

DEVELOPMENT COMMITTEE: 4th NOVEMBER 2010

COMMITTEE UPDATE 10/00214/FUL: NEW CLASS A1 DISCOUNT FOODSTORE WITH ASSOCIATED CAR PARKING AND SERVICING ARRANGEMENTS.

Preface

Members will recall that this application was originally brought to the Development Committee on 2nd September 2010 where it was resolved to defer the application in order for an independent traffic review to be commissioned. Members were concerned that issues relating to Highways Safety, in regards to pedestrian safety on Mill Street, had not been fully addressed in order to make a balanced decision on the proposal.

Proposal:-

Planning permission is sought for a new class A1 discounted foodstore with associated car parking and servicing arrangements to land behind Burton Street. A two way access on Mill Lane is proposed and to utilise the existing access from Burton Street for entry to the site only. The application was supported by a Traffic Assessment (TA) and the Highways Authority has not objected to the proposal given that there would not be a material increase in traffic resulting from the proposal.

Independent Review

An independent study has been commissioned to undertake a report to address the following:-

1. A review of the Transport Assessment submitted, with regard to the reliability of the sources of data it relies upon, the assessment and subsequent conclusions.
2. Test the sensitivity of the applicant's supporting material to any changes in key assumptions, and gauge the veracity of any statements made.
3. Specifically advise on the impact of the proposal on:
 - a) road safety implications arising from the entrance into the site from Burton Street;
 - b) the suitability of the access from Burton Street to accommodate both vehicles and pedestrian as proposed
 - c) the impact on other users of Mill Street, particularly in respect of its junction with Burton Street.

Analysis of the Findings

Findings of Independent Review	Assessment of Head of Regulatory Services
Baseline data: The independent review has not disputed the figures used by the applicants for the existing vehicle movements from the site and states that the trip generation resulting from the proposal as reported to be reasonable.	The applicant has not made any reductions in traffic generation from the proposal for pass-by-trips, linked trips or transferred trips within their assessment. The Guidance on Transport Assessments (GTA) allows for the above to be taken into account when accessing potential trip generations from retail uses
The growth factors for 2021 has reported by the applicant have been underestimated due to using an older version of source data.	The dataset used by the applicant's accords with the advice contained within the Leicestershire County Council 'Highways, Transportation and Development' document and confirms that the methodology employed by the applicant is acceptable.
Trip distribution: The number of departure trips likely to be generated by the proposal is stated that 50% of Sysonby residents and 25% Egerton residents would turn right out of Mill Street on to Burton Street. The review has reported that they would expect this to be the same they have not disputed the departure figures contained within the applicants TA. It is therefore considered that in practice it is unlikely	There are 'no restrictions' at the Mill Street/Burton Street junction and therefore it is accepted that right turn manoeuvres is capable and acceptable at this junction. The proposed increase in traffic resulting from the proposed discounted superstore using this junction is stated to be 11 trips in peak hour.

