

[05] Full Planning Permission

N/105/01409/ 23 **APPLICANT:** Wm Morrison Supermarkets Ltd,

VALID: 12/07/2023 **AGENT:** Peacock and Smith,

PROPOSAL: Planning Permission - Demolition of existing foodstore and redevelopment of site to provide larger, new replacement foodstore with associated accesses, parking and servicing arrangements.

LOCATION: MORRISONS SUPERMARKET, 156-158 EASTGATE, LOUTH, LN11 9AB

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 This is a major proposal which has attracted a great deal of public interest.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site sits on the eastern edge of Louth town centre and measures about 1.76 hectares. It has Eastgate to the north and Monks Dyke Road to the south. There is a marked difference in levels on the site with Monks Dyke Road being about 6m metres higher than Eastgate with the site sloping upwards from north to south between the two. The site itself also contains differences in levels between west and east with much of the western area being higher than the eastern parts. The supermarket building and 160 Eastgate lie within the Louth Conservation Area whose outer boundary runs along the rear gardens of the properties that front Eastgate and along the carriageway of Church Street. The remainder of the site lies outside the designated area.

2.2 The site contains an existing Morrisons supermarket with its accesses, car parking and servicing facilities. It also includes a gas convenor station enclosed by palisade fencing. In addition the site includes part of Orme Lane and part of Albion Place, part of the rear garden, an attached outbuilding and the garage of 160 Eastgate, an area of previously developed land which is now a large area of scrub planting, a former bus depot, and a vacant building formerly a garage/workshop and its detached office. The supermarket sits fronting Eastgate behind its trolley bay and open forecourt and has pedestrian access from it. Vehicular and servicing access is provided from Monks Dyke Road via Orme Lane. There are also separate pedestrian accesses from Monks Dyke Road and Albion Place. Orme Lane runs from Eastgate to Monks Dyke Road and is two-way. Albion Place is a short cul-de-sac serving a number of properties that front Church Street and Eastgate, as well as providing pedestrian access into Morrison's car park.

2.3 To the north is Eastgate one of the main roads into Louth from the

east. Morrisons forms part of a terraced row with the adjoining residential properties that front Eastgate. There is a mini-roundabout in front of the site giving access to Eastgate, Ramsgate Road and Albion Place. This is a short distance east from the roundabout junction of Eastgate with Church Street. On the opposite side of Eastgate lies the war memorial and the row of almshouses set within landscaped grounds behind decorative railings; both are grade 2 listed. The Eastgate Union Church and a grade 2 listed telephone box lies on the opposite corner of Ramsgate Road.

- 2.4 To the east are the attractive period terraced houses of Eastgate with their long rear gardens; Orme Lane; a small L-shaped commercial development with a mix of heights and car parking served off Orme Lane. The small dwellings of Priory Road with their very small rear gardens lie beyond backing on to the site. The dwellings on Eastgate and Priory Road are at a lower land level than much of the application site.
- 2.5 To the south is Monks Dyke Road on the opposite side of which are a number of schools (secondary, primary, and nursery) which face the road. This road is very busy at school start and finish times. There are also a number of dwellings - terraced and bungalows that front Monks Dyke Road some of which back onto the application site. In addition the Kingdom Hall of Jehovahs Witness hall backs onto the site. One of the pedestrian accesses into the site runs between this hall and a row of terraced houses.
- 2.6 To the west are a number of dwellings of various ages and styles backing onto the site including Elizabeth Court, Windsor Mews and Church Cottage Mews as well as The Salvation Army Hall and a small number of commercial uses. These properties are served from Monks Dyke Road, Church Street, Eastgate and Albion Place.

3.0 DESCRIPTION OF THE PROPOSAL

- 3.1 This application is for the redevelopment of the site to form a new Morrisons supermarket with car parking, new accesses, landscaping and servicing. In detail it includes the following elements:-
 - a. The demolition of the existing supermarket; the attached outbuilding at 160 Eastgate, its garage and side wall; the remains of the former bus depot on Orme Lane and the garage/workshop and office also on Orme Lane;
 - b. The erection of a new supermarket providing 3,636 square metres gross floorspace (1,858 net) and including a customer cafe and toilets. The supermarket would be rectangular in shape and would face east. It would be built in a mix of red brickwork, grey cladding and curtain walling with a parapet wall around an almost flat roof. Solar panels would be mounted on the roof area. Its service yard would be situated to the east of the store.

- New boundary treatments would be provided along with acoustic fencing, retaining walls and landscaping;
- c. A new vehicular and pedestrian access would be constructed from the existing mini-roundabout on Eastgate and would run through a new landscaped area with bio-retention pond into a new area of car parking;
 - d. Two new vehicular accesses would be constructed from Monks Dyke Road. A secondary access for customers would be formed to the west and would lead into the existing leased car park areas and an access would be formed to the east and would serve the servicing yard only. The existing pedestrian access from Monks Dyke Road alongside the Jehovahs Witness hall would remain. The leasehold car park would be refurbished; and
 - e. Orme Lane would be terminated at the site boundary but would still be accessible from Eastgate. Albion Place would remain, but would not provide access of any sort to the supermarket site. The gas convenor structure in the existing store car park would remain. Levels within the site would be changed.
- 3.2 The applicant has advised that the existing store would remain open during the construction of the new store, service yard and leased car park refurbishment. Once the new store has opened the existing store would be demolished and the access onto Eastgate and the new car parking in this area constructed.
- 3.3 Morrisons describes itself as a food maker and shopkeeper and is British farming's biggest customer. It has its own abattoirs, fruit and veg packing and bakeries. The store would incorporate a number of measures to reduce their carbon footprint, eg. solarpanels on the roof, low energy LED lighting, low flow taps to control water usage and voltage optimisation. It advises that this is a multi-million pound investment that would improve the shopping experience for customers, improve their operations but also regenerate a brownfield site, improve highway access and parking and would solidify Morrisons presence in the centre of Louth. Information submitted with the application indicates that the new store would provide up to 50 extra jobs in addition to the existing 82. It advises that typically 75% of Morrisons staff live within 3 miles of the store where they work. Opening hours have not yet been decided, but it is currently expected that this would be 6am to 11pm.
- 3.4 The applicant undertook a programme of community consultation before submitting the application. This involved briefings, consultation letters and an on-line site.
- 3.5 The application has been amended since it was first submitted and additional information has been received. This has mainly related to:- means of enclosure; landscaping; the site entrance from Eastgate; land ownership details; cross-sections and noise .
- 3.6 This application has been accompanied by a suite of documents

some of which have been updated: a Design and Access Statement; a Retail Impact Assessment; a Heritage Statement; a Statement of community Consultation; a Transport Assessment; a Travel Plan; a Preliminary Contamination Appraisal Report; a Japanese Knotweed Survey Report; an Air Quality Assessment; Acoustic Assessment; a Flood Risk Assessment, a Drainage Strategy and addendum; Landscape Design Statement; an Extended Phase 1 Habitat Survey; A Preliminary Roost Assessment for Bats and Bat Activity Survey Report; and a Biodiversity Net Gain report.

4.0 CONSULTATION

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing.

Consultees

- 4.3 LOUTH TOWN COUNCIL – support. Asks that concerns of local residents taken onboard. Residents have concerns about:- out of keeping design; perhaps pitched roof to reduce impact; change to wall with railings around new site entrance to reflect opposite; proposed cladding industrial/agricultural; close boarded fencing soon look shabby; soften visual impact of sprinkler tanks; building will be higher than 3-storey houses Eastgate – soften this?; proposed access ramp will lead to overlooking of 160 Eastgate – bedrooms and garden; extra noise caused by use of vehicular ramp; height of car park will lead to overlooking of Eastgate properties and create security risks; noise problems caused by use of proposed service yard; impact of air pollution and noise on elderly residents of Elizabeth Court caused by use of new car parking spaces along shared boundary; consider access to both Salvation Army and Elizabeth Court; consider alternatives to 3m high acoustic fencing; waste land currently haven for wildlife – will alternative area have to be provided?
- 4.4 LOUTH CIVIC TRUST – no objections in principle, but objects to proposed signage on gable-end of 160 Eastgate. Encourages stronger tree/landscaping to Eastgate frontage and to dwellinghouses along site boundaries.
- 4.5 LINCOLNSHIRE POLICE – recommends out of hours barrier for main site access, provides designing out crime advice on CCTV, intruder/attack alarms, and security grilles and shutters.

4.6 ANGLIAN WATER – advises that the foul drainage from this development is in the catchment of Louth Water Recycling centre that will have available capacity for these flows. At present the sewerage system has capacity to accept the used water flows from this development. AW is concerned that the proposed surface water system would produce discharge rates into AW sewer at an unacceptable excessive rate and requests the applicant enters discussion with them. AW is content that this could be dealt with by condition. Notes there is AW assets close to or crossing the site.

4.7 ENVIRONMENT AGENCY – Due to previous uses on the site EA is concerned that there is a potential risk of contamination during the construction process that could lead to pollution of controlled waters. Controlled waters are particularly sensitive in this location as the site is within Source Protection Zone 3 and located upon a principal aquifer. The information supplied indicates that it will be possible to manage these risks, but EA require further information before development begins on site, but is content for this to be provided after approval by way of condition (remediation strategy, verification report, surface water disposal, no surface water infiltration). Satisfied with foul water drainage proposal as note capacity is available at the Louth Water Recycling Centre. EA offer advice relating to waste and removal of.

Notes AW is operating within their permit allowance at the Louth Water Recycling Centre with headroom, but it has been over 90% for the last 3 years. As a result they wished to see the imposition of a condition requiring details of a scheme for the provision of infrastructure both on and off site so that AW could confirm that the foul flows from this development can be accommodated within the proposed sewerage network.

4.8 CADENT GAS – no objections. Requests imposition of an informative on any approval notice issued relating to their assets on site.

4.9 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY – Notes site boundaries and context, with vehicular access into car parks from Monks Dyke Road and pedestrian access from Eastgate. No records of personal injury accidents in immediate vicinity on Eastgate and Monks Dyke Road. Notes the submitted assessments which show that those junctions expected to receive an increase in traffic over 30 two-way trips will still operate within capacity. Also, that other junctions within the network will experience a net benefit to their operation as a result of the proposals and additional junction. It can be concluded that the impact of traffic generated by the proposed development would not lead to a significant or “severe” impact on the local highway network in NPPF terms.
The Travel Plan is acceptable and sufficient – cycle parking is proposed on site.

Proposal allows for a reconfigured car park, improving connectivity from the store entrance to the car park. Proposed car park is sufficient to support a store of the size proposed and with dedicated spaces for disabled, parent/child users close to store entrance. Click and collect spaces well located to allow for shopping choice. Pedestrian accessibility and permeability is provided. Would like an additional pedestrian access from Monks Dyke Road where there is a desire line, but note applicant is reluctant to provide this due to site slope and so request a change to site fencing heights to prevent this – reduce maintenance issues and risk of injury.

Notes the site is at low risk from fluvial, pluvial and sewer flooding. Satisfied in principle with the proposed changes to on-site levels and the use of permeable surfacings, rainwater harvesting, bioretention rain garden and filter strips. In principle proposed surface water drainage is acceptable, but requests a condition for more detailed drawings and design.

Proposal will create 4th arm at mini-roundabout, with improvements to pedestrian crossing on Ramsgate and refreshing of white lining on Eastgate and alterations to street lighting. Will need a Traffic Regulation Order to undertake these works and will require a financial contribution towards this. A series of tactile crossing pints are required at 4 local junctions to increase footfall to the site. Conditions are requested in relation to: - construction management plan, securing off-site highway works, surface water drainage, and to secure changes to the Monks Dyke Road boundary treatment. A series of informatives are also requested.

