

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**23<sup>rd</sup> May 2024**

|                                                                                                                                                                                                                  |                                                                                                                                     |                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Application No:                                                                                                                                                                                                  | SMD/2022/0438                                                                                                                       |                             |
| Location                                                                                                                                                                                                         | Stonehouse Farm, Ash Bank Road, Werrington, ST9 0JR                                                                                 |                             |
| Proposal                                                                                                                                                                                                         | Demolition of existing buildings on site and erection of a Class E retail unit, alongside access, car parking and associated works. |                             |
| Applicant                                                                                                                                                                                                        | Carta Real Estate                                                                                                                   |                             |
| Agent                                                                                                                                                                                                            | Planning Potential Ltd                                                                                                              |                             |
| Parish/ward                                                                                                                                                                                                      | Werrington                                                                                                                          | Date registered: 12.09.2022 |
| If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a> |                                                                                                                                     |                             |

## **REFERRAL**

The application has been called in by Councillor Ward for the following reasons:

1. The site is partially green belt
2. The site was not included in the Local Plan
3. There is significant resistance from local residents
4. Although not a direct planning consideration this would leave a large existing retail site in Werrington empty with a potentially significant knock on effect for other adjacent businesses whose trade is partially dependant on footfall generated from the existing retail site.
5. This is already a dangerous junction and section of road which is also facing additional hazards from increased traffic from the new housing development.

The application is also before Committee because it is a departure from Green Belt policy.

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

|                                      |
|--------------------------------------|
| <b>APPROVE subject to Conditions</b> |
|--------------------------------------|

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site comprises a small 0.25ha. triangular parcel of land, a redundant farm, on the south side of Ash Bank Road, the A52, a short distance to the east of the traffic light junction with Washerwall Lane/Salters Lane. Within the site is two derelict farm buildings positioned close together near the rear and west corner of the site, with one next to a tarmac hardstanding. The remainder of the site, to the east, is open land (overgrown grass). The current access is shown just outside the red line application site and is off Ash Bank Road but leads, in the form of a tarmac driveway, to the buildings in the rear corner of the site. There is a thick 2.0m high

hedgerow marking the north-west boundary of the site alongside Ash Bank Road. The south-east boundary opposite is marked by a 1.8m hedgerow on top of a wall and also mature trees.

2.2 To the west of the site is a small modern bungalow which has an access onto Salters Lane. It appears the application site access is in shared ownership with the stone dwellings, directly to the west of the access, facing Ash Bank Road. Also to the west of the site to the other side of the access drive is a pair of stone Victorian semi-detached houses which face the traffic light junction on Ash Bank Road. To the rear of the site, to the south-east is the backs of existing semi-detached residential properties on Salters Close and also new housing development currently under construction on land allocated for housing, accessed via Ash Bank Road about 250 metres to the east of the site. There is an existing row of 1930s semi-detached houses on the opposite side of Ash Bank Road from the site and which face the road.

2.3 The west part of the site comprising the farm buildings and access and the land to the west of it, including dwellings, up to Salters Lane, is within the Green Belt. The land to the south comprising the Salters Close housing, is also within the Green Belt. The open land within the east part of the site and also the new housing development being undertaken to the south-east, is removed from the Green Belt and is part of a Local Plan Housing Allocation and now within the Development Boundary for Werrington. Ash Bank Road itself is within the Development Boundary and also the housing to the north of it.

2.4 Within the site, the buildings comprise Building 1, a single storey brick and tile structure next to the hardstanding. To the east of it is Building 2, a corrugated metal sheet clad barn with a height of about 6m. To the south of this was a small timber clad shed-type structure, 'Building 4', no longer present and there was also a small brick building against the rear boundary called 'Building 3', but this collapsed after the application was first submitted.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 This is a full planning application for a new-build Co-op food store to replace the current store on Washerwall Lane about 200m to the north-west of the site. All the existing redundant farm buildings would be demolished. A new access would be formed near the middle of the site frontage, off Ash Bank Road, leading directly to a parking area with 17 spaces. The new store would be built in the west part of the site facing the car park to the east and with a rear wall facing the west boundary and a side wall facing Ash Bank Road and separated from it by a small hardstanding gap for cycle parking.

3.2 The new building as shown on amended plans would be a single-storey flat-roofed structure of 5.3m in height. It would have a rectangular footprint and floorspace of 383 sq.m. It would have a red brick finish to the exposed front (east) and north-side (facing the road) elevations, charcoal colour brickwork base and feature brickwork, anthracite coloured "parapet" and external door and glazing frames. There would be glazed areas (including around the entrance doors) to the front and north side. There would also be feature buff stone columns separating the

areas of brickwork, along the primary and side frontages. The less prominent south side of the building and the rear would be clad in anthracite colour cladding.

3.3 A landscaping scheme was received in April 2023 which also shows biodiversity enhancements and Biodiversity Net Gain calculations accompanied this. It shows the retention of the existing road frontage hedgerow with a section removed to make way for the new access. Native hedgerow planting would be formed along the rear boundary and all but one of the rear boundary trees would be retained. New areas of tree and shrub planting would be formed in the south-west corner of the site. The narrow north-east part of the site would become a wildflower meadow with new tree planting and retained bramble scrub at the end. Wildflower grassland would also be formed around the area of rear boundary trees.

3.4 The new store would have a gross floorspace of 383 sq.m and would be an enlargement of the current store to be replaced which has a gross floorspace of 291 sq.m. The shopfront floorspace would be increased from 179 to 256 sq.m.

3.5 The proposal would lead to the retention of 14 jobs plus the creation of four new ones for the new enlarged store.

3.6 The application is accompanied by a Planning, Retail and Green Belt Statement, a Phase 1 Coal Mining Risk Report, Transport Assessment report, Preliminary Ecological Assessment report, Flood Risk and Drainage Statement, Design & Access Statement, Noise Impact Assessment report and Tree Survey Report.

