

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

26th January 2023

Application No:	SMD/2022/0189	
Location	Land at Broad Street, Leek, SK13 5NR	
Proposal	Erection of two units (Class E/Sui Generis) and associated works.	
Applicant	Gastronomy Properties Ltd	
Agent	Pegasus Group	
Parish/ward	Leek	Date registered: 14.06.2022
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee because a large number of objection letters have been received from local residents in response to the application.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site lies a short distance to the south-west of Leek town centre and is on the north side of Broad Street, the A53 road, the main road leading into Leek from Stoke on Trent. It is about 50 metres from the traffic lights on the St Edward Street/Compton Street junction. The plot has been vacant for several years although there is a white rendered flat-roofed storage building at the back of the site. It was formerly a garage/filling station. A 'Tool Station' retail unit (formerly Halfords) lies to the west side and Victorian dwellings facing the main road, lie to the east. Leek Masonic Hall, a Victorian red-brick building lies directly opposite the site on the other side of the road to the south. To the rear of the site to the north lie 1930's semi-detached dwellinghouses which face the Eversley Avenue cul-de-sac. The Leek Conservation Area lies to the south side of the main road with the boundary running along the southern edge of the road.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application for a building which would be divided into two adjoining units, both facing the road, one with a coffee shop/bakery with 111 square metres (a Class E use) and the other a hot food takeaway with seating (180 sq.m) and a front window for collections for deliveries (a Sui Generis use). It is anticipated there would also be some seating for the café unit. The accompanying Planning Statement give further details of the proposal as follows:

3.2 The central access point (which is currently blocked by hoarding boards) is proposed to be permanently stopped up, with the existing site access from the southwestern corner of the site widened and modified to become the main entrance which the drawings show will be a shared access with the existing access for the adjacent Tool Station unit. The original submission proposes 23 parking spaces for the two proposed units, in front of the proposed building, including two disabled bays. In addition, three staff parking spaces are to be provided at the rear of the units, which will be accessed via a private lane which forks leftwards on entering the site. Landscaping including grass, shrubs, and trees are proposed to be planted along the eastern and southern boundaries of the car park.

3.3 The proposed development would create approximately 35 new jobs (10 x full time and 25 x part-time positions).

3.4 The scheme put forward is shown on amended plans received on 3.10.22 (site plan) and 12.12.22 (elevations). The main amendments include building design changes comprising the replacement of the mono-pitch roof with a pitched roof with front gable features, increased glazing on the front elevation and the use of more traditional materials such as bricks and tiles and removal of the modern grey cladding which dominated the original proposed building. The landscaped buffer on the side boundary of the car park has also been increased although this has resulted in one less car parking space to be provided due to the slight modification in layout. There would now be 22 spaces including two disabled spaces and there would be three additional spaces at the rear of the building for staff. The building siting, footprint and floorspace shape and size remains the same, providing a total of 321 sq.m of floorspace. However, the smaller unit has been slightly reduced in size and the larger unit slightly increased.

3.5 The existing white painted storage building at the rear boundary is shown to be retained for storage purposes for the two units.

3.6 The planting to the side of the car park would comprise quercus castaneifolia and alnus cordata trees described as being hardy trees, having leaves for 3 seasons and have an ultimate height in excess of 12m and a spread of 4-8m for the purposes of providing significant screening to the flank elevation of the neighbouring building to the east.

3.7 The application was also accompanied by a Transport Statement, Retail Statement and a Sequential Test Assessment Report (focussing on the impact on the vitality and viability of the town centre).

3.8 An Air Quality Assessment Report was submitted on 21.11.22.

3.9 The application files including the drawings and details of the proposal together with consultation responses can be viewed on the Council website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160565>

4. RELEVANT PLANNING HISTORY

4.1 The most relevant previous planning applications relating to the site are as follows:

SMD/2016/0617: Approval of Reserved Matters (external appearance only) for two retail units in Class A1, A2 or A5 at the former Save Petrol Filling Station, 12 Broad Street, Leek pursuant to outline planning permission SMD/2010/0628. Approved in March 2017. Not implemented.

SMD/2013/0712: Extension of time limit of outline planning permission 10/00676/OUT. Approved. October 2013. Not implemented.

