

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**9<sup>th</sup> March 2023**

<b>Application No:</b>	SMD/2022/0361	
<b>Location</b>	Churnet Works, Abbey Green Road, Leek, Staffordshire, ST13 8YQ	
<b>Proposal</b>	Erection of freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and Play Frame.	
<b>Applicant</b>	McDonald's Restaurants Ltd	
<b>Agent</b>	Mr Matthew Carpenter, Planware Ltd, St Andrews Castle, Bury St Edmonds, IP33 3PH	
<b>Parish/ward</b>	Leek	<b>Date registered</b> 20/07/2022
<b>If you have a question about this report please contact:</b> Simon Lawson, Tel. 01298 28400, simon.lawson@highpeak.gov.uk		

## **REFERRAL**

This application has been brought before the Planning Applications Committee due to a high level of public interest.

### **1. SUMMARY OF RECOMMENDATION**

<b>Approve subject to conditions and the completion of a Unilateral Undertaking relating to Management of a Travel Plan</b>
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### **2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The application site is a brownfield site that lies to the southwest of the existing Sainsbury store, on the northwest side of Leek. The site itself is vacant, having previously been used as part of the historic industrial uses in the wider area. The site is approximately 0.48ha and is generally flat and level with natural plant covering. At present the site is gated from the roundabout bell mouth. The site is enclosed on the west and south with a diamond cut knee rail fence at about 600mm height.
- 2.2 A pumping station lies on the northern side of the site access enclosed by a paladin fence and a substation to the south of the access. An unmade service road crosses the site. Pedestrian links between the site and Sainsbury already exist, along with drop curbs and tactile paving's.
- 2.3 Site access is from the A523 to the southwest, from a roundabout junction. Dual lanes link to the first local distributor roundabout feeding the Sainsbury filling station and neighbouring commercial units, over the River Churnet. The access continues as a dual road over the river to a further

distributor roundabout feeding the application site and Sainsbury.

- 2.4 Three Sainsbury advert banners appear to have been historically located on the application site.
- 2.5 There are a number of listed buildings in the surrounding area. These include Brindley's mill / museum which is located to the southwest of the site. Brindley's Mill is an imposing 4 storey grade II listed building which overlooks the subject site at a distance. In addition, Abbey Green Road footbridge is close to the site, this is a grade II listed structure. Due to existing development, trees and topography the bridge is not visible from the application site.
- 2.6 The proposed development is not within the curtilage of either of the listed buildings. The mill is however visible from the application site and the proposal will be viewed from it. The proposed building will be viewed against the backdrop of the supermarket and adjacent retail units; is of a modern design like those buildings immediately surrounding it.

### **3 DESCRIPTION OF THE PROPOSAL**

- 3.1 The application proposes the redevelopment of the site with a freestanding drive-through McDonalds restaurant. The development would comprise a single-storey building together with drive-through lanes, customer parking areas and associated works, including customer order displays (COD). Provision is made for takeaway customers, both from the counter and from the drive-thru lane.
- 3.2 The building would be in Use Class E / Sui Generis.
- 3.3 The new building would have gross internal area being 371 square metres with a dining area of approximately 81 square metres. The site incorporates associated car parking (51 car parking spaces, inclusive of provision for 2 accessible bays and 2 grill bays. Furthermore, there are 2 motorbike spaces and 3 Sheffield customer bike stands under lightwood cycle shelter, for an overall provision of 6 cycle spaces) and a drive-thru lane that would be entered along the northern boundary and then run along the eastern boundary adjacent to the Wickes store and extending around the rear of the building. The restaurant will provide 97 seats for customers, with take-away available from both the counter and the drive-thru lane. A patio area with external seating is shown to the side of the building.
- 3.4 Cycle and pedestrian access points has been included within the design, to ensure the safe passage from the surrounding footpath network.
- 3.5 The application includes the introduction of a fast forward lane, which will allow for a customer to pull forward to a third booth, if there is a small delay in the order, rather than driving through to the Grill Bays. This allows the traffic flow to be maintained through the drive-thru lane and is an operational improvement, in line with safety and speed of service.

- 3.6 An external play area is located on the new patio area, with facilities for younger customers to climb and explore. The structure is 3.5m high with a standard implementation footprint of 19.2sqm.
- 3.7 There is a corral at the northwest of the building, where all the recycling/refuse is stored and managed for recycling in large containers. There is access via double doors for the delivery lorries and an internal door, which links the corral to the main restaurant for the crew members. The corral is configured to optimise waste management, with a refuse compactor on site, to minimise the journeys required to remove the waste.
- 3.8 Vehicular access to the proposed restaurant would be via the Sainsbury's Car Park Roundabout. There would be a one-way system in place within the car park. Drive thru customers would enter the drive thru lane from the northwest side of the car park and exit at the southeast side of the building.
- 3.9 Pedestrians would access the restaurant via footways provided from the Sainsbury's Car Park Roundabout into the site. There would also be a new footway link to the restaurant on the southern side of the Sainsbury's access road that would provide a connection to the existing route through the Sainsbury's car park. A Zebra crossing would also be provided on the Sainsburys car park access road. There would be two Zebra pedestrian crossings provided within the McDonald's car park and one Zebra crossing over the drive thru lane to provide a completed pedestrian route to the restaurant entrance. There would therefore be safe pedestrian routes provided to the restaurant from Churnet Way and from the Sainsbury's store.
- 3.10 The delivery vehicle will access via the Sainsbury's Car Park Roundabout and unload using the customer car parking adjacent to the restaurant. The delivery vehicle would then circulate the car park and exit back onto the Sainsbury's Car Park Roundabout in a forward gear. Further details are provided in Section 4.5 of the Transport Assessment submitted alongside the planning application.
- 3.11 The following plans have been submitted with the application:
- Site location plan
  - Block plan
  - Existing site plan
  - Proposed site plan
  - Proposed elevations
  - Proposed floor plans
- 3.12 The application is supported by:
- Planning Statement
  - Flood Risk Assessment
  - Drainage Maintenance Plan
  - Construction Environmental Management Plan
  - Interim Travel Plan and Transport Assessment
  - Bat Survey Report
  - Ground Contamination Desk Study Report
  - Preliminary Ecological Assessment

