



Lidl considers that the 2 industrial units on its scheme would provide for wider regeneration aims as the units are of a suitable size, and a provisional Heads of Terms agreement has been reached with a firm relocating from a strategic regeneration intervention area. Lidl consider that 2 foodstores in the area would have no detrimental impact on the Blackbird Road Local Shopping area.

If only one foodstore is to be allowed Lidl considers that its site is as much edge of the local shopping centre as the Aldi site, that the 2 sites are policy neutral in retail terms, and that its site is preferable in urban design and highways/ traffic impact terms.

There is support for the proposal from Councillor Byrne and Macpa Motor Factors, who would occupy the industrial units. Lidl have submitted letters/petition signatories in support of the proposal from 485 persons. There are objections to the proposal, including an objection from LRC who consider that the loss of employment land would affect wider regeneration objectives.

The Highway Authority has no objection to the proposal, subject to a Section 278 Highways Act agreement which would include the relocation of the existing pelican crossing. The Woodgate Residents Association would welcome one retail store but not two, and has no preference over which site.

I consider that it has been demonstrated that that there is the need for 1 additional food store in the area. Because the Aldi application site is closer to the core of the existing shopping centre than the Lidl site, the Aldi site is preferable.

I do not consider that the site is financially unviable for industrial redevelopment as Lidl's financial appraisal shows. Notwithstanding financial viability, the site is an important part of a functioning, "fit for purpose" Woodgate/Bradgate Street employment area classed as Grade C where industrial land should be protected (in accordance with the Employment Land Supplementary Planning Document) from changes to other uses and allowed to contribute fully to the wider regeneration of the City. A further loss (in addition to the loss to retail on the Aldi site) of approximately 0.5ha is inappropriate.

I consider that the proposal is satisfactory in highways, traffic, and urban design terms.

I recommend refusal for the following reasons - when considered with another current foodstore proposal the Lidl proposal is likely to have a detrimental impact on the vitality of the Blackbird Road Local Shopping Area; not satisfying criteria in policy E03 to warrant a further loss of industrial land; and not sufficiently assisting the overall Local Plan Strategy of regeneration for the City. The proposal is therefore contrary to Local Plan policies E3, PS01, R01 and the Employment Land Supplementary Planning Document.

## Introduction

An application for a retail store on the southern part of the application site fronting Woodgate was refused in April 2006 for the following reasons:

1. The City Council is not satisfied that the property is unviable for employment use because there is no evidence of proper marketing, and because of the suitability of the property for smaller firms, and because of the prospect of financial subsidy (if the site is otherwise unviable). The proposal is therefore contrary to policy E03 of the City of Leicester Local Plan 2006.
2. The need for the site for relocations from the Waterside Project is such that the loss of the site to retail use would prejudice the delivery of the Waterside Project. The proposal is therefore contrary to policies PS01 and PS07 of the City of Leicester Local Plan 2006.
3. The ( retail) need for the proposed development has not been satisfactorily demonstrated. The proposal is therefore contrary to policy R01 and R06 of the City of Leicester Local Plan 2006.
4. It has not been satisfactorily proven that the proposal will not be detrimental to the vitality and viability of the Blackbird Road/Woodgate local shopping centre. The proposal would therefore be contrary to policy R01 of the City of Leicester Local Plan 2006.

The present application site (0.87ha), which fronts and has existing vehicular access to and from the A50 Woodgate, extends to Bradgate Street and Littleton Street, now includes the area occupied by further industrial buildings on the corner of Littleton Street and Bradgate Street. The existing industrial buildings on the site formerly occupied by the Premier Screw Company until around 2001 are vacant. Buildings (5200 sq m) occupy approximately 80% of the site; the main factory is single storey behind a 2-storey frontage. The other industrial buildings on the site are old, but tenanted and used for knitwear manufacture. The lawful planning use of all existing buildings is general industry (Class B2).

To the west of the application site is the ATC tyre and motor accessory fitting centre. To the east are a small group of commercial properties and the closed Robin Hood public house fronting Woodgate.

The application site is allocated within a primarily employment area in the City of Leicester Local Plan (2006). The River Soar and Waterside Intervention Area are approximately 200 metres to the east. The core of the Woodgate/Blackbird Road local shopping area lies approximately 200 metres to the west, and the application site is approximately 80 metres from retail uses also within the local shopping area on the south side of Woodgate to the west of Bassett Street.

A similar mixed retail foodstore/ business application has been submitted by Aldi for the redevelopment of the former Nabisco Works site to form a 3-storey building comprising ground floor food store, and office space on 2 floors above, and industrial

buildings at the Bradgate Street end of the site. This application has been publicised and is reported elsewhere on your agenda.

## **The Proposal**

The proposal is for a single storey food store (Class A1) 1380 sq m gross (1063 sq m net), separate 2-storey unit comprising retail (157 sq m) (Class A1) on the ground floor and 2 self-contained flats above, 2 industrial units of 500 sq m and 850 sq m, and associated car parking. The food store is slightly smaller than the previous scheme and the expanded site area allows for the provision of 2 proposed industrial units.

The food store would be sited on the western part of the site, and the retail unit and flats adjacent to the vacant Robin Hood Public House at the eastern side fronting Woodgate, and the two industrial units to the rear of the site adjacent to Bradgate Street.

Vehicular access to, and egress from, the foodstore and retail units would be via a 8m wide access/ egress with 10m corner radii with 2.4 x 90 m visibility splays along Woodgate. A new right turning lane is proposed for westbound traffic along Woodgate. An existing pedestrian refuge opposite the vacant Robin Hood Public house would be retained.

A shared car parking area of spaces for the retail uses, extending from Woodgate to Bradgate Street and also to Littleton Street, is proposed to the east of the main store. Vehicular access and egress is proposed solely from Woodgate. A 2m high palisade fence would separate the retail uses from the industrial uses accessed off Bradgate Street. Pedestrian access would be possible from Littleton Street as well as Woodgate and Bradgate Street.

The food store would be a single storey rectangular building (30m x 54m) with mono pitch roofs rising to 6.2m high, in a contemporary style. The shortest elevation (addressing Woodgate), and part of the longer elevation facing the car park, would have windows. The remaining parts of the elevations would be in grey and white render and zinc cladding. The 2-storey retail unit and flats would of a similar design (with mono pitch roof rising to 7m) and materials.

The applicant states that the buildings maintain the street scene of Woodgate, incorporating glazed active frontages, which together with the separate retail units reinforces the existing urban 'edge'. A pedestrian link is also proposed to Littleton Street. Modern architecture is employed; the roof of the foodstore and retail units will be monopitched; materials will be cladding, glazing and render.

The 2 industrial units of 500 sq m and 850 sq m would have shared access and egress from Bradgate Street and shared car parking spaces. The lower courses/plinth of the building would be in red brick, with sienna coloured metal cladding above, and powder coated aluminium cladding to the pitch roof. The applicant considers that the 2 units would help to provide for the relocation needs from the regeneration area and LRC.

Amended plans have been received showing 83 car park spaces for the retail uses and 18 spaces for the industrial units, providing a better boundary treatment to Littleton Street, and more windows in the industrial units to give more overlooking. The application is accompanied by a Design and Access Statement, Report and Statement on Employment Land and Economic Issues (which includes financial appraisals), Retail Impact Assessment, Transport Assessment, Flood Risk Assessment, Environmental Assessment, Archaeology Assessment, and Energy Statement.

In these documents Lidl's consultants evidence a case that the existing buildings at the Premier Screw site and at 12 Littleton Street are in such a poor condition that they would not attract any suitable users. (However existing tenants occupying parts of 12 Littleton Street are objecting to the proposals).

Lidl has prepared financial appraisals to demonstrate that industrial redevelopment is not viable. The financial appraisals are based on industrial redevelopment to 40% of the site area and have regard, amongst many things, to anticipated values on completion, demolition and remediation costs, construction costs, finance costs (including developers profit) to establish a residual land value.

Lidl conclude that the values generated (minus £686,775 in a leasehold scenario) and minus £243, 387 in a freehold scenario) are not sufficient to overcome the abnormal costs of development presented by the demolition (£505,000) and remediation (£382,000 but £220,000 included in the appraisal) costs for ground contamination (which includes cleaning up the site and putting a wall of bentonite in the ground around the site). Without recourse to other sources of funding, it considers that there is no stimulus to enable the development of the site for employment based uses. Only higher value uses such as retail are expected to be able to bear these costs.

Lidl argue that there will only be a reduction in employment land of 0.54ha, which is not significant in the wider picture, when there is around 10 ha of land allocated for employment use in the Woodgate area. Furthermore 0.3ha of industrial use will be redeveloped / be enabled by the development in 2 industrial units. The 2 unit sizes proposed are 500sqm and 850sqm are the two most popular sizes which local agent Andrew and Ashwell have received enquires about over the last 6 months. It considers LRC relocations could be met in these unit sizes. Andrew and Ashwell are aware of companies in the Waterside area whose spatial requirements meet the broad specifications of the proposed units.

To provide for identified LRC needs, Lidl has informed me that it has agreed heads of terms with a relocating company who wishes to buy both industrial units at the rear of the site. Lidl considers the employment floorspace being provided by Aldi does not correspond particularly well to the market, and that whilst Aldi provide more employment floorspace than Lidl, quantitatively it is totally inferior in meeting the requirements of relocating companies from Waterside.

Lidl therefore considers that "the proposal will have a positive impact on Woodgate and on the Waterside Regeneration Area".

It is the view of Andrew and Ashwell that there is no market demand on this site for offices.

Lidl states that whilst the site has not been technically marketed those active in the development market for Leicester would have been well aware of this development opportunity and could have acted accordingly. However they have not. A preliminary enquiry was made by an agent of LRC but this was not followed up.

Lidl has stated that it is prepared to enter a section 106 agreement and make an obligation not to occupy the foodstore prior to the construction and occupation of the two industrial units, and that the use of the 2 industrial units shall be restricted to B1 (Business), B2 (General Industry), and B8 (Storage and Distribution) Uses.

Lidl consider that there is a need both quantitatively and qualitatively for a store of this type at this location, that the scale of a convenience store complements the existing Woodgate Centre, and 2 foodstores would not have an acceptable impact on the centre. It considers that neither site is sequentially preferable to the other (both are edge of centre) and therefore the two schemes are essentially neutral in policy terms. On this basis it advocates consideration of all policy matters, and other material considerations, including those relating to access, design, employment policy, mixed uses etc in determining the applications. Lidl consider that it has satisfied all the 4 reasons of the previous refusal of consent.

Lidl's energy statement proposes to evaluate energy demand measures at the detailed design stage, and a ground source heat pump to provide 100% of the space heating for the main retail store which would contribute over 22% of the development's energy demand.

## **Policy Considerations**

### National Guidance

PPS1 Delivering Sustainable Development.

PPG 4 Industrial and Commercial Development and Small firms.

PPS 6 Planning for Town Centres.

PPG 13 Transport.

### Local Plan

City of Leicester Local Plan policies relevant to this application are listed at the end of this report

Policy PS01 is the Local Plan Strategy that seeks to facilitate the City's development economically, socially, culturally and environmentally. This will be achieved by managing change with integrity in accordance with the principles of quality and sustainability. Key elements of the Plan's location strategy include regeneration, especially of areas identified within the Strategic Regeneration Area (SRA).

In the Local Plan the site is within a primarily employment area. Although Policy E03 is worded to resist non B Class uses, there is scope to allow redevelopment for non-

employment uses if the criteria below apply (the other criteria in the policy are not considered relevant to this proposal):

- a) The land and buildings are no longer viable for employment purposes; or
- b) The use is ancillary or complementary to an existing or proposed B-Class Use: or
- c) The use would provide a significant number of jobs; or
- d) Redevelopment of the site would make an important contribution to improving the wider urban environment.

Para 7.31 states that in particular proposals for retailing will not normally be acceptable.

Para 7.33 states that in particular, account will be taken of Council's employment land study and housing needs survey. The City Council will then consider each application on its merits.

Local Plan Appendix 1 -Vehicular Parking Standards - guidance indicates a maximum of 1 space per 14 sq m (for Class A1 Food), 1 space per 40 sq m (Class B1 Offices), 1 Space per 70 sq m (Class B1 Light Industrial and Class B2 Industry), and 1 space per 120 sq m Class (B8 Storage & Distribution); with a target reduction of 30% of the maximum.

### Employment Land Study

The City Council's Employment Land Study was completed in 2006. The objectives were to assess the quality (fitness for purpose) and quantity of employment land and buildings in Leicester (that is all the existing employment allocations in the adopted Local Plan 2006) and to provide a forecast to 2016 of future need and building type and size.

