

**9. FULL APPLICATION: RE-DEVELOPMENT OF THE DISUSED FORMER CAR SALES AREA OF THE SICKLEHOLME GARAGE BUILDING, WHICH IS TO BE TRANSFORMED INTO BAKERY OUTLET, EXTENDING THE EXISTING RETAIL SPACE AT SICKLEHOLME SERVICE STATION, SICKLEHOLME GARAGE, HATHERSAGE ROAD, BAMFORD (Grid Ref: 420716.784339/382337.878824) (NP/HPK/0825/0855 JK).**

**APPLICANT:** Mr Ian Richards - Ascona Retail Ltd

**Summary**

1. The bakery outlet would occupy two disused garage bays at the western end of the main building. It would be modest in scale and ancillary to the existing convenience shop.
2. There are no design concerns regarding the new shop front to replace the current roller shutter doors.
3. The key concerns of objectors relate to noise and additional traffic/parking issues arising from use of the bakery.
4. The garage operates 24/7 for fuel and shop sales with the bakery hours proposed to be 6am to 6pm weekdays and 7am to 6pm at weekends.
5. Subject to the use of conditions the Highway Authority raise no objections and following the revised Noise Impact Assessment there are now no objections from the local Environmental Health Officer.
6. The amended proposal is now considered to accord with adopted policies which allows for modest scale retail development at filling stations and is therefore recommended for approval subject to the conditions set out below.

**Site and Surroundings**

7. Sickleholme Garage is an existing petrol filling station with ancillary shop and car/jet wash facility with managers flat above. The garage is prominently located at the busy traffic light-controlled junction between the A6187 Hathersage Road and the A6013 Sickleholme/Station road up to Bamford village. As a result, the premises are a popular stopping point for fuel and convenience shopping for local residents and for visitors, especially on sunny weekends and bank holidays.
8. There are four separate accesses into the site, two on each road frontage and all are uncontrolled two way in the absence of any signage.
9. Bamford village is approximately 1 km to the north of the site and Hathersage village some 2.7km to the east. The site therefore lies well outside of the nearest main settlements and whilst there are a loose collection of residential properties in the vicinity, the site is nevertheless considered for planning purposes to be located within open countryside.
10. There are dwellings immediately adjoining the site, Fairholme to the west and Holmdene to the north. A further dwelling, Wingate, is located immediately west of the Fairholme plot. All are separated by tall fencing and hedging which bound the garage site.
11. This proposal relates to a former car sales area which occupied the single storey western end of the garage building. This currently has two large roller shutter doors across its frontage facing onto the forecourt just to the west of the fuel pumps.

12. The managers flat lies over the main garage shop and has a rear balcony on a flat roof. The shop itself serves the local passing trade as well as being a convenience store for the local community as there are few facilities in Bamford Village and the wider Bamford with Thornhill parish. The premises are open 24/7 for shop and fuel sales.
13. Part of the western section of forecourt and westmost part of the garage building lies within flood zone 2.

### **Proposal**

14. Full planning permission is sought for the change of use of the disused former car sales area (sui-generis use) in the single storey western section of the Sickleholme Garage building to create a bakery outlet (Class E(a) for the sale of goods other than hot food), increasing the existing retail space on site.
15. The bakery would have a separate entrance off the front forecourt via a new shop front in dark grey aluminium framing replacing the current roller shutters. This would lead into a serving area completely separate from the existing convenience store and fuel sales counter in the adjoining two storey building.
16. On the rear outside wall there would be three condenser fan units for the proposed internal chillers/fridges and an eaves level room ventilation extract fan outlet set within the existing clerestory glazing.
17. 13 customer parking spaces on the wider site are shown on the amended parking plan, 9 of which are for customers, none of which are proposed to be specifically reserved for the bakery.
18. The agent has confirmed that *“The planned trading hours would be 6am – 6pm – Monday to Friday, 7am – 6pm Saturday and Sunday. Staff would start up to an 1 hour prior to the opening time. We can confirm the bakery would stay within the ownership of the petrol station and shop, and be operated as a single entity.”*
19. The application is supported by the following reports;
  - Transport assessment and amended information on parking, visibility and trip generations.
  - Environmental Noise Assessment and Amended Noise Assessment Report
  - Flood Risk Assessment
  - Design and Access Statement

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions;**

- 1. Commence development within 3 years.**
- 2. Carry out in accordance with specified amended plans and reports**
- 3. Define use of premises to a bakery within Class E (a)**
- 4. Hours of operation to be 6am to 6pm Mon -Friday and 7am to 6pm weekends and bank holidays**

