DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0641-23**	**Applicant:**	**Aldi Stores Limited**
Proposal:	Details of method statement for the demolition and/or construction of food store, construction management plan & method statement, employment, skills and local procurement strategy & archaeological report (Conditions 4, 5, 18 (in part) & 22 of H09-1057-22)		
Location:	Aldi Fleet Street Holbeach		
Terminal Date:	12th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (2021)

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 4, 5, 18 (in part) and 22, attached to planning approval H09-1057-22. These conditions relate to details comprising of a method statement for the demolition and/or construction of food store, construction management plan & method statement, employment, skills and local procurement strategy and archaeological report.

Planning approval H09-1057-22 granted full planning permission for the construction of a foodstore (Use Class E), together with car parking, landscaping, and associated works, following the demolition of existing buildings.

Site Description

As described within the initial granting of planning permission, the site 'extends to approximately 0.86 hectares and occupies brownfield land within the settlement boundaries of Holbeach. The most recent use of the site was a Council Depot (Sui Generis) which was recently vacated by the council and is more recently used for the storage of wheelie bins. A Boxing Academy (Class E(d)) was also previously on site.

The site is situated on land to the south of B1515 Fleet Street and is approximately 500m to the east of the Centre of Holbeach. Site access is via an existing access with B1515 Fleet Street to the north of the site.

The site sits circa 160 metres from Holbeach District Centre with established footpaths and cycle lanes lining Fleet Street promoting links with the centre and a mix of commercial and residential properties lining the route. It also has good access to public transport, with bus stops in situ.

History

H09-1613-07 - Outline application for residential development - Withdrawn 2008.

H09-0937-09 - Part change of use of SHDC works depot (sui generis) to boxing academy (D2) - Approved 2010.

H09-1057-22 - Demolition of existing buildings and construction of foodstore (Use Class E) together with car parking, landscaping, and associated works - Approved 2023

Consultation Responses

Anglian Water

No Comments to make.

Environment Agency

We did not recommend the conditions referred toon application H09-0641-23 and therefore have no comment to make on this application.

LCC Highways/SuDS

No objections: The submitted Construction Management Plan and Method Statement details are acceptable to the highway authority and therefor the authority does not wish to object to the discharge of Condition 5 of H09-1057-22.

Neighbouring Residents

During the during of the application processes, a single resident has raised comments in respect of the proposed development. These comments raised numerous questions in relation to the initial grant of planning permission and also raised comment in respect of the clarity of the 'diagram' within the 'CEMP'.

Planning Considerations

This application relates to conditions 4, 5, 18 (in part) and 22 of planning approval H09-1057-22.

Condition Details

Condition 4 and Condition 5

Condition 4 of planning approval H09-1057-22 states:

No development shall take place until a method statement for the demolition and/or construction of that part of the overall development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The statement shall provide for:
-the routeing and management of construction traffic;
-the parking of vehicles of site operatives and visitors;
-loading and unloading of plant and materials;
-storage of plant and materials used in constructing the development;
-the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
-wheel cleaning facilities;
-measures to control the emission of dust and dirt during construction;
-protection of Public Rights of Way;
-details of noise reduction measures;
-a scheme for recycling/disposing of waste resulting from demolition and construction works;
-the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

This condition was attached to the aforementioned approval for the following reason:

In the interests of highway safety and the amenity of nearby residents. This Condition is imposed in accordance with paragraph 130 of the National Planning

Condition 5 of planning approval H09-1057-22 states:
Notwithstanding the detail submitted in the Construction Method Statement dated 29/09/22, the development hereby permitted shall be undertaken in accordance with Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority before development commences. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;
-the phasing of the development to include access construction;
-the on-site parking of all vehicles of site operatives and visitors;
-the on-site loading and unloading of all plant and materials;
-the on-site storage of all plant and materials used in constructing the development;
-wheel washing facilities;
-a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

This condition was attached to the aforementioned approval for the following reason:
In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

The submitted Construction Management Plan and Method Statement required by conditions 4 and 5 details, amongst other things:
- The vehicles for site operatives are to be parked in the designated area. There will be a general policy of no off-site car parking and the site labour force will be encouraged to share rides or use public transport. Parking on public roads
will not be allowed.