<p>that residents living in the Sysonby and Egerton Wards would leave the site turning right from Mill Street into Burton Street due to difficulties observed on their site visit.</p>	
<p>Burton St access: The review recommends that the access to the site on Burton Street is closed (see below) - this would alter the level of traffic using the Burton Street/Mill Street junction and the applicant would be required to amend the TA accordingly if this option is to be explored.</p>	<p>It is not the intention of the applicants to close this existing access given that it is an existing access serving other commercial uses currently being carried out at the site.</p>
<p>Burton St access (cont...): The independent review has identified that this arrangement would lead to a more intensive use of the existing access and this would lead to queuing of vehicles approaching from the south on Burton Street wanting to turn right into the site. This is worsened with the fact that there is not enough room for a separate right turn lane to be created due to the bridge structure. There are a number of short stay parking bays adjacent the site entrance which is considered to be a further constraint. This is envisaged to result in a conflict between users of the parking bays reversing out and users of the proposal turning left into the site. This is considered to increase the risk of collisions at this location although there have been no reported incidents in this location arising from the exiting uses.</p>	<p>The proposal seeks to retain the existing vehicular access to the site from Burton Street for entrance only for vehicles visiting the foodstore, and the creation of a pedestrian access. Retaining this access would reduce the need for vehicles to turn right from Burton Street to Mill Street to gain access to the site.</p> <p>The arrangements highlighted exist at present and the traffic flows associated with the current use are greater than is anticipated from the 'entrance only' use of the access proposed. Accordingly, it is considered that the conflict described will be reduced as a result of the development. As such this does not form the basis for refusal.</p>
<p>The suitability of the access for both pedestrians and vehicles : There would be a risk with a more intensive use of the site entrance. No assessment has been given to the actual combined use of the entrance but the independent review has advised that it would be difficult for pedestrians to access the site from approach from the south over the bridge as there are no safe crossing points. This would lead to a conflict in pedestrian and vehicle use along Burton Street. It is recommended that a pedestrian crossing should be installed should the proposal be permitted.</p>	<p>A condition was imposed on the permission for the redevelopment of the Town Station site for a pedestrian crossing to be installed on Burton Street. This would address the concerns raised whilst providing a safe crossing for visitors to the proposed foodstore.</p>
<p>Recommended that the Burton Street is closed to users of the food store but retained for the retail unit trading as Autostop only.</p>	<p>This would be difficult to control and would imply that the entrance is suitable for both vehicles and pedestrians. If the access was closed the only means of access to the site would be via the Burton Street/Mill Street junction. The submitted TA does not provide data in account of not having an access on Burton Street and it is not the intention of the applicants to close this existing access. Without knowing what implication this would have on the highway network it would be impossible to assess if the routing of all traffic to the site via Mill Street would be beneficial to highway and pedestrian uses. Further information would be required from the applicants.</p>
<p>Mill St/Burton St junction It is reported that the visibility out of the junction is restricted due to the existing buildings located on the corners. Pedestrians are required to wait for gaps in the traffic to enable them to cross or walk</p>	<p>Mill Street is by nature a narrow junction which can not be altered. This arrangement is already in existence and the hazards described are unavoidable.</p>

further along the pavement in Mill Street to cross between the waiting cars. The increase in pedestrian demand walking to the proposed foodstore; along with an increase in vehicles using the junction, will have the potential of making this route more difficult for pedestrians during peak times.	
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Conclusion

An independent review was commissioned to examine the applicants Traffic Assessment for the proposal and to provide further assessments on the suitability of the existing highways network prior to the determination of the proposal for the foodstore. The report has addressed the concerns identified from the Committee and a number of recommendations have been made. It is recommended that the Burton Street access be closed for both access and egress to the site however this would intensify the use of the Burton Street/Mill Street junction which has not been assessed by either the applicant or the Highways authority. The capacity of the junction to cater for additional traffic is not known and it would be unreasonable to impose a condition, should approval be granted, without fully considering the impact. It has been recommended that a pedestrian crossing be installed to aid walkers to the site which is a planned feature with the redevelopment of the Town Station. This recommendation would suggest that the proposal is acceptable in principle and issues relating to pedestrian safety can be addressed.

The report questions some of the datasets used to determine the growth factors for the future, the approach taken by the applicant is in line with the advice contained within the Leicestershire County Council 'Highways, Transportation and Development' document and the Guidance for Transport Assessments (GTA) when considering new retail development.

The assessment has not taken into account the existing use of the site and its capability of becoming a more intensive site without the need for further planning applications.

In summary, whilst the report has identified reservations regarding some detailed aspects of the report, it has not identified a shortcoming of such significance that the assessment is flawed nor, critically, provided additional evidence that conflicts or undermines that provided by the applicant or to demonstrate a road safety hazard. Accordingly, it remains the position that there is no evidence to support the concern that the development would unacceptably affect road safety in the area, and the recommendation remains one of approval.

RECOMMENDATION:- PERMIT AS PER RECOMMENDATION BELOW

Officer to Contact – Denise Knipe

Reference: 10/00214/FUL

Date Submitted: 07.04.10

Applicant: Mr Stephen Prockter - CPV (Melton) SPV Limited

Location: Land to the rear of 55 Burton Street, Melton Mowbray

Proposal: New Class A1 discount foodstore with associated car parking and servicing arrangements.

Introduction:-

The application seeks full planning permission for the erection of a discount supermarket on land formerly used for commercial activities behind Burton Street.