Some of the general findings are set out below:

The industrial premises in the City are very old. 27% of those surveyed were built before 1915 and 90% before 1990. The extent of poor quality accommodation is particularly a major issue. Many of the buildings are coming to the end of their economic life and are unsuitable for modern business needs. Redevelopment of this space is needed. Public Sector intervention may be required in some instances.

There is a severe future shortage of developable employment land in the City. One of the recommended actions is to strongly protect the supply of employment land.

Employment land in the City was graded A-E by the employment land study. The site was assessed as being 'C' Grade which is described as "important employment sites with an influence over the whole City, but primarily geared towards local business".

The Employment Land Study recommends that A-C graded land should continue to be protected. Only the lower graded D sites are recommended to be reviewed and the D/E and E Grades recommended to be released to other uses.

## Supplementary Planning Document

The Employment Land study findings are included in the consultation Draft of the Employment Land SPD.

Public consultation was undertaken between 31<sup>st</sup> May and 11th July 2007. The Planning and Development Control Committee considered the Draft SPD on 19<sup>th</sup> June 2007 and the Member Working Party in July 2007. Consultation generated only minor matters of detail. In December 2007 the SPD was approved by Cabinet for adoption.

The consultation draft of the Employment Land Supplementary Planning Document states that:- “ For the purposes of the criterion E03(c) “a significant number of jobs ” is considered to be a level of employment that is generally similar to the potential of the site in either its last authorised use, or its previous maximum use, rather than a site’s minimum potential employment use. For example a car sales and associated vehicle repair workshop may provide a significant number of jobs when compared with the jobs created by a former site in B8 employment use. However, if a site had formerly been in B2 use, comparison with a potential B8 use employing fewer people not be classed as significant.”

SPG Energy Efficiency & Renewable Energy.

### **Consultations**

The Environment Agency has no objections to the proposed development, subject to conditions relating to approving a scheme for the working and restoration of the site, surface water discharge, finished floor levels and flood proof design.

Severn Trent has no objection, subject to agreeing drainage works for the disposal of surface water and foul sewage.

The Highway Authority has no objections to the proposal. It states that, whilst the proposal will lead to increased traffic on the local highway network, improvements are proposed to the site access on Woodgate to mitigate this increase in traffic. The proposed 83 parking spaces, plus 4 additional bays for the cars of disabled persons, are within the maximum 98 spaces required for the development. A minimum of 6 secure sheltered cycle parking spaces and a minimum of 4 secured two wheeler parking spaces are also required. Appropriate conditions, including the requirement for a ghost island right turn lane in Woodgate (to be the subject of a section 278 Highways Act Agreement), and a Travel Plan, are recommended if the application is to be approved.

### **Representations**

Woodgate Residents Association does not want two similar developments in Woodgate, but definitely wants one, but does not have a preference.

The tenant of M G Knitwear Ltd at unit 10 Shyama Building objects on the grounds that the changes to the previous application are superficial, that it has operated from the premises for 23 years and employ in excess of 20 people throughout the year- these jobs and the manufacturing floor space would be lost; there are already enough supermarkets in the area (Co-op, Spar, Tesco Express etc). The cost of

relocation for the firm will be prohibitive which would mean closure of the business. A further objection from Nova Trimmings Ltd, an apparent occupier of affected industrial accommodation, has been received on similar grounds of loss of jobs and problems of finding relocation space.

A resident of Bradgate Street is concerned about more traffic and parking pressures in Bradgate Street, and considers there is no need for 2 new supermarkets.

Macpa Motor Factors support the planning application stating that it has agreed terms (subject to planning consent) for new buildings constructed for its use on part of the application site. It states that relocation from its present site in Jarvis Street has become a serious concern for its business following the planning regeneration of that area for mixed use development. It states Macpa supply a large number of garage operators within the inner city area, employs 36 persons and it is important that the company is able to relocate within this area so as to continue to provide the level of service support to its customer base. Securing the Bradgate Street site would secure the future of Macpa Motor Factors limited and its employees.

Councillor Byrne forwarded Macpa's letter to me and supports the planning application.

Leicester Regeneration Company (LRC) objects to both food store proposals on the grounds that the sites are in a strategically significant location, and it is not convinced that they are genuinely unviable for redevelopment for employment use. It considers the proposal would result in the loss of the property as a relocation opportunity for businesses in regeneration areas who wish to remain local; a supply of employment land within the central area of Leicester is considered essential to facilitate the ongoing planned programme of regeneration.

It acknowledges that without subsidy redevelopment of the site for industry may be unaffordable for some companies, but having had discussions with a number of relocating businesses about their requirements, believes some could afford new build space in this location, and that Woodgate is a preferred location in view of its prominence to key routes, reasonable access, and critical mass of employment uses. It welcomes the industrial units alongside the food stores but considers that had the sites been marketed for employment use, strong interest would have been shown by a number of businesses present in the Waterside area.

As it believes the sites are suitable in principle for relocating business it recognises that a key issue is whether abnormal costs of site clearance and remediation are such that they would render an employment use unviable. It considers that some of the assumptions in the viability appraisals should be rigorously tested and could vary sufficiently to provide a positive residual value. It also emphasises that the need for a speculative developer's profit could be removed from the appraisal which would have a significant effect on the residual value of sites.

LRC commissioned a commercial property surveyor (Innes England) to advise on the marketability, demand for, and open market value that could be achieved for the 2 sites on a gross basis without taking into account any abnormal costs of development, including but not limited to demolition and remediation. The

commercial property surveyor states that its company is presently experiencing a reasonable level of demand for industrial accommodation for both new and older buildings within the city and there remains a shortage of stock particularly within the freehold sector. There remains a clear shortage of land for industrial development both within the city and county particularly of this size. The fact that the sites are located just outside the warehouse exclusion zone could potentially have a beneficial effect on the marketability of both sites, providing a scarce opportunity to acquire a site for B8 development so close to the core of the City. There would also be demand from owner occupiers for sites without a developer tie and a readiness by them to undertake development directly. It considers that had these sites been openly marketed interest would be forthcoming on an existing use basis and that £ 425,000 per acre is an appropriate value of the sites on a gross basis for existing use purposes (such a value would give a gross value of approximately £900,000 for the similar sized sites).

If the City Council is minded to consent it considers appropriate conditions should be imposed to secure as far as possible the early and certain provision of land or premises for employment use as part of the scheme.

Travis Perkins currently located at Swan Street in the Waterside Area (facing wholesale redevelopment for residential offices and retail use), states that it is actively looking to relocate within a half mile radius of existing premises. It considers that had the site been marketed it would have looked at acquiring it as a suitable relocation site and any potential contamination issues would be dealt with through the normal negotiation process and that under current environmental legislation the polluter pays for the clean up process. It considers that the approval of the Lidl application and Aldi applications sites would seriously reduce the amount of industrial/ employment land in the centre of Leicester which is already at an all time low. It states that if it cannot relocate to suitable alternative premises, redevelopment of the Waterside area would be delayed indefinitely.

Aldi's transport consultant states that the Lidl proposals are deficient in 2 main respects- pedestrian safety along with capacity and safety problems for vehicular traffic. In respect of pedestrian safety it states the vehicular access crossing is 16m wide and pedestrians crossing could be stranded by traffic passing either side of them. Lidl's transport assessment relies on the pelican crossing and a pedestrian refuge to cross the busy radial road; and the refuge is inappropriate in view of the volume of traffic and the pelican is too far away meaning that the Lidl development would lead to ad hoc pedestrian crossing manoeuvres between the store and the bus stop / library opposite which would create a safety hazard. HGV manoeuvres – left turn from Woodgate would mean crossing into right turn departing traffic.

Transport Assessment shows that the junction would operate substantially over capacity during the weekday evening peak hour and be problematic for the hours either side resulting in capacity issues for a substantial period through the week leading to drivers exiting the access being likely to take risks leading to an increased risk of collisions.

Lidl's transport consultants have responded to Aldi's comments stating that the criticisms apply at least equally to the Aldi scheme which in many respects is far

worse. It sees no reason to provide further information or amend its scheme, which in highway terms is identical to a previous scheme that was fully accepted by the Highway Authority.

Lidl have submitted standard letters/petition signatories collected from residents, expressing either support for the Lidl scheme or expressing concern and no support, and giving the the respondent the opportunity to express further comments; 483 letters were positive and in full support and 4 were not in support.

### **Consideration**

This application has to be considered on its own merits and in the light of a similar current application from Aldi on a nearby site. Both applications have been advertised as departures contrary to Local Plan policy. The land use principles relating to the need for, and shopping impact of, 1 and 2 retail stores outside a local shopping area, and loss of employment land are to be considered together with matters relating to highways and traffic, and urban design.

A recommendation is then made on whether no mixed foodstore/ industrial proposal, a single foodstore/ industrial proposal (and whether this should be the proposal for the Lidl Site or the Aldi site), or 2 foodstores/ industrial proposals should be approved.

### **1. Retail Assessment**

The site lies outside the Blackbird Road/Woodgate local centre, which also includes shops in Buckminster Road and Groby Road. The eastern boundary of the local centre is to the rear of the existing Audi motor vehicle premises and the properties to the south of Bradgate Street, and on the south side of Woodgate, Bassett Street.

Policy R03 confines new retail development to existing centres. Where such development for local facilities is proposed outside existing centres policy R06 requires a demonstration of need for additional local facilities amongst other considerations. Moreover for proposed major retail development outside existing centres policy R01 requires a developer to demonstrate that a number of criteria are met including need for the development and that a sequential approach has been taken to site selection. For these purposes the application site is an edge-of-centre site. The applicant has submitted a retail assessment following the steps set out in PPS6 'Planning for Town Centres', steps which policy R01 follows. These are:

- (a) the need for the development;
- (b) the appropriate scale of development;
- (c) that there are no more central sites to be considered;
- (d) there are no unacceptable impacts on existing centres;
- (e) that the location is accessible.

PPS6 states that for new retail development local planning authorities should focus primarily on these considerations. Physical regeneration and employment, for example, may also be material considerations.

Both Lidl and Aldi have submitted retail assessments regarding their respective proposals. Different methodologies have been used in each case which has provided a confused picture particularly with regard to considerations (a), (b) and (d) above.

(a) Need

Neither the Central Leicestershire Retail Study (CLRS) nor the Leicester City Retail Study (LCRS) identified a significant need for further convenience floorspace up to 2011 in the Central Leicestershire area but both recognise that there may be localised deficiencies in provision.

The applicant has adopted the same catchment definition (based on a 5-minute drivetime) used by Aldi.

Although I have reservations about aspects of the methodology used to determine the capacity in the catchment to support a store of the size proposed, I am satisfied that there is quantitative capacity to support one discount retail store. The evidence of need for two stores is less conclusive, the use of different methodologies making the outcome of the retail assessments confusing. However, looking at the two assessments together I conclude that it would be difficult to sustain an argument that there is insufficient capacity in the catchment to support two stores.

Qualitative issues should also be taken account of but are secondary to the quantitative need for additional floorspace on which greater weight must be placed (PPS6). The CLRS study did find there to be a qualitative justification for further discount food store provision but only in the north east of the study area, not within this part of the City.

The applicant states that the convenience offer of the centre (and within the catchment) is limited, and not of particularly high quality, due to the absence of a supermarket and with only a Spar and Co-op convenience stores essentially serving 'basket' shopping needs (as opposed a main, weekly shop). Given that situation the applicant concludes that there is a qualitative need for further foodstore provision in the identified catchment.

I accept there might be a qualitative argument for the type of discount foodstore represented by Lidl and Aldi in the centre (there is a qualitative difference between a deep discount foodstore and the kind of offer found, for instance, at a Co-op convenience store), although the case for two similar stores in the same location is unconvincing. PPS6 advises that in assessing qualitative need for additional development one factor to consider is that 'an appropriate distribution of locations is achieved', a key consideration being to provide for consumer choice. Developing two similar stores on adjacent sites is unlikely to assist in this objective.

It may be possible to locate a second store to serve the catchment, as defined by the applicant, elsewhere to achieve an 'appropriate distribution' of such stores. The issue of impact on the existing stores (see below) is affected by proposals for two discount foodstores rather than one. Clearly impact would be much reduced if a second store was located elsewhere or did not go ahead.

(b) Scale

The proposed store by itself is of a relatively modest scale and not inappropriate for the centre's role and function and catchment.

A second store would provide a significant further addition to floorspace. In terms of net sales area the centre has around 684 m<sup>2</sup> of convenience floorspace. The two foodstores would almost quadruple current provision. This significant increase would be delivered in a short period allowing little time for the adjustment of shopping patterns that will be needed to support two stores plus maintain trade in the existing centre without adverse impact.

A larger more vibrant centre may well be able to absorb this impact. Again the issue of impact on the existing stores (see below) is affected by proposals for two discount foodstores rather than one.

(c) The sequential approach to site selection:

The Blackbird Road centre is an appropriate location for a search of alternative sites to serve the identified catchment. I agree that this is the logical location for a catchment defined by the applicant focussed on that centre.

