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| APPLICATION NO | PA/2016/1677 |
| APPLICANT | Lidl UK GmbH |
| DEVELOPMENT | Planning permission for an extension to an existing store car park and erection of a trolley bay, along with relocation and enhancement of a footway, and associated landscaping, including additional lighting |
| LOCATION | Lidl, Atherton Way, Brigg, DN20 8AR |
| PARISH | Brigg |
| WARD | Brigg and Wolds |
| CASE OFFICER | Andrew Willerton |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Brigg Town Council |

POLICIES

National Planning Policy Framework: Paragraph 11 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and that for decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 69 states that planning decisions should promote safe and accessible developments containing clear and legible pedestrian routes and high quality public space.

Paragraph 75 states planning policies should protect and enhance public rights of way and access and that local authorities should seek opportunities to provide better facilities for users.

Paragraph 118 states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

North Lincolnshire Local Plan:

T19 (Car Parking Provision and Standards)

LC5 (Species Protection)

LC11 (Area of Amenity Importance)

DS1 (General Requirements)

DS12 (Light Pollution)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS19 (Flood Risk)

Housing and Employment Land Allocations Development Plan Document: Inset Map for Brigg, Castlethorpe and Scawby Brook.

CONSULTATIONS

Highways Team: No objections subject to a condition.

Drainage Team: No comments received.

Environmental Health: Advises conditions.

Tree Officer: No comments received.

Ecology: Advises conditions with regard to the provision of a biodiversity management plan.

Public Rights of Way: No comments received – to be advised by means of verbal update at the committee meeting.

Ancholme Internal Drainage Board: Standing advice was received with regard to method of surface water discharge. Conditions are recommended should the method of surface water disposal require the consent of the IDB.

Environment Agency: No objection although wishes to highlight that the scheme differs from the scheme which has Flood Defence Consent and therefore an amendment is required.

TOWN COUNCIL

Brigg Town Council has been consulted and objects to the proposal for the following reasons:

- concerns regarding the buffer which is needed between the footway and the river for both cyclist and pedestrian safety
- it was felt that to use Lidl's own land to expand the premises is fine but the development should not impact on the footway and cyclepath.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Two letters have been received from one individual who objects to the application because thousands have been spent on improving the river bank and footpath and that the path would need to be joined up to the original.

ASSESSMENT

This application was deferred at the last meeting of the planning committee to enable members to visit the site prior to making a decision.

The application site is Lidl, Atherton Way, Brigg. Planning permission is sought for an extension to the existing store car park and erection of a trolley bay, along with the relocation and enhancement of a footway and associated landscaping, including additional lighting.

The application site comprises that part of the existing Lidl car park and green space between the car park and the river Ancholme, which is designated as an Area of Amenity Importance under policy LC11 of the North Lincolnshire Local Plan, which hosts a riverside footpath and cycleway.

This application forms a re-submission of PA/2015/1555 which was refused planning permission because the proposal represented a significant encroachment into an Area of Amenity Importance set adjacent to the River Ancholme. It was considered that the proposals would have a significant unduly adverse impact on the open character and naturalised appearance of the riverbank setting. The proposal did not make a positive contribution to the Area of Amenity Importance or to the wider area and would have an adverse visual impact on the locality. The proposal was therefore considered contrary to the provisions of policies LC11 of the North Lincolnshire Local Plan and CS16 of the Core Strategy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material

considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The main issues for consideration with regard to the determination of this application are whether the proposed development would be to the detriment of open space designated as an area of amenity importance and public footpath/cycleway, and whether the proposed development would have an adverse impact upon highway safety.

Principle

The application site is within the development limit for Brigg as defined by the Housing and Employment Land Allocations Development Plan Document (HELA DPD) and forms a car park extension to the existing Lidl supermarket. It is considered that the principle of development in this location is therefore acceptable.

