

APPLICATION NO	PA/2017/535
APPLICANT	Mr T K Wong
DEVELOPMENT	Planning permission for the construction of two new buildings comprising two retail outlets and a flat at ground floor, and two duplex and one flat on first floor (including demolition of existing building) [re-submission of PA/2016/1350]
LOCATION	Post Office House & Stores, Town Street, South Killingholme, DN40 3HR
PARISH	South Killingholme
WARD	Ferry
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by South Killingholme Parish Council Officer discretion (significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraphs 15, 47, 50, 55, 56, 60, 61 and 99 to 103 also apply.

North Lincolnshire Local Plan: DS1, H5, H8, T2.

North Lincolnshire Core Strategy: CS2, CS3, CS5, CS14, CS22.

CONSULTATIONS

Highways: Initial concerns regarding access and that the development encroached onto adopted highway land. Amended plans have been submitted setting back part of the development slightly to ensure no encroachment. Advise conditions.

Ecology: No bat or bird survey required. Advise informative regarding native planting and bat and bird boxes.

Archaeology: No objections.

Environmental Health: Advise conditions regarding contamination, hours of construction, refrigeration, extraction and hours of operation for the retail units.

HSE: No objections.

PARISH COUNCIL

Objects to the proposal on the following grounds:

- a three-storey building would not fit in with buildings in the village
- would set a precedent for other developers
- tandem development
- the number of parking spaces is inadequate
- there may be issues surrounding loss of privacy/loss of light
- there is no indication of what the retail outlets will be or their opening hours.

PUBLICITY

A site notice has been posted near to the site. Twenty-three letters of objection and eight letters of support have been received, making the following comments:

Objections:

- the size of the building
- use of the buildings
- noise and disturbance
- loss of privacy/overlooking
- the design is out of keeping with the village
- not enough parking
- safety concerns regarding cars from the parking area going through the fence

- disturbance from the takeaway (noise, smell, rats, litter, congregation of people etc)
- lighting to rear areas (too bright or too dark which could lead to crime)
- highway safety/increased traffic
- loss of light

Support:

- the current building is an eyesore
- good layout proposed
- would bring employment opportunities
- housing potential for new residents
- need more facilities in the village
- good for the community
- a new local resource.

ASSESSMENT

The application property is a large detached redundant building set on a large plot. It has a fully hipped roof and there are three first-floor windows in the southern elevation. The building is in a poor state of repair and it has been vacant for a number of years, the previous use being a takeaway. To the south there is a detached house set back from the road with a fence along the boundary. To the immediate north there is an electric substation, with a bungalow to the north-west.

This proposal seeks permission to demolish the existing building and replace with two buildings comprising two retail units and four flats. A car parking area for the flats is proposed to the rear, together with a bin and bike store and a garden area beyond. Vehicular access to the car park is proposed to the south of the proposed building with three parking spaces to the retail units proposed to the front of the development.

This application is a resubmission of PA/2016/1350 which was refused on 7 November 2016 on grounds of poor design, overlooking from windows in the northern elevation and inadequate information regarding highway issues.

The main issues in determining this application are whether the proposed development is in keeping with the character of the area, would result in loss of amenity to neighbouring properties, or would have any adverse impact on the highway network.

Principle

The proposed scheme comprises mixed retail and residential development. The site is part inside and part outside the development boundary, the majority of the building being within

the boundary line. The rear part of the northern building is outside the settlement limit. The benefits of the development have been considered against the encroachment outside the boundary. The site is within a developed area with no open fields or countryside adjacent. The boundary is drawn to exclude the rear gardens of some of the surrounding properties. The site at present is an eyesore which is in need of redevelopment. The proposal would provide retail opportunities which would provide local employment opportunities and would constitute community facilities which would serve local people and prevent the need for unsustainable travel and would support the local economy, in accordance with policies CS14 and CS22. The scheme has been designed to be located as much as possible within development limits; however the slight encroachment is not considered to be significant nor would it have any adverse impact on the open countryside or set a precedent for similar proposals.