SMD/2013/0297: Variation of Condition 04 (Unit 1 to include Use Classes A2, A3 and A5) and Condition 05 (Unit 2 to include Use Class A3) and Condition 10 (extension of hours of operation) from planning permission ref. 10/00676/OUT. Approved June 2013.

SMD/2010/0926: Variation of Condition 10 of planning permission 10/00676/OUT - a change to opening hours for custom and deliveries. Approved. December 2010.

SMD/2010/0917: Removal of Conditions 4 and 5 of planning permission 10/00676/OUT to facilitate food sales. Approved. December 2010.

SMD/2010/0628 (10/00676/OUT): Erection of retail unit for non food retail (Class A1), financial and professional services use (Class A2) and hot food takeaway use (Class A5) uses along with associated access, car parking, servicing and landscaping.(Outline). Approved October 2010.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS5 Leek Area Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Water Quality
- E1 New Employment Development
- TCR3 Retailing and Other Town Centre Uses Outside of Town Centres
- DC1 Design Considerations
- DC2 The Historic Environment
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development

Section 6: Building a Strong Competitive Economy

Section 7: Ensuring the Vitality of Town Centres

Section 11: Making Effective Use of Land

Section 12: Achieving Well Designed Places

Section 16: Conserving and Enhancing the Historic Environment

6. CONSULTATIONS

6.1 A site notice was posted and displayed outside of the site on 19th July 2022. Letters were also sent out to adjacent properties shortly after the application was received and 21 days was given for comments in response. Notification letters were sent to adjacent properties and to senders of previous representations on 25th October 2022 to consult on the amended plans received in October 2022.

Public response to consultation

6.2 In response to the original submission (June 2022), six letters of objection were received from local residents and the points raised are as follows:

- Excessive number of take-aways already in the town
- Exacerbate traffic problems
- The dwellings to the rear will be affected
- Danger to pedestrians crossing the road due to increased traffic
- Inadequate parking provision for staff causing parking problems on nearby roads
- Noise and disturbance at night
- Litter creation
- Plans do not reflect the existing access rights which include access to the adjacent unit and an ancient 'barrow road' access to the dwellings to the rear.
- The access would hinder access for large vehicles visiting 'Toolstation' on the adjacent site.

6.3 In response to consultation on the amended plans in October 2022, seven further objection letters were received from persons who had not previously written in when the application was submitted. The additional points raised (which had not been raised by the previous objectors) are as follows:

- Exacerbate traffic problems where take-away delivery drivers frequently park on the pavement.
- Increase in emissions from vehicles due to traffic creation
- The customer parking spaces will be inadequate at peak times
- There are suitable vacant units in the town centre which would benefit from the proposed businesses being located there
- Light and noise pollution would occur
- Litter and anti-social behaviour would occur
- The proximity of a fast food outlet to a school would encourage unhealthy lifestyles affecting schoolchildren

6.4 One letter has been received neither objecting or supporting the application but pointing out that no cycle parking for staff or customers has been provided.

Leek Town Council

6.5 No objection.

SCC Highway Authority

6.6 No objection subject to conditions. "Previous approval SMD/2010/0628 for 554m2 inc A1 food use and A5 (take-away). Site was formerly a petrol filling station. There is a long standing history of commercial use on this site. Site is in town centre location and is sustainable."

6.7 "Revised layout has been submitted. Although there is no information detailing any changes from the original application, drawings appear to show increase in size of unit 1, reduction in size of unit 2 and loss of a parking space. The Transport Statement for the previous layout included details of public floor area to calculate parking requirement. There is no information on the effect of the alterations on proposed public floor area. However, site is still in town centre location in a highly sustainable location. LPA should satisfy themselves that there is still adequate parking to meet their requirements."

SMDC Environmental Health (EH)

6.8 In response to the original submission in June 2022, The Environmental Health Department raised a holding objection due to the lack of a report assessing how the development would impact on the Leek Air Quality Management Area (AQMA).