Although the distance from the very edge of the centre on Woodgate to the edge of the site is small at about 80m, the core of the centre, where a Co-op and Spar convenience stores, bank, surgery and post office are located, is situated on the far side of Blackbird Road at over 200m from the site. PPS6 defines edge-of-centre as a location that is well connected to and within easy walking distance (up to 300m) of the primary shopping area. However, account should also be taken of local circumstances which may affect pedestrians' perceptions of easy walking distance. These might include barriers such as crossing major roads, and the strength of the attraction and size of the town centre.

Viewing the site in isolation the relatively small size of the centre makes the distance quite significant and combined with the proposed on site parking and crossing the busy Blackbird Road, a possible disincentive for linked trips. The site is not ideally located even as an edge-of-centre location.

(d) Impact/Trade Diversion

The applicant estimates that the majority of its turnover will come from the catchment area with a small proportion of trade from outside (approx. 15%). Impact was initially estimated to be about 5.3% on the Co-op and 2.9% on the remaining convenience floorspace in the centre. This is predicated on the assumed different roles of a convenience store such as the Co-op. However, in addressing the cumulative impact of two convenience foodstores Lidl have revised these figures such that the estimated impact on the turnover of the Co-op is less than 5%, and 2.6% on other stores.

The predicted impact is somewhat different from Aldi's assessment, which estimated an impact on the Co-op of 9.8% and 3.9% on other retailers.

A single store would be acceptable in terms of its trade impact on the Woodgate centre.

With regard to the cumulative impact of two convenience foodstores Lidl consider that neither store would achieve its potential turnover because each store would impact on each other by an estimated 10%. The impact of two stores is expected to be in the region of 11.4% on the Co-op and 6.2% on other stores in the centre.

Notwithstanding the questionable reliability of these assessments, I consider that it has not been demonstrated that the cumulative impact is acceptable. The impact on the existing centre is a legitimate concern and there is a risk of real harm. The two stores will be an alternative attraction to the Co-op and Spar. Although it is arguable what the precise impact and consequences may be, the consequences of reduced footfall on the west side of the centre could be the loss of the existing stores and then the loss of other facilities reducing the diversity and attraction of the centre as a whole.

(e) Accessibility

Securing good accessibility means locating developments in town centres thus taking advantage of public transport. Many bus routes traverse the centre so that on balance the site is reasonably accessible by public transport.

#### Retail Conclusion

It has been clearly demonstrated that there is a quantitative and qualitative need for 1 additional foodstore, and that this would be acceptable in terms of the impact on the local shopping area

The Lidl site is less sequentially preferable than the adjoining site to the west. The added distance from the core of the centre and the barrier effect of the busy Blackbird Road makes it much more difficult to integrate with the existing centre.

The quantitative need for two discount foodstores in the area is accepted. However I have real concerns about the cumulative impact of two stores. Scale and qualitative arguments assume a greater importance in this context.

## **2. Employment Assessment**

The employment assessment is against policies E03 and R01 of the Local Plan and the Employment Land SPD and Employment Land Study.

Policy E03 was first introduced in this format in 2001, in the deposit copy of the then Replacement Local Plan (now adopted 2006). It was based on the early indications from Government that land was being retained for employment uses unnecessarily. It was the intention of criterion (a) of policy E03 (relating to viability of land and buildings) to prevent employment land that was not fit for purpose from being protected without reason.

### **Viability**

Viability for employment purposes is a key criteria under Policy E03(a). I consider viability to be not only financial viability but also employment areas being allowed to retain a critical mass to allow appropriate functioning, and beneficial uses of land which provide for needs though providing low financial returns. It must be demonstrated under E03(a) that both the existing buildings or cleared land are no longer viable for employment use. In planning terms the site should be capable of a viable use within Use Classes B1, B2, B8 or as a sui generis use (not within a specific use class) which are associated with, and acceptable within, primarily employment areas.

### **Financial viability**

The financial appraisal submitted by Lidl shows a negative value for both the reuse of the existing buildings, and for the particular form of industrial redevelopment of the site that they considered.

The City Council's Property Group had assessed the financial appraisal and is sceptical of certain key assumptions and variables. It has done its own appraisal (which has been shown to the applicant) and considers that a positive residual valuation of £351,784 could be achieved (this means that if the site was developed for industrial use, a developer would be willing to pay this figure to secure the site). The appraisal is based on 42.5% site coverage, sales value of £90 per sq foot and lower construction costs of £ 45 per sq foot, £220,000 for site remediation, higher finance rate of 7.5%, and lower demolition costs reduced from £505,000 to £300,000. It considers the £351,000 residual land value is a significantly positive residual land value to be meaningful and make the industrial redevelopment financially viable; it also notes that the developers profit on this hypothetical scheme is £ 467,000 and that if an owner occupier such as Travis Perkins acquired the site they would not require a 15% profit for the development and therefore there would be a greater positive land value. The City Council Property Group has undertaken a sensitivity analysis that shows that in nearly all scenarios there is a positive land value, even without the owner occupier scenario. It concludes that the site is viable to be redeveloped for industrial purposes.

Lidl consider the positive value generated by City Council Property's appraisal is only possible if very optimistic assumptions are made in respect of all the key variables, and that a realistic approach to the relevant risks would not produce a positive residual valuation. It considers that it's negative value of £243,000 is more likely to be realistic. It does not consider that an owner occupier, such as Travis Perkins, would be in a position to outbid competition for the site as they will have their own corporate requirements in terms of making a return on capital expended, its specific requirements will add to basic construction and fit out costs, and would not have the experience of a developer to effect economies through scale, design, and sourcing of materials. It considers it strange that Travis Perkins have not approached the owners of the site over the past 2 or 3 years if it is seriously interested in acquiring it.

The City Council's Property Group has reassessed the financial appraisal and considered the further valuation opinion commissioned by LRC. It considers that this opinion supports the view that the Aldi and Lidl sites would be likely to be sold in their current condition, if openly marketed on an existing use basis. The report also states that if the sites were cleared and remediated they would be likely to obtain £425,000 per acre for existing use. The Property Group considers that the site (adopting the £425,000 per acre for the whole site of 2.15 acres) has a gross value of £905,000 cleared and remediated. Demolition costs are considered to be approx. £265,000 and remediation costs somewhere between £272,000 and £182,000. Even with a high figure within this range (say £240,000) there is a net value of £400,000 which works out at a net figure of £186,000 per acre which is a reasonable return for a derelict, contaminated site. It could also be argued that this figure could be greatly increased if open marketing had occurred. (The north east corner site (12 Littleton Street) of 0.48 acres was the subject of auction in September 2005, but withdrawn at £450,000 in Sept 2005 meaning at least 2 people were willing to pay over £400,000

for it). The overall site could also be split into smaller parcels due to good access on 3 sides and more than £425,000 gross per acre (£186,000) obtained.

Despite the applicant's view, the redevelopment of the site for industrial use is considered to be economically feasible. This has been further evidenced by an offer dated 4<sup>th</sup> December 2007 from Travis Perkins to the Receiver of the Premier Screw site (which does not include the land at the corner of Littleton Street and Bradgate Street). This offer, which is subject to Board Approval and subject to contract, states that Travers Perkins are willing to pay £500,000 for the site in its current condition. They are aware of the approximate costs of demolition and remediation.

Lidl has considered (with the advice of its commercial property surveyor) the LRC valuation opinion and the City Council's Property Group opinion. Lidl maintain that the site is not viable for industrial based redevelopment and produce evidence supporting this conclusion. This is based on its minimum estimate of the principal abnormal costs of ground contamination remediation and demolition of £ 650,000 exceeding the notional gross land value of £642,000 (assuming £300,000 per acre) for the site. Given the risks involved, it does not consider that a developer would be attracted to pay a sufficient sum of money to release the property for development.

The City Council's Property Group has considered Lidl's latest information. It considers that its financial appraisal still shows a positive value. Because it believes there could be infinite disagreements on the many variables used in financial appraisals it has concentrated on looking at land prices. It considers that the Lidl valuation price of £300,000 per acre is low and not substantiated by comparable evidence. It considers the LRC commissioned price of £ 425,000 is substantiated by comparable evidence and is the minimum the site would obtain if openly marketed (cleared and remediated) and would be likely to achieve more if split into parcels or sold to an owner occupier user such as Travis Perkins.

The Property Group accepts that at the extreme demolition and remediation costs could amount to £ 500,000. It considers that using the Lidl figure of £ 300,000 per acre equates to a gross cleared remediated site value of £ 642,000 which leaves a residual value of £ 142,000; and that the LRC commissioned vale of £ 425,000 per acre equates to a gross cleared remediated site value of £909,500, which leaves a residual value of £ 409,500. Consequently the Property Group still considers that the Lidl site is viable for industrial/ commercial redevelopment.

### **Other Aspects of Viability**

Changes to key assumptions and variables can have a considerable effect on financial viability. Notwithstanding Lidl's or the City Council's Property Group's financial appraisals of industrial redevelopment, I am not satisfied that the site is not viable for industrial use. Owners often have inflated views on land value based on the prospect of other more profitable land uses such as retail, or high quality industrial development, and threaten to keep land and property unoccupied until planning permission for an acceptably profitable development is gained and stating that in the interim the community will be faced with an unattractive site. If such owner views prevailed then few sites within employment areas would find new occupants for B1/B2/B8/ sui generis uses. To stop such action the Government is, from April 1<sup>st</sup>

2008, increasing empty property rates from 50% to 100% of the basic occupied based rate after initial void periods (6 months for industrial buildings) to encourage owners to re-let, redevelop or sell empty buildings. Also the Local Planning Authority can serve Section 215 notices to remedy eyesores. If the LPA with up to date Development Plans remains firm in implementing adopted policies then owners are less likely to give up reasonable returns, or dismiss reasonable offers, awaiting LPA changes of policy.

The owner (in this case the official receiver) or applicant have not undertaken any marketing of the site for industrial uses in the 18 months since the previous refusal when no evidencing of marketing was part of one of the reasons for refusal. I still consider that if marketing had taken place (or the site placed in an auction with a reasonable reserve price) interest would have been forthcoming as indicated by the interest in 12 Littleton Street when auctioned. Clearly from its representations on this application Travis Perkins would be interested.

The Employment Land Study has added further valuable evidence as to whether employment designations are still fit for their intended purpose. It confirms that the Key Employment Areas are the best quality sites in Leicester (all B grade; only office areas are grade A). It highlights the future shortage of employment land and in light of this recommends that all existing land grade A to C is protected, but suggests that that grade D should be reviewed through the LDF and that the lowest grades D/E and E are not fit for purpose.

The fact that some of the buildings in this Primarily Employment Area are coming to the end of the economic life is recognised. Irrespective of this the employment land study notes the area as having critical mass, providing a good mix of business accommodation and having reasonable access and prominence off a key route into the city centre and is graded "C" by the ELS, i.e. this whole piece of designated employment land is considered to be fit for purpose.

It is the Council's view that in coming to a judgement on whether a site is "viable" for future employment use, this judgement should be based on wider criteria than solely whether it makes a reasonable profit for one form of development, at one instance in time. It also needs to take account of the potential of that site for future employment use. It is the Council's view that this site does not have any exceptional constraints that would prevent it from being reused to provide employment. It is sufficiently prominent, adequately accessed and well located in relation to the City Centre and has the potential to be viable. It is certainly not employment land that is being protected without reason. It has not been marketed and it is the Council's view that other companies would be able to afford to reuse the site. (i.e. it could be viable.)

I am therefore not satisfied that the applicant has conclusively demonstrated that the site is not economically viable and conclude that criteria E03 (a) has not therefore been met.

The use is ancillary or complementary to an existing or proposed B Class Uses

It was, and is, accepted by both Lidl and the City Council that the foodstore cannot be regarded as an ancillary and a complementary use to the B Uses on the site. This therefore did not appear as a reason for refusal to the previous Lidl application.

The fact that both retail and employment uses are proposed does not automatically result in their being linked. It is simply mixed use development. The uses are all proposed to have distinct pedestrian entrances and the industrial units are physically fenced off with a separate vehicular access.

### Jobs

Lidl state that the proposal would generate 57 full time equivalent (FTE) jobs – 20 at Lidl and 37 jobs generated by the 1350 sq m of industrial floorspace.

The existing building site coverage (excluding 12 Littleton Street) could have employed approximately 119 people (excluding any office provision). On redevelopment of the whole site for industrial uses (say 4910 sq m) approximately 150 people could be employed.

The proposed level of jobs is therefore 66% less than with an exclusive contemporary B1 (c) or B2 development.

The proposed number of jobs would therefore not be significant and the proposal does not satisfy criteria (c) of policy E03.

