

Item No. 3

Application Reference Number P/20/0721/2

Application Type:	Hybrid Planning Permission	Date Valid:	15/05/2020
Applicant:	Aldi		
Proposal:	Hybrid Planning Application consisting of: Full planning application for extensions to existing supermarket together with the creation of additional car parking and associated landscaping to include demolition of industrial works at 33 Albert Street; and Outline planning application with all matters reserved for the erection of 6x residential dwellings.		
Location:	1169 Melton Road Syston LE7 2JT		
Parish:	Syston	Ward:	Syston East
Case Officer:	Deborah Liggins	Tel No:	07864 603401

This item is referred to Plans Committee at the request of the Head of Planning and Regeneration as Ward Councillors have declared personal interests in the development and the application is of wider public interest.

Description of the Application Site

The application site is the current Aldi store located on the eastern side of Melton Road and also manufacturing premises located on the corner of Victoria Street and Albert Street, with the manufacturing buildings proposed to be almost wholly demolished. The overall and combined site amounts to approximately 8094 sq.m. The existing store, granted planning permission under reference P/05/1099/2, is served by 60 car parking spaces including 8 parent and 4 wheelchair accessible spaces. The store comprises warehouse space, a plant room, staff welfare facilities, retail floor space of 858 sq.m. and a loading bay located to the eastern end of the building and accessed from the north. The existing store is open between the hours of 0800-2200 Mon-Sat and 1000 until 1600 hours on Sundays and there are no proposed changes to these hours.

The site is located entirely within Flood Zone 1, this being land at least risk of fluvial flooding and is not within a Conservation Area. The site is at the southern edge of Syston District Centre as identified on the Proposals Map of the Borough of Charnwood Local Plan and approximately 500m from the train station and situated on a regular bus route running between Leicester and Melton Mowbray.

Public footpath J38 runs along the northern boundary of the site between Melton Road and Victoria Street and is unaffected by the proposal. The proposal involves new black metal railings adjacent to the path to continue the existing boundary treatment bounding the proposed extended car park.

To the south of the site is the mixed housing of Albert Street which is an older one-way street accessed off Melton Road and which serves a wider housing area and remaining

employment uses located on Victoria Street and Cross Street. The one way route is completed utilising Nelson Street and Wellington Street which runs parallel to the south.

The application is a hybrid proposal which includes full consideration of an extension to the store and the associated reconfiguration and landscaping of its car park. The application also seeks outline planning permission with all matters reserved for six dwellings fronting Albert Street, positioned to the south of the application site, which would back onto the car park of the proposed extended retail store.

Description of the Proposals

As mentioned, the application includes 2 elements:- a full application for the extension and alteration of the store to include the following elements:-

- An extension of the retail area of the store from 1369 to 1858 sq.m by extending the building eastwards (by 24.8m including new plant room).
- New refrigeration plant to the eastern extension
- New areas of warehousing and cold rooms
- A new and enlarged ramped loading bay located to the eastern end of the building and accessed from the east. This would allow reversed lorries to deliver direct to the warehouse at the same level with a curtain around the rear of the vehicle to reduce noise.
- A relatively small extension to the Melton Road elevation to provide relocated welfare facilities
- Improved customer toilets
- 119 space car park including 6 parent and 7 wheelchair accessible spaces. Retention of existing cycle parking facilities.
- New external 6m high columns and wall mounted lighting and provision of hard and soft landscaping
- Vehicular access to the site will remain unaltered.

And;

An outline proposal for the erection of up to 6 dwellings accessed off Albert Street, for which all matters are reserved for future consideration. This element covers approximately 1014 sq.m. of land which is currently designated as 'Primarily Employment Land' within the Borough of Charnwood Local Plan.

The existing industrial buildings are substantial brick and slate buildings which border the highway boundary and which contain a number of window and door openings on the boundary. An existing car park/service yard for the units is located off Albert Street.

Because of a levels difference of around 1.2m between the northern boundary of the site and the southern boundary with the rear of Albert Street dwellings, it will be necessary to create a retaining structure between the southern edge of the car park and the proposed residential garden boundary to the new dwellings. A 2.4m high acoustic fence is also proposed along a 70m section of the southern boundary of the site including to the rear of the new dwellings and 19-23 Albert Street.

Although an indicative layout of 6 dwellings including car parking for each unit is provided, this is illustrative only.