3.7 The Planning Statement gives further info about the proposal and the need for a replacement store, as follows:

*The proposals have arisen as result of a rolling review of the store portfolio, where Co-op explore various options in respect of location, size and profitability of their stores to make their estate operationally efficient and to serve communities in the best way possible. This review process then helps determine decisions on capital expenditure for their refitting cycle which is every 7 years.*

*Like many businesses, it is of great importance to Co-op to deliver consistent customer experience and offer within all of their stores. The existing store in Werrington is dated, having last been refitted in 2014 and therefore is now overdue for review. As a result, the store no longer reflects the Company's latest and most up to date operational requirements and principles.*

*The Co-op have considered various options to try and further improve and extend the existing store in Werrington in its current location, however, given the presence of residential units above the store and associated internal access staircases, this option is neither practical nor viable. To this end, the most appropriate solution to bring the store up to modern requirements in this instance is relocation.*

*It is important to note that Co-op's current minimum operational requirements are for 110 bays of shelving. A retail area of circa. 279 sqm and 112 sqm of back of house storage is required to support this. This is reflective of Co-op's modern store requirements across the country. The existing store on Washerwall Lane is*

*anomalous to this arrangement, with a sales area of just 179 sqm which houses just 83 bays of shelving on which goods can be displayed and sold from. The back of house storage area is also undersized at 79 sqm. The existing store is therefore no longer fit for purpose, and this results in a cramped and congested shopping experience, queues at tills, a lack of space to display the full product offer as well as insufficient car parking.*

*It is recognised that the business has moved on significantly since the store in Werrington first traded. This leads to consideration of possible alternatives in order to remedy the situation. Often, and as already demonstrated at the existing store through previous refits, Co-op can facilitate small store extensions through reconfiguration of the site and internal layout. However, the site is now too restricted to facilitate more extensions or any further meaningful internal reconfiguration due to the presence of residential units above the store and associated internal access staircases. As a result, it is necessary for Co-op to relocate to a less constrained site.*

3.8 The Planning Statement also gives details of community engagement as follows:

*Prior to submitting the application, local feedback was obtained as part of a Co-op customer satisfaction survey about the store. During the period between September 2019 and February 2020, 43 comments were received. Of these, 60% were positive towards the store team and Co-op brand, however, 28% wanted a larger store, with more tills, less queues, a wider range of products and better parking with more spaces. The proposal for a new relocated store seeks to address these comments.*

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

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163265>

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

4.1 Pre-application advice was given for the proposal under ref PAD/2020/0049.

4.2 There are no relevant previous planning applications affecting the site which relate to the proposal.

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

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

- SS1 Development Principles
- SS2 Settlement Hierarchy

- SS8 Large Villages Area Strategy
- SS10 Other Rural Areas Strategy
- C1 Creating Sustainable Communities
- TCR3 Retailing and other Town Centre uses outside Town Centres
- H1 New Housing Development
- H2 Housing Allocations
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport
- DSR3 Land off Ash Bank Road Werrington

National Planning Policy Framework (NPPF).- December 2023

Para 11: Presumption in Favour of Sustainable Development

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 5: Delivering a Sufficient Supply of Homes

Section 7: Ensuring the Vitality of Town Centres

Section 8: Promoting Healthy & Safe Communities

Section 12: Achieving Well Designed and Beautiful Places

Section 13: Protecting Green Belt Land

Section 15: Conserving and Enhancing the Natural Environment

## **6. CONSULTATIONS**

6.1 A site notice was posted and displayed on Ash Bank Road adjacent to the site on 11.10.22. Notification letters were also sent to all dwellings on Ash Bank Road opposite the site and all adjacent residential properties on Ash Bank Road, Salters Lane and Salters Close on 26.9.22.

### **Public response to consultation**

6.2 One letter of objection was received from a nearby resident on the grounds of noise and dust pollution causing stress and highway safety problems as a result of the new access being close to the road junction.

6.3 An anonymous letter was received neither supporting or objecting but happy to see existing trees removed as they overhang his property causing maintenance issues and loss of light.

### **Werrington Parish Council**

6.4 *The Parish Council wish to object to this application due to the additional access onto Ash Bank Road. It is felt that an access point in the position stated, onto a 40mph very busy road, would prove dangerous to both road users and pedestrians, and increase the likelihood of an accident. Queuing traffic would be increased, therefore decreasing the air quality, already an issue at the Cellarhead crossroads further up the road (AQMA declared July 2019). With the majority of properties being*

*on the opposite side of Ash Bank Road, many residents will need to cross in order to use the new retail facility. This will either require crossing the road in their car, either at the entrance to the development or further up Ash Bank Road, or by cycle or on foot. The current crossing at the crossroads with Washerwall Lane is not fit for purpose to allow safe crossing for pedestrians to access the new development. There is currently no pavement between the crossroads and proposed access for this development, making it unsuitable for pedestrians. The provision of an additional crossing further up Ash Bank Road (outside Penny's Cabin), would allow both safe crossing for pedestrians to a paved part of the road, and slow down traffic approaching the access road from the east.*

## **SCC Highways Authority**

6.5 Original consultation response dated 04.01.23:

*Recommendation Summary: Refusal*

*Site Visit Conducted on: 19-Oct-2022*

- 1. The location of the proposed development on the opposite side of the A52 to the majority of the residential area it will serve is likely to result in increased pedestrian crossing movements of the A52 with the likely increase in danger to pedestrians.*
- 2. The location of the proposed development close to the traffic signal controlled junction Ashbank Road/Salters Lane/Washerwall Lane will result in vehicles queuing back across the proposed site access and introduces turning movements with the consequent conflict in traffic movements and consequent adverse effect on the free flow of through traffic on A52.*
- 3. Proposed development fails to provide adequate parking in line with Local Plan standards which on the well used A52 Ashbank Road would be contrary to the interests of highway safety.*
- 4. Insufficient/conflicting information.*

### **REASONS**

*ALL In conflict with NPPF Paragraph 111; in conflict with SMDC Local Plan Policy DC1, T1 and T2; contrary to the interests of highway safety; contrary to the interests of pedestrian safety; contrary to the interests of the free flow of traffic.*

### **NOTES TO PLANNING OFFICER**

*Application is to construct a co - op on a former farm site. This will replace an existing co op store off Washerwall Lane.*

*Site is located on A52 Ashbank Road. A new access is proposed approx 35m from the stop line of the existing traffic signal controlled junction Ashbank Road/Washerwall Lane/Salters Lane. A52 Ashbank Road is subject to 40mph speed limit.*

*Submitted transport data shows that in every modelled scenario, vehicles queue*

*back from the traffic signals across the proposed access. Keep Clear markings are proposed, but these are open to encroachment.*

*Existing Co op store is located on Washerwall Lane, in the heart of the residential area it serves. It has shared parking area and no dedicated loading area. However, it is sited on a residential street. A52 is a traffic sensitive route and part of the primary route network. Vehicles regularly queue back from the traffic signal controlled junction past the site frontage.*

*Proposed location of the store is on the opposite side of A52 to the existing store. This will locate the store on the opposite side of the A52 to the majority of the residential properties who will likely use the convenience store. This will require customers to cross the A52. While a pedestrian phase is proposed on the traffic signal controlled junction, there will be the temptation for pedestrians to take the shortest route to the store which will in many cases, not involve the pedestrian crossing and would tempt a hazardous crossing of A52.*

