burton Town Centre, immediately south of the Asda superstore, which forms part of the Octagon Shopping Centre.

The site lies within the Burton Town Centre Retail Area as defined within Policy R1 of the adopted Local Plan. In addition, the site has an emerging allocation for retail uses within the Burton Town Centre Masterplan. Policy SP2 of the Masterplan confirms that retail development at Peel Croft is acceptable. The Policy states:

*'Although the southern side of the Town Centre is designated for predominantly residential and educational uses, some retail development may be appropriate immediately to the south of the Octagon Centre as long as this is well integrated with the Octagon Centre/Asda and the rest of the Town Centre, and creates a natural route for pedestrian shoppers from the rest of the Town centre.'*

The exact location of the application site is shown on Drawing Ref: 4443 - 039 'Site Location Plan'.

**The Proposed Development**

As stated above, this application seeks outline planning permission for the demolition of existing buildings, construction of new buildings for use within Classes A1 (10,519 sq m), and A2/A3/A5 (396 sq m), together car parking and works to the highways to construct a new means of access, plus associated works to landscaping, trees and boundary treatment. The application seeks outline planning permission, with all matters of detail reserved with the exception of access.

Matters in respect of Appearance, Layout, and Landscaping are reserved for subsequent approval although indicative information is provided to assist the Local Planning Authority's consideration of the current application.

**Physical Development**

The application seeks planning permission for the construction of a food superstore along with three ancillary retail units. The internal configuration of the floorspace within the buildings is not finalised as this will be subject to specific tenant requirements. The development includes the erection of a 10,519 sq m food superstore, small retail units, 507 car parking spaces and associated servicing requirements. Table 1.1 below provides an indicative breakdown of the anticipated configuration of the floorspace at the application site to demonstrate the scale and anticipated function of the proposed development.

**Table 1.1: Floorspace Schedule**

Type of Floorspace	Floorspace (sq ft)	Floorspace (sq m)
<b>Foodstore</b>		
Total Gross Floorspace	113,230	10,519
Net Sales Area	67,938	6,311
Convenience Sales Area	40,763	3,787
Comparison Sales Area	27,175	2,525
<b>Other retail units</b>		
Unit A	1,750	163
Unit B	950	88
Unit C	1,560	145
<b>Sub-Total</b>	<b>4,260</b>	<b>396</b>
<b>Total</b>	<b>117,490</b>	<b>10,915</b>

Access to the proposed store by both customer and delivery vehicles is from Orchard Street with a dedicated vehicle servicing area at first floor level accessed via a ramp adjacent to the main entrance. The customer car parking and servicing areas are entirely separate other than the shared access. No amendments to the local highway network are proposed.

The layout of the proposed development is illustrated on Drawing Ref: 4443 - 038 Rev A 'Multi Level Food Store' and a full description of the development is included within the Planning Statement and Design and Access Statement.

### **Justification for the Proposed Development**

Within the Planning Statement, the proposed development is assessed against all relevant local planning policies contained within the development plan and material considerations (principally those contained within national planning policies).

In addition, comprehensive information relating to design, transportation and environmental considerations are assessed in the following technical reports which also form part of the application:

- Design and Access Statement;
- Transport Assessment; and
- Flood Risk Assessment.

The assessments of the proposed development conclude that it accords with all of the relevant planning policies within the development plan and material considerations. They also demonstrate that the development will have a series of positive impacts in terms of regeneration and economic growth.

### **Request for a Screening Opinion**

#### ***The Environmental Impact Assessment Regulations 1999 and Schedule 2 Development***

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ('The Regulations') implement European Council Directives on the assessment of the effects of certain public and private projects on the environment.

The regulations set out two categories of development: Schedule 1 and Schedule 2. Proposals for development that fall within Schedule 1 always require an Environmental Impact Assessment (EIA), whereas the requirement for EIA for proposals within Schedule 2 is discretionary.

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of Schedule 2 development are set out in Schedule 2 of the Regulations.

The development falls into the 'Urban Development Project' category of development listed within Schedule 2.

Circular 02/99 (Environmental Impact Assessment) provides further guidance on the interpretation of the Regulations. Paragraph 33 from 'The need for EIA for Schedule 2 development-General considerations' notes:

*'...the Secretary of State's view is that, in general EIA will be needed for Schedule 2 developments in three main types of case:*

- a) for major developments which are of more than local importance;*
- b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations;*
- c) for developments with unusually complex and potentially hazardous environmental effects.'*

Appendix A of 'Circular No. 02/99: Environmental Impact Assessment' provides further guidance on establishing whether EIA is necessary for a particular development. It states under the heading '**Urban development projects**' that:

*'Development proposed for sites which have not previously been intensively developed are more likely to require EIA if: the site area for the scheme is more than 5 hectares; or it would provide a total of more than 10,000m of new commercial floorspace; or the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).'*

The proposed development is located within the town centre of Burton and is marginally above the indicative thresholds above which an Environmental Impact Assessment may be required. To ensure compliance with the Regulations, we seek confirmation by means of a Screening Opinion that an Environmental Impact Assessment is not required.

