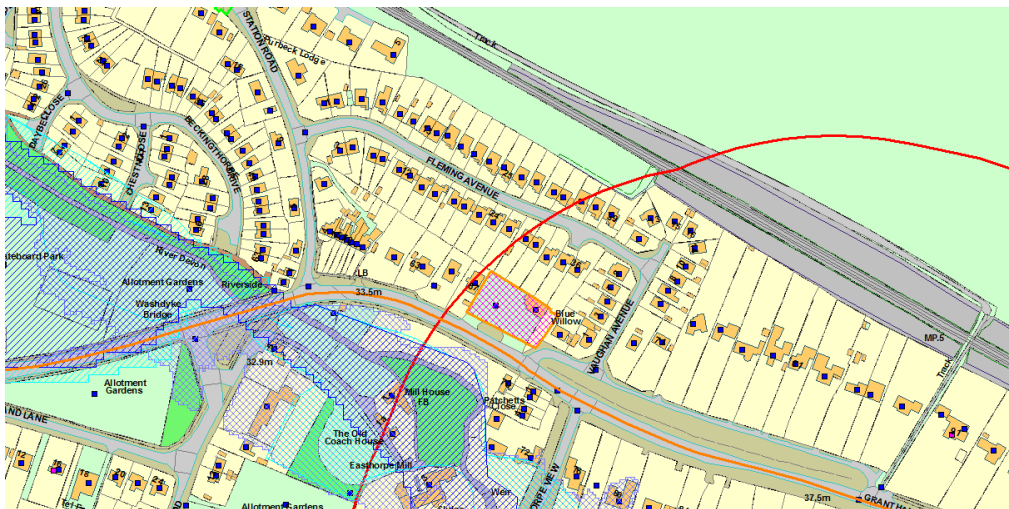


**Reference:** 17/01346/FUL  
**Date submitted:** 13<sup>th</sup> November 2017  
**Applicant:** PDRH Limited  
**Location:** Bottesford Filling Station, Grantham Road, Bottesford  
**Proposal:** Proposed retail convenience store, associated external works and access alteration



**Proposal :-**

The development proposes the construction of a convenience store comprising 401 square metres of gross internal floor area. The development is single storey and would provide a retail sales area of 282 square metres. The development would also provide a back of house area which would include staff area, wc, office, and chill stores etc.

The building would be steel framed with cladding finish and red facing brickwork. The frontage would include a brick plinth and pillars and shopfront glazing. The unit would have a pitched roof with an eaves height of 3.8 metres and ridge height of 6.8 metres.

The application has been accompanied by a Noise Assessment, Transport Statement, Phase 2 Ground Investigation, Retail Sequential Assessment and Retail Impact Assessment.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **The Impact of the Local and Neighbourhood Plans**
- **Principle of development**
- **Impact on the existing retail provision**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Highway Safety**
- **Contamination**

The application is required to be presented to the Committee due to the number of representations received.

### **History:-**

15/00407/OUT – 8 dwellings on the site of the previously demolished petrol station. Application withdrawn.

15/00854/OUT - Proposed residential development of 5 dwellings on the site of previously demolished petrol station – Approved 29.01.16.

### **Planning Policies:-**

#### **Melton Local Plan (saved policies):**

**Policy OS1** – states that planning permission will only be granted for development within the town and village envelopes shown on the proposals map where 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 the character of the locality, the proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution, the development would not have a significantly adverse effect on any area defined in policy BE12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity, requisite infrastructure, including such facilities as public services, is available or can be provided, satisfactory access and parking provision can be made available, the design, layout and lighting of the development minimises the risk of crime.

**Policy BE1** - allows for development within the town envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the 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 S6** – Policy S6 states that planning permission will be granted for local shopping facilities within village envelopes provided the proposal complies with the criteria contained in policy OS1.

**Policy S7** – Policy S7 states planning permission for local retailing and commercial development in the villages of Asfordby and Bottesford will be confined within the central areas of these villages as shown on the proposal map village insets.

#### **The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside;

- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**On Specific issues it advises:**

**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people;
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs of people with disabilities by all modes of transport.

**Ensuring the vitality of town centres**

- Sequential approach should not be applied to application for small scale rural offices or other small scale rural development.
- When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). This should include assessment of:
  - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

**Require Good Design**

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

**Supporting a prosperous rural economy**

- Planning policies should support economic growth in rural areas in order to create jobs and prosperity;
- Promote the retention and development of local service and community facilities in villages, such as local shops.

