

Item No. 5

Application Reference Number P/16/2141/2

Application Type: Full

Applicant: Lidl UK GmbH & Tillbridge Developments LLP

Proposal: Demolition of existing buildings and erection of retail store with associated parking, servicing and landscaping.

Location: North of Station Avenue, Loughborough

Parish: Loughborough

Ward: Loughborough Storer

Case Officer: Karen Brightman

Tel No: 01509 632520

Description of the Site

The application site comprises an area of land of approximately 1 Ha situated 450m to the north of Loughborough town centre. The site is split into three parcels as follows:

- Former Goods Railway buildings in the centre of the site
- Former filling station, (now used for tool hire) in the east
- Trinity College Annex and small part of Travis Perkins car park in the west.

Surrounding land uses are as follows:

Boundary	Adjacent land use
North	Burleigh Brook with residential properties beyond
South	Station Avenue with terraced housing and flats beyond
East	A6 Derby Road with residential and small scale commercial uses beyond
West	Builders merchants with car repairs beyond

The site is level with Burleigh Brook sitting in a cutting to the north.

Part of the site falls within Ashby Road Conservation Area – the area where the westernmost railway building is located.

The majority of the site falls within Flood Zone 1. A small element of the site along the northern boundary is within flood zones 2 and 3 associated with the adjacent watercourse.

Station Avenue is a relatively narrow road which is in effect a cul-de-sac once the junction with Station Street has been passed. There are parking restrictions in force on both sides of the road. It provides access only to the commercial uses located on its north side with adjacent housing accessed off the grid pattern of streets to the south. The adjacent housing is orientated such that back gardens and rear elevations face towards the site. The exception is a relatively recent two storey block of flats which, although not accessed via Station Avenue, have main windows which face directly on to it.

Description of the Application

The application seeks full planning permission for the following elements:

- Demolition of existing buildings on the site
- Erection of a 2,460 Sqm (gross internal) retail store (A1)
- A 132 space car park with 6 disabled spaces and cycle parking.
- Revisions to access and the blocking up of existing access points on Station Avenue.
- Landscaping
- Off-site improvements to the Station Street/A6 junction and commuted sum towards improvement of the A6/Belton Road signal controlled junction.

The store building would have a net sales area of 1,424 sqm which would be split into an 80% convenience and 20% comparison offer. The proposed building would have a ridge height of 6.7m and would have pedestrian entrances into the site and building from both the A6 and Station Avenue. The walls of the unit would be rendered and painted white with a grey rendered plinth. Above this would be an area of metal wall cladding panels.

Vehicular access to the store would be via a new access point off Station Street. This would serve both customers and service vehicles. A brick screen wall is proposed for the Station Avenue frontage, with a more open boundary treatment to the A6 frontage. Details of boundary treatments would be subject to planning condition. Existing trees adjacent to the substation are proposed for retention with new feature trees depicted to the A6 frontage.

Store opening hours of 07:00 – 22:00 are proposed Monday to Saturday and 10:00 – 16:00 on a Sundays. Deliveries are limited to a maximum of two per day as each vehicle is equipped to carry the full range of products. Delivery vehicles would share the same access into the site as customers. Each delivery takes approximately 45 minutes. Store waste is removed by the delivery vehicles at the same time as goods are offloaded.

The following documents are included with the application:

- Application Forms
- Planning Statement 2016 (Including sequential and retail impact assessments)
- Transport Assessment September 2016
- Design & Access Statement Version 3 August 2017
- Statement of Community Involvement September 2016
- Preliminary Ecology Appraisal V2 September 2016
- Contamination Assessment Report & Supplementary Phase 2 Intrusive Investigation July 2016
- Flood Risk Assessment June 2016
- Historic Building and Settings Assessment (updated) August 2016
- Travel Plan September 2016
- Noise Assessment July 2016
- Car Park Lighting Proposal July 2016

During the course of the application three further technical notes/memorandums were provided in response to highway matters:

- JRB/16212/TN01 – December 2016
- GW/16212/TN02 - March 2017
- Response to LCC Highway observations of 25th April - May 2017

The application includes the following plans:

- 7305-17 E Proposed Site Plan
- 7501L/16 B Elevations
- 7305-15 B Proposed Floor Plan
- SCP/16212/D04 B Agreed Improvements at the Derby Road Station Street Junction and at the Site Access from Station Street

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the borough.

Policy CS2 - High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS7 – Regeneration of Loughborough seeks to contribute to the regeneration of Loughborough by supporting proposals that meet a number of aims, including supporting development at strategic town centre sites.

Policy CS9 – Town centres and Shops seeks to contribute to the regeneration and viability of Loughborough Town Centre by supporting town centre developments which meet a number of criteria. The policy goes on to state that 70% of all additional floorspace for main town centre uses should be provided in Loughborough town centre over the plan period and sets out a strategy for focusing retail growth to the south east of the centre in the period up to 2021. Criteria are also set out for when main town centre development may be acceptable to the north west of the town centre, including insuring the regeneration sites to the south east are not compromised. With regard to out of centre sites the policy concludes that these are only acceptable if there are no sequentially preferable sites available and subject to a retail impact assessment.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS14 – Heritage seeks to conserve and enhance historic assets. It supports proposals which protect heritage assets and their setting and which prioritise refurbishment and re use of underused buildings as part of sensitive regeneration schemes.

Policy CS16 - Sustainable Construction and Energy supports sustainable design and construction techniques.

Policy CS17 - Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network – seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 - Delivering Infrastructure - seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 - Presumption in favour of sustainable development echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy ST/2 - Limits to Development - This policy seeks to restrict development to within the existing Limits to Development boundaries of existing settlements to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy EV/1 - Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 - Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Policy TR/21 – Planning Criteria for the Design and Layout of new car parks – Seeks to ensure that new car parking is appropriately designed and laid out to meet all the community's needs.

Policy CA/12 – Shop Front Design - In granting planning permission for shop fronts in new buildings the Borough Council will require that they be designed as an integral part of the

overall frontage having regard in particular to the style, materials and proportions of the building and to the overall character of the area.

Material considerations

The National Planning Policy Framework

Whilst all proposals must be determined in accordance with an up to date development plan, the National Planning Policy Framework, (The Framework), is a material consideration in planning decisions. The Framework at paragraph 14 contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing the natural, built and historic environment

In addition the Framework offers the following advice that is particularly relevant to the consideration of this proposal:

- Paragraph 14 explains how and when the presumption in favour of sustainable development applies
- Paragraph 17 sets out general principles including making effective use of brownfield land
- Paragraph 24 states that a sequential test should be applied to main town centre uses not in an existing centre. If out of centre or edge of centre sites are sequentially acceptable, preference should be given to those well connected to the centre.
- Paragraph 26 states that out of centre uses should be subject to a retail impact test if they are above proportionate locally set thresholds. It also clarifies that these should include an assessment of the impact of the proposal on existing and future investments in the catchment area of the proposal and on town centre viability.
- Paragraph 32 states that all developments that generate significant traffic should be accompanied by a transport assessment and that decisions, should take account of sustainable transport modes and safe access for all. It also states that development should only be prevented where the residual cumulative impacts are severe.
- Paragraph 58 sets out criteria for achieving high quality design that should form part of planning decisions.
- Paragraph 61 states that planning policies should address the connections between people and places and the integration of new development into the environment.
- Paragraph 69 promotes inclusive spaces including safe and accessible developments with clear and legible pedestrian routes.

