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| APPLICATION NO | PA/2010/1430 |
| APPLICANT | Lidl UK GmbH |
| DEVELOPMENT | Planning permission to erect a food retail store with associated works |
| LOCATION | Site adjacent to the junction of Ancholme Way and Atherton Way, Brigg |
| PARISH | BRIGG |
| WARD | Brigg and Wolds |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | 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 Lidl's existing store, accessed from Springs Parade and Springs Way, with a new store situated on a site at the junction of Ancholme Way and Atherton Way. The existing store has a gross floor area of 1512m² and a net sales area of 1175m². The new proposal is slightly larger at 1725m² gross floor area with a net sales area of 1270m².

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 2500m² gross floor space not in an existing centre and not in accordance with an up-to-date development plan.

It should be noted that the proposal by Lidl is within an edge-of-centre site. Therefore, the proposed development needs to be assessed against the sequential test in policy EC15. It is also necessary to consider the impact considerations in policies EC10 and EC16.1.

Policy EC15 – in considering sequential assessments required under policy EC14 local planning authorities should:

- (a) ensure that sites are assessed for their availability, suitability and viability;
- (b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered;
- (c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge-of-centre locations which are well connected to the centre by means of easy pedestrian access;
- (d) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
 - (i) scale;
 - (ii) format;
 - (iii) car parking;
 - (iv) the scope for disaggregating specific parts for retail or leisure development.

Policy EC16 at .1 says that planning applications for main town centre uses that are not in a centre and not in accordance with an up-to-date development plan should be assessed against the following impacts on centres:

- (a) the impact of the proposal on existing committed and planned public and private investments in a centre;
- (b) the impact of the proposal on town centre vitality and viability;
- (c) the impact of the proposal on allocated sites outside town centres;
- (d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area;
- (e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space in relation to the size of the centre and its role in the hierarchy of centres).

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 S7 (Edge-of-centre Retail and Leisure Development) says that a site which is on the edge of a centre for retail development will be permitted where four criteria are met relating to a clear need for the development being demonstrated, that the development can demonstrate that there are no available sites within the town or district centre (by use of the sequential test in PPS4), that the site shall be within easy walking distance of the primary shopping area of the centre, and that there are clear unrestricted pedestrian linkages to the town or district centre or that such linkages can be established as part of the development and that the scale of the development is compatible with the size, function and character of that centre.

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 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:

- (iii) they are necessary to the granting of planning permission, relevant to planning and directly related to the development to be permitted; and
- (iv) 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 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 CO₂ 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

Highways: No objection subject to the imposition of 14 conditions to ensure that the development is carried out in a manner that does not prejudice highway safety or traffic movement.

NHS North Lincolnshire: No objections.

Humberside Fire Service: No objections but adequate facilities must be provided for fire-fighting, particularly in respect of water availability.

Internal Drainage Board: No objections but request a condition relating to surface water run-off being at a rate not above that of agricultural land to prevent local surface water drains becoming overloaded.

British Waterways: No objections.

Environment Agency: No objections following the submission of a flood risk assessment and subsequent additional information, but request conditions relating to drainage, flood risk and contaminated land issues.

TOWN COUNCIL

Brigg Town Council have made the following comments:

'On behalf of Brigg Town Council I am asked to advise you that the Town Council 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.**

Although the planning applications have been submitted separately the Town Council is aware that they are total inter-dependent, and members consider that a number of the issues of concern apply equally to both applications. The accompanying response, therefore, covers both applications:

As would be expected from a development of this size, the Town Council is concerned with regard to the increased traffic that will undoubtedly be generated, and that effective traffic management measures can be introduced in order to ensure that the Town does not become grid-locked at peak times.

In addition, it is somewhat difficult to gauge the visual impact of the proposed Tesco store on its immediate surroundings, and on the initial view of Brigg as you enter the Town across the Ancholme Way Bridge. Tesco have offered to super-impose the dimensions of the proposed premises onto a current photograph, in order to assist members in this regard, and your co-operation in accepting any further comments after this image has been considered would be appreciated.

The Town Council also asks for your further co-operation and permission in allowing comment to be made on drawings and plans relating to traffic management solutions, and the detailed landscaping and lighting designs for the riverside walkway, that have not yet been submitted.'

