

# **REPORT OF THE HEAD 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 1995 (as amended) responses to County Matters and submissions to the IPC.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
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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 Head 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 Head 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.

**Item**            1.1

**Reg. No.**        9/2012/0417/U

**Applicant:**  
**Mr John Blunt**  
**The Estate Office**  
**Staunton Harold Estate**  
**Staunton Harold Hall**  
**Melbourne Road**  
**Ashby de la Zouch**  
**LE65 1RT**

**Agent:**  
**Mrs Caroline Large**  
**The Estate Office**  
**Staunton Harold Estate**  
**Staunton Harold Hall**  
**Melbourne Road**  
**Ashby de la Zouch**  
**LE65 1RT**

**Proposal:**        **THE CHANGE OF USE FROM A2 TO A MIXED USE  
SCHEME (A1,B1 & C3) AND PROPOSED ALTERATIONS  
AT 8 HIGH STREET MELBOURNE DERBY**

**Ward:**            **MELBOURNE**

**Valid Date:**     **17/05/2012**

**Reason for committee determination**

The application is reported to Committee because material considerations need to be balanced against supplementary planning guidance.

**Site Description**

The site is located in the Melbourne Conservation Area and contains a 3-storey traditional building, last used as a bank. There is a flat roofed vault building to the rear immediately behind Nos. 12 & 14 High Street, which is some 3m in height. There is a large garden to the rear, containing some mature trees and an existing vehicular access via a gate to the public car park.

**Proposal**

The application seeks to use the ground floor as a shop, the first floor as offices and the upper storey as a self-contained flat. Some changes to the elevations are proposed, most notably:

- Restoration of the door opening to no 10 High Street.
- Restoration of windows to a traditional pattern.
- Two rooflights to the rear roofslope.
- A high-level gable window.



- A two-storey extension to the rear with an external stairway leading to the first floor office.
- Removal of roof to vault and reduction in height to 1.8m of its wall nearest to nos. 12 & 14.

The front elevation has been amended at the request of the Conservation and Heritage Officer; in particular a large shop window is replaced by retention and vertical enlargement of the existing arched openings.

The initial submission proposed four parking spaces and a new access from the adjoining public car park. However, following concerns about the impact on trees, this element of the scheme has been withdrawn.

### **Applicants' supporting information**

The submitted Design and Access Statement emphasises that:

- The proposal would help to satisfy local high demand for both commercial and business premises.
- The National Planning Policy Framework encourages flexible working spaces such as the integration of residential and commercial uses within the same unit.
- The proposal represents sustainable development due to the site's close proximity to local facilities and amenities.

### **Planning History**

None relevant.

### **Responses to Consultations**

The Parish Council has no objection.

Melbourne Civic Society has no objection but prefers the original submitted scheme, showing a large shop window.

The Highway Authority has no objection on the basis that no extra traffic would be generated.

Severn Trent Water Ltd has no objection subject to a condition.

The Environmental Health Manager comments that asbestos may be present and that a competent builder would be expected to deal with it.

### **Responses to Publicity**

Objections have been received from the occupiers of three neighbouring dwellings:

- a) The proposed two-storey extension would result in undue loss of light and overbearing to habitable room windows.

- b) There would be overbearing and loss of light to the limited amenity space to the rear of 12-16 Derby Road, to the detriment of residents' reasonable enjoyment of that outdoor space.
- c) Neighbours would be overlooked by a proposed window and the external staircase, to the detriment of privacy.
- d) There would be loss of public parking spaces.
- e) The proposed alterations to the building are not in keeping with the character of the conservation area.
- f) The loss of trees to form parking spaces would be detrimental to the character of the area.
- g) There may be asbestos in the vault building.
- h) The plans indicate access from the adjacent public house, which does not exist.
- i) The access gate from the proposed courtyard (vault) would result in loss of privacy to the neighbouring property, which has a very small outdoor amenity area. The former bank enjoyed emergency access only alongside 12 & 14 Derby Road.
- j) If the courtyard is used as a cafe neighbours could experience smells, noise and lack of privacy and security.
- k) Existing drainage is inadequate for the development.
- l) A bat has been sited flying around the site.
- m) Access from the public car park would increase the risk of crime to neighbours.
- n) There would be no adequate disabled access.