5. **Noise from external extract vent and plant not to exceed levels set out in the amended Environmental Noise Report and all plant to be installed and serviced in full accordance with manufacturers recommendations.**
6. **Highway Authority requirements;**
  - i) **Submit for written agreement a signage/lane marking plan to control no egress from access point 3 (Closest to traffic light junction).**
  - ii) **Submit for written agreement a Traffic and Pedestrian Management Drawing illustrating allocated car parking spaces and delivery details for existing and proposed development by signage and walkways.**
7. **Submit for written agreement a scheme setting out the measures to incorporating flood resilience materials and measures into the conversion works in accordance with Construction Industry Research and Information Association (CIRIA) Code of Practice for Property Flood Resilience.**
8. **Footnote re protected species - bats and the law.**

### **Key Issues**

20. Whether the retail bakery use is acceptable in principle.
21. The impact of the proposal upon the character and appearance of the building and the immediate locality
22. The impact upon neighbouring amenity.
23. Any highway safety implications
24. Flood risk

### **History**

25. 2020 – Approval for Conversion of disused garage/car sales space into fish and chip outlet (10am to 11pm Mon-Friday), granted conditionally June 2020 NP/HPK/0919/1057-
26. 2020 – Approval for Section 73 application to vary condition 6 - alteration to opening hours to add 12noon to 10pm Saturdays and 4:30pm to 10pm Sundays. NP/HPK/0919/1057 granted conditionally 24th July 2020

### **Consultations**

27. DCC Highway Authority - Initially requested further information in terms of visibility splays, a proposed parking plan and a trip generation with parking assessment.
28. Following reconsultation with the additional submitted information the summarised Highway officer comments are as follows;
29. The speed limits along both Hathersage Road and Station Road are 40mph. Visibility splay drawings have been submitted for the access points 1,2 and 4 and are considered acceptable.
30. For access point 3 visibility to the north is impaired due to a stone wall. Vehicles exiting the site from this point and turning right would be difficult and raises safety concern due to the potential vehicle conflicts. Vehicles should be restricted from egressing at this point

and therefore it should be conditioned that access point is retained as inbound only with provision of signage.

31. An assessment of car parking has been undertaken and parking provision shown as per the land use based on car parking requirements in line with the Peak District National Park Local Development Framework (LDF). Based on this seven car parking spaces are required for the convenience store and bakery with two spaces for staff and two spaces for the residential. An additional two accessible spaces has been provided based on DCC guidance. This results in a total of 13 spaces which is considered acceptable.
32. However slight concern is raised with internal movement with both vehicular and pedestrians across the forecourt with use of PFS, convenience store and bakery. Therefore, it is considered that a Traffic and Management Drawing is submitted which illustrates the parking spaces allocated for each use and which will be shown on the forecourt and pedestrian walkways along the forecourt to reduce vehicle/ pedestrian conflicts. This can be conditioned subject to approval.
33. High Peak Borough Council – Planning – No comments received
34. High Peak Borough Council - Environmental Health – No objections
35. The Environmental Health Officer (EHO) responding initially to the originally submitted Noise Impact Assessment raising a number of concerns.
36. These were shared by the case officer who concluded the loss of amenity was not acceptable.
37. An amended report was requested and sent to the EHO whose revised comments are as follows;
38. The report predicts that with mitigation there will be a slight, “low impact” increase in nighttime noise (+1 dB rating level minus background), and no increase in daytime noise (-11 dB rated). The specific sound level is determined as 36dB(A) at the nearest sound sensitive premises, with a rating level of 38dB(A) to account for fan tonality. For context this is likely to be reduced by 10-15 dB through an open window, resulting rise to noise levels (attributable to the fan) below 26dB in a bedroom. A level of <30 is generally considered desirable for bedrooms (BS8233)
39. Background noise levels appear a little high and it’s not clear if they are representative of levels expected in the rear garden areas of the noise sensitive premises (opposite the rear of Sickelholme Garage); however, even with uncertainty of +3dB to account for this, the predicted impact of the proposed development appears to be low.
40. Bamford with Thornhill Parish Council – No objections. Raised comments summarised below;
41. The petrol station is open 24/7. It seems unnecessary for the bakery to be open 24/7, so a restriction is requested which required it to be shut during night hours.
42. *Case Officer Note – The applicant’s agent has confirmed opening hours which preclude night time opening.*
43. The petrol station already has a marked tendency to be a congregating point for large groups of motorcyclists at weekends. The addition of a bakery will probably increase the attractiveness of it as a congregating point, and so we would recommend a condition which requires proactive measures to manage the motorcyclists better- the current approach to them at this site will not work well if there are even more of them.

