

AGENDA ITEM NO: 8/1(a)

Parish:	Heacham	
Proposal:	Demolition of existing building and construction of a Class A1 (retail) foodstore together with access, car parking, landscaping and associated engineering works	
Location:	Reg J Stainsby & Son 43 Lynn Road Heacham Norfolk	
Applicant:	Lidl UK GmbH	
Case No:	16/01712/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 30 December 2016 Extension of Time Expiry Date: 13 January 2017

Reason for Referral to Planning Committee – The views of Heacham Parish Council is contrary to the Officer recommendation.

Case Summary

Full planning permission is sought for the construction of a Lidl store with access, car-parking, landscaping and associated engineering works following the demolition of existing buildings, including a bungalow, at the former petrol filling station and R J Stainsby & Son car sales site at Lynn Road, Heacham.

Approximately half of the site (53%) lies within the adopted development boundary for Heacham with the remaining (47%) in land designated as countryside.

The site is accessed from the A149 (a Primary Corridor of Movement), on the opposite side of which is an Area of Outstanding Natural Beauty (AONB).

The site lies within Flood Zone 1 as depicted on the Local Authority's Strategic Flood Risk Assessment maps.

This is a resubmission of recently refused application 15/02004/FM which was refused by the Planning Committee at their meeting of 6 June 2016. An application to appeal the 2015 has been submitted to the Planning Inspectorate. Dates for the Informal Hearing are yet to be confirmed. Notwithstanding that this application had a recommendation to approve, the application was deferred from the last Planning Committee meeting (December 2016) at the applicant's request to enable them to make further amendments to the design of the proposed building following comments from the Parish Council, some third parties and in light of the Planning Committee Member's comments at the June meeting. This has resulted in a large amount of local carrstone being used on the southern elevation to replace the previously proposed white render infills.

The other minor changes put forward and additional information submitted to address the highway congestion issue remains the same as the previously deferred submission.

Due to the consultation period extending to the 5th January additional comments received in relation to the amended design will be reported as late correspondence.

Key Issues

Principle of Development
Highway Safety
Impact on AONB

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for the construction of a Lidl store with access, car-parking, landscaping and associated engineering works following the demolition of existing buildings at the former petrol filling station and R J Stainsby & Son car sales site, Heacham.

The proposed store is shown to cover c.2,243m² (GIA) with a sales area of c.1,425m² (net) containing 80% (1,142m²) convenience floorspace and 20% (285m²) comparison floorspace. The gross external area (GEA) of the store is c.2,515m².

The building is shown to measure c.69.5m x 32.7m (excluding the loading bay) and is 5.1m in height at the northern end and 8.1m high at the southern end. The building is to be constructed with white rendered walls, grey render piers, and metallic silver cladding under a slate-grey aluminium roof with extensive glazing on the eastern elevation and south-eastern entrance foyer. The piers and plinth on the southern elevation would be brick with carrstone infill.

It is anticipated that the store would employ 40 full-time equivalent members of staff. The opening hours of the store are proposed to be 07.00-22.00 Monday to Saturday and 10.00-19.00 on Sundays and Bank Holiday.

As with the previous application the store would occupy the northern part of the site, with the southern area (currently occupied by the former petrol filling station, canopy, sales kiosk and car repair workshop building associated with the main car dealership) laid to parking (129 car parking spaces (including 6 disabled bays and 3 parent and child bays) and 8 cycle stands). A single-storey loading bay (contained within the building) is proposed to the west of the site.

Access would be from the south-eastern corner of the site from the A149 (a Primary Corridor of Movement). Highway improvement works are proposed in the form of the provision of a right hand turning lane and footpaths across the frontage as far as The Broadway. Additionally, and in order to address the perceived 'conflict and interference with the passage of through traffic', 'yellow box' markings are proposed at the Lavender Farm junction and 'Keep Clear' markings at the site access.