### **Development Plan Policies**

The relevant policies are:

East Midlands Regional Plan Policies 3 & 27.  
 South Derbyshire Local Plan Saved Housing Policies 5 & 11, Environment Policy 12,  
 Transport Policy 6, Shopping Policy 1, Employment Policy 5.

Supplementary Planning Guidance on new housing is also relevant.

### **National Guidance**

National Planning Policy Framework (NPPF):  
 Paragraphs 11-14 (presumption in favour of sustainable development)  
 Chapter 1 (building a strong, competitive economy)  
 Chapter 2(Ensuring the vitality of town centres)  
 Chapter 6 (Delivering a wide choice of high quality homes)  
 Chapter 12 (Conserving and enhancing the historic environment)

### **Planning Considerations**

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

- The principle
- Impact on the conservation area
- Residential amenity
- Protected species

## **Planning Assessment**

### The principle

The development would provide retail, business and residential uses in the town centre, which accords with Regional Plan Policy 3 and Local Plan Saved Employment Policy 5, Shopping Policy 1 and Housing Policy 5. These development plan policies are consistent with Chapters 1, 2 & 6 of the NPPF.

### Impact on the conservation area

The proposed alterations and extensions would not be harmful to the character and appearance of the conservation area and provide the opportunity for some enhancements to be incorporated in the most important elevation fronting High Street. The alterations to the rear would not have any significant impact as they would be less visible and seen in the context of the rear faces of the other properties set alongside the public car park, most of which display architectural subordinacy typical of such elevations. As such the proposal conforms to Local Plan Saved Environment Policy 12 and Regional Plan Policy 27, which are consistent with Chapter 12 of the NPPF.

### Residential Amenity

Whilst this is a mixed development the supplementary planning guidance for new housing sets out objective measures to assess the impact of new building on neighbours. In this case a 45° line drawn from the centre of the kitchen window to No 12 would intersect the proposed two-storey extension. This would normally be unacceptable. However the same window directly faces the imposing wall, about 3 m in height, of the vault, at a distance of only 1.3 m. It is considered that reducing this wall to a height of 1.8 m, as proposed, would reasonably compensate the occupiers of the adjoining property for the impact of the extension on the kitchen window.

The courtyard that would be formed within the walls of the vault would retain its existing access into the right of way behind Nos. 12 & 14 High Street. There is no planning control over the extent to which this right of way may be enjoyed by the application property.

The external staircase to the first floor office has the potential to overlook neighbours. However the proposed obscure glazed screen would overcome this eventuality and it is reasonable to require it to be maintained in place in perpetuity.

### Protected species

The roof space of the existing building is already utilised as accommodation and does not have a large roof void with unobstructed flying spaces. The proposed rooflights would sit below the small roof void at the apex of the roof. The vault has a concrete roof and is not accessible. Therefore, by reference to Natural England's Standing Advice and species guidance, the building has a low probability of being used by bats. Some of the trees in the garden may be attractive to bats but no work is proposed to these. An informative would help to safeguard any unexpected discovery of the species.

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 originally submitted details, this permission shall relate to the amended drawing nos. HSB.PRP.03 Rev B, HSB.PRE.04 Rev B and MCP.PRL.001 Rev B as further amended by the agent's e-mail dated 19 October 2012, omitting the proposed access and car parking spaces.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Before being incorporated in the development precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.  
Reason: To safeguard the appearance of the existing building and the locality generally.
4. Pointing of the building shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish.  
Reason: In the interests of the appearance of the building.
5. A sample panel of pointed brickwork/stonework 1 metre square or such other area as may be agreed with the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The works shall be carried out in accordance with the approved sample.  
Reason: In the interests of the appearance of the building and the locality generally.
6. Large scale details to a minimum scale of 1:10 of eaves, verges, external joinery, external staircase and obscure glazed screen, including horizontal and vertical sections, precise configuration of opening lights and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before being incorporated in the building. The eaves, verges, external joinery, external staircase and glazed screen shall be constructed in accordance with the approved details.  
Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
7. Subject to Condition No 6 above the alterations to the front elevation shown on Drawing no. HSB.PRE.04 Rev B shall be carried out and completed prior to the first use of building for any of the purposes specified in the application.  
Reason: In the interests of the appearance of the conservation area.