Design

The design of the proposal is a significant improvement on the application which was refused. It is proposed to erect a three-storey brick building set back from the road with a part two-storey, part single-storey zinc clad building at right angles to the three-storey development, forming a courtyard appearance to the front of the development. The ground floor of the buildings would be used for retail use with residential uses on the upper levels and in the building at the rear of the ground floor. Car parking and a good sized communal garden area are provided to the rear. Concerns have been raised with regard to the three-storey building and the design not being in keeping with the character of the area. There is no set character of development in South Killingholme with a mix of house styles, types and architectural features. Whilst there are no three-storey buildings in the vicinity there are no restrictions preventing a building of this height, particularly as it would not result in any loss of amenity. The combination of a two- and three-storey building, together with the differing materials, would visually break up the development and add interest to the appearance of the street scene. The proposal is therefore considered to be in accordance with policy CS5 of the Core Strategy.

Amenity

Concerns have been raised regarding loss of privacy and overlooking. The 2016 application was refused due to overlooking from windows in the northern elevation. These windows have been largely removed from the proposal, the only windows in the side elevations being landing windows. The existing property has first-floor windows in the southern elevation. The proposed windows in the upper levels of the proposed building would serve the landing/hallways. The window to the south would look out over the driveways to the site and the neighbouring property, but would have no further impact than the window in the existing building. In the northern elevation the hallway/landing windows would be obscured by the two-storey building. This building would have high-level rooflights in the facing roof slope which, due to their height above floor level, would be unlikely to result in any overlooking or loss of privacy. With regard to loss of light, due to the separation distance and layout, it is not considered that the proposal would result in any significant loss of light to neighbouring properties or areas of private amenity space.

Highways

Initially Highways had some minor concerns regarding the access and the encroachment over the adopted highway. This has led to the two-storey building being pulled back a little

further into the plot to ensure that the development is entirely within the site. Highways now have no objections to the proposal subject to conditions.

Concerns have been raised with regard to the number of parking spaces proposed. One parking space has been provided per dwelling with three spaces to the front for the retail units. The shops are within walking distance of much of the village and there are no on-street parking restrictions. One space per dwelling is considered adequate in this location and it should be noted that secure cycle parking is also provided. The access point is an existing access and, when considering the existing layout of buildings, it is not considered that the access would be unsafe or have poor visibility. A neighbour has raised concerns regarding the possibility of cars accidentally going through the boundary fence when entering or leaving the parking spaces to the rear. As such, bollards are proposed along this section of fence line to prevent any such accidents from causing damage to the fence.

Other issues

With regard to pollution/rats/litter, these concerns have been raised following issues with the previous takeaway use and assume that further takeaway uses are proposed. These issues could be overcome with good management and environmental health legislation. Planning conditions can be applied to control any potential pollution from cooking smells, fumes and light pollution.

With regard to noise pollution and crime, it is not considered that the proposed development would increase the risk of these above what could be expected with the previous use. There are no 'hiding places', alleyways or other obvious potential for an increase in crime. Concerns have been raised with regard to congregation, antisocial behaviour and noise from car stereos. The residential nature of the scheme is considered to be a deterrent from such potential issues and would alleviate the potential for crime due to the occupation of the flats. Noise from deliveries and construction could be controlled by conditions regarding appropriate hours.

Concerns have been raised with regard to the use of the building, particularly if a takeaway is proposed. There have been no specific retail uses specified on the application and as such A1 (shop/retail) uses will be conditioned. Any proposed A5 (takeaway) use would require a separate planning permission and the merits would be considered if such an application was to be made.

Conclusion

The proposed development would improve the appearance of what is a run-down site in need of re-development. The proposed retail and residential uses are considered to benefit the local community by providing local shopping and employment opportunities. The design is considered to enhance the street scene and provide a focal point for this part of the village. The development has been designed so that there will be no loss of amenity to neighbouring properties by way of loss of light or overlooking. The benefits of the development outweigh any concerns over the three-storey element of the proposal or the slight encroachment over the development boundary. The proposal is considered to comply with the policies outlined above and is acceptable subject to conditions.

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: 2374.E000, 2374.P001a rev B, 2374.P001 rev C, 2374.P002, 2374.P003, 2374.P004, 2374.P005 and 2374.P006.

Reason

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

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development 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.

4.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction, demolition or site clearance 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 residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

No plant for refrigeration, ventilation or air-conditioning shall be installed until the details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of the likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. The submitted scheme shall also identify the final discharge point of cooking odours from the extraction and filtration system. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

In the interests of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

The hours of opening for the retail units shall be restricted to:

- 7am to 10pm Monday to Saturday

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

Reason

In the interests of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

The hereby approved retail units shall be restricted to A1 use (Town and Country Planning (Use Classes) Order 1987 (as amended)) only.