- Loading and unloading of vehicles, dismantling of site equipment such as scaffolding or moving equipment or materials around site will be conducted away from noise sensitive areas.
- A table has been provided that outlines the plant and equipment required for 'key elements of the construction process'.
Off site pre-fabrication to be used, where practical.
- All plant and equipment to be used for the works to be properly maintained, silenced where appropriate, and operated to prevent excessive noise and switched off when not in use and where practicable.
- Plant will be certified to meet relevant current legislation and British Standard BS 5228 standards.
- External drainage will also be installed at this time which will include surface water discharge to a celled storage system to reduce discharge off the site to Greenfield standards of 5l/s. There will be a separate foul connection to the public sewer.
- Access will be gained to the site via Fleet Street.
- Only when all external works are finalised and the building envelope is completed, will the safety hoarding be dismantled and final 'dressing' of external public areas take place.
- Dust and dirt mitigation and prevention measures
- Employment of a specialist waste management organisation during the construction works, with specific responsibility for the coordination of the disposal of all surplus materials.
- Vehicles and equipment leaving site will have axles and wheels washed down at an area close to the exit as appropriate.

Further, the statement outlines the potential hours of development which highlight the following:
- Construction Hours
Monday to Friday 08.00am - 18.00pm
Saturday 8.00am -13.00pm.
No construction work on Sundays or Bank Holidays unless required.

- Delivery Hours to site
Monday to Friday 08.00am - 18.00pm
Saturday 8.00am to 13.00pm
No deliveries on Sundays or Bank Holidays unless required

These hours coincide with those detailed and attached to application H09-1057-22 by way of condition.

Lincolnshire County Council Highway/SuDS have provide document in relation to condition 4 and 5 and expressed that the details are acceptable to the highway authority and therefor the authority does not wish to object to the discharge of Condition 5 of H09-1057-22.

Overall, the details provided within the Construction Management Plan and Method Statement are considered to be acceptable.

Condition 18

Condition 18 of planning approval H09-1057-22 states:
No work shall commence on site until an Employment, Skills and Local Procurement Strategy has been submitted to and approved in writing by the Local Planning Authority. This strategy shall set out measures to provide local employment, skills and business opportunities during the construction phase of the development hereby approved. The development shall be carried out in accordance with the details so approved.

Within 12 months of the development hereby approved being first brought into use, a Statement of Conformity shall be submitted to the Local Planning Authority, setting out how the approved measures were implemented and shall include a review of Employment, Skills and Procurement outcomes arising from the approved Strategy.

This condition was attached to the aforementioned approval for the following reason:
To ensure that the development provides opportunities for local employment and training opportunities. This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

The details provided relate to the first aspect of the condition, relating to a strategy for local employment, skills and business opportunities, with the need for a further 'conformity statement' being reserved for once the construction has occurred and the site is in use.

The submitted details for condition 18 outline that Aldi, who are to be the occupiers of the store, have an appointed construction managers (DSP Construction Management Ltd) that is established, who are "responsible for managing the construction phase of new stores and as part of this they coordinate the appointment of contractors". As such, given their exisitng commitments, it would be "difficult to commit to providing local employment opportunities for all elements of the build programme" as exisitng contractors have been established.

Notwithstanding this, the submitted details outlines that "whilst not always local, the contractors will often take on apprentices and so employment and skills training is provided through the construction" and this aspect of the statement must be put in place, as is required by the 'second part' of the condition.

In reject of the opportunities that will arise, the statement expresses that "a local gatesman will be appointed
as well as local labourers". The statement outlines that "these can be appointed through local agencies, including those affiliated with the Council where this is necessary", with these members being on site "from the start to the end of the build programme".

It is also worth noting, whilst not strictly relevant to the requirements of this condition, that "the construction period for an ALDI foodstore is approximately 6 months and so the operational phase of the development provides significantly greater opportunity for local employment and skills training", with these future store jobs being detailed within the submission.

Overall, given the information at hand and the details provided, the statement is considered to be acceptable in this instance, subject to the later confirmation of conformity.

Condition 22

Condition 22 of planning approval H09-1057-22 states:

No development shall take place until a programme of archaeological work, including a 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:
-The programme and methodology of site investigation and recording.
-The programme for post investigation assessment.
-Provision to be made for analysis of the site investigation and recording.
-Provision to be made for publication and dissemination of the analysis and records of the site investigation.
-Provision to be made for archive deposition of the analysis and records of the site investigation.
-Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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 approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition was attached to the aforementioned approval for the following reason:

To ensure that the development conserves any potential heritage assets. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

During the application process, discussions took place between the applicants agent, the Local Planning Authority and Lincolnshire County Council (Historic Environment Officer). Amended detail was put forward as a consequence of these discussions, resulting in the formal submission of an amended 'Written Scheme of Investigation for Archaeological Trial Trench Evaluation', which also contained an accession number.

The details provided, as amended, are considered to be acceptable and the investigation/assessment shall be carried out in accordance with the programme.

Conclusion

The details in relation to condition 4, 5, 18 (in part) and 22 are acceptable and can be discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.