Landscape character

The proposed development seeks to extend the existing car park associated with the Lidl supermarket with a net increase of 32 spaces. This expansion would extend the southern boundary of the car park by approximately 17 metres. This would see development into land designated as an Area of Amenity Importance by policy LC11 of the NLLP.

Although the land is classified as an Area of Amenity Importance this does not mean that development is unacceptable in this location. Policy LC11 of the NLLP states that 'development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact, or where necessary, make a positive contribution to such areas'.

The proposal will see the development of a car park in this area and not a built structure which is generally not considered to have an adverse effect upon open character. Although, the proposal will see the development of hard surfacing in place of existing vegetation which primarily caused issue with regard to the determination of the previous application as this affected the 'naturalised appearance' of riverbank. It is proposed as part of this application that a landscape buffer, including replacement hedgerow, be developed between the car park and new riverside footpath/cycleway. It is further proposed that eight trees be planted along the car park boundary which is considered to soften the visual impact of the car park upon the soft landscape adjacent to the river.

It is considered that the proposed landscaping is appropriate with regard to site context and will not be to the detriment of the Area of Amenity Importance which will be enhanced through a more formal landscaping arrangement.

Access and highways

The proposed development requires the relocation of an existing cycleway. To the southern boundary of the site at present there is a narrow tow path directly adjacent to the river's edge with a gravel cycleway to the north of this set at a slightly higher level.

It is proposed that a 3 metre wide combined footpath and cycleway be installed at the river's edge as a replacement. This combined foot/cycle path will be similar to that which extends further into Brigg on the other side of the A18 bridge of the Old River Ancholme. The new foot/cycle path will connect to the existing foot/cycle path to the east of the site adjacent to the bridge. To the west the foot/cycle path is shown to decrease in width and connect into the existing riverside towpath. This is not considered to be acceptable as this would result in a loss of connectivity to the cycle path. It is recommended that a condition be imposed upon any grant of permission to secure details of a method of connection and subsequent implementation prior to commencement of development and prior to use of the extended car park respectively. At the time of writing no comments have been received from the Public Rights of Way Officer, however, comments will be provided by means of verbal update at the planning committee meeting. As the proposal, subject to the imposition of the aforementioned conditions, will see the development of replacement facilities in place of those that are lost, there are no concerns with this aspect of the development and they are considered to be acceptable.

The Highways team has been consulted and originally sought clarification of the proposal and raised issue with pedestrian access to the store from the riverside path. The applicant has since amended the scheme to include a pedestrian footpath running from the store entrance running east/west to connect to the existing footpath running adjacent to the A18 and connecting into the existing riverside footpath/cycleway. The Highways team has raised no further objection and is satisfied with the proposal providing this forms part of an approved plan.

Ecology

The council's ecologist has raised some concerns with regard to non-compliance of previous planning conditions with regard to biodiversity enhancement and has suggested an option of off-site enhancement secured through a Section 106 Agreement. The response goes on to state that a meeting has been held and most of the outstanding issues are in hand. Each application should be determined on its own merits irrespective of whether previous planning conditions have been complied with. It is not considered that off-site enhancement forms the most appropriate strategy and biodiversity enhancement should occur on site. The ecologist has recommended conditions to obtain and secure the implementation of a biodiversity management plan.

The ecologist highlights within the response that a recently planted hedgerow is to be removed but notes that a native hedge mix is proposed and considers that this will compensate for the loss of the existing laid edge. The biodiversity management plan conditions recommended by the ecologist will secure the planting of this hedge and appropriate maintenance thereafter.

The site is adjacent to the River Ancholme and a preliminary ecological appraisal has been submitted with the application. This has been reviewed by the ecologist who considers that although no field signs of water vole and otter were recorded the methodology has not been set out in the report, and despite the report considering water vole are not present,

given the level of bankside activity and management, other areas in North Lincolnshire with areas of similar activity still see the presence of water voles. It is recommended by the ecologist that it would be safer to take the precautionary approach and assume water voles are present. The ecologist has therefore recommended that sensitive working practices are undertaken during construction which is secured through the biodiversity management plan conditions.

