APPLICATION NO	PA/2018/2246
APPLICANT	Aldi Stores Ltd
DEVELOPMENT	Planning permission to vary conditions 2 and 10 of planning permission PA/2016/995 to increase the retail floor space of the store and to amend the landscaping scheme
LOCATION	Aldi Stores Ltd, Bridge Street, Brigg, DN20 8NF
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from policy (part of the site is located outside the settlement boundary for Brigg)

### POLICIES

**National Planning Policy Framework:** Paragraph 86 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of town sites be considered.

Paragraph 87 states that when considering edge of centre and out of town centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre site are fully explored.

Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Paragraph 127 states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraphs 156–158 also apply.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

**North Lincolnshire Local Plan:** Policies RD2, S7, T1, T2, LC15, HE5, DS1, DS3, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS14, CS16, CS17, CS19 and CS25 apply.

Housing and Employment Land Development Plan Document (DPD): Policies TC1 and PS1 apply.

# CONSULTATIONS

**Highways:** No objection; all previous conditions apply.

**Spatial Planning:** Where development is proposed in edge of centre or out of centre locations, developers are required to comply with the sequential approach to site selection. This approach is further reinforced in policies TC1 and S8 respectively. It is noted that the site is around 300 metres from the defined town centre boundary for Brigg and that the applicant has undertaken a sequential search of vacant premises and sites within the town centre under application PA/2016/995.

The site includes an area proposed under saved local plan policy LC15-10 as an area for landscape enhancement. It is noted that the applicant has prepared a landscape strategy and plan. Policies CS16 and CS17 are also relevant. These seek to protect, enhance and support a diverse and multi-functional network of landscape and greenspace, as well as biodiversity. Policy CS18 seeks to promote development that utilises natural resources as efficiently and sustainably as possible. This includes the use of sustainable construction and design as part of new buildings, for example the use of renewable energy or energy efficiency measures. It also seeks to reduce the need to travel and reduce waste.

As the site is located with SFRA Flood Zone 2/3a, policies CS19, DS14 and DS16 should be considered. These policies seek to avoid development in flood risk areas and ensure that where development does take place it does not increase flooding elsewhere. They also set out the circumstances under which development can take place.

It is considered, given the modest increase in store size and retail floor area, the minor amendments to the store's design, and minor changes to the landscaping scheme, that the proposal is broadly acceptable in principle subject to meeting the requirements of the policies set out above.

# **TOWN COUNCIL**

Supports the application.

# PUBLICITY

Site and press notices have been posted. At the time of writing, no comments have been received. A verbal update will be given at the meeting of any comments that are received.

#### ASSESSMENT

The application site formerly comprised two businesses: a car dealership and a motor springs company located within the settlement boundary for Brigg. Part of the site to the south is located outside the defined settlement boundary for Brigg adjacent to the River Ancholme (to the east) and within Flood Zone 2/3a. Bridge Street (the principal traffic route) runs in an east to west direction to the north of the site and Island Carr Industrial Estate is located to the north. The site extends to 0.7 hectares in area and slopes away from Bridge Street to the north. The site levels fall from north to south, east to west with the most severe falls from Bridge Street down to the rear of the site. The west boundary falls 2.94 metres north to south, the north boundary 2.395 metres from east to west, the south boundary 1.4 metres east to west and the east boundary approximately 1.8 metres north to south. The site is located approximately 300 metres to the west of Brigg town centre.

Planning permission was previously approved in 2016 for the erection of an Aldi food store with a sales floor area of 1254 square metres; this included 107 car parking spaces, 10 cycle spaces, associated landscaping and the creation of a new private access from Bridge Street, together with the introduction of a new roundabout. The planning application had a reference of PA/2016/995. This application seeks to vary conditions 2 and 10 of the 2016 planning application in order to increase the size of the floor space by an additional 61 square metres and to reduce the area of landscaping proposed to the west of the store along the boundary with the River Ancholme.

The proposals also include the following revisions to the approved scheme:

- removal of the entrance/exit lobby
- removal of solar panels from the roof
- revised external material detailing to the north and east elevations of the retail food store
- revised landscaping scheme.