- Sequential Test

Full details of the application including, plans, consultee comments, supporting documents, objections and representations of support can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162326>

#### **4 RELEVANT PLANNING HISTORY**

- 4.1 Planning permission granted on 4th May 2011 for application 2010/0201 for a wider development site to the north of the A523 and west of Abbey Green Road which included; a Sainsburys foodstore, employment units, 92 residential units (58 flats and 34 houses) and 2,875sqm of A1 bulky goods retail use.
- 4.2 The Sainsburys and employment units have been built and are occupied. The land which was previously proposed for the 58 flats is now occupied by the Mulberry Leaves public house. The proposed McDonald's site comprises of the part of the previous development site permitted for the 2,875sqm of bulky goods retail.
- 4.3 An application for approval of reserved matters for 39 of the residential dwellings was granted on the 21st of January 2014 (reference SMD/2013/1098) on land to the east of the site.

#### **5 PLANNING POLICIES RELEVANT TO THE DECISION**

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SS5 Leek Area Strategy
- SD1 Sustainable Use of Resources
- SD2 Renewable/low carbon energy
- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD 5 Flood risk
- E3 Existing Employment Areas, Premises and Allocations
- DC1 Design Considerations
- DC2 The Historic Environment
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures
- TCR3 Retailing and Other Town Centre uses outside Town Centres

National Planning Policy NPPF

Paragraph 11 The Presumption in Favour of Sustainable Development  
Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment  
Section 16 Conserving and enhancing the historic environment

### National Planning Policy Guidance

## **6 CONSULTATIONS CARRIED OUT**

Press Notice expiry date:

Site Notice expiry date:

Cllr James Aberley has submitted a letter in support of the application.

Neighbours were contacted by way of written letters and a site notice was placed near to the front boundary of the application site.

### Objections

123 objections received.

### Principle

- This country is struggling with childhood obesity. "I don't want this on my doorstep & my son to have easy access to it" ..
- "land in leek is precious and it could be better utilised with a business providing more jobs available or for affordable housing for the community."
- A McDonald's is not suitable for Leek. There is not a need for a large chain fast food restaurant in Leek.
- "There are indeed a number of listed buildings in proximity the most obvious being Brindley Mill. Standing on one of the major gateways into the town this forms a key part of Leek's heritage and tourist appeal. Construction of a garish Drive-Thru so close would irreparable damage to both the appeal of the Mill itself and Leek as a heritage destination."
- Concerns regarding the suitability of the late opening hours.

### Highway Safety:

- Concerned about the extra traffic and access.
- The increase in road traffic.
- "Park Road / Hamill Drive is particularly vulnerable to rat-runs and cut-through traffic at present. This really needs to be taken into consideration as it could endanger the lives of residents, many of which have children or are elderly, as this proposed Mcdonalds will inevitably increase the level of rat-run traffic, which at present are seeking to make faster progress from the 30mile an hour limit on Mill Street. Again, a 24 hour restaurant will only increase and exacerbate this very real problem."

- “The traffic has already increased since Sainsburys has opened and there is already a problem with cars driving around the car park at night with groups of people using it to skid round the roundabout this would only increase with McDonald’s on the site”.
- “Mill Street is bad enough without any more traffic which will be created with a drive through by McDonald”
- “Increased risk to vulnerable road users in the vicinity due to increase in traffic and antisocial behaviour including littering and speed of cars on local roads not covered by speed cameras and speed restrictions.”
- Concerns about idling cars.
- “During off-peak, quiet times, Sainsburys store and petrol station customers will be caught up in the queues for McDonalds drive through and during busy times (i.e. all day Saturday and Sunday, all school holidays, bank holidays etc), the traffic will regularly be backed up onto the main roundabout leading into Leek. This is exactly what currently happens in Macclesfield. It is also has a huge negative impact on nearby businesses, as their customers want to avoid the traffic congestion in the shared car parking area. Having McDonalds try to persuade their staff to car-share or walk to work is not going to solve this traffic chaos. I urge the council decision makers to visit the Macclesfield branch of McDonalds to see the reality of traffic logistics that accompany McDonalds.”
- “It is horrendous as it is getting out of kiln lane”.

#### Tourism:

- Leek has and still is establishing itself as a ‘come to’ charming market town. This development will not enhance the ethos of individual and independent traders so important to this image.
- Leek “actively promotes itself as a ‘totally local town’ McDonalds hardly fit this description”
- “Tourism is such an important part of the local economy, increased litter in these places could become a significant detriment to our tourism economy.”

#### Amenity:

- Increased noise and light pollution.
- The use will attract vermin.
- The use will increase and impact on the NHS with obesity.
- The proposal would lead to a negative impact on air quality due to increased traffic. The site at Sainsburys is already used as a race track late at night this is only going to increase.
- he proposal will be unsightly and isn't in keeping with the market town feel of leek.
- The area (Park Road / Hamill Drive / Abbey Green Road is very busy during daytime trading hours at present, but respite from noise and traffic is quieter and more peaceful after Sainsbury's has closed at 10pm. McDonald’s proposal states that the drive through will be open 24 hours. This will generate noise and disrupt the residents of these residential streets, particularly those towards the bottom end of Park

Road, in terms of car and motorbike arrival and departure and pedestrian activity throughout the night.

