

## Item No. 4

### Application Reference Number P/21/2626/2

<b>Application Type:</b>	Hybrid	<b>Date Valid:</b>	2 <sup>nd</sup> February 2022
<b>Applicant:</b>	ALDI Stores Ltd.		
<b>Proposal:</b>	Hybrid application: Full permission for demolition of existing structures and erection of retail unit (Use Class E) and associated parking, landscaping and ancillary works. Outline permission (access only) for demolition of existing structures and erection of drive-thru restaurant (Class E/sui generis) and drive-thru coffee shop (Use Class E) with associated parking, landscaping and ancillary works.		
<b>Location:</b>	Land at Fairway Road South, Shepshed, Leicestershire		
<b>Parish:</b>	Shepshed	<b>Ward:</b>	Shepshed
<b>Case Officer:</b>	Mohammed Akram	<b>Tel No:</b>	07595464216

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## 1.0 Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, as the development is a major retail development set outside any local shopping centre, results in the loss of an existing good quality employment site and protected trees and therefore represents a departure from the development plan and the Officer recommendation is one of approval.

## 2.0 Description of the Site/ Surrounding

- 2.1 The application site known as Carr Brook House is 'L' in shaped and represents previously developed land, which extends approximately 1.6ha in size. There is an existing two-storey flat roofed building situated to the south with hard standing areas for car parking/servicing to the north (part of application site) and east of the wider site (outside application site boundary). The application site was previously used as cheque processing centre and has been vacant since December 2021. There is a level difference of around 2.3m across the site north to south and 3.2m west to east. The existing access arrangement to the site is via Fairway Road South. The site is situated at the junction of Leicester Road to the west, to the north by Fairway Road South and Ashby Road East to the south of the site. Ashby Road East along southern section and junction of Leicester Road of application site is characterised by trees, which are protected under a Tree Preservation Order. There is an existing culvert that runs from the southern part of the site and exits on eastern boundary towards Brendon Close. The application site is situated within Flood Zone 1.
- 2.2 The surrounding area is mixed commercial and residential in character. It is bordered to the east by residential dwellings on Brendon Close, a rectangular parcel of land (not included within application site), Junction 23 Lorry Park and industrial/

warehouse buildings along Ashby Road East. To the north on the opposite side of Fairway Road South is a residential estate comprising modern two-storey residential dwellings. To the west on the opposite side of Leicester Road are industrial and warehouse units that front onto Ashby Road Central. There is a pylon situated on land to the east (outside application site boundary) where there are overhead cables that run from northeast direction along rear of dwellings on Fairway Road towards south direction along Ingleberry Road.

- 2.3 The application site is located outside of Shepshed District Centre, which is the nearest shopping centre situated approximately 1km away from the application site. The site is within Primarily Employment Land and within Limits of Development for Shepshed within Charnwood Core Strategy (2011-2028) and Local Plan (2004) Policies Map. Policy E2 of the emerging draft local plan Policies Map 1 shows the site as located within an area designated as 'Existing Good Quality Employment Sites'. The adjoining land to the northeast and to the rear of residential dwellings on Fairway Road South and Brendon Close is designated as an Housing and Employment Allocation under policy DS3 and DS4 of the emerging plan.

### **3.0 Proposal Description**

- 3.1 This hybrid application seeks:

- 1) Full planning permission for the demolition of all existing buildings and erection of a single-storey retail food store building (Use Class E) of 1,786sq. m and net sales area of 1,315sq. m, where the breakdown would be 80% convenience goods and 20% comparison goods.

The layout plans show the proposed retail food store building would occupy the eastern part of the site with the car park to the south and east of proposed centralised internal access road. The proposed building will be a contemporary single-storey blade pitched roof design, which measures approximately 6.18m at its highest point to ridge to the front and 5.05m to its lowest point to eaves to the rear. The building measures approximately 59m in length and 32m in width. The materials palette would include cladding in silver and anthracite in colour with anthracite curtain walled glazing to the front along the main southern and eastern facades to the food store building. The main entrance situated to the south would have large, glazed shop front with canopy.

The access arrangements (with modifications) would be retained from Fairway Road South. An internal vehicular access road, designated car park for 125 no. spaces to include 6 no. disabled spaces, 6 no. parent/ child spaces, 6 no. cycle spaces and 4 no. electric charging spaces and hard/ soft landscaping. There is access arrangements proposed from the south of the site, allowing pedestrian access to application site from Ashby Road East.

The staff car park (5 no. spaces) and service area together with HGV turning area would be situated to the north of the site, which would be recessed from Fairway Road South.

The hours of operation for the retail food store would be 0800-2200 hours Monday to Saturday (including Bank Holidays) and 1000-1600 hours on Sundays. The proposal would create approximately 30-40 new full time and part time jobs, with further jobs during construction period.

- 2) Outline planning permission (with all matters reserved except access) for Drive Thru coffee shop (Use Class E) and restaurant (Use Class E/ Sui Generis) units.

The drive-thru units with associated car parks would be situated toward eastern part of the site. The buildings would have gross internal floor area of 175sq. m for Drive-thru coffee shop and 317sq. m for Drive-thru restaurant (indicative only).

The indicative layout plan shows a Drive-thru coffee shop along the southern part of the site and would have 11 no. parking spaces including 1 no. disabled spaces allocated to it. The Drive-thru restaurant element along the northern part of the site would have 40 no. parking spaces and include 2 no. disabled spaces. Both units would have shared access arrangement (with the retail store) via proposed centralised internal road and retained access arrangement (with modifications) from Fairway Road South. Supporting statements confirm that further electric charging points would be provided for this element of the proposal.

The anticipated hours of operation for Drive-Thru units would be 0600-2300 hours. Both units would create circa 60 new jobs.

### 3.2 The original application is accompanied by:

- Design and Access Statement
- Planning & Retail Statement
- Environmental Noise Impact Assessment
- Air Quality Statement
- Arboricultural Impact Assessment
- Outline Landscape Strategy
- Geo Environmental Report
- Transport Assessment
- Interim Travel Plan
- Flood Risk Assessment & Drainage Strategy
- Statement of Community Involvement
- Biodiversity Net Gain Statement

### 3.3 The updated information as part of this application includes:

- Highway Technical Notes/ Designers Response to include Drawings for proposed highway works, Swept Path Analysis, proposed improvement to Leicester Road
- Updated Flood Risk Assessment & Drainage Strategy
- Supplementary Planning Policy Note
- Updated Biodiversity Net Gain Statement/ Biodiversity Metric Calculation

- Landscape Management Plan
- Updated Arboricultural Impact Assessment Plus Tree Survey August 2022
- Revised Design and Access Statement

#### **4.0 Development Plan Policies**

4.1 The relevant parts of the Development Plan comprise the Charnwood Local Plan Core Strategy (adopted 9 November 2015) and the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies).

4.2 The policies applicable to this application are as follows:

##### **4.2.1 Charnwood Local Plan Core Strategy (adopted 9 November 2015)**

- Policy CS1 (Development Strategy)
- Policy CS2 (High Quality Design)
- Policy CS8 (Regeneration of Shepshed)
- Policy CS9 (Town Centres and Shops)
- Policy CS13 (Biodiversity and Geodiversity)
- Policy CS14 (Heritage)
- Policy CS16 (Sustainable Construction and Energy)
- Policy CS17 (Sustainable Travel)
- Policy CS 18 (The Local and Strategic Road Network)
- Policy CS 24 (Delivering Infrastructure)
- Policy CS25 (Presumption in favour of sustainable development)

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 (Limits to Development)
- Policy EV/1 (Design)
- Policy TR/18 (Parking in New Development)
- TR/21 (Planning Criteria for the Design and Layout of New Car Parks)
- Policy CA/12 (Shop Front Design)

#### **5.0 Other Material Considerations**

##### **5.1 The National Planning Policy Framework (NPPF 2021)**

5.1.1 The NPPF policy guidance of particular relevance to this proposal includes:

- Section 1: Achieving sustainable development
- Section 2: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making effective use of land

- Section 12: Requiring well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

## 5.2 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. The guidance sets out relevant guidance on aspects of flooding, town centre and retail, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

## 5.3 National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

## 5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

## 5.5 Charnwood Retail and Town Centre Study (2018)

This document is intended to provide an up-to-date assessment of retail floorspace requirements. It forms part of evidence base for the emerging Local Plan.

## 5.6 Shepshed Town Centre Master Plan and Delivery Framework (2013)

Shepshed Town Centre Master Plan and Delivery Framework provides a strategic vision, and a flexible Delivery Framework to improve the overall economic health and vitality of the town centre.

## 5.7 Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## 5.8 Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided for different commercial land uses to include retail food store and restaurant.

#### 5.9 Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

#### 5.10 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

#### 5.11 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

#### 5.12 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature and location of the application proposals, it is not considered that the application would constitute EIA development.

#### 5.13 The Draft Charnwood Local Plan 2021-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2021-37. A number of

hearing sessions have been held on some matters in June 2022. Further hearing sessions were held in October 2022 to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Planning Inspectorate, hearing sessions will resume early next year in February.

At this stage the emerging Local Plan is generally given limited weight in the assessment of planning applications depending on the degree of contention there is with its policies through the Examination process.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given), (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Consideration' part of this report

- DS1 Development Strategy
- DS5 High Design Quality
- T3 Car Parking Standards
- SUA1 Shepshed Urban Area
- E2 Protecting Existing Employment Sites
- T1 Town Centres and Retail
- CC1 Flood Risk Management
- CC2 Sustainable Drainage Systems
- CC4 Sustainable Construction
- CC5 Sustainable Transport
- CC6 Electric Vehicle Charging Points
- EV1 Landscape
- EV6 Conserving and Enhancing Biodiversity and Geodiversity
- EV7 Tree Planting
- EV8 Heritage
- EV11 Air Quality
- INF1 Infrastructure and Developer Contributions
- INF2 Local and Strategic Road Network

## **6.0 Relevant Planning History**

- 6.1 All of planning history applied to minor works to former buildings on site and none is relevant to the current application.

## 7.0 Responses of Consultees & Other Comments Received

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Consultee	Summary of comments
Leicestershire Lead Local Flood Authority - LCC	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) confirms that the brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and consider the <b>proposal is considered acceptable subject to a number of conditions</b> are recommended to be attached to any grant of planning permission:</p> <ul style="list-style-type: none"> <li>• Surface water drainage details</li> <li>• Management of surface water during construction details</li> <li>• Long term maintenance of surface water drainage system details</li> <li>• infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element</li> </ul>
Leicestershire County Council – Highways	<p><b>No objections</b> subject to conditions:</p> <ul style="list-style-type: none"> <li>• Construction traffic management plan</li> <li>• Access arrangements and off-site highway works submitted to be implemented in full prior to commencement of the development</li> <li>• Vehicle visibility splays at site access to be provided prior to occupation of any part of the development and maintained permanently thereafter.</li> <li>• Parking and turning facilities implemented prior to occupation of any part of development and for on-site parking (and turning) provision to be available in perpetuity</li> <li>• Off-site works improvement works to Leicester Road implemented in full prior to occupation of any part of the development</li> <li>• Travel plan in accordance with approved details with actions and measures with quantifiable outputs and outcome targets. The agreed travel plan implemented with approved details</li> <li>• Delivery and Service Management Plan prior to occupation of any part of the development</li> </ul> <p><b>Planning obligations:</b></p>



	<p>Full element</p> <ul style="list-style-type: none"> <li>• Travel Packs - one pack per employee at <b>£52.85 (average) per pack</b>. If not supplied by LCC, sample Travel Pack submitted to and approved in writing by LCC with <b>administration charge of £500</b></li> <li>• Six month bus passes – one pass per employee at cost of <b>£360 (average) per pass</b></li> <li>• STARS for (Sustainable Travel Accreditation and Recognition Scheme) <b>monitoring fee of £6,000</b></li> <li>• Travel Plan Co-ordinator appointed from commencement of development until 5 years after first use. The Travel Plan Co-ordinator to be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures</li> </ul> <p>Outline element</p> <ul style="list-style-type: none"> <li>• Travel Packs - one pack per employee at <b>£52.85 (average) per pack</b>. If not supplied by LCC, sample Travel Pack submitted to and approved in writing by LCC with <b>administration charge of £500</b></li> <li>• Six month bus passes – one pass per employee at cost of <b>£360 (average) per pass</b></li> </ul>
Severn Trent	<p><b>Raised no objections/no comments.</b></p> <ul style="list-style-type: none"> <li>• Foul waste is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval separate to any planning process.</li> <li>• Surface water is proposed to discharge to a watercourse, which Severn Trent have raised no comment.</li> </ul>
Leicestershire County Council - Planning Obligations	<p><b>No developer contribution required</b> for education, libraries, waste or other services will be required</p>
Environment Agency	<p>Raises <b>no objection</b> as there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.</p>
Charnwood Biodiversity	<p><b>No objections</b>, subject to conditions:</p> <ul style="list-style-type: none"> <li>• Implementation/ retention of landscaping</li> </ul>

