



## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 1st DECEMBER 2020**

**PRESENT:** Councillor P Thurgood (Chair), Councillors P Brindley, J Chesworth, C Cooke, M J Greatorex, T Jay, R Kingstone, K Norchi, M Oates, S Pritchard and P Standen

The following officers were in attendance: Manjit Dhillon (Planning Solicitor), Anna Miller (Assistant Director – Growth & Regeneration), Eleanor Overton (Head of Planning), Andrew Brough (Planning Officer), Richard Powell (Planning Policy and Delivery Officer), Katie Johnson (Planning Officer), Tracey Pointon (Legal Admin & Democratic Services Manager), Mark Evans (Highways South Staffs County Council), Jake Derry (Highways South Staffs County Council) and Adam Deakin (Technical Infrastructure Engineer)

Apologies received from: Councillor(s) M Bailey and M Summers

Councillors in attendance Councillor T Clement & Councillor R Rogers

### **13 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3<sup>rd</sup> November 2020 were approved and signed as a correct record.

*(Moved by Councillor P Standen and seconded by Councillor Paul Brindley)*

### **14 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **15 APPLICATIONS FOR CONSIDERATION**

#### **15.1 Central England Co-Operative Supermarket Ref 0069/2020**

**Application Number:** 0069/2020

**Development:** Demolition and site clearance of Co-Operative superstore (former Use Class A1) and car park, to facilitate a mixed-use development comprising of retail food store and non-food retail (5,240m<sup>2</sup>), two central retail units (222m<sup>2</sup>) and gym

(1,394m<sup>2</sup>) (Use Class E) and drive thru restaurant/take-away (Sui generis) (413m<sup>2</sup>), B2 and B8 including ancillary trade counters (3,659m<sup>2</sup>), and associated car parking, pedestrian and vehicular accesses and landscaping

**Location** Central England Co-Operative Supermarket, Brent, Wilnecote, Tamworth, B77 5DL

**RESOLVED** Approved subject to completion of a section 106 agreement and planning conditions, as amended in the late item list all outlined below, also the inclusion of informatives on the decision notice in relation to disabled access, CCTV and site security measures and electric vehicle charging points.

**Conditions/Reasons**

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

*Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

- 2 The development hereby permitted shall be carried out in accordance with plan(s)/drawing(s):

DRAWING TITLE	DWG No	REVISION
Site Location Plan	100	P01
Existing Site Plan	101	P02
Existing Site Sections	103	P01
Proposed Site Plan	330	P03
Proposed Site Sections	331	P00
Ground Floor Plan, Unit A	332	P00
Roof Plan, Unit A	333	P01
Elevations, Units A	334	P01
Ground Floor Plan, Unit B	335	P00
Roof Plan, Unit B	336	P00
Elevations, Unit B	337	P00
Ground Floor Plan, Block A	338	P00
First Floor Plan, Block A	339	P00
Roof Plan, Block A	340	P00
Elevations, Block A	341	P00
Block B Drawings	342	P00
Drive Thru A Drawings	343	P01

Drive Thru B Drawings	344	P01
TRO Plan, Brent and Forties	NMT-BWB-HGN-XX-DR-TR-114-S2	P02
Proposed Signalised Pedestrian Crossing Point	NMT-BWB-HML-XX-DR-TR-101-S2	P04
Vehicle Tracking Assessment	NWT-BWB-HGN-XX-DR-TR-110	P05
Vehicle Tracking Assessment	NWT-BWB-HGN-XX-DR-TR-110	P06

Unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

*Reason: For the avoidance of doubt and in the interests of achieving sustainable development*

- 3 The ancillary trade counters in Units 1-7 shall occupy no more than 25% of the floor space of each unit for retail sales purposes.

*Reason: To protect the vibrancy and vitality of Tamworth town centre to comply with policy EC1 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.*

- 4 The scheme hereby permitted and shown in Drawing Number 330 Revision P03, shall only operate between the hours detailed below

Unit	Opening hours
Lidl Food & B&M	Lidl Food: Monday – Saturday 06:00 – 23:00 Sunday 10:00 – 17:00 B&M: Monday – Saturday 07:00 – 22:00 Sunday 09:00 – 18:00
Units 1-7 within Terrace	Monday – Saturday 07:00 – 20:00 Sunday 09:00 – 17:00
Drive-Thru Costa/KFC	Monday – Saturday 06:00 – 00:00 Sunday 06:00 – 00:00
Retail Units	Saturday 06:00 – 22:00 Sunday 06:00 – 18:00
Unit 8 Pure Gym	Monday – Sunday 24 Hours

*Reason: To safeguard the amenities of nearby occupiers, in accordance with policy EN5 of the Tamworth Borough Council Local Plan 2006-2031.*

- 5 Notwithstanding the details provided, prior to the occupation of a unit hereby approved a scheme of hard (including details of all boundary treatment) and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of each respective unit, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each respective unit or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the visual setting of the development and the surrounding area in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019*

- 6 All site works must comply with recommendations R1, R5, R6 and R7 of the submitted Preliminary Ecological Appraisal (Middlemarch Environmental, November 2019).

