

Parish:	Terrington St John	
Proposal:	Proposed extension and internal alterations to commercial shop and residential unit	
Location:	Gambles Shop School Road St John's Fen End Terrington St John PE14 7SJ	
Applicant:	Mr K Modhvadiya	
Case No:	21/02417/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 17 February 2022 Extension of Time Expiry Date: 27 July 2022

Reason for Referral to Planning Committee – The Parish Council object to the proposal which is at variance with the officer recommendation. Sifting Panel have referred the application to be determined at Planning Committee.

Neighbourhood Plan: No

Case Summary

The application site is located in the development boundary of St John's Fen End and it is proposed to extend an existing commercial shop and residential unit which would involve internal alterations to increase the shop floor area and extensions to provide storage for the commercial use and an extension to the residential accommodation to allow for the change in internal layout.

Key Issues

- Principle of Development and site history
- Highways Issues
- Amenity Issues
- Flood Risk including drainage
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises an existing shop to the front (currently a hair and beauty salon) with a two-bedroom single storey residential unit to the rear of the shop. The rear of the application site is accessed along a private driveway which has an existing right-of-way to the dwellings to the rear known as Gambles Row (five dwellings). Four of the five

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dwelling is only able to gain access to their property by utilising this right-of-way and the fifth (5 Gambles Row) has a private driveway which runs parallel to the northern site boundary.

The site is bounded on the northern side by vegetation/hedging and to the rear boundary by a 1.8m (approx.) wooden fencing. The agent has stated that the occupants of the dwellings to the rear have a legal right of access along this drive and can also use it for loading/unloading if required. The dwelling at no.1 Gambles Row has widened their access by removing a fence panel to make a vehicular access into their property, however this is an informal arrangement with the current owner rather than a legal vehicular access.

The application seeks planning permission for extensions to the current building which would add a 'store' to be utilised for the commercial shop, and a lounge extension to the existing dwelling on site. The application also includes internal alterations to the existing building which will enlarge the existing commercial use (shop) and insert an access door between the commercial shop and the dwelling to its rear.

SUPPORTING CASE

No supporting case was submitted by the agent.

PLANNING HISTORY

16/00642/O: Application Refused: 20/05/16 - Outline Application: Proposed new dwelling - The Gambles School Road St John's Fen End Terrington St John

16/00075/F: Application Permitted: 14/03/16 - Replacement shop front - 2 the Gambles School Road St John's Fen End Terrington St John

15/00829/F: Application Permitted: 11/08/15 - Completion and retention of sub division of existing dwelling to form a new dwelling - Gambles House School Road St John's Fen End Terrington St John

14/00008/CUPD: Prior Approval - Refused: 16/09/14 - Change of use from Post Office and Village Store (A1) to Dwellinghouse (C3) - Gambles House School Road St John's Fen End Terrington St John

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The proposal is contrary to Policy 5 Development of Shops, Workshops and Business Units B, C and D and Policy 6 Village Services and Facilities of the Terrington St John Neighbourhood Plan 2021 as there is not adequate parking for those expected to use a general store. The Councillors noted that more information about the application would have helped members make a decision.

Highways Authority: NO OBJECTION

The on-street parking provisions in relation to this site, being in the proximity of a bend and to some extent being shared with residential vehicles is far from ideal. However, we are very minded that a post office existed here which is currently a salon and the class uses in

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relation to this building/site stay the same and are not under consideration here. Given that the extension is principally a store and a lounge we are, from my understanding, realistically considering an increase in floor space for a shop under this application with an amended residential layout.

The change of use to a shop can take place without the need for an application and in relation to the shop therefore, we feel that it would be extremely difficult to substantiate a highway objection based on an increased shop floor area alone particularly as I observe elements are currently treatment rooms. We generally we find that extensions to 'top-up shops' of this nature result in local customers, that would utilise the shop anyway, simply purchase a wider variety of goods during their visit rather than increasing their trip generation/number of visits. They also rarely draw of a wider catchment.

