

<b>APPLICATION NO</b>	<b>PA/2014/1200</b>
<b>APPLICANT</b>	Mr J Kandappillai
<b>DEVELOPMENT</b>	Planning permission to change the use of an existing house and erect a single-storey extension to form a convenience store with flat at first floor
<b>LOCATION</b>	2 Weeping Elm Way, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Ashby
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Agent request to address the committee Significant public interest

#### **POLICIES**

**National Planning Policy Framework:** Section 1 – Building a strong, competitive economy

Section 2 – Ensuring the vitality of town centres

Section 4 – Promoting sustainable transport

**North Lincolnshire Local Plan:** Policy DS1 – General Requirements

Policy DS4 – Changes of Use in Residential Areas

Policy S8 – Out-of-Centre Retail and Leisure Development

Policy T1 – Location of Development

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

**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 CS14 – Retail Development

Policy CS22 – Community Facilities and Services

## CONSULTATIONS

**Highways:** Raise some concerns about the proposed development relating to on-street parking and servicing arrangements but do not formally object or advise refusal of planning permission.

**Environmental Health:** The proposed development has the potential to give rise to noise nuisance due to the comings and goings of patrons, deliveries, air conditioning/chiller units and the construction of the premises. In addition, the applicant states the opening hours as 5am to 12 midnight, seven days a week, including public holidays, with deliveries from 6.30am which would impact during noise sensitive hours.

## PUBLICITY

Neighbouring properties have been notified by letter. Letters of objection have been received on the following grounds:

- There is already too much traffic in this area due to the school.
- The area is already a nightmare during school runs and the shop will result in further congestion in the area.
- The speed of traffic in this area is often excessive.
- The development would compromise highway safety and pose a risk to pedestrians and cyclists.
- The development will pose a risk to school children who will need to cross the road to access the shop with no crossing.
- Insufficient parking has been provided.
- 1, 3 and 5 Weeping Elm Way are located on their own private courtyard and customers will park on the courtyard which will be unaffected by the proposed double yellow lines.
- The area is within walking distance of a retail park, a major supermarket and existing local shops.
- There are enough shops in the area at present.
- The development will be an eyesore.
- The shop would result in congregation of youths close to family homes; the shops on Holme Hall Avenue have problems with antisocial behaviour.
- The development is out of keeping with the area.
- Disruption to local families via noise etc.
- The shop would result in issues with litter.

One letter of support has been received.

## **ASSESSMENT**

The application site is a two-storey, detached dwelling located on the corner of Weeping Elm Way and Timberlands within Scunthorpe. The site is located in a residential area and is surrounded by a mix of modern dwellings. The site is located within the development boundary for Scunthorpe and Bottesford and is not within any conservation area. This application seeks planning permission to change the use of the dwelling to a convenience store (retail) at ground floor and a flat at first floor, including a large, single-storey extension to the rear of the property to facilitate the change of use.

**The main issue to consider in the determination of this application is whether the proposed change of use will have an unacceptable impact on the amenity of neighbouring properties, highway safety, or the character of the area.**

### **Principle**

The site is located within a large residential estate, with the nearest convenience stores located some distance to the east and west of the site at Lakeside retail park and Holme Hall Avenue respectively. The proposed convenience store would serve the local community by providing for their day-to-day shopping needs and as such would be of some local benefit. Policy CS14 of the Core Strategy for North Lincolnshire identifies local centres and corner shops as vital day-to-day shopping facilities for local communities and seeks to protect these facilities where possible. Policy CS22 of the Core Strategy promotes a range of good quality services and facilities being provided to meet the needs of local communities. This policy states that such facilities will be supported in residential areas where there is no adverse effect on the amenities of neighbouring properties. However policy DS4 of the North Lincolnshire Local Plan is the most relevant policy in this instance as it sets out the guidance for assessing applications for changes of use of properties in residential areas. This policy is supportive of changes of use in residential areas provided that the development does not result in an unacceptable impact on the character and appearance of the area, residential amenity or other adverse environmental conditions.

### **Character**

The character of the area at present is that of a modern residential estate and the introduction of a convenience store, along with its shop front and associated signage, would be a noticeable deviation. In this instance the property is in a relatively prominent position, being located on the corner of the main road, and the proposed development will be introducing a completely new type of use into the area. The development will therefore impact on the character of the area, both in terms of the appearance of the building and the way it functions (vehicular movements etc). However, it is not uncommon for small corner shops to be located within residential areas without impacting on the overall character of the area. The proposed extension is similar to what could be expected to be erected at a residential property and, other than this extension, the physical form of the building will be largely unaltered. For these reasons it is not considered that, whilst the proposal will impact on the character of the area, this impact will not be so severe as to warrant the refusal of planning permission in this regard.

### **Amenity**

The site is currently residential and is surrounded closely by residential properties. There are no commercial properties in the immediate vicinity at present. The introduction of a

convenience store in this location has the potential to have a significant impact on the amenity of neighbouring properties through noise and disturbance generated by the comings and goings of patrons, deliveries and any air conditioning/chiller units. In addition to this, the shop is proposed to be open to customers between the hours of 5am to 12 midnight seven days per week, including public holidays, with deliveries from 6.30am. The introduction of a use with such potential for noise and disturbance into an area with no such uses at present will be detrimental to residential amenity in the area. This will be further exacerbated by the proposed hours of operation and deliveries which include Sundays, public holidays and unsocial hours. The council's Environmental Health department has been consulted and has raised concerns with regard to the potential for noise and disturbance as a result of the proposed change of use. For these reasons it is considered that the proposed development would have an unacceptable adverse impact on the amenity of neighbouring residential properties contrary to the provisions of policies DS1 and DS4 of the North Lincolnshire Local Plan and CS22 of the Core Strategy.