Contribution to the improvement of the wider environment

Policy E03 (d) is meant to apply to major comprehensive redevelopment schemes, covering a number of adjacent sites rather than a single site. Redevelopment within a particular site does not meet the requirements of this criteria.

It is not accepted that the Lidl scheme meets the purpose of Criteria E03(d). Although there will be benefits in terms of the appearance of this individual site, no benefits are proposed that would affect any land outside of the application area. To qualify for this criteria, an application should include a significant number of adjacent properties/sites as well as clearly contribute to off site improvements to adjacent areas, such as improving footpaths, enabling access to open space or a riverside. This site clearly does not propose improvements beyond its boundaries.

### Employment Land & Regeneration

The application site has an area of 0.87 ha comprising approximately 0.55 ha for retail and associated car parking and 0.32 ha of industrial redevelopment to provide 2 industrial units of 850 sq m and 500 sq m and 27 car spaces.

The application site is situated along the southern edge of the Bradgate Street Employment Area (Grade C) (which contain important employment sites with an influence over the whole of the City due to their scale, location and setting; and primarily geared towards local businesses and B1 Light industrial, B2 and B8 uses). The SPD indicates that B1, B2, B8 Uses are the predominant expected uses within Class C Areas. Table 53 of ELS states that due to the severe shortage of land and premises in the city, "C" grade land should be protected and supported for employment use. Flexible policies apply to type D and type E Employment Areas).

I acknowledge that both the 2 mixed retail/ industrial schemes of Lidl and Aldi contain industrial re-development accommodation, only 2 areas of employment land of

approximately 0.5 ha each would be lost, and that Lidl indicate that heads of terms have been agreed with a relocate from the regeneration area. However the Bradgate Street Employment Area is significant, particularly by occupying a strategic location at the edge of the inner city, close to main orbital and radial roads and being easily accessible to labour supply. It is important that employment land here is retained. The Employment Land SPD allows for loss of employment land in other less important employment areas.

The need for land for relocations as a result of regeneration work in the City was evidenced in the City's Employment Land Study, which estimated that as much as 30 ha could be required long term.

Projects at Bursom Business Park are already underway. But there is also need for sites closer to the City Centre. The 10 ha of land designated for employment use in the Employment Land Study (ref 47) as " Woodgate/ Bradgate Street" is the largest area that is close to the City Centre, which is suitable for relocations. Approximately 8 ha are already occupied by existing businesses.

I am particularly concerned that the loss of this large potential relocation site could prejudice the City's regeneration strategy, particularly the delivery of the Waterside Project, by limiting the potential availability of suitable land/ buildings for relocation of existing industry/ business uses. This would not be in accordance with policy PS01 of the Local Plan that emphasises the strategic need to assist regeneration. The scale of the need for relocation sites for businesses in the strategic intervention areas in the regeneration area, and in particular the Waterside area, is great. After 5 years planning the implementation, the delivery of the Waterside proposals is at an important and critical stage.

### **3.Transport Assessment**

There is no objection from the Highway Authority but any approval would need to be the subject of conditions on matters referred to in the consultations section of this report

### **4.Design Assessment**

The development represents an acceptable contemporary design and there are no concerns about archaeological matters. I requested design amendments in respect of boundary treatment to Littleton Street and Bradgate Street, and the introduction of some windows in the industrial units. Satisfactory amendments have been received. I am satisfied with the energy statement and the contribution by renewable energy sources.

### **Conclusion**

I consider that there is a strong need for one additional discount food store in the area but that two additional foodstores would detrimentally affect the vitality of the local shopping. There are no available and suitable sites for a foodstore in the catchment area apart from the redundant buildings in the primarily employment area close to the Blackbird Road local shopping area. However the presence of a similar discount food store proposal on the former Nabisco Works site should be given

priority primarily because of its closer proximity to the existing local centre. Therefore I am opposed to a retail food store on the Lidl site and recommend refusal on grounds of no qualitative need, and impact of a second foodstore on the existing local shopping centre.

I consider that that development for uses within Use Class B1, B2, B8, and suitable sui generis uses, is both financially viable, and viable in other terms. Moreover, there is a need to retain Grade C Employment Land and a clear need for land for relocations of existing business from the regeneration area, particularly the Waterside area. Strategic regeneration, and the delivery of the Waterside Project could be prejudiced by the absence of suitable land. Consequently whilst accepting a small loss of employment land for the Aldi foodstore I do not consider that any further loss is justifiable.

The design is acceptable, and the highway and traffic impact is acceptable.

I therefore recommend REFUSAL for the following reasons:

#### REASONS FOR REFUSAL

1. It has not been demonstrated that there is a qualitative need for two additional foodstores in the centre, or that the total scale of development is appropriate to a centre of this size or that cumulative impact of two additional foodstores would not be detrimental to the Blackbird Road/Woodgate Local Shopping Area. The proposal is therefore contrary to policy R01 and R06 of the City of Leicester Local Plan.
2. The City Council is not satisfied that the property, which forms part of an employment area that is `fit for purpose`, is unviable for employment use. The proposed foodstore is not sufficiently ancillary or complementary to B Class uses on the site, and the proposal does not provide a sufficiently significant number of jobs compared with an exclusive industrial development. The proposal is attractive in design terms but the site and proposal is insufficient in scale to contribute to the improvement of the wider area. The proposal is therefore contrary to policy E03 of the City of Leicester Local Plan and the Employment Land Supplementary Planning Document.
3. The need to retain Grade C Employment Land in Primarily Employment areas, and provide potential sites for relocations from the Strategic Regeneration Area, including the Waterside area, is such that the loss of part of the site to retail use would prejudice regeneration and the delivery of the Waterside Project. The proposal is therefore contrary to the Policy PS01 of the City of Leicester Local Plan 2006, and the Employment Land Supplementary Planning Document and Employment Land Study.

#### **Policies relating to this recommendation**

- 2006\_PS01      The City of Leicester Local Plan will promote the regeneration of the City, economically, socially, culturally and environmentally.

2006_PS07	Planning Permission will be granted for development that contributes towards a new comprehensive Waterside development in the vicinity of Frog Island, in the area shown on the Proposals Map.
2006_E03	Planning permission granted for the development of appropriate B1, B2 and B8 uses in Primarily Employment Areas and not for changes to other uses unless it meets criteria.
2006_R01	Planning permission for major new retail development will not normally be granted outside existing shopping centres unless a need for the development can be demonstrated and it meets other criteria.
2006_R06	Planning permission will not granted for new local shops and facilities outside the centres identified on the Proposals Map unless they can meet criteria.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_R02	Planning conditions imposed on the sale of comparison goods from out-of-centre supermarkets and superstores.
2006_R03	Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.
2006_UD01	Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria.
2006_UD02	Planning permission will be given for new development where buildings make a positive contribution to the street scene and create a sense of identity.
2006_UD04	Planning permission will not be given for development proposals which would fail sufficiently to achieve efficiency in the use of energy.
2006_UD07	New development and redevelopment should have sufficient refuse storage space to allow segregated waste collection.
2006_BE01	The City's archaeological heritage will be preserved where appropriate.
2006_BE11	Planning permission for the fitting of external security measures including roller shutters and grilles will only be approved where a special need for external security exists.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_BE16	Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_BE21	Noise-generating development not permitted if affecting unacceptably amenity of noise-sensitive land uses; noise-sensitive development not permitted if affected by noise from noise-generating land uses.

- 2006\_BE23 Development on land that is or may be contaminated will only be allowed where the risks caused by the contamination can be reasonably overcome.
- 2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006\_AM09 Proposals for large-scale or travel intensive development must be accompanied by a Transport Assessment and a Travel Plan.
- 2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006\_AM13 When a number of users occupy a single site, development proposals should take account of the opportunities for communal and shared parking provision.
- 2006\_AM15 Location and design of new parking provision should be subject to safety and design criteria.
- 2006\_AM17 Non-residential development will, where practical, be expected to include loading and unloading facilities and manoeuvring space within the site.

<b>Recommendation: Conditional approval</b>	
<b>20070565</b>	<b>WOODGATE, BRADGATE STREET (EX NABISCO WORKS SITE)</b>
Proposal:	THREE-STOREY MIXED DEVELOPMENT COMPRISING GROUND FLOOR FOODSTORE (900 SQ M), FIRST AND SECOND FLOOR OFFICE ACCOMMODATION (1880 SQ M IN 14 OFFICE UNITS) (CLASS B1), AND 127 ASSOCIATED CAR SPACES; 6 UNITS WITHIN 2 SINGLE-STOREY INDUSTRIAL BUILDINGS (883 SQ M) (CLASS B1) & 13 CAR SPACES; VEHICLE ACCESS; ANCILLARY LANDSCAPING (AMENDED PLANS). (SUBJECT TO S 278)
Applicant:	ALDI STORES LIMITED
App type:	Operational development - full application
Status:	Major development
Expiry Date:	21 June 2007
RAW	WARD: Fosse

## Summary

Aldi consider that the proposal satisfies the City of Leicester Local Plan Policy E03 and the Employment Land Supplementary Planning Guidance Document. This is because it considers that it has shown that, the industrial redevelopment of the whole site is not financially viable, the proposed retail development is ancillary or complementary to the proposed B Class Use, the proposal would provide a significant amount of jobs, and would contribute to the improvement of the wider environment. Aldi also considers that it has shown there is a need for an additional foodstore in the area which would have no detrimental impact on the Blackbird Road local shopping area. If only one site is to be allowed it considers its site is sequentially preferable (because it is closer to the existing Blackbird Road local shopping area) than the Lidl site.



### **APPLICATION FOR ALDI – APP NO 20070565**

There are objections to the proposal, including an objection from LRC which considers that the loss of employment land would affect wider regeneration objectives. Lidl object, particularly on the grounds that the vehicular access to Woodgate is not safe and contrary to Department for Transport guidance, and considers that the Aldi and Lidl sites are of equal merit in retail policy terms. The Woodgate Residents Association would welcome one retail store but not two, and has no preference over which site.

The Highway Authority has no objection to the proposal subject to a Section 278 Highways agreement which would include the relocation of the existing pelican crossing.

I consider that it has been demonstrated that there is a strong need for 1 additional foodstore in the area, and that one store would not have a detrimental impact on the Blackbird Road/ Woodgate local shopping area.

I do not consider that the site is financially unviable for industrial redevelopment as the City Council's financial appraisal and Leicester Regeneration Company's commissioned valuation advice shows that the site would retain an adequate financial value. I also consider that the land is an important part of the Woodgate/Bradgate Street Industrial Area, and the Supplementary Employment Land Supplementary Planning Document considers that such Grade C type industrial

areas should be protected from changes to other uses and allowed to contribute fully to the wider regeneration of the City. I do not consider that the proposal satisfies other criteria of policy EO3 relating to uses ancillary to B Class Industrial Uses, or the provision of a significant number of jobs, or contributes sufficiently to the improvement of the wider area.

There is no objection to the proposal on highway grounds or urban design grounds. Despite the need to protect Grade C industrial land in primarily employment areas, I am prepared to accept the loss of industrial land for 1 food store. Because the application site is closer to the core of the existing shopping centre than the Lidl site, the Aldi site is preferred over the Lidl site (moreover if a retail store was allowed on the Lidl site and not the Aldi site, the presence of industrial use on the Aldi site is likely to discourage linked trips between the Lidl site and the local shopping area). There are no other material planning considerations or substantial differences between the 2 sites that would justify a preference for a foodstore on the Lidl site rather than the Aldi site.

The Aldi application is therefore recommended for APPROVAL subject to conditions and the submission of a satisfactory energy statement.

## **Introduction**

The site (0.86 ha.) fronts the A50 Woodgate and extends through to Bradgate Street. It comprised the former Nabisco Works site which in recent years has been used as offices, gymnasium and flats on different parts of the 3 storey Woodgate frontage building, and business, industrial and warehousing use to the rear. Existing vehicular access and egress is from both Bradgate Street and Woodgate.

To the west of the application site is a motor vehicle sales showroom and ancillary servicing/ preparation areas, with houses and shops to the north along the east side of Blackbird Road. To the west is a tyre and motor accessory fitting centre. To the north-east is an industrial property at 60, Bradgate Street.

The application site is allocated within a primarily employment area in the City of Leicester Local Plan (2006). The River Soar and Waterside Intervention Area are approximately 350 metres to the east. The application site is outside the Woodgate/ Blackbird Road local shopping area which includes the showroom property on the north side of Woodgate and extends to Bassett Street on the south side.

In May/ June 2006 Aldi submitted an application for a 3 storey building (3275 sq m) comprising a ground floor food store (1525 sq m gross, 1025 sq m net, and 2 floors above (1810 sq m) to provide 24 one and two bedroom flats was submitted but withdrawn before determination. That application covered approximately two-thirds of the whole former Nabisco works site (which was at that time occupied by 13 users). Unlike the present application it did not extend up to Bradgate Street.

