



## Supporting Planning Statement

**Works**

Proposed Change of Use  
from A1 to A3 & A5

**Side Address**

36 Newland Avenue  
Scunthorpe  
North Lincolnshire  
DN15 7HQ

**Client**

Ms Hannah Aslam

**Reference**

406SCUN

**Date**

March 2015

## **Supporting Planning Statement**

- 23<sup>rd</sup> March 2015 Planning Issue  
A - -

### **406SCUN – Proposed Change of Use at 36 Newland Avenue, Scunthorpe, DN15 7HQ**

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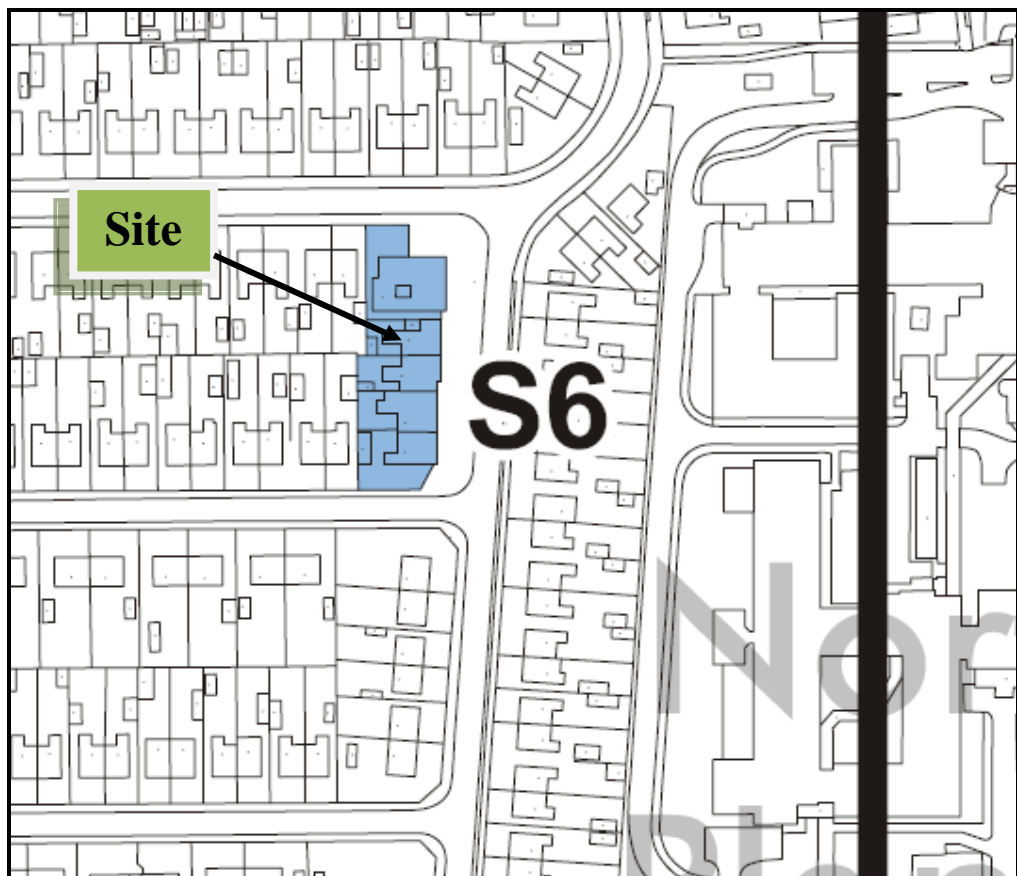
## **Assessment**

### **1.0 Introduction**

- 1.1 This Planning Statement has been prepared by **keystonearchitecture** on behalf of the Applicant in support of a Change of Use Application for an existing property, from A1 Retail, to A3 Cafe and A5 Hot Food Take-Away, at 36 Newland Avenue, Scunthorpe, North Lincolnshire, DN15 7HQ.
- 1.2 The existing site is currently an unoccupied brown field site under private ownership. The site itself currently consists of part of a semi-detached two storey building, small rear yard and hard-standing to the front of the building.
- 1.3 The proposal for the site will see the existing building used in its present state, with only minor internal alterations, with the only changes proposed being the usage classes.
- 1.4 This document will assess the implication of the Change of Use on the amenity of the area, and impact on neighbours, residents, parking etc.
- 1.5 The purpose of this Supporting Planning Statement is to explain the proposals and set them in the context of the locality and Planning Policies, thereby allowing the LPA to assess in general terms the acceptability of the Planning Application.