- The application site has established flora and fauna.
- The nearest McDonalds to Leek is currently about 10 miles away, and yet it is still easy to find McDonalds litter on rural Leek roads (e.g. Highup Lane).
- The proposal will give rise to issues with litter in the surrounding area.
- The proposal will have a negative impact of business taken away from existing independent cafes.
- The proposal will have a detrimental impact to local wildlife resident on the Sainsburys green area and extending along the Churnet river and valley. A variety of wildlife including Swans, Kingfishers, Owls and Thrushes are known to nest and inhabit the immediate proximity to the proposed development.
- The proposal could result in refuse ending up in the nearby river which will be a danger to wildlife.
- The proposal would be contrary to SMDC climate change objectives.
- This is a 'brownfield' site but it borders the small park/ nature reserve area managed by Staffs Wildlife Trust on behalf of Sainsbury's.
- The litter plan seems entirely insufficient and should be covering a much wider area.
- The plan for the build should incorporate innovative green construction methods.
- SMDC should insist on the use of energy generation via solar panels and collection of rainwater for any local watering of the various planters.

#### Local Economy:

- The staffing figures appear grossly exaggerated and do not add up.
- Independent cafes and restaurants would suffer.
- Loss of trade to the already existing takeaway facilities and restaurants in the town.
- McDonald's will put a big strain on these local companies they have had a hard couple of years.

#### Historic Environment:

- The increase of traffic and litter will have detrimental effect on pollution and noise.
- The standard of living for residents or visitor will be impacted.

#### Miscellaneous:

- Communication with the local community on the part of the council has been poor.
- The applicant is a supplier of unhealthy food and drink. Adult obesity is already a significant factor in ill health in North Staffordshire.
- McDonald's do not care about our town.
- The proposal will exacerbate the anti-social behaviour already experienced because of Leek Town Football Club.
- The jobs created do not provide a living wage.

- The Council could develop the area itself with small and affordable industrial units, providing proper jobs for the community without threatening local businesses.

### Support

1352 Letter of Support Received:

### Principle:

- A McDonald's will be better for the area than leaving the site vacant.
- The area is already used for retail and is located off the main road so won't impact too much on traffic.
- The unit will complement existing businesses.
- The applicants are a sustainable and regulated fast food chain. Other "fast food" takeaways that have been in Leek for years are not sustainable, eco-friendly and are not regulated and operated the same.
- Will be in keeping with the Town centre.
- Will bring into use a vacant site.  
McDonald's spend a lot of time cleaning in the local community something Leek needs.

### Highway Safety:

- It will reduce car journeys to neighbouring towns, therefore, helping the environment.
- The Churnet Works site is the most suitable location in terms of traffic flow and car parking.
- The road infrastructure is already in place by Sainsburys and its dual lane both sides of the roundabouts.
- The proposal would not give rise to any significant highways disruption as it's far enough away from the town centre to not impact on the traditional market town.

### Local Economy:

- Will provide over 120 jobs for the local community and create further employment opportunities during construction and through the supply chain.
- The investment in Leek is very much welcome, particularly after Covid-19.
- The location is perfect so won't cause any traffic issues.
- The proposal includes a park and other amenities.
- It will bring jobs and more passing traffic will stop in Leek.
- It will help bring tourism further out of the town centre.
- It won't harm other take away services in Leek as no-one offers this type of food.
- McDonald's offer a great deal of employment benefits and progression which will enable future generations to make a career in their home town.

### Amenity:

- It will improve the facilities available to the younger generation.



- Leek has always felt to be lacking the draw on more significant franchises such as McDonald's and seeing the closing of the likes of New Look did not help this perception several years back.
- It will reduce anti-social behaviour possibilities, it opens up more scope to develop the Churnet Works areas for businesses as a whole, and provides a much needed alternative for people to eat at.
- All litter concerns have been addressed by the applicant and the town itself has litter from other food outlets that do not offer a litter picking scheme.
- McDonald's have a near universal appeal and will also generate income for the local area with passing traffic stopping, and hopefully encouraging more people to visit the town.

Miscellaneous:

- It will enable the council to improve key local services through the business rates generated.
- McDonald's is a sustainable developer that is conscious of its impact on the community. For example, they do frequent litter picks.
- It will improve the look of the area as currently is just overgrown and looks a mess.
- Excellent opportunity for local young persons to embark on a career path through the in-house training departments.
- The town should become one that caters for all.
- There are individuals that are anti-change. They bemoan the extension of the Churnet Valley railway into Leek (which would help tourism), they bemoan someone willing to invest their money in a McDonalds franchise on waste land.

11 Letters of Representation received that were neither against nor in support of the application:

- There are only two proposed disabled bays out of 55. This does not comply with planning regulations, as this is only 3.6% of the bays instead of the required 6%, as disabled people are less likely to be able to walk to the site, and lack of public transport to it
- McDonalds should install multiple rapid chargers for electric vehicles in their car park. The infrastructure for charging EVs must be improved at every opportunity in order that net zero commitments are met.
- Smell mitigation should be fitted.
- McDonalds produce 50% of fast-food litter in the UK (source: Keep Britain Tidy). A drive through in Leek would make this matter worse.
- Plans for foul and surface water drainage have not been submitted. The possible impact of the car park and restaurant especially on run off and surface water drainage into the local environment should be known works commence.
- Proud to live in a town with no big branded fast food outlet, with a thriving high street, independent shops and market days.
- The proposal is a kick in the teeth for local established food outlets of Leek.

- McDonalds restaurants are not in keeping in their structure or appearance to the beautiful architecture of Leek. Bright illuminated LED lights pollute the landscape and will impact on local wildlife.
- A McDonalds in Leek is not a viable solution.
- The photo used on Page 6 of the Ecology Report is obviously several years old and is therefore misleading. There is now a substantial growth of young trees, shrubs and flowering plants across the site.
- The Litter Plan should include checking the adjoining SWT reserve as this would be an obvious place for customers to eat their take-out meals. There are currently no litter bins in this area as they cannot be checked/emptied daily by Staffordshire Wildlife Trust (SWT). There should be discussion with SWT about how best to proceed with this inevitable problem.

### **Town Council**

Leek Town Council – No objection

### **Operations Manager -Waste**

No comments received

### **Environmental Health Officer**

No objection, subject to conditions.