Lidl submitted a new application for a foodstore, 2 retail units, and 2 industrial buildings in May 2007 on the former Premier Crew Building Site and 12 Littleton Street site approximately 50 m to the east of the Aldi application site. The Lidl application is reported elsewhere on the agenda.

## **The Proposal**

### Content

The proposal is for a 3 storey building (3240 sq m) comprising, on the Woodgate side a ground floor food store (1440 sq m gross, 900 sq m net), and 2 floors of office accommodation above (1880 sq m gross comprising 14 office suites), and in the north east corner adjacent to Bradgate Street two blocks of 3 units to provide a total of 883 sq m of business space (light industrial) (Class B1 (c))

The foodstore/ office building (55.3m x 18m) is sited along the western part of the site with a car park area of 81 spaces for the foodstore and 50 space separate secure car park for the office development. 13 spaces are proposed for the B1 light industry. Means of access and egress is proposed from Woodgate and Bradgate Street, with a through route.

The applicant considers the proposals could generate jobs for around 140 people and states that it would accept a condition preventing amalgamation of office floors to prevent the creation of a large office unit of more than 1000 sq. m

### Design

The foodstore/ office development would comprise a single building of varying height, mainly 3 storey but with 2 towers (providing stairs and lift access), and a small single storey element fronting Woodgate; each element ( in the original plans) would originally have had a monopitched roof curved roof profile. The Woodgate frontage comprises 25 m single storey frontage of the retail store but with 4 large window panels, front entrance to a 15 metre high tower (providing lift and staircase access to the corridor access to the office accommodation above the foodstore), vehicular access and egress, and car parking area to the eastern part of the site.

The walls of the foodstore would be in brickwork, and there would be rendered buff panels to the office accommodation above; slate grey aluminium roofing, and aluminium windows. Roller shutters are proposed to ground floor windows.

2m high boundary wall and railings are proposed to the Woodgate and Bradgate Street frontages, with small strips of landscaping inside them and adjacent to the ATS car tyre and exhaust premises on the eastern boundary.

The applicants consider the high quality development has a strong architectural style that sits comfortably alongside the car showroom as a visible sign of urban regeneration. The B1 industrial units are considered to represent a logical redevelopment of industrial uses already there and a continuation of other industrial uses in Bradgate Street.

### Amended Plan

In response to previous officer concerns about design and vehicular access/egress to Woodgate, Aldi has submitted amended plans. These retain the siting, scale and

form of the foodstore building but introduce a monopitch rather than a curved roof (also giving the opportunity for a green roof); accessibility to office accommodation has been improved by repositioning the ground floor entrance to the north elevation; to complement the new roof, further glazed curtain walling has been introduced; feature external balconies have been removed and horizontal “band” effect windows enhanced by cladding style; and there are building material changes and relocation of bin storage areas. The amended plans also modify the design of the vehicular access to Woodgate, and reposition the existing pelican crossing, reduce parking provision, and alter the servicing space. The plans also introduce landscaping along the Woodgate frontage, along the boundary with the adjacent tyre fitting premises, and at the back of the retail car park to the front of the industrial units. Aldi consider the relative positions of the retail store and a prominent retail car park define a safe visible environment, which is a key objective of the Crime Prevention Initiatives Team (Secured By Design) and the Crime and Disorder Act.

The Design & Access Statement states that ground source heat pumps/ pipework below the car park will assist in the heating of the building.

### Accompanying Documentation

The application is accompanied by an Archaeology Assessment, Transport Assessment, a Supporting Statement on Retail Policy, an Access and Design Statement, an Assessment of Employment Land policy, a Summary Building Inspection, a Financial Appraisal and subsequent response to Leicester City Council's comments.

The Transport Statement proposes a new vehicular access/egress in the middle of the Woodgate frontage (with the existing redundant access reinstated), and new access/egress on to Bradgate Street (again with the existing redundant access reinstated).

Supplementary Transport Assessment information submitted includes an independent road safety audit of the proposed off-site highway works and an amended highway design showing physical measures to prevent right turns from the site into Woodgate and an increased separation distance between the left turn access from the site and the relocated pelican crossing on Woodgate, which the applicant considers acceptable in terms of Department for Transport design guidance.

Aldi state that that the design will seek to employ sustainability measures to reduce impact, represents prudent use of land and add to the sustainability of the wider area by reducing need to travel & creating high quality useable employment space. Energy demand would be reduced by a range of energy saving and efficiency measures e.g boiler units, low energy and controlled lighting, complying with Building Regulations to reduce energy demand.

Aldi's financial appraisal for industrial development acknowledges the shortage of industrial land in the City but considers that the relatively low land values for industrial use are not attractive for landowners, and schemes are in many instances economically unviable due to costs. It considers the main market would be for owner

occupation whether be it direct or via a developer, largely due to the lack of supply of both new and good/ modern second hand properties.

Aldi concludes that its financial appraisals clearly show that redevelopment for industry would not be economically feasible due to the relatively low land value (£29,916), which albeit positive, is clearly not sufficient. It considers that this is due to the relatively low market price levels, compared to costs which have increased quite significantly over the last few years. It emphasises that inner city brownfield sites like this have additional cost implications, notably demolition and remediation; and that the market generally indicates that such development is not feasible as there have been very few examples, if any, within Leicester of such sites being developed. It states that, even allowing for some margin of error in respect of assumed costs and possible up-side on sale prices etc, the sensitivity analysis shows that it is extremely unlikely a sufficient land price would be generated. An owner occupier bid may be unlikely on a complicated site such as this but even so there is still insufficient margin in the appraisal to equate to a sufficient land price. Therefore their overall conclusion would be that industrial redevelopment on this site is not financially viable.

Aldi consider that there is quantitative retail capacity for 2 stores (based on a 5 minute drive time primary catchment area which is a reasonable approximation of the area which the store is intended to derive the bulk of its turnover); that there is a qualitative need for only 1 additional discount foodstore; and that an additional modest type of foodstore as proposed by Aldi is an appropriate scale and type of development for such a centre. It considers that its store is indisputably closer to the existing centre in physical terms than the Lidl proposal; retail impact would be limited as any trade diverted from the existing Co-op would be more than compensated by the potential for Aldi shoppers who currently do not visit the Woodgate centre, making a linked trip between the Aldi store and remainder of the centre, including the Co-op, to purchase items not available in an Aldi store. Aldi does not consider it necessary to consider cumulative impact but states that a key aspect of cumulative impact is whether, in reality, two discount food retail stores would actually be built at this location given the intensity of the competition between the two stores, should planning permission be granted for both.

## **Policy Considerations**

### National Guidance

PPS1	Delivering Sustainable Development.
PPG 4	Industrial and Commercial Development and Small firms.
PPS 6	Planning for Town Centres.
PPG 13	Transport.

### Local Plan

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Policy PS01 is the Local Plan Strategy that seeks to facilitate the City's development economically, socially, culturally and environmentally. This will be achieved by managing change with integrity in accordance with the principles of quality and

sustainability. Key elements of the Plan's location strategy include regeneration especially of areas identified within the Strategic Regeneration Area (SRA).

In the Local Plan the site is within a primarily employment area. Although Policy E03 is worded to resist non B Class uses, there is scope to allow redevelopment for non-employment uses in this instance if any of the criteria below apply (other criteria by which changes of use should be assessed are not relevant to the proposal):

- a) The land and buildings are no longer viable for employment purposes; or
- b) The use is ancillary or complementary to an existing or proposed B – Class Use; or
- c) The use would provide a significant number of jobs; or
- d) Development of the site would make an important contribution to improving the wider environment

This policy also states that major office development will not be allowed in Primarily Employment Areas outside the Commercial Zones of the City Centre, Beaumont Leys and Hamilton Town Centres.

Para 7.31 states that in particular proposals for retailing will not normally be acceptable.

Para 7.33 states that in particular, account will be taken of Council's employment land study and housing needs survey. The City Council will then consider each application on its merits.

Policy E05 Major office development (over 1000 sq m) states all sites (other than the Central Office Core, Abbey Lane Research Business park, Beaumont leys and Hamilton Town Centres) will be out of centre in terms of a sequential test and will only be considered if there are no suitable sites in these other areas.

Local Plan Appendix 1 -Vehicular Parking Standards - guidance indicates a maximum of 1 space per 14 sq m ( for Class A1 Food),1 space per 40 sq m ( Class B1 Offices), 1 Space per 70 sq m ( Class B1 Light Industrial and Class B2 Industry), and 1 space per 120 sq m Class (B8 Storage & Distribution); with a target reduction of 30% of the maximum.

### Employment Land Study

The City Council's Employment Land Study was completed in 2006. The objectives were to assess the quality (fitness for purpose) and quantity of employment land and buildings in Leicester (that is all the existing employment allocations in the adopted Local Plan 2006) and to provide a forecast to 2016 of future need and building type and size.

Some of the general findings are set out below:

The industrial premises in the City are very old. 27% of those surveyed were built before 1915 and 90% before 1990. The extent of poor quality accommodation is particularly a major issue. Many of the buildings are coming to the end of their economic life and are unsuitable for modern business needs. Redevelopment of this space is needed. Public Sector intervention may be required in some instances.

There is a severe future shortage of developable employment land in the City. One of the recommended actions is to strongly protect the supply of employment land.

There is 564 ha of employment land in the City with 41% in Key Employment Areas and 53% (297 ha) in Primarily Employment Areas  
Employment land in the City was graded A-E by the employment land study. The Woodgate/ Bradgate Street Employment Area was classed as a Grade C which is described as “ important employment sites with an influence over the whole City , but primarily geared towards local business”. The Employment Land Study recommends that A-C graded land should continue to be protected. Only the lower graded D sites are recommended to be reviewed and the D/E and E Grades recommended to be released to other uses.

### Supplementary Planning Document

The Employment Land study findings are included in the consultation draft of the Employment Land SPD. Public consultation was undertaken between 31<sup>st</sup> May and 11th July 2007. The Planning and Development Control Committee considered the Draft SPD on 19<sup>th</sup> June 2007 and the Member Working Party in July 2007. Consultation generated only minor matters of detail. In December 2007 the SPD was approved by Cabinet for adoption .  
SPG Energy Efficiency;

### **Consultations**

Severn Trent has no objection to the proposal subject to conditions requiring approval and implementation of surface water and foul water sewers.  
The Environment Agency has no objections subject to conditions dealing with flood protection and land contamination remediation.

The Highway Authority states the Transport Assessment and supplementary information demonstrate that the proposals will result in an increase in traffic on the local highway network. It should be noted that the existing industrial premises would generate significant traffic and highway improvements to the site access on Woodgate are proposed to mitigate the impact of this increase in traffic. It had concerns about the design of the original new access to Woodgate being able to provide for HGV movements, and its proximity to the existing pelican crossing. It states that a revised access proposal has now been received; this retains the left turn access on to Woodgate (but prevents right turn movements on to Woodgate) and relocates the pelican crossing approximately 6 metres to the southeast increasing the distance between the egress and the crossing. It states that with the revised proposal grounds for concern are minimised and that any objection to the proposal would be difficult to substantiate and would not be upheld in the event of appeal. In addition the Highway Authority suggested the left turn radius from the site can be reduced to discourage drivers from making right turns.

The Highway Authority stated, in respect of the original plans, that the retail parking spaces are within the maximum standards, but that the office provision at 50 spaces is an overprovision of the maximum 46 spaces and contains no space for servicing vehicles; and that whilst parking for the B1 use is satisfactory, space for parking and servicing of larger vehicles is tight; amended plans were requested.

In respect of the amended plans, and Lidl's submission (in the representations section of this report) about the safety concerns of the access to Woodgate being below Department for Transport standards/advice the Highway Authority states:

The Advice Note TA 68/96 incorporates LTN 2/95, the design of pelican crossings, (along with LTN 1/95, the assessment of pedestrian crossings) into the DfT's Design Manual for Roads and Bridges. The purpose of TA 68/96 was to replace the previous notes relating to pedestrian crossings, which had become superseded. The advice given in the notes should be followed on Trunk Road schemes and is intended to give guidance to local authorities. LTN 2/95 Paragraph 1.1 states that LTN 2/95 recommends the practices to be followed when planning, designing and installing at grade pedestrian crossings.

Paragraph 2.1.1 states a minimum distance of 20 metres is suggested between a side road and a signalled crossing. Furthermore, it is also suggested that distance be measured from the position of a driver waiting at the give way line of the side road. Where it is not possible to obtain this distance, consider banning turning movements or making the side road one way away from the crossing.

The current location of the existing crossing is between 2 side roads, Dunton Street and Bassett Street. It is close to the existing access/egress of the site and the adjacent access/egress of the ATS Depot. As such the issue revolves around an access/egress and the crossing, not a side road. It could therefore be argued that LTN 2/95 and other DfT advice notes are not applicable in this instance and the proposed access could be very close to the crossing without being in conflict with any technical advice.