8. Subject to Condition 6 above the obscure glazed screen to the external staircase, specifications of which shall have previously been submitted to and approved in writing by the Local Planning Authority, shall be fitted prior to the first use of the first floor office and shall be retained as such in perpetuity.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

9. Prior to being incorporated in the development, details and specifications of the rainwater goods, including the method of fixing, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the existing building and the locality generally.

10. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building and the character of the area.

#### Informatives:

Whilst there is low probability of bats being present in the building you should be aware that it is an offence to kill or damage or disturb bats or their roosts. If bats are found you are advised to inform Natural England, Block 7, Government Buildings, Chalfont Drive, Nottingham, NG8 3SN.

Practical advice on how to protect/relocate any bats may be obtained from Malcolm Hopton, Derbyshire Bat Group, 9 Ashton Close, Mickleover, Derby, DE3 5QD, (Tel. 01332 511427).

**Item**            1.2

**Reg. No.**        9/2012/0701/FH

**Applicant:**  
MR DEAN WHITE  
183 WOOD LANE  
NEWHALL  
SWADLINCOTE  
DE11 0LY

**Agent:**  
MR DEAN WHITE  
183 WOOD LANE  
NEWHALL  
SWADLINCOTE  
DE11 0LY

**Proposal:**        **THE RETENTION OF A GARDEN STRUCTURE AT 183  
WOOD LANE NEWHALL SWADLINCOTE**

**Ward:**            **NEWHALL**

**Valid Date:**     **17/08/2012**

**Reason for committee determination**

Councillor Bambrick (ward member) requests the committee determine the application as local concern has been expressed about a particular issue.

**Site Description**

The application property is a semi-detached house on Wood Lane, a road of mostly inter-war properties of varied designs. The relatively new housing development of Bretby Heights was granted planning permission in 2002 to the rear of this section of Wood Lane. The applicant's house sits on slightly higher ground than the property's garden. The application property's garden is at a similar level to the properties on Bretby Heights to the rear.

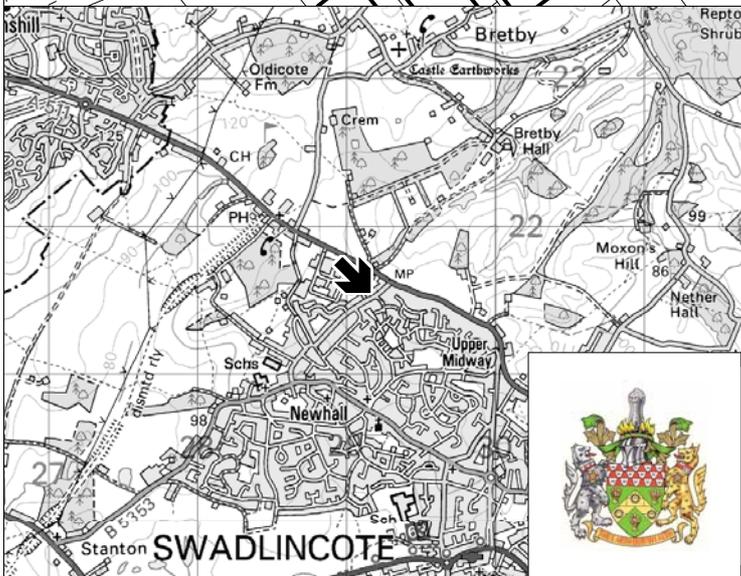
**Proposal**

The application seeks to gain retrospective permission for a garden structure that houses a golf simulator for the private residential use of the applicant and his family. Currently the structure is clad in metal sheeting but the application proposes that it will be finished in wood cladding.

There was a discrepancy between the position of the structure as shown on the originally submitted drawing and that of the actual position of the structure. An acceptable amended drawing has now been received.

**Applicants' supporting information**

None.



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**South Derbyshire District Council. LA 100019461. 2010**

## **Planning History**

None.

## **Responses to Consultations**

The Tree Officer and the Environmental Health Manager have no objection.

