

# **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

## **SECTION 1: Planning Applications**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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## **1. PLANNING APPLICATIONS**

**This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
9/2016/0010	1.1	Hilton	Hilton	22
9/2017/0752	1.2	Melbourne	Melbourne	29
9/2017/0982	1.3	Midway	Midway	34
9/2017/0641	2.1	Smisby	Repton	38

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Director of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Director of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

17/10/2017

Item 1.1

Ref. No. 9/2016/0010/B

**Applicant:**  
Aldi Stores Ltd  
Holly Lane  
Atherstone  
CV9 2SQ

**Agent:**  
Mr Scott Bryden  
Stoas Architects  
216 Fort Dunlop  
Fort Parkway  
Birmingham  
B24 9FD

**Proposal:** RETROSPECTIVE APPLICATION TO VARY CONDITION 15 OF PLANNING PERMISSION REF: 9/2012/0505 TO READ: THE STORE HEREBY PERMITTED SHALL NOT BE OPEN TO THE PUBLIC OUTSIDE THE FOLLOWING TIMES: 08.00 TO 22.00 MONDAY TO SATURDAY AND 10.00 TO 17.00 ON SUNDAYS; AND NO DELIVERIES TAKEN AT OR DESPATCHED FROM THE SITE OUTSIDE THE FOLLOWING TIMES: 07:00 - 19.00 MONDAY TO SATURDAY. 09.00 - 17.00 SUNDAY ALDI FOOD STORE LTD HUNTSPILL ROAD HILTON DERBY

**Ward:** HILTON

**Valid Date** 13/04/2016

Members will recall deferring this case to enable the committee to visit the site.

The applicant has supplied further information and the resultant changes to the report are shown in *italics* below.

#### **Reason for committee determination**

The application is referred to Committee at the request of Councillor Plenderleith because the Committee should debate the issues in this case which are very finely balanced.