- Paragraph 118 states that planning decisions should aim to conserve and enhance biodiversity.
- Paragraph 123 is concerned with noise and states that new development should avoid giving rise to significant adverse impact from noise.
- Paragraph 131 states that planning decisions should take account the need to protect and enhance heritage assets and the role that they play.
- Paragraph 134 states that where there is “less than significant harm” to a heritage asset, this should be weighed against the public benefits of the proposal.

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. It has a section which deals with town centre viability and which advocates a town centre first approach. The Guidance advises that where retail uses are not within a town centre or in accordance with an up to date development plan that they should be subject to a sequential test and if this is met an impact test.

Leading in Design Supplementary Planning Document February 2006

This document encourages and provides guidance on achieving high quality design in new development.

Loughborough Town Centre Master Plan (draft 2017)

This emerging document updates the earlier 2007 Masterplan and is intended to inform the implementation of policies CS7 and CS9 of the Core Strategy. The plan looks at improving the environment and connections through the town centre, and indicates 6 sites which have the potential for development. This ranges from residential development to encourage town centre living to new retail development.

Charnwood Retail and Town Centre Study 2013

This document is intended to provide an up to date assessment of retail floorspace requirements. It assesses Loughborough town centre and finds it to be a vibrant centre that is functioning reasonably well. The study places emphasis on attracting further mid-market retailers, a better leisure offer, convenience retail to support the centre, town centre realm improvements and investment in secondary areas to enhance their complimentary role. It forms the evidence base for the current Core Strategy policies.

Ashby Road Conservation area Appraisal

This document describes the character of the Ashby Road conservation area and sets out guidelines for new development aimed at protecting its character.

Planning (Listed Buildings and Conservation Areas Act) 1990

Local planning authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The Community Infrastructure Levy (CIL) Regulations 2010 (As amended)

The Community Infrastructure Levy places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The development has been considered in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and it has been concluded that the proposal falls below the threshold for which an Environmental Statement is required within the meaning of the Regulations. Accordingly the planning application for this development does not need to be accompanied by an Environmental Statement.

Public Sector Equality Duty

Public authorities are required to have due regard to the aims of the general equality duty when making decisions.

Relevant Planning History

The following recent applications relate to the site:

Ref.	Description	Decision	Date
P/11/2467/2	Change of use of industrial unit to car sales	Approved	19/12/2011
P/13/1846/2	Variation of condition 3 of P/92/2676/2 to allow change from training centre to school for 12 children	Approved	23/10/2013
P/13/1847/2	Retention of play area to the rear	Approved	12/11/2013

Responses of Statutory Consultees

The table below sets out a summary of the responses received from Statutory Consultees

and local organisations. The responses can be read in full on Charnwood's website.

Response from	Comments
Environment Agency	<p>Highlights that an element of the site along the northern boundary is within flood zones 2 and 3 associated with the adjacent watercourse. As a result the LPA must be satisfied that the site is sequentially preferable.</p> <p>The possibility for contamination is also referenced and a risk assessment with remedial targets for soil and groundwater is supported. Conditions relating to contamination are suggested.</p>
Local Lead Flood Authority	Does not object to the application,(following the submission of further drainage detail). Conditions seeking further details of surface water drainage and maintenance are sought.
Severn Trent	Does not object to the application
BID Loughborough	Objects to the application on the grounds that is not in the town centre and due to there being a sequentially preferable site at Aumberry Gap.
Environmental Protection	<p>Comments on both noise and contamination issues with regard to the site.</p> <p>With regard to contamination, the findings of the contamination assessment submitted by the applicant are concurred with. Conditions are suggested which secure further risk assessment of soil and groundwater targets, seeking screening of topsoil and ensuring any further contamination found is dealt with appropriately.</p> <p>The noise assessment submitted is also accepted with the result that there is no objection in terms of plant noise, servicing or customer movements. Conditions governing noise and dust during construction are suggested.</p>
LCC Highways	<p>Are satisfied that the issues with regard to site access, off site implications, internal layout and sustainability have been addressed and that the proposal would not have a severe residual cumulative impact that could not be mitigated.</p> <p>Conditions requiring compliance with the plans, ensuring offsite highway works are completed and requiring provision of cycle parking are suggested.</p>
Storer and Ashby Area Residents Group (SARG)	Does not object to the principle of the development but seeks greater use of red brick to reflect the character of the area and expresses concern regarding increased traffic on the surrounding residential streets.

Other Comments Received

Four letters from residents have been received. One of these is in support, two express concerns relating to traffic and one relates to security and safety concerns at the current site.

Consideration of the Planning Issues

The key issues in assessing this application are considered to be:

- The principle of retail development in this location
- Impact on heritage Assets
- Design
- Loss of employment land
- Impact on amenity of adjacent properties
- Highway Safety and the capacity of the surrounding road network
- Impact on biodiversity and protected species
- Drainage
- Contaminated Land

The principle of retail development in this location

All planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise.

Policy CS1 identifies Loughborough as a suitable location for sustainable development and as the site is located within the town's settlement limits and comprises sustainable development in Loughborough there is no conflict with this wide ranging overall development strategy policy.

Policy CS7 supports the regeneration of Loughborough and in doing so lends support for new town centre uses at strategic regeneration sites at or within the town centre. The proposal does not involve a strategic regeneration site and in this respect does not gain any support from policy CS7.

Policy CS9 of the Core Strategy sets out a retail hierarchy across the Borough. Within this it identifies Loughborough and Shepshed as sub regional centres. Loughborough itself is depicted as comprising the town centre, two district centres and a local centre. The general thrust of the policy is to encourage town centre uses such as retail within the retail centres and, as the topmost tier of the retail hierarchy, Loughborough town centre is the main focus for this.