Whilst the design is the same as the previous indicative version seen by Committee at the June meeting a large amount of local stone (carrstone) has been incorporated into the southern elevation of the building to reflect its setting.

SUPPORTING CASE

The applicant has submitted the following statements (contained in the Supplementary Planning Statement) in relation to addressing the two reasons for refusal.

Reason 1 (Transport): The CHA has recommended that the proposed access design is acceptable having regard to all relevant standards and policy, as well as local circumstances. It has repeated its recommendation both in writing and orally at Committee, notwithstanding challenges to that recommendation by the Parish Council and Members of the Planning Committee. Importantly, Reason (1) does not relate to either the location of the access, or to its design. On this basis it is clear that the LPA has no objection to the proposed means of access.

Instead, the reason for refusal says that the traffic using the site will lead to 'conflict and interference with the passage of through traffic'. This appears to result from the fact that traffic can currently queue south from the Lavender Farm junction past the site entrance at peak hours and at certain times of the year.

The reason for refusal is imprecise. It is unclear whether the conflict is thought to arise as a result of either:-

- customer traffic entering the site from the north and exiting to the south at times when traffic is flowing freely on the A149; or
- customer traffic entering the site from the north, and exiting either to the north or south, at times when traffic is backed up or beyond the site access.

If it is the former then the access has been designed to meet all relevant standards. Moreover there are currently three access 'bell-mouths' on the site frontage as well as a length of dropped kerb which allows uncontrolled access / egress across most of the site frontage. The benefits arising from the replacement of this 'ad hoc' arrangement of accesses and their replacement by a single crossing designed in accordance with standards are clear and are likely to reduce, rather than increase, conflict with the passage of through traffic.

If it is the latter then traffic on the A149 will be moving slowly so that the expectation is that customers will be able to enter and leave the site safely. Any potential for conflict in this scenario can be fully mitigated by the addition of 'Keep Clear' markings at the site access, if the LPA considers that to be necessary.

In either case the reason for refusal has to be considered in the context of the fact that the site benefits from lawful use for various commercial operations, and that traffic currently enters and leaves the site via the A149. In addition the proposals include a right turn lane that has capacity to accommodate traffic waiting to turn right, without interfering with traffic travelling past the site to the south.

Lidl does not consider there is any need or scope to revise the proposals, except that Lidl is prepared to offer to provide 'yellow box' markings at the Lavender Farm junction and 'Keep Clear' markings at the site access, if the LPA thinks this would address their reason for refusal. Whilst neither Lidl nor the CHA consider this to be necessary, Members may consider that these measures would remove or reduce the potential that they perceive exists for 'conflict and interference with the passage of through traffic'.

Reason 2 (Design): The second reason for refusal relates to the design of the development and to its potential impact on the setting of the AONB.

The design of the development is said to be “poor”. It is not clear whether this is directed at the appearance of the building or to the site layout. In either case Lidl does not agree. The proposal is for the Company’s latest generation of foodstore. Its appearance is simple, clean, functional and modern and it employs high quality materials and sustainable building management systems. In relation to the layout of the site Lidl notes the following points.

Store location: the store will replace buildings which are spread across the site. It is located close to the urban edge and acts as a ‘buffer’ between residential curtilage and the activity associated with the site access, car-park and customer entrance, protecting residential amenity.

Store orientation: the store is orientated with its shorter elevation facing the AONB and its active frontage facing the street. Servicing is to the rear (west) and away from most residential property.

Landscaping: landscaping is low along A149 frontage to ensure no interference with visibility splays. The hedgerow and trees proposed on the southern boundary reflect typical boundary treatments along the A149 corridor. The landscaped areas to the north of the store are wider and include more substantial planting. Close boarded fencing would be inappropriate on the southern boundary but is proposed on the northern and western boundary to protect amenity.

Access and Parking: the site access is in the optimum location having regard to the conclusions of the Transport Assessment and with the number of car parking spaces set to ensure that the store may be adequately serviced but without a risk of on-street parking in Broadway.

