

Proposed erection of a convenience store along with associated vehicular access, servicing yard, off street parking and Landscaping
Oaktree Corner Ashburton Road Hugglescote Coalville
Leicestershire LE67 2HE

Report Item No
A1

Application Reference
18/00790/FUL

Grid Reference (E) 442074
Grid Reference (N) 312763

Date Registered:
1 May 2018
Consultation Expiry:
21 January 2019
8 Week Date:
26 June 2018

Applicant:
Central England Co-operative Limited

Extension of Time:
None Agreed

Case Officer:
Adam Mellor

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to Planning Committee by Councillor Eynon the Ward Member on the basis that the design and appearance of the store is unsuitable in relation to its proximity to the Donington Le Heath Conservation Area as well as highway safety due to the proximity of the development to a blind bend and a primary school.

Proposal

This is an application for the erection of a convenience store (use class A1) along with associated vehicular access, servicing yard, off-street parking and landscaping at Oaktree Corner, Ashburton Road, Hugglescote.

Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council, but no objections have been received from other statutory consultees who have responded during the consultation process.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- The sequential approach to site selection;
- Loss of employment land;
- Design and the impact on the character and appearance of the streetscape and wider area;
- Impact on the historic environment;
- Residential amenity; and
- Highway safety.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

1. Proposals and Background

Planning permission is sought for the erection of a convenience store (use class A1) along with associated vehicular access, servicing yard, off-street parking and landscaping at Oaktree Corner, Ashburton Road, Hugglescote. The 0.11 hectare site is within the defined Limits to Development and is situated on the junction of Ashburton Road with Manor Road. The surrounding area predominately comprises residential properties of varying types and design with the Grade II* listed The Manor House being situated to the south-west of the site.

A two-storey light industrial unit previously present on the site has been demolished in accordance with the consent granted under application reference 18/00714/DEM on the 4th June 2018.

The proposed convenience store would have a gross floor area of 325 square metres (which provides a net retail sales area of 243 square metres) and would be served by a new vehicular access formed onto Manor Road. A service yard would be provided to the south-east of the building and a total of 12 car parking spaces (including 3 accessible spaces) would be provided on the site. Precise details of the proposal are available to view on the public file.

A design and access statement has been submitted in support of the application.

The recent and relevant planning history of the site is as follows:

- 99/00897/FUL - Change of use to light industrial (class B1) use - Approved 30th November 1999.

2. Publicity

11 neighbours notified.

Site Notice displayed 23 May 2018.

Press Notice published Leicester Mercury 30 May 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Historic England advise that consideration be given to the advice supplied by the Council's Conservation Officer and County Council Archaeologist.

Hugglescote and Donington Le Heath Parish Council object to the application on the following grounds:

- The visibility splays are not achievable at the site access given the parking of vehicles on Manor Road as such there would be detriment to highway safety.
- If highway safety impacts arise then the County Highways Authority may remove the right for residents of Manor Road to park on the highway which would not be acceptable.
- The speed of vehicles entering Manor Road from Ashburton Road is too high and will result in highway safety implications with the average speed used in the assessments being too low.
- The applicant should fund the provision of a crossing warden at the junction of Manor Road with Ashburton Road given the high levels of pedestrian activity in particular children. We would support a raised table across the junction of Manor Road with

- Ashburton Road and a larger pedestrian refuge.
- As a retail development the proposal should be located in the town centre so as to ensure the vitality and viability of this centre.
- The car park should be secured at night so as to prevent anti-social behaviour.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Highways Authority has no objections subject to conditions.

NWLDC - Conservation Officer has no observations on the application.

NWLDC - Environmental Protection has no objections subject to conditions.

NWLDC - Contaminated Land has no objections subject to conditions.

NWLDC - Planning Policy has no objections to the principle of the development.

Severn Trent Water no representation received at the time of this report.