### **Schedule 3 Selection Criteria**

Schedule 3 of the Regulations identifies selection criteria for screening Schedule 2 development. These are:

- i) Characteristics of Development;
- ii) Location of Development; and
- iii) Characteristics of the Potential Impact.

We consider the proposed development against each of these selection criteria below.

#### **1. Characteristics of Development**

In relation to the criteria stated within the Schedule 3, we set out the relevant characteristics of the development:

- a) The size of the proposed floorspace at the site will not exceed 10,915 sq m and the overall site size is less than five hectares.;
- b) The application site measures approximately 1.7ha however the land uses proposed are relatively benign and the overall environmental effects are likely to be minimal. The development is not of more than local importance;
- c) The site is previously developed and will not result in the loss of any natural resources;
- d) The proposal will not produce excessive quantities of waste or any hazardous substances;
- e) The proposal is non-polluting and does not involve other unusual potential nuisances; and
- f) The risk of accidents is minimal and the proposed use does not involve the use of any dangerous substances or technologies.

#### **2. Location of Development**

Having regard to the environmental sensitivity of geographical areas likely to be affected by development we note that:

- a) The site is located within Burton Town Centre and is surrounded by similar commercial land uses;
- b) The site is not of a high environmental quality or value. Its redevelopment will have only a minimal impact on the relative abundance, quality and regenerative capacity of natural resources; and
- c) The site is not located within a wetland, coastal zone or any other environmentally sensitive location.

#### **3. Characteristics of the Potential Impact**

Given the existing commercial nature of the surrounding area, the proposed development will not have an adverse impact on the immediate or wider environment. The Transport Statement submitted as part of the application concludes there is no adverse impact in terms of the functionality of the local highway network. It is unlikely that there will be any other significant environmental impacts, especially those that will be irreversible, of a high magnitude, of great complexity, or affect a significant area or population.

### **Screening Opinion Summary**

Having regard to the above, we conclude that:

- 1) The characteristics of the development will not have a major effect on the site, the immediate surroundings or the wider town of Burton upon Trent;
- 2) The application site is located within the wider commercial area and is not therefore environmentally sensitive; and
- 3) Any impact of the development will be minor in terms of magnitude and complexity and will not be of more than local importance.

In light of the above, we conclude that the proposed development does not require an Environmental Assessment but we request that the Council confirms this by means of a formal Screening Opinion.

### **Summary and Conclusion**

The technical assessments of the proposed development submitted as part of this application demonstrate it accords with all the relevant planning policies contained within the development plan and all other material considerations. The proposed development will also have a series of positive impacts which accord with both local and national objectives in respect of economic growth and sustainability.

In light of the above, we respectfully request that the application is approved and outline planning permission is granted in accordance with Section 38(6) of the Planning and Compensation Act 2004.

We trust that the details included within this submission provide you with sufficient information to register and consider this application. We will endeavour to contact you within the next few days to establish the Council's timetable for decision making.

In the meantime, should you require any clarification or additional information, please do not hesitate to contact Raymond Tutty at these offices.

Yours faithfully

**Savills (Commercial) Ltd**  
Commercial Planning – Retail Division

**CONSULTATION SCOPING REPORT**  
**FOR**  
**PEEL CROFT FOODSTORE APPLICATION**

P/11/00295



Prepared by:  
Dan Bramwell  
Bramwell Associates  
The House  
Kelston Park  
Kelston  
Bath BA1 9AE

Tel No: 01225 444419  
Fax: 01225 444457  
Mobile: 07968 304237  
E-mail: [dan.bramwell@btinternet.com](mailto:dan.bramwell@btinternet.com)

March 2011

## **1. Introduction**

This consultation scoping report is to support a planning application for a 100,000 square foot foodstore with 500 car parking spaces on the existing site of Burton Rugby Club and Blockbuster submitted by DPM Limited, on behalf of Burton Rugby Club, HPN Limited, owners of the Blockbuster site, and Peelcroft Burton Ltd.

