

APPLICATION NO	PA/2015/0312
APPLICANT	M F Strawson Ltd
DEVELOPMENT	Planning permission for the erection of a convenience food store and associated parking (including demolition of the existing public house)
LOCATION	The Brocklesby Ox, High Street, Ulceby
PARISH	ULCEBY
WARD	Ferry
CASE OFFICER	Emma Stanley
SUMMARY RECOMMENDATION	Subject to completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 11 – Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 28 – Planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

North Lincolnshire Local Plan: Policies DS1 (General Requirements), HE9 (Archaeology), LC5 (Species Protection) and LC6 (Habitat Creation).

North Lincolnshire Core Strategy: Policies CS5 (Delivering Quality design in North Lincolnshire), CS6 (Historic Environment) and CS17 (Biodiversity).

CONSULTATIONS

Highways: No objections subject to conditions and a Section 106 legal agreement to secure suitable traffic regulation orders in the area of the junction of Church Lane and High Street.

Drainage Team: No objections subject to conditions regarding drainage of the site.

Environmental Protection: No objections subject to conditions relating to contaminated land and hours of construction/deliveries/noise assessment/opening hours.

Environment Team (Ecology): No objections subject to conditions relating to biodiversity and species/habitat protection.

Historic Environment Record: No objections subject to conditions to secure a programme of archaeological recording.

Drainage Team: Recommend an informative regarding drainage.

PARISH COUNCIL

Support the application as it will offer highway safety benefits that do not currently exist at the existing village store in the main street, and it acknowledges the necessity to remove the existing willow tree, and understands that the parish council will be compensated for the loss of the tree.

Ulceby Parish Council supports this application and looks forward to the village store being situated in a more suitable, safe location with adequate off-street parking to service the needs of customers visiting the store. This, in turn, will relieve congestion, dangerous parking and turning movements with the current village store in the centre of the village.

PUBLICITY

Letters sent to neighbouring properties. Nine letters of objection have been received from six different properties. Two letters of support have also been received.

The letters of support make comments relating the improvement this proposal will make to the existing village store and consider this to be an asset to the village, improving highway safety and tidying up a site that is currently under-used. It will improve the local economy and the look of the village.

The letters of objection raise the following concerns:

- the Brocklesby Ox is a local landmark which is of historic interest
- putting a shop here will only increase an already busy Church Lane at school times and on High Street, and access to properties will be blocked
- approving this application will lead to a future residential development, the consequences of which should be considered now
- people won't use the car park
- the proposal may result in noise into the night and antisocial behaviour following the purchase of alcohol
- drains already get blocked this will make the situation worse
- don't want to lose the willow tree and it is not necessary to remove it

- the size of the delivery lay-by is narrow and is in a dangerous location
- how will the traffic order restrictions be monitored and enforced when existing ones are not adhered to?
- query whether the archaeological work is accurate and sufficient
- the new use will be more onerous than the previous pub use due to longer opening hours and more noise disturbance leading to loss of amenity
- the information on the application forms is incorrect and misleading
- the delivery times are too precise and not achievable
- some of the boundary details are unclear and require further clarification
- construction work will damage property
- will a pedestrian crossing be provided?

ASSESSMENT

Planning permission is sought to demolish a vacant public house and erect a new retail store. The site is within the settlement boundary for Ulceby. The proposal involves the erection of the new building together with associated car parking, vehicular access, service yard, landscaping and new boundary treatments. The proposal also involves the creation of a lay-by on the West End Road side of the site to provide a facility for delivery vehicles to park. Vehicular access to the site is directly from Church Lane. An existing willow tree to the rear of the site will be removed as part of the proposal. The tree is owned by the parish council which has confirmed that this is acceptable. The proposal will also generate the equivalent of four full-time jobs made up of two full-time and eight part-time positions.

The main issues in the determination of this application are whether it is appropriate to demolish the public house; will the new store have a detrimental impact on the amenities of neighbours and be dangerous in terms of highway safety; will there be an adverse impact on the drainage system; and will the loss of the protected willow tree have an adverse impact on the amenity of the area.

