

APPLICATION NO	PA/2011/1008
APPLICANT	Simons Developments Ltd
DEVELOPMENT	Planning permission to demolish Trent Valley Garden Centre and its associated structures (including three residential properties) and erect a retail park with associated access roads, car parking, servicing areas and hard and soft landscaping
LOCATION	Trent Valley Garden Centre, Doncaster Road, Gunness
PARISH	GUNNESS
WARD	Burringham and Gunness
CASE OFFICER	David Wordsworth
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Officer discretion

ADDENDUM TO MAIN REPORT

Further to the planning committee report published for 7 March 2012 committee members need to be updated on two letters of objection to the proposal which are summarised below:

- A further letter of objection has been received from the objector's Keep Scunthorpe Alive (KSA) which emphasises previous objections regarding the sequential approach undertaken by the applicants and the unsustainable location of the site at Doncaster Road. KSA have submitted plans which illustrate how the land surrounding Church Square in Scunthorpe town centre could be developed to accommodate a retail development of the same size as the one proposed by Simons. The plans will be shown at the planning committee meeting on 7 March.
- Additionally, a further letter of objection has been received from Indigo Planning Consultants which also expands on principal objections raised to the proposal on the following grounds:
 - Sequential site assessment is based on unjustifiable assumptions and inaccurate evidence;
 - Failure of applicant to demonstrate flexibility;
 - Negative impacts on vitality and viability of Scunthorpe town centre.

In response, it should be noted that it is accepted that the retail proposal at Doncaster Road does not fully comply with the sequential approach, but it is felt that the economic benefits

of the scheme outweigh the non-compliance with this part of PPS4. Further clarification of key areas of the committee report is given below to emphasise this:

1. On page 51 paragraph 2:

The proposal complies with policy EC10 of PPS4 particularly in regard to the positive economic prospects of the proposal, the physical regeneration of the area and impact upon local employment.

2. On page 52 paragraph 4:

The growth based on housing commitments is consistent on the 2008 based population projections which show an increase in total population from 160,100 in 2011 to 170,500 in 2016, a growth of 10,400. Table 18 below illustrates the population growth and expenditure forecasts agreed by both agent and planning consultant (England and Lyle).

3. On page 53 paragraph 1:

The residual capacity projected for 2016 for the catchment area is £60.13million (August 2011 How Planning and Retail Statement Appendix 2 Table 18).

4. On page 54 paragraph 1:

The qualitative need for the catchment area is used by the applicants to justify the proposed development.

5. Page 55 paragraph 2:

The gross floor space of the M&S unit proposed is 4,645m² net sales area is 3,252m² (How Planning Retail Assessment Table 19 August 2011). The TJ Hughes unit has a gross floor space of 3,884m² and net sales area of 2,719m². (North Lincolnshire Retail Study 2005 Page 28 – England and Lyle)

6. Page 55 paragraph 4:

The applicants have stated that the closure of the M&S town centre unit in 2010 on viability grounds, which was a more typical clothing than food offer, demonstrates that this is a challenging catchment area for the retailer from a commercial perspective.

Balance of considerations

Under the provisions of Section 70(2) of the Town & Country Planning Act 1990, as amended, local planning authorities are required, when determining applications, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that the development plan is to prevail unless material considerations indicate otherwise. In this particular instance, it is felt that material considerations do outweigh the provisions of the development plan.

The material considerations in this case are

- Government guidance, particularly PPS4
- The contents of Planning Policy Statements

- The economic benefits that the scheme would bring during this serious economic downturn
- The fallback position of the existing use of the site, which enables 4,500 square metres gross of retailing from the site in the garden centre building
- The attraction that an M&S store and other retailers would have in potentially stimulating the local economy is a key driver in reducing the leakage of expenditure to neighbouring centres such as Doncaster and Meadowhall
- The viability of the Town Centre
- Highway considerations
- Residential amenity

In this case it is felt that the economic benefits of the development are material considerations which outweigh the development plan and any non-compliance with the sequential test under the provisions of PPS4.

The issues of highway congestion and highway safety have been fully considered. Improvements to the highway have been agreed to reduce levels of congestion on the surrounding highway network to a level that Highways consider acceptable.

Residential amenity has been adequately protected by a raft of planning conditions to manage the operation of the development, particularly with regard to activity within the service yard and deliveries.