It is proposed to have a two way access off Mill Lane and an entrance only access on Burton Street, utilising the existing access. The site lies within the town envelope and the part closest to Burton Street lies within the Conservation Area and abuts listed buildings, with the proposed foodstore being sited near to Mill Lane, outside of the Conservation Area.

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,**
- **Impact upon the highway infrastructure,**
- **The setting of the listed buildings,**
- **Environmental constraints relating to flooding and contamination, and impact upon residential amenities.**

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

Relevant History:-

There is no relevant planning history for the site.

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.

PPS5: Planning for the Historic Environment: The guidance sets out the Government's policies on the conservation of the historic environment. Paragraph HE7.2 states that in considering the impact of a proposal on a heritage asset the particular nature and significance of the heritage asset must be taken into account. This understanding should be used by the Local Planning Authority to avoid or minimise conflict between identified heritage assets. Paragraph HE6 states that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.

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.

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
Highway Authority: No objections subject to imposing conditions and entering in to a S106 to extend the ‘no waiting’ restriction on Mill	The proposal is for a discounted food store on a former commercial site comprising a mixture of buildings operating within light industrial uses.

<p>Street.</p> <p>Whilst the proposal is likely to result in an increase in traffic on Mill Street and Brook Street, the increase is unlikely to be material and therefore would be difficult to resist. The proposal is considered to have a highway benefit as it results in the narrow access off Burton Street being an entry only and not a two way access with vehicles trying to turn out on to Burton Street. The access on to Mill Lane would have restricted visibility splays due to on street parking and to this end the applicant shall agree to pay the costs of implementing a Traffic Regulation Order (TRO) to extend the existing 'no waiting' restriction to improve the visibility.</p>	<p>The site is approx. 0.5 hectares and currently has an access off Burton Street between Auto Stop and Denman's Offices and there is also an access off Mill Lane.</p> <p>It is proposed to erect a single storey retail unit of 1533 square metres gross floor space, with a net sales area of approx. 1286 square metres. It is proposed that vehicular access for customers will be via both Burton Street and Mill Lane. However <u>egress will be restricted to Mill Lane only</u>, as will access and egress for service vehicles. It is expected at peak times there could be an increase in flows out of the site in the PM peak hour of approx 30 vehicles. However this could also include vehicles associated with 'linked trips' into the town centre.</p> <p>The application has been supported with a comprehensive Transport Assessment which the highways authority has considered when formulating their recommendation. Following on from the consultation with the Highways Authority it has been concluded that the proposal would not create a material increase in queuing on Brook Street/Mill Street given the limited number of traffic movements a development of this size and nature is expected to attract.</p> <p>A deep discounted store is geared towards offering a strictly limited range of goods and operates one delivery a day for all their produce, including frozen and chilled goods. Any waste material is normally taken away from the store by the delivery vehicle on its return trip, meaning that only one service vehicle is required to visit the site each day.</p> <p>A customer car park to accommodate 74 motor vehicles (including motor cycles) is proposed to the west of the site. The site is also adjacent a public car park on Mill Street. It is considered that given the location within the town that the parking provisions proposed is acceptable. PPG13 advises that 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. It is considered that the proposal meets this requirement given its close proximity to the town centre and public transport exchanges.</p>
<p>Environment Agency:</p> <p>Flood Area</p> <p>The Environment Agency acknowledges that the Sequential Test has been applied and passed in accordance with the requirements of PPS25 – Development and Flood Risk.</p> <p>The agency has no objections subject to imposing</p>	<p>The site lies within a known flood plain and it is the responsibility of the Local Planning Authority to assess the suitability of the site for the development proposed. The application was considered to pass the Sequential Test for the following reasons</p> <ul style="list-style-type: none"> • There are no other reasonably available sites in areas with a lower probability of flooding

