

13 S.73 APPLICATION –VARIATION OF CONDITION 2 ON NP/DDD/1017/1104 AT CO-OPERATIVE FOOD STORE, NETHERSIDE, BRADWELL, (NP/DDD/0219/0173, JF).

APPLICANT: MR CHRIS EDGE

Site and Surroundings

1. The Co-Operative convenience store is located on the main street in the centre of Bradwell village in an area populated with both residential and commercial properties. The main road through Bradwell – Netherside – runs in a north-south direction past the western boundary of the site. The store is positioned fronting the pavement to the west where the public access is also located. It is a single storey building of natural stone construction, with some rendered sections. The roof is partly pitched with slate and, where it has been extended, has areas of flat roof.
2. Vehicular access to the site is off Netherside, immediately north of the store building. This access runs along the side of the building, terminating at the rear car park. The building's external plant and service access is located to the rear of the store. There is another shop facing the main road at the other side of the site's vehicular access and a large residential garden abutting the north-east and eastern boundaries. To the south is an open grassed paddock created from a former orchard when the trees were removed some years ago. To the south-east and east of this field lie a number of residential properties that are accessed off Soft Water Lane. The site bounds the village Conservation Area to the west and south.

Proposal

3. A S.73 application has been made for the variation of condition 2 which sets specifies the approved plans, on planning approval No NP/DDD/1017/1104.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions and/or modifications:

1. **The development hereby permitted shall be begun within 3 years from the date of this permission.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with amended plans; Application Form, Transport Addendum Report, Design and Access Statement, 5731(P)103B, 5731(P)203-1C, 5731(P)203D, and 5731(P)503F, and the submitted materials schedule, subject to the following further conditions and amendments:**
3. **Notwithstanding the submitted information, all new walling (excluding the three rendered panels to the south elevation) shall be constructed of natural gritstone coloured, dressed, sized, coursed, and pointed to match the existing.**
4. **Prior to the erection of the external walls a sample panel of rendered wall of at least 1.0 metre square shall be constructed on the site and the Authority shall be informed to approve the details. The three rendered panels approved to the south elevation shall thereafter be constructed to match the approved sample panel in terms of material, colour and texture.**
5. **Notwithstanding the submitted information, all new lintels, sills, and coping stones shall be natural gritstone.**

6. The rainwater goods shall be black.
7. Notwithstanding the submitted information, prior to the cladding of the roof a sample of the proposed roofing material shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved material.
8. Prior to the erection of the walls details of the design of roof copings shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details.
9. Prior to any alteration of the existing wall between the development site and highway details of the proposed remodelling of the wall and bollard design shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details.
10. Prior to the erection of either the boundary or plant compound fencing (including gates) details of its design and finish shall be submitted to and agreed in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details.
11. Prior to commencement of the development hereby approved a detailed scheme for landscaping, including tree and shrub planting and hard and soft ground surfacing, shall be submitted to and approved in writing by the Authority. Once approved, the planting shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following completion or occupation of the development. Any trees dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
12. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall include for:
 - Parking of vehicles of site operatives and visitors
 - Storage of plant and materials
 - Routes for construction traffic
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Pedestrian/ cyclist protection
 - Any proposed temporary traffic restrictions
 - Arrangements for turning vehicles)
13. The extended premises the subject of the application shall not be taken into use until the existing vehicular access onto Netherside has been modified including widening to an effective 5.5m for the first 10m from the highway boundary and provided with visibility sightlines all in accordance with the revised layout drawing no. 3337-04, the area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. Markings shall be introduced on the access to prevent parking on this access.