## **Responses to Publicity**

Two of the rear neighbouring properties object to the application on the following grounds:

- The structure is too high and too close.
- The structure has resulted in works to protected trees.
- A fence has been moved and the structure has been erected upon land outside of the applicant's boundary.
- The applicant chose not to move the structure in order to avoid requiring planning permission.
- Providing a false statement that there are no trees within falling distance of the structure.
- The structure is not in keeping with its surroundings and will become more obvious when there are no leaves on the tree's
- The ownership boundary and the position of the structure shown on the submitted drawing are not accurate.
- The structure's use as a golf simulator will result in noise disturbance

## **Development Plan Policies**

None relevant.

## **National Guidance**

Paragraphs 57, 58 and 61 of the National Planning Policy Framework.

## **Planning Considerations**

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

- The design of the structure.
- The impact of the development on the amenities of neighbouring properties.

## **Planning Assessment**

In the absence of any directly relevant development plan policy, the structure in question falls to be judged under Paragraphs 57, 58 and 61 of the National Planning Policy Framework which required consideration of whether the development is in keeping with the local surroundings, appropriately integrated within the current built environment and without undue detriment to adjacent public and private spaces.

The structure is situated at the bottom of the garden in close proximity to the rear boundary where it abuts No.14 Bretby Heights. Although it is of a greater height than

structures around it, it is considered that once clad in wood it will be of an acceptable appearance in its location. The structure does not materially overshadow the rear amenity space of No.14 Bretby Heights, given that the rear most part of No.14 Bretby Heights is already subject to considerable shading from several protected trees, which is not exacerbated by the application structure.

The Council's Enforcement team are aware of the allegation of unauthorised works to protected trees and have found no evidence to support a breach of planning control at this time.

The proximity of the trees in relation to the garden structure have been considered by the Tree Officer and found to be acceptable with the condition that the slabs on which the structure has been erected are not replaced with a more invasive base that may harm the protected tree roots.

On the advice of Environmental Health there is no evidence to suggest that the use of the structure as a golf simulator will cause undue noise disturbance to neighbouring residents.

The structure, once clad in wood, would be of an acceptable design that would have no material adverse impact upon the amenities of neighbouring properties.

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 shall be clad in timber in accordance with the submitted drawings no later than four months from the date that of this permission.  
Reason: In the interests of the appearance of the building and the character of the area.
2. There shall be no ground penetrating works undertaken as part of the approved development at either the present time or at any time thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the health of the protected trees.

**Item** 1.3

**Reg. No.** 9/2012/0747/U

**Applicant:**  
Mr Robert Brown  
Cedar House  
41 Main Street  
Newton Solney  
Derbyshire  
DE15 0SJ

**Agent:**  
Mr John Chambers  
16 Cherry Leys  
Winhill  
Burton on Trent  
Staffordshire  
DE15 0DS

**Proposal:** THE RETENTION OF A CHANGE OF USE OF Paddock INTO RESIDENTIAL CURTILAGE AT CEDAR HOUSE 41 MAIN STREET NEWTON SOLNEY

**Ward:** REPTON

**Valid Date:** 12/09/2012

**Reason for committee determination**

The application is brought to Committee at the request of Cllr Stanton as local concern has been expressed about a particular issue.

**Site Description**

The application site lies within the grounds of Cedar House, a large Grade II listed detached house set in extensive grounds within Newton Solney Conservation Area which backs onto open countryside. The application site is an area of gravelled hardstanding, formerly paddock, situated within the grounds of the house but outside of Newton Solney development boundary. The site abuts the gardens of neighbouring properties. Newton Solney Footpath No. 9 runs from southwest to northeast alongside a field boundary hedge to the south of the site in land under the applicant's ownership.

