

---

**Agenda Item:** 5.2

<b>Site:</b>	Land adjacent to junction of High Street and Riversfield Drive, High Street, Rocester, ST14 5JU
<b>Proposal:</b>	Erection of a part single and part two-storey building to incorporate a Class E retail unit along with car parking, new vehicular access, servicing arrangements and landscaping

### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

---

#### [Hyperlink to Application Details](#)

<b>Application Number:</b>	P/2022/00302	
<b>Planning Officer:</b>	Lisa Bird	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	SEP Properties Limited	
<b>Ward:</b>	Churnet	
<b>Ward Member (s):</b>	Councillor S Sankey	
<b>Date Registered:</b>	18/03/2022	
<b>Date Expires:</b>	12/05/2022 an extension of time has been agreed until 02/02/2023	
<b>Reason for being on Agenda</b>	The scheme has generated significant numbers of objections from local residents.	

---

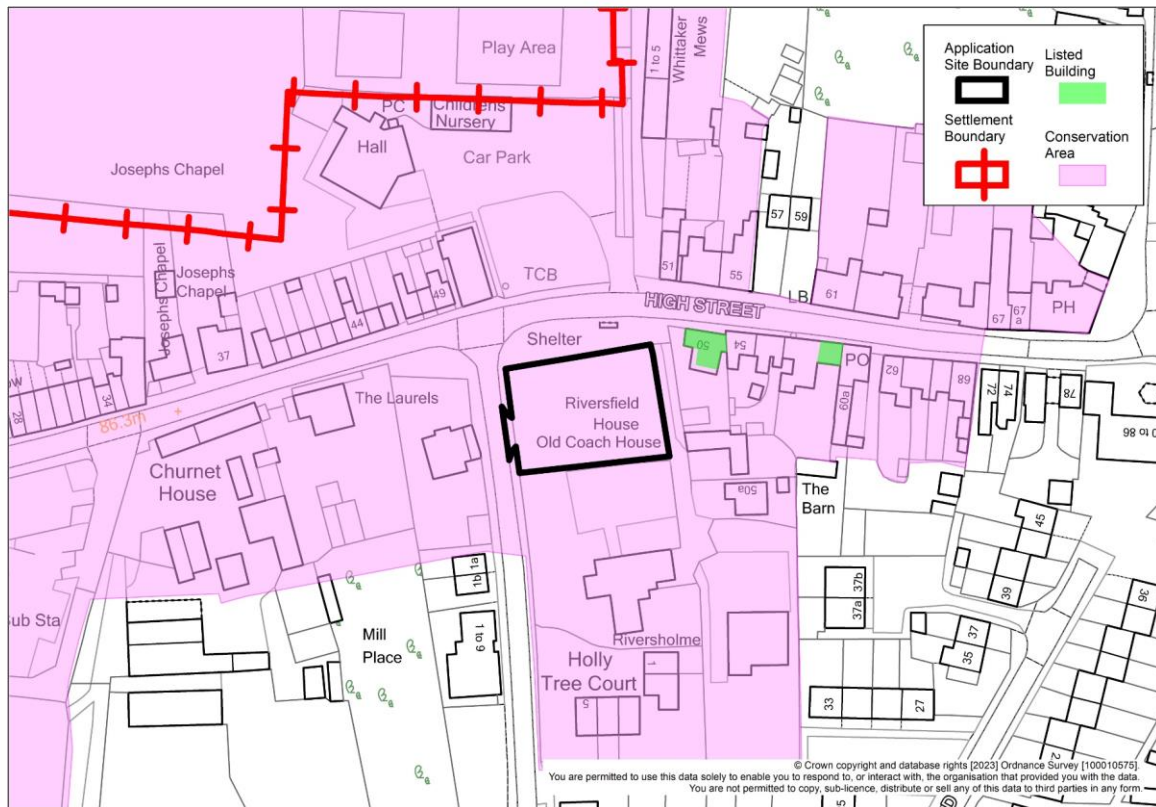
### 1. Executive Summary

- 1.1 The site comprises the former garden area of Riversfield House, approx. 1024sqm in area, situated on the corner of Riversfield Drive and High Street. The site is bounded to the east by a residential dwelling and to the south by a the former Riversholme Hotel and Restaurant (Riversfield House) which benefits from planning permission for use as a care home.
- 1.2 The site currently benefits from no vehicular or pedestrian access being enclosed on two sides by walls and on two sides by trees and hedging.
- 1.3 The site is located within the Rocester Conservation Area and is adjacent to the Grade II listed Rose Cottage at No. 50 High Street. Riversfield House to the

south of the site is identified in the Conservation Area Appraisal as a non-designated heritage asset.

- 1.4 This is a full planning application for the erection of a Class E retail shop, including the construction of a new vehicular access, associated car parking, servicing arrangements and landscaping.
- 1.5 The retail shop proposed is to be located to the eastern side of the site with a two storey element to the High Street frontage and a single storey element to the rear. The car parking area is proposed to the western side of the site with the new access off Riversfield Drive. The shop would appear from the High Street frontage as a row of three terraced dwellings.
- 1.6 Taking into consideration the economic, social and environmental impacts of the proposals together with impacts on highway safety and heritage assets, it is considered that it would be in accordance with the relevant policies within the Local Plan, the East Staffordshire Design Guide and the NPPF.
- 1.7 Statutory consultees have raised no objections to the proposals, but objections have been received from Rocester Parish Council, the Campaign for the Protection of Rural England and 32 letters of objections have been received from local residents as well as 2 letters of support for the scheme, which are detailed and addressed in the main report.
- 1.8 In light of the above conclusions on the planning merits of the case, the application is recommended for **approval** subject to conditions and a Section 106 Agreement to secure an off-site contribution towards biodiversity net gain (ecological enhancement measures), which would include tree planting.

**Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site**2. The site description**

- 2.1 The application site comprises the former garden area of the property known as Riversfield House (previously known as Riversholme Hotel and Restaurant), which has since been separated from Riversfield House by a laurel hedge. The piece of land is approx. 1024sqm in area and is situated on the southern side of High Street, on the corner of High Street and Riversfield Drive within the Parish of Rocester.
- 2.2 The site is situated behind a wide pavement area on High Street, the pavement accommodates a bus stop.
- 2.3 The site comprises an area of grassed land which is enclosed on all sides; to the boundaries with High Street and Riversfield Drive there is a boundary wall situated immediately to the rear of the pavement, this sits slightly lower to the frontage on High Street with established trees situated beyond the wall; to the side with No. 50 High Street there are established trees and shrubs; and there is an established laurel hedge to the boundary with Riversfield House.
- 2.4 The site is situated within the Rocester Conservation Area and is adjacent to the Grade II listed No. 50 High Street also known as Rose Cottage. There is a further Grade II listed building at No. 58 High Street.
- 2.5 The surrounding area is predominantly residential in character with residential dwellings situated in all directions; the dwellings are mixed in character with

terraces present along with detached and semi-detached properties. Riversfield House to the south was formerly a hotel and has extant planning permission for use as a children's home, to the side of Riversfield House is a telephone exchange. There is a church memorial garden on the opposite side of High Street to the north beyond which is a car park, children's nursery and Rocester Village Hall. There are some shops scattered along High Street to the east of the application site.

- 2.6 There is currently no vehicular access to the site, however, Riversfield House to the rear, which the land was previously attached to has a private access drive off High Street which also serves two dwellings and a telephone exchange.
- 2.7 The site slopes gently to the east towards Riversfield Drive, where the land is approximately half a metre lower.
- 2.8 The site is located within the settlement boundary for Rocester as identified in the adopted Local Plan.
- 2.9 The western portion of the site (approx. one third of the site) sits within Flood Zone 2 which is at a medium risk of flooding, the remainder of the site sits within Flood Zone 1 which is at a low risk of flooding.

### **3. Planning history**

- 3.1 There is no relevant planning history. The history that exists for the site relates to alterations, extensions and changes of use to Riversfield House to the south of the application site.

### **4. The proposal**

- 4.1 This application for full planning permission proposed to develop the site for the erection of a retail shop (Class E), in particular for a Co-op store, including the construction of a new vehicular access, associated car parking, servicing arrangements and landscaping.
- 4.2 The building is proposed to be erected to the eastern side of the application site, with the proposed car park being situated to the western side and the proposed access on Riversfield Drive.
- 4.3 The shop is proposed to be part single storey and part two storey, with the two storey element being situated to the frontage of the site with High Street. The building is proposed to be approx. 23m long by 14m wide with the two storey element being approx. 11.4m in length. The ground floor would provide the main retail area (approx. 235sqm) with lobby and a service area with staircase to the first floor, the first floor level is proposed to be used as offices and for the storage of stock.
- 4.4 The two storey frontage is proposed to be designed to appear from High Street as a row of terraced dwellings, being approx. 9.2m in height to the ridge and 5.8m in height to the eaves. Two faux chimneys are proposed with the roofslope leaning away from High Street, similar to the surrounding terraced dwellings. The side elevations are proposed to be double gabled, with the side

to No. 50 High Street having recessed faux window details at first floor level. The side facing into the proposed car park to the west is proposed to have two shop fronts above each of which two windows are proposed.

- 4.5 The single storey element of the building is proposed to have a hipped style roof, which would disguise a flat roof within the centre to house any necessary plant equipment. The roof is proposed to measure approx. 4.9m to the ridge and 2.5m to the eaves with the flat roofed area situated at approx. 3.6m in height.
- 4.6 Materials proposed include plain clay roof tiles, facing brickwork including a dog tooth feature coursing band at eaves level, stone cills and heads for the proposed casement windows, aluminium shopfronts and metal gutters and downpipes.
- 4.7 The proposed car park would provide 14 car parking spaces, 1 of which is proposed to be a disabled space and 1 of which is proposed to be a parent and child space. A covered cycle shelter to hold 10 bicycles is proposed adjacent to the south western corner of the proposed building.
- 4.8 The proposed new access off Riversfield Drive requires the removal of a section of boundary wall approx. 6.8m in length; a further section of boundary wall to the High Street frontage is proposed to be removed measuring approx. 8.5m in length to provide pedestrian access to the site; otherwise the existing boundary wall is to be retained. A 2m high close boarded fence is proposed to be situated approx. 1m away from the southern boundary, and dwarf brick retaining walls are proposed adjacent to the access.
- 4.9 The trees to the eastern, northern and western boundaries are proposed to be removed, the laurel hedge to the southern boundary is situated outside of the application site and is therefore to remain. Additional tree planting is proposed within the submitted landscaping scheme.

