

<b>APPLICATION NO</b>	<b>PA/2011/0315</b>
<b>APPLICANT</b>	Locate Developments Ltd
<b>DEVELOPMENT</b>	Planning permission to erect a building for A1 retail use together with associated parking, servicing and landscaping
<b>LOCATION</b>	The Dog and Rat, 128 High Street, Broughton
<b>PARISH</b>	<b>BROUGHTON</b>
<b>WARD</b>	Broughton and Appleby
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' – Councillor Ivan Glover (impact on neighbouring properties)

## **POLICIES**

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

**North Lincolnshire Local Plan:** Policy DS1 (General requirements) applies. This policy states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. It also states that there should be no loss of amenity in terms on noise, smell, fumes, dust, or other nuisance, or through overlooking or overshadowing.

**North Lincolnshire Core Strategy:** Policy CS3 (Development Limits) applies and states that when applying development limits existing development patterns, capacity, existing planning consents/development and character will be taken into account.

Policy C14 (Retail Development) states that the retention and enhancement of local centres and corner shops will be supported. It also states that it will be important to ensure that a balanced range of facilities and uses are encouraged within district and local centres and are in keeping with their size and function to meet the everyday needs of the local population, and that new developments are of an appropriately high quality design, particularly within the town centre.

## **CONSULTATIONS**

**Highways:** Advise conditions (3 and 4).

## **TOWN COUNCIL**

Object to the proposal on the following grounds:

- the building is out of keeping
- over-development of the site

- road safety
- light pollution from the store and car headlights
- noise pollution
- antisocial behaviour
- health and safety about disposal of waste

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. A number of letters have been received.

Letters of support raise the following issues:

- would draw traffic away from the crowded High Street to a road which is already a thoroughfare
- creation of jobs
- a larger store would better serve the residents of Broughton
- better parking than at the existing Co-op

The following material grounds of objection have been raised:

- would be preferable to keep shops/amenities closer to the centre
- dangerous HGV movements
- highway safety/access issues
- inaccuracies/questions regarding the Design & Access statement
- building is unsympathetic and out of character with the surrounding buildings/poor design
- signage inappropriate
- development not in accordance with the North Lincolnshire Core Strategy policy
- inappropriate location
- the site is not suitable for development
- loss of parking for the public house
- impact on the amenity of neighbouring properties (noise, loss of light, vermin, light pollution)
- the traffic management plan will not work

- increased congestion
- litter/loss of recycling facilities
- difficulties with deliveries
- traffic survey not representative of use throughout the year
- noise
- general nuisance
- light pollution
- questions regarding the future of the existing Co-op site
- concerns over the gap between the proposed building and the fence to the north-east
- over-development of the site
- the development would be too close to properties to the rear

The following additional comments have also been raised in respect of amended plans:

- increase in road parking due to reduction in car parking spaces which would affect highway safety
- loss of amenity to 4 Appleby Lane
- questions over boundary ownership

## **ASSESSMENT**

Planning permission is being sought to erect an A1 retail unit to the rear of the car park serving The Dog and Rat public house. The unit will occupy an area of car park and a grassed area. There are bungalows located to the north-east (to the rear of the proposed store) which are set at a lower level than the application site. The separation distance between the rear wall of the bungalows and the rear of the proposed building was approximately 11.5 metres. The proposed unit would be 4.4 m at the lowest point to the rear and 5.5 m at the highest point to the front. After concerns were raised by officers over the impact of the proposal on the properties to the rear on Bruce Close, amended plans were submitted moving the unit further forward into the site to give a separation distance of 6.5 metres to the boundary and 15 metres between the rear wall of the bungalows and the rear of the proposed building.

**The main issues in determining this application are whether the proposed unit is appropriate in terms of siting and design and whether it would have an adverse impact on the amenity of neighbouring properties or be detrimental to highway safety.**

An amended design and access statement was also submitted with the amended plans detailing alternative locations which had been considered for the siting of the retail unit within the car park. Alternative locations were considered towards the front of the site but

these were deemed unacceptable for a variety of reasons, primarily highway safety. The building was therefore located to the rear of the site to allow sufficient car parking spaces and servicing that does not conflict with either car parking or highway safety.

The difference in land levels, boundary treatment and low height of the proposed unit, together with proposed landscaping is considered to reduce any overbearing impact and loss of outlook to nearby properties.

With regard to impact on 4 Appleby Lane, whilst the unit will be brought slightly closer to this property, there will be an approximate separation distance of 20 metres. Therefore there is not considered to be an adverse loss of amenity to the occupiers of this property.

The majority of the points raised relate to highway safety/loss of car parking etc. The council's Highway team have been consulted and, after requesting additional information, have stated that given the size of the store and the level of parking available, it is thought that it would be unlikely to cause any significant issues. The pub will still be serviced via the main car park and Highways are happy with the submitted autotrack drawing which confirms this would work. Highways therefore have no objections subject to the inclusion of conditions.

The Environmental Protection team have been consulted and raise no objections subject to the inclusion of conditions relating to noise levels, delivery times, waste collection, staff congregation areas, hours of construction etc.

Comments have been raised regarding the design of the proposed building. Whilst it is accepted that the building is utilitarian in design, as there is no set character to this part of Broughton and the building is sited away from the road, it is not considered that refusal on grounds of design could be justified.

Issues have been raised regarding the accuracy of information submitted and of the surveys that have been conducted. These issues do not materially alter the recommendation.

With regard to the points made over the location of the development, suitability of the site etc are subjective and in planning terms the location of the development is not considered to be inappropriate.

An objection has been raised with regard to the development not being in accordance with the Core Strategy. It is considered that the proposal does meet the criteria of both the Core Strategy and the North Lincolnshire Local Plan.

Concerns have been raised regarding signage. It should be noted that this application does not include details for signs and any advertisements on the site would be subject to a separate application to the council for advertisement consent.

A number of letters relate to the existing Co-op store and questions have been asked as to the future use of the site. This application does not relate in any way to the existing Co-op and that building will continue to have an A1 retail use unless a further planning application dictates otherwise.

**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: S1630/PL/06-01 B, S1630/PL/SK04 A and S1630/PL/02-01 A.

Reason

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

3.

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.

4.

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.

5.

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.

6.

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.

7.

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.

8.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

All external refrigeration and air conditioning plant installed at the development shall be fitted with suitable acoustic enclosures. These enclosures shall ensure that each item of plant is restricted to a maximum of 30dB LAeq,T at a distance of 10 metres (not taking into account the effects of any other barriers).

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

All deliveries to and collections from the proposed development shall be restricted to the hours of 8am to 9pm unless otherwise agreed in writing by the local planning authority.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

The engines and refrigeration equipment of delivery vehicles shall be switched off while the vehicles are on site.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

The reversing alarms of all delivery vehicles shall not be used while delivery vehicles are on site.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

The movement of delivered goods shall not involve the use of metal cages or receptacles with metal wheels. Only plastic wheels and plastic pallets shall be permitted for the delivery of goods.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

All waste collections from the site shall be restricted to between the hours of 8am and 9pm.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

All waste bins stored externally shall have plastic wheels.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

16.

The management plan for the proposed development shall restrict employees from using any part of the site abutting residential premises as a smoking/congregation area.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

17.

All construction activities for the proposed development shall be restricted to the following periods:

Monday to Friday: 8am to 6pm

Saturday: 8am to 1pm

and at no time on Sundays or Public/Bank Holidays.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

The hereby approved unit shall not be open to the public outside the hours of 7am to 10pm Monday to Sunday and 10am to 4pm on Bank and Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

19.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

20.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting



season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

**Reason**

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