**Proposal**

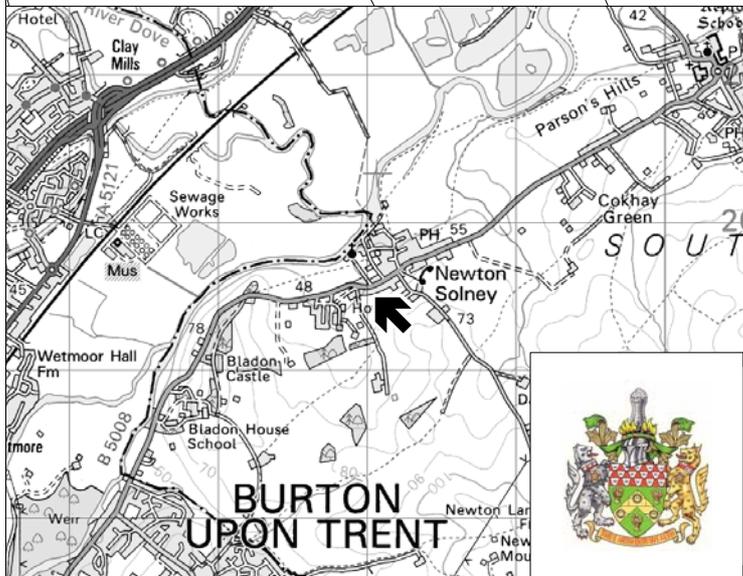
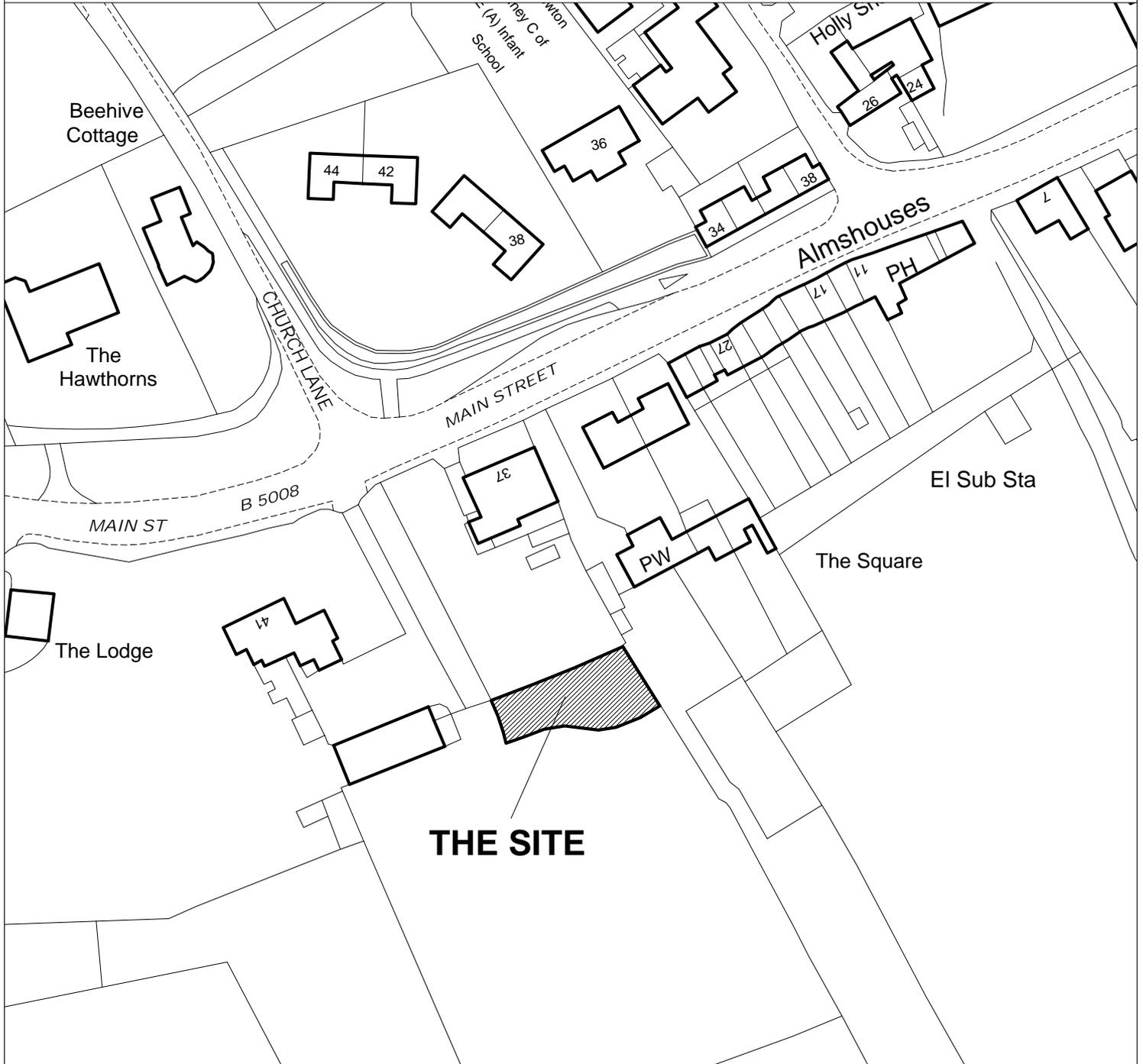
The application seeks to retain the change of use of the land, approximately 270 sq m, from paddock into residential curtilage.

