

PLANNING COMMITTEE – 5 MARCH 2019

Application No:	18/02236/FUL	
Proposal:	Change of use from A1 use to A1, A2, A5 & B1 uses and Alterations to convert the existing former food store into three independent units.	
Location:	Co Op Supermarket, High Street, Collingham, Newark On Trent, Nottinghamshire, NG23 7LB	
Applicant:	Lincolnshire Co-Operative Limited	
Registered:	13.12.2018	Target Date: 07.02.2019

This application is presented to the Planning Committee for determination as it has been referred by Cllr M Dobson on behalf of Collingham Parish Council on the grounds of the A5 use class resulting in unacceptable impact on residential amenity and detrimental impact on health and wellbeing.

The Site

The site lies within the heart of the defined built-up area of Collingham, a principal village, as defined by the adopted Core Strategy. The site comprises the former Co-Op Supermarket (A1 Use Class) that was replaced by a purpose built Co-Op Superstore located c. 120 m further east within the site. The former Co-Op building is currently unoccupied and is located c.23 m back from the edge of the highway.

The surrounding area comprises a mix of residential and commercial units. Adjacent properties at the Collingham Centre include Collingham Doctors Surgery (SE), a dental practice (S), offices (S), a Hot Food Takeaway (SW) and library (W). Residential properties lie c. 30 m to the NW, c. 45 m to the NE and c.70 m to the SW. This part of the site also lies within the Collingham Conservation Area and the Collingham Local Centre.

There is a car park area located directly to the S of the application building, as well as a larger car park (c.165 spaces) to the E beyond the Health Centre, all of which are accessible off the High Street. Access into the site is taken from the High Street to the west. There is a bus stop within 100 m of the application site to the W which provides regular connections to Newark.

The unit is red brick with concrete roof tiles and comprises two perpendicular set gable fronted projections. The southern projecting gable end has the existing entrance into the building with a service entrance also in the elevation further west. A pedestrian service entrance also exists on the eastern side elevation. The rear and western side elevations are blank.

Boundaries to the site include a c. 1.5-2 m high close boarded fence to the west (behind which is an established hedgerow and vegetation). To the N the boundary comprises a 2.5 m high close boarded fence with trellis top and an established hedgerow with a number of large overhanging trees to the rear. To the south of the site the boundary is open. Car parking spaces exist to the front and to the SW there is a planting bed and a community notice board.

Relevant Planning History

94/50389/FUL - CHANGE OF USE OF GRASSED AREA TO CAR PARK – Permitted 15.02.1995

98/50417/FUL - ERECT RETAIL STORE WITH ASSOCIATED SERVICE AREA AND CAR PARKING - Permitted 6.10.1998

99/50375/ADV - PROJECTING SIGN – Refused 26.01.2000

99/50374/ADV - SHOP SIGN TO NEW CO-OP STORE - Permitted

00/01321/FUL - Installation of a 24 hr ATM cash machine – Permitted 02.11.2000

00/01322/ADV - Illuminated sign around the ATM Machine – Permitted 02.11.2000

01/00204/FUL - Proposed installation of a 1.0M diameter satellite antenna on a wall mount – Permitted 05.04.2001

The Proposal

The application seeks permission for the change of use of the one large unit from A1 into three independent units, to be used for A1 (Retail), A2 (Professional Services), B1 (Business) and A5 (Hot Food and Takeaway). End users for the units have not been secured.

Existing Gross Internal Area – 262.6 sq m.

Proposed:

Unit 1 – 88.6 sq m

Unit 2 – 87 sq m

Unit 3 – 87 sq m

The applicant wishes to divide the existing premises into three separate units with independent entrances and services. The alterations to the existing structure would see the creation of two internal dividing walls to provide three independent units. Two new WC's and separate service connections are to be installed to ensure the three units are independent from one another.

The proposal will not alter the total size of the existing building.