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

**Conserving and enhancing the Natural environment**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments.

**Consultations:**

<p align="center"><b>Consultation reply</b></p>	<p align="center"><b>Assessment of Head of Strategic Planning and Regulatory Services</b></p>
<p><b>Bottesford Parish Council:</b> Concerned that the refrigeration plant faces west towards neighbouring properties and consideration should be given for output and noise.</p>	<p>A Noise Assessment has been submitted in support of the application. The report identifies the site was formerly a petrol filling station with a small vehicle workshop to the rear and that this use would have generated noise, principally attributed to vehicle movements, noise associated with the use of pumps and vehicle and equipment noise associated with the use of the workshop facilities.</p> <p>The proposal comprises a convenience store, located to the rear of the site with proposed parking proposed alongside the frontage. A service yard would be provided to the west of the store and would be used for deliveries and to accommodate the external refrigeration and cooling plant.</p> <p>Three condensers are proposed to be located within the plant area, which would be screened from the main service yard by a 2.1 metre high close boarded fence. One condenser would be required for the refrigeration equipment, which would operate 24 hours per day (although at a lower speed whilst the store was closed), with the remaining two condensers, required for the store heating and cooling, only operating during the periods whilst the store was open.</p> <p>The main deliveries would normally be made after 07:00 hours, with the bread and sandwiches normally delivered earlier in the day. These deliveries would be made by either van or small HGV, with the vehicle reversing into the service area to unload typically one or two cages and taking only 1 – 2 minutes to complete. The main deliveries would be the ambient, frozen and chilled foods, which are made at some point during the day according to the vehicle delivery schedules.</p> <p>These deliveries would be made by either a larger rigid HGV or small articulated vehicle. These vehicles would reverse into the service yard, with unloading based upon observations at other stores, typically taking around 5 minutes to unload the cages.</p> <p>Whilst refrigeration units on vehicles would face towards Grantham Road when the vehicles were unloading, to ensure any disturbance to the occupants of the neighbouring properties is minimised, the drivers would be required to switch chillers off whilst on site. This, together with times of deliveries and other good practice to</p>

