

<b>APPLICATION NO</b>	<b>PA/2021/1742</b>
<b>APPLICANT</b>	Mr Abdal Miah
<b>DEVELOPMENT</b>	Planning permission to install an external extraction chimney flue and staircase
<b>LOCATION</b>	Co-op Store, Spruce Lane, Ulceby, DN39 6UL
<b>PARISH</b>	Ulceby
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Ulceby Parish council

## **POLICIES**

**National Planning Policy Framework: 84**

**North Lincolnshire Local Plan: DS1, DS5, T2, T19**

**North Lincolnshire Core Strategy: CS1, CS2, CS5, CS17 and CS19**

## **CONSULTATIONS**

**Highways:** No comments or objections.

**Drainage (Lead Local Flood Authority):** No objections or comments.

**Environmental Protection:** Pre-commencement condition recommended relating to noise and odour.

## **PARISH COUNCIL**

Object to this application for the following reasons:

- There are no specific specifications for the chimney extractor to provide evidence that the fumes extracted are not going to be detrimental to neighbouring properties and residents.
- There is no evidence that this extractor is going to prevent pollution, noise and smells to neighbouring residents.
- There is no evidence that the extractor/chimney is positioned correctly, in the right direction to cause minimum smells and noise to residents.

- This chimney flue will be detrimental to the quality of life to the neighbouring properties and residents and therefore more detail and evidence of how this chimney will be positioned and is the correct specification so as not to pollute and cause noise and odours to neighbours.

## **PUBLICITY**

Advertised by site notice. Six response have been received: two in support and four objections. Below is a summary:

### **Support:**

- a quality restaurant offering great food, good service and will bring new business and opportunities to the village

### **Objections:**

- parking issues, noise and impact of odour upon nearby dwellings from cooking
- devaluation of homes as a result of the restaurant.

## **ASSESSMENT**

### **Planning history**

PA/2007/1838: Planning permission to install new shop front with roller shutters, erect canopy and 2 refrigeration units in rear yard – approved 19/12/2007

PA/2008/0168: Advertisement consent to display 2 non-illuminated fascia signs and 1 externally illuminated projecting sign – approved 06/03/2008

### **Proposal and site characteristics**

Permission is sought to install an external extraction chimney flue and a staircase at a former Co-op store building on Spruce Lane in Ulceby. The application site is the first of a row of terraced two-storey buildings on Spruce Lane junction. The building is situated at the junction between Abbey Road and Spruce Lane abutting a post office, and is located within the development boundary of Ulceby and flood zone 1.

### **Site constraints**

- The site is within the development boundary of Ulceby according to the HELA DPD 2016.
- The site is within SFRA flood Zone 1.

### **Main considerations**

- impact on character and appearance
- impact on residential amenity.

## **Principle of development**

Ulceby is classed as a rural settlement according to North Lincolnshire Council's settlement hierarchy. Policies CS1 and CS3 of the Core Strategy are primarily concerned with the spatial strategy for North Lincolnshire and how development limits are applied to the settlement hierarchies. Both policies stipulate the use of development limits in rural settlements with the aim of creating vibrant rural areas through the protection and enhancement of local services. Policy CS1 in particular states 'rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility.'

Policy CS2 requires a sequential approach and permits small-scale developments within the defined development limits of rural settlements to meet identified local needs. The policy states that 'All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Development should be located where it can make the best use of existing transport infrastructure and capacity. A sequential approach will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account of the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan'.

It is worth-noting that this application is not for a change of use given that both the former (shop – Use Class A1) and proposed uses (restaurant – Use Class A3) now fall within the same Use Class E, in accordance with The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Therefore, this application relates to planning permission to install a chimney flue and a staircase in the building.

The site is within the development boundary of the settlement, in flood zone 1 and in a sustainable location. The proposal is therefore considered to align with policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy and is acceptable in principle.

## **Impact on character and appearance**

Policy DS1 states that a 'high standard of design is expected' and proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

The proposal entails the relocation of stairs and installation of a chimney flue to the rear of the property, as well as internal alterations to form a restaurant. The area is mostly residential, however the shop directly abuts a post office on the ground floor. Next to the

post office is a dwelling, which is the last on the row. The ground floor would be internally altered to create the sitting area, kitchen and utilities. The staircase, though, would be at the rear, overlooking the detached property behind and thus may impact upon neighbour's privacy. However, the impact would not be very significant given the staircase is not a habitable space and would only be used to access the first floor. Whilst the area is mostly residential with few commercial buildings, the introduction of the restaurant should not be at odds with the character of the area, given that it could serve as a replacement for the former Co-op food store.