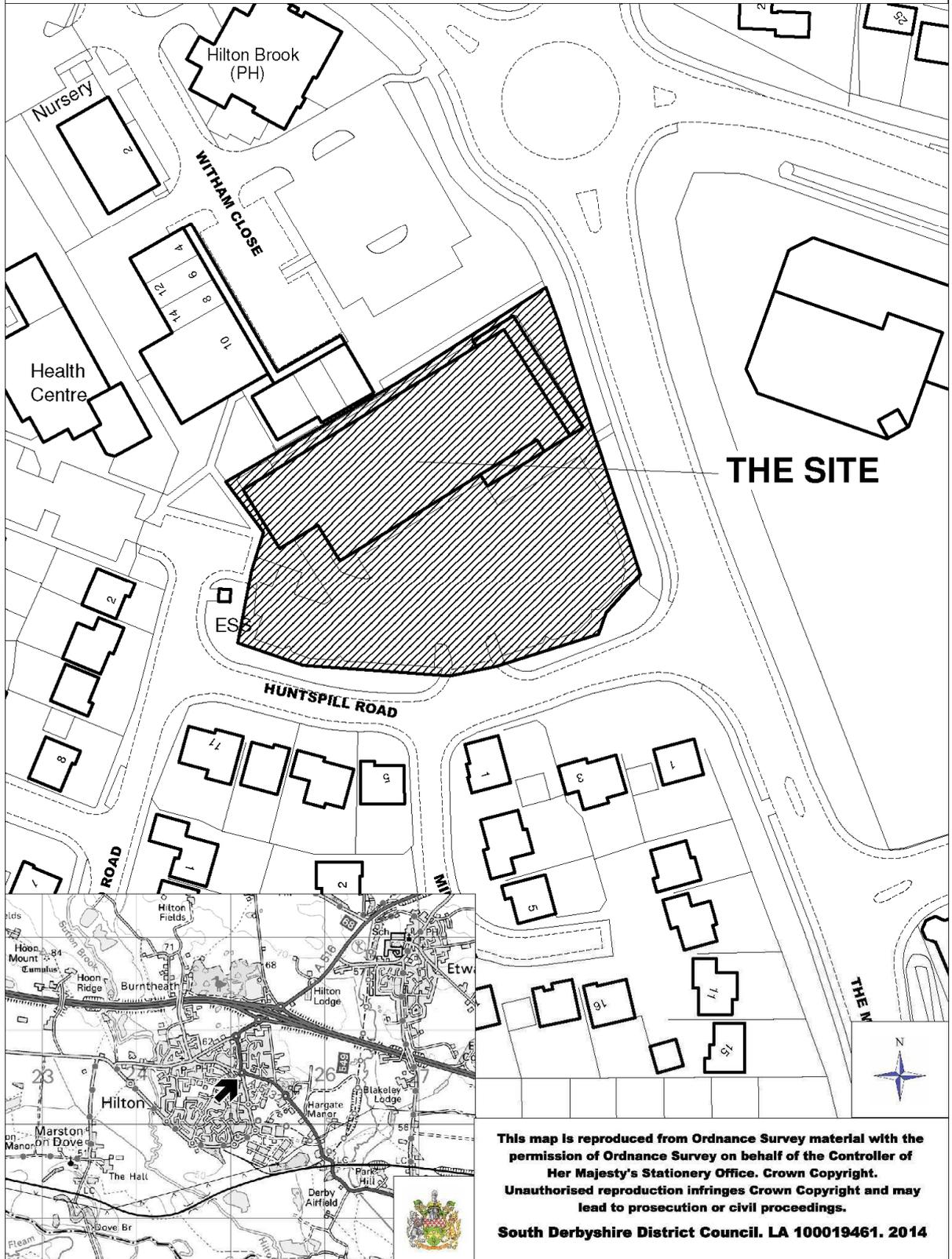
#### **Site Description**

The store is situated within a local centre in a residential area. In particular the site faces properties in Huntspill Road, Mill Fleam and Welland Road.

#### **Proposal**

The application seeks to vary a planning condition to extend opening times to:

9/2016/0010 - Aldi Food Store Ltd, Huntspill Road, Hilton, Derby DE65 5HD



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- 08:00 - 22:00 Monday to Saturday including Bank Holidays (from 08:00 - 21:00 *with Bank Holiday opening 10:00 – 17:00 at present*).
- Sunday opening would be 10:00 – 17:00 (*as at present*).

In addition extended delivery hours are proposed;

- 07:00 - 19:00 Monday to Saturday (from 08:00 - 21:00 Monday to Saturday)
- Sunday *and Bank Holiday* delivery hours would *be* 09:00- 17:00 (*10:00-17:00 at present*)

### **Applicants' supporting information**

A Delivery Management Plan has been submitted, containing the following information:

- A typical daily delivery programme comprises one fresh goods delivery from the regional distribution centre (RDC) by articulated vehicle; one ambient goods delivery from RDC by articulated vehicle; one local milk delivery per day by rigid vehicle; one non-food delivery.
- The loading bay is situated away from the pedestrian entrance. Delivery vehicles can service the store without blocking access for other road users. Vehicles will always leave the site in forward gear to avoid manoeuvring in the highway.
- The loading bay has a 'dock shelter' shielding the gap between the vehicle and the building from weather and noise.
- Delivery drivers are requested to turn off refrigeration units 5 minutes before arrival at site.
- Reversing beepers will be turned off early morning and late evening.
- No tannoy system is used.
- External lighting will be switched off between 22:15 – 07:00 hours.
- There are weekly collections of waste.

*The applicant confirms that the delivery management plan has not yet been put in place and also states that:*

- The newspaper cabinet could be relocated to avoid use of residential streets.
- The applicant would be prepared to monitor compliance with the Noise Management Plan.
- The landscaping is subject to constant damage by third parties. The applicant is willing to provide a fence to prevent headlamp glare to neighbours.

### **Planning History**

9/2009/0436 - Food store.

9/2012/0505 - Amended scheme.

## **Responses to Consultations**

The Environmental Health Manager does not object to the extended hours subject to conditions requiring compliance with the Noise Management Plan and monitoring.

## **Responses to Publicity**

The Parish Council objects for the following reasons:

- a) The application is retrospective – the applicant has been in breach of condition.
- b) The hours should not be extended.
- c) The car park is too small, causing inconvenience, disturbance and pollution to local residents.
- d) Deliveries would cause additional disturbance and noise pollution.
- e) A proposed recycling centre would further reduce available parking.  
[Comment – this is not part of the application].