Alterations to the external appearance of the building includes the installation of three new shop fronts (S elevation) with overhanging glazed canopies and two new fire escape doors through the rear and side elevation (W). Three fascia areas are proposed above the glazed shop fronts although ADV consent is not sought at this time.

All boundaries are to be retained as existing.

Materials:

Windows: Grey Powder coated Aluminium

Doors: Glazed doors with grey powder coated Aluminium frames. Flush metal doors in green and blue.

Fascias: Powder coated Aluminium fascias to match proposed window and door finishes. Glazed canopies with stainless steel supports over three new shop front entrances.

Documents submitted with this application:

- B1164 Design and Access Statement
- B1164 Location Plan
- B1164 Site Plan
- J1819 00102 Existing Site Layout
- J1819 00105 A Proposed Site Layout
- J1819 00101 Existing Plans and Elevations
- J1819 00106 B Proposed Plans and Elevations

Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter.

A site notice has been displayed close to the application site and an advert has been placed in the local press.

Earliest decision date: 31.01.2019

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Co/LC/1 – Collingham Local Centre

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Householder Development SPD 2014
- Public Health England “Health People, Healthy Places Briefing: Obesity and the environment: regulating the growth of fast food outlets” (November, 2013)

Consultations

Collingham Parish Council – *Additional comments received 12th February 2019:*

The Parish Council would like to object to the whole application on the basis that “A5” use has been included within the application. The A5 use in this location is not acceptable due to the environmental impact on the local community, particularly with regard to noise, smell and pollution, which are already very evident from the existing A5 establishment in the vicinity.

If the A5 use was to be excluded from the application, it would be supported. There is a need for such a prominent building in the village centre to once again be occupied and provide necessary, but appropriate services to the Parish and surrounding villages.

Original comments received 28th January 2019:

“The Parish Council considered this application at the meeting of 24 January 2019

The Parish Council voted unanimously to SUPPORT this application, however there are a number of concerns/queries which they have requested be considered before a decision is made.

- The application includes the change of use to A5. The Parish Council do not wish this use to be included within any permission which may be granted. There are a number of material planning considerations for this and these are based on evidence from the existing takeaway facility located at the village centre. These considerations are:
 - *noise/smell/pollution* – takeaway food outlets generate large amounts of waste, which despite the vast number of bins located in and around the area are always full/overflowing and cause a disproportionate amount of work for others to clear up. Odours for residents in close proximity are an issue as the filters do not eliminate these.
 - *Access/traffic* – the village centre car park is well used and is generally full as this is shared with the Medical Centre/pharmacy and dentists. There is evidence that users of take away premises like to park as close as possible to the door with little/no regard for any other users of the highway or the car park. This is therefore likely to lead to problems for the existing premises which are provided for the benefit and wellbeing of the whole community and should not be disadvantaged.
 - *Economic Impact* – There is already a food take away in the village centre and any additional provision would have a negative impact on this current business
 - *Planning History/related decisions* – planning has not been supported for change of use application 18/00966/FUL, upon which NSDC have not made a decision as yet, the Parish Council are therefore being consistent in its response.
- There is concern about the parking which may be required/permitted for staff of the 3 units, please see comment above with regard to the material planning consideration *Access/traffic*”

NSDC Conservation – “The application site is located within the commercial centre of Collingham. It is located in the eastern edge of the conservation area.

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2018). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Significance of Heritage Asset(s)

The conservation area was originally designated in 1973. The boundary has been reviewed and amended in 1989 and 2006. There is a current appraisal of the conservation area as a result on the 2006 review.

As a large residential village with some historic commercial properties along the High Street. Off the High Street, there is a modern commercial centre, where the application is located. The commercial centre includes a few modern buildings that do not contribute to the historic character of the area.

The commercial unit is located at the front of the site, just off the High Street, this is an opportunity to approve a high quality design that could make a contribution to the overall character of the area.