Reason

To allow the local planning authority to assess any potential impact from any other commercial use on the site in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature

and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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.

9.

The proposal shall be constructed in accordance with drawing 2374.P001a rev B, making sure that the buildings and associated works are clear of the adopted highway.

Reason

To define the terms of the permission to ensure that there is no impact on the adopted highway.

10.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

11.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

12.

Prior to the occupation of the residential units, details of the bollards illustrated on drawing 2374.P001 rev C shall be submitted to and approved in writing by the local planning authority. The bollards shall be installed prior to the dwellings being occupied and thereafter retained as such.

Reason

In the interests of residential amenity and safety in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

No external lighting shall be installed without the prior written approval of the local planning authority.

Reason

In the interests of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

Because a significant amount of demolition is involved, if you have not already done so, you are advised to contact the council's Building Control team at the Civic Centre, Ashby Road, Scunthorpe, DN16 1AB (telephone 01724 297428; email buildingcontrol@northlincs.gov.uk) to ensure the requirements of Section 80 of the Building Act 1984 are complied with.

Informative 2

When considering tree planting, the applicant is encouraged to use native or ornamental species that produce blossom, seeds and fruit or that support large numbers of insects. The use of bat and bird boxes within the development is also encouraged.

Informative 3

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

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.

PA/2017/535 – Site Location

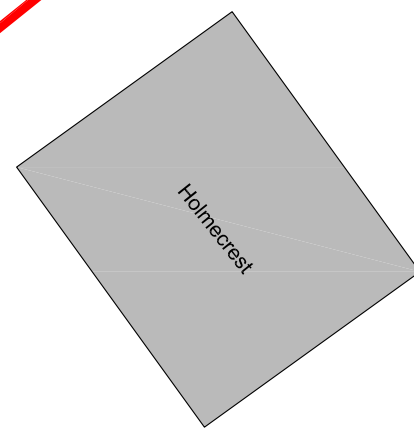
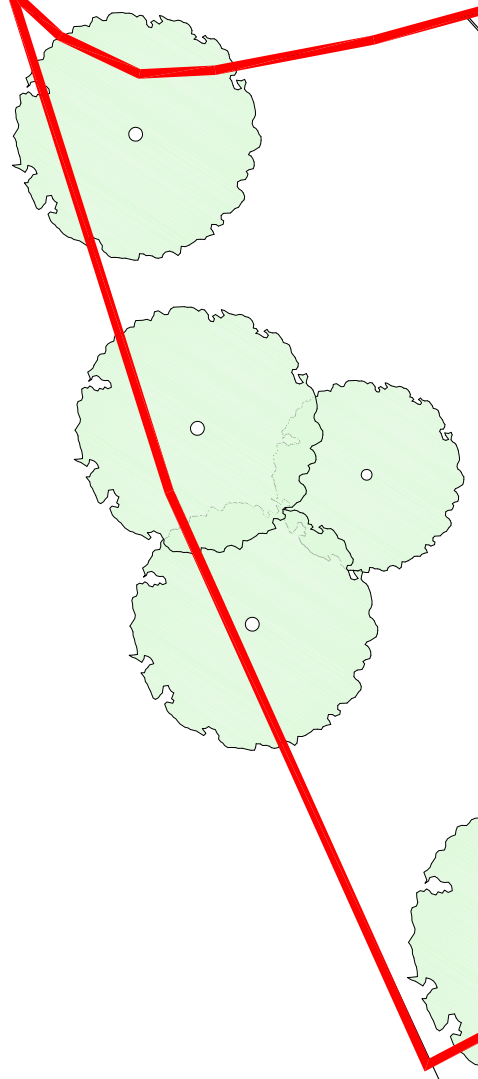


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PA/2017/535 Block Plan Not To Scale

Carlton Cottage

Town Street



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Rev	Date	Revision	Drawn By	Checked By
A	03.04.17	Addition of a bin and bike store for flats following planning meeting 30.03.17	CH	-
B	23.05.17	Relocation of proposal on site following comments from Highways	CH	-
C	04.07.17	Addition of bollards along neighboring fence following comments from Planning Officer	CH	-

Client: Mr. Wong			
Project Title: Town Street, South Killingholme			
Drawing Title: Proposed Site Block Plan			
Drawn By: CH	Checked By: LL	Date: 22/03/2017	Drawing Number: 2374.P001
Scale: 1:200 @ A3	Revision: C	Status: Planning	