Third Party Representations

Seven representations have been received from third parties objecting to the application with the comments raised summarised as follows:

Highway safety:

- The position of the entrance to the store would be in close proximity to the junction of Manor Road with Ashburton Road and would result in highway safety implications as vehicles wait in the highway to enter the car park. Visibility out of the access would also be restricted by parked vehicles on Manor Road.
- Given the ongoing developments in the area the highway infrastructure cannot accommodate further vehicular movements associated with this development.
- Insufficient off-street parking will be created so vehicles will be encouraged to park on Manor Road as well as Ashburton Road which is not in the best interests of highway safety.
- Information in the transport plan in relation to buses is inaccurate and therefore they are not considered to be an acceptable alternative form of transport for employees.
- Restrictions should not be imposed on Manor Road to prevent the on-street parking of vehicles for residents at the terraced properties given that no other alternatives are available to such residents, unless something like a permit system is created. Double yellow lines on Ashburton Road would be a sensible suggestion though.
- The speed of vehicles at the junction needs to be reduced.
- The development will encourage an increase in heavy goods vehicle movements on the highways even though such movements are restricted by signage on Leicester Road and Grange Road. Unless these restrictions are enforced highway and pedestrian safety will be significantly compromised.
- A delivery vehicle would not be able to appropriately manoeuvre within the site so as to park within the designated delivery area and therefore this would result in highway safety impacts.

Residential amenity:

- Due consideration should be given to ensuring that appropriate external lighting is provided given the setting of the store in a residential area.
- Appropriate opening and delivery hours need to be imposed given the setting of the store in a residential area and number of deliveries a day needs to be restricted.
- The development will increase anti-social behaviour.
- Position of delivery, plant and bin areas will result in adverse noise impacts to neighbouring residential amenities.

Viability/vitality of the Coalville Town Centre:

- The development is contrary to adopted Local Plan Policies in relation to where retail developments should be located.

Non-material planning matters:

- Development will impact adversely on the local businesses in the area (business competition).

Three representations have been received from third parties supporting the application with the comments raised summarised as follows:

- Proposal will provide a useful facility to the settlement with the proposed store operator having a good track record of community responsibility.
- The County Council Highways Authority will ensure that appropriate parking solutions are found.
- Development will result in the removal of the existing building on the site which is an eyesore.
- Given the new residential development in the area the creation of the store will lead to less car movements as people can get their convenience goods from the store.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 9 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55 and 56 (Planning conditions and obligations);
Paragraphs 80 and 82 (Building a strong, competitive economy);
Paragraphs 85, 86, 87, 89 and 90 (Ensuring the vitality of town centres);
Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
Paragraphs 126, 127 and 130 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
Paragraphs 192, 193, 194, 196 and 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy Ec3 - Existing Employment Areas;
Policy Ec8 - Town and Local Centres: Hierarchy and Management of Development;
Policy Ec9 - Town and Local Centres: Thresholds for Impact Assessments;
Policy IF2 - Community and Cultural Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 - Sections 66 and 72.

5. Assessment

Principle of Development

The site is located within the Limits to Development where the principle of retail development is considered acceptable subject to compliance with the relevant policies of the adopted Local Plan (2017) and other material considerations. Within the NPPF (2019) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole of if specific policies in the NPPF indicate development should be restricted.

Within the NPPF it is stated that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

In terms of the principle of the development it is considered that there are three distinct elements which are required to be assessed and these would be as follows:

- The Sequential Approach to Site Selection;
- The Impact of the Development on Town and Local Centres; and
- Loss of Employment Land.

These elements are assessed in more detail as follows.

The Sequential Approach to Site Selection

Paragraph 85 of the NPPF discusses allocating a range of suitable sites to meet the scale and type of retail, leisure and commercial uses in town centres to promote competitive town centres. It is considered that the NPPF is supportive of retail uses but seeks that these are provided within main town centres before than considering edge of centre locations and lastly out of town centre locations. The application site falls outside the Primary Shopping Area and Town Centre boundary for Coalville, as defined on the Policies Map to the adopted Local Plan, and is more than 300 metres from this boundary (the maximum distance for a site to be considered edge of centre), as such it would be categorised as an out-of-centre site. On this basis Paragraph 86 of the NPPF would be engaged which requires a sequential appraisal of site locations to be provided.

