

APPENDIX A

Consideration of the ‘sequential test’ (PPS4 Policy EC15)

In considering sequential assessments required under policy EC14.3, local planning authorities should:

- *ensure that sites are assessed for their availability, suitability and viability.*
- *ensure that all in-centre options have been thoroughly assessed before less central sites are considered*
- *ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access*
- *ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
scale: reducing the floorspace of their development;
format: more innovative site layout and store configuration such as multi-storey developments with smaller footprints;
car parking provision: reduced or reconfigured car parking areas; and
iii. the scope for disaggregation*

The application was supported by a Retail Impact Assessment which addressed several aspects including the sequential test. These have been assessed and discounted by the applicant due to the sites not being more suitable, available or more superior than the proposed site. This includes sites no closer to the town centre (Asfordby Rd, Chapel St), those unavailable (Land at the Chapel St car park; Thorpe End, Cattle Market south, ‘The Mall’ Nottingham St) and those unavailable because of their current strategic use (Burton St (west side)). The following details the issues included in the assessment of these sites:

Land to the rear of the Bell Centre

The appraisal dismisses this opportunity on the basis of its scale, constrained surroundings and availability. No evidence has been produced to challenge these claims and the site remains in use for public car parking, including that operated by the Council. There are no plans to dispose of this land. It is considered that this site is not sequentially preferable.

‘The Mall’, Nottingham St

The appraisal dismisses this opportunity on the basis of its scale, constrained surroundings and availability. No evidence has been produced to challenge these claims and the site remains in use for public car parking, including that operated by the Council. There are no plans to dispose of this land. It is considered that this site is not sequentially preferable.

Burton St

The appraisal dismisses this opportunity on the basis of its scale and availability. The land is in Council ownership and has been confirmed as unavailable as there are no plans to dispose of this land at present. The site is further constrained and limited in size by the redevelopment of part by offices (which was not the case at the time the appraisal was submitted). It is considered that this site is not sequentially preferable.

Melton Cattle Market (part)

This site was rejected as a suitable alternative because it is unavailable. The site is an operational part of the Cattle Market, owned in part by the Council and also another party.

At the Rural, Economic and Environmental Affairs Committee on 23rd June 2009, Members approved proposals to extend the existing agreement for a period of ten years or more beyond the expiry of the current lease in 2011..

Subsequently negotiations have taken place with the cattle market partners and heads of Terms for an agreement have been agreed subject to contract & subject to member approval for a 7 year agreement with a break at 5 years. As such is not available for redevelopment within the 3-5 year horizon identified by PPS4.

Snow Hill

This was rejected as of insufficient scale for the nature of the development proposed and inadequately linked to the town centre. No comments have been received challenging these findings and it is accepted that the scale of the site renders it inappropriate for development of the nature proposed.

Chapel St Car Park

The appraisal dismisses this opportunity on the basis of its scale and availability. The land is in Council ownership and has been confirmed as unavailable as there are no plans to dispose of this land at present. The site is further constrained and limited in size and it is accepted that the scale of the site renders it inappropriate for development of the nature proposed.

Charlotte St

This was rejected as of insufficient scale for the nature of the development proposed and inadequately linked to the town centre. No comments have been received challenging these findings and it is accepted that the scale of the site renders it inappropriate for development of the nature proposed.

Asfordby Road (site of Brooksby College)

The appraisal rejected this site on the basis of a series of fundamental issues with its suitability, as follows:

- **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

The assertions of the appraisal have been strenuously challenged by the site owners and has subsequently become the subject of an application in its own right. The application has been the principal vehicle by which the site's suitability has been examined.

PPS4 and the accompanying Practice Guide emphasize that a flexible approach and opportunities for a disaggregated approach is required. It specifically states that a balance must be struck between business requirements and national policy objectives. The application is predicated on the basis that the retail offer of the town would be enhanced by a larger scale supermarket that would provide an attraction to the town not currently present, including incentive for those who currently depart the area for shopping to return.