*Currently the majority of existing customers are already on the 'right' side of the A52 and would not have to cross A52. Washerwall Lane is much more lightly trafficked residential street, the crossing of which is preferable to crossing A52.*

*Transport Assessment (TA) paragraph 4.2 states that traffic surveys were undertaken on 19<sup>th</sup> and 20<sup>th</sup> November 2021 and that no covid 19 restrictions were in place that would affect peak hour flows. However, this was before the 'Plan B' covid measures were introduced and at a time when Covid 19 was still a major narrative, with socialising and footfall down and employees still being encouraged to work from home. Counts also appear to be snapshot counts rather than taken over 7 days or more to give better average.*

*TA 5.2 states that the development will improve the existing situation through provision of a car park and off street servicing. This does not take into account the location of the existing and proposed sites, that parking does not meet current standards, or pedestrian attraction. A car parking on Washerwall Lane would be significantly less of an issue than a car attempting to park on A52 Ashbank Road. Similarly for manoeuvring of service vehicles.*

*TA 5.13 states convenience stores provide amenity as a top up shop for local residents with a small catchment area and a higher proportion of visitors travelling on foot. Because of this, the existing store is better located to cater for local residents, particularly those travelling on foot, as there is currently no requirement to cross A52 for the majority of the catchment area.*

*TA 5.14 anticipates the potential for pass by trade.*

*TA 5.15 - 5.20 Access. Access to the proposed convenience store will be approx 35m from the TS junction stop line. Vehicles queue back from the stop line across the proposed access regularly. Even with Keep Clear marking, vehicles exiting to turn right would be passing through a line of stationary traffic. While visibility measured at the kerbline may be acceptable, this does not take into account the*

*obstruction to visibility presented by the stationary, queuing vehicles.*

*Swept path drawing has been submitted but this shows the swept path of a double decker bus which is unlikely to be delivering to a convenience store. Why has HCV delivery vehicle not been used?*

*No consideration is given over the possibility of private cars and delivery vehicles entering/exiting the car park or using the car park at the same time.*

*TA 5.30 to 5.36 Parking. Local Plan parking standards are not maximum standards. These are the number of spaces the LPA would expect to be provided for a new development. It is noted that the current store has significantly fewer spaces but it is an existing store situated on Washervall Lane, a residential street, in the heart of the residential area it serves.*

*Proposed highway improvements refer to pedestrian phase on the existing traffic lights. However, this does not take into account pedestrian desire lines from the large residential area to the north of A52 and east of Washervall Lane.*

*There is no reference to the Keep Clear markings under 'Proposed Highway Improvements'.*

*NPPF states that priority should be given to pedestrian and cycle movements. Relocating the store from the heart of the residential area to the opposite side of A52 does not improve matters for pedestrians and cycles. Requiring pedestrians to cross the A52 increases the likelihood of conflict with traffic on a 40mph primary route and increases likelihood of highway danger.*

6.6 Revised consultation response dated 30.4.24.

*Recommendation Summary: Conditional*

*Site Visit Conducted on: 15-Feb-2024*

### **CONDITIONS**

*1 Before the proposed development is brought into use, the bellmouth access off A52 Ashbank Road shall be completed generally in accordance with but subject to Safety Audit and technical approval of, submitted drawing T651\_10*

*2. Before the proposed development is brought into use, highway works comprising: Keep Clear markings; widen and resurface footway between access and Salters Lane;*

*pedestrian crossing facilities both sides of Salters Lane comprising dropped crossings and tactile paving as a minimum with investigations into the provision of a controlled crossing subject to technical/safety limitations; extension of double yellow lines; waiting/loading prohibition; verge protection markers/bollards; all generally in accordance with, but subject to technical approval of, submitted drawing T651\_10 shall be provided.*

*3. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained*



*unobstructed as parking, turning and servicing areas for the life of the development.*

#### **REASONS**

*ALL To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety*

*2. To comply with NPPF Paragraph 111; to comply with SMDC Local Plan policy T1 and T2; in the interests of pedestrian safety; in the interests of highway safety.*

#### **NOTES TO PLANNING OFFICER**

*Application is for a Class E retail unit. Although the site visit is dated 15th February 2024, site has been visited on multiple occasions.*

*Highways initially recommended refusal. Since then, extensive constructive discussions have taken place. This has resulted in letter from Exigo Project Solutions dated 26th March 2024 and drawing T651\_10 which summarise proposals acceptable to Highways and to the developer.*

*Proposals detailed will encourage use of the car park, protect the access point and improve pedestrian facilities. Details of the discussions are available in emails between SCC Highways and Exigo Project Solutions, which LPA have been copied into.*

*The Road Safety Audit highlighted there being no pedestrian crossing of Salters Lane. It would be desirable to provide controlled crossing of Salters Lane but it is noted that intervisibility is severely restricted and may not meet technical/safety standards.*

*Provision of pedestrian facilities at Salters Lane should be considered under the Highway Works Agreement and safe level of facilities provided.*

*Current records show that there were no Personal Injury Collisions on A52 Ashbank Road within 120m either side of the proposed access in the previous five years.*

#### **Environmental Health (EH)**

6.7 No objection subject to conditions to control construction hours, restrict dust and other pollutants during the construction phase, require details of lighting to be approved, require a ground contamination survey to be carried out, require the testing of any imported soil, require details of plant and machinery for the store to be submitted and approved and to restrict hours of deliveries to the store. The comments of EH are as follows:

##### EV infrastructure (building Control)

*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 a TA is included indicates that*

*given that this is a store relocation, it will generate minimal additional traffic outside of the immediate area. This would appear to be a logical conclusion.*

*What is not known is impact of the site access on traffic flows the junction on queuing traffic and it would be helpful to see the Highways response to this model.*

#### Noise

*A noise assessment (Noise Solutions Ltd doc. ref. 90229/NIA) is submitted to address plant noise emissions. The predictions indicated there will be no exceedance over current background noise levels. Mitigation is advised which should be installed as part of the development. The assessment was undertaken in consideration of BS4142:2014+A1:2019 A condition is advised. The assessment does not consider delivery or yard noise but we would recommend delivery timings are conditioned to protect residential amenity.*

#### Contamination

*A [Phase I Geo-Environmental Assessment](#) was submitted by the applicant in support of the application. The report is considered to be a good preliminary desktop study and makes recommendations for further intrusive work and gas monitoring. This is agreed. A condition is recommended to secure this investigation.*

### **Staffordshire Police Designing Out Crime Officer**

6.8 No objection but recommends several measures to improve security including installing CCTV.

### **SCC Flood Risk Section**

6.9 This is not a major application and so no comments have been provided other than to refer to the standard SCC Flood Risk Standing Advice.