Policy Ec8 of the adopted Local Plan also reflects the advice outlined in Paragraph 86 of the NPPF in that a sequential appraisal is required should retail development not be located within the town centre.

The NPPG, in Paragraph 010 of the 'Ensuring the Vitality of Town Centres' section, outlines a checklist for the considerations which should be taken into account when determining whether a proposal complies with the sequential test and this outlines the following: -

- *"With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal 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 individually to accommodate the proposal.*
- *If there are no suitable sequentially preferable locations, the sequential test is passed."*

It is important to establish that a sequentially preferable site would be one which accords with all criteria in that it is available, suitable and viable. This is as concluded within the Dundee Supreme Court decision [*Tesco Stores Limited v Dundee City Council 21st March 2012*] which states a site must be *"suitable for the development proposed by the applicant,"* and that the *"whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than sought by the developer,"* as well as *"whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can fit an alternative site"* (this is outlined in Paragraphs 24, 28 and 29 of the above decision).

It is also the case that no sites have been specifically allocated for retail proposals within the adopted Local Plan and for the avoidance of doubt there is no requirement for the development to demonstrate need.

A sequential assessment, contained within the planning statement, has been submitted in support of the application which outlines that the proposed development comprises a 'neighbourhood convenience store' with it being recognised that such stores principally serve a

local walk-in catchment area as well as an element of passing trade. On this basis the sequential assessment outlines that the *"market that the proposed neighbourhood store is intended to serve comprises a walk-in catchment area defined on the basis of a nominal 600 - 800m distance from the proposed store"* (Paragraph 4.20 of the sequential assessment). *Manual for Streets (MfS)* defines the 'walkable neighbourhood' as *"typically characterised by having a range of facilities within 10 minutes (up to 800 metres) walking distance of residential areas which residents may access comfortably on foot"* (Paragraph 4.4.1 on page 45 of MfS).

Plan 1 contained within the sequential assessment identifies an 800 metre radius around the application site which encompasses a significant part of the residential areas of Hugglescote and Donington Le Heath as well as the southern part of the Coalville. It does not, however, extend as far as the boundary of the Coalville Town Centre.

On this basis it is accepted that the appropriate area to consider for the sequential appraisal is any site within 800 metres of the application site given that any site beyond this distance would be outside the catchment area which the store intends to serve and as such would not be 'suitable' in sequential approach terms.

As outlined above plan 1 within the sequential assessment has identified that the site is not within 800 metres of the Coalville Town Centre (this being set 1.3 kilometres away) and the settlements of Hugglescote and Donington Le Heath do not have defined 'local centres' or significant local shopping facilities (the nearest convenience stores being Standard Hill Stores on Standard Hill, set to the north-west, and McColls on Central Road, which is set to the east). As the area under consideration contains no defined town or local centre it therefore follows that there are no 'in-centre' or 'edge-of-centre' sites on which the development could be accommodated in preference to the application site.

The Council's Planning Policy Team have been consulted on the application and have concluded that the findings of the sequential assessment are reasonable and that there are no sequentially preferable sites on which to locate the proposed development on the basis of the catchment area it intends to serve. Furthermore the scale of the proposal, and the market it intends to serve, would also ensure the development would not undermine the balance of the town and local centre hierarchy.

In addition to the above the proposal would also accord with the principles of Policy IF2 which supports the *"development of new community and cultural services and facilities where deficiencies in provision would be addressed"* (Criterion (a)).

Overall, when having regard to the submitted information, it has been demonstrated that there are no sequentially preferable sites that are available, suitable or viable for the development given its separation distance from the nearest town centre (Coalville). On this basis the application site represents the most sequentially preferable location for the proposed development and therefore the scheme is considered compliant with Policy Ec8 of the adopted Local Plan, Paragraph 86 of the NPPF and the guidance with the NPPG.