PUBLICITY

Receipt of the application has been advertised in the local press and by the posting of site notices, and local properties have been notified by post. Eight letters have been received objecting on the following grounds:

- There would be an increase in the traffic congestion which already exists in the area.
- The design of the building is not in keeping with the character of a market town.
- There has been an inadequate level of research and community involvement in the following issues:
 - traffic issues and environmental impact
 - the size and scale of the store
 - the impact of the new store on the markets that are held in Brigg on Thursdays and Saturdays

- the town's viability as a shopping destination
- the local supply chain that provides goods and services to the town's local shopkeepers and facilities.
- The safety of children walking to school past the access to the store presents an additional hazard which is unacceptable.
- The proposed store is out of scale and not needed in Brigg, and the impact of the store on the character of Brigg's historic conservation area is adverse.
- Heavy goods vehicles using the car park to access the service yard is not a good idea.
- The development as proposed would have a huge detrimental effect on Brigg.

Three letters have been received in support of the application raising the following points:

- The opening of this new expanded Lidl store will keep Brigg people shopping in Brigg.
- It would give a wider choice of goods available.
- It represents a large financial investment in difficult economic times.
- It would provide more jobs for the local community.

ASSESSMENT

Firstly dealing with internal consultations from within individual council departments, the comments of the Environmental Protection officers in relation to contamination and noise have been satisfactorily addressed and in both regards conditions are recommended. In relation to the Environment Team's comments in respect of the riverside walk and public footpath, ecology and design issues, negotiations have taken place with the applicants and all issues have been resolved and can be dealt with appropriately by conditions. In respect of archaeology, lengthy negotiations have taken place with the applicants and further work has been necessary since the submission of the original report which has resulted in the council's archaeological advisor being able to recommend conditions that satisfactorily address the impacts of this development on local archaeological interests.

When this application was submitted in December 2010 a number of individual reports were submitted also to enable the council to fully consider the issues surrounding this proposed development. They include a planning statement, a desk-based archaeological assessment, an energy assessment, a flood risk assessment, a list of materials used in the construction of the proposed development, an external lighting report, a noise assessment, a tree survey, a travel plan, a geotechnical report dealing with matters of land contamination potential, a transport assessment and a statement of community involvement.

All of these reports have been available on the council's website and in hard copy on the file held in the department, and have been available to all consultees and members of the public. The reports have been updated, where necessary, to overcome shortfalls and difficulties and again all of those updates have been made available to consultees relevant to each individual detailed subject.

As the application site is on the edge of the defined town centre as shown on the North Lincolnshire Local Plan inset map for Brigg, it was felt essential that expert retail advice should be obtained on both the Lidl (and Tesco) applications due to their scale and size over and above the existing facilities. That retail report, carried out by England & Lyle, has also been available on the council's website for public scrutiny and deals with issues relating to policy matters both in the North Lincolnshire Local Plan and PPS4. The brief to England & Lyle was to arrive at a conclusion.

Their conclusion reads, 'The planning statement concludes that:

- there are no sequentially preferable sites or premises within Brigg town centre which are fully suitable, available and/or viable to accommodate the proposed replacement Lidl foodstore;
- the new store would not have any significant adverse impacts in terms of any of the criteria set out in policies EC10 and EC16 of PPS4;
- the proposed development would result in a number of significant benefits in the context of the impact test set out in PPS4;
- the proposed new Lidl store would be in accordance with the objectives of both the adopted and emerging development plan or the Brigg area;
- the proposal is fully justified when considered against both national and local planning policy.

We (England & Lyle, appointed consultants to consider the planning statement submitted with the application) agree with these conclusions and would advise that the Lidl application should be supported by the council.'

Over and above the retail assessment (that is not detailed in this report because of its complexity and length), there are a number of other important issues that need to be assessed before a decision is taken. Those issues relate to:

- the design of the building;
- highway safety; and
- accessibility of the proposed food store by pedestrians and cyclists.

The comments of Brigg Town Council and the letters of representation that have been received also need assessing.

In respect of the design of the proposed building, the architects have taken the view that as the site is divorced from the conservation area and other historical buildings in Brigg by Barnard Avenue and the Ancholme Way bridge, there is a stronger relationship between the site and the nearby industrial buildings. They have therefore concluded that a contemporary design, taking clues more from the industrial architecture which is closest to the site, is more appropriate for this location in Brigg.