### **General Comments**

The applicant is reminded that they will be required to instal EV / EV infrastructure in accordance with Approved Document S: infrastructure for charging electric vehicles

### **Air Quality:**

It would have been desirable if the applicant had submitted an AQ screen assessment in support of the application. However, it is noted that that there are no nearby receptors of concern (properties essentially) and the TA submitted indicates that it will generate minimal additional traffic outside of the immediate area. Providing this is accepted by Highways it is not considered that an AQW assessment is required in this instance.

### **Contamination:**

The application was supported by a Phase 1 desk study by Ensafe Consultants (Ref: 1664-16 / Final) . The report is considered and very good and comprehensive review of the potential contamination sources and previous site remediation that occurred at the site. The report concludes with a preliminary CSM and recommendations for further intrusive work to address the outstanding contamination that are likely to exist ate the site. This is agreed and a condition is recommended.

### **Noise:**

A noise assessment (acoustic assoc. sw ltd ref. 7586) has been submitted to address noise impacts which are typical of this development as the closest property to the development is approx. 60 m away. The potential noise impacts have been identified as car park, drive thru, vehicle noise, plant/machinery and delivery/waste collection noise.

The predicted impacts from the development are significantly lower than pre-existing background noise. Mitigation is proposed within the assessment (pg4 general, pg17 Plant attenuation, pg 20 Drive thru noise barrier 2.4m high). The assessment determines that with mitigation in place, adverse impacts to neighbouring residential properties can be prevented.

The site is traditionally industrial/commercial and the proposed use appears suitable subject to all appropriate mitigation being installed into the final construction. A condition is advised below to take account of plant/machinery and delivery noise.

### **Trees and Woodland Officer**

No comments received

### **Local Highway Authority**

No objection, subject to conditions.

### **Environment Agency**

No comments received

### **Local Lead Flood Authority**

Required more information to demonstrate that an acceptable drainage design is proposed. Additional information has been submitted and the LLFA have been consulted. Their response is awaited and will be reported on the Committee addendum.

### **Natural England**

No comments received

### **Staffordshire Wildlife Trust**

Response awaited

### **Staffordshire Police: Crime Prevention Design Advisor**

No objection subject to an informative

Internal liaison has taken place with the Local Policing Team and Staffordshire Police have no grounds for any objection to this planning application. Should it go ahead it is would be likely to prove popular with local residents and those from

outlying areas as well as with through traffic. It is far enough away from residential dwellings to cause any direct conflict.

The site is a very accessible one and generally subject to a high level of natural surveillance for most of the time when the neighbouring Sainsbury's site is open. Any planting around the perimeter should be kept sufficiently low to maintain views into the site and deter misuse within. The inclusion of a section within the Planning Supporting Statement entitled 'Anti-social behaviour' is welcomed as in some circumstances such establishments have attracted such behaviour. The applicant recognises the need for robust policies etc to be in place to minimise such risks and deal with issues should they arise. Free Wi-Fi is often an attraction which has contributed to gathering and anti-social behaviour so a clear policy around this will need to (and presumably does) form part of the preventative approach.

The proposed hours of operation are not stated. The inclusion of a planning condition restricting opening hours would be prudent to reduce the likelihood of the location become a focus of unwanted attention beyond reasonable hours, which could have an adverse impact upon the wider locality. Of course, should opening hours extend beyond 2300 then a separate premises license would need to be sought by the applicant under the licensing regime and the Staffordshire Police Licensing Unit may have specific licensing conditions they would seek to attach to such a license.

It is noted that there will be free vehicular access to the site at all times. Albeit much larger, the neighbouring Sainsbury's site has from time to time attracted nuisance vehicle activity. To prevent the McDonalds site from attracting any unwanted out of hours vehicle-borne activity, misuse or gathering, it would be advisable for a suitable barrier to be included close to the site entrance that could be used to restrict vehicle access.

The aforementioned 'Anti-social behaviour' section references unspecified 'appropriate physical security equipment' to be used in combination with good management training and practices to reduce the risk of crime and disorder. Undoubtedly technological security, and specifically, a CCTV surveillance camera system should also form part of the provision to deter and tackle anti-social behaviour, aside from the wider security and community safety benefits that might accrue from its presence, although strangely this does not appear to be referenced.

As part of a well-considered security strategy, it is recommended that the applicant installs a professionally designed CCTV surveillance camera system for relevant internal and external spaces within the site to provide a deterrent to anti-social behaviour and offending, offer reassurance to staff/customers and capture excellent quality images to further an investigation should the need arise. This should be supplementary to rather than instead of good physical security, good management practices/procedures/policies etc. The fairly simple external building lines could lend themselves to good external coverage around the building.

When considering the use of CCTV, end users must be very clear about the objectives they wish to meet and establish a policy for its use and operation before it is installed. The end user must answer the question, 'what do we want the system to

do for us?'. The development of a comprehensive CCTV Operational Requirement (OR) for the system, which can be supplied to CCTV installers during the tendering process is crucial. An OR will be used for the design, performance specification and functionality of the CCTV system. In effect, it is a statement of potential issues, not solutions and will highlight the areas that must be observed by the system and the times and description of activities that could give cause for concern. If an OR has been well drafted to ensure the installed CCTV system will be fit for purpose and satisfy the end user's objectives, and the installed system satisfies this OR then a positive outcome is achieved all round. A well-drafted OR enables the end user to hold the installer to account should the installed system fail to meet any requirements that have been laid down. Ultimately the drafting of a site-specific well-drafted comprehensive OR and its fulfilment with a suitable system will be a matter for and between the two parties involved.