11 objectors raise the following matters:

- a) There are noisy newspaper deliveries and recycling bin lorries active early in the morning (from 5.30 am) causing disturbance to sleep.
- b) There is congestion and danger from traffic entering and leaving the site.
- c) Customers use the local roads to park whilst visiting the store causing inconvenience and danger to residents.
- d) There should be residents only parking.
- e) Damage has been caused to vehicles as a result of congestion, parking and traffic on the roads.
- f) Lorries park with engines running.
- g) There is already extended hours and Bank Holiday opening in breach of existing conditions.
- h) Existing noise during permitted hours is already unacceptable. 7 am starts would be even worse.
- i) The landscaping is poor and allows headlight glare to neighbouring properties.
- j) The noise from refrigeration units and reversing alarms, and associated noise from loading would result in sleep deprivation and stress to local families.
- k) Lorries queue in the road when the delivery bay is already occupied.
- l) The car park is used for football games after hours.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality)
- 1998 Local Plan (saved policies): Shopping Policy 3 (Local Shopping),

## **National Guidance**

National Planning Policy Framework (NPPF), in particular:

Paras 6-10 (Achieving sustainable development)

Paras 11-14 (The presumption in favour of sustainable development)

Para 17 (Core principles)

Section 1 (Economy)

Section 11 (Conserving and enhancing the natural environment)

Paras 186 & 187 (Decision-taking)

Para 193 (Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.)

Para 196 & 197 (Determining applications)

Paras 203-206 (Planning conditions and obligations)

Annex 1 (Implementation)

National Planning Practice Guidance

ID30 (Noise)

### **Planning Considerations**

The main issue central to the determination of this application is the impact on residential amenity.

### **Planning Assessment**

The main issue is whether increased impacts arising from extended hours would materially worsen the living conditions of the occupiers of nearby houses. The existing condition controls noise impacts solely by restricting the number of hours that the store can be used, in particular by safeguarding the quieter times of the night and early morning from intrusive noise and disturbance. The proposed extended opening hours and delivery times would inevitably increase the length of time that nearby residents would be exposed to noise from vehicles entering and leaving the site. In terms of increased store opening hours this would mean an extra hour at the end of the day and on Bank Holidays. For deliveries there would be an extra hour at the beginning of the day but none after 17:00 hrs (compared with 21:00 hrs at present).

For both extra opening hours to customers and extended delivery times there would be increased impact on the amenities of local residents without mitigation. However the applicant has agreed to implement a delivery management plan and also to accept a condition monitoring compliance with it. Furthermore the applicant is prepared to provide a more permanent barrier in order to prevent glare from car headlights reaching the ground floor windows of houses opposite the car park. These mitigation measures would also provide some benefit within the existing permitted hours of operation. On balance and given the advice of the Council's Environmental Health Manager, the proposed measures would result in acceptable living conditions for neighbours, in accordance with Local Plan Policy SD1, whilst enabling the store to provide the services expected by its customers, in accordance with Policy S2.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## **Recommendation**

**GRANT** permission subject to the following conditions:

1. Within three months of the date of this permission a physical barrier, designed to prevent glare from car headlamps to housing opposite, shall be provided across the Huntspill Road site frontage in accordance with details and specifications which shall have previously been submitted to and approved in writing by the local planning authority. Thereafter the barrier shall be retained in place as approved.

Reason: In the interests of the amenities of neighbours and the appearance of the area.

2. Other than as may have been previously approved pursuant to planning permission 9/2012/0505 no external lighting shall be installed unless precise details and specifications of the intensity, angling and shielding, and the area of spread of the lights have been submitted to and approved in writing by the Local Planning Authority. Thereafter any such lighting shall be retained in conformity with the approved details and specifications.

Reason: To preserve amenity and/or prevent danger to road users.

3. Within three months of the date of this permission there shall be submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a schedule of planting including species size and spacing, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following approval of the details required pursuant to Condition 3 above; and any trees or plants which within a period of five years therefrom 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: In the interests of the appearance of the area.

5. The land in advance of the sight lines measuring 2.4m x 45m from the centre of the site access shall be retained free of all obstructions to visibility over a height of 1 metre (600mm in the case of vegetation) above the adjoining carriageway level.