## 2.0 Description of Site

- 2.1 The proposed site, known as 36 Newland Avenue, Scunthorpe, North Lincolnshire, DN15 7HQ, is located to the West off Newland Avenue, between the junctions of Newland Avenue with Axholme Road to the North, and Brandon Road to the South.
- 2.2 The immediate area surrounding the site is predominantly private residential housing, mainly from the mid 20<sup>th</sup> Century. The buildings around the site are predominantly private residential dwellings, and they represent a large percentage of the local buildings, with the exception of the shops and commercial premises directly adjacent to the North and South of the site, and the large hospital opposite the site, 200 yards directly to the East.
- 2.3 The site is located to the West off Newland Avenue, with commercial buildings directly adjacent to the North and South.
- 2.4 The site itself is identified in the Local Plan as within a designated Local Shopping Area, as per the Local Plan Map extract below:



### **3.0 Development Proposals**

- 3.1 The proposal for the site will see the existing derelict building refurbished and reopened as a cafe / deli facility, with the option to take out some hot and cold foods.
- 3.2 The Change of Use Application is necessary to see improvements and development to an unoccupied commercial building and site which is likely to fall further into disrepair if not redeveloped, as there is limited opportunity for the present approved A1 retail usage.
- 3.3 The site is currently vacant under private ownership, and has been for over 5 years under the present ownership, during which time it has been actively marketed.
- 3.4 The proposal is located in a key position, centrally in an existing area of designated Local Shopping Area, offering ready to eat hot and cold snacks to local residents and specifically to visitors and staff at the Hospital.
- 3.5 This Application is a resubmission of the previously Refused Application, PA/2014/1203, which was refused under Policies DS1 and S9.
- 3.6 The proposals for the site will see the existing shop converted into a cafe / deli outlet, offering hot and cold snack and drinks, which can be consumed off site.

## 4.0 Planning Policy Considerations

### 4.1 National Planning Policy Framework 2012

4.2 The National Planning Policy Framework (NPPF) was issued on 27 March 2012 and replaced PPS5.

4.3 Under Section 2 of the NPPF, entitled 'Ensuring the vitality of town centres', Paragraph 23 states:

*Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:*

- *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *define a network and hierarchy of centres that is resilient to anticipated future economic changes;*
- *define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*
- *retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*
- *allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available;*

It is clear that the Change of Use planned will have a positive impact on the local area, providing a service as well as jobs within a residential area, but one with a designated Local Shopping Area.

As the site is within an existing designated Local Shopping Area (S6), the use of the site for commercial use should be supported to re-introduce new markets, especially where current usage (A1 retail) is not a viable option with existing retail units adjacent.

Adjacent shops have had approval for Change of Use from A1 to A5, with the adjacent property currently used as a Fish and Chip takeaway, clearly showing that the Local Authority is supportive of encouraging diversity of usage in the existing designated commercial shopping area.

#### 4.4 Local Policy and Guidance:

4.5 The following local policy for North Lincolnshire Council is a relevant consideration for the application proposals on the site:

4.6 North Lincolnshire Local Plan 2003. The Local Plan for North Lincolnshire was adopted in May 2003. The Local Development Framework (LDF) for North Lincolnshire is currently being prepared and will in time replace the existing Local Plan. The documents of the LDF have yet to be adopted, until this time the “saved” policies of the Local Plan will remain in force.

4.7 Local Plan Policy 'Shopping and Town Centres' states:

*'Restaurants and Hot Food Takeaways:*

*While cold snack and sandwich bars are classed as shops (Use Class A1), restaurants, cafés and takeaway hot food establishments fall under a different class (A3) of the Town and Country Planning (Use Classes) Order 1987, and hence changes of use from existing shops and other uses to hot food takeaways and restaurants require planning permission. Although these uses complement town and district centre retail areas, it is important that they do not become too dominant in primary retail frontages.*

*A number of problems are often associated when takeaway food shops are proposed near residential areas. They will, therefore, only be appropriately located within town, district and local centres.'*

The proposal for the Change of Use is within a designated Local Centre, S6, designated as a Local Shopping Area, and the usage proposed does not create a dominant market in the area as there are no other shops offering this service, with an adjacent retail shop and Fish & Chip takeaway, offering a complementary market.

The proposals do not stretch to the extent of a busy, late night opening traditional 'takeaway', such as a Chip Shop or fast food establishment, but merely a shop offering cold and hot beverages, which can be taken out. The above Policy states that if the food is cold, the establishment is classed as a shop (A1) - the proposed site will offer these cold snacks, but in addition, some snacks which can be heated / warmed up, such as Panini sandwiches or jacket potatoes - the impact of the additional hot foods being offered for sale over cold snacks available in a shop, will not have a negative impact on the amenity of the neighbouring properties.

In addition, the Fish & Chip shop is only open between 11.30 - 13.00, and 16.30 and 22.00, with a large period of time in the morning and afternoon where there would be no conflict of opening anyway.