44. *Case Officer Note – There is no evidence to suggest that the addition of a bakery would increase motorcycle visits or cause a parking problem which in any case would be a management matter for the garage staff. The suggested condition would not therefore be appropriate.*
45. Upon re-consultation following the amended noise impact assessment the Parish Council has raised the following additional concerns;
46. Possible noise of the operation by comparison with the otherwise quiet environment during night hours at this location, and urges that a restriction on hours of operation be applied accordingly (or else some other mitigation).
47. The proposed parking spaces at the rear of the premises being maybe too close to the neighbouring dwelling in respect of causing noise disturbance to that property at night.
48. Derbyshire County Council Flood Team – No comments made as this is a minor planning application and due to the team's current workload, Derbyshire Local Lead Flood Authority (LLFA) are only responding to Major planning applications.
49. Environment Agency - The LPA should apply national flood risk standing advice.

### **Representations**

50. One objection was received to the initial neighbour consultation raising the following concern about noise from the bakery (summarised);
  - *Object to the operation starting time of 6am. Residents will be affected at 6am and potentially earlier. Habitable rooms are situated directly opposite the rear of the building. The sound levels will increase at the site from 6am to 8 am. This includes people talking outside of the property, doors opening and increase in vehicles delivering and collection as well as plant machinery and equipment.*
51. Following receipt of the amended noise report the neighbouring properties were reconsulted. The previous objector maintains their objection and three further objections have been received which raise the following summarised points;
  - *Concern the bakery will increase traffic and in particular the number and noise from motorcyclists visiting the site as a meeting/stop off point and from the use the outside seating area in the forecourt. Site already a popular location to congregate at weekends and bank holidays*
  - *Impact on health from additional motorbike noise.*
  - *Safety concerns over risk of accidents on site and when emerging as well as from potential spillover of parking onto the road verges if site is full.*
  - *Odour. The application does not provide detailed information regarding odour filtration systems or long-term maintenance arrangements. Without appropriate filtration there is potential for odour emissions to affect nearby residential properties.*
  - *Increased vehicle movements close to residential boundary and safety of vehicle circulation.*
  - *Cumulative impacts not addressed in application.*
  - *Opening hours should be 8am – 5pm and 9am to 5pm on weekends and bank holidays.*

- *Increased litter and attraction of vermin.*
- *Noise report focusses on fixed mechanical plant, early deliveries, staff activity, vehicles, doors and unloading will be clearly audible from adjacent property.*
- *Transport statement may underestimate actual peak parking demand*

### **Main Policies**

52. Relevant Core Strategy policies: GSP1, GSP3, CC1, CC5, E2, HC5

53. Relevant Local Plan policies: DMC3, DMC14, DMS3, DMT6

### **National Planning Policy Framework**

54. The National Planning Policy Framework (NPPF) is a material consideration. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.
55. Paragraph 189 of the NPPF states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks 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. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

### **Assessment**

#### **Principle of Development**

56. The proposal seeks a change of use of the former car sales part of the premises to a retail bakery within Class E(a) for the sale of products without hot food and primarily to visiting members of the public.
57. The relevant section of Core Strategy policy HC5E states that retail use in the open countryside will only be acceptable where proposals are small scale and ancillary to a business acceptable under policy E2 (which allows principle of certain business uses in open countryside) and take account of impact on local centres.
58. This is not a standalone new business altogether as the long-established garage business already exists as the main development on the site. The bakery would be a small-scale addition ancillary to that primary retail use which along with fuel sales also has a convenience store. The principle of a new ancillary bakery business to the existing garage business would therefore accord with policy HC5
59. Whilst the site is located in close proximity to neighbouring residential properties and is approximately 1 km from Bamford, it is nevertheless located well outside of the nearest core strategy settlement in terms of DS1 and therefore DMS3 is also applicable to this site. There is special provision within DMS3 for retail development at petrol stations forecourts outside Core Strategy policy DS1 settlements stating that;
60. B. At petrol stations, new or increased retail space will be permitted provided that:

- (i) it does not reduce the size of the petrol station forecourt or marginalise the petrol station to the extent that the retail activity becomes a destination in itself; and
- (ii) there is no additional demand for car parking or associated infrastructure.