Assessment of proposal

The current building is a single commercial unit and the proposal is to subdivide it into three units with separate shop fronts. As a modern building, the submission proposes a contemporary design approach to the shopfronts. Although in principle this can be supported, it is recommended that there should be some minor amendments to the design.

As outlined in the Councils Shopfront and Advertisements Design Guide SPD, it is important to have a high quality design and appropriate proportioning. In its current form the shopfronts are predominantly glazing with a strong horizontal emphasis. It is recommended that the height of the stallriser is increased and the large glazed windows are broken up with appropriately spaced mullions. It is also recommended that the canopy is removed. A much higher quality design will be achieved with these amendments, making a more appropriate contribution to the character of the conservation area."

Additional Verbal Comments: Given the applicants justification regarding the commercial viability and building regulations requirements the CO concluded that, whilst their recommendations would greatly improve the appearance of the resultant units, they would not object to the scheme if these were not included within the final design.

Access and Equalities Officer – "As part of the developer's considerations of access to and use of buildings for everyone, with particular reference to access and facilities for disabled people, it is recommended that the developer's attention be drawn to BS8300:2018 - Design of an accessible and inclusive built environment. Buildings and external environment - Codes of practice contains useful information in this regard in addition to Approved Documents M and K of the Building Regulations.

The entrance door arrangements, including threshold details should be carefully considered to ensure that the doors provide level access and suitable clear unobstructed width for disabled people. Vision panels should also be carefully considered, as appropriate. The entrance doors should be clearly identified. Non-powered manually operated entrance doors, fitted with a self-closing device capable of closing the door against wind forces and the resistance of draught seals, are unlikely to be openable by many people, particularly those who are wheelchair users or who have limited strength. As a consequence a powered door opening and closing system is the most satisfactory solution for most people. The opening force of any door, when measured at the leading edge, should not be more than 30N from 0° (the door in the closed position) to 30° open, and not more than 22.5N from 30° to 60° of the opening cycle.

Easy access and manoeuvre for all, including wheelchair users, should be considered throughout the proposals including accessible facilities and features, aids to communication (loops) as appropriate and clear signage throughout. The internal layouts should be carefully designed to allow easy access by wheelchair users, turn and manoeuvre without restriction or obstructions. Sanitary accommodation should be carefully considered in respect of access for all. Car parking provision for disabled motorists should be examined. It is recommended that the developer make separate enquiry regarding Building Regulations matters. It is further recommended that the developer be mindful of the provisions of the Equality Act."

NCC Highways – "The proposal will have little impact on the public highway. The access arrangements are generally unchanged and the small scale diversification of uses is unlikely to generate any significant issues regarding congestion and parking. Therefore no objections are raised."

NSDC Environmental Health – "were the application to proceed we would need detail of the odour abatement intended in respect of the A5 use. As this is a use class change application, presumably this could be conditioned on any consent given".

Comments of the Business Manager

Principle of Development

The NPPF supports sustainable economic growth and places significant weight on the need to support economic growth through the planning system. Core Policy 6 requires the economy of the District to be strengthened and broadened – providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and to a lesser extent within Collingham which is considered to be a principal village.

The Core Policy accepts commercial development subject to an assessment of numerous factors including satisfactory provision of access for parking and servicing, protection of the amenities of adjacent neighbouring areas, which are also required by Policy DM5 of the ADMDPD.

Policy Co/LC/1 of the ADMDPD states that to promote the strength of Collingham as a Principal village a Local Centre has been defined on the Policies Map – the application site falls within this local centre. Development of retail and other town centre uses within the Local Centre will be considered against the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM Policy 11 Retail and Town Centre Uses.

Part 3 of policy DM11 covers development of retail and town centre uses in local centres such as Collingham, within these areas new and enhanced convenience retail development that serves the community in which it is located and is consistent with its size and function will be supported.