Reason: In the interests of highway safety.

6. The parking and manoeuvring areas shown on the amended drawing T08A94-004 Rev H shall be retained throughout the life of the development free from any impediment to their designated use.

Reason: To ensure that adequate parking provision is maintained available throughout the life of the building.

7. Other than as approved pursuant to planning permission 9/2012/0505 any new plant and equipment to be installed on the building, including air conditioning and refrigeration units, shall be implemented in accordance with details and specifications previously submitted to and approved in writing by the local planning authority, and shall thereafter be maintained in accordance with the approved details and specifications.

Reason: To protect the amenities of adjoining properties and the locality generally.

8. The store hereby permitted shall not be open to the public outside the following times: 08.00 to 22.00 Monday to Saturday and 10.00 to 17.00 on Sundays; and no deliveries shall be taken at or despatched from the site outside the following times: 07:00 - 19.00 Monday to Saturday and 09.00 - 17.00 Sundays and Bank Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

9. The Delivery Management Plan ref. C15A138, received on 7 August 2017, shall be operated continuously from the date of this permission and no reversing alarms shall be used before 08:00 hrs on any day.

Reason: In the interest of residential amenity

10. Within two months of the date of this permission a scheme for monitoring and recording compliance with the Delivery Management Plan subject to Condition 9 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented on approval and the records shall be made available to the local planning authority on request.

Reason: In the interest of residential amenity

#### Informatives:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

17/10/2017

Item 1.2

Ref. No. 9/2017/0752/U

**Applicant:**  
Miss Rose Smith  
Farforth House  
Ingleby Road  
Stanton By Bridge  
Derby  
DE73 7GJ

**Agent:**  
Miss Rose Smith  
Farforth House  
Ingleby Road  
Stanton By Bridge  
Derby  
DE73 7GJ

**Proposal:** CHANGE OF USE FROM USE CLASS A2 (ESTATE AGENTS) TO USE CLASS D1 (PHYSIOTHERAPY, NUTRITION AND WELLBEING CLINIC) AT 5 DERBY ROAD MELBOURNE DERBY

**Ward:** MELBOURNE

**Valid Date** 13/07/2017

#### **Reason for committee determination**

The item is presented to Committee because there is an issue of compliance with the development plan.

#### **Site Description**

The property is located within the centre of Melbourne and was previously used as an estate agent (use class A2). The site is located within a predominantly retail area along the main retail frontage.

