

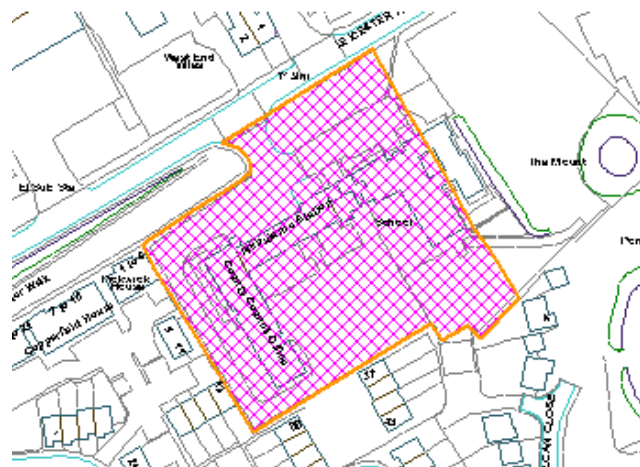
Reference: 15/00476/FUL

Date submitted: 17.07.2015

Applicant: Aldi Stores Limited

Location: Ambulance Station, Leicester Road, Melton Mowbray

Proposal: Demolition of existing buildings at the former Ambulance Station Leicester Road, Melton Mowbray LE13 0DE, and erection of Class A1 food retail store with associated access, car parking and landscaping, and provision of access to Site B.



Proposal :-

This application seeks full planning permission for the erection of a new food store on land currently occupied by the former ambulance station, County Council Offices and day care centre on Leicester Road, Melton Mowbray.

The site lies within the town envelope and is proposed to be accessed from Leicester Road ,with a single access to serve the customer car park, delivery area and to allow for an access to ‘Site B’ to the east of the site which also currently forms part of the former ambulance station site. To the west and south of the site are residential properties, to the north are commercial premises on the opposite side of Leicester Road. To the east of this proposal is land currently part of the whole site which has been shown as ‘site B’ , the applicants have stated that it is intended that this land will be the subject of a separate planning application for a public house and restaurant (A4 use), this is not the subject of this planning application.

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 at Burton Street**
- **Impact upon the highway infrastructure and road safety**
- **Impact on the character and appearance of the area**
- **Impact on residential amenities**
- **Impact on heritage assets**

The application is presented to Committee as a departure from the development plan and due to the number of representations received.

History:-

None relevant, there are applications relating to extensions to the offices.

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 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,

- Local planning authorities should apply a sequential test 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 should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

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.

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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
<p>Highways Authority : No objections subject to conditions and entering into a S106..</p> <p>The Local Highway Authority advice is that, in its view the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF.</p>	<p>The proposal is for a food store on the site of a former ambulance station, County Council Offices and day care centre. It has an area of approximately 0.75 ha with a vehicular access from Leicester Road.</p> <p>It is proposed to build a retail unit of 1,807 square metres gross external floor space, with a</p>

<p><u>Section 106 Contributions</u></p> <p>This recommendation of approval is provided on the assumption that a S106 Agreement is entered into to secure:</p> <p>1) The Travel Plan which is required to achieve the defined outcomes in the Travel Plan to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council’s Local Transport Plan 3;</p> <p>2) A monitoring fee of £6000 to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.</p> <p>Recommends condition on any approval with regards to ; construction traffic car/cycle parking, access road, visibility splays, pedestrian refuse and gates/obstructions.</p>	<p>net sales area of 1,254 square metres.</p> <p>The application is proposed to be accessed from Leicester Road utilising the existing access point to the site with some layout improvements. The access leads into a parking area for the store and access to the delivery area to the south of the store on the end elevation.</p> <p>The application has been supported with a Transport Assessment which the highways authority has considered when formulating their recommendation.</p> <p>The proposal provides parking to the east of the store with approximately 97 car parking spaces, including disabled and approximately 8 motor cycle spaces. The proposed parking provision is considered to be in accordance with relevant parking standards.</p> <p>The parking and access also proposed a customer access point to ‘site B’ to the east of the development, within the area of the existing ambulance station site. This will addressed later in the report.</p> <p>The developer agrees to the contribution sought by the Highways Authority in order to mitigate the transport impacts, as a result of the development</p> <p>It is considered that the request is compliant with CIL Reg. 122 as relevant to the development and necessary to ensure the impacts of the development upon sustainable transport objectives remain satisfactory.</p> <p>The proposed 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>MBC Environment Health Officer</p> <p>Contaminated land</p> <p>Having reviewed the submitted contaminated land assessment addendum. No objection subject to the implementation of conditions requiring Phase II investigations, further remediation if contaminants found and soil sampling</p> <p>Noise</p> <p>Having reviewed the additional noise information including noise report BS 33834/NIA revC have the following comments to make;</p>	<p>Noted, this can be conditioned on any approval.</p> <p>Noted. The proposed store is in close proximity to the rear and side elevations of properties to the west and south. Particularly the delivery area and the refrigeration plant.</p>