Nonetheless the reason for refusal asserts that the proposal would have an ‘adverse impact on the landscape and the setting of the Norfolk Coast AONB’ by virtue of its poor design. Lidl does not agree and so does not propose any change to the appearance of the building or to the layout of the site.

However, in order to provide a clear assessment of the impact of the development on the landscape and setting of the AONB, Lidl has commissioned the following:

- a) Landscape & Visual Impact Assessment (LVIA). This has been prepared to an accepted methodology and provides robust evidence on which to reach an objective conclusion on the potential impact of the development on the landscape generally, and on the setting of the AONB in particular, from carefully selected viewpoints in the vicinity of the site.
- b) Revised Design & Access Statement which includes an assessment of local character, and how the development relates to that character, and considers the proposals against the objectives of the relevant policies of the development plan;
- c) Visualisations of the proposals viewed on the approach to Heacham from the south and including the proposed landscaping scheme at maturity.

PLANNING HISTORY

15/02004/FM – Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping and associated engineering works. Committee Refusal, Appeal submitted, currently awaiting dates.

2/03/0564/F - Construction of storage building -Permitted

2/97/0799/F - Provision of roof on existing car wash bay - Permitted

RESPONSE TO CONSULTATION

Parish Council: Heacham Parish Council (HPC) **OBJECT** to this application.

HPC recognises that a store similar to that proposed would likely be useful to some villagers and we would not object if access and construction did not cause difficulties or distress to other villagers or to people visiting or passing through the village.

HPC is disappointed that, in the almost five months since the BCKLWN Planning Committee rejected the original Lidl application, the only changes made to road access is to agree to put 'Keep Clear' signs on the road at the entrance/exit and also at the 'Lavender Lights' junction (as confirmed by NCC Highways on the 19th October). Consequently HPC remains concerned at the traffic implications for the proposed access and egress from the proposed store. There are implications for safety for traffic turning right, out of the store, towards Snettisham; the reason there is no right turn permitted out of The Broadway, adjacent to the store, is to avoid traffic conflict and potential accidents. There are implications for traffic delays at the 'Lavender Lights' due to traffic waiting to turn right from Heacham to access the store not having a 'space' to queue in and, similarly for traffic crossing the junction from Hunstanton or turning left from Sedgford.

In addition, traffic implications remain for people living along The Broadway, Nourse Drive and Lynn Road. The Broadway for two reasons: parking along it to avoid having to drive onto and off the A149 when shopping; driving along it from the store either into the village or as an exit from the village along Nourse Drive and Lynn Road (avoiding the right turn out of the store detailed above). There is no provision in the application to help the village cope with additional traffic generated by the store's operation.

The Borough Council objected to the proposed store's impact on the road network by stating: 'The proposed development would intensify the vehicular activity of the site which would lead to conflict and interference with the passage of through traffic which would be of detriment to highway safety and to the efficient operation of the highway network. The proposed development is therefore contrary to the NPPF in general and specifically to paragraph 32 of the NPPF, Core Strategy Policy 11 and emerging Development Management Policy DM12.' As nothing has changed, then HPC assumes this objection will stand.

HPC is similarly disappointed that, in the intervening months since the original application was refused, no significant changes have occurred to the external design of the store. Lidl are still convinced that their design is suitable for all locations. The excuse that what the proposed store will replace is a mess anyway is insufficient.

The Borough Council objected to the previous application by stating, 'The proposed development, due to its poor design, would have an adverse impact on the landscape and the setting of the Norfolk Coast AONB. The development is therefore contrary to the NPPF, CS Policies CS06 & CS07 and emerging Development Management Policy DM15.' Heacham Parish Council cannot disagree with this assessment which, presumably, must stand as the design remains the same.

