

APPLICATION NO	PA/2023/1802
APPLICANT	Paul Warren, Holls Electrical Ltd
DEVELOPMENT	Planning permission for change of use of two retail units to three flats (resubmission of PA/2023/1397)
LOCATION	4-5 Belgrave Square, Scunthorpe, DN15 6LX
PARISH	SCUNTHORPE
WARD	Town
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Rob Waltham MBE – significant public interest)

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- H5 (Part saved) new housing development
- H6 Flats above shops and the use of vacant buildings for housing
- DS1 General requirements
- T2 Access to development
- T19 Car parking provision and standards
- DS11 Polluting activities
- DS14 Foul sewage and surface water drainage

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS14 Retail development

Housing and Employment Land Allocations DPD: The site is within the development limits of Scunthorpe, within the town centre shopping area.

TC-1 Development in North Lincolnshire's town centres and district centres

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

TC1 Retail hierarchy and town centre and district centre development

CONSULTATIONS

Highways: No objections but advise an informative.

LLFA Drainage: No comments or objections.

Environmental Health and Housing: Advice provided in relation to HMOs, Building Regulations approval and other legislation.

Recycling and Waste: Advice provided in relation to waste management and refuse collection.

PUBLICITY

A site notice has been displayed – no comments received.

ASSESSMENT

Planning history

- PA/2020/1352: Advertisement consent for an internally illuminated fascia sign – approved with conditions 06/11/2020
- PA/2019/1711: Advertisement consent to display a mix of illuminated and non-illuminated signage – approved 23/03/2020
- PA/2020/1230: Planning permission install a new shopfront, with a single door and external cladding (including removal of existing shopfront and canopy over) – approved with conditions 06/11/2020
- PA/2022/1125: Advertisement consent to replace existing signage on the main entrance, add small branded signage to the window beds and install new high level signage to the side of the store – approved with conditions 01/09/2022
- PA/2023/1397: Planning permission for change of use of two retail units into three flats – withdrawn

The site is within the town centre shopping area. The site is within SFRA flood zone 1, and is not within a conservation area. There are no listed buildings or tree preservation orders within or close to the site.

Site characteristics

The site is within the identified Scunthorpe town centre, to north of Mary Street and west of Cole Street. The site falls within the defined town centre shopping area within Scunthorpe, and is within flood zone 1. The site is not within a conservation area and there are no listed buildings near to the site which would be affected by the development.

The supporting statement confirms that the current building comprises two retail units (Units 1 and 2) at the ground floor and three flats at the upper first floor. Documents indicate that 'Unit 1 was initially rented out with a 3-year lease which started back in 2018, has since been amended to 5 years but has now expired leaving it on a rolling monthly arrangement'.

The application indicates that 'Unit 2 is occupied by the applicant but they wish to vacate as they have decided to downsize the business, shut up the retail premises and go to online sales only, with the revised business working from a storage unit which they already own elsewhere'.

When officers visited the site, during normal working hours, one of the retail units (Wool Paradise) was open and trading. The larger retail unit (Holls Electrical Ltd) was closed with the roller shutters down.

Mary Street and Cole Street are used as key routes into the wider shopping centre, with car parking available to the southwest of the site. Whilst the units are not identified as within a primary shopping frontage, they are within the town centre boundary as defined on the Scunthorpe Town Centre Inset Plan.

Proposal

Planning permission is sought for a material change of use of two ground-floor retail units into three one-bedroom flats. Each flat would comprise a bedroom with en-suite shower room, and open plan kitchen, dining and living space. Access would be provided directly from street level, with each flat having its own independent access.

Externally, it is proposed to remove existing shopfronts and reduce the size of existing openings, with the insertion of domestic windows and doors. Additional openings are proposed in the south-facing elevation serving flats 2 and 3.

Material considerations

As set out above, planning permission is sought for the material change of use of two existing retail units at ground-floor level to provide three one-bedroom flats, each accessed independently from one another.