6.9 In response to the submission of the Air Quality Assessment Report in November 2022, the EH Section removed the objection subject to conditions. EH made the following comments:

"The assessment concluded that the development was not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the development on local air quality was predicted to be 'negligible' in accordance with guidance. Several of the model inputs and assumptions were not initially presented in the report and these were queried with the consultant (appendix 1). The response to these queries was deemed acceptable, therefore the report and conclusions is accepted. The assessment of construction dust classifies the site as medium risk & identifies measures to be implemented to control this potential risk. These are accepted and should be included in the required environmental construction management plan. "

6.10 With regard to contamination: "The site is a former Save Petrol Station, through this is does not appear to have been noted in the application . The site is also on a source protection zone (Environment Agency). As this is not considered a sensitive end use, it is not considered that the viability of the development would be affected by the likely level of contamination, however this needs to be investigated

prior to development.”

6.11 With regard to the impact on residential amenity: “This is for a 2 unit development for a restaurant and café/bakery. There were amenity protection conditions placed on the original permission. We would recommend similar conditions are placed on any permission granted. It is noted there is no drive thru element to this development. There are no details provided regarding plant and machinery which are to be installed as part of this permission. We would recommend a noise controlling conditions are placed on any permission granted to require the construction of the unit and operation of any plant under this permission does not exceed background noise when measured under BS4142:2014. Additionally we would advise details of extraction, filtration and cooking smell abatement are submitted for approval prior to installation, condition advised. The timings set out in the application form should be placed in a condition.”

SMDC Waste Collection Services

6.12 No issues regarding waste collections.

Severn Trent Water

6.13 No objection subject to a condition requiring full details of drainage to be submitted to and approved by the Council and implemented.

7. OFFICER COMMENT AND PLANNING BALANCE

Introduction

7.1 Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a ‘presumption in favour of sustainable development’. For decision takers this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless:

i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.2 Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability

of communities and to protect, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

7.3 The main issues with the proposal are as follows:

- The principle of the development in this location close to the edge of the town centre.
- The impact on the vitality and viability of the town centre.
- The impact on the character and appearance of the area including an adjacent Conservation Area.
- The impact on the residential amenities of the area.
- The impact on the road network including traffic and highway safety.
- The impact on air quality.

The principle of the development

7.4 Policy SS5 of the Local Plan is the strategy for Leek and one of the main aims is to create employment growth and increase the diversity of employment opportunities

to meet existing and future needs and this would be done by, amongst other things, encouraging mixed use development on larger redevelopment sites, particularly within or near to the more accessible town centre locations, on former employment premises, and in mill buildings within the town centre where consistent with wider Policies including E1 relating to new employment development.

7.5 Policy E1 states that, in general, the Council will endeavour to support the expansion of existing businesses and new businesses in the District, subject to a number of provisions, which in relation to this particular proposal, “help maintain or enhance an appropriate range of employment premises and sites across the District in terms of their scale, location and type.” It also states that for employment uses in the form of industrial or commercial sui generis uses should be located in existing or proposed employment areas, or outside of existing or proposed employment areas but within the settlement boundary where the new use would not create undue harm to the character, appearance or amenity of the area.

7.6 As the proposal involves commercial food and drink uses, leading to approximately 35 predicted new jobs and therefore could be described as commercial uses in the “Class E Commercial Business and Service” use class or “Commercial Sui Generis” use, on a former petrol station/garage site (which could be described as an “employment use”) on a main road very close to the town centre, the proposal can be deemed to comply with the employment creating aims of policies SS5 and E1. The Council’s Regeneration Section concur with the applicant’s predictions on employment generation from the proposal and also comment that “These are likely to be relatively low skilled low waged jobs however this means that recruitment is likely to be 100% from within the local population. Propensity to spend studies have identified that between 4.5 and 9% of employees overall household spend is spent within 2-3 miles of their place of employment. In Staffordshire Moorlands this would equate to £34 per employee per week (£1768 per annum)

totalling £39,780 per annum local spend.”

7.7 With regard to the impact on the vitality and viability of the town centre, the site is very close to, but not within, the “town centre”, as it is outside of the town centre boundaries as shown in the Local Plan. The “town centre” is shown as being to the east of St Edward Street and north of Brook Street. The Local Plan aims to concentrate retail, food and drink and other town centre uses in the town centre to ensure the viability and vitality of the town centre and ensure that the town centre achieves its purpose and that its functions as a town centre. In this respect, the application would therefore be determined against Policy TCR3 ‘Retailing and Other Town Centre Uses Outside of Town Centres’ and this states that In determining proposals for retail and other town centre uses of 200m or more on sites outside town centres and not in accordance with an up-to-date Local Plan, a Sequential Assessment will be required. Preference will be given to town centre and then edge of centre sites. An Impact Assessment will be required on proposals for town centre uses of 200m² or more (net sales for A1) located outside of the town centres.

