

<b>APPLICATION NO</b>	<b>PA/2010/1415</b>
<b>APPLICANT</b>	Tesco Stores Limited
<b>DEVELOPMENT</b>	Planning permission to erect a supermarket, and carry out associated alterations and improvements to an existing petrol filling station, car park layout and associated access and landscaping (including the demolition of the existing Tesco and Lidl stores)
<b>LOCATION</b>	Tesco Stores Ltd, Barnard Avenue, Brigg
<b>PARISH</b>	<b>BRIGG</b>
<b>WARD</b>	Brigg and Wolds
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Waltham – significant public interest, impact on the highway network and the scale of the development)

## **PROPOSAL**

This proposal is to replace Tesco's existing store with a larger one giving a total gross floor area of 6180m<sup>2</sup> with a net sales area of 3561m<sup>2</sup>. The gross floor area of the existing store is 2105m<sup>2</sup> with a net sales area of 1681m<sup>2</sup>, the gross floor space of the proposed store therefore being around three times that of the existing store, with a net sales area of more than double the existing facility. The site of the new store embraces Tesco's existing store and car park, and the existing Lidl store. The new store would open over a 24-hour period each day and would provide an additional 100 jobs to the existing store's 150 staff.

## **POLICIES**

**Planning Policy Statement (PPS) 1 – Delivering Sustainable Development:** Promotes the value of good design in the planning system; states that good design is indivisible from good planning; good design ensures attractive, usable, durable and accessible places and is a key element of achieving sustainable development; proposals should be of high quality, inclusive in terms of function and impact, not just for the short term but over the lifetime of the development; design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

**Planning Policy Statement 1 Supplement – Planning and Climate Change** sets out how the planning system should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Where proposals are inconsistent with the key planning objectives set out in the PPS, and where proposed development would prejudice renewable or low-carbon energy supplies, or lead to increased vulnerability of existing or proposed development, consideration should be given as to how the proposal could be amended to make it acceptable or, where it is not practicable, to consider whether planning permission should be refused.

**Planning Policy Statement 4 – Planning for Prosperous Economies** sets out the Government's objectives to help achieve sustainable economic growth. The Government's objectives for planning are to:

- build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural;
- reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation;
- deliver more sustainable patterns of development, reduce the need to travel, especially by car, and respond to climate change;
- promote the vitality and viability of town and other centres as important places for communities. To do this, the Government wants:
  - new economic growth and the development of main town centre uses to be focussed in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities;
  - competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community;
  - the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and civic activity;
- raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.

Policy EC10 on determining planning applications for economic development states (in summary):

- Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.
- All planning applications for economic development should be assessed against a number of general impact considerations – these considerations are discussed below.

Policy EC14 on supporting evidence for planning applications for main town centre uses states (in summary):

- A sequential assessment under policy EC15 is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan.
- An assessment addressing the impacts of policy EC16 is required for planning applications for retail and leisure developments over 2500m<sup>2</sup> gross floor space not in an existing centre and not in accordance with an up-to-date development plan.

**Regional Spatial Strategy for Yorkshire and the Humber:** Policy EC2 (Town Centres and Major Facilities) – plans, strategies, investment decisions and programmes should strengthen the role and performance of existing city and town centres.

**North Lincolnshire Local Plan:** Policy ST1 (Sustainable Development) – the council will apply the principles of sustainable development through its planning policies and have particular regard to ensuring social progress and equality of opportunity whilst protecting the natural and built environment with the prudent use of natural resources and maintaining economic growth and employment.

Policy S3 (Development in Brigg Town Centre) – the council will actively promote the development of additional shopping and leisure facilities within Brigg town centre of a size and scale compatible with the retail needs and character of the settlement. Particular encouragement will be given to development proposals that further enhance the vitality and viability of the market square area.

Policy S10 (Petrol Filling Stations) – proposals for petrol filling stations will be permitted subject to meeting criteria relating to location, design, highway safety, and hours of operation and delivery being agreed where necessary.

Policy T1 (Location of Development) says that development proposals which generate a significant volume of traffic movement will be permitted provided that they are within the urban area of Brigg (or Scunthorpe, Bottesford and Barton-upon-Humber, or the Humber Bank, and Humberside International Airport) where there is good access to rail, water or air transport and where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Policy T2 (Access to Development) says that all development must provide satisfactory access and larger developments should be served by a readily accessible choice of transport, existing public transport services, additions or extensions to such services linked directly to the development and to the existing highway network.

Policy T3 (Transport Assessments) says that developers of major schemes will be required to provide a transport assessment which assesses all relevant issues relating to transport matters.