It is an approach that has been questioned but the architects have put forward a strong justification for following this principle and no objection can be raised to the design elements and the materials proposed in the construction of this building. The applicants have

submitted a number of reports, including details of materials and an energy assessment. This assessment confirms that incorporated into the building will be an air-source heat pump which is approved as a renewable energy source and accordingly reduces the annual energy consumption of this building to such a point that almost 11 tonnes annually of emissions will be saved over and above that of a more traditionally constructed building. This element complies fully with and in excess of the requirements of the council's policy on such matters.

As an integral part of the proposal, the highway improvements that have been agreed to be carried out under Section 278 of the Highways Act are to the footpaths serving the site and to the pathway under the Ancholme Way bridge, improving the environment for pedestrians visiting the site on foot by utilising the riverside walk from Brigg Market Place northwards. The improvements include a range of measures including lighting the underneath of the bridge in order to make the environment not only safe for pedestrians but attractive for all users, both on foot and by cycle.

The use of Section 278 of the Highways Act obviates the need for a Section 106 agreement to secure the completion of these works, as all the works are within the adopted highway.

Negotiations have taken place over recent weeks and months with the council's highways officers to ensure that the access to the site and vehicle manoeuvring areas within it are usable and do not prejudice highway or pedestrian safety. The conditions recommended by highways officers ensure compliance with all council objectives in relation to delivering a functioning and working scheme without prejudicing existing facilities and road users in the area.

The objections that have been raised fall into three primary character areas. Those are:

- those which relate to traffic and pedestrian safety issues;
- those which relate to issues relating to retail matters such as the need for the store; and
- the store's size and its impact on Brigg and the town's markets.

It has been stated elsewhere in this report that an independent review of the retail impact assessment submitted with this application has been carried out by retail consultants England & Lyle and their conclusion, after considering all relevant matters in relation to PPS4, is that this store would have no detrimental effect on shopping patterns in Brigg, or existing facilities and stores in Brigg, to such a degree that would warrant refusal. Accordingly there is no reason to withhold permission on the potential for this store to impact on Brigg as a shopping centre.

In respect of highway issues, it has been clearly stated earlier that there are no overriding reasons on highway grounds to resist this proposal. The development is designed in accordance with all material guidelines, both national and local, on highway and parking matters.

In respect of the potential for impacting on the market, it has been concluded that a store of this size and scale does not compete directly with the market as the range of goods being sold is different.

The issues raised in support of the application are all relevant to its consideration.

Finally, the comments of Brigg Town Council: these are copied in full in the appropriate section of this committee report and it is at item 7 on page 9 of their report that they specifically mention the Lidl proposal. Their concerns fall into two areas: highway-related matters and pedestrians and particularly the area of Atherton Way and under the Ancholme Way bridge.

The issues of traffic, access, and highway and pedestrian safety have been addressed elsewhere in this report and, with the conditions recommended by the local highway authority, it is considered that this development will be safe, will not add to the existing problems that Brigg experiences with congestion, and will not in any way pose a threat to pedestrian safety. The landscaping works that Lidl are proposing within the site and around its boundaries, the improvements that are to be carried out to footpaths in the area to facilitate pedestrians and cyclists gaining access to the store, and the improvements proposed under the Ancholme Way bridge – all to be controlled by an agreement under Section 278 of the Highways Act – all mitigate any adverse impacts that this development would have on the footpaths and highways in the local area. Accordingly, there are no reasons to substantiate the concerns and/or objections the town council have to this development as they have been satisfactorily addressed.

In conclusion, all matters that require mitigation of effects can be dealt with satisfactorily by condition, the scheme as proposed has been amended and tailored to suit the individual requirements of this site, and it has been concluded by independent retail consultants that this proposed new store will not have an adverse impact on the existing trading position of Brigg, will not harm the existing shops and shopping experience of Brigg, and indeed will enhance a previously-used industrial site that is on a primary entrance to the town by creating a contemporary piece of architecture which will serve the town and its environs well.

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: 991/01/rev Q, R/1191/1D, 991/03/rev D, 991/02/rev H, 991/05/rev A and 991/08 rev C.

Reason

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

3.
No development shall take place until details showing the method of constructing the internal pedestrian routes, including the provision of dropped kerbs, tactile paving and protection from service and customer vehicles, 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.