There is a range of CCTV guidance information available to the applicant that can assist them. These include but are not limited to the following:

- The Surveillance Camera Commissioner's Passport to Compliance documents, which provide a guide through the relevant principles within the Surveillance Camera Code of Practice. It informs the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code.
- The 'Surveillance Camera Commissioner Buyers Toolkit' is a comprehensive easy-to-follow '5 steps to achieve success' guide for non-experts thinking about buying a CCTV system and want to ensure they avoid common mistakes and buy an effective system that does what they want it to do. It is full of advice and tips on how to get the best out of any prospective supplier. It also covers relevant standards and current legislation.
- For CCTV recordings to be effective in detecting and investigating crime they must be fit for purpose and easily accessible by police investigators. Given that images may be used by the police or in an investigation, any CCTV system installed would need to ensure that any CCTV surveillance system satisfies the ACPO/Home Office produced 'Police Requirements for Digital CCTV Systems' guidance available online, which albeit rather old contains some important guiding principles.

Regarding the design and installation of CCTV systems, standard police advice would be to opt for a professional CCTV company which has either relevant National Security Inspectorate (NSI) or Security Systems and Alarms Inspection Board (SSAIB) accreditation for CCTV systems.

The inclusion of cycle parking is noted and welcomed. The cycle stands provided will need to enable cyclists to secure both wheels and the frame in situ (the most secure arrangement) should they choose to do so. Sheffield hoops are the most well-known means of doing so. The type of cycle stands that only allow the front wheel to be secured provide inadequate security since quick-release front wheels can result in the rest of the bike being stolen. Dedicated motorcycle bays are also noted and welcomed. Some suitable means should be provided to enable owners to be able to

secure their scooters/mopeds/motorbikes in situ. A robust fixed low horizontal metal bar or ground anchors are common forms of provision.

Externally, the layout appears to be well-conceived. The external seating area etc to the side would be one obvious area that would benefit from CCTV surveillance camera coverage. In terms of pedestrian safety and building security etc, while the main entrance is protected by what appears to be a metal rail, it would be prudent for the rest of the building frontage to be so protected. A row of stainless steel bollards is a typical choice for consideration.

Internally, the layout appears very straightforward with a well overlooked main entrance visible from the service counter. The office is close by and at the heart of the operation. The window in the crew room potentially allows staff some natural surveillance over part of the car park and activity within. The publicly accessible area of the interior would lend itself to comprehensive CCTV camera coverage.

Internally, the door serving a security function and separating public from staff space should be sufficiently robust with suitable access control measures in place to deny unauthorised entry to staff-only areas during opening hours. Handling of cash within the building will need to be carefully considered with opportunities to reduce the amount held in tills at any one time taken to reduce the attractiveness of the location as a robbery target. Presumably, well-established policies and arrangements are in place in this regard. Suitably robust lockers for staff will need to be provided in a staff-only area to enable personal possessions to be protected when on duty.

There do not appear to be any obvious external climbing aids that would lend themselves to enabling unauthorised access to the flat topped roof sections. Perhaps McDonalds will be using or basing the construction on some form of national standard building model template, which has been tried and tested for its functionality and no doubt improved upon over time. It is to be hoped that suitably robust physical security provision forms an integral part of any base template and contributes to the overall security strategy, which might include measures such as an intruder alarm system, CCTV provision as well as robust operating procedures. This should include the installation of products (for example, external doorsets/windows, deliveries doorset, etc) that have third party certification to a recognised manual attack-resistant commercial security standard and at appropriate security/burglary rating. Similarly, security (ie. laminated) glazing, certified to BSEN356:2000 at an appropriate Resistance Class providing the required level of physical protection should be incorporated. Installing such certified products ensures a tested and proven level of attack resistance whereas products which have no third party security certification have an unknown and unquantifiable attack-resistance capability. Third party security certified products are widely available and satisfy rigorous material performance standards aside from security ones.

Albeit a generic document, the applicant can find guidance on recognised manual attack-resistant security standards (and a whole raft of other information appertaining to crime prevention, both in terms of layout and building security) in the Secured by Design Commercial Developments 2015 design guide available online (or any subsequently updated version). The standards contained therein are minimum recommended standards and consequently, consideration may need to be given to

exceeding these if the perceived risk demands it. It is also worth noting that later versions of some of the security standards contained within the design guide have been published and it is products certified to these that should be considered. Where they exist, installing products with third party certification to the latest version of relevant standards is always advisable as they factor in latest test methods, respond to changes in offender attack methods and are tested against the most updated list of attack tools.

The above comments and recommendations have been made in light of the importance within the planning system placed upon designing out criminal and anti-social opportunity, and designing in community safety, and with a view to ensuring a more secure and safer development with less opportunity for it to attract unwanted attention both during opening hours and outside of these ultimately results.

Crime Prevention advice is given freely without the intention of creating a contract, and all comments and recommendations are site specific. Staffordshire Police and the Home Office do not accept any legal responsibility for the advice given. Should this application ultimately meet with approval, it is requested that an informative note for the applicant is attached to the bottom of the decision notice directing them to advice on construction site security. Wording along the following lines would be ideal:

‘For online advice on construction site security, the applicant’s attention is directed to the following publications from recognised bodies:

- Construction Site Security – A Guide (British Security Industry Association)
- Construction Site Security Guide 2021 (Secured by Design)
- Construction Site Security Guide (National Business Crime Centre)’

### **Severn Trent Water**

No objections to the proposals subject to the inclusion of the following condition:

“The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.”

## **7 OFFICER COMMENT AND PLANNING BALANCE**

### **Policy Context**

8.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

8.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the Staffordshire Moorlands Local Plan adopted September 2020.

8.3 Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, and National Planning Policy Guidance (NPPG).

8.4 Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Local Plan policy SS1 establishes a presumption in favour of sustainable development as contained within the NPPF.

### **Main Issues**

8.5 Following assessment of the proposals and consultation the main issues that are considered to be relevant in the determination of the application as follows:

1. Principle of development
2. Design and impact upon heritage assets
3. Access, parking and highway safety
4. Flood risk and drainage
5. Ecology

### **Principle of Development**

8.7 The application site lies within the built-up area of Leek but outside the defined Town Centre boundary in the Local Plan. It is a brownfield site within a commercial area. The site is not allocated for a particular use in the Local Plan.