Policy T5 (Green Travel Plans) – the council encourages businesses and organisations that either employ or attract large numbers of visitors to draw up green travel plans.

Policy T6 (Pedestrian Routes and Footpaths) – the safety, convenience and attractiveness of footpaths and pedestrian areas will be improved, and areas created to form a pedestrian-friendly network throughout North Lincolnshire. Major new developments that will require to include links to nearby existing or proposed pedestrian routes.

Policy T7 (Development of a Cycle Network) – the safety, convenience and attractiveness of cycle facilities and routes will be improved and new ones created to make North Lincolnshire cycle friendly. The policy goes on to indicate priority areas where cycling will be promoted.

Policy T8 (Cyclists and Development) – new developments will be required to include cycle links with existing and proposed routes where such opportunity exists and ensure that the provision of cycle parking facilities are in accordance with set standards.

Policy T9 (Promoting Buses and Trains) – the use of buses and trains will be encouraged as an alternative to the private car. The policy indicates where particular provision will be made, including the maintenance and enhancement of an adequate public transport network and the provision and enhancement of bus stop facilities in the towns and rural areas.

Policy T19 (Car Parking Provision and Standards) requires developments to provide adequate car parking to cater for the needs of the business or proposal.

Policy R5 (Recreational Path Network) – the creation of a strategic network of recreational paths to provide linkages from the built-up areas of North Lincolnshire and open spaces, woodland, riverside and water areas, and the wider countryside, will actively be pursued.

Policy LC15 (Landscape Enhancement) – landscape enhancement schemes are proposed and in detailing 20 schemes the River Ancholme in Brigg is identified.

Policy HE1 (Conservation Areas) – the council will continue to protect areas of special architectural interest by designating them, where appropriate, as conservation areas. The council will periodically review its conservation area programme, designate new areas and review existing ones as appropriate. The policy then sets out characteristics which will be compared when taking on board such reviews. Those criteria relate to location and landscape, history, geology, archaeology, character of the settlement, historic layout, mix of activities or uses, open spaces, architectural style, listed buildings, traffic impact, boundary treatment, and overall planning policy.

Policy HE9 (Archaeological Evaluation) – where development proposals affect sites of known or suspected archaeological importance an archaeological assessment will be submitted prior to the determination of a planning application. Permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which a proposed development is likely to affect them.

Policy DS1 (General Requirements) – a high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against set criteria relating to quality of design, amenity, conservation, resources and utilities and services.

Policy DS2 (Planning Benefits) – where development is acceptable in principle under the policies of this plan, development proposals will be expected to have regard to existing levels of infrastructure, services and amenities. Planning obligations will be sought where they would enhance development proposals provided that:

- (i) they are necessary to the granting of planning permission, relevant to planning and directly related to the development to be permitted; and
- (ii) the benefits sought are reasonably related in scale and kind to the developments concerned.

Policy DS7 (Contaminated Land) – in the case of proposals for development on land known or strongly suspected of being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

Policy DS12 (Light Pollution) – 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) – the council will require satisfactory provision to be made for the disposal of foul and surface water from new development.

Policy DS16 (Flood Risk) – development will not be permitted within flood plains where it would increase the number of people or buildings at risk, or impede the flow of flood water, or impede access for future maintenance of water courses, or reduce the storage capacity of the flood plain, or increase the risk of flooding elsewhere, or undermine the integrity of existing flood defences, unless adequate protection or mitigating measures are undertaken.

**North Lincolnshire Core Strategy:** Policy DS1 (Spatial Strategy for North Lincolnshire) – the spatial strategy will focus on, amongst other things, 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 say that existing market towns will be supported as key locations for shopping and services. Over the plan period limited levels of new retail development will be permitted and should be located within town centres. The level of development will be dependent on local need and should be in keeping with the historic nature of the centres. The policy closes by saying that all future growth, regardless of location, should contribute to sustainable development, in particular in respect of those criteria set out in policy CS2, as well as other policies of the plan. All change will be managed in an environmentally sustainable way by avoiding and minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure, and areas at risk of flooding. Where development unavoidably has an environmental impact, adequate mitigation measures should be used for the development to be acceptable.

Policy CS2 (Delivering a More Sustainable Development) says that all future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles, and goes on to set out 10 guiding principles for various categories of development throughout North Lincolnshire.

Policy CS3 (Development Limits) – development limits will be applied to the Scunthorpe urban area, the market towns and rural settlements. They will not be applied to rural settlements in the countryside. The extent of the development limits will be defined in the housing and employment land allocation development plan documents and shown on the accompanying proposals map and settlement insets.

