

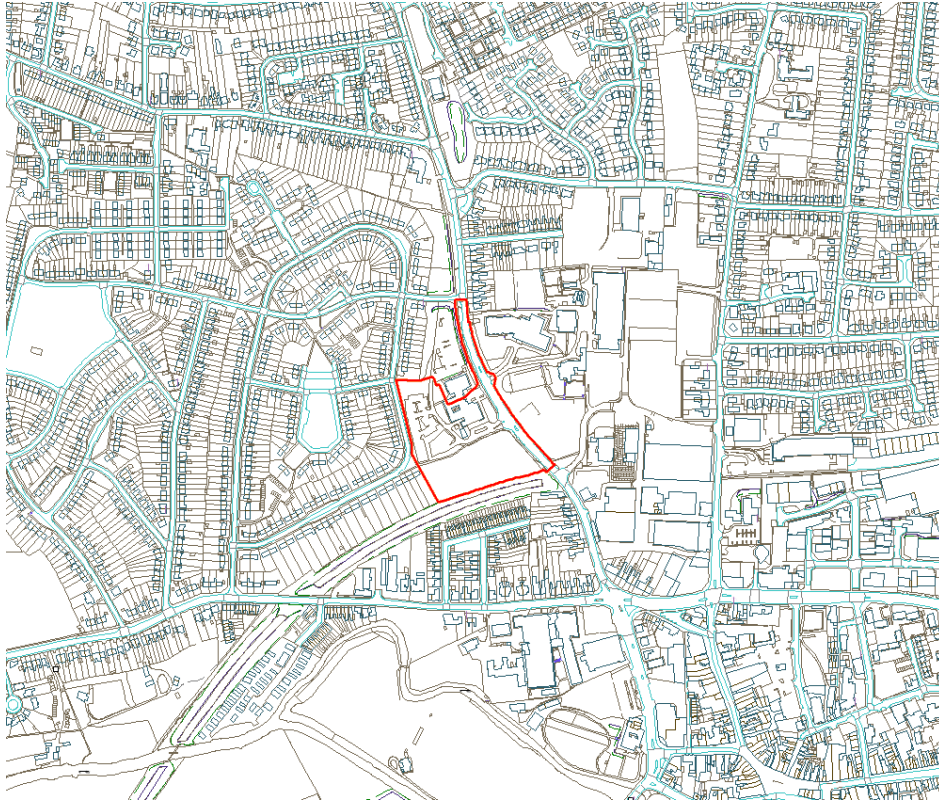
Reference: 10/00178/FUL

Date Submitted: 17.03.10

Applicant: Sainsbury's Supermarket Limited

Location: Car park, Nottingham Road, Melton Mowbray

Proposal: Redevelopment of the site for a new foodstore (Class A1 Use) with associated car parking, access, highway works, landscaping and servicing.



Introduction:-

The application seeks full planning permission for the erection of a new food store on land currently used as a long stay car park and car parking to the Council Offices on Nottingham Road.

The site lies within the town envelope and is proposed to be access from Nottingham Road with a new access to serve the car park and a new access for a service yard to the south of the site. To the north of the proposed development is the existing Council Office and car park,, to the south of the site is a railway embankment, a site of Ecological Interest and to the west is a large residential estate. On the opposite side of Nottingham Road to the east is the Pera complex.

The application has been supported with a Retail Assessment which has been independently 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**
- **Impact upon the highway infrastructure,**
- **Impact on adjoining properties**

- **Impact on the streetscene and surrounding area**

The application is presented to Committee as it is a major application.

Relevant History:-

02/00015/COU Proposed temporary (two years) leisure facility to include a skatepark in a fenced area and a youth shelter, refused on the 14th February 2002.

01/00163/COU Proposed outdoor leisure facility for young people in the Egerton Ward. To include an outdoor basketball area, a grind bar and half fun box for skateboarding together with an octagonal shelter., withdrawn 4/5/01

Various applications in the 1970's including light haulage depot, retail shop, motor repair garage and care home, all withdrawn or refused.

Planning Policies:-

Planning Policy Statement 1: Delivering Sustainable Development identifies sustainable development as the core principle which underpins planning; and, that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce journeys by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. It states that planning authorities should focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.

Planning Policy Guidance 13: Transport advocates sustainable locations for all types of development, particularly those that are expected to attract large numbers of people. It also sets out national parking strategy on the basis of maximum standards that should not be exceeded, as part of a series of measures to discourage the use of the car as the principal form of transport. It states that local authorities should adopt a positive, plan-led approach to identifying preferred areas and sites for shopping, leisure and employment. Retail facilities, preferably, should be located within town centre sites, followed by edge of centre sites which are easily accessible by public transport, walking and cycling.

PPS 4: Planning For Sustainable Economic Development: sets out the national policy framework for planning for sustainable economic development in urban and rural areas.

To help achieve sustainable economic growth objectives include;

- delivering more sustainable patterns of development and reducing the need to travel, especially by car, and responding to climate change.
- promoting the vitality and viability of town and other centres as important places for communities the government expects new economic growth and development of main town centre uses to be focused in existing centres. This is implemented through a 'town centre first' approach and the need for development to demonstrate their impacts on existing centres would not be adverse.
- competition between retailers and enhanced consumer choice through the provisions of innovative and efficient shopping, leisure, tourism and local services which allow genuine choice to meet the needs of the entire community.

At a local level authorities should proactively plan to promote competitive town centre environments and provide consumer choice and adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. The policy requires supporting evidence for planning applications for main town centre uses and those on edge of centre, where additional retail floorspace is created. A sequential assessment is required in order to facilitate development to suitable locations and assess impact upon existing facilities within the town centre.

Planning Policy Statement 25: Development and Flood Risk seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of

flooding, and to direct development away from areas at highest risk. In determining planning applications it states that the Local Planning Authority should have regard to the policies in the PPS and the Regional Spatial Strategy; ensure, where appropriate, that applications are supported by site-specific flood risk assessments; apply the sequential approach to sites to minimise risk by directing most vulnerable development to areas of lowest flood risk; give priority to the use of SUDS (Sustainable Drainage Systems); and, ensure that all new development in flood risk areas is appropriately flood resilient and resistant.

East Midlands Regional Plan

Policy 2 relates to promoting better design which states that the layout, design and construction of new development should be continuously improved, including in terms of reducing CO2 emissions and providing resilience to future climate change.

Policy 3 relates to the distribution of development, and identifies Melton Mowbray as a sub-regional centre as part of the Three Cities Sub-area. The policy states that in assessing the suitability of sites for development priority should be given to making best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations.

Policy 12 relates to development in the Three Cities Sub-area and states that outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements.

Policy 22 Regional Priorities for Town Centres and Retail Development states that Local Authorities, emda and Sub-Regional Strategic Partnerships should work together on a sub-area basis to promote the vitality and viability of existing town centres, including those in rural towns. It goes on to state that Local Planning Authorities should:

- within town centres bring forward retail, office, residential and leisure development opportunities, and any other town centre functions as set out in PPS6, based on identified need;
- prevent the development or expansion of additional regional scale out-of-town retail and leisure floorspace; and
- monitor changes in retail floorspace on a regular basis.

Policy 44 Sub-area Transport Objectives considers transport infrastructure and services. It states in the Three Cities Sub-area there is a need to; develop the sustainable infrastructure and services needed to improve access to jobs and service from deprived inner urban areas and outer estates, and also to identified Regeneration Zones.

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 Melton Core Strategy (Preferred Options) DPD, in regard to the town centre, seeks to focus developments which attract a large number of people, especially retail, leisure and office uses, in the town centre to promote its vitality and viability, social inclusion and more sustainable patterns of development. New development opportunities in the town centre are recognised as increasing its appeal

through additional activity; and, reducing the use of private motor vehicles.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objections subject to imposing conditions and entering in to a S106.</p> <p>Development trip assessment</p> <p>I am satisfied with the latest submissions in respect of trip generation.</p> <p>Car parking</p> <p>Concerned that insufficient information was provided in the Transport Assessment on the adequacy of car parking and management of the car park. The consultants have provided more information and propose a car park management system. In terms of car parking, they are satisfied that the 322 spaces proposed is sufficient for the proposed store and any linked trips. This is dependent on how many linked trips there are likely to be. However there will be a maximum duration of stay of two hours with enforcement provision.</p> <p>PERA access</p> <p>Prior to planning permission being granted, would wish to see agreement from PERA on the use of their access and the proposed signalisation of their access. Also had concerns over the highway boundary at the access to PERA. It would seem that this issue is currently being resolved.</p> <p>Service yard</p> <p>The consultants have submitted a plan numbered 100102 -11 which shows the proposed visibility splays out of the service yard access. I am satisfied with the splays to be provided.</p> <p>Junction assessment</p> <p>Capacity assessments had been undertaken and presented in the Transport Assessment (TA). The TA concluded that the proposed development will not materially affect the operation of the wider road network. The potential impact of the proposed development on the wider road network is generally acceptable.</p> <p>Existing pelican crossing</p> <p>As part of the proposals it is intended to relocate the existing pelican pedestrian crossing on Nottingham Road which is some 25 metres from the Cattle Market access. The crossing will be relocated to the north of the proposed service yard</p>	<p>The proposal is for a food store on an existing car park and part of a site occupied by former Council Offices. The site is approximately 2 hectares and currently has an access off Nottingham Road (A606) between the Council Office site and a public car park.</p> <p>It is proposed to erect a retail unit of 6,073 square metres gross external floor space, with a net sales area of 3,516 square metres. It is proposed that vehicular access/egress to the customer car park (to the north of the store) is via a new signalised junction from Nottingham Road. The application proposes a separate service access/egress via a new junction off Nottingham Road to the north of the retained railway embankment.</p> <p>The application has been supported with a comprehensive Transport Assessment which the highways authority has considered when formulating their recommendation.</p> <p>The proposal is stated as providing a new Sainsbury's foodstore in an accessible location close to the town centre and residential areas, which promotes food shopping in Melton Mowbray and reduces the level of such trips that are made by residential to locations outside of the town. The proposed new access will incorporate the existing access to the PERA site on the east side of Nottingham Road and will be controlled by traffic signals. Access to the car park on the north side of the retained office building will be provided via the new vehicular access. The scheme provides 322 parking spaces, of which 293 will be standard spaces, 17 allocated to disabled customers and 10 for parent and child. There will also be parking for 7 motorcycles. It is anticipated that a car park management scheme will be in place that will seek to prevent long-stay parking at the site, whilst allowing linked shopping trips with the town centre. The proposed provision of around 322 spaces is consider to be in accordance with all relevant parking standards.</p> <p>The application also proposes a service yard in the south-east corner of the site, with access provided via a new priority junction on Nottingham Road. The transport assessment states that it is anticipated that the proposed foodstore will require approximately 10 deliveries per day, which normally occur outside peak periods.</p> <p>With regards to sustainable transport provision the transport assessment states that a pedestrian route</p>

access and will be closer to the pedestrian access to store.

Site access

Satisfied that the access junction will operate satisfactorily and has sufficient capacity to cater for the flows generated by the proposed development.

An amended layout plan numbered ARCH/2008 - 063/P03 Rev C was received via the Planning Authority on the 5th July 2010. The revisions reflect the latest highway layout on Nottingham Road and also amendments to the layout of the public footpath which is located within the site. No objections to the proposed layout.

Offsite improvements

The applicants have offered the sum of £40,000 towards the provision of an additional crossing to the north of the proposed development. Details of the scheme and its location have not been determined at this stage. It is envisaged that this will be undertaken in the future following consultation. The Highway Authority is agreeable to this contribution however the s106 Agreement should include for the possibility of providing one or more crossings, all within the above amount. This is to enable flexibility in providing the most appropriate crossing facilities.

The applicants have submitted a plan numbered 100102 -04 which shows proposed improvements to pedestrian facilities. A contribution of £70,000 has been offered towards the improvements. The plan is notional only and detailed proposals would be investigated following receipt of the contribution. The above sum of £70,000 is acceptable to the Highway Authority.

Passenger transport unit (ptu) comments

The consultants have submitted a revised travel plan dealing with the Travel Plan Officer's comments. Targets have now been put in to the plan. However, the Travel Plan is not yet in a form that can be approved and would wish to see a condition imposed requiring the submission of a travel plan. This "framework travel plan" can then be worked up in more detail.

