Response provided under the delegated authority of the Executive Director for Place

Planning Manager
Amber Valley Borough Council
PO Box 15, Town Hall, Market Place
RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Steve Dudhill
Our ref: AVBC/2026/017598/R1
Your ref: AVA/2026/0350
Date: 15 July 2026

Dear Ms Anthony,

TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY

PROPOSAL: Proposed change of use of premises from use Class B2 to Sui Generis comprising factory and service areas, warehouse and Factory Shop.

LOCATION: MEDEQUIP UNIT 3 ELITE CONSTRUCTION C N R LTD Wimsey Way Somercotes Alfreton Derbyshire DE55 4LS

Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, has no objection subject to recommended planning conditions being attached to the decision notice if planning permission is granted.

Background

The highway authority's most recent observations on this planning application were issued on 19/6/26. The applicant has submitted further information comprising: a written response to the highway authority's 19/6/26 observations, dated 2/7/26; data on visitor numbers at the applicant's existing factory shop on Birchwood Way; and, a revised site layout plan (drawing number SH12976 Rev E).

Letter Dated 2/7/26

The 2/7/26 letter proposes amended opening hours for the factory shop, increasing the number of days when the shop would be open. The shop would open between

12noon to 8pm on Tuesdays and Thursdays, as previously proposed, and between 10am to 4pm on Wednesdays, Fridays, and Saturdays. The shop would be closed on Sundays and Mondays. These opening times should be the subject of a planning condition to ensure that the operation of the proposed factory shop, and the estimation of car parking demand associated with it, are consistent with the operation of, and data supplied for, the existing facility at Birchwood Way.

The 2/7/26 letter confirms that this application has been submitted to consider the specific use requirements of the applicant that do not, in the opinion of the Local Planning Authority, fall fully within the current lawful general industrial use of the building and that the specific operations of the applicant generate their own specific parking and servicing requirements. The applicant envisages that any subsequent sui generis consent will be conditioned to the specific operations of the applicant. The highway authority considers that, having regard to this and the following observations, a planning condition to restrict the use to that of the applicant would be appropriate.

Observations on the factory shop visitor data and revised site layout plan, introduced in the 2/7/26 letter, are provided later in these observations.

Visitor Data

The applicant has provided recorded visitor numbers for the Birchwood Way factory shop during a standard trading month (May) and the peak trading month (December), both in 2025. The visitor data includes the following results:

The peak number of visitors was 77 people between 12noon and 1pm on Sunday 28/12/25. The number of visitors in the preceding and following hours were 64 and 49, respectively.

The peak number of visitors on a Saturday was 70 people between 11am and 12noon on Saturday 6/12/25, with 53 visitors in both the preceding and following hours.

The peak number of weekday visitors was 72 people between 1pm and 2pm on Monday 29/12/25, with 63 and 57 visitors in the preceding and following hours, respectively.

The visitor data does not represent car parking demand.

The applicant states that most visitors arrive in family groups with an average dwell time of 40 minutes. The applicant has divided the peak visitor demand (77 people) by 2.5 to estimate a peak car parking demand of 31 cars. The highway authority considers an assumed group size/car occupancy of 2.5 people to be reasonable. However, dividing the visitor number in any hour by the assumed car occupancy does not necessarily represent the peak car parking demand in that hour. This is because parking demands at the start of any hour will generally not be zero.

Without information on precise arrival and departure times, it is not possible to accurately determine car parking demand from the data supplied.

Notwithstanding the above, adding the peak hour visitor demands to the highest of the visitor demands in the hours preceding or following the peak hour, and dividing

that sum by 2.5, assuming overlap between visitor demands in the hour during and pre/post the peak hour, would give a worst-case estimate of peak parking demand.

Adopting the above exercise gives peak parking demands of 56 cars based on the Sunday 28/12/25 data, 50 cars based on the Saturday 6/12/25 data, and 54 cars based on the Monday 29/12/25 data. These are likely to over-estimate peak car parking demand and would occur when employee car parking demands at the site are at a minimum.

The current factory shop at the Birchwood Way premises has a floor space of approximately 690 sq m which is larger than the 660 sq m unit proposed by this application. Reducing the above figures to allow for the lower floor area suggests that the peak parking demand would rarely exceed 50 car parking spaces and only then by a very small margin which could be managed within the site.

Having regard to the above, the highway authority considers that it is appropriate to restrict the net floor area of the proposed factory shop to no more than 660 sq m by planning condition.