<p>External Plant</p> <p>1. Section 3.5 – Results The background noise level sampling periods in noise report BS 33834/NIA rev C for day/night are 16hrs and 8hrs respectively. In contrast, the sampling periods in the original report BS 33834/NIA are 1hr each taken at 22:00-23:00 hours and 01:00-02:00. The ‘representative’ LA90 background levels in the rev C report are both higher than those reported in the original report. It is not made clear how the representative levels have been obtained from the range of values. Nevertheless the increase can be attributed to two factors:</p> <ul style="list-style-type: none"> • In the original report, the lowest background noise levels were used. In the rev C report, it is presumed an average has been used. • The original report restricted sampling periods to times when noise levels are at their quietest. i.e. late evening for day time noise and early morning for night time noise. The inclusion of time periods where noise levels are higher will naturally increase the overall average. It is clear that whereas the original report uses worse case scenario background noise levels, rev C background noise levels are less conservative. <p>2. the manufacturer’s acoustic data for the refrigeration ‘free heat pack’ is accepted, but information for the freezer condenser units is lacking.</p> <p>3. Section 5.0 – Noise Impact Assessment: Without any manufacturer’s data or an objective assessment, for both tonality and intermittency, use of the subjective methods is appropriate. In the original report the acoustic housing was to provide a noise reduction of ‘17dB to the LT [freezer] units and 12dB to the condenser...’. In contrast the revC report applies a reduction of ‘at least 10dB to LT units and 5dB to the condenser...’. No justification is given to account for this change. Although requested, no information has been provided on the housing. These values can only be taken on face value.</p> <p>The results in table 2 use a natural screening value of -5dB, presumably for the narrow aspect (gable end) of the adjacent residential property. However BS 4142: 2014 does not include any such allowance. The standard is test of noise levels at the nearest façade only. Any façade corrections can be calculated and applied separately.</p> <p>Thus by removing this correction and assuming that the acoustic housing mitigation is correct, rating levels of 40dB(A) and 36dB(A) for</p>	<p>A noise assessment has been undertaken but the Environmental Health Officer has expressed concerns with regards to noise from the refrigeration plant and the delivery yard.</p> <p>Additional information has been provided by the applicant and they would reiterate the following points regarding deliveries that need to be taken into consideration:</p> <ul style="list-style-type: none"> • The loading bay has a ramp down making the bed of the delivery vehicle and the warehouse level, meaning forklift trucks will not be used (no pneumatic / hydraulic noise). • Delivery vehicles are offloaded using palette trucks. • A dock shelter surround closes the gap between the vehicle and the warehouse • Vehicle reversing sirens are deactivated when the vehicles lights are on (i.e. early morning and late evening deliveries). <p>In response to the comment of the EHO the applicants have stated; <i>Our original assessment was undertaken in May 2015 as a robust, stringent assessment in terms of BS4142. The National Planning Policy Framework would be much more supportive of development as best practicable means have been proposed to reduce the noise impact of the scheme.</i></p> <p>Plant Noise <i>The Rev C environmental noise survey data supports the original survey, with similar noise levels at the same times, whilst providing a fuller picture of a 24-hour period.</i></p> <p><i>With regard to the assessment location, we would consider it appropriate to assess noise at a location at which a resident may be expected to be exposed to the noise source. For this reason, plant noise levels were assessed at the window, not a windowless façade facing the plant. The closest façade is on or close to the site boundary, such that no residential access to this location is possible.</i></p> <p><i>Construction materials and methods have been presented for the proposed plant acoustic housings. Generally it would be the responsibility of Aldi or the developer to ensure that the enclosures comply with the required specification and meet any planning conditions imposed.</i></p> <p>Deliveries <i>A Technical Note will be provided detailing the</i></p>
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<p>day/night respectively are calculated. Using the background noise data in noise report rev C, a difference of -6 and 0 for day/night respectively is found. However, if the worst case background noise data in the original report is used a difference of +5 and +3 for day/night respectively is achieved.</p> <p>.</p> <p>For reference, the standard required is background or below (equal or less than 0) which should be achievable at the design stage.</p> <p>BS 4142: 2014 recognises that a difference of around +5 dB is indicative of an adverse impact. Therefore during quieter periods, evenings, weekends, bank holidays, noise from the plant could adversely impact on residential amenity.</p> <p>It should be noted that these calculations are subject to the mitigation provided by the acoustic housing. In light of point 3 above, insufficient data is available to be confident of the acoustic performance of the housing. When taking these points together and in context of the close proximity of the proposed plant to noise sensitive receptors there can be no confidence that the proposed development is acceptable in public health terms.</p> <p>Delivery Noise</p> <p>1. Section 5.2. The report refers to ‘typical noise levels from loading/unloading’ derived from measurements at an Aldi distribution depot.</p> <p>The noise levels substituted into this report have not been corroborated and can only be taken on face value.</p> <p>2. Similarly a correction has been made to account for the difference in trailer numbers. No calculation has been provided to explain this.</p> <p>3. It is unclear why a distinction has been made between the delivery activity person and delivery assessment period other than to bring the time references in line with section 7.2 of BS 4142: 2014. A correction has been made for day time deliveries resulting in a 3 dB reduction in noise levels. It is not possible to determine if this appropriate. A delivery time of just 15 minutes from the arrival of the lorry, manoeuvring, unloading, administration to its departure would also seem to be optimistic. However it is not considered that such a correction, a reduction in the specific noise level for a short sampling period, is the intention of section 7.2.</p> <p>4. It is proposed to install a 3.5m acoustic barrier on the southern boundary. It is noted that only a</p>	<p><i>survey methodology for the example source noise data.</i></p> <p><i>With regard to daytime and night-time assessment periods, BS4142:2014 states in Note 2 of Section 7.2 that “the shorter reference time interval at night means that short duration sounds with an on time of less than 1h can lead to a greater specific sound level when determined over the reference time interval during the night than when determined during the day”. It is, therefore, considered appropriate for a correction to be applied to a source lasting 30mins when calculating a 1hr L_{Aeq}.</i></p> <p><i>For screening, we would note that the loading bay is accessed via a ramp such that it sits below ground level. The deck of the lorry is therefore at ground level, resulting in increased screening being provided by a barrier of a given height than if the lorry deck was elevated.</i></p> <p><i>Plant has been assessed using the 16hr and 8hr reference periods as this equipment will potentially run 24 hours per day. The earliest proposed delivery would be at 06.00 hours.</i></p> <p><i>It should also be noted that, during the night-time period, reversing sirens would be disabled. Furthermore, there is no hydraulic or pneumatic equipment associated with the delivery. The lorry deck is level with ground level of the store and stock is manually wheeled into the warehouse via trolleys.</i></p> <p>In response to this the EHO has advised that reducing the noise impact of the scheme doesn’t necessarily make the scheme acceptable in public health terms. Acceptability has primarily (but not exclusively) been assessed against the objective BS 4142 standard. This standard is designed to assess the likelihood of noise related complaints from machinery/processes. It is the opinion of Environmental Health that the development has not been shown to comply with this standard. It is not agreed that ‘best practicable means’ has been achieved as at the design stage the applicant has the option to re-design the scheme and locate noise sensitive activities away from dwellings.</p> <p>Policy OS1 of the adopted Local Plan state that development should not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity. The store is in close proximity to properties to the south and west and despite landscaping and acoustic treatment</p>
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<p>2.4m fence is proposed in drawing ‘Y11A45 – P003 Rev E Proposed Site Plan’. Nevertheless, in the absence of a barrier calculation, a third party reference and scale drawings, the stated (broadband) attenuation figures of 9dB and 16dB are considered to be optimistic for an acoustic fence. As a general rule of thumb, the maximum noise reduction if the receiver is in the ‘illuminated zone’ (direct line of sight) is 5dB whereas if the receiver is in the ‘shadow zone’ (no direct line of sight) then the practical limit is 15-20dB in specific conditions only</p> <p>5. Table 4 – Assessment of cumulative predicted delivery noise levels at R2. Disregarding the lower background noise levels in noise report BS 33834/NIA, the stated ‘representative LA90,15mins’ background noise levels for daytime and night-time in table 2 are 46dB and 36dB respectively. However, the night-time background noise level used in table 4 is 46dB which is an error. When correcting this error and assuming that the specific noise level and barrier attenuation are appropriate, the night-time exceedance is +7 on the ground floor and +14 on the first floor of the nearest residential dwelling. If the background noise levels in noise report BS 33834/NIA are used then the exceedance is greater still.</p> <p>BS 4142: 2014 recognises that a difference of around +5 dB is indicative of an adverse impact and a difference of +10 dB is indicative of a significant adverse impact.</p> <p>The noise index used in the assessment delivery noise is the equivalent continuous sound level (LAeq) This is a form of noise average. The nature of the noise from a typical delivery – reversing sirens, hydraulic/pneumatic machinery etc would be of high energy and short duration and not best characterised by a noise average. It should be noted that the proposed times of delivery are to include the ‘night-time’ hours of 06:00 – 07:00 Monday-Saturday and bank holidays and from 08:00 on Sundays. At these times residents are particularly noise sensitive and have the highest expectations of residential amenity. It is entirely conceivable that intrusive noise such as reversing sirens will cause sleep disturbance.</p> <p>When taking these points together and in context of the close proximity of the proposed plant to noise sensitive receptors, there cannot be confidence that the proposed development is acceptable in public health terms.</p> <p>Conclusion Environmental Health object to the proposed development on the grounds that noise from</p>	<p>it is considered that the proposal would have an impact on these properties with noise from the refrigeration plant and deliveries to the store. These impacts would be to public health and therefore needs to be given careful consideration.</p> <p>Having assessed the location of the proposal and the comments from the Environmental Health Officer it is considered that the proposal would have an adverse impact to the adjoining properties by virtue of noise at a level which would impact on public health. Therefore, the proposal is considered to have an adverse impact on the amenities of nearby residential properties and would be contrary to Policy OS1 of the adopted Local Plan and requirements of the NPPF.</p>
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<p>external plant and deliveries are likely to have a adverse impact on residential amenity.</p> <p>Additional information has been provided by the applicant with regards to Plant noise and delivery noise.</p> <p>In response to the additional information it is advised:</p> <p>Plant Noise: The consultant has suggested increasing the specifications of the acoustic housing and overall reductions of 25dB can be achieved. Should this be the case then the housing could be designed to accommodate the lower background noise levels in the original report. Either way, the performance of the acoustic housing would be fundamental in ensuring that the success of the scheme. Whilst an example of the materials to be used for the housing have been given they are less confident of how such a housing would be designed or how it would incorporate the proposed plant.</p> <p>Delivery Noise: When taking these points together and in context of the close proximity of the proposed plant to noise sensitive receptors, there cannot be confident that the proposed development is acceptable in public health terms.</p>	
<p>Leicestershire County Council Developer Contributions</p> <p>No request for developer contributions</p>	<p>Noted</p>
<p>LCC Ecology – No objection</p> <p>The plans submitted in support of the application indicate that the current proposals involve the redevelopment of the site comprising buildings and hardstanding. It appears that for this application, the grassland to the east of the application site (containing The Mount, and the areas of amenity grassland) will not be impacted.</p> <p>It is on this basis that our comments are made. The ecology survey submitted in support of the application (Middlemarch Environmental, May 2015) indicates that the existing buildings on site to be demolished have a low potential to support roosting bats. Based on this assessment no further survey work for this species will be required.</p> <p>However, we would recommend that any lighting plans are sensitively designed to ensure that there is no light spill onto the grassland and hedgerows/trees to the east of the application site.</p> <p>The Great Crested Newt Habitat Suitability Index Survey (Middlemarch Environmental, May 2015)</p>	<p>Noted</p> <p>A condition can be imposed with regards to the external lighting scheme</p>