S106 Contributions

In the interests of encouraging sustainable travel to and from the site, the following contributions are required:

Travel Packs (1 per employee)

will be provided to the north of the store on the existing desire line between Stirling Road and Nottingham Road, to accommodate existing pedestrians whilst also providing a direct route to the store entrance from neighbouring residential area to the west of the site. The new access will incorporate controlled pedestrian crossing facilities and the Service Yard will require the existing pelican crossing to be relocated approximately 30 metres to the north. There are also pedestrian enhancement measure proposed and a new southbound bus stop.

The application proposes an online goods service area to the south-west corner of the site.

The transport assessment has been fully considered by the Highway Authority and they have commented on the various aspects of the proposal. With regards to the PERA access, the agents for PERA have confirmed that 'the proposed access improvements are acceptable in principle and that Pera are happy to provide the required access onto their site to undertake the necessary works.'

With regards to the Section 106 request by the Highway Authority, these are 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.

The proposed highway improvements and access arrangements are considered satisfactory with regards to highway and pedestrian safety. It is considered that the proposal can be accommodated with the existing highway network.

<p>2 New bus stops or upgrading of 2 existing nearest bus stops (including raised and dropped kerbs to allow level access), Information display/s at the bus stop/s, Bus shelters at 2 nearest bus stops at a total contribution of £38,530.00.</p> <p>A contribution of £40,000.00 towards the provision of pedestrian crossing facilities on Nottingham Road to the north of the proposed Sainsbury's store.</p> <p>A contribution of £70,000.00 towards the enhancement of pedestrian facilities between the site and the Town Centre.</p> <p>The total contribution for passenger transport, pedestrian crossing facilities and enhancement facilities is £148,530.00 (one hundred and forty eight thousand five hundred and thirty pounds).</p>	
<p>Environmental Health Officer –</p> <p>Noise - In considering the potential for noise complaints to arise as a result of the proposed development regard has been had to the Noise Assessment prepared by WYG Environment.</p> <p>A description of the existing noise environment in and around the site is provided. Noise surveys have been undertaken and the results used in order to verify predictions of the effects of long term and short term noise effects. The noise levels from the proposed development have been predicted at local representative receptors using CADNA noise modelling software which incorporate ISO 9613 and CTRN methodologies and calculations.</p> <p>Building Service Plant. This will be on the roof of the store. The noise levels arising from it will be more than 5dB below existing background noise levels. This should not give rise to any nuisance.</p> <p>Traffic noise. An increase in noise levels against the traffic noise levels which are anticipated if the development does not proceed is identified. However the anticipated noise level increase is regarded as negligible. It is considered the increase in traffic noise as a consequence of the development is insignificant.</p> <p>Car Park Noise Assessment. A background comparison assessment has shown that noise from the proposed car park would be below background noise levels with the exception of 44 Stirling Road, which would be above the background noise levels by a maximum of 8.3dB. I accept this is a worst case scenario, however,</p>	<p>The application proposes the erection of a foodstore sited to the south of the site, adjoining the railway embankment. To the north will be the car park area and to the east is the A606 and PERA complex. Of concern has been the relationship of the store to residential properties to the west and south of the railway embankment.</p> <p>The Environmental Health Officer has expressed some concern with regards to noise and disturbance in relation to Stirling Road and Fernie Avenue. Particularly in relation to delivery noise and on-line goods deliveries. Amendments have been made to the proposal, to include a noise barrier to Stirling Road and a Service Yard Management Plan. The Environmental Health Officer is now satisfied with the proposal, subject to the imposition of conditions, and it is considered that the proposed measures would ensure that the development would not result in noise disturbance.</p>

the car park is against the rear garden of the property and this may well affect the enjoyment of the garden of that property. Accordingly I recommend a noise barrier is installed to provide an effective protection for the property.

Delivery Noise Assessment and Goods On Line Deliveries. The noise from these sources are assessed separately in the report. Based on worst case scenarios both have the potential to create noise levels in excess of the existing background noise levels by more than 10dB in the early hours of the morning for properties on Fernie Avenue. The times are identified in the conclusion of the report. 10dB being a level at which noise complaints are likely. Even outside of those times properties on Fernie Avenue are anticipated to experience an excess of noise levels above existing background noise levels, although by less than 10dB. Goods on Line Deliveries can be expected to diminish in activity as the evening draws in. As opposed to recommending any limiting condition at this stage, advise that the applicant be aware of the potential for a nuisance to arise and give consideration to measures which may be implemented at this stage to prevent complaints being made.

As with Goods Deliveries, if this activity was carried out during the night time there would be an anticipated potential increase in noise above the existing background noise levels. However it is not currently anticipated that this would be carried out during the night time hours.

If Goods on Line Deliveries were to be made during the night time hours I would be concerned that the guidelines on night time noise levels would be exceeded accordingly I suggest it would be necessary to calculate the combined effect of both Goods Deliveries and Goods on Line Deliveries in particular to the properties on Fernie Avenue (R5: 51 Fernie Avenue and R6: 5 Fernie Avenue).

Biomass Boiler Assessment: The noise levels from the biomass boiler and associated equipment at all modelled receptors will be below the background with the exception of receptor R5 during the night time period where noise levels from the biomass boiler would be above the existing background noise levels LA90 by a maximum of 14.3 dB. The assessment therefore indicates that an acoustic enclosure will be required to attenuate noise from the biomass boiler. The noise attenuation properties of the enclosure will need to be a minimum insertion loss of 20 dB so that any noise attributable to the biomass boiler will be below the existing background noise levels LA90 at the closest

sensitive receptors. Eco Link Power Ltd have specified that a Kingspan Kingspan KS1000 LP/CR Roof System and either a KS600/900/1000 MR/EB/FL-S/MM/CX/WV Wall & Façade Systems will fully enclose the Biomass Boiler will sufficiently attenuate any noise from the Biomass Boiler to allow any noise emitted by the Biomass Boiler to be below the existing background noise level at the closest noise sensitive properties.

With reference the **Response to Noise Comments and the Draft Service Yard Management Plan**, provided by WYG.

It is noted the proposal to install a 2.5m solid fence against the garden of 44, Stirling Road and it is anticipated this will give a reduction in noise of 7.9dB and is anticipated that this will provide satisfactory protection against car park noise.

With regard to delivery of goods to the store during the night time period. It is noted the variation in noise levels in deliveries to different sites and also different deliveries to the same site described in the Response to Noise Comments and the Draft Service Yard Management Plan. It is anticipated that 4 HGV deliveries and 5 smaller vehicles during the night time period. The night time period is being interpreted as being from 11:00pm until 7:00am. Therefore, there is the potential for disturbance for nearby neighbours as a result of deliveries during the night time period.

Whether or not this disturbance would be sufficient to be a statutory nuisance would be dependent to a large extent on compliance with the criteria described in the Response to Noise Comments " Internal noise intrusion levels would be within the "good" (30dB) target level during both the day and night with windows open at all receptors. L max levels would be within the 45dB target level with the windows open"

It is accepted noise levels from deliveries can vary considerably. The prevention of a nuisance may depend on the successful application of the Service Yard Management Plan.

Recommends various conditions in relation to noise.

Contamination

No comment except observation with regards to contradictions in the report.

The site is identified as a landfill site and is accompanied by a Phase I and II Environmental Investigation Study to consider the geological and ground contamination conditions underlying the site. The Investigations conclude that there is a low risk of harm to human health arising as a result of the proposed works.

<p>Environment Agency:</p> <p>Originally objected to the proposal on the grounds that; The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.</p> <p>In particular, the submitted FRA does not consider the following: There is a culverted watercourse that runs in the vicinity of the development. The Environment Agency is unaware of the culvert line and therefore further investigation is required to show its path.</p> <p>On receipt of the Flood Risk Assessment Report (FRA) by RSK Group Plc, dated August 2010, report number 241063-001 (01), the Agency is able to remove its objection to the proposal.</p> <p>However, the proposed development will only be acceptable if planning condition are imposed requiring drainage details, watercourse culvert diversion and oil and petrol separators.</p>	<p>The site lies within Flood Zone 1, outside any known fluvial floodplains. The application has been accompanied with a Flood Risk Assessment. The Environment Agency has no objections to the proposal subject to the imposing of conditions relating to drainage, watercourse diversion and oil and petrol separators.</p>
<p>Leicestershire County Council Archaeologist:</p> <p>The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.</p> <p>With regards to the archaeological desk based assessment completed by Cotswold Archaeology (CA Report Number 10074) and amended plans for the above site. Upon reviewing the information supplied, it appears that there are unlikely to be any archaeological issues associated with the application site and therefore do not feel that any archaeological work is required as part of the scheme.</p>	<p>Noted, the desk based assessment of the site has shown that it is unlikely that there are any archaeological remain present on the site and there is no further requirement for any works as part of the proposal.</p>
<p>Ecology: Are pleased to see that an ecological survey (WYG, 2010) has been submitted with this application.</p> <p><u>Protected Species</u></p>	<p>Noted. The application was supported with a Environmental Assessment which identifies that the proposed development will not encroach onto the embankment to the south of the site, but does recommend good practice measures during all</p>

<p>It is noted from the report that there was no evidence of protected species on site. However, it is noted that there were a number of trees with bat roost potential. They are therefore in agreement with the recommendations in 4.3.2 of the report in that soft-felling techniques should be used when removing these trees.</p> <p>It is noted that the proposed development involves new lighting, close to the dismantled railway, particularly in the proposed service yard and on-line service area. They would recommend that this lighting is constructed to face away from the railway and baffles be used appropriately. This is to ensure that excess lighting does not impact on bat foraging routes along the wildlife corridor of the dismantled railway. This is also discussed within section 4.3.2 of the ecological report.</p> <p>No works to existing vegetation should take place during the bird breeding season (March to end August) to protect any nesting birds.</p> <p><u>Ecologically Important Sites</u> As mentioned within the ecological report, the dismantled railway immediately to the south of the application site has previously been evaluate as being ecologically important. They are therefore in agreement that this is protected throughout the development and would recommend that a condition to protect the habitat.</p> <p><u>Loss of Habitat</u> The plans submitted with the application indicate that there are a number of trees and hedgerows to be lost as a result of the development and very little new planting is proposed. They would recommend that the applicant is asked to include the retention of some of the trees throughout the site, or, plant new trees throughout the site. These could be incorporated into the 'islands' within the car park</p> <p>Additional comments received stated that they can confirm that works to vegetation may commence during the bird-breeding season if it can be proven, by a suitably experienced ecologist, that there are no nesting birds present. However, no works should commence on the vegetation without the ecologists agreement.</p>	<p>works to ensure it is not impacted upon. The survey also highlights that no habitats of note were observed at the site, but makes a number of recommendations including that any removal of trees and hedgerows should avoid the bird nesting season. In terms of bats the survey identifies that there are no statutory ecological constraints with regards to roosting bats, but recommends sensitive lighting adjacent to the embankment.</p> <p>The conditions requested by LCC Ecology are considered reasonable and should be imposed on any planning consent.</p>
<p>Leicestershire County Council Rights of Way Officer</p> <p>An unrecorded public footpath crosses the site and the County Council has been in discussion with your colleagues in Legal Services as to how this path might be recorded in the future and incorporated into any proposal to redevelop the</p>	<p>Noted, conditions should be imposed to ensure the criteria recommended by the County Council are complied with.</p>

<p>site.</p> <p>They are satisfied that this has been shown on the plan entitled PEDESTRIAN FOOTPATH Project No. 2008-063 Drawing No. SK025 Revision D. This plan has been reworked from the original to show a more direct route for the footpath, taking it back a distance from the road junctions within the car park to meet the following criteria:</p> <ul style="list-style-type: none"> - The footpath will have a minimum width of 3m throughout. - The full width of the path will be available at all times, any bollards, columns or other store features (permanent or temporary) will be outside the confines of the highway. - The footpath will be delineated on either side by edging strips. - Anywhere the footpath crosses an internal road it will be a minimum of 5m from a junction, marked clearly on the ground and with a minimum 1m visibility splay on either side. - L.C.C. Highways Design Guide to be followed for the construction of the surface of the path, chicane (at Stirling Road end of footpath) and tactile paving. <p>The Borough Council published two Public Path Orders, an extinguishment and a creation, on 20th May, relating to the footpath across the site and more specifically to this development. An objection period is now open until 18th June and we must await the outcome of the advertising period before any certainty can be attached to the plan for the footpath.</p>	<p>The Public Path Order to which has been refer has not progressed because of objections but has been redrafted and will advertised again soon</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 the imposition of conditions in relation to drainage plan for surface water and foul sewage and public sewers.</p>	<p>Noted, this can be imposed by means of a condition.</p>
<p>South Kesteven District Council – no objection subject to the authority being satisfied that the proposed development would not affect the vitality and viability of town centres in the District.</p>	<p>Noted, an assessment of vitality and viability is contained within the report</p>
<p>Charnwood District Council – no objection</p>	<p>Noted</p>
<p>Leicestershire Constabulary - no issues or objections and confirm that they dealt with the Architects during pre-planning application discussions in order to address any issues which now seem to have been resolved and identified.</p>	<p>Noted, the Police are satisfied with the scheme in relation to safety and crime prevention. However, they have requested developer contributions in relation to the scheme. The Police have not identified how the request relates specifically to</p>