7.8 A Sequential Test Assessment report was submitted which assesses if there are any more suitable vacant premises of a similar size to the overall unit proposed within the town centre, or closer to the town centre than the application site. This would need to be considered first before sites outside or further away from the town centre. The Council’s Planning Policy & Regeneration Section assessed the report and commented that “the sequential assessment submitted identifies eleven vacant units within the town centre. The assessment indicates that none of these units are suitable and/or available for the defined end-use. This is mostly due to the size of the vacant units (with the gross internal floor area being either too small or too large) and the fact that several of the units are ‘under offer’. It is accepted that, for the reasons given, none of these sites would be suitable for the proposed development. Therefore, the sequential test is passed.”

7.9 With regard to the overall Town Centre Impact Assessment report, the Policy Officer commented that “The Retail Statement submitted as part of this application finds that the trade diversion from the town centre would only be limited, and would therefore not have a significant adverse impact on the centre as a whole. This conclusion has been reached by reviewing local circumstances through undertaking a health check of Leek Town Centre which concludes that it is vital and viable. In addition, a proportionate assessment of the impact of the proposed coffee shop/bakery and restaurant has been carried out which assumes a worst-case scenario in respect of potential turnover, trade diversion and impact. The assessment highlights that the proposed development will divert a limited amount of trade from the town centre with much of the trade being diverted from comparable provision which do not have policy protection. Therefore, it is considered that the assessment conducted is proportionate for the scale of development proposed and it is agreed that the proposed development in an edge of town centre location will not result in a significant adverse impact on Leek town centre so this policy test is passed.”

7.10 The proposal therefore complies with Policy TCR3. As the site was a former garage and filling station, it is also deemed to be “previously developed land” i.e. a “brownfield site” and Policy SD1 encourages the use of such sites for new

development as this helps to relieve the pressure to build on greenfield sites which would have a more detrimental impact on the environment.

7.11 Overall, with regard to the principle of development, the proposal is acceptable as it provides an employment generating use in a sustainable brownfield location, a short walking distance from a town centre, including public car parks but also next to public transport provision, but which would not significantly harm the vitality and viability of the town centre as no more suitable vacant sites of the size required exist in the town centre.

The impact on the character and appearance of the area

7.12 The site has stood vacant and derelict for several years as despite approvals being given for redevelopment from 2010 onwards, none of the approved schemes have been implemented and the permissions have expired. The site is currently boarded up and does not contribute positively to the character and appearance of the area. It is also prominent when approaching the town centre along one of the main routeways in the town and does not give a good impression of the area. Design changes have been made to the scheme so that it would integrate better with the area including the Conservation Area to the south of the main road. The original plans were for a modern grey clad mono-pitch roof structure more akin to a unit on a retail or industrial estate. The changes have introduced materials and a roof form which reflects the more traditional styles of the area. It is considered an improvement on the previous approved scheme in 2017, not least as the roof form and slopes reflects traditional roof pitches found in the area. The increase in glazing, on the south-facing elevation, also helps with energy efficiency i.e. solar gain, as well as improving the appearance of the building. The flat-roofed render garage store at the back would be completely screened by the new building. The proposal also gives the opportunity to screen a large and high white-rendered blank wall of the neighbouring dwelling to the east which is also very prominent when approaching the town centre. Here, a landscaped buffer is proposed and had been widened in the amended plans to allow trees which would grow to 12m high, helping to visually “soften” the flank wall. Planting is also proposed on the front boundary which will help soften the appearance of the car park from the road and improve the street scene. It is considered the visual amenities of the area would be improved but without harming the Conservation Area. The proposal as amended would therefore comply with policies DC1 and DC2 of the Local Plan.