<p>assessed the ponds close to the site as having a low potential to support GCN and again, no further surveys are required.</p> <p>The badger survey (Appendix 3 of the ecology survey) did not record any recent evidence of badger setts on or close to the application site, although badger hairs were recorded. We consider that this result is satisfactory for this application, as there will be no significant loss of foraging habitat (grassland). We would have concerns with the development of Site B (the area marked in blue on the plans), due to the presence of a badger sett further south in the same area (East of Vulcan Close) that was recorded as being active last year. The loss of foraging habitat on site B must be considered prior to any planning application on the site.</p>	<p>It is considered that the proposal complies with the NPPF and subject to the conditions would be acceptable in terms of its impact on ecology.</p>
<p>Severn Trent Water Authority: No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted.</p>
<p>Lead Local Flood Authority: No objection The proposed development will be acceptable if the following planning conditions are attached to any permission granted in relation to surface water drainage techniques.</p>	<p>Noted.</p>
<p>Historic England – No objection</p> <p>With regard to the assessment and mitigation of sub-surface impacts we refer you to the advice of the County Council Archaeologists. We note that the development site (A) is currently occupied by the disused ambulance station and associated structures, in respect of any works on site B which includes the Scheduled Monument we would be keen to engage in further discussions about positive site management.</p> <p>Any positive management of the scheduled monument which the Authority may be minded to consider material to applications on the holding as a whole (i.e. plots A+B) should in our view be secured through planning conditions in respect of this development (A) rather than deferred to a future application on plot B, since in our view plot B has very little capacity for development without unacceptable harm to the monument's significance.</p>	<p>Noted, see below for commentary on the County Council/s Archaeologists comments.</p> <p>To the east of the proposed store and car parking, within the former ambulance station site, is a designated Scheduled Monument, SM, 'The Mount'. This medieval motte castle, known as "The Mount" at Mount Pleasant, is located 50m south of the main Leicester Road, at Melton Mowbray. It is separated from the medieval town of Melton Mowbray by the River Eye. The mount is a circular earthwork, approximately 30m in diameter and 3m high, with a flat top 12m in diameter. There is no evidence of a surrounding ditch, although it is considered likely that one would have existed. A documentary reference to a motte at Melton, dated 1364, says it was granted to the Hospital of St. Lazarus at Burton Lazars and refers to cutting down trees on the mound. A reference in 1827 to a mill at Mount Pleasant suggests a later use of the site.</p> <p>This application relates to the part of the site which has been previously developed with the County Council Offices, ambulance station and day care centre. The proposed foodstore would be located largely on the footprint of the existing County Council office building on the western boundary of the site furthest away from the Scheduled Monument.</p>