4.

No development shall take place until details showing the relocation of the existing surface water sewer that crosses the site 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.

5.

No other works shall be commenced on site until all works relating to the relocation of the existing surface water sewer have been completed 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.

6.

No development shall take place until a scheme showing the improvement of the existing riverside walk, including those improvements to Barnard Avenue Bridge, between the proposed new store and existing store location 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.

7.

The proposed new store shall not be brought into use until all improvements to the riverside walk, including the Barnard Avenue Bridge improvements, 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.

8.

No development shall take place until details of a construction phase traffic management plan have 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.

9.

The proposed new shop unit shall not be brought into use until all within-highway works shown on the amended plan (received 05/05/2011), including pedestrian crossing facilities, right-turn holding lane and access/junction alterations, have been completed. Once provided all these facilities shall be retained.

Reason

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

10.

The existing visibility splay serving the access shall be improved in accordance with details shown on the amended plan (dated 05/05/2011). Once provided the improved visibility splay shall be maintained.

Reason

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

11.

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.

12.

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

Reason

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

13.

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.

14.

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.

15.

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.

16.

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.

17.

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

- BS 4142 (1997) Rating Industrial Noise Affecting Mixed Residential and Industrial Areas;
- World Health Organisation Guidelines for Community Noise (1999);
- Planning Policy Guidance PPG24: Planning and Noise.

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

Reason

In the interests of protecting residential amenity.

18.

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.

19.

No development or other obstructions shall be erected, nor underground pipelines laid, within 9m of the bank top of a Drainage Board maintained watercourse.

Reason

To prevent access for maintenance being obstructed.

20.

The prior consent of the Drainage Board and run-off from the developed site must be limited to 1.4 litres per second per hectare or that which could be expected from the land in its present condition.

Reason

To minimise the risk of localised flooding.

21.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that if soakaways are to be used on site they are not located in potentially contaminated ground, which could result in increasing the potential risk posed to controlled waters.

22.

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 hydrogeological 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 ensure that the risk of flooding, both at the site and to third parties, does not increase as a result of the development.

23.

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 proposed landscaping, including details of trees and shrubs to be planted to support wildlife;
- (c) details of biodiversity enhancements to be carried out, including provision of bat roosting and bird nesting features;
- (d) 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.

24.

An acoustic fence shall be erected along the southern boundary of the Lidl site to protect residents from delivery noise. The location, height, design and materials for this fence shall be submitted to and agreed in writing with the local planning authority prior to its erection. The fence shall be retained and maintained in accordance with the agreed details thereafter.

Reason

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

25.

The engines and refrigeration units of delivery vehicles shall be switched off whilst the vehicles are stationary on site.

Reason

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

26.

Only one delivery vehicle shall be present on site at any given time.

Reason

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

27.

All delivery vehicles shall be fitted with and utilise broadband reversing alarms.

Reason

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

28.

Deliveries shall only take place between the hours of 7am to 11pm.

Reason

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

29.

The cumulative rating level of all external fixed plant shall not exceed 44dB during the daytime period, or 30dB during the night-time period, at the nearest noise sensitive receptor. The nearest noise sensitive receptor shall take into account properties proposed to the south of the site across the Old River Ancholme.

Reason

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

30.

The development hereby permitted shall not be occupied until a scheme which includes the following measures has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted in full unless the local planning authority dispenses with any such requirement specifically and in writing:

- (1) A comprehensive site survey by a competent person shall determine the existence, extent and concentrations of any landfill gas with the potential to reach the application site. The requirements of the local planning authority shall be fully established before the site survey is commenced. Two full copies of the survey, findings and conclusions shall be submitted to the local planning authority without delay upon completion.
- (2) A written scheme to be implemented and completed by a competent person detailing measures to contain, manage and/or monitor any landfill gas with the potential to reach the application site shall be submitted to the local planning authority. The scheme shall be agreed in writing with the local planning authority prior to the commencement of development and implemented prior to occupation of the development. No deviation shall be made from this scheme without the express written agreement of the local planning authority.
- (3) If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

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

31.

All development shall take place in accordance with the specification for drainage and piling as set out in the document 'Report On Proposed Ground Works For New Store And Consideration Of Potential Archaeological Deposits' prepared by Beam Consulting Engineers, Ref: 09-08-FND-001RevC dated 2 September 2011, unless otherwise 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.