#### List of supporting documentation

4.10 The following documents have been provided as part of the application:

- Location, Site Layout Plans and Details of the Proposed Building
- Landscape Proposals
- Design and Access Statement
- Heritage Statement
- Planning Statement including Retail Impact Assessment
- Plant Noise Guidance Report and Indicative Plant Equipment Siting
- Delivery Noise Impact Assessment
- Car Park Noise Assessment
- Preliminary Arboricultural Assessment
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Transport Statement

4.11 The relevant findings are dealt with in section 8 onwards below.

## 5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	<p>Rocester Parish Council objects to this application on the following grounds.</p> <p>Whilst it is recognised that the National Planning Policy Framework (July 2021) has the overarching policy of ‘a presumption in favour of sustainable development’, it must be recognised that some of the existing facilities required by Rocester’s being a Tier 1 Strategic Village might become unsustainable by this additional development and that it could also cause harm to existing heritage assets and the Rocester Conservation Areas, the western half of which is already becoming much degraded.</p> <p>It is noted that the Applicant is SEP Properties Ltd and not the intended operator of the facility given in paragraph 4.1 of the Planning Statement. Consequently, the proposal could be rented to others. There is concern that some of the activities permitted by Use Class E are incompatible with the location of the application site because their car parking and servicing requirements would be different, as would be their effect on local amenity and that of residents in adjoining properties.</p> <p>Therefore, Rocester Parish Council would ask for the following condition to be added should any planning permission be granted. A condition that states exactly the subclasses applicable to this proposal (possibly E(a) and E(b) ) and no other.</p> <p>Access for Delivery vehicles:            Planning Statement paragraph 5.16 mentions that NPPF Paragraph 111 states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’. The Transport Statement confirms that any impacts will not be severe, an opinion with which the Parish Council cannot agree for the following reasons. Planning Statement paragraph 6.21 states that ‘Deliveries to the site will be made by HCVs which are typically no larger than 12 metre rigids and usually 10m rigids’. The Swept Path Analysis shown in Figure 5.2is for a 10-metre vehicle and so does not show the impact of a 12-metre or longer vehicle which probably require reversing within or onto Riversfield Drive. Experience of deliveries to the other two local convenience stores shows that longer vehicles</p>

		<p>are used on occasion.</p> <p>So that such vehicles for both the intended and future occupants of the development will be able to make safe deliveries to and manoeuvres within the site and avoid any reversing onto Riversfield Drive (which is the sole access to several hundred dwellings), any planning approval granted must include a condition confirming the appropriate overall length restriction for delivery vehicle.</p> <p>No mention is made of any necessary parking restrictions at the entrances to Riversfield Drive and the proposed development site to make the desired swept paths possible. Also, the drivers of the cars that would be displaced will seek free parking elsewhere, perhaps within the site of the proposed development.</p> <p>Therefore, Rocester Parish Council would ask for the following condition to be added should any planning permission be granted. That no work should start until parking restrictions on Riversfield Drive have been reviewed and implemented.</p> <p>On-site car and bicycle parking Planning Statement paragraph 6.31 states that 'A total of 14 parking spaces are provided which have been assessed against the estimated maximum demand of 10 spaces for a convenience store of this size and based on the likely operator. Experience of working with this operator over a number of years and based on evidenced dwell times for customers are also used to arrive at this number'.</p> <p>Given that there have been Pre-Application consultations with ESBC planning officers, it is assumed that but the total numbers and categories of car and bicycle parking spaces meet the minimum requirements of the ESBC Parking Standards Supplementary Planning Document (2020). Even so, several important queries remain.</p> <ul style="list-style-type: none"><li>• Some of the parking provision may be used by staff, especially if there are to be 20 full-time equivalents, How many will be working on the site at any one time?</li><li>• Two of the car parking spaces will be required for the on-site manoeuvring of delivery vehicles yet no mention is made as to these be made available. Unless this is managed successfully, delivery vehicles may be obliged to reverse out onto Riversfield Drive.</li><li>• Planning Statement paragraphs 6.21 and 6.32 describe the arrangement for deliveries to the proposed development which could mean that both the disability and parent and child parking spaces will be unavailable for up to two hours. How does this reconcile with ESBC Parking Standards Supplementary Planning Document (2020)?</li></ul> <p>Timing of deliveries:</p> <p>From Planning Statement paragraph 4.8, it is noted that 'The 'convenience' nature of shopping and the limited size</p>
--	--	--

		<p>of store means that the turnover of produce is rapid, resulting in the need for a daily supply of fresh products' and that 'Deliveries (will be) normally undertaken during trading hours and can be scheduled to avoid any particularly sensitive times or nearby uses, such as schools, if necessary'. (paragraph 4.9). Planning Statement paragraph 6.21 continues as follows. 'Deliveries of ambient goods and fresh/frozen goods will normally take place between 07.00 and 20.00 and there will likely be 1-2 deliveries per day, lasting approximately one hour. This is excepting newspaper and magazine/sandwich deliveries which are generally made by a transit type van earlier in the morning to ensure these are available to purchase upon store opening'. Rocester Parish Council is concerned about the negative affect these deliveries will have on neighbouring properties as well as worsening the already overcrowded roads within the village.</p> <p>Therefore, Rocester Parish Council would ask for the following condition to be added should any planning permission be granted. That deliveries are limited to a specific time each day.</p> <p>Flood risk: The Applicant acknowledges that the development is within an area at risk of flooding but considers that it will cause no increase to flood risk elsewhere.</p> <p>Therefore, Rocester Parish Council would ask for the following condition to be added should any planning permission granted. it should have a condition that states porous hard surfacing and water attenuation matters should be used.</p> <p>Existing Retail amenities within the Village: Although not a planning concern it has to be noted that Rocester Parish Council does not believe this development is required and recognises that any loss in income/trade to our already established retails shops will be detrimental to the whole village.</p> <p>Adverse effect to Neighbouring properties Noise: This development is planned for the centre of the village. It is surrounded by residential properties, and we are extremely concerned about these detrimental affects on our residents. Several what may turn out to be neighbouring residents have already contacted the Parish Council to raise concerns over noise pollution from a unit open from 7am -11pm. That will have refrigeration and air conditioning units running constantly as well as the increase in traffic noise including deliveries</p> <p>Light pollution - Nowhere in the application can details of any necessary on-site external lighting be found. Given the 16-hour operation of the site (and especially in the darker winter months), there could be considerable light pollution that affects the existing amenities of the adjoining owners,</p>
--	--	---



		<p>especially if such lighting is used all night as security lighting. Any such lighting must be chosen to limit light spread by being directed downward into the site area and not into adjoining property</p> <p>Loss of Green Space: At present this site is a garden an established green space in the centre of the village. It is a habitat to wildlife, and it would be a loss to the area for it to be developed.</p> <p>Rocester Conservation Area: Section 72(1) of the 1990 Act requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of a Conservation Area. Then Heritage Statement paragraph 7.41 claims that ‘Only a minor degree of harm is considered to arise to the non-designated Riversfield House, via a change in setting. Whilst the proposals would see a further erosion of the historic grounds associated with this asset, the development has been designed so as to maintain views of the asset from the High Street and retain the verdant character in the foreground of these views’.</p> <p>The Parish Council has serious concerns about how this development will impact the neighbouring 17th Century Grade II listed property.</p> <p>To re-iterate Rocester Parish Council objects to this application due to the unacceptable impact on highway safety and the residual impact on the local road network. As well as the detrimental affect to neighbouring properties of having a green space within a Conservation Area developed.</p>
5.3	SCC Highways	<p>No objections subject to conditions in relation to the provision of the access, parking and turning areas and drainage of such areas prior to use and the visibility splay being kept free from obstruction. A further condition is recommended in relation to deliveries taking place outside of the stores opening hours.</p> <p>The site is not sufficiently large to accommodate the manoeuvring of service vehicles whilst the car parking spaces are occupied and it is therefore recommended that a condition be imposed requiring all deliveries to be outside the shops opening hours to avoid hazardous manoeuvring within an occupied car park or on the highway.</p>
5.4	SCC Ecology	<p>No objection, subject to no net loss to biodiversity being demonstrated either by the use of further habitat improvements on site or via an off-site arrangement for 0.5 habitat units to be secured via a planning agreement.</p> <p>The County Ecologist comments as follows: The information submitted indicates there will be a net loss of habitat of half a biodiversity unit. There is a gain of about 0.2 hedge units, but those are not used to offset habitat units. To achieve no net loss on this site in line with the</p>