	<p>‘Site B’ does not currently form part of this application and as such would be the consideration of any future applications.</p> <p>As no harm has been identified to the SM it is not considered reasonable to impose conditions on site B which has been left separate from this application.</p>
<p>Archaeology – no objection subject to conditions</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes that whilst no known archaeological remains/heritage assets have been identified from the site itself, significant remains have been identified during trial trenching and subsequent investigation of the former Police Station site, immediately to the west and south of the present application area.</p> <p>Archaeological remains included a large quantity of Mesolithic flint (over 160 pieces), suggesting the presence of a focused activity area, possibly a knapping site (HER ref.: MLE16139); a particularly intriguing early Neolithic site, interpreted as a mortuary enclosure or small ‘long’ barrow (MLE9229). Probable Bronze Age and Iron Age features have been located including the eaves drip gully of a roundhouse, and features yielding finds including a fragment of a quern. Pottery and Bronze Age flint was found in the vicinity (MLE9233). The investigation also produced evidence for metal working dated to the Iron Age and Roman periods (MLE9232), and finally two ditches were recorded containing sherds of C5th/C6th Anglo-Saxon pottery.</p> <p>It is likely that the above remains or related archaeological features extend into the application area. Given the existing site development, it is unlikely that any remains are of such quality to warrant refusal of the current proposals however, it is recommended that the applicant is required to make provision for their identification and subsequent targeted investigation and recording.</p> <p>In addition to the buried archaeological remains mentioned above, to the east of the current site, located within Site B lie the scheduled remains of ‘The Mount’.</p> <p>This medieval motte castle, known as "The Mount" at Mount Pleasant, is located 50m south of the main Leicester Road, at Melton Mowbray. It is separated from the medieval town of Melton Mowbray by the River Eye. The mount is a circular earthwork, approximately 30m in diameter and 3m high, with a flat top 12m in diameter. There is no evidence of a surrounding</p>	<p>Noted.</p> <p>The site is also in close proximity to an area where archaeological remains have been found. Therefore, it is likely that archaeological features extend into the application area. However, given the existing site development, it is unlikely that any remains are of such quality to warrant refusal but conditions should be imposed to make provisions for identifying and recording any archaeological remains found. This can be dealt with by means of a condition.</p> <p>As stated above the site is in close proximity to a Scheduled Monument, a heritage asset of the highest significance. In accordance with the NPPF, paragraph 129, an assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present., in this instance the setting of the SM. However, as this site has been previously developed and hard surfaced and does not impose on the green space surrounding the SM it is not considered that the proposed food store and parking area would cause substantial harm to the setting of the SM. The proposal would also remove structures close to the SM, namely the day care centre and associated outbuildings replacing them with hard standing.</p> <p>In accordance with paragraph 134 of the NPPF, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.</p> <p>The proposal represents redevelopment of a brownfield site within the town envelope, will provide a foodstore to the south of the town with employment opportunities. In this instance it is considered that the benefits of the proposal outweighs any harm to the setting of the SM which is limited due to previous development of the site and no loss to the open space currently surrounding the</p>

