

<b>APPLICATION NO</b>	<b>PA/2018/403</b>
<b>APPLICANT</b>	Lidl UK GmbH & Hillcrest Garages (Sowerby Bridge) Ltd
<b>DEVELOPMENT</b>	Planning application to vary conditions 2, 5, 7, 8, 13, 19 and 33 of PA/2017/1449 relating to drawings, revised vehicular and pedestrian access (including removal of Ferriby Road access), access road junction, access road, travel plan and foul water strategy respectively
<b>LOCATION</b>	Lidl food store and pub/restaurant on land off Ferriby Road, Barton upon Humber
<b>PARISH</b>	Barton upon Humber
<b>WARD</b>	Barton
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Paul Vickers – significant public interest) Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 explains that a presumption in favour of sustainable development should be seen as a 'golden thread' running through decision taking. It makes clear, in circumstances where there is no extant adopted plan or relevant plan containing no applicable policies, that planning permission should be granted unless adverse impacts of the development would "*significantly and demonstrably outweigh the benefits*" or where there are policies within the NPPF which indicate such development should be restricted.

Paragraph 17 identifies the core land use planning principles that should underpin decision taking. Within the context of this planning application, the most relevant principles include those below, which state that "*planning should:*

- *proactively drive and support sustainable economic development to deliver homes, businesses and industrial unity, infrastructure and thriving local places that the country needs;*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and support thriving rural communities within it;*
- *contribute to conserving and enhancing the natural environment and reducing pollution;*

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*
- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.*

### ***Building a strong, competitive economy***

Paragraph 18 states that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future”.*

Paragraph 19 states that *“the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth” and “significant weight should be placed on the need to support economic growth through the planning system”.*

Paragraph 20 states that *“local authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century”.*

### ***Ensuring the vitality of town centres***

Paragraph 24 states that *“local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre”.* It goes on to state that *“they should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”.* When considering edge of centre and out of centre proposals, *“preference should be given to accessible sites that are well connected to the town centre.”*

Paragraph 26 establishes that when assessing applications for town centre uses, over a defined threshold, outside of town centres local authorities should require an impact assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

Paragraph 27 states that *“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*

## ***Supporting a prosperous rural economy***

Paragraph 28 advocates supporting *“economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”*.

## ***Promoting sustainable transport***

Paragraph 32 directs that decisions should take account of whether *“opportunities for sustainable transport modes have been taken up depending on the nature and location of the site”*; whether *“safe and suitable access to the site can be achieved”* and whether *“improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development”*. It is also made clear that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.

Paragraph 34 states *“decisions should ensure that developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised”*; however, in rural areas this needs to take account of policies set out elsewhere in the NPPF.

Paragraph 35 states that *“developments should be located and designed where practical to:*

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

Paragraph 36 states that *“all developments which generate significant amounts of movement should be required to provide a Travel Plan.”*

## ***Requiring good design***

Paragraph 56 states that *“the Government attaches great importance to the design of the built environment. 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 60 states that *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.”*

Paragraph 61 states that *“securing high quality and inclusive design goes beyond aesthetic considerations.”* It goes on to state that planning policies and decisions should *“address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

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 66 states that *“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community”* and *“Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”*

### ***Promoting healthy communities***

Paragraph 69 states that *“the planning system can play an important role in...creating healthy, inclusive communities”* and that *“local planning authorities should aim to involve all sections of local communities...in planning decisions”*. Planning policies and decisions should aim to achieve places which, amongst other things, promote:

- *safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.*

Paragraph 70 sets out how policies and decisions are expected to deliver the social, recreational and cultural facilities and services that communities need. It states that plans and policies should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

Paragraph 73 states that *“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*

## ***Meeting the challenges of climate change, flooding and coastal change***

Paragraph 93 explains that *“planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and infrastructure”*.

Paragraph 100 states that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*.

Paragraph 103 also requires local planning authorities to ensure that *“flood risk is not increased elsewhere”* and that *“development is appropriately flood resilient and resistant”* and that priority is given to the use of sustainable drainage systems.

## ***Conserving and enhancing the natural environment***

Paragraph 109 states that *“the planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Paragraph 118 encourages local planning authorities to consider *“opportunities to incorporate biodiversity in and around developments”*.

Paragraph 120 states that *“to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account...”*

Paragraph 123 states that *“planning decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*

- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

Paragraph 125 states that *“decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

### ***Conserving and enhancing the historic environment***

Paragraph 128 requires applicants to *“describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...”.*

Paragraph 129 requires authorities to *“identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.*

### ***Decision-taking***

Paragraph 186 states that *“local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development”.*

Paragraph 187 states that authorities should *“look for solutions rather than problems, and...should seek to approve applications for sustainable development where possible”* and *“should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.*

### ***Determining applications***

Paragraph 196 requires that *“applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.* It also established that the NPPF is a material consideration in planning decisions.

### ***Planning conditions and obligations***

Paragraph 203 requires local planning authorities to *“consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.*

Paragraph 204 sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related in scale and kind.

## **North Lincolnshire Local Plan:**

### ***Policy S8 (Out-of-centre Retail and Leisure Development)***

States that *“planning permission will only be permitted for out-of-centre retail and leisure development where:*

- a clear need for the development has been demonstrated;
- a developer can demonstrate that there are no sites for the proposed use within or at the edge of the town or district centre that are suitable, viable for the proposed use and likely to be available within a reasonable time period;
- the proposal, in addition to the cumulative effects of recently completed developments and outstanding planning permissions, will have no adverse impact on the vitality and viability of existing district centres and the rural economy. In all cases applications shall be accompanied by a retail impact assessment;
- the site is or can be made accessible by a choice of means of transport, including public transport, walking and cycling.

*Where it is appropriate, conditions will be imposed restricting the minimum unit size of the development, and the type and range of goods sold, so as to prevent the operators directly competing with the existing town or district centres. The developer will be expected to support the proposal with evidence submitted as an impartial retail impact assessment.”*

### ***Policy T1 (Location of Development)***

This policy requires developments that generate significant volumes of traffic to be *“located in urban areas and where there is good access to transport networks and foot, cycle and public transport provision.”*

### ***Policy T2 (Access to Development)***

This policy requires all new developments to be provided with a satisfactory access and continues to state that *“larger developments should be served by a range of transport modes.”*

### ***Policy T4 (Developer Contributions)***

This policy requires developers to demonstrate that their developments are adequately served by a variety of modes of transport and will not have an effect on transport near the site. It explains that the council will require developers to contribute towards the provision of additional transport facilities or highway improvements where their need is directly generated by the development.

### ***Policy T6 (Pedestrian Routes and Footpaths)***

This policy requires major developments to include links to nearby existing or proposed pedestrian routes.

### ***Policy T8 (Cyclists and Development)***

This policy requires new developments to provide links to existing or proposed cycle links where possible and to provide cycle parking facilities in accordance with set standards.

### ***Policy T9 (Promoting Buses and Trains)***

Advocates the promotion of bus and train usage as an alternative to the private car.

### ***Policy T14 (The North Lincolnshire Strategic Road Network)***

This policy seeks to concentrate traffic onto the Strategic Road Network (SNR) and prevent development that would compromise the function of the SNR.