	<ul style="list-style-type: none"> <li>Landscape management plan</li> </ul>
Leicestershire Police	No objections.
Charnwood Trees	<b>Object</b> to the loss of trees protected under TPO at the junction of Leicester Road and Ashby Road East
Charnwood Economic Regeneration	Raises <b>no objections</b> subject to £50,000 contribution as part of S.106 Agreement towards improvements to public realm at Shepshed district centre
Fire & Rescue Services	<b>No comments</b> received.
British Gas (Transco)	<b>No comments</b> received.
Western Power (Wayleaves Property Division)	<b>No comments</b> received.
Charnwood Borough Council Environmental Health	<p>Raised <b>no objections</b> subject to conditions:</p> <p>Full &amp; Outline</p> <ul style="list-style-type: none"> <li>Compliance condition for remediation strategy to be implemented in accordance with recommendation as detailed within Geo-Environmental Appraisal (Full &amp; Outline)</li> <li>Further remediation scheme submitted for any contamination not previously identified during development (Full &amp; Outline)</li> <li>Implementation in accordance with Fugitive Dust Emission Mitigation Measures detailed in table 20 of Air Quality Assessment (Full &amp; Outline)</li> <li>Construction Management Statement (Full &amp; Outline)</li> </ul> <p>Full element</p> <ul style="list-style-type: none"> <li>Compliance condition for plant as per supplementary noise report for retail food store (Full)</li> <li>Acoustic fencing details</li> <li>Hours of use restricted from 0800-2200 hours Monday to Saturday and 1000-1600 hours on Sundays and Bank Holidays (Full)</li> <li>Deliveries/ waste collection restricted from 0700 – 2200hrs Monday to Saturday and 0900- 1700hrs Sundays and Bank Holidays (Full)</li> </ul> <p>Outline element</p> <ul style="list-style-type: none"> <li>Further noise impact assessment for drive-thru units (Outline)</li> </ul>

	<ul style="list-style-type: none"> <li>• Extraction/ ventilation condition (Outline)</li> <li>• Litter bins/ Waste storage</li> <li>• Deliveries or waste collections restricted between hours of 0700-2200 hours Monday to Saturday and 0900-1700 hours on Sundays and Bank Holidays (Outline)</li> <li>• Hours of use restricted from 0800-2200 hours Monday to Saturday and 1000-1600 hours on Sundays and Bank Holidays (Full)</li> </ul>
Shepshed Town Council	<ul style="list-style-type: none"> <li>• Shepshed Town Council wishes to register its support for this valuable asset to the Town</li> <li>• Further response received to enquire as to whether any contribution can be secured as part of S.106 Agreement. No further response received</li> </ul>
<b>Response to consultation and publicity</b>	
TPS Transport Consultants object on behalf of ASDA Stores Ltd.	<p>A number of concerns raised on grounds of insufficient information grounds and summary of further information required as follows:</p> <ul style="list-style-type: none"> <li>• The trip generation methodology, in relation to the Drive-thru's is flawed and underestimates the highway impact of the development proposals;</li> <li>• The trip type methodology assumes there would be no new trips associated with the proposed ALDI store, which is contrary to guidance set out in TRICS Research Report 14/1 'Pass-by and Diverted Trips, therefore underestimating the highway impact of the development proposals;</li> <li>• The operational assessments need to be revisited in the light of issues identified with the trip generation and trip type methodology and the presence of on-street parking on Fairway Road South; and</li> <li>• The applicant has not demonstrated the ability of the site to be safely and successfully serviced by an HGV.</li> </ul>
Neighbours, in support of the application	<p>141 letters received in support of the application on the following grounds:</p> <ul style="list-style-type: none"> <li>• It is located on brownfield land and there would be no loss of fertile agricultural land</li> <li>• Benefits for Shepshed in terms of use of the currently derelict land/ site</li> <li>• Shepshed has been poorly served by shopping facilities. The recent ASDA has helped, and</li> </ul>

	<p>proposed ALDI will complement the town and rejuvenate a stagnant area</p> <ul style="list-style-type: none"> <li>• Good quality food for half the price of other stores.</li> <li>• Increase choice for shopping to include grocery option and provides healthy competition for other stores in the area</li> <li>• Affordable local shopping, which is vital for the present economic climate</li> <li>• Creation of local jobs</li> <li>• Shepshed is a growing town, and needs a wide range of shops to maintain its own identity and sufficiency separate from Loughborough</li> <li>• Shepshed is long overdue some investment and local amenities. This will hopefully attract more investment in the town's facilities and infrastructure</li> <li>• Retail food store is needed with the rapidly rising number of houses built in Shepshed</li> <li>• Located on edge of town and limits further traffic on small road</li> <li>• Recent changes to A512 will help traffic distribution</li> <li>• Traffic will not be major issue as majority of shoppers do not shop between 0800 and 0900 when traffic is at a premium</li> <li>• Reduction of journeys/ travel, less emissions and other fuel related issues associated to travel as nearest ALDI is in Loughborough</li> <li>• Accessible site for people living in Shepshed and also from those living in the new developments on the west side of Loughborough</li> </ul>
<p>Neighbours, against the application</p>	<p>15no. letters received objecting on the following grounds:</p> <ul style="list-style-type: none"> <li>• Adverse impact on existing shops in Shepshed town centre, which are in desperate need of improvement</li> <li>• Increased traffic congestion in particular school drop off/ pick up and use of articulated lorries on residential roads</li> <li>• Review of entry point or island is required and would require vast improvements</li> <li>• Access into/ from the site and increase in vehicle numbers to include HGV's/ delivery vehicles compared to previous use. Fairway</li> </ul>

	<p>Road is not appropriate for large or HGVs and most of Shepshed has HGV Weight Restrictions</p> <ul style="list-style-type: none"><li>• Question raises safety concerns as HGV vehicle routing to the site as Leicester Road junction and Hathern direction to Shepshed town centre could not cope with HGV's</li><li>• Parking in close proximity to residential properties and safety grounds around the entrance to the site, single-lane carriageway, roundabout and Leicester Road junction. Suggest TRO's such as double yellow lines to enable free flow of traffic to and from the Aldi store</li><li>• Question as to how private parking bays opposite the store will be protected for householder use?</li><li>• Suggest entrance / exit from Ashby Road not Fairway Road South or entrance from Ashby Road East and exit from Fairway Road by halving the traffic flows on residential road</li><li>• Suggest access or exit from Ashby Road East A512 as better option</li><li>• Preferable access via Ashby Road East by the truck stop with suitable traffic light controlled junction/ reduce speed limit to allow suitable access to main arterial route oppose to a housing estate</li><li>• Suggest traffic lights proposed at Fairway Road access (if it is agreed)</li><li>• Question/ confirmation sought to what constraints the Council will imposing on Aldi and the existing local road network to ensure that Fairway Road and Fairway Road South do not become the main route to and from the Aldi development and into Shepshed centre</li><li>• Would there be a condition for demolition i.e., times, noise and air quality in order to protect residents?</li><li>• Suggest/ restrict Drive-thru units' hours of use or be allowed to operate reasonable times between 7am to 10 pm or no units at all</li><li>• Removal of objection if it did not include Drive-Thru restaurant and cafe units</li><li>• Previous issues with bank in relation to noise and disturbance to include anti-social behaviour at night</li><li>• Increase pollution and poor air quality</li><li>• Noise from service vehicles at nighttime</li></ul>
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	<ul style="list-style-type: none"><li>• Noise, disturbance and anti-social behaviour from Drive-thru units if they were to operate 24hours</li><li>• Concerns to noise impact assessment as they were done when the site was empty and over the holiday period</li><li>• Noise from fans / integrated industrial machinery especially during summer when there is the need to have windows open</li><li>• Query in relation to acoustic fencing, levels and section plans and request further sections be provided</li><li>• 2m high acoustic fencing would be ineffective adjacent to residential dwellings as previous installed acoustic barrier at Carr Brook House was ineffective</li><li>• Servicing/ delivery noise at night and during summer from engines running, reversing, loading/ unloading, load music etc. from previous use.</li><li>• Nuisance from light pollution and car lamps in particular to bedroom windows and neon shop signs. Suggest switching all lights off at 1100 hours</li><li>• Concern in relation to the orientation of the building and why it can't be at the same location as the existing building</li><li>• Loss of privacy from people entering/ leaving the site and to bedroom windows</li><li>• Light pollution/ nuisance</li><li>• Loss of light to rear of property during afternoon and evening</li><li>• Natural light obstruction from the height of the store building as the fence to rear garden is only 6ft high. Question to height of store building and whether it would be 20ft, 30ft or 40ft high</li><li>• The site is unsuitable and suggest possible site of old motor point site or close to town centre, which would be more convenient for shoppers including less reliant on using a car</li><li>• Devalue house prices and expectation of compensation if scheme goes through</li><li>• Object to the removal of 40 trees as they have not been incorporated into the scheme</li><li>• Increase in litter and debris from Drive thru &amp; supermarket, which would affect the already</li></ul>
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	<p>depleted vegetation and wildlife as rubbish is likely to be tipped over fences</p> <ul style="list-style-type: none"> <li>• Trees planting to screen the noise were ineffective in previous use of site</li> <li>• Biodiversity/ tree concerns as the proposal would pose a risk to at least one veteran/ ancient oaks at the boundary junction of Leicester Road and Ashby Road. Suggest 10m buffer be placed around these trees protected by a TPO in order to ensure tarmac/ concrete surfaces do not threaten their survival/ feature of the town</li> <li>• Biodiversity Net Gain assessment takes into account 20 native broad-leaved trees, which could be classed as secondary broad-leaved woodland habitat as it appears that these trees may be lost as a result of the development</li> <li>• The creation of wildflower grassland is welcome however the applicants should state the future management regime and how it will maximise benefits for local biodiversity?</li> <li>• Question whether the application would be determined under delegated powers or by Plans Committee and if latter, there may be little opportunity for Ward Councillors or similar to 'call in' the application for consideration by the Council's Plans Committee</li> </ul>
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## 8.0 Consideration of the Planning Issues

8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004), which have not been superseded by the Core Strategy (2011-2028).

