

**APPLICATION NO** PA/2015/0811

**APPLICANT** The Co-Operative Group

**DEVELOPMENT** Planning permission for side/rear extension and provision of new entrance, ATM, bollards and plant area for change of use of premises as A1 retail unit

**LOCATION** First & Last public house, 11a Station Road, Kirton-in-Lindsey

**PARISH** KIRTON-IN-LINDSEY

**WARD** Ridge

**CASE OFFICER** Chris Neal

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO 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 7 – Requiring good design

**North Lincolnshire Local Plan:** DS1 (General Requirements), C3 (Planning For Accessibility), T19 (Car Parking Provision and Standards)

**North Lincolnshire Core Strategy:** CS1 (Spatial Strategy For North Lincolnshire), CS2 (Delivering More Sustainable Development), CS5 (Delivering Quality Design), CS14 (Retail Development), CS22 (Community Facilities Service)

## **CONSULTATIONS**

**Highways:** No objections following additional information.

## **TOWN COUNCIL**

No comments.

## **PUBLICITY**

Neighbouring properties have been notified. Thirty letters of comment have been received: one in support, one making general observations and the remainder objecting primarily on grounds of loss of the pub and highway issues.

One detailed letter of objection on technical grounds has been received from Nathaniel Lichfield & Partners on behalf of their clients, The Lincolnshire Co-Op. This argues against

the applicant's fall-back position that the pub could change use under permitted development rights due to the previous extension not being implemented and a restrictive condition on the previous extension approval. Whilst this would have been true had no application been submitted, the submission of this application is in effect allowing the extension to be reconsidered as an A1 extension. This report assesses the acceptability of the A1 extension although it is noted the description is confusing.

## **ASSESSMENT**

In determining this application it must be noted that the change of use from a pub to a retail unit cannot be materially considered as this benefits from a permitted change of use. The 2015 General Permitted Development Order (GPDO), Schedule 2, Part 3 requires that a request be submitted to seek clarification if a public house has been nominated as an Asset of Community Value pursuant to the Localism Act 2011 prior to development commencing. A written request was made, and a response was received from North Lincolnshire Council in April 2015 confirming that the building had not been nominated and as such permitted development rights for a change of use apply. This cannot currently be reassessed. Consideration cannot therefore be given to whether the change would involve the loss of a community asset, however it could be contended that a retail store in this location is still a community asset so it would not be a loss but a change.

Likewise the design of the extension itself in relation to the street scene and character of the area has already been considered acceptable in the previous application (PA/2015/0407), which was for the same footprint, layout and form. This considered the only aspect which needs to be determined is whether or not the extra retail floor space as created by the extension can be justified at this location.

The extension could be built now providing that the use briefly remained a public house and later change to A1 under its permitted development rights. There is a condition on PA/2015/0407 which attempts to control the change of use as follows: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order amending or revoking or re-enacting that order) and the Use Classes Order 1987 (as amended), the extension hereby permitted shall only be used as additional floor space to the public house and for no other purpose unless planning permission is granted on a specific application". It ties the extension to solely be used in connection with the public house rather than restricting its use to solely and specifically A4. When the extension is built to the public house it becomes part of a single planning unit. There is no restriction on the site as a whole changing use so it would be difficult to prevent the extension from changing with it.

Kirton-in-Lindsey is defined as a market town and as a district centre for the purposes of retail in the Core Strategy and this site falls within the development boundaries in the current and upcoming policies. The site is outside the defined Kirton Shopping Centre.

In terms of design and appearance, policy CS4 of the Core Strategy and DS1 of the North Lincolnshire Local Plan require high quality design. The design of the main extension has already been considered acceptable under the previous application and so does not require reassessment. The only remaining elements are the inclusion of an ATM on the front elevation, minor alterations to the fenestration and details of the plant and machinery.

A large number of objections have been received over the generation of additional traffic from the new use. A transport statement and delivery management plan was, however,

submitted in an attempt to deal with these concerns and to ensure deliveries have a minimal impact on traffic and that useable (see swept path analysis) off-street parking is provided.

At present the public house has two entrances/exits which allows vehicles to travel across the forecourt in and out of the site in forward gear. The new proposal would retain this, albeit a slightly narrower strip. It may be beneficial to have one access clearly labelled as the entrance and one as the exit to avoid some of the traffic issues. It is identified in the Delivery Management report that the point for deliveries is still of sufficient dimensions to accommodate 10 metre rigid body vehicles.

Consideration could be given to conditioning the provision of signage prior to the alterations being brought into use, directing customers to the off-street car parking which should thereafter be retained.

Many objections also highlight the feeling that the loss of the public house will be the loss of a valuable community asset. Measures are in place to protect these where necessary but all procedures have been followed and the building was not designated as such. If the owners feel the public house is no longer the most economically viable use for the site then there is little the local planning authority can do to manipulate the market and demand for facilities.

It is suggested that the hours during which the extended building can be used could be controlled through a condition in addition to any licensing legislation.

Environmental Health have recommended a condition requiring the submission of noise mitigation measures relating to fixed plant and equipment. Details of the location and type of equipment was shown on the submitted plans and a noise report was submitted with the application but does not appear to be sufficient so a condition will still be necessary. They also suggested controls on construction hours and traffic. Given the nature of the site a condition can be used here.

Given the earlier applications' consideration of design and the permitted change of use of the building, policy CS14 is the main policy left to consider relating to the retail extension. This policy states that it supports retail development if it meets the needs of the local area and is sustainable. As this is not central to the settlement it could be considered necessary to pass a sequential test. In this case, given that it is an extension to an already permitted retail use, the additional floor space needs to be within the same site and to this end no further analysis is required.