#### **Proposal**

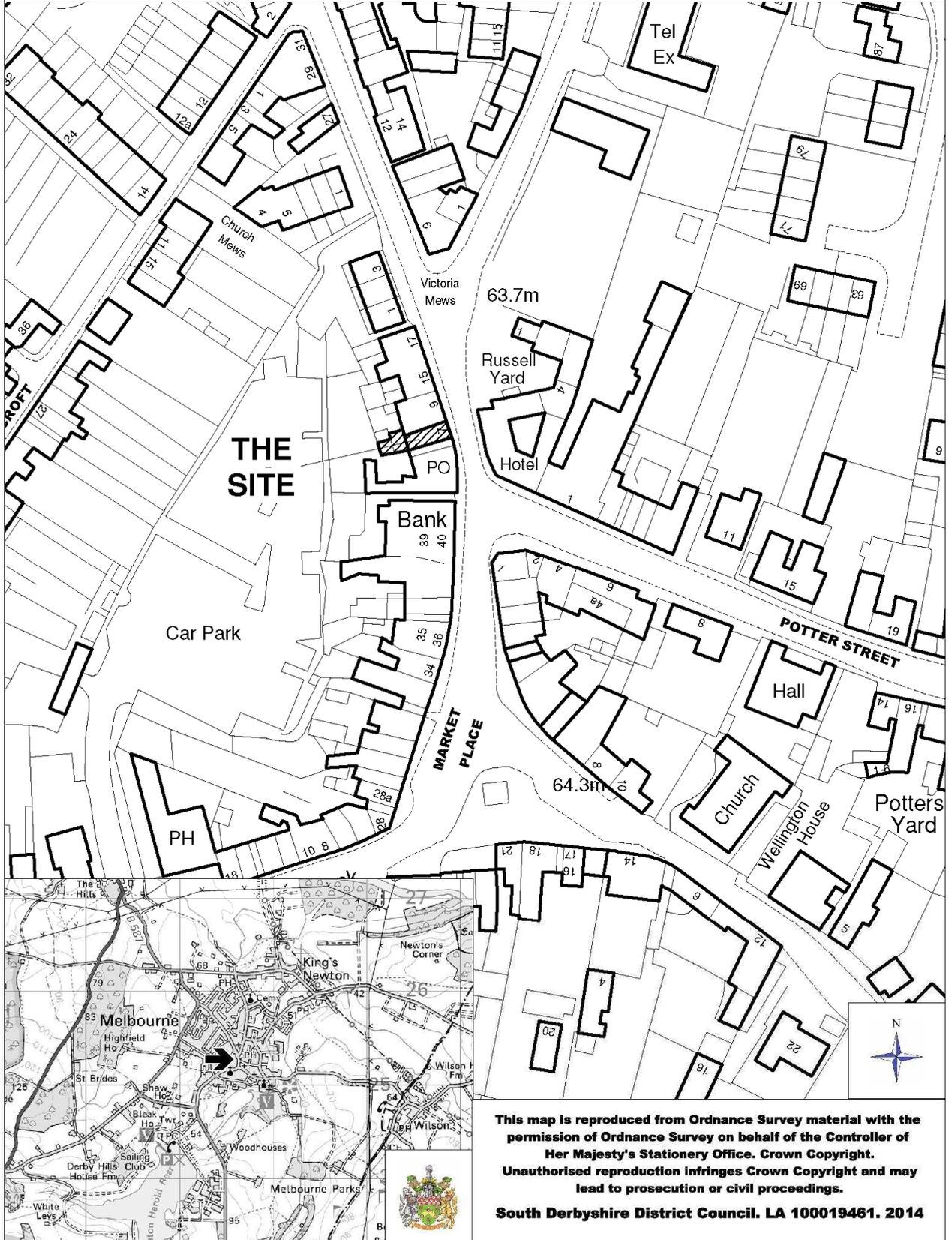
Consent is sought for the change of use of the property from use class A2 (estate agent) to use class D1 (physiotherapy establishment). There are no external alterations proposed as part of the application.

#### **Applicant's supporting information**

##### Supporting Statement

The proposed use would be a Physiotherapy, Nutrition and Wellbeing clinic. The use would operate at similar hours to the existing estate agent and would be operated across all three floors of the property; with consultation rooms, offices and a small

9/2017/0752 - 5 Derby Road, Melbourne, Derby DE73 8FE



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South Derbyshire District Council. LA 100019461. 2014

studio. The use would involve clients attending for consultations and low-impact exercise class instructions. The proposed use would involve:

- Physiotherapy assessments and treatments
- Sports massage
- Nutritional Consultations
- Pilates (one to one sessions and small groups)
- Exercise rehabilitation (one to one classes and small groups)
- Acupuncture treatment.

### **Planning History**

There is no relevant planning history.

### **Responses to Consultations**

The County Highways Authority has no objection given the central location of the property.

The Environmental Health Officer has no objection subject to the property being used in accordance with the use described in the submitted information.

The Contaminated Land Officer (environmental health) has no objections.

### **Responses to Publicity**

Melbourne Civic Society has no objections.

### **Development Plan Policies**

- The relevant policies are: 2016 Local Plan Part 1 S2 (Presumption in Favour of Sustainable Development, S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), SD4 (Contaminated Land and Mining Legacy Issues), BNE2 (Heritage Assets) and INF2 (Sustainable Transport).
- Saved Local Plan 1998: EV12 (Conservation Areas) and S1 (Existing Shopping Centres).

### **Emerging Development Plan Policies**

The relevant policies are:

- Submission Local Plan Part 1: SDT1 (Settlement Boundaries and Development), BNE10 (Heritage) and RTL1 (Retail Hierarchy).

### **National Guidance**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

## **Local Guidance**

- Melbourne Conservation Area Character Statement

## **Planning Considerations**

The main issues central to the determination of this application are:

- Potential loss of retail use
- Impact on local amenity
- Visual Impact

## **Planning Assessment**

### Potential loss of retail use

The site is located within the local centre of Melbourne. Emerging policy RTL1 safeguards against the loss of retail uses in local centres to ensure that essential retail (use classes A1, A2, A3, A4 and A5) facilities are not lost and that marketing evidence is submitted to substantiate a change of use that would fall outside of a retail use class.