The Brocklesby Ox is a large detached public house on a corner site in the settlement boundary of Ulceby. Information submitted with the application states that the pub has not been used for its original purpose for a period of 5 years. This proposal seeks to demolish the pub and replace it with a purpose-built retail store, and the likely occupier at this stage is the Co-op, although in planning terms the end user could be any A1 retail outlet. If the pub were not to be demolished, planning permission would not be required to use the building as shop, as this is not a material change of use. Although it would be desirable to retain the existing building, it is unlikely that its layout, both inside and out, would lend itself to the provision of a shop, together with the associated parking, access and delivery requirements of such a use. The proposed development offers a comprehensive redevelopment of the site, with a purpose-built unit, and parking, access and delivery facilities specifically planned to serve the proposed use.

The scale and design of the building, and the layout of the parking and access arrangements, is acceptable in planning terms. No objections have been received from the

Highways department in relation to highway safety, or the provision and layout of the car park and servicing facilities. Conditions have been requested to deal with the specifics of the layout, and a Section 106 legal agreement is required to deal with traffic regulation orders which are required to prevent inappropriate parking on Church Lane/High Street. Objections have been received from neighbouring properties concerned that the use as a shop will increase issues with parking in the area, and that the use will result in a more dangerous situation with pedestrians and other road users. However, the Highways department is satisfied that the details submitted with the application, together with conditions and a Section 106 legal agreement, will result in a development that is acceptable in relation to highway standards.

The pub itself is a relatively old building, and neighbours are concerned that a historic landmark will be lost to the detriment of the area. The building is not listed and the site is not within a conservation area. No objections have been received from the council's Historic Environment Record, subject to the archaeological recording of the building before any demolition works take place. It is considered, therefore, that the demolition of the building is acceptable.

Local residents have raised concerns about noise disturbance from the proposed use. It has been suggested that the use as a shop will generate more noise than a pub, and the late hours will result in antisocial behaviour. The hours of delivery have also generated concerns that this traffic will create noise nuisance to those living nearby. Residents suggest that when the pub was last in use it was relatively low-key and didn't cause a nuisance. However, this appears to be due to how it was used, and not the fact that it was a public house use. The council's Environmental Protection team have been consulted on the application and, subject to conditions relating to hours for demolition/construction, delivery times and opening hours, have raised no objections.

Concern has also been expressed about the removal of a protected willow tree to the rear of the site. This tree is owned by the parish council which has agreed that the developers can remove it, subject to mitigation measures which have been suggested to provide planting areas in other parts of the parish agreed with the parish council. It is suggested that this will be included in a Section 106 legal agreement to ensure that the planting takes place and is retained and managed for the future. Although the tree is protected, if planning permission is granted, this will also give permission for removal of the tree.

Drainage has been raised as an area of concern but no objections have been received from any statutory body. The applicant has indicated that the mains sewers in the area will be utilised and there is no evidence to suggest that this system is incapable of facilitating the proposed development. The council's Drainage team have suggested an informative advising the applicant to discuss drainage with them direct.

In addition to the letters of objection, two residents have written in support of the proposal, and that it is an asset/improvement to the village and will overcome the current congestion/parking issues suffered by the existing shop in the middle of the village.

The concerns raised by local residents have been considered in full, but it is considered that the proposal complies with current local plan policies and guidance in the National Planning Policy Framework. No objections have been received from any statutory or internal consultee, and the application is therefore recommended for approval.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure replacement tree planting for the willow tree and highway improvements to the junction of Church Lane and High Street, the committee resolves:

- (i) it is mindful to grant permission for the development;
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;
- (iii) if the obligation is not completed by 31 January 2016 the Head of Development Management be authorised to refuse the application on grounds of highway safety; and
- (iv) the permission so granted be 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: J1462(08) 01 A, J1482(08) 02 B, J1462(08) 03 B, J1462(08) 04 A, 1462(08) 05, J1462(08) 06 A and J1462(08) 07.

Reason

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

3.

No development shall take place until full details of the method of constructing the junction alterations at High Street and Church Lane, including kerb realignment, drainage, relocation of the existing street lighting column, footway construction and resurfacing, provision of tactile crossing points and construction of the delivery lay-by, have been submitted to and approved in writing by the local planning authority.

Reason

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

4.

The proposed new store shall not be brought into operation until all within-highway works approved under condition 3 above have been completed in accordance with the approved details.