The Impact of the Development on Town and Local Centres

Policy Ec9 of the adopted Local Plan specifies that any development which proposes a town centre use which would not be within the town centre and which has a floorspace that exceeds 1000 square metres needs to be accompanied by an impact statement.

On the basis that the convenience store would only have a floorspace of 325 metres the terms

of Policy Ec9 would not be engaged in the determination of the application and as such there is no conflict with the aims of this Policy.

Loss of Employment Land

Whilst the application site is not within a Primary Employment Area, Part (3) of Policy Ec3 outlines that "in other employment areas proposals for non-employment development will be supported" subject to the satisfaction of one of three criterion. These criterion are as follows:

"(a) The property has been vacant for at least 6 months and has been the subject of genuine marketing for commercial (B class) uses for at least that period of time, at reasonable market values, and which has proved unsuccessful, or, where the use is no longer economically viable;
(b) The site is no longer capable of meeting the needs of modern businesses;
(c) Continuation in employment use would be inappropriate in terms of adjoining uses or the amenity of the wider area."

As outlined in the 'Proposals and Background' section of this report the two-storey light industrial unit previously present on the site has been demolished, in accordance with a relevant consent, and therefore it is not possible to comply with criterion (a) of Part (3) of Policy Ec3 of the adopted Local Plan given that there is no property to market.

In terms of criterion (b) it is considered that given the scale of the overall site it would not be capable of meeting the needs of modern businesses which would be proposed under use classes B1 (business), B2 (general industrial) or B8 (storage or distribution) (i.e. the employment uses as defined by Policy Ec3 of the adopted Local Plan) particularly when factoring into the account the need to accommodate an acceptable scale of built form, vehicular access arrangements, off-street parking requirements and manoeuvring requirements within the site boundaries.

With regards to criterion (c) it is considered that notwithstanding that the former building was associated with a B1 use the reintroduction of a new building for B1, B2 or B8 purposes would not be appropriate in terms of the relationship with residential properties and the visual amenities of the wider area.

Overall it is considered that criterion (b) and (c) of Part (2) of Policy Ec3 of the adopted Local Plan would be satisfied with it not being possible to comply with criterion (a).

In conclusion, in the context of the above, the principle of development would be supported due to its compliance with relevant Policies of the adopted Local Plan and Paragraphs of the NPPF.

Design and Impact on the Character and Appearance of the Streetscape and Wider Area

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

The former industrial premises on the site was of no considerable architectural merit and was beginning to fall into a state of disrepair with numerous windows and doors at ground floor level being boarded up. Its loss to facilitate a new development was therefore deemed acceptable in the consideration of application reference 18/00714/DEM.

In commenting on the application as originally submitted the Council's Urban Designer considered that the position of the store was counter to good urban design practice and the

design principles of the adopted Local Plan which refer to streets and spaces being shaped by buildings with the design of the store not offering a positive relationship to the street by virtue of the elevations and location of the servicing element creating 'dead' or blank elevations, particularly to Manor Road.

It was, however, stated by the Council's Urban Designer that if the position of the store was to be accepted then it would be necessary to provide a strong boundary along the frontage of the site with the design of the building needing to respond to the design principles of the adopted Local Plan in that it has either a National Forest or locally inspired identity.

In response to these comments the applicants' have outlined that should the position of the store be altered so that its building line was consistent with no. 121 Ashburton Road and no. 111 Manor Road then this would lead to the placement of the car park and delivery areas being set in close proximity to the private rear amenity areas of the neighbouring properties which would result in more significant residential amenity impacts from noise and disturbance. The applicant has also advised that the store would not be deliverable in highway safety or vehicular access terms should its position be revised to reflect the advice of the Council's Urban Designer, with it being noted that the Parish Council are supportive of the position of the store as proposed by the applicant.