With respect to the residential element again this class use already exists on the site and in relation to that, their parking provision can be accommodated to the rear of the site and or as present. I observe from the plans that there would actually be a reduction in bedrooms from two to one which would result in a reduced recommended requirement in parking space. One might also suspect that this would be occupied by the shop staff which is common with such a layout so staff car parking could be accommodated to the rear or as present.

As said above the road conditions are not ideal for the reasons given above, however on balance of the existing class uses that are present here, we would not recommend an objection to the application.

Environment Agency Comments received

The planning application falls within the Flood Risk Standing Advice. There are no other Agency related issues in respect of this application.

Internal Drainage Board: Comments received

The applicant has indicated that they intend to dispose of surface water via infiltration however a drainage strategy has not been provided demonstrating the infiltration potential of the site. If following testing a strategy wholly reliant on infiltration is not viable and surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with Byelaw 3. Any consent will be conditional on a Surface Water Development Contribution fee.

It is indicated that foul waste will be disposed of via a septic tank however it is not indicated how this would be disposed of. Should it drain into a watercourse land drainage consent will be required in line with Byelaw 3.

I am not aware of any riparian owned/maintained watercourse within or adjacent to the boundary. However, if proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 and Byelaw 4.

Whilst the consent process under the Land Drainage Act 1991 and the Board's Byelaws are separate from planning, the ability to implement the permission may be dependent upon the granting of planning permission and therefore it is advised that consent is sought prior to determination.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

The application is for the extension to an existing property and changes to the internal layout. The applicant has provided a form which states no known contamination. We have

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reviewed our files and the site is on land that has been developed for the duration of our records. The surrounding landscape is largely residential and agricultural. No potential sources of contamination are identified in our records, or in the information provided, however due to the age of the property there is the potential for asbestos to be present and therefore an informative relating to asbestos is requested.

Community Safety & Neighbourhood Nuisance: NO OBJECTION

Mindful of the former use as a Post Office and Store, I appreciate that I cannot substantiate an objection.

Full details of the foul and surface water drainage arrangements will need to be agreed prior to commencement of the development as there are concerns that the reduced available space to the rear of the site will prohibit the installation of the proposed septic tank (which will also require a drainage field) as well as the surface water soakaway, required to account for the significant increase in roof area. It may not be feasible to install these with the required distances and therefore ideally drainage should be demonstrated prior to determination and a pre-commencement condition may be necessary.

Whilst I note that conditioning hours of use/opening may not be possible, whilst the use class remains as for previous uses, it is clear the nature of the proposed business is such that noise will be generated, from customer activity, delivery activity, external plant and disposal of waste. Therefore, if the proposal is granted consent hours of use should be conditioned. These hours need to consider the rural village location amongst private residential dwellings, including one that is attached to the site.

The hours of delivery should also be conditioned as I am particularly concerned about deliveries occurring to the rear, due to lack of space for vehicle manoeuvring and the proximity to dwellings.

Any external plant machinery (such as chillers) should not be located to the rear of the shop or associated dwelling as it will likely have an impact with regard to noise on the dwellings to the rear given the low background noise levels in this location. A condition is requested.

The boundary to the rear looks to be 1.8m high close board fencing which should be retained.

The waste bins (commercial and domestic) should be located as far as possible from the neighbouring dwellings and may need to be housed in an appropriate store to mitigate odour, vermin and insect impacts on residents. A condition is requested.

The applicant should ensure all due care and consideration is taken of the neighbours during the construction of the extension to both the shop (store) and dwelling, particularly in terms of hours of work, creation of dust, control of waste noise from plant, tools and machinery. A condition relating to site hours is requested.

Applicants should ensure that any new lighting should consider neighbours and be of a type that directs downwards into the site. The location and mounting height should ensure that there is no impact beyond the site boundaries.

