

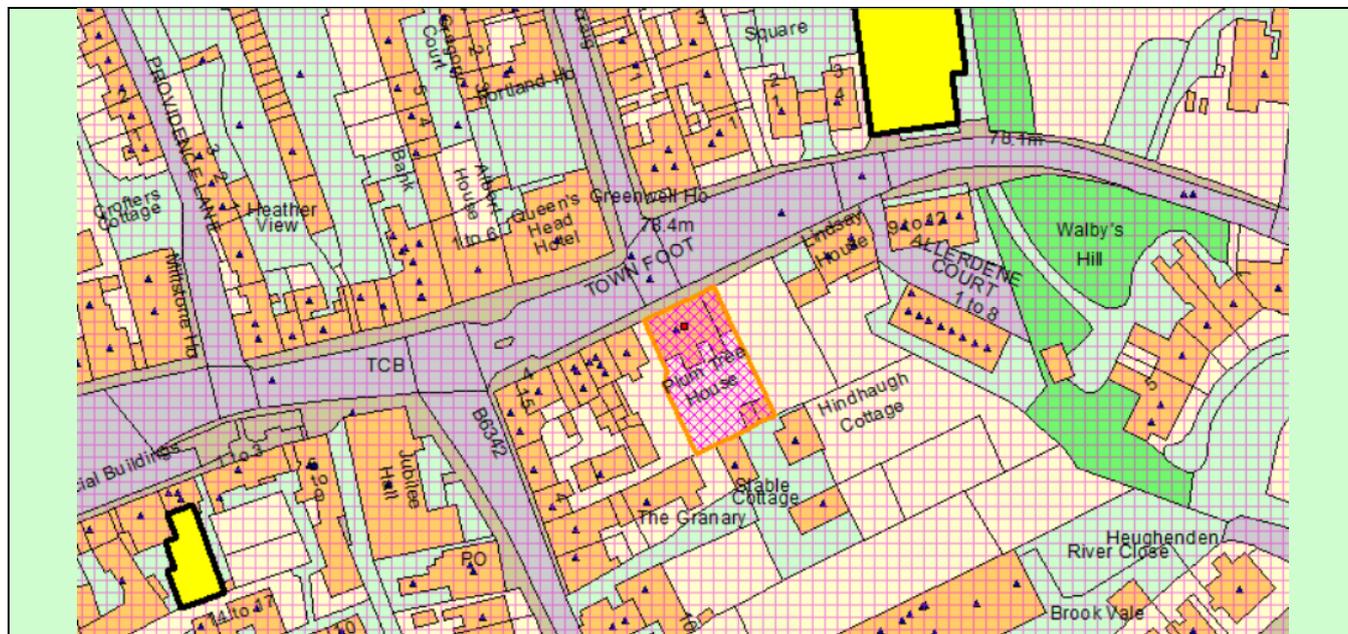


Northumberland County Council

North Northumberland Local Area Council Planning Committee 20th January 2022

Application No:	21/03106/FUL		
Proposal:	Demolition of the existing convenience store (Class E) and construction of a new retail foodstore (Class E) to be occupied by Co-operative Food Ltd.		
Site Address	Mace Convenience Store, Townfoot, Rothbury, Morpeth, Northumberland NE65 7SL		
Applicant:	Sansec IH1 Ltd C/O Agent	Agent:	Mrs Kayleigh Dixon Studio 012, Haylofts, St Thomas' St, Newcastle Upon Tyne NE1 4LE
Ward	Rothbury	Parish	Rothbury
Valid Date:	6 October 2021	Expiry Date:	21 January 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee following receipt of objections from members of the public. The application has been reviewed by the Director of Planning and the Chair and Vice Chair of the committee and it was resolved that it should be determined by committee for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application seeks full planning permission for the demolition of an existing convenience store with residential flat above on land at Townfoot, Rothbury and its replacement with a new larger retail store into which the existing Co-op store would relocate.

2.2 The proposed building would be two storey with a single storey rear off shot and would occupy the same frontage as the existing building but would extend further back into the plot to give it a significantly larger footprint of approximately 475 square metres. It would have a retail floorspace of approximately 406sqm at ground floor level and 168sqm of back of house floorspace at first floor level. The building would have a maximum height of approximately 9 metres to the ridge of the dual pitched gabled roof over the front section of the building, whilst the rear offshoot would have a maximum height of approximately 3.5 metres.