D. Expansion or intensification of the use of an existing site or building will only be permitted where it is of a modest scale in relation to the existing activity and/or buildings and it does not adversely affect the valued character, residential amenity and landscape setting.

61. There is already an existing ancillary shop at the petrol station which would not be affected. The forecourt and fuel sales would also not be affected. This application is modest in scale and would increase the mix of retail already on the site and provide an additional offering for current passing trade as well as the wider local community who already use the existing shop for convenience goods. The location of the petrol station is outside of a settlement, however is located on a busy A road, close to the junction to a main road into Bamford and therefore will not harm the open countryside.

62. Whilst a bakery has the potential to become a destination location in itself, the agent has confirmed that the bakery is to remain in the same ownership and ancillary to the petrol station. On balance it is therefore considered that the bakery would in all likelihood be mainly used in a similar way to the existing shop on site by passing trade and the local community.

63. The submitted information demonstrates that there is space on site for parking and the proposed bakery would not increase the overall demand for parking. Amenity impacts are covered in more detail below but in the absence of any concerns from the Environmental Health Officer it is concluded that the principle of the bakery is acceptable subject to planning conditions. These would be necessary to control the nature and extent of the use and tie the bakery to the existing business use and with those the principle would be acceptable in accordance with policies E2, HC5 and DMS3.

64. Design and Landscape impact.

65. Core Strategy Policy L1 requires that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.

66. The Authority's design policies include GSP3 and DMC3 require good design which conserves the valued characteristics of the site and its setting with particular attention paid to impact on the character and settings of the buildings and to the scale, siting and materials, in accordance with the Authority's Design Guide.

67. The proposed external changes to the building are limited. The existing roller shutter doors are to be removed and replaced with a glazed shop front with sliding. Bollards (approx. 1m) are proposed just in front to protect the shop frontage. The shop window framing is to be in aluminum finished in a dark grey colour and would sit above a stall riser formed in dark ceramic tiles.

68. Overall, the design of the proposed external changes is considered acceptable given the bakery front would be seen in the context of the existing petrol station building and shop front. The external plant/equipment would be located on the rear facing wall of the garage looking into the back of the site and the jet/car wash facility. This would comprise three condenser unit's at ground floor for the refrigeration units inside along with a discreet under eaves extract ventilation fan outlet. These would be screened from public views being within an existing well screened area at the rear which is already used for 'back of house' storage and for the siting of other plant and equipment for the main shop.

69. Due to the small-scale nature of the works within a busy petrol filling station and coupled with the simple design of the shop front, the proposed change of use does not give rise to any design concerns. As a result, the proposal will conserve the character and appearance of the building and its immediate setting. Given views of the alterations are limited to the immediate public frontage there would be no wider landscape impact.
70. The proposal therefore accords with policies GSP3, DMC3 and L1.

### Amenity Considerations

71. A key issue in this case is the impact of any noise arising from the proposed use upon the amenity of the local residents in the properties immediately abutting the garage site.
72. Development Management Policy DMC3 states that where development is acceptable in principle, particular attention should be paid to amenity, privacy and security of the development and other properties that the development affects.
73. Development Management Policy DMC14 requires that for development which presents a risk of pollution or odour that could adversely affect any of the amenity of neighbours and neighbouring uses will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits
74. There are two dwellings immediately adjoining the site, Fairholme to the west and Holmdene to the north. Both are 1 ½ storey dwellings and lie behind the boundary fence and tall hedge which largely screen the garage premises from them both. A further dwelling, Wingate, is located immediately west of the Fairholme plot.
75. Holmdene has a first-floor gable window which looks over the boundary into the back of the site where the car/jet wash is situated and the roof also has rooflights. Fairholme, whose plot is directly to the west of the site with the dwelling itself positioned off the north-west corner of the garage site. Fairholme, also has first floor gable window. These do not directly face the boundary; however, they are visible over the boundary hedge from the site.
76. The proposed change of use to a bakery will lead to staff arriving early on site to prepare the produce before opening at 6am. The use will involve the installation of ovens but direct odour extraction system is not proposed from the ovens to the outside air. The refrigeration/chiller units will require cooling and hence three condenser units are proposed on the rear, north elevation. There would also be a higher ventilation extract grill just under eaves level which would extract air from the bakery room itself. This is required mainly to remove the heat and refresh the air, although inevitably there would be some baking odour, this would be reduced by charcoal filters within the extract system. Noise of the extract is also proposed to be reduced by a specific silencer.
77. In the initial assessment by the local Environmental Health Officer (EHO) he concluded that there would be a loss of amenity during night-time periods as a result of noise from the plant (the extract fan) and that mitigation would be required to reduce any impact on the direct neighbouring properties.
78. The agent responded with a revised Noise Impact assessment report. This report, in summary, concludes that with inclusion of a 900mm silencer in the vent, the proposed specific sound has a low impact at the existing residential receivers and is below the typical background sound level for the majority of operational hours.
79. It explains that whilst mitigation has been specified which significantly reduces the sound pressure level of the specific source and that although likely to exceed the background sound levels during the most sensitive period, the impact is considered low. Further it states that the predicted external sound pressure level from the specific source sound is