Emergency Planning: Comments received

Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

REPRESENTATIONS

THIRTEEN letters of **OBJECTION** from seven different people covering the following issues:-

- Querying the notification process relating to the planning application.
- Concern regarding democratic process as the decision is being made at Planning Committee rather than local residents as the Parish Council has objected.
- Noise and disturbance, both during the building process and potential issues relating to a convenience store with more traffic generated (potential anti-social behaviour with people hanging around the front of the shop).
- Highway safety issues, relating to the lack of existing parking and that no additional parking is proposed.
- Parking Standards for Norfolk states that new development should contain all its associated parking and servicing requirements within the curtilage of the development and in appropriate off-site parking may lead to adverse impacts on highway safety.
- The current parking is within a layby on a tight 'S' bend. This serves the existing shop but also the residents of Gambles Row (Five dwellings). Current customers of the shop (hairdressers) which has sporadic opening hours, sometimes block the existing private right-of-way and an existing private drive (to no.5 Gambles Row) which is a highway safety issue and also an inconvenience.
- Making deliveries is difficult as no turning area.
- The previous opening hours when it was a post office meant when residents returned from work, the post office was shut so there was adequate parking in the layby.
- There are now more cars owned by occupants of Gambles Row (due to grown-up children owning cars) so more competition for spaces.
- There is a bus stop within the layby and it is also used by mobile Post Office and library van (there are conflicting statements whether this is an active bus stop and how frequently it is used by other services).
- The road is very busy and is a main route through the villages to reach the A47, A17 and A10.
- The site is already over-developed, and this will increase the density of development further with most of the rear becoming parking.
- The visual impact to neighbours with commercial bins and services etc being visible. Where will the bins be stored as could block right-of-way.
- Overbearing impact on neighbours caused by development.
- Is the proposal necessary? Many use online delivery services for shopping and previously the shop was sold as not profitable.
- Issues raised relating to the right-of-way to Gambles Row at the rear of the shop (legal implications); including if the extensions are approved it may make access along the right-of-way hard/impossible. If drainage is proposed within the right-of-way will access be possible for emergency vehicles and waste disposal as dwellings to the rear are all on a septic tank. Medical issues mean access to Gambles Row is required at all times. The mains water supply for Gambles Row runs through the right-of-way.
- Issues relating to drainage; the site currently shares foul drainage with the adjoining dwelling (1 The Gambles, School Road) and this will need to be altered which it should have been when the two were separated. Where will the foul drainage go and where will the soakaways go if the site is developed further.
- Current shop is only open part-time with a couple of staff.
- Proposal would be contrary to the Neighbourhood Plan as stated within the Parish Council objection.
- Hours of opening are much later than any other business that has operated in this location which will affect neighbouring residents both with parking issues and noise and disturbance.

- Concerns regarding safety of deliveries to the front of the shop on the tight 'S' Bend, especially in Autumn/Winter when its dark.
- Possible asbestos located within the building that would be disturbed during the building process.
- Noise from the external plant and machinery (chillers). This could cause acoustic vibration to the surrounding buildings.

TWO letters of **SUPPORT** covering the following issues:-

- Positive addition to the village as few amenities and the village is growing.
- Planners have previously insisted it stay a shop as it's the last in the village.
- Currently customers are at the shop for hours (hairdressers), if it's a convenience store, they will only be there for a few minutes.
- Staff will be living on site with their vehicle and so this may help the parking situation.
- The library bus only stops briefly when layby generally clear.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 5: Dev of Shops, Workshops and Bus

Policy 6: Village Services and Facilities

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

Principle of Development and Site History
Highways Issues
Amenity Issues
Flood Risk including drainage
Other material considerations

Principle of Development and Site History

The application site, whilst within the parish of Terrington St John, is actually within the development boundary as identified within Inset Map G57 Marshland St James / St John's Fen End / Tilney Fen End and thus is identified as a Rural Village within the Settlement Hierarchy (Policy CS02 of the Core Strategy 2011).

It is evident from historical mapping that there has been a shop/Post Office in this location since before planning legislation was introduced. Consequently, the current shop has no restrictions with regard to hours of opening, parking provision etc.