### ***Policy T19 (Car Parking Provision and Standards)***

This policy states that “*provision will be made for car parking where it would:*

- (i) meet the operational needs of business;*
- (ii) be essential to the viability of the new development;*
- (iii) improve the environment or safety of streets;*
- (iv) meet the needs of people with disabilities;*
- (v) be needed by visitors to the countryside and comply with Appendix 2, Parking Provision Guidelines.”*

### ***Policy DS1 (General Requirements)***

This policy seeks a high standard of design in all new developments and states “*proposals for poorly designed development will be refused*”. Policy DS1 identifies criteria against which all new proposals will be considered as set out below:

- *Quality of design*
  - i) the design and external appearance should reflect or enhance the character, appearance and setting of the immediate area; and*
  - ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform.*



- *Amenity*
  - iii) *no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing; and*
  - iv) *amenity open space in the area should be retained, wherever possible; and*
  - v) *no pollution of water, air or land should result.*
- *Conservation*
  - vi) *there should be no adverse effect on features of acknowledged importance on, or surrounding, the site, including species of plants and animals of nature conservation value; and*
  - vii) *the development must retain existing features that make an important contribution to the character or amenity of the site or the surrounding area; and*
  - viii) *development proposals should include results of archaeological assessment, where appropriate, and adequate measures to ensure that there would be no unacceptable impacts on archaeological remains.*
- *Resources*
  - ix) *there should be no conflict with an allocated or approved land-use nor should the reasonable potential for development of a neighbouring site be prejudiced; and*
  - x) *the location and design of developments on urban fringes should take into account the need to minimise the impact of the development on adjoining agricultural land; and*
  - xi) *measures to conserve energy will be expected in:*
    - a) *the design, orientation and layout of buildings; and*
    - b) *the location of development; and*
    - c) *improvements to the transport network and in the management of traffic.*
- *Utilities and Services*
  - xii) *there should be no reliance on public finances being available to provide infrastructure and services; and*
  - xiii) *suitable on-site drainage should be provided and where there are off-site drainage problems the developer will be expected to overcome them.*

### **Policy DS3 (Planning Out Crime)**

States that “new development should take into account personal safety and the security of people and property by:

- (i) *ensuring that paths, play areas and open spaces are overlooked by inhabited buildings while maintaining the privacy of inhabitants; and*
- (ii) *avoiding the creation of spaces with ill-defined ownership and ensure there is a clear distinction between public open space and private open space; and*
- (iii) *ensuring the development is well integrated into the existing pattern of pedestrian and vehicular movement; and*
- (iv) *ensuring that dark or secluded areas are not created by landscaping, planting or building; and*
- (v) *ensuring that streets and paths are adequately lit.”*

### **Policy DS12 (Light Pollution)**

States that “planning applications which involve light-generating development, including floodlighting, will only be permitted where it can be demonstrated that there will be no adverse impact on local amenities.”

### **Policy DS14 (Foul Sewage and Surface Water Drainage)**

States that “the council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before permission is granted or by imposing conditions.”

### **Policy DS16 (Flood Risk)**

States that “development will not be permitted within floodplains where it would:

- (i) *increase the number of people or buildings at risk;*
- (ii) *impede the flow of flood water;*
- (iii) *impede access for the future maintenance of watercourses;*
- (iv) *reduce the storage capacity of the floodplain;*
- (v) *increase the risk of flooding elsewhere;*
- (vi) *undermine the integrity of existing flood defences.”*

### **Policy R5 (Recreational Paths Network)**

States that in determining planning applications where development may either have implications for the maintenance of the recreational paths network, or other opportunities to expand this network “the following factors will be taken into account:

- (i) *favourable consideration will be given to development proposals which provide additional links to the recreational network;*
- (ii) *the Council will seek to negotiate additional linkages to the recreational paths network, where appropriate;*
- (iii) *favourable consideration will be given to development proposals which will improve the condition and appearance of existing links in the network;*
- (iv) *existing rights of way will be protected from development that would remove or restrict the right of way;*
- (v) *permission will not be granted for any development which would prejudice public access onto and through the recreational path network, unless specific arrangements are made for suitable alternative linkages;*
- (vi) *where necessary, the diversion of footpaths will be required.”*

**Policy LC5 (Species Protection)**

States that *“planning permission will not be granted for development which would have an adverse impact on protected species. Where development is granted that may impact on protected species, the use of conditions or planning agreements will be considered to mitigate this impact.”*

**North Lincolnshire Core Strategy:**

**Policy CS1 (Spatial Strategy for North Lincolnshire)**

This policy sets out the spatial strategy for future development in North Lincolnshire. It identifies areas of specific focus including, amongst others:

- “(b) supporting the market towns of Barton-upon-Humber, Brigg, Crowle, Epworth, Kirton-in-Lindsey and Winterton as thriving places to live, work and visit, and as important service centres serving the needs of local communities across North Lincolnshire;”*

It goes on to state that *“All future growth regardless of location should contribute to sustainable development”* and that where development has an environmental impact *“mitigation measures should be used for the development to be acceptable”*.

**Policy CS2 (Delivering More Sustainable Development)**

This policy sets out how the spatial strategy for North Lincolnshire will be implemented using a sequential approach to the location of new development based on the settlement hierarchy and taking into account other sustainability criteria. The primary focus for new development is identified as that within the Scunthorpe urban area, with the secondary focus being:

- “2. Previously developed land and buildings within the defined development limits of North Lincolnshire’s Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs.”*

It goes on to state that *“All future development will be required to contribute towards achieving sustainable development”* and sets out sustainable development principles which new developments should comply with. These sustainable development principles include, amongst others, a requirement to:

- *Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport.*
- *Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network...*
- *Contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities.*
- *Contribute to achieving sustainable economic development to support a competitive business and industrial sector.*
- *Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.*
- *Ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development...*
- *Be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.*

The policy also states that *“Environmental Impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.”*

### ***Policy CS5 (Delivering Quality Design in North Lincolnshire)***

This policy sets out the key design principles for all new development in North Lincolnshire. Its aim is to ensure that development supports the creation of a high quality built environment which is attractive to residents, investors and visitors. It asserts that *“All new development...should be well designed and appropriate for their context.”* It goes on to state that *“The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context.”* It concludes that *“Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.”*

### ***Policy CS6 (Historic Environment)***

The aim of this policy is to ensure that North Lincolnshire’s important sites and areas of historic and built heritage value are protected, conserved or enhanced in order that they continue to make an important contribution to the area’s scene and the quality of life for local people.

This policy identified that the council will promote effective management of the areas historic assets through, amongst others:

- *Ensuring that development within North Lincolnshire's Market Towns safeguards their distinctive character and landscape setting, especially Barton upon Humber, Crowle and Epworth.*

It goes on to state that *“All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.”*

### **Policy CS14 (Retail Development)**

This policy aims to support the sustainable development of a vibrant Scunthorpe town centre, Market Towns and other centres in the retail hierarchy at a scale and function proportionate to the retail standing of the centre. It sets out the retail hierarchy in North Lincolnshire as follows:

1. *Scunthorpe Town Centre*
2. *Market Town Centres of Barton upon Humber, Brigg, Crowle and Epworth:*

*To fulfil their role as key shopping and service centres in North Lincolnshire, the market town centres will be supported as locations for further retail, leisure, cultural and tourism development. Development will only be permitted that is required to meet the needs of the area served by the centre in a sustainable way, is of a scale appropriate to the centre, and that will not adversely impact upon the vitality or viability of other nearby town and district centres. Within the district centres, any new development should respect their historic character.*

3. *District Centres of Kirton in Lindsey and Winterton*
4. *District Centres of Ashby High Street and Frodingham Road*
5. *Local Centres and Corner Shops*

The policy goes on to set out key measures to support the vitality and viability of North Lincolnshire's network of town centres by ensuring that:

- *The existing retail character and function of centres is safeguarded. Development that detracts from the vitality and viability of the area's town centres will be resisted.*
- *New town centre development complies with the sequential approach to site selection, which prioritises development in existing centres, then edge-of-centre sites, and only then out of centre sites that are accessible by a choice of means of transport.*
- *The scale and type of development reflects the centre's existing and proposed function and its capacity for new development.*
- *The retail function of town centres is protected by way of restricting non-A1 uses particularly within the defined town centre boundaries.*
- *A balanced range of facilities and uses are encouraged within district and local centres in keeping with their size and function to meet the everyday needs of the local population. Local Shops located within smaller settlements, in particular in rural areas, will be protected where they are important to the day-to-day needs of people.*

- *Shopping facilities are accessible by a range of means including by car, walking, cycling and public transport.*
- *New developments are of an appropriately high quality design, particularly in the town centre.*

**Policy CS16 (North Lincolnshire’s Landscape, Green Space and Waterscape)**

This policy states that *“The council will protect, enhance and support a diverse and multi-functional network of landscape, green space and waterscape.*