<p>conditions relating to surface water drainage, details relating trapped gullies and finished floor levels.</p> <p>Contamination The agency is satisfied with the report and agree with the proposals for an intrusive investigation to be carried out.</p> <p>In addition the agency would like to comment that in addition to soil contamination analysis, groundwater or leachate testing should also be carried out in order to establish any potential risks to controlled waters (the minor aquifer and nearby surface water feature).</p> <p>No soakaways shall be constructed in contaminated land</p>	<p>that would be appropriate to the type of development or land use proposed.</p> <ul style="list-style-type: none"> • The type of development proposed is required to be located within or close to the existing town centre to comply with the sequential approach advocated within PPS4 'Planning for Sustainable Economic Growth' • The site is allocated in the Melton Strategic Flood Risk Assessment where development in the town centre shall be focused on existing brown field sites, favouring commercial uses over more vulnerable uses, such as residential. <p>The application has been supported with a Flood Risk Assessment and the agency has no objections to the proposal subject to the imposing of Conditions relating to finished floor levels and drainage to ensure the development is safeguarded from potential flood risk.</p> <p>The site has recently been used as a builder's yard and an exhaust fitter's workshop and it is likely that some contamination has occurred from the former use. The application was supported with a Desk Top analysis of the site which states that intrusive investigation is needed prior to development of the site. The Environment Agency agrees with this approach but wishes to see a condition imposed to safeguard nearby controlled waters from potential contamination.</p>
<p>Leicestershire County Council Archaeologist: No objections subject to imposing conditions.</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) and the developer's submitted desk-based assessment (ULAS Rep.: 2009-040) shows that the application site lies in an area of archaeological interest, toward the southern edge of the historic settlement core of Melton Mowbray, a medieval and post-medieval market town. The site itself is bounded to the west and south by a number of listed buildings (all Grade II), including the Harborough Hotel (425775), Cardigan House (425920) and Coventry House/Claret Lodge (425923) all of date from the later 18th to mid 19th century.</p>	<p>The site lies within an area of potential Archaeology interest. The application has been supported by a desk assessment which is inline with the advice contained within PPS5. It is thought to believe that the site would have been former residential garden with associated outbuildings. The site has been concreted over and possible any archaeology potential already disturbed. In the lack of any evidence it is suggested to impose conditions requiring a comprehensive written scheme of investigations. The programme will comprise the necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved written scheme of investigation.</p>
<p>Melton Borough Council Conservation Officer:</p> <p>The site is partially within, but mostly beyond, the designated Melton Mowbray Conservation</p>	<p>Cardigan House, Coventry House, Claret Lodge, Toad Hall, The Boat Inn PH and the Harborough Hotel are all grade II Listed Buildings which are considered of significant importance. The buildings all sit around the lower end of the site</p>

<p>Area. The new build retail unit is located entirely outside the Conservation Area. The buildings on the Burton Street frontage of the site are predominantly grade II listed.</p> <p>The site is currently used as a builder's yard for the most part although there are other independent businesses present. It contains several buildings of various styles and in varying condition and built in a mixture of materials, some open sided storage sheds and some more substantial buildings. When viewed from the north across the Mill Street car park the site, the lower sections of the existing buildings are generally unseen behind the boundary wall of the Harborough Hotel car park. Above the wall however the view presents an industrial roofscape, comprising mostly corrugated sheet roofs.</p> <p>None of these buildings are of any architectural merit or make any contribution to the adjacent conservation area and hence there are no objections to their demolition. Overall the site clearance will be of benefit to the adjoining conservation area.</p> <p>Clearance of the site presents the opportunity to improve the situation and the proposed new build retail unit will ensure that the mixed group of existing buildings is replaced by one thus tidying the site and regularising the materials, roofscape etc. In that regard it is reasonable to say that it will represent an improvement in general terms for both this site and the adjacent part of the conservation area.</p> <p>The new build will be screened for the most part by surrounding properties and the Harborough Hotel car park wall (provided that it is to be retained) although the roof will be visible from certain viewpoints. It will only be glimpsed through the existing gap between the Burton Street properties but partially disguised by the proposed arch sign in the foreground.</p> <p>In regard to the nearby listed buildings it is fair to say that their setting will not be compromised any more than as at present, in fact it is potentially improved. The close proximity of the new build to Coventry House is of some concern but will overlook the rear elevation which is of little architectural merit. In terms of the current site conditions it is certainly no worse.</p>	<p>accessed from Burton Street. The proposed supermarket will be positioned to the east of the site and is considered that the building will be read in context with Mill Street buildings</p> <p>The Conservation Officer does not consider that any of the listed buildings or their settings will be compromised by these proposals. In view of the fact that the ramshackle buildings are to be removed and replaced with a single new build—this can only be of benefit to the adjacent Conservation Area. The proposal is in accordance with the National guidance PPS5 which seeks safeguard heritage assets that are of significant importance.</p>
<p>English Heritage: No objections. The application should be considered against National and Local Policy guidance.</p>	<p>Noted</p>
<p>Ecology: No objections.</p>	<p>Noted. The application was supported with a Protected Species survey which concluded that the buildings to be demolished did not have potential</p>