Although, as a result of the position of the store, the frontage of the site would largely be taken up by hard surfacing it is considered that this provides an area which has full surveillance from the proposed building and the public realm whereas providing the parking on other parts of the site could create areas which would not be prominent from the public domain and potentially lead to anti-social behaviour which is a concern of the Parish Council. There would also be opportunities to secure appropriate surfacing, boundary treatments and landscaping as required by the Council's Urban Designer. Although it is considered that there has been a limited exploration of alternative positions for the store by the applicant its proposed position would not be significantly adverse to the visual amenities of the streetscape and wider area as to warrant a refusal of the application particularly in light that its position would be consistent with the former industrial premises which has been removed from the site.

The design of the proposed store has also been amended so as to increase the levels of glazing on the principal elevation, presented to Ashburton Road, and the south-eastern (side) elevation, presented to Manor Road, with increased areas of vertical timber effect cladding also being introduced to these elevations. Along with these changes timber rafters would also project out from the gable on the principal elevation. It is considered that such changes now ensure that active frontages are present within the elevations which are prominent when viewed from the public domain and that it has a National Forest identity which responds more positively to its setting. On this basis it no longer has the appearance of a generic retail unit with the design approach being consistent with Co-Op stores in Moira (permitted under application reference 15/00063/FUL) and Measham (permitted under application reference 16/00487/FUL).

Whilst a view is taken that further enhancements could have been undertaken to improve the design of the store, it is considered that given the appearance and condition of the industrial premises which formerly occupied the site, as well as the granting of consent for Co-Op stores following the same design ethos, the impact the proposal would have to the visual amenities of the streetscape and wider area would not be of such detriment that a reason to refuse the application could be substantiated.

On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Impact on the Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the application sites lies on the opposite side of Manor Road to the boundary of the Donington Le Heath Conservation Area with the Grade II* listed The Manor House being set 84 metres to the south-west. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

Historic England have been consulted on the application and have no comments to make other than to specify that specialist advice should be sought from the Council's Conservation Officer. The Council's Conservation Officer has no observations to make on the application in respect of its impacts to heritage assets but considers that design advice should be sought from the Council's Urban Designer.

Design matters and the integration of the proposal into the streetscape are assessed in the *'Design and Impact on the Character and Appearance of the Streetscape and Wider Area'* section above where it is concluded that the proposal is compliant with relevant policies of the adopted Local Plan and NPPF.

In respect of the impacts to the settings of the identified heritage assets it is noted that the store to be provided on the site has a smaller footprint and scale than the industrial premises formerly on the site and would also be an improvement in overall design terms. On this basis there would be no greater impacts to the setting of the identified heritage assets over and above that which previously existed. Given that no harm would arise to the significance of heritage assets an assessment in the context of Paragraph 196 of the NPPF is not required.

Overall the proposal would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194, 196 and 200 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

The application site sits within close proximity to multiple residential properties but in terms of the physical convenience store building it is considered that the properties most immediately affected would be nos. 111 Manor Road and no. 121 Ashburton Road.

No. 111 Manor Road is set to the south-west of the application site with the north-eastern (side) elevation of this property forming part of what would become the shared boundary with the application site. No. 121 Ashburton Road is set to the north-west of the application site with the south-eastern (side) elevation of this property being presented to the shared boundary with the application site.

It is proposed that the store would be set 2.5 metres from the shared boundary with no. 111 and 1.8 metres from the shared boundary with no. 121 and would have an eaves height of 3.7 metres and ridge height of 6.75 metres. The former industrial premises on the site was set in closer proximity to the shared boundaries with no. 111 and no. 121 and had a greater eaves

and ridge height then the proposed store to be created on the site. On this basis it is considered that any overbearing or overshadowing impacts as a result of the development would be no greater than those which formerly existed. No adverse overlooking impacts would arise as a result of the development given that windows are not proposed in elevations which would allow views to be established into the private rear amenity areas of no. 111 and no. 121.