The application is accompanied by the following documents:-

- Planning Statement prepared by Turley Planning (April 2020) – this document sets out the history and context of the site. It also describes the trading philosophy of the store and sets out that unlike some other larger supermarkets which operate 24/7, Aldi stores operate between 0800 and 2200 hours Mon-Saturday and for 6 hours between 1000 and 1800 hours on Sundays to accord with Sunday trading laws. The statements also explain that the Melton Road store is substantially smaller than the standard size store Aldi now builds and since it was built, its product range has increased to around 200 lines. Whilst the existing store can accommodate that number of lines, its smaller retail space and narrower aisles gives a cramped appearance to the store and impedes customer movement around the store and the restocking of shelves. The store is also deficient in car parking.
- Drainage Strategy prepared by Inspire Design and Development (April 2020) – this sets out that the site falls approximately 2m from +55.5m AOD in the south to +53.5m AOD in the north – representing a gradient of around 1 in 70. 94% of the site is currently covered with buildings and hard-standing with the remaining 6% being soft landscaping. Barkby Brook lies 50m to the east. Mains combined public sewers are located in Melton Road, Albert Street and Victoria Street. The document assesses the flood risk of the proposal stating the site, being within Flood Zone 1 is at low risk of fluvial flooding but that Environment Agency mapping indicates some low to medium risk around the existing car park and store of surface water flooding. However, as the impermeable area of the proposed development will be similar to that of the existing site, there is not anticipated to be a significant change in surface water run-off and associated flood risk. The proposed drainage system would collect surface water run-off into an underground storage tank with the attenuated flow discharging to the sewer via a flow control device at a standard rate of 5l/s as opposed to the current rate of 25l/s. A separate application is expected to be made to Severn Trent for consent to discharge foul and surface water into the existing public sewer system.
- Transport Assessment prepared by Connect Consultants (April 2020). – This provides information about the transport context of the site and the proposal and assesses the vehicular attraction of the proposed extension and its effects on the highway network. The report also analyses the capacity of the existing junction with Melton Road and finds that the site is accessible by a choice of transport modes and will reduce reliance on the private car. The proposed car parking and existing access arrangement accord with local standards and service and delivery arrangements can be accommodated within the site alongside customer traffic. The report concludes that the proposal would have a negligible traffic effect which would not materially worsen highway safety, or collision incidents.
- Design and Access Statement prepared by STOAS Architects (April 2020) in relation to the store extension – This sets out that following the demolition of the existing factory buildings, the existing building façade to Victoria Street will be retained as boundary walling to the site by reducing the gable walls of the buildings to various

heights and bricking up of existing windows and door openings as shown on drawing number C15A140-P006. In this way, the historic industrial heritage of the site would be recognised. Proposed materials, boundary treatments and landscaping are all described within this document. The document also addresses how waste from both the development and the ongoing operations of the store will be disposed of or re-used and how the development follows 'Secured by Design' principles around crime reduction and prevention.

- Design and Access Statement prepared by SOAS Architects (April 2020) in relation to the residential element of the proposal – This sets out that the site is well related to local services and facilities and that the development would be of a similar character to surrounding dwellings, with off-road car parking for each plot. There are a number of different property styles in the vicinity from semi-detached to terraced two storey dwellings. The majority of these are of red brick construction. It is anticipated that each dwelling would have a private rear garden and that dwellings would typically be 2 storey.
- Travel Plan prepared by Connect Consultants (April 2020) – This is mainly directed towards staff employed at the site and sets out a strategy to reduce dependence on transport to and from work in the private car. It includes the promotion of alternative modes of transport and monitoring and review opportunities to benefit both workers within and operators of the business.
- Ecological Report – Preliminary Bat Roost Assessment prepared by Middlemarch Environmental (March 2020) – this assesses the potential of existing buildings and trees on the site to support roosting bats and is based on a survey carried out in early March. In summary, the existing Aldi store and its delivery area were found to have negligible potential for bat roosts, with buildings at the Syston Doors site also undergoing detailed survey. Buildings here were found to have negligible or low potential but with one building having high potential due to gaps in its brickwork, missing half bricks and gaps in the roofing tiles. It was therefore recommended that several buildings be subject to at least three further dusk emergence and /or dawn re-entry surveys during the optimum season to determine the presence or absence of protected species. All trees on the site were considered to have negligible potential for roosting bats. The report also advises on new external lighting and comments that it should be carefully designed to minimize potential impact to bats.
- Preliminary Ecological Appraisal prepared by Middlemarch Environmental (March 2020) – this report sets out that the application site is within 2km of an SSSI and 2 non-statutory sites within 1 km. The report makes several recommendations including biodiversity enhancement measures, lighting, habitat retention, excavations, nesting birds and roosting bats.
- Noise Impact Assessment prepared by Noise Solutions Ltd (16th March 2020) – this relates to proposed external plant and deliveries to the reconfigured and extended store and seeks to assess the resulting impact in terms of noise emissions when compared to existing noise levels. The survey examines noise emissions from the proposed plant in addition to that of commercial lorries based on up to 3 deliveries by articulated lorries in any 24 hour period and between the hours of 0630 and 2300 hours Monday to Saturday or between 0800 and 1700 hours on Sundays. The

assessment is based on both the existing dwelling occupiers as the nearest sensitive receptors and also future occupiers of the proposed dwellings which form part of the application. The results of the assessment demonstrate that the noise impact associated with deliveries to the store will be below the level at which a 'low impact' is expected, when assessed in accordance with BS4142:2014. The proposed external plan also meets the Council's usual requirements and noise levels would be within acceptable limits.

Development Plan Policies

Relevant policies relate to both commercial development and the provision of new housing and are as follows:-

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy – sets out the housing directions for growth over the plan period and establishes a settlement hierarchy of locations in terms of their sustainability.

Policy CS2 – High Quality Design – requires new developments to make a positive contribution to Charnwood resulting in high quality inclusive design which responds positively to its context and results in places where people would wish to live. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new development to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS3 – Strategic Housing Needs – seeks to manage the delivery of the Borough's housing need and ensure a good mix of house types, tenures and size of properties, having regard to identified housing needs and the character of the area.