<p>ditch, although it is considered likely that one would have existed. A documentary reference to a motte at Melton, dated 1364, says it was granted to the Hospital of St. Lazarus at Burton Lazars and refers to cutting down trees on the mound. A reference in 1827 to a mill at Mount Pleasant suggests a later use of the site' (HER ref.: MLE3958).</p> <p>The interpretation of the earthwork feature is in significant doubt, the site is scheduled as a medieval motte castle, however alternative explanations include substantial windmill mound, based upon the depiction of a mill on a number of 18th and 19th century maps as well as the documentary records of the sale of the mill's furniture and fittings in 1826-7. It is, of course, possible that the mound may have had a medieval or earlier origin, either as a temporary ditchless motte or a Bronze Age barrow. The possibility that it originated as a prehistoric monument is perhaps reinforced by the discovery of early Neolithic and Bronze Age remains as noted above. In any event, taken together this implies a strong potential for the presence of significant archaeological remains within the potential development site.</p> <p>In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.</p> <p>If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with</p>	<p>SM.</p> <p>Noted, conditions can be imposed to ensure that the necessary and relevant investigating and recording is undertaken.</p>
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<p>relevant Institute for Archaeologists “Standards” and “Code of Practice”. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.</p> <p>We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present.</p>	
<p>Building Control</p> <p>Layout appears satisfactory in respect of Fire and Refuge appliances.</p>	Noted

Representations:

A site notice was posted and neighbouring properties consulted. As a result 7 letters of objection/concern from 6 households have been received. There have also been 115 letters of support. The representations are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Melton Mowbray and District Civic Society</p> <p>Heritage Although the need for another food retail store in Melton Mowbray may be questioned this application has some merit in that it replaces a range of buildings which are no longer used and offers the opportunity to improve the setting of The Mount which is a Scheduled Ancient Monument (Number: 1010666). This heritage asset is one of only six known motte and bailey sites in the county of Leicestershire therefore it is of very high significance and its setting deserves to be well maintained and visible to the public. It is an asset that could provide a valuable resource for the study of Melton Mowbray’s heritage.</p> <p>Because of the archaeological significance of the site it is important that before planning permission is granted the following questions are answered: Has a proper archaeological investigation been carried out on this area? The old police station site was investigated. What was found? Should the site under the present buildings which will be demolished be properly investigated before any development takes place?</p> <p>If permission is given for this application it should be on condition that The Mount, which is located on Site B, and its setting, must not be compromised in future.</p> <p>Employment Employment opportunities offered by the development may not be great because jobs created by ALDI may be offset by job losses from</p>	<p>Noted. An assessment of the impact on the SM is detailed above on pages 8 – 11 of the report.</p> <p>To the east of the proposed development site is a Schedule Monument. This application does not propose to encroach on the green space surrounding the SM and represents redevelopment of parts of the site that have been previously occupied. It is not considered that the proposal would lead to substantial harm to the asset and subject to the conditions requested by the County Archaeologist satisfactory investigation and recording will be required to be undertaken.</p> <p>Noted, see assessment above on page 9 – 11.</p> <p>Any proposed development on ‘site B’ would be the subject of a planning application which would need to be assessed and should be considered on its individual merits.</p> <p>Noted, the proposal would create jobs. There is no evidence presented to suggest that the proposal would lead to loss of jobs from existing retailers.</p>

<p>existing retailers.</p> <p>Traffic and transport This application would add to the food retail outlets serving the south of the town and could lead to a reduction in cross-town traffic.</p> <p>However, concerns must be raised about the pedestrian crossing provision. A recent study of traffic at the junction of Leicester Road revealed that the existing light-controlled crossing was not adequate, especially for people with young children and prams, and elderly pedestrians.</p> <p>Problems have been reported about the danger to pedestrians at the entrance to LIDL on Scalford Road (Letters, Melton Times August 6, 2015); the layout of the ALDI car park should be examined by a highway engineer to ensure that this problem is avoided.</p>	<p>Noted, currently other food retail outlets with the exception of small convenience stores are located to the north of the town centre.</p> <p>The application has been assessed by the Highway Authority who have raised no objection subject to the imposition of conditions and requirements for a S106 legal agreement. The scheme has been amended and proposes a central pedestrian refuge and new pedestrian crossing on Leicester Road. The Highway Authority has requested that this is a condition of any approval.</p>
<p>Impact on residential amenity</p> <p>A property is adjacent to the southern boundary where a 2.4m fence is proposed. At present the disused land on the site "banks up" towards the fence and then drops down to where the fence is sited. As such part of the land on the development site is presently at least 1 metre higher than the current level of housing - is the intention to reduce this to the same level as our land?</p> <p>At present this fence is 1.8M and is owned by the residents.. Are Aldi proposing to replace this and also assume responsibility for its maintenance and upkeep?</p> <p>The proposed position of the fence is a concern. The corner of a house is 1.5m from the existing fence and kitchen window is 2.4m away. The erection of a higher fence will cut down the natural light into the property / garden, whilst providing a greater degree of privacy from the car park (something not needed currently as the existing Ambulance station car park is unused). Also the house benefits from all day sun in the garden - the sun sets over this fence and as it drops, the shadow caused by the fence falls across the garden....A 2.4 metre fence in the same position will significantly reduce the sunlight.</p> <p>Continuous deliveries to the supermarket with attendant noise and disruption early in the morning and late at night seven days a week. This is especially a concern as the delivery site and indeed the refuse bin filling and collection points are immediately adjacent to the rear south fencing; just a metre from the closest domestic residences in Valiant Way.</p>	<p>The application site does lie in close proximity to residential properties to the south and west. Adjoining the western and southern boundaries are residential properties to Valiant Way, Lancaster Walk and Vulcan Close.</p> <p>Initial concern was expressed to the applicant at the relationship of the store to the rear of properties on Valiant Way and the location of the delivery yard and refrigeration plant to Lancaster Walk/Valiant Way. The issue over the delivery yard and refrigeration plant is assessed above on pages 4 -8 of the report.</p> <p>Amended plans were submitted relocating the proposed store further from the western boundary with an amended landscaping scheme showing a buffer zone between the store and the rear of properties on Valiant Way and 2.4 m high fencing. The store is now approximately 13.8 metres from the rear of 9 and 11 Valiant Way which have their rear aspect facing the store and over 10 metres from the side gable of No. 13 Valiant Way.</p> <p>The issue of the deliveries and refrigeration plant is assessed above on pages 4 -8 of the report above.</p>