Policy CS9 states that over the plan period 70% of floorspace needed for town centre uses should be located in Loughborough town centre with the supporting text stating that this amounts to 5,000 sqm of new food retail floorspace. The application site lies approximately 450m to the north-west of the town centre boundary and, as it involves a "town centre" use, does not comply with the 'town centre first' thrust of the policy. For proposals that fall outside this, ie the remaining 30% or 2,142 sqm of new food retail space, the policy states such proposals should be allocated in accordance with a sequential approach. This prioritises edge of centre sites and only considers out of centre

locations if sequentially preferable sites are not available. Additionally, and to reflect national advice, the policy requires an impact assessment for out of centre proposals which are above 1,000 sqm in size and sequentially acceptable. Accordingly this out of centre proposal must be subject to both a sequential test, and if this is passed, a retail impact assessment. These are considered in turn below:

Sequential test - The Framework gives guidance in paragraph 24 relating to the sequential approach. It clarifies that where town centre uses can't be located within a town centre they should then be located within edge of centre sites and only if none of these are available at out of centre locations. For both edge of centre and out of centre sites preference must be given to accessible sites that are well connected to the centre. Flexibility with regard to format and scale are also advised.

The National Planning Policy Framework emphasises the pivotal role of town centres and advises local planning authorities to pursue policies to support their vitality and viability and sets out the sequential test to be applied to planning applications for main town centre uses that are not in an existing centre. Proposals that fail the sequential test should be refused. The application site is in an out-of-centre location for retail purposes and therefore the Framework cites the importance of defining the catchment area to consider alternative sites which conform to the three main parameters of 'suitable, available and viable'. Considering the sequential approach, it is important to consider relevant case law, in particular the Supreme Court (dated 21 March 2012) decision of *Tesco vs Dundee* which emphasises the importance of the meaning of 'suitable'. This case considered the application of the sequential test and the meaning of 'suitable' in relation to need and alternative sites. It was held in the Judgment that 'suitable' means 'suitable for the development proposed by the applicant subject to the qualification that flexibility and realism must be shown by developers.

The definitions include the following:

- Available – alternative sites should be available for development now or within a reasonable period of time (determined on the merits of a particular case, having regard to, amongst other matters, the applicant's suitability criteria and timescales).
- Suitable – with due regard to the requirement to demonstrate flexibility, alternative sites should be suitable to accommodate the proposal either on its own or as part of a mixed use development.
- Viable – there must be a reasonable prospect that development will occur on the site at a particular point in time. Again, the importance of demonstrating the viability of alternatives depends in part on the nature of the proposal and the timescale over which the applicant requires it to be delivered.

At paragraph 010, the Planning Practice Guidance sets out a checklist that should be taken into account in determining whether a proposal complies with the sequential test. This is summarised as follows:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the need or demand which the proposal is

intended to meet been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly;

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements as the application is intended to meet;

If there are no suitable sequentially preferable locations, the sequential test is passed.

Sequential test

The application includes a sequential test which is set out within section 7 of the accompanying Planning Statement. This identifies that the site is neither in a town centre or edge of centre location. Whilst Lidl typically use a 5 minute drive catchment for sequential test purposes; in this case, following officer advice, the catchment has been extended to cover the whole town and many of the surrounding settlements.

To establish other potential sites within Loughborough itself the Town Centre Masterplan, has been used. From this 3 sites suitable for retail are investigated. Although the 2007 Town Centre Masterplan has been used there is no material change from this within the 2017 draft which suggests a revised approach ought to be adopted. The 3 sites are:

- Baxtergate/Aumberry Gap
- Devonshire Square
- Sainsbury's Regent Place

The applicant has identified the following operational requirements:

- Site to accommodate approx 2,500 sqm gross store
- Safe manoeuvring space for customers and delivery vehicles
- Prominent site to attract passing trade
- Easily accessible by a choice of means of transport
- Adjacent surface level car parking
- Dedicated service space to accommodate HGV's
- Single storey unrestricted sales floor area which is level

Each of the Town Centre Masterplan sites has been considered with regard to these criteria. The assessment reached is summarised below for each of the sites along with an officer view as to its validity:

- **Aumberry Gap** – Baxtergate itself has already been developed but the edge of centre Aumberry Gap site remains available for development, which could include retail. The Town Centre Masterplan favours a mixed use development which

incorporates housing. The Lidl model does not sit comfortably with this but, as with Baxtergate, a degree of flexibility could be anticipated with regard to departing from the Town Centre Masterplan brief. The site is therefore held to be sequentially available. Lidl have, in fact already assessed and discounted the site. This was because the design of the new relief road hampers access and egress by delivery lorries into the site, due to lack of space for a single level car park and because of ownership constraints. With regard to the former point Lidl have explored alternative access arrangements from the north but road widths in the area have proven prohibitive.

Whilst the advice in the Framework specifically excludes ownership constraints as a sequential site rejection criterion, it does suggest that there needs to be recognition of the market and locational requirements of some types of town centre use. As a discount supermarket offering a relatively predictable retail experience to its customers many of the criteria above are central to Lidl's design needs. It is considered that the access and parking requirements fall into the category of specific market and locational needs and as such that Lidl's rejection of the site for these reasons is reasonable.

- **Devonshire Square** – This site is earmarked for mixed use within the Town Centre Masterplan although constraints linked to flooding and loss of parking, are also recognised. Lidl is of the view that the mixed use nature the Town Centre Masterplan seeks for this site, the need to replace existing town centre parking and flooding issues which require brook realignment makes the site unsuitable. Fragmentation of ownership and a lack of active marketing are also cited by Lidl as an indicator that the site is not currently available or realistic.

As discussed previously ownership cannot be given as a reason to reject a site. However, the occupation of the site by a large solo retailer such as Lidl would undermine the vision for this constrained central site, added to this the constraints of the site and Lidl's single level operational needs do not make for a good fit. In this respect the site is unable to offer a reasonable prospect for the market and locational needs of this particular use.

- **Sainsbury/s Regent Place** – Within the Town Centre Masterplan this site is seen as an opportunity to counter the large development units which run against the finer grained pattern of development in the area. However, the Town Centre Masterplan also clarifies that Sainsbury's are not currently looking to alter the site and that if they did, they would require a store of a similar size with a larger car park. This suggests that the site is not available for the purposes of a sequential test.

The sequential test provided goes on to list other sites within a five minute drive time catchment area which extends to Gorse Covert, Shelthorpe, Sharpley Road, Shepshed, Quorn and Barrow. It concludes that there are no suitable sites within these areas which would meet with Lidl's requirements.

Retail Impact Assessment

The framework requires retail impact assessments for all proposals over 2,500 sqm. Whilst this proposal, (2,460 sqm), falls below the Framework threshold it is above the locally set threshold of 1,000 sqm defined in policy CS9 of the Core Strategy for sites in Loughborough. On this basis a Retail Impact Assessment has been provided. It is set out within the National Planning Guidance that this should follow the following process:

- Determine the scope of the assessment
- Examine a no development scenario
- Analyse trade draw
- Assess impact
- Set out impact consequences and whether these are significantly adverse

In terms of the **scope** of the submitted Retail Impact Assessment, this covers centres within a 5 minute drive catchment of the site and includes Loughborough town centre, Gorse Covert district centre, Shelthorpe district centre and Sharpley Road local centre. Quorn, Shepshed and Barrow are also included, at the request of officers, although distance and the localised catchment areas of retailers in these three centres should be noted. A period from 2017 to 2022 has been used, which accords with national planning advice.