**Policy CS17 (Biodiversity)**

This policy sets out a number of ways in which the council will seek to promote the effective stewardship of North Lincolnshire’s wildlife. Amongst others these include:

- *Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features; and*
- *Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.*

**Policy CS18 (Sustainable Resource Use and Climate Change)**

This policy seeks to actively promote development that utilises natural resources efficiently and sustainably by, amongst others:

- *Requiring the use of Sustainable Urban Drainage Systems (SuDS) where practicable.*
- *Requiring all industrial and commercial premises greater than 1000 square metres to provide 20% of their expected energy demand from on-site renewable energy until the code for such buildings is applied nationally.*
- *Ensuring building design reduces energy consumption by appropriate methods such as high standards of insulation, avoiding development in areas subject to significant effects from shadow, wind and frost, using natural lighting and ventilation, capturing the suns heat where appropriate.*
- *Supporting development that seeks to reduce the need to travel for people using that development.*

**Policy CS19 (Flood Risk)**

States that *“The council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development.”*

**Policy CS22 (Community Facilities and Services)**

States that *“The provision of new community facilities...which meet the needs of local residents will be supported in principle.”* It goes on to explain that good quality services and facilities will be provided that meet the needs of local communities and are accessible by public transport, cycling or on foot.

### **Policy CS23 (Sport, Recreation and Open Space)**

States that *“Development proposals that will result in the loss of an existing leisure, recreation facility, natural green space, open space or playing pitches will not be supported unless:*

- 1. There is currently an excess provision; or*
- 2. Satisfactory alternative provision equivalent or better quality and quantity in a suitable location is made; or*
- 3. The facility is no longer needed.”*

### **Policy CS25 (Promoting Sustainable Transport)**

States that *“The council will support and promote a sustainable transport system in North Lincolnshire which offers a choice of transport modes and reduces the need to travel...”*

### **Policy CS27(Planning Obligations)**

States that *“Where a development proposal generates an identified need for additional infrastructure, the council will, through negotiation pursuant to Section 106 of the Town and Country Planning Act and in accordance with guidance set out in Circular 05/2005, seek to ensure that the development proposal:*

- 1. Meets the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support either affordable housing, maintenance payments, highway infrastructure, transport initiatives, utilities etc;*
- 2. Mitigates the impacts of the development; and*
- 3. Offsets the loss of any significant amenity or resource through compensatory provision elsewhere; or*
- 4. Provides for the ongoing maintenance of facilities provided as a result of the development.*

## **Housing and Employment Land Allocations Development Plan Document (HELADPD):**

### **Policy TC-1 (Development in North Lincolnshire’s Town Centres and District Centres)**

Identifies that proposals for retail development will be permitted within the defined town centre boundaries of the market towns of Brigg, Barton upon Humber, Crowle and Epworth and non-retail uses will only be permitted where they do not detract from the centre’s shopping function. It goes on to state that *“Proposals will be considered having regard to the existing character and function of the shopping street, the contribution which the proposal would make to the vitality and viability of the shopping street and the resulting proportion of non-shopping uses.”*

### ***Policy PS-1 (Presumption in favour of sustainable development)***

Explains that the council will take a positive approach to new development that reflects the presumption in favour of sustainable development set out in the NPPF. Planning applications that accord with the Local Plan will be approved unless material considerations indicate otherwise. It goes on to state that where there are no relevant, up-to-date policies permission will be granted, unless material considerations indicate otherwise *“taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

### **National Planning Practice Guidance:**

#### ***Air quality***

This section of the guidance provides guiding principles on how planning can take account of the impact of new development on air quality.

Paragraph 005 sets out that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would (in summary): significantly affect traffic (through congestion, volumes, speed, or traffic composition on local roads); introduce new point sources of air pollution; expose people to existing sources of air pollutants; give rise to potentially unacceptable impact (such as dust) during construction; or affect biodiversity (due to pollutants).

Paragraph 008 states that mitigation measures will be *“locationally specific, will depend on the proposed development and should be proportionate to the likely impact”*. It further sets out that examples of mitigation could include: amendments to a site’s layout to increase distances between pollution sources and receptors; using green infrastructure; means of ventilation; promoting means of transport with low impact on air quality; control of dust and emissions from construction, operation and demolition; and contributing funding to measures designed to offset the impact on air quality.

Paragraph 009 explains, through the means of a flowchart, the considerations in respect of air quality in the development management process.

#### ***Conserving and enhancing the historic environment***

This section of the guidance advises on enhancing and conserving the historic environment.

Paragraph 017 states that *“what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset”* and asserts that *“significance derives not only from a heritage asset’s physical presence, but also from its setting.*

*Whether a proposal causes substantial harm will be a judgement for the decision taker... In general terms, substantial harm is a high test, so it may not arise in many cases”.*



## ***Design***

This section of the guidance provides advice on the key points to take into account on design.

Paragraph 004 advises that development proposals should reflect the requirement for good design set out in national and local policy. It goes on to explain that local planning authorities are required to take design into consideration and should refuse permission for development of poor design.

Paragraph 006 explains that design can affect a range of economic, social and environmental objectives beyond the requirement for good design in its own right. It identifies that the following issues should be considered:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods.

Paragraph 023 identifies that planning can help achieve good design and connected objectives and that, where appropriate, the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from.

Paragraph 037 explains that decisions on planning applications should clearly support the design objectives in the development plan. It goes on to state that *“If a local authority decides that an application should be refused on design grounds there should be a clear explanation of the decision.”*

## ***Ensuring the vitality of town centres***

Paragraph 001 identifies the two key tests set out in the NPPF that should be applied when planning for town centre uses outside of an existing town centre – the sequential test and impact test. It goes on to explain that the sequential test should be applied first and may

identify preferable sites in town centres for accommodating proposed main town centre uses. The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres.

Paragraph 008 explains the sequential test in more detail. This test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre or edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre.

Paragraph 010 confirms that it is for the applicant to demonstrate compliance with the sequential test and that *“the application of the test should be proportionate and appropriate to the given proposal.”*

Paragraph 011 identifies that certain town centre uses have particular market and locational requirements which means that they may only be accommodated in specific locations.

Paragraph 013 identifies that the purpose of the impact test is to ensure that the impact over time of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse.

Paragraph 015 confirms that it is for the applicant to demonstrate compliance with the impact test and that *“The impact test should be undertaken in a proportionate and locally appropriate way.”*

Paragraph 016 explains that impact should be assessed on a like-for-like basis in respect of that particular sector (eg it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would not normally compete directly).

Paragraph 017 sets out a checklist for applying the impact test as follows:

- establish the state of existing centres and the nature of current shopping patterns (base year)
- determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur
- examine the ‘no development’ scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure)
- assess the proposal’s turnover and trade draw (drawing on information from comparable schemes, the operator’s benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw)
- consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact)

- set out the likely impact of that proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences to the viability and vitality of existing town centres

It goes on to state that *“A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances.”* In areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion may have a significant adverse impact.

Paragraph 018 explains, through the means of a flowchart, the key steps which should be taken when carrying out an impact test in decision-taking.

### ***Health and wellbeing***

This section of the guidance advises on the role of health and wellbeing in planning.

Paragraph 001 states that local authorities *“should ensure that health and wellbeing, and health infrastructure are considered in...planning decision-making”*.

Paragraph 002 declares the built and natural environments to be *“major determinants of health and wellbeing”* and goes on to list, amongst others, that planning authorities should, in considering new development proposals, ensure that *“potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for”*.

### ***Light pollution***

This part of the guidance advises on how to consider light within the planning system.

Paragraph 001 explains that artificial light *“can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky”* and advises that appropriately designed lighting schemes are key.

Paragraph 002 advises local planning authorities, when assessing whether a development proposal might have implications for light pollution, to consider whether they will *“materially alter light levels outside and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces...protected site or species...or protected area of dark sky”*.