2.3 The building would be of steel frame construction clad with a random rubble facing wall with stone quoins, cills and lintols over a traditional style shop frontage to the main elevation and rough cast render to the side and rear elevations. The pitched roof would have a slate tiled covering with stone water tables whilst the flat roof to the rear extension would be of modular construction. Windows to the first floor would be timber sash effect casement, whilst the shop front would utilise composite cladding.

2.3 The application site is located within the centre of Rothbury to the south side of Townfoot. It is bound to the east by an area of open space currently used as a garden with a restaurant beyond. To the west is further commercial development and to the south is an area of residential development. On the opposite side of the road are a series of other commercial properties including a public house with letting bedrooms, bakery, barber shop, guesthouse and a bank. The site is located within the Rothbury Conservation Area and is within the Impact Risk Zone for the River Coquet and Coquet Valley Woodlands SSSI.

3. Planning History

Reference Number: A/77/A/332

Description: New shop and shopfront

Status: Permitted

Reference Number: A/93/A/126

Description: Advertisement,

Status: Refused

4. Consultee Responses

Rothbury Parish Council	Rothbury Parish Council agree a new convenience store is required, however have major concerns with parking and traffic management. There needs to be a caveat that the CO-OP provide mitigating action to ensure existing problems with traffic management/parking are not worsened, particularly around the entrance to Wrights Square, Pots and Paws, La Mensa, Bus Stop(s) and Brewery Lane, and issues related to store deliveries/refuse removal.
Building Conservation	<p>The existing building makes a positive contribution to character and appearance and therefore its loss would result in some harm to the significance of the Conservation Area, albeit this would be 'less than substantial harm' at the lower end of the spectrum.</p> <p>Despite the traditional design approach proposed and some of the materials, what is proposed is generic in style and would not enhance the conservation area or better reveal its significance. Unless the replacement proposal is of such a quality that it would 'enhance' the character and appearance of the conservation area and 'better reveal its significance', no real justification exists for its demolition.</p> <p>The proposal could secure some public benefits for the wider area and should be assessed against paragraph 202 of the NPPF. If the LPA find that these benefits outweigh the 'less than substantial harm' identified in the overall planning balance, conditions should be applied to secure large scale details of the design and materials of the windows, doors and shopfront to be agreed and all plant / equipment is screened.</p>
County Ecologist	No objection subject to conditions - the proposed development may impact on protected or notable species in the absence of mitigation, which is proposed in the ecological report (Bat Survey, OS Ecology Ltd, September 2021). This mitigation should be secured by condition. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of bat and bird nesting boxes, secured through a planning condition.
Highways	<p>When assessing planning applications, the Highway Authority considers whether the proposal would have an impact upon the highway in accordance with the National Planning Policy Framework and current local and national highway policies.</p> <p>Further details/plans are required as follows: -</p> <ul style="list-style-type: none"> - Revised Parking Study figures or confirmation on comments below with justification. - Parking strategy including EV charging. - Cycle parking details/plans. - Service Management Plan revisions/confirmation. - Demolition/Construction Method Statement with Plan - Pedestrian entry scheme which enables easy access for disabled people and pushchair users - off highway - Refuse storage and strategy details/plans.
Highways (reconsult)	HDM have been reconsulted on the revised set of plans, including existing/proposed block plans and a proposed

	<p>highway works plan and a revised site servicing management plan.</p> <p>Amended plans/details are required with regards to the provision of a second EV charging space which can be achieved on-street along with additional details with regards to site servicing.</p> <p>Once this has been provided, HDM can provide a positive highway recommendation with associated conditions to the Local Planning Authority.</p>
Highways (reconsult 2)	<p>Further discussions have occurred between Planning and HDM. Following submission of latest drawings we have no objection to the proposal subject to conditions requiring the applicant to enter into a S278 agreement with the highway authority for the works required to relocate the existing bus stop to the East to create on-street accessible parking and EV charging spaces.</p> <p>Together with this a condition is recommended to secure details of the service management plan to demonstrate how the long rigid vehicle can park within the on-street parking bays located on the Southern side of the B6341 Town Foot carriageway without causing any highway safety issues.</p>
Lead Local Flood Authority (LLFA)	No comment, informative offered
Planning Strategy	The proposed redevelopment of the Mace Convenience Store into a Co-op is supported in principle by the Development Plan. Both the extant and emerging Development Plan (including the NPPF) contain policies which seek to maintain and enhance the vitality of the high street and encourage sustainable development into the town of Rothbury. The proposal seeks to provide an accessible retail location in addition to the safeguarding of the Post Office for local residents. It is - in essence - a like-for-like replacement of one Class E use with another.
Public Protection	Public Protection have no objections or comments to make on this consultation.
Public Protection (reconsult)	No objections subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	16
Number of Objections	18
Number of Support	0
Number of General Comments	1