such that existing internal ambient noise levels will not be significantly affected, even with open windows.

80. The report comments that the assessment level increase during the hours of 05:30 to 07:00 of +1dB should still be considered 'low impact', Noting that generally, a change of  $\pm 3$ dB is the minimum perceptible by most people, and a single decibel is often perceptually negligible. BS4142 considers 'adverse impact' at a rating level of around +5dB.
81. The report also notes that the numerical assessment considers all sources collectively. Whilst it is possible that this may occur, it is not expected that all sources will be operational at full duty for the entirety of the operational time period or opening hours of the store. There is likely to be some fluctuation in noise from the associated plant which may be quieter at certain times depending on the demand placed on the equipment.
82. In response to the updated report the Environmental Health Officer (EHO) has commented that;
83. The specific sound level is determined as 36dB(A) at the nearest sound sensitive premises, with a rating level of 38dB(A) to account for fan tonality. For context this is likely to be reduced by 10-15 dB through an open window, resulting rise to noise levels (attributable to the fan) below 26dB in a bedroom. A level of <30 is generally considered desirable for bedrooms (BS8233)
84. The EHO comments on the report that background noise levels appear a little high and it's not clear if they are representative of levels expected in the rear garden areas of the noise sensitive premises (opposite the rear of Sicklesholme Garage); however, even with uncertainty of +3dB to account for this, the predicted impact of the proposed development appears to be low.
85. On the basis of the EHO advice above officers conclude that the use in terms of noise generation would be acceptable.
86. The case officer has noted that in respect to the proposed operating hours, whilst 6am to 6pm with staff arriving on site a little earlier may be considered early, this needs to be considered in relation to the existing operational activity at the garage business which operates on a 24/7 for fuel and convenience sales. The proposed use as a bakery will provide fresh baked products to customers from early morning but given the majority of these will already be visiting the site it is considered unlikely that noise levels from staff or early morning customers will be such to warrant any further restriction to opening hours.
87. In light of the EHO advice and the current use characteristics of the site it is concluded that the proposed use would not cause an unacceptable impact upon neighbouring amenity to warrant further mitigation or restriction of operating hours. Conditions would be necessary to ensure plant and equipment is installed and maintained in accordance with manufacturers recommendations and noise levels kept below that set out in the amended noise report.
88. Highway safety
89. The Highway Authority initially requested further information in regard visibility splays, parking plan and trip generation. The agent has responded to this with an amended Transport Report, trip generation information and a parking plan for the whole site.
90. The report demonstrates that compliant horizontal visibility splays are achievable from all access points with the exception of visibility to the north from the access closest to the traffic lights at the eastern end of the site. It should be noted however that this is only

one of four accesses with the bakery most likely to be accessed from the western most access which has adequate splays.