	<p>minimise the impact on neighbours, would be secured through a condition relating to delivery management.</p> <p>Noise associated with the operation of external fixed plant, deliveries and vehicles using the car park have been identified as the principal noise sources and considered within the noise assessment. It is proposed to construct a 2.4 metre high acoustic fence along the boundaries adjacent to the service yard and the eastern car parking area to mitigate noise levels at the adjacent properties. It is anticipated that the noise barriers would be of timber construction, close boarded, with no gaps and a minimum surface density of 10 kg/m<sup>2</sup>. The noise barrier constructed around the service yard would additionally have an absorptive inner face, to minimise any potential reflections of noise associated with the deliveries.</p> <p>The external plant would be further screened by additional close boarded fencing constructed around the perimeter of the plant area. The main condenser unit required for the refrigeration plant is anticipated to low level vertical unit, with a height of 1.2m. Noise levels supplied by the plant manufacturer indicate a level of 32 dB(A) at a distance of 10 metres during the daytime period and 25 dB(A) at 10 metres at night, when the plant would operate at a lower speed.</p> <p>Two Mitsubishi external condensers would also be required for the heating cooling to the store. These units would only operate during store opening hours and would not be required to operate overnight. The supplied data for these two units indicate noise levels of 48 dB (A) and 32 dB (A) at a distance of 10 metres.</p> <p>The noise report concludes that on the basis of the above information any potential adverse effects upon the occupants of neighbouring properties would be minimised, by ensuring appropriate measures are adopted to minimised noise levels, which would include ensuring chiller units are switched off whilst the vehicles are on site, adopting best practice to reduce noise levels, ensuring vehicle radios are switched off, not slamming vehicle doors, handling cages carefully and not raising voices within the service yard.</p> <p>The report also concludes noise levels associated with the vehicle movements would be lower than those associated with the previous use of the site as a petrol filling station. Typical daytime noise levels associated with the vehicles would be of the order of 45 dB LAeq, 1 hour at the front façade of the property. This is 10 dB (A) below the general daytime ambient noise levels associated with road traffic using Grantham Road and thus unlikely to</p>
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<p>Shopping would be easier for more people to access although the focus of the village will be shifted.</p> <p>Concerned about articulated lorries who are delivering to Co-Op going out onto the road. There should be a caveat that the 30mph speed sign should be moved to east side of Bottesford to include this development.</p>	<p>result in any adverse effects upon the occupants of the neighbouring properties.</p> <p>Considering the combined effect of the noise levels attributable to the operation of the convenience store, overall site noise levels at this property would remain below 50 dB LAeq, 1 hour during the daytime period, thus ensuring that the operation of the store did not result in any significant adverse effects upon the occupants of the neighbouring properties and thus fully comply with the requirements of the NPPF and local plan policies.</p> <p>Noted.</p> <p>The revised plans remove the one way system that was previously proposed within the site. Given that the site historically had two way ingress/ egress at both access points, this is accepted by the Local Highway Authority.</p> <p>The proposals indicate that dropped kerbs linking to the footway on the opposite side of Grantham Road would be retained as part of the site access amendments. In addition drainage has been indicated at the site accesses to prevent surface water from flowing into the highway and visibility splays have been amended.</p> <p>Additional vehicle tracking has been provided demonstrating the largest anticipated vehicle entering and exiting the site in a forward gear. While tracking has not been submitted indicating vehicles exiting the eastern access in both directions, given the proposals now indicate two way access at both site accesses it is accepted HGV drivers are unlikely to exit the site through this access and turn right.</p> <p>The Applicant has undertaken a comparison of the trips likely to be generated by the site as a petrol filling station and employment/industrial unit in comparison to those which would be generated by a retail/convenience store using the TRICS database.</p> <p>The results of the comparison indicate that there would be a net change of -3 two way trips in the AM peak and +15 two way trips in the PM peak. The Local Highway Authority has accepted that the proposals would not lead to a significant amount of traffic generated to the site in comparison to its previous use.</p> <p>The Applicant has advised that given the store would be a local store as opposed to a large supermarket, the vast majority of trips would</p>
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	<p>already be present on the highway network with trips to the store being either linked, pass by or diverted trips as opposed to new trips.</p> <p><b>As such, it is considered the impact of the external plant, deliveries and noise generated by traffic visiting the store would not be harmful to the amenity of occupiers of neighbouring properties. Furthermore, the revised access arrangements would ensure the proposal would be adequately accessed and would not be harmful to the local highway network.</b></p>
<p><b>Highway Authority: No objection.</b></p> <p>The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.</p> <p>The Applicant has submitted M-EC Drawing Number 2355_08_020_03 Revision A. This appears to remove the one way system that was previously proposed within the site. Given that the site historically had two way ingress/ egress at both access points, this is accepted.</p> <p>The proposals indicate that dropped kerbs linking to the footway on the opposite side of Grantham Road would be retained as part of the site access amendments. In addition drainage has been indicated at the site accesses to prevent surface water from flowing into the highway and visibility splays have been amended.</p> <p>Additional vehicle tracking has been provided demonstrating the largest anticipated vehicle entering and exiting the site in a forward gear. While tracking has not been submitted indicating vehicles exiting the eastern access in both directions, given the proposals now indicate two way access at both site accesses it is accepted HGV drivers are unlikely to exit the site through this access and turn right.</p> <p>The site boundary at the eastern access does not appear to have been amended following previous comments. As previously advised, it is assumed the Applicant is aware of the extent of the highway in relation to the proposals, but the LHA's formal opinion of the adopted highway extent can be established.</p> <p>The Applicant has undertaken a comparison of the trips likely to be generated by the site as a petrol filling station and employment/industrial unit in comparison to those which would be generated by a retail/convenience store using the TRICS database. While it is disappointing the Applicant</p>	<p>The findings of the Highway Authority on the revised proposals and additional information are noted. It is considered the site can be adequately accessed by shoppers and delivery vehicles, that adequate parking would be provided and access for pedestrians would also be provided.</p> <p><b>Overall it is considered that the proposed would not have a detrimental impact on highway safety.</b></p>