Policy CS6 – Employment and Economic Development – sets out how the economic needs of the community might be met, including the provision of opportunities for manufacturing businesses to develop, re-locate and expand and the provision of small-scale, high-quality business units and offices.

Policy CS9 – Town Centres and Shops - sets out that town centre development will be encouraged for District and Local Centres where it supports their viability and vitality and where it is physically integrated into the defined centre and of an appropriate scale for that centre.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and which protects, enhances or restores biodiversity.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable

development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

Borough of Charnwood Local Plan

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 – Design - seeks to ensure a high standard of design and sets out nine design criteria which new developments should satisfy. These include the requirement for new development to respect and enhance the local environment, including the scale, location, character, form and function of settlements. Development should be of a design, layout, scale and mass which is compatible with the locality and neighbouring buildings. It should also safeguard the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residents.

Policy E/7 – Control of Employment Uses in Primarily Employment Areas – sets out how applications for development in identified Primarily Employment Areas will be considered, particularly in relation to proposed changes of use. The policy states that planning permission will be granted for business and industrial uses (Classes B1 and B2) provided that in locations adjacent to existing or proposed residential areas, residential amenities can be protected by appropriate measures. The supporting text for this policy explains that the Primarily Employment Areas comprise the main employment areas in the plan area where business, industry and warehousing will remain the dominant activities. In all new development, the Council is anxious to encourage compatible patterns of land use to safeguard neighbouring amenities and environmental quality and to ensure an adequate range of employment opportunities in areas of need. The policy therefore seeks to encourage such provision in appropriate locations.

Policy TR/18 – Parking in New Development indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The guidance indicates that a dwelling of up to 3 bedrooms should be provided with 2 car parking spaces and those dwellings with more should be provided with 3. The policy does however clearly state that these standards should be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Policy TR/21 – Planning Criteria for the Design and Layout of new Car Parks. This sets out the criteria against which proposals for new car parks will be assessed and includes a requirement to provide lighting, accessible spaces and landscaping.

Leicestershire Minerals and Waste Local Plan (Up to 2031)

This plan was adopted in 2019 and forms part of the Development Framework for Charnwood. The document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered and a monitoring framework is included to examine the efficacy and effects of those policies.

In terms of Charnwood, Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Other material considerations

Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The overarching aims are:

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

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 59 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward

where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 61 sets out that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

Paragraph 68 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. The paragraph then goes on to explain how such sites might be promoted.

Paragraph 73 sets out that local planning authorities are expected to maintain a 5 year housing land supply and should identify and annually update their supply of specific deliverable sites as measured against the overall housing requirement for the plan period. This should include a buffer and in Charnwood this is an additional 5% in order to ensure choice and competition in the market for land.

Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 85 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and sets out how planning policies should do this.

Paragraph 86 states that local authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre, nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 89 relates to applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date local plan, local planning authorities should require an impact assessment if the development is over a proportionate locally set threshold or default threshold of 2500m².

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and sets out how planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 111 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Chapter 12 (Paras 124-131) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 131 states that, in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by

- Protecting and enhancing valued landscapes, site of biodiversity or geological value and soils;
- Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- Maintaining the character of the undeveloped coast, while improving public access to it where appropriate.
- Minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 states that in determining applications for planning permission, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused
- If a SSSI is likely to be adversely affected, development should not be permitted. Where an adverse impact on the SSSI's notifiable species is likely, an exception should only be made if the benefits of the development would clearly outweigh local and national impacts
- Development where the primary objective is to conserve or enhance biodiversity should be supported
- Opportunities to incorporate biodiversity should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of

ancient or veteran trees, unless the need for development in that location clearly outweigh both its likely impact on the features of the site which make it special and any broader impacts on the national network of SSSI's

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

The Leicester and Leicestershire Strategic Growth Plan 2018

This document is a non-statutory plan but has been prepared and adopted by 10 partner organisations in Leicester and Leicestershire to provide a vision to address the challenges of the region until 2050. It identifies broad locations where development should take place and the infrastructure needed to deliver it which is envisaged to be delivered through local plans.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing and employment needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. 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; and 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 in new housing development.

Supplementary Planning Document - Charnwood Design (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. The document is a material consideration in the determination of planning applications.

Housing Supplementary Planning Document

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

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.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

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

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

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

S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that

Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

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

Relevant Planning History

Reference	Description	Decision & Date
P/90/1987/2	Syston Rolling Shutters – Erection of a storage building to rear of premises	Granted conditionally 12/09/1990
P/05/1099/2	Erection of a food retail store (Use Class A1 – 1364 sq.m.) with associated car parking	Granted conditionally 27/03/2006
P/06/0136/2	Display of 3 internally illuminated shop signs	Granted conditionally 27/03/2006
P/12/0611/2	Variation to Condition 17 of planning permission P/05/1099/2 to extend opening hours until 9.00 p.m. Mon-Sat	Granted conditionally 19/04/2012
P/13/1767/2	Variation of Condition 17 of planning permission P/05/1099/2 to extend opening hours until 10.00p.m. Mon-Sat	Granted conditionally 10/10/2013
P/16/1541/2	Variation of Condition 2 of planning permission P/13/1767/2 to allow opening on Bank Holidays	Granted conditionally 23/08/2016

Responses of Statutory Consultees

Leicestershire County Council Minerals Officer – comments that the proposed development lies within a Sand and Gravel Mineral Consultation Area and that Policy M11 of the Leicestershire Minerals and Waste Local Plan aims to protect potential mineral reserves from being sterilized by non-mineral development. However, due to the site being located in a built-up area it is unlikely that any mineral present at the site could be realistically worked. There are therefore no waste implications as a result of the proposal and no objection is raised by the Minerals Planning Authority.