8.2 The main planning considerations applicable to this application are considered to be:

- Principle of retail development
- Loss of employment land
- Sterilisation of adjoining land/ site to east
- Demolition of existing buildings
- Design and Layout and the impact on the character of the area
- Impact on trees and landscaping

- Impact on ecology
- Impact on Residential Amenity
- Impact on land contamination
- Impact on air quality
- Impact on highway safety
- Flood risk and drainage
- Impact on sustainability
- Impact on heritage assets
- Crime and public safety
- Planning obligations

## 9.0 Key Issues

### 9.1 Principle of retail development (Entire site – Full & Outline)

In terms of the principle of retail 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;
- Impact upon planned or committed investment projects; and
- The impact on the vitality and viability of town and local centres

#### *Sequential Approach*

- 9.1.1 The application site is situated approximately 1km from Shepshed District Centre as defined by Local Plan Policies Map. As such, the proposed retail food store is clearly ‘*out of centre*’ for the application of retail planning policy. Core Strategy Policy CS9 and NPPF paragraph 87 direct main town centre uses to town centre locations first, followed by edge of centre and out of centre locations. Main town centre uses proposed in out of centre locations are required to satisfy a sequential test to demonstrate that no other sites are available for the proposed development.
- 9.1.2 The application is accompanied by sequential test identifying a number of sites within Shepshed and in neighbouring areas. The sequential test focuses on suitability and availability of sites to accommodate the proposed development and not an alternative form or scale of retail development (e.g. disaggregating the proposed floor space into smaller units). Paragraph 87 of the NPPF states out of centre sites should be considered only if suitable sites are not available (*or expected to become available within a reasonable period*) in town centres or edge of centre locations. However, neither the NPPF nor the PPG qualify what is meant by these terms but suggests ‘*when considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account*’. The assessment should also not be specific to an individual retailer, rather it is the type of retail offer proposed, which in this case is ‘Limited Assortment Discount’ retailer.
- 9.1.3 Paragraph 88 of the NPPF in relation to edge of centre and out of centre sites states ‘*preference should be given to accessible sites which are well connected to town centres. The applicant and Local Planning Authority should adopt a flexible approach*



*on issues such as the format and scale of new store when considering other sites, so that opportunities of potential sites are fully explored'.*

9.1.4 The methodology for the sequential assessment to meet the commercial requirements would be as follows:

- Define catchment area (10 min drive-time around Shepshed)
- Identify vacant units/ sites within the town centres and those identified through discussions
- A site of at least 1.65ha to deliver a food store together with adequate levels of customer car parking and space for the HGV delivery vehicles to safely manoeuvre. Retail food store of around 1,786 sqm served by around 130 car parking space and further area capable of Drive-thru restaurant/ café shop and coffee shop and access requiring at least a 0.54 ha.
- Define the operator's requirement and the need for flexibility and assessment of sites +/-10% of the proposal's site area and floorspace, which are located within, edge of Shepshed District Centre

9.1.5 The applicant as part of Sequential Test in accordance with guidance set out in paragraph 86-88 of NPPF has put forward a number of alternative sites to be considered as follows:

- *Shepshed District Centre (Field Street, Bull Ring & Market Place)* – Shepshed District Centre is located to the north on Field Street/ Charnwood Road/Queen Street/Market Place & Hall Croft. The district centre has an ASDA, Co-op and Tesco Extra and is surrounded by smaller commercial units as part of the centre and on the edge of the centre. There were no vacant units on Bull Ring and Market Place. The vacant units on Field Street were discounted as they were not available as there was no marketing/sale board and were not suitable or viable for accommodating the proposed development.
- *Shepshed District Centre (Hall Croft)* - Hall Croft is identified as the heart of the town as identified by Retail Town Centre Study (2018) for the emerging draft Local Plan and Shepshed Town Centre Masterplan. The site is 0.9 hectares in size and contains a Co-op food store, Shepshed library and retail units along with retail market and car park. The only available vacant units to the southern boundary were discounted as they were not suitable due to their size being less than 60sq. m. The majority of the overall site is also in active use and the proposal would be impossible to integrate into the centre without displacing all of the existing businesses. Other constraints include vehicle access into the site. In respect to viability, the site is too constraint by existing built form and established uses to viably accommodate the proposed development in a reasonable period of time or through a comprehensive master plan. Therefore, it is considered that the site/ none of the units were suitable, or available or viable.
- *Shelthorpe District Centre (Loughborough), Gorse Covert District Centre (Loughborough) & Sharpley Road Local Centre (Loughborough)* – These centres are situated to the east and northeast of the site and within Loughborough. There are no vacant sites or significant premises in or on the edge of the centre. The

sites were considered not to be suitable, available or viable for accommodating the proposed development.

- *Markfield Local Centre* - This centre is situated to the south of application site and within a large Village in both the National Forest and Charnwood Forest. The anchoring co-op food store sits at the southern end of the parade of units with church facilities, independent retailers, café and restaurant. There are no vacant sites or significant premises in or on the edge of the centre. The absence of vacant properties means that Markfield Local Centre is unavailable, unsuitable and unviable to accommodate the proposed development. Although the centre falls within the 6-10 minutes catchment, it highlights that it would not improve choice and competition for Shepshed residents, if ALDI was to locate in this area.
- *Loughborough Town Centre* – A number of vacant sites exist within Loughborough town centre including land adjacent to Carillion Shopping Centre, Derby Square. These were small in size and cannot accommodate the proposed development. From a viability perspective, there is already healthy provision of convenience retailers in Loughborough Town Centre and for a proposed development to come forward would result in number of existing businesses being displaced. It concludes that none of the available units were suitable or viable for accommodating the proposed development.
- *West of Loughborough SUE (Garendon Park)* - The site is available as outline permission has been granted to support housing growth for 3,200 dwellings and includes up to 16ha employment land, and a mixed use community hub to include a 2,000sq. m local convenience store, 1,000sq. m other retail etc. (P/14/1833/2). Currently, there are only two reserved matters applications approved for phase 1a, 1b & 1c submitted for 468 dwellings. The form of the local centre is yet to be determined and it would not be financially viable to develop the local centre without the wider sites coming forward/developed for residential/employment uses, which would not be achieved for another 9 years based on the current build out trajectories. Supporting statements also confirm that an ALDI store in this location would not address immediate need and would also mean Shepshed residents would continue to travel for shopping choice. Therefore, the site does not appear to be available within a reasonable timeframe.

9.1.6 Concerns have been raised by residents in relation to the removal of Drive-thru units from the proposal and whether consideration has been had to disaggregation i.e. whether the town centre elements can be separated and accommodated on more than one site in a sequentially preferred location. It is noted that there is no policy requirement within local or national policy to disaggregate the uses which is also confirmed by case law.

9.1.7 The applicant's business model/format for drive-thru involves a building with internal seating area, car park and drive-thru facility with circulation areas around the building. The drive-thru element by its very nature also requires a prominent roadside location. It is envisaged that this offer will cater primarily for the needs of those travelling along the A512 (Ashby Road East) but will also be well placed to provide for the surrounding employment and residential uses to include potential linked trips to the retail food store. The issues of flexibility and disaggregation has been tested

through case law such as Tesco Stores v Dundee CC, which confirmed that suitability is directed at the developer's proposal and not some alternative scheme. This was further evidence in the SoS decision on Rushden Lanes (APP/G2815/V/12/2190175), which is endorsed based on Tesco v Dundee CC decision that if a site is not suitable for the commercial requirements of the developer in question, then it is not a suitable site for the purposes of the sequential approach.

9.1.8 The Aldergate V Mansfield DC decision also considered the requirement to demonstrate flexibility and confirming "suitable" and "available" generally means "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type and range of goods. The supporting statement also quote Trelogan Road, Newquay appeal decision (APP/Q0830/A/051182303), where Inspector stated that '*it is difficult to envisage how a developer could be flexible in respect of the format of a drive through restaurant. Unlike a conventional restaurant, which could easily be accommodated on any of the identified site, a drive-through by definition requires vehicular access and circulation through or around the building*'. The Supporting statement also confirms that the business model for the two Drive-thru units would not make it appropriate or viable to be located at Shepshed Town Centre, due to the road network and no site of a suitable size to accommodate the proposal. On the basis of the supporting evidence, there are no sequentially preferable sites on which the development could be accommodated, considering the need to demonstrate flexibility.

9.1.9 Therefore, the submitted sequential test has been assessed and is considered to be adequate. The overall conclusion on the sequential approach and 'town centre first' approach outlined in paragraph 86-88 of the NPPF and Core Strategy Policy CS9 is that having considered the sequential test exercise submitted, there are no sequentially preferable sites that would be suitable, viable or available to accommodate the proposed development and there is no reasonable basis to disagree with the assessment or findings. The conclusions of the applicant's Statement together with supplementary planning policy notes are considered to be acceptable and the sequential test is therefore passed.

#### *Impact assessment*

9.1.10 As the site is in an out of centre location, the impact of the town centre of Shepshed needs to be considered. The impact is assessed on a cumulative basis as both the full and outline elements propose retail/town centre uses. The combined gross floorspace of the proposal is 2,278sq. m (the retail food store (1,786sq. m) and Drive-thru units (492 sq. m - indicative)).

9.1.11 The proposed development falls below the 2,500sq. m gross floorspace threshold for requiring impact assessment as set out in paragraph 90 of the NPPF. However, adopted Core Strategy Policy CS8 (Regeneration of Shepshed) and CS9 (Town Centres and Shops), and emerging Local Plan policy T1 (Town Centre and Retail) requires an impact assessment for proposals over 500sq. m for Shepshed district centre. This approach is supported in the NPPF (paragraph 90) which outlines that when assessing retail development outside of town centres, which are not in accordance with an up-to-date development plan, Local Planning Authorities should require an impact assessment if proposals are above a locally set floor space

threshold. Paragraph 91 of NPPF explains that where an application is likely to have 'a significant adverse impact' on one or more considerations in paragraph 90, then it should be refused.

9.1.12 The Retail and Town Centre Study (RTCS) (2018) was produced as part of the evidence base for the emerging draft Local Plan. It identified that there was no quantitative requirement for any additional convenience goods floorspace within Charnwood's catchment up to 2036 once existing commitments as part of SUE and existing ALDI and LIDL stores are considered, which will absorb any limited convenience capacity identified pre-commitments. However, the qualitative need acknowledges that access to larger food stores with over 1,500sq. m of net floorspace, which offer residents a full and choice range of convenience products, is more limited outside of Loughborough. It identifies that there is a gap in the provision of larger food stores serving the remaining main areas of population within the Borough, including the other main settlement of Shepshed. The Study discounted a requirement for a food store as there is a sizeable Asda and Co-op Food store (approximately 1200sq. m and 900 sq. m net) in Shepshed and the commitment for a retail store to be delivered as part of the Sustainable Urban Extension (i.e. west of Loughborough – Garendon Park). It also highlights that the 'discount retailer' seeking to expand their portfolio in Charnwood, in particular in Shepshed, should be directed in the first instance to the defined centres in accordance with policy.

9.1.14 With regards to comparison goods, the Retail and Town Centre Study (2018) highlights that any proposals to increase and diversify goods offer in Shepshed district centre should be supported. However, it also recognises that opportunities for large modern retail units are limited, and priorities should be to protect retail uses of existing properties in the centre and to enhance the quality of the environment through the delivery of the Shepshed Town Centre Masterplan.

*Impact upon planned or committed investment projects*

9.1.15 In terms of NPPF para 90 (part a) and Core Strategy Policy CS9, the applicant notes that they are not aware of any planned or committed investment projects with reference to new local centre at the SUE at Garendon Park to support housing growth. Supporting information has confirmed that the form of the local centre is yet to be determined there and the required number of dwellings to bring forward the local centre would not be achieved for another 9 years as part of phase 5, when 1,800 dwellings have been built/ occupied (out of a total 3,200 dwellings). The retail food store to come forward part of local centre would primarily support new housing growth at Garendon Park SUE and not residents of Shepshed.

9.1.16 Other potential investment proposals include Shepshed Masterplan, which dates to 2013 and has not been regularly reviewed or amended. Core Strategy Policies CS1, CS8 & CS9 seek the Regeneration of Shepshed through improved accessibility and enhancements to the pedestrian environment and public realm. The Emerging Local Plan also covers the Masterplan and states that public realm work is being planned to improve the Bull Ring, Market Place and Hall Croft within Shepshed district centre funded by Council, Local Enterprise Partnership and developer contributions. In accordance with the above policies, a developer contribution of £50,000 has been

agreed toward Shepshed Public Realm Project, which is discussed further below within Planning Obligations.

- 9.1.17 There are 5 vacant units (some marketed) along Hall Croft and Field Street within Shepshed district centre. These were considered to be significantly smaller than the requirement and discounted as it would be impossible to support the operational and logistic requirements of the proposed development.
- 9.1.18 Taken together with the consideration of retail impact above, particularly on Garendon Park or Shepshed District Centre, the proposed ALDI store together with Drive-thru units would not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. Consequently, both the full and outline applications meet the first part of impact test.