<p>Leicestershire Constabulary now seek a Developer Contribution on residential development of 10 units and over and on commercial development of 1,000 M² and over.</p> <p>Currently Leicestershire Police Authority is asking for a contribution of £606 per residential living unit and £7 per M² on non-residential development.</p> <p>The resulting contributions received through S106 applications will be directly used within the associated Local Policing Unit to:</p> <ul style="list-style-type: none"> • Address the accumulative effects of numbers of housing and commercial developments over a geographic area. • Increase efficiencies associated with patrol, detection and prevention of crime. • Provide additional vehicles (both motor vehicles and/or cycles) and other resources (for example, associated clothing and equipment and IT or mobile data costs) associated with the above efficiencies. • Extend communication infrastructures. • Provide (where appropriate) CCTV cameras, some of which may require enabling for ANPR (Automatic Number Plate Recognition) purposes. • Provide new or supplementary buildings to house resources, or to facilitate community participation and engagement. • Enhance crime reduction measures through Secured by Design principles. 	<p>this scheme and it is not considered to reasonably relate to this proposal and meet the test of Circular 05/05. Therefore, it is not consider that this contribution relates appropriately to the development in terms of the nature and scale, and as such is not considered appropriate for a S106 agreement.</p>
<p>Leicestershire County Council Arboriculture Officer</p> <p>Concerns with regards to the removal of many trees that are of good retention value and form a majority of the individual specimen trees on site. Has a number of concerns about the removal of;</p> <p>Tree Number 34 (on plan) as it is a mature oak tree and is the largest, most mature tree located on the site and arguably has a high amenity value. The removal of the tree is to facilitate the store access road and service area, the loss of this tree would be to the greater detriment of the site.</p> <p>Tree Number 137 (on plan) is a mature lime tree and is growing in the adopted highway area managed by Leicestershire County Council. It is not acceptable for this tree to be removed. The tree is not part of the site and is in good health there are no viable reasons for the trees removal</p>	<p>The County Council Arboricultural Officer has expressed concerns with the proposal and the impact on the trees within the site. Particularly the removal of a mature lime tree on the Nottingham Road.</p> <p>In light of the Arboricultural officers comments a revised landscaping plan has been submitted which includes;</p> <ul style="list-style-type: none"> - additional 20 no. 20-25cm girth semi-mature replacement trees in order to mitigate the loss of the lime tree and increase in the size of the proposed tree to 20-25 along the Nottingham Road boundary. <p>They have stated that there is no scope for new tree planting to the east of the service yard/store due to the 10m sewer easement zone near to the lime tree. The removal of the lime tree is required to facilitate access into the service yard which has been agreed with County Highways. The applicant has stated that the replacement trees in</p>

<p>Tree numbers 219 & 220 are two mature trees that are highlighted for retention but have an incursion into their root protection area where part of the proposed car park extension is due to be created. A detailed method statement must be supplied to indicate methods of work, tools used, ground protection and method of construction.</p> <p>Approximately 70-80 specimen trees are to be removed from the site to facilitate the development, and only 9 specimen trees are to be replanted, this does not seem an acceptable amount of replacement trees for those that are to be removed, much of the landscaping is in the creation of shrub beds or hedgerow.</p>	<p>the site mitigate for the loss of the Lime Tree and Sainsbury's would be agreeable to a financial contribution as compensation for the loss of this tree.</p> <p>Whilst the loss of a mature lime tree on the frontage of the site, on Nottingham Road, would be regrettable it is considered that the scheme does provide additional trees within the proposal and the landscaping scheme is considered to be satisfactory. The layout of the scheme has been designed as such due to site constraints, sewer easements, public rights of way and design issues. To have designed the scheme around the trees in the existing car park would create a layout which would not be customer friendly and would result in the loss of car parking spaces. Alternative schemes were looked at which retained some of the existing trees, particularly those to Nottingham Road, by pulling the store away from Nottingham Road. This layout was considered unsatisfactory from a design point of view as it would not provide an active frontage to the Nottingham Road, an important route into the town. Again the loss of the oak tree is regrettable but is viewed against the backdrop of the railway embankment and therefore any loss is mitigated as the habitat on the railway will remain.</p> <p>Having considered the constraints on the site, parking and design issues, whilst some tree loss is regrettable, the landscaping proposed is sufficient and overall it is not considered that the removal of these trees would unduly impact on the amenity and character of the area.</p>
<p>OPUN</p> <p>A proposal for the redevelopment of this site was originally considered at a Design Review Panel on 02 September 2009 (DR2009-044), with a number of recommendations made. The Desktop Review has therefore taken into consideration the changes made in response to the Panel's feedback, comments, headings and key points from the original Panel letter, issued after the Review in September 2009.</p> <p>Site Layout and Nottingham Road Frontage There have been some significant changes to the strategic site layout. Although the building remains at the southern part of the site, it is now located further east with a principal 2 storey elevation creating an urban edge onto Nottingham Road. This creates the potential for a truly active frontage and better public realm on this key artery into the town centre. The landscape solution remains to be finalised (according to the drawings). This frontage treatment will be key to</p>	<p>Noted. Comments in relation to the design of the building are contained below in the report. However, the applicant has responded to the comments raised by OPUN which are reported below;</p> <p>The public realm along Nottingham Road will be defined by quality paving materials and movable planters. This area acts as an easement zone for the sewer diversions that are necessary as part of the proposed development. As such no 'fixed' soft landscaping or design features are proposed as any proposal must be easily movable to allow for maintenance access to the sewers.</p> <p>As this is a key route linking the site with the</p>

whether 'quality public realm' is provided, or just a wider footway with the suggested planters. The Service Yard remains in its original location, presumably in order to keep it well away from the residents in Stirling Road, which is an important consideration. Nevertheless, the yard in this position does create some compromises and safety issues in the layout which we consider are not fully addressed at this stage. It is felt that the quality and efficacy of the screening to the yard needs to be more convincing, and pedestrian amenity and safety along this key stretch of frontage requires more detailed thought.

More specifically –

- The perspectives provided to not show any treatment at the service yard entrance which might promote better pedestrian security and landscape quality. It is simply a wider footpath and a road junction. The plans do notionally indicate pedestrian crossings both across the service yard entrance and Nottingham Road, but their nature is unclear and neither is illustrated in the perspectives.
- The 'Green Wall' concept is a little ambiguous, and needs further explanation, as the term can relate to a number of different solutions. There is little commentary on the concept or its maintenance in the landscape report. Is it simply ornamental shrubs, trained up wires on a brick wall giving sporadic cover, as the drawings and narrative hint at, or is it intended to provide a 'state-of-the-art' vertical landscape to create a solid mass of foliage which will successfully frame the suggested artwork? Could the artwork be composed graphically in a stronger way? Will it be maintained, updated and refreshed? How do the security railings which top the wall on the latest elevations fit into the composition? A little more explanation is required here.
- Is there a better way of providing ram-raided security adjacent to the café, rather than the rather clumsy planters which will need maintaining? They rather dilute the improvements provided by pushing the building out to Nottingham Road and creating a strong two storey active façade.

Mix of Development

We note that the Panel's suggestion of widening the mix of uses on the site has not been taken up, possibly because there is no market demand at present or, that operational demands dictate against it. Either way, other similar development elsewhere is increasingly offering mixed-use solutions. It would be useful to understand the reasons why this might not be possible here.

town centre it is intended to keep this space open and therefore a safe and attractive to walk along.

The store design has resulted in a more enclosed service yard. In particular the views up and down Nottingham Road are now of the building rather than onto the service yard.

The pedestrian crossing in front of the service yard is via a zebra crossing with dropped kerbs and tactile paving at either side. It is not intended to chance the materials, ie, brick pavers as it would be inappropriate because of heavy vehicles crossing and they have the potential to become trip hazards by uneven settling resulting in safety issues.

The 'Green Wall' concept along the service yard is intended as climbing plants trained along wires secured to the brickwork. When established these plants, along with the artwork, will add to the rhythm and break up the extent of the service yard wall and will act to frame the proposed public artwork that is set within the wall. Sainsbury's will appoint a landscape contractor to maintain the landscaping and retain the original intent of this feature. The artwork is intended to be produced by local school children and/or community groups.

The security railing along the top of the wall will be designed to reflect the design of similar railing adjacent to the site in order to provide uniformity.

The planters will provide anti-ram rain measures along Nottingham Road. Any permanent form of protection (street furniture, trees or structure) would be inappropriate in terms of allowing access to the sewer for maintenance purposes by the utility company. The planters are a more visually attractive solution than for example bollards or railings.

A mixed use development is not practical on this site, due to the site's environmental constraints. Mixed use was rejected as;

- the existing utilities below ground that run across the site make further development at grade uneconomical
- the requirement to maintain access to the Local Authority office car park through the site further restricted the development opportunity.

<p>Building Design</p> <p>Though altered from the original submission and now with a better urban response to Nottingham Road, the store has the appearance of a standard mass produced scheme that does not relate to its context or reflect its importance as a gateway to Melton. There is no commentary why the building looks as it does, either in terms of contextualize or spatial Masterplanning. The perspectives show elevational detailing as rather ‘thin’, with little or no relief or textural quality. Whilst we would support the notion of bringing a glazed active frontage to the site boundary, we would suggest that a more honest, functional interpretation of the fenestration, without the need for glazed ‘look-alike’ panels would be better. The very latest drawings suggest a new ‘corner feature’ which on examination shows that the original corner tower is reglazed in a different style. There is no explanation as to why this has been introduced or what function it serves. A 3D view of the new version would be useful.</p> <p>East West Pedestrian Route</p> <p>The existing public pedestrian route linking Stirling Road residents with Nottingham Road is now reinforced by means of a (fairly) direct route across the front of the store to Nottingham Road. It appears to roughly follow the route of the existing path which will be good from a navigational point of view. It appears to be under cover canopy for much of its length, and well policed by the new active building frontages which now edge the route. Despite the latest changes, however, the path still has to meander around entrances, drop off lay-bys and trolley stores, rather than taking a straight line across the façade which would be beneficial. Also we cannot find any specific comments on this key route in the submitted lighting report, which is surprising. Nevertheless, we believe that the new alignment has a much better chance of creating a clear, well defined and safe public route.</p> <p>Conclusions</p> <p>In summary, the East Midlands Design Review Panel note that there have been a number of changes to the proposed development of the site, and the repositioning of the building to create a stronger active frontage to the Nottingham Road is a positive step and the pedestrian route is an</p>	<p>- Further parking demand and pressure on the proposed new junction on Nottingham Road was felt inappropriate.</p> <p>Any additional use would have to be located above the store. This approach would conflict with the need to keep the height of the building to a minimum to reduce any potential visual impact on neighbouring residential properties to the south and west of the site.</p> <p>The pedestrian route will benefit from the cover of the canopy that runs along the shop front of the store. This not only provides protection from the elements but the lighting to the underside of this will provide a safe and well lit route at all times.</p> <p>Along the front of the store, the route will also benefit from the light coming from the shop from windows and natural surveillance during trading hours.</p> <p>Beyond the extent of the building, the car park lighting will illuminate the pedestrian route. This lighting will be dimmed at night-time outside of the store trading hours to minimise any potential impact upon neighbouring residents, but it will still be at a level to ensure a safe pedestrian route.</p> <p>As stated above, these comments are made by Sainsbury’s in respect OPUN’s comments. An assessment on design is considered below in the report.</p>
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<p>improvement. However, the building design remains disappointing overall as it fails to capture the potential of this site to be a gateway to the town and is a response that doesn't really demonstrate how the materiality and context of Melton has been considered. More needs to be done to tell the story of the site and provide the kind of architectural response the site warrants.</p> <p>Ultimately, the decision as to the acceptability of the proposed design solution will rest the Local Planning Authority who will need to form their own judgement as to the level of design solution they seek for the site.</p>	
<p>East Midlands Council - Having examined the information provided with the application the view is that this proposal falls outside the scope of the EMC's existing criteria for planning applications of strategic importance and the EMC would not therefore wish to comment on this occasion.</p>	Noted

