

APPLICATION NO	PA/2008/0467
APPLICANT	SLW Cash & Carry
DEVELOPMENT	Planning permission to remove condition 2 of planning permission 2003/0708 which states that the premises shall not be open to customers, no deliveries made to the site, no vehicles loaded or unloaded, nor forklifts operated, outside the hours of 7am-7.30pm Monday to Friday, nor at any time on a Saturday, Sunday or Bank Holiday
LOCATION	SLW Cash & Carry, Hebden Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Crosby and Park
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor O'Sullivan)
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: The site lies within the Scunthorpe and Bottesford urban area as defined by policy ST2 (Settlement Hierarchy) and ST3 (Development Limits). Policy DS11 (Polluting Activities) states that developments will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including noise, do not create adverse environmental conditions likely to affect nearby developments and adjacent areas. Policy DS1 (General Requirements) also applies.</p>
CONSULTATIONS	Highways: No objections.
PUBLICITY	<p>Neighbouring properties have been notified and seven letters of objection have been received raising the following material issues:</p> <ul style="list-style-type: none"> • concerns over excessive noise levels leading to a detrimental impact on the living conditions of nearby residents • proximity to neighbouring properties

- fear that the business could operate 24 hours
- increase in vehicle movements and forklift use
- more landscaping required to protect nearby residents
- increase in litter
- setting a precedent of the application if approved

ASSESSMENT

The application site is a cash and carry warehouse located on the Hebden Road industrial estate. The rear (eastern) boundary of the site adjoins the rear gardens of residential properties on Scotter Road. Planning permission was granted in 2003 for change of use of the building to a wholesale cash and carry warehouse. The original approval restricted hours of operation to 7am-7.30pm Monday to Friday. An appeal allowed the variation of this condition to allow operation on Saturdays but not Sundays or Bank Holidays.

The main issue in the determination of this application is whether the operation of the cash and carry on Sundays and Bank Holidays would have an adverse impact on the living conditions of residents of neighbouring properties.

The main issue relating to this application is that of noise associated with the various activities of the cash and carry, including loading, deliveries and traffic movements. A Noise Impact Assessment was submitted with this application and was supplemented by a further assessment which was undertaken with the assistance of the council's Environmental Protection Officer. This assessment indicated that subject to strict conditions regarding forklift truck use, deliveries, landscaping and hours of operation, the proposal is considered to be acceptable.

With regard to proximity to neighbouring properties, the closest properties to the application site are located approximately 40 metres away. As such it is considered that, with appropriate conditions, there will be a negligible impact on the amenities of the occupiers of these dwellings.

In terms of precedent, it is believed that some of the businesses in this vicinity are allowed to open on Sundays and Bank Holidays. As conditions will be added to control the hours of operation, it is not considered that allowing this application will set a precedent.

It is not considered that allowing the operation of the cash and carry on Sundays and Bank Holidays would increase any litter generated, to the detriment of neighbouring properties.

With regard to opening hours, the applicant has stated a preference for 9am opening. However, it is considered that, due to the nature of the application, a 10am opening on Sundays and Public Holidays would be more appropriate.

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 premises shall not be open to customers, no deliveries made to the site, no vehicles loaded or unloaded, and no forklifts operated, outside the hours of 7am-7.30pm Monday to Friday, 7am-5pm on Saturday and 10am-3pm on Sundays and Bank Holidays.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

3.

The premises shall not operate on Sundays or Bank Holidays until proposals for boundary treatment and/or landscaping of the eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out within 12 months of the business first opening on a Sunday or Bank Holiday (unless a longer period is agreed in writing by the Local Planning Authority). Any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the Local Planning Authority agrees in writing to any variation.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

4.

The rear door on the northern elevation shall be kept closed at all times and at no time shall it be used for business operations, incoming or outgoing deliveries, loading or by staff, visitors or by members of the public, whether or not in connection with the operations of the business.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

5.

At no time on Sundays or Bank Holidays shall diesel forklift trucks be used anywhere on the site.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

6.

At no time shall electric pickers be operated outside of the warehouse.

