

APPLICATION NO	PA/2011/1142
APPLICANT	Lincolnshire Co-operative Society
DEVELOPMENT	Planning permission to erect a new convenience food store, including the demolition of existing buildings
LOCATION	20 High Street, Haxey
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Graeme Moore
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Eckhardt – significant public interest) Significant public interest

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3 and CS5.

CONSULTATIONS

Highways: Advise conditions (12 to 18).

Environment Agency: Advise conditions (19 and 20).

Environmental Health: Advise conditions (3 to 11).

Internal Drainage Board: Advise conditions (25 and 26).

PARISH COUNCIL

Object to the proposal on the following grounds:

- the proposal will alter the character of the village
- health and safety concerns regarding 18 tonne lorries which are to use the proposed car park and the impact they will have on passing motorists and pedestrians
- noise and air pollution
- risk of losing jobs at other local convenience stores.

PUBLICITY

Neighbouring properties have been notified by post and a site notice erected on site. Five letters of support have been received on the following grounds:

- The new shop would be more local and better than the existing garage.
- The noise from the shop would be less than that generated by the garage.
- Car parking will be provided on site – no other shop provides parking off street.
- Lorries will be delivering and unloading within the site boundary – all other shops unload on the street.
- The store would have disabled access.
- The store would give further choice to the residents of Haxey and nearby villages.

Additionally, 40 letters have been received objecting to the proposed new store on the following grounds:

- There is no need for a new store in the village.
- The proposal will lead to an unacceptable increase in the volume of traffic in the village.
- The HGVs will have a detrimental effect on road safety.
- The proposal will harm the viability of the existing convenience stores in Haxey.

ASSESSMENT

Planning permission is sought for a new food store at 20 High Street, Haxey. The food store, to be operated by The Lincolnshire Co-Op, would be approximately 352 square metres in size with a retail floor area of 248 square metres. The site in question is currently occupied by an existing petrol filling station and garage, with residential properties located either side of the site and open fields to the south. The Haxey Memorial Hall is located across the road from the site to the north-east. The site lies within the defined development boundary for Haxey. The proposed new store intends to create 2 full-time jobs and 12 part-time jobs, with opening hours of 8am to 10pm throughout the week.

The main issues to consider in the determination of this application are whether or not the proposed new store will lead to an unacceptable increase in traffic and the subsequent impact on highway and pedestrian safety, and whether or not the proposed new store would have a detrimental impact on the adjacent properties by virtue of noise disturbance.

Policy DS1 (General Requirements) states that, amongst other things, proposals should demonstrate a high standard of design and should not create adverse impacts upon neighbouring properties by virtue of noise, smell, etc. In relation to the proposed new store, it is considered that the design of the proposal is, in general, in keeping with the character of the local area and Haxey. There are a variety of styles in the village and some of the original rural character of the settlement has been slowly eroded. That said, the proposed new store does not materially conflict with the aims of policy DS1 in relation to its design.

In relation to concerns raised about noise generation by the store and any delivery vehicles, the proposal has been assessed by colleagues from the council's Environmental Health department who have no concerns about the proposal subject to conditions. Therefore it is considered that a refusal on the basis of noise disturbance cannot be substantiated.

Again, when looking at the proposal and its impact on the local highway, the proposal has been assessed by the council's own Highways department which has no concerns with the proposal subject to conditions. It should be noted that any on-street car parking should be kept to a minimum, with the site providing 17 car parking spaces. The number of spaces provided is considered more than adequate for a store of this size. Furthermore, the concerns raised in relation to the movements of HGVs have been carefully assessed and, when considering the fact that deliveries will be taking place on site, a refusal on highway safety grounds cannot be sustained.

With regard to the concerns raised in relation to impact on existing stores, this is not a material planning consideration. In relation to the need for such a proposal, whilst this is a material consideration, the proposal is under the relevant thresholds for it to be assessed in accordance with PPS4. As a rural settlement it is considered that Haxey should provide a range of services in order to sustain its population, and whilst there is currently two existing stores, there is no planning policy to restrict the number of stores allowed in the village. Therefore there is no requirement to assess the need for a proposal on this site, nor can a reason for refusal be sustained on this basis.