	to support roosting bats. A watching brief condition could be imposed to safeguard protected species should any be found present on the site.
<p>Head of Policy and Performance: The site should be regarded as 'edge of centre' for the purposes of PPS4 and requires a sequential approach assessment.</p> <p>Neither the Sainsbury's nor the Brooksby Melton College site are sequentially preferable to the application site.</p> <p>Detailed concerns about the impact of the development on the vitality and viability of the town centre:</p> <ul style="list-style-type: none"> • Role of the Melton Mowbray Town Centre Health Check 2009. • The 2003 Retail Study is becoming out of date. While the retail offer in Melton Mowbray hasn't changed much in the intervening period, except for the closure of KwikSave and the opening and closure of M&S, there have been significant changes elsewhere e.g. Grantham and Thurmaston, that could impact on shopping patterns. • The population assessment is drawn from the Experian Retail Planner. Growth in population post 2008 assumes ONS 2006 population projections for the Borough. These projections are based on demographic trends and show how the population will change if they continue. However, they do not take account of local development planning which influences housing provision at the local level and thereby population too. RSS housing provision (which is MBC's preferred approach with the revocation of regional strategies) for Melton is 'below trend' which would suggest that the population projections used in the retail needs assessment will overstate population growth. In any event, I believe that 2008 based projections are now available. <p>The quantitative impact on the town centre is likely to be negligible.</p> <p>The size and scale of the proposed store would seem appropriate for Melton Mowbray.</p> <p>In conclusion, there are no planning policy objections to the proposal subject to the satisfactory resolution of the above matters.</p>	<p>These matters are addressed under the 'Application of Policy' section below.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 4 letters have been received commenting on the following:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon Highway Infrastructure:</p> <ul style="list-style-type: none"> • There will be an increase in traffic volumes along Mill Street which is already congested with long queues at busy times. • Already going to be an increase in traffic along Burton Street with the new council office development. How will this be managed? • Burton Street is a difficult road to cross as is Mill Street due to the narrow pavement this will be extremely dangerous for pedestrians. 	<p>The Highways Authority has been consulted and are not opposed to the application. It is acknowledged that there is existing queuing on the network, but given that the proposal would not create a material increase in queuing the application would not warrant a refusal. The Highways Authority cannot ask the applicant to carry out works to overcome the existing queuing problems, but only for the increase in traffic generated by the development, and given the constraints of the junctions, it is not consider that there is anything that could be done by the applicant to mitigate the small increase in queuing vehicles expected by the proposal.</p> <p>The issues raised already exist and are outside of the constraints of the development. It is considered that the proposal will not create any further dangers to pedestrians. A pedestrian access is to be provided from Burton Street and access by foot can be available from Mill Lane.</p>
<p>Impact upon Listed Buildings:</p> <ul style="list-style-type: none"> • There are a number of Listed Buildings to the front of the site and the supermarket would not be in keeping with the character of the area. 	<p>The proposal has been considered against any impact upon the listed buildings to the west of the site and it is considered that the setting of listed buildings will not be affected due to the location and design being acceptable.</p>
<p>Out of Keeping with the Character of the Area:</p> <ul style="list-style-type: none"> • A modern super market will be out of keeping with the historic buildings that surround the site. • It will be visually intrusive from nearby residential dwellings 	<p>The site currently accommodates approximately 1700 square metres of existing industrial buildings, which are predominantly single storey. The proposal is to demolish these buildings and build a single storey building with a curved roof to the east of the site. The proposed building will have a ridge height of 7.7 metres, which is compatible with the surrounding industrial buildings along Mill Street and Mill Lane, both in terms of scale and mass. The listed buildings are sited fronting Burton Street and it is considered that the setting of the listed buildings will not be affected by the proposal due to the separation distance and that the development will be more associated with Mill Lane and Mill Street.</p> <p>The site is enclosed and there would be limited visibility from the principal public vantage points. Accordingly it will not appear incongruous or out of place within its surroundings.</p>
<p>Impact upon Residential Amenities:</p> <ul style="list-style-type: none"> • Property overlooks the entire site and this will affect privacy and security. The entire car park will be able to view the rear of the house. 	<p>The site closest to the dwellings fronting Burton Street and the slip road off, is currently used as a staff car park for Denman's offices (Claridge House) and L & H Exhaust fitters unit. The rest of the site is used as light industrial uses which includes the Denman's builders yard. The boundary treatment consists of a high brick wall and palisade fencing.</p>