Within the application forms it is outlined that the store would operate between the hours of 07:00 and 22:00 hours on all days of the week (including Sunday and Bank Holidays) in terms of the former industrial premises on the site the conditions associated with the planning permission granted under application reference 99/00897/FUL stipulated that it would operate between 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturday with no workings on Sunday or public holidays. As part of the consideration of the application the Council's Environmental Protection Team have been consulted and have raised no objections to the application subject to the imposition of conditions, such conditions would relate to the external lighting to be provided on the site as well as the operating hours of the store and the times at which deliveries could be undertaken.

Although operating for longer hours than the B1 use formerly associated with the site it is considered that the noise associated with a retail convenience store is a differing form of noise to that of a B1 use with it not being uncommon to find such stores operating to similar hours within residential areas. On this basis the greatest level of noise is likely to be associated with deliveries and it is considered that a suitable condition would ensure that deliveries would be undertaken at an appropriate time. The applicant has also advised that they would accept a condition which requires the submission of a delivery management plan which would seek to cover matters such as engines not running during deliveries and the management of reversing warning alarms, such a condition would also ensure that noise implications associated with deliveries are mitigated further.

In addition to the above the plans also identify that a new 2 metre high acoustic barrier would be provided to the boundaries of the site with no. 111 Manor Road and no. 121 Ashburton Road which would further reduce noise outbreak from the site.

It is also the case that the Council's Environmental Protection Team have not raised any objections to the application in relation to smell implications associated with the position of waste receptacles associated with the development. Should any smell issues arise in the future which are deemed a statutory nuisance then it would be possible to take action under separate Environmental Health legislation.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Highway Safety

The County Council Highways Authority (CHA) have been consulted on the application and have raised no objections, with their assessment being based on guidance within the Leicestershire Highways Design Guide (LHDG).

The concerns of the CHA were mainly associated with the position of the site access in relation to the junction of Manor Road and Ashburton Road and the speed of vehicles entering Manor Road from the east at the bend in Ashburton Road. In this respect the applicant originally proposed the provision of a raised table at the junction but this was not accepted by the CHA given that it was not supported by a Road Safety Audit (RSA). As such the scheme has now been amended so as to propose the realignment of the junction by reducing its width and

therefore slowing vehicles which wish to enter Manor Road from the east. The slowing of such vehicles at the junction would ensure that stationary vehicles on Manor Road waiting to turn right into the car park would not be impacted on and this approach is supported by the CHA.

Within the site itself the CHA are satisfied that vehicles would be able to manoeuvre so as to exit the site in a forward direction, including delivery vehicles, and that the level of visibility achieved at the site access is acceptable in relation to the guidance of the LHDG. In respect of the visibility it is noted that the splay in a south-western direction, on Manor Road, is wholly within the pavement and the CHA have advised that if vehicles are parked within the highway then any vehicle exiting the site would likely do so in a slow and cautious manner. Paragraph 7.8.5 of Manual for Streets (MfS) also states that *"parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice."*

Overall Paragraph 109 of the NPPF outlines that development should only be refused on highway safety grounds where there is significant detriment to highway safety or the cumulative impacts of development on the highway network is severe. Whilst noting the concerns of third parties and the Parish Council on highway safety grounds the CHA have raised no objections to the development subject to the imposition of conditions on any permission granted. In the absence of an objection from the CHA a reason to resist the development as contrary to the aims of Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF could not be substantiated provided that the suggested conditions of the CHA are imposed on any permission granted.

With regards to off-street parking associated with the store the amended layout plan identifies that a total of 12 parking spaces would be created with three of these spaces being disabled parking bays. This level of parking is considered satisfactory to the CHA and therefore the proposal is considered compliant with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Whilst noting the concerns of third parties and the Parish Council to the parking of vehicles on Manor Road and Ashburton Road it is considered that it is not the responsibility of this development to address issues in respect of the current on-street parking of vehicles, including those which may restrict the levels of visibility achieved at the junction of Manor Road and Ashburton Road. If there is a highway safety issue in this respect then it would be the responsibility of the CHA to impose restrictions within the highway to prevent such parking (i.e. double yellow lines). The introduction of a parking permit system on Manor Road so as to enable existing residents to undertake on-street parking would also be something which the CHA would be required to implement if deemed necessary. On the basis of the comments of the CHA to this application such measures are not required at this time.