Consultation on the principle of retail on this site has already been undertaken by East Staffordshire Borough Council (ESBC) in the preparation of the Town Centre Masterplan and the applicants are undertaking further consultation on the specific detail of this application.

## **2. Background**

Burton RFC has been in discussions with ESBC, the Local Planning Authority (LPA), for nearly four years about the potential for retail development on their existing club playing ground at Peel Croft and the Blockbuster sites.

At the beginning of 2010, the LPA embarked on a wider consultation exercise to promote retail development in the town centre – the Town Centre Masterplan. Burton RFC engaged with the LPA during that consultation process held between January – July 2010.

In July 2010, the LPA published their final version of the draft Masterplan allocating the rugby club as a retail site.

## **3. Further Scheme Specific Consultation**

The applicants will be undertaking a comprehensive and robust consultation programme with a feedback process. This will include:

- Public displays in Octagon Centre and/or Cooper's Square; and BRFC Clubhouse
- Feedback through BRFC website and display leaflets
- Media announcements
- Briefings to all key town stakeholders including Rugby Club's Business Breakfast Meeting; Chamber of Commerce; Civic Society; and Burton Town Centre Manager
- Written brief to all ESBC councillors
- Any further consultation meetings or discussions as requested.

## **4. Consultation Report**

A consultation report detailing all activities undertaken and feedback will be produced on completion of the consultation programme within six weeks.

**Philip Somerfield B.A. Dip T.P., D.M.S. M.R.T.P.I**  
**Head of Regulatory Services**

Date : 4<sup>th</sup> April 2011

Direct Line: 01283 508729  
Direct Fax: 01283 508388  
Reply To: Charlotte El Hakiem  
E-mail:  
charlotte.elhakiem@eaststaffsbc.gov.uk  
Our Ref: P/2011/00295/CEH  
Your Ref:  
*(please quote this reference on all correspondence with us)*

Savills (Commercial) Ltd  
20 Grosvenor Hill  
London  
W1K 3HQ

Dear Sir/Madam

**Re: Screening Opinion, Peel Croft  
Lichfield Street  
Burton Upon Trent  
Staffordshire  
DE14 3RH**

I refer to your request of the 14<sup>th</sup> March 2011 for a formal 'screening opinion' in respect of the above proposal.

I can confirm that the Local Planning Authority has considered the statement and information supplied, and in accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, has concluded that this development does not constitute EIA development. Therefore a formal Environmental Impact Assessment is not required.

Yours faithfully

Joanne Roebuck  
Team Leader  
Planning Delivery





**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999**

**Request for a “Screening Opinion” in respect of the following  
development:**

<b>Proposed Development:</b>	
<b>Erection of 10,519 square metre (113,225 Sq ft) retail store</b>	
<b>Introduction:</b>	
The Council has received the above planning application and is required to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.	
<b>Schedule 1:</b>	<input type="checkbox"/> No
<b>Schedule 2:</b>	<input type="checkbox"/> Yes
The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However on the basis of interpreting the Regulations as having “wide scope and broad purpose”, I recommend a precautionary approach of assuming the development falls within Schedule 2, Category 10 (b) as a Urban development project, with the area of development, 1.7 hectares, exceeding the 0.5 hectare threshold.	
<b>Circular 2/99:</b>	
In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.	
1. Characteristics of the development – size of the development, cumulative effects with other development, use of natural resources, production of waste, pollution and nuisances, risk of accidents with regard to substances or technologies utilised.	
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular	
<ul style="list-style-type: none"><li>• the existing land use,</li><li>• the relative abundance, quality and regenerative capacity of natural resources,</li><li>• the absorption capacity of the natural environment, with particular emphasis to the following areas:<ul style="list-style-type: none"><li>(i) wetlands</li><li>(ii) coastal zones</li><li>(iii) mountain and forest areas</li><li>(iv) nature reserves and parks</li></ul></li></ul>	

- (v) areas designated by Member states
- (vi) where environmental quality standards have been laid down in Community legislation and have been exceeded
- (vii) densely populated areas
- (viii) landscapes of historical, cultural or archaeological importance.