<ul style="list-style-type: none"> • There will be an increase in noise due to the activity. (trolleys, people, cars, lorries/vans reversing alarms) • As the house is grade II listed do not have the benefit of double glazing. At present the site is not used between the hours of 1700 – 700 during the week and not on Saturday afternoons and all day Sundays. This will affect the residential amenities as currently enjoyed. 	<p>The entrance to the supermarket will be located on the west elevation which is approx. 16 metres away from the nearest corner of residential properties off Burton Street. The rear elevation of the properties, face onto to the application site at a slight angle. Contained within the rear elevation are a number of small windows, some obscurely glazed. Given that this area was more intensely utilised than the east part of the site: for the former exhaust fitters, customers and staff car parking, it is considered that the noise levels will not be increased significantly. However the former activity did cease early evenings but could have remained open for longer if chosen to.</p> <p>The goods are delivered once a day for all their produce, including frozen and chilled goods, which are transported in individual temperature controlled units that can be easily loaded and offloaded from the delivery vehicle, removing the need for refrigeration units on the trucks and so reducing noise and fuel consumption. The layout includes a sloped loading ramp, which allows heavy goods vehicles to reverse up to and be level with the lading bay, thus removing the need for hydraulic scissor lifts, which removes noise</p> <p>The proposed supermarket will be constructed further into the site with the entrance and car parking closest to the dwellings. It is considered that it is unlikely that a material increase in noise will occur with the proposed new use given that the site is already used for parking of vehicles and exhaust fitters. The whole site has a use class order for anything defined in the ‘B’ use classes and therefore could be occupied and used far more intensely without intervention from the planning system.</p>
<p>Devaluation of Property:</p> <ul style="list-style-type: none"> • A value chain supermarket along with the increase in traffic and noise will affect the value of the properties, particularly the listed dwellings. 	<p>De-valuation of properties is not a planning matter as the planning process can not serve to protect private interest.</p>
<p>Vitality and Viability of the Town Centre:</p> <ul style="list-style-type: none"> • The site is edge of town centre as defined within PPS4 and should be supported in principle. • No longer necessary to demonstrate ‘need’ for retail development outside existing centres under PPS4, therefore ‘need’ should not be a consideration. • The proposed store will only have a convenience turnover of £3.3m, and therefore it is considered that it will only have a minimal impact on convenience 	<p>These matters are addressed under the ‘Application of Policy’ section below.</p>

goods expenditure capacity within the Melton catchment.	
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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 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 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) • 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>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>The site is considered to be ‘edge of town centre’ because it does not lie within, nor is it directly connected to the primary shopping frontage (i.e. there are intervening uses and physical aspects that separate it from the town centre, and the main point of entrance from Mill St). Therefore, 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 7 potential alternative sites. 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, Nottingham 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)).</p> <p>These findings have been examined and it is agreed that none of the site presents a sequentially preferable location, albeit for differing reasons (e.g Burton St is not available because it is not currently for sale).</p> <p>The model of a discounted superstore shows that the annual turnover is moderate in comparison with the existing food stores in the town therefore the impact upon the existing services is negligible. The range of goods on offer at a discounted food store is fairly limited in comparisons with the larger food stores. In order to cut down the costs and enable the goods sale price to remain low the goods are displayed in boxes and brought in bulk. The goods offered are deliberately restricted to a range of approximately 1,500 -2,000 lines to ensure the lowest possible operating costs. It is agreed that provision of this nature is not present in the town and the proposal would widen consumer choice, in accordance with PPS4 aims and objectives.</p> <p>The application is accompanied by an impact assessment that has also been independently assessed. This identifies the scale of the development in terms of ‘trade draw’ from existing businesses and concludes that it would be limited to £3.8 million. This is less than the expenditure within the town centre is expected to</p>