Highways Authority: NO OBJECTION Subject to conditions

Lead Local Flood Authority: NO OBJECTION

Norfolk Coast Partnership: OBJECT As noted by Heacham Parish Council, there appear to be no differences in building design and landscaping from the previous proposal (15/02004/FM) that was refused, one of the reasons for refusal being that "the proposed development, because of its poor design, would have an adverse impact on the landscape and setting of the Norfolk Coast AONB". Since these aspects have not been amended, this application should also be refused for that reason.

Internal Drainage Board: NO OBJECTION to the principle of the drainage strategy. However any permission granted should be conditioned to provide full details following further investigations.

Environment Agency: NO OBJECTION in relation to contamination or proposed SuDS strategy.

Natural England NO OBJECTION although careful consideration should be given to any direct and indirect effects upon the adjacent AONB

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination.

Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to: Construction Management, Foul and Surface Water Drainage, Lighting, Ventilation and Extraction, Refrigeration Equipment, Hours of Delivery and Hours of Use.

Historic Environment Service: NO OBJECTION however, the proposed development site lies at the northern edge of a complex of cropmarks relating to Iron Age to Roman boundaries and trackways, and in an area where artefacts of Roman, Anglo-Saxon and medieval date have previously been recorded. Although buried archaeological remains in parts of the proposed development site are likely to have been truncated or destroyed by below-ground elements of the existing filling station this will not be the case with the entire development area, particular in the western part of the site. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. It is therefore recommended that conditions be appended to any permission granted.

REPRESENTATIONS

FOUR letters of **OBJECTION** have been received (compared to the **TWENTY** received in relation to the previous application). The reasons for objection are:

- Highway safety and congestion;
- Impinge on open land;
- The development is not wanted or needed;
- This is not a local store;
- Parking would occur on Broadway which would cause a hazard.

TWO letters of **CONCERN** have been received. The issues raised include:

- Congestion;
- Disamenity caused by noise to neighbouring property;

THREE letters of **SUPPORT** have been received (compared to **ELEVEN** received in relation to the previous application). The reasons for support are:

- The people in Heacham (excluding parish council members) want greater choice instead of having to travel to Hunstanton or King's Lynn;
- The current site is an eyesore;
- The applicants have gone a long way to address the concerns raised by the previous application;
- Development wise Heacham is bursting at the seams and needs facilities like the one proposed;
- There is no good reason to refuse the application;
- This is a good use of a brownfield site;
- It will bring much needed employment to the area;
- It will bring commercial competition which is long overdue.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM10 – Retail Development Outside Town Centres

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The main issue for consideration in the determination of this application is whether the reasons for refusal of application 15/02004/FM have been adequately addressed.

The principle of development, impact on residential amenity, drainage and pollution, archaeology, ecology and crime and disorder were all fully considered during the determination of the previous application and all found to be acceptable (subject to condition).

The changes proposed relate to the efficient operation of the highway network, the inclusion of a large amount of local material (carrstone) on the southern elevation and to the proposed opening hours. In relation to the latter issue the previous application proposed Monday to Saturday (inclusive) 08:00 to 22:00 and Sundays and Bank Holidays 10:00 to 16:00 with deliveries outside of these hours. This application proposes Monday to Saturday (inclusive) 07:00 to 22:00 and Sundays and Bank Holidays 10:00 to 19:00 again with deliveries outside of these hours. The Community Safety and Neighbourhood Nuisance Team (CSNN) have raised no objection to these hours of operation / delivery which can be suitably conditioned if permission is granted.

Refusal of Previous Application

Application 15/02004/FM was refused for the following two reasons:

1. The proposed development would intensify the vehicular activity of the site which would lead to conflict and interference with the passage of through traffic which would be of detriment to highway safety and to the efficient operation of the highway network. The proposed development is therefore contrary to the NPPF in general and specifically to paragraph 32 of the NPPF, Core Strategy Policy 11 and emerging Development Management Policy DM12.