Representations:

A site notice and press notice were posted and neighbouring properties consulted. As a result 30 letters have been received from 18 interested parties objecting on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>Tesco – concerned with regards to comments on the “competition test”. It is suggested that a competition test for retail development is a material consideration in the determination of a planning application, a potential competition test should have no bearing whatsoever. A potential future competition test cannot be a “material consideration” in the determination of this planning application.</p> <p>PPS4 makes no reference to a competition test. To take account of a potential competition test in the determination of this planning application would be <i>ultra vires</i> because no planning policy basis exists and also because ownership/operator is not a material consideration.</p>	<p>The concerns of Tesco are noted. The applicant in response to this has stated that whilst it is accepted that there is no legislation in respect of the competition test, competition is clearly a material consideration, as highlighted in PPS 4 and the Practice Guide, and demonstrated in recent appeal decisions by the Secretary of State.</p> <p>PPS 4 states, in paragraph 10, that a competitive retail sector and enhanced consumer choice are one of the key objective of planning. Policy EC1.4 adds that when assessing the need for retail development local planning authorities should “take into account the degree to which shops may be overtrading and whether there is a need to increase competition”.</p> <p>An assessment on policy and the test of PPS 4 are clearly discussed within the report and attached appendices.</p>
<p>Morrisons (Peacock and Smith) – object to the erection of a new food superstore.</p> <p>The planning and retail report considers that Morrisons will be affected by the proposal. As Morrisons store is one of the main anchors for Melton town centre the proposal may have a harmful impact on the vitality and viability of the town centre and must be given serious consideration.</p>	Noted. The comments raised by Morrisons and the issues surrounding PPS4, the sequential test, need and impact is assessed in the report below and the attached appendices.

Location of site – the site is in excess of 600 metres from the primary shopping frontages and therefore is ‘out-of-centre’ in planning policy terms. The site would be uphill from the town centre and would therefore discourage shoppers from making trips between the store and the town centre. The site is also divorced from the town as it is located to the north west of the main shopping areas and it is not well related to the town centre as it is on the ‘wrong side’ of Nottingham Road. Shoppers have to cross a main road if they were to go between the proposed store and the town centre. As it is out of centre the applicants must therefore demonstrate that there are no sequentially preferable sites available, suitable or viable in the Melton Town Centre and that the impact would not be detrimental to the town centre or any of its existing stores.

Catchment Area – used by the applicants is too extensive. Using postcode sectors doesn’t provide a realistic catchment they are too large given the surrounding rural area. A catchment area based on a drive-time would provide a more realistic catchment. The catchment population has been over estimated and should be recalculated.

Need – the quantitative need for a new store has been **exaggerated**. The applicant’s study states that Morrisons is overtrading but no evidence is provided to demonstrate this. They also state that that a new store is needed to ‘claw back’ trade that is being lost to surrounding centres. However ,in the household survey results, the retention rate for convenience food shopping in Melton is 90%, this retention rate is very high and shows that the trade being ‘lost’ to competing centres and thereby the need for a new supermarket to clawback this leakage has been grossly exaggerated by the applicants. The Council’s own retail study confirms that the retention rate for Melton is high and that there is limited capacity in the short to medium term for new convenience floorspace. The applicant has not demonstrated a need, either in quantitative or qualitative terms for a new food superstore in an out-of-centre location and the scale of the proposed store is inappropriate.

Sequential Approach – The Cattle Market and Burton Street are sequentially preferable and available for redevelopment and should be fully assessed by the applicant in accordance with the criteria set out in PPS4.

Impact – no quantitative or qualitative need exists for a new superstore of the scale proposed. Any negative impact on the Morrisons store will naturally impact on the town centre. No evidence that Morrisons is overtrading. There is a high risk that a new superstore in this location given its

<p>size, scale , wide choice and range of goods, instore café and other facilities will operate as a ‘one-stop’ shop attracting car bourne customers. Causing fewer shoppers to visit the town centre or the town centre Morrisons store.</p> <p>The application should therefore be refused.</p>	
<p><u>Signet Planning (on behalf of Brooksby Melton College and Cedar House) - object</u></p> <p>The Nottingham Road site is regarded as ‘out-of-centre’ and therefore Policy EC17 of PPS4 are directly applicable, particularly EC17.1.</p> <p>The College’s Asfordby Road site is edge of centre, is within one ownership, is sufficiently large enough to accommodate a store of some 3,800 sq.m gross and would provide a medium sized convenience goods store to help meet the needs of Melton Mowbray. The site is available for development. There are no planning restrictions on the development.</p> <p>With regards to viability the College undertook a considerable amount of viability work and a retail based mixed scheme on the College site would be commercially viable.</p> <p>In conclusion, there is an edge of centre site in a sequentially preferable location to the Nottingham Road site, the Council under Policy EC17 of PPS4 is required to refuse planning permissions for the Nottingham Road site on sequential grounds alone. The application is contrary to PPS4.</p> <p>The College site is suitable, viable and available for development.</p>	<p>Noted. The applicant’s agent has submitted a response to the objection letter from Signet Planning and commentary on the application for a food store at the College’s Asfordby Road site. These issues raised and the response by the applicant are discussed in greater detail in the ‘Application of National policy’ section of this report and in the appendices. The key findings are as follows:</p> <ul style="list-style-type: none"> • There are more centrally located sites which need to be examined under the sequential test of Policy EC15 of PPS4 • These have been rejected as unsuitable, unviable or unavailable by the applicant, but these conclusions have been re-examined in the light of representations. This exercise has served to confirm the applicant’s view of all of the sites, but is contended in respect of the Brooksby College site. This site is the subject of its own application, which appears elsewhere on this agenda, and has served as the key tool to assess it. • Assessment of the Asfordby Rd Site has resulted in very significant issues as follows: <ul style="list-style-type: none"> - Design; the site is in a prominent and important location and would be harmful to the streetscene in this area - Flood Risk: it has not been demonstrated that no sites are available which are less likely to flood. This is contrary to PPS25. - Sports Facilities Provision; the proposal would remove an existing leisure provision which is adjudged contrary to PPG17. - Impact on adjacent Use – the scale and bulk adjacent to Grove Primary School - Loss of Heritage Asset: demolition of the Library building <p>Whilst it is often the case that design issues can be overcome, there has been no demonstration of how this might be achieved and it is difficult to envisage a configuration that would achieve this, whilst maintaining operator requirements. The issues of Flood Risk and Sports Provision are matters of principle which are intrinsically part of the site and cannot be readily resolved.</p> <p>It is concluded that the Asfordby site is not suitable for the above reasons. PPS4 Policy EC17 recommends refusal where the applicant has not demonstrated compliance with the requirements of the sequential approach in Policy</p>

	<p>EC15 and it is concluded that the site has adequately demonstrated this compliance. It is not the case that an application must be refused solely because sequentially preferable locations exist, (notwithstanding the suggestion to this effect in the representation), but that this should be the outcome if they are shown to be suitable, available and viable.</p>
<p><u>PERA</u></p> <p>New access – will be directly opposite the Pera entrance/exit which could impact on traffic flows.</p> <p>Potential Disruption during the Build Phase – it is currently difficult to get onto the Nottingham Road which could be made worse if works are taking place on the new junction opposite the Pera entrance. Would appreciate some assurance that the day to day running of the Pera site, and conference centre, will be taken into account with any traffic calming measures that are put in place.</p>	<p>The issues with regards to the access and egress from the site adjacent to the PERA entrance/exit has been considered by the Highway Authority in their assessment of the scheme, detailed above. It is considered that the proposed access arrangements are acceptable.</p> <p>Noted, any alterations/improvements to the highway have the potential to cause disruption. However, the works will need to be approved by the Highway Authority and will only be for a temporary period.</p>
<p><u>PERA access (StirlingMaynard)</u></p> <p>The transport assessment count does not reflect occasions when Pera hosts a variety of events when up to 500 delegates can be in attendance. In such circumstances it is estimated that up to 350 parking spaces on the site would be occupied by delegated and at the end of the event they would wish to depart. Motion Transport should carry out a further sensitivity test to be undertaken with a higher flow, which assumes that 350 delegates would wish to leave the site during the hour 16.00-17.00 when the traffic flows on Nottingham Road are only marginally lower than the traditional peak period.</p> <p>The junction could be further improved by providing Pera with a two lane approach on exit to enable traffic to disperse more quickly and with less impact to the operation of the adjoining road network.</p>	<p>Noted, this issue has been addressed above and PERA have confirmed to the applicant that they are satisfied with the proposed access arrangements.</p>
<p><u>Melton Mowbray & District Civic Society</u></p> <p>The size of the store is far larger than other superstore and will have a detrimental effect on them.</p> <p>The proposed development is in a well established and attractive residential area. It will cause light pollution, additional traffic including lorry</p>	<p>The comments of the Melton Mowbray & District Civic Society have been noted.</p> <p>Commentary in relation to the size of the store is discussed in detail below and in the attached appendices. The Civic Society has been informed that the Council cannot use planning powers to protect the market share of retailers.</p> <p>The issue of noise and disturbance from deliveries has been considered by the Environmental Health Officer, detailed above,</p>

<p>movements and noise which will adversely affect residents.</p> <p>Contrary to policy, shopping should be well related to the town centre. This development cannot be integrated into the town centre. There is no natural link between the town centre and Sainsbury's to encourage footfall between them. PPS 4 keeps the sequential test which states that town centre sites should be developed first, with edge of town sites next. There are sites in the town centre suitable development and these should be offered first. The needs test has been replaced by an 'impact' test. This is designed in part to protect local markets and small shops.</p> <p>The effect on individual town shops will be profound. It is the variety of small shops which makes the town so attractive to visitors and visitors bring revenue which the town so much needs. The new store is very large and will offer a one stop shop for food shopping plus a café. It is outside the centre and therefore will have a damaging effect on individual shops. Will the planning permission limit the types of goods and services on offer in the future?</p> <p>A dangerous precedent for similar applications, such as the Brooksby Melton College.</p> <p>The jobs created will be more negated by the loss of trade and employment in the town centre. The jobs needed in Melton are Professional, Technical and Clerical jobs. These are the jobs that will keep residents working in the Borough instead of commuting to neighbouring towns and cities.</p> <p>There is sufficient convenience food retail space already in the town. The town centre health check in 1999 showed this conclusively.</p>	<p>and the level of noise has been determined to be acceptable in this location. With regards to impact on the residential area this is discussed in detail below.</p> <p>Commentary in relation to policy, the sequential test, footfall and the impact is discussed in detail below and in the attached appendices.</p> <p>Again, the comments are noted and commentary in relation to this issue is discussed in detail below and in the attached appendices.</p> <p>A condition can be imposed to the amount of floor area that can sell certain types of goods but a condition in relation to the exact types of goods and services is unlikely to be enforceable.</p> <p>It is unclear how this application would create a precedent as any application for additional food stores/retail would need to be accessed against the policy test of PPS4 and considered on its own merits. The approval of this application would not oblige the Council to approve further application for foodstores in out-of-centre or edge-of-centre locations.</p> <p>Commentary in relation to the socio-economic benefit is detailed below in the report. The Civic society have been asked how this calculation was made by have been unable to assist.</p> <p>Commentary in relation to need is addressed within the report and attached appendices. With regards to the 1999 Town Centre Health Check, these were undertaken during the 1990's and were annual documents used to report on vitality and viability against a raft of indicators for the year in question. The Health Checks are not development plan documents and are not considered to be capable of being used as a material consideration of weight given the scope for changes in the economy and retail habits over such a long period. The application needs to be assessed against the most recent policy and evidence available.</p>
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<p>The application does not complement the existing shopping provision. People who shop out of town do so mainly because they work out of town (about 44%) and they will continue to do so. The argument about shopping leakage is a false one and not sustainable.</p>	<p>Commentary in relation to this issue is contained within the report below.</p>
<p>Having parked and shopped shoppers will not walk half a mile into the town centre and then back with shopping so there will be no footfall between the Sainsbury store and the town centre. This will badly damage the economy of the town and reduce its attraction to visitors.</p>	<p>Commentary in relation to this issue is contained within the report below.</p>
<p>The Nottingham Road site is shown in the Master Plan as housing and selected offices.</p>	<p>The site lies within the Town Envelope as designated by the adopted Melton Local Plan. The site does not have a designated use and therefore Policy OS1 and BE1 are applicable, detailed above. The Town Centre Masterplan was published in December 2008. The Masterplan provides a Strategic Vision for the Town Centre and seven Regeneration Themes which were used to develop project options developed to support a vibrant, high quality and integrated Town Centre. Detailed work related to specific uses and relationships with the wider town centre will be considered through an Area Action Plan for the Town Centre. In terms of evidence, having regard to this application, the Masterplan identifies the retail, office and other uses needed to contribute to the regeneration of the Town Centre and considers the opportunities for locating new developments. However, the majority of the Masterplan was prepared prior to the fire which has resulted in the demolition of part of the Council's Offices and has led to the Council decision to dispose of the Nottingham Road site for redevelopment. As a result the Masterplan does not fully reflect the development of new Council offices at Burton Road and the resultant availability of land at Nottingham Road. Nevertheless, the retail need work, carried out under the previous guidance provided in PPS6, has informed more recent work including that carried out by GL Hearn and the applicants. Retail need, and the specifics of site regeneration opportunities, in strategic terms, will need to be assessed at an independent examination before it becomes development plan policy. In this respect the Masterplan is a material consideration only at this stage, elements of which are more sound than others. This application has been assessed against the GL Hearn study, the applicants retail assessment and an independent review of these studies. The commentary in relation to this and the site proposed is detailed below in the report.</p>
<p>The provision of access for goods delivery is in a dangerous position. The access to the Nottingham Road is dangerous because of the way that the</p>	<p>The access and egress to the site has been considered by the Highway Authority, detailed above, and is considered to be acceptable in terms</p>