Notices

Site Notice - Affecting Conservation Area, posted 4th November 2021

Press Notice - Northumberland Gazette, published 14th October 2021

Summary of Responses:

18no objections and 1no representation received from members of the public raising concerns about the impact of the proposals on highway safety and car parking within the town centre. Concerns also raised about impact on the conservation area and proposed design.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QX9R9NQSIBB00>

6. Planning Policy

6.1 Development Plan Policy

Alnwick LDF Core Strategy (2007)

S1 Location and scale of new development
S2 The sequential approach to development
S3 Sustainability criteria
S11 Locating development to maximise accessibility and minimise impact from travel
S12 Protecting and enhancing biodiversity and geodiversity
S15 Protecting the built and historic environment
S16 General design principles
S17 Town centres

Alnwick District Wide Local Plan (1997)

BE10 Shopfront design (and Appendix C)
BE11 Design principles for development in town centres
CD32 Controlling development that is detrimental to the environment and residential amenity
TT5 Controlling car parking provision (and Appendix E)

6.2 National Planning Policy

National Planning Policy Framework (2021)

Planning Practice Guidance (2019, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 Spatial strategy (Strategic Policy)
STP 2 Presumption in favour of sustainable development (Strategic Policy)
STP 3 Principles of sustainable development (Strategic Policy)
STP 4 Climate change mitigation and adaptation (Strategic Policy)
STP 5 Health and wellbeing (Strategic Policy)
TCS 1 Hierarchy of centres (Strategic Policy)
TCS 2 Defining centres in Main Towns (Strategic Policy)
TCS 3 Maintaining and enhancing the role of centres (Strategic Policy)
QOP 1 Design Principles (Strategic Policy)

QOP 2 Good Design and Amenity
QOP 5 Sustainable design and construction
TRA 1 Promoting Sustainable Connections (Strategic Policy)
TRA 2 Effects of Development on the Transport Network
TRA 4 Parking Provision in New Development
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 Biodiversity and geodiversity
ENV 7 Historic environment and heritage assets
ENV 9 Conservation Areas
WAT 3 Flooding
WAT 4 Sustainable Drainage Systems

6.4 Other Documents/Strategies

National Design Guide (2019)

Planning (Listed Buildings & Conservation Areas) Act 1990

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

Principle of Development,
Emerging Policy,
Scale, Design & Visual Impact,
Amenity,
Highways,
Heritage Assets,
Ecology, and
Water Management.

Principle of the development

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the policies of the Alnwick LDF Core Strategy (2007) (ACS) and the saved policies of the Alnwick District Wide Local Plan (1997) (ALP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. Policy S1 identifies Rothbury as a Secondary Rural Service Centre where development will be supported which maintains and enhances its role as a rural service centre for Coquetdale. Development in Rothbury would have good access to a range of services and to public transport links and can be considered a sustainable location for development and in this context it is therefore considered that the principle of the proposal is acceptable in this respect.

7.5 Policy S2 sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. The NPPF does require a sequential test for planning applications for main town centre uses, but only where they are not within an existing centre or in accordance with an up-to-date plan. Policy S2 is therefore considered to be in accordance with the NPPF in this respect. Given the location of the site within a recognised town centre and that the proposal seeks to use previously developed land, it would be in accordance with Policy S2 and the NPPF in this respect.

7.6 Policy S3 states that, prior to granting planning permission, the local planning authority should be satisfied that the following sustainability criteria are met;

- That the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car;
- That there is adequate existing or planned capacity in the physical and community infrastructure or that additional capacity can be provided, without compromising sustainability objectives, in time to accommodate the development;
- Any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated;
- The potential implications of flood risk have been assessed having regard to the relevant flood zones, as defined by a strategic flood risk assessment;
- That there would be no significant adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets of the district;
- That new development in settlements would help to build communities by sustaining or providing community services and facilities, or through the provision of affordable housing to meet identified local need.