This application proposes the division of an existing commercial unit to three smaller units with independent entrances and services. The applicant claims that this is to meet with the local requirement for smaller commercial premises, although a formal case supporting this has not been provided. The applicant seeks to obtain consent for the change of use from A1 (Retail) to A1 (Retail), A2 (Professional Services), B1 (Business) and A5 (Hot Food and Takeaway). End users have not yet been identified for these units and it is the purpose of the application to retain flexibility for prospective occupiers.

The applicant has advised that the property has been market since August 2015 as an entire A1 unit which has had no interest expressed given the size of the unit. The agent has advised that the preference has always been to let the property as a single unit as this would require less capital expenditure and provide greater returns, however, the current market and feedback from prospective tenants has led the agent to develop this proposal as an effective way to bring the premises back into use. In addition, the agent explains how the retail market is generally very challenging, particularly in smaller centres – I would add that the competition for retail businesses within Collingham and particularly the Local Centre is high, with the large Co-Op superstore close to the site that replaced the loss of this functioning A1 use historically. Since the construction of the new store the application site has not operated, I therefore consider the use of this building, in any of the town centre appropriate uses is better than having a unit vacant within the local centre. As such I consider the change of use of this building and the sub-division will contribute to the vitality and viability of the local centre. I do not consider the application will result in a fundamental loss of the A1 use as a community facility as it is possible that the units could operate in A1 use following this application. The uses classes sought are appropriate within town centre locations and as such I consider the application to be acceptable in principle.

The proposal will not alter the total size of the existing building. Alterations to the external appearance of the building are limited to the installation of three new shop fronts and two new fire escape doors through the rear and side elevation. Para 83 of the NPPF advises that in order to support a strong, competitive economy planning decisions should enable the sustainable growth and expansion of all types of businesses [...] both through the conversion of existing buildings and well-designed new ones. Given the location, within a Principal Village and the Collingham Local Centre I consider the A1, A2, B1 and A5 use classes to be appropriate in principle in this local centre location, subject to a detailed assessment.

In addition, given that the site is located within the Collingham Conservation Area, regard must be given to the impact of the proposal on the character and appearance of the CA – this will be considered in the *Impact on Character* section below.

Overall, it is considered that the proposed change of use of the building is acceptable in principle as it would support the local economy of a Principal Village and defined Local Centre, and would satisfy the above policy requirements subject to the assessment of the below constraints.

Impact on the Character and Appearance of the Conservation Area

The site is located within the Collingham Conservation Area – as such, regard must be given to the distinctive character of the area and seek to preserve and enhance the conservation area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. The objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

The site is located close to other commercial and residential units and the building itself is discernibly modern in appearance. The unit to the south comprises a two storey linear range that houses the dental surgery and a number of local businesses; this is modern in appearance with elements of timber cladding, glazed shop fronts and roof lights. Collingham Local Centre comprises a number of contemporary buildings and appears to be distinct from the historic core of the village given it is set back within a precinct and car parking area. The submitted design proposal has been designed to reflect the appearance and proportions of surrounding shopfronts, particularly the unit opposite, which benefits from full height glazing in parts. The three new shop fronts on the southern elevation are proposed to be glazed with projecting glazed canopies over the front doors.

The CO initially commented that the principal of a contemporary design approach to the shopfronts could be supported given the modern nature of the building, although they recommended that some minor amendments were made to the design such as a more vertical emphasis to the shopfront - recommending that the height of the stallriser was increased and the large glazed windows broken up with appropriately spaced mullions. It was also recommended that the canopies were removed. In addition, the CO has advised that in the event that the units become occupied as A5 use and require flue/ventilation/extraction units installed we would require further details of these to be submitted and approved prior to their installation, so ensure there would be no adverse impact on the character and appearance of the CA.

In response, the agent advised that the design was taken from surrounding contemporary shopfront influences and the new shopfronts have been designed and proportioned to reflect existing shopfronts within the Collingham Centre which is considered to create a uniformed appearance, sitting in contrast with the historic core of the village.