<p>road curves away towards the junction and the nearness to the cattle market and the fire station. Nottingham Road carries a lot of traffic including HGV's.</p> <p>The building is placed much too close to the railway embankment. There should be a space of at least 30ft between the foot of the embankment and any building to ensure some natural drainage and light to allow for root growth and stability for trees and shrubs and to allow regular care. Without this care the environment and the embankment will be impaired.</p> <p>Even if the application is called in the Council has a duty to show that it has consulted widely and listened to the views expressed. The consultation by the applicant should be regulated carefully because they have an interest and so do the Council.</p> <p>The Council relies too heavily on the web for consultation which is not universally available and plans are not easy to read on a computer screen. The planning department use to have an information desk, plans available and the opportunity to discuss with an officer, the Council has retreated from all physical contact with the people that it serves.</p>	<p>of highway safety.</p> <p>The proposed foodstore is to be sited to the south of the site adjoining the railway embankment, a designated site of ecological interest. At the closest point the building will be 1 metre from the embankment. However, it is unclear how the building being this close would impair the environment. LCC Ecology and LCC Arboriculturalist have advised with regards to protected species and the trees and it is considered that with a management plan and details of construction methods and root protection etc that the natural environment of the embankment will not be damaged.</p> <p>If considered acceptable the application will need to be referred to the Secretary of State. The application has been consulted on in line with Council and statutory procedures. Additional consultation with community groups has also been undertaken at the request of a Ward Councillor. All the views received are detailed within the report and have been duly considered as part of the application process. All the documents submitted in relation to the application have been assessed by the relevant bodies and have not been taken at face value.</p> <p>These comments are noted, however, it should be stated that the website is not the sole method by which a planning application can be viewed. The relevant documents are available to view at the library and in the office or out reach centres if request are made. Officers are also available to discuss applications..</p>
<p><u>Development Plan</u></p> <p>The proposal is against the development plan.</p> <p>It is outside the envelope for retail.</p> <p>The MLDF is not planning policy and therefore existing uses, allocations or intentions must remain as a policy guide. Nottingham Road, if the site has no specific policy then the correct planning guidelines apply which state "the existing use to remain for the most part, undisturbed" as the site has only ever been used for offices and car parking, that use is still remain and the Council is morally wrong to change this use because it is considered expedient to do so, without the correct public procedures being followed.</p>	<p>An assessment of the proposal in relation to the development plan is contained within the report.</p> <p>Noted, the MLDF has not been through public examination and has limited weight with regards to the policy consideration of this application. However, the application does lie within the town envelope and is not designated for any specific use. It is not clear which policy states that if there is no specific policy the existing use should remain. The application proposes a change in use of the land from a public car park to a food store and this needs to be fully assessed against the relevant policy. In this instance the relevant policy is considered to be National Planning Guidance, the Regional Plan and the adopted Local Plan, all detailed above. An assessment in</p>

<p>Planning Authorities should give due consideration to PPS4. The proposal is outside the town centres and is not allocated for retail use and therefore could potentially adversely affect the economic viability of the existing rural centres. Contrary to PPS 4 objectives.</p> <p>Policy EC1 refers LPAs to assessing the quantitative and qualitative need for more floorspace for types of retail and leisure used to ensure reasonable consumer choice and competition. EC2 refers to a strategy which supports existing business sectors and seeks to make efficient and effective use of town centre land</p> <p>Policy EC4 is concerned with the provision of adequate consumer choice and encouraging competitiveness. Recognition should be given to the fact that smaller shops can significantly enhance the character and vibrancy of the centre and measure to conserve or enhance the character and diversity of town centres. Sainsburys is outside the existing town centre and therefore contrary to EC4 objectives. The town centre is bounded by Norman Way to the north and Station Area to the south.</p> <p>Due to its out of centre location the resultant carbon footprint is likely to be significant and congestion will increase contrary to EC10.</p> <p>Need – EC5, the 1999 Town Centre Health Check concluded that there was no overriding need for more convenience food store. The pressing need in retail uses is for comparison/durable goods to foster the vitality, viability and attraction of the defined town centre. It also refer to the “sequential” approach and that development does not have an unacceptable impact. Nottingham Road site is ¼ mile from the nearest point of the Town Centre and ½ mile from the market place and so beyond this threshold. Crossing two main traffic arteries would also be necessary. Sainsbury’s will be a one-stop-shop.</p> <p>Policy EC12 and EC13 indicate that planning Authorities should give due consideration to the need to support market towns and other existing facilities which would be affected by planning proposal. The town centre is likely to suffer from significant reduced trade.</p> <p>Policy EC15 sequential assessment, the narrow and superficial assessment of alternative sites submitted by Indigo Planning is not sufficient for the purpose of EC15. The report is flawed in</p>	<p>relation to these policies is contained within the report.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices. Policy EC1, and EC2 in particular, focus on the methodology to be followed to produce policy documents, rather than determine individual planning applications.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices. Policy EC4 focuses on the methodology to be followed to produce policy documents, rather than determine individual planning applications.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to PPS 4 and need is contained in the report below and in the attached appendices. Comments in relation to the 1999 Town Centre Health Check is detailed above.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p>
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<p>assessing the Council-owned site at Burton Road as unavailable for a superstore, because the Council could simply continue to use the Nottingham Road site for its office and abandon the Burton Road office proposal so that Sainsbury's could use Burton Road site. Question whether alternative sites have been investigated properly.</p> <p>EC16 – this is a small market town and the proposed Sainsburys will be larger than any existing store. It is likely that most shoppers will drive to this out-of-town location without entering the town centre or visiting other retailer there.</p> <p>Developers must have shown flexibility in reducing floorspace by disaggregating retail and associated uses into separate, sequential preferable sites. There is no evidence of such flexibility throughout the application submission.</p> <p>EC17 – the application is likely to have significant adverse effects.</p> <p>Throughout PPS 4 the proposal for Sainsbury does not comply with any of the 'planning criteria'. It is nonsense to say that they must have the proposed level of floorspace to comply with marketing needs when the other major retailers (Coop, Morrisons, Tesco, Iceland etc) have managed on half of that proposed. There is scope within the existing centre to absorb new retail floorspace. The catchment of the consultants and phone questionnaire is unreliable. Some 45% of employed residents in the town's notional shopping catchment travel out of the Borough to work why should it be assumed therefore that these commuters will return after work to Melton to shop at Sainsbury.</p> <p>Adding another superstore will inevitably mean taking income from one or more of the other food stores, including independent smaller food retailer.</p> <p>The error of out-of-town Tesco must not be repeated.</p> <p>The site is out-of-town. The Local Plan is a publicly endorsed plan and must not and cannot be legally set aside on the whim of one developer.</p>	<p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to PPS 4 is contained in the report below and in the attached appendices.</p> <p>Noted, an assessment in relation to impact is contained in the report below and in the attached appendices.</p> <p>Noted.</p> <p>Noted, the application has been assessed against the adopted Local Plan.</p>
<p>Impact upon Highway Infrastructure:</p> <p>It will create a lot more traffic through Nottingham Road/Wilton Road junction which is unable to cope with the volume of traffic at rush hours at the moment. This junction will also be subject to more traffic when pupils who attended</p>	<p>The Highways Authority has been consulted and is not opposed to the application.</p>

<p>King Edwards School will have to use it to get to John Fernley School.</p> <p>It will cause more traffic rat runs in residential roads such as The Crescent .</p> <p>Is there sufficient parking planned?</p> <p>Increase in traffic on a congested road, there has been many accidents, several fatal.</p> <p>The congestion is unacceptable already. Traffic regularly backs up past Staveley Road from the town centre traffic lights. Traffic will significantly increase with the housing development on The Crescent and the 1000 homes north of Melton. The road will not cope with additional traffic generated from the supermarket.</p> <p>More traffic and turning manoeuvres will impact on congestion effecting the residents and the ability of the fire crews to respond from the retained Fire Station.</p> <p>The existing footpath is a secure and safe one at the moment, the one proposed by Sainsbury's is dangerous as delivery vans and cars will be going across the footpath to gain access to the warehouse and car parking.</p> <p>Danger for infant schools and Mums will be increased as the heavy traffic and heavy goods vehicles turn in to the route taken by children.</p> <p>The footpath between the store and Norman Way traffic lights needs to be improved. The path is currently minimum width and substandard in places making it very dangerous.</p> <p>The pelican crossing needs to be moved further south where is could still connect with the pedestrian access to the cattle market.</p> <p>Access road for deliveries into the store is poorly located opposite the cattle market entrance and on a bend in the road. Particularly on Markey days this could significantly increase an already congested road and at risk of traffic accident.</p> <p>The traffic assessment is flawed as it does not consider the impact of the new Council housing development strategy for 1000 houses to the north of the town.</p>	<p>It is considered that the application complies with parking standards.</p> <p>Details on traffic accidents and fatalities are contained within the Transport Assessment which has been duly considered and the proposal found to be acceptable by the Highway Authority.</p> <p>The traffic assessment submitted with the application has considered the junction and highway infrastructure with regards to committed development, the on the Crescent and Asfordby Road. It is not reasonable for the assessment to have regard to a 1000 homes north of Melton as this is part of the MLDF and consultation on a Sustainable Urban Extension. There is no application for this development and any future development would need to have regard to the highway network.</p> <p>The access and traffic has been assessed by the Highway Authority and considered to be acceptable.</p> <p>The proposal has been assessed by the Highway Authority and is considered to be acceptable in relation to pedestrian safety.</p> <p>The proposed crossing is considered to be acceptable to the Highway Authority.</p> <p>The proposed access to the delivery yard has been assessed by the highway authority to be acceptable.</p> <p>See commentary above.</p>
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<p>The assessment does not seem to address the fact that many morning these is significant congestion on Nottingham Road and any increase in unacceptable.</p> <p>Development of a major food retailing to the north of Norman Way would increase footfall across main traffic artery to the detriment of free flow of traffic along that main road and a marked increase in danger to the increase volume of pedestrians crossing that road.</p> <p>The Inner Relief Road should be along the line of the old railway before connecting to Thorpe End in order to keep buildings and services along the then Norman Street. Norman Way is an indisputable north boundary to the town centre with easily adequate scope to the south for convenience and smaller durable retailing.</p>	<p>The Highway Authority have not raised an issue with regards to the details contained within the traffic assessment.</p> <p>See commentary above.</p> <p>There is no defined limit to development in the designated Local Plan, this application needs ot be considered on its own merits and in line with National Planning Guidance and the Development Plan.</p>
<p>Out of Keeping with the Character of the Area:</p> <p>This is a quiet residential area.</p>	<p>The site is considered to be within a mixed use area. There are commercial uses to the north and east and residential to the south and west. The site is viewed in relation to Nottingham Road and in this area of the A606 there are a number of commercial activities, such as PERA, the Cattle Market, Fire Station and the Council Office, the residential elements are contained to the south and there are views of a residential estate to the west through the site. Travelling to the north away from Melton is a large public house and further to the north is a garage with Tesco express. Travelling south from the site leads to various commercial properties before reaching Wilton Road/Norman Way and the main shopping area. Whilst there are residential properties breaking these commercial activities up the area is not considered to be solely residential. The area is not considered to be solely residential and a food store in this location is not considered to be out of character with the surrounding area.</p> <p>The reuse of the car park for a food store in some respect can be seen as visually improving the character of the area. A present the site is relatively sparse providing a public car park to the frontage and an expanse of hard surface to the rear. The proposed car parking area to the food store will occupy the position of part of the Council Office which was destroyed by fire and is not presently an attractive part of the Nottingham Road. The erection of a foodstore and redevelopment of the site is considered to be an opportunity to enhance this part of Nottingham Road and to create a focus point, particularly from the North, when travelling into Melton Mowbray. When considered against the existing site characteristics the redevelopment of the site can only be seen as a visual improvement and</p>