The impact on residential amenity

7.13 The nearest dwellings to the site lie to the rear and immediately to the east side. With regard to the east side, this comprises a tall Victorian end-terrace dwelling which appears to have a main outlook towards the road. The proposed building would be slightly higher than a single-storey building and not excessively higher than the previous approved building and would not have any greater impact on the light provision to this dwelling. The proposed glazing would not lead to any overlooking of the windows of that dwelling as the flank wall, which faces the car park, does not have windows. With regard to dwellings to the rear, these are 1930's semi-detached houses which would have rear windows approximately 20 metres from the proposed back wall of the units. However, the houses are on considerably higher ground than

the application site. The proposal would not impact on the light provision to those houses and there would be no proposed rear windows which could compromise privacy. There are no dwellings directly opposite the proposed building as the site directly opposite comprises a masonic hall and the development would not impact on the terraced dwellings either side of the masonic hall any more than the existing commercial buildings on this side of the road including the Tool Station building.

7.14 With regard to noise and disturbance, there would be a considerable amount of plant on the rear wall as expected with commercial food and drink units, such as chiller units, air conditioning and ventilation and extraction units. However, the Environmental Health Section has not raised an objection of the plant in terms of the impact on the residents up the embankment to the rear providing that full details of the plant specification is submitted for approval before being installed. Overall, with the safeguard of conditions, the proposal would not lead to any significant harm to the residential amenities of the area and would comply with policies DC1 and SD4 of the Local Plan.

The impact on the road network and highway safety

7.15 The main concerns from local residents objecting to the proposal have been in relation to increased traffic causing congestion the roads (where cars frequently queue at the traffic lights) and highway safety issues including pedestrian safety when crossing the road and parking problems on neighbouring residential streets. However, the local highways authority does not raise any concerns based on the information in the Transport Statement which details predicted trip frequency including at different times of the day and the numbers of vehicle movements to and from the site. The site was once formerly a petrol filling station which would have once generated traffic but the proposed units are not considered to lead to an increase in traffic to the extent that highway safety would be compromised. The proposed access is deemed to be safe in terms of its design and visibility along the road is good. The site is in a very sustainable location and adjacent to a bus service. It is anticipated that a significant amount of customers would be arriving on foot or by bicycle. In any case, the number of customer parking spaces exceeds the Council's parking standards for this type of development by one space. The three spaces for staff does seem limited given that ten full time staff and fifteen part time staff would work from the site. With regard to Council parking standards, this suggest the three spaces would be adequate if only six staff were working at the site during peak hours and so it is anticipated it would be higher number than this. However, staff could park in the customer car park as customer visits are likely to be much shorter, via a condition. There is also public car parks nearby and the larger unit would be likely to be busier in the evenings (this is the fast food restaurant) where there would be less parking restrictions.

7.16 The lack of cycle parking facilities has been raised in one of the letters. However, cycle hoops can be installed to the front of the building for customers and there is ample space to the rear of the building to provide hoops and safe cycle storage for staff to the rear, where an existing storage building lies and is intended to provide general storage space for the proposed units. There could also be scope to increase staff parking spaces in this part of the site.

7.17 Overall, due to the location of the site and given the previous uses, the nature and design of the main road and the position and design of the proposed access, the proposal would not lead to any significant traffic or highway safety problems and would comply with Policy T1 of the Local Plan.

The impact on air quality

7.18 The site is in the Leek Air Quality Management Area (AQMA) and it therefore needs to be assessed if the proposal would lead to any deterioration in air quality as a result of emissions from vehicles going to and from the site and also from the proposed uses themselves. An air quality assessment was undertaken and a report produced giving results of the assessment. The Environmental Health Section has assessed the report and further information subsequently given by the applicant's Air Quality consultant. The Section is satisfied that the proposal is not predicted to result in any new exceedances of the relevant air quality objectives and that the impact of the development on local air quality was predicted to be 'negligible'. The proposal would therefore comply with Policy SD4 of the Local Plan.

8. CONCLUSION AND PLANNING BALANCE

8.1 The site has been vacant for several years and has a derelict appearance which is harming the character and appearance of the area on one of the main approaches into the town centre. The proposal would bring this site back into use, leading to employment generation but without harming the vitality or viability of the town centre and without leading to any social or environmental harms or detriment to the road network or highway safety as the site is in a very sustainable location. The design of the building, achieved via significant improvements, is appropriate to the area and would not harm the adjacent Conservation Area. The proposal would therefore comply with the Council's Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF). The application is therefore recommended for approval.