Flood risk and drainage

The application site is adjacent to the River Ancholme and is within Flood Zone 2/3a as determined by the North Lincolnshire Strategic Flood Risk Assessment (SFRA). The proposed development is considered to be acceptable in flood risk terms in principle following guidance contained within the NPPG. The Environment Agency has been consulted on the application and has raised no objections to the proposal but notes that the submitted plans illustrate a dwarf wall to be developed which was not included in the Flood Defence Consent and that a variation should be applied for. It is recommended that this advice be included on any grant of permission as an informative. With regard to surface water the applicant has indicated that discharge will be made into a soakaway and mains sewer. No further details have been provided and it is considered such details should be obtained through condition for the approval of the planning authority.

Other matters

The proposal also seeks planning permission for the erection of a trolley bay and additional lighting. The proposed trolley bay measures approximately 7 metres by 5 metres with a maximum height of 2.7 metres. The structure is to be sited within the extended area of the car park. The Environmental Health team has been consulted in respect of the additional lighting and has raised no objection provided that the details within the submitted lighting scheme are adhered to. It is recommended that the implementation of the submitted lighting scheme be secured through condition and that a condition be imposed to restrict the operational hours of the lighting.

The Environmental Health team has reviewed the submitted intrusive ground investigation report and concurs with the document's conclusions. However, the Environmental Health team has noted that made ground is to be removed from the site and replaced with new fill material. It is recommended that a remediation scheme is submitted to ensure the new material poses no threat to human health. It is not considered that such a condition is necessary and that a watching condition should be imposed to deal with any unexpected land contamination.

The Environmental Health team has further recommended a condition to restrict construction hours and HGV movements during the construction period in order to protect residential amenity. The application site is a significant distance from the nearest residential property and adjacent to the main A18 road. Given the scale of development it is not considered to be necessary or reasonable to impose such a condition.

Conclusion

The proposal is considered to address the previous reason for refusal through the provision of a comprehensive landscaping scheme which will minimise the impact of the development of a car park into an Area of Amenity Importance. The development proposes an acceptable replacement footpath and cycleway adjacent to the river and provides an

acceptable form of pedestrian access to the store. It is therefore recommended that planning permission be granted subject to conditions.

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: 526 Revision B, 502 Revision T, 518 Revision C, 521 Revision C, 520 Revision C and R/1191/2A.

Reason

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

3.

Prior to first use of the extended car park, the pedestrian link to the north of the application site shall be completed in its entirety in accordance with the approved plans and be fully operational to the public.

Reason

To ensure that an appropriate means of pedestrian access to the store is achieved in accordance with saved policy T2 of the North Lincolnshire Local Plan (2003).

4.

No development shall take place until details of the method of connecting the 3 metre wide pedestrian/cycle path to the south of the site to the adjacent pedestrian and cycle paths to the east and west of the site have been submitted to and approved in writing by the local planning authority.

Reason

No such details have been provided and to ensure that the development does not result in adverse impact through a loss of connectivity upon the existing pedestrian and cycle path network in accordance with saved policies T6 and T8 of the North Lincolnshire Local Plan (2003).

5.

Prior to the first use of the extended car park, the 3 metre wide pedestrian and cycle path shall be completed in its entirety and connected to the existing pedestrian and cycle paths to the east and west of the site in accordance with the details submitted and approved pursuant to condition 4 above, and shall be fully operational to the public.

Reason

To ensure that the development does not result in adverse impact through a loss of connectivity upon the existing pedestrian and cycle path network in accordance with saved policies T6 and T8 of the North Lincolnshire Local Plan (2003).

6.

No development shall take place until the species, size and planting specifications of the eight trees proposed as part of the approved landscaping scheme, drawing number R/1191/2A, to the southern edge of the car park have been submitted to and approved in writing by the local planning authority and only the approved trees shall be planted.