#### *Impact upon vitality and viability*

- 9.1.19 NPPF paragraph 90, part b requires an assessment of '*the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)*'. To this end, the 10 minute drive time catchment area has been considered due to the location of the site on the periphery of Shepshed. Supporting statements confirm that up to 5 minutes would primarily comprise Shepshed to offer choice, competition locally and reduce shopping journey times currently leaving the town. A wider secondary catchment area covering a 5-10 minute drive time and captures some of the stores residents are currently shopping at within vicinity around Shepshed (e.g. Gorse Covert DC, Shelthorpe, Loughborough etc.). A period from 2021 to 2026 has been used, which accords with national planning advice.
- 9.1.21 From here, the population within that catchment area is established using credible sources and convenience expenditure per head of population of the catchment is used to arrive at a total available convenience expenditure figure. It finds a population of 95,804 within a 10 minute drive in 2021 rising to 100,734 in 2026 with an average £2,289 convenience spend per person. This is estimated at £46.95m in 2021, increasing to £47.5m by 2026 for 0-5 minute (10 minute) primary catchment area. Within a 10 minute catchment, this is estimated at £230.48m in 2021, increasing to £232.81m by 2026. Table 4 of the assessment also identifies that 2,331 new homes, a 5,594 in population growth, in Shepshed and will add additional convenience expenditure over £13m by year 2026.
- 9.1.22 The applicant has carried out an health check of Shepshed District Centre to assess current vitality and viability and identify any impact of the proposal may have on the established centre. The floorspace is occupied by both comparison and convenience goods retailers, which ranges from independent stores (e.g. butchers, cafes, Urban Farm Shop, etc.) to national chains (e.g. Co-op, Premier, ASDA, Tesco Express) and include community uses such as the library and council offices. The health check identified 5 vacant units (some marketed) along Hall Croft and Field Street. The information submitted shows that the district centre is reasonably healthy with a vacancy rate of 7.46%, which is below the 14.5% national average. On this basis, the centre performs an important local function.

- 9.1.23 ALDI trades in both convenience and comparison goods. The impact of trade diversion for each of these will be addressed by a review of Planning and Retail Assessment (PRA). The proposed percentage split is 80% convenience and 20% comparison goods being sold by ALDI. The assessment is based on likely impact once a new store would reach 'mature' trading patterns or 'design year' as per national planning guidance.
- 9.1.24 Based on Table 5 of the Planning and Retail Assessment the estimated turnover for the proposed development, the ALDI store would generate a total of £12.59m turnover for convenience goods and ranging from £2.67m in year 2023 to £2.92m for comparison sales in year 2026. Table 6 outlines that based on the realistic trade diversion patterns for convenience goods, the proposed ALDI store will compete on a 'like for like' basis with existing retailers such as major supermarkets, independent shops as well as redistribution of trade amongst the existing ALDI stores. Within a 0-5 minute catchment, Co-op, Hall Croft would be most affected and could experience a reduction in trade of 12.3% by 2026, followed by Tesco Express, Charnwood Road of 10.4% and ASDA, Charnwood Road of 9.8%, rather than the more independent shops. Within a 10-minute drive time, ALDI stores at Belton Road and Grange Retail Park would experience a trade reduction of 8.4% and 7.9% respectively. The assessment also confirms that some expenditure will be diverted from smaller retailers within Shepshed district centre, but not at a level which gives cause for concern (impact of 5.8% identified in Table 5 of Planning and Retail Assessment) and would not undermine their future viability. However, this is in the context of increased overall expenditure (see para.9.1.21 above) which will counter-balance this diversion of trade.
- 9.1.25 The impact assessment assessed where people in the area undertook their main food and top-up shopping. The largest draws based on a combination of 'like for like' and proximity principles are edge of centre ASDA Shepshed and ALDI Belton Road. The assessment highlights that the ASDA trades well. The in-centre Co-op at Shepshed serves both main food and top-up function. The assessment highlights that the proportion of its trade from top-up shopping is higher at 77% of the stores turnover and concludes that the trade impact would not be significant to impact the vitality and viability of the overall centre as there is opportunity to retain shopping trips within the catchment area.
- 9.1.26 With regards to comparison goods, ALDI's sale varies significantly on a weekly basis within their comparison aisle offers. The comparison good sales area is modest floor space and is therefore not likely to have a material impact on any retail destination. It is recommended that a planning condition defines the maximum amount of floorspace that can be used for the sale of comparison goods.
- 9.1.27 There is also expected to be passer-by trade due to the site's prominent location on the A512 Ashby Road East and clawback of expenditure by capturing existing 'leakage' from the catchment area/district that could also result in linked trips and encourage shoppers to stay in Shepshed for other shops/services. The capacity assessment conducted considers the expenditure available in primary catchment area and turnover of existing stores based on household surveys and suggests that 51% of expenditure is lost, ('leakage') based on existing shopping provision and

patterns'. There is also planned housing growth allocated in the emerging Local Plan for additional 2,331 new dwellings in Shepshed between 2021-2037 plan period, which would also amount to additional expenditure and any perceived retail impacts would be mitigated against.

9.1.28 The trade diversion figures, clawback of expenditure and anticipated growth in expenditure suggests that there would be no associated impact of the ALDI store and Drive-thru units to result in shop closures or a significant increase in the overall vacancy rates within Shepshed District Centre. The applicant's submission sets out that ALDI is a 'Limited Assortment Discounter' that have notable differences from other supermarkets and provides an offering which is materially different and would not act as a 'one-stop shop' due to the limited number of product lines. The proposed development would improve consumer choice and address a gap in local retail provision without significantly affecting existing retailers in the catchment. Supporting statements also confirm that by making provision locally, the need to travel outside the catchment to meet local needs would be reduced, avoiding unnecessary car journeys and supporting sustainable travel.

9.1.29 Based on the considerations above, the full and outline applications are considered to meet the second part of the impact assessment as set out in NPPF paragraph 90 and Policy CS9 of the Core Strategy. The potential trade diversion impacts to defined centres, including Shepshed district centre, is considered acceptable and no centre will be subject to significant adverse impact upon vitality and viability. Local Plan officers have reviewed the impact assessment and raised no objections. Planning conditions would be imposed to clearly define the proposal's E class uses, maximum total sales (1,315 net) and a maximum sales area for the display of comparison goods (263 sq. m – 20%). A further condition is necessary to ensure there is no future sub-division of retail food store. Sub-division of the store would create a different retail offer in this out of centre location, that have not been assessed in a sequential approach and would have different retail impacts that have not been assessed.

## 9.2 Loss of employment land (Entire site – Full & Outline)

9.2.1 In relation to the loss of employment land, both the full application for the retail food store and the outline application for Drive-thru units will be considered together in this section of the report.

9.2.2 The application site is allocated as Primarily Employment Land within Local Plan Proposal Maps (2004). There are no policies within Saved Policies of Local Plan or Charnwood Core Strategy, which protects against the loss of employment land and/or buildings.

9.2.3 Topic Paper 3 'Employment' is part of the evidence base for the emerging draft Local Plan (2021-2037) and sets out Charnwood employment land requirement and notes that there is a sufficient supply of employment land to meet demand in the Borough including and particularly in close proximity to the application site such Employment Land off Fairway Road and Loughborough Science and Enterprise Park.

9.2.4 The emerging draft Local Plan identifies the site as part of a 'good quality employment site', under policy E2. Policy E2 of the emerging Local Plan protects

against the loss of employment land but as mentioned above, only limited weight can be afforded to this policy. The Examination Sessions will resume in February 2023 and policy E2 has yet to be considered at the Examination, as such, there are unresolved matters to the employment policies. Accordingly, the weight that can be assigned to this emerging policy is limited.

9.2.5 The supporting information provided would satisfy a number of policy criteria as set out by emerging policy E2 (Protecting existing employment sites) of emerging Local Plan. The application site known as Carr Brook House is a detached single storey industrial/office building with large hard standing areas. Supporting statements confirm that:

- The building/ site has been vacant since December 2021
- The internal areas are constrained as they are divided into office areas both cellular and open plan area with low ceilings and loading dock/ storage area to the rear
- The building was built with the end user in mind with specialised accommodation laid out as a cheque clearing centre
- It performed poorly on energy performance as per statutory requirements for EPC and its inability to re-let or secure new tenant on site
- The existing building is not fit for purpose or viable and would require significant investment for refurbishment works. Furthermore, the development is not viable as it would need to incorporate latest technologies to promote energy efficiency and reduction of carbon emissions.
- Measures were taken by owner to secure the site, but trespass has occurred and the building has been stripped, the parapet of roof dislodged and windows/ door and sanitary smashed internally within/ outside of the building.
- The doors/ windows have been smashed and the building is open to abuse and anti social behaviour with further pressure on resources such as Council, Police and Fire Services
- Targeted marketing strategy was adopted for the site and supporting statements confirm that the agent discussed with a number of industrial developers and warehouse/ trade counters. There was no active requirement identified for Shephed to include B1 industrial occupiers. Interest was only received from retailer occupiers and residential developers.

9.2.6 Supporting statements also confirm the reuse of the existing building would not meet commercial requirements for ALDI or Drive-thru units to occupy or carry out its efficient operation by utilising existing building(s) on site. The only viable option would seem to be demolition and comprehensive re-development of the site.

9.2.7 The application represents a loss of Borough's employment land, but it is also necessary to assess the principle of both applications holistically and take into consideration any potential benefits of the scheme. These include economic, social and other environmental benefits that the development would bring, the nature of the site and its context. It is also noted that the proposed retail food store would provide approximately 40 jobs and a further 60 jobs for Drive-thru units, which would provide economic benefits to the town. Consequently, it is considered that the proposal would comply with relevant local and national policies.



### 9.3 Sterilisation of adjoining land/site to east

9.3.1 The parcel of land to the east is outside of the application site boundary but previously formed part of the overall site and also falls within the defined existing 'good quality employment site'. The proposed development would remove any access arrangement internally to the parcel of land to the east. There is no form of access from Ashby Road East or the adjoining J23 Lorry Park site. Supporting statements have been provided that the land to the east would either be sold to the adjoining employment use as part of their expansion plans or be retained by the applicant for an alternative employment use. The installation of a new access arrangement for the land to the east together with any development/use would require express planning permission and would be subject to consideration as part of any separate planning application. It is therefore considered that the potential use of the land to the east for employment purposes would not be sterilised by the proposal.

### 9.4 Demolition of existing building (Full & Outline)

9.4.1 The existing flat roofed building to be demolished is generally uniform in design, constructed from brickwork and glazing which run vertically within their respective elevations. The main entrances with large areas of glazing and canopies are situated on northern and western elevations of the building. The building has little architectural value or significance individually or collectively. It is not statutory or locally listed building and is also not situated within, or close to, a Conservation Area.

9.4.2 In terms of context the visual character of the site is currently considered to be very poor, with the building situated on the southern part with northern and eastern parts laid out as hardstanding area for car parking and its poor appearance exacerbated by its condition. There is buffer of trees protected under Tree Preservation Order along southern and part of western boundary along Ashby Road East and the junction with Leicester Road.

9.4.3 From the supporting statements and site visits it is considered that the building is not fit for purpose for business office/industrial use due to its layout, condition and energy performance. It has also been subject to vandalism, trespass and it is in poor state of repair, which would require significant amount of investment to return it to its former use. Consequently, the principle of demolition is considered acceptable. In any event, the demolition would be permitted development.

### 9.4 Design and layout

9.4.1 The application has been submitted in hybrid form, the design elements of the retail food store and Drive-Thru units are considered separately as follows:

#### *Retail Food Store (Full application)*

9.4.2 The surrounding area is mixed commercial and residential in character. The residential estate to the north and east comprises modern two-storey dwellings. The industrial/ warehouse units are situated on the opposite junction of Leicester Road and Ashby Road Central to the west and Lorry Park to the east and includes mixture grey/ blue cladding and brick.

- 9.4.3 The design and appearance of the retail food store is of a standard design for the brand. The building would be contemporary in appearance, with extensive curtain walling and glazing to the eastern and southern elevations together with colour variation of cladding material, entrance canopy etc. would break the overall elevation and add visual interest to the most visible elevations from Ashby Road East and Leicester Road elevation. The simple palette of materials for retail food store would comprise silver and anthracite grey cladding with black brickwork plinth. The aluminium framed and glazed shop front, finished in powder coated anthracite. Overall, the appearance is considered to be acceptable and very substantially better than the current building on the site, subject to imposition of a planning condition to secure samples of proposed materials.
- 9.4.4 The building is single-storey with overall height of 6.18m up to the ridge and 5.05m to eaves height and is considered comparable to two-storey properties and industrial/warehouse buildings within the immediate vicinity. Overall, it is considered that the proposed height and massing would not appear out of character within the street scene or in the wider area.
- 9.4.5 In terms of layout, the proposed retail food store building would be situated on the eastern part of the site, which would allow for access road through the centre, servicing to the northeast, car parking to the south and east. In terms of space around the building and wider site, the proposal would retain majority of existing trees on southern and some on western boundary and there would be additional landscaping proposed to include tree planting to include new tree buffer to the east within the car park, along perimeter boundaries/ access routes such as Fairway Road South, Leicester Road and rear of store and residential dwelling house to the east, which is discussed in detail below.