A **no development scenario** has been examined with regards to convenience shopping. It finds a population of 39,105 within a five minute drive with a £1,984 convenience spend per person. In 2017 this equates to £75,647,007 across the catchment area rising to £77,063,379 by 2022.

An estimated **turnover** of £9.96 million for the proposed store is estimated with £7.7 million of this being for convenience retail. This represents approximately 10% of the available convenience spend available across the catchment area. **Trade draw** analysis shows the greatest monetary impact on Sainsbury's, (Ashby Rd); Tesco, (Rushes); Tesco, (Shelthorpe); Morrisons, (Gorse Covert) and Aldi, (Belton Road). The level of trade diversion on these interests is not considered to be at a significantly adverse level, the highest being an 8.35% impact on Aldi.

Paragraph 216 of the Framework states that the following should be considered in justifying edge or out of centre proposals with regard to **retail impact**:

- 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
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

The table below summarises the findings and conclusions of the submitted retail impact assessment in terms of both future investment and existing health, as required by the Framework:

Centre	Impact on investment	Impact on Town Centre Vitality and Viability
Loughborough	<p>The main retail/leisure element being brought forward at the time the application was made was Cineworld. The fundamental differences between this leisure based scheme and a discount A1 retail use means that there would be no conflict.</p> <p>West of Loughborough SUE includes a local centre. However, this is intended to serve the day to day needs of the new housing it supports. Due to the new local centres limited catchment and the difference in nature from a discount A1 use no conflict is envisaged.</p> <p>Sites at Devonshire Square and Aumberry Gap are allocated for future development. These schemes envisage mixed use developments which is again fundamentally different to Lidl's offer. No conflict with these allocations is envisaged.</p>	<p>Loughborough town centre is healthy with regard to vitality and viability indicators. Vacancy levels are below the national average.</p> <p>In terms of convenience retail the town centre competitors are Tesco, Marks and Spencer Food, Sainsbury's, Iceland and a limited number of specialist small independent food retailers. As a 'deep' discounter the proposed, Lidl store would draw relatively little trade from these businesses. It should also be noted that Sainsbury's is currently overtrading by £9.7 million. Due to a combination of these factors no significant adverse impact is anticipated.</p> <p>The comparison element of Lidl's offering is relatively small. It is typically focused on a limited range weekly "specials" which are only available for a short period and often picked up as impulse buys associated with other shopping. On this basis there would be relatively limited overlap with town centre comparison retailers and no significant adverse impact.</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the town.</p>
Gorse Covert	<p>None referenced within the RIA.</p> <p>Since the current application was submitted Morrisons have applied for permission to alter the petrol station/kiosk connected with the store. The Lidl proposal would not conflict with this unimplemented project should it receive planning permission.</p>	<p>Gorse Covert is healthy with regard to vitality and viability indicators. There are currently no vacant units and Morrisons acts as a significant anchor store.</p> <p>Morrisons is a Convenience retailer but differs from Lidl in that it offers primarily branded products to a wider catchment area. Some impact is accepted although the store's recent expansion suggest that it is trading well. It is not considered that the proposed store would have a significant adverse impact.</p> <p>As set out above Lidl's Comparison offer is such that it would not compete with comparison units within the Gorse Covert centre.</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the centre.</p>
Shelthorpe	<p>No significant investment planned</p>	<p>Shelthorpe is healthy with regard to vitality and viability indicators. There are currently no vacant units and Tesco acts as a significant anchor store.</p> <p>Tesco is primarily a Convenience retailer but differs</p>

Centre	Impact on investment	Impact on Town Centre Vitality and Viability
		<p>from Lidl in that it offers primarily branded products to a wider catchment area. It also offers a wider range of comparison and service goods which Lidl does not. In this respect very limited impact is accepted and it is not considered that the proposed store would have a significant adverse impact.</p> <p>As set out above Lidl's Comparison offer is such that it would not compete with comparison units within the Shelthorpe centre or that offered by Tesco.</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the centre.</p>
Sharpley Road	No significant investment planned	<p>Sharpley Road is healthy with regard to vitality and viability indicators.</p> <p>It comprises 6 units of which 2 are convenience retailers. As the centre is local in nature the stores serve a localised catchment with main food shopping needs being met elsewhere. It is not considered that the proposal would have a significant adverse impact on these units.</p> <p>As set out above, Lidl's Comparison offer is such that it would not compete with the pharmacy comparison unit within the Sharpley Road centre</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the centre.</p>
Shepshed	No significant investment planned	<p>Shepshed is performing moderately with regard to vitality and viability indicators.</p> <p>Convenience retailers include a Co-op in the town centre and an edge of centre Asda and Tesco Express. There are also a small number of specialist independent traders. This retail offer primarily relates to branded products over a local catchment area which added to the distance would not compete with Lidl. Accordingly no significant adverse impact is predicted.</p> <p>As set out above Lidl's Comparison offer is such that it would not compete with comparison units within Shepshed, particularly when distance away is considered.</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the centre.</p>
Quorn	No significant investment planned	<p>Quorn is healthy with regard to vitality and viability indicators.</p> <p>There are 2 convenience retailers; a small Nisa and an independent Deli. The local nature of these means that residents do not rely on them for the bulk of their food shopping. Accordingly the proposed Lidl</p>

Centre	Impact on investment	Impact on Town Centre Vitality and Viability
		<p>would not compete with this local 'Top up' role.</p> <p>*Although outside the town centre and not referenced in the RIA; there is a relatively new Waitrose store between Quorn and Mountsorrel. This is a high end branded retailer which is not considered to be in direct competition with Lidl.</p> <p>As set out above Lidl's Comparison offer is such that it would not compete with comparison units within Quorn, particularly when distance away is considered.</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the centre.</p>
Barrow	No significant investment planned	<p>Barrow is healthy with regard to vitality and viability indicators.</p> <p>There are 3 convenience retailers; a Co-op, Barrow Express and an independent deli. The local nature of these means that residents do not rely on them for the bulk of their food shopping. Accordingly the proposed Lidl would not compete with this local Top up role.</p> <p>As set out above Lidl's Comparison offer is such that it would not compete with comparison units within Quorn, particularly when distance away is considered.</p> <p>Lidl does not provide any service uses meaning there would be no impact on such units in the centre.</p>

The Retail Impact Assessment shows that the identified impacts would be small and that none of them would result in significant adverse impact on either future investment or the existing vitality and viability of centres across the search area.

