

APPLICATION NO	PA/2014/0231
APPLICANT	Mr & Mrs T Patel
DEVELOPMENT	Planning permission for extensions and alterations to provide a shop, dwelling and two flats
LOCATION	J H & D Newsagents, 89 Fleetgate, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton-upon-Humber Town Council

POLICIES

National Planning Policy Framework: Paragraph 18 – the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

Paragraph 19 – the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 24 – local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan.

Paragraph 27 – where an application fails to satisfy the sequential test...it should be refused.

Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, it should be made safe without increasing flood risk elsewhere. A sequential test should be undertaken. If no alternative sites are identified in lower flood risk areas then an exceptions test should be applied to ensure the development is made safe.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy DS4 (Changes of Use in Residential Areas)

Policy S4 (Development in Barton-upon-Humber Town Centre)

Policy S6 (Small Local Centres and Corner Shops)

Policy S7 (Edge-of-centre Retail and Leisure Development)

Policy S8 (Out-of-centre Retail and Leisure Development)

Policy DS16 (Flood Risk)

Policy HE2 (Development in Conservation Areas)

Policy HE5 (Development affecting Listed Buildings)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS19 (Flood Risk)

CONSULTATIONS

Highways: No objections.

Environmental Health: No objection subject to conditions.

Historic Environment Record: No objection subject to conditions.

National Grid: No objection.

National Rail: No observations.

Environment Agency: No objection subject to a condition.

TOWN COUNCIL

Road safety concerns for vehicular parking on the highway outside the properties and shop, on a very busy, heavily trafficked junction. It is suggested that double yellow lines be placed on the road opposite the shop, adjacent to the transport interchange, to alleviate existing parking problems and vehicular congestion. Also, concerns are raised regarding bin storage and access to them for the proposed flats, which appears to be an unsuitable arrangement. The town council supports the objections and comments raised by neighbouring residents. It is noted that the property is located in a flood risk area, opposite a very busy transport interchange.

PUBLICITY

The application has been advertised by site and press notices, and letters have been sent to neighbouring properties. Letters of objection have been received raising the following concerns:

- The shop is located on a busy, very dangerous junction, with cars parked both sides of the road causing hazards. To increase the outlet size will only increase problems.
- loss of privacy to adjacent barn conversion
- Litter, mess and smell will become worse.
- The proposed store area will result in noise and disturbance to the adjacent property.
- Deliveries will result in noise disturbance.
- The proposed extensions and shop front will be out of keeping with the conservation area.
- Increase in residents and staff will result in drainage problems for adjacent property.

The application has been supported by a significant petition of local residents; this petition has been submitted as part of the planning application.

ASSESSMENT

The application site consists of an existing convenience store and dwelling at 89 Fleetgate and a dwelling at 91 Fleetgate. The site is located within the development boundary and conservation area for Barton; however it is located outside the defined town centre boundary. There is a mix of uses in the immediate area, including both commercial and residential uses, and the site is located opposite the bus/train public transport terminal.

This application seeks planning permission to change the use of existing buildings and erect an extension to expand the floor space of a retail business and create storage, with resultant accommodation comprising a dwelling house and two flats. A similar application, which also included a 'Subway' (fast-food sandwich) outlet, was refused in 2012 (PA/2012/0853) and subsequently dismissed at appeal. The current proposal does not include the 'Subway' outlet.

The main issues for consideration in the determination of this application are whether the proposals comply with local plan policy and the National Planning Policy Framework (NPPF), their impact on the amenity of neighbours, their impact upon the conservation area, flood risk, parking and highway safety.

This application is very similar to the previous application on the site (PA/2012/0853) which was refused due to non-compliance with planning policy. However the current proposal removes the Subway fast food outlet from the scheme and is supported by a sequential test to demonstrate that there are no preferable sites within the town centre that are appropriate and reasonably available. The inclusion of the Subway outlet was one of the major reasons for refusal on the previous application as this outlet could quite easily be located in one of the many vacant units within the defined town centre. Furthermore, such a well known fast-food chain would be likely to have a detrimental impact on the vitality of the town centre.