		<p>NPPF will be difficult. For example, creating a sedum roof (extensive roof) and/or green walls on the building and making the car park surface a vegetated grasscrete (or similar) surface might achieve this. The alternative would be for the applicant to offer a contribution to habitat improvements off-site.</p> <p>It is important to note that mandatory net gain of 10% is expected in late 2023, so if this development is not finalised, any future applications may be required to demonstrate 10% net gain, which would necessitate an off-site arrangement.</p> <p>Conditions are recommended in relation to the submission of a lighting design strategy and for works to be carried out in accordance with the precautionary method of working as set out in the Preliminary Ecological Appraisal.</p>
5.5	Severn Trent Water	No objections subject to a condition in respect of the submission of a drainage scheme for the disposal of foul and surface water flows.
5.6	Newt Officer	<p>No objections subject a condition to ensure that the development is carried out in compliance with the precautionary methods set out in the Preliminary Ecological Appraisal.</p> <p>The Newt Officer comments as follows: The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is moderate habitat and a low likelihood of great crested newt presence.</p> <p>There is 1 pond 470m south of the development proposed. There is limited connectivity between the water/bodies/terrestrial habitat in the landscape and the development site.</p> <p>The PEA does provide precautionary measures that they recommend are followed during works.</p>
5.7	Architectural Liaison Officer	No objections
5.8	Campaign to Protect Rural England	<p>CPRE Staffordshire objects to this application on the grounds of its adverse impact on the Rocester Conservation Area and the loss of several mature trees. It is not considered that the proposed development is in accordance with Policy SP25 of the Local Plan.</p> <p>The proposed development would dominate the Rocester Conservation Area and have a negative impact on its heritage and character. It is located adjacent to the conservation area's only listed building, the Grade II Rose Cottage. As the Built Heritage Statement notes, the development site is visible from, and in conjunction, with Rose Cottage from various parts of the High Street, and</p>

		<p>forms part of the general townscape. The proposed development would be out-of-keeping with its surroundings.</p> <p>Rocester already has two well-stocked shops, the Spar and Premier, which are located very close to the proposed development. It is therefore unlikely that the benefits of having an additional shop would outweigh the harm caused by the development.</p> <p>There are significant concerns about the removal of 12 trees and the partial removal of one group of trees. Mature trees, particularly the yew trees (T6 and T8) identified in the arboricultural assessment as having high retention value, have significant ecological benefits. Their loss cannot simply be mitigated by planting saplings elsewhere. As the Local Plan (page 176) notes, “aged and mature trees can house a highly complex interdependent range of wildlife species which would be lost if the tree was to be felled, as well as the visual amenity.” Removing mature trees also contradicts the borough council’s declaration of a climate emergency and pledge to make the Council’s actions and operations climate neutral by 2040.</p> <p>In an aesthetic sense, trees within conservation areas are automatically protected in recognition of their contribution to the special character of the conservation area.</p>
5.9	Historic England	No comment, please refer to your Conservation Officer.
5.10	SCC Lead Local Flood Authority	No comment to make as it is a minor application.

Internal Consultees		Response
5.11	ESBC Environmental Health	<p>Noise – No objection subject to conditions in respect of deliveries to the store being between 07.00 hours and 20.00 hours, and details of the plan equipment to be submitted prior to the first use of the premises.</p> <p>Individual noise assessments have been carried out for plant noise, delivery noise and car parks noise, these highlight the following main points:</p> <ul style="list-style-type: none"> <li>- The car park noise assessment concludes that the impact of the development on existing nearby sensitive receptors will be minimal</li> <li>- The delivery noise assessment concluded that there could be a significant adverse noise impact (15dB above background) from store deliveries. However, they have stated that the noise impact can be offset by having a noise management plan and that all deliveries will take place between 07.00 hours and 20.00 hours, with no main depot deliveries during the early morning or late evening.</li> <li>- The plant noise assessment has presented the findings on the existing noise climate in the vicinity,</li> </ul>

		<p>but as the exact fixed plant are not yet known, the noise assessment is incomplete with regards to impact they will have on the comfort and amenity of nearby receptors.</p> <p>Contaminated Land – No objection subject to a condition requiring the submission of a contaminated land survey in the event that contamination is found during construction. This is recommended as the proposed application site is within 250m of land that is potentially contaminated.</p> <p>Construction related comments – No objection subject to conditions in respect of construction hours and the control of noise and dust during construction.</p>
5.12	ESBC Tree Officer	No objection
5.13	ESBC Conservation Officer	<p>No objections, following the submission of amended drawings, subject to conditions in respect of materials including stone lintels and cills, use of clay tiles, rainwater goods and finish and window and shopfront profiles.</p> <p>Whilst there is a level of harm, this is considered to be less than substantial and is outweighed by the wider public benefits of the proposal</p>

## 6. Neighbour responses

6.1 Site and Press notices were posted and notification letters were sent to adjacent properties to the site. Responses were received from 34 local residents responses were received, 32 of which are objecting to the proposed and 2 of which are in support of the proposal. The neighbour objections are summarised below.

<b>Neighbour responses (objections)</b>	
Principle	<ul style="list-style-type: none"> <li>• The shop is not needed within the village and would be detrimental to existing businesses and the local economy negatively affected.</li> <li>• The proposal is on previously undeveloped land, a green space within the village.</li> <li>• The village benefits from a high level of local services and facilities, greater than other strategic villages within the Borough.</li> </ul>
Impacts on Visual Amenity	<ul style="list-style-type: none"> <li>• The proposal will be an eyesore for the users of the memorial garden opposite</li> <li>• The visual image of a modern shop will clash significantly with the memorial garden, the Methodist Chapel and the listed Rose Cottage</li> <li>• The view of Riversfield House from the High Street would be lost</li> </ul>
Impacts on Residential Amenity	<ul style="list-style-type: none"> <li>• The refrigeration and air conditioning units proposed to the roof of the building will emit a continuous noise</li> <li>• There will be continuous lighting, noise and deliveries</li> </ul>

	<p>causing noise and disturbance</p> <ul style="list-style-type: none"> <li>• The shop will be situated in front of a care home for young adults</li> <li>• Loss of direct sunlight to the outside area of the neighbouring dwelling at 50 High Street due to the situation of the proposed building.</li> <li>• Disruption to residents during construction works</li> <li>• The general day to day noise generated by the use of the shop in a residential area</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• The junction of High Street and Riversfield Drive will become more dangerous due to the increase in traffic</li> <li>• The junction is opposite the entrance to the Village Hall Car park with a bus stop on High Street in close proximity</li> <li>• There have been traffic accidents in the local area and due to the increase in traffic it is likely further accidents will take place.</li> <li>• Riversfield Drive is busy with frequent delays when exiting onto High Street</li> <li>• The removal of part of the brick boundary wall for pedestrian access may encourage the use of the footpath for the parking of vehicles, bollards to prevent this should be installed to the perimeter of the pavement.</li> <li>• Traffic and parking within the village is already difficult with excessive traffic from JCB, JCB Academy, Abbotsholme School the primary and middle school and Alton Towers.</li> <li>• The access point to the site close to a busy junction is dangerous, and the access is also opposite an existing access to a residential dwelling.</li> <li>• The plan states that there is sufficient room for a lorry to access the site and turn within the car park, this is disputed and it is felt that it would be difficult to turn a lorry safely.</li> <li>• The High Street is effectively only a single lane due to the parked cars.</li> <li>• The bus stop on Riversfield Drive may be affected, this is a vital lifeline for many residents.</li> <li>• The proposal would create a safety issue for both pedestrians, including children, and drivers</li> </ul>
Heritage Impacts	<ul style="list-style-type: none"> <li>• The building will face a listed building within the Rocester Conservation Area and will affect its setting.</li> <li>• The site is identified as an area of 'positive open space' within the Rocester Conservation Area Appraisal (July 2015)</li> <li>• The scheme proposed does not outweigh the harm that would be caused to the listed building and conservation area and the design does not make a</li> </ul>

	positive contribution to the area
Impacts on trees and biodiversity	<ul style="list-style-type: none"> <li>• A number of mature trees will be removed having a negative environmental and visual impact</li> <li>• There is very little green space within the village and this development is not considered appropriate for the location</li> <li>• Loss of habitat and impact on protected species</li> </ul>
Other	<ul style="list-style-type: none"> <li>• The proposal would bring no added value to the village, there are two existing general stores and a further shop is not required.</li> <li>• Increased air pollution</li> <li>• Potential Class E designation does not give sufficient control over the use of the site.</li> </ul>
Ward Member	<p>Cllr Sankey commented as follows: The application asks for class E which is very wide and covers a range of uses. I would like to see the application scoped down to the sub class that the applicant has asked for.</p> <p>Traffic &amp; parking in this area of Rocester is very problematic with large numbers of JCB staff parking in the vicinity. Has the assessment of large delivery goods vehicles been made, taking into account the parked vehicles?</p>

Responses were received from 1 local residents, with 1 anonymous response in support of the proposal which are summarised below:

<b>Neighbour responses (support)</b>	
Principle	<ul style="list-style-type: none"> <li>• The increasing size of the village population, the number of schools and workplaces will benefit from the additional shop facility and provide choice and variety for residents</li> </ul>
Visual Amenity	<ul style="list-style-type: none"> <li>• The proposed building design is tasteful, well thought out and sympathetic to the street view.</li> </ul>
Residential Amenity	<ul style="list-style-type: none"> <li>• The proposed opening times and delivery times are reasonable</li> <li>• A noise impact assessment has been carried out.</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• The new entrance and parking arrangements are exactly what is needed as irresponsible and inconsiderate parking to use the shops along high Street is an issue for residents</li> <li>• The position of the proposed store will reduce traffic at the narrowest part of High Street around the mini roundabout in the centre of the village.</li> <li>• The proposal will reduce risk to pedestrians, including children.</li> </ul>

## 7. Policy Framework

National Policy

National Planning Policy Framework  
National Planning Policy Guidance

Local Plan

Principle 1: Presumption in Favour of Sustainable Development  
SP1: East Staffordshire Approach to Sustainable Development  
SP2 Settlement Hierarchy  
SP14 Rural Economy  
SP20 Town and Local Centres Hierarchy  
SP21 Managing Town and Local Centres  
SP22 Supporting Communities Locally  
SP24 High Quality Design  
SP25 Historic Environment  
SP27 Climate Change, Water Body Management and Flooding  
SP29 Biodiversity and Geodiversity  
SP35 Accessibility and Sustainable Transport  
DP1 Design of New Development  
DP2 Designing in Sustainable Construction  
DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology  
DP7 Pollution and Contamination  
DP8 Tree Protection

'Made' Neighbourhood Plans

None

Supplementary Planning Documents

East Staffordshire Design Guide  
Parking Standard SPD  
Separation Distances and Amenity SPD  
Rocester Conservation Area Appraisal

**8. Principle of Development**

Relevant Policies:

- 8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.
- 8.2 Paragraph 8 of the NPPF advises that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types of available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- a social objective – to support strong, vibrant and health communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate changes, including moving to a low carbon economy.