Reason

No such details have been provided and to ensure an appropriate landscaping scheme is secured in accordance with policy CS5 of the North Lincolnshire Core Strategy (2011).

7.

The scheme of landscaping and tree planting shown on drawing number R/1191/2A shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

In order to secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

8.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (i) details of measures to avoid harm to water voles, otters and nesting birds during vegetation clearance and construction works;
- (ii) details of bird nest boxes and bat roosting features to be installed within the blue line boundary shown on submitted drawing number 526 revision B;
- (iii) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (iv) prescriptions for the planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (v) prescriptions for the ongoing maintenance of native trees, shrubs, hedgerows and wildflowers to optimise habitat structure and species diversity, including the laying of hedgerows in the Midlands style with stakes and binders;
- (vi) prescriptions for the removal of invasive non-native plants within the blue line boundary shown on submitted drawing number 519 revision A, and the replacement with plants of high biodiversity value;
- (vii) proposed timings for the above works in relation to the completion of the car park.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

9.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

10.

No development shall take place until details regarding the height and materials to be used in the construction of the dwarf wall as shown on plan 521 Revision C have been submitted to and approved in writing by the local planning authority. The development shall then proceed in accordance with the approved details.

Reason

No such details have been provided and in the interests of visual amenity in accordance the policy CS5 of the North Lincolnshire Core Strategy (2011).

11.

No development shall take place until a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The development shall then proceed in accordance with the approved details.

Reason

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

12.

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.

13.

The development hereby permitted shall be maintained as set out in the Lidl Brigg Exterior Car Park Document, dated 25 November 2016 and prepared by Philips Lighting for the

applicant, in order to prevent potential light nuisance, including glare and light spill, on sensitive receptors. Any deviation from the agreed scheme shall be submitted to and approved in writing by the local planning authority.

Reason

For the protection of amenity in accordance with saved policy DS12 of the North Lincolnshire Local Plan (2003).

14.

The hours of operation of the approved lighting scheme shall be linked with the store opening hours and shall be restricted to:

- Monday to Saturday 7am to 10pm

- Sunday 9am to 5pm.