<p>The position of a lamppost within the proposed parking area is a concern. Whilst accepting this is towards the bottom of the garden, presently the rear of the house is in total darkness and this will shed unwanted light both on the back of the property and garden. It could be repositioned to reduce the impact, whilst still providing lighting to the car parking spaces.</p> <p>Strong objection to the positioning on the computer generated image submitted within the planning application of a 10 foot plus high illuminated Aldi logo sign. This will be directly viewed from living room and bedroom windows and presumably will be illuminated night and day. Although in a lateral position this would be visible day and night and definitely not conducive to a residential estate.</p>	<p>Details of lighting can be required by means of condition, with a view to preventing light 'overspill' beyond the boundaries of the site.</p> <p>The signage does not form part of the application and will require separate consent.</p>
<p>Impact on the character of the area</p> <p>The need for housing easily surpasses the need for yet another supermarket away from the town centre. Similar housing rather than that of an out of place supermarket would be preferable.</p>	<p>Noted, the proposed development would sit in a mixed use area with residential development to the south and west and commercial properties to the east and north on Leicester Road. The site has been previously occupied by County Council Offices, an ambulance station and day care centre. It is not considered that redevelopment of the site for a food store would be out of character with this part of the town.</p> <p>The application must be judged on its own merits, not on the basis of how it compares to other, theoretical, applications</p>
<p>Highway</p> <p>Traffic congestion in Leicester Road is a general problem but the stretch between Dalby Road and Valiant Way is particularly troublesome. Two large retail car showrooms with garage workshops, opposite each other, regularly block the road with deliveries from vehicle transporters. The weekday school traffic, weekend Amenity Site traffic and Tuesday Market traffic are significant contributors to congestion at times making exit from Valiant Way onto Leicester Road problematic. The traffic problems at Sainsburys were addressed by a two lane exit and dedicated traffic lights. From Dalby Road to Valiant Way there is a petrol garage with Marks & Spencer Foods, two car/repair garages, one vehicle accessory centre, access routes for removal lorries, coach stations and taxis and now a new Aldi store all without vehicular or pedestrian traffic management assistance. Traffic lights that incorporate a pedestrian crossing, is required.</p> <p>If the parking to the store is full it will lead to parking on Lancaster Walk causing problems for local residents.</p>	<p>Noted, the impact of the food store on the highway network has been assessed on page 3 and 4 of the report.</p> <p>The scheme has been amended and proposes a central pedestrian refuse and new pedestrian crossing on Leicester Road. The Highway Authority has requested that this is a condition of any approval.</p> <p>The site is a commercial site and has been used for Offices, Ambulance Station and day care centre. The reuse of the site for the food store is not considered to generate traffic above the level the site could generate without the benefit of planning permission. The highway authority has advised that in its view the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF, as outlined in this report.</p>

<p>Congestion on Leicester Road</p> <p>There should be left only turn out of the site.</p> <p>There needs to be a pedestrian crossing</p>	
<p>Noise</p> <p>Noise - concerns about the additional noise caused by delivery lorries and cars/vehicles using the site. The proposed HGV route is to reverse along the boundary - clearly there needs to be time restrictions placed upon when delivery vehicles are permitted and with "reversing beepers" turned off at all times. We would request a noise assessment report be prepared to alleviate these concerns if appropriate.</p> <p>From the plans it appears that houses directly south will be overlooking a car park with continual associated noise and lighting. This area will certainly disturb the very nearby residential area on a seven day a week basis.</p>	<p>Noted, an assessment on noise and disturbance is contained on page 4 -8 of the report.</p>
<p>Impact on Town Centre</p> <p>Melton Mowbray town centre retailers will be further adversely affected by yet another supermarket which offers free parking negating the need for its customers to go into the town.</p>	<p>Noted, an assessment on impact on the town centre is contained below within the report on pages 16 – 20.</p>
<p>Drainage and Flood Risk</p> <p>Main drainage has been an intermittent problem in Valiant Way for over 5 years and unless the supermarket has an entirely separate drainage system to the residential areas this will undoubtedly compound the problem.</p>	<p>Noted, the application has been assessed by Severn Trent Water and the Lead Local Flood Authority who have requested the imposition of condition.</p> <p>It is considered that drainage and managing drainage can be secured by condition.</p>
<p>Letters of support;</p> <p>Increases competition and lower prices</p> <p>Local choice</p> <p>Save travel time not having to go to Loughborough, Thurmaston, Syston, Leicester or Grantham</p> <p>Supermarket welcome to the south to save crossing Melton congested town centre</p> <p>Help traffic flows</p> <p>Will be able to walk rather than cross town</p> <p>Encourage people to come to Melton</p> <p>More jobs and employment opportunities</p>	<p>Noted, the application has attracted a high levels of support and the food store is particularly supported as it would be a facility to the south of the town, represent employment opportunity and would represent environmental improvement to the site.</p>