- 14. The extended premises the subject of the application shall not be taken into use until off street parking (including cycle parking) and manoeuvring space has been provided in accordance with the application drawings and maintained free from any impediment to its designated use throughout the life of the development.**
- 15. The existing limestone wall to the north eastern boundary that separates the development site from the properties of Butt Mills Court shall be maintained throughout the lifetime of the development.**
- 16. The new fence to the southern boundary of the site shall be erected in its entirety prior to the commencement of any works associated with the construction of the new car park and shall be permanently so maintained. Alternatively, a temporary solid and secure fence of 2m in height and of a design to be agreed in writing by the Authority prior to its erection shall be erected prior to the commencement of any works associated with construction of the new car park and shall be maintained in position throughout works until such time that the permanent fencing is erected, which shall then be permanently maintained. The extended car park shall not be brought in to use until the new permanent southern boundary fence has been erected.**
- 17. The development shall proceed only in complete accordance with the recommended works and enhancement measures specified in the submitted bat method statement.**
- 18. The development shall proceed only in complete accordance with the recommendations of the submitted reptile report.**
- 19. The extended premises the subject of the application shall not be taken into use until a scheme providing biodiversity enhancement measures for the application site has been submitted to and approved in writing by the Authority. Thereafter, the development shall not be carried out other than in complete accordance with the approved scheme, and the extended premises shall not be brought in to use until the enhancement measures have been implemented. The scheme should include details of:**
 - Nesting sites for birds (with particular reference to house martin, swift and sparrow)**
 - Planting of habitat, which will provide habitat for wildlife (including the opportunity to incorporate local varieties of orchard trees into the landscaping scheme)**
- 20. Vegetation clearance shall be undertaken outside the nesting bird season so far as is practicable. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If any clearance works are required within the nesting season then any vegetation to be removed or disturbed shall be checked by a qualified ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them shall be delayed until the young have fledged and the nest has been abandoned naturally.**
- 21. Any excavations that remain open overnight shall be covered or fitted with mammal ramps. Any open pipework with an outside diameter of greater than 120 mm shall be covered at the end of each work day.**
- 22. Prior to the erection or installation of any external lighting a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and**

thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust document Bats and Lighting in the UK.

23. (a) No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- I. The programme and methodology of site investigation and recording;
 - II. The programme and provision to be made for post investigation analysis and reporting;
 - III. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - IV. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - V. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a) of this condition.
- c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.
24. Within 12 weeks of the commencement of development the post investigation analysis and reporting for the archaeological evaluation shall have been completed in accordance with the programme set out in the approved Written Scheme of Investigation (CgMs Consulting, Archaeological Written Scheme of Investigation Co-Op, Netherside, Bradwell Derbyshire, dated 23rd February 2018, CgMs Ref: CH/MF/24152/01) and the provision made for publication and dissemination of results and archive deposition shall have been secured.
25. The development permitted by this planning permission shall be carried out only in accordance with the approved Flood Risk Assessment (FRA) Rev A02 compiled by Waterman Group August 2017 and approve plan 5731(P)503 Revision F.

Key Issues

4. The key issues are whether the proposed alterations to the approved scheme are acceptable as a material amendment.

History

2019 – Planning permission granted for the erection of a temporary convenience store

2017 – Planning permission granted for rear and side extensions to existing convenience store, alterations to shopfront, extension and reconfiguration of car park, replacement plant, plant compound and servicing facilities, together with associated landscaping.

2008 – Planning permission granted for plant equipment and compound

2008 – Advertisement consent granted for new signage

1999 – Planning permission granted for extension to store

Consultations

5. Highways – No objection subject to previously recommended conditions and no parking in the access.
6. County Council – Emergency Planning – No response received to date.
7. District Council – Flood Team – No response received to date.
8. District Council – Environmental Health – No response received to date.
9. Parish Council – Objection due to reduced parking provision.
10. Environment Agency – No objections.
11. Natural England – No response received to date.
12. PDNPA – Archaeology – No response received to date.
13. PDNPA – Ecology – No response received to date.
14. PDNPA – Conservation – No response received to date.

Representations

15. No representations have been received in relation to this application.

Main Policies

16. Relevant Core Strategy policies: GSP1, GSP3, L2, L3, HC4, HC5
17. Relevant Local Plan policies: LS1, LC4, LC5, LC10, LC21, LT10
18. Bradwell Neighbourhood Plan policy: T2
19. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
 - Conserve and enhance the natural beauty, wildlife and cultural heritage
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
20. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.
21. National Planning Policy Framework
22. The revised National Planning Policy Framework (NPPF) was published in July 2018 and replaced the 2012 NPPF with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in

the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

23. Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.'
24. Development Plan Policies.
25. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
26. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
27. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. LC17 reiterates this position, stating that development will not be permitted unless adequate information is provided about its likely impact on the special interests of a site.
28. Policy L3 addresses cultural heritage assets of archaeological, architectural, artistic or historic significance. It advises that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest.
29. Policy HC4 supports the provision and improvement of community facilities within settlements, providing that they are demonstrated to be meeting a local need.
30. HC5 requires that any new shops and related activities are of an appropriate scale to serve the needs of the local community and the settlements visitor capacity.
31. Policy LS1 reiterates some of these points, adding that there must be adequate facilities for the storage and disposal of goods, waste, and delivery of stock.
32. Policy LC4 requires the detailed treatment of development to be of a high standard which respects, conserves and enhances the landscape, built environment and valued characteristics of the area, paying special attention to scale, form, mass and orientation in relation to existing buildings, the degree to which design details reflect or complement the style and traditions of local buildings, landscaping and the amenity, privacy and security of the development and nearby properties.

33. Policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.
34. Policy LC10 addresses shop fronts, requiring a design and appearance that conserves the character and appearance of a building and its locality.
35. Policy LC21 resists development that would have adverse impacts in terms of pollution or disturbance.
36. Policy LT10 addresses private non-residential parking, stating that where planning permission is required for an expansion or alteration of a business, parking must be of a very limited nature or accompanied by on-street waiting restrictions, especially in areas served by good public transport.
37. Policy T2 of the Bradwell Neighbourhood Plan states that the removal of any current car parking facilities, both public and private, will be strongly opposed.

Assessment

38. The proposal is to amend condition 2 of a permission for 'rear and side extensions to existing convenience store, alterations to shopfront, extension and reconfiguration of car park, replacement plant, plant compound and servicing facilities, together with associated landscaping'. This was approved in 2017, and the current application seeks to amend the approved plans to reduce the number of car parking spaces to serve the store.
39. The agent handling this application states that 'due to changes in the operational demands of the Bradwell Co-operative store, it is proposed that the configuration of the site layout is amended to enable the reduction in the provision of car parking spaces associated with the store. The proposed reduction in car parking spaces will reduce the amount of proposed hardstanding located within flood zone 3. It is proposed the hardstanding will be replaced with an extended area of soft landscaping'.
40. The application seeks to reduce the number of car parking spaces from 32 to 20. This would be achieved by omitting 12 car parking spaces. It is also proposed to extend a gated access road linking with neighbouring properties. No other alterations are proposed.
41. Principle
42. The principle of the development has been established as a result of approval NP/DDD/1017/1104. The key considerations are whether the proposed reduction in in car parking spaces and other minor alterations are acceptable from the perspective of highway safety and parking provision.
43. Character/Landscape
44. The proposed alterations would have no further adverse impact on the character of the site and the surrounding conservation area and landscape when compared with approval NP/DDD/1017/1104. We consider that the proposed replacement of an area of hardstanding with an extended area of soft landscaping would improve the appearance of the site and the surrounding area. The main issue therefore relates to whether the parking provision would remain appropriate for the store.

Highways

- 45 Bradwell Parish Council object to the application on the basis that the expanded store will attract more customers and they surveyed the existing car park and found it already full on that afternoon.
- 46 The Parish Council state that Bradwell Neighbourhood Plan identified inadequate parking in the village as the biggest single source of concern for residents. They say that roadside parking in the vicinity is often full and they are concerned that this could lead to parking on pavements.
- 47 Derbyshire County Council are the Highway Authority and have raised no objections. They say that 'on the basis of the County Councils former parking standard, the 20 spaces are adequate for the 416 sqm of floor space. As stated previously, ad-hoc parking that occurs on the access road, impacts on the accessibility to the remainder of the car park. With the reduced parking now proposed it is imperative that this parking is prevented, along with any overspill into the service/delivery turning space – my previously recommended condition required a plan of the modified access to be submitted and this could be expanded to include measures to prevent parking in the access'.
- 48 The comments are accepted and it is considered that the suggested conditions are necessary in the interests of highway safety and parking.
- 49 As the Highway Authority does not have concerns about the reduction in parking raises no issues in principle that would justify refusal of the proposal.
- 50 Amenity
- 51 As the proposal relates to a reduction in parking on the site, it is not considered that the scheme would result in any adverse impact for neighbouring properties. The amended plans would not result in any issues in terms of overlooking, an overbearing impact or overshadowing. There have been no objections to these plans from neighbours.
- 52 Other Matters
- 53 It is not considered that the amendments to the proposed scheme would result in any significant impact in terms of environmental issues or other matters.

Conclusion

- 54 The proposed alterations to the approved scheme are acceptable. The Parish Council's objection is understood but as it is not supported by the Highway Authority it cannot be sustained as a reason for refusal.
- 55 We do not consider that the amendments to the proposed scheme would result in any significant impact. The replacement of an area of hardstanding with an extended area of soft landscaping would improve the appearance of the site and the surrounding area
- 56 . Therefore in the absence of any other material considerations the proposal is considered to be acceptable and in accordance with the development plan.

Human Rights

- 57 Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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