2. The proposed development, due to its poor design, would have an adverse impact on the landscape and the setting of the North Coast Area of Outstanding Natural Beauty. The development is therefore contrary to the NPPF, Core Strategy Policies CS06 and CS07 and emerging Development Management Policy DM15.

Highway Safety

Reason one relates to highway safety and the efficient operation of the highway.

To address this reason for refusal the applicant is looking to provide 'yellow box' markings at the Lavender Farm junction and 'Keep Clear' markings at the entrance to the site.

The Local Highway Authority (LHA) considers these additional markings would assist in the operation of the Lavender Corner junction and in the operation of the site and should therefore be provided. This can be suitably conditioned.

In all other regards the proposal is a duplicate of application 15/02004/FM to which the LHA concluded that the right hand turn lane (RHTL) which would be designed and potentially delivered by the LHA, would be appropriate and adequate to serve the development. The LHA continues to consider that September flows (which are 12% above the annual average) are a suitable basis for the design of the RHTL. They also conclude that, whilst the impact of the peak summer months are a consideration, it would not be reasonable or appropriate to recommend refusal on the basis that peak months did not form the only basis of the design for the RHTL given that the flow figures that were used are already above the annual average.

It is therefore concluded that the additional highway markings will assist in the efficient operation of the highway thus countering any increase in vehicular activity associated with the site. These markings, together with a technically suitable right hand turn lane that the applicant has shown could accommodate cars and caravans, suggests that the development would not be of detriment to highway safety. The LHA has no objection to the application subject to conditions being appended to any permission granted.

Your officers therefore believe the applicant has suitably addressed the first reason for refusal.

Impact on AONB

The second reason for refusal relates to the design of the proposed building and the adverse impact it would have on the landscape and the setting of the adjacent AONB.

The scale, mass, design and location of the proposed development is the same as that tabled at the Planning Committee meeting in June and that which was deferred from the Planning Committee in December. However, the applicant has incorporated a large amount of local material into the southern elevation. Furthermore, as per the previous report, the applicant has gone to great length to show how they believe the development is not of poor design and that it would not have a detrimental impact on the AONB. To this end the application was accompanied by a Landscape and Visual Impact Assessment (LVIA), further artistic impressions and a revised DAS.

A key consideration in relation to the impact the proposed development would have on the setting of the AONB is to compare and contrast the current situation with the proposed development.

The current buildings / canopy are, for want of a better description, dotted around the site. More importantly they occupy the parts of the site closest to the AONB (i.e. alongside the A149). The canopy, the tallest structure on the site is very prominent by virtue of its position on the apex of the bend. Furthermore it sits only 19m from the southern boundary of the site whereas the proposed building would sit 51m from this boundary. Additionally it is the shorter edge (32m) of the proposed building that runs adjacent to the AONB. The combined eastern elevations of the existing buildings measure 51m. Both existing and proposed buildings are industrial in nature.

The LVIA takes this comparing and contrasting exercise to a much higher level. It is stated that the LVIA was carried out in accordance with current guidelines and made judgements in respect of both landscape and visual effects in relation to the combined sensitivity of the receptor and magnitude of the landscape. The overall effect was considered at three timeframes: Construction, Completion and 10 Years Post Completion. 'Major', 'Moderate', 'Minor' and 'Negligible' are used in combination with 'Adverse' and 'Beneficial' to describe the effects.

Major: An effect that will fundamentally change and be in direct contrast to the existing landscape or views;

Moderate: An effect that will markedly change the existing landscape or views but may retain or incorporate some characteristics / features current present;

Minor: An effect that will entail limited or localised change to the existing landscape / views or will entail more noticeable localised change but including both adverse and beneficial effects and is likely to retain or incorporate some characteristics / features currently – present; and

Negligible: An effect that will be discernible yet of very limited change to the existing landscape or views.