*Reason: To protect and enhance biodiversity in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (2019).*

- 7 **No development shall commence** until details of biodiversity enhancement measures, including x4 bat boxes suitable for crevice-dwelling bats of wood-concrete composition to be installed on the new buildings to the east and west side of the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented as approved and retained thereafter

*Reason: To protect and enhance biodiversity in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (2019)*

- 8 **No development shall commence** until an in-depth method statement regarding tree protection is submitted to, and approved in writing by, the Local Planning Authority. This should also include minimal dig path and foundations to the rear of Units 1-8. The approved details shall be implemented as approved and retained for the duration of the construction works.

*Reason: To protect and enhance biodiversity in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (2019).*

- 9 **No development shall commence** (excluding demolition) until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with policy SU5 of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 178 and 179 of the National Planning Policy Framework.*

- 10 Where the findings of the intrusive site investigations (required by condition 9) identify that coal mining legacy on the site poses a risk to surface stability, **no development shall commence** until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with policy SU5 of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 178 and 179 of the National Planning Policy Framework*

- 11 Notwithstanding the details provided **No development shall commence** until a detailed surface and foul water drainage scheme for the site has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- a.) Surface water drainage system(s) designed in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- b.) Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- c.) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- d.) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- e.) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site in accordance with policy SU4 and SU5 of the Tamworth Borough Council Local Plan 2006-2031 and with paragraph 163 of the National Planning Policy Framework (2019).*

- 12 **No development shall commence** until a remediation strategy which includes the following components to address the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority:
- a.) A preliminary risk assessment which has identified:
    - i.) all previous uses
    - ii.) potential contaminants associated with those uses
    - iii.) a conceptual model of the site indicating sources, pathways and receptors
    - iv.) Potentially unacceptable risks arising from contamination at the site.
  - b.) A site investigation scheme, based on (a.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c.) The results of the site investigation and the detailed risk assessment referred to in (b.) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d.) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  
Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
- Reason: Due to the potential for contamination to be present on the site as indicated by the preliminary risk assessment included within the 'Preliminary Risk Assessment for a Site on Ninian Way, Wilnecote, Tamworth' (DTS Raueburn Limited, June 2017). Any contamination present has the potential to impact on the 'Controlled Waters' receptors of groundwater in the underlying Secondary Aquifers and local surface water features. The extent of any contamination and significance to these receptors should be assessed to determine the need for remedial actions. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).*
- 13 No occupation of any part of the development shall take place until a verification report demonstrating completion of 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 verification 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 verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

*Reason: To ensure that any remedial works required as an outcome of the site investigation and risk assessment are completed to a satisfactory standard. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).*

- 14 The scheme shall be implemented in accordance with the approved details in condition 13 before the development is first brought into use.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with policy SU4 of the Tamworth Borough Council Local Plan 2006-2031 and with paragraph 163 of the National Planning Policy Framework (2019).*

- 15 The development hereby permitted shall be serviced using the principles as set out in the submitted Service Management Plan (ref: NWT-BWB-GEN-XX-RP-TR-0005-TN V2) for the lifetime of the development and shall only be amended unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of pedestrian and highway safety in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

- 16 **No development shall commence** until a Construction Management Plan is submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan shall provide the following details:

a.) The routing of construction vehicles to and from the site including measures to mitigate the impact on the local highway network.

b.) Parking facilities for vehicles of site personnel, operatives and



visitors;

c.) Arrangements for the loading and unloading of plant and materials;

d.) Site working times and times of deliveries to the site

e.) Areas of storage for plant and materials used during the construction of the proposed development;

f.) Measures, including designated wheel cleaning areas, to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.

The Construction Management Plan shall be adhered to for the duration of the demolition and construction phase.

*Reason: To avoid indiscriminate parking and obstruction of the highway in the interests of pedestrian and highway safety in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031*

- 17 Prior to occupation, the off-site traffic management scheme comprising of double yellow lines on Brent and Forties, as broadly indicated on submitted Drg. No. NWT-BWB-HGNXX-DR-TR-114 S2 Rev. P02, shall be implemented.

