

APPLICATION NO	PA/2008/1043
APPLICANT	SLW Cash & Carry Ltd
DEVELOPMENT	Planning permission to erect a warehouse (resubmission of PA/2007/2059)
LOCATION	Plot 26, 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) Third party request to speak
POLICIES	Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

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) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;

- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

CONSULTATIONS

Highways: No objection subject to conditions being imposed.

Environment Agency: Advise a condition.

Severn Trent: Advise a condition.

PUBLICITY

Neighbouring properties have been notified and letters of objection have been received raising the following material issues:

- problems with the company parking their vehicles on the verge causing obstructions to customer and service access to neighbouring premises; should be a condition requiring a car park to be provided and that it should not be used for storage
- road noise and pollution already from Scotter Road at front; this would increase noise and pollution at the rear making it unbearable
- this is the same as 2007/2059 except the roof is slightly lower and one roller door is omitted
- intensification of the commercial activities on the site which is close to residential properties and therefore should be refused
- concerns over working hours and days, excessive noise levels leading to a detrimental impact on the living conditions of nearby residents, concerns regarding hours of working will be outside those set by planning conditions
- proximity to neighbouring properties
- noise from vehicle movements and forklift use, pallets and barrels being moved
- setting a precedent if approved
- a warehouse of this great height and overall size would have a very detrimental effect not only on adjoining properties but on the whole area of Scotter Road. A warehouse of this proportion has no place so close to a residential area, and should be sited in an

alternative industrial area, or on the other side of the road

- would not object to a building of similar height to existing warehouse; this is a building of considerable proportions and far larger than any other premises located next to residents' gardens

ASSESSMENT

The application site is a cash and carry warehouse and adjoining land located on the Hebden Road industrial estate. The rear (eastern) boundary of the site adjoins the rear gardens of residential properties on Scotter Road.

The proposals comprise the erection of a new warehouse building – 42.8 metres by 18.2 metres, 9.4 metres to the ridge at the highest point (front) and 7.9 metres to the ridge at the lowest point (rear), with the height dropping at a point 18 metres from the rear elevation. The existing building has a mono-pitch roof which runs from 3.8 metres high to 5 metres high.

The main issues in the determination of this application are whether the erection of the proposed building would cause harm to the living conditions of the occupiers of neighbouring properties, whether the size, scale and design of the building would be in keeping with the surrounding area, and whether the parking arrangements would be acceptable.

A previous application for a similar building was refused planning permission (PA/2007/2059) on the grounds that the opening hours would have been detrimental to the living conditions of neighbours due to noise and disturbance at unsocial hours. In the meantime, however, a planning application has been approved (PA/2008/0467) to vary the hours of operation at the existing building. A noise report submitted with that application demonstrated that no material harm would occur to the amenity of neighbours. This is considered to overcome the previous reason for refusal and the current objections raised by neighbours relating to noise and disturbance from the proposed warehouse.

The main issue relating to that application was noise associated with the various activities of the cash and carry, including loading, deliveries and traffic movements. A noise impact assessment was submitted with that application and was supplemented by a further assessment, which was undertaken with the assistance of the council's Environmental Protection Officer. The assessment indicated that subject to strict conditions

regarding forklift truck use, deliveries, landscaping and hours of operation, the proposal was considered to be acceptable.

It is recommended that the same condition regarding hours of opening be imposed on any new planning permission on this site. Environmental Protection raise no objection subject to a condition being imposed.

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.

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.

The design of the proposed building is considered acceptable – Hebden Road is predominantly commercial in nature and this building would be in keeping with the other warehouse buildings. The building should be far enough away from residential properties so as to not have any material impact such as overshadowing. The design includes the lowering of the roof at the rear of the building which further reduces the visual impact of the building.

The parking facilities are acceptable – Highways raise no objections following the submission of amended plans and subject to conditions being imposed.

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.

No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The development shall be carried out fully in accordance with the travel statement dated September 2008.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

The development shall be carried out fully in accordance with the amended plans numbered CP-5185-20 revision B, CP-5185-21 Revision B and CP-5185-22 Revision B received by the local planning authority on 11 September 2008.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

The building shall not be brought into use until the vehicle parking facility has been set out and established in accordance with the plans detailed in condition 4 of this planning permission, including the provision of two cycle stands. Once provided these facilities shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

The design of the development shall incorporate all the mitigation measures identified in the agreed flood risk assessment submitted with the application.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

7.

No development shall commence until the public sewer that runs through the site has been diverted in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

To protect the structural integrity of the public sewerage system and to maintain essential access.

8.

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.

9.

The rear doors on the northern and southern elevations shall be kept closed at all times and at no time shall they be used for business operations, incoming or outgoing deliveries, loading, or by staff, visitors or members of the public, whether or not in connection with the operations of the business, apart from when emergency access or egress is required.

Reason

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

10.

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.

11.

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.

12.

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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