Reason

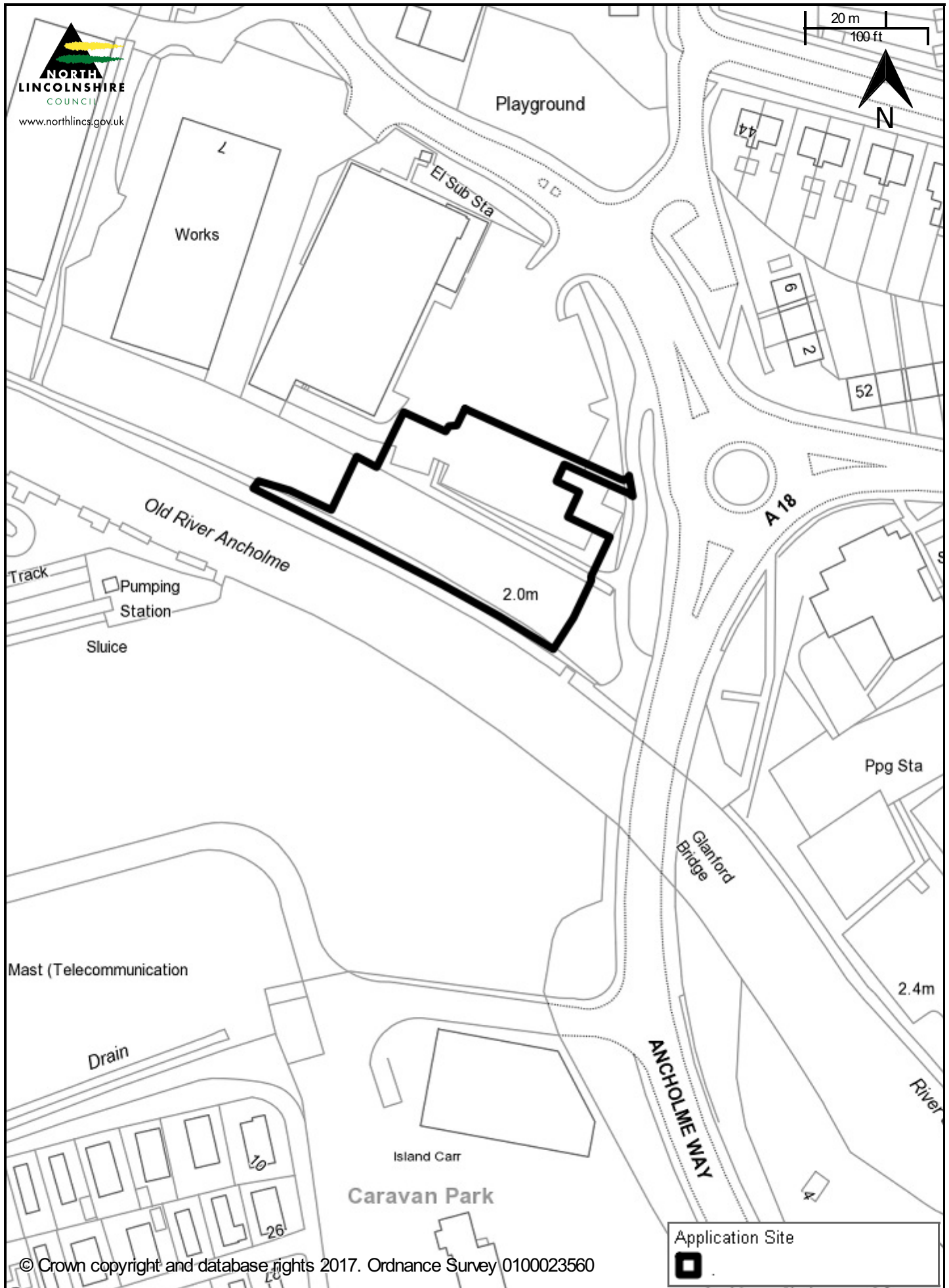
For the protection of amenity in accordance with saved policy DS12 of the North Lincolnshire Local Plan (2003).

Informative 1

The applicant's attention is drawn to comments made by the Environment Agency in that a variation to the Flood Defence Consent obtained may be required as the current Flood Defence Consent does not include the provision of a dwarf wall. The applicant is advised to contact the Environment Agency on 01522 785925 or email psolincs@environment-agency.gov.uk to discuss their proposals.

Informative 2

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.