<p>Improvements to the entrance to the town and tidying up the site</p> <p>Save money on travel costs</p> <p>Convenient to pensioners and those without cars</p> <p>Increased footfall to the town</p> <p>Great use of the site</p> <p>A much needed store for Melton.</p>	
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Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</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 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</i></p>	<p>The site is located to the south some distance from Melton Mowbray Town Centre in a mixed use area with commercial premises to the west and north and residential to the south and east. The site lies in an out of town 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 7 potential alternative sites. That assessment is considered below.</p> <p>The sequential approach used by Aldi takes account of comments by Inspectors, including the ‘Dundee’ principle with the emphasis on the importance of the meaning of ‘suitable’ from the perspective of the applicant.</p> <p>The assessment of alternative sites is based on; Availability – whether sites are available now or likely to become available for development within</p>

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.

a reasonable period of time;
Suitability – with due regards to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the proposal;
Viability – whether there is a reasonable prospect that development will occur on the site at a particular point of time.

Land at Charlotte Street/Norman Way

The site comprises a 0.26ha parcel of land on Charlotte Street with a frontage on Norman Way. The site is part of a wider industrial estate and benefits from an extant planning permission for the development of a veterinary surgery and 3 retail units. The site is discounted on the basis that it is too small to accommodate the proposed ALDI store together with an appropriate level of surface level customer car parking. **It is accepted that the site is not suitable.**

Crown House, Scalford Road (Lidl Site)

The site is situated along Scalford Road and has the benefit of planning permission, when the retail assessment was undertaken the work had commenced and therefore the site is not available. At the time of writing this report the store has been constructed and operational and it is agreed that **the site is no longer available.**

Cattle Market

The site is on the Nottighma Road and is not being marketed and therefore not available. The site if it becomes available is significantly larger than ALDI require and as such ALDI would have to be part of a developer backed mixed use scheme and no such scheme is in the offing. They conclude that the site is both unsuitable and unviable. **It is agreed that the site is not available.**

Land at Phoenix House

This is a training centre and used by other initiatives which are important services to local residents. They are not aware that the site is being marketed and conclude that the site is unavailable. **It is agreed that the site is not available.**

Land at Burton Street

A brownfield site comprising a 0.5 ha edge of centre location, to the east of and behind frontage properties on Burton Street. The site has an extant planning permission for a discount foodstore and has been marketed for several years. The site is not considered suitable to meet the specific requirements of ALDI on the basis that it is too small to accommodate the proposed scale of development by ALDI plus an appropriate level of car parking and it is not in a commercially viable location offering no main road street frontage. The size of the permitted store is smaller

	<p>than the floorspace required by ALDI and the parking provision is below what is required. The access and store deliveries are considered to be substandard. These factors are considered to be materially harmful impact on the stores viability.</p> <p>The Burton Street site is considered to be a sequentially preferable location for a foodstore being 240 m from the defined shopping frontages in the adopted Local Plan. This site is closer to the centre of the town than the proposed site, which is considered to be in an out of town location.</p> <p>The ‘Dundee ‘appeal case the ruling that the sequential approach needs to take account of decisions which take place in the real world in which developers seek to operate not some artificial world in which they have no interest in doing so. In their view while the Burton Street site could physically accommodate a store it is not commercially suitable.</p> <p>The Burton Street site appears to be available. The key is to whether the Burton Street site is realistically suitable in the real world for a discount foodstore and how much weight should be given to this point.</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 . 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 to the prospects of the future development of the Burton Street site.</p> <p>Mill Street Car Park This is a 0.16ha town centre car park site access to which is via Mill Street. The site is discounted as it is too small to accommodate the proposed ALDI store with surface level parking and is unsuitable for intended use. The car park is well used and the loss of parking will impact on the vitality and viability of the town centre. It is accepted that the site is not suitable or viable for the proposed development.</p> <p>Land at Stanley Street This site measures 0.6ha and comprises a derelict 3 storey building and car park. The surrounding land uses are industrial and commercial. The site is currently used by Jeld-Wen and is considered unavailable. It is agreed that the site is not suitable or viable alternative.</p> <p>Other sites The applicants have stated that they are aware that</p>
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	<p>other sites were considered in the sequential assessment carried out in connection with the planning application by LIDL Stores Ltd (14/00133/FUL) which has been subsequently permitted and built, These sites were the Bell Centre, Brooksby College, Burton Road/Rail Station and Wilton Street. All of these sites were rejected as sequential alternatives for the LIDL proposal for grounds related to suitability, availability or viability or a combination of those factors and these grounds accepted by the Local Planning Authority. It is therefore considered that there is no material change in circumstances associated with those sites which would justify a different decision to be reached.</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>Impact test</p> <p>The purpose of the impact test is to ensure that the 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.</p> <p>The NPPF advises (para 26) that impact assessments should be provided for applications for retail development outside town centre , 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 :</p> <ul style="list-style-type: none"> • <i>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</i> • <i>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.</i> <p>The NPPG provides advice on steps which should be taken in applying the impact test. These are summarised :</p>	<p>The Council does not have an up-to-date Local Plan and there is not a locally set floorspace threshold.</p> <p>The proposed store has a sales area of 1,254 square metres which is significantly below the default threshold of 2,500 square metres.</p> <p>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 to assess the impact of their new stores on town centres.</p> <p>Store format and turnover</p> <p>Impact is expressed as a percentage of existing centre/store turnover diverted to the proposal in the impact year.</p> <p>The impact assessment estimates a modest impact of -3.4% on Morrisons which reflects the position of the store relative to the Aldi proposal. Similarly the estimated trade diversion from the out-of-town Tesco, reflect its position to the east of town and estimate a marginal impact of -2.1% on this store.</p> <p>In contrast the out-of-town stores located to the north and west of the town (Sainsbury’s, Lidl and Coop) are estimated to experience the highest impacts at 2020. The new Lidl, being a direct competitor in terms of the discount retail offer, is expected to experience an impact of -33.6%. Sainsbury’s is expected to experience an impact of -12.6%.</p>