The agent responded to the CO's comments regarding the proportions of the glazed shopfront and the more vertical emphasis and advised that the design was also steered by the consideration of ongoing maintenance liability and cost association with manual doors over automated doors and the cost pressure on small local businesses to upkeep automated units which would be required should the canopies be removed and design revised. In order to comply with Building Regulations canopies must be provided over the door entrances and as such the agent did not wish to revise the design of the scheme. The agent commented that the desire is to bring a vacant building back into use by providing three smaller units and a greater employment opportunity for local residents that would have a positive impact on the overall area. He added that the margins associated with delivering the scheme were tight and that any fundamental design changes which could increase costs could jeopardise the feasibility of the scheme.

The CO noted the comments made by the agent and advised verbally that whilst their comments on the design were advisory and would enhance the appearance of the scheme, given the modern nature of the building and the surrounding commercial properties, they would not fundamentally object if these comments were not taken on board. As such I consider that, given the surrounding properties and the contemporary approach taken that the proposed design would not unduly harm the character and appearance of the area to the detriment of the appearance of the Conservation Area. In addition to this, the business case for the viability of the scheme being compromised if the design were to be altered fundamentally also weighs in favour of this application as the preference is for the building to be occupied rather than to remain as a large vacant building within the defined local centre.

As such I would conclude that the proposal would have a neutral impact upon the character and appearance of the conservation area and as such the proposal accords with Core Policy 14 of the CS and policy DM9 of the ADMDPD and the provisions of Section 16 of the NPPF (2018).

Appropriateness of proposed use in this location

The site is situated within the designated Local Centre (Policy Co/LC/1) for Collingham, within this area new and enhanced convenience retail development that serves the community in which it is located and is consistent with its size and function will be supported. The site is surrounded by a mix of use class businesses and residential properties. Adjacent properties at the Collingham Centre include Collingham Doctors Surgery (SE), a dental practice (S), offices (S), a Hot Food Takeaway (SW) and library (W). Residential properties lie c. 30 m to the NW, c. 45 m to the NE and

c.70 m to the SW. There is also car park area located directly to the S of the application building, as well as a larger car park (c.165 spaces) to the E beyond the Health Centre, all of which are accessible off the High Street.

The premises is currently vacant but previously operated as A1 retail use as the former Co-Op. Given the construction of a Co-Op superstore further E within the precinct the unit ceased trading and no interest has been shown since closure in 2015. The agent states in the D&A statement that this application proposes the division of an existing commercial unit to three smaller units with independent entrances and services. The applicant claims that this is to meet with the local requirement for smaller commercial premises, although a formal case supporting this has not been provided. The applicant seeks to obtain consent for the change of use from A1 (Retail) to A1 (Retail), A2 (Professional Services), B1 (Business) and A5 (Hot Food and Takeaway), and end user has not yet been identified for these units and it is the purpose of the application to retain flexibility for prospective occupiers.

I consider the different use classes to be acceptable uses for this local centre area; the site is close to existing facilities such as a foodstore, library, health centre, local small businesses, officer and other A1 use buildings with a newsagent, butchers and hairdressers further north on High Street, the mixed use nature of the area leads me to the conclusion that the proposed uses would be acceptable in this location and will not result in a dominant use along High Street in accordance with Policy DM11. The NPPF defines appropriate uses in town centre locations which include the use classes sought in this application, given the location and the size of the settlement I consider all of the use classes sought to be appropriate for this local centre.

The Parish Council originally commented in support of this application but raised concerns regarding the A5 use class which they wish to be omitted from the proposal. They have commented on neighbouring amenity impacts and highways safety which will be covered in subsequent sections of this report. They have also commented on the appropriateness of this use within the Collingham Local Centre, commenting that there is already a food takeaway in the village centre and that any additional provision would have a negative impact on this current business – to this I would note that considerations of commercial competition are not planning matters and as such will not be discussed further.