Application Site

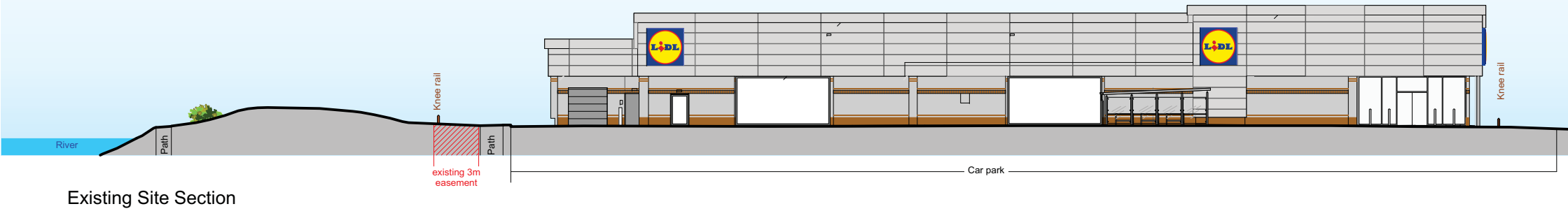

AMENDED

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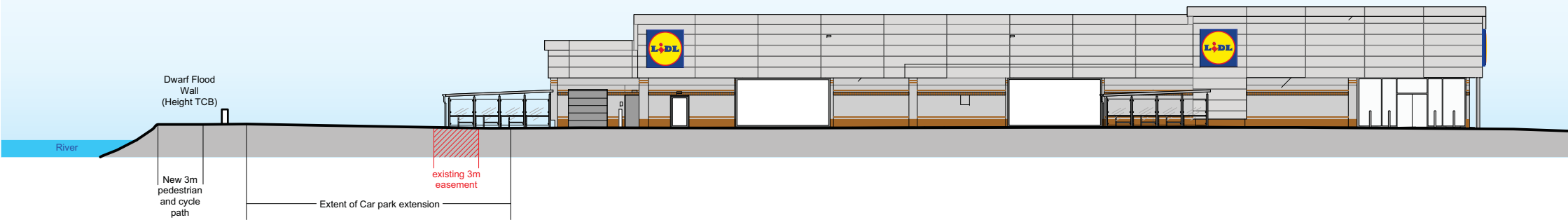
PA/2016/1677

