

<b>APPLICATION NO</b>	<b>PA/2012/0853</b>
<b>APPLICANT</b>	Mr & Mrs T Patel
<b>DEVELOPMENT</b>	Planning permission to erect an extension to a shop, change the use of a dwelling into a shop and flat, and alter a dwelling to provide a dwelling and flat
<b>LOCATION</b>	89 to 91 Fleetgate, Barton-upon-Humber
<b>PARISH</b>	<b>BARTON-UPON-HUMBER</b>
<b>WARD</b>	Barton-upon-Humber
<b>CASE OFFICER</b>	Mark Simmonds
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Applicant request to address the committee Third party request to address the committee

## **POLICIES**

**National Planning Policy Framework:** 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.

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.

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

**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 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**

**Historic Environment Record:** Comments, no objection subject to conditions.

**Built Environment Officer:** No objection subject to conditions, will improve the appearance of the building and it is important not to inhibit business expansion on Fleetgate.

**Barton-Upon-Humber Civic Society:** Appreciate the overall improvement to the appearance of the property but are concerned about the storage area for bins in relation to the flats.

**Highways:** Do not wish to restrict the grant of planning permission.

**Environment Agency:** Objected initially to the application, but withdrew its objection following revised flood risk information. Advise 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 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. One letter of support has been received and a number of letters of objection raising the following issues:

- 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.
- There is very little parking available; the road is hindered already by parked cars. More young people may be encouraged to congregate thus increasing the risk of a traffic-related injury.
- vandalism and excessive litter
- Litter, mess and smell will become worse.
- The increase in noise will disturb the sleep of a shift worker.
- There should be double yellow lines.
- There is a rumour that it is intended to include a `Subway` in the store – this would be a magnet for youths, and would not improve problems with youths and social problems.
- loss of property value
- total loss of privacy to adjacent barn conversion
- There are other local businesses that may also suffer the effects of this expansion, and this may well lead to more boarded up property on Fleetgate.

## ASSESSMENT

This application seeks to change the use of existing buildings and erect an extension to expand the floorspace of a retail business and create storage, with resultant accommodation comprising a dwelling house and two flats. The proposals include a 'Subway' (fast-food sandwich) outlet and alterations to the shop front.

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

The proposals would result in a significant new unit of retail floorspace outside the Barton shopping centre as designated on the local plan map, and are contrary to local plan and NPPF policy. At the time of application the old Co-op building, which falls within the shopping area, was vacant and would accommodate the size of retail unit being applied for. The application therefore fails the retail sequential test required by the NPPF.

The existing gross internal floorspace is 63m<sup>2</sup>. These proposals would add 67m<sup>2</sup>. Whilst the protection of jobs (five full-time and six part-time) and business is recognised as important, the protection of the town centre is enshrined in national and local policy and there are empty units within the town centre which should be filled first. In particular, the 'Subway'

element of the proposals could easily be disaggregated and put in a unit on the High Street or George Street.

The applicants have submitted supporting information about the impact of re-locating upon their business but this is not felt to be a sound reason to go against policy on this occasion.

There is a neighbour objection on grounds of loss of privacy to their garden area. The `Old Byre` runs perpendicular to the site and its garden could potentially be overlooked. However the changes to the flats would not bring any new main windows closer to that 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.

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. This does not outweigh the retail policy concerns however.

