AVISON YOUNG

3 Brindleyplace
Birmingham
B1 2JB, United Kingdom
T: +44 121 236 8236
avisonyoung.com

Our Ref: 01C300378

Your Ref: PP-12492206

28 September 2023

FAO Daniel Allen
Planning Department
South Holland District Council
Priory Road
Spalding
Lincolnshire
PE11 2XE

Dear Daniel

Aldi Stores Ltd: Fleet Street, Holbeach, Lincolnshire

Application under section 96A of the Town and Country Planning Act 1990 for a Non-Material Amendment to Planning Permission H09-1057-22

Avison Young is instructed by Aldi Stores Ltd (Aldi) to submit an application under Section 96A of the Town and Country Planning Act 1990 to seek approval for an amendment to planning permissions 7 and 10 attached to planning permission H09-1057-22.

Planning permission was granted on the 15th March 2023 for development described as:

> *"Demolition of existing buildings and construction of foodstore (Use Class E) together with car parking, landscaping, and associated works."*

The planning permission is subject to 24 conditions, seven of which are required to be discharged prior to the commencement of development.

Three separate applications have been submitted to discharge the pre-commencement conditions. At the time of writing, all remain under determination but we understand through discussions with the planning case officer that the detail submitted under planning applications H09-0641-23 and H09-0815-23 are acceptable and the discharge notice will be issued imminently. The detail submitted under these applications relate to works that are relevant to the demolition of the existing buildings.

Application H09-0503-23 seeks to discharge conditions 7 and 10, which are pre-commencement conditions. They require the submission of details relating to drainage and contamination. The submitted information has been reviewed by the relevant consultees and, at the time of writing, further information is required to be submitted. It has been agreed with the planning case officer and the relevant consultees that the detail that is to be approved does not relate to demolition works, such that there would be no harm arising from demolition works commencing prior to this detail being approved.

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Demolition of the on-site buildings was programmed to commence in September 2023, but due to the delay in discharging conditions, the programme has been extended slightly. In order to prevent any further extension to the demolition and subsequent build programme and store opening date, this application is submitted to amend the wording of conditions 7 and 10. Specifically, it is to vary the triggers and require the detail to be submitted for approval prior to commencement of construction works, but to enable demolition to proceed in the interim.

Accordingly, this application seeks to vary conditions 7 and 10 as follows (new wording added in green):

Condition 7

"No development shall take place (with the exception of demolition works) until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is used. The scheme shall:

-be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

-provide flood exceedance routing for storm event greater than 1 in 100 year;

-provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

-provide attenuation details and discharge rates which shall be restricted to no more than what would be the greenfield run-off rate of the undeveloped land;

-provide details of the timetable for and any phasing of implementation for the drainage scheme and

-provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Retailing from the permitted development shall not be commenced until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details."

Condition 10

"The development hereby permitted shall not be commenced (with the exception of demolition works) until a scheme to deal with any contamination of land or pollution of controlled waters as identified in the Geo- Environmental Appraisal as undertaken by Groundtech Consulting (dated May 2022) has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) As identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately

assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA."

We trust that the information provided is sufficient to enable the Council to register and process the application within the statutory 28-day period. However, should Officers have any queries or require any further information, please do not hesitate to contact me on the below details.

Yours faithfully



Emily Hill MRTPI
Associate Director
0121 609 8024
Emily.hill@avisonyoung.com
For and on behalf of Avison Young (UK) Limited