<ul style="list-style-type: none"> • baseline assessment • agree time frame for assessing impact • determine ‘no development’ scenario • assess turnover & trade draw • consider range of scenarios • likely impact of proposal • conclusion <p>The NPPF (para 27) states that <i>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.</i></p>	<p>On the basis of the analysis provided it is concluded that the impacts associated with the proposal in the impact year are low and represent no threat to the vitality and viability of Melton Mowbray town centre or the nearby village centre of Asfordby.</p> <p>Health Check Data</p> <p>The applicant’s Planning Support Statement includes a Health Check on Melton Mowbray. It is considered that the town offers a good range of facilities across the convenience, comparison and service sectors. The assessment concludes that despite difficult economic conditions, Melton Mowbray appears to be performing well.</p> <p>Having regard to the outputs of their retail impact and health check assessments, and the nature and function of the town centre’s retail offer, the applicants do not consider that the ALDI proposal would undermine the vitality and viability of the town centre, or its future investment prospects and performance.</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. 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>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 are not likely to be so significant that planning permission should be refused.</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.</p> <p>The development would reuse a brownfield site and offer improvement along the Leicester Road.</p>

<p>Melton Retail Study</p> <p>As part of the evidence base for the developing Local Plan Melton Borough Council commissioned a retail study in May 2015. The study was undertaken.</p> <p>This study does not recommend that the Council needs to plan for any additional foodstores within the plan period.</p>	<p>The conclusions of the retail study are noted. However any applications for new foodstores will be judged on their merits having regard to planning policy and any other material considerations.</p> <p>The proposed foodstore lies outside of the town centre and falls below the threshold which requires an impact assessment. The tests contained in the NPPF is if the applications fails the sequential test or is likely to have a significant adverse impact, (para 27). The application has not failed the sequential test and is not considered to have a significant adverse impact.</p>
<p>Impact on the streetscene</p>	<p>The layout of the proposal has been designed to have the store to the west occupying largely the footprint of the former County Council Offices.</p> <p>The scheme would involve the removal of the existing building on the site which can be seen as an improvement to the streetscene.</p> <p>There is some concern with locating the building to the western boundary and not fronting the highway. There would be parking to the east of the building and fronting Leicester Road. However, careful attention has been paid to the balance between creating an attractive site frontage onto Leicester Road and the requirements of the store in terms of the relationship of the store entrance to the car parking, the level of parking required and deliveries. Therefore, the building has been designed with the most active and detailed store elevation at the northern end of the site and closest to Leicester Road, around the store entrance. It is considered that this will create visual interest and a presence on the main road.</p> <p>Whilst not ideal, turning the building away from Leicester Road, it is considered that the design of the Northern End does address the street frontage and overall the scheme would improve the visual appearance of the site. With suitable landscaping to the site frontage the parking area would be softened so as not to appear as a hard edge.</p> <p>It is not considered that the design and layout would have an adverse impact on this part of Leicester Road to warrant a refusal.</p>
<p>Sustainable location</p>	<p>The site is located some distance from the town centre. It does lie within 1km of the Town Centre but there is some concern over how accessible the store would be.</p> <p>The site would be accessed from the Leicester Road and the nearest bus stop lies within 50</p>

	<p>metres of the site.</p> <p>The application was supported by a Transport Assessment which concluded that the site is accessible by a choice of travel modes and will reduce the reliance on the private car.</p> <p>The development will be subject to a travel plan which has been agreed with County Highways.</p> <p>Whilst not ideally located, in an out-of-town location, consideration needs to be given to the nature of the proposed development and its location to the south of the town where there are currently no similar convenience stores.</p> <p>On balance it is considered that whilst not in the most accessible location, the proposal is on a main bus route in and out of town, is walkable and potentially could reduce traffic through town by providing a convenience store to the south of the town centre.</p>
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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 proposal is considered to be accessible by public transport, walking and cycling. 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.

However, this needs to be considered against the impact upon residential amenities of properties to the south and west of the proposed development. It is considered that the proposal would have an adverse impact to the adjoining properties by virtue of noise at a level which would impact on public health. Therefore, the proposal is considered to have an adverse impact on the amenities of nearby residential properties and would be contrary to Policy OS1 of the adopted Local Plan and requirements of the NPPF.

The impact of noise on the residential amenities of adjoining properties is not considered to be outweighed by the benefits of the proposal and as such the development is not considered to be acceptable and is therefore recommended for refusal.

Recommendation: Refuse for the following reason;

1. It is considered that the proposal would have an adverse impact to the adjoining properties by virtue of noise at a level which would impact on public health. The proposed development, by virtue of noise from the delivery yard and refrigeration plant, would result in an adverse impact on local residences and would therefore be contrary to Policy OS1 of the adopted Local plan and the requirements of the NPPF. These impacts are not considered to be outweighed by the benefits of the scheme.

Officer to contact: **Mrs J Wallis**

Date: 9th February 2016