Policy CS6 (Historic Environment) – the council will promote the effective management of North Lincolnshire's historic assets through:

- safeguarding the nationally significant medieval landscapes of the Isle of Axholme;
- preserving and enhancing the rich archaeological heritage of North Lincolnshire;
- ensuring that development within Epworth safeguards and, where possible, improves the setting of buildings associated with its Methodist heritage;

- ensuring that development within North Lincolnshire's market towns safeguards their distinctive character and landscape setting;

The policy goes on to say that all new development should respect and embrace the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value. Development proposals should also provide archaeological assessments where appropriate.

Policy CS27 (Planning Obligations) – where a development proposal generates an identified need for additional infrastructure North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and in accordance with the guidance set out in Circular 5/2005, seek to ensure that development proposals:

- (1) meet the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support, for example, affordable housing maintenance payments, highway infrastructure, nature conservation, transport initiatives, utilities, education, community facilities, health, leisure and recreation provision, public art and waste management; and/or
- (2) mitigate the impact of the development; and/or
- (3) offset the loss of any significant amenity or resource through compensatory provision elsewhere; and/or
- (4) provide for the ongoing maintenance of facilities provided as a result of the development.

Policy CS14 (Retail Development) – the council will work with partner organisations to identify, protect and enhance the following hierarchy of vital and viable town, district and local centres in North Lincolnshire. At (2) it identifies the market town centres of Barton-upon-Humber, Brigg, Crowle and Epworth and states that 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 meets 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 and viability of other nearby town and district centres. Within the town centres, any new development should respect their historical character.

Policy CS17 (Biodiversity) – the council will promote effective stewardship of North Lincolnshire's wildlife. The policy sets out seven standards that will need to be complied with to ensure this outcome.

Policy CS18 (Sustainable Resource Use and Climate Change) – the council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This will include meeting high water efficiency standards, requiring the use of sustainable urban drainage systems (SUDS), supporting the necessary improvement of flood defences and surface water infrastructure, meeting required national reductions of predicted CO<sub>2</sub> emissions, ensuring building design reduces energy consumption, supporting development that minimises the consumption and extraction of minerals, supporting development that seeks to minimise waste and facilitates recycling and using waste for energy where appropriate, ensuring that development and land use in areas close

to the Humber Estuary and rivers responds appropriately to the character of the area, supporting development that will help reduce the need for travel, ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, supporting renewable energy sources in appropriate locations, supporting new technology and development for carbon-capture and promoting the use of a green space strategy and green infrastructure plan, all to help reduce the effects of climate change.

Policy CS19 (Flood Risk) – 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 that uses the principle of locating development, where possible, on land that has a lower flood risk and relates land-use to its vulnerability to flood.

## **CONSULTATIONS**

A number of comprehensive reports were submitted with this application, which have been updated where necessary, and which all relevant consultees have had sight of. Those reports consist of: a transport assessment, a geo-environmental study report, an environmental noise assessment, a landscape supporting statement, a flood risk assessment, a sustainability and energy statement, a planning and retail statement, a heritage and archaeological assessment, a statement of community consultation, and a design and access statement.

**Highways:** Following significant negotiations and amendments to the originally submitted scheme, advise a number of conditions which would ensure that the store provides adequate car parking and access for all modes of transport, improves the opportunity to use bus transport and provides for improvements to the bus terminus in Brigg, and also provides for changes to the traffic management system in Cary Lane and Barnard Avenue to ensure that the development does not compound, but in fact relieves, existing traffic issues in Brigg.

**English Heritage:** Make no comment and say that the application should be determined using national and local policy, and the advice of North Lincolnshire Council's conservation officer.

**Humberside Fire Service:** No objections but adequate provision must be ensured for fire-fighting.

**NHS North Lincolnshire:** No objections.

**Internal Drainage Board:** No objections.

**Humberside Police:** Advise on crime prevention measures which can be included as an informative on any decision notice issued.

**North Lincs & Goole NHS Foundation Trust:** No objections.

**Anglian Water:** No objections but advise conditions.

**British Waterways:** No objections.

**Environment Agency:** Following amendments and confirmation of the flood risk assessment submitted, no objections but advise conditions.

Additionally, the council has taken independent advice in respect of retail matters relating to this application from specialist consultants. Those consultants have given advice in respect of the approach adopted by Tesco to PPS4 and policies EC10, EC16 and EC17 within that report. They have also drawn certain conclusions.