8.3 Paragraph 81 of the NPPF states: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Local Plan:

8.4 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.

8.5 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant: the principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside.
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting;
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;



- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
  - does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
  - creates well designed and located publicly accessible open space;
  - would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
  - would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
  - uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
  - safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the environmental problems associated with the site.
- 8.6 Strategic Policy SP2 identifies the settlement hierarchy for the Borough. Rocester is identified within the policy as a Tier 1 Strategic Village. The policy goes on to state that new development should be concentrated within the settlement boundary of the Main Towns, Strategic Villages, Local Services Villages and Rural Industrial Estates.
- 8.7 Strategic Policy SP14 relates to the Rural Economy and states that within the Tier 1 and Tier 2 settlement boundaries and rural industrial estate boundaries, employment development, including extensions to existing premises, mixed use development which would allow for an element of home working and change of use to employment development will be approved if the development:
- (i) does not unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and
  - (ii) is in accordance with other Development Plan policies.
- 8.8 Strategic Policy SP20 sets out a hierarchy for town and local centres, this states that in Tier 1 Strategic Villages such as Rocester, local facilities will be protected and will share a proportion of the 1,050sqm of comparison goods identified for 'other locations across the overall catchment area'.
- 8.9 Strategic Policy SP21 provides criteria for managing town and local centres; in rural centres retail and other uses (including leisure, entertainment, cultural and tourist uses as well as other mixed-uses) that would support the vitality and viability of the centres will be granted provided they:
- are of a scale and nature that is appropriate to the size and function of the centre,
  - would not lead to be unsustainable trip generation from outside the catchment; and
  - would not undermine the role or function of other centres within the retail hierarchy

Assessment:

- 8.10 The application site as stated above is identified as a Rural Centre (Policy SP20) within a defined settlement boundary which is identified as a Tier 1 Strategic Village (SP2). SP20 also identifies a need for retail floorspace in the rural centres over the plan period of 1,050 sqm, of which this would contribute towards. The site is therefore considered to be a sustainable location in accordance with Policies SP1, SP2 and SP20 of the Local Plan.
- 8.11 The criterion with Policy SP14 in respect of the impact on the character of the settlement, amenity of neighbouring properties and impact on the environment will be discussed further in the following sections of this report, however, the proposal is considered to comply with the general intent of this policy in that it would create new employment opportunities in a Tier 1 Settlement.
- 8.12 It is acknowledged that the extent of the Rural Centre is not defined in the Local Plan, however, there are a mix of uses along the High Street in both directions and it is considered that the application site would fall within the bounds of the rural centre.
- 8.13 The applicant has provided a brief Retail Assessment, to address the criteria of Policy SP21, within the submitted Planning Statement (a full Retail Assessment was not required falls beneath the threshold for this). The Retail Assessment indicates that the proposal *'represents minor development to serve the catchment of Rocester and it is estimated that the majority of trade to the proposed foodstore will be drawn from within Rocester. As a result of this and given the low turnover of the proposed development, it is not expected that there will be any significant trade draw (and thus impact) on any other defined centre in the retail hierarchy'*.
- 8.14 The Retail Assessment goes on to analyse the proposal against the East Staffordshire Borough Council Retail and Leisure Study prepared for the Council by Peter Brett Associates in 2013. Paragraph 6.12 of the Planning Statement indicates that *'the majority of convenience goods expenditure...is spent within the Morrisons at Cheadle (24%)...the Tesco in Uttoxeter (almost 20%)...and other shops in zones 1 and 2 (of the Retail Study area) equating to almost 65% of all convenience goods expenditure'*. An earlier Retail Study prepared for the Council in 2007 indicates that the Spar in Rocester *'does attract a reasonable proportion of top up expenditure'*.
- 8.15 In light of the above, the proposed development is considered to comply with the first criterion of SP21 as the scale of the proposed building is considered to be of a scale and nature appropriate to the size and function of the local centre. The second criterion is discussed in the Highway Matters section of this report. The third and last criterion is considered to be met as the proposal is not considered to undermine the role or function of other centres within the retail hierarchy.
- 8.16 The Rocester Parish Council and neighbour representations submitted are noted in respect of the need for a shop within the village and the level of services which the village benefits from, however, the level of services available are considered to be commensurate with the scale of the village particularly given that it is a Tier 1 Strategic Village. The letter of support is also acknowledged which indicates that the shop will provide additional choice for

the growing population of the village. Whilst the land is currently a green space within the village, it is not allocated as public open space and is simply the former garden area of Riversfield House which has been separated; the site is also within a settlement boundary where development is expected.

- 8.17 Rocester Parish Council refer to the site as an ‘established green space’, however, it is noted that this land is not designated as public open space or as green infrastructure within the Local Plan, with the land being the former garden area of Riversfield House which was separated off some years ago.
- 8.18 The proposal would result in the erection of a retail unit that provides a service function to the local community in an appropriate location for service users. It is therefore considered that the proposal is acceptable in principle and in accordance with policies SP1, SP2, SP14, SP20 and SP21 of the Local Plan and the NPPF.

## **9. Design and Impact on the character and appearance of the area**

Relevant Policies:

- 9.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.2 Strategic Policy 1 states that development proposals should be integrated with the character of the landscape and be of high quality design.
- 9.3 Strategic Policy SP24 states that development must contribute positively to the area in which they are proposed and requires that development should (amongst other things):
- help to create a sense of place, building on the urban, suburban and rural local character, respecting local patterns of development and the historic environment, and using heritage assets to their best advantage;
  - provide safe communities, through appropriate use of clearly defined public and private spaces, passive surveillance and active frontages;
  - reinforce character and identity through local distinctiveness;
  - enhance the landscape and protect and enhance biodiversity;
  - present an appropriate layout for new development that integrates with the existing environment and context, including space around dwellings, public and private spaces and open spaces.
- 9.4 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 9.5 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can

support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.

- 9.6 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that the location of buildings in relation to streets should create interesting streetscapes, including consciously arranged views and vistas within and out of the development, and that high proportions of frontage car parking will not be acceptable.
- 9.7 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.

Assessment:

- 9.8 The site layout has been designed in order to accommodate the proposed building and associated parking area along with a new access point off Riversfield Drive. A key starting point for the design of the proposal was the relationship between and the impact on the heritage assets (Listed Building at No. 50 High Street and Rocester Conservation Area, along with the non-designated Riversfield House). The proposed layout has given consideration to Riversfield House to the rear of the site and has been designed to ensure that the view to this property from the High Street is maintained. The views to the listed buildings and impact on the conservation area are discussed further in Section 12 of this report.
- 9.9 The retail unit is proposed to be situated to the eastern side of the application site adjacent to the private access between the site and No. 50 High Street, occupying just over a third of the site. The remaining site area is proposed to make up the parking area with six parking spaces (one of which is allocated to disabled users and one of which is allocated as a parent and child space) situated immediately adjacent to the shop fronts parallel with the western elevation of the building, four spaces situated parallel to the southern boundary and four parking spaces situated parallel to the western boundary to the north of the proposed access onto Riversfield Drive.
- 9.10 The two storey frontage of the retail unit is proposed to be designed to appear from High Street as a row of three terraced dwellings, two faux chimneys are proposed with the roofslope leaning away from High Street similar to the surrounding terraced properties in the immediate vicinity. The rear of the building reduces to single storey with a hipped roof which is designed to disguise any necessary plant equipment which would be situated within a flat roof area. Two shop fronts are proposed to the side elevation facing into the car parking area with windows above, which would appear as traditional styled shop fronts, the northern of which contains the entrance/exit to the building.
- 9.11 The building is considered appropriate for the site in terms of its design, height, massing and materials, integrating well with the character of the surrounding properties on High Street by virtue of the design of the front elevation.

- 9.12 The site is bounded by an existing wall to the High Street and Riversfield Drive boundaries. Two openings are proposed to the boundary wall, one on Riversfield Drive to create the proposed vehicular access, the other on High Street to provide a pedestrian entrance; the retention of the remainder of the wall is considered to aid in retaining the enclosed appearance of the site.
- 9.13 To the southern boundary is a laurel hedge, which is mainly located within the grounds of Riversfield House (formerly a hotel and restaurant with planning permission for conversion to a care home) to the south, this is proposed to remain with a 2m high close boarded timber fence being situated to the northern side of the hedge. The eastern boundary of the site is made up of a number of established trees and shrubs, these are proposed to be removed as a result of the proposals. An Arboricultural Report has been submitted to support the application, and the ESBC Tree Officer was consulted on the proposals raising no objections to the removal of the trees. Tree planting is proposed to the perimeter of the site with nine new trees proposed, and two large existing trees retained.
- 9.14 It must be recognised that the application site is currently an unused area of garden formerly associated with Riversfield House to the south, the land has been separated off for some time by the laurel hedge that runs along the southern boundary of the application site. Despite the site being laid to lawn at present it is considered that the development of the site would be acceptable given the built up nature of the surrounding area.
- 9.15 The materials proposed includes plain clay roof tiles, facing brickwork including a dog tooth feature coursing band at eaves level, stone cills and heads for the proposed casement windows and aluminium shopfronts. Specific details of these materials can be secured via a suitably worded condition.
- 9.16 It is considered that the sensitive design, layout, massing and materials of the proposed development are appropriate for the site and would be in keeping with the character of the area. The proposed tree planting within the site would aid in softening the existing boundaries to the car parking area and mitigate for some of the planting lost to the eastern boundary (this is further discussed in Section 16 of the Report). As such it is considered that the proposals comply with Local Plan and NPPF policies.