- 4.10 HERITAGE LINCOLNSHIRE (archaeology) – no archaeological comments to make.
- 4.11 HERITAGE LINCOLNSHIRE – overall deemed scheme will improve setting of non-designated dwellings adjacent existing supermarket on Eastgate. New Morrisons building/demolition of existing building considered a neutral impact on Conservation Area so no objections. What are the heights of the boundary treatments particularly on Eastgate? Also elevational drawings clearly showing what road side entrances to car park would look like would be helpful.
- 4.12 ELDC HISTORIC ENVIRONMENT OFFICER – need to include 160 Eastgate in red/blue lines and detail works to safeguard/make good this elevation to support application as a betterment. Why plant etc shown next to dwellings – different to pre-app, but agree with principle of roof stepping down. Hedge should continue front boundary line, but betterment over existing store. Need to condition details of brick, brick bond, mortar and pointing. Store pushed closer to residents -will parking still be included for them within the site? Trees proposed rear of Eastgate important mitigation and need to be chosen carefully to provide instant year

round mitigation. What does retaining wall and security fence look like? Does external and internal lighting all be needed? Change in materials breaks up mass no detail. Area of cladding is extensive and not broken up so has potential to draw attention/ not typical of the area.

4.13 ENVIRONMENTAL SERVICES (Contamination) - notes the contents of the submitted contamination reports and their findings. Is concerned about the potential risk for the development to lead to the contamination of controlled waters particularly as the site is above a Principal Aquifer and within the boundaries of Source Protection Zone 3. He notes the need for gas protection measures on site. Requests the submission of a Remediation Strategy ideally before planning permission is granted to show how potential contamination risks would be dealt with to an acceptable level. Conditions are requested should this not be provided up front. Is satisfied with the survey of invasive plants and the plan for their treatment.

4.14 ENVIRONMENTAL SERVICES (Pollution - verbal comments) - concerned about light spill over residential properties which would be harmful and lead to complaints. The light spill lux levels would exceed the relevant standard. The lux levels in these areas needs to be reduced.

Neighbours

4.15 24 e-mails and letters of objection were received most of which were from the households backing onto the site.

4.16 Their objections include:

- Roads very busy now at school start and finish times,
- Proposed access on Monks Dyke Road problematic - busy, narrow,
- Safety problems for pedestrians, children,
- Increased numbers of cars and HGVs,
- Need traffic lights, zebra crossing at new access on Eastgate,
- With the loss of Orme Lane Priory Road will become a rat-run,
- Concerned proposal will have adverse impact on business in Orme Lane,
- Lack of parking for Eastgate/Monks Dyke Road residents - need agreement with Morrisons,
- Lack of staff parking,
- Access onto Eastgate could lead to anti-social behaviour when store closed,
- Loss of private service road,
- No construction management plan - is essential due to proposed works,
- Road levels built up by up to 3m next to 160 Eastgate,,
- Higher levels will lead to overlooking of bedrooms and gardens,
- Why not improve the full length of Orme Lane?
- Noise pollution from service yard,

- Noise from staff arriving early and leaving late,
- Noise heard in gardens and bedrooms,
- External roof mounted plant areas above bedroom heights of adjoining properties,
- External roof mounted plant have no acoustic screens,
- Proposed acoustic screens will be ineffective,
- Submitted Noise Assessment full of inaccuracies, limited readings on site,
- Noise Assessment adjusted to suit their case,
- Morrisons cannot control all elements of a delivery,
- Revised noise assessment still shows significant adverse impact on Priory Road occupants,
- No account taken of new noise from car parking,
- Impact from noise will be worse than stated,
- Impact of noise on school children,
- Noise output needs to be limited and conditioned,
- Why put service yard next to local residents?
- Fences will not provide acoustic screening - walls are needed,
- HGVs will cause ground vibrations -houses have shallow foundations,
- HGVs using service yard and road will be within 7m of rear windows,
- Extra traffic equals more air pollution - health harm,
- Light pollution from service yard,
- Light pollution after hours,
- Air pollution due to more cars,
- Difference in levels not taken into account in lighting scheme,
- Adverse impact from waste odours,
- Raised land levels will increase harmful impacts,
- Raised levels will adversely affect Conservation Area, visual amenities of area,
- Proposed materials detrimental to Conservation Area, visual amenities of the area,
- Proposed design harmful to the Conservation Area,
- Frontage with Eastgate should be enclosed by a boundary wall,
- Views of Louth church spire will be lost,
- Loss of trees/orchard to rear of 160 Eastgate,
- Lack of historical reference to David Robinson OBE who lived at 160 Eastgate,
- 160 Eastgate will lose its parking,
- Morrisons has failed to look after 160 Eastgate since it bought it,
- Alterations to 160 boundary will increase security risk for all dwellings in this block,
- Off-the-shelf, poor design,
- Plans inaccurate, missing details,
- The whole development needs re-thinking,
- Inappropriate choice of materials,
- Adverse impact on outlook from properties on Eastgate,
- Acoustic fencing will adversely affect outlook/be over bearing from properties on Priory Road,
- Will block light and views to Priory Road properties,
- Existing store frontage should be retained and extended behind it,

- Building should be placed on the Industrial Estate rather than in the historic heart of the town,
- Will have an adverse impact on existing shops, local businesses, reduce choice,
- More weight should be put on comments from adjoining residents than those from further away,
- Morrisons encouraged support by providing post cards for use,
- Adverse impact on local wildlife,
- Adverse impact on quality of life for neighbours,
- Sprinkler tanks should be sited underground will be visually unacceptable,
- Morrisons do not have a maintenance good track record,
- Will devalue adjoining properties,
- Contrary to policies in the Local Plan.

4.17 112 letters/emails of support were received. Some were from people close to the site, but others were from a wider Louth area.

4.18 Their reasons for support include:

- Town needs it,
- Bigger shop with more choice,
- Bigger store to supply much larger Louth population,
- Improve competition in the town,
- Morrisons good value for money,
- Current store old fashioned, out dated,
- Use of brownfield land rather than agricultural land,
- Better location than out of town,
- Will bring people into the town,
- Will keep trade in the town,
- Will reduce shopping trips out of town,
- Will allow for linked trips,
- Easy to get to from the bus station,
- Easy to walk to,
- Job opportunities,
- Café welcomed,
- Café not needed, prefer food etc to café,
- Additional toilets,
- Current accesses poor,
- Better for disabled, elderly and those with prams/pushchairs,
- Would like access for mobility scooters along Orme Lane retaining,
- Will remove need to push full trolley up a hill,
- Level site big improvement,
- Convenient,
- Access from Eastgate will improve access and safety,
- Access along Monks Dyke Road, past schools will be reduced,
- Concerned about congestion at Eastgate roundabout,
- More car parking,
- EV parking welcome,
- Additional spaces for the disabled,
- Will tidy up derelict area,
- New store entrance shouldn't suffer from flooding like existing one

does,

- Modern and eco friendly store,
- New store will be lighter and more airy,
- Should stop living in the past,
- Need another fuel station.

4.19 The Ward Councillor has been made aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

The main applications of relevance on the full site are:

- 5.1 N/105/2128/83 - Outline erection of a supermarket. Approved 1 March 1984.
- 5.2 N/105/01116/84 - reserved matters for supermarket. Approved 6 September 1984.
- 5.3 N/105/00894/97 - Alterations and extensions to provide condenser and Trolley Park. Approved 1 September 1997.
- 5.4 N/105/01382/01 - Retention of 4 refrigeration units. Approved on 3 May 2002.
- 5.5 N/105/00958/01 - Alterations to an existing supermarket to provide a replacement canopy over existing side walkway. Approved 6 September 2001.
- 5.6 N/105/02221/09 - Erection of 1 no. trolley bay on the front elevation of existing retail store and the retention of 8 no. trolley bays in the existing car park. Approved 11 December 2009.
- 5.7 N/105/0422/10 - Retention and installation of roof mounted plant/fan units at an existing supermarket. Approved 17 September 2010.
- 5.8 N/105/00133/11 - Planning Permission - Extension to existing supermarket car park to provide 55 additional staff car parking spaces on the site of an existing bus depot which is to be demolished, and erection of fencing in accordance with amended plans received by the Local Planning Authority on 17th March and 9th August 2011 and amended Design and Access statement received by the Local Planning Authority on 21st March 2011. Approved 10/10/2011.
- 5.9 N/105/01411/23 - EIA screening opinion for a redevelopment to provide a larger replacement food store. EA not required. Screening opinion given on 28 July 2023.
- 5.10 N/105/01708/01 - Planning Permission - Change of use of land to provide 4 no. bus parking spaces, erection of a 2.4 metre high

fence and gates and erection of a 4 metre high wall. Approved 03/01/2002.

- 5.11 N/105/01427/98 - Erect general office for existing garage/paint workshop. Approved 9 October 1998.
- 5.12 N/105/01708/01 - Planning Permission - Change of use of land to provide 4 no. bus parking spaces, erection of a 2.4 metre high fence and gates and erection of a 4 metre high wall. Approved 03/01/2002.
- 5.13 The "Texaco" application referenced in the report:
N/105/01181/23 - Hybrid application for the outline erection of no. warehouse/industrial buildings and full planning permission for the erection of a retail food store and retail warehouse unit, drive-thru restaurant, commercial units, warehouse and industrial development with associated infrastructure, access and servicing, car parking and landscaping. Undetermined.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - a sustainable pattern of places
SP2 - sustainable development
SP10 - design
SP11 - historic environment
SP14 - town/village centres and shopping
SP16 - inland flood risk
SP22 - transport and accessibility
SP24 - biodiversity and accessibility

6.2 Policy Guidance and Background documents

National Planning Policy Framework
Planning Practice Guidance
N/105/01181/23 the "Tesco" application
An Assessment of the Capacity for further Convenience Goods Floorspace Development in Louth and the implications of such development on the Town Centre. (March 2007) by Farrell Bass Prichard. (2007 retail study)
East Lindsey Retail and Economic Assessment (20 November 2012) by Nathaniel Lichfield and Partners
East Lindsey Retail and Economic Assessment 2014 Update (5 March 2014) by Nathaniel Lichfield and Partners

East Lindsey Retail Study 2021 Final Report (March 2022) by
Nexus Planning
Noise Policy Statement for England (2010) Defra
BS4142:2014+A1:2019

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

- **Principle**
- **Retail impact**
- **Demolition, Design and Heritage**
- **Residential amenities**
- **Noise**
- **Highways**
- **Contamination/Air Quality/Lighting**
- **Drainage**
- **Ecology and landscape**

Principle

7.2 Louth is defined as a town in the inland part of East Lindsey in the Settlement Hierarchy as set out in SP1 in the East Lindsey Local Plan. Towns are the highest order of settlements in the District and are the focus of new developments. The Local Plan supports growth and the provision of facilities to enhance the quality of life for its residents. A new, enlarged supermarket in a central, town centre location in Louth could help to achieve these aims by providing enhanced choice of product and competition and additional year round-jobs and so in principle would be acceptable.

Retail Impact

7.3 **Retail Background**

The existing Morrison's supermarket sits within the town centre boundary for Louth, albeit at the eastern edge of the allocated area. The store currently provides a retail sales area of 1,357 square metres and it mainly sells convenience goods with a limited number of comparison goods. The town centre also includes a Co-operative supermarket at its northern edge. The town centre also includes a small Heron supermarket and a large number of mostly independent food stores (butchers, green grocer, cheese, health stores, bakeries etc.). Louth is also home to an Aldi supermarket which is situated off Newbridge Hill outside the town centre to the north-east. In addition Louth has a couple of small neighbourhood Co-ops and a number of other small convenience stores.

7.4 The proposed development is for the demolition of the existing Morrisons supermarket and the erection of a new supermarket on land alongside. The new supermarket would have a retail sales area of 1,858 square metres. The new store would mostly be

within the town centre boundary, but part of the new store and its service yard would be just outside.