The application site lies within the defined shopping area of Brigg and therefore, in accordance with PPS4, no sequential test is necessary as this complies with the relevant policies. The consultants, however, have assessed the development against all other relevant tests as laid out in PPS4 and have concluded, in line with the planning and retail statement that has been submitted that the proposed development represents a major opportunity to provide a well-designed, improved anchor store for Brigg and the surrounding area, which will provide a wide range of convenience and ancillary comparison goods in a high quality shopping environment. The proposed development would bring new jobs, investment and positive environmental benefits and the proposal complies fully with all relevant planning policy and material considerations and would bring significant benefits to the Brigg area. They complete that view by saying that they agree with these conclusions and would advise that the Tesco application should be supported by the council.

## **TOWN COUNCIL**

In the initial response dated 8 February 2011 the town council confirmed that it, ‘...is not opposed to the principle of the above-mentioned applications submitted by Tesco and Lidl, providing the issues identified within the accompanying comprehensive report can be satisfactorily resolved’.

With that letter was a lengthy detailed response under the following broad headings:

- impact on Riverside Surgery
- proposed design of the Tesco building/impact on the conservation area
- landscaping and maintenance of the proposed Tesco site
- landscaping and improvements to the adjacent riverside walkway and improved lighting, between the proposed Tesco store and the Ancholme Way bridge
- proposed vehicular route to/from the proposed Tesco store
- traffic flow/congestion management – Barnard Avenue/Cary Lane/Springs Way
- pedestrian routes into and out of the store sites
- Lidl store

Again, following negotiations with Tesco, the town council reaffirmed their views on 14 July and did not add to their overall conclusion received earlier that they are not opposed in principle to the development.



## **PUBLICITY**

Receipt of the application has been advertised by site and press notices, and neighbouring properties have been notified by letter. Letters of both support and objection have been received which are summarised below.

Twenty-five letters of objection have been received raising the following issues:

- the impact of the proposed development on public access alongside the River Ancholme
- the store is too large for Brigg
- adverse impact on the existing traffic situation, from the viewpoints of highway safety, congestion and additional noise for nearby residents from the increase in traffic
- questions have been asked about the appropriateness and methodology of the survey and study that has been carried out to research the need for the store
- similar questions have been asked about the traffic report and issues that have been addressed by the applicants
- the car park will draw business from the council's own pay and display car parks
- a store of this size will destroy the historical character of the town and adversely affect tourism
- the store will lead to an adverse impact on market traders
- the store will be to the detriment of existing shops in the town and result in an increase in closures
- Tesco does not use local supplies and this fact itself will impact on local traders
- there are large Tesco stores close by, specifically in Scunthorpe, which are close enough to Brigg to enable people to use them without increasing the size of the store in Brigg
- local businesses need support – small local shops should be retained and not threatened by larger stores such as that proposed
- Cary Lane is not a suitable single access point
- the land on which the development is proposed to be carried out may be contaminated from the former gas works
- there are significant and serious vehicular and pedestrian access issues for the local doctors' surgery
- there is an increased risk of flooding for this development due to its proximity to the River Ancholme
- Tesco have failed to correctly address the policies in PPS4
- the existing store is of adequate size to cater for the needs of Brigg

- the design of the building is not in keeping with Brigg
- a larger Tesco store with café will increase the rate of demise of Brigg's individual shops and character
- figures in the assessments that have been submitted are misleading and presented to minimise the overall impact of the new store on Brigg, its traffic and shops
- there are not enough car parking spaces to cater for the size of the store
- the comparisons that Tesco have made are misleading
- the new location of the Lidl store will encourage more shoppers to use cars
- evidence in other towns close by of buildings that are designed to fit in with the historic character – this new proposal is bland and uninspiring
- this is a golden opportunity to make the best of the river frontage
- the existing plans for Tesco and Lidl need a complete re-think
- non-food sales should be limited by condition
- a decision should be deferred until the localism bill provisions are made clearer, so the local community can have a bigger say in the decision
- the Springs stone plaque should be on the front of the new store
- there will be a significant impact on the archaeology of the area and this needs a full assessment

One hundred and sixty letters have been received in support of the proposal, one hundred and forty seven of which are proformas but all have individual addresses marked on them:

- the increased and improved store will provide more jobs
- the new store will give a wider choice of goods, saving shoppers travelling out of Brigg
- the new store will be an environmentally friendly construction with a low-carbon footprint
- more free car parking benefiting Tesco shoppers and other visitors to Brigg
- Tesco cater for elderly shoppers very well
- the fears of local traders are unjustified
- small shops selling unique and expensive items will survive
- large stores will keep Brigg people in Brigg to do their shopping instead of going elsewhere
- the present store is jaded and does not stock enough variety of goods
- the town needs this store and investment in these tough economic times