**Applicants' supporting information**

A Design and Access Statement has been submitted with the application which includes the following information:

- The previous stable and hard standing was dilapidated and unsightly.

9/2012/0747 - Cedar House, 41 Main Street, Newton Solney, Burton on Trent DE15 0SJ



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- The site was cleared in 2006 and topped with granite chippings with a small 300mm wall to define the area.
- At present the site is being used as a temporary store for building materials and a welfare cabin, as work is being carried out to the adjacent buildings.
- The applicant has no intention of building on the site and only intended to improve the overall aspect of Cedar House.

The applicant has advised that stable and a hard standing formally occupied the site. When planning permission for a garage block in this location was refused the site was cleared and topped with granite chippings to tidy the area up and provide additional parking.

### **Planning History**

An application for the erection of a garage and outbuilding block on this part of the site was refused in 2007 (9/2006/1141) being considered an unwarranted intrusion into the countryside and outside the village confine, harmful to the appearance and character of Newton Solney Conservation Area.

9/2007/0842 - The erection of garage and outbuilding blocks and garden wall. Permitted 14.09.07.

9/2009/0030 - The conversion and extension of existing outbuildings to form a swimming pool and ancillary accommodation. Permitted 10.03.09.

The current application has been submitted as a result of an enforcement investigation.

### **Responses to Consultations**

The Conservation Officer has no objection.

### **Responses to Publicity**

Four letters of objection have been received raising the following concerns:

- a) The application has been made to regularise development that has already taken place.
- b) The land is in the Conservation Area & outside the village development boundary.
- c) The change of use would be contrary to the Local & Parish Council Village plans and may set a precedent for similar applications.
- d) The containers used for storage detract from the views of the conservation area.
- e) The excavation of the land was done several years ago.
- f) The unsightly storage area is an intrusion into the countryside & the conservation area & is clearly visible to users of the historic public footpaths which run across adjoining land.

### **Development Plan Policies**

The relevant policies are:

Local Plan: Environment Policies 1, 12 & 13

## **National Guidance**

NPPF paragraphs 7, 109 & 132

## **Planning Considerations**

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

- The principle of the change of use
- Impact on the character of Newton Solney Conservation Area and the countryside and the setting of the listed building

## **Planning Assessment**

Environment Policy 1 restricts development outside settlements to that which is essential to a rural based activity or unavoidable in the countryside and, if permitted, seeks to ensure that the character of the countryside, the landscape quality, wildlife and historic features are safeguarded and protected.

NPPF paragraph 109 advises that planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. At paragraph 132, the guidance advises that consideration should be given to considering the impact of the proposed development on the significance of a heritage asset giving proportionate weight to the asset's conservation.

The change of use is not required in association with a rural based activity but could be considered, by virtue of the rural location of Cedar House, unavoidable in the countryside.

Environment Policy 1 is designed to protect the undeveloped openness of the countryside from inappropriate development. Alongside this, Environment Policies 12 and 13 seek to protect the character and appearance of the conservation area and preserve the setting of the listed building.

The site is tucked into a corner formed by the boundary walls to the gardens of neighbouring properties. The land drops away from the public footpath that crosses the fields to the south of the site such that the gravelled area is not visually prominent within the surrounding rural landscape. Although parked vehicles would be more visible the land is viewed in the context of the existing built development beyond and the existing residential curtilage of Cedar House and its outbuildings such that it is not considered that the use would represent a significant obtrusive encroachment into the countryside or a significant adverse impact on the character of the conservation area and setting of the listed building.

A condition is recommended to control the erection of any structures on the land which would retain the Local Planning Authority control over maintaining the rural character of the area.

The existing containers and materials on site are required in association with ongoing permitted building works on site and would be removed following completion of these works.

The proposed use of the land would not materially detract from the open character of the countryside hereabouts or the rural setting and is considered acceptable.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, no buildings and no gates, walls, fences or other means of enclosure shall be erected on the application site, except as authorised under the submitted application or by any other condition attached to this permission, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To ensure that any such structures are appropriate to the character and appearance of the building.