#### *Drive-thru units (Outline)*

- 9.4.6 All matters are reserved except access in relation to Drive-thru buildings to west of the site. A future reserved matters application is likely to resolve an acceptable form of development within the context, with layout, scale, appearance and landscaping open for future considerations.
- 9.4.7 Consequently, it is considered both elements of the proposal would comply with NPPF, policies CS2, CS11 and CS13 of Charnwood Core Strategy, EV/1 of Local Plan.

#### 9.5 Impact on trees and landscaping (Full & Outline)

- 9.5.1 The southern, northern and western boundaries to application site consists of trees, grassed area, hedgerows and vegetation. The revised Arboricultural Impact Assessment and tree report confirms a total of 21 trees plus two groups (cypress tree & hedge) and a small section of one group would be removed to facilitate the proposed development. The Council's Tree Officer has raised no objections raised to the removal of any trees on perimeter boundary on Fairway Road East and Leicester Road or two groups located centrally within the site boundary.

- 9.5.2 All of the trees on the southern boundary and part of western boundary at the junction of Leicester Road and Ashby Road East are protected by Tree Preservation Order (TPO) (East of Leicester Road – Ashby Road junction, Shepshed 2021). The purpose of the TPO was to maintain trees and green corridor along Ashby Road East and Leicester Road junction. TPO relates to an area with ‘*all trees of whatever species*’ and not individual or group of trees on site. The buffer of trees is a prominent feature along Ashby Road East and any loss of trees would result in a significant visual change and effect amenity value. Charnwood Tree Officer considers that the tree areas have significant amenity and landscape value.
- 9.5.3 A revised assessment and tree survey confirms that the trees for roughly two thirds of the length of the site are to be retained, which are protected by TPO. The Council’s Tree Officer has reviewed the proposal and raised no objections to the loss of 10 no. trees (6 no. ‘category C’ (smaller trees or considered to be low quality) and 4 no. ‘category U’ (poor quality either dead, dying or dangerous) adjacent to the proposed car park on the southern boundary of the retail food store as they are internal to the site and their removal together with what is being retained would not lead to a break in the landscape value of the tree line from the Ashby Road East. However, the Tree Officer has raised objection to the removal of 10 no. trees (7 no. Category C and 3 no. Category B trees) along southern boundary at junction of Leicester Road and Ashby Road East, where supporting information have confirmed that the removal is required in order to make a break in the tree line to allow the site to be viable from a commercial perspective and to allow visibility/ natural surveillance into/ from the site.
- 9.5.4 The Council’s Tree Officer has also raised concerns in relation to dimension of root protection area of retained protected trees on the perimeter boundary to Leicester Road and the possible extent of grassed area to be lost. The report and plans show a line representing that the tree protection fencing in line with BS5837 and geo textile ‘no dig’ construction method. The Drive-thru unit on southern part of the site is only in outline form only and amongst matters to consider is design and layout. On this basis, it is considered that the details could be addressed at reserved matters state or through submission of a condition for amended arboricultural method statement.
- 9.5.5 A landscaping scheme has been submitted, which has been amended during the course of this application. The proposal retains a number of trees protected by TPO’s to include large section on Ashby Road East and a significant oak tree on Leicester Road. There is mitigation proposed in the form of tree buffer/woodland area to the eastern part of the site. The site layout also provides further mitigation in the form of tree, hedgerow and ornamental planting across the site to include along highway frontages. Whilst it is regrettable to the loss of these protected trees as it is inevitable that the replacement trees would not reach their full potential, in terms of their visual contribution for a number of years and would not replicate the uniformity or fill the gap at the junction of Leicester Road and Ashby Road East. However, the retention of existing trees/vegetation together with proposed mitigation measures for replacement trees (to include woodland), shrubs and ornamental planting would provide structural variety and contextually appropriate contribution to landscape and visual amenity. Supporting statements confirm a total 190 new trees (151 new trees within woodland area and 39 within commercial area) are proposed across entire site. Consequently, the proposal would comply with relevant policies in the Core

Strategy, particularly Policy CS2 and CS13 of Core Strategy, EV/1 of Local Plan and the NPPF.

9.6 Impact on ecology (Entire site – Full & Outline)

- 9.6.1 Core Strategy Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The proposal involves demolition of existing building, part clearance/ removal of trees, scrub and habitat across the site.
- 9.6.2 An updated Biodiversity Net Gain Assessment and Biodiversity Metric calculation tool have been submitted that assessed pre-development and post development baseline. The applicant has used 'DEFRA Metric' assessment and concludes that the proposal would be capable of achieving an overall Biodiversity Net Gain on site, which would comply with Policy CS13 of Core Strategy. Conditions for biodiversity enhancements would be imposed to secure retention/implementation of a landscaping scheme and landscape and biodiversity management plan. It is considered that it is reasonable to impose a lighting condition to ensure low level or directional lighting is used to existing and proposed tree/ vegetation buffer to the south and east of the site.
- 9.6.3 Consequently, the proposal, subject to imposition of conditions, is considered acceptable and would comply with Policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

9.7 Impact on amenity of adjacent properties (separation distances, privacy etc.)

- 9.7.1 Core Strategy Policy CS2 and saved local plan policies EV/1 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of the proposed development. The Charnwood Design SPD (2020) also provides spacing standards and guidance in order to ensure an adequate level of amenity.

*Full (Retail food store)*

- 9.7.2 Concerns have been raised by neighbours in relation to loss of privacy, light and outlook. The nearest sensitive receptor to the proposed retail food store building are existing residential dwellings on Fairway Road South and Brendon Close to the east of the site. The existing gardens to residential dwelling house on Brendon Road (no. 1-5) have a staggered building line and would back onto the rear of the proposed food store building, where there is intervening landscape buffer and acoustic fencing proposed. No. 3-5 Brendon Close would be located approximately 17.8m from the rear elevation of the store building and approximately 35m from the plant area to the rear of food store building. No. 1 Brendon Close would be situated approximately 23m from the rear of the proposed building. Nos. 284-286 front onto Fairway Road South and there is intervening single-storey garage element, proposed landscaping and acoustic fence, with side windows to the dwellings situated approximately 26m from the loading/ unloading bay on the northern part of the site.

- 9.7.3 There is ground difference of approximately 2m (with the application site on the higher ground) and the proposal seeks to retain the existing boundary, install 2 metre high acoustic fence together with a planting scheme to include trees between the proposed retail food store building and adjoining residential garden/properties on Brendon Close and Fairway Road South Road on amenity grounds. Amended plans have been provided to include sections plan showing the proposed development in context to adjoining properties on Brendon Close and Fairway Road South. The proposed food store building would be single-storey pitched roof design, which measures approximately 5m to the rear. It would be classed as two-storey building in height for the purposes of calculating separation distance and any overbearing impact. Charnwood Design Guide SPD state that separation distance between the ground floor habitable windows and opposing two-storey flank wall would be 12.5 metres. It also highlights that the separation distance needs to be adjusted by 1m for every 1m ground level variation. Given the proposed separation distance of 17.8m between rear of food store building taking into changes of ground levels of approximately 2.3m together with proposed planting scheme and boundary treatment/ acoustic fencing, it is considered that there would not be an unacceptable overbearing impact on the adjoining occupiers at no. 1-5 Brendon Close.
- 9.7.4 The proposed development would be a commercial development and would not have any rear or side facing windows and as such it is considered that there would not be a material loss of privacy to the neighbouring residential dwellings within immediate vicinity of the site.

*Outline (Drive-thru Units)*

- 9.7.5 There is indicative plans submitted at this stage and it is considered that a suitably designed scheme could be provided with regards to separation distances, light, privacy etc. which complies with the provisions of the Charnwood Core Strategy, Local Development Plan and Design SPD.
- 9.7.6 Consequently, the proposal complies with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, NDG and the guidance set out in the Design SPD's to protect residential amenity.

9.8 Impact on residential amenity (Noise, Odour, etc.)

*Full (Retail food store)*

- 9.8.1 The application has been supported by noise impact assessment and supplementary additional acoustic report that considers plant noise, Drive-thru units and re-positioning of the acoustic fencing.
- 9.8.2 The fixed plant area on the eastern side of the proposed retail food store building would be acoustically screened from adjoining dwellings by 2m high acoustic fencing along the site boundary resulting in a predicting rating level of -5db below the night-time background level. The Environmental Health team has raised no objections as the assessment of impact suggests this would be 'low' to neighbouring residential dwellings. They have recommended a condition to ensure that the assessment and fixed plant is implemented in accordance with details.

- 9.8.3 The proposal would retain existing boundary fence to the rear and side of gardens to existing dwellings on Brendon Close and Fairway Road South. The 2m high acoustic fence is proposed on eastern boundary along existing residential dwellings and would also wrap around service/ delivery area with planting proposed to the rear of retail food store building and to Fairway Road South frontage, which would assist to reduce noise levels for nearby residential. The Environmental Health Team has raised no objections subject to imposition of a planning condition securing further details for the acoustic fencing to be installed on site.
- 9.8.4 The proposed retail food store together with delivery area would be situated significantly closer to residential properties than the previous use buildings on site as cheque clearing centre. The Environmental Health team have recommended conditions for hours/ days of use and delivery and waste collection times are restricted in the interest of protecting residential amenity and to minimise noise impact during unsociable night times.
- 9.8.5 There are changes in ground levels across the site and the retail food store would sit higher than the adjoining residential dwellings to the east on Brendon Close. Indicative levels in the form of cross-sectional plans have been provided that are likely to be considered acceptable. However, it is recommended that a planning condition is proposed to agree proposed finish levels on site in order to protect amenity of adjoining occupiers on site and trees on site.
- 9.8.6 The supporting statements have confirmed that the store would operate a waste management plan which would include facilities for storage of recyclable waste and would be returned to a regional distribution centre for recycling and be generally limited to cardboard packaging materials. Any non-recyclable waste or other everyday waste would be minimal and would be disposed in bins which are located in a locked cage adjacent to the loading bay/ service ramp, where waste would be collected by approved contractors.

*Outline (Drive-thru units)*

- 9.8.7 The Drive thru units are only in outline form and supporting statement confirm that there is no information on the specific operators, their fixed plant or operating hours and only preliminary assessment has been made to gauge potential amenity implications. The Environmental Health Team has reviewed Supplementary Statement to Noise Impact Assessment and accept the conclusion are reasonable based on the assumptions made within the assessment. However, notwithstanding these conclusions, it would be reasonable to impose a further noise impact assessment condition, which would consider the specific use when this is established together with details for fixed plant, tannoy noise, traffic noise etc.
- 9.8.9 As the outline planning application includes the provision of a Drive-thru restaurant and coffee shop, the potential for odour from hot food preparation/cooking must be considered. Control and dispersal will be dependent upon many factors, including design, maintenance and operational efficiency of the extraction system, type of cooking activities undertaken, position of the extractor duct and weather conditions. However as these units are in an outline form, it is not clear what specific fume or odour control or noise mitigation measures are to be installed. A planning condition

could be imposed to require submission of fume extraction/ventilation details in order to protect amenity of adjoining residential occupiers within the immediate vicinity of the site.

9.8.10 Concerns have been raised in relation to increase in hours of operations and litter and adverse impact on amenity of residents and local environment. Conditions are proposed to recommend limits on operating hours for all uses on site. It is recommended that a waste storage and litter bin condition is imposed to include details for the location of litter bins/ waste storage facility together with any management and maintenance, which would also need to form part of any reserved matters application.

*Other residential amenity issues (Full & Outline)*

9.8.10 Concerns have been raised by residents in relation to demolition and construction process. It is acknowledged that there would be temporary disturbance occurring during any demolition, excavation and construction works on site. A planning condition could be imposed for construction traffic, method and management plan to include minimise impacts arising from the construction works. There is also a separate legislation in place to address any statutory nuisance experience by residents.