Leicestershire County Council as Local Highway Authority

initially commented that the proposal did not fully assess the highway impact of the proposed development, but upon being supplied with additional information has revised its comments. The Highway Authority is now satisfied that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the submitted information, the proposal would accord with Paragraph 109 of the NPPF, subject to the imposition of highway related conditions as set out below.

Charnwood Borough Council's Environmental Protection Team

comment that the premises are currently located in an Air Quality Management Area declared for likely breach of the nitrogen dioxide (annual average) objective of the Air quality Regulations (England and Wales) 2000. No air quality assessment was initially provided but this was submitted on 31st July 2020.

The application includes additional external lighting but submitted details do not indicate whether this is to be switched off overnight and information accompanying the application does not contain vertical illuminance predictions to demonstrate if light would fall onto the windows of the nearest residential properties. The findings of the submitted Noise Impact Assessment are generally accepted although as it was based on a number of assumptions, it is recommended that several planning conditions be imposed in the event permission is granted. These would require external plant emissions to not exceed the limits set out in Table 11 of the acoustic report; an hours limit on deliveries and waste collections; vehicle mounted refrigeration units to be switched off when making deliveries; reversing warning signals on lorries to be disabled when headlights are switched on so there are no audible warnings at night; and the completion of the acoustic fence prior to the new delivery bay being operated.

Other Comments Received

Councillor S Bradshaw

shares the concerns of neighbours regarding the proposal in terms of losses of light, privacy, noise and dominance. Highway safety and the issues regarding car parking for the new residential development on Albert Street and all the other concerns expressed by neighbours are supported.

Several residents have objected to the proposal as follows:

19, 23, 32, 40 Albert Street
3 Langham Close
24 Wellington Street
+ 4 others (Address not supplied)

The above residents have raised a number of concerns which are summarised below:-

- Loss of privacy to the rear of Albert Street dwellings
- Loss of daylight/sunlight and overshadowing and resulting impact on mental health & fuel bills. The scale and dominance of the extension is therefore unacceptable.
- Increased noise, dust and fumes from relocated loading bay and additional cars
- Noise from the construction process
- Increased noise from heavy rain on the extended metal roof of the building
- Increased noise from relocated external plant and refrigeration units
- There is no need for the development
- The development will add to pressures on the current sewerage system
- The proposal will result in additional highway dangers and congestion within Melton Road
- Additional staff will park on neighbouring residential streets
- Trees with nesting birds will be removed from the site.
- Motorists already do not observe the zebra crossing near the site entrance.

- The location of the bin store will cause odour and vermin issues
- The submitted noise assessment is flawed
- The loss of jobs from the demolition of the existing manufacturing use.
- Syston does not need another large supermarket
- The proposed dwellings are not in keeping with other dwellings on the street
- Insufficient car parking to meet demands of proposed residential development
- Tandem parking for dwellings will not work and cars will not be able to reverse off drives because of on-street cars parked opposite.
- The residential development will cause additional congestion within Albert Street and additional waits at the junction of Melton Road and Wellington Street
- Additional dwellings within the town would put pressure on schools and medical services.
- Albert Street already experiences problems of speeding traffic and goods vehicles being impeded by parked cars.

In addition, the application is accompanied by 3 letters of support which welcome the additional car parking space and the opportunity to provide further jobs in the area. The proposal, with the re-location of Syston Doors, would also remove a number of large vehicle movements from Albert Street where conflict with residential parking has been an issue.

Non-Planning Considerations which have been raised.

A neighbour on Albert Avenue refers to loss of a view as the store extension would be directly to the rear and the view of the existing open car parking area would be lost. Property values are also feared to decrease as a result of the development. The development may result in damage or subsidence to older properties within Albert Street particularly if piled foundations are proposed to any part of the development.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

1. Principle of the Development – Retail & Residential
2. Loss of Employment Land
3. Design
4. Ecology
5. Residential Amenity
6. Highways and Car Parking
7. Landscaping

Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

Retail – The National Planning Policy Framework requires an assessment of town centre uses, (bar small scale rural offices or rural development), in terms of the sequential suitability of the site and, if an out of centre site is acceptable, in terms of its impact on existing and planned retail.

Sequential test

The development site falls outside the current Syston District centre as was defined by the former and now unsaved Policy CA/8 of the Borough of Charnwood Local Plan. The policy was replaced by CS9 of the Core Strategy which has similar policy aims of protecting and supporting the vitality and viability of town centres. This policy approach is considered to be consistent with Chapter 7 of the National Planning Policy Framework which concerns town centres.

The application is seeking permission to extend a food retail store (Class A1). A1 use is a 'town centre' use as defined by Policy CS9 and confirmed though the National Planning Policy Framework and Planning Policy Guidance note. Where town centre uses are proposed outside of established town centres, local planning authorities are required to apply a sequential test to the planning application. The sequential test requires that town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period), should out of centre sites be considered. The site is an edge of centre location in that it immediately abuts the District Centre boundary as established by the former Policy CA/8.