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 'Written Scheme of Investigation for Archaeological Mitigation' prepared by ArcHeritage dated August 2011, and has been submitted to and approved in writing by the local planning authority, including details of:

- (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.

33.

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

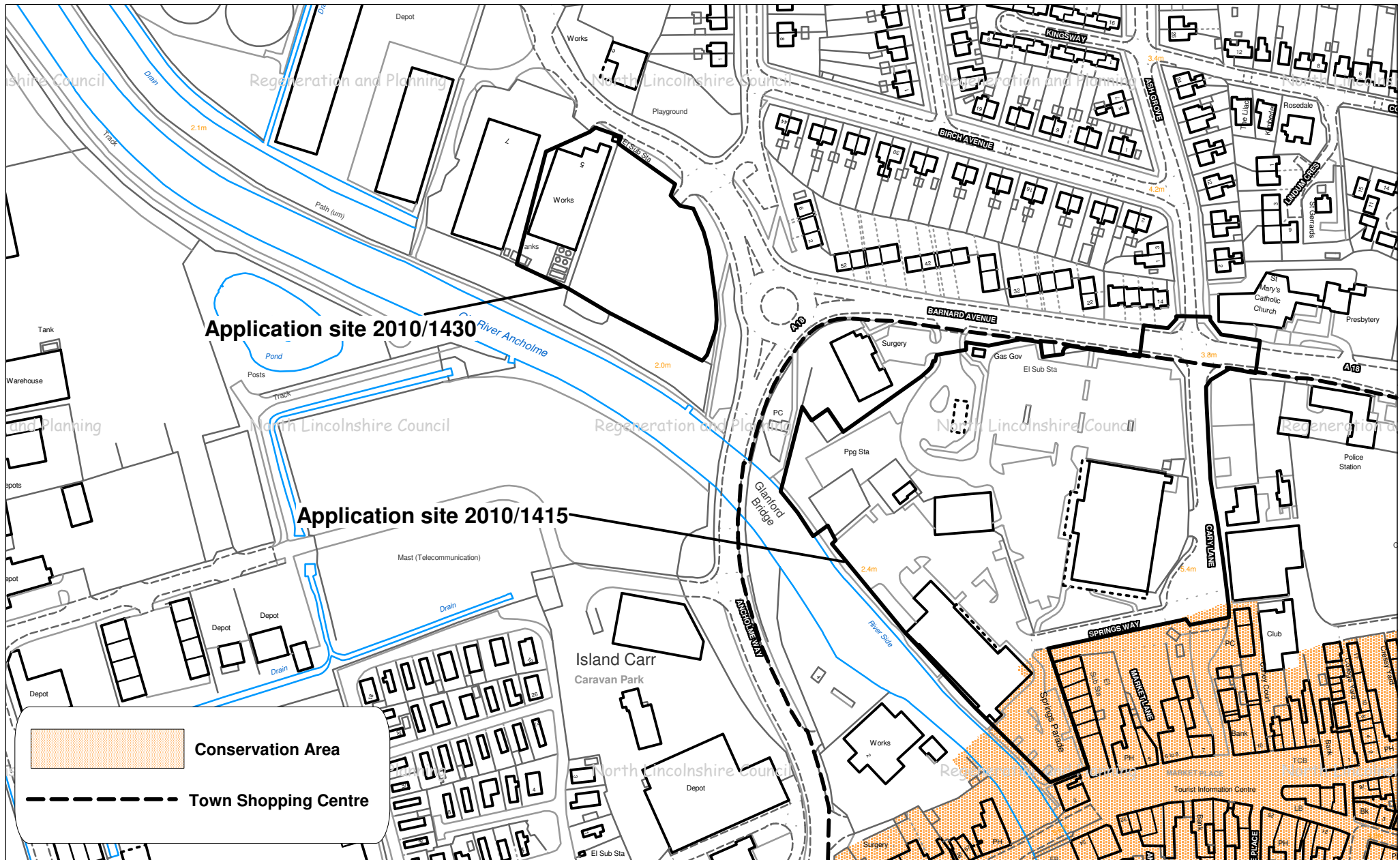
To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.


34.

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.




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| Drawn by: KC | Date: 04/11/2011 |
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Regeneration and Planning

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