Reason

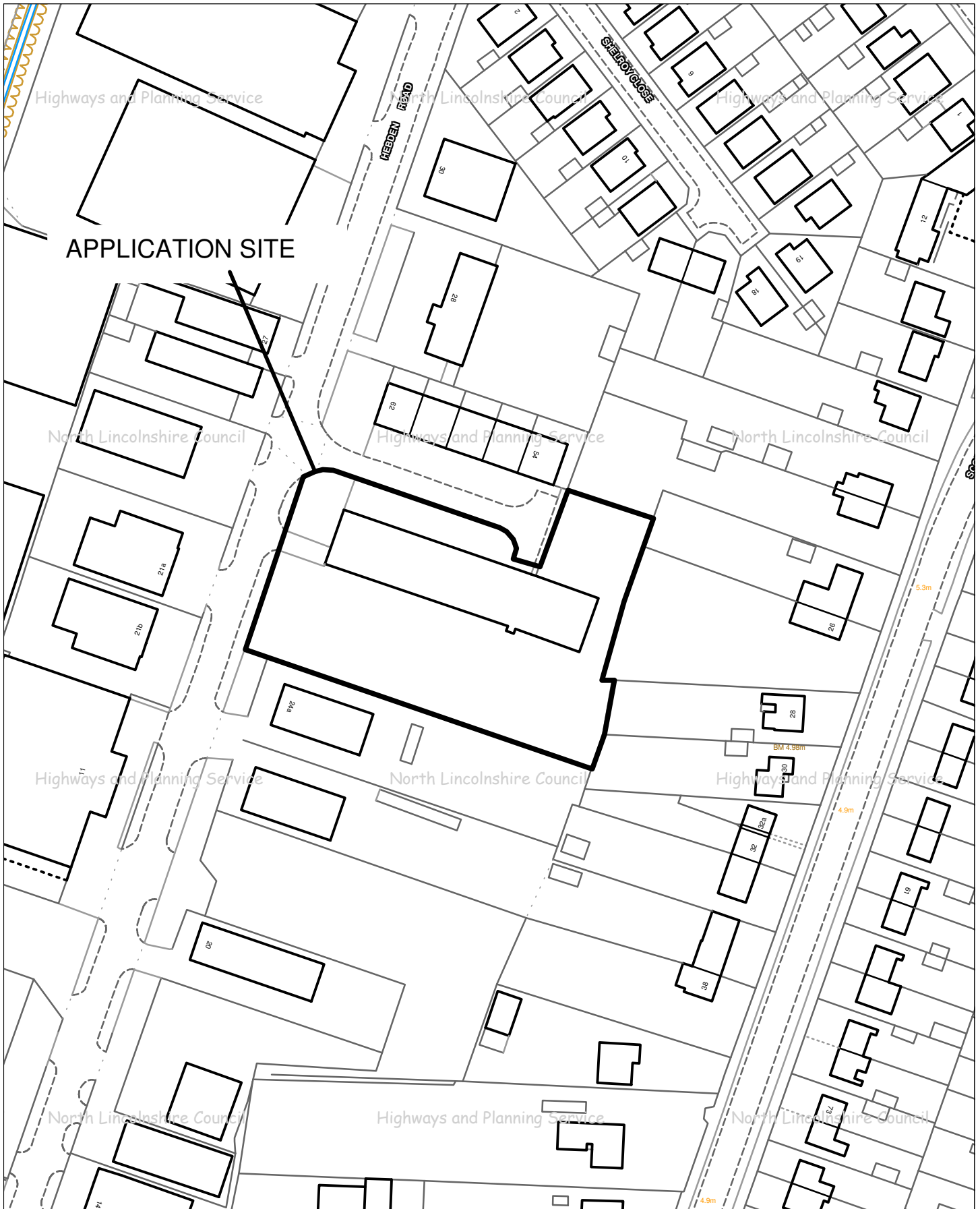
To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

7.

No incoming deliveries shall be made or taken at any time on Sundays or Bank Holidays.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.



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Highways and Planning Service

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