<p>The building is too close to the nature resource of the old railway embankment for natural vegetation to succeed along the foot of that. There should be a 10 metre separation. A similar strip should be provided along Stirling Road.</p>	<p>enhancement of the character of this part of Nottingham Road.</p> <p>The building has been designed to be sited to the south of the site but has been positioned to the east with a two storey element fronting the Nottingham Road. The layout, therefore, projects the building towards the street frontage to ensure that the building is not hidden within the site and will offer an active frontage. The scale and massing of the proposal will provide visual links into the development form both pedestrian and vehicular approaches to and from the town centre. The building will create a strong clean frontage to the Nottingham Road. The building is sited close to the railway embankment but it is not proposed, nor does it form part of the site, to impact on the vegetation of the embankment. Consideration of the trees and habitat has been addressed in the report above.</p>
<p>Impact upon Residential Amenities:</p> <p>Unfair to house owners in the vicinity who did not expect a large commercial development when they purchased their properties.</p> <p>This is a residential area, noise levels will be unacceptable for residents.</p> <p>Additional noise and traffic is likely to lead to a significant loss of amenity for the resident around the site. The current offices is only used 8am-6pm with no activity at the weekend. Residents will have more noise intrusion and other loss of amenity due to intrusive lighting, excess litter and potential environmental health issues due to disposed waster. Deliveries by lorries will seriously impinge on this quiet residential area.</p> <p>Parking for on-line delivery vehicles is close to properties on Stirling Road, concern with regards to noise and disturbance and loss of amenity.</p> <p>Noise and light pollution, seven days a week early morning till night is not appropriate.</p> <p>Not enough thought to the residents and what it will do to their quality of life.</p> <p>The landscaping shown will not mitigate the environmental impact on surrounding housing.</p>	<p>The site is currently associated with commercial activity, part of it is used for offices and the other for a public car park.</p> <p>With regards to noise and the impact on the residential properties this has been addressed above within the report.</p> <p>The scheme has been submitted with a detailed lighting scheme. The scheme proposes a external car parking lighting scheme and Sainsbury's have a commitment to not to contribute to "upward light pollution". The scheme proposes to operate with after 20 minutes of the store closing 60% general lighting will be turned off and only 40% security lighting will remain. The properties to the south are unlikely to be affected by the lighting as they are separated by the railway embankment and the natural screening this offered. The properties to the west, on Stirling Road, are separated from the store and will only really be affected by the parking area. The scheme includes planting/screening to the western boundary and as this area already contains street lighting it is not considered that the lighting will unduly affect the</p>

<p>Screening is needed between the Sainsbury's Goods entrance and 27 Nottingham Road. The old railway embankment tapers off at this point and the house is close to the road leaving it very exposed. The situation will become worse if the Highways ask for visibility splays at the HGV entrance.</p>	<p>amenities of adjoining residents.</p> <p>No. 27 Nottingham road is to the south of the proposed foodstore and is separated by the railway embankment. The embankment at this point does decline towards the highway but still has adequate natural screening. The store is situated some 57 metres, at the closest point, at is at an angle way from the property. The distances, angle and natural screening to the south ensures that the proposal is unlikely to have a detrimental impact on the residential amenities of No. 27 Nottingham Road.</p> <p>The commercial properties to the north and east will not be adversely affected and the site is some distance from the majority of properties on Stirling Road so as not to have an adverse impact. The closest property on Stirling Road is No. 44 which is sideways on to the store and is 46 metres from the proposed building. To the south on the opposite site of the railway embankment are properties on Fernie Avenue who will limited views of the store. The proposed foodstore is not considered to have detrimental impact on the residential amenities of adjoining residential properties.</p>
<p>Vitality and Viability of the Town Centre:</p> <p>It will be detrimental to small shops in the shopping parades on estates off Nottingham Road and Scalford Road and the Town Centre causing unemployment and unsightly boarded up premises.</p> <p>It will be detrimental to village shops in the communities to the North of Melton where the village shop is often remaining place for the communities to mix, this will especially effect the non car owning sections of the rural community.</p> <p>It will be detrimental to small scale local producers of cakes, jams, chutneys and beers who sell through small shops, but who do not have the capacity to supply supermarket chains. This will conflict with the councils policy of developing Melton as a Rural Capitol of Food, and may cause unemployment and loss of formerly viable small business.</p> <p>Is the proposed 'improved pedestrian links to the town centre' attractive and easy to encourage shoppers in the town centre?</p> <p>Would have an adverse effect locally, on the town centre trade, jobs, vitality and viability.</p>	<p>The issue of impact on the vitality and viability of the town centre is fully considered below in the report and in the attached appendices.</p>
<p>Unsuitability of the site</p>	<p>An assessment on the suitability of the site, availability of other sites and footfall to the town</p>

<p>The proposed site is not within the town centre and has a poor relationship with the town centre. It is unrealistic to expect shoppers to walk into the town centre. The car park only appears to support Sainsburys customers needs and not to facilitate large numbers of town shoppers. Therefore the site will only draw shoppers to Sainsbury and will not attract significant new business into the town.</p> <p>It would be a better solution to strategically position a new supermarket to better serve the southern half of the town (for example the Burton Road site) alleviating traffic through the town.</p> <p>The town centre site (Burton Road) could offer the option of a good sized supermarket. Snow Hill site could also accommodate further units and has a better relationship with the town and cattle market. A store on these sites would be better integrated into the town.</p> <p>The site is only linked to the nearby cattle market and is not significantly used by the public as a car park to visit the town centre.</p> <p>Car parking restrictions for 2 hours will leave less than an hour for shopping in Melton once the Sainsbury shop completed and they have walked in and out. It will not attract shoppers into Melton.</p>	<p>centre is contained within the report below and attached appendices.</p>
<p>Design</p> <p>The service yard will look like a prison yard.</p> <p>They should not have bother with the design feature to the front.</p>	<p>The building has been designed to be a simple, contemporary building with clean lines and crisp modern materials. The materials consist of light grey metal cladding along with extensive areas of brick work and glazing. To the front of the building is an overhanging feature canopy on white metal columns. The design incorporates a glazed stair/lift core to the northeast and south east corner adjoining Nottingham Road. Along the Nottingham Road there is to be a green wall which will contain public art which will enhance pedestrian links to the town centre. There is gazing on the east elevation to face the road and create an active frontage.</p> <p>The service yard is to the south of the site and is 1200mm lower than the proposed store which reduces its impact. This elevation includes planting to break down the height and length of the service yard wall and to soften its appearance on the Nottingham Road frontage.</p> <p>The scheme includes high quality soft and hardscaping which incorporates low scrubs, tree planting and quality paving.</p> <p>Overall the design is considered to be fairly simplistic. Concern was expressed by Officers that the feature glazed stair/lift on the corner of the</p>

	<p>building, the most prominent feature when approaching the town from the north, did not fully meet the expectations of a ‘gateway’ feature to the town. An amended plan was submitted to try and create a more imposing feature to the building. The stair tower has been amended to increase the height and cap the top to try and create more visual interest. The site is considered to be in a prominent position and when approaching the town from the north the building will be clear visible and prominent. The design is not considered to be truly groundbreaking and more could have been done to create a visual feature as a gateway into Melton. However, the simplistic design, choice of materials, variations in height and the position to the road means that the building relates well to its setting and is not offensive in its design. Whilst regrettably the design is somewhat lacking as a gateway building it is not so poor as to be considered a grounds for refusal. It is considered that in this location the design is sympathetic and would not look out of place in the streetscene. Therefore, the proposed design is considered to be acceptable.</p>
<p>Other Considerations;</p> <p>The Council have a vetted interest. Planning rep voted on the sale of the property.</p> <p>Lack of Masterplan – the lack of a masterplan and pre-sale consultation is a concern to residents. The Council has not acted with openness or transparency. The importance of local consultation is a key consideration with numerous Acts of Parliament associated with planning and local government. The process of selecting the site has been closed off as an issue for debate. The College site available and must take precedent.</p> <p>If Committee are minded to permit restrictions should be places on operations because of noise and disturbance. Opening hours should be restricted to 8am-8pm and unloading activities and online delivery activities.</p> <p>Trees – loss of several mature trees. Taking a 10 metre strip from the proposed store front will enable the trees to be retained.</p> <p>The embankment should be retained in its current form without significant removal of vegetation on the Sainsbury’s side.</p> <p>The Town Centre “Masterplan” adopted in April last year shows the Nottingham Road site for selected offices and residential uses. This carries forward Council policies on retail from the Local Plan.</p>	<p>Noted.</p> <p>Noted. The application is considered against the relevant policy and has been the subject of statutory consultation. The issue of the sale of the site is not for consideration of the planning application and the application needs to be considered against its planning merits. The issue of the college site and sequential test is considered within the report.</p> <p>Noted, restrictions with regards to operations will be needed to ensure that the proposal does not adversely impact on any residential properties.</p> <p>Noted, commentary in relation to the loss of trees is contained above within the report.</p> <p>The embankment does not form part of the application site.</p> <p>Commentary in relation to the status of the Masterplan is contained above within the report.</p>

<p>The application contravenes so many publicly endorsed and legally founded planning policies as to be an automatic refusal by LPA's professional planners, without other staff interfering, or called-in for higher authority decision following a public inquiry.</p> <p>Consideration of an EIA, letter dated 4th December is incorrect. Does the LPA have the opportunity to consider a possible EIA requirement and does the Head of Regulatory Service have the authority to make such assertion for the LPA.</p> <p>We originally supported the Sainsburys application as a good step in regenerating the town. However, we now think this would be a better site for housing as the College site is more central and will allow investment into the performing arts centre etc. We urge you to turn down the Sainsburys application and to grant the Melton Brooksby College application.</p>	<p>The application has been assessed against planning policies. If considered acceptable the application will need to be called-in.</p> <p>The detailed in the screening opinion have been considered and have been identified as being incorrect. On further assessment it was consider that the proposed development falls within the description of development within Schedule 2 to the 1999 Regulations ('Urban development projects'), and exceeds the threshold in column 2 of the table in that schedule. However, the development does not exceed the indicative thresholds advised in Annex A of Circular 2/1999 regarding the need for EIA. Therefore, in the opinion of the Local Planning Authority, having taken into account the above thresholds and the criteria in Schedule 3 to the 1999 Regulations, the proposal would not be likely to have significant effect on the environment by virtue of factors such as its scale, location in terms of the sensitivity of the local environment, or characteristics of the potential impacts. Accordingly the development is not considered to be EIA development within the meaning of the Regulations. The Head of Regulatory Services has full delegated powers.</p> <p>Noted</p>
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Supporters

10 letters of support have been received from 9 households raising the following comments.