In addition to this there is a requirement in policy that a sequential test be carried out when it is proposed to locate town centre uses outside the town centre; this test must demonstrate that there are no viable units within the town centre capable of accommodating the proposal. Previously, it was felt that the former Co-op building on

George Street would be a sequentially preferable location for the proposed development as it is large enough and centrally placed within the town centre. The sequential test provided by the applicants states that the former Co-op building is currently under offer and that there is a restrictive covenant on the building preventing the sale of staple goods such as bread and milk; this covenant has been placed on the building by the Co-op, whose business has moved around the corner onto Market Street. The sequential test also looks at other potential units; however the other available units in the town centre would not be large enough to accommodate the proposal, with most being smaller or comparative sizes with the existing retail element at the application site.

It is considered that the restrictions on the sale of staple goods (goods purchased regularly and out of necessity – e.g. bread, milk, sugar) that would apply to the occupiers of the former Co-op building would have a severe impact on the viability of the applicants' business. The sale of staple goods is a key part of the existing retail operation, which is a Nisa local (convenience store) and one of the key attractions for patrons. This restriction would seriously impact on the future viability of the retail operation and as such this unit cannot be considered to be appropriate, nor reasonably available for the proposed development. Furthermore, whilst the building is currently vacant, the applicants have confirmed that it is currently under offer and as such its availability is in doubt. They have also provided an email from the agent dealing with the sale of the building confirming that the current owners (the Co-op) would be unwilling to negotiate with Nisa as they are a competitor. For these reasons the building is not available.

The application site is in a highly sustainable location, across the road from the public transport (bus and rail) terminals. This is an existing business which has operated from this location for many years and has expanded as far as possible within its current retail unit. The proposed extension of retail area into the adjacent property would allow for further expansion of the business; this development will help secure existing local jobs (3 full-time, 4 part-time) and it is anticipated that the expansion will create an additional 2 full-time and 2 part-time jobs. Paragraph 19 of the NPPF is highly supportive of sustainable economic growth and states that significant weight should be placed on the need to support this economic growth through the planning system. The applicants' sequential test has demonstrated that there are no suitable sites available within the defined town centre; on this basis the application site is considered to be suitable for retail development as it is a highly sustainable location and an established retail unit at present.

The impact of this development on the viability of the town centre will be minimised by the fact that it constitutes the extension of an existing convenience store, serving local residents and is not introducing a brand new retail unit outside of the town centre. A condition has been recommended to prevent the subdivision of the unit, or incorporation of separate retail elements within the shop without consent; this condition will prevent a Subway outlet or similar business from being established within the store without consent. This condition will prevent additional harm to the town centre resulting from the development in the future. The proposed development will help to secure and improve a local community facility.

Several objections have been received on the grounds of highway safety, particularly with regard to additional on-street parking as a result of the development and concerns with regard to deliveries. The council's Highways department has been consulted on the application and has confirmed that they have no objection to the proposed development; they have raised no concerns with regard to on-street parking or servicing arrangements.

There has been a neighbour objection on the grounds that the flats at first-floor level will result in loss of privacy to the adjacent property to the rear and its garden area. However the changes to the flats would not bring any new main windows closer to the neighbouring property and, although a bedroom becomes a dining room, this is not considered to materially increase any loss of privacy already created by the bedroom window.

Concerns have also been raised with regard to noise and disturbance as a result of deliveries and operations within the store area. The council's Environmental Health department has identified that this does have the potential to impact upon the amenity of neighbouring properties and on this basis has recommended a condition restricting the hours in which deliveries can be received at the premises; this condition will protect the amenity of neighbouring properties by preventing deliveries at unsocial hours.

With regard to impact upon the conservation area, the view is that the proposals would cause no harm and would be likely to improve the appearance of the area.

The site is within a high risk flood area, however the Environment Agency does not object to the proposed development subject to a condition requiring flood mitigation measures to be incorporated.

The development is primarily taking place within existing buildings, which are connected to the mains sewerage system. The level and nature of development proposed will not result in any significant increase in pressure on the existing sewerage system.

In conclusion it is considered that the removal of the Subway outlet from the proposal and the evidence provided in the sequential test have overcome the previous reason for refusal. This proposal will support an existing local convenience store, both securing existing local employment and allowing for sustainable economic growth. Impacts on neighbouring properties and the appearance of the area will be minimal. On this basis the application should be supported.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: RD:3043-02 and RD:3043-04.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.
Within three months of the new retail area first being brought into use, 600mm high demountable defences shall be fitted on the shop and extant dwelling.