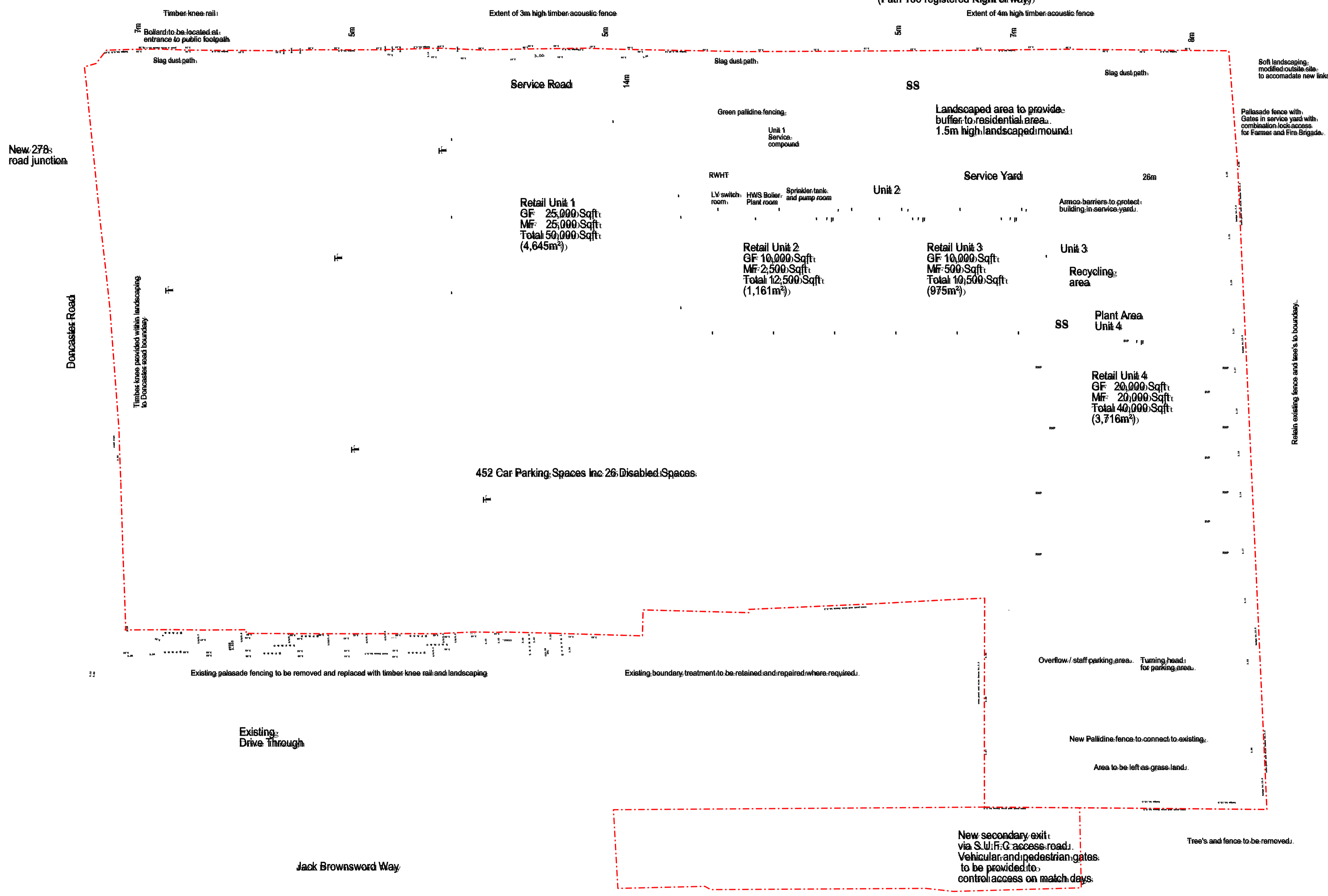
With regard to the assessment of impact, it is agreed by England & Lyle that the adverse impacts upon existing retail centres within the catchment area, including Scunthorpe's town centre, are not significant... The developer proposes to enter into an agreement under section 106 of the Town & Country Planning Act which, amongst other things, will give greater certainty to North Lincolnshire Council that Scunthorpe's town centre would not have its vitality or viability reduced by the proposed development to a degree that would cause unacceptable harm.

It is considered that the positive benefits outweigh the negative and any negative impacts have been identified have been mitigated to an acceptable degree. Consequently the recommendation is one of approval subject to conditions and the completion of a Section 106 agreement.

Members should be aware that the attached amended site plan supersedes the site plan attached to the main report and merges units 3A and 3B to take account of condition 7 that controls the minimum size of retail unit on the site.