- more jobs could mean more houses sold – good for Brigg
- with more people shopping in Brigg, the smaller shops could see an increase in trade

## **ASSESSMENT**

Turning first to the responses of the internal consultees:

**Environment Team (ecology):** Recommends the standard biodiversity condition.

**Environment Team (conservation advice):** Significant and lengthy negotiations have ensued between the applicants, their agents and architects, and the council's conservation officer and this has resulted in a significant number of changes being made to the original submission to ensure that the new store harmonises better with the historic built environment of the adjacent conservation area and Brigg more generally. It should be noted that although the site of the new store is not within the conservation area, it is adjacent to it and therefore the new store's design, and the materials used in its construction, are important to ensure that the setting of the conservation area is not harmed.

Further, detailed changes have been made at a late stage to the position of the café and the treatment of the southern elevation.

Following revised publicity, including re-advertising of the details, no objections have been received nor any adverse comments from the council's conservation officer.

It has therefore been concluded that, because of the changes that have been made to the overall design and materials specification in the construction of the new building, the development is now an acceptable one from a design perspective.

**Environmental Protection officers (contamination):** Have viewed the geotechnical report submitted with the application and are happy with the investigations that have been carried out and have recommended appropriate standard conditions.

**Environmental Protection officers (noise and general nuisance potential):** The planning statement submitted with the application has been viewed and, together with the specifications that have been stated, the way the store will operate, and backed up by appropriate standard conditions, no objections have been raised.

**Planning policy:** No objections to the approach that the developers' agents have taken in assessing the retail impact of this store nor in the way that planning policy has been addressed. This has been confirmed by the retail consultants that the council employed to view the planning statement and accordingly no objections are raised from a policy viewpoint.

**North Lincolnshire Council's archaeologist:** Following negotiations with the applicants and their agents, a scheme of investigation has been agreed which will thoroughly investigate the archaeological potential of the site before any development commences and, again, appropriate standard conditions are requested.

In line with the council's policy on carbon saving and renewable energy in new buildings, this was explained to the applicants and a 20% carbon reduction target was requested to be achieved in the new building. The applicants have confirmed their intention to incorporate air-source heat pump technology into the new building which gives a total

saving annually of 21.5% with predicted CO<sub>2</sub> emissions savings of 10%. This complies with council policy in this regard.

It is clear to see that both the proposed new Lidl store and the proposed new Tesco store are a joint scheme between the two companies and they are interdependent in many respects. This is why both applications appear on this agenda to enable Members to be aware of the full potential of the scheme.

An integral and necessary requirement is that pedestrian access is achieved from Brigg town centre and market place and the existing situation improved to enable the Lidl food store to function correctly.

It has long been the intention to improve the public footpath and riverside walk alongside the River Ancholme which currently runs alongside the existing Lidl store to the Ancholme Way Bridge and beyond northwards. Although not within the application site, nor within the control of the applicants, a scheme for the overall improvement of the riverside walk has been successfully negotiated and this scheme has been priced. The price of delivery of the current scheme, which improves the riverside walk with the installation of improved surface, an increase in width of the footway to incorporate a cycle way, new LED down-lighting columns, better paving arrangements and railings along the majority of its length, has been costed at just over £52,000.

Tesco have agreed to pay the council £52,268.56 for the provision of the improvements to the riverside walk.

The riverside walk, however, forms only part of the improvements that are necessary in this quarter of Brigg and those related improvements are not the responsibility or a requirement that can be placed upon Tesco. Accordingly, in order to deliver the riverside walk improvements, it has been decided between members of the Environment Team, in negotiation with Tesco and other stakeholders, that the best way forward is to establish a community focus group who will seek match funding while applying for funding from other sources, such as the lottery, in order to roll out improvements not only to the riverside walk but to the Springs Parade area generally, including that area in front of the shops which is in private ownership, and also the County Bridge which it has long been intended to improve. It is considered that the sum of money offered by Tesco is a kickstart to this initiative and can be related directly to the requirements of the developments generally.

Therefore, to receive these monies through a Section 106 agreement with the council is in order and meets the appropriate tests as set out in legislation.

In addition to these monies for the riverside walk, Tesco have further agreed to give the council £15,000, again secured by a Section 106 agreement, for a contribution to the Springs Parade public realm, which again will contribute towards overall improvements in this area, and will accord with policy as stated in policy CS27.

Turning now to the issues of traffic, highway safety and public transport, when the application was submitted a full transport assessment was included for the council to consider and indeed the council is fully aware of the situation in Brigg at peak travel times, particularly in the Ancholme Way Bridge and Barnard Avenue area more generally.