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

#### Principle

Planning permission has been granted for the erection of a retail food store with associated parking, landscaping and within-highway works. It is proposed to increase the floor space of the store by 61 square metres; this increase requires consideration in the context of the potential impact on Brigg town centre. A supporting letter has been submitted, which states that the site was considered to be sequentially preferable; there is an identified need for a

convenience food store; the application site, in its extended form, falls below the default threshold set out in the National Planning Policy Framework (NPPF) for a retail impact assessment; the additional floor space will not impact on Brigg town centre; and the extended format store will not be used for the purpose of accommodating an additional range of services. The supporting letter also states that the proposal complies with policy CS14 of the adopted Core Strategy.

Based on the information submitted in support of the application, and the fact that the scale of additional development is compatible with the size and function of Brigg town centre in that it has a low vacancy rate (5.2%) and a low percentage of convenience goods retailing (8% of units), it is considered that the additional 61 square metres represents a nominal increase in floor space which would not result in trade diversion from Brigg town centre to the extent that its vitality and viability would be compromised.

# Landscaping

It is noted that the nominal increase in floor space of the retail food store reduces the level of landscaping along the western boundary of the site with the River Ancholme. However, a landscaping plan has been submitted with the application, which includes the provision of a semi-native buffer interspersed with tree planting containing varying heights of planting of native species along the western and northern boundaries of the site. The provision of a denser planting regime along the western boundary with the River Ancholme accords with policy LC15 of the North Lincolnshire Local Plan which requires proposals to achieve landscape enhancement along the bank of the River Ancholme.

# Other issues

The proposed external alterations to the retail food store require consideration, the main alterations being the removal of the entrance/exit lobby and revisions to the external materials to the north and east elevations of the building. When considered cumulatively the removal of the entrance/exit porch and the alterations to the external material arrangement result in a more uniform appearance to the front and side of the retail food store, and the introduction of additional glazing along the eastern elevation facing the car park serves to break up the mass of cladding and adds visual interest. The introduction of a cantilever canopy along the eastern elevation also serves to add horizontal interest and a feature which is proportionate in scale and size to the grey Kingspan panels proposed along the eastern elevation. The proposed external alterations are not considered to result in an alien or discordant feature in the street scene. The application is therefore recommended for approval.

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

1.

The development must be begun before the expiration of three years from the date of this permission.

# Reason

To comply with section 91 of the Town and Country Planning Act 1990.

# 2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1362-50, 1362-100 C, 1362-101 B, 1362-102 B, 1362-103 B, 1362-104 A, V1362 L01 C and T345\_10.DWG.

# Reason

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

3.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment by 3E Consulting Engineers, May 2016, including the setting of finished floor levels no lower than 2.9 metres above Ordnance Datum. In addition, appropriate flood resilience and/or resistance construction techniques should be used for the proposed development.

# Reason

To ensure that the development takes place in accordance with the agreed flood mitigation measures and to ensure that the development is safe from flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

# 4.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological and palaeo-environmental remains within the application area
- (ii) measures to ensure the preservation in situ or by record of archaeological features of identified importance
- (iii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iv) post-fieldwork methodologies for assessment and analyses
- (v) report content and arrangements for dissemination, and publication proposals
- (vi) archive preparation and deposition with recognised repositories
- (vii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (viii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

(ix) a list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

# Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

# 5.

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

# Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

# 6.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

# Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

7.

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 reptiles and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bat roosting features to be installed on the western elevation of the proposed building;
- (c) details of nest boxes to be installed in retained trees;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the planting and ongoing management of trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the building.

# Reason

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

#### 8.

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 new building, 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.

# 9.

Prior to the commencement of development, details shall be submitted to the local planning authority to show the incorporation within the scheme of renewable energy to provide at least 20% of the proposed building's total predicted energy requirements. Such equipment as approved in writing by the local planning authority shall be fully installed and in operation prior to the commencement of use of any part of the building hereby permitted.

# Reason

To ensure compliance with policy CS18 of the North Lincolnshire Core Strategy relating to climate change and in order to reduce carbon emissions.