### **Coal Authority**

6.10 The application site does not fall within the defined Development High Risk Area

and is located instead within the defined Development Low Risk Area. If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

### **Severn Trent Water**

6.11 No objection subject to a condition requiring details of a full surface water and foul drainage scheme to be submitted for approval.

### **Staffordshire Wildlife Trust**

6.12 Original consultation response dated 9.11.22:

*SUMMARY – Holding objection -further information/ amendments required*

Required prior to determination:

1. Biodiversity net gain metric
2. Amendments to landscaping/ layout where possible to retain existing hedgerow and trees

Secure via condition should approval be granted:

3. Detailed landscaping and SuDs design, including bird, bat and mammal habitat features.
4. Biodiversity net gain mitigation plan
5. Construction Environmental Management Plan including precautions for bats, birds, mammals, amphibians and removal of montbretia plants.

## HABITATS

### Biodiversity Net Gain

Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative'

Most of the poor semi-improved grassland on the site, part of the roadside hedgerow and some trees are proposed to be lost. Native hedgerows are a priority habitat.

The proposal appears likely to result in a net loss of both habitat area and linear habitat (hedgerows). Therefore a Biodiversity Impact Assessment using the appropriate latest Defra metric is required.

Where possible more habitat should be retained, e.g. the roadside hedge adjacent the proposed new store- there seems no good reason why this should be lost. Layout and landscaping should minimise hardstanding, and use permeable surfaces such as gravel and reinforced grass where possible. The surface water drainage proposals include an underground cellular soakaway or storage feature; rainwater could instead be stored or infiltrated within the landscaped areas e.g. the green space at the north of the site, which may be more cost-effective and provide more varied habitat. A green roof and green walls could also be an option to provide rainwater balancing, habitat and visual amenity.

If a net gain cannot be provided within the site, mitigation could be provided off-site on land nearby via a mitigation plan or via a S106 contribution.

## SPECIES

### Bats and Birds

Surveys of buildings and trees were conducted in June and no bat roosts were identified. Hedgerows and trees had bird nesting potential. Precautions to avoid nesting birds are recommended- to be included in a site Construction Environmental Management Plan. Bat and bird features should be installed or built in to the new building as part of biodiversity net gain.

### Great Crested Newts, Amphibians

*Risks have been assessed and deemed to be low. Precautionary measures required for site clearance and construction- within CEMP.*

### Mammals

*No evidence of badger recorded. Hedgehog has been recorded nearby- precautionary measures required for site clearance and construction - within CEMP.*

### Invasive Non-native plants

*Two small stands of Montbretia (Crocasmia spp.) were recorded at the base of hedgerow H1. This needs to be removed and details included in the CEMP.*

### **SUSTAINABLE DESIGN and CLIMATE CHANGE**

*The orientation of the building roof is suitable for solar panels and these should be included to contribute to renewable energy generation. Rainwater harvesting is also another option which would reduce potable water use and save running costs over time.*

6.13 Revised response dated 26.6.23 following receipt of a landscaping and biodiversity improvements scheme and calculations:

*SUMMARY –No objection subject to conditions*

*Secure via condition should approval be granted:*

- 1. Amended landscaping design (hedges and trees), also showing bird, bat and mammal habitat features.*
- 2. Construction Environmental Management Plan including precautions for bats, birds, mammals, amphibians and removal of montbretia plants, plus long-term management and monitoring*
- 3. Habitat management and monitoring plan (30 years)*

*Documents reviewed:*

- Preliminary Ecological Appraisal July 2022, RDF Ecology*
- Fig L1 - Landscape Design 25 Apr 2023*
- Werrington Biodiversity metric 28/03/2023, RDF Ecology*

### **HABITATS**

#### *Biodiversity Net Gain*

*Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative'*

*The submitted metric shows that a net gain will be achieved for both habitat area and hedgerows. The species mixes proposed are suitable.*

*The Landscape Design plan however shows new hedgerow planting in the same location as Hedge 2 and 3 are located, according to the Phase 1 habitat plan. I can see only about 30m of the south-eastern boundary that could be planted, that is currently a line of trees, which may not be suitable? This should be amended/clarified to avoid confusion. In the hedge mix replace field maple with holly if planting into shaded areas.*

*As an alternative/ addition we suggest enhancing the retained hedges with additional species such as dog rose, dogwood and honeysuckle, and adding standard trees at 20m spacing- suggest oak, field maple, crab apple and damson. This will increase diversity as well as screening and roadside shade.*

*For meadow creation on the retained area of grassland, seed into the existing sward and add hay rattle. Management is ideal. To make cutting easier, move the proposed two new trees here into the roadside hedge.*

*New hedge management isn't specified. Some monitoring will also be needed to ensure the habitats meet the target value in the metric.*

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

### **Introduction**

7.1 Paragraph 11 of the National Planning Policy Framework (NPPF, 2023) promotes a 'presumption in favour of sustainable development'. For decision takers this means:

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

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

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

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

7.2 Paragraph 8 of the NPPF (2023) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protect, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2023).

7.3 The main issues with the proposal are as follows:

- Whether or not the proposal amounts to inappropriate development in the Green Belt and if so, whether or not there are any “very special circumstances” to outweigh the harm to the Green Belt.
- The overall principle of the development in this location including the impact on the vitality and viability of town centres and sustainability.
- The impact on the character and appearance of the area.
- The impact on residential amenity.
- The impact on highway safety.
- The impact on the ecological value of the area.

**Whether or not the proposal amounts to inappropriate development in the Green Belt.**

7.4 Although the site appears to be part of the built-up area of Werrington and surrounded by both existing and new housing being constructed, it is a small redundant farm and the west part of the site, where the buildings and hard-standings are located, remains within the Green Belt. It is very close to what could be determined as the built-up area of Cellarhead, the site is outside of the Development Boundary for the village, as defined in the Local Plan. This boundary runs along Leek Road to the west and then along Cellarhead Road towards Werrington. The site is therefore deemed to be in the “countryside” for the purposes of the Local Plan and is also within the Green Belt. The open grassland east part of the site has been removed from the Green Belt to become part of a wider housing allocation in the Local Plan and housing development is under construction on the neighbouring land to the east. The west part of the site has, unusually, become a small island of open Green Belt land detached from the wider open Green Belt land further to the south, by housing development.