To ensure that the findings of both the Sequential Test and Retail Impact Assessment are robust the Council commissioned its own retail review into both this proposal and a similar proposal by Aldi at Shelthorpe, (P/17/0942/2). This review concluded that, in the case of this application, sequentially preferable sites had been satisfactorily dismissed. With regard to retail impact, the study found that there was no evidence that either scheme would feasibly impact on planned investment, (including the local centre at Grange Park), or on the vitality and viability of any existing centres, (either per proposal or cumulatively).

As such there is no justification for refusing the application on sequential or retail impact grounds and the positive and negative effects stand to be considered within the planning balance. This includes having regard to the cumulative impacts of the Aldi development in combination with the Lidl proposals.

As set out above, policy CS9 allows out of centre sites only where sequentially preferable alternatives do not exist and where there would be no adverse retail impact. Officers are confident that the submitted retail impact assessment is robust and demonstrates that there would be no adverse impacts on existing centres both in terms of their current retail offer and planned investment. As a result the proposal is considered to comply with this aspect of CS9 and the NPPF.

Impact on heritage assets

The Planning (Listed Building and Conservation Area) Act requires Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy CS14 of the Core Strategy seeks to conserve and enhance heritage assets and sets out criteria to achieve this aim. These criteria include a requirement for development to protect heritage assets and their setting and support for development informed by conservation area appraisals.

There are two separate issues to consider:

- Demolition of the goods building
- Impact on the significance of the conservation area and its setting

Demolition of the Goods Building - The goods building is not listed, either nationally or locally, but was an integral part of the railway terminus and at one time formed a visual group with the station and an engine shed to the west. However, the demolition of the station and engine shed and removal of the tracks means that the building has lost its historical context and that its significance has been eroded. This situation, combined with the buildings poor condition and previous alterations, means that it is not considered to be a non-designated heritage asset in its own right. In this respect its demolition would not have an adverse impact on heritage and there would be no conflict with CS14.

Impact on the significance of the conservation area and its setting - Part of the site, (the former goods building), is included within the conservation area and the rest of the site directly adjoins its northern boundary. The Ashby Road Conservation Area Appraisal comments on essential qualities of the conservation area and states:

“The conservation area is a key reminder of two important developments of Loughborough town. The vast expansion of the town at the end of the 1800s which created the streets of villas and terraced housing and the development of Ashby Road in the 1920s and 1930s when Dr Schofield built Loughborough University.”

And with regard to the extent of its boundaries:

“The boundary of the conservation area has been drawn to include the area least changed since the Victorian and Edwardian expansion of Loughborough which created it.”

With specific regard to the fringes of the conservation area and adjoining areas it states:

“The bigger industries were located at the edges of the conservation area along Derby Road, Regent and Broad Streets and Ashby Road. They included a brewery, timber yards and the gas works for Loughborough. Charnwood Railway, whose industrial presence still exists along Station Avenue, was a minor branch line to the coalfields of Coalville and eventually closed in 1965. Other industries are still current along Derby Road and Regent Street, though commercial pressures are as active as they were in Victorian times and the scene changes for each generation.”

And:

“The edges of the Storer Road part of the area are significant. Regent Street to the south east offers a nondescript featureless industrial building which effectively stops the aspect of Oxford Street. Derby Road to the north east offers a similar though more interesting industrial end of view. To the north west the area is bounded by much greater variety, old industry and new three storey housing. The industrial scene is messy and unappealing, often dilapidated, while the new housing on Wheel Tappers Way and Goods Yard Close offers an invitation. The Victorian industrial buildings which were built to service the Charnwood Railway are of simple build and what features they might have had have been bricked up or obscured by signs and other trappings of modern industrial usage.”

The appraisal makes it clear that the main significance of the conservation area lies in its historic Edwardian and Victorian architecture and the features and detailing that this includes. There is clear reference to the industrial character of the edge of the conservation area and the way this area has changed to reflect society at various points in time.

The area in the vicinity of the site does not comprise part of the historic network of streets which gives the conservation area its value and none of the buildings it contains are referenced as being of historic or architectural significance. The buildings are, in fact, only referenced within the section of the appraisal that deals with weaknesses and potential for enhancement.

The proposal would introduce a large modern building into this edge of conservation area location. This would replace the existing commercial buildings which are not of high quality. To an extent the scale and grain of the proposal would reflect the dynamically changing pattern of the edge of conservation area referenced in the appraisal. There would be low impact on the residential core of the conservation area limited only to changed vistas out along Havelock Street and from the immediate edge of site. Careful use of boundary treatments to the southern boundary could be used to ensure this did not cause any harm to the significance of the conservation area.

The proposal is considered to be neutral in terms of its impact on the significance of the conservation area and its setting and as a result is considered to comply with policy CS14.

In conclusion, the goods building which is to be demolished is not considered to be a non-designated heritage asset and the changes proposed on the site are not considered to have an impact on the significance of the conservation area or its setting that would give

rise to substantial or less than substantial harm. This means that there would be no conflict with the Framework or the development plan.

Design

Core Strategy Policy CS2 and saved Local plan Policy EV/1 require development to respond to and enhance the character of the area.

The site is within a prominent location close to the A6 which is one of the main arterial routes in and out of the town. Currently the site makes a poor visual contribution as it lacks any frontage development and contains a mix of buildings which lack any cohesion. In this respect its development with one single use offers the opportunity for visual improvement.

In terms of design quality there is relatively limited advice available that is specific to retail development. The Council's Leading in Design Supplementary Planning Document contains advice covering all types of development and is divided into five sections. The development is considered against these in the table below:

Leading in Design Principle	Comments
Places for People	<p>In this section mixed uses are encouraged, along with compact development that reflects the local grain and pattern of development. Additionally a hierarchy of spaces is supported for larger sites.</p> <p>The proposed retail unit is close to residential uses and would in this respect help to foster a mix of uses in the area. The unit is relatively large in relation to the grain and pattern of the surrounding housing but given the existing pattern of development across the site and the minimum requirements for a use of this type this is considered to be an enhancement to the area.</p>
Accessible Places	<p>This section of the guidance is concerned with creating walkable developments which are well linked with surrounding uses. Safe access for all, which is not parking dominated is supported.</p> <p>The proposal includes pedestrian links from both Derby Road and Station Avenue with the Derby Road entrance being close to an existing bus stop. The dual access allows a reasonable level of connectivity with the surrounding area without compromising security. The access from Derby Road is direct and has been designed to bring a street frontage to the Derby Road boundary of the site. Initially store frontage to Derby Road was sought, but this could not be provided due to alterations required to achieve safe highway access.</p> <p>Access into the site itself is considered to be safe with clear pedestrian routes in to the store. Cycle parking and disabled parking spaces close to the entrance make the store accessible to</p>