7.7 Policy S17 of the ACS states that measures to improve the vitality and viability of the three town centres within the former district, including proposals involving new retail will be encouraged provided they are appropriate to the scale of the relevant town centre and reinforce each town centre's role in meeting community needs and acting as a focus for a range of activities. In Rothbury the policy equates this to minor development to meet local needs reflecting the secondary service centre role of the town (including small unit retail up to 500 square metres maximum). The retail floor space of the proposed unit would be approximately 406sqm and would therefore accord with the criteria set out in Policy S17.

7.6 Paragraph 84 of the NPPF supports rural economic growth and states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 86 goes on to say that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

7.7 New retail development within the town centre of Rothbury would be acceptable within the above policy context and therefore the principle of the proposal is accepted.

Emerging Policy

7.8 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government on 29 May 2019 and is currently going through the examination process.

7.9 On 9 June 2021 the Council published for consultation a Schedule of proposed Main Modifications to the draft Local Plan, which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation and the policies in the emerging plan are considered to be consistent with the NPPF.

7.10 The emerging NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) dependent upon whether Main Modifications are proposed and the extent and significance of unresolved objections.

7.11 Policy STP 1 of the emerging NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. Rothbury is identified as a Service Centre in the emerging plan which will accommodate employment, housing and services that maintain and strengthen its role. The policy is subject to a proposed main modification, however the role of Rothbury and its position within the proposed settlement hierarchy are not in doubt and this can therefore be given significant weight.

7.12 In applying a presumption in favour of sustainable development (as outlined in Policy STP 2 (moderate weight)), Policy STP 3 (moderate weight) seeks to build a strong, responsive and competitive economy across Northumberland to protect and enhance the vitality and viability of Northumberland's town centres and other important economic sectors.

7.13 Policy TCS 1 (moderate weight) states that growth within Service Centres such as Rothbury will be supported and encouraged at a scale which helps to maintain and reinforce their roles within the hierarchy, as well as their relationship with regional centres.

7.14 Policy TCS 3 (moderate weight) offers further support in maintaining the viability and vitality of Rothbury in its role as a community and service hub, and for the provision of local shopping facilities. The Policy notes that new provision should be within a scale appropriate to meeting the shopping and service requirements of residents living in Rothbury. Explicit support is also offered by part 5 of Policy TCS 3 which states that "Schemes that will facilitate the continuation of established town centre businesses in situ or elsewhere within the defined town centres will be supported."

7.15 The proposed redevelopment of an existing retail store within a defined Service Centre to facilitate the continuation of an established town centre business is acceptable in this context, however the weight that can currently be given to these emerging policies varies, as noted above.

Scale, Design & Visual Impact

7.16 Policy S16 of the Alnwick LDF Core Strategy (ACS) states that proposals should take full account of the need to protect and enhance the local environment, having regard to their layout, scale and appearance. All development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional or contemporary design and materials.

7.17 Saved Policy BE11 of the ALP sets out criteria for new buildings within the commercial centre of Rothbury stating that the siting of the development and associated access and services shall not adversely affect the amenities or appearance of the centre and that the development shall reflect the scale and design of the adjacent buildings and use materials appropriate to its location within the centre. Policy BE10 sets out design criteria for new shopfronts.

7.18 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.19 The National Design Guide also provides guidance on design for those involved in the planning and built environment disciplines and illustrates how well-designed places that are beautiful, enduring and successful can be achieved. This forms part of the Planning Practice Guidance and should be read alongside other guidance on the design process and tools.

7.20 The scale of the proposed building is determined by the plot size with the ground floor taking up most of the available space, although the east elevation is set back from the boundary to provide emergency access and the rear is set back to reduce any potential impacts on neighbouring amenity. The first floor is half as deep as the ground floor and is proposed to be constructed in the style of a traditional stone building thus allowing the principal elevation to respect the street scene. The height of the front section of the building is in keeping with neighbouring buildings. The existing building, which dates to c1930, is built of masonry and render and stands out in the streetscape for not being constructed in stone. The main elevation of the proposed replacement store would have stone facing walls and timber windows with a traditional shop frontage to the ground floor, thereby respecting its surroundings whilst providing a more modern retail unit. The step down in height to the rear would ensure that the side elevations are not overly dominant. On this basis the proposals would be in accordance with Policy S16 of the ACS and the NPPF in this respect.