It has been a clear requirement of the council that, in considering the new store proposal, no additional traffic problems should occur. Indeed, if possible, improvements to the existing situation should accrue as a result of this development. Significant negotiations have taken place on the design of the junction at Cary Lane, the method of accessing the doctors' surgery and car park, and the way traffic lights and other signalling at junctions can be improved, and this has led to successful negotiations between the council's highway engineers and Tesco's appointed highway engineers, that appropriate conditions will lead to an overall improvement in the traffic situation in Brigg and the existing situation will not be worsened by the proposed new store.

Additionally, the issue of the bus terminus in Cary Lane has been considered and again amended plans have been submitted relating to minor changes to the way that this operates. Accordingly a bus stop contribution from Tesco of £3,067 has been agreed, again to be formalised by a Section 106 agreement, for improvements to the existing bus stop facility.

In relation to the objections that have been received, the objections that have been received fall into a number of categories: traffic, impact on Brigg as a shopping centre, need for the development, and the impact of the development on the character of Brigg. These issues are all material to the consideration and need to be given proper assessment. With regard to the need for the development and the impact that the increased shopping offer and size of the store will have on other facilities in Brigg, this has been fully assessed in accordance with the requirements of PPS4 and also in line with the council's own shopping study which coincidentally was carried out by the same firm of retail consultants who have assessed this application. Their knowledge of North Lincolnshire generally and specifically Brigg in terms of its shopping patterns is well known to them. It was considered that this was a distinct advantage in employing the consultants for this purpose. It has been concluded that on all projections and information given this store will not harm the vitality and viability of Brigg, nor will it lead to any other foreseeable problems purely due to its scale and size.

In terms of the building's design and materials used, this has been addressed elsewhere in the report and it can be confirmed again that changes to the design and the use of materials in its construction are now appropriate and considered not to harm the setting of Brigg conservation area nor the historic core of Brigg more generally.

The issue of need is no longer a requirement to be assessed under PPS4 rather that of impact, particularly on vitality and viability of nearby centres. Therefore it is untrue to say that the impact of this store has not been properly assessed against the requirements of PPS4 as has been alluded to in some of the objections.

Issues of accessibility and car parking have been dealt with elsewhere in this report and both now, following amendments as described earlier, are in line with both national and local policy.

As well as considering the objections, Members' attention should be drawn also to the level of support that has been received and these positive opinions about the development also are material to the planning consideration.

Finally, turning to the opinions of Brigg Town Council, the comments of Brigg Town Council are copied in full on this agenda for Members to be aware of and it can be seen that when the first application was submitted the town council had many comments. Following discussions with the applicants taken up directly with the town council, many of the issues have been overcome and the current position of the town council is explained in their letter dated 14 July which at the time of preparing this agenda was the council's final position. It

has been concluded that the remaining concerns of the town council have been considered properly and as far as is reasonable and practicable the scheme has been amended to take account of all remaining concerns.

From every technical and practical viewpoint the views of consultees have been taken into account, the views of objectors and supporters have been given due consideration, and amendments where necessary and vital for the store to contribute positively not only to Brigg as a shopping destination but also as an historic market town have been taken and accordingly the development can be recommended for approval. This recommendation is in the light of expert analysis of the retail and highway impacts of this store on Brigg's trading and its highway situation, particularly at peak traffic times and your expert officers in these fields are convinced that the recommendation of approval is the right one subject to the conditions that are recommended individually.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following financial contributions:**

- **£52,268.56 towards improving the riverside walk;**
- **£15,000 towards public realm improvements to Springs Parade; and**
- **£3,067 for improvements to the bus stop facility in Cary Lane;**

**the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Acting Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed by 1 April 2012 the Acting Head of Planning be authorised to refuse the application on the grounds of an inadequate level of contributions being secured to afford the council confidence that the development would have minimal impact on the vitality and viability of Brigg due to inadequate linkage being provided to convenient shopping on the edge of the town centre; and**

**(iv) the permission so granted be 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: P15 Rev Q, 6565 P01 A, 6565 P12, 6565 P19 B, 6565 P06, 6565 P07, 6565 P08, 6565 P14, 6565 P15, 6565 P11, 6565 P02, LS 19054, 6565 P04, 4569/ASP12/A 1 of 2, 4569/ASP12/A 2 of 2, 6565 P05 D, 6565 P16 D and 6565 P13 C.

Reason

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

3.

The proposed new store and surrounding infrastructure shall be set out and constructed essentially in accordance with drawing number 6565\_ P15 rev N.