Leading in Design Principle	Comments
	all and encourage transport choice. Whilst car parking takes up a good proportion of the site this is considered necessary given the nature of the use. Landscaping to the boundaries of the site and an appropriate choice of hard landscaping can be used to break this up.
Safe Places	The guidance states, in this section, that there should be a clear distinction between public and private spaces and that public space should be clearly overlooked. Security should be an integral part of the overall design with public streets well-lit and enhanced by boundary features. Entrances should be clear and direct. The proposal contains public space in the form of the car park and it is proposed that this is clearly defined and laid out in such a way that it is secure and well lit. Landscaping and layout have been designed to enclose this space in an appropriate manner that reflects local context and direct routes into the building have been secured.
Sustainable Places	In this section reuse of existing buildings, maximising energy efficiency and the use of sustainable materials and systems is encouraged. Although the proposal would not reuse any existing structures there is no reason why materials and building design cannot use sustainable methods.
Distinctive Places	<p>This section of the guidance is concerned with ensuring development relates to and responds to site context and ensuring appropriate design detailing is used.</p> <p>The Store itself is of a standard design and in this respect the boundary treatments and landscaping used must be used to create distinction. The Station Avenue boundary will be defined by a brick wall with traditional Flemish bonding to reflect the area of Victorian housing to the South. Substantial tree planting to the eastern boundary is used to create a sense of enclosure along with the direct pedestrian route central to the front elevation. These features will reflect local context and history whilst giving definition to this currently weak corner townscape.</p>

The above table shows that a design that will respect the character of the area can be achieved. The plans currently lack landscape detail, although concepts have been verbally discussed and agreed. A landscape condition will be attached to any consent to ensure those matters agreed would be achieved. It is considered that the proposal complies with CS2 and EV/1.

Loss of employment land

The site falls within an area which was formerly defined as employment land within the Local Plan, (policy E/8 - now superseded). This allocation no longer applies and the strategy, set by policies CS1 and CS6, is to provide up to 22 Ha of employment land in

Loughborough and Shepshed over the plan period. The policies support high technology employment development; opportunities for manufacturing businesses to develop, relocate and expand; support for small scale business and office units; promotion of employment uses in priority neighbourhoods and development in locations where journeys to work by car are reduced. As such the strategy no longer protects allocated employment land, favouring instead the promotion of employment uses in sustainable locations.

Loughborough West and East are both priority neighbourhoods where the strategy states that employment regeneration should be supported. The site contains a former B2 use, a former educational annex and a Tool Hire Station. None of these currently provide employment at any meaningful level and it is considered that the buildings do not provide high quality flexible units for modern businesses. In this respect the loss of the buildings on the site would not be contrary to policies CS1 and CS 6. It is also noted that the proposed store would provide approximately 40 full time roles which would provide economic benefits to the town.

Impact on amenity of adjacent properties

Policies CS2 and EV/1 require the amenity of existing occupiers to be protected. Areas where conflict could occur are:

- Privacy
- Noise and disturbance
- Lighting
- Dominance
- Loss of Light

These are considered in the table below:

Possible Area of Conflict	Assessment
Privacy	There are residential properties located approximately 20m to the south of the proposed store building. There would be no overlooking of these properties due to the nature of the proposal and the distances involved. However, the front elevations to the flats east of 8 Station Avenue are closer at approximately 18m from the servicing bay side wall and 12m from the edge of the car park. These have main windows which face the site albeit across public space. However, there would be no direct overlooking of these windows above what already occurs from the street and private areas. The existing amenity area that adjoins Station Avenue is also overlooked from the street at present and the proposal would not materially change this. It is not considered that a loss of privacy would occur.
Noise and Disturbance	The proposal has the potential to increase noise and disturbance to nearby properties by way of customer traffic pedestrian movements, servicing and outdoor plant. A noise survey submitted with the application examines possible impacts and concludes the following: <ul style="list-style-type: none"> • Plant – this is to be located on the roof of the delivery bay and

Possible Area of Conflict	Assessment
	<p>surrounded by an acoustic barrier. The survey assesses the impact of this on the nearest properties to be low depending on context. In context it concludes that the plant would not result in any significant increase in ambient noise levels during the day or at night.</p> <ul style="list-style-type: none"> • Servicing – Up to two delivery vehicles would arrive per day. The servicing area is to be screened by a 2.4m acoustic barrier to the south side of the holding bay. With this acoustic screening in place the servicing noise should not harmfully increase ambient noise, ie by more than 3dB(A), providing deliveries take place between 7000 and 2300, (2200 Sundays and bank holidays). • Customers – This was assessed for peak periods and the study concluded that increases would not exceed 3dB(A) meaning there would be no significant increase in ambient noise levels.
Lighting	<p>A lighting scheme has been submitted with the proposal which suggests how the car park and store might be lit. It suggests minimal light spill to adjacent properties (less than 1 lux at the nearest property). A condition relating to timing of lighting use and requiring further design specifications for the columns, linear lighting and perimeter lighting would be required if the proposal were to be approved to ensure amenity was not harmed.</p>
Dominance	<p>The store building is 6.7m high and approximately 25m from the front elevation of the nearest residential property. The lorry bay is closer at 18m distant but is lower at 4m in height. This is well within the distance of 12.5m suggested for two storey housing, (which is generally slightly higher) in Leading in Design. It is not considered that the proposal would give rise to over dominance.</p>
Loss of Light	<p>The distance the proposed building is from adjacent housing combined with its height means that no material loss of light would occur.</p>

Highway Safety and the capacity of the surrounding road network

The NPPF states in paragraph 32 that development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe. Policies CS17 and CS18 seek to ensure that there is transport choice and that the efficiency of the local and strategic road network is maximised. Policy TR/18 sets out maximum levels of parking for different types of development.

The proposal has several distinct elements with relation to highway issues. These are:

- Site Access
- Off-site Implications
- Internal Layout
- Transport Sustainability

Site Access - The Highway Authority initially expressed concerns relating to the access in to the site due to inadequate design and conflicts between the swept paths of delivery vehicles and cars within the right turn pocket. Revisions to the width and design of the access during the course of the application mean that the access is now regarded as safe and compliant with highway standards. Concerns relating to HGV delivery lorries have also been alleviated due to the limited level of service traffic anticipated, (a maximum of 2 over a 24 hour period), and the fact that the service area is only capable of accommodating one vehicle at a time. Improvements to pedestrian and cycle access have also been welcomed by the Highway Authority and are considered to work well with the level topography and close-by residential areas. It is considered that safe and suitable access to the site can therefore be achieved.