A separate application for advertisement consent (PA/2021/1663) to erect a non-illuminated fascia sign at the front of the property was initially objected to by residents and the parish council. Consequently, a more sympathetic (non-illuminated and discreet) design was submitted and approved.

Given that the bulk of the alterations to be carried out are either internal or at the rear, with the exception of the advertisement at the front which has been assessed as acceptable, this proposal is considered not to significantly impact the character of the area and hence is in agreement with policy DS1 of the local plan.

### **Impact on residential amenity**

Policy DS1 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.'

The main concern regarding this proposal is its impact on neighbours in terms of noise and odour. The initial assessment conducted by the environmental health team (EH) identified some limitations which needed to be addressed by submitting a noise and odour assessment.

The extraction system is proposed to operate between 4.30pm and 10pm Sunday to Thursday and between 4.30pm and 10.30pm Friday to Saturday. The outcome of the noise assessment identified 2 Abbey Road as the nearest noise sensitive receptor (NSR). It is considered that the impact on other receptors in the area is likely to be low due to them being further away or screened from any potential noise. The assessment has identified that the noise impact would be low (4dB increase in background noise level). Whilst an increase in the background noise of 4dB is considered a low impact, the cumulative impact of small increases in noise level could be significant. Therefore, the environmental health team recommended a pre-commencement condition to mitigate the impact of unforeseen cumulative noise.

Similarly, the environmental health team has assessed the reports submitted on odour abatement and have recommended some conditions be attached to any permission to ensure that odour is adequately controlled.

On the premise that the conditions recommended are attached and complied with, the proposal is therefore considered to be acceptable and complies with policy DS1.

## **Other considerations**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

Objections have been raised by residents in relation to parking. This concern has been assessed. However, given the nature of this application, issues to be considered are restricted to the character and amenity of the area, and parking is not a material consideration in this case. Nonetheless, the highways team has been consulted on this application and has raised no objections nor made comments on the proposal. Therefore, the proposal is not considered to conflict with the requirements of policies T2 and T19 of the North Lincolnshire Local Plan, given that the principle of development of this site must have been established through planning permission granted for its use as a shop by previous users.

## **Conclusion**

Whilst this development may impact neighbours' amenity in terms of noise and odour, this should not be at an unacceptable level, given the conditions recommended by the environmental protection team. It is considered the proposal would serve as a replacement for the old Co-op store to create economic benefit, such as employment, for the area. Chapter 6, paragraph 84 of the NPPF encourages 'the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'. This proposal is within the settlement boundary of Ulceby and is served by existing infrastructure. It is therefore considered that this proposal is acceptable in principle and would not create an unacceptable impact on the character and amenity of the area.

## **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:

- Site location plan FTYPYM49289274854810 dated 07.06.2021
- Proposed side & rear elevation and ground floor plan, Coop/3001 dated 15.12.2021
- Overall Dimensions of ESP3000, E2 dated 20.01.15
- Details of a Scheme to Control Cooking Odours Site Address: Spruce Lane, Ulceby, DN39 6UL
- Electrostatic Precipitation (ESP) Filter Unit, Technical and Operations Manual.

Reason

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

3.

The external materials to be used in the construction of the development hereby approved shall be as provided in section 7 of the application form.

Reason

In the interest of the visual amenity of the area.

4.

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, have been submitted to and approved in writing by the local planning authority. The total cumulative rating level of the noise emitted from the fixed plant shall not exceed existing background levels as determined in report reference: P2021025\_01 dated 30 December 2021. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:2014 + A1:2019.

Reason

To protect residential amenity.

5.

Prior to the occupation of the development, the mitigation measures detailed within document titled 'Details of a Scheme to Control Cooking Odours, Site Address: Spruce Lane, Ulceby, DN39 6UL, written by GDS Group Catering Engineers' shall be installed and maintained thereafter.

Reason

To protect residential amenity.

6.

The extraction chimney flue and all mitigation measures detailed within the document titled 'Details of a Scheme to Control Cooking Odours, Site Address: Spruce Lane, Ulceby, DN39 6UL, written by GDS Group Catering Engineers' shall be operated, serviced and maintained in accordance with the manufacturer's instructions for the lifetime of the development.

Reason

To protect residential amenity.

7.