Therefore, in accordance with policy DS1 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3 and CS5 of the North Lincolnshire Core Strategy, the proposal is recommended for approval.

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: 2415-10, 2415-11, 2415-12, 2415-14 and 2419-L.

Reason

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

3.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

4.

Deliveries to the site shall only be permitted between the hours of 7am to 7pm Monday to Friday and 7am to 12 noon on Saturday. No deliveries to the site shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

5.

Tonal reversing alarms shall not be utilised by delivery vehicles using the site. Broadband reversing alarms or alternative safety measures shall be implemented when delivery vehicles are reversing on site.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

6.

There shall be no movement of stock cages or waste bins in the yard after 9pm.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

7.

The surface of the service yard shall be installed and maintained as a smooth surface to minimise noise from trolley, stock cage and bin wheels.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary

to policy DS1(iii) of the North Lincolnshire Local Plan.

8.

A noise management plan for the control and minimisation of noise emissions from the site shall be submitted to and approved in writing by the local planning authority prior to use of the development commencing. This noise management plan shall be implemented immediately as approved.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

9.

Prior to commencement of development, the detailed technical specification of the acoustic barrier shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barriers shall be installed prior to commencement of use of this site, and shall be maintained thereafter.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

10.

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the noise emitted from the fixed plant shall not exceed 31dB(A). The noise level shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

11.

Construction and demolition operations shall be limited to the hours of 7am to 7pm Monday to Friday and 7am to 12 noon on Saturday. No construction or demolition work shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

To avoid the unacceptable loss of amenity to local residents through noise which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

12.

Within 3 months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

13.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

14.

Nothing shall at any time, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

The development shall not be brought into use until:

- (i) the access roads to the service and customer parking area;
- (ii) the loading, off-loading and turning areas for all vehicles; and
- (iii) the parking spaces and access aisles (including surface markings);

have been provided and all these facilities shall thereafter be so retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

16.

The submitted framework travel plan shall be fully implemented prior to the proposed development being brought into use and all conditions and requirements of the plan shall be fully implemented and retained at all times that the use is in operation.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

17.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

18.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

19.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire 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 including human remains
- (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 the North Lincolnshire Historic Environment Record Office 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 is of archaeological interest.

20.

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 is of archaeological interest.

21.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire 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 is of archaeological interest.

22.

No development approved by this permission shall be commenced until the local planning authority, in consultation with the internal drainage board, has approved a scheme for the provision of surface water drainage works. Any such scheme shall be implemented to the reasonable satisfaction of the local planning authority before the development is brought into use. The following criteria shall be considered:

- peak run-off should be attenuated to 70% of existing discharge rate (existing rate taken as 140lit/sec/ha for connected impermeable area)
- discharge from 'greenfield sites' taken as 1.4 lit/sec/ha
- storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event
- a 20% allowance for climate change should be included in all calculations
- a range of durations should be used to establish the worst-case scenario.

Reason

To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of flooding in accordance with the guidance contained in Paragraph 8 of PPS 25.

23.

Prior to the commencement of development, the applicant shall carry out a feasibility study into the use of sustainable urban drainage systems (Suds). The results of the study shall be

submitted to the local planning authority for their approval and, if appropriate, implementation into the proposed development. The use of 'rain water butts' as the method of providing a sustainable system is discouraged, as their ability to store water is limited.

Reason

To provide a satisfactory method of surface water disposal and to minimise the risk of flooding.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area, nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policy DS1 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3 and CS5 of the North Lincolnshire Core Strategy.



Drawing Title: 2011/1142

OS Grid Ref: SK76939981

Drawn by: KC

Scale: 1:1250

Date: 14/12/2011



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