Off Site Implications – Initially concerns were raised by the Highway Authority regarding the impact that the proposal would have on the signalised junction between the A6/A6004 and two highway improvement schemes to this junction were put forward. Notwithstanding this application, the Highway Authority had been engaged in its own review of this junction following completion of the Loughborough inner relief road. The alternative that the Highway Authority put forward has been tested with the additional traffic the application proposal would generate and the results are such that the Highway Authority proposal would bring about greater benefits to junction flow than the applicants solution. On this basis, the applicant has agreed to pay a commuted sum of £66,500 towards a Highway Authority led scheme to improve the A6/A6004 junction. Alongside this, minor lining and kerbing works are also proposed, (shown along with the junction improvements on drawing number SCP/16212/D04 Rev B). This is considered to address the potential for the proposal to cause severe harm to the surrounding highway network.

Internal layout – The Highway Authority has commented that the amount of parking provided is adequate. It raises no objection to the lack of circulatory markings or the shared servicing arrangement due to this being a site management issue. The arrangement in which servicing vehicles use part of the car park for manoeuvring is not an unusual, one particularly for Lidl stores. This is because the number of deliveries is very low and can be arranged to avoid customer peaks. Generally one vehicle a day would visit a store of this size both delivering stock and taking away waste although this could increase to a maximum of two during busy times. Planning conditions to ensure this level of deliveries is not exceeded have been suggested.

Transport Sustainability - The application is supported by a Travel Plan which the Highway authority considers to be acceptable. Pedestrian and cycle access to the store has been enhanced by revisions to the plans with entrance points off both station avenue and Derby Road provided along with cycle parking now provided. The Derby Road pedestrian access to the store is also directly adjacent to a bus stop providing a choice of transport modes. This meets with the guidance within policy CS17.

As the proposal would not give rise to severe impacts on the highway that could not be mitigated and because the proposal offers sustainable transport choices it is considered to comply with development plan policies CS17 and CS18 and the advice in the Framework.

Impact on biodiversity and protected species

Policy CS13 of the Core Strategy supports developments which protect, enhance, restore and recreate biodiversity. The proposal involves demolition of all the buildings and clearance of scrub, trees, grassland and tall ruderal habitats across the site.

An ecological appraisal has been carried out for the site, which included nocturnal bat surveys. This identified possible loss of foraging habitat for bats and birds but did not find evidence of protected species or designated habitat within the site. It did not find any significant harm to biodiversity as a result of the proposal. Nevertheless mitigation measures were suggested relating to lighting and the installation of 3 bat boxes and 3 bird boxes on the site.

In terms of lighting it is specifically recommended that illumination of newly planted areas and the watercourse to the north is avoided, that light sources which minimise UV are used, that lamps are hooded and that motion detectors are favoured over continual lighting. The lighting proposals do not show lighting directly pointing at the watercourse although there are levels of light spill as high as 18 lux in close proximity. There are also some higher levels depicted within vegetation in the car park. Conditions to secure an ecologically acceptable lighting scheme and to secure the bird and bat boxes recommended could be attached if the proposal were to be approved.

In this respect the proposal takes account of protected species which may use the site for foraging and suggests measures to restore biodiversity and enhance in this regard. It is considered that it meets with policy CS13 and paragraph 118 of the Framework.

Drainage

Policy CS16 supports development which is located within areas with a low risk of flooding, which minimise flood risk elsewhere and which do not increase run off rates above greenfield rates for greenfield sites.

The majority of the site is located within flood zone 1. An area of flood zone 2 and 3 runs along the northern boundary associated with the adjacent watercourse. The Environment Agency does not object to the proposal although it does point out the Local Planning authority should satisfy itself that there are not sequentially preferable sites given the zone 2 land to the north. As the site is previously developed, given the limited nature of the zone 2 land and given the difficulties in finding suitable sites for large retail uses it is considered that the site passes the sequential test.

The submitted FRA includes a drainage strategy for the site. The site itself is flat and the scheme has been designed to direct surface water via permeable paving, underground attenuation and water butts to the adjacent watercourse. This strategy has been considered by the Lead Local Flood Authority and it is of the view that the strategy is acceptable and that it would not increase flood risk. A number of standard planning conditions are suggested.

On this basis the proposal is considered to comply with the relevant bullet points within policy CS16.

Contaminated Land

Previous uses on the site means that there is the potential for contaminants within the site. Investigations undertaken show contamination is limited and that there would be no remedial measure necessary to protect future workers or visitors. The report does, however, make suggestions relating to migrating petroleum hydrocarbons and possible off site receptors. A planning condition requiring the adoption of the measures outlined in the phase 2 contamination report is recommended.

Conclusion

The proposal for a retail unit within Loughborough but outside of any identified retail centre. It has been demonstrated by the applicant that there are no other available and sequentially preferable sites which could accommodate the proposal and this has been verified through independent assessment. In this respect the proposal is considered to comply with policies CS1 and CS9 which set the retail strategy for Loughborough. Whilst a Non Designated Heritage Asset in the form of a former railway building within the conservation area would need to be demolished, it has been concluded that this would not give rise to harm to the conservation area meaning that there is no conflict with policy CS14 or the Framework. It is considered that with careful use of landscaping a good quality design can be achieved that would improve the visual appearance of the site and reinforce the context of the area. There is no significant loss of employment land and the proposal would introduce up to 40 jobs into the area. Highway capacity issues can be addressed by way of off-site improvements and there are no identified issues relating to biodiversity, drainage or residential amenity that could not be overcome by way of planning conditions. On balance the proposal is considered to comply with the development plan and there are no identified material considerations that would outweigh this. It is recommended that the application be granted subject to planning conditions to secure satisfactory landscaping and boundary treatments; to ensure there is no adverse impact on the surrounding highway network, to protect biodiversity and drainage interests and to ensure there is no harm to residential amenity.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

- To provide a sum of £66,500 to cover highway improvements in the vicinity

RECOMMENDATION B:-

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The proposed development shall be carried out only in accordance with the following plans:

- 7305-17 F Proposed Site Plan
- 7501L/16 B Elevations
- 7305L-15 B Proposed Floor Plan
- SCP/16212/D04 B Agreed Improvements at the Derby Road Station Street Junction and at the Site Access from Station Street

REASON: To ensure that the development takes the form agreed by the Local Planning Authority.

3 No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To ensure that the development is visually acceptable and that it is in keeping with the surrounding area. This ensures compliance with policies CS2 and CS14 and the advice in the Framework.

4. No use of the store by customers shall take place until the following off site highway works have been carried out:

- Improvements to Derby Street and Station Street junction as shown on drawing SCP/16212/D04 Rev B
- Construction of the site access with Station Street as shown on drawing SCP/16212/D04 Rev B

REASON: To ensure that the proposal does not have a harmful impact on highway capacity and safety in the surrounding area and that it complies with the Development Plan and the Framework.