The current use of the property falls under use class A2 as an estate agent and whilst a physiotherapy facility (use class D1) would not fall within a retail use class, this would still be considered a suitable town centre use and would be considered acceptable. There have been no marketing details submitted as part of the application as there has been no interest shown in the current estate agent use (use class A2) and given the number of use class A2 properties within the immediate area.

### Impact on local amenity

The entire property would be used to provide physiotherapy treatments such as consultations, sport massage, exercise rehabilitation for small groups, nutritional consultations and acupuncture treatment and would be run by two full time members of staff and one part time member of staff. There have been no objections raised by the County Highway Authority and given the current use of the premises and the retail location; it would be considered that the proposed use would not have a harmful effect on the amenity of immediate neighbours.

Policy RTL1 also stipulates that the proposed use should not result in a harmful or detrimental impact on the amenity of local residents. In this particular instance, the proposed use could have less of a harmful impact than other retail uses i.e. a hot food take away (use class A5). On the basis of this, the proposal would comply with principles of policies S6, SD1 and INF2 of the Local Plan Part 1, emerging policy RTL1 of the Local Plan Part 1 and Saved policy S1.

### Visual Impact

The property is not listed but does fall within the Melbourne Conservation Area. There are no external works proposed as part of the application and it is solely the change of use of the property that should be assessed. On the basis that there would be no visual impact from the works, it would be considered that there would be no impact on the character of the conservation area and the proposed works would not conflict with policies BNE1 and BNE2 of the Local Plan Part 1, saved policy EV12 and policy BNE10 of the emerging Local Plan Part 2.

### Conclusion

Whilst it is recognised that the proposed use would not fall within a retail use within planning use classes A1, A2, A3, A4 or A5 as the development seeks to ensure, it is nevertheless recognised that the proposal would be a compatible town centre use which would require a town centre location and would create very little harm to the amenity of neighbouring occupiers. This amounts to a material consideration outweighing the provisions of the development plan. Despite the lack of marketing material submitted with the application, the proposal would still be acceptable and would broadly comply with the principles of policies S6, SD1 and INF2 of the Local Plan Part 1, emerging policy RTL1 of the Local Plan Part 1 and saved policy S1.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order(s) which revokes, amends or replaces that Order(s); this permission shall relate to the use of the premises as a physiotherapy, nutrition and wellbeing clinics described in the application documents and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises, and in the interests of the amenity of the area and highway safety.

17/10/2017

**Item**            **1.3**

**Ref. No.**       **9/2017/0982/A**

**Applicant:**  
**Mr Malcolm Roseburgh**  
**South Derbyshire District Council**  
**Civic Offices**  
**Civic Way**  
**Swadlincote**  
**DE11 0AH**

**Agent:**  
**Mr Malcolm Roseburgh**  
**South Derbyshire District Council**  
**Civic Offices**  
**Civic Way**  
**Swadlincote**  
**DE11 0AH**

**Proposal:**     **DISPLAY OF AN ADVERTISEMENT AT MIDWAY COMMUNITY CENTRE CHESTNUT AVENUE MIDWAY SWADLINCOTE**

**Ward:**         **MIDWAY**

**Valid Date**   **11/09/2017**

**Reason for committee determination**

The Council is the applicant and currently has management control of the facility.

**Site Description**

The community centre sits on the corner of Chestnut Avenue and Rowan Drive, Midway. There is an existing vehicular access to the site with parking on land to the north whilst land to the south is used as a children play area.

**Proposal**

The proposal is for the display of an advertising banner; these would change periodically, promoting different community related events at the Centre. The adverts would be displayed on the south facing wall of the building, high enough to be visible and high enough to be out of public reach. The advert would be 2.4m long by 0.9m deep and fixed to the wall on a permanent track. At times adverts would not be displayed; the track however would remain in situ.

**Applicant's supporting information**

None.

**Planning History**

None.

9/2017/0982 - Midway Community Centre, Chestnut Avenue, Midway, Swadlincote DE11 0EN



## **Responses to Consultations**

The County Highway Authority has no objection.