7.21 Policy QOP 1 of the emerging NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness, incorporate green infrastructure and opportunities to support wildlife, make provision for efficient use of resources, respond to the climatic conditions of the location and avoid the creation of adverse local climatic conditions,

mitigate climate change and be adaptable to a changing climate and ensure the longevity of the buildings and spaces. The proposals are in general accordance with these criteria.

Amenity

7.22 Policy CD32 of the ALP states that planning permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.

7.23 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.24 Due to the site location there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook, overbearing, or privacy. It is proposed to reduce the height of the single story extension at the rear of the site in order to lessen any impacts on the neighbouring residential properties. In addition to this, the plant machinery for the store is located on the roof and is enclosed by a mismatch timber fence. The Council's public protection team has responded to consultation recommending that the submitted noise assessment and service plan be conditioned to ensure there are no amenity issues in this respect. As such the proposal is in accordance with policy CD32 of the ACS and the NPPF in this respect.

7.25 Policy QOP 2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. The proposal would appear to be in accordance with this, however only limited weight can currently be applied to it.

Highways

7.26 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated. Saved Policy TT5 and Appendix E of the ALP set out car parking standards for new development.

7.27 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 112 goes on to say that within this context applications for development should,

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.28 The Local Highway Authority responded to initial consultation requesting further information in respect of the submitted parking study figures, parking strategy (including EV charging facilities), cycle parking, servicing, delivery and access arrangements. It is noted that the relocation of the Co-op premises from one high street location to another is likely to have a knock-on effect on the location of parking within the town, however the existing store already has a detrimental impact upon parking provision within the town and this is unlikely to be made significantly worse by these proposals. The proposed relocation is not like for like in terms of floor space, however the existing Mace shop also generates a level of activity that impacts on the parking demands within Rothbury.

7.29 The applicant has provided further information in respect of the concerns raised around parking and servicing of the site and confirms that discussions were held with the owner of the adjacent land, however no agreement could be reached to secure use of that site, either for car parking or as a construction compound, as the owner is understood to have their own aspirations for the site. It is considered that the proposed development will displace traffic from the High Street to Townfoot rather than increasing the amount of traffic generally, as the existing store operates over capacity, so there is unlikely to be a significant uplift in journeys being made from within what is effectively a captive market. It is unlikely that an improved food retail offer in this location would generate many more journeys from out with the area and the impending opening of a new shop in nearby Thropton may in fact serve to reduce the overall number of journeys being made.

7.30 Following discussions with the applicant and the Highways Manager amendments have been made to the proposals including the introduction of EV charging points, which provides a welcome uplift to the renewable energy infrastructure within the town. It is proposed to relocate the bus stop away from the front of the store to enable the siting of the EV bays together with a new accessible parking space. These improvements will need to be secured via an amendment to the existing Traffic Regulation Order and a condition is included below in this respect.

7.31 In addition to the above the applicant has provided an updated Service Management Plan to ensure that delivery vehicles use the new on-street parking bays located at the front of the store during the early morning period when parking in these spaces will be restricted to allow for 'Loading Only'. No loading will be permitted within the bus stop and all vehicles will approach and exit the site in a forward gear. It is anticipated that deliveries to and refuse collection from the store will be more efficient than they are at the current store as vehicles will have easier access to the front of the store and improved capacity within the store will enable cages to be delivered and/or removed more quickly, thereby reducing the amount of time delivery vehicles will need to stand within the highway.

7.32 In summary the concerns raised in respect of the impact on parking and highway safety have been addressed by the applicant to the satisfaction of the Highways Authority and therefore the proposal is acceptable in this respect and in accordance with Highways policy and the NPPF.

7.33 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network. It is considered that the proposal is not in accordance with this, however only limited weight can currently be given to this policy.

Heritage Assets

7.34 The application site is located within the Rothbury Conservation Area and as such due consideration must be given to this designated heritage asset.

7.35 The legislative framework has regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.36 Policy S15 of the ACS states that all development involving built and historic assets or their settings will be required to preserve, and where appropriate, enhance the asset for the future.

7.37 Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of:

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

7.38 The Council's Building Conservation Officer has responded to consultation stating that the existing building makes a positive contribution to character and appearance of the conservation area and therefore its loss would result in some harm to the significance of the conservation area, albeit this would be towards the lower end of 'less than substantial harm'.