8.8 The documents accompanying the application demonstrate that the floorspace of the proposed McDonalds restaurant appears to be well over the Local Plan threshold (of 200sqm +) as outlined within Policy TCR3 (Retail and other Town Centre Uses outside Town Centres), and as such the applicant has submitted a sequential test.

8.9 In accordance with the NPPF, there is a requirement to undertake a sequential assessment to determine whether there are any sequentially preferable sites to the site which has been selected to accommodate the proposed development. The order of priority is set out in the NPPF and comprises of the Town Centre, Edge of Centre, and accessible location out of centre. It is considered that the application site is an accessible location out of centre.



8.10 The submitted sequential test, written in accordance with Chapter 7 of the NPPF, "Ensuring the vitality of town centres", reported that there is a specific size requirement for a drive through restaurant as well as a need for a site with passing traffic / visibility from a main road. The applicant undertook site investigations for a freestanding restaurant site within the whole of Leek as a potential search area and were unable to find sites in closer proximity to the town centre, that are suitable for a drive thru restaurant.

8.11 The submitted document also indicates that all potential sites within and on the edge of the town centre have been assessed and no alternative site is available. On this basis, the sequential test is considered to be passed.

8.12 The public comments with regards to the need for the restaurant are noted but do not alter the conclusion drawn above.

### **Design and Impact on Heritage Assets**

8.13 Paragraph 190 of the NPPF requires Councils to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

8.14 It is contended that the setting of a heritage asset is essentially the surroundings in which an asset is experienced. All heritage assets have a setting and elements of a setting may make a positive or negative contribution to the significance of the asset. The extent and importance of setting is often expressed by reference to visual considerations with the setting of a heritage asset being sustained or enhanced by new buildings. New buildings should be carefully designed to respect their setting by virtue of their scale, prominence, height, massing, alignment and use of materials. This does not mean that new buildings have to copy the nearby Brindley Mill in detail, but they should take account the impact on the listed building and its setting and respect it in particular by striving to be in keeping with the existing scale, massing and materials of the surrounding area.

8.15 Paragraph 194 of the NPPF requires applicants to describe the significance of the heritage asset affected and the contribution of their setting to that significance with the level of detail provided being proportionate to the importance of the asset and no more than is sufficient to understand the potential impact of the proposal on their significance.

8.16 Paragraph 197 of the NPPF states that in the determination of planning applications local planning authorities should “...take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

8.17 The application proposes a contemporary structure that would sit comfortably within an area consisting of other modern structures. By responding to the context of the area it is considered that the proposed building is appropriate in terms of general form and scale and as such would be appropriate in the site’s context. The current application proposals achieve a viable development that respects the character and appearance of the surrounding area.

8.18 The proposed materials are a combination of timber cladding, blue brick and grey cladding, none of which are typical of the Staffordshire Moorlands and timber cladding in particular is discouraged by the Design Guide. In order to ensure that the building responds to the context of the area and reinforces the area’s local distinctiveness the use of appropriate local materials is key, particularly given that the overall form of the building is a contemporary flat roofed structure. Therefore, the agent has been requested to provide a more appropriate material palette to include stone, red and blue brick. An update on this matter will be provided to Members.

8.19 As required by paragraph 203 of the NPPF, the effect of the proposed development on the significance of the non-designated heritage asset must be considered.

8.20 As stated previously the application lies some distance from the nearest listed building. It is considered that the building has been designed so as to preserve and enhance the visual integrity of its environs, respecting the application site’s location in proximity to the Grade II listed Brindley’s Mill. As noted above, there is little visual connection between the Mill, which is mostly seen within the context of the older development on Mill Street, and the application site, which is read as part of the modern retail and commercial development forming the Sainsbury’s development as a whole. The proposed unit would be single storey and would have little impact on the wider views of the mill. The public’s comments regarding the proposals’ design and its impact on the building are noted. The application proposes a contemporary structure that would sit comfortably within an area consisting of other modern structures. However, it is noted that the material palette needs to be amended to take into account the local vernacular in terms of colour and texture.

8.21 Overall it is considered that the application proposal would result in less than substantial harm to the non-designated heritage asset although for the reasons set out above, this would be at the lower end of this level of harm.

8.22 Paragraph 200 of the NPPF notes that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from

development within its setting), should require clear and convincing justification.” In this case, it is considered that the relatively low level of harm which would result, would be outweighed by the public benefits of the scheme, particularly economic benefits to the town arising from employment, construction and retention of spend within Leek. It is therefore considered that the proposal would comply with the NPPF

### **Access, Parking and Highway Safety**

8.23 New development will need to deliver an appropriate form of development in terms of highway safety and infrastructure having regard to the NPPF. Paragraph 108 of the NPPF looks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.24 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The impacts of the development across the Churnet Works area, as well as the associated traffic movements for the proposal and the proposed new access off Abbey Green Road, including potential impacts associated with this plot have been considered in detail by SCC Highways.

8.25 Comments have been received from the Council’s Highways in response to consultation on the current application. Highways have considered the effects of the development in this location in respect of matters such as pedestrian routes, public transport and cycling; road safety; car and cycle parking; highway works; and refuse storage and servicing.

8.26 Staffordshire County Highways are satisfied that these issues have been satisfactorily dealt with. Highways, therefore, raise no objection to the proposals and recommend conditions. The proposal is therefore considered to be acceptable having regard to the NPPF and the adopted policies of the Local Plan.

8.27 Furthermore, the applicant has agreed to submit a legal agreement that sets out details of its commitments to securing the long-term management arrangements for Travel Plan monitoring.

8.28 The public comments with regards to highway safety, parking etc are noted but in the absence of any objection from SCC it is not considered that a refusal on highways or parking grounds could be sustained.