<p>has not use existing trip generation/traffic flows from the extant site, the site has now been cleared and it would not be possible to ascertain this information.</p> <p>The results of the comparison indicate that there would be a net change of -3 two way trips in the AM peak and +15 two way trips in the PM peak. The LHA accepts that the proposals would not lead to a significant amount of traffic generated to the site in comparison to its previous use.</p> <p>The Applicant has advised that given the store would be a local store as opposed to a large supermarket for example, the vast majority of trips would already be present on the highway network with trips to the store being either linked, pass by or diverted trips as opposed to new trips. In addition a large amount of trips for the petrol filling station were likely to be pass-by trips, which would be similar to the proposed store. The LHA accepts this methodology.</p> <p>While the internal layout and parking provision shown on ABDS Drawing Number P/GB/17/013 Revision B is considered acceptable, it is noted one disabled bay is still marked out upside down.</p> <p>The site is located opposite a bus stop serving an hourly bus service. The Applicant is also providing cycle parking within the stores grounds. The LHA request 6 month bus passes and travel packs for new employees and raised bus stop kerbs at the nearest bus stop opposite the site.</p>	
<p><b>Environmental Health:</b> There is a significant risk of the land being contaminated due to the previous land use. However the risk to end users as a convenience store is limited, should the site ever be changed to residential then full contaminated land conditions would be required. If major ground work is to occur now (i.e. tank removal) then it would be prudent to undertake that survey now.</p>	<p>A Phase 2 Ground Investigation Report has been submitted in support of the application. This noted the historic use of the site comprised a petrol filling station between 1953 and 2010, a car wash and car showroom, an office block in the eastern part of the site and the petrol station with a café in the western/central part of the site during its time as a service station.</p> <p>All structures on the site have been removed to ground level, with the tanks associated with the former petrol filling station recorded to have been removed and the voids filled with crushed concrete. However, the tank and interceptor validation completed by Geo-Matters Ltd in June 2017 found the tanks in the tank farm (in the northern part of the site) to have been filled with sand, and the a found a concrete tank base and crushed concrete to the south of this.</p> <p>The majority of the former service station area of the site comprises concrete hardstanding (including an area of crushed concrete where tanks have been excavated in the northern part of the site) with a small area of soft landscaping in the south-western part of the site.</p>



	<p>The report makes recommendations which can be the subject of a condition to ensure there are no contamination issues when developing and operating the site.</p> <p><b>It is considered the limited contamination that was present on the site has been remediated and the proposal poses no risk to controlled waters.</b></p>
<p><b>Environment Agency:</b> The reports have demonstrated that the limited contamination that was present on site has been remediated. It is unlikely, given the data presented, that the site will pose a risk to controlled waters. The Agency has no objection to the proposed development.</p>	<p>Noted and these points are addressed above.</p>

**Representations:**

A Site notice was posted and neighbouring properties consulted. As a result **7 letters of support have been received**, the representations are detailed below:

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<ul style="list-style-type: none"> <li>• Good to have amenities at this end of the village;</li> <li>• Having three independent convenience stores in the village is a positive because it should introduce competition between the retailers which is to the advantage of those who use the stores;</li> <li>• Due to the current problems of trying to find a suitable parking space, particularly in Queen street, should be somewhat eased with the addition of the store on Grantham road, this may encourage more people to use the stores in Queen street;</li> <li>• Easier for more people to access although the focus of the village will be shifted;</li> <li>• There is a growing population of elderly people at this end of the village who will benefit from a closer, walkable shop rather than driving into the village which in turn would help alleviate the already, congested village centre;</li> <li>• With all the extra housing Bottesford is being subjected too there will be ample custom for both the existing local shops and a new one on this, at present, empty site;</li> <li>• With local residents in mind, careful thought regarding noise, parking, lighting etc. needs to be taken into consideration before plans are passed;</li> <li>• Safer site;</li> <li>• Good use of space;</li> </ul>	<p>Noted.</p>

<ul style="list-style-type: none"> <li>• Better than cramming in housing;</li> <li>• The previous petrol filling station was noisier than the proposed store will be;</li> <li>• The closure of the filling station created more trade for existing stores;</li> <li>• The current site is an eyesore.</li> </ul>	
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**Four representations neither supporting nor objecting have been received**, the representations are detailed below:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<ul style="list-style-type: none"> <li>• This could relieve the congestion on Queen Street but the new store might take trade from the centre of the village where other shops are located;</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>• Could permission be conditioned on the existing Co-op store continuing so that shoppers are still attracted to the village centre and is close to the elderly community;</li> </ul>	The application, should permission be granted, cannot be subject to a condition that the existing village store remains open as this would not pass the tests on the use of conditions. It is however considered that, given the likely impact of trade draw from the existing store is estimated at 15%, the existing store could continue to operate.
<ul style="list-style-type: none"> <li>• Given the previous uses of this site as a fuel station and small convenience shop it seems likely that the application will be successful;</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>• Conditions must be applied to protect neighbouring residents from noise and light pollution, particularly at night;</li> </ul>	The proposal, if approved, would be subject to conditions relating to opening times, delivery times, delivery management etc. Furthermore, the submitted noise survey has demonstrated that the impact on the amenity of neighbouring properties would not be harmful.
<ul style="list-style-type: none"> <li>• Do we really need Bottesford to be the location of a Cooperative Turf War, with 2 stores, being branded the same yet with different operators and different loyalty schemes, are Cooperative Food even aware that this application has been made;</li> </ul>	Local and national planning policies do not seek to stifle competition but each application must be dealt with on its merits, taking into account a number of factors, including planning policies. Applications must be viewed favourably unless the harm would outweigh the presumption in favour of development. In this case, the proposal is considered to align with local and national policy and would not be outweighed by the harm identified.
<ul style="list-style-type: none"> <li>• Queries impact on trees and hedges and questions location of fencing;</li> </ul>	Matters of landscaping and boundary treatment can be subject of conditions.
<ul style="list-style-type: none"> <li>• Queries signage and whether this would impact on amenity.</li> </ul>	Signage would be a matter of a separate application.