In September 2014 (14/00008/CUPD) prior approval was refused to change the use of the existing shop (Post Office and Village Store) into a dwellinghouse as it would 'constitute the loss of the last community facility in the village capable of maintaining such a use.' Planning permission was then granted in August 2015 to subdivide the existing residential accommodation to the rear of the shop, which had formed part of the attached Gambles House, into a separate dwelling so that Gambles House effectively became two dwellings now known as 1 The Gambles (the immediate attached neighbour to this application) and 3 The Gambles, the dwelling to the rear which is now part of this application.

This application seeks to enlarge the existing shop (which has an existing floor area of 61.5m²) by 29.5m², by removing existing walls and incorporating some of the existing residential accommodation into the shop. This will result in a total proposed shop floor area of 91m² which is an increase of 48%. It is then proposed to extend to the rear of the existing building to provide a store for the commercial premises projecting 12.4m from the existing building (floor area 32m²). A lounge extension is also proposed to the existing residential unit to the rear of the shop to account for the loss of some of the floor space due to the expansion of the commercial element of the building. This residential unit is proposed to have a connecting door to the shop premises and has been reduced to a one-bedroom residential unit. There are objections to the fact that the site is overdeveloped and that it is felt that this is further overdevelopment. Given the character of the immediate locality it is not considered out of character, especially if the access is also taken into consideration within the wider site.

The NPPF and Local Plan are supportive of economic uses, provided they comply with other policies within the plan. Terrington St John Neighbourhood Plan came into effect in October 2021 and is the most up-to-date element of the development plan for this area. Within this plan Policy 5 'Development of Shops, Workshops and Business Units' states that 'Development which will provide for the expansion of existing businesses and the establishment of new workshop and business units will be supported where:

- a) It is compatible with the existing form and character of the village and is not intrusive in open countryside;

- b) It would not result in unacceptable harm to the living conditions of the occupants of neighbouring properties in terms of noise, vibration, smell, light pollution or visual intrusion;
- c) Safe vehicular access can be provided and it would not result in the generation of additional traffic that would result in harm to road safety or severe congestion;
- d) It would not result in an unacceptable level of on street parking having regard to road safety and the free flow of traffic.

The Parish Council object to the proposal as they do not feel it complies with points b), c) and d) of Policy 5 as there is not adequate parking at the site, nor do they think it complies with Policy 6 'Village Services and Facilities' of the Neighbourhood Plan which states that within the Development Boundary, proposals for new shops or other village services will be supported where they meet all the criteria in Policy 5. The loss of such facilities will only be permitted if it's been demonstrated that there is insufficient demand to justify retention or that an equivalent or better provision has been made. Policy 6 also states that development which would increase the sustainability of these facilities will be supported if the proposal is consistent with other policies within the development plan.

Whilst highway safety is a key issue when determining an application, and will be addressed in the Highways section below, it is of relevance that some of what the applicant proposes, could be carried out by utilising permitted development rights.

Part 7 of the Town and Country Planning (General Permitted Development) Order 2015, as amended deals with non-domestic extensions and alterations and Class A of the aforementioned Part relates to the extension and alteration of commercial, business or service establishments. Class A.1 (a)(ii) allows for development and alterations provided the gross floor space of the original building would not be exceeded by more than 50% or 100m², whichever is lesser. The proposed increase in shop floor space would be within the confines of the existing building and would be within the size parameters laid out above. Permission is not granted within Class A (other than alterations) if the development is on land which adjoins other residential premises (as stated within Class A (c)). Therefore it would be possible for the applicant to carry out the alterations to the existing building to enlarge the shop by 29.5m² by utilising permitted development rights, however the proposed store to the rear of the building could not be carried out using permitted development rights and requires planning permission. The above is a material planning consideration in the determination of this application.

Overall, in principle the extension of an existing commercial establishment and dwelling within the development boundary are acceptable in principle provided they do not cause adverse issues relating to highway safety, amenity and flood risk which will be addressed below.