Paragraph 003 explains that when light spills onto areas outside the immediate area of a proposed development it *“can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life)”*. It goes on to advise that light intrusion can usually be avoided with careful lamp design selection and positioning.

Paragraph 004 advises that *“lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night sky”*.

Paragraph 005 states that *“the character of the area and the surrounding environment may affect what will be considered an appropriate level of lighting for a development. In particular, lighting schemes for developments in...intrinsically dark landscapes should be carefully assessed as to their necessity and degree”*. Glare should be avoided for safety reasons.

### **Natural environment**

This section of the guidance explains key issues in implementing policy to protect and enhance the natural environment.

Paragraph 001 states that *“planning should recognise the intrinsic character and beauty of the countryside”*.

Paragraph 007 explains the statutory responsibilities of planning authorities in determining applications and, at its core, a duty to *“contribute to conserving and enhancing the natural environment and reducing pollution”*.

Paragraph 008 requires local planning authorities to *“consider the opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area”*.

Paragraph 016 advises that where there is *“reasonable likelihood of a protected species being present and affected by development”* then ecological surveys may be warranted and these surveys should be *“proportionate to the nature and scale of development proposed and the likely impact on biodiversity”*. Planning conditions and/or legal agreements may be appropriate for monitoring and/or biodiversity management plans where these are needed.

Paragraph 017 seeks to encourage bio-diversity enhancement through planning decisions.

Paragraph 018 explains the *‘mitigation hierarchy’* of information, avoidance, mitigation and compensation to facilitate decision-taking.

Paragraph 020 requires the securing of mitigation and/or compensation measures such as off-setting, in instances where *“significant harm to biodiversity is unavoidable”*.

Paragraph 026 expects local planning authorities to *“take into account the economic and other benefits of the best and most versatile agricultural land...and...should seek to use poorer quality land in preference to that of a higher quality”*.

### **Noise**

This section of the guidance advises on how planning can manage potential noise impacts in new development.

Paragraph 001 states that *“noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment”*.

Paragraph 002 advises that whilst noise can override other planning concerns, neither the Noise Policy Statement for England nor the NPPF expects noise to be considered in

isolation, separate from the economic, social and other environmental dimensions of the proposed development.

Paragraph 003 advises planning authorities to consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur;*
- *whether or not a good standard of amenity can be achieved; and*
- *whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level”.*

Paragraph 006 identifies a number of factors that are likely to give rise to noise being a concern and these include the following:

- the source of the noise;
- absolute level;
- time of the day;
- number, frequency and pattern of noise events; and
- the duration and/or character of the noise.

Planning authorities are also advised to consider the cumulative impacts of noise that can arise and also their effects upon wildlife and ecosystems, particularly upon designated sites, as well as those living in the vicinity of proposed developments.

Paragraph 008 explores possibilities for mitigation against the adverse noise impacts that can arise from proposed developments.

### ***Open space, sports and recreation facilities, public rights of way and local green space***

This section of the guidance gives key advice on open space, sports and recreation facilities, public rights of way and the new Local Greenspace designation.

Paragraph 004 refers to the Rights of Way Circular (1/09) which states that the *“effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”.*

### ***Planning obligations***

This section of the guidance provides advice on the use of planning obligations and the process for changing obligations.

Paragraph 001 of Section 23b asserts that planning obligations only constitute a reason for granting planning permission if they meet the following tests:

- they are necessary to make the development acceptable
- they are directly related to the development, and
- they are fairly and soundly related in scale and kind.

Paragraph 004 makes clear that planning obligations “*must be fully justified and evidenced*”.

### ***Travel plans, transport assessments and statements in decision-taking***

This section of the guidance provides advice on when transport assessments and transport statements are required, and what they should contain.

Paragraph 002 explains that Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of a development in order to promote sustainable development. It goes on to state that they are required for all developments which generate significant amounts of movement.

Paragraph 003 explains that “*Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process*”.

Paragraph 004 explains that Transport Assessments and Statements are ways of assessing the potential transport impacts of developments.

Paragraph 005 states that “*The Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts.*” It goes on to explain that Travel Plans can play an effective role in taking forward those mitigation measures which relate to the long term occupation and operation of developments.

### ***Use of planning conditions***

This section of the guidance provides advice on the use of conditions on planning decisions.

Paragraph 001 explains that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating any adverse impacts of the development. The use of planning conditions should be exercised in a way that is “*clearly seen to be fair, reasonable and practicable.*” It goes on to state that “*It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.*”

Paragraph 003 highlights the six tests that must be passed for conditions to be imposed, it confirms that conditions should only be imposed where they are:

1. necessary;
2. relevant to planning; and
3. to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

Paragraph 006 states that *“the ability to impose conditions requiring submission and approval of further details extends to aspects of the development that are not fully described in the application (eg provision of parking spaces)”*.

Paragraph 007 explains that care should be taken when using conditions that prevent development beginning until the condition has been complied with. It states that *“Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.”*

Paragraph 008 advises that conditions requiring works on land not controlled by the applicant should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. *“Where the land or specified action in question is within the control of the local authority determining the application (for example, as highway authority where supporting infrastructure is required) the authority should be able to present clear evidence that this test will be met before the condition is imposed.”*

Paragraph 012 advises that it is possible to impose a condition making minor modification to the development permitted where a detail in a proposed development, or lack of it, is unacceptable. However, a condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used.

## **CONSULTATIONS**

**Highways:** No objections to the proposed variation of conditions. Make some general comments.

**Environment Agency:** No objection.

**Highways England:** No objection.

**Anglian Water Developer Services:** No response received.

## **TOWN COUNCIL**

No response received.

## **PUBLICITY**

Under the provisions of the Town and Country Planning (Development Management Procedure) Order 2015, this application has been advertised by means of site notices being displayed close to the site and a notice being published in the Scunthorpe Evening Telegraph.

At the time of writing this report four letters, emails and web-based representations have been received objecting to the proposed development.

The representations received opposing the application raise the following concerns/issues:

- The site is a valuable green space and to develop it for profit would be wrong.
- Why can't the development be carried out on the Humber Road area which is a derelict eyesore.
- The development is not necessary as there is already a Lidl in the town.
- The building of another pub on the site would damage the trade of pubs in the town centre.
- Businesses in the town centre suffered and died after Tesco opened; this development will kill off more of the pubs and shops.
- The road access to the site is currently very busy and this will only get worse during and after the development.
- There is still the potential for accidents on the roundabout due to the new access.
- The planned new entrance will result in the loss of mature trees.
- The amended plans do not allow for access to the rest of Top Field to enable cutting of the grass.

The responses received raise objection to the principle of developing the site for a supermarket and pub rather than the amendments proposed by the application. It is important to note that the current application seeks to amend an existing planning permission (PA/2017/1449) for the erection of a food store and pub/restaurant. The principle of development was considered during the determination of this extant planning permission and has been established by the permission. The determination of the current application is limited to the amendments to the approved scheme and the principle of development is not being re-addressed. Therefore objections relating to the principle of development are not relevant to the current application and cannot be considered in its determination.

A general comment has also been received from a third party which supports the removal of the Ferriby Road access as it is considered to be hazardous and foolish to have an extra access within this short stretch of road between two roundabouts. The response goes on to explain that there are still concerns that the site is unsuitable for LGVs manoeuvring in very close proximity to other public traffic and that the layout does not separate delivery vehicles from public areas like other supermarkets in the area.



A further letter of comment has been received from a local resident drawing the attention of the local planning authority to the fact that there have been a number of road traffic accidents in the area in recent weeks. It is stated that whilst one of these incidents was being managed, a stretch of the A15 was closed and traffic directed along the slip roads adjacent the site. It states that when PA/2017/1449 was granted, the road safety issues had not been satisfactorily resolved and the new access would exacerbate similar traffic accidents in the future.

In addition to the responses outlined above, a general comment has been received on behalf of Top Field Action Group. This response notes that the previous application (PA/2017/1449) was referred to the Secretary of State (SoS) prior to determination and expects that the current application will also be referred to the SoS. This response also raises concerns with regard to congestion, road safety, noise, light and air pollution and the future of the remaining part of Top Field which were raised during the determination of the original application and are not considered to have been addressed.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No Statement of Community Involvement has been provided with the application.