5 The store shall not be open to visiting customers outside the hours of 8am and 10pm Monday to Saturday and 10am and 4pm on Sundays.

REASON: The site is close to residential properties and this condition is to ensure that there would be no harm to the living conditions of these properties by way of noise and disturbance from customers arriving and leaving. This ensures compliance with policy CS2 and the advice in the Framework.

6 All servicing of the store shall take place between 0700 hrs and 2300 hours Monday to Saturday and 0700 hrs and 2200 hrs on Sundays and Bank Holidays.

REASON: The site is close to residential properties and this condition secures the mitigation measure suggested within the submitted Noise Impact Assessment intended to ensure there is no harm to the living conditions of nearby residents. This ensures compliance with policy CS2 and the advice in the Framework.

- 7 There shall be no more than two HGV deliveries made in any 24 hour period and no more than one HGV present on the site at any one time.
 REASON: The site has limited space for servicing and this condition is intended to ensure that there is limited conflict with customer using the store, minimal impact on the surrounding highway and to minimise impact on the living conditions of nearby residents. This ensures compliance with policy CS2 and the advice in the Framework.
- 8 No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority. This scheme shall include the following elements:
- Full details including height, materials, extent and elevations of a Flemish bonded brick wall to the Station Street elevation.
 - Full details of a low boundary treatment such as a wall or railings to the Derby Road elevation including height, materials extent and elevations.
- REASON: The site is partly within a conservation area and it is important that boundary treatments enhance the value of this and its setting. This ensures compliance with policies CS2 and CS14 and the advice in the Framework.
- 9 No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:
- i) the treatment proposed for all ground surfaces, including the types of surfacing proposed for the car park and footways;
 - ii) full details of tree planting including size, species and full cross sections of planting pits
 - iii) finished levels or contours;
 - iv) any additional structures to be erected or constructed such as cycle parking shelters or trolley bays;
 - v) functional services above and below ground; and
 - vi) all existing trees, hedges and other landscape features, indicating clearly those to be removed and those to be retained.
 - vii) A timetable for implementation of the landscaping scheme
- The development shall be carried out in accordance with the approved details including the timetable for implementation.
 REASON: To make sure that a landscape scheme which enhances the character of the area is agreed and that this is implemented in a timely manner. This ensures compliance with policy CS2 and the advice in the Framework.
- 10 No external lighting shall be installed on the store or within the car park until further details of the lighting scheme to include the following have been submitted to and approved in writing by the Local Planning authority:
- Design specifications including height, materials and elevations of the lighting columns
 - Specifications and position of the linear and perimeter lighting.
 - A statement setting out how the final lighting scheme complies with the

recommendations and Mitigation measures set out in the Preliminary Ecological Appraisal V2 submitted and approved as part of this application.

The proposal shall be carried out only in accordance with these final lighting details and no changes shall be made to the approved lighting unless otherwise agreed in writing by the Local Planning Authority.

REASON: Further details of the lighting scheme are required to ensure that there would be no harm to ecological interests along the brook corridor or to the living conditions of nearby residents. This ensures compliance with policy CS2 and the advice in the Framework.

- 11 No development shall take place unless it is in full accordance with recommendations and Mitigation measures set out in the Preliminary Ecological Appraisal V2 submitted and approved as part of this application.
REASON: To ensure that ecological interests in the vicinity of the site are not adversely impacted upon. This ensures compliance with policy CS13 and the advice in the Framework.
- 12 No development shall take place until a detailed quantitative risk assessment to investigate the potential for pollutant linkage and to derive soil and groundwater remedial targets for the site which informs any necessary remedial works has been submitted to and approved in writing. The development shall be carried out in accordance with the remedial measures identified.
REASON: To ensure that potential contamination is addressed. This ensures compliance the advice in the Framework.
- 13 If any topsoil is to be imported onto the site it shall first be screened in accordance with acceptance criteria which have been submitted to and approved in writing by the Local Planning Authority. Soil screening shall be carried out in accordance with these approved criteria.
REASON: To ensure that potential contamination is addressed. This ensures compliance the advice in the Framework.
- 14 If unforeseen contamination is encountered during construction, development shall stop. The detail of the contamination shall be set out in writing and submitted to the Local Planning Authority along with details of remediation measures to be carried out. The development shall proceed only once the agreed remediation measures have been approved in writing by the Local Planning Authority and shall be carried out in accordance with these approved measures.
REASON: To ensure that potential contamination is addressed. This ensures compliance the advice in the Framework.
- 15 No development shall commence until a detailed surface water drainage scheme, including management of surface water during construction, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with this proposal.
REASON: To ensure that surface water is drained from the site in a suitable way. This ensures compliance with policy CS16 and the advice in the

Framework.

- 16 No development shall commence until details of the long term maintenance of the surface water drainage scheme have been submitted to an approved in writing by the Local Planning Authority. The approved maintenance details shall thereafter be adhered to unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that surface water drainage systems are adequately maintained. This ensures compliance with policy CS16 and the advice in the Framework.
- 17 No development, including demolition and site clearance, shall commence until a construction management plan including the following details has been submitted to and approved in writing by the Local Planning authority:
- Construction traffic routeing
 - Wheel cleansing facility details including location
 - Construction traffic parking
 - Hours of construction
 - A timetable for implementation of the measures.
- The development shall be carried out in accordance with the approved construction management plan.
REASON: To ensure that there is no adverse impact on highway safety and to protect the living conditions of nearby residents. This ensures compliance with policy CS2 and the Framework.
- 18 No use of the development shall take place until a scheme for secure cycle parking has been submitted to and approved in writing by the Local Planning authority. The cycle parking shall be installed in accordance with the approved cycle parking scheme and thereafter so retained.
REASON: To ensure that the proposal is accessible by a range of transport modes. This ensures compliance with policy CS17 and the advice in the Framework.
- 19 For the avoidance of doubt the approved Use Class, as defined by the Town and Country Planning (Use Classes) Order, relating to the proposal is A1. There shall be no subdivision of the unit into smaller retail units.
REASON: To define the permission and because planning permission has been granted on the basis that this a single A1 unit and that as a result this would not have an adverse impact on planned investment or existing centres.
- 20 The store shall not exceed 1,424 sqm (net) and 2,460 sqm (gross external floor area) and of this no more than 258 sqm (net), shall be used for comparison retail.
REASON: To ensure that the proposal does not have an adverse impact on planned investments or existing centres.
- 21 There shall be no dedicated butcher, fishmonger, pharmacy, photo service, dry cleaner, optician, baker, (other than a counter reheating and selling pre made products) or delicatessen within the store.

REASON: To ensure that the proposal does not have an adverse impact on planned investments or existing centres.

The Following Advice notes will be attached to the decision

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