### **Highway safety**

The proposed convenience store will generate additional traffic and on-street parking in the area, despite the intention that it will serve the local community and as such a certain amount of customers will walk or cycle to the store. In addition to this there will be delivery movements associated with servicing the retail use. It is proposed to provide two off-street parking spaces within the application site; however these will likely be used by the occupier of the first-floor flat and for deliveries/off-loading. Numerous objections have been received from local residents with regard to traffic generation and on-street parking/congestion, specifically related to the nearby school. The applicants have acknowledged the fact that the proposed use will generate additional traffic and on-street parking and have offered to fund a Traffic Regulation Order to provide double yellow lines around the adjacent junction to prevent on-street parking; this would have to be secured via a Unilateral Undertaking. The council's Highways department has raised concerns with the proposed development, specifically relating to on-street parking and the servicing arrangements for the shop. However Highways have confirmed that, due to the limited number of deliveries proposed and subject to the proposed Traffic Regulation Order, they would not object to the proposed development and are unable to offer reasons for refusal on highway safety grounds.

### **Conclusion**

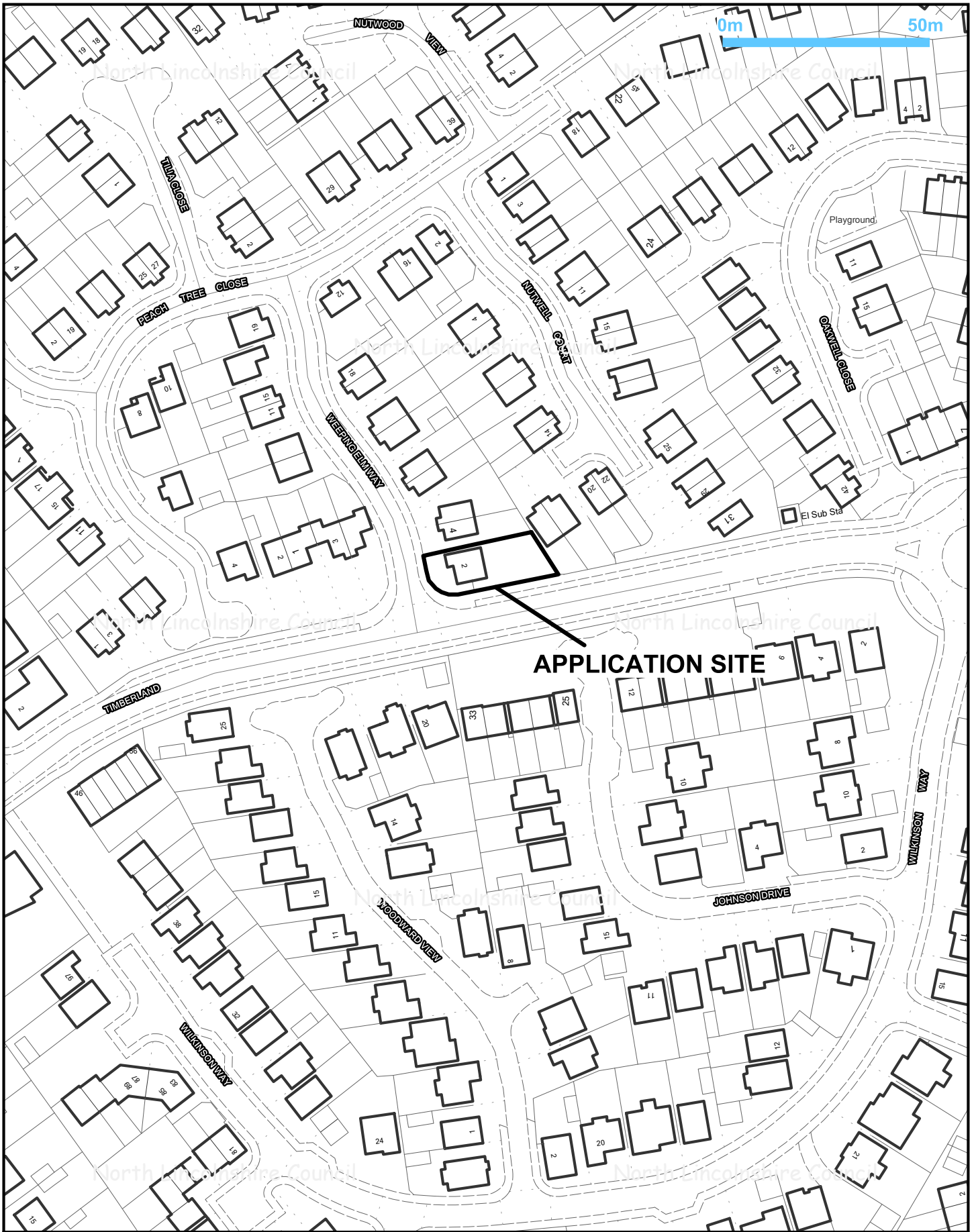
The proposed change of use would have an unacceptable impact on residential amenity in the area through increased noise and disturbance and planning permission should be refused on these grounds.

### **RECOMMENDATION Refuse permission for the following reasons:**



The proposed development would have an unacceptable adverse impact on the amenity of neighbouring residential properties as a result of increased noise and disturbance contrary to the provisions of policies DS1 and DS4 of the North Lincolnshire Local Plan and CS22 of the Core Strategy.

**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/2014/1200		
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