## **10. Residential Amenity**

Relevant Policies:

- 10.1 The National Planning Policy Framework and policy SP1 of the Local Plan seeks to ensure that development proposals are designed to protect the amenity of the occupiers of residential properties nearby through good design and landscaping. This is supplemented by the Separation Distances and Amenity SPD.
- 10.2 Policy DP7 of the Local Plan relates to Pollution and Contamination and states that development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from, unacceptable levels of pollution in respect of noise amongst other things.

## Assessment:

- 10.3 The built form proposed on the application site is located to the eastern portion of the site adjacent to No. 50 High Street and the dwelling known as 'Old Coach House' situated on the opposite side of the private access road to the east of the site. The proposed access to the site would be situated opposite the dwelling known as 'The Laurels'.
- 10.4 No. 50 High Street is a two storey dwelling located to the side of the proposed two storey element of the retail unit. This dwelling has a two storey rear projection which sits approx. 8.4m (at its closest point) away from the two storey element of the proposed retail unit. There are side facing windows in this part of the building, however, it is noted from a review of planning history files that the rooms situated to this side of the building benefit from additional rear facing windows. There is a first floor windows located on the gable end of No. 50 High Street, however, the proposed retail unit is not situated directly opposite this. As such it is considered that there will be no significant adverse impact in terms of loss of light or privacy or overbearing impact.
- 10.5 The Old Coach House is situated opposite the rear portion of the proposed retail unit, where the building is single storey in height. This property has a window situated on the gable end facing the application site, however, this is a secondary window to the bedroom which it serves with principal window being situated on the north facing elevation. Given the position of the proposed retail unit and the windows within the neighbouring dwelling it is considered that there will be no significant adverse impact on this dwelling by way of loss of light or privacy or overbearing impact.
- 10.6 It is also noted that the trees along the eastern boundary of the site are proposed to be removed. These trees are reasonably tall in height at approximately the same height as the proposed building, and the canopies of some of the trees extends across the private access road. The removal of these trees and replacement with the proposed retail unit is considered to result in a betterment to the residential amenities of No. 50 High Street and the Old Coach House given that the building would not encroach beyond the boundaries of the site and it reduces to single storey to the rear portion.
- 10.7 The property to the rear (south) known as 'Riversfield House' was formerly used as a hotel and restaurant and benefits from planning permission for change of use to a care home which has not yet been implemented. This is set back from the boundary with the application site and separated by a car parking area. The separation distance between the rear single storey element of the proposed retail unit and the front elevation of Riversfield House is approx. 24.5m, this is considered to be appropriate. There is therefore considered to be no significant adverse impact on future occupiers of this property.
- 10.8 No side facing windows are proposed to the eastern elevation of the building. Windows are proposed to the front (northern elevation) and side (western elevation) of the building; the windows opposite No. 51 High Street which is situated on the opposite side of High Street, serve a stairwell. Therefore it is considered that there would be no significant adverse impact by way of overlooking of loss of privacy.

- 10.9 The dwelling known as 'The Laurel's situated on the opposite side of Riversfield Drive, is approx. 9m away from the proposed access to the application site. There will be no built form to this side of the application site. The proposed access point would be situated opposite this dwelling, with the dwelling's existing vehicular access being situated slightly further to the north. Given that Riversfield Drive already separated the application site from The Laurels it is considered that there will be no significant adverse impact on the occupiers of this dwelling. The specific proposed vehicular access details are considered at Section 12 of this report.
- 10.10 The nearest dwelling situated on the opposite side of High Street is approx. 16m away from the closest part of the application site and is not directly opposite the retail unit proposed.
- 10.11 The application is accompanied by three Noise Impact Assessments in respect of delivery noise, car park noise and plant noise. These were submitted due to the proximity of the development to residential dwellings. The Environmental Health Team have reviewed these assessments and have raised no objections to the proposals subject to conditions in respect of delivery hours and plant equipment. The results of these assessments are discussed further in Section 15 below. Subject to the inclusion of the recommended conditions the proposal is therefore considered to have no significant adverse impact on occupiers of nearby residential properties in terms of noise and disturbance.
- 10.12 The proposal relates to the creation of a Class E unit, which covers a variety of uses which includes but is not limited to: retail, financial and professional, café or restaurant, offices, clinics and health centres, creches, day nurseries, and indoor recreation. A condition is recommended to ensure that the unit cannot be changed from retail to any other use within Class E without the necessary planning permission in order to limit any impacts to neighbouring properties given these other uses would require the need for different operating arrangements and would potentially give rise to additional impacts.
- 10.13 In relation to the impact of potential light pollution on neighbouring properties as raised by Rocester Parish Council, a condition is recommended in terms of a Lighting Design Strategy. This is discussed further in Section 16 of this report due the potential impact of lighting on protected species. Given the orientation of the building and the position of windows it is considered that there will be no significant impact on neighbouring properties. Any car park lighting is not considered to have a significant adverse impact on occupiers of neighbouring properties as any lighting columns would be situated on the opposite side of Riversfield Drive/High Street and would be directed into the car parking area.
- 10.14 In light of the above it is considered that there will be no significant adverse impact on occupiers of neighbouring dwellings by way of loss of light, overlooking or loss of privacy, overbearing impact or additional noise and disturbance. The proposal is therefore considered to comply with Policies SP1 and DP7 of the Local Plan and the NPPF.

## 11. Highway Matters

## Relevant Policies:

- 11.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 11.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

## Assessment:

- 11.4 The site does not currently benefit from a vehicular or pedestrian access point, being fully enclosed on all boundaries by either brick wall, hedge or trees and shrubs. A vehicular access is proposed to be created to Riversfield Drive with an opening in the wall on the High Street frontage to provide a pedestrian access. The proposed vehicular access will be situated approx. 20m from the junction of Riversfield Drive with High Street. A total of 14 car parking spaces are provided within the site (including one space for disabled users and one parent and child space). A Transport Assessment was submitted in support of the application.
- 11.5 Concerns have been raised in relation to the proposed access point close to the High Street and Riversfield Drive junction; frequent delays when exiting Riversfield Drive onto High Street; and difficulties with parking in the village, all of which may impact on safety to drivers and pedestrians, with further concerns in relation to the impact on the bus stop and potential parking on the highway. No alterations are proposed to the bus stop which is situated on the High Street frontage. Parking on the pavement is a civil enforcement matter and should this occur it should be reported to the necessary department. The access to the site is discussed below. Concerns have also been raised in respect of traffic accidents within the area, however, no specific details have been provided in relation to this.
- 11.6 The Highway Authority have been consulted in respect of the application and have reviewed both the Transport Assessment and the Retail impact Assessment contained within the Planning Statement.



- 11.7 The site is located within a sustainable location in transport terms being situated within a Tier 1 Village and with public transport links present in close proximity to the application site. There are lit footpaths which would enable customers within walking distance, from within Rocester village and from the JCB Headquarters and Academy, to access the retail unit.
- 11.8 The Highway Authority acknowledge that the traffic generation from the proposal is relatively low with the majority of custom being from within the village or nearby employers. The proposal is therefore unlikely to result in severe impacts on highway capacity.
- 11.9 The Highway Authority have confirmed that the proposed vehicular access is to provided with an acceptable level of visibility and would allow vehicles to enter and exit the site safely. No concerns were raised in relation to the distance of the proposed access to the Riversfield Drive and High Street junction.
- 11.10 In terms of parking provision the Parking Standards SPD requires 31 spaces for the total amount of floor space created (17 spaces when calculated solely in relation to the retail floor space); 14 spaces are provided within the site. The agent has provided an assessment of parking need, which indicates a demand for 10 parking spaces rather than the 31 required by the SPD. This assessment of parking need includes a Forecast of Parking Demand, Trip Rate Calculations and Parking Accumulation Calculations, with surveys previously undertaken at three separate Co-op stores of similar size. No overspill parking is expected, however, there is unrestricted parking available for the length of Riversfield Drive, High Street and in the Village Hall car park to the north of the site. Therefore any overspill parking would not result in an impact to highway safety. The Highway Authority have raised no objection in respect of the parking provision proposed.
- 11.11 Given the location of the retail unit within a sustainable location, with easy access on foot and by bicycle and with a covered cycle shelter for 10 cycles being provided within the site, it is considered that the shortfall in parking provision is acceptable.
- 11.12 The Highway Authority have stated that the site is not sufficiently large enough to accommodate the manoeuvring of service vehicles whilst the car parking spaces are occupied and a condition is recommended requiring deliveries to take place outside of opening hours. This recommendation would conflict with the comments of the ESBC Environmental Health Team who have requested that the deliveries take place between 07:00 and 20:00 hours in order to minimise any disruption to local residents. Following discussions with the agent and the end user a condition is recommended in relation to a Delivery and Servicing Management Plan to ensure that car parking spaces are managed during deliveries to minimise conflict between private motor cars and delivery vehicles.
- 11.13 Rocester Parish Council have requested a condition in respect of no work starting until parking restrictions on Riversfield Drive have been reviewed and implemented. The parking restrictions requested fall outside of the Local Planning Authorities remit and outside of the application site and therefore cannot be secured via a condition.

11.14 Conditions are recommended by the Highway Authority in respect of the provision of the access, parking and turning spaces within the site to be provided prior to first use, and for the visibility splays provided to be kept clear from obstruction.

11.15 The Transport Assessment submitted indicates that the impacts from the proposal will not be significant and the Highway Authority have raised no objections to the proposal on highway safety grounds. Subject to the conditions details above, the proposal is considered to comply with Policies SP1 and SP35 of the Local Plan, the objectives of the Parking Standards SPD and the NPPF.