**7 representations of objection have been received**, the representations are detailed below:

<b>Representation:</b>	<b>Assessment of Head of Strategic Planning and</b>
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	<b>Regulatory Services</b>
<p><b>Residential Amenity</b> Concern over noise as this is a residential area, concern over opening times. Given the proximity to existing housing, 24 hour noise from cooling/refrigeration plants will have a negative impact. There is the issue of inevitable light pollution in a residential area.</p> <p><b>Highways</b> Concerns over articulated lorries and access, pavements in the area are very narrow, insufficient parking provided.</p> <p><b>Retail Impact</b> Although a Retail Impact Assessment may not be a legal requirement, Bottesford already has 2 convenience stores, one of which is a Cooperative Store. This proposed store is unlikely to add substantially, if at all, to the range of products already available within the village. It will however put unnecessary trading stress on the two existing convenience stores. It will also potentially alter some footfall of trade from the village centre to the outskirts of the village with the inevitable negative impact on the other retail and trade outlets in that centre. Post Office may close in the future as a result, the proposal occupies an out of centre location, contrary to Policy S7, and retail impact makes no reference to this policy.</p> <p>Although it may be argued that Bottesford is a village expected to grow in the coming years, the projected growth will not be sufficient to justify or maintain this duplication of already existing retail facilities.</p> <p>There has been a previous proposal that the site for housing and this would be an ideal site for a small number of bungalows that are so much required within the village.</p> <p>The store would be an out of centre location, some 650 metres from the village centre and its shopping area, the proposal would significantly impact on the vitality and viability of the centre as a whole, including local consumer choice and trade in the town centre and/or negative impacts on planned investment in an established centre. Bottesford acts as a service centre and the clear intention is to avoid retail development that is not part of the centre or would have an adverse impact on the vitality and viability of the centre, the description “small, independent village shop” could not be applied to this application. The proposal is well below the national default threshold in the NPPF of 2,500sqm requiring a retail impact assessment. The local Co-op has forecast trade diversion from their store in the</p>	<p>These issues have been discussed above.</p> <p>These issues have been discussed above.</p> <p>The site lies within the village of Bottesford. When taken from the 1999 Local Plan the site lies within the defined village envelope and Policy OS1 is applicable. Policy S6 supports local shopping facilities within village envelopes provided the proposal complies with the criteria contained in policy OS1. Policy S7 states planning permission for local retailing and commercial development in the villages of Asfordby and Bottesford will be confined within the central areas of these villages. However, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight.</p> <p>This paragraph states due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF and the closer the policies in the plan to policies in the NPPF, the greater weight can be given. In this case policy S7 of the 1999 Local Plan seeks to confine new retail development in Bottesford to the central areas. This policy does not therefore take into account the sustainability thread that runs through the NPPF and makes no reference to a sequential approach. As such, this policy is not considered to be consistent with the NPPF and as a result is out of date. Policy S6 supports retail development within village envelopes; although village envelopes are not consistent with the sustainability policies of the NPPF the site falls within the built up part of the settlement and Bottesford is considered to be a sustainable settlement. This policy therefore has a greater level of compatibility with the NPPF and can carry greater weight.</p> <p>Emerging Local Plan Policy EC7 states in settlements with a retail offer that acts as a service centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. In all such cases a retail impact assessment will be required.</p>