The main issues in the determination of this application are:

- **principle of development**
- **residential amenity**
- **appearance/quality of design**
- **flood risk and drainage**
- **highway safety.**

Principle of development

The development plan identifies Scunthorpe as the major sub-regional town, supported by market towns, rural settlements and rural settlements in the countryside. Through the combination of the Core Strategy, HELA and local plan, the council are seeking to facilitate an urban renaissance in Scunthorpe, with policy CS1 of the Core Strategy identifying it as the focus for the majority of new development and growth.

This policy indicates that the town centre will be the main focus of new retail, leisure, commercial office and cultural developments in the area. As part of the urban renaissance programme, significant regeneration will take place within the town centre to provide new retail opportunities, a new market hall, cultural and leisure facilities as well as enhancements to the public realm and urban fabric. The use of high quality and innovative design will be supported in the town centre. Mixed use development is encouraged in the town centre through policy CS1.

The site is located and allocated within the town centre shopping area as defined on the Scunthorpe Town Centre Inset Proposals Map.

Paragraph 90 of the NPPF is clear that planning policies and decisions should support the role town centres play at the heart of communities by taking a positive approach to their growth, management and adaptation. Planning policies should:

- (a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- (b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- (f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Policy TC1 of the Housing and Employment Land Allocations DPD replaces local plan policies S1, S2, S3, S4 and S5. Policy TC1 reflects the NPPF and recognises that residential development plays an important role within town centres. This is reflected within the policy allowing residential development at upper floors. Policy TC1 states:

'Within the defined town centre boundaries of the sub-regional town of Scunthorpe, as shown on the Scunthorpe Town Centre Inset Plan, Shops (A1) uses will be permitted. The following non-shopping uses will also be permitted:

- (i) Business (B1) at upper levels
- (ii) Residential (C3) at upper levels
- (iii) Financial and Professional Services (A2)
- (iv) Restaurants and Cafés (A3)
- (v) Drinking Establishments (A4)
- (vi) Hot Food Takeaways (A5)
- (vii) Hotels (C1)
- (viii) Non Residential Institutions - Community Facilities (D1) open daily
- (ix) Assembly and Leisure Facilities (D2)
- (x) Taxi Businesses.

Policy TC1 allows for a range of alternative uses within the town centre, including residential development at upper floors. It seeks to support development at ground floor for a range of uses which now fall within the Town Centre Use Class E and other specified uses considered suitable in town centres. This seeks to ensure the vitality and viability of identified centres are maintained or enhanced as set out in the NPPF.

The proposal seeks to convert the ground floor level to residential flats. This is contrary to policy TC1 which allows residential development at the upper level only. The applicant has confirmed that the upper level of the building has already been converted to residential development and serves as three flats.

The applicant contends that the property has been advertised since January 2023, so far without any success. They have also engaged Bell Watson Estate Agents who have also

advertised the unit since March 2023. The supporting statement indicates that no serious offers for the property have been received. However, no further information in the form of a marketing assessment has been submitted in support of the application. The marketing efforts of those engaged to market the property are unknown, and it is not clear whether the price the property has been marketed at is appropriate.

The supporting statement cites the lack of interest in the property as being due to it not being on the main High Street, that the High Street is losing footfall due to lack of investment and there already being vacant retail units within the High Street. No further information is provided to evidence this, and no comparison of any existing vacant units is made to support these claims.

The proposed change of use of the retail units would result in the loss of existing opportunities for town centre uses. The proposals are contrary to the aims of the development plan, which seek to maintain the vitality and viability of the centre by supporting residential uses in upper floor levels, retaining ground floor space for retail and other similar uses. No evidence has been provided to demonstrate that there is no longer a need for the units, and that their loss would not affect the vitality and viability of the town centre.

Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Through policy TC1, the council seeks to ensure the vitality and viability of the defined town centre is maintained by retaining town centre uses and supporting residential uses in upper floors. The development is contrary to the aims of policy TC1 and as such the principle of development is not considered acceptable.