However, in view of the proposal, the comments from the initial safety audit and trying to reflect the 'spirit' of LTN2/95, a compromise of slightly adjusting the existing location of the crossing and adjusting the proposed access/egress to the site was felt to give an acceptable layout. Although this does reduce the distance between the crossing and Dunton Street to 16.6 m (measured on site up to the studs of the proposed crossing position , that is 14.6m to the stop line), this distance was considered to be acceptable.

This option would need to be subject to a Detailed Design Road Safety Audit (Stage 2) as pointed out by Turner Lowe. The Stage 2 Safety Audit would form part of the technical approval process for the off-site highway works in the Section 278 agreement. In addition an as built safety audit will also be required once the crossing has been constructed.

In conclusion it states that if the Local Planning Authority is minded to grant consent there would be a need to impose appropriate conditions (including a Travel Plan) and to require a section 278 Highways Act Agreement relating to works (ghost islands, relocation of the pelican crossing) in Woodgate.

## **Representations**

Woodgate Residents Association welcomes the proposal; it initially had concerns about the vehicular access from Woodgate but has been satisfied by the applicant in this respect. (Woodgate Residents Association expressed this view before it was aware of the Lidl application; it has said in response to that application that it welcomes one additional foodstore in the area but has no preference between the Aldi site or Lidl site).

Lidl has made an interim objection stating that following the refusal of its application on the Premier Screw site it has reviewed matters and having met with LRC is submitting a mixed retail and industrial scheme to deal with the reasons for refusal by the end of April. It considers the revised proposals for the Premier Screw site will provide better for the needs of the local community, particularly in respect of economic development. It also considers the technical issues ( e.g vehicular access and design) concerning development of the Premier Screws site are more easily resolvable than those concerning the Aldi site. Lidl consider that both the Aldi and Lidl applications should be considered and determined at the same time.

Lidl 's traffic consultants stated (in respect of the original plans and transport assessment) that the traffic effects of the scheme have been grossly underestimated and the traffic assessment is inadequate and proposed access arrangements are totally unacceptable. It states that the new Woodgate access is less than the minimum safe distance from the existing pelican crossing, and would be extremely hazardous. It adds that following a Court of Appeal judgement (Kane v New Forest Council) the planning authority would be liable for damages and compensation arising from accidents. The island which is supposed to ensure that vehicles only turn left out of the site and give protection to pedestrians crossing the access would be totally obliterated by the service vehicle. The proposed arrangements are totally unworkable and by the time the refuge island was adjusted to permit the ingress and egress of the service vehicle the access would be even closer to the pedestrian crossing and grossly below Department for Transport advice. Other matters raised were:

1. existing traffic flows on Woodgate 2006 level are lower than those observed as part of the proposed Lidl application in 2005
2. the estimate of Aldi traffic has been grossly underestimated (around 50% of the traffic observed at identical size Aldi stores in the Midlands)
3. the traffic flows used to assess the office element show no resemblance to those the proposed uses would generate
4. servicing the industrial units with an articulated HGV would be impossible
5. 77% of the food store traffic is assumed to leave the site via Bradgate Street and find its way back to where it came from using residential streets
6. pass-by traffic effects have been misinterpreted.
7. the 'net' traffic effects of the total development which logically should be the effects of the individual uses combined are significantly less than the combined flows
8. the Woodgate access arrangements which require all traffic to leave the site via left only turn cannot be made self-enforcing without the construction of refuge islands which would reduce highway capacity. A Traffic Regulation Order would be required and Lidl would not expect this to be supported by the Chief Constable. It would expect the planning authority to require that the Chief Constable had confirmed that this Order

would be enforced before planning permission is considered or alternatively the access be designed so as to be self enforcing.

Lidl's traffic consultants states that the amended access scheme which moves the pelican crossing only achieves a separation distance of 17m. from the side road still below the minimum safe distance in the Department of Transport Guidance. It states that in moving the crossing to achieve this separation, the crossing has been moved closer to the Dunton Street side road and in the proposed location it would be only 13m from a drivers position on Dunton Street (closer than it would have been to the Aldi access which was considered unacceptable). In the event of an accident, which with a side road only 13m from a crossing is a likelihood as otherwise the Department for Transport would not recommend a significantly greater distance, it will be of no relevance to the pedestrian injured or killed that the driver was not local and the highway authority never expected a non- local driver to use Dunton street. The facts of the matter are that drivers on Dunton Street would behave just as drivers leaving the Aldi site were expected to behave by the Safety Auditors (appointed by Aldi to assess their scheme) who reported that in the Safety Audit that " drivers may be concentrating on oncoming traffic and this may lead to drivers inadvertently overshooting the stop line at the crossing and hitting a pedestrian on the crossing". The consultant considers that this is just as likely to happen with drivers leaving Dunton Street as with drivers leaving the Aldi access. It concludes by stating that the situation is that an existing arrangement (which is itself not ideal) would be made significantly more dangerous as a result of this proposal. This is exactly what the Kane v New Forest District Council case determined to be unacceptable. It considers the City Council would be guilty of gross negligence in approving a scheme which resulted in this unacceptable situation arising. The Consultant states that the "guidance" in LTN 2/95 has the status of Department for Transport Technical Advice by virtue of TA 68-96 which must be followed on Trunk road Schemes and is commended to all local highway authorities.

On other matters it states that the requirement for all traffic to leave the Woodgate access via a left turn only manoeuvre has resulted in a design where the access has been widened to such an extent to accommodate the delivery vehicle that vehicles would have no difficulty turning right out of the access contrary to the requirements of the authority. In fact the requirement to turn left only will only be indicated by means of signs which will be unenforceable by either the authority or Police. One would have thought that a scheme which was dependent upon restricting a particular traffic movement which was impossible to enforce would be a material consideration to the planning authority but is not mentioned in the Highway Authority's consultation response. There is also no mention of what alternative routes would be for traffic that would normally wish to right turn out of the access. The logical choice by drivers would be to turn right into Dunton Street and return to Woodgate heading west via Central Street and Marshall Street, all narrow residential streets with on street parking and unsuitable for non-access traffic. It is clear that the Highway Authority consider Dunton Street to be suitable for local traffic only, yet a consequence of the development would be to increase non- access traffic use of this and other streets. It adds in the original plans the industrial units at the rear of the site could not accommodate deliveries by HGV's. Indeed the access route to these units have been specifically designed to preclude such vehicles. An HGV delivering to or collecting

items from these units would have to stand on Bradgate Street outside the only residential properties on this street.

The consultant considers all these factors to be the basis of an immediate rejection of the scheme on highway grounds. Lidl maintains that the Aldi access is not essential and there should be no necessity for highway safety to be compromised to permit non-essential development. It reiterates its view that where a planning authority approves such a scheme which is clearly contrary to Department for Transport Guidance, in the event of an accident (and the applicant's road safety auditors have identified that this is a possibility) the Court has found the local planning authority, not the applicant, to be negligent and liable.

Lidl consider that that the proposal by demolishing a building with 95% frontage to Woodgate and replacing it with one a mere 28m wide will punch a severe hole into an important street scene. Consequently it considers the proposal fails to achieve overlooked streets with active frontages making places feel safer and introducing vitality into the public realm, is contrary to policies UD01 and UD02, and should be refused on these grounds. It points out that its proposal with an additional retail unit reinforces the existing 'urban edge' and continues the active frontage. Lidl consider the revised elevations do not properly show the building in context with other buildings, the building is considerably higher than the adjacent Audi showroom, the offices at first and second floor are poorly designed and there is no demand for offices. It considers the offices at first and second floor should be removed, making the building height more in accord with general building heights, and further buildings should be placed at the front of the site adjacent to ATS. Lidl also consider the landscaping along the edges of the site is limited and with token railings exacerbates the negative impact of less building form on the Woodgate frontage. Lidl also criticise the design of the industrial units stating they are too small for industrial demand in the locality, and that the rear elevation of the units remains poor. Lidl state that the above design views were stated by officers to Lidl, and imply that only a token response to them has been made.

Leicester Regeneration Company (LRC) objects to this and the Lidl proposal on the grounds that the sites are in a strategically significant location and is not convinced that they are genuinely unviable for redevelopment for employment use. It states that the proposal would mean loss of the property as a relocation opportunity for businesses in regeneration areas who wish to remain local; a supply of employment land within the central area of Leicester is considered essential to facilitate the ongoing planned programme of regeneration. It acknowledges that without subsidy redevelopment of the site for industry may be unaffordable for some companies, but having had discussions with a number of relocating businesses about their requirements, believes some could afford new build space in this location, and that Woodgate is a preferred location in view of its prominence to key routes, reasonable access, and critical mass of employment uses. LRC welcome the industrial units alongside the foodstore but consider that had the sites been marketed for employment use, strong interest would have been shown by a number of businesses present in the Waterside area

As it believes the sites are suitable in principle for relocating business it recognises that a key issue is whether abnormal costs of site clearance and remediation are

such that they would render an employment use unviable. It considers that some of the assumptions in the appraisals should be rigorously tested and could vary sufficiently to provide a positive residual value (It also emphasises that the need for a speculative developer's profit could be removed from the appraisal which would have a significant effect on the residual value of sites).

LRC commissioned a commercial property surveyor (Innes England) to advise on the marketability, demand for, and open market value that could be achieved for the 2 sites on a gross basis without taking into account any abnormal costs of development, including but not limited to demolition and remediation. The commercial property surveyor states that its company is presently experiencing a reasonable level of demand for industrial accommodation for both new and older buildings within the city and there remains a shortage of stock particularly within the freehold sector. There remains a clear shortage of land for industrial development both within the city and county particularly of this size. The fact that the sites are located just outside the warehouse exclusion zone could potentially have a beneficial effect on the marketability of both sites, providing a scarce opportunity to acquire a site for B8 development so close to the core of the City. There would also be demand from owner occupiers for sites without a developer tie and a readiness by them to undertake development directly. It considers that had these sites been openly marketed interest would be forthcoming on an existing use basis, and that £ 425,000 per acre is an appropriate value of the sites on a gross basis for existing use purposes (such a value would give a gross value of approximately £900,000 for the similar sized sites).

If the City Council is minded to grant consent it considers appropriate conditions should be imposed to secure as far as possible the early and certain provision of land or premises for employment use as part of the scheme

Travis Perkins, currently located at Swan Street in the Waterside Area (facing wholesale redevelopment for residential offices and retail use), states that it is actively looking to relocate within a half mile radius of existing premises. It considers that had the site been marketed on the open market for sale, it would have looked at acquiring it as a suitable relocation site and any potential contamination issues would be dealt with through the normal negotiation process and that under current environmental legislation the polluter pays for the clean up process. It considers that the approval of the Lidl application and neighbour sites would seriously reduce the amount of industrial/ employment land in the centre of Leicester which is already at an all time low, and states that if it cannot relocate to suitable alternative premises, redevelopment of the Waterside area would be delayed indefinitely.

Two residents of Bradgate Street object on the grounds of a potential access/ egress opposite their house, increased traffic flows on Bradgate Street, and question the need for 2 new food stores in the area.

## **Consideration**

This application has to be considered on its own merits and in the light of a similar current application from Lidl on a nearby site. Both applications represent departures from the Local Plan. The land use principles relating to the need for, and shopping

impact of, 1 and 2 retail stores outside a local shopping area, and loss of employment land has to be assessed, together with matters relating to highways and traffic, and urban design. A recommendation is then made on whether no mixed foodstore/ industrial proposal, a single foodstore/ industrial proposal (and whether this should be the proposal for the Lidl site or the Aldi site) or 2 foodstores/ industrial proposals should be approved.

## 1. Retail Assessment

The site lies on the edge of the Blackbird Road/Woodgate local centre, which also includes shops in Buckminster Road and Groby Road. The eastern boundary of the local centre is to the rear of the existing Audi motor vehicle premises and the properties to the south of Bradgate Street, and Bassett Street on the south side of Woodgate.

Policy R03 confines new retail development to existing centres. Where such development for local facilities is proposed outside existing centres policy R06 requires a demonstration of need for additional local facilities amongst other considerations. Moreover, for proposed major retail development outside existing centres policy R01 requires a developer to demonstrate that a number of criteria are met including need for the development and that a sequential approach has been taken to site selection. For these purposes the application site is an edge-of-centre site.

The applicant has submitted a retail assessment following the steps set out in PPS6 'Planning for Town Centres', steps which policy R01 follows. These are:

- (a) the need for the development;
- (b) the appropriate scale of development;
- (c) that there are no more central sites to be considered;
- (d) there are no unacceptable impacts on existing centres;
- (e) that the location is accessible.

PPS6 states that for new retail development local planning authorities should focus primarily on these considerations. Physical regeneration and employment, for example, may also be material considerations.