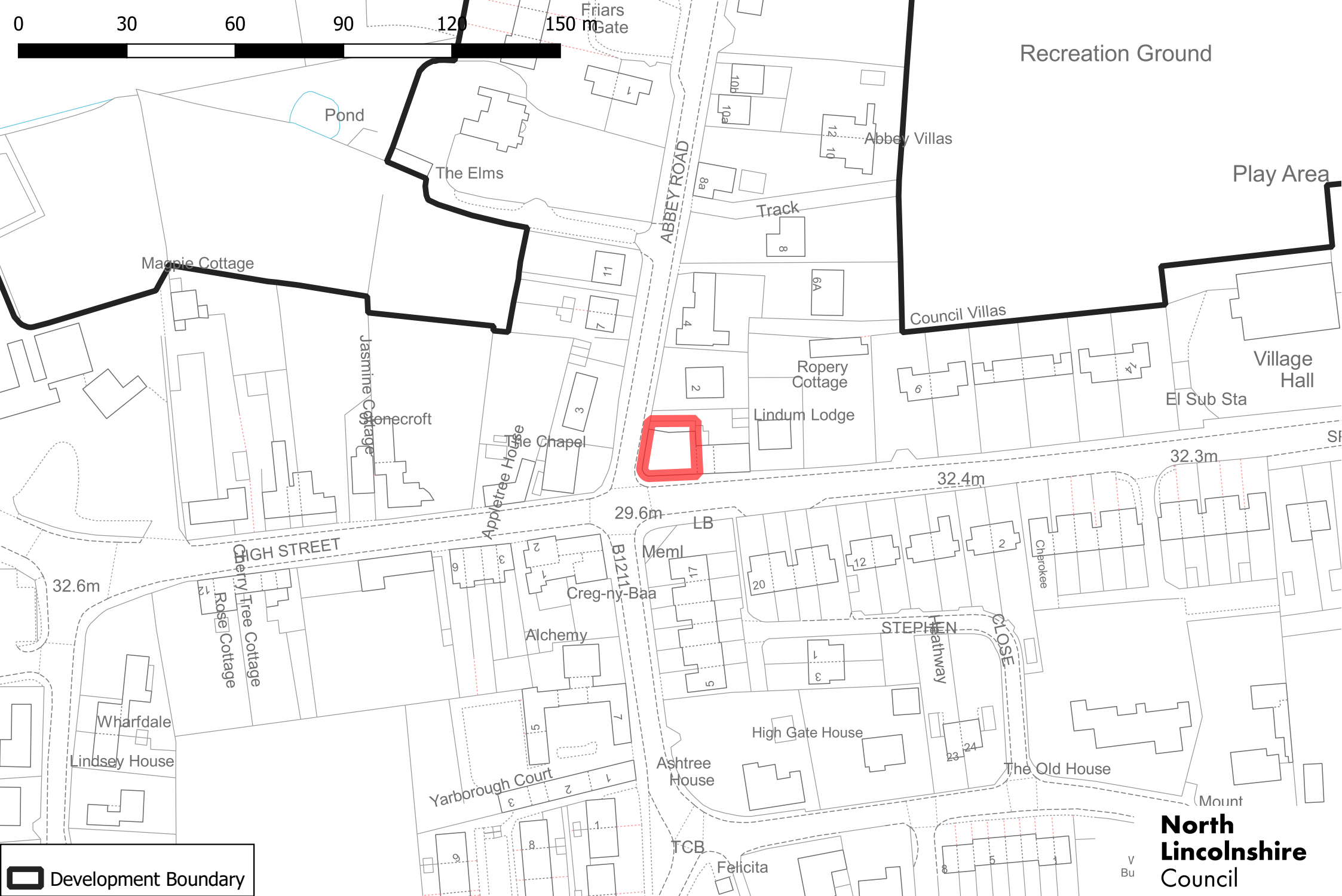
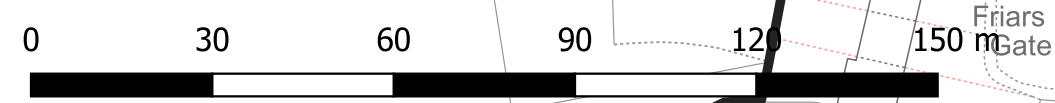
The flue from the extraction chimney shall terminate at a minimum height of 1m above the roof ridge. Details of any changes proposed to the flue shall be submitted to and approved in writing by the local planning authority prior to implementation.

Reason

To protect residential amenity.

**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.



 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2021/1742**