### **Flood Risk and Drainage**

8.29 The NPPF outlines at paragraph 157 that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to

people and property. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Furthermore, if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

8.34 The need for an exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

8.35 The application has been submitted with a Flood Risk Assessment (FRA) which states that an exception test is not required in this instance on the basis that the use is classed as less vulnerable. Consultation has taken place with the Lead Local Flood Authority (LLFA) on the submitted information as well as additional information received during the course of the application.

8.36 The LLFA had requested further information be submitted to address technical matters on flood risk and surface water drainage. Following the submission of additional information, the LLFA has verbally stated that they are satisfied with the proposals effect on flood risk and surface water drainage and have raised no objections. However, written confirmation and a final formal consultation response were awaited at the time of report preparation and a further update will be prepared for Members. Comments were also awaited from the Environment Agency. In the event that these are not received prior to the meeting it is recommended that delegated powers are granted to approve the application subject to no objection being received from the EA or LLFA

8.37 Having regard to the submitted information and assessment against relevant policies and the NPPF the proposal is considered to be acceptable in relation to matters of flood risk and drainage. The proposal would therefore be in accordance with Local Plan policy and the NPPF.

8.38 The publics comments with regards to potential flooding are noted but again in the absence of objection from the statutory consultees a refusal on these grounds would not be sustainable.

## **Ecology**

8.39 The NPPF at paragraph 174 identifies the need to enhance the natural and local environment through a number of objectives including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 178 advises Local authorities to ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NE1 identifies that biodiversity and geological resources will be conserved and where possible enhanced by

ensuring that development proposals will not result in significant harm to biodiversity and geological interests.

8.41 The site in general is of limited ecological interest, The application site comprises neutral grassland with scattered immature scrub and tall herb growth, along with an area of neutral grassland dominated by hard rush and standing water. To the north is an existing superstore car park, to the West lies Churnet Way and to the east and south lies a continuation of the onsite habitats with the River Churnet beyond to the south.

8.42 An appropriate level of protected species survey work has been undertaken, in accordance with best practice guidelines. No bat roosts were recorded during the two November 2021 bat surveys, however foraging bats were recorded using the eastern tree line. This data is considered valid for the current application, however if determination is delayed until the 2023 survey season (May-September), the bat surveys will require updating.

8.43 Conditions are to include a sensitive lighting strategy to avoid light spill. Subject to these conditions, the application would accord with Policy NE1 of the Local Plan and Section 15 of the NPPF.

## **8 CONCLUSION AND PLANNING BALANCE**

9.1 The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

9.2 The sequential test concluded that the site is acceptable for the proposed use of the drive thru, and this site was found to be acceptable in terms of impact to the wider area. The highways, drainage, heritage and ecological implications of the site were also found to be sound.

9.3 The design was found to be appropriate in terms of it's overall scale and form, although an alternative materials pallet has been suggested. Subject to this change it is concluded that there would still be some harm to the setting of the adjacent listed building, but that this would be at the lower end of "less than substantial". Under these circumstances, the public economic benefits are found to outweigh this minimal harm.

9.4 Therefore, the development will not result in any material negative impact on the use and character of the area and would not materially harm neighbouring residential amenity in accordance with the adopted policies of the Staffordshire Moorlands Local Plan.

9.5 Overall, it is concluded that the proposal accords with the provisions of the Staffordshire Moorlands Local Plan and relevant NPPF policies. The other matters raised in public comments are noted but it is not considered that any other material

considerations are raised which lead to a different conclusion. Accordingly it is recommended for approval

## **9 RECOMMENDATION**

**A. That planning permission be granted subject to no objection being received from the Environment Agency or Lead Local Flood Authority; completion of a unilateral undertaking relating to Travel Plan monitoring and the following conditions:-**

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

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2.The development hereby permitted shall be carried out in accordance with the following approved plans:**

- 12385\_AEW\_8622\_0001E\_Location Plan
- 12385\_AEW\_8622\_0002E\_Block Plan
- 12385\_AEW\_8622\_0003A\_Existing Site Plan
- 12385\_AEW\_8622\_0004B\_Proposed Site Plan
- 12385\_AEW\_8622\_0005A\_Proposed Elevations
- 12385\_AEW\_8622\_0006A\_Proposed Floor and Roof Plan
- 18222-VL-McD\_L01A - Landscape Plan\_A1
- 18222-VL-McD\_L02A – Planter

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

**3. Notwithstanding any description of the materials in the application, no construction of the external walls and roof of the development shall be undertaken until precise details, to include samples, of the materials to be used have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.**

**Reason:- In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment.**

### **POLLUTION CONTROL / CONTAMINATION**

**4. I. During construction/demolition phases amplified music and/or radios shall not be**

**audible beyond the site boundary;**

**II. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent**

escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;

III. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

**Reason:- To protect the amenities of the area during construction**

5. 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) A site investigation, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.

b) 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.

c) 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.**

**6. 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.**

**7. 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.**

#### **ODOUR / NOISE**

**8. All mitigation set out in the noise assessment (acoustic assoc. sw ltd ref. 7586) should be installed in full.**

**Reason: To ensure that noise outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.**

**9. The rating level of sound emitted from deliveries shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and**



assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the local planning authority.

**Reason: To protect the amenities of nearby residents**

**10. 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.**

#### **ARTIFICIAL LIGHTING (EXTERNAL)**

**11. To restrict the intensity of the illumination on either or both amenity/public safety grounds:**

**Any artificial lighting associated with the development shall conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01-21; and thereafter maintained for the life of the development.**

**Reason: To protect the local amenities of the local residents by reason of excess of luminance.**

#### **CONSTRUCTION TIMES / HOURS OF OPERATION**

**12. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.**

- **08:00 - 18:00 hours (Monday to Friday);**

- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

### **HIGHWAYS / ACCESS**

13. 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 plan 12385\_AEW\_8622\_0004 B. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason: To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety.

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

Reason: To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety and to encourage alternative modes of travel.

15. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities including means of dealing with water runoff;
- vi) mechanical road sweeper for existing carriageway;

**Reasons: 1.To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety and to ensure the development can be constructed with the minimum of inconvenience to other road users.**

#### **LANDSCAPE / VISUAL IMPACT**

**16. Notwithstanding the details submitted with the application, prior to the development being brought into use a detailed landscaping scheme, showing both hard and soft landscaping proposals, materials for external surfaces and all boundary treatments, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, the planting of locally native trees and shrubs of local provenance, including a planting schedule setting out species, numbers, densities and locations, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.**

**Reason: Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.**

**17. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.**

**Reason:- In the interests of the protection of important landscape features which contribute to the character and appearance of the area, biodiversity and protected species**

**18. No development shall take place including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access until such time that temporary tree protection barriers and advisory notices are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations or the prevailing standard and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no**

excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

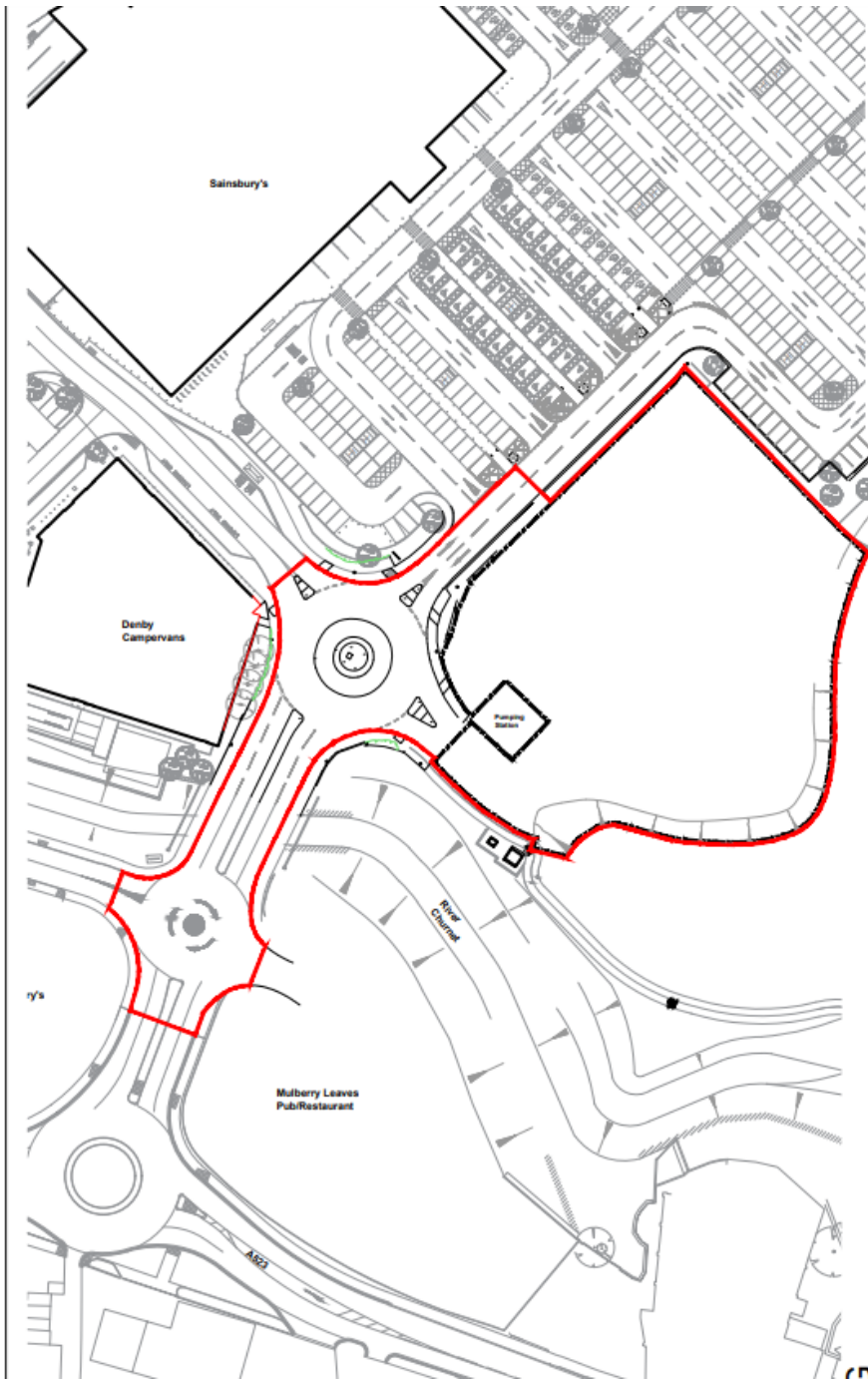
Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity.

**FLOOD RISK / DRAINAGE**

19. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 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/informatives/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.



- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturer's recommendations.

**CDM 2015**

Client notified of duties: **At Design Workshop**  
 Principal Designer: **TBC**

Unless noted below, all known hazards have been highlighted on the drawing.

**Drawing Based on:**

- Hedfield Cawkwell Davidson Architects drawing A-SK-011\_Proposed Site Plan Option 2 dated 20/1/20
- LEEK Sainsbury's - ProMap
- Glenville Site Survey Sheet 2 REF: 42103694102 Dated Oct 2021

• Extent of McDonald's Demise Indicated

• Extent of Application Boundary Indicated

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**Notes:**  
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E	11/07/22	RC	LB	Application boundary updated to suit Highways boundary
D	07/07/22	JJ	LB	Title Block Notes updated at LPA request.
C	16/12/21	JJ	LB	Planning Issue
B	04/10/21	RC	LB	Pumping station indicated.
A	29/09/21	RC	LB	Updated to suit latest demise
-	10/08/21	TCSS	LB	Initial Issue
RDV	Date	Drawn by	Checked by	
<b>S2</b>		<b>For Information</b>		
Drawing Stage		<b>Planning</b>		
Client		<b>McDonald's Restaurants Ltd</b>		
Project				Issue