Representation	Assessment of Head of Regulatory Services
This proposal can only benefit the people of Melton by bringing new jobs to the town.	Noted. An assessment in relation to the socio-economic benefits of the proposal are contained within the report.
It would be advantages to the towns people giving them a better choice of products whilst keeping the rest of the supermarkets on their toes to regulate their prices.	Noted.
A petrol station would also be appreciated to encourage other petrol stations to review their prices.	Noted
Sainsbury's offer a great range of products and their own brands are of good value and quality.	Noted

<p>The position of the site is a good choice and ideal for the people to the north side of town.</p>	<p>Noted, an assessment on the position and need is contained within the report.</p>
<p>More people will come into Melton as it will be within easy walking distance of the town.</p>	<p>Noted, an assessment on footfall is contained within the report.</p>
<p>Opportunities to welcome such a prestigious store do not come very often and therefore planning permission should be given.</p>	<p>Noted. The application is required to be assessed against the relevant policy.</p>
<p>Having a Sainsbury's locally will reduce carbon footprint by 30 miles per week and the wear and tear on their car, whilst giving more shopping choice in Melton Mowbray.</p>	<p>Noted</p>
<p>More people would come back to the town that shop in Loughborough and Nottingham. The town desperately need visitors.</p>	<p>Noted</p>
<p>Evidence from another store (Brentwood) shows that people park at Sainsbury's and walk to the high street for some shopping and then back to Sainsbury's to 'finish off'.</p>	<p>Noted</p>
<p>Currently go to Sainsbury's in Loughborough and whilst there use the local shops and therefore Melton loses out.</p>	<p>Noted</p>
<p>Sainsbury's 'name' gives status to any town.</p>	<p>Noted</p>
<p>Sainsbury's are the best around for their " Free from" from range of goods and will keep me and others with special dietary requirements shopping locally as I go to Grantham or Loughborough Sainsbury's store. It will also be good competition for the other supermarkets in town with regard to product range.</p>	<p></p>
<p>Wish to register disgust at the wholly unwarranted deferment of the Sainsbury's planning application on Nottingham Road. It seems that the <i>possibility</i> of an application on the town centre college site is not a material planning matter and waiting to see if it actually materialises could therefore be deemed maladministration. Putting forward the idea of a new retail store, with its additional public and delivery vehicle traffic in the already dangerously congested college location, demonstrates a lamentable lack of common sense. Or are we to see a repeat of the fiasco of the lately proposed shopping village on Burton Street? Having worked with Sainsbury's property department I can confirm that their patience is finite. They may, very understandably, pull out and go somewhere else. The town would then lose the prospect of a top quality retail outlet on this end of Norman Way, which we who live here desperately need.</p>	<p>Noted. It is strongly disagreed that the application at Asfordby Rd can be dismissed as not material. Alternative sites play a key and prominent role in the policy approach required for such schemes and this is more so when an alternative is being actively promoted. It is considered vital that the application is recognised and assessed in a robust manner in order to establish the position in policy terms.</p>

<p><u>RAGE</u></p> <p>Regeneration Issues</p> <ul style="list-style-type: none"> Sainsbury's have worked with our community and the town already giving many reassurances about their impact and location within the town. They will employ 80% of their staff locally, work with community groups and provide better crossing facilities for school children using Nottingham Road. This will improve our economy and give some long term unemployed a chance – not to mention more senior residents employment opportunities who would not have got employment because of their age. <p>Retail issues</p> <p>Sainsbury's will offer choice and hopefully encourage competition with other supermarkets which the customer will benefit from. Waitrose is quite expensive and will not offer competition but exclusivity to those with larger incomes – unlike most of the residents on Egerton Ward. This will cause animosity.</p>	<p>Noted; the economic development benefits are a material consideration ad form part of PPS4. As such they are considered below in greater detail.</p> <p>Waitrose would similarly increase choice to shoppers and increase competition. The retail impact assessment work has not indicated that other stores (from the 'discount', medium or more expensive parts of the market) will be lost.</p>
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Other Material Considerations not Raised through the Consultation Process:

Consideration	Assessment of Head of Regulatory Services
<p>Application of Local and National Policy</p> <p>The development is addressed by Policy S2 of the adopted Local plan which has a general allowance for retail development, subject to its impact.</p> <p>However, PPS4 was issued in December 2009 and is the most up to date policy statement.</p> <p>PPS4 (policy EC15) adopts a 'town centre first' approach to retail development. It implements this by permitting out of centre development only if it can be demonstrated that:</p> <ul style="list-style-type: none"> - There are no 'sequentially preferable' sites available, suitable and viable (i.e. closer to the town centre, and/or with better links to it). The methodology to be followed requires that: <ul style="list-style-type: none"> - (a) they should be assessed for availability, suitability and viability, - (b) all in-centre options should have been thoroughly assessed before less central sites are considered and - (c) preference is given to edge-of-centre locations with good pedestrian connections to the centre where there are no suitable town centre sites. • There would be no adverse impact on the functioning of the town centre • Developers have been flexible regarding their proposal (i.e format and disaggregation; car parking), bearing in mind genuine retailing requirements 	<p><u>Sequential Approach</u></p> <p>The site is located to the northern edge of Melton Mowbray Town Centre in a mixed use area. To the north of the site is the Council Offices, to the east is Pera, a commercial enterprise, and to the southeast is the cattle market. To the west is residential and directly to the south is a railway embankment. The applicant has accepted that the site is 'out of centre' following independent review , whilst pointing out that – because of proximity and linkages – it would function on a par to an edge of centre site..</p> <p>Notwithstanding this distinction between 'edge' or 'out' of centre, the policy test remains the same in that a 'sequential approach' is required to identify whether there are any sites available in more central locations.</p> <p>The application has been supported with a 'Sequential Assessment' of 8 potential alternative sites. These have been assessed and are shown in detail in Appendix A. These include a range of 'in centre' sites have been examined and discounted due to scale, constrained surroundings and</p>

<p>PPS 4 advises that where it is argued that otherwise sequentially preferable sites are not appropriate for the particular development, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of availability, suitability and viability. The guidance also required applicants to undertake an assessment of impact to consider the effects of the proposal on the vitality and viability of existing centres, including the likely cumulative effect of recent permissions.</p> <p>Central to the policy is the viability and vitality of the town centre and an impact test must be passed for out of town centre locations, addressing:</p> <ul style="list-style-type: none"> • Plans for future investment • Overall vitality and viability • Consumer choice (i.e range of shops and goods available) • The impact on in centre turnover • Scale in relation to the town centre 	<p>availability, thus satisfying the requirement (a) and (b) opposite.</p> <p>With regard to criteria (c) opposite (edge of centre sites), the site at Asfordby Road has been promoted and has been considered in more detail as a result of the submission of a planning application. This site is considered to be in a sequentially preferable location but this needs to be demonstrated to be available, suitable and viable in order to meet the policy tests. A detailed consideration of all of these issues is contained within Appendix A and the report dedicated to that application.</p> <p>Suitability:</p> <p>With regards to the Asfordby Road site there are concerns with regards to the suitability of the design and layout in the site, flooding and loss of sports facility, as well as issues arising from the layout in terms of off-site impacts and the loss of the library building. Therefore, it is considered that there are insurmountable problems which can be viewed as making the site unsuitable. In accordance with the guidance on PPS4 a site should be available within a reasonable time period (3 – 5 years) and these issues mean that the site is not readily available for development. It is considered that there cannot be confidence that the identified problems can be overcome and therefore the site is not available.</p> <p>Guidance advises that examination of more central sites should be undertaken to identify if they – individually or collectively – can meet the need.</p> <p>With regards to need, several studies have been carried out that contribute to the understanding of need and impact. These have been successively updated and the most recent update was the GL Hearn study provided in 2009. This was commissioned independent of any developer (or development) and is considered to be a sound baseline for assessment of this application, and others similar. The GL Hearn study projected population an expenditure into future years. This included projections well beyond the timespan applicable to this proposal but included figures for 2014 which coincide with this application and approximately with that for the proposal at Asfordby Road. This study identified a range of capacity of between 2000 sq. m and 4400 sq m.(for food) and 3600 sq. m., of non-bulky comparison goods, depending on the ‘sales density’ of shops. The application at Asfordby Road proposes floorspace (4180 gross) which is comfortably within the capacity identified at 2014. Therefore, the site at Asfordby Road could satisfy some of the retail need which is proposed to be met by the Sainsbury’s scheme. However, it is considered that there are several obstacles that would prevent the scheme from proceeding, and no indication that they can be</p>
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	<p>readily resolved through amending the scheme (for example, the design concerns). These factors appear to demonstrate that the needs being served could not be satisfactorily met on this or any of the alternative sites and as such the applications site, although locationally inferior, is the only site capable of meeting the identified need.</p> <p>Viability, This is concerned with examining if any alternative sites will occur, based on cost and delivery influences. Of the potential sites, the Asfordby Rd site is actively being promoted by a developer and, following the Guidance, this is regarded as an indicator that it is viable. Guidance also draws attention to the need to be aware of ‘blocking’ proposals. The proposal at Asfordby Rd has attracted detailed criticism in relation to its viability, based upon some of its unusual design requirements and cross subsidy to the redevelopment/upgrading of the college. However the Guidance provides a wide latitude for schemes to demonstrate viability and it is not considered that there is sufficient evidence to adjudge it as unviable.</p> <p>Therefore, it is considered when applying the sequential test that the Asfordby Road site is not available or suitable. Therefore, the proposed application site, whilst not in the most sequentially preferable location, is considered to be the only site available for this type of development.</p> <p><u>Disaggregation</u> The position that the need relates to a larger single foodstore (in order to improve retail choice and create the ‘clawback’ of trade to other areas) was established from a survey of residents and has been independently reviewed. On this basis it is accepted that the alternative sites examined under the sequential test could not accommodate such provision, aside from the Asfordby Rd site. Accordingly, it is considered that the applicant has demonstrated sufficient justification not to disaggregate.</p>
<p>PPS 4 EC16 states that applications for main town centres uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up to date development plan should be assessed against the following impacts on centres:</p> <ul style="list-style-type: none"> • the impact of the proposal on existing, committed and planned public and private investment in a centre • the impact of the proposal on town centre vitality and viability • the impact of the proposal on allocated sites outside town centres • in the context of a retail proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider 	<p><u>Impact Assessment</u></p> <p>The application was supported by a retail impact assessment which has been the subject of an independent review. Details of the process by which this was assessed can be found within Appendix B. As stated above, there are several needs studies that have been carried out, the most recent being the GL Hearn study of 2009.</p> <p>The GL Hearn study projected population an expenditure into future years. The 2014 levels, which coincide with the programme for this proposal, identified a range of capacity of between 2000 sq. m and 4400 sq m.(for food) AND 3600 sq. m., of non-bulky comparison goods, depending on the ‘sales</p>

<p>area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy</p> <ul style="list-style-type: none"> • if located in or on the edge of a town centre whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres • any locally important impacts on centres <p>PPS4 directs Local Planning Authorities to determine applications taking account of positive and negative impacts of the proposal in reaching an overall decision. Crucially, in accordance with PPS4, where proposal are contrary to the sequential approach and/or fail the impact test, they should be refused</p>	<p>density' of shops. This application proposes 3500 sq. m. floorspace (6000 gross) which is comfortably within the capacity identified.</p> <p>The assessment submitted with the application examined the amount of trade that Melton currently experiences and projected this into the future based on population changes and disposable income. It also looked at shopping patterns and the reasons why a considerable number of people from the area shop elsewhere, and also the impacts that the proposed new store would have on the town centre in terms of turnover and trading.</p> <p>The outcome of these analyses, following independent scrutiny, was that the store would compete mainly with the existing supermarkets within the town , both of which are considered to 'overtrade' (i.e turnover above their company averages) by a degree substantially greater than the new store would absorb.</p> <p>In terms of impact on the town centre (excepting the supermarkets), it was calculated that for food 7.8% of trade would be diverted to the new store, and for non-food (using a worst case scenario) 4.3%. Based on these figures, which have been independently scrutinised, it is not considered that there would be a significant or serious impact on the town centre in either physical terms (i.e the proportion of vacant shops) or vitality ('footfall').</p> <p>In addition, the argument that the store would attract, or recover, 'leaked' trade currently shopping elsewhere is considered to be evidenced by the results of the household survey which show considerable leakage at present and identify a 'single destination' superstore with a wide range of goods as a factor that would attract shoppers to Melton.</p> <p>In terms of the remaining specific areas for assessment specified under EC 16 (opposite) it is considered:</p> <ul style="list-style-type: none"> • there is no existing, committed and planned public or private investment that the proposal may undermine. • There are similarly no allocated sites that the proposal would undermine • Scale : the supermarket is not considered to be out of a scale – in physical or trading terms – to dominate the town or trading patterns <p>Finally, although not quantified, it is claimed that the development may stimulate 'linked trips' (i.e. people visiting the store will continue into the town centre for supplementary items). Where this applies to people who are attracted to Melton because of the store, this will be beneficial to the town centre by bringing shoppers who would not otherwise visit the town. It is considered that based upon the proximity</p>
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	<p>of the site to the town centre, observation of exiting shopping habits from existing residents, workers and visitors (to the Cattle Market) and the approach to the town centre, this is realistic and will partially off set the trade draw from the town centre referred to above. The applicants have speculated that if each shopper undertaking this linked trip spent £10 in the town centre this would equate to an additional £3.1m being spent in the town centre per year.</p>
<p>PPS4 Policy EC10</p> <p>Sustainable Development, including traffic and transport:</p> <p>The Government's key aim is to ensure that new development can contribute to sustainability (also an objective in PPS4). This not only includes construction methods to reduce the impact upon the environment but also includes reducing the need to travel by car.</p> <p>Socio-Economic Benefits and regeneration impacts</p>	<p>The proposal includes methods in its design and construction to reduce its environmental impact. The scheme includes intelligent design, sustainable sourcing of materials, efficient use of energy and resources and site waste reduction programmes. Part of the proposal is for a biomass boiler within the service yard to serve the heating and hot water demand for the site. It is stated that the proposal will provide 40% of anticipated energy consumption from on site renewable energy. Rainwater harvesting is to be incorporated and the store is to have significant areas of glazing allowing for more natural light and therefore reducing the need for artificial lighting and less electricity. The scheme also involves light sensors and controllers as well as extensive insulation measures and sun-pipes and the provision of air sourced heat pumps. All of these are considered to further renewable energy generation.</p> <p>One of the overriding principles of PPS 4 is that to help achieve sustainable economic growth the Government's objectives for planning are to 'deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change'.</p> <p>The site itself is considered to be in an accessible location, close to residential communities and the town centre. The site is on a major route into the town and relatively close to existing bus nodes. The scheme includes various enhancements to pedestrian routes and links to the town centre. In addition, the diversion of shoppers from existing out of town destinations and from shopping further afield will assist in reducing car use. It is considered that the proposed store is located in a sustainable location and will reduce the need to travel by car.</p> <p>The scheme has been supported by an assessment on the socio-economic impacts of the proposal. An analysis has been undertaken which concludes that the socio-demographic profile of the wards within the immediate surrounding area of the proposal in the northern part of the town is an area of significant social and economic exclusion, with low car ownership.</p> <p>The proposed development is expected to generate approximately 350 new and immediate jobs.</p>