**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.  
All deliveries to and collections from the proposed development shall be restricted to the hours of Monday to Saturday 8am to 9pm, and Sundays and public/bank holidays

9am to 6pm. The engines and refrigeration equipment of delivery vehicles shall be switched off while the vehicles are on site. The reversing alarms of all delivery vehicles shall not be used whilst delivery vehicles are on site. 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

In the interests of the character and amenity of the locality.

3.

All waste collections from the proposed development shall be restricted to the hours of Monday to Saturday 8am to 9pm, and Sundays and public/bank holidays 9am to 6pm, and all waste bins stored externally shall have plastic wheels.

Reason

In the interests of the character and amenity of the locality.

4.

The extension hereby permitted shall be open to the public only between the hours of 6am and 11.30pm Monday to Saturday, and between 10am and 5pm on Sundays.

Reason

In the interests of the character and amenity of the locality.

5.

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.

6.

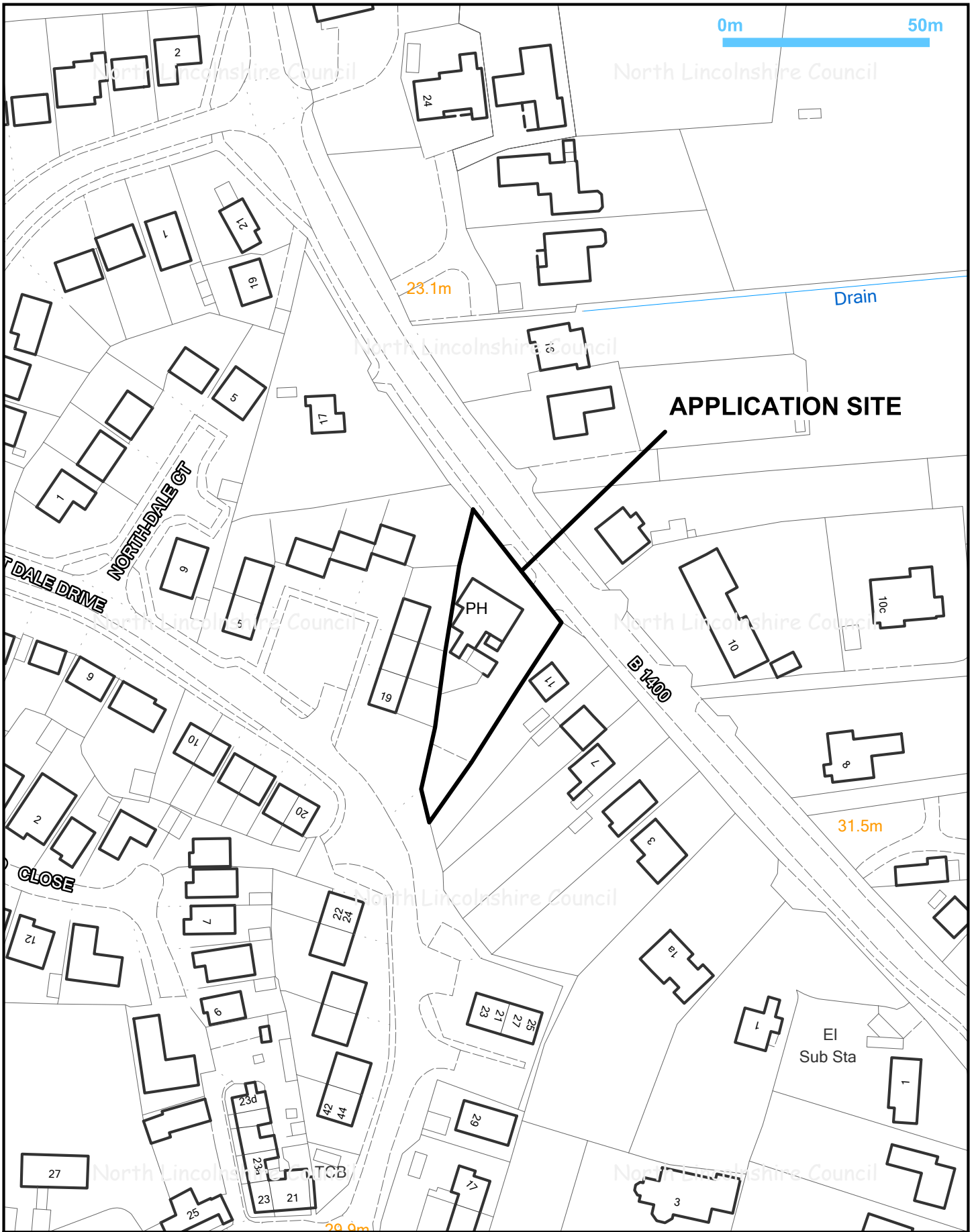
No external plant, mechanical equipment, extraction equipment or external lighting, other than that shown on the approved plans, shall be installed without the prior written agreement of the local planning authority. The plant, extraction equipment and external lighting shall be fully implemented in accordance with the agreed details.

Reason

To safeguard the residential amenity of neighbouring occupiers in accordance with policy DS1 of the North Lincolnshire Local Plan.

### **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.

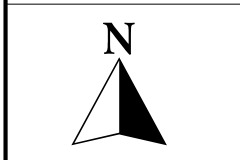


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# PA/2015/0811 Proposed Layout - Not to scale