## 12. Historic Environment

Relevant Policies:

12.1 The NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

12.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

12.3 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

12.4 The NPPF also confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. Where a proposed development will lead to substantial harm to, or total loss of, significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 12.5 Strategic Policy 1 states that development should conserve and enhance buildings of historic importance, their setting and historic landscape character.
- 12.6 Strategic Policy 25 states that development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 12.7 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

Assessment:

- 12.8 The site is situated within the Rocester Conservation Area and is adjacent to the Grade II listed No. 50 High Street also known as 'Rose Cottage' which is located to the east of the application site. There is no known archaeology within the application site. The application is supported by a Heritage Statement.
- 12.9 Rocester Conservation Area is split into two areas, the application site falling within the western area. The Rocester Conservation Area Appraisal identifies Riversfield House to the rear of the site as a positive contribution to the conservation area stating '*Riversfield House is an attractive double-fronted villa on the High Street, this is a particular feature of the conservation area. A 2m high brick boundary wall runs along Riversfield Drive*'. Paragraph 6.30 of the Rocester Conservation Area Appraisal also notes the 'openness' of this area of the High Street, including the land opposite the application site, in comparison with the tighter urban grain of its surroundings, which is '*considered to make a positive contribution to the character and appearance, and in turn, special interest of the Conservation Area*'.
- 12.10 No. 50 High Street (Rose Cottage) is also referred to in the Conservation Area Appraisal, with the significance of this listed building being derived from its historic fabric over and above its setting.
- 12.11 The comments of the Campaign for Rural England are acknowledged in respect of the impact on heritage assets, however, it is considered that the proposed development of the application site has been carefully designed to keep the built form to the eastern side of the site adjacent to No. 50 High Street where the urban grain is tighter. The openness of the site would be reduced, however, the parking area would ensure that a significant proportion of 'openness' is retained with the views from the High Street across to Riversfield House also being retained; the existing boundary wall would be retained with an opening created on each side.
- 12.12 In design terms the ESBC Conservation Officer is satisfied that the proposal is well designed to fit in with the character of the surrounding area including the heritage assets, and the proportions of the windows and shopfronts was amended during the course of the application to better reflect the local

vernacular. The proposal would fit in with the character of the surroundings by virtue of the design of the front elevation which would appear as a row of three terraced dwellings which is the predominant style along High Street. The shopfronts proposed are traditional in style and proportionate to the elevation on which they are proposed.

- 12.13 The ESBC Conservation Officer has assessed the impact of the proposals on the heritage assets, concluding that whilst there is some harm to the significance of the conservation area and listed building, this would be less than substantial harm and would be outweighed by the demonstrable public benefits associated with the proposal, e.g. the creation of employment and a community facility. Furthermore the tree planting proposed within the site would aid in retaining the sense of enclosure of the site.
- 12.14 No.50 High Street would experience a change in setting, but given that it sits further forward on High Street than the proposed retail unit, the overall views and experience of this asset on approach from the west along High Street would not change significantly and the proposal would not interrupt the main views of this heritage asset. Similarly the views into the Rocester Conservation Area would not change significantly with the open feeling of the site being retained as much as possible due to the positioning of the proposed car park. The views to the non-designated Riversfield House would be retained as much as possible with the proposed retail unit being situated to the eastern part of the site.
- 12.15 The submitted drawings indicate the materials to be used which would appear to be acceptable within the Conservation Area and adjacent to a Listed Building, specific details of these materials, along with details of rainwater goods and window/shopfront profiles are recommended to be secured via condition.
- 12.16 In light of the above it is considered that there will be a level of harm to the character and appearance of the Rocester Conservation Area and the setting of No. 50 High Street which is Grade II listed and Riversfield House which is not designated, however, this is considered to be less than substantial harm and would be outweighed by the wider public benefits of the proposed scheme. Subject to a condition in respect of materials and window profiles, the proposal is considered to be in compliance with Local Plan Policies SP25 and DP5, Rocester Conservation Area Appraisal and the NPPF.

### **13. Flood Risk and Drainage**

Relevant Policies:

- 13.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classify land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of

lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 13.2 Strategic Policy 1 of the Local Plan requires development to incur no unacceptable flood risk or drainage problems.
- 13.3 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.

Assessment:

- 13.4 The site is situated in Flood Zones 1 and 2 which are at low and medium risk of flooding. The majority of the site falls within Flood Zone 1, with Flood Zone 2 being situated to the western side of the site and affecting only the area proposed for car parking and tree planting. The proposed retail unit is situated entirely within Flood Zone 1.
- 13.5 The Flood Authority have provided no comments in relation to the proposal as it falls within the criteria of minor development and is therefore outside of their remit. The Environment Agency were not required to be consulted due to the proposals being situated within Flood Zone 2 (highest risk) and standing advice applies to the proposal.
- 13.6 It is noted that the proposed development of the site for a retail unit is categorised as less vulnerable in terms of flood risk, the Planning Practice Guidance confirms that less vulnerable development within Flood Zone 2 is appropriate. Furthermore a sequential test is provided within the Flood Risk Assessment which demonstrates that there are no sequentially preferable sites in the area which would be suitable. In addition to this the application is supported by a Flood Risk Assessment including Drainage Strategy.
- 13.7 The Flood Risk Assessment provided complies with the requirements set out in the Environment Agency's standing advice and concludes that impacts from tidal flooding and pluvial flooding (surface water) are very low, impacts from fluvial flooding (due to the River Churnet 150m to the east and the River Dove 550m to the west), groundwater flooding, flooding from sewers and flooding from artificial sources are low. The site has also not been impacted by any historic flooding. It is therefore considered that the Flood Risk Assessment is acceptable and there will be minimal adverse impacts on flooding in the area.
- 13.8 In terms of drainage, the underlying geology of the site is mudstone which prevents infiltration, other types of sustainable urban drainage systems have been investigated but are not suitable due to the site constraints. It is therefore proposed that the drainage strategy will include attenuation to be provided by way of underground cellular storage within the car park with a control valve limiting the run off rates to the existing sewer on Riversfield Drive. A stormwater filtration system is also proposed to provide water quality treatment. Permeable paving is proposed to the parking area in order to limit surface water run-off.

- 13.9 Risk to the site from surface water run-off is therefore considered to be low with the drainage strategy restricting surface water to no more than would be expected for greenfield run off rates plus an allowance for climate change. A Drainage System Maintenance routine is specified within Appendix D of the Flood Risk Assessment to ensure that the drainage system is properly maintained. Severn Trent have reviewed the submitted information and have recommended a condition to secure the specific details of the Drainage Strategy.
- 13.10 The parking spaces surfaces within the site are proposed to be permeable with the turning space being a tarmac finish, this in conjunction with a Drainage Strategy are considered to be appropriate.
- 13.11 Subject to a condition in respect of a drainage strategy, it is therefore considered that the proposal is acceptable in terms of flood risk and drainage and would result in no unacceptable impacts in compliance with Policy SP27 of the Local Plan and the NPPF.

#### **14. Pollution and Contamination**

Relevant Policies:

- 14.1 Policy DP7 of the Local Plan relates to pollution and contamination and states that development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.

Assessment:

- 14.2 The proposed development of the site includes the installation of plant equipment to the roof space of the single storey element to the rear of the proposed retail unit. As such the application is accompanied by three Noise Impact Assessments in respect of delivery noise, car park noise and plant noise. These were submitted due to the proximity of the development to residential dwellings. The Environmental Health Team have reviewed these assessments and highlighted the following points:
- Car park noise impact assessment – concludes that the impact on existing sensitive receptors will be minimal
  - Delivery noise impact assessment – concludes that there could be a significant adverse noise impact from store deliveries, however, this can be offset by a noise management plan in respect of delivery times, limiting deliveries to between 07:00 house and 20:00 hours .
  - Plant noise impact assessment – concludes that the exact plant equipment is not yet know and therefore the impact cannot be determined.
- 14.3 The ESBC Environmental Health Team have reviewed these assessments and are satisfied that there would be no significant adverse impact on sensitive receptors such as neighbouring residential dwellings subject to conditions in respect of delivery hours being restricted to between 07.00 and 20.00 hours, and the submission of details of the plant equipment to be installed prior to the first use of the premises.

- 14.4 There are no records of land contamination within the application site, however, the site is located within 250m of land that has potential contamination. The ESBC Environmental Health Team have therefore recommended a condition for the submission of a contaminated land survey should any contamination be found during construction works.
- 14.5 The ESBC Environmental Health Team have also considered the construction related comments received during the course of the application and have confirmed that they have no objection to the proposals subject to conditions in respect of construction hours and the control of noise and dust during construction.
- 14.6 Subject to the conditions identified above it is considered that there will be no significant adverse impact in terms of pollution and contamination in accordance with Policy DP7 of the Local Plan and the NPPF.

## 15. Biodiversity and Trees

Relevant Policies:

- 15.1 The National Planning Policy Framework (2021) s.174 states 'Planning policies and decisions should contribute to and enhance the natural and local environment by:...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.
- 15.2 NPPF s.180 states that 'When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...'
- 15.3 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy of decision making.
- 15.4 The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.
- 15.5 Strategic Policy 1 requires that development should not harm biodiversity and enhance it where ever possible.
- 15.6 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire

biodiversity action plan species and supporting developments with multi-functional benefits.

15.7 Policy DP8 of the Local Plan relates to Tree Protection and states that for trees within development sites, proposals should be designed to:

- retain as many existing trees and other natural features as possible;
- minimise harm to existing trees and other natural features either in the short or long term;
- minimise conflict between trees and buildings in the future through the design, layout and construction of the development.

The policy goes on to state that where tree removals are exceptionally agreed, a greater number of replacements will be expected at an appropriate level of maturity to ensure the visual amenity of the locality is not unduly harmed by the loss of established trees.

Assessment:

15.8 The application site is currently an area of grassland, formerly part of the garden of Riversfield House, with various trees to the perimeter of the site. The application is supported by a Preliminary Ecological Appraisal, Habitat Assessment Calculator, Preliminary Arboricultural Assessment, Arboricultural Impact Assessment and Arboricultural Method Statement.

15.9 The Preliminary Arboricultural Assessment surveyed fourteen trees on site and two groups and acknowledges that the site has been left unmanaged and has started to become overgrown with self-seeded trees and bramble in areas. Along the western boundary two yew trees were considered to be of high retention value, and the remaining site six trees were considered to be of moderate retention value, five trees and two groups were of low retention value and one tree was unsuitable for retention. Of the trees identified twelve trees and one group are proposed to be felled either due to the footprint of the building, the proximity to the hardstanding or the poor condition of the tree. Of the two yew trees identified as being of high retention value, one is to be retained; the other group is situated outside of the application site.

15.10 The two trees to be retained (an ash and a yew tree) are proposed to have some pruning works carried out to them in order to raise the canopy to provide 3-4m clearance from ground level. Protective barriers are proposed to protect these trees during construction with the trees situated in a construction exclusion zone to prevent and damage to them. A 'no-dig' method of construction is recommended in respect of hard surfaces with the Root Protection Areas.

15.11 New tree planting is proposed within the site to off-set the established trees to be removed. A total of seven new trees and two large shrubs are proposed, along with additional planting, details of which are provided on the submitted landscaping drawing. The tree species proposed are field maple, bird cherry, hawthorn and European crab apple, all of which are native to the UK. Native hedgerow species are also proposed within the landscaping scheme. Additional off-site planting is to be secured via a S106 agreement, which is further discussed below when dealing with ecological matters.



- 15.12 Whilst it is regrettable that 12 trees and 1 group of trees is to be felled, the applicant has made efforts to mitigate for this within the site as far as possible, with compensation being secured via a S106 agreement. The ESBC Tree Officer has assessed the submitted arboricultural information and raised no objections to the proposals. A condition is recommended that the tree works are undertaken in line with the arboricultural method statement.
- 15.13 The Preliminary Ecological Assessment (PEA) submitted indicates that the site is of moderate ecological value consisting of species poor semi-improved grassland and semi-mature native trees. No protected species have been recorded within the site with a low suitability for protected species. The report recommends that any site clearance works should take place outside of bird breeding season and in compliance with precautionary working measures to ensure that any protected species found within the site during development are not harmed.
- 15.14 The County Ecologist has assessed the submitted supporting documents and plans in respect of the impact on biodiversity and ecology and has raised no objections to the proposal subject to an off-site arrangement for 0.5 habitat units to be secured via a S106, and subject to conditions in respect of a lighting design strategy and site works to comply with the measures set out in the PEA.
- 15.15 The information provided indicates that there will be a net loss of habitat calculated as half a biodiversity unit. The applicant has made efforts within the site to provide additional planting wherever possible in order to provide suitable habitats, and it is acknowledged that there is a gain within the site of approximately 0.2 hedge units, however, this is not sufficient to demonstrate a net gain, hence the requirement for off-site compensation. The County Ecologist has recommended that the off-site compensation would include the planting of a number of trees which would provide suitable replacement habitat. It is likely that this will take place within the Parish of Rocester and a suitable site for this is being investigated.
- 15.16 Section 4.4 of the PEA provides opportunities for ecological enhancement measures including the retention and enhancement of existing hedges, the planting of additional hedgerows and trees, establishing wildflower planting and bat and bird friendly and wildlife friendly planting, incorporation of bat and bird boxes, use of green walls and roofs and hedgehog gaps. The Landscaping scheme submitted provides a schedule of planting which is considered to be acceptable and retains hedges within the site with new native hedge planting, indicates new tree planting, and further ecological enhancements including bat and bird boxes including a sparrow terrace, and the creation of two log piles created from the tree removal one of which is to include a hedgehog dome. The ecological enhancement measures in conjunction with the off-site contribution are considered to be sufficient to off-set the loss of trees and habitat within the application site.
- 15.17 The development site falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is moderate habitat and a low likelihood of great crested newt presence.

15.18 There is one pond approx. 470m to the south of the development site, however, there is limited connectivity between the water bodies and terrestrial habitat in the landscape and the development site. The Preliminary Ecological Appraisal submitted does include precautionary measures in respect of great crested newts. The proposal was assessed by the East Staffordshire Newt Officer (NatureSpace) who is satisfied that the development is unlikely to cause an impact on great crested newts and/or their habitats, subject to a condition in respect of the development being carried out in accordance with the precautionary measures set out in the PEA.

15.19 In light of the above it is considered that subject to the recommended conditions discussed above the proposal is considered to be acceptable and in accordance with Policies SP29 and DP8 of the Local Plan and the NPPF.

## 16. Section 106 Contributions

16.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

16.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

16.3 The following contributions are sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Biodiversity Net Gain	To provide a contribution of 0.5 habitat units for off-site ecological enhancements including tree planting in order to secure a biodiversity net gain.	£12,500

## 17. Conclusions

17.1 The proposal is acceptable in principle due to its location within a settlement boundary and the designation of the village of Rocester as a Tier 1 Strategic Village. The proposal would result in the creation of a community facility within a Rural Centre and is supported by a Retail Assessment indicating the need for such a facility. The development is considered to be a sustainable form of

development which complies with the requirements of Policies SP1, SP2, SP20, SP21 and SP22 of the Local Plan.

- 17.2 The sensitive design, layout, massing and materials of the proposed development are considered to be appropriate for the site and would be in keeping with the character of the area. The replacement tree planting within the site would help to mitigate for the loss of existing trees, and soften the appearance of the proposal. The use of the existing boundary wall would aid in retaining the enclosed appearance of the site, whilst the positioning of the proposed building and car park would retain the open feel of this area of the High Street. As such it is considered that the proposals comply with Local Plan and NPPF policies.
- 17.3 The situation of the proposed building, including the difference in height levels between the front and rear elements of the building together with separation distances is such that it is considered that there will be no significant adverse impact on occupiers of neighbouring dwellings through loss of light, overlooking, loss of privacy or overbearing impact. A condition is recommended in respect of the plant equipment, subject to which the proposal is considered to result in no significant noise and disturbance to local residents. It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers and would comply with the Local Plan and NPPF policies.
- 17.4 The Transport Assessment submitted is considered to be acceptable by the Highway Authority and no objections have been raised in relation to the proposed access point subject to a condition in respect of visibility levels being retained at all times. The site is located within a sustainable location in transport terms with public transport options in close proximity and lit footpaths for customers within walking distance. The Highways Authority are satisfied with the information provided subject to the abovementioned condition and a further condition in respect of the access, parking and turning areas being provided prior to first use. It is therefore considered that the proposals accord with the NPPF and Local Plan policies and would not have any adverse impact on highway safety.
- 17.5 The Council's Conservation Officer considered that whilst there is a degree of harm resulting from the proposal and its position adjacent to a Grade II listed building, a non-designated building and within the Rocester Conservation Area, the level of harm is assessed as being less than substantial and would be outweighed by the wider public benefits of the proposed development. It is therefore considered that the development, subject to safeguarding conditions, accords with the NPPF and Local Plan policies and would have no significant adverse impact on heritage assets.
- 17.6 The proposed development is situated within Flood Zones 1 and 2, with the proposed building and part of the car park being located in Flood Zone 1 and the remainder of the car park and access being located in Flood Zone 2. The Flood Authority have declined to comment due to the development being considered 'minor'. The Flood Risk Assessment has been assessed in line with the Environment Agency's Standing Advice and is considered to be appropriate. Severn Trent have raised no objections to the proposal subject to

a pre-commencement condition in respect of a drainage scheme. The proposals therefore comply with Local Plan Policy SP27.

- 17.7 In relation to pollution and contamination three noise reports have been provided and assessed by the Environmental Health Team, an assessments has also been made in relation to the potential impacts of the proposal on land contamination and in respect of the impact on neighbouring properties. The Environmental Health Team have raised no objections to the proposal subject to various conditions in relation to details of the plant equipment and an amended noise survey, restrictions to construction times and delivery times, the submission of details for the control of noise and dust during construction and the requirement for further information should land contamination be found during construction works. Subject to the necessary conditions the proposals are considered to comply with Local Plan Policy DP7.
- 17.8 It is acknowledged that a large portion of the trees within the application site are proposed to be removed and the grassed areas given over to car parking. Whilst it is regrettable to lose these trees, the majority of them are not identified as being excellent specimens, and a comprehensive landscaping scheme including tree planting is proposed within the site. The County Ecologist is satisfied with the ecology information provided and has recommended conditions in relation to the details of any lighting scheme and the works within the site to be carried out in accordance with the submitted details. It is not possible within the application site to achieve a biodiversity net gain and therefore the applicant has confirmed that they are willing to enter into a Section 106 agreement to secure off-site enhancements. NatureSpace have also raised no objections to the proposal which is identified as being within a green zone for great crested newts. It is considered that subject to conditions and a S106 agreement the loss of trees and biodiversity within the site can be compensated for in accordance with Local Plan Policy SP29 and the NPPF.
- 17.9 Taking into consideration the economic, social and environmental impacts of the proposals together with the impacts on highway safety and heritage assets, it is considered that the proposal is in accordance with the relevant policies within the Local Plan, the East Staffordshire Design Guide and the NPPF.