However, whilst the site was located at the edge of the identified District Centre the policy which defined those limits is no longer saved or part of the Development Plan. It is officer's opinion that the site is now functionally integrated within the District Centre when you consider the site and its locality currently. This was also explicitly recognised in the White Young Green "Charnwood Retail and Town Centres" Study which forms part of the evidence base for the emerging replacement Local Plan. Paragraph 4.4.27 of that study states that the ALDI store is a "key strength" of Syston District Centre and Paragraph 10.4.10 specifically recommends the sites inclusion within a revised District Centre boundary. Although this document forms part of the evidence base to the new local plan and is a material planning consideration, the current draft policies of the Emerging Local Plan can be afforded only limited weight in decision-making.

The applicant considers it would also not be appropriate to pursue the erection of a whole new additional purpose built store to achieve the desired increase in retail floor space. Other options have therefore been assessed and dismissed by the applicant, and found the current site to be sequentially preferable, because of the specific locational requirements of the proposal, (extension to an existing store), and the unique way that ALDI fit their delivery vehicles to loading bays, extensions to another available building, if there was one, would not be suitable.

On balance, and as it is considered by officers that the site now forms part of the district centre, the requirement to undertake a comparison of alternative sites, within the District Centre, as set out by Policy CS9, has been met and it is considered that this site is sequentially acceptable for the development proposed.

Retail Impact

Policy CS9 sets out that proposals adding more than 500 square metres of gross floor space should be subject to an impact test. The submitted Design and Access Statement and plans indicate that the existing Gross External Area (GEA) of store is 1386.4m², and the proposed GEA of store will be 1935.0m². This is an increase of 548.6m² (of which 511 sq.m. would be retail floor space), and so the impact test is triggered.

The applicant, in the submitted Planning Statement, suggests that existing product lines would not be increased as a result of the development and that additional operational space is sought to improve the customer experience and to facilitate easier stock replenishment during store opening times through the widening of aisles and the shortening of till queues.

The Planning Policy Guidance note also indicates that the “application of the test should be proportionate and appropriate for the given proposal” Given that the site is an existing supermarket, that there is no increase in retail offer beyond existing products, the proposed increase is only marginally above the retail impact threshold, and considering also the likelihood the site will be included within the defined boundary of the District Centre in the future, and already acts as part of the functioning District Centre, it is concluded that the requirement for a formal retail impact assessment should be dispensed with on this occasion

It is therefore concluded that the retail element of the proposal is sequentially acceptable and that it would not be likely to impact on existing, committed or planned retail facilities in the district centre. In this regard it meets the sequential and impact tests, set out within both the National Planning Policy Framework and CS9, and is acceptable in principle.

Residential – Syston is defined in the Settlement Hierarchy of the Charnwood Local Plan 2011-2028 Core Strategy as a ‘Service Centre’. It is a location which has a population of at least 3,000 people and a good range of services and facilities and good transport links to provide for the day to day needs of its residents. The supporting text to policy CS1 is clear that small scale development within settlement limits and within the built up area of the settlement will be supported. Six units in the context of Syston is considered to be small scale. It is therefore considered to be a sustainable location for new residential development and the proposal therefore accords with Policy CS1 of that document. The Council considers that new housing development is acceptable in principal within the defined limits to development for Syston.

On 31st March 2020 the Council published figures to demonstrate a 5.52 year supply of housing land availability. Its policies within the Core Strategy are also less than 5 years old and therefore considered to be up-to-date and carry full weight. The proposed development, including up to 6 dwellings would therefore contribute towards the Borough’s Housing land supply and assist in meeting the need for smaller homes.

Based on the above, the principle of residential development is considered to accord with Policy CS1 of the adopted Core Strategy.

Loss of Employment Land

The proposal to extend the retail food store and car parking, and the delivery of six open market residential dwellings, requires the demolition of industrial buildings and the loss of employment land. The extension to the east and south-east of the site would see the loss of Syston Doors, an industrial door supplier. The site occupied by Syston Doors is designated as part of the primary employment area within Syston, defined by saved Policy E/7 of the Borough of Charnwood Local Plan (2004). The proposal would, therefore, result in the loss of employment land and buildings from the primary employment area.

However, Policy E/7 is more than 5 years old and is not entirely consistent with Chapters 6 and 7 of the National Planning Policy Framework and Policy CS6 which seeks to provide opportunities for manufacturing businesses to develop, re-locate and expand. Paragraph 6.26 of the Core Strategy also sets out that some of our employment sites are not located in the right place and that some of our aging premises will need to be redeveloped for employment or other uses. Paragraphs 120-121 of the National Planning Policy Framework sets out that planning policies and decisions need to reflect changes in the demand for land and that regular reviews of land allocated for development in plans and land availability should be undertaken. Local planning authorities are also encouraged to take a positive approach to applications for alternative uses of land and in particular use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres. As a result of this the weight to be ascribed to policy E/7 should be reduced.

It is also worth noting that Charnwood does not have any policies which protect the loss of employment sites. Policy E/8 "Safeguarding of Employment Land and Buildings" of the Borough of Charnwood Local Plan sought to resist the development of employment land for alternative uses, but this policy was not saved.

The Charnwood Employment Land Study (2018) has reviewed the status of the employment site, and whilst noting some constraints associated with access and proximity to residential areas, concludes that the site should be safeguarded for employment use.