*Reason: In the interests of pedestrian and highway safety in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

- 18 Prior to occupation, the extension to the existing shared use footway/cycleway, as broadly indicated on submitted Drg. No. NWT-BWB-HML-XX-DR-TR-101 S2 Rev. P4, will be provided and shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of pedestrian and highway safety and to encourage the use of sustainable modes of transport in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031*

- 19 Prior to occupation, details of the upgrading of two existing bus stops on Ninian Way will be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be constructed in accordance with the approved drawings prior to first occupation.

*Reason: In the interests of pedestrian and highway safety and to encourage the use of sustainable modes of transport in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031*

- 20 Prior to occupation of Units 1-8, the northern and southern drive through, Unit A, Unit B and the garden centre, the associated cycle spaces and cycle lockers, as indicated on submitted Drg. No.15029-330 Rev. P03, shall be installed and retained for the lifetime of the development.

*Reason: In the interests of pedestrian and highway safety and to encourage the use of sustainable modes of transport in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

- 21 Prior to occupation, the accesses to the site, as shown on Drg. No.0330 Rev. P-03 within the limits of the public highway, will be provided.

*Reason: In the interests of highway safety and to comply with SCC Highway Authority requirements for access and in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

- 22 Prior to occupation, any lengths of existing site accesses, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development hereby permitted will be permanently closed with the access crossing reinstated as verge/footway.

*Reason: To avoid the proliferation of redundant accesses in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

- 23 Prior to occupation, the associated parking areas, indicated on submitted Drgs. No.NWT-BWB-HGN-XX-DR-TR-110 S2 Rev. P06 and NWT-BWB-HGN-XX-DR-TR-110 S2 Rev. P5, shall be provided with the parking bays clearly delineated and thereafter retained at all times for their designated purpose.

*Reason: In the interests of pedestrian and highway safety accordance with policies EN5 and SU2 and Appendix C of the Tamworth Borough Council Local Plan 2006-2031.*

- 24 The garden centre as shown on Drawing Number 330 Revision P03 hereby approved shall be occupied solely in connection with, and ancillary to the existing business operating from Unit B (as shown on Drawing Number 330 Revision P03) and shall not be sold off, sub-let or used as a separate business premises.

*Reason: To protect the vibrancy and vitality of Tamworth town centre to comply with policy EC1 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.*

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification, the gymnasium as shown as unit 8 on Drawing Number 330 Revision P03 shall be used only for the purposes of a gymnasium as defined by Class E of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order revoking and re-enacting that Order with or without modification, and for no other purpose in Class E of the schedule to that Order.

*Reason: Only the approved use has been considered in establishing whether the proposal would have acceptable impacts in this location, and other uses would require further detailed consideration by the Local Planning Authority. In accordance with policy EC1 the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019*

- 26 The open land within the curtilage of the site generally and within the curtilage of individual units as shown on Drawing Number 330 Revision P03 hereby approved shall not be used for the storage, display or sale of anything whatsoever.

*Reason: In the interests of the visual amenities of the area and the openness of the land and to protect the vibrancy and vitality of Tamworth town centre to comply with policies EC1 and EN5 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019*

- 27 Notwithstanding the details provided, prior to their incorporation in to the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

*Reason: In the visual interest of the building(s) and the surrounding area in accordance with policy EN5 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019*

- 28 **No development, including preparatory works, shall commence** until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall

be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

*Reason: To protect the amenities of adjoining properties and the appearance of the area generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routeing/positions in accordance with policy EN5 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019*

### **Informative Notes:**

#### **Ecology:**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS):

- 1.) Deliberate capture or killing or injuring of an EPS
- 2.) Deliberate taking or destroying of EPS eggs
- 3.) Deliberate disturbance of a EPS including, in particular, any disturbance which is likely:
  - a.) To impair their ability:
    - i.) To survive, to breed or reproduce, or to rear or nurture their young, or
    - ii.) In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b.) To affect significantly the local distribution or abundance of the species to which they belong.
- 4.) Damage or destruction of an EPS breeding site or resting place.

#### **Ecology:**

The applicant/developer is advised of the requirement to secure a Natural England Licence before commencing development.

#### **Flood Risk:**

The Environment Agency (EA) advises that the applicant/developer should:

- a.) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- b.) Refer to the Environment Agency (EA) document 'Guiding Principles for Land Contamination' for the type of information that the EA required in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.

c.) Refer to the EA's 'Groundwater Protection: Principles and Practice' (GP3) document, available from [www.gov.uk](http://www.gov.uk). This sets out the EA's position on a wide range of activities and developments, including:

- i.) Waste management
- ii.) Discharge of liquid effluents
- iii.) Land contamination
- iv.) Ground source heat pumps
- v.) Drainage
- vi.) Storage of pollutants and hazardous substances
- vii.) Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant/developer should refer to guidance available on the EA's website ([www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)).

d.) Refer to the EA website: [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency) for more information.