## **ASSESSMENT**

### **Site and surrounds**

The application site is a parcel of land measuring approximately 2.5 hectares in area, located on the western outskirts of the market town of Barton upon Humber. The site is bounded by Ferriby Road (A1077) with residential areas beyond this to the north, the A15/A1077 roundabout and A15 (dual carriageway) slip road to the west, by residential properties on Forkedale to the east and by an undeveloped area of green space and a small woodland area to the south. Pedestrian access to the site is currently via Ferriby Road to the north with the site providing pedestrian links to the woodland area to the south and Horkstow Road beyond. There is no formal vehicular access to the site at present.

The site is currently undeveloped land, which is largely grassed and used informally by the local community for recreational purposes. There is existing mature landscaping (trees) running along the northern and western boundaries of the site which provide screening from the A15 dual carriageway and the A1077 Ferriby Road. The site occupies an elevated position at the top of a hill which slopes away towards the historic core of Barton to the east. This is an important gateway location to the market town of Barton upon Humber when arriving to the town from the west.

The nearest residential properties to the site are located on Forkedale to the east. These properties back directly onto the application site, with their rear gardens currently forming the eastern boundary of the site. These properties are predominantly large, detached, two-storey dwellings with their primary habitable room windows facing front and rear.

### **Constraints**

The application site is located within the development boundary of Barton upon Humber as defined in the Housing and Employment Land Allocations Development Plan Document (HELA DPD) 2016 and is not formally allocated for any specific use or development.

The application site is located outside of the town centre of Barton upon Humber as defined in the HELA DPD and is considered to be an out of centre (not edge of centre) location for the purpose of planning policy due to its distance from the defined town centre (approximately 750 metres).

The application site is not designated as a national or local wildlife site and there are no statutory designated ecological sites adjacent, or in close proximity, to the site. The woodland block to the south of the site forms part of the Barton Wolds Local Nature Reserve (LNR), as does the woodland to the north of Ferriby Road. Whereas the nearby A15/A1077 roundabout verges and slip roads form a Local Wildlife Site valued for their calcareous grassland flora and these areas now also form part of the LNR.

The application site is not designated as an area of national or local archaeological importance and it is understood that the site is overlain with waste generated during the construction of the adjacent A15 dual carriageway. The closest designated heritage assets are the listed buildings located towards the historic core of Barton some considerable distance to the east of the site. The application site is also a significant distance outside the conservation area for Barton, which, again, is located around the historic core of the settlement to the east.

Whilst it is considered to be a key gateway site when entering Barton, the application site is not designated, either nationally or locally, as being of special landscape importance.

The woodland area to the south of the site is designated, within the North Lincolnshire Local Plan 2003, as being an Area of Amenity Importance (policy LC11 applies); however, this designation does not extend into the application site.

The application site, due to its elevated position, is located within flood zone 1 (low risk) of the Environment Agency flood maps. It is also located within flood zone 1 (low risk) of the Strategic Flood Risk Assessment for North and North East Lincolnshire. The Environment Agency has confirmed that the area is not considered to be in an area of high flood risk.

## **Planning history**

The application site benefits from live planning permission (PA/2017/1449) for the erection of a food store, pub/restaurant and associated accesses, car parking, servicing and landscaping. This permission was granted on 11 January 2018 following consideration at planning committee in December 2017 and subsequent referral to the Secretary of State. This extant permission incorporates the provision of two new accesses: one access via a new arm directly off the A15/A1077 roundabout between the A15 (southbound) slip road and the Ferriby Road arm; the second via a left-in and left-out only junction onto Ferriby Road.

A previous application for outline planning permission on the application site was submitted on behalf of North Lincolnshire Council in 2016 (PA/2016/1490). This application was received as valid on 26 September 2017 and sought outline planning permission to “*erect retail supermarket, public house and up to 70 dwellings*”. This application was never determined and was withdrawn by the applicants on 16 October 2017.

In addition to this recent planning application, there have been historical permissions on the site for use of the land for sporting purposes, along with associated buildings (7/1981/012, GBC3/1993/0002 and PA/1996/1977).

## Proposal

Planning permission was granted to Lidl on 11 January 2018 for the erection of a food store (Use Class A1) and pub/restaurant (Use Class A3/A4), along with associated accesses, car parking, servicing and landscaping (PA/2017/1449). This planning permission included a large number of conditions. The current application seeks planning permission to vary seven conditions attached to PA/2017/1449 as follows:

### **Condition 2:**

*The development hereby permitted shall be carried out in accordance with the following approved plans: 7146-P001 Rev. B, 7146-P003 Rev. F, 7146-P004 Rev. C, 7146-P005 Rev. C, 7146-P006 Rev. E, 7146-P007 Rev C, 7146-P008 Rev. B, 7146-P100 Rev. C, 7146-P101 Rev. C, 7146-P102 Rev. C, 7146-P201, 7146-P202, 7146-P203, 7146-P204, R/1961/1J, R/1961/2G, R/1962/3G, 001 Rev P10 and O-2056419 Rev. C.*

Since gaining permission, Lidl has undertaken a review of the approved scheme and, as part of that, has undertaken further analysis of likely traffic movements associated with the two approved access points. This analysis concludes that there is likely to be very little usage of the secondary Ferriby Road access. This takes account of the fact that housing is no longer proposed at the southern end of Top Field and also that vehicles seeking to exit the site are far more likely (logically) to make direct use of the A1077 roundabout access rather than exit via Ferriby Road to then travel on to the A1077 roundabout.

On this basis it is proposed to vary the approved plans under condition 2 to remove the Ferriby Road access. It is stated that the removal of the access point will also benefit the scheme by removing the access point nearest to residential properties and by providing the opportunity to landscape the northern boundary to soften the development.

In addition to the removal of the Ferriby Road access, it is also proposed to make several other minor amendments to the approved plans that have been identified as being necessary at the construction design stage. These other amendments consist of:

1. delivery pod roof to be revised to same height as the main roof of the food store
2. increase in car parking spaces for the food store from 155 up to 159, including two electric charging points within the car park
3. introduction of a 'knee rail' to follow the access road footpath
4. introduction of a post and rail fence in front of the southern perimeter hedge
5. disabled parking to be relocated to the store perimeter rather than within the central parking island
6. removal of the retaining structure within the Lidl demise which is no longer required
7. amending the materials schedule to alter the colours of materials (the colours stay the same but the shade alters).

Amended plans have been submitted to reflect the amendments outlined above. These plans would replace the previously approved plans stated in condition 2 should permission be granted for the proposed amendments to the design of the scheme.

**Condition 5:**

No development shall take place until the details of:

- the method of constructing the vehicular and pedestrian access to the site from Ferriby Road, including adequate visibility splays and traffic control measures to ensure left-in/left-out manoeuvres;
- adequate internal pedestrian links, including the provision of dropped kerbs, tactile paving and a formal crossing point in the main internal access road between the proposed food store and the public house;
- adequate cycle parking serving the public house;
- the method of constructing the vehicle access to the site from the A1077 roundabout, including all kerb realignment to give sufficient visibility splays and junction geometry, re-location and provision of new signage, road markings, and suitable measures to mitigate traffic speeds and turning movements; and
- removal of surplus and unnecessary pedestrian facilities leading to the A1077 roundabout junction;

have been submitted to and approved in writing by the local planning authority.

It is proposed to remove the section of this condition which relates to the construction of the Ferriby Road access (underlined above) to reflect the fact that it is now proposed to have no vehicular access onto Ferriby Road.

**Condition 7:**

*No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.*

It is proposed to remove this condition, which is stated to be no longer necessary due to the proposed re-wording of condition 8 as set out below.