Residential amenity

Policy DS1 of the local plan is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' Policy DS11 of the local plan is concerned with polluting activities; both are considered relevant.

Paragraph 135 of the NPPF states, amongst other matters, that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 193 of the NPPF indicates that where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The property is within the town centre, adjacent to other existing town centre uses and a car park. Whilst no objection has been received from the Environmental Protection team in relation to noise impacts, it is considered that the location of the flats at ground-floor level would expose occupants to elevated noise and disturbance from existing users and adjacent retailers during daytime and nighttime hours.

These impacts could also affect the operation of those existing businesses due to impacts or complaints from the proposed new residents. Given the proximity to neighbouring commercial uses, it is considered that mitigation would be needed to address potential

impacts caused by neighbouring land uses. In this instance no mitigation is identified within the application and, given the proximity to neighbouring commercial premises, it is not considered appropriate to secure mitigation by means of a condition.

The external alterations would see the removal of shopfronts and the installation of windows and doors to serve the proposed flats. Given the size of openings and volume of pedestrian movements in the area associated with the surrounding commercial uses, occupants of the proposed flats would be likely to have diminished levels of privacy. Owing to the site-specific circumstances in this case, it is considered that the proposed residential use would not be compatible with surrounding commercial uses. Occupants of the proposed flats would not benefit from adequate standards of amenity, and would be likely to be exposed to reduced levels of privacy, and heightened levels of noise and disturbance.

For these reasons, the proposed development would conflict with the aims of policies DS1 and DS11 of the North Lincolnshire Local Plan, and the aims of paragraphs 135 and 194 of the NPPF.

Appearance/quality of design

Policies CS5 of the Core Strategy and DS1 of the local plan expect a high standard of design in all developments, the latter establishing a set of criteria on which development will be assessed.

The proposed design seeks to remove the large shopfront windows and replace them with a series of smaller residential style windows to serve the different rooms within the three separate flats. This would result in the loss of existing shopfronts and, given the site's location adjacent to other commercial premises, the proposals could be considered out of character with the wider street scene. Positive elements of the scheme would see the removal of externally-mounted roller shutters and signage which, although characteristic of the area, adds little to the architectural interest of buildings in this location.

Policy DS1 requires the proposal to reflect or enhance the character, appearance and setting of the immediate area. The application site forms one of a number of retail units with shop fronts facing onto the adjacent street. The proposals would result in the removal of shop fronts, signage and external shutters in favour of the installation of a range of domestic window openings. Given the surrounding context, the development would appear at odds with neighbouring buildings within the street. The simple design of the development would fail to reflect the pattern of existing development and would not be reflective of the commercial character of the area.

For reasons set out above, the proposed development would fail to reflect or enhance the character, appearance and setting of the immediate area contrary to policy DS1 of the local plan and the aims of policy CS5 of the Core Strategy.

Highway safety

Policies T1 and T19 of the local plan collectively seek to ensure developments are well-located in terms of access and provide sufficient parking to accommodate the vehicular demands of the proposed use.

Paragraph 115 of the NPPF is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been assessed by the council's Highway Officers who have no objections or comments to make. Officers note that the site benefits from suitable access and is within a sustainable location, being within the town centre. In addition, the site is well placed in terms of access to public transport links and the proposed site plans include a garage for at least two cars and an external car parking space.

In the absence of any objection from the highway authority, and in light of the town centre location, the proposed change of use would not be considered to give rise to any impact on road safety to a degree that would justify withholding planning permission. The development is considered acceptable in this respect in accordance with policies T1 and T19 of the local plan, and policy CS25 of the Core Strategy.

Flood risk and drainage

LLFA Drainage have not raised any concerns regarding the proposals. The building is existing and no extensions are proposed. The site is not prone to flooding and is within flood zone 1.

In the absence of any objection from the LLFA Drainage team, the proposed change of use would not be considered to give rise to any impacts in relation to flood risk or drainage. The development is considered acceptable in this respect in accordance with policy DS14 of the local plan.