Highways Issues

The application is located on an 'S' bend at the southern end of School Road just before it transitions to Smeeth Road. As indicated within the site history section above the existing shop has no restrictive conditions as it pre-dates planning legislation and it also has no dedicated parking facilities. There is an existing layby on the northern side of the S Bend where it is possible to park close to the shop, however this layby is also used by some of the surrounding residential dwellings who also do not have any off-road parking. The proposal to expand the existing shop does not include any additional off road parking facilities and there are objections to the proposal from both the Parish Council and neighbouring residents as the proposal may well result in an increase in traffic to the site, increased use of the layby and consequently more difficulty for local residents to park.

The Highways officer has stated that whilst the parking situation, in proximity to a bend and shared with residential neighbours is 'less than ideal' the use of the shop as a convenience store does not require consent as it is the same use class as the existing hairdressers shop. The internal alterations to expand the shop floor can be carried out using permitted development rights and therefore the main part of the proposal to consider from a highways perspective is the rear 'store' extension as well as the extension for the residential unit. The highways officer states that without the requirement for a new change of use to a shop it is difficult for highways to substantiate an objection based on the increased shop area alone. Highways generally find that extensions to 'top-up-shops' of this nature would result in local customers who would use the shop anyway, simply purchasing a wider variety of goods during their visit rather than it generating an increase in the number of visits. It is also rare that such local shops would draw on a wider catchment area. The shop which does not require a change of use would already be able to generate deliveries and therefore the additional store does not result in a reason to refuse the application on highways grounds.

With regard to the residential element of the application, there is already a residential unit on site and the proposed alterations actually reduce the number of bedrooms so that the required amount of parking would also go down. In addition given there is now a proposed link between the shop and the residential unit at the rear it is likely that the residential unit will be occupied by the shop staff and therefore staff parking can be carried out at the rear or as it is at present to the front. On balance given the existing uses at the site and what is proposed the highways officer has no objections to the proposal.

Therefore, whilst it is acknowledged that the parking situation is not ideal; and that there are objections to what is proposed from local residents and the Parish Council; it is hard to substantiate a refusal on highway safety grounds given the existing uses at the site and what could be carried out without requiring planning permission. On balance, given the existing uses, the application is considered to comply with paragraph 111 of the NPPF 2021, Policy CS11 of the Core Strategy 2011 and consequently section c) and d) of Policy 5 of the Terrington St John Neighbourhood Plan 2021.

Amenity Issues

The impact of the proposal on the neighbouring dwelling has been assessed, first with regard to the physical structures that are proposed, and then with regard to the potential amenity issues caused by an expanded shop.

The proposed 'store' would be located along the majority of the shared boundary with 1 The Gambles, School Road, which is the attached neighbour to the south and there has been an objection to the proposal on this basis. The proposal would project 12.4m from the rear of the existing building and would be 2.43m in height, with a flat roof. Whilst this is a large projection, the fact that it is of limited height and orientated to the north of the neighbours' amenity space it is not considered that it would have any impact on light, nor would it be overbearing to the degree that would warrant a refusal. The impact of the store on the neighbour to the rear at 1 Gambles Row would be minimal, given the narrow width of the store (3.3m) and its limited height.

The proposed lounge extension would not have any material impact on the neighbouring dwellings given its height (2.43m), orientation (north and west) and location 6.5m away from the rear boundary. Overall, the physical structures are not considered to cause any material overlooking, overshadowing or to be overbearing in nature.

A commercial use such as a shop has the potential to cause amenity issues to neighbouring residential uses and there are objections to the proposal based upon this. However, when considering amenity issues, it is a material planning consideration that there is an existing

shop at the site that has no restrictive conditions at the current time. It is also a consideration that the shop floor space of the existing shop could be carried out utilising permitted development rights. The noise and disturbance caused by potential customers is limited to the front of the shop as the rear of the site is limited to the residential use and access to the store. Deliveries to the rear store would not be ideal due to the proximity of the dwellings on Gambles Row and therefore a condition will be placed on the decision notice limiting deliveries to the front of the shop (northern door) with only limited deliveries to the rear with more restrictive times. It is of note that at the moment there are no restrictions regarding times of delivery at the existing shop.