Reason

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

4.

No development shall take place until details showing the method of constructing the internal pedestrian routes, including the provision of dropped kerbs and tactile paving, have been submitted to and approved in writing by the local planning authority. Once approved, these facilities shall be provided prior to the opening of the store and retained thereafter.

Reason

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

5.

No development shall take place until a scheme showing the improvement of the existing riverside walk has been submitted to and approved in writing by the local planning authority.

Reason

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

6.

The proposed new store shall not be brought into use until all improvements to the riverside walk have been carried out in accordance with the approved details.

Reason

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

7.

No development shall take place until details of a construction phase traffic management plan (which must include a phased parking and servicing plan) have been submitted to and approved in writing by the local planning authority. Once approved, the construction phase traffic management 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.

8.

No development shall take place until details of the method of improving Springs Way, including the provision of footways, drainage, lighting, reconstruction of the existing carriageway and the demarcation of potentially adoptable areas, 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 T19 of the North Lincolnshire Local Plan.

9.

The proposed development shall not be brought into use until Springs Way has been improved to a standard that is acceptable for adoption by the local highway authority from its junction with Cary Lane to the deemed access point of the store.

Reason

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

10.

The proposed development shall not be brought into use until the alterations to Cary Lane have been carried out in accordance with the approved details.

Reason

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

11.

The proposed development shall not be brought into use until the junction of Cary Lane and Barnard Avenue has been improved in accordance with the approved details. These improvements shall include the upgraded traffic signals and the installation of a MOVA system linking them with the traffic signals at the junction of Barnard Avenue and Old Courts Road.

Reason

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

12.

The barriers separating the proposed petrol filling station and the access road serving the Riverside Surgery and store's service yard shall be opened only to facilitate deliveries to the petrol filling station and in case of emergency in accordance with details to be submitted to and approved in writing by the local planning authority. At no time shall these barriers be opened to permit general access or egress for staff and customers using the store or petrol filling station.

Reason

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

13.

Adequate boundary treatments and planting shall be provided to the Barnard Avenue and Cary Lane frontages to prevent unauthorised pedestrian access points to the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason



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

14.

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

Reason

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

15.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

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

16.

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.

17.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

18.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

19.

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

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

20.

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

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

21.

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

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

22.

No development approved by this permission shall be commenced until a landscape and 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 nesting birds, their nests and eggs during construction;
- (b) details of measures to avoid harm to bats during construction, including hand removal of tiles, hanging tiles and wooden roof materials under supervision by a licensed and experienced bat worker;
- (c) details of proposed landscaping, including details of trees and shrubs to be planted to support wildlife;
- (d) details of biodiversity enhancements to be carried out, including provision of bat roosting and bird nesting features and creation of locally native wildflower areas;

- (e) measures to restrict light overspill, particularly around the River Ancholme and proposed bat roosts;
- (f) details of persons responsible for:
  - (i) compliance with planning conditions relating to nature conservation;
  - (ii) installation of physical protection measures during construction;
  - (iii) implementation of sensitive working practices during construction;
  - (iv) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority. Agreed biodiversity enhancements shall be retained thereafter.

#### Reason

To protect features of recognised nature conservation importance in accordance with policy DS1 of the North Lincolnshire Local Plan.

23.

No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the local planning authority. The store shall not be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the local planning authority.

#### Reason

To prevent environmental and amenity problems arising from flooding.

24.

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.

25.

Construction and demolition operations shall be limited to the following hours:

7am to 7pm Monday to Friday; and

7am to 12 noon on Saturdays.

No construction or demolition work shall take place on Sundays or Bank/Public Holidays.

Reason

In the interests of nearby residential amenity.

26.

Prior to the commencement of the use hereby permitted, a scheme for the extraction and filtration of cooking odours from the kitchen shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to commencement of the use.

Reason

In the interests of nearby residential amenity.

27.

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) undertaken by Fairhurst, dated February 2011, and the mitigation measures detailed within the FRA (eg finished floor levels are set no lower than 3.8m above Ordnance Datum (AOD)). The applicant shall confirm to the local planning authority that this has taken place, in writing, within one month of completion.

Reason

To reduce the risk and impact of flooding to the proposed development and future occupants.

28.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

29.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with the document 'Archaeological Written Scheme of Investigation, New Tesco Store,

Barnard Avenue, Brigg, North Lincolnshire' prepared by CgMs Consulting dated May 2011 revised July 2011, and until a detailed project design for site and post-excavation works has been submitted to and approved in writing by the local planning authority including:

- (i) 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;
- (ii) 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;
- (iii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

30.