<p>High quality and inclusive design</p>	<p>Sainsbury's have also stated that they are committed to local employment partnerships and work alongside local job centres in providing employment and training opportunities for the local public. It is stated that a significant proportion of the jobs to be created at the store will therefore be available to the local community. The range of the jobs on offer will also be wide ranging including managerial, supervisory, clerical and administration as well as shop floor positions which will be available on opening of the store. It is also stated that the construction period is likely to take approximately 24 weeks which will generate up to 150 temporary employment opportunities.</p> <p>Sainsbury's also provide opportunities for employees to progress their careers develop their skills and gain officially recognised qualifications.</p> <p>The proposed development has the potential to create a significant number of new jobs and training opportunities which will assist in delivering a prosperous community in what is considered to be a more socially deprived area. A local labour agreement/training condition can be imposed.</p> <p>A detailed assessment of the design is set out elsewhere in this report. Whilst consideration of design quality is inevitably subjective, it is considered that the design is bespoke to the site and addresses the key challenges the site presents, such as the approach view from Nottingham Rd, the frontage to Nottingham road and the overall mass and balance of the principal elevation. The design is considered to perform strongly against the criteria of 'inclusive design' by virtue of its central location, linkage to footpaths in all directions including directly into a residential area, level access and proximity of car parking and public transport</p>
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<p><u>Conclusion on PPS4 issues</u> <u>The objectives of PPS4 are as follows:</u></p> <ul style="list-style-type: none"> • To deliver more sustainable patterns of development and reducing the need to travel, especially by car, and responding to climate change. • Promote the vitality and viability of town and other centres as important places for communities the government expects new economic growth and development of main town centre uses to be focused in existing centres. This is implemented through a ‘town centre first’ approach and the need for development to demonstrate their impacts on existing centres would not be adverse. • To increase competition between retailers and enhanced consumer choice through the provisions of innovative and efficient shopping, leisure, tourism and local services which allow genuine choice to meet the needs of the entire community. 	<p>As set out above, the proposal is considered to meet with the main thrust of PPS4. This is especially so in terms of broadening retail choice and increasing competition, efficient shopping and economic growth through economic development and job creation. In addition. It has been demonstrated that there will be no significant adverse impact on town centre viability or vitality</p> <p>The scheme has attracted criticism in some quarters because of its highway impact and impact on the town centre, but it is not considered these have been supported by evidence submitted or the assessment undertaken. As such these issues are not considered to resoundingly support the application, but neither do they weigh against it.</p> <p>The outcome of the sequential test is contentious as the Asfordby Road site appears to be in sequentially preferable location. However, the Asfordby Road site has been discounted as it is not considered to be available and suitable in its current form or able to become so within a reasonable time period. Therefore it can be judged that the sequential test concludes in favour of this application as the applicant’s have carried out a policy compliant sequential test and the application site, whilst not in a sequentially preferable location, has been shown to be the only site outside the town centre which is available, suitable and viable to satisfy the identified retail need.</p>
<p>Section 106 requirements</p> <p>As part of the application the applicant has stated that they will be submitting a Section 106 Legal Agreement during the determination of the application. This has been submitted and includes the following contributions;</p> <p><i>Bus Shelter Enhancement Scheme £38,350</i></p> <p><i>Pedestrian Crossing Scheme £40,000</i></p> <p><i>Town Centre Linkage Scheme £70,000</i> – to include enhance signage, surface treatment and improved pedestrian guard railing</p> <p><i>Town Centre Management Scheme £70,000</i> –to include;</p> <ul style="list-style-type: none"> -touch screen visitor information point in the foodstore - loyalty card scheme promoting town centre businesses -enhance town centre car parking -town centre signage 	<p>The application, if considered acceptable, should include a Section 106 Legal Agreement. The applicants are not the owners of the land but are able to link the obligations to their acquisition to ensure they are binding at that point forward.</p> <p>The offer of a bus shelter enhancement scheme, pedestrian crossing scheme and town centre linkage scheme are at the request of the highway authority and have been discussed above within the report. These are considered reasonable and necessary and relate to the proposed development. These should be included within the S106 Legal Agreement.</p> <p>With regards to the offer of £70,000 for a Town Centre Management Scheme this has been subject to discussion with the Town Centre Managers. These proposals are considered reasonable and necessary and relate to the proposed application. Whilst there is no overriding evidence that the proposal will have a detrimental impact on the town centre the independent retail assessment states that it is not considered that the proposal will have an over-riding positive impact on the town centre and the offer of finance and resources to assist with Town Centre management initiative as well as improved linkages</p>

<p>Town Centre Promotional Board - a notice/advertising board to be sited within the Development promoting the town centre</p>	<p>to the town centre should be fully explored. It is considered that these schemes will improve links to the town centre and should be included within the S06 Legal Agreement.</p> <p>The above matters are all considered to relate directly to the scheme and the impacts it would cause , and as such meet with the tests of Circular 5/2005 as appropriate for inclusion within a s106 agreement.</p>
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Conclusion

The application proposes the erection of a food store with associated access, parking, highway improvements 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 PPS4. The impact upon highways is acceptable subject to conditions and legal agreement requests.. The impact upon residential amenities has been assessed and considered acceptable due to the design and location and the proposal is easily accessible by public transport, walking and cycling which complies with Sustainable Development objectives. The design of the building whilst not groundbreaking 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 proposed landscaping will enhance the development and mitigate for the loss of some of the mature trees within the site. **The application is therefore complies with National, Regional and Local Policy and is considered to be acceptable.**

There are a number of areas of contention which, because they relate to other sites and the progress of the LDF, are not wholly within the applicant's control. It is considered that measures could be taken to increase the certainty of these issues, However, this would result in considerable delay to the application and it is considered that the information available at present is sufficient to make an informed determination.

The scheme presents a series of issues, some of which can subjectively be regarded as only partially meeting policy requirements and objectives. However, it is considered that assessed 'as a whole' the application has sufficient merit against such objectives to merit approval.

RECOMMENDATION: Permit subject to:

(i)Referral to the Secretary of State under the Consultation Direction 2009

(ii)completion of S106 Legal Agreement for:

- Bus shelter Enhancement Scheme
- Pedestrian Crossing Scheme
- Town Centre Linkage Scheme
- Town Centre Management Scheme
- Town Centre Promotional Board

and

(iii) the following conditions relating to the following (the precise wording for each condition delegated to the Head Of Regulatory Services) :-

- 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 amended plans as follows;
Site Layout: drawing no.ARCH/2008-63/P03 Rev E submitted on the 29th October 2010.
Elevations: drawing no. ARCH/2008-63/P04 Rev A submitted on the 12th May 2010.
- 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 the works to the wall and artwork to be incorporated in the parts of the building and the wall to the servicing yard facing Nottingham

- 4) Prior to the first use of the development hereby permitted, the applicants shall construct and complete entirely at their own expense the proposed access works shown for illustrative purposes on Motion Transport Planning's plan numbered 100102 - 10 (amended to show extra width of carriageway). All works designed in accordance with standards contained within the Design Manual for Roads and Bridges and to the satisfaction of the Highway Authority.
- 5) Prior to the first use of the development hereby permitted, the applicants shall relocate and open for use by the public, and entirely at their own expense, the existing pelican pedestrian crossing on Nottingham Road as shown on the proposed site plan numbered ARCH/2008-063/P03 Rev C . All works designed in accordance with standards contained within the Design Manual for Roads and Bridges and to the satisfaction of the Highway Authority.
- 6) No gates shall be erected to the vehicular access.
- 7) All 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.
- 8) Before the development commences, details of the routing 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.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) The proposed building shall not be brought into use until such time as the proposed access roads, car parking, motorcycle parking, turning and manoeuvring areas shown on the drawing no.ARCH/2008-63/P03 Rev E submitted on the 29th October 2010 have been provided, hard surfaced, marked out and made available for use. Once provided they shall thereafter be permanently so maintained.
- 13) The proposed building shall not be brought into use until such time as the proposed covered cycle parking has been provided and made available for use. Once provided the cycle parking shall thereafter be permanently so maintained.
- 14) 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.
- 15) The footpath shall be constructed in accordance with the following requirements:
 - a minimum width of 3m throughout.
 - The full width of the path will be available at all times, any bollards, columns or other store features (permanent or temporary) will be outside the confines of the highway.
 - The footpath will be delineated on either side by edging strips.

- Anywhere the footpath crosses an internal road it will be a minimum of 5m from a junction, marked clearly on the ground and with a minimum 1m visibility splay on either side.
- 16) Noise as a result of the use of the service yard shall not exceed 60dBLAmax at any time, at locations representing the external facades of nearby residential dwellings or shall not exceed an internal noise level of nearby residential dwellings of 45dBLAmax with windows partially open.
 - 17) The Groceries On Line service will not operate during the night time period (no vehicles shall depart or be allowed entry into the Goods On Line Service Area (as identified in the plans hereby approved) between the hours of 23:00 – 07:00).to include noise barrier, noise level conditions, service yard management plan and on-line services restriction
 - 18) Before the development commences, details of the acoustic barrier along the boundary of the site with no. 44 Stirling Rd shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
 - 19) 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.
 - 20) Development shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion.
 - Sustainable drainage techniques or SuDS incorporated into the design.
Any outflow from the site must be limited to the maximum allowable rate, i.e. no increase in the rate &/or volume of run-off.
 - The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development).
Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume).
- 21) Prior to the commencement of development, a working method statement to cover watercourse culvert diversion works shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
 - 22) 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.
 - 23) No works to existing vegetation should take place during the bird breeding season (March to end August) to protect any nesting birds.
 - 24) Prior to the commencement of the development, a method of works indicating the measures to be used to protect the dismantled railway and associated habitat must be submitted to the LPA and approved in writing.
 - 25) 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.

- 26) 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. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. 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.
- 27) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended or any re-enactment thereof), no more than 34% of the net sales area of the store hereby approved shall be used for the sale of comparison goods.
- 28) The net sales area of the retail building hereby permitted shall not exceed 3520 sq.m. No additional use of the storage areas, first floor area, external space or the introduction of a mezzanine floor shall take place without the prior written consent of the Local Planning Authority
- 29) 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.
- 30) 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.
- 31) 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.
- 32) 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.

- 33) 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.
- 34) Prior to the first opening of the development, details of its trading hours shall be submitted to and approved by the Local Planning Authority. The development shall subsequently be operated in full accordance with the approved details at all times, unless agreed in writing with the Local Planning Authority.

Officer to contact: **Mrs Jennifer Wallis**

17th January 2011