The proposal will however generate positive economic and social benefits through both construction period and subsequent site operation (although the number of new jobs and economic impacts is not specified the expansion of the store will allow it to remain viable preserving existing jobs). However, this is considered to be a positive benefit of the scheme. An additional benefit arising from the proposed residential development is the removal of those commercial vehicle manoeuvres associated with the current manufacturing premises from this relatively narrow and predominantly residential street.

Taking all these factors into account, it is concluded that the loss of this older employment site would not be at odds with the most relevant and up to date policies regarding employment land.

Design

Policy CS2 requires new development to be of high quality design that is in context with its surroundings. The proposed store extension would follow the form of the existing building with no increase in its roof height and would retain its curved roof and horizontally laid grey and silver coloured cladding panels. The proposed materials are to match the existing structure but all windows and doors are to be Anthracite Grey in colour. The existing high level windows on the northern elevation of the building are to be lowered to achieve a new

ceiling to the retail area. The proposed materials are specified in the application and any grant of planning permission can be conditioned to secure this. A free-standing glazed canopy is to be installed to provide a sheltered link between the store entrance and the extended car parking area. Overall, it is considered that the scale and appearance of the extension are appropriate.

Whilst, the assortment of buildings on the existing manufacturing site, are not considered to be a local or non-designated heritage asset, there are some historic features which will be retained in the proposal. The proposed boundary wall to the eastern side of the site and fronting Victoria Street will be derived from the existing factory building and will be retained at various heights between 2 and 4m. The walls will be finished with a brick corbel course and copings to match the existing factory building and all existing windows and doors will be removed and openings infilled with salvaged brick from the demolition works and set back to existing reveals, leaving some of the architectural legacy of the factory buildings which are of some heritage quality. It is believed that the H Garner and Son depicted in the brickwork of the factory building was a Victorian shoe maker. It is recommended that a condition is imposed to secure the completion of proposed boundary treatments prior to the store extension being brought into use.

The proposal indicates areas of new hard and soft landscaping and precise details can be secured by planning condition. Overall it is considered that the design of the store extension would be in keeping with the scale and materials of the existing store and the locality and would accord with Policies CS2 and EV/1 of the adopted Development Plan.

Details of the housing element of the application are in outline only. However, it is also likely that, given the quantum of development, the location and size of the site for the proposed housing and the mixed types and ages of dwellings in Albert Street, that a suitable housing development could be delivered that would be compliant with policies which seek high quality design and which also could accord with Policies CS2 and EV/1.

Ecology

The submitted ecological report concluded that further investigations were required in terms of confirming the absence or presence of bats at the site. Further emergence surveys have been commissioned and undertaken; two of three emergence surveys with the applicant's agent reporting initial findings that there is no presence of roosting bats. A final survey is planned for the week commencing 14th September and findings will therefore be reported verbally to the Plans Committee or feature in the extras report. The applicant has indicated that it is not desirable to delay the consideration of the application pending these outcomes as the timing of the application's determination is critical to the re-location of the existing business and the securing of alternative premises. It is therefore considered, on the basis of the 2 surveys that the proposal would not detrimentally impact protected species. If the results of the third survey are provided in advance of the Plans Committee meeting, these will feature in the extras report or be reported verbally. Therefore, it is recommended that if mitigation measures are required to be provided, the applicant can be required to provide bat boxes or enhanced planting of tree/shrub species which enhance the attraction of the site for invertebrate species, through the imposition of additional conditions. It is therefore considered that the proposal could accord with Policy CS13 and the National Planning Policy Framework in this regard.

Residential Amenity

The proposed store extension will be no closer to the boundary of Albert Street properties than the existing store and would add 6m to the width of the store immediately to the rear of No. 19 Albert Street with the loading bay being positioned to its east and to the rear of 21 and 23 Albert Street. To the north of the loading bay the store would be extended in width by almost 25m.

Light - The retail site is located to the north of existing dwellings and whilst the scale of the building is significantly greater than nearby dwellings, the proposed distance, height, roof design and orientation of the properties are such that the extension to the store is unlikely to cause significant loss of light to the rear principal windows of Albert Street properties. The massing of the proposal would also appear reduced due to ramped access to the loading bay and the slightly higher ground levels of the Albert Street dwellings.

In terms of the proposed dwellings, details have not been submitted but there is an indication within the submitted Design and Access Statement that these would be 2 storey. No 23 Albert Street has a blank eastern 2 storey gable with a 2 storey outrigger to its rear and is unlikely to experience losses of light from the residential development of the adjacent land. Details of the design and layout of the development are not known at present but the future submission of reserved matters will afford the local planning authority an opportunity for a detailed assessment regarding potential losses of light but the possible layout as shown on the submitted plans demonstrates that dwellings could be provided that would avoid significant losses of light to existing occupiers.