Heavy Goods Vehicles (HGVs) which breach the weight restriction imposed on a highway would be a matter to be enforced by the police albeit such vehicles are allowed to utilise such highways if they are delivering or collecting goods from any premises which lies within the restricted areas and which cannot be reached by highways that are not restricted.

Paragraph 56 of the NPPF outlines the tests which obligations would need to meet in order to be secured as part of any permission granted and in this respect it is considered that there is insufficient evidence to warrant the provision of an obligation which would require the applicant to fund the cost of employing a crossing warden at the junction of Manor Road with Ashburton Road. The CHA have not requested such an obligation.

Ecology

The County Council Ecologist has been consulted on the application and has raised no objections. On the basis that no ecological mitigation is required in connection with the development it would accord with Policy En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF and Circular 06/05.

Landscaping

The former industrial premises, now demolished, covered the majority of the application site and as such no soft landscaping existed which would be required to be retained as part of the development.

As submitted the plans are not clear on the type of soft and hard landscaping which would be provided as part of the development but in the context of the National Forest location of the application site the provision of soft landscaping (be that in the form of trees or hedgerows) would be encouraged. Differing materials for the hard landscaping would also be encouraged to distinguish between vehicular and pedestrian areas and so as to prevent a large expanse of tarmac being created.

In the absence of any precise details it is considered reasonable to impose a condition on any consent granted which would enable a suitable landscaping scheme to be approved. Such a condition would ensure the development accords with Policies D1, En1 and En3 of the adopted Local Plan.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. It is proposed that surface water run-off would be addressed by its direction to the mains sewer and given the location of the development this surface water solution would not result in drainage or flooding issues particularly on the basis that a connection to the mains would need to be agreed with Severn Trent Water under separate legislation. As a result of this the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and again a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

Other Matters

The Council's Contaminated Land Officer has reviewed the application and has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination and relevant Verification Investigation should remediation be required, due to the former use of the site for industrial purposes. It is considered that the imposition of such conditions are reasonable given the use of the building and the need to ensure the health and safety of employees and customers of the store.

On the basis of the above, and subject to the imposition of relevant conditions, it is considered that the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

Conclusion

The application site is situated within the Limits to Development where the principle of this type of development is acceptable. It is also considered that the information as submitted has demonstrated that no sequentially preferable sites are available for the development and therefore the proposal complies with Policy Ec8 of the adopted Local Plan as well as Paragraph 24 of the NPPF. The loss of employment land, in this instance, is also considered acceptable in the context of Policy Ec3 of the adopted Local Plan. It is also considered that the proposal would not impact adversely on the character and appearance of the streetscape and wider area, the significance of the setting of heritage assets, residential amenity, highway safety, ecology, existing landscaping or contaminated land, nor would the proposal exacerbate any localised flooding issue. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the aforementioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

1. **Time limit**
2. **Approved plans**
3. **Restriction to A1 use and convenience retailing only**
4. **Hours of operation**
5. **Hours of deliveries**
6. **Delivery management plan**
7. **External materials**
8. **Finished floor and ground levels**
9. **Boundary treatments**
10. **Soft landscaping**
11. **Replacement landscaping**
12. **Hard landscaping**
13. **External lighting scheme**
14. **Management of construction traffic**
15. **Provision of vehicular access**
16. **Off-site highway works**
17. **Vehicular and pedestrian visibility splays**
18. **Off-street parking and turning**
19. **Cycle parking**
20. **Contaminated land**
21. **Verification investigation**
22. **Details of external plant and machinery**