

## **COMMITTEE UPDATE SHEET**

### **SUPPLEMENTARY REPORT OF THE PLANNING MANAGER**

This sheet is to be read in conjunction with the main report.

#### **Agenda Item No: 6 Planning Applications to be determined**

Planning Site Visits held on 31 May 2019 commencing at 10:00hours.

#### **PRESENT:-**

Members: Councillors A Bailey, A Clarke, N Clarke, J Clifton, P Cooper, C Kane, E Smith, J Tait, J Wilson.

Officers: Chris Fridlington and Kay Gregory

#### **APOLOGIES**

Apologies were received from Councillors D Adams, D McGregor, T Munro and D Watson.

#### **SITES VISITED**

- 1) **18/00393/FUL: Coleman's Garage, 190 Carter Lane East, South Normanton**
- 2) **19/00055/FUL: The Old School Rooms, 88 Main St, Newton**
- 3) **19/00070/FUL: Erewash Garage, Kirkby Lane, Pinxton**

The meeting concluded at 11:50 hours

#### **Updates:**

##### **Agenda Item 6.1: Coleman's Garage, 190 Carter Lane East, South Normanton (18/00393/FUL)**

No updates to report but members may wish to note Coleman's Garage employs 12 full time staff according to the submitted application form.

##### **Agenda Item 6.2: The Old School Rooms, 88 Main St, Newton (19/00055/FUL)**

As set out in the officer report, there are two key issues in the determination of this application namely the absence of a nocturnal bat survey and the suitability of the proposed vehicular access.

Firstly, since publication of the officer report, the applicant has confirmed that they would be prepared to commission this bat survey and agree appropriate mitigation measures prior to the commencement of any development on site to deal with the objections to the current application on ecological grounds. On this point, it is acknowledged that the building was considered to display low potential to support roosting bats and the applicant's willingness to

accept a condition requiring this work to be done prior to any development commencing on site could offer a compromise.

However, a single nocturnal bat survey should still be undertaken prior to issuing any permission for this application to properly ascertain whether there are any protected species constraints to development of the building and to ensure any necessary ecological enhancements are incorporated within proposals to achieve a net biodiversity gain. So, imposing a condition requiring a survey to address the ecological issues set out in the officer report is far less than ideal.

In light of this advice, the applicant is now also willing to commission the nocturnal survey if members resolved to approve this application subject to completion of this survey prior to the permission being granted.

Therefore, the Planning Committee may consider it is more appropriate to defer a final decision or delegate this application back to officers pending the outcome of that survey work - if - members were minded to approve this application despite the concerns that have been raised about the new vehicular access and the proposals for off-street parking.

The issue concerning the new access relates to the difference between visibility up and down Main Street when emerging from the new access at points 2m and 2.4m rear of the nearside edge of the road. At 2m back from the road, adequate visibility can be achieved and a 2m set back distance may be considered to be appropriate in some slow speed and lightly trafficked situations particularly where drivers and cyclists have the ability of see an overhanging or encroaching vehicle and to manoeuvre around it without undue difficulty.

Unfortunately, Main Street is not considered by the local highway authority to be a slow speed and lightly trafficked situation and as such the proposed access should be provided with visibility splays from a setback distance of 2.4m. In this case, at 2.4m back from the road, visibility becomes severely sub-standard hence the reason for refusing planning permission for this application on highway safety grounds.

Following the publication of the officer report, Cllr Watson has also made further comments on this application with regard to these issues. In short, Cllr Watson sincerely hopes that if the applicant agrees to undertake the required nocturnal bat survey, her colleagues will see fit to grant approval of this application with the much needed on-site parking, and allow this derelict building to be brought back into use as a family home.

Although Cllr Watson recognises this site is not in her ward, she knows the site well and is aware that there is support from local residents for this application saying that people in Newton and the wider local area are overwhelmingly in favour of the Old School Room being developed, as it is clear that this would greatly enhance the visual appearance of Main St by removing a longstanding eyesore.

Cllr Watson also notes that Main Street is a road which is generally very congested with parked cars, meaning that traffic necessarily travels quite slowly. Providing parking on site would therefore be much preferable. Furthermore, with turning space provided to enable all vehicles to both enter and exit the site forwards, Cllr Watson cannot see that this should create a hazard onto the highway.

On this last point, the applicant's transport assessment also confirms that there have been no recorded accidents along Main Street in the vicinity of the site frontage, including the pedestrian crossing location during the study period. The applicant goes on to say there appears to be no on-going problems, which could be exacerbated by the additional traffic generation by the proposed development.

Therefore, members may prefer to rely on local knowledge and the applicant's evidence rather than the local highway authority's advice and accept adequate visibility can be achieved at 2m back from the road. This would mean that the new access could be deemed to be safe and suitable and as such; planning permission could be granted for this application by the Planning Committee.

However, if the Planning Committee were minded to take this approach, officers would advise members to provide (and minute) the specific grounds on which they consider the 2m setback to be appropriate to ensure that any future challenge can be robustly defended.