The archaeological evaluation and 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 is of archaeological interest.

31.

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

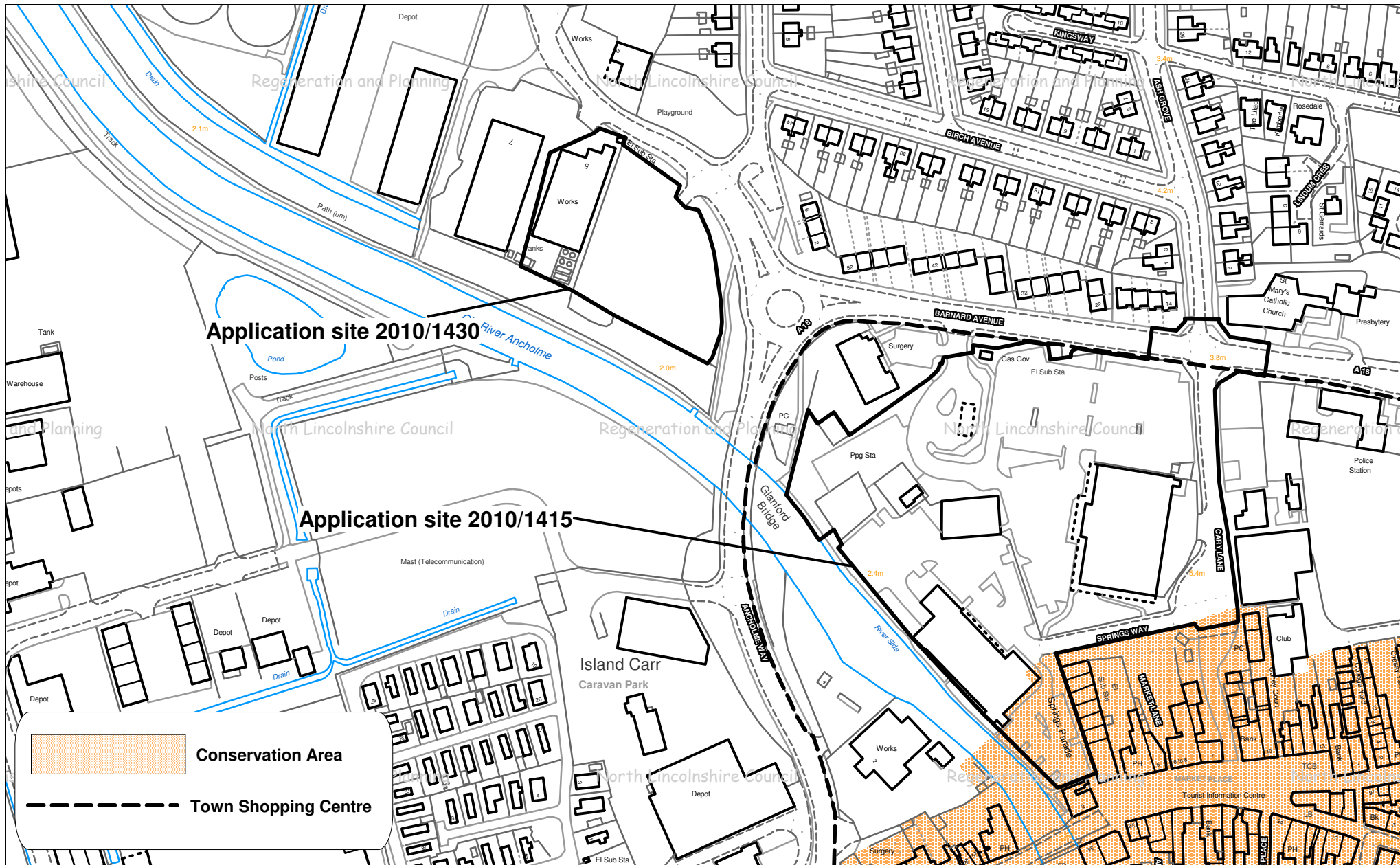
To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.


32.

Before development commences, full details of the wind catchers shall be submitted to and approved in writing by the local planning authority and only the approved design shall be used and retained.


Reason

To ensure no adverse impact on the Brigg conservation area.




 Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 NORTH LINCOLNSHIRE COUNCIL 0100023560 2011

Drawing Title: 2010/1415 and 2010/1430	
Drawn by: KC	Date: 04/11/2011
Scale: 1:2,500	OS Grid Ref: SE99820729



**Regeneration and Planning**

Head,

**Marcus Walker BA (Hons), Dip URP, MA, MRTPI**

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.