9.8.11 A planning condition could also be imposed requiring the submission of and approval of lighting details to minimise light intrusion to dwellings adjacent to the site, interest of visual amenity and protect biodiversity impact.

9.8.12 Overall, it is considered that the noise impacts and impact on residential amenity can be appropriately mitigated and as such are considered acceptable. Consequently, the proposal would comply with the provisions of Policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, NPPG and the guidance set out in the Design SPD to protect residential amenity.

9.9 Impact on land contamination (Full & Outline)

9.9.1 The application has been accompanied by Geo-Environmental Appraisal that covers the whole site and, on that basis, both full and outline application will be considered together in relation to ground conditions. The Appraisal provides a summary of current and historical uses and the potential for any contamination. The assessment suggests that as no elevated Contaminants of Concern (CoC) have been recorded based on the site having a commercial end use and no asbestos has been detected, the risk to site end users is Low. The Environmental Health Team have raised no objections subject to imposition of a planning condition to ensure that it is implemented in accordance with the appraisal and recommended further steps as detailed in section 8.7 as outlined within remedial strategy, which include additional topsoil samples, asbestos contaminated topsoil stripped/ removed from site, a thickness of 150mm to 300mm clean suitable topsoil placed in the soft landscaped area/ Made Ground, gas monitoring programme, etc.

9.9.2 A further planning condition is also recommended for amended remediation strategy for any contamination that was not previously identified is found during any

excavation or construction stage of the proposed development together with verification report. Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of Charnwood Core Strategy, Policy EV/1 of Local Plan and NPPF.

#### 9.10 Impact on air quality (Full & Outline)

9.10.1 An Air Quality Assessment has been submitted as part of supporting information and acknowledges that the proposal has the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation.

9.10.2 The air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and track-out activities during potential construction phase. The report concludes that the use of good practice dust control measures would provide suitable mitigation for the development and reduce potential impacts from dust generated by demolition, earthworks, construction and track-out to an acceptable level. Environmental Health have recommended imposition of a condition to ensure compliance with Assessment and table 20 Fugitive Dust Emission Mitigation Measures of the assessments during construction phase of the development.

9.10.3 With regards to operational emissions, the assessment concludes that the impacts on annual mean nitrogen dioxide (NO<sub>2</sub>) and fine particulate (PM<sub>10</sub>) concentrations as a result of traffic generated by the development were predicted to be negligible at all sensitive receptor locations. The Environmental Health Team are satisfied with the content and its conclusions and raised no objections to the proposal.

9.10.4 Consequently, the air quality impact is considered acceptable and the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of Charnwood Core Strategy, Policy EV/1 of Local Plan and NPPF.

#### 9.11 Impact on highway safety (Full & Outline)

9.11.1 "Saved" Policy TR/18, of the Charnwood Local Plan, sets out parking standards in respect of development proposals. Paragraph 108 of the National Planning Policy Framework outlines that development proposals should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109, of the National Planning Policy Framework, outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. When consideration planning applications, the Local Highway Authority uses the guidance and standards contained within the Leicestershire Highways Design Guide (LHDG).

9.11.2 The Local Highway Authority have considered access arrangement to include accompanying details such as Transport Assessment, Technical notes, Stage Road Safety Audit etc. that have responded to points raised with the initial submission details and concerns raised by ASDA and local residents.



9.11.3 The application has been submitted in hybrid form, the impact on highway safety of the retail food store and Drive-Thru units are considered as follows:

*Site access, parking, transport sustainability and off-site works on Fairway Road South*

9.11.4 The revised plans have been submitted showing proposed highway works in relation to corner radius to both western and eastern side of access and vehicle swept path analysis. Concerns in relation to HGV delivery vehicles have now been alleviated with additional vehicle swept path plans provided together with changes that show compound curve and taper on the western corner of the site access which would reduce the distance over HGVs exiting left out of the site pass onto the opposing carriageway of Fairway Road South. Whilst HGVs turning right into the site will require both sides of the site access road to do so, the Local Highway Authority consider this is acceptable, as these movements will be infrequent in nature. The Local Highway Authority consider that the design is now acceptable and any outstanding concerns, in the interest of highway safety, can be addressed through a planning condition to secure a Delivery and Servicing Management Plan, which would ensure that delivery/service vehicles will be managed entering and egressing the site, and that movements will be restricted to appropriate time periods.

9.11.5 A parking survey has been carried out at the request of the Local Highway Authority, which demonstrates that some parking occurs on the northern side of Fairway Road South between the site access and Leicester Road to the west. The surveys also identified that there was no resident/visitor parking on the southern side of the carriageway between the existing site access and Leicester Road. In response, the mitigation measures proposed include width of carriageway increased to 8m along the site frontage, 5 no. dedicated for on-street parking bays on the northern side each measuring 2m width by 6m length that takes into account of shared accesses and bus stop. As a result, it would effectively leave a 6m carriageway width. The Local Highway Authority consider that measures proposed are considered acceptable.

9.11.6 The demand for crossing facility at Fairway Road South has been reviewed by the applicant. The revised plans for proposed works show inclusion of an uncontrolled pedestrian crossing with a build out to be provided to the west of the site access in order to provide a safe point to cross Fairway Road South. The Local Highway Authority have reviewed the proposed uncontrolled crossing facility and have raised no objection as it provides sufficient visibility for and of vehicles entering Fairway Road South from the mini-roundabout junction with Leicester Road. The supporting information and plans also seek to rectify and reinstall tactile paving at the uncontrolled crossing point on Fairway Road South arm of the mini roundabout. The Local Highway Authority consider that the measures proposed above are acceptable subject to imposition of a planning condition to ensure that they are implemented in accordance with approved details.

9.11.7 The application is supported by a Travel Plan, which the Local Highways Authority consider to be acceptable subject to imposition of a planning condition. There is pedestrian access to the retail food store is also proposed from Ashby Road East (A512), which would be conditioned to secure details for pedestrian linkage between the application site and Ashby Road East. This would ensure that sustainable modes

of transport are promoted and bought into use prior to occupation of the retail food store building.

#### *Junction capacity*

- 9.11.8 Fairway Road South/Leicester Road mini-roundabout – the Local Highway Authority reviewed the submitted model and confirm that the junction operates within practical capacity for all peaks in the year 2026 year scenario on the basis of the adopted flows.
- 9.11.9 Leicester Road/Cambridge Street priority T junction - the Local Highway Authority reviewed the submitted model and confirm that the junction operates within practical capacity for all peaks in the year 2026 year scenario on the basis of the adopted flows.
- 9.11.10 Leicester Road/Kirkhill/Forest Street - the Local Highway Authority reviewed the submitted model and confirm that the junction operates within practical capacity for all peaks in the year 2026 year scenario on the basis of the adopted flows.

#### *Junction capacity - Off-site impacts (Ashby Road East (A512), Leicester Road and Ingleberry Road)*

- 9.11.11 The Local Highway Authority have reviewed information submitted and consider the impact of the proposed development to be significant at this junction in the AM peak and requested that mitigation scheme be considered to mitigate the overall worsening of practical reserve capacity (PRC). The mitigation scheme put forward by the applicant proposes to construct a pedestrian island on the A512 junction together with associated carriageway (Leicester Road) widened to allow controlled pedestrian movements on that arm to be staggered. Given that this is the only arm with controlled pedestrian crossing facility, the Local Highway Authority consider that the splitting of the crossing into two separate pedestrian crossing movements would result in movements that can run with traffic in different phases. The supporting information for improvement scheme includes vehicle swept path analysis to show that the improved junction can satisfactorily accommodate HGV movements. The Local Highway Authority have raised no objections subject to a condition to ensure proposed improvements to Leicester Road are implemented in full prior to occupation of any part of the development.

#### *Highway Safety*

- 9.11.12 The Local Highway Authority have reviewed its latest records and can confirm that there have been no additional Personal Injury Collision (PIC) data in the locations considered and are satisfied that that the proposed development would not exacerbated the existing highway safety situation.

#### *Trip Generation*

- 9.11.13 The trip rates have been provided for supermarket and separate Drive-thru restaurant and coffee shop elements to align with submitted traffic flow ('TRICS') data and Highway Technical Note (HTN), which are based on the specific peak

periods. The Local Highway Authority are now satisfied with the trip rates for all land uses proposed on site.

*Internal Layout (Full - retail food store)*

9.11.14 The proposed car park for the retail food store would provide 125 spaces and have based on the level required from an operational perspective, and a similar level of provision across the country. The Local Highway Authority have confirmed that the parking guidance within the LHDG sets out a ratio of 1:14 spaces for A1 food retail, a maximum total of 129 spaces would be required plus disabled and parent and child spaces. The disabled and parking and child parking space is proposed directly in front of the building's entrance. Electric vehicle charging points are proposed for 4 spaces and 6no. cycle spaces proposed for staff and customers. The Local Highway Authority confirmed that the level of parking provision is considered acceptable subject to imposition of a condition to ensure parking together with turning facilities are provided prior to the occupation of the retail food store.

*Internal layout (Outline – Drive-thru units)*

9.11.15 The Drive-through element of the application is in outline form and the detailed matters to include layout would be subject to change to include any car parking provision and servicing arrangements, which can be dealt with at reserved matters stage.

9.11.16 Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and Policy CS17 is concerned with encouraging sustainable transport patterns.

9.12 Flood risk & sustainable drainage (Full & Outline)

9.12.1 Policy CS16 and NPPF does not permit development if it would be at risk of flooding. A Flood Risk Assessment and Drainage Strategy has been submitted, which considers the entire site and covers both the full and outline applications.

9.12.2 The application is approximately 1.65 ha brownfield site that is located within Flood Zone 1 on EA's online flood map being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The Lead Local Flood Authority have reviewed the submitted Flood Risk Assessment and note that the proposal development seeks to discharge at 13.2 l/s via an attenuation tank to the on-site culverted watercourse. Calculations have also been provided to demonstrate the site is resilient to flooding up to the 1 in 100 year return period plus a 40% uplift in anticipated volumes due to climate change. The proposed site plan also provides suitable filter drains to allow sustainable urban drainage system provision on site.

9.12.3 The Lead Local Flood Authority have raised no objections to both elements of the hybrid proposal subject to imposition of pre-commencement planning conditions in relation to detailed surface water drainage scheme, management and long-term maintenance of surface water drainage system. Environment Agency has confirmed that the development within flood zone 1 and therefore we have no fluvial flood risk

concerns associated with the site. They also confirm that there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. Severn Trent have also raised no objections to the proposal. Consequently, the proposal is considered acceptable, subject to conditions, to comply with Policy CS16 of Charnwood Core Strategy and NPPF.

#### 9.14. Impact on heritage asset (Full & Outline)

9.14.1 The closest listed building and Registered Park is Garendon Park, which is located to the east approximately 1km away from application site and Forest House, 25 Leicester Road to the north approximately 700m away from application site. Shepshed Conservation area is also situated to the north approximately 800m away from application site. Due to the distance, topography, intervening vegetation, existing built form, which would form a physical and visual buffer between these listed assets or conservation area and the application site, it is considered that the proposed would not contribute to or harm their significance of these heritage assets or conservation area.

9.14.2 Consequently, the application therefore accords with Policy CS14 of the adopted Core Strategy and the requirements contained in the NPPF which also seeks to protect the setting of historic assets.

#### 9.15 Sustainability and low carbon construction techniques

9.15.1 The proposed retail food store building with its choice of materials would be designed to meet high standard of energy efficiency. The applicant's supporting statement confirms that the proposal would only use environmentally friendly, energy efficient freezers, LED lighting etc. There is also commitment to recover energy in the store building from the waste heat generated from the chiller units. The applicants have also confirmed that they invested in regional distribution centres, which have been set up across the UK to supply stores and will minimise the amount of road travel meaning a lower carbon footprint.

9.15.2 The site layout proposes 4no. Electric Vehicle Charging Points (EVCPs) located within the car park adjacent to main entrance to the retail food store. Supporting statements confirm that further electric charging points would be provided for outline element (Drive-thru units) of the proposal. This is positive contribution towards promotion of sustainable low carbon development. A planning condition could be imposed for details of electric vehicle charging points to be provided within the proposed development for full and outline elements. Consequently, the proposal in the interest of air quality and climate change would comply with policy CS16 of Charnwood Development Plan and NPPF.