## **RECOMMENDATION**

In light of the applicant's revised position on the nocturnal bat survey, officers would be able to withdraw their objections to their proposals on ecological grounds pending the outcome of that survey and subject to the imposition of a condition requiring appropriate mitigation measures to be incorporated into the proposed development.

However, the local highway authority have maintained their objections to these proposals on highway safety grounds and cannot support the creation of an access where visibility is substandard. Therefore, officers would continue to recommend refusal of planning permission for the following reasons:

***The proposed development would involve the creation of a new vehicular access onto the B6026 Main Street, and an area within the site frontage for the parking and manoeuvring of residents' vehicles.***

***This, if permitted, would introduce traffic movements to and from the public highway at a point where emerging visibility is severely restricted, due to the narrow footway and proximity of neighbouring buildings/property, thereby leading to danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic, all to the detriment of highway safety.***

***The proposed development is therefore contrary to Saved Policies GEN1 and GEN2 of the Bolsover District Local Plan, Emerging Policy ITCR11 of the Bolsover District Local Plan Publication, and paragraph 127 of the National Planning Policy Framework 2019.***

If members were to take a different view of the access arrangements and were in fact minded to approve this application: officers would again recommend that members minute their specific grounds for accepting the new access. If members were then satisfied these grounds were sufficiently robust to address the local highway authority's objections to the proposals then the Planning Committee could resolve to approve the application and delegate the grant

of planning permission for this application back to officers subject to the results of the nocturnal survey and subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Subject to the following conditions or modifications, the development shall be carried out in complete accordance with the following approved plans:
  - revised cross-sections (reference PR/S-CR-SEC/SCHOOL ROOM) received on 23 April 2019;
  - submitted Site Layout Plan (reference SITE-PLAN/SCHOOL ROOMS);
  - submitted elevational drawings (reference EX/PR/ELV/SCHOOL ROOMS/SIDE; EX/PR/ELV/SCHOOL ROOM; EX/PR/ELV/SCHOOL ROOMS/SIDE); and
  - submitted floor plans (reference OLD/SC-RM/F-PLANS).
3. The development shall be carried out in complete accordance with any working practices, mitigation measures and/or enhancement measures recommended by a suitably qualified ecologist following the completion of a nocturnal bat survey and any mitigation measures or enhancement measures shall be completed prior to the first occupation of the dwelling hereby permitted.
4. Prior to the installation of any new doors or windows, precise details of the windows or doors shall be submitted to and agreed in writing by the local planning authority. Thereafter, any new windows or doors shall be installed as approved prior to the first occupation of the dwelling hereby permitted.
5. Prior to the first occupation of the dwelling hereby permitted, obscured glazing shall be installed in the west facing window opening the details of which having first being agreed with the local planning authority in accordance with Condition 4 (above).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no alterations to or extension of the dwelling hereby permitted without the prior written approval of the local planning authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no new building or enclosure shall be constructed within the application site without the prior written approval of the Local Planning Authority.

### **Agenda Item 6.3: Erewash Garage, Kirkby Lane, Pinxton (19/00070/FUL)**

Since the publication of the officer report, the applicant has confirmed that there are normally 10 or 11 articulated vehicles operating from the site; most of these will leave Monday and come back Friday and then remained parked on site over the weekend.

There are also two concrete mixers that come in and out of the site around three times a day, up to a maximum of five times a day if the mixers are delivering locally deliveries. Sometimes these vehicles might leave and enter the site once a day if the delivery is further afield.

The applicant has also reiterated that there are no plans for expansion of the existing business or any plans to create a lorry park. The extended yard area is simply required to make manoeuvring easier and for lorries to be parked along the rear boundary of the site that runs parallel and adjacent to the M1.

If members were minded to approve this application but were concerned that the extended yard area could be put to other uses then they may consider an additional condition restricting the use of the yard area to vehicles associated with the approved use of the site for the handling, packing, and distribution of cement.

Notably, an Environmental Permit for the approved uses of the site already controls dust from the site and a noise assessment has previously been undertaken by the applicant. This noise assessment found that from 5am until 9pm other than on a Sunday, the M1 creates more noise at the boundary of the nearest residential properties than operations on site, which is why operational hours are restricted to 5am – 9pm Mondays to Saturday. The applicant has confirmed that the business does not operate from the site on Sundays.

The applicant has also now offered to plant some additional screening to better safeguard the amenities of the two northern-most properties on the western boundary of the site whose outlook has been most affected by the loss of trees within the application site. Therefore, members may wish to consider securing this planting by way of a planning condition if they were minded to approve this application.

## **RECOMMENDATION**

The officer recommendation of approval remains unchanged because the above information clarifies the nature of the current proposals and does not give rise to any new planning issues not already covered in the officer report. However, members may wish to consider imposition of the additional two conditions mentioned above, which may be worded as follows:

- i. The extended yard area hereby permitted shall be used solely for the purposes of the parking and manoeuvring of vehicles in association with the approved use of the site for cement handling, packing and distribution and for no other purposes.
- ii. Within 3 months of the date of this permission, a landscaping scheme, including details of ecological mitigation for the loss of the trees cleared from the site, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, any approved scheme of planting and ecological mitigation measures shall be carried out no later than the end of the next Planting Season (October 2019 – March 2020).