Privacy – The proposal includes no additional windows on the southern side of the store extension and no additional loss of privacy would occur as a result of the development of the store and car park. No details have been submitted for consideration in relation to the proposed dwellings although it is likely that eventual dwellings may be two storey and with principal windows in their front and rear elevations, in common with other dwellings in Albert Street. There is every possibility that dwellings could be designed to retain the privacy of existing residential neighbours and the design and layout of the proposed dwelling would be subject to the considerations of any subsequent reserved matters application

Odour and Light Nuisance – the proposed bin store is located to the rear of 21 Albert Street at a distance of 24m from the rear windows of that dwelling and situated below ground level within the retaining wall of the ramped access to the loading bay. This would be a covered and caged receptacle for non-recyclable waste. There are 3 external wall mounted lights proposed on the northern side of the loading bay which would be opposite the rear of Albert Street dwellings. These lights are directional LED lights and point towards the floor and there is unlikely to be any glare or nuisance from their use. The applicant has also confirmed that all external lighting is extinguished at night within an hour of store closure and re-lit an hour before the store opens the following morning. It is therefore concluded that the proposal would not cause significant odour or light pollution to existing neighbouring occupiers.

Construction disturbance – It is inevitable that there will be some construction disturbance throughout the works and when the dwellings are eventually built. The Government has granted special powers to several public bodies recently to enable them to provide a swift

and robust response to the recent COVIDv-19 outbreak. This includes the granting of some emergency powers and new advice for use by local planning authorities in order to make it easier to use the planning system. On 13th May 2020 the government published a written ministerial statement on planning and construction working hours. This statement expects local planning authorities to accept extended working hours temporarily to ensure safe working of construction sites in line with social distancing, unless there are very compelling reasons against this. Where restrictions are already imposed by planning conditions, central government has made it clear that developers should expect their local planning authority to grant temporary changes to construction working hours until 9.pm or later, 6 days a week, wherever possible. The statement does not distinguish between large or small construction sites. Therefore, whilst members might usually wish to consider imposing a condition relating to construction hours, this would be contrary to the latest government advice. In making their decision local planning authorities may consider where there are unreasonable impacts but there needs to be very compelling reasons for imposing restrictions on construction times. It is the opinion of your officers that whilst there are residential properties nearby, a condition seeking to control construction hours would not be reasonable given the store already opens until 2200 hours. In addition, If a significant noise or dust issue occurs throughout the construction period, other legislative controls exist to control this.

Operational noise – The proposal includes the relocation of the goods loading bay to the rear of the site and additional car parking closer to residential occupiers than at present. The submitted noise report demonstrates that the provision of the proposed acoustic fence along the southern boundary of the site can mitigate noise from delivery vehicles and customer cars to acceptable levels and it is also recommended that an additional planning condition be imposed to limit delivery times and the collection of waste materials to less noise sensitive hours. Condition No. 12 therefore seeks to limit deliveries to and dispatches and waste collections from the site to between 0700 and 2200 hours on Mondays to Saturdays with a shortened hours until 1900 hours on Sundays and Bank Holidays. In addition, although the store would increase in size, this is to facilitate easier circulation space inside the store and does not necessarily demonstrate a wider range of stock would be available or any significant increase in footfall to the site. If a significant increase in custom arises as a result of the development, the store entrance is to remain in its current position, well away from Albert Street dwellings and it is considered that no significant additional noise would be generated to residents as arising from an increased number of shoppers arriving on foot.

In terms of noise from operational plant, the submitted acoustic report sets out appropriate limits on noise emissions and it is recommended that a condition be imposed to ensure these are not exceeded, in the interests of residential amenity and this is cited below as condition 13.

Other matters –Local residents object to the proposal citing a loss of a view or loss of outlook as the existing overflow car park would be where the extension is proposed and housing would be proposed where the existing factory stands. The loss of a view is not a material consideration in the determination of planning applications and similarly, perceived decreases in property values cannot be considered.

In conclusion, it is considered that the proposed store extension and residential development would accord with Policies C2 and EV/1 which seek to protect the amenities of people who live and work nearby.

Highways and Car Parking

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The policy promotes standards for various types of development but also accepts that these are to be a starting point for assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Melton Road is a public Class C highway subject to a 30 mph speed limit. The vehicular and pedestrian access to the store is to remain as existing. The proposed residential development will be accessed off Albert Street which is an unclassified road also subject to a 30 mph speed limit. The local highway authority has accessed its personal injury records and considers that whilst there have been a number of incidents in the locality in the period between 2013 and 2019, the Local Highway Authority is satisfied that the proposed development would not exacerbate highway safety concerns.

The highway authority has also assessed the submitted Transport Assessment including the capacity of the junctions at the site access, Albert Street and Wellington Street and based on traffic flows at peak and non-peak times, and taking account of growth rates for the next 5 years, these are considered to be satisfactory, with no adjustments to the junctions being required based on expected additional traffic flows as a result of the development.

The local highway authority is satisfied with the revised site layout plan received on 30th June 2020 which demonstrates the provision of an addition 61 spaces and 7 accessible spaces in accordance with highway authority standards. The proposed quantum of parking and the size of spaces accords with the Leicestershire Highways Design Guide and the swept path analysis of articulated goods vehicles demonstrates that such a vehicle would be able to enter and exit the site in forward gear.

The site is considered to be sustainably located with good access to public bus and train transport links with the shops and other services within Syston being reasonably accessible by cycling and walking.

The submitted Travel Plan aims to reduce the rate of single occupancy vehicle journeys onto the site and this is achieved by the promotion of and uptake of alternative modes of transport than the private car. The submitted document is in need of refinement and a revised travel plan which incorporates the recommendations of the highway authority is therefore to be secured by planning condition.