9. RECOMMENDATION

A. That the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of Decision Notice.

Reason:-

To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

G001

G121 Rev F amended plan received on 3.10.22.

G211 Rev D amended plan received on 12.12.22.

G100 Rev E amended plan received on 12.12.22.

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Before any further development beyond the damp course level, details of all building finishing, hard surfacing and roofing materials in terms of type, colour and texture shall be submitted to and approved in writing by the local planning authority and the approved materials shall be used in the construction of the development.

Reason:-

In the interests of the character and appearance of the area.

4. Soft landscaping and planting of the site shall be provided as shown on the approved site plan G121 Rev F before the development hereby permitted is first brought into use.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area and the ecological value of the area.

5. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

6. Before the development hereby approved is first brought into use, cycle hoops for customers and secure cycle storage for staff shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason:-

To encourage the use of modes of transport other than private vehicles in the interests of sustainability.

7. The parking spaces to the south of the building hereby approved shall be used solely by customers and staff of the units hereby approved.

Reason:-

To ensure adequate parking provision in the interests of highway safety.

8. The smaller unit shall be used solely for uses within the Class E(a) or Class E(b) uses of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason:-

In the interests of the character and amenities of the area and highway safety.

9. Development shall not be brought into use until a surface water and foul water drainage scheme has been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason:-

To ensure the protection of controlled waters in line with paragraph 174 of the National Planning Policy Framework.

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

Reason:-

In the interests of highway safety.

11. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site access made redundant as a consequence of the development, to footway with full height kerb, which shall include the access crossing between the site and carriageway edge, have been first submitted to and approved in writing by the local planning authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans.

Reason:-

In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason:-

In the interests of highway safety.

13. Before the proposed development is brought into use details of highway works comprising relocation of the ADS sign; widening of the site access; have been first submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.

Reason:-

In the interests of highway safety.

14. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the

approved details prior to the development being first brought into use.

Reason:-

In the interests of highway safety.

15. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

the arrangements for prior notification to the occupiers of potentially affected properties;

the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression and mitigation measures and be in accordance with the approved [Air Quality Assessment ref: 221541-AQA-001](#)

a scheme for recycling/disposal of waste resulting from the construction works;

Details of any generator to be used on site including location, timings and acoustic screening;

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;

No waste material associated with the demolition or construction hereby permitted shall be burnt on site but shall be kept securely for removal to prevent escape into the environment.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason:-

To protect the amenities of the area.

16. Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority. The equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. (Any system installed must be by suitably qualified competent engineers and the canopy must meet all relevant Health and Safety requirements including the use of Gas Interlocks. The provision of a

commissioning certificate issued by a Gas Safe registered engineer should be available for inspection.)

Reason:-

To ensure that unsatisfactory cooking odours outside the premises are minimised, in the interest of the amenity of occupiers of nearby properties.

17. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142 (2014 +A1:2019)(Method for Rating and assessing industrial and commercial sound)

Reason:-

To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

18. Prior to first approved use, the approved building shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150 Hz. Details of the construction shall be submitted for approval. The approved works shall be retained for the life of the development.

Reason:-

In the interests of the general amenities of the area

19. No amplified sound shall be audible within or at the boundary of any noise sensitive (occupied) premises either attached to or in the vicinity of the premises to which this application refers.

Reason:-

To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

20. No deliveries shall be made to the site between the hours 21:00 to 07:00 hours Monday to Saturday and between the hours 19:00 hours to 10:00 hours on Sunday and Bank Holidays.

Reason:-

To protect the amenities of neighbouring residents

21. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason:-

To protect the local amenities of the local residents by reason of excess of illuminance

22. No development approved by this planning permission 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, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

A site investigation , carried out by a competent person to include a desk study, site walkover, and the production of a site conceptual model to support a detailed assessment of contamination risks to all receptors that may be affected, including those off site. Such an assessment shall be carried out in accordance with authoritative UK guidance.

The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria

A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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 ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

23. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

Reason:-

To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

24. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:-

To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

25. The units shall not be open to customers outside of the opening hours specified in details to be submitted to and approved by the local planning authority before the development is first brought into use.

Reason:-

In the interests of protecting the residential amenities of local residents from noise and disturbance.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

Location Plan