**Item** 2.1

**Reg. No.** 9/2012/0761/U

**Applicant:**  
MR SUKHJINDER GILL  
ELEMENT PROPERTIES LTD  
66 ROLLESTON ROAD  
HORNINGLOW  
BURTON ON TRENT  
DE13 0JZ

**Agent:**  
MARK GOODWILL-HODGSON  
1 HIGHFIELD ROAD  
WEST BRIDGEFORD  
NOTTINGHAM  
NG2 6DR

**Proposal:** THE CHANGE OF USE FROM (CLASS D2) TO (CLASS A1 OR A5) AT PETER SMITH SPORTS CARS STATION ROAD HATTON DERBY

**Ward:** HATTON

**Valid Date:** 04/09/2012

**Reason for committee determination**

Councillor Roberts (ward member) has requested that Committee determines this application as local concern has been expressed about a particular issue.

**Site Description**

The level site comprises a former car showroom and hardstanding situated on Station Road. Sole access to the site is from Station Road. The site has been vacant for about a year.

**Proposal**

The proposal is to convert the north arm of the building to a supermarket and the west arm would be converted into two shops one of which may be occupied as a hot food shop. The main changes to the building relate to the Station Road Facades. A new sliding door would be inserted in the south facing range of windows and the remaining windows would be clad in an obscure film. A cash vending machine would also be in this façade. There are no details of changes to the west elevation at this time as the applicant expects that individual occupiers would make their own applications for changes. No details of fume extraction equipment have yet been supplied for the potential A5 hot food shop.

**Applicants' supporting information**

The proposal involves the change of use from a car show room to A1/A5 retail uses.

The applicants contend that the site lies in what is essentially the village centre where existing retail facilities exist. The access from Station Road has good visibility in each

9/2012/0761 - Peter Smith Sports Cars, Station Road, Hatton,  
Derby DE65 5EL



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direction but the on street parking that occurs narrows the road. Parking space for 14 cars, including access parking, together with the provision of cycle and motorcycle parking. Whilst the standards require 16, spaces for the proposed floor space, the transport assessment asserts that this figure includes 3.5 parking spaces for staff and as staff would be recruited locally, there is no requirement for parking space for staff, as they would walk to work. The 14 spaces are adequate by the applicant to meet the site's need for parking space. Full compliance with the requirements of Part M of the building regulations is proposed in respect of persons with ambulant difficulties.

The Transport Statement acknowledges that the site cannot accommodate articulated vehicles but smaller commercial vehicles can access the site it is argued. The applicants existing store in Burton has similar delivery requirements by articulated vehicles to those that would be necessary at the application site. Deliveries by articulated vehicles are timed to occur between 0600 and 0900 on the Burton Site and evidence is submitted as an appendix to demonstrate that deliveries occur as proposed in this case. Two deliveries per week by articulated lorries would be the maximum, other deliveries such as milk and bread can occur within the site it is asserted.

The applicants state that there are no ecological, biodiversity, landscape, contamination or archaeological issues affecting the site as the buildings and ground around it will not be disturbed other than by internal alterations and the provision of sliding doors to the main part of the building. Whilst it is acknowledged that the site lies within a flood risk zone, there are no changes proposed to the building or site that would alter the surface water run off from the site.

The use of the building the applicants conclude would represent an expansion of choice for the village of retail operators and serve the local community.

### **Planning History**

The last planning application on this site was in 1999 that has resulted in the formation of the showroom now seen on the site.

### **Responses to Consultations**

The County Highway Authority objects to the development on the grounds that the development would result in an increase in delivery vehicles and the use of the highway to perform onerous movements to access the site to the detriment of highway safety and also causing obstruction to the limited parking spaces on the site. A full explanation of the objection is set out in the reason for refusal below.

The Environment Agency has no comments.

The Environmental Health Manager has drawn attention to the need to comply with food safety legislation and has noted that the underground tanks would remain undisturbed so there are no potential contamination issues arising from the development.

### **Responses to Publicity**

10 letters have been received that object to the development for the following reasons:

- a) There is a lack of parking to serve the proposed development.