Conclusion

Members are advised that the development would conflict with the aims of policy TC1 of the local plan, which seeks to restrict the introduction of ground-floor residential accommodation in this location. The provision of ground-floor residential accommodation in this location is therefore not considered to be acceptable as a matter of principle. In addition, occupants of the flats would likely be subjected to noise and disturbance associated with the site's town centre location and adjacent commercial uses, and occupants of the flats would likely have diminished levels of privacy owing to the external changes proposed.

Members are therefore recommended to refuse planning permission for the reasons set out within this report.

RECOMMENDATION Refuse permission for the following reasons:

1.

The development, by virtue of its use for residential purposes within a defined town centre, is considered likely to have a detrimental impact on the vitality and viability of Scunthorpe town centre, and is contrary to the aims and objectives of policy TC1 of the North Lincolnshire Local Plan.

2.

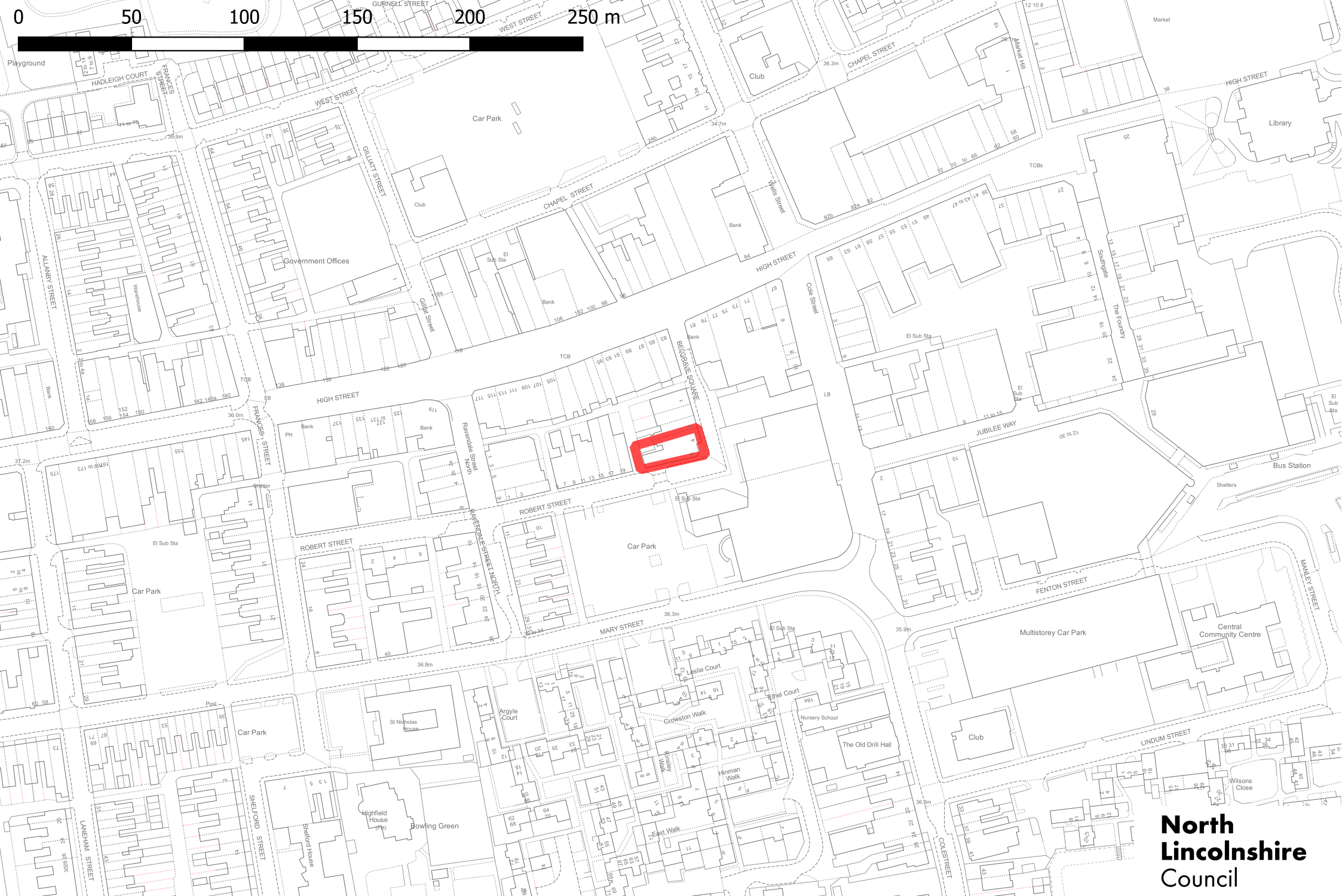
The proposed use is likely to expose occupants of the proposed flats to noise and disturbance which would be harmful to residential amenity. Given the site's location adjacent to neighbouring commercial uses within an area of high footfall, and by virtue of the proposed design of external openings, occupants of the properties are likely to experience reduced levels of privacy which would be harmful to residential amenity. The proposals are considered contrary to the aims of policy DS1 of the North Lincolnshire Local Plan.