## **Responses to Publicity**

One comment has been received stating they are happy for this to happen although it is likely to be vandalised.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: SD1, BNE1, BNE9

## **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **Local Guidance**

SPG Display of Advertisements Supplementary Planning Guidance 1999.

## **Planning Considerations**

The main issues central to the determination of this application are the impact on the locality in terms of its appearance and public safety.

## **Planning Assessment**

The Council's SPG seeks to ensure that advertisements avoid adverse effects on amenity and public safety.

The proposal would publicise events planned for the Community Centre. The advert(s) would be located on the south facing wall of the building and in terms of attracting attention this would appear to be the right location, seen from the road but away from the main entrance. It would not be illuminated, nor feature moving images. The size of the sign is certainly proportionate to the size of the building and high enough to avoid conflict with the windows and doors. The height of the banner would also ensure that it avoids vandalism. The building does feature some signage on this particular flank wall but not of a level which could read as excessive visual clutter.

In terms of public safety, the County Highways Authority has not objected. Additionally the subject matter is not seen to be inflammatory.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## **Recommendation**

**GRANT** express consent subject to the following conditions:

1. The advertisement shall be removed and the site restored, to the satisfaction of the Local Planning Authority, no later than 3 years from the date of this consent, subject to the right to apply for a further period.

To accord with The Town and Country Planning (Advertisement) (England) Regulations 2007.

17/10/2017

**Item**            **2.1**

**Ref. No.**        **9/2017/0641/F**

**Applicant:**  
**Mr Robert Hounslow**  
**Parish Councillor**  
**Smisby Village Hall Smisby**  
**Main Street**  
**Smisby**  
**Ashby De La Zouch**  
**LE65 2TY**

**Agent:**  
**Mr Robert Hounslow**  
**Parish Councillor**  
**Smisby Village Hall Smisby**  
**Main Street**  
**Smisby**  
**Ashby De La Zouch**  
**LE65 2TY**

**Proposal:**    **TO REPLACE THE WINDOWS OF SMISBY VILLAGE HALL ON 3**  
**ELEVATIONS AT SMISBY VILLAGE HALL MAIN STREET SMISBY**  
**ASHBY DE LA ZOUCH**

**Ward:**            **REPTON**

**Valid Date**    **14/07/2017**

#### **Reason for committee determination**

The item is presented to Committee as the application has been called to committee by Councillor Michael Stanton due to local concern that has been expressed about a particular issue.

#### **Site Description**

The site is located on the corner of Main Street and Chapel Street and is located within the Smisby Conservation Area. The building is single storey and is set back from the highway but is highly visible from within the conservation area.

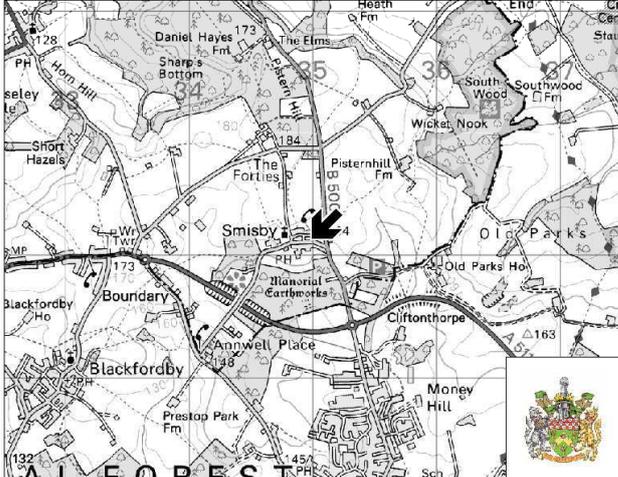
#### **Proposal**

Consent is sought to replace the existing timber windows to the front elevation, the front porch windows and the side elevation (facing Chapel Lane) of the Village hall with UPVC. All other elevations, to the side and rear would remain unaffected.

#### **Planning History**

Consent was granted under application 9/1999/0172 for the replacement of UPVC windows with soft wood, painted windows. The current application seeks to remove the approved timber windows and replace these with UPVC windows. Owing to the

**9/2017/0641 - Smisby Village Hall, Main Street, Smisby, Ashby de la Zouch  
LE65 2TY**



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difference in materials and proportions, planning permission would be required for these alterations as a material change to the external appearance.

