

APPLICATION NO	PA/2018/233
APPLICANT	Richard Mills, North Lincs Property Ltd
DEVELOPMENT	Application to vary conditions 4 and 19 of PA/2017/1574 to clarify the external materials for the public house and to amend the trigger point for the construction of the replacement public house
LOCATION	New Trent Inn, 308 Wharf Road, Ealand, DN17 4JN
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle and Ealand Town Council

POLICIES

National Planning Policy Framework: Paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting spaces, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

North Lincolnshire Local Plan: Policies DS1 and C2 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5 and CS22 apply.

CONSULTATIONS

Highways: No objection.

Environmental Health: The original application was to locate a replacement public house and residential dwellings in close proximity. As stated in a previous memo, the proposed development has the potential to lead to noise disturbance from extraction/chiller units, comings and goings of patrons and other activities at the public house.

Information has been received from the agent requesting that the previous comments were reconsidered and brief details of mitigation methods the developer intends to install to prevent disturbance to local residents were provided. However, there is no mechanism by which to approve any mitigation methods if this condition is removed. This department therefore recommends refusal of this application.

TOWN COUNCIL

Object to the variation of condition 19.

PUBLICITY

The application was publicised by a site notice; no comments have been received.

ASSESSMENT

The application site contains the former New Trent Inn which occupied the site frontage between Wharf Road and New Trent Street and has been closed for the past 9 years. There is an area of hardstanding to the rear which served as the car park and residential properties to the north and east. The site is located within the defined settlement boundary for Ealand and within flood zone 2/3a. Of note is planning application PA/2017/1574 which was granted for the erection of a replacement public house and for 2 pairs of semi-detached houses. This application is seeking to vary conditions 4 and 19 of planning application PA/2017/1574 in order to establish the external materials of construction for the replacement public house and to vary the trigger point for the construction of the public house to be completed upon occupation of 75% of the approved dwellings on the site. It is worth noting that the applicant has now removed condition 7 from this application as the necessary information has been submitted to be formally discharged under the discharge of conditions procedure.

The main issue in the determination of this planning application is whether the variation of conditions is acceptable in planning terms.

Variation of conditions

Planning permission is being sought to vary two conditions imposed on planning application PA/2017/1574, namely condition 4 to establish the external materials of construction for the replacement public house and condition 19 to vary the trigger point for the construction of the public house to be completed upon occupation of 75% of the 4 dwellings approved under the previous application. The applicant's agent has submitted a revised supporting statement which states that the external materials of construction for the public house are the same as those approved for the four dwellings on the site, namely a Hanson Hampton Rural Blend brick and a Sandtoft Britlock concrete plain tile. It is considered that these proposed external materials of construction for the replacement public house will ensure visual assimilation with both the dwellings approved to the north and with the street scene along Wharf Road and New Trent Street. Therefore it is considered that the condition can be varied in this case.

The second of the conditions the applicant is seeking to vary concerns the trigger point for the construction of the replacement public house, namely condition 19. The condition on the original planning permission states the following:

Not more than 50% of the dwellings hereby approved shall be occupied until such time that the replacement public house is constructed and the car parking spaces serving it have been completed.

Whilst no supporting information has been submitted to justify the variation to the trigger point for the construction of the public house it is considered that the replacement public

facility would still be delivered before the final house on the approved scheme is occupied if the trigger point was varied to 75% in this case. The variation of the condition would ensure that the public house is completed and delivered on the site (thereby providing a replacement public facility in Ealand) and that the applicant would be able to sell three of the four properties before completing the construction of the public house and car park. On this basis it is considered that the variation of condition 19 is acceptable in this case.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before 21 December 2020.

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: 598-17GH, 598-17NT, 598-17 3 of 4 and 598-17 4 of 4.

Reason

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

3.

The dwellings hereby permitted shall be built in accordance with the materials schedule set out in paragraphs 6.2 and 6.3 of the design and access statement submitted with planning application PA/2017/1574. Once constructed the dwellings shall be retained in that condition thereafter.

Reason

To define the terms of the permission and to ensure that the dwellings respect the character and appearance of the street scene in accordance with policies H5 and DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

4.

The replacement public house hereby permitted shall be built in accordance with the materials schedule set out in paragraphs 6.2 and 6.3 of the design and access statement submitted with planning application PA/2017/1574. Once constructed the dwellings shall be retained in that condition thereafter.

Reason

To define the terms of the permission and to ensure that the dwellings respect the character and appearance of the street scene in accordance with policy DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

5.

Notwithstanding the details shown on drawing 598-17 3 of 4, no development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

6.

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.

7.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise.

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Reason

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

8.

Demolition and construction operations shall be limited to the following hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

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

9.

No demolition, site clearance or construction work shall take place until a dust management plan has been submitted to and approved in writing by the local planning authority. All works shall be undertaken in accordance with the agreed plan and shall be maintained for the duration of all demolition, site clearance and construction works on the site.

Reason

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

10.

Within 3 months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

11.

The existing vehicular access to the site from New Trent Street shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

12.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

13.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

14.

No development shall take until a demolition traffic management plan has been submitted to and agreed in writing by the local planning authority. The management plan shall include details of all associated traffic movements including delivery vehicles and staff/demolition movements, any abnormal loads movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway. Once approved the work shall be undertaken in accordance with the agreed details and updated as necessary throughout the demolition period.

Reason

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

15.

No demolition shall take place until the applicant, or their agents or successors in title, has produced an historic building record in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the local planning authority prior to any development commencing.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the architectural and historic interest of the standing buildings will be destroyed through demolition and the recording programme will mitigate the loss of evidence.

16.