The local ward member has also discussed concerns regarding the A5 use and the impact this could have on the health of local people in terms of contributing towards obesity – Section 8 of the NPPF discusses promoting healthy communities but does not go as far as to discuss permission of A5 uses. Para 91 c. states that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of [...] local shops, access to healthier food [...], the application, whilst seeking permission for A5 uses does not specify the type of hot food takeaway this would include. As such I must consider how a 'healthier' takeaway business could also locate within these premises. In any event, I note that the "Health People, Healthy Places Briefing: Obesity and the environment: regulating the growth of fast food outlets" (November, 2013) discusses the increase of fast food businesses and goes on to direct to the LPAs development plan to assess the accumulation of fast food outlets. In this instance I note that NSDC Development plan does not directly refer to the control of A5 use classes, nor is there an SPD which refers to the accumulation of this use. As such I must consider how this use class is an appropriate town centre use that would be suitable in this local centre location, and whilst acknowledging the concerns relating to health there is currently no policy restriction that would be relevant to this application.

Comments of the PC also refer to a pending application ref. 18/00966/FUL which they state the planning department do not support. I would note that this application is pending consideration because of concerns regarding odor abatement to which we are awaiting additional information. I would also note that the relationship in this case with residential properties is closer than in the application at hand and as such I do not consider the status of this neighbouring application to materially impact the determination of this application.

Opening hours have not been specified as part of the current application however it is relevant to refer to this matter in the context of surrounding premises. Application ref. 09/01460/FUL which considered the change of use of the unit directly to the south of the application site (60 High St, currently Fish and Chip Shop) detailed the opening hours of this hot food takeaway and referred to an appeal decision in which the inspectorate concluded that appropriate opening times for this location, even as a restaurant/food premises would be from 07:00 hours to 24:00 hours seven days a week. Given that this has been found to be appropriate in a neighbouring unit and in the interest of consistency I consider it appropriate to impose these opening hours on the three units in this application.

With regards to the appropriateness of the proposed uses in this location I note that the Collingham Local Centre is vibrant and that existing uses in the locality include residential, retail, offices and hot food takeaway premises.

Impact upon Residential Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity or surrounding land uses and should not cause unacceptable loss of amenity.

The proposed change of use would see the introduction A1 (Retail), A2 (Professional Services), B1 (Business) and A5 (Hot Food and Takeaway) use classes. Given that no new building is required and purely the subdivision of an existing unit to create three smaller commercial units I consider the scale to be appropriate within the local centre for Collingham where appropriately sized convenience retail development that serves the community will be supported. I note that this use is not solely retail, but consider that either use class would serve the local people to a scale that is commensurate with the size of Collingham.

I consider the main issues with this proposal to be whether the change of use would cause unacceptable harm to nearby residents. I consider that the main use that would have the potential to impact neighbouring residents to be A5 (Hot Food and Takeaway) - residential properties lie c. 30 m to the NW, c. 45 m to the NE and c.70 m to the SW. The Environmental Health Officer has been consulted on the appropriateness of this use in this proximity to residential premises and they have advised that, in the event that the A5 use was to be implemented they would require further details on the odor abatement intended for the premises. As this is a use class change application and an end user has not yet been established it would be appropriate to attach this as a condition should permission be granted.

I note that whilst the Parish Council have submitted comments in support of the application they have requested that the A5 use class be rejected on the grounds that there would be unacceptable noise and odor pollution which would impact surrounding neighbours. Whilst I appreciate the Parish's concerns, this point has been commented on above and can be controlled via a condition to any permission.

The Parish also comment that the waste generated from patrons using an A5 use results in overflowing waste bins in the village and work for local residents – whilst also acknowledging this concern of the local people I must consider material planning considerations in the assessment of this application. It is not possible for the applicant to control the behavior of patrons accessing the site. I am satisfied that there are a number of waste bins in close proximity to the site which could help control this issue, but overall this does not impact my assessment of the acceptability of the proposal. It is sometimes the case that conditions are imposed on an applicant to provide litter bins within the vicinity to ensure customers dispose of their packaging in a suitable way. I have considered imposing such a condition, however I noted onsite that there are litter bins in close proximity to the building which could be utilised by the building should such a use require it. I therefore do not consider the imposition of an addition bin is required within the public space.