3.

The proposed development would fail to reflect or enhance the character, appearance and setting of the immediate area contrary to policy DS1 of the local plan and the aims of policy CS5 of the Core Strategy.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

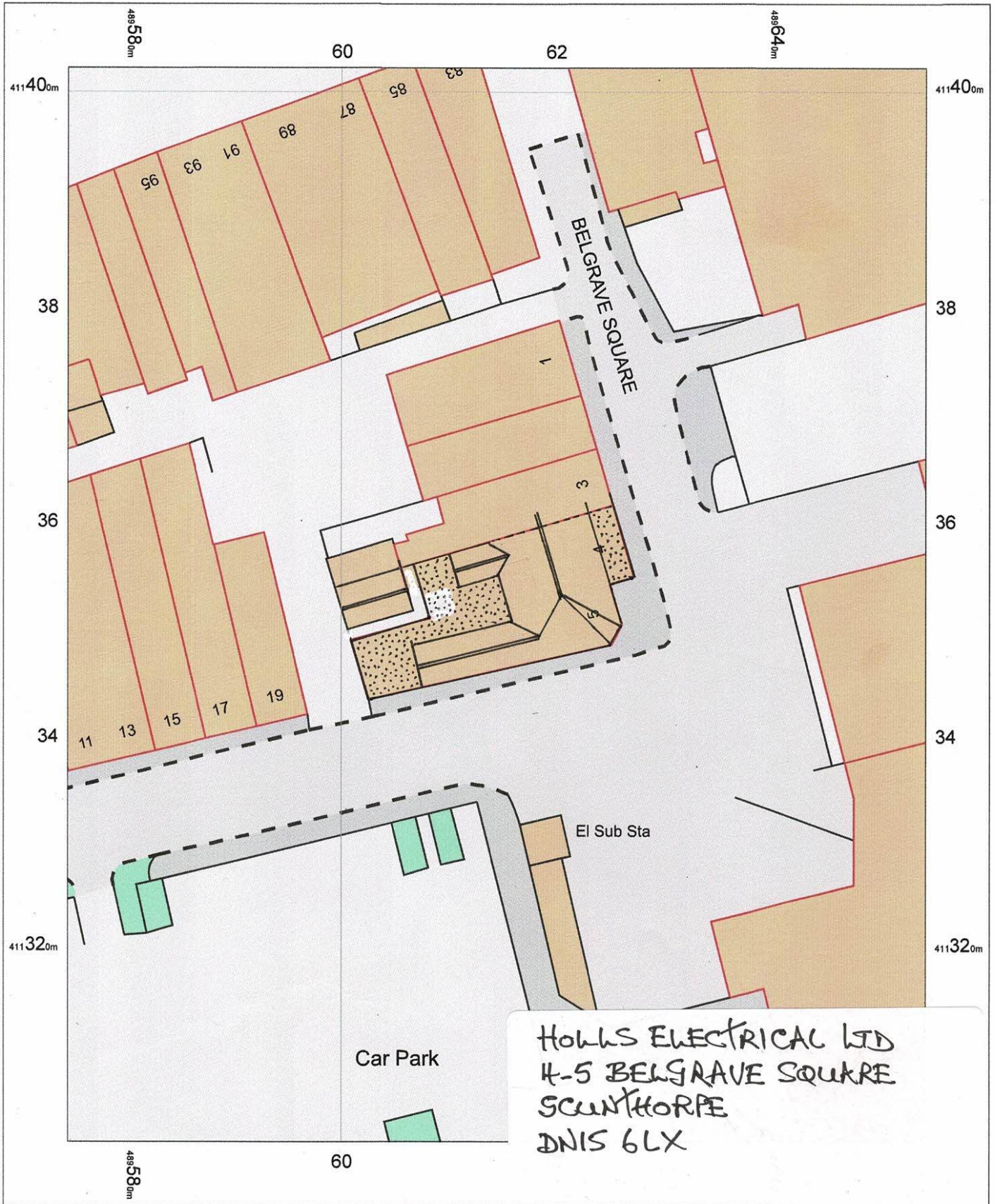


**North
Lincolnshire
Council**