3. Characteristics of the potential impact, with regard to :

- The extent of the impact
- Transfrontier nature of the impact
- Magnitude and complexity of the impact
- Probability of the impact
- Duration, frequency and reversibility of the impact

**In assessing whether an Environmental Assessment will be required, Annexe A to the Circular adds that in the case of urban development projects an EIA is more likely to be required if it would provide a total of more than 10,000 square metres of new commercial floorspace.**

**Assessment:**

In assessing the proposal in the context of the above, the Council's view is that it is a major development of local importance. The site area is 1.7 ha, set within an urban area, on a previously developed site. The suggested level where an EIA may be required is 10,000 square metres, given that the proposed area of the development only slightly exceeds this threshold, it is considered that this in itself does not warrant an EIA.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. An EIA is unlikely to be required for the redevelopment of land unless the impacts are markedly different in nature or there is a high level of contamination. The Local Planning Authority considers that the visual impact of the proposal will be limited in its extent in that it is unlikely to be prominent from wider, or distant vantage points. The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. Any site contamination can be remedied through appropriate remediation. The site is within Flood Zones 2 and 3, but any flood related issues can be addressed as part of the application process, by the submission of a Flood Risk Assessment.

The Council is currently considering an application for a retail store on a site to the north of the town, but it is considered that the cumulative impact of these proposals would not have sufficiently significant effects to justify the submission of an EIA.

Given this it is considered that the environmental effects of the development will not add significantly to the current position. The Council is of the view that the development is not likely to have significant effects on the environment in this area, and therefore a formal Environmental Statement will not be required.

**Recommendation:**

**A formal screening opinion to be adopted that Environmental Assessment will not be required**

**Team Leader/Planning Manager comments:**

04/04/11

**The following decision is made by the undersigned in accordance with powers delegated to the undersigned under the provision of S101 of the Local Government Act 1972.**

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999**

**Request for a “Screening Opinion” in respect of the following  
development:**

**Proposed Development:**

**Erection of 10,519 square metre (113,225 Sq ft) retail store**

**Introduction:**

The Council has received the above planning application and is required to adopt a screening opinion as to whether the above development is EIA development requiring the submission of an Environmental Statement.

**Schedule 1:**

No

**Schedule 2:**

Yes

The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However on the basis of interpreting the Regulations as having “wide scope and broad purpose”, I recommend a precautionary approach of assuming the development falls within Schedule 2, Category 10 (b) as a Urban development project, with the area of development, 1.7 hectares, exceeding the 0.5 hectare threshold.

**Circular 2/99:**

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

1. Characteristics of the development – size of the development, cumulative effects with other development, use of natural resources, production of waste, pollution and nuisances, risk of accidents with regard to substances or technologies utilised.
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular
  - the existing land use,
  - the relative abundance, quality and regenerative capacity of natural resources,
  - the absorption capacity of the natural environment, with particular emphasis to the following areas:
    - (i) wetlands
    - (ii) coastal zones
    - (iii) mountain and forest areas
    - (iv) nature reserves and parks

- (v) areas designated by Member states
- (vi) where environmental quality standards have been laid down in Community legislation and have been exceeded
- (vii) densely populated areas
- (viii) landscapes of historical, cultural or archaeological importance.

3. Characteristics of the potential impact, with regard to :

- The extent of the impact
- Transfrontier nature of the impact
- Magnitude and complexity of the impact
- Probability of the impact
- Duration, frequency and reversibility of the impact

**In assessing whether an Environmental Assessment will be required, Annexe A to the Circular adds that in the case of urban development projects an EIA is more likely to be required if it would provide a total of more than 10,000 square metres of new commercial floorspace.**

**Assessment:**

In assessing the proposal in the context of the above, the Council's view is that it is a major development of local importance. The site area is 1.7 ha, set within an urban area, on a previously developed site. The suggested level where an EIA may be required is 10,000 square metres, given that the proposed area of the development only slightly exceeds this threshold, it is considered that this in itself does not warrant an EIA.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. An EIA is unlikely to be required for the redevelopment of land unless the impacts are markedly different in nature or there is a high level of contamination. The Local Planning Authority considers that the visual impact of the proposal will be limited in its extent in that it is unlikely to be prominent from wider, or distant vantage points. The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. Any site contamination can be remedied through appropriate remediation. The site is within Flood Zones 2 and 3, but any flood related issues can be addressed as part of the application process, by the submission of a Flood Risk Assessment.

The Council is currently considering an application for a retail store on a site to the north of the town, but it is considered that the cumulative impact of these proposals would not have sufficiently significant effects to justify the submission of an EIA.

Given this it is considered that the environmental effects of the development will not add significantly to the current position. The Council is of the view that the development is not likely to have significant effects on the environment in this area, and therefore a formal Environmental Statement will not be required.

**Recommendation:**

**A formal screening opinion to be adopted that Environmental Assessment will not be required**

**Team Leader/Planning Manager comments:**

04/04/11

**The following decision is made by the undersigned in accordance with powers delegated to the undersigned under the provision of S101 of the Local Government Act 1972.**