7.5 Policy SS10 of the Local Plan, the strategy for the countryside, states there will be strict control over inappropriate development in the Green Belt. The NPPF in paragraphs 154 and 155 lists the exceptional types of development which are not inappropriate in the Green Belt and which are therefore by definition in the NPPF not deemed to be harmful to its openness. New-build food stores/supermarkets are not listed. The redevelopment of previously developed land (PDL) or “brownfield” land is listed. However, although the west part of the site contains buildings, they are agricultural buildings and these are excluded from the NPPF definition of PDL. Although the agents state the west part of the site is “brownfield”, this is incorrect. The Council considers the site to be a greenfield i.e. non-PDL site. Limited infilling in villages is listed. There is no specific definition of “limited infilling” in either the NPPF or the Local Plan. However, the part of the site within the Green Belt does have development on three sides, comprising the dwellings nos 362/364 Ash Bank Road, Tondima, Dorma and Carmel on Salters Close and Church View on Salters Lane. It is considered that this piece of Green Belt land can be regarded as a “village infill” site for the purposes of Green Belt policy and therefore a new building on this part of the site would not amount to inappropriate development in the Green Belt.

7.6 The limited contribution of the site towards Green Belt openness should also be

considered. The west part of the site is in the Green Belt and much of this already comprises development in the form of buildings and hardstandings. Due to the release of adjacent Green Belt land in the east part of the site and the land beyond to the south-east, to form a housing allocation and an existing housing areas on Green Belt land immediately to the south and housing within the Development Boundary of the village immediately to the north and west, with housing currently being built on the allocated land to the east, the site has become completely isolated and detached from the wider open Green Belt and no longer serves any purpose towards the aims of the Green Belt. The fact that the east part of the site was released from the Green Belt in itself suggests the limited contribution of the site towards Green Belt openness and undermines its Green Belt status.

7.7 Although the east part of the site has been released from the Green Belt, despite it no longer appearing to be suitable for housing, it is also not practical to locate the new supermarket building, with the size and rectangular footprint shape required, on this triangular piece of land due to the limited size and shape of this part of the site, with it narrowing considerably from the wider west part of the site still in the Green Belt, towards the east.

7.8 Overall, it is considered that the development would amount to “infilling” and would therefore comply with NPPF paragraph 154 (e).

### **Other matters of the principle of development**

#### Community Facilities

7.9 Policy C1 of the Local Plan gives support for new and improved community facilities. It lists village shops and convenience stores as being applicable community facilities. It states that in order to create sustainable communities at a local level the Council will, inter alia, “support proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities. New facilities should preferably be located within defined built up areas where they are most accessible. In exceptional cases facilities may be located adjacent to these areas where it can be demonstrated that this is the only practical option and where a site is well related to the existing settlement. Due to the location of the site close to the centre of a village and within walking distance of its residential areas, the proposal complies with the policy.” Although the store building itself would be sited outside of the Development Boundary on a small patch of Green Belt land, it is undoubtedly, as argued above in this report, within a central location in the village and adjacent to the Development Boundary and it has been demonstrated that no better site exists within the Development Boundary. The new store would replace the existing Co-op store a short distance away (180 metres) and although there are other convenience stores in the village, these are restricted to a smaller Premier shop with a more limited range of convenience goods and also two “newsagent” type shops. It is therefore considered the proposal complies with the policy and that therefore the proposal should be supported.

7.10 The proposal in providing an enhanced community facility is also therefore in line with the aims of Policy SS2 ‘Settlement Hierarchy as Werrington is listed as a

larger village in the settlement hierarchy with an important role to play in terms of serving and supporting their immediate surrounding rural areas and smaller villages.

7.11 The proposal is also therefore in line with Policy SS8 'Larger Villages Area Strategy' which requires such villages to retain and enhance their role as service centres by enabling appropriate development which supports and increases the range and quality of community facilities.

#### Sustainability

7.12 It could be argued that the new site is in a more sustainable location than the current premises. It can be deemed to be in the centre of the village and is on the main transport route running through the village (Ash Bank Road, A52) which is also a bus route (unlike Washerwall Lane) with a regular service and the site is connected to the residential areas by lit footways on both sides of the road and there are pedestrian crossing facilities nearby, to be enhanced as part of the development of new housing to the east of the site.

#### Impact on the town centres

7.13 In order to protect the vitality and viability of town centres from significant new out-of-town retail development, the NPPF requires new retail units proposals outside of the town centres to provide a Sequential Assessment (assessing if any more suitable sites exist within or closer to town centres) and a Retail Impact Assessment (RIA) for all units with a floorspace in excess of 2500 square metres. However, the Local Plan reduces this threshold to 200 sq.m for both assessments in order to protect the town centres within Staffs Moorlands. Policy TCR3 'Retailing and other Town Centre uses outside Town Centres' states that schemes of 200m<sup>2</sup> or more (net sales for A1) shall be supported by a Sequential Assessment and an Impact Assessment.

7.14 With regard to the need for a Sequential Assessment, although this relates to defined town centres and Werrington is not a defined centre, the key objective of the application is to retain a Co-op store in Werrington. The applicant has not undertaken the Assessment regarding sites outside of the village for this reason and this is accepted. Furthermore, the shop floorspace of the proposed new store is only 77m<sup>2</sup> greater than the existing store, well under the 200sq.m threshold. This is not a large scale proposal.

7.15 A sequential assessment was undertaken by the applicant covering six sites within and on the edge of Werrington, as detailed below. It is noted that the alternative sites were either not available, in operational use or too small. Therefore, the 'sequential test' part of this policy is passed.