91. The parking plans shows a total of 13no. standard car parking spaces, including 2no. accessible spaces will be provided at the site. This will accord with the standards set out in the Local Development Framework and the Derbyshire County Council Parking Guidance.
92. The Highway Officer has raised concern over internal movement with both vehicular and pedestrians across the forecourt with use of the fuel pumps, convenience store and bakery. However, he considered that this can be resolved via condition requiring a Traffic and Management Drawing to be submitted which illustrates the parking spaces allocated for each use and which will be is shown on the forecourt along with pedestrian walkways along the forecourt to reduce vehicle/ pedestrian conflicts.
93. The Transport Report indicates that the proposed bakery is likely to give rise to a modest uplift in vehicle trips. However, it considers that it is reasonable to forecast that a proportion of these trips will be pass-by trips or linked trips to the established service station offering. Furthermore, it sets out that a parking accumulation derived from the proposed trip generation indicates that the demands associated with the site should be comfortably catered for by the increased provision of spaces.
94. The DCC Highways Officer has responded to the additional vehicle trip generation for both extant and proposed uses which clearly show there will be an increase of vehicle movements from the proposed use. However, it is not considered that the increase in vehicle movements is significant in terms of numbers. He notes there will be pass-by trips with vehicles already on the network which will visit the site and also linked trips which may visit the fuel pumps, jet wash or convenience store and then the bakery also with the vehicle already at the applicant site. Furthermore, the officer agrees that trips will be short in nature and as discussed linked trips will occur with vehicles already at the applicant site. Therefore, on this basis the finds the trip generation to be acceptable.
95. The Highway Authority Officer therefore concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and that there are no justifiable grounds on which an objection could be maintained subject to conditions discussed above.
96. In conclusion it is considered that the bakery use of this scale can be accommodated on the site without harm to highway safety or local amenity in accordance with our adopted transport policies.
97. Biodiversity
98. Policy L2 of the Core Strategy outlines that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate there setting.
99. Policy DMC12 states that for internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provision to protect such sites or species can be fully met.
100. Policy DMC11 states that proposals should aim to achieve net gains to biodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphic importance, all reasonable measures must be taken to avoid net loss by demonstrating that any enhancement is proportionate to development and that any adverse effects of the development have been avoided and that appropriate mitigation is proposed.

101. The proposal does not involve works to the roof of the building and no extensions are proposed. It is therefore considered that the proposal is unlikely to impact on protected species, however, it is prudent to remind the applicant of their duty to comply with the Wildlife and Countryside Act which protects protect species such as bats.
102. In respect of BNG, the whole of the site is on a sealed surface and therefore the application is exempt from providing the statutory 10% net gain for biodiversity set out in the Environment Act.
103. Given the above, the proposal accords with policies DMC11 and DMC12.

#### Climate change / sustainable building

104. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
105. This application relates mainly to a change of use of existing premises with little operational development. Nevertheless, the application sets out a proportionate and acceptable response to the policy aims in setting out that the redevelopment will include an increase in wall and ceiling insulation, improving internal comfort and bringing the thermal performance of the structure in line with current building regulations.

#### Flood Risk

106. A small area of the site is in flood zone 2. This area of site is mainly existing hard surfacing for vehicles. The proposed use is considered 'less vulnerable'. This means if affected by flooding it is acceptable for the facility to not be operational. The submitted Flood Risk Assessment notes there are no changes proposed to areas of roof, hardstanding or landscaping.
107. The report notes that a sequential test is not required for this application.
108. It outlines that the main risk of flooding is from the river Derwent with a risk of flood between 1 in 100 and 1 in 1000 in any given year (1% - 0.1%). Flooding from the Derwent is likely to lead to the closure of the A6187 and may lead to standing water in the area of parking on the application site.
109. The anticipated flood event could lead to loss of access to the site and therefore may lead to the temporary closure of the site. The flood risk assessment states that buildings on site are in flood zone 1 and not expected to be affected, therefore no other migration measures are proposed.
110. However, this is not entirely correct for although the majority of the main garage building and the rest of the garage site is in zone 1, a very small end section of the application building is just within the modelled area of flood zone 2 which in accordance with NPPF par 181 requires that the development be made appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. A condition to require the conversion to incorporate flood resilient flooring and wall finishes with raised electrical sockets etc would therefore be required and included within the recommendation.
111. Most of the site including the main entrance to the proposed bakery is in zone 1 and therefore there is a good safe access and an obvious escape route in the event of a flood affecting the eastern part of the site. Water standing on hard surfacing can be allowed to drain away as river levels drop.

112. It is therefore concluded that the application will not increase flood risk either on or off the site. The main affected area of site is car parking with the small area of building which can be made flood resilient. The proposed use, including parking is considered 'less vulnerable' and as such considered acceptable in flood zone two subject to the condition suggested above.

### **Conclusion**

113. Subject to the above conditions, the proposed bakery use can be accommodated within the building in manner which conserves the character and appearance of the site and the local landscape setting. Furthermore, there is adequate parking and maneuvering on site for visiting customers. On the key issue of noise and potential odour concerns affecting neighbouring residential amenity the application has now demonstrated this would not be the case with the local environmental health officer considering any impact would be low and within acceptable limits. Therefore, subject to the aforementioned conditions and footnote the application would accord with policies GSP1, DS1, L1, E2, HC5, DMC3 and DMS3 and is recommended for approval.

### **114. Human Rights**

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

116. List of Background Papers (not previously published)

Nil