The LVIA concludes:

a) At a national scale the development will be located on the edge of National Character Area 76 North West Norfolk. This is an extensive area and the effect on character at this scale would be negligible.

b) At a district scale the development will be located within "Area C1 Heacham" as described in the KL&WN Landscape Character Assessment 2007. The new store will be located on a site that is already developed so that the influence on the character of the wider area will be very low.

c) Overall there will be a minor beneficial long term landscape effect resulting from the clearance of buildings of low quality and their replacement with a single, well-landscaped development.

d) The site currently supports car sales, a car wash business and open storage uses in a collection of disparate building styles including a former petrol filling station and canopy. The site currently does not provide an attractive edge to the settlement.

e) There would be some disruption during demolition and construction but, once completed, a new modern and well managed development would replace the current clutter of buildings and external areas. New tree and hedge planting would provide long term enhancement and in the longer term there would, overall, be a minor beneficial landscape effect.

f) The Norfolk Coast AONB lies to the east. The AONB management plan summarises its key qualities which include:

- strong and distinctive links between land and sea
- diversity and integrity of landscape, seascape and settlement character
- sense of remoteness, tranquillity and wildness

g) The site is located next to the busy A149 and the location is not remote, tranquil or wild, so there would be no effect on these qualities (not least as the site is outside the AONB).

h) The new building would be bigger than the existing individual buildings but would be a simple, modern design incorporating some traditional materials such as Carrstone. The southern part of the site would be a car park, clearing the built structures from this area. There would be new boundary planting including native trees and hedgerows. There would be no adverse effect on the connection between the land and sea, and the diversity and integrity of the landscape would be protected. The new native planting to the boundary and removal of the existing detracting buildings would provide long term protection and enhancement to the AONB.

i) In terms of visual effects, properties adjacent to the site have some views towards it which vary dependant on aspect and boundary vegetation. The closest property is that adjacent on Lynn Road which has views towards the garage that would be replaced by the new store which would be set back from the boundary, with intervening planting, and with eaves of a similar height to a two storey house. The greatest level of effect would be experienced by residents of this property.

j) Other properties have more garden screening and the level of effect would be lower. Moreover, as the new landscape treatment becomes established the effects will reduce.

k) On completion a moderate adverse visual effect is predicted for the neighbouring properties but this will reduce as planting softens views. Views from more distant properties on Broadway and beyond are likely to be minor or negligible.

l) There are very few public rights of way in the vicinity of the site. There is a right of way along the road between the A149 and the household waste recycling centre from which the site may be glimpsed through gaps in the hedge. However, the foodstore would replace the existing collection of buildings and the overall visual effects would be minor / negligible.

m) The Millennium Wood is located on rising land to the east of the village adjacent to the recycling centre. From the majority of the wood there are no views of the site. The site is visible from its edges, the edge of the wood, across the adjacent farmland, but the new building would replace the current clutter of buildings and would be seen in front of the existing settlement. The visual change would be very low, leading to a minor overall visual effect.

n) Travellers approaching the site along Lynn Road from the south view the existing garage after passing the petrol filling station on the eastern side of the road. From the north the site comes into view after the junction with the B1454. There would be a visual change resulting from the replacement of the garage with the foodstore. However, the development would be a comprehensive, coordinated scheme with high quality landscape treatment, including native hedges and trees to the south. This would provide long term visual improvement. The overall visual effect for road users would be minor adverse in the short term during construction, becoming minor beneficial in the longer term with the new coordinated building design and as the boundary planting establishes.

o) The long term impacts are illustrated effectively by the CGIs which use viewpoints close to the petrol filling station on the eastern side of the road and then closer to the site itself.

Overall the LVIA concludes that there would be some short term landscape and visual disruption during the demolition and construction phase. However, there would be longer term landscape and visual benefits through the removal of the existing site buildings and uses and their replacement with a modern, single new building and associated landscape planting.

Taking the above into account it is considered that further information has been supplied to suggest that the design is appropriate for the site and would not have an adverse impact on the landscape or setting of the AONB. The addition of large areas of carrstone further supports this assertion. It is therefore considered that the second reason for refusal has been suitably addressed.