#### 9.16 Crime & public safety

9.16.1 Concerns have been raised by residents in relation to noise, disturbance and anti-social behaviour. The supporting statement confirms that the site and any buildings have been designed with 'Secure by Design' initiative, where principles have been adopted, including siting the development to offer natural surveillance over car parks, position of cycle storage, bollards and footpaths to be well lit during hours of

darkness. Leicestershire Police have raised no objection to the proposal. However, it is considered that it is reasonable to impose a number of planning conditions such as lighting, CCTV, boundary treatment and details of proposed pedestrian footpath from A512 Ashby Road East if planning permission is to be granted. Consequently, the proposal, subject to these conditions, would not have adverse effect on the fear of crime in the locality and would provide a safe and accessible environment and comply with Policy CS2 of Core Strategy and NPPF. Indeed, the site is at present experiencing these issues and they would be alleviated by redevelopment of the site.

9.17 Planning Obligations/ S.106 Agreement

9.17.1 Infrastructure Policies CS1, CS8, CS9, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within the Community Infrastructure Levy Regulations 2010 (Regulation 122) such requests must be:

1. necessary to make the development acceptable in planning terms,
2. directly related to the development and
3. fairly related in scale and kind.

Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Charnwood Borough Council Economic Regeneration & Development	<ul style="list-style-type: none"> <li>• Off-site contribution of £50,000 towards public realm improvements in Bull Ring, Market Place and Hall Croft within Shepshed town centre</li> </ul>
Sustainable Transport	<p>Full element</p> <ul style="list-style-type: none"> <li>• Travel Packs - one pack per employee at £52.85 (average) per pack. If not supplied by LCC, sample Travel Pack submitted to and approved in writing by LCC with administration charge of £500</li> <li>• Six month bus passes – one pass per employee at cost of £360 (average) per pass</li> <li>• STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000</li> <li>• Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as</li> </ul>

	<p>monitoring and implementation of remedial measures</p> <p>Outline element</p> <ul style="list-style-type: none"> <li>• Travel Packs - one pack per employee at £52.85 (average) per pack. If not supplied by LCC, sample Travel Pack submitted to and approved in writing by LCC with administration charge of £500</li> <li>• Six months bus passes – one pass per employee at cost of £360 (average) per pass</li> </ul>
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9.17.2 These contributions to include public realm improvements are considered to be compliant with the aims of the above regulations for the regeneration and mitigation of the impact on Shepshed Town Centre and would allow the necessary infrastructure to meet policy CS24 and meet the statutory tests contained in Regulation 122, and the requirements of paragraph 57 of the NPPF.

9.17.3 Representation has been received from Shepshed Town Council as to whether any contributions can be secured as part of a S.106 Agreement. However, no details have been provided to specify the purpose of such funding, its amount or how it is made necessary by the proposal. As such, the Local Planning Authority is unable to make assessment on whether it meets statutory tests as set out in the Community Infrastructure Levy Regulations.

## 10. Conclusion

10.1 Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise. The relevant policies within the Core Strategy and Local Plan are considered consistent with the NPPF and as such they attract full weight as development plan policies.

10.2 The proposed development for a retail food store building and Drive-thru units would be situated outside of any identified local shopping centre. Policy CS9 and NPPF paragraph 87 direct main town centre uses to town centre locations first, followed by edge of centre and out of centre locations. Main town centre uses proposed in out of centre locations are required to satisfy a sequential test to demonstrate that no other sites are available for the proposed development. The proposal passes the sequential test as it has been demonstrated that there are no other available and sequentially preferable sites which could accommodate the proposal. The significant changes and regeneration opportunities are considered to offer environmental and amenity benefits to comply with Core Strategy Policies CS1, CS8 and CS9, which sets out the retail strategy and regeneration of Shepshed.

10.3 Core Strategy Policy CS9 sets out the retail strategy and hierarchy whereby Shepshed is second in hierarchy after Loughborough and requires the avoidance of significant impact upon vitality and viability of the district centre. The proposal will not result in a significant adverse impact on vitality and viability of Shepshed district

centre or other centres in relation to either of the two tests set out in paragraph 90 of the NPPF. This takes into account local consumer choice and trade in local centres including Shepshed District Centre whilst having regards to the scale and nature of the proposal. The function and role of Shepshed will continue benefitting from ongoing regeneration initiatives such as public realm improvements. The proposal would also provide regeneration opportunities and complies with Core Strategy Policy CS8 and paragraph 11 of the NPPF.

- 10.4 There are no technical constraints relating to highways, or flooding that cannot be mitigated, biodiversity impact/mitigation net gain and landscape can be secured by way of planning conditions and obligations secured in a S.106 agreement. There would be no harm to heritage assets.
- 10.5 The proposal would result in loss employment land however there are no policies within Saved Policies of Local Plan or Charnwood Core Strategy which protects against the loss of employment land and/or buildings. Such a policy does appear in the emerging Local Plan but that is considered to carry limited weight. The application does provide economic, social and environmental benefits such as job creation (to include construction jobs), facilitating development of a vacant previously brownfield site, investment potential, increase consumer choice, generate activity and footfall, develop a vibrant community, improve area by reducing opportunity for crime, provide a safe and accessible development. The evidence base for the emerging draft Local Plan has confirmed there is a sufficient supply of employment land to meet demand in the Borough including and particularly in close proximity to the application site, such as the employment land off Fairway Road and Loughborough University Science and Enterprise Park.
- 10.6 Weighed against this there is harm to the loss of protected trees, which can be mitigated with planning conditions to secure a landscaping scheme that would provide for adequate replacement tree planting and biodiversity net gain on site.
- 10.7 The impacts of the proposed development on local infrastructure can either be offset within the application site or otherwise secured via planning conditions or obligations to secure commuted payments in a s106 agreement to improve local highways or public realm within Shepshed district centre.
- 10.8 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing the required retail food store and Drive-thru units in a sustainable location. The application should therefore be supported, subject to appropriate planning conditions being attached and contributions being secured to support local infrastructure as obligations in a S.106 Legal Agreement as set out below:

#### **11.1 RECOMMENDATION A:**

That authority is given to the Head of Planning and Growth and the Head of Governance and Human Resources 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:

Charnwood Borough Council Economic Regeneration & Development	<ul style="list-style-type: none"> <li>Off-site contribution of £50,000 towards public realm improvements in Bull Ring, Market Place and Hall Croft within Shepshed town centre</li> </ul>
Sustainable Transport	<p>Full element</p> <ul style="list-style-type: none"> <li>Travel Packs - one pack per employee at £52.85 (average) per pack</li> <li>Six month bus passes – one pass per employee at cost of £360 per pass</li> <li>STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000</li> <li>Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures</li> </ul> <p>Outline element</p> <ul style="list-style-type: none"> <li>Travel Packs - one pack per employee at £52.85 per pack</li> <li>Six months bus passes – one pass per employee at cost of £360 (average) per pass</li> </ul>

## 11.2 RECOMMENDATION B:

11.2.1 That subject to the completion of the S106 agreement in recommendation A above, grant Conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

## 11.3 Recommended conditions

<b>Conditions (Full)</b>	
1.	<p>Full</p> <p>The works to which this consent relates must be begun within three years from the date of this consent.</p> <p>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.</p>
	<p>Full</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p>



<p><b>2.</b></p>	<p>G19A74-P001 (Site Location Plan)  G19A74-P002 (Existing Site Plan)  G19A74-P003 Rev. H (Proposed Site Plan)  G19A74-P201 Rev. C (Proposed Elevations)  G19A74-P200 Rev. B (Proposed Floor Plan)  GA1974-P2023 (Proposed Roof Plan)</p> <p>REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
<p><b>3.</b></p>	<p>Full  The retail food store hereby approved shall not be subdivided, no mezzanine floor shall be inserted and nor shall any additional retail floorspace be created above that shown on the approved plans (Drawing: G19A74-P200 Rev.B) / specified in the application submission unless planning permission has otherwise been first been granted by the Local Planning Authority.</p> <p>REASON: To define the permission and to protect the vitality and viability of nearby Shepshed District Centre in accordance with policy CS1, CS8 and CS9 Core Strategy and the NPPF.</p>
<p><b>4.</b></p>	<p>Full  The Class E food store hereby permitted shall have a maximum Gross Internal Area of 1,786sq. m and a maximum net sales area of 1,315sq. m. The sales area shall be used primarily for sale of convenience goods, with a maximum of 263sq. m used for the sale of comparison goods.</p> <p>REASON: In order to define the permission and to reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby Shepshed District Centre in accordance with policy CS1, CS8 and CS9 Core Strategy and the NPPF.</p>
<p><b>5.</b></p>	<p>Full  The retail food store hereby permitted shall only take place between the hours of 0800-2200 Monday to Saturdays and 1000-1600 Sundays and Bank Holidays.</p> <p>REASON: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy CS2 of Charnwood Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>
<p><b>6.</b></p>	<p>Full  No deliveries or waste collections shall be taken at or dispatched from the site outside the hours of 0700 to 2200 hours Monday to Saturday and 0900-1700 hours on Sundays and Bank Holidays.</p>

	<p>REASON: In order to define the permission and safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>
7.	<p>Full</p> <p>The development hereby permitted shall be implemented in accordance with Section 2 (ALDI Plant Noise) of ALDI Shepshed Supplementary Planning Statement Acoustic Consultancy Report ADT 3424/S1 Revision A dated 30 September 2022 compiled by Acoustic Design Technology and Drawing No. 79-E0000 WAVE XX 00 DR R EN_60_60 00 -0001 A5 P00 (Proposed Plant Layout). All plant installations undertaken together with any acoustic treatment thereafter shall be in full accordance with the approved scheme.</p> <p>REASON: In order to secure the satisfactory development of the application site and to safeguard residential amenity in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the NPPF.</p>
8.	<p>Full</p> <p>No part of the development hereby approved shall be occupied (as shown on Drawing No. G19A74-P003 Rev. H and 79-E0000 WAVE XX 00 DR R EN_60_60 00 -0001 A5 P00) until details as to the exact location, design and appearance of the acoustic fence or any enclosure(s) has been submitted to and approved in writing by the Local Planning Authority. Such details shall also include the maximum level of noise that the fencing shall mitigate in accordance with ALDI Shepshed Supplementary Planning Statement Acoustic Consultancy Report ADT 3424/S1 Revision A. The approved details for the acoustic fencing or enclosure(s) shall be erected prior to the occupation of retail food store building and shall be retained as such thereafter.</p> <p>REASON: In order to secure the satisfactory development of the application site and to safeguard residential amenity in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the NPPF.</p>
9.	<p>Full</p> <p>The development shall be undertaken and maintained in accordance with the submitted Arboricultural Impact Assessment Plus Tree Survey (AR-5422-02-01, date August 2022) and Proposed Tree Protection Plan (G19A74-004 Revision I, date 27/10/2022).</p> <p>REASON: In order to secure the satisfactory development of the application site and to ensure the long term retention and protection of the trees and hedgerow to be retained at the site in accordance with policy CS2 and CS13 of Core Strategy, EV/1 of Local Plan and the NPPF.</p>
10.	<p>Full</p> <p>The landscape scheme as shown in Drawing No. DR-5422-01 Rev. A (Landscape Master Plan) dated 16.08.2022, shall be implemented within the first planting season (October to March) after completion of the permitted development or in accordance with programme submitted and approved in writing by the Local Planning Authority.</p>

	<p>Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size, number and species to comply with the approved plans unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In order to secure the satisfactory development of the application site and to ensure that the landscaping scheme is carried out and protected in the interest of visual amenity and to safeguard the appearance of the area in accordance with policies CS2 and CS13 of Core Strategy, EV/2 of Local Plan and the NPPF. to landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area</p>
11.	<p>Full</p> <p>The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site Plan drawing number G19A74 - P003 Rev H. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.</p> <p>REASON: In order to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004) and the NPPF</p>
12.	<p>Full</p> <p>The development hereby permitted shall be carried out in accordance with the Interim Travel Plan 40098-002 prepared by AMA dated December 2021 which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: In order to reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with</p>
<b>Conditions (Full &amp; Outline)</b>	
13.	<p>Full &amp; Outline</p> <p>No part of the development hereby approved shall be occupied until details for a new pedestrian link between application site to Ashby Road East (A512) as shown on Drawing no. G19A74-P003 Revision H (Proposed Site Plan) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when new pedestrian link shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and maintained thereafter unless agreed in writing with the Local Planning Authority.</p> <p>REASON: In order to secure the satisfactory development of the application site and to promote more sustainable transport choices in accordance with policy</p>

