

APPLICATION NO PA/2018/1025

APPLICANT Mr Matthew Wilkinson, Lincolnshire Co-operative

DEVELOPMENT Application for variation of condition 10 of planning permission PA/2017/1322 to Monday to Friday: 7.30am to 7pm and Saturday: 7.30am to 1pm

LOCATION Land adjacent to 47 West Street, Scawby

PARISH Scawby

WARD Ridge

CASE OFFICER Scott Jackson

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework: Paragraph 28 states that to promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages such as shops.

North Lincolnshire Local Plan: Policies DS1 and DS11 apply.

North Lincolnshire Core Strategy: Policy CS1 applies.

CONSULTATIONS

Highways: No objection, all the previous conditions on planning application PA/2017/1322 still apply.

Environmental Health: The application is seeking to vary condition 10 which relates to construction hours. No objection to varying the condition to allow construction hours to commence at 7.30am daily.

PARISH COUNCIL

Object on the grounds that 7.30am is too early to commence construction work on the site and that it would result in noise and disturbance to neighbouring residential properties at an unsuitable time.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

The application site comprises part of an agricultural field located in the centre of the village and extends to 0.22 hectares in area. The site is located within the settlement boundary for Scawby, on land designated as an Area of Amenity Importance (LC11 land) and on the edge of the conservation area (which runs along the northern boundary). The site is open along its western frontage with West Street (B1207) and bordered by residential properties to the north and south. The primary school is located to the south-west (opposite the site) and a listed building to the east. The proposal seeks the erection of a convenience food store extending to 385 square metres with 31 car parking spaces; two of which are designated for disabled parking use. It is also proposed to introduce a new vehicular access and associated landscaping, service areas and a trolley park. Planning permission was granted for the convenience food store under planning application PA/2017/1322 and this application is seeking to vary condition 10 of the previous application to allow construction working hours to commence 30 minutes earlier (from 7.30am) on Monday to Saturday.

The main issue in the determination of this planning application is whether the increase in the construction working hours impacts on residential amenity.

Residential amenity

The applicant is seeking to increase the time period in which construction working hours are permitted by an additional 30 minutes on Mondays to Saturdays. This means the construction working hours being sought are from 7.30am to 7pm Monday to Friday and 7.30am–1pm on Saturdays. It is noted that the site borders residential properties to the north and south; however, the additional 30 minutes is not considered to result in construction works taking place during unsocial hours of the day as this is a time of the day where members of the public will generally be awake in preparedness for travelling to work, school drop-off etc. Residential amenity will continue to be safeguarded on Sundays and public/bank holidays. In addition, Environmental Health has considered the additional construction working hours and raised no objection on noise and disturbance grounds. Therefore the increase in the construction working hours by an additional 30 minutes between Monday and Saturday is not considered to result in any additional loss of residential amenity and it is considered reasonable to recommend the variation of the condition in this case.

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: J1549 (08) 01 A, J1549 (08) 03 D, J1549 (08) 04 E, J1549 (08) 05 B, J1549 (08) 09 D, J1549 (08) 10, J1549 (08) 11 B, J1549 (08) 12 B and J1549 (08) 13 B.

Reason

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

3.

The development shall not be brought into use until:

- the pedestrian and vehicular access to the site;
- the access roads to the service and customer parking area;
- the loading, off--loading and turning areas for all vehicles;
- the parking spaces and access aisles (including surface markings); and
- the cycle parking facilities;

have been provided in accordance with the approved details and all these facilities shall thereafter be so retained.

Reason

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

4.

The proposed development shall not be brought into use until a delivery/servicing management plan (including delivery times) has been submitted to and approved in writing by the local planning authority. Once approved the delivery/servicing plan shall be implemented.

Reason

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

5.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

6.

No fixed plant or machinery shall come into operation until details of the acoustic screening/mitigation methods have been submitted to and agreed in writing by the local planning authority. The approved acoustic screening/mitigation measures shall be installed prior to commencement of plant operation and shall be retained thereafter.

Reason

To define the terms of the permission and to ensure that the development safeguards the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Hours of opening shall be restricted to 7am to 10pm daily.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

All deliveries to and collections from the proposed food store hereby approved shall be restricted to the following hours:

Monday to Saturday: 7am to 7pm

Sundays and public/bank holidays: 10am to 4pm.

The engines and refrigeration equipment of delivery vehicles shall be switched off while the vehicles are on site.

Reason

To define the terms of the permission and to safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

All waste collections from the proposed development shall be restricted to the hours of Monday to Saturday 7am to 7pm with no collections on Sundays or public/bank holidays.

Reason

To define the terms of the permission and to safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

All construction activities for the proposed development shall be restricted to the following periods:

Monday to Friday: 7.30am to 7pm

Saturday: 7.30am to 1pm.

No construction activities shall take place on Sundays or public/bank holidays.