Reason

To reduce the risk and impact of flooding to the shop, dwelling and future occupants.

4.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

5.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

7.

There shall be no deliveries outside the following hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays

with no deliveries on Sundays or public/bank holidays.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

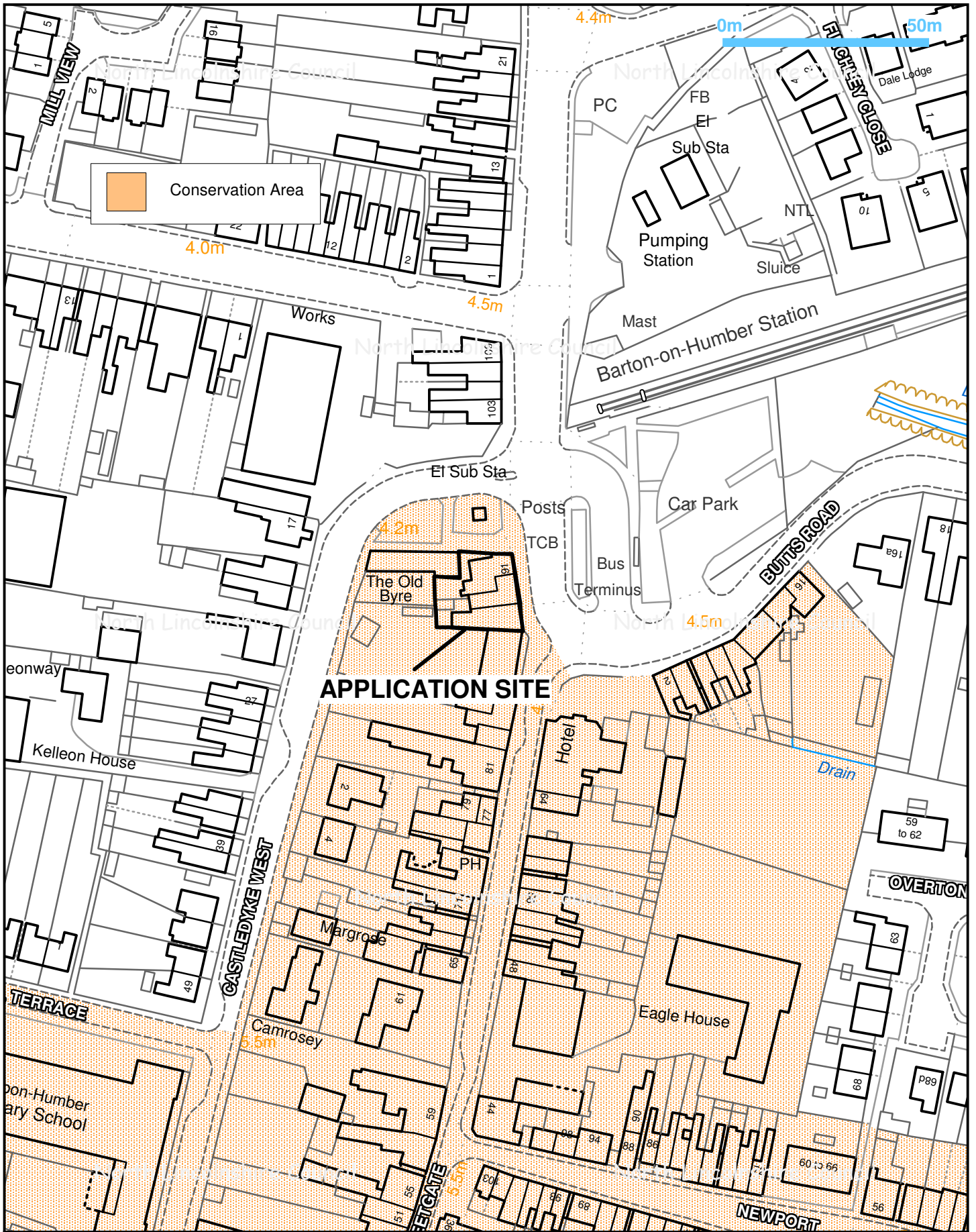
The retail unit hereby approved shall be used for the sale of convenience goods only and at no time shall the unit be sub-divided, nor shall any separate franchise be allowed to operate from the retail unit, without the prior formal consent of the local planning authority.