PA/2023/1802

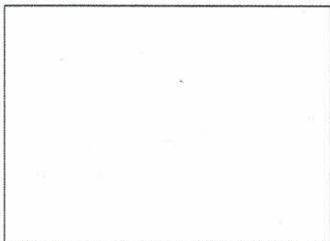
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PA/2023/1802 Site layout (not to scale)



"BLOCK PLAN"

DRG. NO: HE/23/02

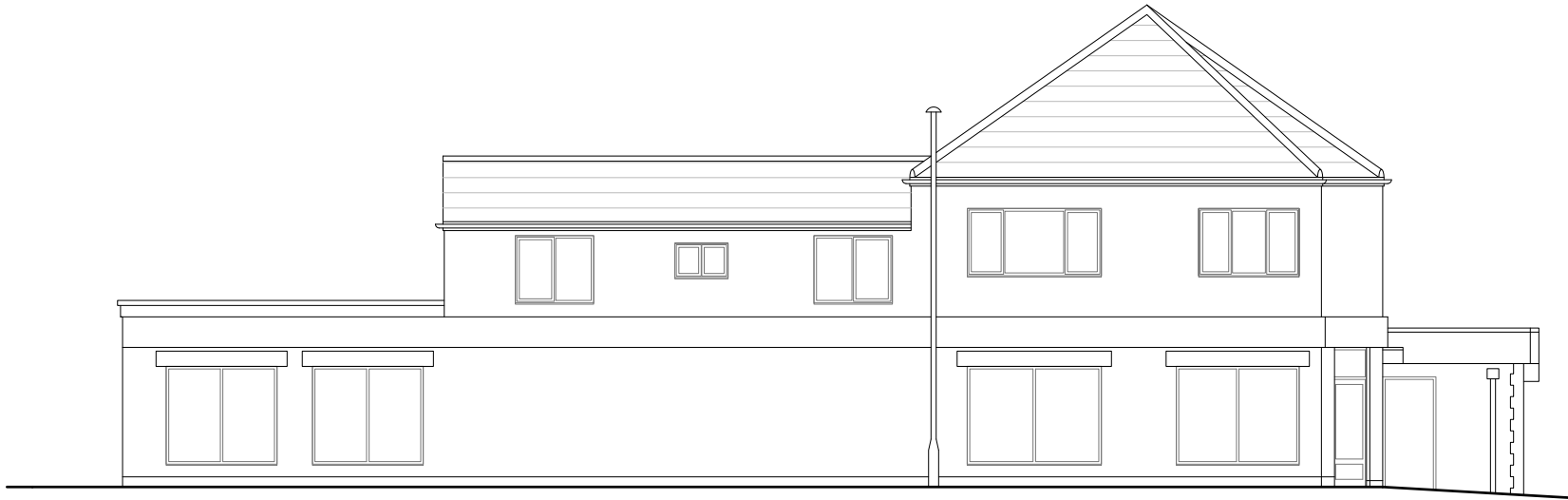


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PA/2023/1802 Existing elevations (not to scale)