Overall I am satisfied that given the separation distances and subject to odor abatements being secured to the satisfaction of the EH officer, which will be controlled via condition, there would be no unacceptable impact upon the amenity of neighbouring residents.

Highways Safety and Access

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. There are no proposed changes to the access arrangements to the site.

The site is situated within a precinct with an existing car park provision to the south and east where there would be in excess of 160 car parking spaces. In addition, given the proposal does not include any alterations that would impact the public highway or change the access arrangements I am satisfied that there would not be a detrimental impact upon the public highway as a result of this application.

The Parish Council have submitted comments objecting to the A5 use on the site due to concern over the parking provision in the area. They state that the village centre car park is well used and is generally full as it is shared with the Medical Centre/pharmacy and dentists. They also state that “...there is evidence that users of take away premises like to park as close as possible to the door with little/no regard for any other users of the highway or the car park. This is therefore likely to lead to problems for the existing premises which are provided for the benefit and wellbeing of the whole community and should not be disadvantaged.” I consider these comments, pertaining to the behaviour of future patrons to the site, would not be possible for the applicant to control and do not constitute material planning concerns that can impact the assessment of the application. Whilst I appreciate that highways safety is an important consideration I am satisfied that there is ample parking provisions within and around the site to provide for these three proposed units and in any event, given the site is accessible by different modes of public transport, that the volume of additional traffic would not be so sufficient to warrant the refusal of this application.

I am of the view that there is ample provision for public parking within the Collingham centre and that there are a number of public bus services that operate through the area to serve the application site. I am satisfied that a large proportion of the customer base in Collingham could walk, utilise public parking facilities or public transport and therefore conclude that the proposal will not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Conclusion

In conclusion the proposed change of use of the site to incorporate A1 (Retail), A2 (Professional Services), B1 (Business) and A5 (Hot Food and Takeaway) use classes is not considered to detrimentally impact upon the Collingham conservation area, the highway network nor neighbouring amenity. There are appropriate and reasonable conditions that will be attached to ensure that the function of the premises would not unduly impact the surrounding neighbouring properties. There are no further material considerations which would warrant refusal.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

The use hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The use hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference:

- Site Location Plan (13.12.18)
- J1819 00105 A Proposed Site Layout
- J1819 00106 B Proposed Plans and Elevations

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The premises shall not be open to members of the public outside the following hours:-
07:00 to 24:00 Monday – Sunday (including Public and Bank Holidays)

Reason: In the interests of residential amenity.

04

Prior to the commencement of any A5 use hereby permitted, a scheme for the installation of equipment to control the emissions and fumes and smells from the premises shall be submitted and approved in writing by the local planning authority. The scheme shall include details of the design, specification, fixing and finish of any equipment in the form of drawings and sections at a scale of not less than 1:10. The scheme shall thereafter be retained for the lifetime of the operational development and operated and maintained in accordance with the manufacturer's instructions and approved details.

Reason: In the interests of residential amenity and in order to preserve or enhance the character and appearance of the conservation area.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as there is no increase in gross internal area as a result of the application.

03

It is recommended that the developer be advised to consider inclusive access to, into and around the proposal to ensure that it is equally convenient to access and use throughout.

In this regard, BS 8300: 2018– 'Design of an accessible and inclusive built environment - Code of Practice' contains useful information in addition to Approved Documents M and K of the Building Regulations.

A separate enquiry should be made regarding any Building Regulations matters and it is further recommended that the developer be mindful of the provisions of the Equality Act.

Background Papers

Application case file.

For further information, please contact Honor Whitfield on ext 5827.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Director – Growth & Regeneration

Committee Plan - 18/02236/FUL