Both Aldi and Lidl have submitted retail assessments regarding their respective proposals. Different methodologies have been used in each case which has provided a confused picture particularly with regard to considerations (a), (b) and (d) above.

### (a) Need

Neither the Central Leicestershire Retail Study (CLRS) nor the Leicester City Retail Study (LCRS) identified a significant need for further convenience floorspace up to 2011 in the Central Leicestershire area but both recognise that there may be localised deficiencies in provision. The applicant has defined the catchment as a 5-minute drivetime. I am satisfied that there is quantitative capacity to support one discount retail store.

The evidence of need for two stores is less conclusive, the use of different methodologies making the outcome of the retail assessments confusing. However, looking at the two assessments together I conclude that it would be

difficult to sustain an argument that there is insufficient capacity in the catchment to support two stores.

Qualitative issues should also be taken account of but are secondary to the quantitative need for additional floorspace on which greater weight must be placed (PPS6). The CLRS study did find there to be a qualitative justification for further discount food store provision but only in the north east of the study area, not within this part of the City.

The applicant points to the following indicators of qualitative need: the enhancement of local shopping facilities; widening the choice of retail facilities (Aldi particularly emphasise the material difference between a discount foodstore and a mainstream food retailer), and reduction of need to travel by car because most of shoppers' weekly food purchases could be obtained from an Aldi store.

Government guidance only distinguishes between convenience and comparison goods, not distinctions between types of convenience retailing, so the importance that can be attached to the discount foodstore model is consequently limited. However, I accept there might be a qualitative argument for the type of discount foodstore represented by Aldi and Lidl in the centre, although the case for two similar stores in the same location is unconvincing. PPS6 advises that in assessing qualitative need for additional development one factor to consider is that 'an appropriate distribution of locations is achieved', a key consideration being to provide for consumer choice. Developing two similar stores on adjacent sites is unlikely to assist in this objective.

It may be possible to locate a second store to serve the catchment, as defined by the applicant, elsewhere to achieve an 'appropriate distribution' of such stores. The issue of impact on the existing stores (see below) is affected by proposals for two discount foodstores rather than one. Clearly impact would be much reduced if a second store was located elsewhere or did not go ahead.

#### (b) Scale

The proposed store by itself is of a relatively modest scale and not inappropriate for the centre's role and function and catchment.

A second store would provide a significant further addition to floorspace. In terms of net sales area the centre has around 684 m<sup>2</sup> of convenience floorspace. The two foodstores would almost quadruple current provision. This significant increase would be delivered in a short period allowing little time for the adjustment of shopping patterns that will be needed to support two stores plus maintain trade in the existing centre without adverse impact.

A larger more vibrant centre may well be able to absorb this impact. Again the issue of impact on the existing stores (see below) is affected by proposals for two discount foodstores rather than one.

#### (c) The sequential approach to site selection

The Blackbird Road centre is an appropriate location for a search of alternative sites to serve the identified catchment. I agree that this is the logical location for a catchment defined by the applicant focussed on that centre. The site is on the very edge of the defined centre. The core of the centre, where a Co-op and Spar convenience stores, bank, surgery and post office are located, is situated on the far side of Blackbird Road. PPS6 defines edge-of-centre as a location that is well

connected to and within easy walking distance (up to 300m) of the primary shopping area. However, account should also be taken of local circumstances which may affect pedestrians' perceptions of easy walking distance. These might include barriers such as crossing major roads, and the strength of the attraction and size of the town centre. The busy Blackbird Road and complex junction may well be a barrier to the successful integration of the site into the centre. However in view of the Aldi store's proximity to the local shopping centre, integration with it would be better than the Lidl store which is approximately 120m further away to the east.

(d) Impact/Trade Diversion

Aldi have estimated that the impact on the trade of the Co-op is 9.8% and 3.9% on other retailers. Interestingly, Lidl have estimated impact to be about 5.3% on the Co-op and 2.9% on the remaining convenience floorspace in the centre.

A single store would be acceptable in terms of its trade impact on the Woodgate centre.

The cumulative impact of two new stores on the existing centre is a legitimate concern and there is a risk of real harm. It is improbable that two stores would not have a greater impact on the local centre than one. The two stores will be an alternative attraction to the Co-op and Spar. Although it is arguable what the precise impact and consequences may be, the consequences of reduced footfall on the west side of the centre could be the loss the existing stores and then the loss of other facilities reducing the diversity and attraction of the centre as a whole.

(e) Accessibility

Securing good accessibility means locating developments in town centres thus taking advantage of public transport. Many bus routes traverse the centre so that on balance the site is reasonably accessible by public transport.

## Retail Conclusion

The overall need for and scale and impact of a single discount foodstore in the area is justifiable and acceptable. The scale of a single store is appropriate to the centre. A single store would be acceptable in terms of its trade impact on the existing local centre and the Aldi site, in the absence of a site within the centre itself, is acceptable in terms of the sequential approach to site selection. A foodstore on the Aldi site is therefore acceptable in retail terms.

## 2. Employment Assessment

The Employment assessment is against policies E03 and PS01 of the Local Plan, Employment Land Supplementary Planning Document and Employment Land Study. Policy E03 was first introduced in this format in 2001, in the deposit copy of the then Replacement Local Plan (now adopted 2006). It was based on the early indications from Government that land was being retained for employment uses unnecessarily. It was the intention of criterion (a) of policy E03 (relating to viability of land and buildings) to prevent employment land that was not fit for purpose from being protected without reason.

### Viability

Viability for employment purposes is a key criteria under Policy E03(a). I consider viability to be not only financial viability but also employment areas being allowed to retain a critical mass to allow appropriate functioning, and beneficial uses of land. It must be demonstrated under E03(a) that both the existing buildings or cleared land are no longer viable for employment use. In planning terms the site should be capable of a viable use within Use Classes B1, B2, B8 or as a sui generis use (not within a specific use class) which are associated with, and acceptable within, primarily employment areas.

### Financial viability

The City Council's Property Group has assessed the Aldi financial appraisal and is sceptical of certain key assumptions and variables. It has done its own appraisal (which has been shown to the applicant) and considers that a positive residual valuation could be achieved (this means that if the site was developed for industrial use, a developer would be willing to pay this figure to secure the site). (The appraisal is based on 42.5% site coverage, sales value of £90 per sq foot and lower construction costs of £ 45 per sq foot, £250,000 for site remediation, higher finance rate of 7.5%, and demolition costs of £200,000. It considers the £380,157 residual land value is a significantly positive residual land value to be meaningful and make the industrial redevelopment financially viable; it also notes that the developers profit on this hypothetical scheme is £467,042 and that if an owner occupier acquired the site they would not require a 15% profit for the development and therefore there would be a greater positive land value. The City Council Property Group has undertaken a sensitivity analysis that shows that in nearly all scenarios there is a positive land value, even without the owner occupier scenario. It concludes that the site is viable to be redeveloped for industrial purposes.

Aldi consider that the main differences in the 2 appraisals relate to the amount of building assumed and build costs. It states that the Council's appraisal assumes a full / optimistic sale value (although it uses the figures provided in Aldi's first appraisal), and optimistic build ratio and cost whereas its appraisal is more reasonable in assuming an optimistic figure at one end of the spectrum. It also believes the City Council approach to the owner-occupier scenario is incorrect. It does not deny that a positive land value can be ascertained for employment use but considers that one has to be reasonable over what a landowner would accept for the site and considers it unlikely that a sufficient land price would be generated. Aldi's surveyor maintains that industrial redevelopment on the site is not financially viable.

The Property Group is of the view that its viability appraisal is robust and its sensitivity analysis mentioned above still shows positive land values if values decreased slightly and costs increased slightly above £45 per sq foot. The LRC commissioned property surveyor also backs up the Council's view on the sites viability. His report states that there is a reasonable level of demand for industrial accommodation for both new and older buildings within the city and there remains a shortage of stock particularly within the freehold sector. There remains a clear shortage of land for industrial development both within the city and county particularly of this size. There would also be demand from owner-occupiers for sites without a developer tie and a readiness by them to undertake development directly. It concurs that had these sites been openly marketed interest would be forthcoming on an existing use basis and that £ 425,000 per acre is an appropriate value of the sites on

a gross basis for existing use purposes (such a value would give a gross value of approximately £900,000 and a net value of approximately £ 400,000).

#### Other Aspects of Viability

Changes to key assumptions and variables can have a considerable effect on financial viability. Notwithstanding Aldi's or the City Council's Property Group's financial appraisals of industrial redevelopment, I am not satisfied that the site is not viable for industrial use. Owners often have inflated views on land value based on the prospect of other more profitable land uses such as retail, or high quality industrial development, and threaten to keep land and property unoccupied until planning permission for an acceptably profitable development is gained and stating that in the interim the community will be faced with an unattractive site. If such owner views prevailed then few sites within employment areas would find new occupants for B1/B2/B8/ sui generis uses. To stop such action the Government is, from April 1<sup>st</sup> 2008, increasing empty property rates from 50% to 100% of the basic occupied based rate after initial void periods (6 months for industrial buildings) to encourage owners to re-let, redevelop or sell empty buildings. Also the Local Planning Authority can serve Section 215 notices to remedy eyesores. If the LPA with up to date Development Plans remains firm in implementing adopted policies then owners are less likely to give up reasonable returns, or dismiss reasonable offers, awaiting LPA changes of policy.

The previous owner, and the present owner and applicant have not undertaken any proper or sustained marketing of the site for industrial uses. I consider that if marketing had taken place (or the site placed in an auction with a reasonable reserve price) interest would have been forthcoming. Clearly from its representations on this application Travis Perkins would be interested.

The Employment Land Study has added further valuable evidence as to whether employment designations are still fit for their intended purpose. It confirms that the Key Employment Areas are the best quality sites in Leicester (all B grade; only office areas are grade A). It highlights the future shortage of employment land and in light of this recommends that all existing land grade A to C is protected, but suggests that that grade D should be reviewed through the Local Development Framework and that the lowest grades D/E and E are not fit for purpose. The fact that some of the buildings in this Primarily Employment Area are coming to the end of their economic life is recognised. Irrespective of this it is noted as having critical mass, providing a good mix of business accommodation and having reasonable access and prominence off a key route into the city centre and is graded "C" by the ELS, i.e. this whole piece of designated employment land is considered to be fit for purpose.

It is the Council's view that in coming to a judgement on whether a site is "viable" for future employment use, this judgement should be based on wider criteria than solely whether it makes a reasonable profit for one form of development, at one instance in time. It also needs to take account of the potential of that site for future employment use. It is the Council's view that this site does not have any exceptional constraints that would prevent it from being reused to provide employment. It is sufficiently prominent, adequately accessed and well located in relation to the City Centre and has the potential to be viable. It is certainly not employment land that is being

protected without reason. It has not been marketed and it is the Council's view that other companies would be able to afford to reuse the site ( i.e. it could be viable). Despite Aldi's views, the redevelopment of the site for exclusive industrial uses considered to be economically feasible.

#### The use is ancillary or complementary to an existing or proposed B Class use

Policy E03 (b) requires any proposal for non- B Class industrial uses to be ancillary or complementary to an existing or proposed B Class Use.

Aldi states that the SPD clarifies that uses outside of the B Use Class will be permitted where “ there is a link to an ancillary, existing, or proposed B1, B2, or B8 class use”. The proposed foodstore links with the new employment floorspace and is ancillary (approximately 25% of the total new net floor area). The retail floorspace is complementary to the neighbouring mixed use area- consolidating the neighbouring shopping centre and sitting comfortably alongside the employment area to the east. The development will enable the viable redevelopment of redundant factory premises for a mixture of uses to include a significant amount of high quality B1 floorspace- some 2700 sq m in total.

The fact that both retail and employment uses are proposed does not automatically result in their being linked. It is simply mixed use development. The uses are all proposed to have distinct pedestrian entrances and the industrial units are physically fenced off with a separate vehicular access. I consider that the proposed food store use has no or minimal links with the proposed office and light industrial uses on the site, and therefore does not satisfy this criteria.

#### Jobs

Policy E03 (c) requires any proposal for non B Class industrial uses to be ancillary or complementary to an existing or proposed B Class Use

Aldi's proposal would generate a maximum of 140 jobs, comprising 10 in the foodstore and 130 in the “B” class uses (offices and light/ general industry).

Aldi estimate that the existing industrial floorspace (of between 8000 – 8500 sq m) could accommodate approximately 145 workers.

Though the jobs in the present mixed scheme are approximately the same that could be expected in modern industrial development, the high numbers in the mixed scheme is due to the office content. There is a view that as there is no market demand for the offices (as stated by both the applicant's surveyor and Lidl's surveyor) and/or the office use is major office development and the subdivision into small office suites is a contrived way around the 1000sq m or 50 jobs threshold which would otherwise make the offices contrary to policy, that the jobs from the offices should be discounted.