7.39 Paragraph 206 states that LPAs should look for opportunities for new development within conservation areas 'to enhance or better reveal their significance.' The Conservation Officer considers that the retention of the existing building, with an appropriately designed and in scale extension to the rear (or side), would preserve the character and appearance of the conservation area, whereas, despite the traditional design approach, the proposal at hand is generic in style and would not enhance the conservation area or better reveal its significance.

7.40 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal and it is noted that the proposal could secure some public benefits for the wider area. The Conservation Officer requests that should the LPA find that these benefits outweigh the 'less than substantial harm' identified in the overall planning balance, conditions are used to secure large scale details of the design and materials of the windows, doors and shopfront to be agreed and to ensure that all external plant and equipment is screened from view.

7.41 The applicant has provided a comprehensive list of public benefits that would arise from the proposal, including economic benefits, both during construction phase and across the lifetime of the development, job creation and the safeguarding of the Post Office, allowing continued use of this important service by residents of the area. Justification for the proposed demolition of the existing building has also been provided, including lack of accessibility, energy efficiency and structural issues that

would not allow the same level of improvements to be achieved if the existing building were simply extended to the rear.

7.42 On the basis of the above it is considered that the harm identified would be outweighed by the public benefits arising and as such the proposal is in accordance with Policy S15 of the ACS, the NPPF and the PLBCAA in this respect.

7.43 Policy ENV 9 of the emerging NLP seeks to support proposals that help to preserve or enhance the character and appearance of Conservation Areas so long as the architectural and historical character of the Conservation Area is respected. The proposed replacement store is in accordance with this, however the policy is subject to a Main Modification and little weight can currently be applied to it.

Ecology

7.44 Policy S12 of the ACS states that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the area.

7.45 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.46 The County Ecologist has responded to consultation raising no objections subject to conditions securing protected species mitigation and biodiversity net gains. On this basis the proposals are acceptable in accordance with Policy S12 and the NPPF.

7.47 Policy ENV2 of the emerging Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon biodiversity and geodiversity, avoiding significant harm through location and/ or design and will secure a net gain for biodiversity through planning conditions or planning obligations.

Public Protection

7.48 Paragraph 183 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

7.49 The Council's Public Health Protection team has responded to consultation raising no objections subject to conditions securing noise management to protect the amenity of nearby residential properties. On this basis the proposal is acceptable in accordance with the NPPF.

7.50 Policy POL 1 of the emerging NLP states that development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.51 Policy POL 2 seeks to ensure that development proposals are not put at an unacceptable risk of harm from, or are adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances. The proposals are in accordance with these policies however only limited weight can currently be applied to them.

Water Management

7.52 Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that development proposals should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

7.53 The LLFA has responded to consultation offering advice on surface water drainage and flood risk. Part of the site lies within Flood Zone 2 and the applicant has submitted a detailed Flood Risk Assessment with the application. As the proposed development is classed as "less vulnerable" the EAs standing advice is sufficient in this respect.

7.54 Policy WAT 3 of the emerging NLP states that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources, including avoiding inappropriate development in areas at risk of flooding, ensuring that the development will be safe over its lifetime and ensuring that development proposals in areas at risk from flooding are made resistant and resilient.

Other Matters

7.55 The issues raised in the objections and comments received have been taken into account in the assessment of the application and/or addressed above as appropriate.

Equality Duty

7.56 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.57 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.58 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.59 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also

relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.60 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The proposal represents an appropriate form of development that would not have a significant adverse impact on the appearance of the property, the street scene or the amenity of neighbouring landusers.

8.2 The concerns raised in respect of highway safety, parking and the visual impacts of the proposal upon heritage assets have been taken into account in the assessment of the application and addressed accordingly.