Reason

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

5.

No construction works shall be carried out on the area within the site of the new store currently shown as adopted highway until such time as a stopping up order has been granted by the Department for Transport under Section 247 of the Planning Act extinguishing highway rights.

Reason

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

6.

The proposed fencing surrounding the car parking area and preventing direct pedestrian access from the delivery lay-by to the store shall be provided in accordance with details contained within drawing numbers J1462 (08) 02 Rev D and J1462 (08) 05 Rev A prior to the store becoming operational. Once provided this fencing shall be retained in accordance with the approved details.

Reason

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

7.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road to the south of the site, including the junction with the adjacent highway, have been approved in writing by the local planning authority.

Reason

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

8.

The proposed new store shall not be brought into use until the access road has been constructed in accordance with the approved details.

Reason

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

9.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

10.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

11.

All works shall be carried out in accordance with Section 6 and Appendix 1, Appendix 2 and Appendix 3 of the submitted report, ""Protected Species Survey, The Brocklesby Ox, Ulceby, North Lincolnshire"" dated July 2011. Works shall include:

- (a) measures to avoid harm to bats and nesting birds during demolition and construction works;
- (b) installation of at least four bat roost units or bat boxes on new buildings;
- (c) installation of swift nest boxes on at least four new buildings.

The approved features shall be retained unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

12.

No demolition shall take place until the applicant, or their agents or successors in title, has produced a historic building record of the Brockleby Ox public house and outbuildings in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To comply with policies HE9 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy because the buildings are locally important heritage assets.

13.

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 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 the North Lincolnshire 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 policies HE9 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy because the buildings are locally important heritage assets.

14.

The historic building recording and 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 policies HE9 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy because the buildings are locally important heritage assets.

15.

A copy of any analysis, reporting, publication or archiving required as part of the historic building recording and archaeological 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 policies HE9 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy because the site is of archaeological significance.

16.

Construction and demolition operations shall be limited to the following hours:

8am to 7pm Monday to Friday

8am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Prior to any demolition, site clearance or construction activities taking place the applicant shall submit to the local planning authority a dust management plan for approval. The approved dust management plan shall be adhered to until the construction phase has been completed.

Reason

In the interests of the residential amenities of nearby residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

17.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Practice Guidance (2014);
- BS 4142 (1997) Rating Industrial Noise Affecting Mixed Residential and Industrial Areas;
- World Health Organisation Guidelines for Community Noise (1999);
- World Health Organisation Night Noise Guidelines for Europe (2009);
- BS8233 (2014) Guidance on sound insulation and noise reduction for buildings;
- BS5228 (2009) Code of practice for noise and vibration control on construction and open sites, (consider this for demolition and construction).

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources (deliveries and fixed plant such as air conditioning and refrigeration units) which will impact upon the proposed residential property and others surrounding the site, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Reason

In the interests of the residential amenities of nearby residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

The hours of delivery to this development shall be:

8am to 8pm Monday to Friday;

9am to 5pm on Saturdays; and

10am to 4pm on Sundays and bank/public holidays.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

19.

Hours of trading shall be:

6am to 10pm Monday to Saturday; and

7am to 8pm on Sundays and bank/public holidays.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

20.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

21.

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.

Informative 1

It will be necessary for the applicant to enter into a Section 278 agreement for the works on and around the junction within the adopted highway. The access road to the south of the proposed store has the potential to be used for providing access to future development, possibly residential. It should be considered that if this is ultimately the case this road will need to form part of the adopted highway and as such would need to be built to the appropriate standards and inspected by the highway authority. It would also be wise in this

instance to enter into the appropriate legal agreement to secure the future adoption of this section of road. The areas of new footway fronting the store that do not currently fall within the adopted