Availability and Suitability

With regard specifically to alternative sites, the guidance provides advice on the sequential test in terms of assessing the availability, suitability and viability of sequentially preferable locations. In view of the issues set out above, it is considered that there cannot be confidence that design and layout problems can be overcome, particularly in terms of a satisfactory design approach, demolishing the library, meeting the PPS25 sequential test and avoiding the loss of sports facilities.

If the need for the scale of supermarket proposed is accepted, Guidance advises that examination of more central sites should be undertaken to identify if they – individually or collectively – can meet the need. The factors above indicate that there are several obstacles that would prevent the scheme from proceeding, and no indication that they can be 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 any of the alternative sites and as such the applications site, although locationally inferior, is the only site capable of meeting the identified need.

Viability

This is concerned with examining if any alternative sites will occur, based on cost and delivery influences. Of the potential sites, the Brooksby College 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 Brooksby College 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.

Finally, the Guidance recommends a structured approach to assessing sequentially preferable locations and this has been applied to the scheme as follows:

- **What is the scale and form of development needed?** 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 the programme for this proposal. 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. This application proposes 3500 floorspace (6000 gross) which is comfortably within the capacity identified. In addition, the view that a single, larger food retail destination is required has emerged from survey work.
- **Is the need 'location specific' or even 'site specific', or is it more generalised?** No
- **Are the PSA and wider town centre properly defined in the development plan?** No
- **How should the site/proposal in question be defined?** 'out of centre'
- **Have all more central opportunities been considered/identified?** Yes – no awareness of sites additional to those assessed above.
- **Have they been thoroughly tested, having regard to their suitability, viability and availability having regard to the identified need/demand and the timescale over which it arises?** Yes – only the site of Brooksby College is considered to provide any potential alternative within the applicable timespan. The progress of an application on the site has provided the vehicle to test its suitability, availability and viability and this has exposed a series of issues that appear (to varying degrees) to be obstacles to the realization of the site as an alternative to the application, as set out above.
- **Has this assessment adopted a sufficiently flexible approach?** Yes: the applicant has identified the need for 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 referred to above.
- **Has the potential to overcome obstacles on more central site been addressed?** Yes

APPENDIX B

Consideration of the 'Impact Test' (PPS4 policy EC16)

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:

- *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 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*
- *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*

The basis for a larger store is predicated on the belief that Melton 'leaks' trade from its natural catchment area because of the limited range of shopping facilities available. This is evidenced by household surveys

(updated for the purposes of the application) in which residents explain the locations where they shop, the reasons why they do so and the factors that would persuade them to divert to Melton. Amongst these reasons, and figuring prominently, is a reference to a larger scale 'single destination' store with a wide range of food and non food goods available.

The application was supported by a retail impact assessment addressing these issues. The key findings are:

- **The proposal will meet the shopping needs of the local area** due to the lack of existing retail facilities to serve local residents;
- **The proposal will provide a much needed retail facility within a sustainable location** in close proximity of the town centre and local residents with significant support for the proposal from the local community;
- **The store will result in a qualitative improvement to the convenience retail offer** within the catchment area, enhancing consumer choice;
- **The existing site is not allocated for any alternative use** and therefore the proposal will not conflict with any policy designations for the site.
- **The proposed development will provide employment opportunities for the local area** in accordance with the principles of sustainable development which underpins PPS1 and PPS4 of sustainable development, promoting growth and socially inclusive communities;
- **There are no available, suitable, or viable alternative sites within or on the edge of Melton Mowbray** or any other centre to support the scale of retail floorspace proposed;
- **The proposal will cause no significant adverse impact upon the vitality and viability of Melton Mowbray** or any defined shopping centres within the area, or consequently the adopted retail strategy of the Local Plan;
- **The proposal will enhance consumer choice and the vitality and viability of the town centre through increased footfall** and opportunities for linked trips by attracting new shoppers to Melton Mowbray who will spend money in other town centre shops and services, thereby having a positive impact on the rest of the town centre;
- **The site is in a sustainable location well served by public transport** and in close proximity to a major residential community. The proposal will help to draw trade back to the local area from beyond the Study Area, which has resulted in unsustainable travel patterns;
- **The proposal results in the efficient use of land and a number of economic benefits** for the local community including the creation of 350 new jobs, as well as highway and footpath improvements;
- **The proposal is appropriately designed and will enhance the visual amenity of the surrounding area;** and
- **The stores traffic demands are capable of being accommodated on the local highway network** without adverse effects.