- b) The proposed bin store would impact on the neighbouring dwelling due to its proximity to the boundary giving rise to odours.
- c) Atwall News had planning permission refused on the basis of traffic impacts arising from a small extension; the same grounds apply to this case.
- d) Cars parked on the road opposite the show room already delay busses; busses are more frequent than indicated with at two routes rather than the one stated in the study so that there are at least two busses passing through the village at the relevant times.
- e) Delivery vehicles should be timed to avoid peak hour traffic. There are already too many HGV's using the road; and long traffic queues have been observed in the village particularly when the level crossing gates are down or road works are taking place.
- f) Many people would use their cars to get to the premises as numerous residents currently drive to the Co-op even though it is less than 5 minutes away.
- g) Notwithstanding the assertions in the application, delivery vehicles would have to perform manoeuvres in the street to access the premises causing more hold-ups on an already busy road through a small village.
- h) If the car park were full then other smaller vehicles may not be able to access the site.
- i) The village is already well served by shops including the Co-op and local shopkeepers are likely to suffer if other ones open.
- j) There would be odours from a hot food use that would be detrimental to the occupiers of adjoining houses as well as contaminating any washing that is out at the time.
- k) There are more than enough hot food outlets and hairdressers already in Hatton and Tutbury.
- l) There is uncertainty as to whether the local sewers can cope with the development.
- m) The retail development may conflict with the use of the nearby church hall that is used as a nursery for young children as well as myriad community functions.
  
- n) The plans are wrong in terms of the layout of adjacent houses.

1 letter of support draws attention to the loss of local shops arising from the new Nestle access and welcomes the potential provision of new shops in the village, as there is a high demand for retail outlets.

### **Development Plan Policies**

The relevant policies are:

Local Plan: Shopping Policies 2 & 3, Transport Policy 6.

### **National Guidance**

The NPPF at Para 28 supports the provision of facilities in rural area to promote a strong rural economy. Para 32 states safe and suitable access should be provided for all people.

### **Planning Considerations**

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

- The Development Plan.

- Access, parking and manoeuvring issues.
- Impact on neighbours particularly from the proposed A5 use.

## **Planning Assessment**

Shopping Policies 2 & 3 and Transport Policy 3 have basic objectives that are consistent with the NPPF and as such they can continue to carry significant weight in determining planning applications.

Shopping Policies 2 & 3 seek the provision of a safe access and sufficient parking provision to serve a shopping development. Transport Policy 6 has a requirement for all development to have adequate access parking and manoeuvring and off street servicing.

The application as proposed has an access and parking area that in the opinion of the County Highway Authority would result in onerous manoeuvring within the highway to the detriment of highway safety. This comment relates not just to deliveries by articulated vehicles but also other delivery vehicles that would require access to the site where car parking spaces could be restricted during deliveries causing other traffic to park on the highway. The County Highway Authority concludes that the proposed development would be contrary to the best interests of highway safety and therefore recommends refusal.

Against this has to be weighed the fact that the site lies on the main shopping street in Hatton, there has been the recent loss of the shops adjacent to the new Nestle access and the fact that the applicant has proposed measures to minimise disruption to traffic movement along Station Road to times when traffic movements are at their lowest by virtue of controlling the times when deliveries to the shops take place. However, on the advice of the Highway Authority deliveries are uncontrollable and as such it is considered that the lack of parking, manoeuvring and servicing requirements as required in the Local Plan policies referred to above, are fatal to the application and it is recommended that permission be refused as advised by the County Highway Authority. None of the other benefits outlined outweigh this.

With regard to controlling any potential impact on the neighbouring properties, a condition could be applied to control the location and output from any fume extraction equipment.

## **Recommendation**

**REFUSE** planning permission for the following reason:

1. The proposal does not make adequate provision for delivery vehicles within the site. As such, the proposed development would result in onerous manoeuvres by service, delivery and customer vehicles within the busy principal road with the likelihood of vehicles manoeuvring within the carriageway in order to reverse into or out of the site, or additional parking on Station Road at a point where on-street parking already occurs. The proposal is therefore considered to be contrary to Local Plan Shopping Policies 2 and 3 and Transport Policy 6 and NPPF paragraph 32 as adequate provision for access, manoeuvring and off street servicing cannot be accommodated which would interfere with the free and safe flow of traffic to the detriment of highway safety.