

Retention of 4 no existing roller shutters and installation of 1
no new roller shutter (part retrospective)

Report Item No
A3

23, 27, 31, 35 And 39 Blackfordby Lane Moira Swadlincote
Derby DE12 6EX

Application Reference
15/00744/FUL

Applicant:
Mr Chris Lambert

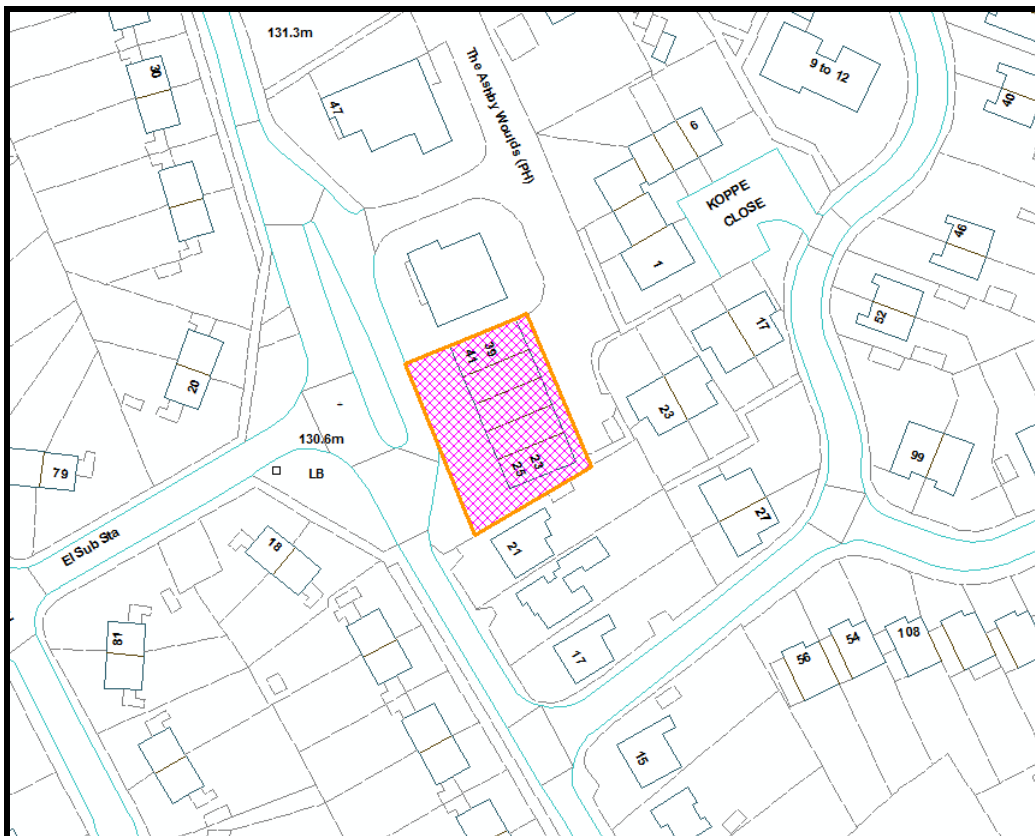
Date Registered
30 July 2015

Case Officer:
Ebony Mattley

Target Decision Date
24 September 2015

Recommendation:
PER

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee, as the application is submitted by the Council for its own development and an objection has been received.

Proposal

Full planning permission is sought for the retention of four existing roller shutters and the installation of one new roller shutter, at 23, 27, 31, 35 and 39 Blackfordby Lane, Moira.

Consultations

Members will see from the main report below that one letter of objection has been received. Ashby Would Town Council raises no objections.

Planning Policy

It is considered that the development is compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan, other guidance and emerging draft Local Plan.

Conclusion

The site lies within Limits to Development where there is a presumption in favour of development subject to all other matters being addressed. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION: PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

Full planning permission is sought for the retention of four existing roller shutters and the installation of one new roller shutter, at 23, 27, 31, 35 and 39 Blackfordby Lane, Moira.

The galvanised shutters that have already been installed are positioned below existing shop signage and housed with a roller shutter box, when not in use. The proposed new shutter will reflect that of the existing shutters. The shutters seeking retrospective planning permission have been installed and in operation since April 2015.

The five ground floor shops are located within a three storey building, located within Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The application is not accompanied by any supporting documentation.

Relevant Planning History:-

15/0028/UNDOM - Enforcement Enquiry - Pending outcome of this application.

2005 applications for shop signage.

2. Publicity

No. 22 Neighbours have been notified. Date of last notification 11 September 2015

Site Notice displayed 4 August 2015

3. Consultations

Ashby Woulds Town Council consulted 30 July 2015
NWLDC Planning Enforcement consulted 30 July 2015

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Woulds Town Council raises no objections.

Third Party Representations

1 letter of objection has been received raising the following objection:-

a) The sun reflects on the shutters and is blinding, and the curtains have to be kept drawn.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan are to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14(Presumption in favour of sustainable development)
Paragraph 64(Requiring good design)

Adopted North West Leicestershire Local Plan (2002)

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 (Limits to Development)
Policy R1(Central Areas Shopping)
Policy R19(Acceptable Uses in Local Centres)
Policy E3 (Residential Amenities)
Policy E4 (Design)

Emerging North West Leicestershire Local Plan

On 15 September 2015, at a Full Council meeting, the District Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development
S5 - Design of new development
Ec14 - Local Centres

Other Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') as amended.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

River Mease Water Quality Management Plan - August 2011.
River Mease Development Contributions Scheme - November 2012.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon residential amenity and impact upon the River Mease Special Area of Conservation/SSSI and other matters. No weight can be given to the retrospective element of this application.

Principle of Development

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of extensions and alterations to an existing building is considered to be acceptable, subject to all other planning matters being addressed.

The site is also located within an allocated retail area and would normally fall to be considered against Local Plan Policies R1 and R19; however these policies relate to new retail development and acceptable uses in this location and therefore are not applicable in the determination of this application.

It is considered that there is no in principle objection to the installation of these replacement galvanised roller shutters, subject to all other planning matters being adequately addressed.

Scale and Design

Whilst there would be a preference for perforated shutters, given that the shutters have been replaced on a like-for-like basis, with the only difference between the 4 recently installed and 1 proposed shutters, in comparison to the previous, being the cream colour finish, it is not considered perforated shutters would be a reasonable request, in this instance.

The shutters (once in operation) are not considered to be unduly prominent, as they are viewed against the backdrop of the three storey building, constructed of brick, with a range of differing proportioned windows and 5 no. different coloured fascia signs (some of which are illuminated).

Given that the roller shutters are only in operation, when the shops are not open, they are not a permanent addition to the streetscene and it is not considered that the galvanised appearance would result in any significant additional adverse visual impacts, over and above that of the previous roller shutters, to sustain a reason for refusal in this case.

Impact upon Residential Amenity

There are residential properties above the shop units at ground floor and neighbouring dwellings, adjacent to the row of shop fronts. It is considered by virtue of the nature of the proposal, that there would be no residential properties significantly impacted upon as a result of the proposal.

An objection has been raised regarding glare from the reflection of sunlight off the shutters. It is considered that this could only occur when the sun was shining and no other residents (directly opposite the site) have reported this as an issue.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

Given the nature of the scheme there would no increase in foul drainage discharge and no change to surface water drainage.

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Highway Considerations

The current access and parking arrangements will remain unchanged and there is no further consideration required in respect of highway safety.

Conclusion

The site lies within Limits to Development where the principle of development is acceptable. The development by reason of its scale and design would not result in any adverse impact upon the appearance of the existing building or streetscene and the proposal would accord with Policy E4 (Design). The proposed development would not have any significant detrimental impact on the amenities of neighbours and would accord with Policy E3 (Residential Amenities) and there are no identified impacts upon access or parking and therefore the proposal would accord with Policy T8 (Parking). It is considered that the development would not significantly increase foul drainage discharge or surface water run-off from the site. As such, the integrity of the River Mease SAC would be preserved in accordance with Paragraph 118 of the National Planning Policy Framework and the 2010 Habitats Regulations and Circular 06/05.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT subject to the following conditions:

- 1 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Block Plan (Scale 1:500) and elevation, ground floor plans and elevations received by the Local Planning Authority on 30 July 2015.

Reason -To determine the scope of this permission.

- 2 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of external appearance.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.