Table 5.1: Sequential Assessment of Identified Sites

| Site                                                 | Allocation | Size    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------|------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Windmill pub and car park, Ash Bank Road, Werrington | None       | 0.3 ha  | Whilst in terms of area alone, the size of the site could potentially accommodate the proposals, the site is occupied and in operation as a pub and so is not available.<br><br>The site is not available for the development proposed.                                                                                                                                                                                                                                                                                                                                |
| The Red Cow Pub, Ash Bank Road, Werrington           | Green Belt | 0.16 ha | The site is occupied and in operation as a pub and so is not available. At just 0.16 ha, the site is also too small and therefore unsuitable to accommodate the development proposed. In addition, the site is located less centrally within the village and is entirely within designated Green Belt and therefore not preferable to the application site in policy terms.<br><br>The site is not suitable or available for the development proposed.                                                                                                                 |
| Ash Bank Hotel, 216 Ash Bank Road, Werrington        | None       | 0.59 ha | Whilst in terms of area alone, the size of the site could potentially accommodate the proposals, the site is occupied and in operation as a pub and so is not available. The site is also located less centrally within the village, located 1km from the existing co-op and therefore less able to fulfil the objective of the proposals to enable a replacement store in the immediate locality of the existing store.<br><br>The site is not available or suitable for the development proposed.                                                                    |
| Red Onion Restaurant, 274 Ash Bank Road, Werrington  | None       | 733 sqm | The site is occupied and in operation as a restaurant and takeaway, with residential dwellings above and so is not available. Permission (ref: SMD/2021/0188) was granted June 2021 for a single storey front & rear extension and change of use of garage to create kitchen. This is to improve operations at the restaurant to provide a separate takeaway area. At just c.733 sqm, the site footprint is far too small and therefore unsuitable to accommodate the development proposed.<br><br>The site is not available or suitable for the development proposed. |
| Ash Bank Garage, 276 Ash Bank Road, Werrington       | None       | 0.16 ha | The site is occupied and in operation as a car garage and so is not available. At just 0.16 ha, the site footprint is also too small and therefore unsuitable to accommodate the development proposed.<br><br>The site is not available or suitable for the development proposed.                                                                                                                                                                                                                                                                                      |
| Former Post Office, 417 Ash Bank Road, Werrington    | None       | 490 sqm | The site is currently vacant. An application (ref: SMD/2021/0439) was submitted in July 2021 for a single storey rear and side extension, double storey rear and side extension, and change of use from a residential dwelling to provide a supermarket and 2no. 1 bed studios. This was withdrawn in December 2021 and the future of the site is currently unknown.<br><br>At just c.490 sqm, the site footprint is far too small and therefore unsuitable to accommodate the                                                                                         |

7.16 With regard to the Retail Impact Assessment (RIA), the applicant argues that given that the application simply proposes a relocation of a local shop just 180 metres from the existing store featuring only a modest uplift of 77m<sup>2</sup> in shop floorspace, it is not logical to assess the wider impact of the proposed store on other centres in the District. They state that the proposed store will provide a localised function, with the relocation continuing to serve the village of Werrington where the population of 6,300 residents provides a natural catchment. They state that the proposal does not relate to the introduction of a materially new entrant or offer to the area, just retention of existing convenience offer continuing to serve the existing and established local catchment.

7.17 Considering the guidance which states that the impact test should be undertaken in a proportionate and locally appropriate way, in this case it is agreed that the impact of a new Co-op store of 256m<sup>2</sup> (net sales floorspace) located 6.4 miles (and a 14 minute drive) from Cheadle (the nearest defined centre to Werrington) is likely to be negligible. The Council also considers that the information provided by the applicant is proportionate for the scale of development proposed and it is agreed that the proposed store in an out of town centre location will not result in

a significant adverse impact on any existing facility in a defined settlement. Therefore the 'impact test' part of the policy is also passed.

#### Impact on the provision of housing

7.18 The part of the site outside of the Green Belt, the east part of the site, which is where the food store car park is proposed, is within a wider area of land allocated for housing and new housing is currently being built on the adjacent land within the allocation following the approval of seventy-five houses under permission SMD/2021/0694.

7.19 Policy DSR3 of the Local Plan allocates two areas of land to the south of Ash Bank Road, WE003 and WE0052, totalling 4 hectares, for the provision of approximately 75 houses. The east part of the application site forms a small part of the WE003 allocation. It could be deemed that the building of a convenience store car park would be contrary to the policy as this may hinder the provision of housing and sterilise the land from future housing development. However, the land is allocated for the provision of seventy-five houses and the above planning permission has approved this exact number and has been implemented as the development is currently under construction. The planning policy has therefore achieved its aims of providing the right number of houses to address the level of local need and there is no overriding benefits or reason to reserve the application site for further housing above the number approved and allocated for, albeit it would appear that the application site, which was part of a wider allocation, individually is too constrained for this due to its limited size and triangular shape and appears incapable of properly accommodating more than five extra units together with a new access (it is not possible to extend the new cul-de-sac road for the 75 houses into the site due to new houses already being backed up against its boundary). It is therefore considered that despite the housing allocation policy, the proposal would have no negative impact on local housing delivery and does not materially conflict with policies DSR3 or therefore H2 'Housing Allocations'.

#### Summary

7.20 The principle of the proposal on this site is acceptable in terms of Green Belt terms and also other considerations such as sustainability, the impacts on community facilities, the viability and vitality of the town centres and local housing delivery.

#### **The impact on the character and appearance of the area.**

7.21 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance. Policy DC3 looks to protect landscapes and the rural settings of villages and towns in the District.

7.22 The site itself still maintains a rural character and appearance when viewed from the main road although it is largely screened by 1.2m hedge which runs the

whole length to the road frontage. The current buildings are visible from the road through the current access. The site is also surrounded by existing housing development on three sides and which is also apparent when viewing the site from the road. There is also new housing development to the south-east and when this is completed the site will be completely surrounded by development and this impacts on the wider character of the area changing from an edge of village character to a more urban character. The redevelopment of the site to provide a convenience store and car park would not significantly harm the character and appearance of the area. The current buildings comprise a solid brick and tile single storey building which is not out of keeping with the area but also not of any architectural or historic merit and does not maintain a particularly rustic or “rural” appearance. The other building is an approx. 6m high untidy corrugated metal clad modern barn with mono-pitch roof. It does not contribute positively to the appearance of the area. The removal of these buildings will not harm the character and appearance of the area.

7.23 The design of the proposed convenience store is not untypical of modern out of town centre convenience stores of supermarkets. The flat roof is not in line with the Council’s Design Guide but a modern contemporary approach for a convenience store or supermarket is not unacceptable and the addition of pitched roof on such a large footprint would do nothing to improve its appearance and would vastly increase its height and visual prominence. It is considered the shape and form of the building is appropriate. The aim is to give the building a slightly modern contemporary look with large amounts of glazing with anthracite frames and parapets but also to respect the more traditional qualities of the area. The original plans were for an entirely dark grey clad building, regarded as being too “urban” but the plans have been changed to include red brick on the visible elevations and some feature buff stonework in order to respect the more traditional qualities of the built environment in this area and harmonise the surroundings which is a more appropriate on a former rural site close to the edge of a village. The brickwork, Wrekin Dark Red multi bricks, is similar to the red brick of the existing single-storey farm building on site and also the new houses being built further to the east.

7.24 The 2.0m high frontage hedge would be retained to provide some screening of the building and the car park. The hedge and all but one of the trees along the rear boundary would also be retained and new trees and wildflower planting areas would also be included in the scheme.