Commercial and domestic waste will be stored to the rear of the site; however it will be conditioned to be sited as shown on the approved plan so that it is at the greatest distance from the rear boundary. At the present time there are no restrictions regarding the storage and disposal of waste at the site.

There use of the shop as a convenience store will involve the installation of external plant and machinery related to chiller/freezer units. These have the potential to cause noise and disturbance and therefore their position (on the northern side wall and full details will be conditioned to be submitted and agreed prior to any installation.

As stated previously there are currently no restrictive conditions at the existing shop, however the applicant has agreed to a condition that would limit the hours of opening to between 7.30am and 9.30pm Monday to Saturday and 8.00am to 6.00pm on Sundays. Given the fact that there are currently no restrictive conditions on the existing shop's hours of opening and that the expansion of the shop floor could be carried out without planning permission, a condition limiting opening hours would not meet the tests as set out within paragraph 56 of the NPPF 2021. Paragraph 56 of the NPPF states that conditions should be kept to a minimum and only imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. Therefore, whilst currently unrestricted, it is noted that the applicant is willing to compromise and accept a condition relating to the hours of opening should Members consider it appropriate in order to make the whole scheme acceptable. This condition is shown within the recommended conditions as condition 6 should Members wish it to remain on any decision notice.

Given the potential amenity issues that being in close proximity to the rear store etc. could have, a condition will be placed on any decision to ensure that the commercial use stays in the same control as the occupant of the residential unit. There is currently no tie between the commercial and residential unit on site.

CSNN have requested that a condition be placed on the decision notice regarding the site hours of construction. Given the fact that there is an attached neighbour and a number of dwellings within Gambles Row which could be affected by site traffic and building works, this seems reasonable and will therefore is recommended to be attached to any decision.

On balance, given the existing uses on site and that there are no restrictive conditions, it is considered that the potential amenity issues caused by the proposed development (which are predominantly the store and extended residence) could be controlled by conditions and that the proposal therefore would comply with para. 130 of the NPPF, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016. It is considered that it would meet part b) of Policy 5 of the Terrington St Johns Neighbourhood Plan 2021 given the existing site uses and lack of restrictions.

Flood Risk including drainage

The application is located within Flood Zone 1, although the southern edge of the site is within a Tidal Hazard Mapping Area and could be affected by climate change (tidal). This looks like it is due to the drainage ditch on the southern side of the attached neighbour. The application complies with the standing advice from the Environment Agency as the drawings show that finished floor levels will be set no lower than existing.

The development of a relatively small site means that drainage is a key concern. The agent was asked to demonstrate that there was sufficient room within the site to locate both the proposed soakaways and new septic tank, with associated drainage field. As the applicant does not currently own the site and had not got consent to undertake percolation tests, the agent has submitted an indicative plan to show how drainage 'may' be incorporated into the development but this is subject to change following tests. The agent has accepted a pre-commencement condition (agreed by email on 15th June) that full details shall be submitted relating to foul and surface water drainage arrangements prior to any development being undertaken. There are no objections from the IDB, however should the applicant have to discharge surface or treated foul water to a watercourse then consent will be required from the Board (relating to Byelaw 3). Should this be required, as part of the discharge of conditions application for the foul and surface water drainage, this paperwork will be required from the IDB.

Other material considerations

There are no objections to the proposal from Environmental Quality, however given the age of the building the Asbestos informative is requested should the application be approved.

There are no objections from Emergency Planning, however an informative will be placed on the decision regarding signing up to the Environment Agency's Flood Warning Direct Service and preparing a flood evacuation plan.