- 7.5 The NPPF considers retail development to be one of a number of town centre use and expects such development to be located in town centres where possible to protect the vitality and viability of existing centres and only if none are available would it expect to see edge of centre or out of centre sites following a sequential and, where necessary, impact assessment. In its definitions the NPPF provides clarity on how to determine whether for retail purposes a site is classed as a town centre site, an edge of centre site, an out of centre site or an out of town site. So for retail purposes only a site within a designated primary shopping area is considered to be a town centre site. Those sites that are well connected to, and up to 300 metres from a primary shopping area, are classed as edge of centre sites. Those sites not in or on the edge of a centre are classed as out of centre sites and sites beyond the existing urban area are classed as out of town sites.
- 7.6 The East Lindsey Local Plan contains a defined town centre boundary for Louth and within that boundary it has an area allocated as Primary Shopping Frontage. The accompanying text to SP14 advises that the "*Primary Shopping Area is defined by primary shopping frontage*". Whilst the existing Morrisons store and most of the proposed new one are shown to be within the defined town centre boundary, neither is located within the area designated as primary shopping frontage. This means that for retail purposes both are within an edge of centre location.
- 7.7 SP14 is the main policy within the Local Plan that deals with new retail developments. It advises that new retail development in the towns of the District that contribute to the vitality and viability of the town centre would be supported subject to a number of criteria. For those sites which are in an edge of centre or out of centre location the applicant needs to show that the site location passes a sequential test by establishing and ensuring that there are no suitable or available sites in the town centre which should be brought forward first. Where such proposals are for over 1000 square metres (net) of new retail floorspace then they are also subject to an impact assessment. The impact assessment must demonstrate a number of things:-
- a. that the proposal will not be detrimental to existing, committed and planned public and private investment in a centre or centres in the catchment of the proposal;
 - b. that the proposal would not harm town centre vitality and viability including consumer choice and trade in the town centre and the wider area, up to 5 years from the time the application is made;
 - c. for major schemes where the full impact would not be realised in 5 years, the impact should also be assessed up to 10 years from the time the application is made; and
 - d. the design should connect with, and not turn its back on, the

town centre; be an integral part of the character of the street scene and incorporate parking so that it does not dominate the street scene.

- 7.8 In order to plan for future retail growth and to enable those proposing retail developments to properly assess the impact their store would have on the relevant local town centres, the District Council has over time commissioned a number of retail reports. The most recent of these relating to Louth are listed below.
- 7.9 In 2007 the District Council commissioned a report from Farrell Bass and Prichard to assess the capacity for further convenience goods floorspace in Louth and the implications of such development on the town centre. This identified that much of Louth's expenditure on convenience goods was spent outside the District with Grimsby and Cleethorpes being strong draws. It considered that Louth could support additional foodstore development to clawback lost trade with the benefits of this outweighing any negative impacts on existing businesses in the town centre.
- 7.10 In 2012 the District Council commissioned a Retail and Economic Assessment from Nathaniel Lichfield & Partners. This report specifically looked at the potential for new convenience retail floorspace for Louth, Horncastle and Alford. One of the things the study noted that was that sufficient land lay alongside the existing Morrisons supermarket to double the amount of floorspace it could provide. It advised that this *"form of development would significantly improve the main and bulky food shopping in Louth in qualitative terms."* and that this *"would be commercially viable without having an adverse impact on [the] town centre"*.
- 7.10 In 2014 Nathaniel Lichfield & Partners was commissioned to provide an update to their earlier assessment. This noted that the town continued to leak expenditure to other settlements, notably Grimsby and Cleethorpes and that the existing Morrisons and Co-op stores were small, relatively cramped and did not provide a full range and choice of products typically available in food superstores. It advised that to claw back the lost expenditure Louth needed a large new supermarket with an extensive range and choice of goods.
- 7.11 For the current Local Plan review a new retail study has been prepared for the Council by Nexus Planning (dated March 2022). This study noted that for convenience shopping the Aldi supermarket on Newbridge Hill was the most visited supermarket in East Lindsey taking 10.6% of available expenditure, with the Morrisons store on Eastgate being the third most visited accounting for about 6.6% of all available expenditure. It also noted that Louth still lost about 25% of available expenditure on main food shopping to supermarkets outside of Louth. The report concludes that Louth is a vital and viable town centre and that

there is capacity within the town to support additional convenience floorspace going forwards, but no requirement for comparison goods floorspace in the near future.

- 7.12 A Retail Impact Assessment and Sequential Test (RIA) to support the application for the new Morrisons supermarket in Louth has been submitted by the applicant. The report as originally submitted has been updated with additional information.
- 7.13 As well as this application submitted by Morrisons, the Council is also considering a separate planning application that includes amongst other things a new supermarket off the A16 Louth bypass to the north of the town on the western side of the A16. The proposed supermarket would potentially be occupied by Tesco and would have a gross internal floor area of 3,032 square metres. (Hereafter referred to as the Tesco application).
- 7.14 The company who has prepared the latest retail report for the Council, Nexus Planning, has also been appointed as a retail consultant to advise the Council on the impacts of both the Morrisons and Tesco applications.
- 7.15 **Retail Sequential test**
The applicant's RIA identifies that the proposed supermarket would be in an edge of centre location and so the sequential test must be addressed. It was unable to identify any town centre sites that could satisfy the required criteria for the applicant in terms of things like size, road frontage etc. and only identified one site in an edge of centre location within Louth that could provide an alternative site of a suitable size and location for a supermarket and that was the Cattle Market site. However, it noted that the site was currently in use as a cattle market and public car park and so was not available. It also noted that the site would not be sequentially preferable to the Morrison's site which is located mostly within the town centre boundary. The Council's retail consultant agreed that the Cattle Market site was not available and also considered that the Morrisons site is much closer to, and better connected with, Louth town centre than the Cattle Market site and so is sequentially preferable in any case. It can be concluded therefore that the proposed development passes the requirements of the sequential test as set out in Local Plan policy SP14 and the NPPF.
- 7.16 **Retail Impact Assessment - first strand**
The Morrisons Impact Assessment noted that they were not aware of any existing, committed or planned investment within the catchment area which would be significantly adversely impacted by their proposal. Indeed the RIA considered that the proposed development would meet an identified need for new retail convenience development in Louth and help to clawback trade leakage, thus reducing over-trading at existing stores and delivering positive investment within the catchment area including

the redevelopment of a partly vacant, previously developed site. The Council's consultant, Nexus, were also unaware of any current planned or committed investment within the town centre which could be impacted upon as a result of the proposal and so concluded that the proposal conforms to the requirement of the first strand of the national impact test.

7.17 Retail Impact Assessment - second strand

The RIA noted that during the recent pandemic covid had a potentially distorting effect on shopping patterns and trading figures. It noted the good range of convenience shopping available in Louth and the lower than national average vacancy rate within the town, although that rate was growing. It considered that the town centre was vital and viable, but that this depended on the centre continuing to attract shoppers and visitors to enjoy the historic market town. The RIA identified that Alford lies within the Louth retail catchment area with its own catchment being very localised and used primarily for top up shopping. It considered Alford town centre to be vital and viable. It noted that the Co-op in Northgate appeared to be trading poorly compared to company national averages (38%), whereas Aldi in Louth was considerably overtrading (about 300%). It accepted the Council's Retail assessment findings that Louth lost about 25.5% of local convenience expenditure to other towns most notably 10.1% to Grimsby/Cleethorpes.

7.18 The RIA and additional information advised that the proposed Morrisons store would have 1,486 square metres of convenience shopping floorspace and 372 square metres of floorspace for comparison goods shopping. With a base year of 2027 it expected an annual convenience turnover of £19.03m and comparison turnover of £2.8m, which would be an increase of about £3.39m and £1.78m respectively on the existing store. The RIA noted that the Council's latest retail assessment identified that 85% of Morrisons turnover was derived from 2 zones: one centred on Louth and the other on Alford and so for its impact assessment it based the catchment area on the towns of Louth and Alford and their surrounding rural area. The assessment shows the largest trade draw to be from the Northgate Co-op (6%), Louth Aldi (5%), Newbridge Hill Co-op (3%), Newmarket Co-op (3%) and Alford Co-op (5%) with a reduction in Aldi over-trading and leakage to larger stores in Grimsby/Cleethorpes and Skegness. It also expected a negligible impact on other stores due to the limited amount of comparison goods turnover and the wide range of stores selling similar goods within the catchment area and the increasing amount of additional expenditure available. The RIA concluded that the proposed development would not have any significant adverse impacts on any centre or large store in any centre, but would have benefits for the town centre by strengthening its retail offer.

7.19 The Council's retail consultant, Nexus, noted that the applicants

retail study identified Louth as being a vital and viable centre and as they were unaware of any changes to alter this conclusion they agreed with the applicant that the centre remains vital and viable. Nexus is satisfied that the applicant has identified the correct primary catchment area from the retail study. Nexus originally had questions about some of the information submitted in relation to a forecast year of 2031 and sales figures, but following the submission of additional information this query was satisfied and enabled Nexus to confirm that the basis for the assessment of the potential impact of the proposal was now appropriate.

7.20 Nexus was satisfied with the levels of trade diversion applied and in particular agreed that the highest proportion of trade would be diverted from the Louth Aldi, with a proportion also to be diverted from the Co-ops in Louth, with the highest diversion being from the Northgate Co-op. Nexus considered the suggested trade diversion figure from the Alford Co-op to be on the high side of what could happen in practice, but due to the low level of increased turnover associated with the proposal and the resultant impacts should additional trade be diverted away from alternative stores rather than the Alford Co-op then it was unlikely to have any material implications to the overarching conclusions reached. Similarly there was the potential for a small element of increase in turnover to be diverted from other stores in Louth town centre, but it was not consider this would result in significant adverse impact on the future performance of the existing retail facilities. In relation to loss of trade to the Northgate Co-op (-6%) and the Louth Aldi (-5%) in terms of town centre stores Nexus did not consider the identified impacts to be at a level that could be considered significantly adverse. In considering the overarching impact of the extended store on the performance of the centre and the implications on the vitality and viability of the centre as a whole, Nexus did not consider that the proposal was likely to have a significant adverse impact. *"In any event, it is considered that due to location and overarching function of the store, which forms part of the wider offer of the centre, the increase in turnover and the wider benefits associated with the proposal will assist with the vitality and viability of the centre overall."*

7.21 **Retail cumulative impact**

As set out above the Council is considering a second application for the erection of a supermarket potentially for "Tesco" as part of a much larger proposal on land at Louth Bypass. That application is not yet ready to be brought before the Planning Committee.

7.22 Nexus had asked the applicant about the potential cumulative impact of both their application and the Tesco application proposals coming forward, however, nothing was forthcoming. Nexus notes the current status of the Tesco application and in light of their own conclusions on the overall impact of the Morrisons development and the associated positive benefits which they consider could arise from the proposal, Nexus does not consider

that cumulative impact to be of relevance to the determination of this proposal.

7.23 Retail conclusion

There is a national and local policy expectation that new retail developments would be located in town and village centres and applicants are expected to satisfy a sequential test if they wish to develop on a site outside of such areas. In this case the applicant has not been able to find a site that is both available and suitable. Neither the Council nor Nexus are aware of any sites that would sequentially be more suitable than the application site which sits alongside the town centre and has good connectivity with it and is essentially an extension to an existing supermarket. It is considered, therefore, that the retail sequential test has been satisfied.

7.24 Louth and Alford both fall within the catchment area of the Morrisons Louth store and all parties are unaware of any current planned or committed investment within either town centre which could be impacted upon as a result of the proposed enlarged store and so conclude that the proposal conforms to the requirement of the first strand of the national impact test.

7.25 Whilst the Morrisons application is for a new supermarket, it is effectively an application for an extension of its retail floorspace which all parties agree would have only a limited impact on the vitality and viability of Louth and Alford. In addition the supermarket currently forms the function of an anchor store for the Louth town centre and its enlargement leading to increased turnover and wider benefits would assist with the vitality and viability of the town centre overall. As such the second strand of the national impact test would be satisfied.

7.26 The Council is currently considering another application for a supermarket to serve the Louth catchment area and cumulatively the two new supermarkets could have an adverse impact on the vitality and viability of Louth town centre. However, that application is not yet ready for determination and is sequentially in a much poorer location than the Morrisons store. In the light of the conclusions of the impact of the Morrisons extended floorspace on the vitality and viability of Louth Town Centre it is considered that any cumulative harm would arise from the introduction of the Tesco store.

Demolition, Design and Heritage

7.27 The boundary for Louth Conservation Area near the application site runs along the back of the gardens of those properties that front Eastgate and then north-south along Church Street. Morrisons existing supermarket building lies within the designated area, but the rest of the current supermarket site lies just outside the designated area. Across Eastgate lie the Orme Almshouses,

war memorial and telephone kiosk, which are all listed buildings at grade 2.

- 7.28 As part of this development it is proposed to demolish a number of buildings and structures:- the existing supermarket building and its service yard; the rear-most attached outbuilding of 160 Eastgate and its domestic garage and the existing vacant former garage/workshop/office buildings on Orme Lane, as well as a number of walls around the former bus depot and its car port. Of these buildings only the supermarket building and the outbuilding at 160 Eastgate are situated within the Conservation Area.
- 7.29 The existing supermarket building is brick built and is physically attached to 160 Eastgate forming part of the terrace of properties facing Eastgate. Whilst the adjoining houses have front gardens behind mostly low garden walls some with railings the supermarket is fronted by open hardstanding next to the customer entrance which is partly used as a trolley bay and plant display and allows limited parking for bicycles and for those with a disability. This open area has a low brick wall topped by utilitarian railings along the side boundary with Albion Place. The front elevation of the supermarket has a series of gables at eaves height to reflect the style of the properties alongside, but is box like in its other elevations. The building is dated in appearance and of its time. The demolition of the supermarket would leave an exposed gable end to 160 Eastgate which would need to be made good. The proposed plans show the resulting gap to be replaced with a new road in from Eastgate and a landscaped area behind a post and rail fence with a clipped hedge to reflect the adjoining building line. Due to the difference in site levels the small attached outbuilding at 160 Eastgate would need to be demolished to enable the retaining wall for the new road to be built. The outbuilding is a small brick and slate building with a monopitched roof and is a period building. Its demolition would leave an exposed end to the single storey out-shoot from the main house, again this would require works to make good.
- 7.30 Outside the Conservation Area the existing domestic garage for 160 Eastgate lies on the opposite side of the private service road that serves this row of dwellings. It is of a prefabricated type design with a pitched roof. It is of no architectural merit. The existing garage/workshop building is single storey in height with a pitched roof and red brick walls. Its detached office is a small brick and tile building with a pitched roof. Both have been vacant for some time giving them an air of abandonment. Neither building is of any merit. The garage/workshop is attached to similar style commercial buildings that are currently trading and its demolition would leave an exposed wall that would require making good. The remains of the bus depot include brick walling of various heights, a "car port" and areas of hard standing and whilst it is currently used for staff parking this part of the site has a derelict appearance. All these buildings would be demolished to allow for

the construction of the new supermarket and its service yard. Their loss would not be harmful.

- 7.31 The proposed supermarket building would be built on land outside the Conservation Area. It would basically be rectangular in shape with a projecting entranceway on the western elevation and a projecting rectangular plant room and external plant area on the northern elevation. The building would be located within the centre of the rear land with its service yard located along its eastern flank. The building would be single storey with an almost flat roof behind a parapet. It would measure about 55m by 60m with a height of 6.25m. The building would have a bright, modern appearance. The front elevation of the new store would face to the west into the car park and would be predominantly red brickwork with curtain walling and a band of dark grey cladding above. The southern elevation would face towards the car park and Monks Dyke Road and would be mostly red brick with the dark grey cladding top. The rear elevation would face east towards the service yard and Priory Road and would be light grey horizontally laid cladding panels. The cladding would wrap around onto the northern and southern elevations as well. The northern elevation would face towards Eastgate and would be predominantly the lighter grey cladding panels, but with the plant room constructed of red brick. Due to the different levels on site much of the northern end of the site would be raised by up to 2m to provide a level platform for the supermarket. Walls and fencing would also be provided for reasons of soil retention, enclosure, security, residential/visual amenities and sound attenuation. Planting would be provided within the site and along all site boundaries for reasons of screening, filtering views, biodiversity and site assimilation. New vehicular accesses would be provided from Eastgate, and from Monks Dyke Road. Orme Lane would be incorporated into the site, but with that section from the site to Eastgate remaining. Access from Albion Place into the site would cease.
- 7.32 In design terms the appearance of the new supermarket would be acceptable. Some comments have been received criticising the use of cladding and a flat roof on this site comparing the building to something you would find on an industrial estate. However, it is considered that the cladding would help to make the building bright and modern and it would have a lightness that cannot be achieved by brickwork alone. Similarly the use of an almost flat roof behind a parapet here has been preferred to a pitched roof to reduce the bulk and height of the building thus limiting its impact in the area. The proposed building would also reflect the industrial past of the site and it is worth reiterating that the building would be sited outside the conservation area. The precise material details can be secured by condition.
- 7.33 In itself the site layout would be logical for both store operator and customers visiting the site. The loss of the ramp would make the

shopping experience more pleasant. The proposed landscaping would help to soften views of the store and its service yard and help assimilate the development into the wider area. In principle the location for the various forms of boundary treatment are acceptable, but some of the details of that fencing require further work to make them acceptable, for example the boundary treatment at the side of the new access road from Eastgate needs the fencing breaking up by brick piers. These details can, however, be dealt with by condition.

- 7.34 The application has been accompanied by a Heritage Statement (HS) as well as by a Design and Access Statement (D&AS). The HS sets out the history of the site and this part of Louth and describes a variety of previous uses on site including gasometers to the south-west, factory buildings, allotments, a brickyard and iron foundry. On the Eastgate frontage the Prince of Wales Inn stood on the north-western corner of the application site with the Eastgate terraced houses beyond the site to the east in their current position. The HS advises that the pub did not appear to attach to any of the houses and that much of the site frontage with Eastgate has been historically open.
- 7.35 The Heritage Statement (HS) advises that the Louth Conservation Area Appraisal of 2008 identifies the supermarket as a large blocky building which does not respect the traditional grain of the area and so is a negative factor. The HS advises that *"although the current store is constructed of local materials and the principal elevation to Eastgate has been designed to follow a similar language to the surrounding properties, the design is cumbersome and prominent within the Louth Conservation Area. The boundary treatment is sparse and overly abrupt and the building as a whole does not enhance the setting of nearby heritage assets, (both designated and non-designated) and as such has a detrimental impact."* The HS concludes that the demolition of the supermarket building will remove a building that has a detrimental impact on the Conservation Area, it will reinstate an area of land that was historically open and it will restore an historic view of the adjacent terraced houses which are considered to be non-designated heritage assets and will allow repairs (re-skinning) to be undertaken to the gable wall of 160 Eastgate. Whilst the loss of the building risks leaving an undeveloped gap site in the Conservation Area, which would be a minor adverse harm, the proposed re-development would *"re-enforce and complement the surrounding boundary treatments and bring much needed landscaping features to this area of the Conservation Area, thus enhancing the contribution of the site."* This would give a beneficial final impact on the Conservation Area. The same conclusions are given in respect of the impact of the demolition of the existing supermarket on the setting of the listed almshouses, war memorial and telephone kiosk.
- 7.36 Overall, the Heritage Statement concludes that the *"proposed*

development is a considered design, which respects the scale and setting of the surrounding area and the character and appearance of the LCA...More particularly it will reinforce local distinctiveness and the sense of place along Eastgate and Monks Dyke" (sic). It notes that the demolition of the negatively impacting existing store will not leave a gap site, but a carefully designed area to enhance the area, thus the removal of the store will be an enhancement to the conservation area. As a consequence the proposal will cause no harm to the special character of the conservation area or adjacent heritage assets and so is compliant with the requirement to pay special attention to the desirability of preserving or enhancing the character of the conservation area as required by s72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 7.37 The Council's heritage advisors are content with the applicant's conclusions on the impacts of this development on heritage assets, although they have advised that further details are required of the works to be undertaken to 160 Eastgate. They, and the Civic Trust have also advised against allowing signage on the re-introduced gable end of 160 Eastgate as shown on the illustrative details. It should be noted that signage is not part of this current application and a separate application for advertisement consent would be required. Heritage Lincolnshire has advised that no archaeological works would be required for this development.
- 7.38 It is agreed that the loss of the supermarket building and the introduction of the new access onto Eastgate with the landscaped areas as proposed, and the restored gable end to 160 Eastgate would be an improvement to the character and appearance of the conservation area and the setting of the listed buildings and other nearby heritage assets. The loss of the outbuilding at the rear of 160 Eastgate would have an almost negligible amount of harm and that harm would be outweighed by the overall benefits the scheme would bring. The demolition of the buildings outside the Conservation Area would all be acceptable as none are of architectural or aesthetic merit and their loss would improve the setting of the conservation area. Whilst the design of the new supermarket is not to everyone's taste it is considered to be acceptable and would not harm the setting of the conservation area. With appropriately worded conditions in place to secure acceptable finer details of boundary treatments, precise details of materials and "making good" details it is considered that the proposed scheme would comply with SP10 and SP11 in the Local Plan, the heritage paragraphs of the NPPF and would satisfy the statutory duty as set out at s66 and s72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Residential amenities

- 7.39 The existing supermarket site is physically adjoined by residential dwellings that back on to the site and front Monks Dyke Road,

Eastgate, Church Street, Church Cottage Mews and Windsor Mews. The occupants of these dwellings already experience impacts on their amenities by way of noise, disturbance, lighting and overlooking to a greater or lesser extent from the operation of the supermarket and its deliveries. The proposed supermarket site would be larger and the position of the site accesses, the store itself and its service yard would all be amended. This would lead to a change in experience for some of the surrounding residents and an increase in impacts for those living along Priory Road as they would form a new boundary with the enlarged site. The proposed change in site levels could also add to the impacts experienced by some residents. To mitigate the impacts the applicant has proposed a series of boundary fences (some acoustic) and landscaping bunds. The impacts from noise and lighting are looked at in the section below and are not considered further in this section.

- 7.40 For all residents there would be a loss of amenity whilst the new store is built and the existing store demolished. A condition to secure a Construction Management Plan would be imposed on any approval to ensure the impacts at this stage are kept to a minimum.
- 7.41 For those residents living in Windsor Mews the main impact would be that they would be able to see the supermarket building, whereas now their main view is the car park. At a distance of about 60m any impact of this changed view would be minimal. The main difference to the car park directly next to them would be that it would be re-surfaced and white-lined. For those residents fronting Church Street, most notably Elizabeth Court, they would experience a changed view from the side of the supermarket to a car park, albeit one raised above current levels. Landscaping backed by an acoustic fence is proposed for this part of the site boundary to prevent overlooking/loss of privacy. As Albion Place effectively becomes cut off from the supermarket site and is just used to serve those properties backing on to it the residents of Elizabeth Court should see a marked reduction in the number of cars and pedestrians using Albion Place and they would no longer experience the disturbance of customers walking up and down the ramp at the side of the existing supermarket. The commercial properties and the church backing onto Albion Place should also notice reduced usage of their rear servicing road.
- 7.42 The residents on Monks Dyke Road and at 5 Church Cottage Mews would see some changes too. At the moment all cars visiting the site and all HGVs servicing it travel along Monks Dyke Road to access the supermarket. Following the redevelopment the main site entrance for customers will be moved to Eastgate and that is the direction from which most customers are expected to arrive at the store. A new secondary access would be provided next to 3 Monks Dyke Road and opposite 6 Monks Dyke Road and a new servicing access would be provided further east than it currently

is. Whilst the occupants of 3 and 6 (and to a lesser extent 5 Church Cottage Mews) would experience greater disturbance as the new access next to their homes is used it is expected that the number of people using Monks Dyke Road to access the store will be much less than now once the new access onto Eastgate opens. The adverse impact on residential amenities from use of this new access is, therefore, not considered to be significant. All 3 households would also see the new store from their homes which would change their outlook, however, taking account of the distances involved (over 80m) this would not be harmful.

- 7.43 Residents at 21 to 33 Monks Dyke Road would be the closest to the new store (19m at the closest point). This terrace of dwellings would be located due south of the store, on a slightly higher land level and with brick out-buildings along their rear boundaries. The building would be dug into the ground by about 0.5m at this part of the store. Despite the short distance the dwellings would be orientated at an angle to the store and so the view of it would only be partial and not harmful.
- 7.44 The end property on Eastgate to the west of Albion Place is a hot food take away with flat above. The occupants of the flat should experience less disturbance due to a reduced usage of Albion Place, whilst use of the new access onto Eastgate might have some impacts on their amenities, but these would be minimal. 160 Eastgate is owned by the applicant and has been vacant for a number of years. This property is a large house with a large rear garden. It would lose an existing outbuilding and part of its rear garden to make way for the new access road retaining wall, and the bottom of its rear garden and its garage to make way for the development and the screen planting. However, the resulting garden area would be more than sufficient to provide open space for the dwelling, and access to the rear of the property for car parking would remain from the existing private rear access road. The retaining wall and fencing above would ensure the rear garden remained private. The exposed gable wall on this property could be made good by condition ensuring the property remained water tight. The new Eastgate access road and extended car park would introduce more disturbance along the entirety of the western and southern side elevation of the dwelling, however, fencing and landscaping would help to reduce this to an acceptable level.
- 7.45 160-168 Eastgate are a row of mostly 2.5 storey terraced dwellings that back onto their own private rear access road from which a number take direct access to serve garages in their rear gardens. Beyond this access road is the former bus depot which is currently used for staff parking with the existing service yard next to that with its access from Orme Lane. The side wall of the existing supermarket is visible at an angle from these dwellings as is the service yard behind the remaining brick walls of the bus depot. As said above land rises up away from Eastgate so much of the existing service yard and its access are at a higher level than

the dwellings as is most of the car park that lies beyond. The removal of the old supermarket would open up views to the west over the new car parking area. The new supermarket would be built behind these dwellings on a flat plateau with land levels raised by up to about 1m at the closest point to them, with the plant room ground level raised up by about 2m. Taking account of the land level raising and the height of the store and plant room would result in the top of the roof of the buildings appearing at 10.2m and 8.6m respectively when viewed from Eastgate. The new store building would be between 47m and 52m from the rear wall of the main body of the dwellings themselves (between 12m and 18m from rear garden boundaries). The plant room would be brick built with a dark grey plinth with the external plant area being surrounded by a 3m high fence. The main supermarket building on this elevation would be light grey cladding. Between the supermarket and the residents private service road there would be a 3m high palisade and timber fence behind a landscaped bund, which when mature would help to soften and filter views of the building. Whilst the residents of these dwellings might not like the appearance of the supermarket building at the distances proposed it is unlikely to have any significant impacts on their amenities by way of outlook; loss of privacy or over-shadowing. The retaining wall and fencing proposed for the side of 160 Eastgate would screen the rear gardens of these properties from users of the new elevated site entrance from Eastgate. The loss of Orme Lane as a through-route would also reduce the amount of disturbance which these residents would receive from those using this route as a cut-through.

- 7.46 170-176 Eastgate are a row of 2-storey terraced dwellings situated between Orme Lane and the dwellings on Priory Road. They have a rear pedestrian access behind their rear gardens which is next to the L-shaped complex comprising Louth Furnishings (single storey and flat roof), the Bed Store (2-storey and pitched roofed) and Ron Larder garage/workshop (single storey, pitched roof). Following the development the garage/workshop would be removed with the other two buildings remaining with the service yard beyond. The new supermarket building would be off-set to the west as would its timber screened external plant area. The building and screening would be seen from these dwellings but at a distance of over 45m away it would have no adverse impacts on their amenities. The proposed retaining wall and fence and landscaped area would help to screen and filter views of the store, further helping to reduce its impacts particularly over time as the landscaping matures.
- 7.47 8-14 Priory Road are small dwellings with small rear gardens. They back onto the L-shaped commercial complex and they are at a lower land level. The new supermarket building would be built beyond the commercial complex and whilst the building would be raised by about 2m over existing land levels and would be seen from these dwellings, this would be at an angle and at a minimum

distance of at least 38m away. The service yard would be much nearer but would be screened by the retaining wall, acoustic fence and landscaping. Whilst the view from these dwellings would change this change would not be harmful to their outlook.

- 7.48 16-40 Priory Road are again small dwellings with small, but elevated rear gardens. They currently back onto an overgrown area. The dwellings themselves would be between about 32 -50m away from the store which would be raised up by 2m giving a maximum roof height of 8.25 m above existing ground levels. At this height and distance there would be no adverse impacts caused by the new supermarket building on the amenities of the occupants of these houses. The service yard and its access would be much nearer - minimum of about 11m to the access and a minimum of 34m to the loading dock. In addition 2 large sprinkler tanks would be in the service yard behind 38 and 40 Priory Road at about 26m away. These tanks would be metal and 7m tall, although sat about 0.5m lower than existing ground levels. (They need to be above ground to help with water pressure.) Landscaping with a 3m high acoustic fence with climbing plants positioned behind would help to soften the visual impacts of the service yard and tanks, but from first floor windows of the houses the top part of the sprinkler tanks would still be very visible, particularly to the occupants of 38 and 40. However at the distances proposed this would not be significantly harmful.

Noise

- 7.49 **Noise background**
The existing supermarket has a service yard at the rear of the store accessed from Monks Dyke Road via Orme Lane. The yard is secured by gates which are manually opened when a servicing vehicle arrives. There are no restrictions on the current planning approval for the supermarket that prevents deliveries over the night-time period. Morrisons has advised that they usually receive a fresh delivery in the early morning followed by an additional 1-2 deliveries throughout the day. In addition to the service yard the existing supermarket has externally positioned plant and equipment. Staff park in the former bus depot at the rear of the dwellings in Eastgate which is accessed via Orme Lane whilst customers use the vehicular access from Monks Dyke Road via Orme Lane. Albion Place that runs along the side of the store is also used by a relatively small number of customers informally for parking. All customers access the store via the main entrance on Eastgate which involves a large number of them walking up and down the side of the store past the sheltered housing of Elizabeth Court. Residential properties are directly next to the leasehold car parking area at the southern end of the site. Whilst the store is not currently open 24 hours a day there is no condition on the current planning permission to prevent this.
- 7.50 The proposed development would change the position of the

supermarket, service yard and accesses. There would be a new main vehicular access from Eastgate running between 160 Eastgate and Albion Place, new areas of car parking, a new secondary access from Monks Dyke Road with a new service access also from Monks Dyke Road leading into the servicing yard and dock loader. The new servicing yard would be at the eastern side of the site alongside the dwellings fronting Priory Road. The servicing yard would be gated. External plant and equipment would be located between the store and Eastgate with additional plant and equipment being roof mounted. Acoustic fencing is shown around the loading dock and between the service yard and its access and Priory Road and alongside the new Eastgate access road/parking area next to Albion Place. Additional areas of fencing are shown between the northern part of the store and Eastgate.

7.51 The applicant has submitted a noise assessment with the application and the Council has appointed a Noise consultant (AAP) to advise it on the impacts of noise from the proposed development. Negotiations have been held between the parties and further information has been received during the course of these negotiations. The impacts from noise is one of the biggest concerns for residents particularly those living on Eastgate Road and Priory Road who back onto the site. The difference in land levels between the proposed supermarket and the adjoining residents has added to their concerns.

7.52 **Noise policies and guidance**

There are no policies in the Local Plan that deal specifically with the issue of noise, there are however, a number of national guides on this matter which provide the basis for making a decision on planning applications. The NPPF advises at paragraph 191 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effect of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life"*. The footnote refers to the explanatory note to the Noise Policy Statement for England produced by DEFRA in 2010.

7.53 The Noise Policy Statement for England seeks to achieve the consideration of noise at the appropriate time and that the issue of noise is considered alongside other relevant issues and is not considered in isolation. So there is a need to integrate consideration of the economic and social benefits of the activity with proper consideration of any adverse environmental effects, including the impact of noise on health and quality of life. This document recognises that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life and can give rise to adverse health effects. The document introduces

the concepts of No Observed Effect Level (NOEL) which is the level below which no effect can be detected so there is no detectable effect on health and quality of life due to noise; Lowest Observed Effect Level (LOAEL) which is the level above which adverse effects on health and quality of life can be detected and finally Significant Observed Effect Level (SOAEL) which is the level above which significant adverse effects on health and quality of life occur.

- 7.54 Thus, the first aim of the Noise Policy Statement for England is to avoid significant adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. The second aim refers to the situation where the impact lies between SOAEL and LOAEL and requires that all reasonable steps are taken to mitigate and minimise adverse effects on health and quality of life whilst also taking into account the guiding principles of sustainable development. Finally the third aim is where possible to positively improve health and quality of life through the pro-active management of noise while taking into account the guiding principles of sustainable development. It notes that the protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.
- 7.55 The Planning Practice Guidance advises that noise needs to be considered when development may create additional noise and that it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings. It notes that as noise "*crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise). Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused. At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity*

causing the noise, this situation should be avoided." The PPG recommends the introduction of mitigation measures to contain the generated noise and the use of planning conditions/obligations to restrict activities allowed on site at certain times and/or specifying permissible noise levels.

7.56 Noise assessment

The Acoustic Assessment submitted by Morrisons advises that a site survey was conducted with sound pressure level measurements taken on Orme Lane close to the dwellings on Eastgate who might be impacted by external plant and machinery and to the west of dwellings on Priory Place who might be impacted by noise from the delivery vehicles, as well as a location close to Albion Place and to existing plant and machinery. Based on their measurements the Assessment makes a number of conclusions. Some of the plant and equipment to be installed might operate 24 hours a day and so they will be selected, located, orientated and mitigated to produce 44dB Laeq,1hr and 38 dB Laeq,15 min at the most noise sensitive receptors during the day and night (11pm - 7am) respectively which would protect the amenities of nearby receptors.; there would be no significant acoustic impact on any potential receptors arising from activities associated with the store car park; there would be no significant acoustic impact on receptors from use of the service yard for deliveries allowing them to be undertaken 24 hours a day and whilst noise would increase from use of the new Eastgate access it would decrease due to the removal of Orme Lane as an access to the site.

7.57 The Council's noise consultant, AAP, found the background sound readings to be acceptable and agreed that traffic noise level increases on surrounding roads would likely be insignificant with a slight reduction on Monks Dyke Road. However, it felt the assessment was incomplete and failed to demonstrate that noise emissions from the proposed redevelopment are likely to avoid "significant adverse impact". Further information was requested including a cumulative assessment using BS4142:2014+A1:2019.

7.58 Negotiations and a meeting took place between the respective noise consultants and further information submitted. The applicant also provided a copy of "A quiet delivery system for the management of noise" that had been produced in response to Government wishes to encourage night-time deliveries where possible to reduce congestion and greenhouse gas emissions providing it does not disturb neighbouring residents. This includes things like turning off reversing beepers and refrigeration units when in servicing yards, preventing entry gates from squeaking etc. Following this AAP advised that whilst some of their earlier concerns had been addressed, they were still concerned about the impacts from night-time deliveries to the store, which could result in a noise level difference of between +17 and +24 dB(A) at the residential properties along Priory Road when compared to night-

time background levels of 34 dB(A), which would result in a significant adverse impact. APP also disagreed with the conclusion that a reduction in noise levels at properties along the southern and western boundaries justified significantly increasing noise levels at other locations. AAP also did not agree with the noise condition submitted by the consultants to effectively limit overnight deliveries to 3 vehicles only, but did instead make a condition suggestion that included measurable noise levels should ELDC be minded to approve the application, which limits noise measured at a first floor bedroom window on Priory Road during the night-time period to 41 dB Laeq,15min. The applicant has accepted a slightly revised wording for this condition, but has subsequently requested that the 41 be changed to 43 without explanation, which AAP has advised against. In response to a concern raised by local residents both sets of noise consultants have agreed that an acoustic fence is as effective at noise protection as a wall.

- 7.59 From all the information submitted it is clear that some properties would benefit from a reduction in noise levels due to the proposed changed arrangements brought about by the redevelopment of the site, along with carefully positioned fencing and acoustic fencing, for example those living at Elizabeth Court and those on Monks Dyke Road. It is also clear that some properties would have a source of noise moved closer to them, for example the external plant and machinery would be moved nearer to the Eastgate properties and the delivery yard and its access moved closer to the dwellings on Priory Road. The residents of some of these properties have understandably been most concerned about this and the impact the increased noise levels would have on their residential amenities and quality of life.
- 7.60 The roof mounted plant and machinery would be screened by the parapet; some of the equipment would be within a plant room and some externally sited plant would be enclosed in a fenced compound with a further area of fencing between this area and the plant room and the dwellings on Eastgate. It is possible to impose a condition along the lines suggested by the applicant to ensure that noise from such equipment falls within the specified noise levels. As those noise levels are considered to be acceptable it can be concluded that noise from plant and equipment would not result in a significant impact on the amenities of residents either at night-time or during the day provided those levels are not exceeded. A condition can be imposed in relation to the plant noise and a condition has already been suggested earlier in this report in relation to means of enclosure.
- 7.61 The use of the service yard and its access for loading/unloading would create noise. To minimise this the docking bay within the service yard would be attached to the supermarket building along its western side and enclosed by acoustic fencing on its southern and eastern sides. The service yard and its access would then be

enclosed by 3m high acoustic fencing around most of its perimeter. Despite this the noise would still be audible at the dwellings on Priory Road alongside. Due to the quiet background noise levels that currently exist in this area at night-time the predicted noise levels reaching some of the Priory Road dwellings would still be increased by a significant amount, which would be noticeable and might affect their sleep thus potentially having an adverse effect on their amenities and quality of life. Notwithstanding this these predicted levels would still be within nationally acceptable noise levels and could be dealt with by a condition.

- 7.62 Adverse impacts on the Priory Road residents at night-time could be prevented by the imposition of a condition banning deliveries during the night-time period, however, Morrisons do not wish to receive such a condition and they have stressed how important the early morning delivery of fresh produce is to the operation of the supermarket and to meet customer expectations. The predicted level of noise at the Priory Road dwellings during night-time deliveries would fall between the LOAL and SOAEL levels as set out in the Noise Policy Statement for England. This document advises where the impact lies somewhere between LOAEL and SOAEL it *"requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur."* The adverse impacts on Priory Road residents needs to be weighed in the final balancing exercise of the application.

Highways

- 7.63 The existing site has vehicular and pedestrian access from Monks Dyke Road via Orme Lane and separate pedestrian accesses from Eastgate and Monks Dyke Road. Service vehicles access the site via Monks Dyke Road and Orme Lane with the access into the service yard located to the north of the car park entrance. A staff car park is also accessed via Monks Dyke Road and Orme Lane and is located to the north of the service yard on the old bus depot site. Total parking for 183 cars including staff is currently provided. The site also has a gated vehicular access on to Monks Dyke Road which has not been used for some considerable time. As part of the application it is proposed to close the existing vehicular accesses. The new main vehicular access into the site would be provided from the existing mini-roundabout in Eastgate via the formation of a fourth arm. A new secondary vehicular access would be constructed from Monks Dyke Road to the west of the existing access and a new service access would be constructed from Monks Dyke Road to the east of the existing access. Pedestrian accesses would be provided alongside the two new vehicular accesses and the existing pedestrian access from Monks Dyke Road beside the Jehovahs Witness Hall would be retained. A car park giving a total of 195 spaces would be provided including

allocated spaces for the disabled, parents with children, EVC and click and collect. A Transport Statement (TS) and Travel Plan (TP) have been submitted with the application.

- 7.64 The TS describes the road network in the vicinity of the site all of which is subject to a 30 mph speed limit. Church Street, Monks Dyke Road, Eastgate and Ramsgate are all single carriageway roads, with footways either side of the carriageway and street lighting. Orme Lane varies in width from north to south and has a limited length of footway and some street lighting. The TS notes that there have been some personal injury collisions in the area around the site over the last 5 years, but without any common trends. It concludes that there are no significant highway safety issues on the highway network within the defined study area and that the adjacent road network is operating safely at present.
- 7.65 The TS advises that traffic counts/queue lengths surveys were undertaken in June 2022 to assess the operation of the local highway network. The four local junctions surveyed were:- Morrisons car park access/Orme Lane; Monks Dyke Road/Church Street; Church Street/Eastgate (mini-roundabout); and Ramsgate/Eastgate (mini-roundabout). Additional traffic count surveys were undertaken for a week on Monks Dyke Road to the immediate west of Little Lane and to the immediate east of the access to St Michaels School. The survey work showed the network Friday evening peak hour was 2:45pm to 3:45 pm with the Saturday peak hour being 11.30am to 12.30pm.
- 7.66 The TS describes the proposed new accesses and alterations to the mini-roundabout on Eastgate and demonstrates how they will be designed to meet highway standards so they are functional and safe to use for all users. It justifies the increase in car parking spaces from 183 (including staff) to 195 spaces and shows how there will be excess provision at all times above the expected usage rates which would allow for busy seasonal demand, e.g. At Christmas. The TS advises that 10 cycle parking spaces will be provided which reflects the normal Morrisons provision at similar stores. Using computer modelling the TS is able to calculate the expected number of vehicles that will be generated by the development and shows an additional 32 vehicles in the weekday evening peak hour and an increase of 23 vehicles during the Saturday peak hour, which the TS considers to be minor increases and concludes that the new access onto Eastgate will have a positive impact. The modelling also shows travel through the surveyed junctions in 2028 following the opening of the new supermarket. Whilst the new site accesses and the alterations to the mini-roundabout will show over 30 2-way vehicle journeys through the 2 new site accesses and through the mini-roundabout at the junction with Eastgate/Ramsgate, all will operate within capacity. Other junctions will experience a net benefit to their operation as a result of the proposals and an additional point of access. The TS concludes that the proposals would not lead to a

significant or severe impact on the local highway network.

- 7.67 Both the TS and TP show that the site is extremely accessible by foot, bicycle and public transport. The documents show that the site is about 200m away from the bus station which provides about 7 services per hour. They also show large parts of Louth within 1.2km walking distance of the site with virtually all residential areas within the town being within a 2km walking distance and all Louth being well within a 5km cycle distance. The TP advises that a Travel Plan Co-ordinator will be appointed to encourage non-car modes of travel to and from the store for staff and customers. This person will undertake surveys with the aim to reduce single occupancy car travel by 10% over a 5-year time period. A number of other measures will also be introduced, e.g. customer free taxi phone, staff shower and lockers, encouraging car sharing.
- 7.68 Lincolnshire County Council as Highway Authority has been consulted on the application. Following some detailed amendments to the Eastgate highway arrangements LCC accepts the contents of the TA and agrees that all junctions will operate within capacity and that some will experience a net benefit as a result of the proposals. LCC also agrees with the conclusion that the proposal will not lead to significant or severe impacts on the local highway network. It is satisfied with the proposed new accesses; the proposed alterations to the mini-roundabout and the total number of car parking spaces to be provided and the dedicated spaces within this total. LCC has confirmed that the TP is acceptable and notes the proposed on-site cycle parking and good pedestrian accessibility to the store and permeability within the site. It would have liked an additional pedestrian access be provided from Monks Dyke Road where it considers there is a desire line, but as the applicant is reluctant to provide this due to the site slope involved has requested a change in fence height to prevent its continued usage. LCC has also asked for a financial contribution towards a Traffic Regulation Order to enable the off-site highway works on Eastgate; the provision of tactile crossing points at 4 local junctions to increase footfall to the store and conditions to secure a Construction Management Plan (CMP), the off-site highway works and a change in the height of the boundary treatment to Monks Dyke Road.
- 7.69 It is noted that some local residents have expressed concerns about the highway elements of the scheme particularly the potential conflict with school children on Monks Dyke Road, however, these concerns are not shared by the Highway Authority. On their advice it is considered that the highway elements of the proposed scheme have been carefully thought through and that the resulting scheme would be acceptable in terms of highway and pedestrian safety and impact on the local highway network. Conditions as suggested by LCC to cover the off-site highway works and the CMP would ensure the development came forward

in an acceptable manner. The agreement of the applicant to the TRO financial contributions and the tactile crossings is awaited and will be reported to committee. However, the fencing condition suggested by LCC is not considered appropriate. Whilst some people do use the grassy slope to access the site, most people do not. It would require a solid fence of considerable height to stop all people using this route and such a fence would look unsightly in the street scene. In any case with a changed configuration on site the benefits of using the desire lines would be significantly, if not totally, reduced.

- 7.70 Subject to suitable conditions it is considered that those part of SP10 and SP22 that deal with highway and pedestrian matters are met.

Contamination/Air Quality/Lighting

- 7.71 The application has been accompanied by a Preliminary Contamination Appraisal Report. (PCAR). This report lists the previous uses on the site as follows:- coal yard; timber yard; 2 gasometers; 2 wells; a brickyard and associated clay pit; an iron foundry; garages and a bus depot and tank. It notes the existing supermarket was built in the 1980s. In September 2022 15 sample boreholes were taken on site down to 5m below ground level, along with 7 boreholes for gas and groundwater monitoring. The PCAR advises that these showed the presence of made ground across the site between 1.3m to more than 5m below ground level. They also showed that there were elevated levels of concentrated ammonia in the groundwater giving a low to medium threat to controlled waters. The report recommended the need for areas of soft landscaping to be capped with clean inert sub-soil and top soil and the need for ground protection measures for gas and an updated Japanese Knotweed survey along with supplementary ground investigation works once the existing supermarket is demolished and to assess/confirm deeper ground conditions and foundation requirements.
- 7.72 The Council's Scientific Officer has been consulted and he notes the contents of the submitted contamination reports and their findings. He has concerns about the potential risk for the development to lead to the contamination of controlled waters particularly as the site is above a Principal Aquifer and within the boundaries of Source Protection Zone 3. He notes the need for gas protection measures on site. He has requested the submission of a Remediation Strategy ideally before planning permission is granted to show how potential contamination risks would be dealt with to an acceptable level, but also advises that if that document is not provided up front then he requests the imposition of a suite of conditions to deal with this issue some of which would be pre-commencement. The Environment Agency has expressed similar concerns about possible pollution of controlled waters, but is content that this matter could be dealt with via a pre-

commencement condition.

- 7.73 The existing survey work and report has provided a good overview of the site and its problems and together with the additional surveys required will help inform the remediation strategy which will set out what works need to be undertaken on site to ensure any contamination is contained, dealt with or safely removed from site. The applicant has advised that as the existing supermarket and its car parks are fully operational it is not possible for them to undertake the additional testing required at this current time, however, they are happy to deal with this pre-commencement. In the circumstances it is considered to be acceptable to deal with contamination by condition.
- 7.74 An updated survey on Japanese Knotweed has been provided. This document advises that Japanese Knotweed is present in the south-east corner of the site, but has been treated since 2017 by a professional company. It recommends that a Japanese Knotweed Management Plan is produced as part of a remediation strategy to help eradicate it from site and to prevent it from spreading onto neighbouring land. The report also advises that the existing stands of Cotoneaster in the planting beds is similarly treated. The Council's Scientific Officer is satisfied with the submitted report and plan for the treatment of Japanese Knotweed and Cotoneaster.
- 7.75 The application has been accompanied by an Air Quality Assessment (AQA). This assessment advises that the proposed development has the potential to cause air quality impacts during the construction phase by way of fugitive dust emissions and at the operational phase by way of car exhaust emissions. It noted that the surrounding residential properties are classed as being highly sensitive receptors to potential dust impacts, with the biggest impact during construction works being from dust soiling, with impacts being dependent upon actual activity, weather conditions and closeness of the receptor to the activity. The AQA concludes that with good construction practices for dust control in place, things like screening, use of water to dampen down, monitoring, covering of vehicles and wheel washing then it is possible to reduce impacts from all dust generating activities to be not significant during the construction phase. Due to the relatively small increase in vehicle movements per day associated with the new supermarket (approximately 335) road traffic exhaust impacts were predicted to be not significant. The AQA concludes overall that air quality issues are not considered to be a constraint to planning consent for the development. There is no reason to disagree with these conclusions and a condition can be imposed in relation to a demolition and construction management plan. This would need to be a pre-commencement condition and the applicant has agreed to accept the condition.
- 7.76 The applicant has submitted a lighting plan showing lighting to be

installed around the site both on buildings and free standing including around the service yard and its access. The plan shows the lighting levels throughout the site and also highlights areas of light spill outside the site. Light spill is shown along Albion Place, small parts of Eastgate and Monks Dyke Road in connection with the site entrances, however, it is also shown in the rear gardens of 21-25 Monks Dyke Road and in the gardens of Priory Road. The Council's Environmental Health Officer has advised that the levels of light spill into residential properties are unacceptable and need to be amended. It is considered that whilst lighting is required on the application site for operational and safety reasons there also needs to be consideration of the impact of this lighting on the amenities of those who live alongside the site. It is considered that it would be possible for appropriate amendments to be made to the lighting scheme and so it is proposed that this issue be dealt with by condition.

- 7.77 With appropriately worded conditions in place it is considered that the issue of contamination, air quality and lighting can be dealt with in an acceptable manner to prevent harm to those living around the site, those using the site and to avoid pollution to controlled waters in accordance with SP10 in the Local Plan and paragraph 189 in the NPPF which seeks to limit harm from contamination and pollution.

Drainage

- 7.78 The application has been accompanied by a Flood Risk Assessment (FRA) and a Drainage Strategy (DS). The FRA advises that the site falls steeply from south to north with the south (Monks Dyke Road) being between 26m and 27.03 m above ordnance datum (AOD) and the south (Eastgate) being 21.50m AOD. It notes the site lies above principal and secondary aquifers, within the catchment of Louth Canal and that formerly open watercourses - Monks Dyke and Aswell spring - were both culverted by the end of the 19th century and lie alongside the site on Monks Dyke Road and Eastgate respectively. Both appear to be surface water sewers. The FRA advises the site lies in Flood Zone One and that some pluvial flooding occurs on Eastgate and at the rear of the site and Orme Lane. It notes that the site will have some re-grading to allow the store to be built in the central and southern part of the site, but that levels will still continue to fall to the north. Overall it considers the proposed development site to be at low risk from fluvial flooding and subject to suitable levels and drainage design the development should be at low risk from pluvial and sewer flooding.
- 7.79 The Drainage Strategy (DS) noted the history of the site and the presence of the large combined and surface water sewers in the surrounding roads of Eastgate, Orme Lane and Monks Dyke Road. The DS notes that the larger western part of the site drains into an existing surface water sewer in Eastgate with the smaller eastern

part of the site draining into the combined sewer in Orme Lane. These arrangements are planned to be changed for the re-developed site.

- 7.80 The DS advises that due to deep made ground conditions and the predominantly clay natural strata (where located) surface water disposal by infiltration would not be feasible. It also noted the difficulties and constraints provided by the on-site ground levels, land take needed for buildings, contamination, gas easements, restrictive covenants and the stands of Japanese Knotweed. Taking all this into account the DS advises that as the existing surface water drainage is discharged into both the main surface and combined sewers it is proposed that surface water drainage will continue to be drained into the surface water sewers, but no water would go to the combined sewer. In addition the following on site SuDs are proposed: - rainwater harvesting for use with the toilets; permeable asphalt and block paving for the new car parking spaces by the store entrance; filter drains for the service yard and external plant area with a bypass oil/silt separator; a bio retention/rain garden to drain the new Eastgate access; attenuation tanks in the service yard and northern car park and drainage channels created within the car parking areas. Temporary drainage arrangements would be utilised during the construction and demolition works. The DS advises that foul water currently discharges to the combined sewer in Eastgate. This will be changed so that all foul water is taken to the combined sewer in Orme Lane. The DS concludes that the site can be developed with a sustainable drainage system incorporating source control SuDs where feasible. The proposals would also reduce surface water flood risk on and off-site and would also remove surface water discharge from the site entering the existing combined sewer in Orme Lane.
- 7.81 The application and its drainage scheme was considered at a meeting of the Planning and Drainage Group.
- 7.82 Anglian Water (AW) were consulted and in relation to surface water expressed concerns about the discharge rates from the proposed surface water drainage scheme into their public sewer which they advised were higher than their policy allowed. AW suggested the imposition of a condition to deal with this. As a result of the AW consultation response the scheme was amended by making the underground storage tanks larger, including a deeper drain from the service yard and including the leased car parking area in the proposed attenuation scheme. The updated DS advises that the changes would result in reductions in peak flows from the site by a minimum of 70% with on-site storage being increased in capacity by 40%. AW has maintained its stance and request for a condition. LCC as Lead Local Flood Authority is satisfied with the proposed surface water drainage arrangements in principal subject to the imposition of a condition to secure the finer details of the scheme.

- 7.83 Due to the site and development constraints it would seem reasonable to discharge the proposed surface water drainage to the main sewer as proposed. The proposed SuDs features are acceptable in principle and would help with the filtering of the water and attenuating the discharge flow rates which would be an improvement over the current situation. The proposal to keep the surface water out of the combined sewer would also seem to be a positive benefit of the proposed development. Subject to an appropriately worded condition to secure the finer details of the scheme and AW agreement the proposal would meet the terms of SP16 in the Local Plan.
- 7.84 In relation to foul water discharge AW has advised that the foul drainage from the site is within the catchment of Louth Water Recycling Centre that will have the capacity to accept these flows. It has also advised that the sewerage system at present has capacity to accept the used water flows from the development. The Environment Agency (EA) advised that it was satisfied with the foul water drainage proposal as it noted capacity was available at the Louth Water Recycling Centre. However, in a separate letter the EA advised that whilst AW was operating within their permit at this centre with headroom available they wished to see the imposition of a condition requiring details of a scheme for the provision of infrastructure both on and off site so that AW could confirm that the foul flows from this development can be accommodated within the proposed sewerage network.
- 7.85 AW has advised that at the current time Louth Water Recycling Centre has the capacity to accept foul water flows from this development and the EA has acknowledged that AW is operating within their permit allowance for this centre. The EA are the permitting authority in this case and so it is considered that there is no reason from a planning perspective to request further details from the applicant by way of a condition as requested by the EA. To impose such a condition in these circumstances would be unreasonable.

Ecology and Landscape

- 7.86 The application site currently contains a number of small planting beds some with trees within the car park area; a mature garden with trees at 160 Eastgate; a large overgrown area of scrub in the south-eastern portion of the site and areas of amenity grassland with trees along the site boundary with Monks Dyke Road. There are also self-sown plants around the site and a number of garden trees adjoining the site.
- 7.87 The proposed landscaping scheme includes:- a bio-retention pond and a bulb area at the front of the site, new tree planting between the store and the rear of the Eastgate properties and alongside the southern elevation of the supermarket; new climbers alongside the eastern boundary with the service yard; new hedge planting

alongside Albion Place, the rear of 21-33 Monks Dyke Road and the rear of Priory Road with areas of shrub planting, amenity grassland and thicket planting. Existing trees and hedging along the boundaries most notably with Priory Road and Monks Dyke Road would be retained with a tree protection plan in place.

- 7.88 An extended Phase 1 Habitat Survey was submitted with the application. This advises that there are no statutorily protected ecological sites within 2km of the site, with Hubbards Hills Local Wildlife Site (1.8km south-west) being the closest non-statutory site. Some protected species have been recorded within the 2km distance. Non-native invasive plants are also present on this site (Japanese Knotweed, Hollyberry Cotoneaster and Wall Cotoneaster). The Habitat Survey notes that the site was considered to be unsuitable for most protected species, although use might be made of on-site features by birds, hedgehogs and bats. The Survey recommended that the invasive non-native species should be eradicated; careful timing for the removal of vegetation is needed; that areas of scrub/existing trees should be retained or replaced with suitable, similar habitat and a specific bat survey needs to be undertaken. The Survey notes the site is of low ecological value and that the proposed development gives the opportunity to increase biodiversity and it recommends the planting of native/wildlife friendly species, the erection of bird and bat boxes and the limiting of exterior lighting.
- 7.89 The Bat Survey identified that there were 12 buildings on site. All were assessed for their roost potential. 160 Eastgate was considered to have moderate potential, the supermarket, the garage and the garage office were considered to have low potential with the remaining 8 buildings having negligible potential. The on-site survey also included 2 dusk emergence surveys along with one dawn re-entry survey at the 3 buildings considered to have some potential to support roosting bats. No tree was considered to provide roosting potential. The survey confirmed that only the house at 160 Eastgate supported a bat roost and that was in the roof area around the rear dormer window. The roost was noted to be a summer day roost for a single common pipistrelle bat. Bats were seen commuting/foraging over parts of the site. The survey concluded that as no works were proposed to be carried out to the house as part of the current proposals then there would be no impact on the bat roost. It made recommendations relating to new landscaping and lighting and possible future changes to the scheme.
- 7.90 The applicant also submitted a Biodiversity Net Gain report to assess if the proposed development would likely "*result in no loss, net loss or net gain to biodiversity*". This report compares the current ecological value of the site with that post-development including the proposed landscaping and bio-retention pond. It concludes that whilst the site would gain biodiversity units for things like the bio-retention pond and new native scrub planting

these units would not be sufficient to off-set the 18.11% loss in habitat biodiversity units as a result of the proposed scheme. The report does highlight the significant net gain to be achieved from the proposed new hedgerow as this habitat type does not currently exist on the site. The report notes that in order to bring the scheme into net gain in terms of habitat biodiversity units an off-site compensation scheme would be required.

7.91 SP10 in the Local Plan expects developments to use landscaping to help assimilate the site into the area and SP24 expects developments to protect and enhance biodiversity and maximise opportunities for connections between natural habitats. This reflects the contents of the NPPF.

7.92 It is clear that the habitat value of the current site overall is quite poor, although it does support a limited number of species. Much of the site would be utilised for the new supermarket building and the hard landscaping needed to ensure it could function in an efficient way, however, the landscaping scheme proposed would ensure the hedging and most of the existing trees alongside the edges of the site would not be harmed which would help to increase the diversity of potential habitats provided. The proposed landscaping would also help to integrate the site into the surrounding area, would be visually pleasing and would be a visual improvement over the existing landscaping within much of the site. It would also reduce the impacts of the development for those living alongside by way of filtering and softening views and by providing screening. There are no plans to alter the existing house, except for making good two walls at 160 Eastgate and so there should be no impact on the roosting bat. The planting proposed, particularly that around the site perimeter, would provide feeding and commuting corridors for wildlife as would the bio-retention pond needed as part of the surface water drainage scheme. Whilst the applicant has submitted a Biodiversity Net Gain calculation there is no legal requirement to do so as the application was submitted before the Regulations were introduced thus the scheme is exempt from their requirements, but it is, nevertheless, useful background information.

7.93 It is considered that the scheme would have no adverse impacts on any protected species and whilst the development proposed would reduce the biodiversity net gain units associated with the site, it would nevertheless be acceptable in this urban context. Conditions would need to be imposed to ensure the landscaping scheme was implemented as submitted and adequately maintained into the future. In this way SP10 and SP24 would be satisfied.

8.0 CONCLUSION

8.1 The proposed development would see the re-development of the existing supermarket and adjoining brownfield land to provide a

new much larger supermarket on the edge of the town centre in a highly accessible and sustainable location. The existing store is an important retail anchor for Louth town centre and whilst it would have some limited impacts on existing stores in both Louth and Alford the proposed additional floorspace would lead to increased turnover and wider benefits that would assist with the vitality and viability of Louth town centre overall. As such the proposed development would pass the retail sequential and impact tests as set out in SP14 and the NPPF.

- 8.2 It is considered that the demolition of a number of buildings, to make way for this new development would have positive benefits for the area and for the character and appearance of the Conservation Area and its setting as well as on the setting of the adjacent listed buildings and non-designated heritage assets. The small amount of harm caused by the loss of the outbuilding at the rear of 160 Eastgate is outweighed by the overall benefits of the scheme. Whilst the design of the proposed new supermarket may not be to everyone's taste it is considered to be bright and modern and would be contextually appropriate on this part of the site outside the conservation area. The proposed layout in itself would be logical and easy to use. Subject to conditions relating to making good exposed walls and materials SP10 and SP11 in the Local Plan and the statutory duty as set out in s66 and s77 of the 1990 Act would be satisfied.
- 8.3 Subject to the imposition of conditions the proposed technical details relating to contamination, highways and drainage works would be acceptable and would comply with SP10, SP16 and SP22 and the NPPF. The proposed lighting would result in light spillage beyond the site onto residential properties which would be unacceptable contrary to SP10, but it would be possible to make alterations to the scheme so that this would not happen and a condition is suggested to deal with this. Air quality is not considered to be a problem of the scheme.
- 8.4 A comprehensive landscaping scheme and means of enclosure are proposed to help screen and filter views of the development for the amenity benefits of the surrounding residents, the visual amenities of the area and wildlife. An ecology report has shown that there is no ecological reason why the site cannot be redeveloped as proposed. Conditions will be needed to secure the landscaping and the boundary treatments.
- 8.5 Whilst the proposed development would change the outlook for those residents living around the site due to distance away, proposed landscaping and screening it is not considered that any new outlook would be significantly harmful even when allowing for changed site levels. Whilst some residents would notice a reduction in noise and disturbance from the proposed development others would potentially notice an increase. The increases from the new accesses would be minimal. With the use of screen and

acoustic fencing and the imposition of a condition to limit noise levels, the noise impacts from plant and equipment would be kept to an acceptable level.

- 8.6 The use of the service yard and its access for deliveries in the night-time period would result in a significant increase in noise levels at some of the properties along Priory Road which could have an adverse impact on the amenities and quality of life of its occupants even though the actual predicted noise levels would fall within levels considered to be acceptable by national guidelines. This impact would lie between the LOAEL and SOAEL levels of harm where the Noise Policy Statement for England advises that the sustainability impacts of the overall development need to be taken into account when coming to a decision. The significant increase in noise levels could be prevented by banning night-time deliveries, however, the actual predicted noise levels are within acceptable guidelines and a condition could be used to control this without having to resort to an outright ban. In the circumstances it is considered on balance that the overall benefits to the applicant and future customers of allowing early morning deliveries and the importance of securing the wider benefits of this edge of centre anchor store to the town coupled with the ability to limit noise to a level considered acceptable by national guidance is sufficient to recommend the application for approval.
- 8.7 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

Approve with conditions.

RECOMMENDATION: Approve

Subject to the following conditions:

1. Full planning permission
The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents

| | |
|-----------------------------|------------------------------------|
| Plan No. 180089 PL_01 rev D | Received by the LPA on 09/11/2023. |
| Plan No. 180089 PL_08 rev G | Received by the LPA on 09/11/2023. |
| Plan No. 180089 PL_09 rev D | Received by the LPA on 09/11/2023. |
| Plan No. 180089 PL_10 rev C | Received by the LPA on 09/11/2023. |
| Plan No. 180089 PL_11 rev E | Received by the LPA on 18/04/2023. |

Plan No. 180089 PL_13 rev A Received by the LPA on 09/11/2023.
Plan No. 180089 PL_14 rev D Received by the LPA on 23/04/2024.
Plan No. 18/419/TR/004 rev C Received by the LPA on 08/02/2024.
Plan No. 2278-22-02 S5 rev B Received by the LPA on 09/11/2023.
Plan No. 2278-22-03 S5 rev C Received by the LPA on 09/11/2023.
Plan No. 2278-22-02 S4 rev D Received by the LPA on 09/11/2023.

and any drawings approved subsequently in writing by the local planning authority pursuant to any conditions on this decision letter.

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

- 3 No development, including works of demolition, shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the development proposed.

The Construction Management Plan and Method Statement shall include:

- Details of how the existing store will continue to operate safely whilst demolition and construction works are on-going;
- Phasing of the development to include access construction;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in demolishing and constructing the development;
- Wheel washing facilities;
- Measures for the control of dust during demolition and construction;
- Measures for the control of noise during demolition and construction;
- Hours of work and arrival of deliveries;
- The routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- 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 drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during demolition and construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the demolition and construction period.

Reason: To ensure that the development permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction; to ensure that suitable traffic routes are agreed and that the impacts of the demolition and construction works on the amenities of the adjoining residents are kept to a minimum. This pre-commencement condition is imposed in accordance with SP10, SP16 and SP22 in the East Lindsey Local

Plan and with the National Planning Policy Framework.

- 4 No development shall begin on site except for works of demolition until further investigation has been 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 new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority prior to the commencement of works.

Reason: To ensure potential risks arising from the previous uses on the site have been fully assessed. This pre-commencement condition is imposed in accordance with SP10 in the East Lindsey Local Plan and the National Planning Policy Framework.

- 5 Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and to protect against pollution and contamination. This condition is imposed in accordance with SP10 in the East Lindsey Local Plan and the National Planning Policy Framework.

- 6 Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme.

Reason: To ensure the site remediation is carried out in accordance with the approved strategy. This condition is imposed in accordance with SP10 in the East Lindsey Local Plan and the National Planning Policy Framework.

- 7 On completion of remediation, two copies of a validation report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards. This condition is imposed in accordance with SP10 in the East Lindsey Local Plan and the National Planning Policy Framework.

- 8 If during redevelopment contamination not previously considered is identified, then the Local Planning Authority (LPA) shall be notified

immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. On completion of the development the LPA shall be notified in writing if no additional contamination was identified during the course of the development and the supermarket hereby permitted shall not be brought into use until the LPA has acknowledged receipt of the same.

Reason: To ensure all contamination within the site is dealt with. This condition is imposed in accordance with SP10 in the East Lindsey Local Plan and the National Planning Policy Framework.

- 9 No works shall begin on site until a Japanese Knotweed Management Plan (JKMP) based on the recommended remediation option set out in the Japanese Knotweed Survey produced by Japanese Knotweed Solutions Limited has been submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed and Cotoneaster shall be dealt with as set out in the approved JKMP.

Reason: In order to remove and prevent the spread of these non-native, invasive plant species. This pre-commencement condition is imposed in line with the National Planning Policy Framework.

- 10 No works to build the supermarket hereby approved shall be commenced on site until a programme of off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be based on plan numbers:- 18-419-TR-004 rev C; 18/419/TR/002 rev A and 18/419/TR/008. The off-site highway works shall be provided in accordance with the approved programme and shall thereafter be so maintained.

Reason: To ensure the provision of safe and adequate means of access to the approved development. This condition is imposed in line with SP10 and SP22 in the East Lindsey Local Plan.

- 11 The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

- 12 No works to build the new supermarket hereby approved shall take place until a surface water drainage strategy for the site, based on sustainable urban 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:

- a) 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;
- b) Provide attenuation details and discharge rates;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) 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.

The development shall be carried out in accordance with the approved drainage scheme and approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure the development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of the development hereby permitted. This condition is imposed in accordance with SP16 in the East Lindsey Local Plan.

- 13 All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: In the interests of the visual amenities of the area in accordance with SP10 and SP11 in the East Lindsey Local Plan.

- 14 The supermarket hereby approved shall not be brought into use until a schedule of landscape management and maintenance for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In order to ensure the planting scheme is maintained in an acceptable manner into the future in the interests of the character and appearance of Louth Conservation Area and the visual and residential amenities of the area. This condition is imposed in accordance with SP10, SP11 and SP24 of the East Lindsey Local Plan.

- 15 No construction works on the supermarket shall take place above DPC level until a schedule/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in line with SP10 and SP11 of the East Lindsey Local Plan.

- 16 Notwithstanding the details already provided on plan number 180089 PL_12 rev C the supermarket hereby approved shall not be brought into use until such time as details of all means of enclosure within the site have been submitted to and approved in writing by the Local Planning Authority. The new supermarket and its service yard and access, the new access road from Eastgate and the new frontage car parking area shall not be brought into use until the relevant approved means of enclosure around and alongside them have been provided on site. The means of enclosure shall thereafter be so maintained.

Reason: In the interests of the protection of residential amenities from noise and disturbance, to protect the visual amenities of the area and to preserve and enhance the character and appearance of Louth Conservation Area. This condition is imposed in accordance with SP10 and SP11 in the East Lindsey Local Plan and with the National Planning Policy Framework.

- 17 Within [3] months of the demolition hereby permitted taking place the wall(s) exposed by that demolition shall be made good to a specification, including details of materials, that shall first have been approved in writing by the Local Planning Authority.

Reason: To ensure the buildings in question are made weatherproof in an acceptable manner in the interests of residential amenities, visual amenities of the area and to preserve and enhance Louth Conservation Area. This condition is imposed in line with SP10 and SP11 in the East Lindsey Local Plan.

- 18 Deliveries to the site during the night-time period, including vehicles entering and exiting the site, manoeuvring on site and being unloaded shall not exceed a free field specific level of 41 dB LAeq,15min during any 15 minute night-time period when assessed at the first floor façade of any residential receptor on Priory Road.

Reason: In order to ensure noise and disturbance to the residential neighbours during night-time deliveries are kept within an acceptable level. This condition is imposed in line with SP10 in the Local Plan and the National Planning Policy Framework.

- 19 All plant and equipment to service the supermarket hereby approved shall be selected, located, oriented and mitigated to produce a maximum of 44 dB LAeq,1hr during the day and 38 dB LAeq,15min at night-times when measured at the first floor bedroom wall of the nearest most noise sensitive receptor.

Reason: In order to ensure noise and disturbance to the residential neighbours from operating plant and equipment are kept within an acceptable level. This condition is imposed in line with SP10 in the Local Plan and the National Planning Policy Framework.

- 20 Deliveries to the supermarket hereby approved shall be operated in accordance with the noise reduction details set out in the 'QDS-Quiet Delivery (Noise Management) System for Morrisons, Louth' produced by Acoustical Control Engineer and Consultants (BS485.2023-11-08 R).

Reason: In order to reduce noise and disturbance to local residents during deliveries to the store over the night-time period. This condition is imposed in line with SP10 and the National Planning Policy Framework.

- 21 Notwithstanding the details already provided no new external lighting shall be provided within the application site until details of that lighting including measures to prevent light spill onto surrounding residential properties have been submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall be provided on site and it shall be so maintained thereafter.

Reason: In order to prevent light pollution, to protect the amenities of those living alongside the site and to protect wildlife corridors. This condition is imposed in accordance with SP10, SP11 and SP24 of the East Lindsey Local Plan.

- 22 The development hereby approved shall be built in accordance with the AOD levels shown on the approved plans.

Reason: In the interests of the residential and visual amenities of the area in accordance with SP10 in the East Lindsey Local Plan.

- 23 The existing trees around the site shall be protected in accordance with the details shown on plan number 2278-22-02 S5 rev A. The protection measures shall be implemented in full before development on site commences and shall be adhered to for the duration of the construction works to build the new supermarket, its service yard and access road, the formation of both accesses onto Monks Dyke Road and the alterations to the leasehold car park or in accordance with a phasing timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the protection of amenity trees and hedges in accordance with SP10 in the East Lindsey Local Plan.