**Condition 8:**

*No works shall commence on the construction of either the food store or pub/restaurant building until the access road has been completed to at least base course level up to the access to the respective building.*

It is proposed to revise the wording of this condition to read:

*Neither the food store nor the pub/restaurant shall be occupied until the access to the site from the A1077 roundabout, including the required visibility splays, has been set out and established.*

It is stated that the rewording of this condition is necessary to facilitate the use of a temporary access from Ferriby Road during the construction stages in advance of the A1077 access being established.

**Condition 13:**

*The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.*

It is proposed to revise the wording of this condition so that the monitoring report has to be submitted *by the end* of January each year instead of on 1<sup>st</sup> January. This amendment is requested to facilitate the practical implementation of the condition, as 1<sup>st</sup> January is a bank holiday and so the report would not be able to be submitted on this date.

**Condition 19:**

*No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.*

It is proposed to revise the wording of this condition to refer to the occupation of the buildings instead of the occupation of any dwelling. This is to facilitate the practical implementation of the condition as the approved development does not include dwellings.

**Condition 33:**

*No authorised development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution including noise, vibration, dust and light. All construction works shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.*

It is proposed to expand this condition to secure details of the temporary construction access from Ferriby Road (including stopping up and restoration) and wheel washing facilities. This is to facilitate the use of a temporary access from Ferriby Road during the construction stages, in advance of the A1077 access being established and to ensure that wheel washing facilities are provided to minimise the impact on the surrounding environment.

**As stated above this application seeks amendments to, and the variation of, conditions attached to extant permission PA/2017/1449. Therefore, the main issue to consider in the determination of this application is whether the proposed amendments would result in additional/increased adverse impacts that would warrant the refusal of planning permission.**

**Variation of condition 2 (amendments to design)**

An amendment to the approved Transport Assessment has been submitted as part of the application (ref: 2016-1-10 re03). This report states that the Ferriby Road access would only be utilised by a small number of vehicles entering the site (34 vehicles on Friday peak)

and would not be utilised at all for vehicles leaving the site. The amendment to the Transport Assessment concludes that the additional traffic created at the A1077/A15 roundabout due to the removal of the Ferriby Road access would not cause additional issues at the roundabout or have any significant adverse impact on highway safety in the area. On this basis the amended Transport Assessment concludes that the revised access arrangements still accord with saved policies T2 and T19 of the North Lincolnshire Local Plan.

The council's Highways department have reviewed the amended plans and considered the content and findings of the revised Transport Assessment. Highways have raised no objection to the proposed amendments to the consented scheme, including the removal of the Ferriby Road access point. It is considered that, due to the anticipated limited usage of this access, the proposals would not result in significant additional vehicle movements at the A1077/A15 roundabout access point which would have an unacceptable impact on highway safety.

Furthermore, it is considered that the removal of the Ferriby Road access point would provide some improvements to the consented scheme. The removal of this vehicular access would allow for additional landscaping along the northern boundary of the site, softening the approach into the town and providing a more attractive and safer access for the pedestrian/cycle pathway which would be retained and set within this landscaping. The removal of the Ferriby Road access would also mean that all vehicle movements would be via the access/egress onto the A1077/A15 roundabout, which is significantly further from neighbouring residents to the east of the site. Whilst the approved scheme was not considered to result in unacceptable noise or disturbance from vehicle movements, there would be some reduction in the impact of the development as a result of removing the access point nearest to the residential properties.

Having due regard to the lack of objection from the council's Highways department and the potential benefits that would result from the revised access arrangements it is considered that the removal of the Ferriby Road access point is acceptable and would not have an adverse impact on highway safety.

The other proposed amendments to the design of the scheme outlined in the 'Proposal' section of this report are all very minor changes that would, on their own, be considered to be 'non-material' amendments. These alterations will not significantly change the approved scheme and as such would have no significant additional impact. It is proposed to increase the height of the delivery pod roof; however, the amended roof will match the height of the roof of the main building as consented and as such will not have any significant additional impact with regard to loss of light or overbearing impact.

On this basis it is recommended that the amended plans are acceptable and that condition 2 should be varied accordingly.

### **Variation of condition 5**

This report has considered the removal of the Ferriby Road access in relation to the proposed variation to condition 2, above and concluded that the removal of this access is acceptable.

Condition 5 requires full details of the design of the proposed accesses to be submitted to and agreed by the local planning authority prior to development commencing. The

proposed variation to condition 5 seeks to remove the reference to the Ferriby Road access as this access is no longer proposed.

On the basis that removal of the Ferriby Road access from the scheme is considered to be acceptable, there would no longer be a requirement to agree the details of this access. Therefore the proposed variation of condition 5 is necessary to reflect the amendment to the access arrangements and is acceptable.

### **Removal of condition 7**

It is proposed that a temporary construction access will be created from Ferriby Road to facilitate the start of works on site prior to the new access onto the A1077/A15 roundabout being constructed. It is proposed to vary condition 33 to secure details of the construction access and wheel washing facilities prior to development commencing. It is also proposed to vary the wording of condition 8 to prevent the occupation of either the food store or pub/restaurant until such time as the new access onto the A1077/A15 roundabout has been completed. It is considered that the proposed variations to conditions 8 and 33 will secure a suitable temporary construction access and ensure that the permanent access serving the site has been completed prior to the units being brought into operation. On this basis it is agreed that condition 7 would no longer be necessary as the access onto the A1077/A15 roundabout will not be used for construction traffic.

The council's Highways department has confirmed that they have no objection to the removal of condition 7 as proposed. No concerns have been raised with regard to the proposal for a temporary construction access from Ferriby Road and as such there is no need to ensure that the A1077/A15 roundabout access is in place prior to works commencing on site.

On this basis it is considered that the proposed removal of condition 7 is acceptable.

### **Variation of condition 8**

Condition 8, in its current format, requires the new access road to be constructed to base course level prior to works commencing on the construction of the consented buildings. This would potentially result in significant delays in delivering the development as the access works to the A1077/A15 roundabout are significant. For this reason, the applicants are proposing to commence works on site prior to the new access road being constructed, via the use of a temporary construction access from Ferriby Road. The proposed rewording of condition 8 would allow for the use of the temporary construction access and enable works to commence on site prior to the access onto the A1077/A15 roundabout being constructed. Condition 8, as varied, would still ensure that this access is completed prior to the consented units being brought into operation.

The council's Highways department has confirmed that they have no objection to the variation of condition 8 as proposed. No concerns have been raised with regard to the proposal for a temporary construction access from Ferriby Road and as such there is no need to ensure that the access road has been completed to base course level prior to works commencing on site. The proposed rewording of this condition will still secure that the new access is completed prior to the food store or pub/restaurant being brought into operation.

On this basis it is considered that the use of a temporary construction access from Ferriby Road is acceptable and that the commencement of works on site prior to the construction of the access onto the A1077/A15 roundabout would have no unacceptable impact on highway safety. Therefore the proposed variation to condition 8 is considered to be acceptable.

### **Variation of condition 13**

The proposed variation of condition 13 is intended to facilitate the practical implementation of the condition. At present this condition requires a travel plan monitoring report to be submitted to the local planning authority on 1 January every year for three years following the implementation of the travel plan. As 1 January is a bank holiday it would not be possible to deposit the monitoring report with the local planning authority on this date. It is proposed to revise the wording of this condition so that the monitoring report must be submitted by the end of January each year. This variation has no material impact on the consented development and still secures an annual monitoring report. The variation is considered to be logical and necessary to facilitate the implementation of the condition and as such is acceptable.

### **Variation of condition 19**

Condition 19 currently states that *“No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy...”* However the approved scheme does not include the erection of dwellings and as such the wording of this condition is currently in error. The proposed variation of this condition seeks to rectify this error by replacing the reference to dwellings with a reference to *building*. Therefore the condition will still achieve its aim of securing an acceptable foul water strategy and ensuring that this strategy is implemented prior to the consented food store and pub/restaurant being brought into use. This variation of condition will have no material impact on the consented development and is required to correct an error in the original drafting and is therefore considered acceptable.