# 10.

The scheme of landscaping and tree planting shown on drawing no. V1362 L01 C shall be carried out in its entirety within a period of 12 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.

# 11.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

# Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a

written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

# Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

### Reason

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

### 12.

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

- National Planning Practice Guidance (2014);
- BS 4142 (1997) Rating Industrial Noise Affecting Mixed Residential and Industrial Areas;
- World Health Organisation Guidelines for Community Noise (1999);
- World Health Organisation Night Noise Guidelines for Europe (2009);
- BS8233 (2014) Guidance on sound insulation and noise reduction for buildings;
- BS5228 (2009) Code of practice for noise and vibration control on construction and open sites (consider this for demolition and construction).

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources (deliveries and fixed plant such as air conditioning and refrigeration units) which will impact upon the proposed residential property and others surrounding the site, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

#### Reason

To protect the living conditions presently enjoyed by the occupants of residential properties in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

#### 13.

Hours of delivery to this development shall be:

- 6am to 11pm Monday to Saturday; and
- 9am to 10pm on Sundays.

All waste collections from the proposed development shall be restricted to the hours of:

- 7am to 9pm Monday to Saturday; and
- 9am to 7pm on Sundays and public/bank holidays.

# Reason

To protect the living conditions presently enjoyed by the occupants of residential properties in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

# 14.

Opening hours shall be restricted to the following:

- 8am to 10pm Monday to Saturday
- 10am to 6pm on Sundays.

### Reason

To protect the living conditions presently enjoyed by the occupants of residential properties in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

### 15.

No plant for refrigeration, ventilation or air-conditioning 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 protect the living conditions presently enjoyed by the occupants of residential properties in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

#### 16.

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. The strategy shall be based around the principles of the submitted Flood Risk Assessment by 3E Consulting Engineers dated May 2016 Issue 1.

#### 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.

# 17.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 16, shall be completed prior to the occupation of the 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.

### 18.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and the retail unit hereby approved shall not come into use until it is connected to the approved drainage system.

### Reason

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

### 19.

No development shall take place until details showing all within-highway works including:

- the method of constructing the proposed new roundabout feature, including any kerb realignment, pedestrian crossing points with refuge islands to both the north and south sides of Bridge Street, carriageway and footway construction, lining, signing and tactile paving;
- the provision of the pedestrian crossing point to the western side of the site frontage on Bridge Street;

have been submitted, subjected to a stage 1/2 safety audit, and approved in writing by the local planning authority.

#### Reason

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

#### 20.

The proposed new store shall not be brought into use until all works approved under condition 19 have been completed and subjected to a stage 3 safety audit.

#### Reason

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

21.

No development shall take place until details of the private access road, including construction, drainage, lighting, servicing and the provision of a suitable pedestrian crossing point into the pedestrian access to the store, have been submitted to and approved in writing by the local planning authority.

# Reason

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

22.

The proposed new store shall not be brought into use until the private access road has been completed in accordance with the approved details.

#### Reason

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

23.

The proposed new store shall not be brought into use until:

- the access roads to the service and customer parking area;
- adequate cycle parking;
- the loading, off-loading and turning areas for all vehicles; and

- the parking spaces and access aisles (including surface markings);

have been provided in accordance with drawing number T345\_10.DWG, and once provided all of 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.

24.

No development shall take place until details of a servicing/delivery management plan have been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented upon opening the store and shall not be varied without the express written permission of 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.

25.

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.

# 26.

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.

# Reason

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

### 27.

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.

#### Informative 1

The landscaping plan should omit Cotoneaster species. Several Cotoneaster species are listed on Schedule 9 of the Wildlife and Countryside Act, with the result that they cannot be allowed to spread in the wild. These species are difficult to identify, so it will aid future management if all Cotoneasters are omitted.

#### Informative 2

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

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

#### Informative 3

No signage associated with the store shall be positioned within the limits of the adopted highway at any time in the interests of pedestrian and highway safety.

#### Informative 4

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek

to secure sustainable development that improves the economic, social and environmental conditions of the area.

### Informative 5

You are advised that any conditions formally discharged against planning application PA/2016/995 are also considered to be discharged against this application.