#### Drainage:

Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over, or close to, any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to, or divert, Severn Trent Water assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that the applicant/developer contacts Severn Trent Water at the earliest opportunity to discuss the implications of Severn Trent Water assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent Water.

#### Highways

The proposed traffic management scheme referred to in the conditions requires a Traffic Regulation Order (TRO) to provide safe off-site mitigating works. The recommendation of approval by SCC Highways Authority should not be construed as though the County Council is prejudging the outcome of the Order making process. The applicant/developer should note that the Order will be made on behalf of the applicant/developer by Staffordshire County Council at the applicant/developer's expense and has to be secured before development commences, as it is a mitigating measure associated with the proposed development. In case the Order is not already

Being processed, the applicant/developer is requested to contact <https://www.staffordshire.gov.uk/Highways/TRO/Overview.aspx> with immediate effect to enable the Order to be secured at the earliest convenience to avoid

delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful.

### Highways

Conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant/developer is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack, including an application form. Please complete and send to the address indicated on the application form, or email to (nmu@staffordshire.gov.uk). The applicant/developer is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

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

### Cadent Gas

Before carrying out any work the applicant/developer must:

- Note the presence of an Above Ground Installation (AGI) in proximity to the site. You

Must ensure that you have been contacted by Cadent and/or National Grid prior to

Undertaking any works within 10m of this site.

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath, the relevant Local Authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 'Avoidance of Danger from Overhead Electric Power Lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>.

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on

### **Late item update 0069/2020:**

The Listed conditions above reflect the agreed late item update listed below and also provides some additional information in relation to the application.

Condition 3 is to be amended to reflect a request for an amendment to the proposed opening hours. Monday to Saturday opening hours for Lidl Food are to be changed from 07:00-22:00 to 06:00-23:00. Sunday opening hours for B&M are to be changed from 10:00-17:00 to 09:00-18:00. No objections have been raised in this regard by Environmental Health.

Condition 4 is to be amended to remove the reference to 'A1', as agreed for the development description.

Conditions 15, 16 and 17 are to be removed, as their requirements are covered within condition 12, meaning they are not necessary.

The table within Section 9.2.2. Of the report should reference 'Lidl' not 'Aldi'.

Sections 9.2.29 and 9.2.30 of the report referencing 'office use development' and 'office use' are to be omitted as the development no longer proposes any office use. This was included in error.

Section 10 ('Recommendation') of the Committee report should read 'Grant delegated authority to the 'Assistant Director of Growth and Regeneration' instead of to the 'Head of Planning', in line with TBC's constitution. This will now read, 'Approval: Subject to the grant of delegated authority to the Assistant Director of Growth and Regeneration to conclude negotiations on, and complete an agreement under, Section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations outlined in this report; And, Subject to list of conditions'.

As the reconsultation period expired after publication of the report, it should be noted that two additional letters of representation have been received. These raise concerns over the proposed uses, highway matters and litter. These issues have already been addressed within the main body of the report and so, no further appraisal on such grounds is necessary.

It should also be noted that no further concerns have been raised by Environmental Health as a result of proposed hour's amendments. A public reconsultation was carried out to reflect an update in legislation and to remove the original reference to 'a potential post office'. This is to reflect the change to class E of the use class order and because there are no specific details of a post office provided within the submission. A Post Office can be accommodated on site, but does not form part of the planning Application.

Additional 3 informatives.

- 1 The developer is encouraged to install recharge points for electric vehicles to comply with the following criteria:
  - Residential: 1 charging per unit (dwelling house with dedicated parking) or 1 charging point per 10 spaces (or part thereof) where individual units have shared or courtyard parking;
  - Commercial/Retail: 1 charging point for every 10 parking spaces;
  - Industrial: 1 charging point for every 10 parking spaces;To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development.

Residential charging points should be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points should be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2 (or equivalent standard that may replace it). Measures should be taken to prevent subsequent occupiers of the premises from removing the charging points

- 2 The use of CCTV and any other monitoring/security equipment should be considered by the site operators to deter/prevent the occurrence of antisocial behaviours.
- .3 The developers/operators of each of the units should liaise with <https://www.accessable.co.uk/> to ensure that the development is inclusive and is designed in a way to ensure it is easily accessible by the entire community.

*(Moved by Councillor P Standen and seconded by Councillor S Pritchard)*

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Chair