7.25 Overall, the design and landscaping of the development is acceptable and would comply with Policy DC1.

### **The impact on residential amenity**

7.26 Policy DC1 ‘Design Considerations’ of the Local Plan states that new development should, inter alia, protect the amenity of the area, including the creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.27 With regard to the dwellings to the west of the site, the stone dwelling facing Ash Bank Road does not have side windows on the main part of the house facing

the site and therefore light provision or outlook would not be affected at this property. The bungalow to the south of it does have windows facing the site but the outlook towards the site is of the existing brick building with a similar height to the proposed and which is also closer to the bungalow than the proposed building (which would be 8.5m away). It is not considered the proposal would lead to any significant additional loss of light to the east elevation windows of the bungalow and would not appear overbearing from those windows.

7.28 A distance of at least 20 metres would be maintained between the south side wall of the new building and the rear walls of the nearest dwellings on Salters Close to the south. It is not considered a 5m high flat-roofed building would appear overbearing from those properties or lead to a loss of light affecting those properties which are in any case well screened by the existing trees along the south-east/rear boundary of the site.

7.29 A distance of 37 metres would be maintained between the north side wall of the building and the front walls of the dwellings on the opposite side of Ash Bank Road. It is not considered the proposed store would impact on the residential amenities of those properties and the building would be partly screened by the retention of the frontage hedge.

7.30 The Environmental Health Section does not object to the proposal and recommends a condition requiring details of machinery and plant to be approved before installation so that noise levels can be assessed.

7.31 The proposal as a replacement store located on the main road running through the village would not lead to significant increase in car traffic and there is therefore no concern from the Environmental Health Section over the impact on air quality or noise and disturbance in general including from vehicles given the current proximity of the main road.

7.32 Overall, it is considered the proposed development would not harm the residential amenities of the existing residents of the area and would provide acceptable residential amenities and living standards for the eventual occupants of the bungalows. The proposal would comply with Policy DC1 in this respect.

### **The impact on highway safety**

7.33 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use. Policy T1 aims for sustainable means of travel to and from a development.

7.34 It is not considered that the new store, replacing an existing store 180m away and resulting in a 77sq.m increase in shop floorspace and four additional staff would lead to a significant increase in traffic along nearby roads, certainly not in addition to current levels of traffic using A52.

7.35 The proposal includes a new vehicular access off Ash Bank Road leading onto a parking area with 18 spaces, in front of the store entrance. The local highways

authority, Staffordshire County Council, initially objected to the application on highways safety grounds due to concerns over the location of the site on the opposite side of the main road to the majority of the residential areas, leading to increased conflict of pedestrians and vehicles i.e. hazardous crossing of the road, the site access being too close to the traffic light junction causing traffic to back up, causing vehicle movements against the flow of traffic, inadequate on-site parking provision (leading to pressure to park on the main road) and insufficient or conflicting information.

7.36 However, after protracted discussions and changes put forward, the local highways authority removed its objection on the basis that conditions requiring the agreed safety measures and changes to the scheme to be implemented including changes to the access and also that the agreed parking, deliveries and turning areas be provided before the store opens. The changes/amendments are set out in a letter dated 26<sup>th</sup> March 2024 from the applicants Highways consultants include the following:

- The addition of “Keep Clear” markings at the access;
- The widening of the footway between the site access and the traffic lights to 2m and resurfacing;
- Dropped crossings and tactile paving either side of Salters Lane (considered safe on all-red signals);
- Extension of double-yellow lines along Ash Bank Road at the site frontage by 50m with a loading/waiting prohibition for delivery vehicles;
- Demonstration that parking provision (not changed from 17 spaces) and deliveries/loading area is sufficient, together with the “swept path” applicable to delivery vehicles;
- Verge protection bollards on both sides of the A52

7.37 The local highways authority also asked for the consideration of a controlled crossing at Salters Lane but also accepted that visibility was limited but the Highways consultant did not wish to pursue this as the above uncontrolled crossing works were deemed sufficient.

7.38 A new controlled pedestrian crossing is being provided for the A52 Ash Bank Road to the east of the junction to allow safe crossing from north of the A52 to the new access on the south side (there is already an existing controlled crossing to the west of the lights and also on Washerwall Lane). This is being provided by the developers of the housing development to the east of the site under construction approved under SMD/2021/0694.

7.39 With regard to parking provision, based on the Council’s Parking Standards in the Local Plan, applicable to out of town centre convenience stores, 18 spaces are required for a unit of the proposed amount of shop floorspace. 17 are provided. However, the site is in a sustainable location within walking distance of the catchment it serves (although it is also recognised there would also be considerable passing trade along the A52) and the local highways authority did not object to this following the further information received from the applicant’s Highways Consultant. The current store on Washerwall Lane has 13 spaces but these are all shared with another shop and a veterinary clinic and so the new parking provision could be

considered an improvement.

7.40 Overall, the proposal on the basis of further information and amendments to allow safer access, complies with Policies DC1 and T1 of the Local Plan.

### **The impact on the ecological value of the area**

7.41 Policy NE1 of the Local Plan requires that development does not lead to harm to protected species or the overall ecological value of the area and also states where possible that the development should lead to a Net Biodiversity Gain through its design, layout and landscaping.

7.42 The application included a Preliminary Ecological Appraisal Report (PEA) which outlined that the site comprises poor semi-improved grassland and that no protected species would be affected. The current buildings on site did not support bats. Staffordshire Wildlife Trust (SWT) initially raised a holding objection but this was based on the application not demonstrating a Biodiversity Net Gain (BNG) and also because features which support biodiversity would be removed, in this case the frontage hedgerow. However, amended plans showed this to be retained along with the retention of all but one of the trees. It was considered a Construction and Environmental Management Plan (CEMP) should be formed to protect any wildlife species likely to be in the area e.g hedgehogs, from the construction phase, by applying protection measures and methodologies.

7.43 Policy NE1 does not require any mandatory BNG, stating this should be provided “where possible”. Recent changes in planning legislation now make this a requirement for all “minor” applications from 2<sup>nd</sup> April 2024. However, the application was submitted before this date in 2022. Nevertheless, the applicants have put forward a BNG scheme in the form of a landscaping drawing and metric calculations. The scheme includes further native tree, hedge and shrub planting and areas of wildflower grassland. On this basis, SWT removed its holding objection considering the scheme largely acceptable but recommended some further improvements and alterations. This can be achieved by way of a planning condition requiring a revised landscaping/BNG scheme along with other conditions recommended by SWT which require a CEMP and a 30-year monitoring and management plan.