The historic building recording shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the architectural and historic interest of the standing buildings will be destroyed through demolition and the recording programme will mitigate the loss of evidence.

17.

The historic building archive shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement of the development

hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the architectural and historic interest of the standing buildings will be destroyed through demolition and the recording programme will mitigate the loss of evidence.

18.

No development shall take place until a scheme for the disposal of surface water has been agreed in writing by the local planning authority. The scheme shall include an investigation into ground conditions at the site to determine whether infiltration rates for use of soakaways is acceptable. None of the dwellings shall be occupied and the public house shall not be brought into first use until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

19.

Not more than 75% of the dwellings hereby approved shall be occupied until such time that the replacement public house is constructed and the car parking spaces serving it have been completed.

Reason

To ensure the introduction of the replacement community facility in a timely manner on the site, in the interests of visual amenity in accordance with policy CS22 of the North Lincolnshire Core Strategy.

20.

The design of the development shall incorporate all the mitigation measures identified in the agreed flood risk assessment dated 28 September 2017 submitted in accordance with planning application PA/2017/1574.

Reason

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

Informative 1

The applicant is advised to contact the North Lincolnshire Historic Environment Record for an explanation about the historic building recording and written specification at least 20 working days prior to the proposed commencement of development (email alison.williams@northlincs.gov.uk; telephone 01724 297471).

Informative 2

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

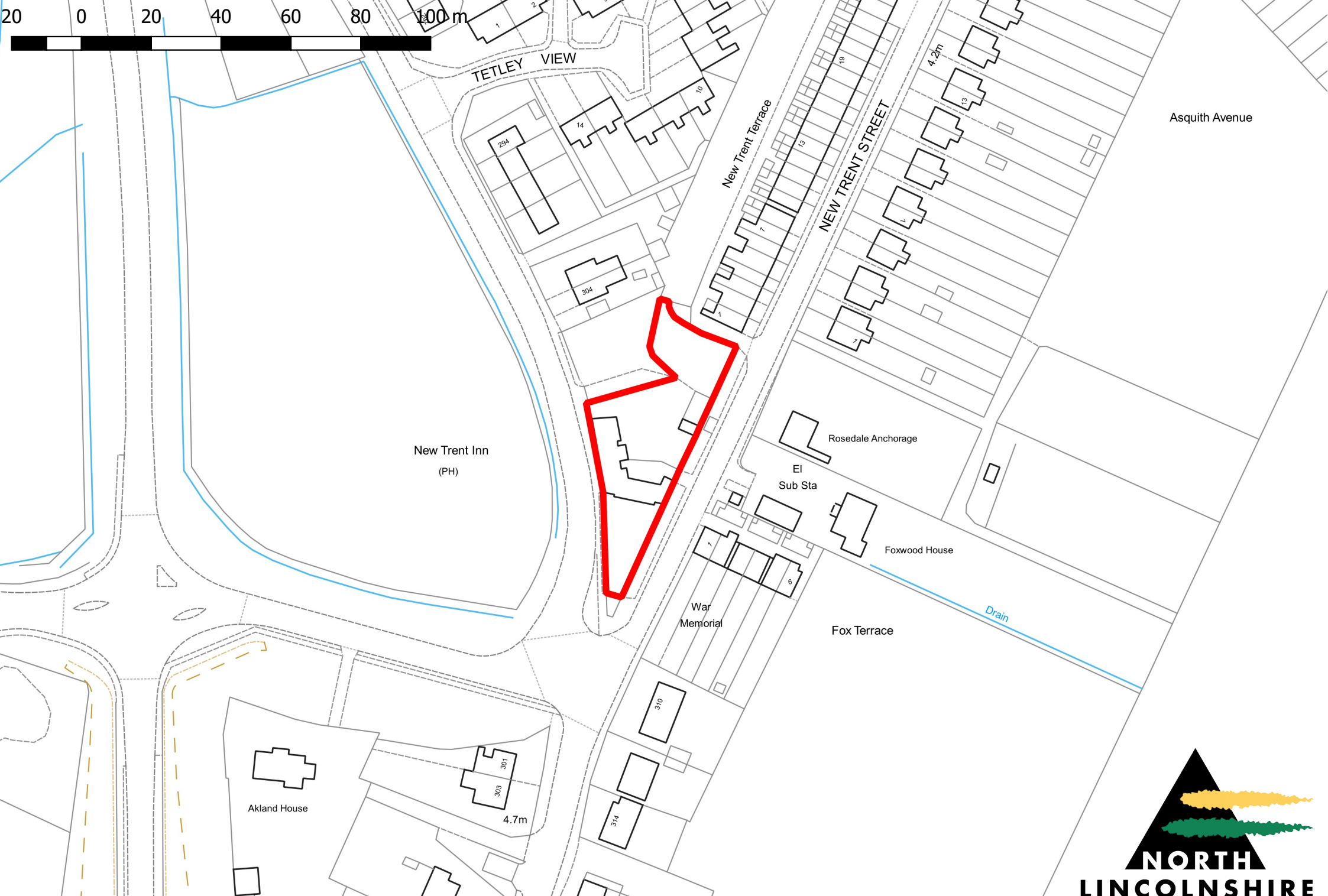
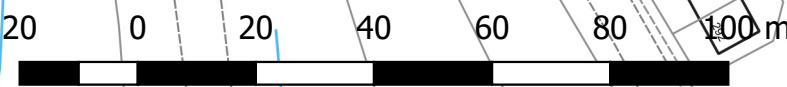
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 3

You are advised that all conditions formally discharged under planning application PA/2017/1574 are considered to be formally discharged under this planning application.

Informative 4

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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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