	<p>expand through natural and planned growth within a 5 year horizon and the diversion of trade from existing units would not be so substantial as to threaten their operations . Accordingly, it is considered to pass the impact test in terms of the town centre.</p> <p>Similarly, the scale is considered not to undermine other proposals for town centre investment. Indeed, it is noteworthy that other retailers (existing and proposed) have not objected to the proposal.</p> <p>The Scale is modest in terms of building size and anticipated customer attraction and this, combined with the new 'offer; it would introduce and the proximity to the town centre, are considered to enable the scheme to complement (rather than detract from) the existing town centre.</p>
<p>Sustainable Development: The carbon footprint of the store will be minimalised through high specification thermal insulation, roofing and cladding materials.</p> <p>The proposed unit is will have highly efficient condensing boilers, which will recover heat produced from the combustion process.</p> <p>The proposed buildings will also benefit from censored lighting internally, which means that lights are not left on unnecessarily, as well as an exterior lux system. This means that lights would only be on during dark hours and would only remain on for an hour after the retail unit has closed.</p> <p>The proposed site layout includes a sloped loading ramp, which allows heavy goods vehicles to reverse up to and be level with the lading bay, thus removing the need for hydraulic scissor lifts. This removes both the noise element as well as the need for electricity to power the scissor lift. By having neighbourhood stores such as this one, this reduces the need for people to travel and so reduces car emissions.</p>	<p>The Governments 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. The proposal will be easily accessible by public transport with the bus interchange located in the town centre.</p> <p>Sustainable Urban Drainage systems also need to be explored but will be dependant on the ground conditions and the findings of the contamination investigates as the site may not be suitable for this method.</p>
<p>Design:</p>	<p>The building will have red facing bricks with pillar detailing to reduce the visual impact from the expanse of brick work along the elevations. The roof will be constructed from horizontal microrib cladding panels with polyester powder coated soffit fascia, gutter and downpipes. The building is low in height to remain in scale with the existing industrial buildings to the rear of the site and will have a curved roof to give interest to the building. From the front elevation the roof will sit at a height of approx. 7.7 metres sloping down to the rear elevation at a height of approx. 5 metres. The entrance to the supermarket is to the northwest corner of the building which will</p>

	<p>consist of large glazed doors and windows along the west elevation and company logo above (no details at present) which will be viewed from Burton Street through the existing entrance. The north, south and east elevation will contain no glazing. It is proposed to provide a focal point from Burton Street by re-instated an archway over the existing vehicular entrance which is to be conditioned as the Conservation Officer is keen to have this feature re-instated.</p> <p>The proposed design is therefore acceptable and is considered appropriate within the surrounding area.</p>
<p>Impact Upon Residential Amenities on Mill Street.</p>	<p>Mill Street contains a mix of uses within the area. To the northeast of the site are residential properties which will face onto the application site. At present the site contains a number of large buildings which are to be demolished. The most prominent of the buildings currently abuts Mill lane. The proposed building will be set further back into the site and will have a relatively low height which will reduce the visual impact upon the area. No glazing is proposed at this end of the building so light spillage will not become an issue. The existing vehicular entrance at the top of the Harborough Hotel is to be closed off and a new improved entrance constructed of Mill Lane. This new entrance will be made available for delivery vehicles and customers. As mentioned above deliveries usually only take place once a day which will keep noise levels low. It is not considered that the proposal will reduce the residential amenities due to the coming and goings given that there is a public carpark to the north and the entrance to the Harboro Hotel which is open to patrons till late.</p> <p>No hours of use have been defined and it would be considered reasonable to restrict the opening times in the evening to reduce the activity due to the close proximity of residents to the west and east.</p> <p>Therefore, it is not considered that the proposal would have a detrimental impact on the amenities of adjoining properties.</p>
<p>Landscaping and Boundaries.</p>	<p>At present there is very little on offer in the way of landscaping given the industrial uses taking place. It is proposed to soft landscape buffer zones on the north and south boundary. The boundary treatment will consist of a 2 metre high 'anti-climb' fencing on the south and east elevation separating the other industrial uses taking place to the south. Along the north elevation, which will separate the Haroboro Hotel car park will be timber facing and walling to match the existing wall.</p> <p>Therefore, it is considered that the proposed</p>