7.44 Overall, the proposal would not harm the ecological value of the area with the safeguard of conditions and would, again with the safeguard of conditions, lead to a Biodiversity Net Gain and would therefore comply with Policy NE1 and Section 15 of the NPPF.

### **Other Points**

7.45 The expanse of flat roof on the building offers the opportunity for sustainability measures to be incorporated into the development, in the form of solar panels. This can be achieved via a planning condition.

## **8. CONCLUSION AND PLANNING BALANCE**

8.1 Part of the site is within the Green Belt. The proposal, by virtue of the proposed building being deemed to be “village infill” is not considered to be inappropriate development in the Green Belt. The value of this part of the Green Belt has been eroded by surrounding development and in particular a major new housing development under construction on neighbouring land released from the Green Belt now resulting in a small island of open Green Belt left, almost completely surrounded by development, completely detached from the wider open Green Belt and making no contribution to the overall openness of the Green Belt. The proposal is considered to comply with Section 13 ‘Protecting Green Belt Land’ of the NPPF and therefore also complied with Policy SS10 ‘Other Rural Areas Strategy’ of the Local Plan in this respect.

8.2 The proposal would not harm the character and appearance of the area, residential amenity or lead to biodiversity harms. It would not lead to significant additional traffic generation along A52 as this is a slightly larger replacement of an existing food store just 180m away. Highway safety would not be affected with measures to provide improved crossing facilities at the nearby crossroads traffic light junction along with other road measures and off-road parking provision is acceptable and an improvement on the provision of the current store.

8.3 Although part of the site is within a housing land allocation, the proposal will not restrict the required delivery of housing as the number of houses earmarked by the wider allocation for this side of the main road in the Local Plan, is currently being built. It is considered that there are community benefits by a slightly larger but enhanced replacement food store and the associated local economic and employment benefits.

8.4 For the above reasons, the proposal as amended to improve the building design and landscaping of the site together with the agreed highway safety measures, together with the safeguard of conditions, would comply with the Local Plan and the NPPF and therefore the proposal is recommended for approval.

## **8. RECOMMENDATION**

**A. That the application be APPROVED, subject to 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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**

**2. The development hereby permitted, including the building materials specified, shall be carried out and completed in accordance with the following amended approved plans:**

**Location Plan**

**GP2235 0001 Revision A**

**GP2235 0002**

**GP2235 0003**

**GP2235 0004  
Fig L1 Landscape Design  
T651\_10**

**Reason:-**

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

**3. Prior to the commencement of development above damp course level, details of hard-surfacing materials and boundary treatments in terms of type, colour, height and texture shall be submitted to and approved in writing by the local planning authority and the approved materials and boundary designs shall be used in the construction of the development.**

**Reason:-**

**In the interests of the character and appearance of the area and residential amenity.**

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

**Reason:-**

**To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and also in the interests of the ecological value of the site and achieving a Net Biodiversity Gain.**

**5. The landscaping of the site shall be undertaken in accordance with a revised landscaping scheme to be submitted to and approved in writing by the local planning authority before the commencement of works. Such details shall include:**

- Additional bird, bat and mammal habitat features**
- Planting plans**
- Written specifications (including cultivation and other operations associated with plant and grass establishment)**
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate**
- Implementation timetables**

**Reason:-**

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

**6. All planting and landscaping shown in the Fig L1 drawing shall be implemented within the first planting season following the completion of the development and all new planting shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.**



**Reason:-**

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

**7. All existing trees and hedges within the site shall be retained unless shown to be removed in the Fig L1 drawing.**

**Reason:-**

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

**8. The development shall be carried out in accordance with a Construction Environmental Management Plan including precautions for bats, birds, mammals, amphibians and removal of montbretia plants, plus long-term management and monitoring, to be submitted to and approved in writing by the local planning authority before works commence.**

**Reason:-**

In the interests of the ecological value of the area.

**9. Before the development is first brought into use a Habitat Management and Monitoring plan shall be submitted to and approved in writing by the local planning authority setting out the management and maintenance of the landscaping and biodiversity measures over a 30 year period and the Plan shall be adhered to.**

**Reason:-**

In the interests of the ecological value of the area.

**10. Before the proposed development is brought into use, the bellmouth access off A52 Ashbank Road shall be completed generally in accordance with but subject to Safety Audit and technical approval of, submitted drawing T651\_10.**

**Reason:-**

In the interests of highway safety.

**11. Before the proposed development is brought into use, highway works comprising:**

**-Keep Clear markings;**

**-widening and resurfacing of the footway between the access and Salters Lane;**

**-pedestrian crossing facilities both sides of Salters Lane comprising dropped crossings and tactile paving as a minimum with investigations into the provision of a controlled crossing subject to technical/safety limitations;**

**-extension of double yellow lines;**

**-waiting/loading prohibition;**

**-verge protection markers/bollards;**

**all generally in accordance with, but subject to technical approval of, submitted drawing T651\_10, shall be provided.**

**Reason:-**

In the interests of highway safety.

**12.The development hereby permitted shall not be brought into use until the**

access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

**Reason:-**

In the interests of highway safety.

**13. All construction works, including deliveries shall be restricted to the following times:**

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

**08:00 - 13:00 hours (Saturday)**

**No working is permitted on Sundays or Bank Holidays.**

**Reason:-**

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

**14. The development shall be undertaken in accordance with the following measures:-**

**i. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect 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**

**ii. All demolition/construction vehicles shall have their wheels cleaned before leaving the site**

**iii. 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;**

**Reason:-**

To protect the amenities of the area during construction

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

**Reason:-**

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

**16. a) Development shall not commence until a further site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local**

**Planning Authority.**

**(b) If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.**

**(c) Following completion of measures identified in the approved remediation scheme (b) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(d) 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.**

**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.**

**17. No top soil or fill material 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 shall 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.**

**18. The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142+A1:2019. The details and location of any plant or machinery to be installed under this permission shall be submitted to and approved in writing by the Local Planning Authority and the plant provided shall be in accordance with the approved details before the development is first brought into use.**

**Reason:-**

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

19. There shall be no deliveries (with the exception of newspaper deliveries) between the hours of 20:00 and 07:00 hours Monday to Saturday inclusive and not between the hours of 20:00 and 10:00 on Sundays and Public or Bank Holidays.

Reason:-

To avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

20. Before the development is first brought into use, solar/PV panels shall be installed on the roof of the new building hereby approved in accordance with details to be submitted and approved in writing by the local planning authority.

Reason:-

In the interests of sustainability.

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

**Location Plan**