	CS2, Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.
14.	<p>Full &amp; Outline</p> <p>No part of the development hereby permitted shall be occupied until such time as the access arrangements and off-site highway works on Fairway Road South shown on Proposed Highway Works drawing number AMA/40098/SK021 have been implemented in full.</p> <p>REASON: In order to ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and provide formalised on-street parking and pedestrian crossing movements, in the interests of general highway safety and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
15.	<p>Full &amp; Outline</p> <p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m by 50m west of the site access and 2.4m by 100m east of the site access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004) and the NPPF</p>
16.	<p>Full &amp; Outline</p> <p>No part of the development hereby approved shall be occupied until details for a new pedestrian link between application site to Ashby Road East (A512) as shown on Drawing no. G19A74-P003 Revision H (Proposed Site Plan) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when new pedestrian link shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and maintained thereafter unless agreed in writing with the Local Planning Authority.</p> <p>REASON: In order to mitigate the impact of the development, in the general interests of highway safety and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
17.	<p>Full &amp; Outline</p> <p>No part of the development shall be occupied until such time as the off-site works shown on Proposed Improvements to Leicester Road drawing number AMA/40098/SK019 Rev. A have been implemented in full.</p> <p>REASON: In order to mitigate the impact of the development, in the general interests of highway safety and in accordance with policy CS2 and CS17 of</p>

	Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.
18.	<p>Full &amp; Outline</p> <p>No part of the development hereby permitted shall be first occupied until a Delivery and Service Management Plan which sets out management and control measures for goods vehicle movements associated with that part of the development has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Delivery and Servicing Management Plan shall be implemented in accordance with the approved details.</p> <p>REASON: In order to ensure controlled movements of large goods vehicles to and from the site in the interests of general highway safety and in accordance with accordance with policy CS2, Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
19.	<p>Full &amp; Outline</p> <p>No development shall take place (excluding demolition) until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings for each phase of development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site in accordance with policies CS2 and CS13 of Core Strategy, EV/1 of Local Plan, Design SPD and the NPPF.</p>
20.	<p>Full &amp; Outline</p> <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and completed prior to first occupation of the development.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework.</p>
21.	<p>Full &amp; Outline</p> <p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing</p>

	<p>by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with policy CS16 of the Core Strategy and the NPPF.</p>
<p><b>22.</b></p>	<p>Full &amp; Outline No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policy CS16 of the Core Strategy and the National Planning Policy Framework.</p>
<p><b>22.</b></p>	<p>Full &amp; Outline The development hereby permitted shall be implemented in accordance with Geo-Environmental Appraisal (Ref: GRO-21032-2857_1.1) dated 5<sup>th</sup> November 2021 compiled by Groundtech Consulting Limited to include recommended actions as detailed in section 8.7 – Outlined remedial strategy.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems and heritage assets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors, in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028) and NPPF.</p>
<p><b>23.</b></p>	<p>Full &amp; Outline In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. No further development shall be carried out until full details of a Remediation Strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details. Following completion of measures identified in the approved Remediation Strategy a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.</p>

	<p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems and heritage assets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors, in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028) and NPPF.</p>
24.	<p>Full &amp; Outline The air quality mitigation measures outlined in the Air Quality Assessment (Ref: 5050r1 dated 2<sup>nd</sup> December 2021) shall be carried out in accordance with the recommendations and specifications in the report to include Fugitive Dust Emission Mitigation Measures detailed in table 20 and implemented during the development. Thereafter, the mitigation measures shall be retained as approved and in accordance with Air Quality Assessment.</p> <p>REASON: In order to secure the satisfactory development of the application site and to ensure To ensure compliance with air quality in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028) and NPPF.</p>
25.	<p>Full &amp; Outline The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.</p> <p>REASON: To ensure a high quality of external environment, to complement the development proposals, to safeguard the amenities of occupiers of premises/dwellings in the vicinity and to protect and reinforce local character in accordance with policy CS2 of Core Strategy, policy EV/1 and the NPPF.</p>
26.	<p>Full &amp; Outline The development hereby approved shall not be brought into use until details of the boundary and surface treatment between the two parts of the site (Class E food store and Class (a)) or (b)/ Sui Generis) Drive thru coffee or restaurant) have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained until the development pertaining to the outline planning permission has been constructed.</p> <p>REASON: In order to ensure safe and efficient operation of the car park and servicing of the Class E food store and to safeguard amenity of residential occupiers within the immediate vicinity of the site in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the NPPF.</p>

<p><b>27.</b></p>	<p><b>Full &amp; Outline</b>  Prior to occupation of the development hereby approved, full details of the electric charging points showing their proposed locations, type and specifications shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the approved details prior to the first occupation of the development and shall be retained and maintained for use at all times.</p> <p><b>REASON:</b> In order to ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles in the interest of air quality and help mitigate climate change in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028) and the NPPF.</p>
<p><b>28.</b></p>	<p><b>Full &amp; Outline</b>  No development shall commence on the site until a construction/ traffic management plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for details of the following:</p> <ul style="list-style-type: none"> <li>• Routing of construction traffic</li> <li>• Parking of vehicles of site operatives and visitors</li> <li>• Loading and unloading of plant and materials</li> <li>• Storage of oils, fuels, chemicals, plant and materials used in constructing the development</li> <li>• Erection and maintenance of security hoarding,</li> <li>• Wheel-wash washing facilities and road-cleaning arrangements</li> <li>• Use of water suppression</li> <li>• Hours of work on site, including deliveries and removal of materials</li> <li>• Location of temporary buildings and associated generators, compounds, structures and enclosures,</li> <li>• Routing of construction traffic</li> <li>• Timetable for their provision</li> </ul> <p>The construction of the development shall thereafter be carried out in accordance with the approved details and timetable and shall be adhered to throughout the construction period.</p> <p><b>REASON:</b> This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policy CS2, CS11 and CS13 of Charnwood Core Strategy (2011-2028), policy EV/1, TR/4 and TR/18 of Local Plan (2004) and NPPF.</p>



<b>29.</b>	<p><b>Full &amp; Outline</b>  A landscape and habitat management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.</p> <p><b>REASON:</b> To protect the landscape character and amenity of the development site over the long term and to safeguard the nature conservation value of the site in accordance with Policies CS2 and CS13 of Core Strategy, EV/2 of Local Plan and the National Planning Policy Framework.</p>
<b>30.</b>	<p><b>Full &amp; Outline</b>  A scheme for the provision of a network of closed circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The CCTV system shall be installed in accordance with the approved details prior to first occupation and thereafter maintained.</p> <p><b>REASON:</b> In order to secure the satisfactory development of the application site in accordance with policy CS2 of Charnwood Core Strategy (2011-2028) and the NPPF</p>
<b>Outline</b>	
<b>31.</b>	<p><b>Outline</b>  Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p><b>REASON:</b> In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<b>32.</b>	<p><b>Outline</b>  No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p><b>REASON:</b> To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
	<b>Outline</b>

<p><b>33.</b></p>	<p>The development hereby permitted shall be carried out in general accordance with the following approved plans:  GA19A74-P003 Revision H (Site Layout Plan)  DR-5422-01 Rev. A (Landscape Master Plan)  AMA/40098/SK021 (Proposed Highway Works) dated 01/12/2022</p> <p>REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
<p><b>34.</b></p>	<p>Outline  The Drive Thru units as identified on approved Site Layout Plan ref: GA19A74-P003 Revision H shall be permitted to operate within Use Class E(a) [Drive-thru coffee shop) or E(b)/ Sui Generis [Drive-thru restaurant] upon its first occupation. The units shall be used for no other purposes (including any other purpose in Class E of the provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.</p> <p>REASON: In order to define the permission and to reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby Shephed District Centre in accordance with policy CS1, CS8 and CS9 Core Strategy and the NPPF.</p>
<p><b>35.</b></p>	<p>Outline  No development shall progress above slab level until samples and details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.</p> <p>REASON: In order to secure the satisfactory development of the application site in accordance with CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
<p><b>36.</b></p>	<p>Outline  The landscaping and hard surface material details submitted pursuant to condition 33 above shall include:</p> <ol style="list-style-type: none"> <li>I. the treatment proposed for all ground surfaces, including hard surfaced areas;</li> <li>II. planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;</li> <li>III. finished levels or contours within any landscaped areas;</li> <li>IV. any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>V. functional services above and below ground within landscaped areas;</li> <li>VI. all existing trees, hedges and other landscape features, indicating clearly any to be removed; and</li> <li>VII. material to be used for hard and paved surfacing</li> </ol>

	<p>All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained.</p> <p>Any trees or shrubs which, within 5 years from the completion of the development, die, are removed, or become severely damaged or seriously diseased, shall be replaced in the next planting season by others of similar size and species to those originally required to be planted.</p> <p>REASON: In order to secure the satisfactory development of the application site and to landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and CS13 of Charnwood Local Plan and the NPPF.</p>
<p><b>37.</b></p>	<p>Outline</p> <p>The details submitted in pursuant of condition 33 shall include full details of the proposed boundary treatment of the site to shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the dwelling (s) hereby permitted and shall be retained thereafter.</p> <p>REASON: In order to secure the satisfactory development of the application site in accordance with Policy CS2 of Charnwood Local Plan (2011-2028), policy EV/1 of Local Plan (2004), Design SPD and the NPPF.</p>
<p><b>38.</b></p>	<p>Outline</p> <p>No development shall take place until full details of the tree protection measures for all trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed site specific Arboricultural Method Statement and a tree protection plan to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Design, Demolition and Construction 5837 (2012 and any subsequent edition), and the monitoring of tree protection measures during construction. The development shall be undertaken and maintained in accordance with the approved details.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to ensure the long term retention and protection of the trees and hedgerow to be retained at the site in accordance with policies CS2 and CS13 of Core Strategy, policy EV/1 of Local Plan and the NPPF.</p>

<p><b>39.</b></p>	<p>Outline Prior to the development being first brought into use, pursuant to Condition 33, details for the provision of waste facilities to serve the development to include management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The approved waste facilities and to serve the development shall be provided before the development is first brought into use and the facilities thereafter retained for the lifetime of the development.</p> <p>REASON: In order to secure the satisfactory development of the application site in accordance and to safeguard the character and appearance of the locality in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>
<p><b>40.</b></p>	<p>Outline The development hereby approved shall not be brought into use until a suitable receptacle for the disposal of litter has been provided and thereafter maintained within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority</p> <p>Reason: In order to secure the satisfactory development of the application site and to safeguard the character and appearance of the locality in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>
<p><b>41.</b></p>	<p>Outline Prior to occupation of development hereby approved, a detailed scheme for protecting existing dwellings from noise from fixed plant, traffic noise, tannoy noise, customer noise etc. shall be submitted to and approved by the Local Planning Authority in accordance with requirement of BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound. All works which form part of the scheme shall be completed before any part of the development is occupied and maintained as such in perpetuity.</p> <p>REASON: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>
<p><b>42.</b></p>	<p>Outline Details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and operation. The development shall be implemented in accordance with the approved details and thereafter maintained.</p> <p>REASON: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>

<p><b>43.</b></p>	<p>Outline  No deliveries or waste collections shall be taken at or dispatched from the site outside the hours of 0700 to 2200 hours Monday to Saturday and 0900-1700 hours on Sundays and Bank Holidays.</p> <p>REASON: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>
<p><b>44.</b></p>	<p>Outline  The use of this site hereby permitted as a coffee shop drive-thru shall not be carried out other than between the hours of 0800-2200 Monday to Saturdays and 1000-1600 on Sundays and Public Bank Holidays.</p> <p>REASON: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Policy CS2 of Core Strategy, EV/1 of Local Plan and the National Planning Policy Framework.</p>

# APPLICATION SITE

