

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Application number:	22/00036/FUL
Validated on:	30 th December 2021
Site address:	Aldi Hucclecote Road
Proposal:	Variation of condition 2 on planning permission ref. 20/01306/FUL to allow the store to receive deliveries from 06.00 hours – 21.00 hours Monday to Saturday and 0.700 hours – 18.00 hours on Sundays and Bank Holidays on a permanent basis.

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

Condition 1

The development hereby permitted shall be carried out in accordance with the approved drawings comprising:

- 150157 P(1)200 - Site Location Plan received on 18th February 2022
- 7903-PL05 E - Proposed Floor Plan received on 21st November 2017
- 7903-PL04 rev P - Proposed Elevations received on 21st November 2017
- 7903 -PL03L - Proposed Site Plan received on 21st November 2017
- 7903-PL06D – Proposed Roof Plan received on 21st November 2017

except where otherwise required by conditions of this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 2

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the following times: Monday to Saturday 06.00hrs-21.00hrs, Sunday and Bank Holidays 07.00hrs- 18.00hrs.

Reason

To protect the amenity of local residents.

Condition 3

All delivery vehicle refrigeration units shall be switched off prior to entering the site and the recommended delivery activity noise reduction measures set out in Section 5.1 of the Submitted Environmental Noise Assessment, Prepared by Sharps Redmore (Project No. 2020030/R02, dated 17th December 2021) shall be adhered to in all respects together with the use of soft compound wheels on pallet trucks used at the store.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to minimise noise to protect the amenity of the occupiers of neighbouring residential properties.

Condition 4

The approved Sustainable Urban Drainage Systems (SUDS) Management and Maintenance Plan, shall be implemented in full in accordance with the agreed terms and conditions.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition 5

The approved drainage scheme as shown on the approved Drainage Layout (drawing no. 10347-0050c), Foul Water Drainage Strategy and Calculations and Stormwater Drainage Calculations prepared by Cradddy Drainage Engineers (received by the Local Planning Authority on 18th October 2017) shall be maintained for the lifetime of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage and avoid flooding.

Condition 6**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to elsewhere 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.

D. 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, 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 C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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.

Condition 7

The approved boundary treatment and acoustic fencing shall be maintained in accordance with the details indicated on drawing no. 7903-PL10b and received by the Local Planning Authority on 17th October 2018.

Reason

It is important that these boundary treatments are maintained to ensure that adequate protection is provided to neighbouring properties in the interests of residential amenity and to ensure dwellings have satisfactory protection and privacy.

Condition 8

The approved lighting scheme as indicated on drawing no. MJA-P105-4611-A shall be maintained for the duration of the use of the site unless otherwise agreed in writing by the Local Planning Authority. The approved lighting scheme shall remain extinguished between the hours of 23:00 and 07:00 Mondays to Saturdays and 18:00 and 09:00 on Sundays and Bank Holidays.

Reason

In the interests of crime prevention and to protect the amenities of the occupiers of neighbouring properties.

Condition 9

The approved scheme for the provision of refuse recycling and storage outlined on the submitted document "Aldi UK Waste Policy" and drawing no. AD5906 received by the Local Planning Authority on 25th July 2018 shall be maintained for the life of the development.

Reason

In the interests of amenity.

Condition 10

The approved Travel Plan (Amended Staff Travel Plan Rev A prepared by Entran Limited, received by the Local Planning Authority on 28th September 2017), shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with the National Planning Policy Framework.

Condition 11

The vehicular parking and turning and loading/unloading facilities indicated on the submitted plan 7903-PL03 Rev J, shall be maintained available for those purposes thereafter for the lifetime of the development.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Section 4 of the National Planning Policy Framework.

Condition 12

The cycle storage facilities identified on submitted plan drawing 7903-PL03 Revision J (for a minimum of 12 cycles) shall be maintained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 13

The landscaping scheme, as shown on the approved plan 1208-01 Rev. F shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

Condition 14

The store shall only open to the public between the hours of 08.00 hrs and 22.00 hrs Monday to Saturday and 10.00 hrs to 17.00 hrs on Sunday and Bank Holidays.

Reason

In the interest of the amenities of the occupiers of neighbouring residential properties.

Condition 15

The rating level of noise emitted from all fixed plant and machinery shall not exceed the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014.

Reason

To safeguard the amenity of the area.

Condition 16

The reversing alarms for all plant and vehicles servicing the site must be switched off when operating on the site.

Reason

In order to protect the amenity of the occupiers of neighbouring properties.

Condition 17

The gross external floorspace of the approved building shall not exceed 1,800 square metres and the net sales floorspace as defined by the National Retail Planning Forum* shall not exceed 1,254 square metres. No less than 80% of the net sales floorspace shall be used for convenience goods sales.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a 'limited product line deep discount retail food-store'.

*The area within the walls of the shop or store to which the public has access or from which sales are made, including display areas, fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including cafes and customer toilets

Condition 18

The development hereby approved shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines. No increase in the number of product lines shall be permitted without the prior written approval of the Local Planning Authority.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a deep discount retail food-store.

Notes

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area.

**Jon Bishop**

Planning and Development Control Manager

Decision date: 5th July 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET