

Reference: 14/00133/FUL

Date Submitted: 05.03.14

Applicant: Lidl UK Ltd

Location: Crown House, 50-52 Scalford Road, Melton Mowbray

Proposal: Demolition of existing buildings and erection of open A1 Lidl Foodstore with associated access, servicing and car park arrangements



Introduction:-

The application seeks full planning permission for the erection of a new food store on land currently occupied by the vacant Crown House offices on Scalford Road, Melton Mowbray.

The site lies within the town envelope and is proposed to be accessed from Scalford Road ,with a new single access to serve both the customer car park and delivery area.

To the north of the proposed development is Snow Hill and the access to the Co-operative foodstore, non-food retail and other commercial/industrial units. Melton Mowbray Cattle Market is located on the opposite side of Scalford Road. On the eastern boundary ,which is elevated , are sited further industrial /commercial units accessed via North Street at the rear. The southern boundary comprises a series of single storey commercial properties, currently occupied by Age Concern.

The application has been supported by a Retail Assessment which has been assessed for the suitability of the development in this location.

It is considered that the main issues relating to the proposal are:

- **Policy Considerations relating to the location of retail development**
- **Assessment of alternative sites**

- **Suitability of alternative site – Burton Street**
- **Impact upon the highway infrastructure and road safety**
- **Impact on the character and appearance of the area**
- **Impact on protected trees**

The application is presented to Committee as it is a major application and due to the level of public interest.

Relevant History:-

None relevant

Planning Policies:-

Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy S2 allows for retail development within the Town Envelope, away from the town centre providing that the development would not in itself seriously affect the vitality and viability of the town centre and the character of the area is not unduly affected; amongst other criteria relating to traffic, parking, and access by public and private transport; and there would be no adverse effects on adjoining land uses.

The National Planning Policy Framework (NPPF) was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out -of- date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- encourage the effective use of land..
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Ensuring the vitality of town centres

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality
- promote competitive town centres that provide that provide customer choice and a diverse retail offer and which reflect the individuality of town centres,

Promoting sustainable transport

- all developments that generate significant amounts of movement to be supported by a Transport Assessment or Statement; development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- Developments that generate significant movements are located where the need to travel will be minimised and use of sustainable transport modes can be maximised.

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>Highways Authority : No objections subject to conditions and entering into a S106.</p> <p>The proposed location of the site is close to the town centre and is therefore considered to be very sustainable, with customers having good opportunities to walk, cycle or take public transport to the site. Whilst the site is likely to generate increased traffic movements, a number of these movements will be pass by trips or diverted trips that will already be using the highway network. The proposal will also remove the existing office use and the traffic that that has been/could be generated by the existing use. As such the impact of the store on the highway network is not likely to be severe and the improvement to the signal junction should help mitigate against the increase. As such the Highway Authority does not consider that it could demonstrate that the proposal would cause severe harm and therefore recommends approval of the proposal, subject to the imposition of suitable conditions.</p> | <p>The proposal is for a food store on the site of an existing office development . It has an area of approximately 0.52 ha with a vehicular access from Scalford Road.</p> <p>It is proposed to build a retail unit of 1,786 square metres gross external floor space, with a net sales area of 1,193 square metres. The existing vehicular access at the southern end of the site would closed off and a new access would be provided at the northern end of the site, close to the boundary with the Co-op store. Two pedestrian accesses are also proposed from Scalford Road.</p> <p>The application has been supported with a Transport Assessment which the highways authority has considered when formulating their recommendation.</p> |

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| <p>Offsite improvements</p> <p>The development is likely to result in a slight loss of capacity of the traffic signal junction of Scalford Road and Norman Way. It has been agreed with the applicant that to overcome this, the applicant will pay £1500 to the County Council to allow it to carry out a SCOOT validation of this junction and the linked signal junction of Norman Way with Wilton Road/Nottingham Road/Asfordby Road. This will optimise the performance of the signals and therefore improve capacity which will mitigate the increased flows from the development. Therefore the Highway Authority would wish to see a £1500 contribution to the County Council be included in any S106 agreement for the development.</p> <p>S106 Contributions</p> <p>Contribute £1500 to the County Council to allow it to carry out a SCOOT validation of the Scalford Road/Norman Way junction and the linked signal junction of Norman Way with Wilton Road/Nottingham Road/Asfordby Road</p> | <p>The proposal is for a Lidl foodstore in an accessible location close to the town centre. The scheme proposes 67 parking spaces, which includes 4 disabled customers spaces and 4 parent & child spaces. There will also be 14 cycle parking spaces. Car park management ,with a number plate recognition system, is proposed to prevent long-stay parking at the site, while allowing linked shopping trips with the town centre. The proposed parking provision is considered to be in accordance with relevant parking standards.</p> <p>The site is separated from the town centre by Norman Way. The applicants’ highways consultants have assessed the current pedestrian crossing . The signals are already set in the favour of pedestrians ,which is evidenced by the short times recorded for crossing and proceeding into the town centre. The applicants have offered various measures to maximise the potential for linked trips and improved accessibility from the town centre. These details and officer advice are set out below in response to the Section 106 request from the Town Centre Manager.</p> <p>With regards to the Section 106 request by the Highway Authority, this is considered reasonable, necessary and relate to the proposed development. The applicant has agreed to the terms which subject to the scheme being considered acceptable would need to form part of a Section 106 legal agreement.</p> <p>The proposed new access is considered to be satisfactory with regards to highway and pedestrian safety. It is considered that the proposal can be accommodated with the existing highway network.</p> |
| <p>Environmental Health Officer</p> <p>No objection in principle. Notes that deliveries and the operation of refrigerator motors /fans could have some impact on residential properties 75metres north of the site ,which are screened to a large extent ,but not totally,by the Co-op and Countrywide stores . Also notes that the levelling of the site and construction of retaining walls would act as a noise barrier to these neighbours. Considers that if noise complaints did arise options would be available to the operators to manage the situation. Recommends that vehicles making out of hours deliveries are operated without reversing beepers.</p> | <p>Noted – a condition can eb attached to manage noise</p> |
| <p>Leicestershire County Council Developer Contributions</p> <p>No request for developer contributions.</p> | <p>Noted</p> |
| <p>Severn Trent Water : No objection subject to</p> | <p>Noted – condition proposed.</p> |

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| <p>the imposition of conditions in relation to drainage plan for surface water and foul sewage and public sewers.</p> | |
| <p>Leicestershire County Council Arboriculture Officer has requested a method statement for proposed works to trees and development of store and associated hard surfaces.</p> <p>Final comments awaited</p> | <p>The site is subject to a Tree Preservation Order (ref 151/900/40) dated 7 November 2013 which relates to six trees (five limes and one horse chestnut) on the site frontage.</p> <p>The proposed layout shows that all of the protected trees will be retained as an integral part of the landscaping on the site. The hard and soft surfacing details and the location of the building have been designed to ensure the longevity of the trees. The Council's expert consultant has requested that a method statement is submitted to be ensure that the trees will not be damaged during construction works and that their longevity is assured. The statement is due to be submitted before the Committee date and comments will be reported at the meeting.</p> |
| <p>Town Centre Manager</p> <p>Requested developer contribution to improve connectivity between the site and the town centre and measures to support local employment</p> <p>Signage – visitor information point in store, gateway sign and finger posts directing shoppers to town centre Town Centre Support Scheme – Including publication of promotional literature Local Employment & Apprenticeships – Support local jobs and training</p> | <p>The applicants are willing to make a contribution based on a proportionate approach which takes account of the limited scale and impact of the development .</p> <p>On this basis Lidl will provide signage and are committed to training.</p> |

Representations:

A site notice and press notice were posted and neighbouring properties consulted.

Support

28 letters have been received supporting the application for the reasons which are summarised below.

Objection

There has also been a letter of objection from agents representing the owners of a proposed retail development in the town; objection from Melton Mowbray & District Civic Society and a letter of objection from a local resident. Their comments are also summarised below.

| Representations | Assessment of Head of Regulatory Services |
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| <p>Support from 28 residents</p> <p>Would provide increased retail competition and improve choice in the town to the benefit of local people.</p> <p>Lidl provides value for money ,good quality shopping</p> <p>Avoid need to travel to Lidl stores elsewhere.</p> | <p>Noted – see comments on retail assessment below</p> <p>Noted – see comments on retail assessment below</p> <p>Noted – see comments on retail assessment below</p> |

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| <p>Result in more linked trips and increased trade for Melton Mowbray. Would help to attract shoppers to Melton.</p> <p>Would provide jobs and would benefit other local businesses.</p> <p>Would also like to see increased choice in town for petrol sales.</p> <p>Support proposal, but would like to see a new supermarket to the south of the town.</p> | <p>Noted – see comments on retail assessment below</p> <p>Noted. Comments on the economic benefits of the proposal are contained within this report.</p> <p>Application does not include a petrol filling station</p> <p>Noted</p> |
| <p>Objection from agents (Planning & Design Group – P&DG) representing owners of site on Burton Street, Melton Mowbray.</p> <p>The following is a summary of the points raised by this objector, followed by a summary of the response from the applicant’s agent. These are each assessed by officers in the opposite column.</p> <p>The applicants have responded in detail on P&DG’s comments and , in summary, consider that the points their response are connected,such as the sequential test is related to accessibility and poor integration with the town centre. They have asked that the application should be assessed against the relevant national policies.</p> <p>Sequential test</p> <p>Application site is less favourable than the Burton Road site. Burton Road site was assessed as ‘edge of centre’.</p> <p><u>Applicants response</u> - the site is not suitable,which is a key part of the sequential test. It is not enough that it has consent and can physically accommodate a store. Consider that if no occupier wants to locate there then the site will not be developed.</p> <p>Inaccurate Assessment of and False Assertions regarding Burton Road site</p> <p>Applicant incorrectly asserts that the proposal would ‘supplant the consent at Burton Street’. They state that the owners of the Burton Road site continue to actively pursue development of the site.</p> <p>Design of the Burton Road scheme meets rigorous requirements of modern discount foodstores. While it is correct that an occupier has yet to be confirmed it is wrong to assert that ‘the site is not suitable for a foodstore’. The fact that an application has been made for a similar development elsewhere in the town does not</p> | <p>This section of the report comments on the objections made by P&DG and the applicant’s response .</p> <p>Noted – the proposal is assessed later in this report against relevant policy ,including the NPPF and NPPG .</p> <p>The application is assessed against the sequential test and NPPF/NPPG later in this report. The relative merits of the application site and the Burton Street site are addressed in that section of the report.</p> <p>The relative merits of the application site and the Burton Street site are addressed later in this report.</p> |

demonstrate an unsuitably of the Burton Road site.

Sequentially Less Favourable Site

Site would not be sequentially preferable to the Burton Road site, as asserted by the application. The Burton Street site is an integral part of the fabric of the town centre sited in among town centre uses. The Burton Road site is a short distance from the defined shopping frontages and is accessible by a choice of attractive, easy to navigate and safe streets fronted by a range of architecturally interesting and attractive buildings. It is located over the road from the railway station and immediately opposite the new civic offices.

It is accessible from both Burton Street ,where clear signage would mark the access into the site with the building visible beyond and Mill Street ,where the building would be highly visible.

By contrast the current application site is divorced from the main shopping areas and this separation is compounded by the physical barrier of Norman Way. This major route acts as a physical and psychological barrier to movement between the application site and the town centre. The site is currently in employment use (offices) in an area largely characterised by the cattle market and other employment uses.

Applicant's response – P&DG are right in that whatever happens with the current application their consent will still exist, however no retailer wants their site. Lidl will not locate there and as far as we are aware nor will Aldi. The site is not suitable because it has no road frontage and poor access.

Poor Integration with Town Centre

The Burton Street site is closer to the 'heart' of the town centre than the application site. While the application site may be marginally closer to a defined shopping frontage,as identified on the Local Plan Proposals Map,that particular shopping frontage remains somewhat peripheral to the 'core' of the town centre. Walking or cycling time from the Burton Street site to a defined shopping frontage would be likely to be less than that from the application site to its nearest defined shopping frontage (although the latter distance is slightly less) . This is because the route from Burton Street is direct and not obstructed by busy roads. Pedestrian routes from the application site into the town centre would require people to navigate their way across a busy road using signal controlled crossing where delays would be inevitable.

Measures of straight line distances do not provide

The relative merits of the application site and the Burton Street site are addressed later in this report.

a realistic understanding of the opportunities for interaction between the respective sites and the Town Centre. The Burton Street site remains more favourable than the application site to offer customers the opportunity to undertake linked trips and enjoy a more complete visit to the town ,making use of facilities both at Burton Street and within the heart of the Town Centre.

The application does not propose any measures that will reduce (mitigate) the effects of its separation from the heart of the Town Centre.

Applicant's response - The application site is closer to the existing retail frontages than Burton Street, has a shorter walking distance and is visible. P&DG assert that their site is in the heart of the town centre and that it forms an integral part of the town centre. We would contend that this is not the case, the Burton Street site lies outside the town centre boundary, it has no frontage in the town centre and is not visible from the town centre. The main frontage of the Burton Street site is to Mill Street which is not part of the town centre. The proposed Lidl store is located next to the Cattle Market which is a major attraction and draw for people into Melton, and which supports the economy of the town centre. The Lidl site is therefore more likely to act as an extension to the town centre than the Burton Street site.

Contrary to Town Centre Masterplan

The Melton Mowbray Town Centre Masterplan (2008) shows the application site as forming part of an area characterised by 'industrial' uses. The Masterplan does not propose to change this and no extension of retail uses to include the application site is proposed by the Masterplan

The Masterplan recognises the potential for future redevelopment of the Cattle Market site although no details or timeframe have been confirmed. The Masterplan seeks to maintain the focus of retail uses within the existing Town Centre, not to extend them to include the application site.

It is likely that Norman Way (A607) will remain a busy through route, continuing to act as a barrier to movement from the Town Centre towards the application site. This reinforces the likelihood that the application site and the area around it will remain somewhat divorced and isolated from the Town Centre for the foreseeable future. In contrast ,the Burton Street site is already enveloped by the Town centre, taken in its wider sense (ie. not simply as defined by defined by shopping frontages)

The masterplan has very limited status. It contains no site allocation or retail capacity issues for planning purposes. It was not endorsed or adopted as a planning policy document .

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| <p><u>Applicant's response</u> - We have been advised by officers of Melton Borough Council that the masterplan holds no weight.</p> <p>Limited Regeneration Benefits</p> <p>The application site offers little potential for contributing to wider regeneration objectives. Proposal would remove existing offices to be replaced by a 'stand alone' retail use. By contrast, the Burton Street site offers greater synergies in term of footfall and general levels of activity with areas that have been targeted for improvement ,such as to the west of Burton Street/around the railway station , including the significant investment in the new civic offices and associated works.</p> <p><u>Applicant's response</u> - The application site sits next to the Cattle Market – another key area for regeneration – in this respect it is not a stand alone retail site in the middle of the business area as reported by P&DG. Regeneration has taken place around the Burton Street site without the site having been developed for retail, therefore the Burton Street consent's contribution in this regard is limited.</p> | <p>It is considered that the both of the sites offer potential for delivering regeneration benefits. There is no evidence that the permission for the Burton Street site made a significant contribution to the recent regeneration of that area, but the development of the site itself would be an improvement.</p> <p>The cattle market site is due to regenerated and the development of the application site could make a contribution to the overall improvement of that part of Scalford Road.</p> |
| <p>Melton Mowbray & District Civic Society</p> <p>The Transport Assessment was based on traffic counts taken on Friday 29th November 2013 during the hours of 16.00-18.00 and on Saturday the 30th November 2013 during the hours of 11.00-13.00. These are very limited time periods. Neither Market Days nor the morning peak traffic periods have been considered. Severe congestion at the Scalford Road/Norman Way junction occurs frequently; its capacity is currently far too low.</p> <p>The road safety aspects appear to be underplayed. The most recent Department of Transport Statistics for five years are mentioned in para 2.13. One accident was recorded along the section of Scalford Road that fronts the site and 14 at the Scalford Road/Norman Way junction. These accidents may have been recorded as "slight" but for the people involved they would be distressing and costly. Any additional development will add to the traffic problems.</p> <p>Improvements to the junction have been proposed but these are unlikely to solve the problem which is that there is far too much traffic for the size of the road. When additional residential development takes place further north along Scalford Road traffic conditions will become even worse.</p> <p>The assertion in para 2.23 that short car journeys</p> | <p>The Highways Authority has been consulted and has accepted the information which has been submitted.</p> <p>The Highways Authority is aware of the accident record in the area and would have taken this into account when providing its response.</p> <p>The Highways Authority considers that the developer contribution in respect of the Scalford Road /Norman Way junction should address the slight impact of the development upon this junction.</p> <p>The site is in a sustainable location ,accessible by a range of modes of transport,situated where linked trips to the town centre,other nearby shops</p> |

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| <p>of up to 5km are considered easily replaceable by cycle journeys seems optimistic. By whom are these journeys considered easily replaceable? Certainly not by elderly shoppers or parents with young children</p> <p>Design and Access Statement "In response to the mixed nature of the site, the proposal is for a new contemporary building in keeping with its built environment, one that is distinctive and offering the very latest Lidl design concept." What is proposed is a large shed with little architectural merit.</p> | <p>and the market are possible. Such a location enables some shoppers to choose alternative means of transport.</p> <p>Noted – the impact of the development on the character of the area is assessed below.</p> |
| <p>Objection from local resident</p> <p>Objects to another supermarket in the north of the town, too close to the Co-op. Detrimental to both stores with adverse impact upon Co-op and loss of Post Office . No objection to Lidl coming to Melton , but need more even spread of supermarkets around the town. This would be to the benefit of both local residents and the supermarkets.</p> | <p>Noted – the impact of the proposed store is addressed below.</p> |

Other Material Considerations not raised through the Consultation Process:

| Consideration | Assessment of Head of Regulatory Services |
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| <p>Application of Local and National Policy</p> <p>The development is addressed by Policy S2 of the adopted Local plan which generally allows retail development within the Town Envelope, away from the town centre providing that the development would not in itself seriously affect the vitality and viability of the town centre and the character of the area is not unduly affected; amongst other criteria relating to traffic, parking ,and access by public and private transport;and there would be no adverse effects on adjoining land uses.</p> <p>However, the most up to date policy advice on retailing and town centres is the National Planning Policy Framework (NPPF-March 2012) and the accompanying National Planning Practice Guidance (NPPG- March 2014)</p> <p>The aim of the NPPF is to ensure the vitality of town centres with the NPPG providing more detailed guidance.</p> <p><u>Sequential Test</u></p> <p>The NPPF (para 24) states <i>that planning authorities should apply a sequential approach to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They</i></p> | <p>The site is located to the northern edge of Melton Mowbray Town Centre in a predominantly commercial area. To the north of the site are other retail uses (the Co-op and Countrywide) , to the east is Snow Hill businesses with offices to the south. On the opposite side of the road (west) is the cattle market. The applicant agrees that the site is in an edge of centre location. A sequential test is required to identify whether there are any sites available in more central locations.</p> <p><u>Sequential Test</u></p> <p>The application has been supported with a Retail Assessment which includes a ‘Sequential Assessment’ of 13 potential alternative sites. That assessment is considered below.</p> |

should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out centre sites be considered. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The NPPG provides guidance on the how the sequential test should be used in decision making. It states that it is for the applicant to demonstrate compliance with the sequential test. It provides a checklist of three considerations that should be taken into account in the determining whether a proposal complies with the sequential test. Those considerations are:

- *with due regard to the requirement to demonstrate flexibility ,has the suitability of more central sites to accommodate the proposal has been considered? Where the proposal would be located in an edge of centre or out of centre location,preferences should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal ? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of development being proposed,but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations ,the sequential test is passed.*

The NPPG then reiterates the advice in para 27 of the NPPF that where a proposal fails to satisfy the sequential test, it should be refused.

The full list of sites is attached at Appendix 1.

The sequential approach used by Lidl takes account of comments by Inspectors, including the recent Huntingdon case, where it was accepted that the deep discount business model restricts the extent to which the applicants can be flexible in the format of its stores.

The minimum requirements for a Lidl store is a site area of at least 0.5ha;1,063 square metres floorspace and 70 level car parking spaces.

Two of the sites are located in the town centre and in a sequentially preferential location. These are the Bell Centre and The Mall. But only one of these ,the Bell Centre, is large enough to accommodate the proposal.

Of the eleven other sites only five are large enough (0.5ha) to accommodate the store. The applicants study states that only two of these are sequentially preferable to the application site. These are Brooksby College and the Burton Street /Train Station car park site. A further two sites ,Wilton Road car park and the Cattle Market are in a similar location . Snow Hill is further away from the centre and therefore less sequentially preferable.

Consequently, the Retail Statement only considers those sites which are sequentially preferable or similar and which are of a size that could accommodate a Lidl foodstore. Those five sites;one town centre site and four other sites are assessed below.

Bell Centre

The site is a small shopping centre comprising a range of units most of which are occupied so are not currently available for development. The site could only be developed with a Lidl if the existing buildings were reconfigured or demolished. Some of which are listed and within the conservation area.

It is accepted that the site is neither available nor suitable.

Brooksby College

This is the site of the application for a foodstore (ref 10/00558/FUL) which was recommended for refusal of planning permission due to design, flooding, impact upon heritage assets and loss of sports facilities. That application was withdrawn and work has now commenced on the new hospitality and catering facility . It is accepted that the site is subject to investment by the college and is not available for a retail development .

Burton Road/Railway Station Site

A Large part of the site is now unavailable with the development of the Council Offices and the

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| | <p>provision of a large new car park. The balance is used by the railway station and associated parking. Agreed that the site is no longer available.</p> <p>Cattle Market South The site is comparable sequentially to the application site, being on the opposite side of Scalford Road. It is in active use for a range of activities, particularly markets ,sales and antique fairs. The market in particular is an integral feature of the town. Agreed that the site is not available.</p> <p>Applicant notes that even in the unlikely case that the buildings were demolished and the site became available it is no more sequentially preferable to the application site.</p> <p>Wilton Street This is a surface level car park with facilities for coaches and buses. It appears to be well used serving a range of nearby town centre uses. It is not considered to be sequentially preferable (in terms of walking distance) to the application site and is well used for parking. Accept that site does not represent a sequentially preferable alternative.</p> <p>Other sites In addition to the sites which have been evaluated above the applicants have also undertaken a search of all vacant sites or units which are currently for sale in the town. This identified 11 sites/premises which are vacant commercial premises (shops,offices and warehouses) which are all smaller than the 0.5ha required to accommodate the proposed foodstore. The exception is the former ambulance station on Leicester Road. The applicants have discounted this because it more than 600m from the town centre ,with no visual or pedestrian links to town centre shops. It is considered that this site is not sequentially preferable to the application site as well as having other deficiencies.</p> <p>When referring to the Burton Street site the applicants note that officers accepted that this site was a sequentially preferable location for a foodstore and that the current application site is in a similar if not better sequentially location.</p> <p>The applicants use the defined shopping frontages in the adopted Local Plan to compare the relationship of their site with the Burton Street site.</p> <p>The adopted Local Plan indicates that: - the application site is 120m from the start of the defined frontages and the store entrance is further away at 170m . -the Burton Street site entrance is 240m from the defined frontage and the store entrance further away at 280m.</p> |
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| | <p>In addition to these distances the applicants question the suitability of the Burton Street site. They refer to The ‘Dundee ‘appeal case the ruling that the sequential approach needs to take account of decisions which take place in <i>the real world in which developers seek to operate not some artificial world in which they have no interest in doing so</i>. In their view while the Burton Street site could physically accommodate a store it is not commercially suitable.</p> <p>It is considered that sequentially ,while the application site is closer to the centre ,there is little to separate the two sites and both relate reasonably well to the town centre. The Burton Street site appears to be available ,although the applicant has stated that even if planning permission were refused for the current application they would not be interested in this site . The key difference between the two sites seems to be whether the Burton Street site is realistically suitable in the ‘<i>real world</i> ‘ for a discount foodstore and how much weight should be given to this point.</p> <p>The applicants point to a recent appeal decision in Newark which highlights that even where a site could accommodate new retail development (not a discounter in this case) it may not be acceptable for reasons relating to location and access. The Inspector stated that <i>They lack visibility ,presence ,footfall and any meaningful association with the town centre and Consequently ,I find that does not represent a suitable ,sequentially preferable site to the appeal site for retail warehouse development</i> Consequently,they contend that the Burton Street site,which does not have a street frontage, is not sequentially preferable.</p> <p>On balance ,it is considered that the application site is more likely to deliver a discount food store than the Burton Street site and it is notable that the permission was grnated in November 2010 but it has not yet been developed .</p> <p>This type of store would contribute to the overall range of convenience shopping in the town,with the benefits outweighing any adverse impacts,including harm arising from the reduced prospect of the development of the Burton Street site.</p> <p>Therefore, it is considered when applying the sequential test that the proposed application site, whilst not in the most sequentially preferable location, is considered to be the only site realistically available for this type of development.</p> |
| <p><u>Impact Test</u></p> <p>The purpose of the impact test is to ensure that the</p> | <p>The Council does not have an up-to-date Local Plan</p> |

impact over time (up to five year or ten years for major schemes) of certain larger out of centre and edge of centre proposals on existing town centres is not significantly adverse.

The NPPF advises (para 26) that impact assessments should be provided for applications for retail development outside town centres ,which is not in accordance with an up-to-date Local Plan and where the floorspace is over a proportionate,locally set floorspace threshold. Where there is no local threshold, the default threshold is 2,500 square metres. The retail assessment should include an assessment of :

- *The impact of the proposal on existing ,committed and planned public and private investment in a centre or centres in the catchment area of the proposal;and*
- *The impact of the proposal on town centre vitality and viability,including local customer choice and trade in the town centre and wider area up to 5 years froe that the application is made. The major schemes where the full impact will not be realised in 5 years,the impact should also be assessed up to 10 years from the time the application is made.*

The NPPG provides advice on steps which should be taken in applying the impact test.

These are summarised :

- baseline assessment
- agree time frame for assessing impact
- determine ‘no development’ scenario
- assess turnover & trade draw
- consider range of scenarios
- likely impact of proposal
- conclusions

The NPPF (para 27) states that *Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact upon one or more of the above factors (those factors in para 26) ,it should be refused.*

and there is not a locally set floorspace threshold. The proposed store has a sales area of 1,193 square metres which is significantly below the default threshold of 2,500 square metres.

Nevertheless , the applicant’s Retail Statement includes a section on “Impact “ which addresses impact in terms of the store format and turnover and reference to a health check report undertaken by Lidl nationally to assess the impact of their new stores on town centres.

Store format and turnover

This is a discount store of a different scale and impact than most large retailers.

The gross (1,786 square metres) and net (1,193 square metres) floor areas compared to the recently opened Sainsbury’s on Nottingham Road which has gross floor area of 6,073 square metres and a net sales area of 3,516 square metres. No additional services, such as pharmacy, dry cleaners or butchers are proposed to be offered in store and there is a ‘no frills’ approach to the display of products on the shop floor.

Based on existing stores the annual turnover is estimated to be about £3.5m, comprising £2.8m convenience turnover and £0.7m comparison turnover. This compares to an estimated £30m annual turnover at the new Sainsbury’s.

The applicants explain that the store is likely to draw from both local shoppers as well as shoppers from the wider area who travel to use the new Sainsbury’s and to a lesser extent Morrisons. Their Retail Statement illustrates that the closest similar format stores (Lidl and Aldi) are in Leicester, Nottingham or Grantham. The closest is the Aldi in Syston, a 20 minute drive from Melton Mowbray. Therefore, while Lidl would usually have a local catchment the lack of local competition may result in catchment from a wider area in this case.

The Statement notes that due to the lack of competition the new store would be able to draw from a larger pot of expenditure over a wider area and because of the limited overlap between other main retailers any impact would be negligible.

They note that at the public consultation event a large number of people commented that a new store would provide them with a shorter journey to a discounter. This is reflected in some of the representations received in support of the application which are reported above.

Health Check Data

The applicants Retail Statement refers to a number

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| | <p>of appeal decisions together with a case study update. They state that this supports their claim that discounter stores are a complementary use in towns and that the limited size of the stores and the restricted range of goods sold limit their impact . This includes an appeal decision in Huntingdon, where the Inspector accepted that because of its specialist nature Lidl does not compete directly with other retail premises and is instead a complementary use.</p> <p>Their study of three edge of centre Lidl supermarkets provides evidence that a high proportion of customers ‘always or frequently’ or ‘occasionally’ link trips between Lidl and the nearby centre.</p> <p>Summary of impact</p> <p>In the absence of a local policy with a defined threshold there is no requirement for a store of this size to be subject to an impact test.</p> <p>Due to the size of the proposed store, the range of goods which are sold and relatively modest turnover, it is likely to only have a limited impact upon convenience retailing in the town as a whole.</p> <p>The most significant impact is likely to be on the Burton Street site and the proposed investment into the development of that site.</p> <p>Due to it’s location there will also be some impact upon the neighbouring Co-op store. Some customers may be attracted by a more modern store and competitive prices, even with a limited range of products.</p> <p>Paragraph 27 of the NPPF states that <i>where an application is likely to have a significant adverse impact on one or more of the above factors (see para 26 of the NPPF – impact on planned private investment in a centre & impact on town centre viability and vitality ,including consumer choice) it should be refused.</i></p> <p>It is considered that the adverse impact of this scale of development upon the Burton Street site and the Co-op store are not likely to be so significant that planning permission should be refused. It is considered that the provision of a Lidl increases local consumer choice and the representatiosn received comment on this aspect</p> |
| <p>Impact upon the character and appearance of the area</p> <p>Policies OS1 and BE1 allow for development within Town Envelopes providing (in summary) that there is no adverse impact upon the character and appearance of the area or neighbours; appropriate scale and design and satisfactory</p> | <p>The application proposes the demolition of the existing buildings on the site which comprise linked one ,two and three storey flat roofed brick office buildings situated in the north of the site. These buildings are of little merit. The site falls by</p> |

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| <p>parking.</p> | <p>approximately 6m from the north east to the south west. The southern part of the site is dominated by the access and car park. The main feature on the frontage of the site is the line of protected trees, which are considered in more detail elsewhere in this report.</p> <p>It is proposed to build a retail store with associated car parking and landscaping. The car park would be in a similar position to the existing car park, but with the existing access closed off and a new access constructed at the northern end of the street frontage, next to the boundary with the Co-op.</p> <p>The store is a glass and metal cladding single storey building with a mono-pitched roof . The height at the eaves at the rear (eastern) elevation is 4.81 metres rising to 8.04 metres at the apex of the sloping roof at the front (western) elevation .Most of the cladding would be silver ,with some white render to the rear (northern and eastern) and parts of the front (western) elevations. It is a similar scale to the neighbouring commercial buildings , which are a mixture of brick and steel clad walls with varying roofing materials. The contemporary designed building would be well set back into the site, part of which would be cut out to provide a level base for the building. Due to the difference in levels retaining walls topped with palisade fences are proposed along the northern and western boundaries.</p> <p>The site is outside the boundary of the conservation area,the northern boundary of which is inbetween the site and Norman Way. There are no listed buildings in the vicinity of the site.</p> <p>The development would be in accordance with Local Plan policies OS1 and BE1;the development would improve the form, character and appearance of this area. The layout, scale, mass, design and materials are in keeping with the area. Building the store in the rear corner of the site would ensure that the protected trees are retained and provides an opportunity to significantly improve the appearance of the site with additional landscaping. The ‘crisp’, modern design would create a strong clean frontage . The building would be highly visible and would offer an active frontage on Scalford Road . Overall it is considered that the development would enhance this part of the town.The site is surrounded by commercial premises, there are not considered to be any residential properties in the area which would be significantly affected by the proposed development.The access and parking arrangements are satisfactory.</p> |
| <p>Melton Retail Study In May 2011 GVA produced the Melton Borough Retail Study in accordance with PPS4 ,which was the relevant guidance at that time.</p> | |

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| <p>This study does not recommend that the Council needs to plan for any additional foodstores.</p> <p>The study does include the site at Burton Street in its quantitative analysis as a convenience store commitment (table 19)</p> <p>It notes (para 6.17) that the Co-op generally performs a top-up food shopping function.</p> | <p>Noted that any applications for new foodstores will be judged on their merits having regard to planning policy and any other material considerations.</p> <p>For information – factual statement.</p> <p>Noted – Co-op may be susceptible to impact from the application proposal.</p> |
| <p>Economic Benefit</p> <p>The general economic impacts of the proposal are considered in the retail assessment above. It is also necessary to consider any other economic benefits which the development could deliver.</p> | <p>The development would provide up to 40 full and part-time jobs. The applicant is committed to local employment.</p> <p>The development would make a positive contribution to the regeneration and improvement of the Scalford Road area.</p> |
| <p>Section 106 requirements</p> <p>The developers will provide signage on the site providing town centre information and off site signs to direct shoppers to the town centre.</p> <p>The applicants agreement to providing local employment opportunities can be secured by condition.</p> <p>The Highways Authority has requested a contribution of £1500 to allow it to carry out a SCOOT validation of the Scalford Road/Norman Way junction and the linked signal junction of Norman Way with Wilton Road/Nottingham Road/Asfordby Road</p> | <p>There is no overriding evidence that the proposal will have a detrimental impact on the town centre. It is an edge of centre site where it is reasonable to secure measures to maximise links with the town centre. These can be secured by a S106 Legal Agreement.</p> <p>These measures are all considered to relate directly to the scheme and the impacts it would cause, and as such meet with the CIL tests as appropriate for inclusion within a S106 agreement.</p> |

Conclusion

The application proposes the erection of a food store with associated access, parking and landscaping. The location is considered to be acceptable in terms of applying the sequential approach and retail impact and accordingly meets the requirements of the NPPF. The impact upon highways is acceptable subject to conditions and legal agreement requests. The impact upon residential amenities has been assessed and considered acceptable. The proposal is easily accessible by public transport, walking and cycling and complies with the NPPF which states that preference should be given to accessible sites that are well connected to the town centre. The design of the building is in keeping with the surrounding area and would not be detrimental to the character of the area. The regeneration of the site is considered to improve the character of the area and the retention of the trees and the proposed landscaping will enhance the development. **The application is therefore complies with National and Local Policy and is considered to be acceptable.**

There are a number of areas of contention, principally whether the Burton Street site is sequentially preferable and whether the development of the application site would have a significant impact upon the delivery of that scheme. On balance, it is considered that the application site is more likely to deliver a discount food store than the Burton Street site and that any adverse impacts of the Burton St site not coming forward would be acceptable. This type of store would contribute to the overall range of convenience shopping in the town, with the benefits outweighing any adverse impacts, including harm arising from the reduced prospect of the future development of the Burton Street site.

RECOMMENDATION: Permit subject to:

(i) completion of S106 Legal Agreement for:

- Town Centre Promotional and Directional Signage
- Highways SCOOT scheme

and

(ii) the following conditions :-

- 1) The development shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the submitted plans as follows;
Site Layout: drawing no.B5731 (PL) 101 A submitted 17 February 2014
Elevations : drawing no B5731 (PL) 103 A submitted 17 February 2014
- 3) No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The details shall include all boundary treatment ,including the details of the retaining walls and palisade fencing.
- 4) Prior to the first use of the development hereby permitted, the access.....see LCC standards contained within the Design Manual for Roads and Bridges and to the satisfaction of the Highway Authority.
- 5) The existing vehicular accesses shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the LPA in consultation with the Highway Authority.
- 6) Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.
- 7) No part of the development shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the site as a whole has been submitted to and agreed in writing by the local planning authority.
- 8) For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 9) Unless another method of ensuring the surrounding highway is kept clean is submitted to and approved by the local planning authority in consultation with the highways authority, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.
- 10) The proposed building shall not be brought into use until such time as the proposed access road, car parking ,cycle parking, turning and manoeuvring areas shown on the drawing no. B5731 (PL) 101 A submitted on 17 February 2014 have been provided, hard surfaced, marked out and made available for use. Once provided they shall thereafter be permanently so maintained.
- 11) If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

- 12) Prior to commencement of development, a scheme for the management of traffic using the service yard shall be submitted to and approved by the Local Planning Authority. The service yard shall subsequently be operated in full accordance with the approved scheme at all times.
- 13) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 14) The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 15) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from (the date of the occupation of the building for its permitted use).
 - (a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 (Tree Work)).
 - (b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority
 - (c) The erection of fencing for the protection of any retained tree or hedgerow shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- 16) No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
- 17) No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
- 18) The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 19) Before the installation of any lighting, details shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 20) Prior to commencement of development, a scheme for the provision of training and employment opportunities in the surrounding area shall be submitted to and approved by the Local Planning Authority. The scheme shall subsequently be operated at all times that the development is operational.
- 21) Prior to commencement of development, a scheme for the management of the car park shall be submitted to and approved by the Local Planning Authority. The car park shall subsequently be operated in full accordance with the approved scheme at all times.

Officer to contact:

Mr Pat Reid

23rd June 2014