8.3 The highlighted concerns notwithstanding, the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold permission.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following:

Conditions/Reason

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans. The approved plans and drawing numbers for this development are:-

1. Drawing No 21016-GDL-A1-XX-DR-A-0000-S3-P02 - Location Plan
2. Drawing No 21016-GDL-A1-00-DR-A-2000-S3-P06 - Existing and Proposed Block Plans
3. Drawing No 21016-GDL-A1-ZZ-DR-A-2102-S3-P07 - Proposed Floor and Roof Plans
4. Drawing No 21016-GDL-A1-XX-DR-A-2201-S3-P06 - Proposed Elevations
5. Drawing No 21016-GDL-A1-XX-DR-A-2203-S3-P05 - Detailed Front Elevation

6. Drawing No 21016-GDL-A1-00-DR-A-2106-S3-P02 - Proposed Highway Works Plan

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans

03. Demolition/ Construction Method Statement (including Plan) - Pre-Commencement

Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition/Construction Method Statement shall be adhered to throughout the demolition/ construction period and shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework

04. Completion of highway works before occupation

The development hereby approved shall not be brought into operational use until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The approved highways works shall be implemented before the development is occupied and shall thereafter be retained in accordance with the approved details. The highway works shall comprise the following, including all associated works:

- o The relocation of the bus stop to the East to enable the provision of on-street accessible parking and EV charging together with associated dropped kerb in accordance with plan 21016-GDL-A1-00-DR-A-2002-S3-P04 - Proposed Site Plan

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

05. Details of Electric Vehicle Charging to be submitted

The development hereby approved shall not be brought into operational use until details of the proposed Electric Vehicle Charging points have been submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied and shall thereafter be retained in accordance with the approved details and kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development , in accordance with the National Planning Policy Framework.

06. Delivery Service Management Plan

Notwithstanding the details submitted with regards to the parking associated with delivery/service vehicle, a Delivery Service Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into operational use. Thereafter the site shall operate at all times in accordance with the approved DSMP. The DSMP shall ensure that adequate parking spaces are provided for the identified delivery vehicle (12.2m long rigid) and where required, delivery times should be allocated by restricting parking around that time in those parking bays.

Reason: In the interests of highway safety in accordance with the NPPF.

07. Implementation of cycle parking

The development hereby approved shall not be occupied until the cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with the National Planning Policy Framework.

08. Protected Species Mitigation

Notwithstanding the approved plans works to the existing building which are likely to affect known bat roosts shall not, in any circumstances, commence until the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development; or
- b) confirmation that the site is registered on a Bat Mitigation Class Licence issued by Natural England; or
- c) written justification by a suitably qualified ecologist confirming why a licence is no longer required.

The development shall then only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the bat survey report (Bat Survey, OS Ecology Ltd, September 2021) which details the methods for maintaining the conservation status of common pipistrelle bats, unless otherwise approved in writing by the Local Planning Authority or varied by a European Protected Species Licence subsequently issued by Natural England.

Reason: To maintain the favourable conservation status of a European protected species.

09. Nesting Birds

No demolition shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or

destroyed. Prior to first use of the development, a minimum of two long lasting bird boxes shall be incorporated into the new building positioned in accordance with best practice.

Reason: To conserve and enhance local biodiversity in line with the NPPF.

10. Material samples to be submitted

The development hereby approved shall not commence above dpc level until sample of all facing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the integrity of the Conservation Area, in accordance with the NPPF.

11. Large Scale details of Windows & Doors to be submitted

Notwithstanding the approved plans, large scale details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved building shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the integrity of the Conservation Area in accordance with the NPPF.

12. Finished Floor Levels

Notwithstanding the approved plans the ground floor floor slab shall be constructed no lower than 78.60m AOD in accordance with the submitted Flood Risk Assessment (FRA-001 Sept 2021).

Reason: To ensure the development is not put at risk of flooding in accordance with the NPPF.

13. Condition - BS4142:2014 Noise limit

The noise rating level from the development shall not exceed the values stated in Hann Tucker Associates Environmental Noise Survey Report (Dated 28th October 2021) Reference 28636/ENIA at the boundary of the nearest noise sensitive premises in lawful existence at the time of this planning permission, when measured using BS4142:2014.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

14. Condition - Operational Noise Management Plan

Prior to the development being brought into use or continue in use, the applicant shall adhere to the Service Management Plan Proposals described in submitted document produced by Eddisons (Dated November 2021). Any changes to this approved document shall be submitted to and agreed with the local planning authority with the approved / amended scheme implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

15. Condition - Noise Complaints

Within 21 days from receipt of a written request from the Local Planning Authority notifying the operator of a justified residential noise complaint, the Operator shall, employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property.

The assessment shall be undertaken in accordance with the methodology described in (relevant acoustic standard e.g. BS 4142:2014). The operator shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the levels stated in condition 1, at the complainant's property, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

Informatives

1. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Background Papers: Planning application file(s) 21/03106/FUL