landscaping is considered acceptable.

Conclusion

The proposal for a discounted food store will add to the consumer choice for the Borough and is considered to complement the existing services. The location is considered to be acceptable in terms of applying the sequential approach and proximity to the primary shopping area and accordingly meets the requirements of PPS4. The impact upon highways is acceptable subject to increasing the 'no waiting' restriction along Mill Lane. 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 is in keeping with the industrial uses adjacent the site and the low roof line will ensure that the visual impact is reduced. The removal of the existing buildings will improve the character of the area and it is considered that the setting of the listed buildings on Burton Street will be enhanced given that the proposal is an improvement on the existing buildings and use of the site.

It is therefore recommended for approval subject to conditions.

RECOMMENDATION: Delegate to Permit subject to completion of S106 securing the provision of Traffic Regulation Order (TRO) to extend the existing 'no waiting' restriction to improve the visibility and the following conditions :-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the food store premises shall be operated as a deep discount retail store only (as set out in the Retail Assessment para 1.11 – 1.13) and for no other purpose within Class A1.
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.
4. 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. SK28 Rev J submitted on the 29th March 2010 have been provided, hard surfaced, marked out and made available for use. Once provided they shall thereafter be permanently so maintained.
5. 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.
6. The proposed building shall not be brought into use until such time as the proposed access roads serving the site shall have been surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 15 metres behind the highway boundary and positively drained so as surface water does not run from the site and into the highway. Once provided the access roads shall thereafter be permanently so maintained.
7. Notwithstanding the details submitted, signing and lining, including the lining of the junction with Mill Lane, shall be provided before the building is first brought into use, in accordance with a scheme that shall first have been submitted to and approved by the local planning authority. Once provided the signing and lining shall thereafter be permanently maintained in accordance with the approved details.
8. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drawing No. SK36 Rev A and the following mitigation measures detailed within the FRA and drawing:

Finished floor levels are set no lower than 72.18m above Ordnance Datum (AOD).
15. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
16. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall only be undertaken in accordance with the approved written scheme. No variation shall take place without the prior consent of the local planning authority.
17. The applicant shall ensure the completion of the necessary programme of archaeological investigation providing the planning authority with at least one weeks notification of the intention to commence work. The programme will comprise the necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved written scheme of investigation. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the written consent of the local planning authority.
18. The Class A1 retail development hereby approved shall only be operated as a single retail entity. The unit shall not be sub-divided or otherwise altered in a manner which would create any further retail units, without the written consent of the Local Planning Authority.
19. The net sales area of the retail building hereby permitted shall not exceed 1286sqm. No more than 20% of the identified retail sales area shall be used for the sale of comparison goods.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of protecting the retail function of the town centre and local area centres, and because insufficient information has been provided to assess the impact of other forms of retailing.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been

submitted.

4. To preserve the amenities of the locality.
5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
6. In the interests of the sustainability of the development and to encourage alternative transport choice.
7. In the general interests of highway safety.
8. In the general interests of highway safety.
9. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
10. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway
11. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
12. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
13. To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site.

Note: The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

14. To reduce the risk of flooding to the proposed development.
15. To prevent pollution of the water environment.
16. To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.
17. To ensure satisfactory archaeological investigation and recording
18. The site is in an out of town centre location. There is therefore a requirement to restrict the size of the retail development to safeguard retailing within the town centre.
19. In the interests of protecting the retail function of the town centre and because insufficient information has been provided to assess the impact of other forms of retailing.

Officer to contact: **Mrs Denise Knipe**

20th August 2010