<p>region of 15% which is also likely to result in secondary impacts on other traders in the centre. The draft Local Plan's policies are informed by the Melton Borough Retail Study 2015 which identified if proposals were to come forward in Bottesford of an appropriate scale to enhance retail offer the Council would seek to support them. The aims of the adopted and emerging policies seek that retail capacity should remain focussed on the defined village centre and proposals outside the village centre will not support that aim and are likely to harm the existing centre. There is no evidence that any other sites were considered under the sequential test. There is no evidence of compliance with the sequential test.</p> <p>The Retail Impact Assessment is misleading over who would operate the store, do not agree that 20% of trade for the new store would be drawn from Melton Mowbray, no mention is made of Bingham with recently opened Aldi and Lidl</p>	<p>The application is required to be considered in light of the Local Plan and other material considerations. The NPPF is a material consideration of significant weight because of its commitment to supporting strong, responsive and competitive economy. This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in paragraph 14 which requires harm to be balanced against benefits and refusal only where "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".</p> <p>The site is within the village boundary and lies to the east of the village centre. Bottesford is considered to be a sustainable settlement and one which is capable of supporting growth. Due to the location of the development and the position within the built up area the site is considered to be sustainable.</p> <p>In terms of the saved Local Plan policies the proposal complies with Policy S6 as it relates to local shopping facilities within the village envelope. Policy S7 seeks to direct such retail provision to the central areas of these villages; this site does not occupy a central location within Bottesford. However, this policy is not considered to be compliant with the NPPF as it predates the NPPF which has a strong presumption in favour of sustainable development and does not place constraints on the location of development within the settlement.</p> <p>Paragraph 23 of the NPPF acknowledges the importance of promoting competitive town centres and in doing so rightly gives protection to them "as the heart of their communities". It also requires that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However, paragraph 25 goes on to state that "this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development."</p> <p>In NPPF Paragraph 27 it sets out additional parameters for undertaking a retail impact assessment by stating "when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m)". <b>The Local Plan is out</b></p>
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**of date the proposed retail area does not exceed the default threshold of 2500m2 and therefore a retail impact assessment is not required under either the Local Plan or NPPF.**

However, a retail impact assessment is required under the emerging Local Plan and in order to provide a robust case in support of the application the applicant has submitted a retail impact assessment and sequential site assessment.

The Sequential Assessment states this type of retail unit is not primarily targeting town centre shoppers but to be a local “top up” convenience market, which would enable residents living within the village to not be so reliant on car use. The sequential assessment also looks at whether there is a more central site to the village which is sequentially preferable, and no other suitable sites are available.

Paragraph 28 of NPPF indicates support for economic growth in rural areas. In particular it states policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Furthermore, paragraph 111 of the NPPF places emphasis on the effective use of land by encouraging brownfield redevelopment. The site is a former fuel station and has been used for car sales and repairs.

Bottesford is considered to be a sustainable location, the site lies within the built up form of the village and is well connected to the village centre. The development would be considered under NPPF as sustainable development. The proposed retail unit would provide a local service for the village, create employment and would reuse previously developed land.

It is considered the sequential approach to site selection submitted in support of the application is robust and the conclusion that there are no other suitable sites within Bottesford for the development is accepted.

	<p>The submitted Retail Impact Assessment concludes that the proposal would help to claw back a proportion of car-borne food shopping expenditure that is currently leaking out of Bottesford, that the village has a viable and vital centre fulfilling its role as an important retail and service centre and that there are no vacant stores in the centre. Furthermore, it identifies that the existing Co-op is trading significantly above benchmark levels and states this is an indicator of the centre's overall attraction and strong trading performance.</p> <p>The assessment also highlighted a significant leakage of convenience expenditure from Bottesford's primary catchment, principally Grantham, resulting in less sustainable shopping patterns for food purchasers. This includes a significant proportion of people living in Bottesford currently carrying out their top up shopping in stores located some distance away. The report considers the proposed store would claw back some of this trade and would represent new expenditure to Bottesford.</p> <p>In terms of economic impact the report forecasts a -13.2% impact on the village centre's total convenience turnover in 2021, equivalent to a trade diversion of -£0.39m; given the health of the centre this impact is concluded to not have a significant adverse impact on Bottesford and that the existing Co-op would continue as a viable business. This would also apply to other food and convenience stores in the village which appear to be trading well. In addition, the proposed store would not have a Post Office and would therefore not compete on a like for like basis with the existing store.</p> <p>The findings of the report have been challenged following consultation with an objection stating the assessment of retail impacts relies on inadequate and misleading data about trading patterns based on market share, it relies on a market survey that was not intended to assess existing and potential trading patterns in Bottesford. The objection further states the analysis is based on inaccurate assessments of retail turnover in existing stores and inaccurately assesses impact on the trade of existing stores. It also considers the expected trading of the existing store is underestimated and that the catchment area for the proposed store is too extensive and the proposed claw back expenditure is not justified. The report also considers the unique operation of Bottesford's retail centre has not been adequately assessed.</p> <p>It is acknowledged there are differences of opinion</p>
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	<p>about the retail impact assessment but it is considered the evidence used to inform the report is sound and has been used appropriately. Furthermore, from the evidence submitted it appears the existing retail centre is performing well with the existing Co-op trading significantly above the expected level. Based on the expected trading of the new store <b>there is no evidence the existing retail offering would close</b> as a result of trade draw and therefore no basis to conclude the character of the village would be adversely affected as a result (the criteria applied by Policy EC7 of the emerging Local plan). Although the level of trade claw back from beyond Bottesford is hard to quantify the report estimates a 5% claw back of such leakage could be secured; this is considered to represent a reasonable estimate.</p> <p><b>Therefore, in principle the development is considered to be acceptable. The retail impact assessment is considered a sound basis to conclude the proposal would not be harmful to the vitality and viability of the village retail provision and would reduce the expenditure currently leaking from the settlement. Furthermore, the sequential report does not identify any more sustainable locations for the proposed store. The proposal is therefore considered to comply with relevant policies and guidance and can be supported in principle.</b></p>
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**Other Material Considerations not raised through representations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Residential Amenity</b>	<p>The application site was previously occupied by a petrol filling station and car repair/sales unit. To the south is Grantham Road with the grounds of Mill House further to the south and Patchetts Close to the south-east. To the north, east and west are residential properties on Grantham Road and Fleming Avenue.</p> <p>The proposed retail unit would be sited centrally within the site and to the north of the plot adjacent to the rear gardens of properties fronting Fleming Avenue. The unit has been designed with a pitched roof which would slope away from the shared boundary and the north elevation would have no windows or openings. Properties on Fleming Avenue to the rear are single storey and would be over 24 metres from the rear elevation of the proposal. Due to the distance separation, scale and mass of the proposal it is not considered that the development would have an adverse impact on properties on Fleming Avenue.</p> <p>To the east of the site is a detached dwelling, Blue Willow, which is sited forward in the site. Blue Willow is a detached bungalow and has a window in the end gable facing the application site. The</p>