## **Applicants Supporting Information**

### Planning Statement

The current windows are made out of wood and are beginning to rot. The existing windows are inefficient in terms of sound insulation and heat retention.

The replacement windows are Eurocell Modus windows (equivalent to Residence 9) in cream and would be identical to the windows recently approved and now fitted to the Poplars, Annwell Lane, Smisby. This property lies within the Smisby Conservation Area too.

Additionally, number three Main Street, Smisby (adjacent building) has recently been refurbished with similar style windows. The Cottage (to the right of the village hall) has similar windows and therefore, the proposed windows would be in keeping with the surrounding properties and commensurate with the conservation area. The design is slightly different to the windows being replaced and therefore, requires planning permission, but would bring the village windows into line with the surrounding buildings.

In summary, the replacement of the Smisby Village Hall windows would greatly enhance the look and feel of the Hall and add to the very essence of the conservation area.

## **Responses to Consultations**

None

## **Responses to Publicity**

There have been no comments received.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE2 (Heritage Asset) and INF6 (Community Facilities).
- Saved Local Plan 1998: EV12 (Conservation Areas).

## **Emerging Development Plan Policies**

The relevant policies are:

- Submission Local Plan Part 1: SDT1 (Settlement Boundaries and Development) and BNE10 (Heritage).

### **National Guidance**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### **Local Guidance**

- Smisby Conservation Area Character Statement

### **Planning Considerations**

The main issues central to the determination of this application are:

- Visual impact on the Smisby Conservation Area
- Use of UPVC windows in the vicinity

### **Planning Assessment**

#### Visual Impact on the Smisby Conservation Area

The site is located within Smisby Conservation Area. The conservation area is characterised by stone and brick buildings with strong built forms up to the pavement. It has been acknowledged within the Conservation Area Character Statement that the loss of traditional timber joinery in the conservation area and the replacement with UPVC and stained hardwood is “the single most damaging alteration to the original character of the village”.

The use of UPVC windows would introduce an unsympathetic and untraditional material within the conservation area, which would directly conflict the principle of policy BNE2 of the Local Plan Part 1, saved policy EV12 and policy BNE10 of the emerging Local Plan Part 2. The proposed replacement windows would be located on the front elevation of the building (facing Chapel Street) and would be highly visible from the public realm. Owing to the prominent and highly visible nature of the building, this would further exacerbate this issue and the development would fail to have a positive effect on the character and/or appearance of the conservation area.

#### Use of UPVC windows in the vicinity

It has been noted within the applicants supporting information that other neighbouring residential properties have UPVC windows in the immediate vicinity and consider that the proposed replacement windows at the village hall would therefore be in keeping with the immediate surroundings. It may be that the owners of these properties have exercised permitted development rights. However, owing to the change in materials and proportions of the windows, planning permission would be required for these proposed works to the village hall and the application should be assessed on its merits against the relevant planning policies.

## Conclusion

The use of UPVC windows would directly conflict the with Councils policies and the assessment within the Character Statement for Smisby Conservation Area and therefore, it is recommended that planning permission should be refused for the proposed development.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## **Recommendation**

**REFUSE** permission for the following reason:

1. The use of UPVC windows would introduce an uncharacteristic and unsympathetic material within the conservation area. The proposed replacement windows would be located on the front and side elevations of the building (facing Chapel Street) and would be highly visible from the public realm. Owing to the heightened visibility of the building this would further exacerbate the issue and would fail to have a positive effect on the character of the conservation area. It has been specified within the Conservation Area Character Statement for Smisby that the incorporation of UPVC and stained hardwood materials in the conservation area has had a damaging and harmful impact on the appearance and character of the conservation area. The proposed windows would therefore, fail to make a positive contribution to the local character or distinctiveness of the conservation area and the insertion of new windows in the community facility would fail to outweigh the harm posed by the proposed works. On the basis of this, the development would fail to comply with policies BNE1 and BNE2 of the Local Plan Part 1, saved policy EV12, policy BNE10 of the emerging Local Plan Part 2, the principles of the Smisby Conservation Area Character Statement and paragraphs 129 and 131 of the NPPF.