CONCLUSION

This application raises no additional issues regarding the principle of development (including the impact on the viability and vitality of both Hunstanton Town Centre and Heacham), impact on residential amenity, drainage and pollution, archaeology, ecology and crime and disorder than the 2015 application.

For the reasons outlined in this report it is considered that the proposed development accords with the overarching aims of national and local policy, would not have a significant detrimental impact on the visual amenity of the locality or setting of the AONB and would not result in highway inefficiency or safety issues. It is therefore recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: PL-03 Rev.C, PL-04, PL-05F and 15-84-01 Rev.D.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the commencement of the use hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 3 Reason In the interests of highway safety in accordance with the NPPF and Development Plan.

- 4 Condition Prior to the commencement of the use hereby permitted the proposed access, on-site car and cycle parking, servicing, loading, unloading, turning and waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 5 Reason To ensure adequate off-street parking during construction in the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities.
- 6 Reason To prevent extraneous material being deposited on the highway in the interests of highway safety in accordance with the NPPF and Development Plan.
- 7 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing by the Local Planning Authority until a detailed scheme for the off-site highway improvement works as indicated on drawings SCP/15846/D03 Rev.B and SCP/15846/D07 both of which are contained in the Transport Assessment Appendix 1 have been submitted to and approved in writing by the Local Planning Authority.
- 7 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF and Development Plan.
- 8 Condition Prior to the commencement of the use hereby permitted the off-site highway improvement works referred to in condition 7 shall be completed to the written satisfaction of the Local Planning Authority.
- 8 Reason To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan.
- 9 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 9 Reason In the interests of the safety of persons using the access and users of the highway in accordance with the NPPF and Development Plan.

- 10 Condition Notwithstanding the information that accompanied the application, no development shall begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before any part of the development is brought into use.
- 10 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).
- 11 Condition No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 11 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 12 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 11.
- 12 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 13 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 11 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 13 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 14 Condition Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 14 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

- 15 Condition Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 15 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 16 Condition The use hereby permitted shall not commence until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.
- 16 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 17 Condition Prior to the installation of any refrigeration plant a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the noise/power levels of the equipment and provide details of anti-vibration mounts. The scheme shall be implemented as approved and thereafter maintained as such.
- 17 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 18 Condition No deliveries shall be taken at or despatched from the site outside the hours of 6am to 11pm on weekdays and Saturdays and 8am to 7pm on Sundays or Bank / Public Holidays.
- 18 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 19 Condition The premises shall only be used between the hours of 7am and 10pm Monday to Saturday and 10am to 6pm on Sundays and Bank / Public Holidays.
- 19 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 20 Condition Prior to the commencement of groundworks, 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 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'.

- 20 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 offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 21 Condition Prior to the commencement of groundworks, 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, 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.
- 21 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 offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 22 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, 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 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.

- 22 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 offsite receptors.
- 23 Condition 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 condition 20, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 21, 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 condition 22.

- 23 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 offsite receptors.
- 24 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 24 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to 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 land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 25 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 25 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to 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 land after remediation.

- 26 Condition All hard and soft landscape works shall be carried out in accordance with the details shown on drawing number 15/84/01 revision D. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 26 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 27 Condition The development hereby permitted shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (Ref CLE20296/005/01 dated November 2015) that accompanied the application.
- 27 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 28 Condition The development hereby permitted shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 or in any provision equivalent to that Class revoking or enacting that Order). The net sales area shall not exceed 1,325sq m and no more than 20% (245sq m) of this net sales area shall be used for the sale of comparison goods. The number of lines that shall be for sale in the store at any one time shall be limited to a maximum of 1,600; and the store shall not include any post office, pharmacy or butchers. For the purposes of this condition, comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.
- 28 Reason For the avoidance of doubt and to ensure that the permitted development does not have a negative impact on the vitality and viability of other centres in the locality in accordance with the NPPF and Development Plan.