#### 17.10 RECOMMENDATION

**Grant planning permission subject to the following conditions and a S106 Agreement to secure off-site ecological enhancement measures, including tree planting to contribute towards biodiversity net gain**

##### **Conditions:**

##### **1: Time Limit - 3Yr Standard**

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**2: Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Drawing No.s:

21-1875/03b, 1:1250 Location Plan and 1:500 Block Plan dated as received on 16<sup>th</sup> March 2022

21-1875/01a, 1:100 Survey Plan as Existing dated as received on 9<sup>th</sup> March 2022

21-1875/10d, 1:500 Proposed Block Plan and 1:100 Proposed Site Plan dated as received on 19<sup>th</sup> July 2022

21-1875/11b, 1:100 Proposed Elevations, Floor Plans and Roof Plan dated as received on 1<sup>st</sup> July 2022

21-1875/12a, Proposed Streetscene Elevations dated as received on 16<sup>th</sup> January 2023

1, 1:100 Proposed Landscaping Plan dated as received on 26<sup>th</sup> July 2022

Arboricultural Impact Assessment by Middlemarch Environmental Ltd, Ref: RT-MME-157323-01 dated as received on 9<sup>th</sup> March 2022

Arboricultural Method Statement by Middlemarch Environmental Ltd, Ref: TR-MME-157323-02 dated as received on 15<sup>th</sup> March 2022

Car Park Noise Assessment submitted by Noise Solutions Ltd, Project Ref: 90461 Rev 01 dated as received on 9<sup>th</sup> March 2022

Delivery Noise Impact Assessment by Noise Solutions Ltd, Project Ref: 90461 Rev 01 dated as received on 9<sup>th</sup> March 2022

Flood Risk Assessment and Surface Water Drainage Strategy by Pegasus Group, Ref: P21-0850 dated as received on 9<sup>th</sup> March 2022

Phase 1 Preliminary Ecological Appraisal by Dr S Bodnar BSc (Hons) PhD MCIEEM, Ref: Roc0122\_PEA dated as received on 9<sup>th</sup> March 2022

Plant Noise Guidance Report submitted by Noise Solutions Ltd, Project Ref: 90461 Rev 01 dated as received on 9<sup>th</sup> March 2022

Preliminary Arboricultural Impact Assessment by Middlemarch Environmental Ltd, Ref: RT-MME-155887-01 dated as received on 9<sup>th</sup> March 2022

Transport Statement by Pegasus Group Ref: P21-0850/TR/01 dated as received on 9<sup>th</sup> March 2022

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, including the Rocester Conservation or the adjacent listed building, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP14, SP20, SP21, SP22, SP24, SP25, SP27, SP29, SP35, DP1, DP2, DP5, DP7 and DP8, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Parking Standards SPD and the National Planning Policy Framework.

### **3: Details of Materials**

No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork, roof tiles, stone cills and lintels and brickwork for boundary walls) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building and its surroundings, including the Rocester Conservation Area and adjacent listed building, in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **4: Details of external joinery**

No development shall take place until details of all proposed external joinery including materials and finish (for windows, doors and shopfronts), and sections to a minimum scale of 1:5, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, and windows and doors shall not be subsequently replaced with any alternative type without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings, including the Rocester Conservation Area and the adjacent listed building, in accordance with East Staffordshire Local Plan Policies SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **5: Rainwater Goods Material and Finish**

All guttering and downpipes shall be metal with a black finish, and guttering shall be fixed direct to the brickwork on rise and fall metal brackets unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the listed building and Rocester conservation area in accordance with East Staffordshire Local Plan Policies SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **6: Implementation of Landscaping**

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first

occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years 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 unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **7: Protection of Trees During Development**

All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by 1m high chestnut fencing (set at least 2m away from the protected trees or hedges). Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

#### **8: Tree Works in accordance with Method Statement**

The development hereby approved shall be carried out in accordance with the details set out in the Arboricultural Method Statement by Middlemarch Environmental Ltd Ref: RT-MME-157323-02 dated as received on 15<sup>th</sup> March 2022.

Reason: To ensure that adequate measures are taken to preserve the trees to be retained within the application site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

#### **9: Implementation of Walling and Fencing**

The details of walling and fencing detailed on the approved plans listed under Condition 2 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area, including the Rocester Conservation Area and the adjacent listed building, and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24, SP25, DP3 and DP5, and the National Planning Policy Framework.

#### **10: Alterations to Match Existing**

All works of alteration and making good of the existing fabric of the boundary wall shall be carried out in materials to match the existing wall.

Reason: To safeguard the character and appearance of the listed building and Rocester conservation area in accordance with East Staffordshire Local Plan Policies SP24, SP25, DP1 and DP5 and the National Planning Policy Framework and the East Staffordshire Design Guide.

#### **11: Surfacing of Access, Parking and Turning Areas**

Prior to the first occupation of the development hereby granted permission the access, parking and turning areas shown on the approved plan shall be provided in a bound porous material in accordance with the approved plans, and thereafter following the first use of the premises shall be maintained as such and shall be made available at all times for their designated purposes.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Policies SP1, SP27 and SP35 and the National Planning Policy Framework.

#### **12: Visibility Splays**

The visibility splays shown on the submitted plans shall be kept clear of all obstructions to visibility greater than 0.9m above the level of the carriageway before any part of the building is occupied and once occupied shall be maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

#### **13: Car Park and Delivery Vehicle Management Plan**

Prior to the first use of the development hereby permitted a Delivery and Servicing Management Plan, detailing the way in which the car park will be managed during deliveries, shall be submitted to and approved in writing by the Local Planning Authority. The use of the development shall thereafter be carried out in accordance with the approved Delivery and Servicing Management Plan.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

#### **14: Provision of Cycle Storage Facilities**

Prior to the first occupation of any of the development hereby granted permission, details of the cycle storage facilities shown on the approved site plan shall be provided and approved in writing by the Local Planning Authority, the approved details shall be provided on site prior to the first occupation of the development and thereafter retained for the life of the development.

Reason: In order to promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

#### **15: Details of Disposal of Foul and Surface Water**



No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

#### **16: Details of Plant Equipment and Amendment to Noise Assessment**

Prior to the first use of the development hereby permitted details of the exact plant equipment to be used (including refrigeration and air conditioning units) and a Noise Impact Assessment amended in line with the principles set out within BS4142:2014 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first use of the development and shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority wishes to ensure that noise disturbance is minimised for future occupiers of the development in accordance with East Staffordshire Local Plan Policy DP7.

#### **17: Contaminated Land (During Construction)**

If during the course of development, contamination not previously identified is found to be present on the site it must be reported immediately in writing to the Local Planning Authority and no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until an investigation and risk assessment undertaken by a competent person in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11' (or subsequent replacement) is submitted to and approved in writing by the Local Planning Authority.

Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

#### **18: Construction Hours**

No construction works shall take place outside of the following times:  
07:30 – 18:00 Monday to Friday

08:00 – 14:00 Saturdays  
No working on Sundays or Bank Holidays

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

### **19: Control of Noise and Dust During Construction**

Prior to the commencement of any works on the site an assessment and associated plan specifying how emissions of noise, vibration and dust shall be controlled during construction and earth moving works so as not to impact on nearby receptors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

### **20: Lighting Design Strategy**

Prior to the first occupation of the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provisions of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territories or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

### **21: Site Works to Comply with Measures within PEA**

All site works, including site preparation and clearance, must comply with measures detailed on pages 21-22 of the Phase 1 Preliminary Ecological Appraisal (Dr D Bodnar, March 2022, Ref: Roc0122\_PEA).

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**22: Great Crested Newts Compliance Condition**

The development hereby approved shall be implemented strictly in accordance with the recommendations stated in section 4.3b of the Phase 1 Preliminary Ecological Appraisal (Dr D Bodnar, March 2022, Ref: Ref: Roc0122\_PEA).

Reason: To safeguard protected species, specifically Great Crested Newts, and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**23: Ecological Enhancement Measures**

The ecological enhancement measures detailed on the approved landscaping plan listed under condition 2 above, shall be installed prior to the first use of any of part of the development and thereafter made available at all times for their designated purposes.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**24: Hours of Opening (Commercial Use)**

The use hereby permitted shall not be open to customers outside the following times:

07:00 until 23:00

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

**25: Hours of Deliveries**

No HGV deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 20:00.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

**26: Use restricted to that applied for**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as Class E(a) as described in your application and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

**Informatives:****1: Pre-commencement Conditions**

The conditions identified below require details to be approved before commencement of the development.

Condition Nos. 3, 4, 15, 17 and 19

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

## **2: During development Conditions**

The conditions identified below require details to be approved during the development.

Condition Nos. 13, 14, 16 and 20

This means that a development may not be lawful unless the particular requirements of these conditions have been met.

The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

## **3: Vehicle Access Crossings**

The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. A vehicle access crossings information pack and an application form for a vehicle access crossing (dropped kerb) are available on the County Council's website at [www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings](http://www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings). The application form can be completed online or downloaded, completed and sent to Network Management Unit, Staffordshire County Council, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or emailed to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk).

## **4: Ecological Responsibilities**

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

#### **5: Police Architectural Liaison Officer**

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

#### **6: Public Sewer Crossing Site**

The applicant is advised that there may be a public sewer on or close to the site. Public sewers have statutory protection and may not be built close to, directly over, or diverted without consent. For further advice on this matter Severn Trent Water should be contacted on 01902 793883.

#### **7: Potential Future Advertisements**

The applicant is advised that any potential future advertisements are likely to require formal applications for advertisement consent.

#### **8: Lighting Design Strategy**

Any external lighting to the car park should be directed into the car park and away from neighbouring dwellings in order to limit any potential impacts on the occupiers of neighbouring properties.

#### **9: Engagement (Proactive)**

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

### **18. Background papers**

18.1 The following papers were used in the preparation of this report:

- Local and national policies outlined above in Section 7

### **19. Human Rights Act 1998**

19.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

**20. Crime and Disorder Implications**

20.1 It is considered that the proposal does not raise any crime and disorder implications.

**21. Equalities Act 2010**

21.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Lisa Bird  
Telephone Number: 01283 508746  
Email: [lisa.bird@eaststaffsbc.gov.uk](mailto:lisa.bird@eaststaffsbc.gov.uk)