In summary, the highway impacts of both elements of the development are considered to not be 'severe' as defined in paragraph 109 of the NPPF. The proposed additional car

parking and circulation space around it and the new loading bay are considered to be acceptable and the proposed housing development would be able to provide car parking to meet its own needs. There is therefore no highway related reason to support a refusal of planning permission. The proposal therefore accords with Policy TR/18 and the provisions of the Leicestershire Highways Design Guide.

Although the Highway Authority advises that the developer should enter into a Section 106 agreement to secure travel packs at a cost of £52.85 per pack per employee, and 6 month bus passes (1 per employee) this is considered to be disproportionate to the development applied for. Given that the store, employing several members of staff is existing the requirement for travel packs, to be related to the development could, in any event, only apply to additional staff employed as a direct result of the store extension and at present, it is not known if any additional staff will be engaged. In terms of the residential development, the application seeks to provide up to 6 units and as a 'minor' development, there would be no reasonable basis to seek or secure developer contributions as required. The Highway Authority has also requested a developer contribution of £6,000 as a fee for it monitoring the requested Travel Plan but it is not considered that this is CIL compliant given the scale of the proposed development. The Travel Plan can also be secured via condition.

Landscaping

The proposal indicates that new areas of tree and shrub planting will be provided and areas of hard landscaping are also included in the scheme. It is considered that it would be appropriate to impose a planning condition to require a detailed landscaping scheme to be submitted for approval and a further condition requiring its implementation within a reasonable time. Details of this landscaping could, if shown to be necessary, include details of shrub/tree species which attract invertebrate species.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them, including in this case the adopted SPD on Design. It is considered that the proposed store extension and additional dwellings are acceptable in principle, acceptable in highway safety, ecology and amenity terms and would accord with the policies and guidance as set out above. It is further considered that any harms could be mitigated by the imposition of the recommended planning conditions and that there is no tenable reason to support a refusal of planning permission.

Accordingly, having regard to the above considerations, it is recommended that planning permission is granted conditionally.

RECOMMENDATION:-

Grant Conditionally

1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission or before the expiration of two years from the date of approval of the first of the reserved matters, whichever is the later.

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

2 The first 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.

REASON: 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.

3 The residential development as indicated on Albert Street and on drawing No. C15A140-P003 Rev B received by the local planning authority on 30th June 2020 shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:- a. layout, b. scale, c. appearance, d. access and e. landscaping.

REASON: 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

4 The retail development hereby permitted shall be carried out in accordance with the following approved plans:

C15A140-P001 Rev A - 1:1250 scale site location plan

C15A140-P002 - Existing site plan

C15A140-P004 - Existing site sections

C15A140-P005 - Existing boundary elevations

C15A140-P201 - Existing floor plan

C15A140-P202 Rev A - Existing elevations

C15A140-P203 - Existing roof plan

C15A140-P204 Rev A - Proposed floor plan

C15A140-P205 Rev A - Proposed elevations

C15A140-P206 - Proposed roof plan

C15A140-P003 Rev B - Proposed site plan - revised plan received 30th June 2020

C15A140-P006 - Proposed boundary elevations

C15A140-P007 - Proposed lighting column

P186-458 - Proposed external lighting layout

REASON: To define the terms of the planning permission.

5 The retail development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with drawing number C15A140 Rev B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: 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 the National Planning Policy Framework (2019).

- 6 No part of the retail development hereby permitted shall be first occupied until a an amended framework/full Travel Plan 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.
REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).
- 7 No above ground works (including demolition) shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
REASON: To ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 8 In respect of the retail development, only those materials specified in the application as pertaining to the retail development, shall be used in carrying out the development hereby permitted.
REASON: To ensure the satisfactory appearance of the completed development.
- 9 The store extension hereby permitted shall not be brought into use until such time as the scheme for boundary treatments as shown on approved drawing NO. C15A140-P006 and including the acoustic fence has been fully completed. Once completed, these boundary fences and walls should remain and be maintained in perpetuity.
REASON: To ensure the satisfactory, overall appearance of the completed development and to protect the amenity of nearby residential properties
- 10 No above ground works, (excluding demolition), shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:
 - i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) full details of tree planting;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) finished levels or contours;
 - v) any structures to be erected or constructed;
 - vi) functional services above and below ground; and
 - vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

11 The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

12 No deliveries shall be taken at or despatched from the site and no collections of waste shall be made outside the hours of 0700 and 2300 hours Mondays to Saturdays or outside the hours of 0800 to 1900 hours on Sundays and Bank Holidays.

REASON: The store is located close to residential property and a restriction on the hours that deliveries or collections can take place is needed to prevent a nuisance or annoyance to nearby residents; in the interests of residential amenities.

13. Any installation of external plant shall operate within the plant emissions limits given in Table 11 of the submitted Noise Impact Assessment report by Noise Solutions Ltd dated 16th March 2020.

REASON: The store is located close to residential property and a restriction on noise emissions from external plant is needed to prevent a nuisance or annoyance to nearby residents; in the interests of residential amenities.

The following advice notes will be attached to a decision

1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS6, CS9, CS13, CS16 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, E7, TR/18 and TR/21 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies.

2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.

3 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4 All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as

amended). Should bats be found during the course of development work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Batline can be contacted on 01509 672772.