Site Layout Plan (Drawing Number SH12976 Rev E)

The revised site plan indicates that 50 car parking spaces will be provided on site.

7 staff will be based permanently on-site and not all will require parking spaces given car share, cycle use, and proximity to bus stops. Most of the car parking spaces will therefore always be available to serve factory shop visitors with the capacity to meet peak demand, as demonstrated earlier.

The above analyses confirm that provision of 50 car parking spaces is acceptable.

Parking bays are retained alongside the northern face of the building. As such spaces are existing, the highway authority has no objection to their retention.

The number of parking spaces has been reduced alongside the western face of the building, which improves manoeuvring space to and from the rear yard. That arrangement is acceptable, subject to the later analysis of delivery and servicing.

The applicant considers that the highway authority’s request that the southern site access onto Wimsey Way should be replaced by full-height kerbs and footway is unreasonable and that the applicant is content to have a planning condition requiring the southern access is to remain permanently closed whilst the proposed use prevails. That would ensure retention of at least three car parking spaces and would be acceptable to the highway authority.

The applicant confirms that deliveries and collections are limited to one daily drop-off and pick-up by courier partners using standard 3.5 tonne vans, together with a weekly drop-off and pick-up using a 3.5 tonne curtain-sider vehicle. The applicant confirms that the servicing requirement can be time-coordinated to occur outside core working and shop hours.

The applicant states that a commercial refuse service is used and that timings are coordinated with that service. The applicant states that refuse collection would be

arranged when the factory shop is closed and/or on a morning before the shop opens when there are few, if any, cars parked on the site.

The revised site plan incorporates bin storage point to the rear of the building. The applicant states that bins would be wheeled to the front of the building in readiness for the arranged collection to ensure convenient access for refuse collection.

Delivery and servicing arrangements, as summarised above, can be secured by means of a planning condition requiring the approval and implementation of a delivery and servicing management plan.

Whilst the applicant has indicated provision of secure cycle storage, the details of that facility have not been provided. Staff should be provided with lockers in which to store cycle equipment. No electric vehicle charging facilities have been shown. Details of these facilities can be secured by planning condition.

Conclusion

Having regard to the above, the highway authority would have no objection to this planning application subject to the following recommended planning conditions being attached to the decision notice should planning permission be granted.

Planning Conditions

1. No part of the development hereby permitted shall be brought into use until the on-site parking and turning areas have been demarcated in accordance with the scheme shown on drawing number SH12976 Rev E. The parking and turning areas shall not be used for any purpose other than parking, turning, loading, and unloading of vehicles and shall remain free of obstruction for the life of the development.

Reason: In the interest of highway safety.

2. The net retail floor area of the factory shop hereby permitted shall be limited to no more than 660 sq m.

Reason: To control car parking demand in the interest of highway safety.

3. The factory shop hereby permitted shall be restricted to the following opening times:

12noon to 8pm on Tuesdays and Thursdays.

10am to 4pm on Wednesdays, Fridays, and Saturdays.

There shall be no opening on Sundays and Mondays.

Reason: To control car parking demand in the interest of highway safety.

4. The commercial use hereby permitted shall be carried on only by [Insert Name of specific individual or company] and shall not endure for the benefit of the land or any subsequent occupier. When the premises cease to be

occupied by [Insert name], the use hereby permitted shall cease and the building shall revert to its former use as [Insert former use].

Reason: To control car parking and servicing demand in the interest of highway safety.

5. The southern site access onto Wimsey Way shall be permanently closed whilst the premises are occupied by [Insert name].

Reason: To reduce the number of accesses to the site from Wimsey Way and maximise car parking provision in the interest of highway safety.

6. Prior to the first occupation of the development, a Delivery and Servicing Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include details of:

a) Loading and unloading locations and procedures.

b) Hours of operation, including times for deliveries, loading, and unloading.

c) Frequency and size of delivery and servicing vehicles.

d) Waste management, including arrangements for the storage and collection of refuse.

The development shall thereafter be operated in strict accordance with the approved DSMP for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of safe and efficient management of deliveries and servicing, and to ensure that car parking provision and delivery and servicing space is not obstructed, in the interest of highway safety.

6. No part of the development hereby permitted shall be brought into use until details for the provision of secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging facilities have been submitted to and approved in writing by the Local Planning Authority and implemented as approved. Such facilities shall be maintained for their designated purpose for the life of the development.

Reason: In the interest of furthering travel by sustainable modes.

SD; DCC TDM; 15/7/26.