Reason

To define the terms of the permission and to safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

12.

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting etc).

Reason

To enhance the appearance of the development in the interests of amenity.

13.

All the approved landscaping shall be carried out within twelve months of development being commenced (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 five 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 ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

14.

No development shall take place until a full sample panel of all external facing materials to be used has been submitted to and approved in writing by the local planning authority 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, and with the character and appearance of the Scawby conservation area, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan, and CS6 of the North Lincolnshire Core Strategy.

15.

Notwithstanding the submitted information, no development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the

local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall be undertaken in accordance with the agreed details and the food store shall not be brought into first use until it is connected to the agreed system.

Reason

To define the terms of the permission, to prevent the risk of flooding, and to ensure the implementation and future maintenance of sustainable drainage structures in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

Informative 1

Please note that those planning conditions which were formally discharged against PA/2017/1322 (the original application) are also considered to be formally discharged as part of this planning application. The conditions are replicated for continuity and to allow changes to be made to those details previously approved.

Informative 2

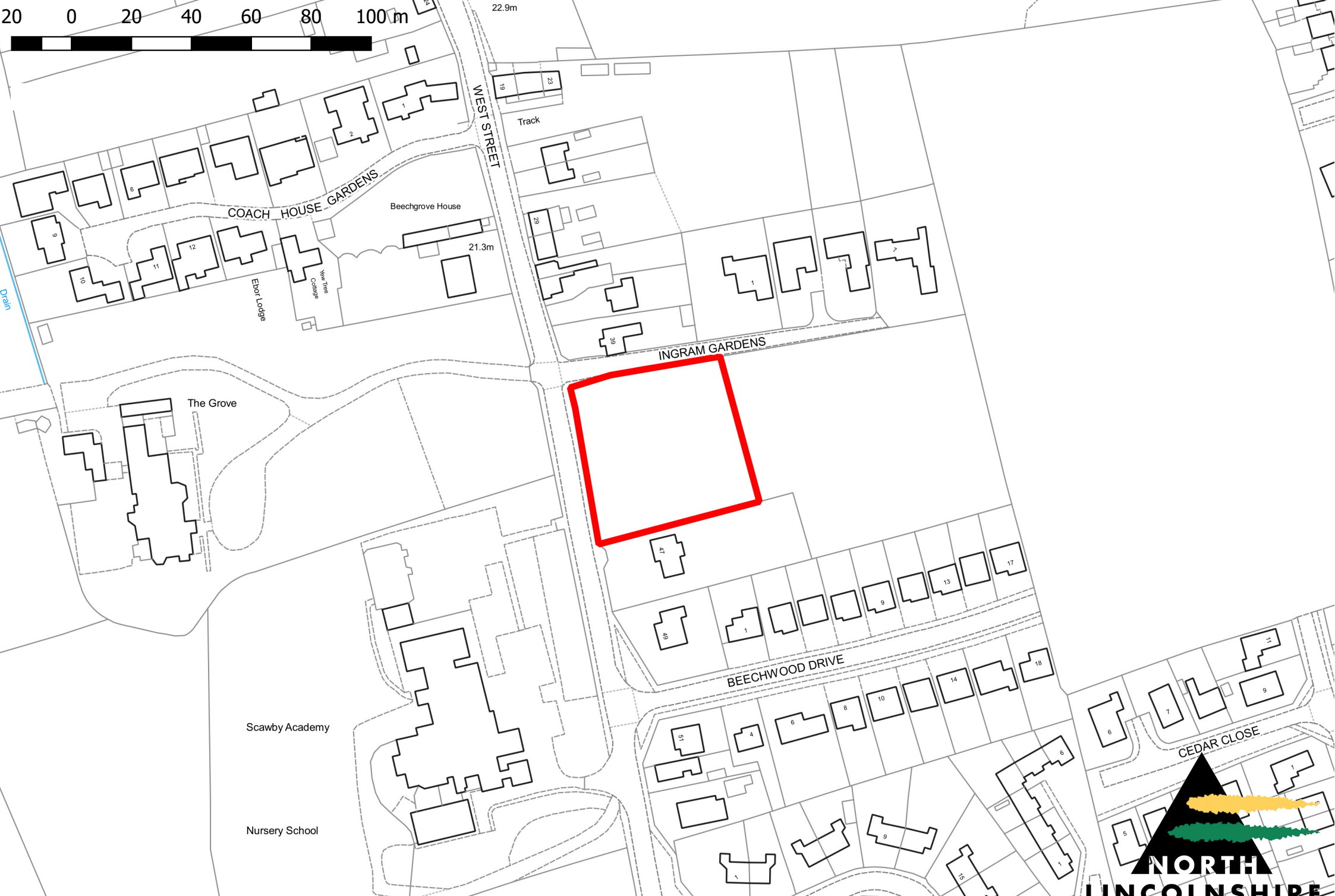
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.

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