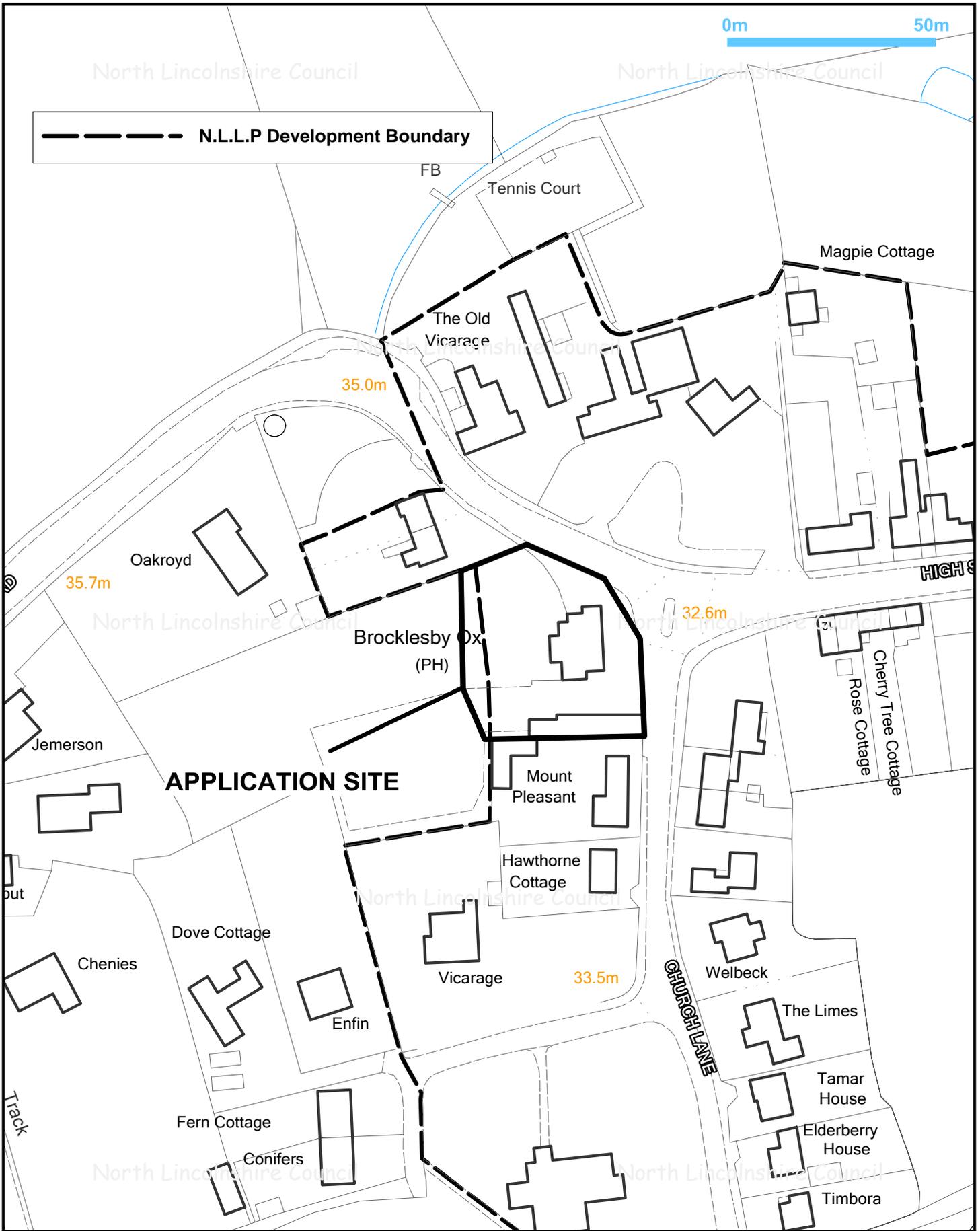
highway would either need to be included within this agreement or alternatively, once constructed in accordance with the approved details, offered for adoption by the highway authority under Section 228 of the Highways Act 1980.

Informative 2

The proposed development has the potential to suffer from a level of flooding due to surface or ground water run-off and/or drainage overflow. Care should be taken with finished floor levels, threshold levels and location of openings. SuDS must be considered with respect to increased hard-paved areas and size of development. Further advice can be sought by contacting the Drainage Team on 01724 297522. Any advice offered by the Drainage Team should be acted upon to prevent the increased risk of flooding to themselves and others.

Informative 3

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.



Title: PA/2015/0312		Scale 1:1250 at A4	
Drawn by: Sue Barden	Date: 06/10/2015		

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PA/2015/0312 Proposed elevation - Not to scale



FRONT ELEVATION

PA/2015/0312 Proposed site layout plan - Not to scale