4.8 Policy S9: Restaurants and Hot Food Takeaway Establishments states:

*'Proposals for restaurant and hot food takeaway establishments will be permitted in town, district and local centres subject to the following criteria:*

*i) the premises are not located where individually or cumulatively they would have an adverse impact on the occupiers of nearby residential properties by reason of noise and disturbance, litter or on-street parking;*

*ii) the development must not create a road safety hazard or create traffic congestion, due to its being located on a bend, junction, hill or any other restriction on the public highway;*

*iii) suitable off or on-street parking is available on or near the premises so as to avoid detriment to road safety or residential amenity;*

*iv) a suitable fume extraction system and refuse storage area is installed to ensure that the amenity of nearby residents is protected from the emission of smells and fumes;*

*v) when planning permission is granted for restaurants and hot food takeaway establishments, the Council will consider whether it is desirable to impose conditions, including limiting the hours that the premises may remain open, so as to avoid possible loss of amenity to nearby residents resulting from noise and disturbance.*

The proposals will provide a service offering customers an alternative to cold products offered for sale in the adjacent shop, and the limited appeal of the neighbouring Fish and Chip shop. The existing A1 use would allow a shop to open selling cold foods to takeaway, whilst the proposals will extend the option for people to buy hot food snacks, and consume them on or take them off site.

The proposed use will not have an impact on the neighbours amenity above and beyond the impact of its existing use as A1 retail. Food smells will be kept to a minimum as the hot foods served shall be generally small in quantity and often just 'warmed up' sandwiches etc.

A1 use can have regular busy times throughout the day. The existing Londis shop adjacent has customers entering the store every couple of minutes throughout the day. The proposal for this site will not have the same number of customers as it would if it were a popular convenience store. The impact of the customers will be no worse than under its current usage.

The proposed opening times will be limited to 07.30 to 22.00 to avoid impacting adversely on the neighbours. As mentioned, the shop and Chip Shop adjacent currently have late opening times, past 22.30 hours. The proposed use will not open as late, thus not impacting on the traffic during the evening.

Suitable extraction systems will be installed to combat any odour as a result of the cooking process. The proposals will not require large commercial Kitchen equipment, and the processes of heating sandwiches and jacket potatoes etc, will not result in high levels of odour or extraction requirements.

Separate refuse and recycling storage area is identified on the plans.

If seating for less than 25 people is offered within the unit, a unisex, disabled WC shall be provided.

## **5.0 Consultations**

5.1 Due to the previous Application being Refused, this resubmission has been subject to pre-application advice and consultation with various Local Authority Departments, including Planning, Highways and Environmental Officers.

5.2 Below is detailed the dialog with various departments and a brief outcome of each meeting / discussion:

- **20/03/15 – Andrew Law – North Lincolnshire Planning Officer**

Telephone conversation with the previous Planning Officer to discuss the reasons for refusal, and general viability of the proposal going forward.

The Planner confirmed that the scheme has some potential, but more evidence and supporting information is required to support and justify the proposal, specifically addressing the concerns taken as the cumulative effect of the proposal on the amenity of local residents, parking / traffic concerns and non-viability of existing A1 use.

- **23/03/15 – Darren Cowling – North Lincolnshire Highways**

Email sent to Highways Department for comment.

An email response was received 26/03/15 confirming that there were no objections raised to the original application for change of use, and although there are local concerns related to parking, these are linked to the hospital rather than the shops, and there are Traffic Regulation Orders in the area to control this.

It was confirmed that, with this in mind, it is not anticipated that Highways would raise any objections to the resubmitted application.

- **24/03/15 – Robert Vickers – North Lincolnshire Environment Team**

Email sent and telephone call returned to discuss the proposals.

Robert confirmed that the Environment Team had no issues in principle with the proposals, subject to adequate ventilation and opening times, taking into consideration the established commercial use of the site and the adjacent shops and takeaway which are open late.

- **30/03/15 – Smart Move – Letting Agents**

Letter received from Smart Move, the commercial estate agents marketing the property, identifying that, in over 5 years of active marketing, there has been little or no interest in a retail premise in this location, continuing, that there has been interest and enquiries for alternative uses, mainly for cafe / take away uses (see Appendix A).

## **6.0 Summary and Conclusions**

- 6.1 The existing building has been owned and actively marketed for over 5 years by the present owner as an A1 retail unit, with no interest or uptake. The current use is clearly not viable in present climate and in the location of the site. There is a successful convenience store directly adjacent to the site, and any other retail use will not be able to compete with this established shop. As a result, alternative uses need to be found to prevent the derelict building falling further into disrepair.
- 6.2 The proposed Change of Use will clearly not have a major or detrimental impact on local resident's amenity or area. It is even considered that the development will provide additional products and services, and employment opportunities to local residents, improving the vitality of the area.
- 6.3 The proposals for A3 and A5 usage, shall not be worse than existing A1 retail usage in respect of the impact on traffic congestion or residential amenity. The Environment Team have confirmed their support over the proposed change.
- 6.4 The usage complements retail areas, offering a valuable alternative product and service, encouraging competitive markets, as outlined in the NPPF, avoiding empty shops which there are, as proven, little requirement or interest for.

**APPENDIX A**

**LETTER FROM SMART MOVE**

Monday 30<sup>th</sup> March

Re: 34 and 36 Newland Avenue

Dear Mr Shah

We at smart Move can confirm that we have had the aforementioned properties on and off the market for approximately 5 years.

In this time we can confirm that we have little or no interest for a shop in this location.

We have had enquiries for it to be turned into a food premises on many occasions.

Kind Regards  
Smart Move