Existing Gas meter housing to be removed

Landscaped cycleway and walkway min 2.5m wide linked to grassed area to rear of residential area. (Path 180 registered Right of way)



Boundary Treatment/General Notes

Remedial repairs to the existing palisade fencing in locations retained

As necessary cut back foliage along the fence / boundary line

Remove any litter in the boundary locations and between fences

New Timber knee rails to be located along the Northern boundary locations

New Acoustic timber fence to be located on Western boundary to Service Yard

Hard Landscaping

All kerbs to public areas to be 40mm bullnose kerbs, flush kerbs to back of parking bays in front of units

Kerbs in service areas standard HB2

Paving Flag - 450mmx450mmx75mm thick slabs on 30mm sand bed. With Tactile paving at cross-overs. (Charcoal)

Carparking Block Paving - Natural with white blocks to create white lining and diagrams

New concrete service yards

Landscaping scheme Notes

New hedgerows with hedgerow trees. Transplants planted in a double staggered row 450mm apart planted at 300mm centres. Hedgerow trees planted as stacked leathers. Hedgerow species mix: 65% hawthorn, 10% blackthorn, 5% holly, 5% wild privet, 5% dogwood, 5% spindle, 2.5% General native species mix. Hedgerow bottom species mix: ash, 2.5% dog rose. Hedgerow trees: Field maple, ash, silver birch, bird cherry, rowan.

Mix of shade loving wildflowers planted as plug plants or bulbs into grass.

Species: Honeysuckle, foxglove, hedge garlic, great mullein, red campion, white campion, primrose, dog violet, hedge woundwort, snow drop, bluebell, wood anemone, lesser celandine.

75% shrubs, 25% trees.

Shrubs - blackthorn, hawthorn, gorse, hazel, honeysuckle. Trees (transplants) - Ash, beech, small-leaved lime, bird cherry, crab apple, alder, birch, field maple.

Butterfly/invertebrate mix. Mix planted with a gravel and stone mulch. Species - *Ceanothus thyrsiflorus repens*, *Calluna vulgaris*, *Erica carnea*, *Thymus spp.*, *Savva officinalis*, *Purpureocena*, *Hebe Ford Edge*, *Hebe rakensis*, *Hebe pingulifolia 'Peggy'*, *Lonicera pileata*, *Berberis thunbergii*, *Antyrgonea nana*, *Spiraea 'Goldflame'*, *Hedera spp.*, *Vinca minor*, *Berberis candidula 'Amstelveer'*, *Levandula*, *Munstead*, *Sedum spectabile*.

Low growing shrub mix of native and ornamental species. Mix planted with a bark mulch. Species - *Ceanothus thyrsiflorus repens*, *Calluna vulgaris*, *Erica carnea*, *Thymus spp.*, *Savva officinalis*.

Soft Landscaping

Native species planted within wild-life areas and eastern hedgerow. (Species as above)

More ornamental species planted along the site frontage and within the car park to provide greater visual amenity for these areas and ensure appropriate street trees are planted. Species selected for colour, flower and fruit interest, to attract birds and insects. Trees planted within planting pits in hard surfacing underplanted with ivy or ivyina with wildflower bulbs.

Tree species: *Pinus catteriana*, *Chamaecyparis*, *Tilia cordata*, *'Green Spire'*, *Acer platanoides*, *'Emerald Queen'*, *Malus 'John Downie'*, *Prunus sargentii*, *Sorbus aucuparia*, *'Shearwater Seedling'*, *Betula utilis 'Doorebos'*, *Carpinus betula*.

Bulb species: Wild daffodil, allium, lesser celandine.

Grass and wildflower mix 80% grasses: 20% wildflower seed mix sown at 5gm/m² to create a species rich grassland. Mix of grasses and wildflowers native to the area form list in BREEM report, recommendation 3).

Grass and wildflower mix for greying butterfly. 80% grasses: 20% wildflower seed sown at 5gm/m² to create a habitat suitable for the greying butterfly, see (Lincolnshire BAP urban HAB). Species as BREEM Report recommendation 5.

Site Survey Information

Drainage Layout

Incoming Services

Lighting Scheme

Landscaping

Revisions

1 - Landscaping areas amended and layout overlaid on survey - 22/07/11 SJD

2 - Landscaping area (303sqm) amended to suit new site boundary line on West side - 26/07/11 SJD

3 - Boundary line amended for footfall access road south west corner - 27/07/11 SJD

4 - Staff Car parking show to service yard - 09/08/11 SJD

5 - Highway junction amended, carpark layout amended, notes added. DUB 15/08/11

6 - Highway junction amended, carpark layout amended. JLE 18/08/11

7 - Service yard junction amended. DUB 22/08/11

8 - Current layout amended. DUB 08/09/11

9 - Unit 4-5 merged to one unit. Revised Planning application drawing. DUB 09/11/11

10 - Unit 1 service yard amended. DUB 14/11/11

11 - Crossing points relocated from Doncaster Road. 21.11.11

12 - Unit 3a + 3b merged into 1 unit. DUB 19/12/11

Proposed left turn from Gallagher retail park. Planning application PA/2011/1016

Gallagher Retail Park

DONCASTER ROAD RETAIL PARK SCUNTHORPE