### **Variation of condition 33**

Condition 33 requires a Construction Environmental Management Plan (CEMP) to be submitted to and agreed prior to development commencing on site. The CEMP would set out measures for the control of noise, vibration, dust and light to ensure that the construction of the development would not result in unacceptable nuisance to neighbouring residential properties.

As set out above, it is proposed to make use of a temporary construction access off Ferriby Road in order to facilitate the commencement of development prior to the new access onto the A1077/A15 roundabout being constructed.

It is proposed that condition 33 be varied to expand the scope of the CEMP to include details of the temporary construction access, wheel washing facilities to prevent mud being brought onto the highway as a result of the access, and proposals for how/when this temporary access will be stopped up and made good.

As discussed in the sections above, it is considered that the use of a temporary construction access off Ferriby Road is acceptable and would not result in an unacceptable impact on highway safety. Furthermore, it is necessary to secure the details of this



construction access and its use in order for the local planning authority to control this aspect of the development to ensure that it will not result in adverse impacts on the surrounding area. On this basis it is considered that the proposed variation of condition 33 is necessary and acceptable.

The council's Highways department has raised no objections to the proposed variation of condition 33, which will ensure that the details of the temporary construction access are agreed prior to development commencing.

## **Conclusion**

The most significant amendment proposed as part of this application (via the variation of condition 2) is the removal of the Ferriby Road access. This proposal has been assessed by the council's Highways department who have raised no objection to the loss of this access. The additional amendments to the consented scheme are very minor and would have no significant impact on the consented development.

The proposed variation/removal of conditions 5, 7, 8, 13, 19 and 33 are considered to be necessary to either facilitate the revised access arrangements (conditions 5, 7, 8 and 33) or to allow for the practical implementation of the existing conditions (conditions 13 and 19).

Furthermore, it is considered that the conditions as varied would still meet the tests set out in paragraph 206 of the NPPF.

Therefore, in conclusion, it is considered that the amendments sought by this application will have no significant adverse impacts that would result in the consented scheme (PA/2017/1449) no longer being acceptable. On this basis the proposed amendments and variation of conditions are considered to be acceptable and this application is recommended for approval.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.  
The development must be begun on or before 11 January 2019.

### **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: 7146 - P001 Rev. B, 7146 - P003 Rev. H, 7146 - P004 Rev. D, 7146 - P005 Rev. D, 7146 - P006 Rev. F, 7146 - P007 Rev. C, 7146 - P008 Rev. B, 7146 - P100 Rev. C, 7146 - P101 Rev. D, 7146 - P102 Rev. D, 7146 - P201, 7146 - P202, 7146 - P203, 7146 - P204, R/1961/1K, R/1961/2G, R/1961/3G, 001 Rev. P10 and O-2056419 DWG 01.

### **Reason**

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

3.  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the net sales area of the Use Class A1 development shall not

exceed 1,325 square metres with no more than 20% of the net sales area used for the sale of comparison goods.

Reason

To protect the vitality and viability of nearby centres in accordance with policy S8 of the North Lincolnshire Local Plan.

4.

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.

5.

No development shall take place until the details of:

- adequate internal pedestrian links, including the provision of dropped kerbs, tactile paving and a formal crossing point in the main internal access road between the proposed food store and the public house;
- adequate cycle parking serving the public house;
- the method of constructing the vehicular access to the site from the A1077 roundabout, including all kerb realignment to give sufficient visibility splays and junction geometry, re-location and provision of new signage, road markings, and suitable measures to mitigate traffic speeds and turning movements; and
- removal of surplus and unnecessary pedestrian facilities leading to the A1077 roundabout junction;

have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

No unit on site shall be brought into use until all of the works identified in condition 5 above have been completed in accordance with the approved details.

Reason

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

7.

Neither the food store nor pub/restaurant shall be occupied until the access to the site from the A1077 roundabout, including the required visibility splays, has been set out and established.

Reason

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

8.

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.

9.

The development shall not be brought into use until:

- (i) the access roads to the service and customer parking area;
- (ii) the loading, off-loading and turning areas for all vehicles; and
- (iii) the parking spaces and access aisles (including surface markings);

have been provided 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.

10.

The submitted framework travel plan shall be fully implemented prior to the proposed development being brought into use and all conditions and requirements of the plan shall be fully implemented and retained at all times that the use is in operation.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

11.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

12.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority by the end of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

13.

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.

14.

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

Reason

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

15.

The scheme of landscaping and tree planting shown on drawings R/1961/1J, R/1961/2G and R/1961/3G 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

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

16.

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:

- (a) details of measures to avoid harm to hedgehogs, bats and nesting birds during vegetation clearance and construction works;
- (b) details of bat boxes and nest boxes to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between areas of grassland;
- (e) prescriptions for the planting, aftercare and ongoing management of native trees, shrubs and hedgerows of high biodiversity value; and
- (f) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

17.

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 opening of the pub and/or food store, 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.

18.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding.

19.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS, and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. This must be based upon the submitted Flood Risk Assessment/Drainage Strategy

prepared by WYG Group Ltd dated May 2017, and Drainage General Arrangement Drawing, revision P9 dated 31 August 2017.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

20.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 20 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development, unless otherwise agreed in writing with the local planning authority.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

21.

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.

22.

Lighting for the proposed scheme shall be installed in accordance with the Proposed Lighting Layout Drawing Number 0-2056419 Rev C.

#### Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and DS12 of the North Lincolnshire Local Plan.

23.

No development shall take place until a specification of the proposed acoustic barrier has been submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size, and design of the barrier, with predicated noise reduction over the frequency spectrum. The approved the acoustic barrier shall be installed prior to commencement of the use of the site and shall be maintained thereafter.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

24.

Opening hours for the A1 retail store shall be limited to the following:

- Monday to Saturday: 7am to 10pm
- Sundays: 10am to 4pm.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

25.

Opening hours for the A3/A4 pub/restaurant shall be limited to:

- Monday to Saturday: 10am to 1am the following day
- Sundays: 11am to 12 midnight.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

26.

No delivery and service yard activities shall take place on site outside the following hours:

- Monday to Saturday: 7am to 11pm
- Sundays: 9am to 5pm.

HGV movements shall not be permitted outside these hours.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

27.

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

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

28.

No refrigerator lorries/trailer shall park overnight within the curtilage of the site.

Reason

In the interests of protecting the amenity of the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

29.

Prior to commencement of the use of the site, a service yard noise management plan shall be submitted in writing to the local planning authority for approval. The service yard shall at all times be operated in accordance with the practices and procedures set out in the approved service yard noise management plan.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

30.

No fixed plant and/or machinery shall be installed until the details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1 of the North Lincolnshire Local Plan.

31.

Construction and site clearance operations shall be limited to the following days and hours:

- 8am to 7pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction or site clearance 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 protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

32.

No authorised development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution, including noise, vibration, dust and light. The CEMP shall also include details of the temporary construction access from Ferriby Road and the wheel washing facilities that



shall be used throughout the construction period. The CEMP shall provide details as to how the temporary construction access shall be stopped up and made good, prior to the food store or pub/restaurant being brought into use. All construction work shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

#### Reason

To protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

33.

No development shall take place on the site until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control, <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf> and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008;
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

#### Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

#### **Informative 1**

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

#### **Informative 2**

Adequate provision of water supplies for fire fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate. It may be necessary to augment them by the provision of on-site facilities.