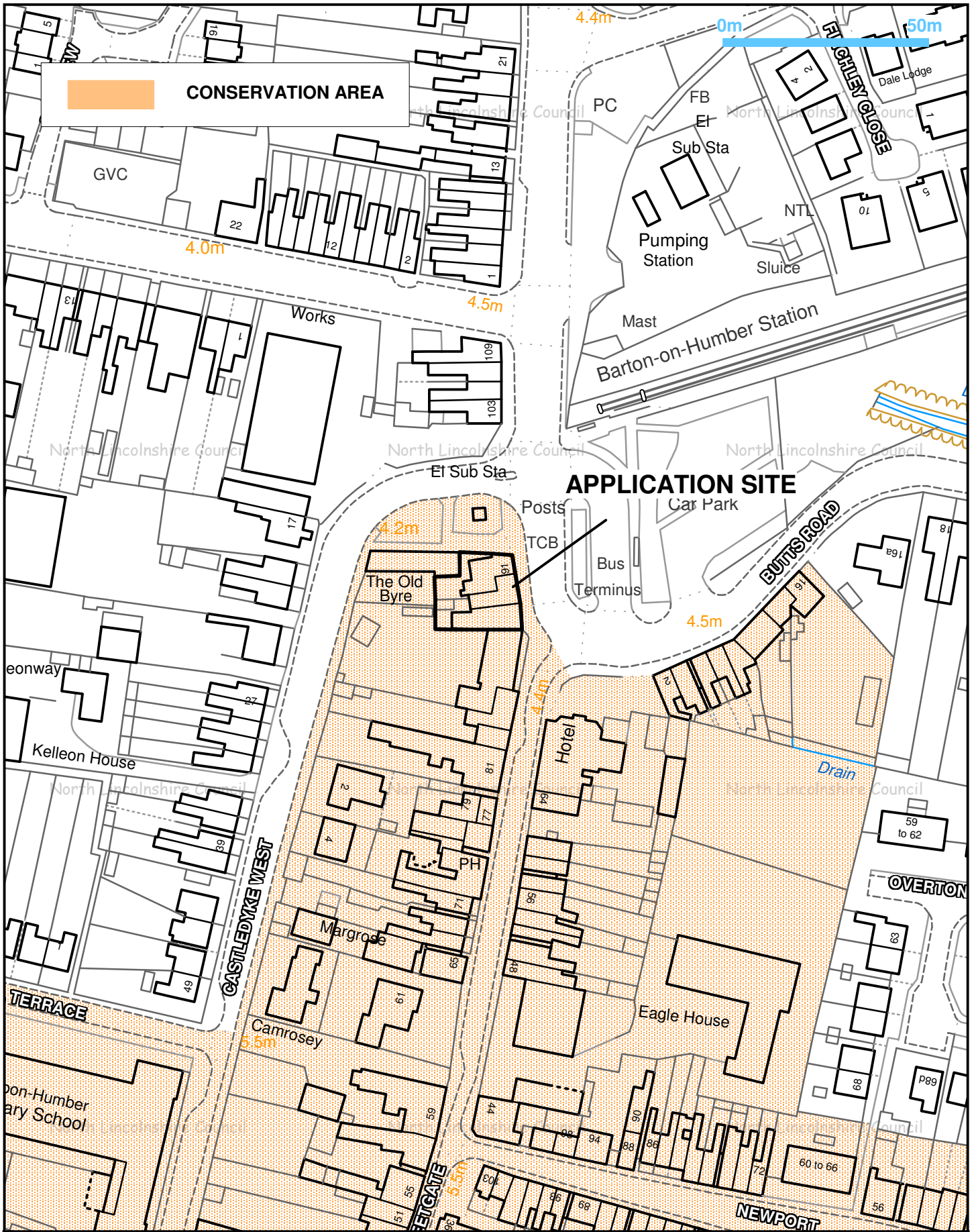
The site is within a high risk flood area, however the Environment Agency do not object and the flood risk assessment is satisfactory.

Parking and road safety are cited as reasons for refusal, Highways have been consulted and do not wish to restrict the grant of planning permission.

In conclusion, the proposals are contrary to national and local planning policy and should be refused permission.

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

The site is outside the Retail Shopping Area as designated by the North Lincolnshire Local Plan and a more suitable site exists within the shopping area. The sequential test within paragraph 24 of the National Planning Policy Framework is therefore failed and the proposals are contrary to policies S7 and S8 of the North Lincolnshire Local Plan and paragraphs 24 and 27 of the National Planning Policy Framework.



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