	<p>retail unit would be sited 16 metres from the side elevation of Blue Willow which is proposed to have ground floor shopfront glazing panels facing the shared boundary. Due to the distance separation, boundary treatment and single storey nature of the proposal, it is not considered that the proposal would create any overlooking, loss of privacy or have an overbearing or adverse impact on this property.</p> <p>To the west is a detached single storey dwelling which would be separated from the retail unit by a close boarded fence and the proposed delivery yard. Additional planting is also proposed along the western boundary to further screen the proposal. Again, due to the boundary treatment and single storey nature of the proposal, it is not considered that the proposal would create any overlooking, loss of privacy or have an overbearing or adverse impact on this property.</p> <p>The issue of noise and disturbance has been addressed above and conditions can be imposed to control noise, deliveries and hours of operation.</p> <p>The proposal would not have any undue adverse impact on the occupiers of adjoining and as such complies with Policy OS1 and BE1 of the Local Plan and the NPPF.</p> <p><b>It is therefore not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to suitable conditions and is considered to comply with the policies highlighted above.</b></p>
<p><b>Visual Amenity</b></p>	<p>The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.</p> <p>Policy OS1 states that planning permission will only be granted for development within and village envelopes where the form, character and appearance of the settlement is not adversely affected and the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality. Policy BE1 states planning permission will not be granted for new built development unless, amongst other things, the development would harmonise with surroundings, would safeguard residential amenity, provide adequate space around dwellings and adequate access and parking is provided.</p>



	<p>The proposed retail unit would occupy a floor area of approximately 400m<sup>2</sup>. Sited on a former petrol filling station site the unit would be sited centrally within the plot and set back towards to the northern boundary. To the frontage and eastern edge would be parking with a service yard/area to the west. The building would be single storey with a pitched roof with a height of 6.8 metres to the ridge. Overall, the building would not appear unduly large or dominant within the site. The building has been designed with brick facing and brick pillars to the external walls with shopfront glazing panels and cladding to the roof apex. The surrounding area is predominantly residential but due to the siting within the plot, design, scale and choice of materials, the unit would integrate into the surrounding area and would not have a detrimental impact on the character of the locality. The size and scale of the unit would not be too dissimilar to the petrol filling station which formerly occupied the site and as a predominantly vacant area of land within the built up part of the settlement the redevelopment of the site can be seen as visually enhancing this part of the village and would be an improvement to the area.</p> <p><b>Overall, due to the scale, location and design of the proposal the redevelopment of this brownfield site with a small retail unit would not have a detrimental impact on the character of the area or the streetscene to which it relates.</b></p>
<p><b>The (New) Melton Local Plan/Neighbourhood Plan</b></p>	
<p>The new local plan has now completed Examination and the Inspector has recently suggested proposed Modifications which are currently out for public consultation. None of these specifically address this site.</p> <ul style="list-style-type: none"> <li>• The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>• The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>• The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the Framework, the greater the weight that may be given)</li> </ul> <p>The Submission version of the Local Plan identifies Bottesford as a ‘Service Centre’,</p>	<p><b>The Local Plan has progressed through examination stage and the Main Modifications are currently out for consultation.</b></p> <p><b>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</b></p> <p>Emerging Local Plan Policy EC7 states in settlements with a retail offer that acts as a service centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. In all such cases a retail impact assessment will be required.</p> <p>The proposal occupies a sustainable location is a Service Centre settlement and would comply with the emerging Local Plan policies, which adds weight in favour of approving the application.</p>

Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities.

Policy SS1 Presumption in Favour of Sustainable Development seeks to secure sustainable development. Policy SS2 Development Strategy sets out the development strategy for the Borough. Policy C7 Rural Services states support will be given to proposals that enhance existing services and facilities (including shops) or that improve community cohesion and well-being to encourage sustainable development. Policy EC7 Retail Development in the Borough states town centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. A retail impact assessment would be required for all retail proposals in these locations. Policy D1 Raising the Standard of Design relates to the visual impact of development and residential amenity.

#### **Bottesford Parish Neighbourhood Plan**

Bottesford PC is a qualifying body with an intention to develop a Neighbourhood Plan.

However no Neighbourhood Plan has been published and as such cannot be a consideration in this instance.

#### **Conclusion**

Overall, the proposed retail unit would be sited within a sustainable area providing a local service for the village, create employment and would reuse previously developed land. The proposal is supported in principle in policy terms by adopted, emerging and national planning policies. The proposal would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality. Furthermore, the proposal would not be harmful to the vitality or viability of the existing retail provisions in the village. As such, the proposal is considered to be compliant with the Local Plan policies referred to above and principles of the NPPF.

#### **Recommendation: APPROVE subject to the following conditions:**

Conditions:

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following plans:

- Block Plan/Site Plan P/GB/17/010/B
  - Site Layout P/GB/17/013B
  - Elevations P/GB/17/015B
  - Store Layout 17-081-S10-SK02
  - Access Design 23255\_08\_020\_03A
  - Vehicle Tracking 23255\_08\_010\_02.1
  - Vehicle Tracking 23255\_08\_010\_02.2
- 3 No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  - 4 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.
  - 5 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.
  - 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.
  - 7 No development shall take place until details of all external lighting and internal lighting visible from outside of the building has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and thereafter be so maintained.
  - 8 No development shall take place until details of all fencing to serve the external plant/refrigeration units have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and thereafter be so maintained.
  - 9 No development shall take place until details of a noise management plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include delivery times and days, vehicle types, delivery frequency and appropriate measures to minimise noise disturbance. Development shall be carried out in accordance with the approved plan.
  - 10 The development shall take place in accordance with the recommendations in Section 7 of the Phase II Geo-Environmental Investigations July 2017.
  - 11 The store shall only be open to the public during the following hours: 0600-2300 Monday to Friday.
  - 12 No part of the development hereby permitted shall be occupied until such time as:
    - a. The access arrangements shown in general accordance with M-EC drawing number 23255\_08\_020\_03 Revision A have been implemented in full.
    - b. The offsite works shown in general accordance with M-EC drawing number 23255\_08\_020\_03 Revision A have been implemented in full.

- 13 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 14 The development hereby permitted shall not be occupied until such time as the cycle parking, car parking and turning facilities have been implemented in accordance with ABDS drawing number P/GB/17/013 Revision B. Thereafter the onsite parking provision shall be so maintained in perpetuity.
- 15 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
- 4 To ensure satisfactory landscaping is provided within a reasonable period.
- 5 To provide a reasonable period for the replacement of any planting.
- 6 To preserve the amenities of the locality.
- 7 To preserve the amenities of the locality.
- 8 To preserve the amenities of the locality.
- 9 To preserve the amenities of the locality.
- 10 To ensure any contamination is adequately dealt with on site.
- 11 To preserve the amenities of the locality.
- 12 To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development, in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
- 13 To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 14 To promote travel by sustainable modes in accordance with Paragraphs 30 and 32 of the National Planning Policy Framework 2012. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.
- 15 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

Officer to contact: **Mr Joe Mitson**

**Date: 12<sup>th</sup> July 2018**