Site Sections

Not to Scale



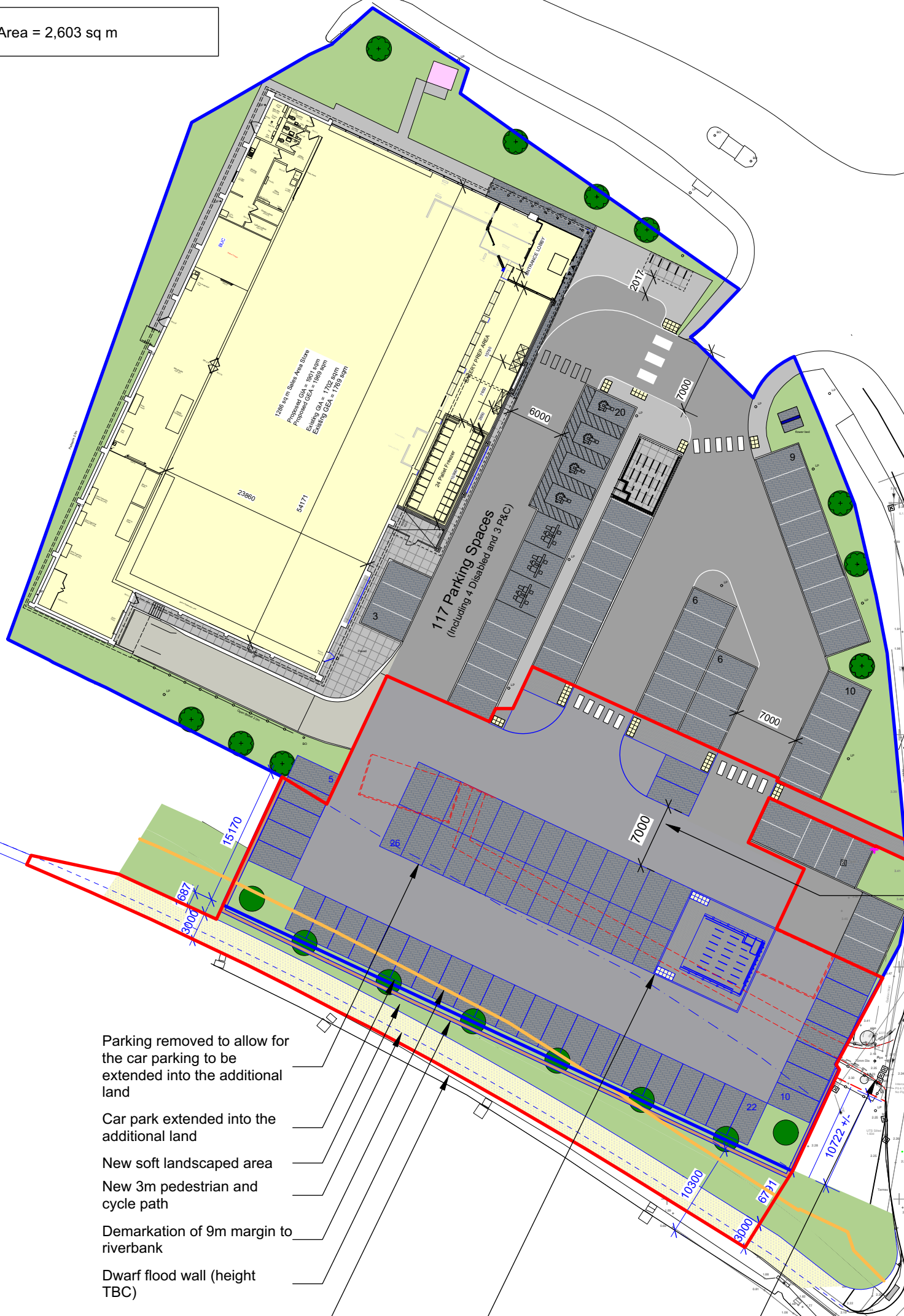
Existing Site Section



Proposed Site Section

AMENDED

Phase 2 Site Area = 2,603 sq m



- Parking removed to allow for the car parking to be extended into the additional land
- Car park extended into the additional land
- New soft landscaped area
- New 3m pedestrian and cycle path
- Demarcation of 9m margin to riverbank
- Dwarf flood wall (height TBC)
- Dimension from dwarf flood wall to river
- New spec Maxi Trolley Bay

Existing pedestrian access closed

New pedestrian route
Min Dim required for HGV Maneuvering

| Rev | Date | Description | Drawn |
|-----|----------|--|-------|
| T | 19.12.16 | Phase 2 site boundary increased to accommodate pedestrian route | TC |
| S | 19.12.16 | Proposed Maxi Trolley Bay relocated within car park extension. Existing trolley bay maintained. Proposed pedestrian route maintained. Pedestrian access re-located | TC |
| MU | 09.12.16 | Trolley Bay repositioned, pedestrian route added | MU |
| AB | 12.10.16 | Landscaping updated in line with latest FDA plan | AB |
| TC | 22.07.15 | Annotations amended. Dwarf flood wall included. Pedestrian access to south of site removed | TC |
| PC | 10.12.15 | Boundary lines amended. Store annotations removed. Phase 1 planning note added to backsheet | PC |
| PC | 26.11.15 | Lighting columns added | PC |
| PC | 11.11.15 | 9m riverbank margin added | PC |
| PC | 09.09.15 | Proposed levels added. Path and bund updated | PC |
| DW | 02.09.15 | Future store extension and site area required added to site plan as per client requirement. | DW |
| PC | 20.08.15 | Phase 2 car park extension design amended to ensure delivery vehicles can access loading bay. | PC |
| PC | 20.08.15 | Pedestrian crossing reinstated. Second trolley bay added. Flagpole sign replaced with Pylon sign. | PC |
| PC | 29.07.15 | Entrance/exit lobby amended. GIA & GEA updated | PC |
| PC | 15.07.15 | Boundary updated in line with title plan | PC |
| LS | 01.07.15 | Topographical survey added and site plan updated | LS |
| MH | 28.05.15 | Updated to match revised floor plan | MH |
| JH | 27.05.15 | Updated floor plan added. | JH |
| LS | 18.05.15 | Additional Warehouse removed, areas updated to suit, additional car parking added | LS |
| JH | 14.05.15 | Detail added to the plan. Areas and parking numbers added. Colour to Phase 2 car park extension added. | JH |

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client
Lidl UK GmbH

project
Extension to existing store and new trolley bay, Lidl, Atherton Way, Brigg

drawing title
Proposed Site Plan PHASE 2

date April 2015
status Feasibility
scale 1:500 @ A3
drawn TC checked MH
job no. 991 dwg no. 502 rev. T