Reason

To protect the vitality of the town centre in accordance with policy S8 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



APPLICATION SITE

Title: PA/2014/0231		
Drawn by: Sue Barden	Date: 15/07/2014	Scale 1:1250



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Ordnance Survey 0100023560



Director of Places
Peter Williams
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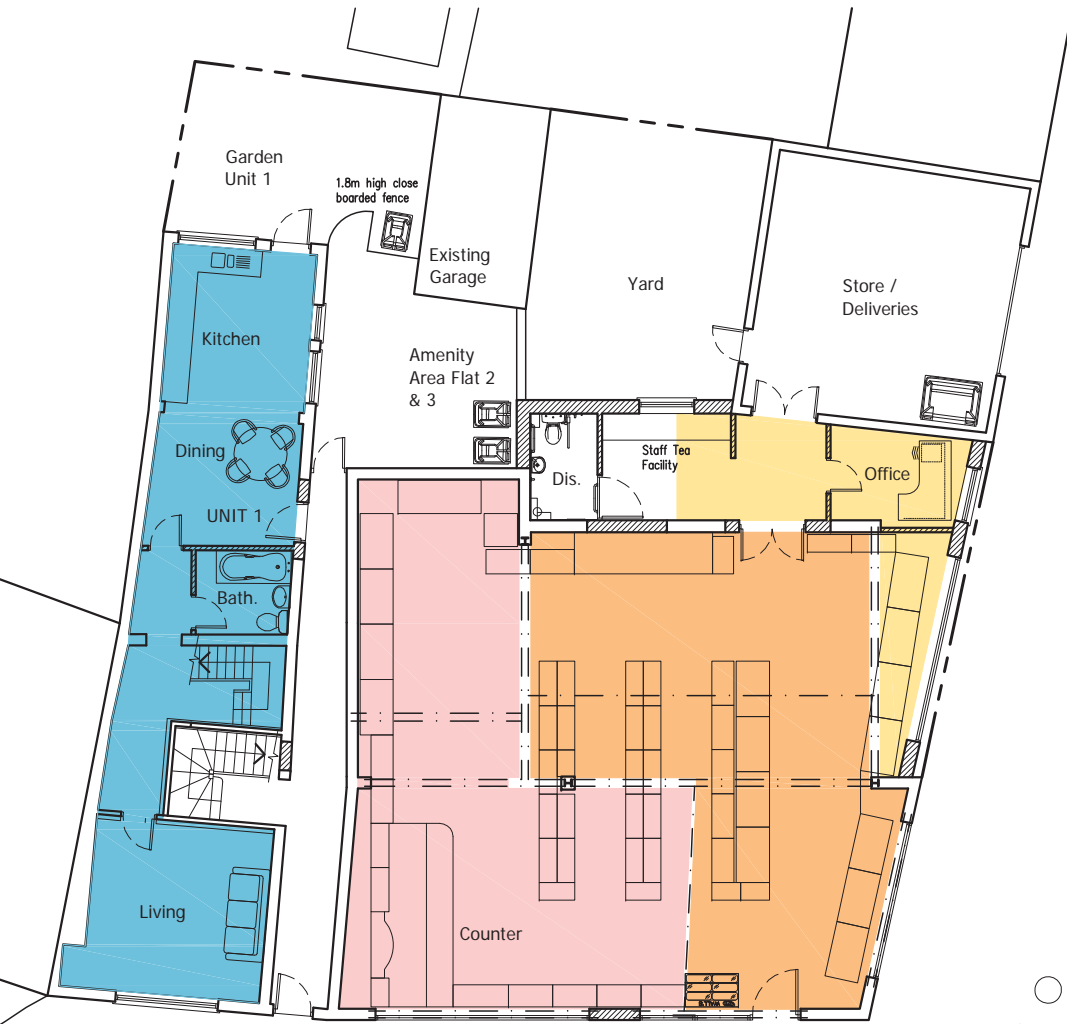
NOTE

Shop layout tbc.

Steel beams positions tbc.

- Extg. Shop / store 63m sq
- Change of use 60m sq
- New extension 6m sq

- Dwelling 1
- Flatlet 2
- Flatlet 3



Ground Floor Plan



First Floor Plan