#### **Informative 3**

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

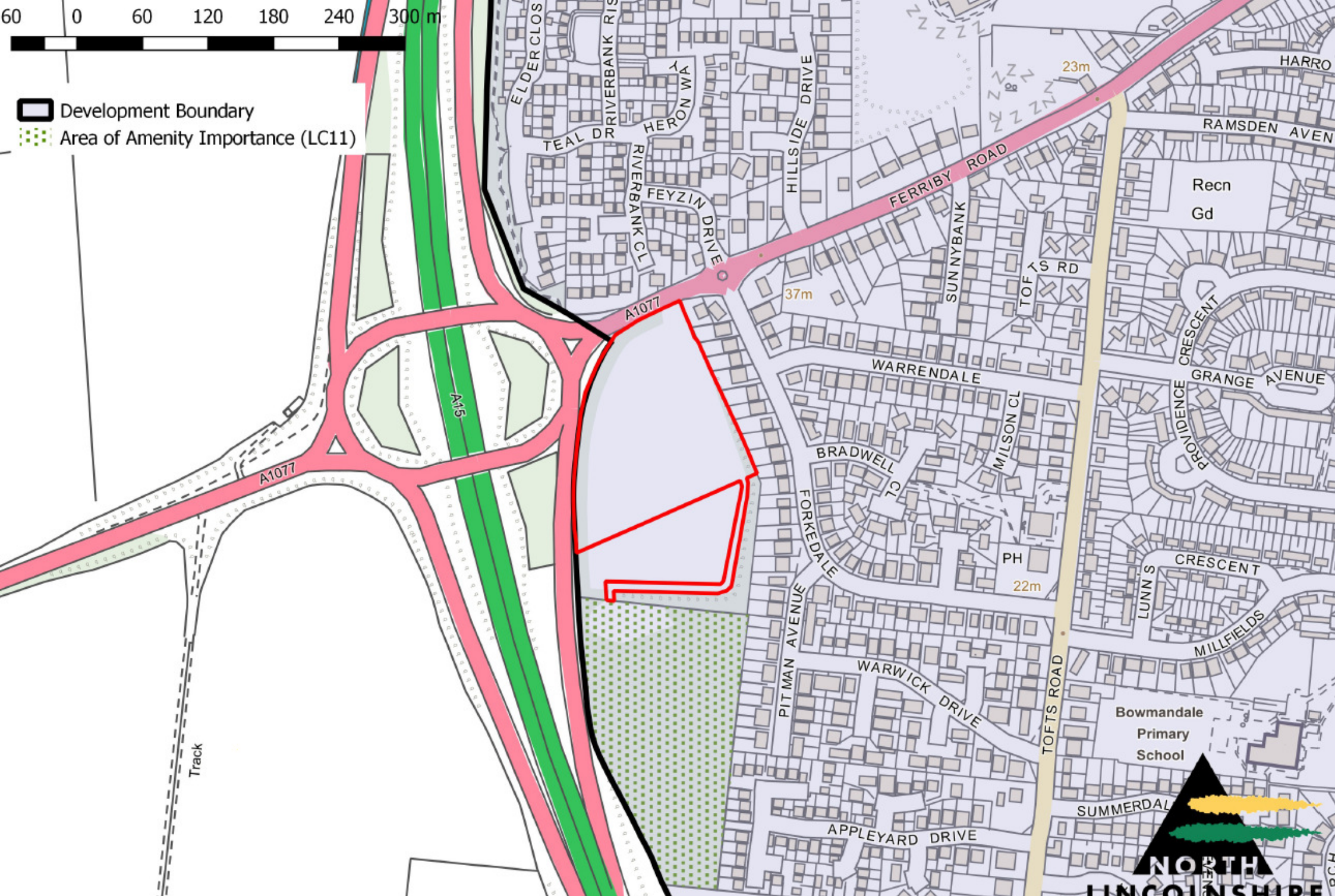
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

**Informative 4**

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.

0 60 120 180 240 300 m

- Development Boundary
- Area of Amenity Importance (LC11)

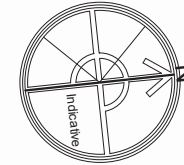


PA/2018/403

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# PA/2018/403 Block plan (not to scale)



Architects are to be notified of any discrepancies. Contractors must check all dimensions on site. This drawing is subject to copyright laws and is for use on this project only. This drawing is to be used solely for the information as titled only. For other information refer to the latest revision of any cross referenced drawings.

APPLICATION SITE AREA		
	ACRES	HECTARES
APPLICATION SITE	6.21	2.51
BOUNDARY		

PARKING SCHEDULE	
ELECTRIC CHARGE BAY	2
FOODSTORE STANDARD SPACES	140
FOODSTORE DISABLED SPACES	8
FOODSTORE PARENT & TODDLER SPACES	8
MOTORCYCLE PARKING AREA	1
FAMILY PUB STANDARD SPACES	62
FAMILY PUB DISABLED SPACES	2
<b>GRAND TOTAL</b>	<b>223</b>

H	Notes Amended	21.02.18	RK	MS
G	Access Removed	16.02.18	RK	CG
F	Updated to reflect roundabout access	29.11.17	RKK	MS
E	Updated in line with Client review	30.08.17	RK	MS
D	Updated further to Client review	13.07.17	ALM	MS
C	Planning Issue	07.07.17	RKK	MS
B	Boundary Updates	31.05.17	RKK	RKK
A	Updates to layout	16.05.17	RKK	RKK
#	Draft Planning Issue	02.05.17	RKK	RKK
Rev	Description	Date	Drn	Ckd

## PLANNING

# SMR

SMALLEY MARSEY RISPIN

## ARCHITECTS

Floor 2, The Exchange, Station Parade, Harrogate, HG1 1TS  
01423 707 757 admin@smrarchitects.co.uk

### Project

BARTON UPON HUMBER, FERRIBY ROAD

### Client



### Drawing Title

PROPOSED SITE PLAN

Drawing No	Rev	Scale	Sheet	Drawn
7146 - P003	H	1:1000	A3	RKK

APPLICATION SITE BOUNDARY

AREAS OF EXISTING TREES RETAINED SUBJECT TO ARBORICULTURAL ADVICE

EXISTING TREES TO WEST TO BE THINNED OUT / REMOVED TO PROVIDE INCREASED VISIBILITY - SEE FDA LANDSCAPE DESIGN DRAWING FOR FURTHER DETAIL. SUBJECT TO LOCAL AUTHORITY APPROVAL

PROPOSED HEDGE AS PER LANDSCAPE ARCHITECTS DETAIL DESIGN

DROPPED KERB INCORPORATED TO ALLOW ONGOING MAINTENANCE TO SOUTHERN GREEN AREA

ESTATE SIGNAGE TO BE CONFIRMED AND WOULD BE SUBJECT TO SEPARATE SIGNAGE APPLICATION

EXISTING ROUNDABOUT ROAD ALIGNMENTS & PROPOSED NEW ACCESS SPUR INTO DEVELOPMENT AS PER HIGHWAY ENGINEERS DETAIL DESIGN AND SUBJECT TO LOCAL AUTHORITY APPROVAL

FOR FURTHER LANDSCAPE DETAIL SEE LANDSCAPE ARCHITECTS DESIGN DRAWINGS

LOCATION OF CYCLE PARKING BENEATH STORE CANOPY

EXISTING TREES TO NORTHWEST TO BE THINNED OUT TO PROVIDE INCREASED VISIBILITY SUBJECT TO ARBORICULTURAL ADVICE AND LOCAL AUTHORITY APPROVAL

ORNAMENTAL PLANTING AREAS AS PER FDA LANDSCAPE ARCHITECTS DESIGN DRAWING

FAMILY PUB

FOODSTORE

A1077 ROUNDABOUT

A 1077 FERRIBY ROAD

ACCESS ROUTE TO SOUTHERN PARCEL

El Sub Sta

FORKEDALE

18

17

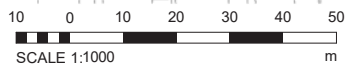
7

42

66

1

2



GATED ACCESS ROUTE TO LAND TO THE SOUTH AT 1:15 GRADIENT

LOCATION OF MOTORCYCLE PARKING ACOUSTIC SCREEN TO PLANT AREA  
PROPOSED LOCATION OF SUB - STATION  
PROPOSED HEDGE AS PER LANDSCAPE ARCHITECTS DETAIL DESIGN  
PROPOSED LANDSCAPE BUFFER ZONE TO ADJOIN EXISTING TREE BUFFER & INCORPORATION OF CYCLE / PEDESTRIAN PATHWAY THROUGH SITE. SEE FDA LANDSCAPE DESIGN DRAWING FOR FURTHER DETAIL.