There have been a number of objections to the proposal, many of whom have been addressed above, however the remainder are addressed below:-

There have been a number of objections to the proposal relating to how the proposal may affect the right-of-way that the occupants of Gambles Row have over the access drive to the northern part of the site. Concerns have been expressed regarding access during the building works, and whether access will be possible if during the installation of drainage works if they have to be placed within the access. The agent states that the occupants of Gambles Row have a pedestrian right of access as well as access for loading and unloading if required. The access would not be affected by the completed proposal, however access during the construction period is a civil rather than a planning matter.

Comments have been expressed regarding publication / notification of the application and it is confirmed that publication / notification was carried out in line with the regulations and Council policy. There was some delay in the issuing of neighbour notifications and the site notice (erected on 11th January 2022 on a telegraph pole within the layby) due to the Council's Christmas shut-down period. The process of the application going to Sifting Panel and subsequently to Planning Committee is in line with the Council's planning scheme of delegation.

Crime and Disorder

No crime and disorder issues have been raised by this application other than concerns that the shop may attract youths who may hang around outside. This is not a reason to refuse the application.

CONCLUSION

The application does give rise to a number of issues relating to both neighbour amenity and highways which have been highlighted by both the third-party representations and the Parish Council comments. However, when determining the application Members are asked to consider the existing unrestricted uses at the site, and the fact that the existing shop could be extended within the existing building without requiring planning permission. Whilst it is an on-balance decision, it is considered that the impacts of the proposed 'store' and residential extension would not have a detrimental impact upon neighbour amenity or highway safety to the degree that would warrant a refusal and thus the proposal complies with the principles of the NPPF, Policies CS02, CS08, CS10 and CS11 of the Core Strategy 2011, Policies DM2 and DM15 of the SADMPP 2016 and Policies 5 and 6 of the Terrington St John Neighbourhood Plan 2021.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans 21/958-(GA)1000RevB received by the Local Planning Authority on 30th June 2022.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use/occupation of the shop hereby approved shall remain within the control of the occupants of the dwelling within the application site known as 3 The Gambles, School Road, and at no time shall it be separated or sold as a separate and unassociated business.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 4 Condition: Notwithstanding the information shown on drawing ref 21/958(GA)1000RevB, no development shall commence until full details of the foul and surface water drainage arrangements for the site, including percolation test results, have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 5 Condition: Deliveries shall only be taken at or despatched from the site via the left hand shop front door between the hours of 0730 and 1800 on weekdays, 0830 and 1800 on Saturdays, 0900 and 1600 on Bank or Public Holidays and not at any time on Sundays (other than one main delivery per week which can be delivered to the rear of the shop on a weekday between the hours of 0830 and 1700 only).
- 5 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 6 Condition: The shop shall only be open between the hours of 0730 and 2130 Monday to Saturday, and 0830 and 1800 on Sundays, Bank or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.
- 6 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 7 Condition: Prior to the installation of any refrigeration equipment or other external plant a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the noise/sound power levels of the equipment, the location (which shall only be on the northern elevation of the shop alongside the access road) and distance to site boundaries, and provide details of noise attenuation measures and anti-vibration mounts. The scheme shall be implemented as approved and thereafter maintained as such.
- 7 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 8 Condition: The existing rear fence on the eastern boundary (between the site and 1 Gambles Row) shall be retained and maintained as a 1.8m close board timber fence as such in perpetuity.
- 8 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of 1 Gambles Row, in accordance with the NPPF.
- 9 Condition: No display or storage of goods shall take place outside any building(s) on the site.
- 9 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 10 Condition: Prior to the first use of any part of the development hereby permitted, facilities shall be provided for the separate storage of recycling, refuse and waste materials for the dwelling and the business in accordance with the details shown on approved plan 21/958(GA)1000RevB and they shall be retained in this position. Such facilities should ensure that no waste or recycling is burnt in order to dispose of it.
- 10 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

- 11 Condition: The floorspace of the shop (excluding store room) hereby approved shall not exceed 91m².
- 11 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality and highway safety in accordance with the NPPF.
- 12 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment associated with the development works, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays
- 12 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.