South Elevation

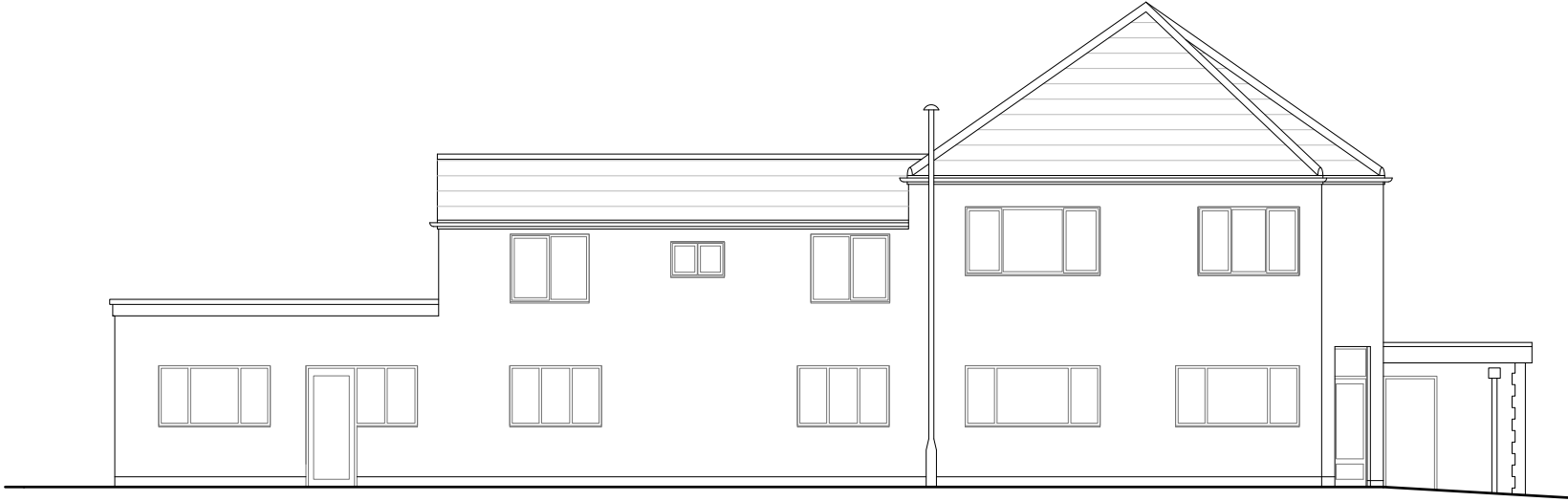
EXISTING ELEVATIONS 1:100



East Elevation

JEM MANAGEMENT SERVICES			
45 Oswald Road Scunthorpe North Lincolnshire DN15 7PN		M - 07764922416 T - 01724 282356 E - jem.managementservices@btconnect.com W - www.jemmanagementservices.co.uk	
client: Hobbs Electrical Ltd - 4-5 Belgrave Square DN15 6LX			
project: Proposed Alterations To form 3no Ground Floor Flats			
drawing title: Existing Elevations			
drawn by: NWP	date: 17.06.2023	scale: 1 / 100	ref:
HE / 23 / 04			

PA/2023/1802 Proposed elevations (not to scale)



South Elevation

PROPOSED ELEVATIONS 1:100



East Elevation

JEM MANAGEMENT SERVICES			
45 Oswald Road Scunthorpe North Lincolnshire DN15 7PN		M - 07764922416 T - 01724 282356 E - jem.manservices@btconnect.com W - www.jemmanagementservices.co.uk	
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