These findings (and the methodology on which they were founded) were independently reviewed by specialist consultants who advised that:

(i) **The proposal site is located in an out-of-centre location** and is not integrated or connected to the Primary Shopping Area in visual or physical terms. We conclude, therefore that there may be other, closer and better integrated town centre and edge-of-centre sites that would be sequentially preferable to the subject application site. The proposals require a robust assessment of need and impact, as set out in PPS4.

(ii) **there is insufficient evidence at the current time to dismiss Brooksby College** as a sequential site. Whilst we are aware of doubts surrounding deliverability and timescales, the site is in single ownership and the proposals have the support of the College Governors. It would appear that the Cattle Market will remain unavailable for at least the next five years and maybe longer given current lease negotiations. The role of the Cattle Market and site area has not, however, been tested within an overall strategy for Melton, which we would recommend. Site selection and detailed evaluation should form a key part of a town centre strategy.

(iii) **In terms of impact the proposals are unlikely to have an over-riding positive impact on the town centre nor act as a catalyst for further development.** The site is very much separate from the Primary

Shopping Area. We conclude that there are no allocated sites in out-of-centre locations that require consideration; and the applicant should give further due consideration to the qualitative impact on the town centre including the mix and choice of convenience retailers, for example. A more localised analysis is required to convince that an impact in excess of 11% is acceptable.

(iv) Concerns with the methodology employed, which incorporates low sales density figures and ignores wider claims on expenditure outside the survey area. Such optimistic conclusions lead to inaccurate conclusions in respect of impact which we conclude might therefore be greater.

(v) There are discrepancies in levels of inflow throughout the assessment that require explanation

(vi) Policy EC1 of PPS4 highlights the crucial role of an up to date and sound evidence base to plan positively for town centre uses. In the absence of such information, we can only comment on the applicant's submission, methodology and assumptions, and are unable to compare data and assumptions to make our own judgements of the acceptability of the proposals in the context of a wider town centre strategy.

These comments have been addressed as follows:

- (i) The necessary sequential test and assessment of need and impact has been carried out
- (ii) Detailed assessment of the Asfordby College has been facilitated by the submission of an application in its own right (see appendix B above)
- (iii) Additional analysis of the impact on the town centre has been sought which, in turn, has been reviewed by the independent consultant. This has comprised assessment of the Town Centre Health Check (2009), a Jan 2010 survey of businesses, and a health-check focussed on convenience goods retailers in 2010 (i.e utilising the indicators referred to in PPS4 policy EC17) On independent review , it was concluded that it was agreed that the town centre was in a strong position, but reservations remained regarding how the proposal may affect this, particularly in relation to food shops. In respect the value of sales the proposal would support it has been questioned whether the assumptions on which the report is based are too low. The applicant has explained why a low figure has been employed (based on the most up to date data) but has in any event assessed on the basis of a higher figure (£4700 per sq. m. vs. £7000 per sq. m.) and demonstrated that the larger figure would account for 4.3% of existing sales levels in the town centre.
- (iv) The calculations have been revisited and it has been explained that this has not been based on a notional 20 minute drive-time but the household survey, that revealed patterns of shopping habits in a more realistic way (i.e based on the actual habits of residents)
- (v) 'Inflow' calculations (i.e the amount of trade that can be captured from people visiting the area, as opposed to resident within it) have been clarified and explain that this figure relates to data showing that up to 37% of shoppers in Melton are from outside the area, and that it includes a proportion derived from a reduction in the number of people leaving the area to shop.
- (vi) The application has been submitted at a stage in the progress of the Local Development Framework where policy remains undeveloped and the evidence base (for such a policy) has not been completed. The timetable for this work is extensive and it is not possible to postpone the consideration of applications until it is complete.