I have severe concerns about the delivery of the office accommodation.

Consequently I am not satisfied that the proposal would create a significant number of jobs.

#### Contribution to improving the wider urban environment

Policy E03(d) states that proposals for non B type uses will not be permitted unless the use provides a significant number of jobs

Aldi consider its' proposal will bring about a significant improvement in the appearance of the area including the neighbouring shopping area. It states that this would be achieved through the redevelopment of utilitarian redundant premises in a state of disrepair, enhanced views along the frontage of Woodgate & Bradgate Street, the Aldi store sitting comfortably alongside the modern Audi Showroom, through the improvement of the retail service available at Woodgate, and by providing accessible food shopping to neighbouring residential areas. It considers that the proposal therefore satisfies Policy E03 (d).

As explained in the SPD, Policy E03 (d) is meant to apply to major comprehensive redevelopment schemes, covering a number of adjacent sites rather than a single site. Redevelopment within a particular site does not meet the requirements of this criteria.

Although there will be benefits in terms of the appearance of this individual site, no benefits are proposed that would affect any land outside of the application area. To qualify for this criteria, an application should include a significant number of adjacent properties/sites as well as clearly contribute to off site improvements to adjacent areas, such as improving footpaths, enabling access to open space or a riverside. This site clearly does not propose improvements beyond its boundaries.

### Employment Land and Regeneration

The application site has an area of 0.86 ha comprising approximately 0.5 ha for retail and office use and associated car parking and 0.35 ha of industrial redevelopment to provide 6 industrial units totalling 880 sq m & 13 parking spaces.

The application site is situated along the south west edge of the Bradgate Street Employment Area (Grade C) (which contain important employment sites with an influence over the whole of the City due to their scale, location and setting; and primarily geared towards local businesses and B1 Light industrial, B2 and B8 uses). The SPD indicates that B1, B2, B8 Uses are the predominant expected uses within Class C Areas. Table 53 of the Employment Land study states that due to the severe shortage of land and premises in the city, "C" grade land should be protected and supported for employment use. Flexible approaches apply to type D and type E Employment Areas.

I acknowledge that both the 2 mixed retail/ industrial schemes of Lidl and Aldi contain industrial re-development accommodation and only 2 areas of employment land approximately 0.5 ha each would be lost. However the Bradgate Street Employment Area is significant, particularly by occupying a strategic location at the edge of the inner city, close to main orbital and radial roads and being easily accessible to labour supply. It is important that employment land is retained. The Employment Land SPD allows for loss of employment land in other less important employment areas

The need for land for relocations as a result of regeneration work in the City was evidenced in the City's Employment Land Study, which estimated that as much as 30 ha could be required long term.

Projects at Bursom Business Park are already underway. But there is also need for sites closer to the City Centre. The 10 ha of land within the employment area known

in the Employment Land Study (ref 47) as “ Woodgate/ Bradgate Street” is the largest area that is close to the City Centre which is suitable for relocations. Approximately 8ha are occupied by existing businesses.

I am also concerned that the loss of potential relocation sites could prejudice the City’s regeneration strategy, including the delivery of the Waterside Project by limiting the potential availability of suitable land/ buildings for relocation of existing industry/ business uses. This would not be in accordance with policy PS01 of the Local Plan. The scale of the need for relocation sites for businesses in the strategic intervention areas, and in particular the Waterside area, is great. After 5 years planning the implementation, the delivery of the Waterside proposals is at an important and critical stage.

### **3. Transport Assessment**

The Highway Authority had concerns about the access/egress from Woodgate. However amended plans have been submitted that satisfy the Highway Authority. Lidl remain concerned about the prospect for accidents and claim that the local planning authority would be negligent and liable if it approved the access. As explained in the consultations section the Highway Authority remains satisfied that the access arrangement is acceptable.

### **4. Design Assessment**

There were concerns about the original design of the store that could have warranted design being a reason for refusal. In the amended plans the Aldi building has taken on a more contemporary feel and will sit much better alongside the existing car showroom on the corner of Woodgate.

It is generally desirable to achieve positive built frontages but this is not always possible in all cases. In this case the proposed Aldi car park is relatively small (for example in comparison to the large car park in front of Sainsbury on Belgrave Road) and the amount of planting around the car park has been increased to reduce the impact of the car park on the street scene. There will be activity from people going to and from the Aldi Store and the offices at first and second floor.

The low height of the adjacent Audi showroom cannot be used to determine the height of other new buildings within the Woodgate corridor which being a broad and prominent route lends itself to buildings that are considerably taller. The railings to the car park are an acceptable solution in containing the growth of plants, preventing litter being blown into the plants and preventing people walking through the planting.

Whilst the design of the store is still to a certain extent poor, I do not consider that it would warrant a refusal on design grounds that would be upheld on appeal.

I am awaiting the receipt of an energy statement.

### **Conclusion**

I accept that there is an overall need for one additional foodstore in the area, and consider that such a store would not have a detrimental impact on the vitality of the local shopping area. I consider that the Aldi site is preferable to the Lidl site because of its location closer to the core of the Blackbird Road local shopping area.

I do not accept the applicant's submissions that the whole site is unviable for industrial redevelopment. I also consider that the need for relocations from the regeneration area and Waterside Project is such that it is important to retain employment land in this Grade C Primarily Employment Area.

However, given the need for 1 additional foodstore, I do not consider that it would be sustainable to defend the loss of all industrial land in this primarily employment area.

I am satisfied that the design of the development, and vehicular access to and from the Aldi proposal, are acceptable.

I recommend **APPROVAL** subject to the following conditions and the receipt of a satisfactory energy statement:

#### CONDITIONS

1. START WITHIN FIVE YEARS
2. ARCHAEOLOGICAL OBSERVATION REQUIRED
3. Prior to the commencement of development approved by this planning permission( or such other date or stage in development as may be agreed in writing with the local planning authority) a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements, unless specifically excluded by the local planning authority:  
(1.) A desk study identifying: all previous uses, potential contaminants associated with those uses, a conceptual model of the site including sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site; (2) a site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off-site; (3) the results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken; (4) a verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with a method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority. ( To protect the local controlled water environment and in accordance with policy PS11 of the City of Leicester Local Plan)
4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed. ( To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with policy BE20 of the City of Leicester Local Plan)
5. Finished floor levels should be set no lower than 54.47m A.O.D., 300mm above the 1 in 100 year flood of 54.17m above Ordnance Datum. (To protect the

development from flooding and in accordance with policy BE2o of the City of Leicester Local Plan)

6. Provision shall be made at the time of development for surface water drainage from the car park to pass through a petrol/oil interceptor, details of which shall have been agreed in writing with the City Council as local planning authority. (To minimise the risk of pollution of drains and watercourses and in accordance with policy PS11 of the City of Leicester Local Plan.)
7. Any above-ground oil tanks shall be bunded, in accordance with details to be agreed in writing with the City Council as local planning authority, before they are brought into use. (To prevent pollution through loss or spillage of oil and in accordance with policy PS11 of the City of Leicester Local Plan.)
8. Prior to the development being occupied, highway works involving the resiting of the pelican crossing in Woodgate and the proposed ghost island right turn lane on Woodgate at the site access junction shall be provided to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. The details of these works shall be the subject to a Section 278 Highways Act agreement. ( in the interests of highway safety and in accordance with policy AM09, AM10, and R06 of the City of Leicester Local Plan)
9. Prior to the development being brought into use a Travel Plan shall be prepared and agreed with the local planning authority, in consultation with the Highway Authority. The Travel Plan shall identify appropriate measures and contributions to reduce car useage and increase access by alternative travel modes and include for measurable modal split targets. The Travel Plan shall also provide arrangements for monitoring and enforcement of the travel plan objectives ( in the interests of encouraging use of all modes of transport and in accordance with policy AM09 of the City of leicester Local Plan)
10. The 2 metre by 2 metre sight lines on each side of each vehicular access shall be provided at the time of development and shall be retained. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM10 of the City of Leicester Local Plan.)
11. All streetworks shall be constructed in accordance with the Leicestershire County Council's 'Highway Requirements for Development'. (To achieve a satisfactory form of development, and in accordance with policy R06, AM09, AM10 of the City of Leicester Local Plan.)
12. Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings in accordance with details to be agreed in writing with the City Council as local planning authority. (For the safety and convenience of pedestrians including disabled people and pram and wheelchair users; and in accordance with policy AM10, R06 of the City of Leicester Local Plan.)

13. The development shall not be occupied until footway crossing(s) have been provided at each vehicular access to the satisfaction of the City Council as local planning authority. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM10, R06 of the City of Leicester Local Plan.)
14. The development shall not be occupied until the footway crossing(s) has/have been altered to the satisfaction of the City Council as local planning authority. (To achieve a satisfactory means of access to the highway, and in accordance with policy AM10, R06 of the City of Leicester Local Plan.)
15. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as local planning authority. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM10, R06 of the City of Leicester Local Plan.)
16. The parking/service area shall be provided at the same time as the remainder of the development and shall be retained and kept available for use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policy AM11 of the City of Leicester Local Plan.)
17. At the same time as the remainder of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority, and shall be retained and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM11, AM15 of the City of Leicester Local Plan.)
18. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interests in highway safety, and in accordance with policy AM17 of the City of Leicester Local Plan.)
19. A turning space to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests of highway safety, and in accordance with policy(ies) AM17 of the City of Leicester Local Plan.)
20. Details of the cycle and powered two wheeler parking shall be submitted and agreed with the Local Planning Authority in consultation with the Highway Authority before the development is occupied ( to ensure proper provision for cycles and pwered two wheelers and in accordance with policy AM02 of the City of Leicester Local Plan)
21. Before the development is begun the materials to be used for the buildings shall be agreed in writing between the applicant and the City Council as local planning authority. (In the interests of visual amenity, and in accordance with policy UD01 of the City of Leicester Local Plan.)
22. Before the development authorised by this permission is begun, a detailed landscaping scheme showing the treatment of all parts of the site which will

remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)

23. There shall be no separate office accommodation above 999 sq m ( in the interests of ensuring the provision of no major offices of more than 1000 sq m which could affect the provision of office accommodation in the Abbey Park Science Park, City Centre, and Town Centres, and in accordance with policy E05 of the City of Leicester Local Plan)
24. The foodstore shall not be occupied until all the approved office accommodation and industrial development has been built (a foodstore without first floor or second floor office accommodation would represent a different form of development to that approved and in accordance with policy E03 of the City of Leicester Local Plan)
25. The use, including deliveries, shall not be carried on outside the hours of 0730 - 2200 Monday to Saturday and 0930- 2130 Sunday. (In the interests of the amenities of nearby occupiers, and in accordance with policy RO6 of the City of Leicester Local Plan.)
26. No noise or vibration from the operation of external plant and machinery shall be perceptible in any adjacent property. ( In the interests of the amenities of nearby occupiers, and in accordance with policy PS11 of the City of Leicester Local Plan)
27. This consent shall relate to the submitted plans as amended by the plans received by the City Council as local planning authority on 30th October 2007. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. REASON FOR APPROVAL. Although the City Council considers that the proposal is not in accordance with the development plan, it considers that the benefits associated with the development, that is the provision of a needed foodstore outweighs the need to protect all industrial land in this primarily employment area and justify permitting the proposal. The City Council considers

that any harm to amenity and concerns about highway safety can be overcome by the attached conditions.

2. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation in the design and construction of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and bringing in electrical services into the building at a high level so that services are located above flood levels. Additional guidance, including information on kite marked flood protection products can be found on [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
3. The Environment Agency requires that run-off is restricted to greenfield run-off rates and that 1 in 2 year runoff can be maintained. The 1 in 30 year event is therefore not allowed to flood the surface, meaning that water must stay in the pipes, man holes and storage systems. The 1 in 100 year must also be limited to the development and not be allowed to migrate to any adjacent areas or properties. The drainage system must deal with the surface water run-off from the site on site up to the critical 1% Annual Probability of Flooding ( i.e 1 in a 100 year Flood) event. drainage calculations must be included to demonstrate this ( e.g Microdrainage or similar sewer modelling package calculations which include the necessary attenuation volume).
4. A Section 278 Highway Act agreement is required. A detailed design shall be submitted to the Highway Authority for approval for all proposed works on the highway. Notwithstanding the submitted planning drawing all works on the highway shall comply with the design standards of the Leicester City Council's construction specification and adopted guidance ` Leicestershire County Council - Highway Requirements for New Development`. Such details must include turning facilities, access widths, gradients, surfacing, visibility splays, pelican crossing location and specification, white lining proposals including ant traffic regulation orders affected, safety audit etc, and be submitted for approval by the local planning authority before development commences. Please contact Mr David Sankar ( tel 0116 3526600) at the earliest opportunity to discuss these requirements further.

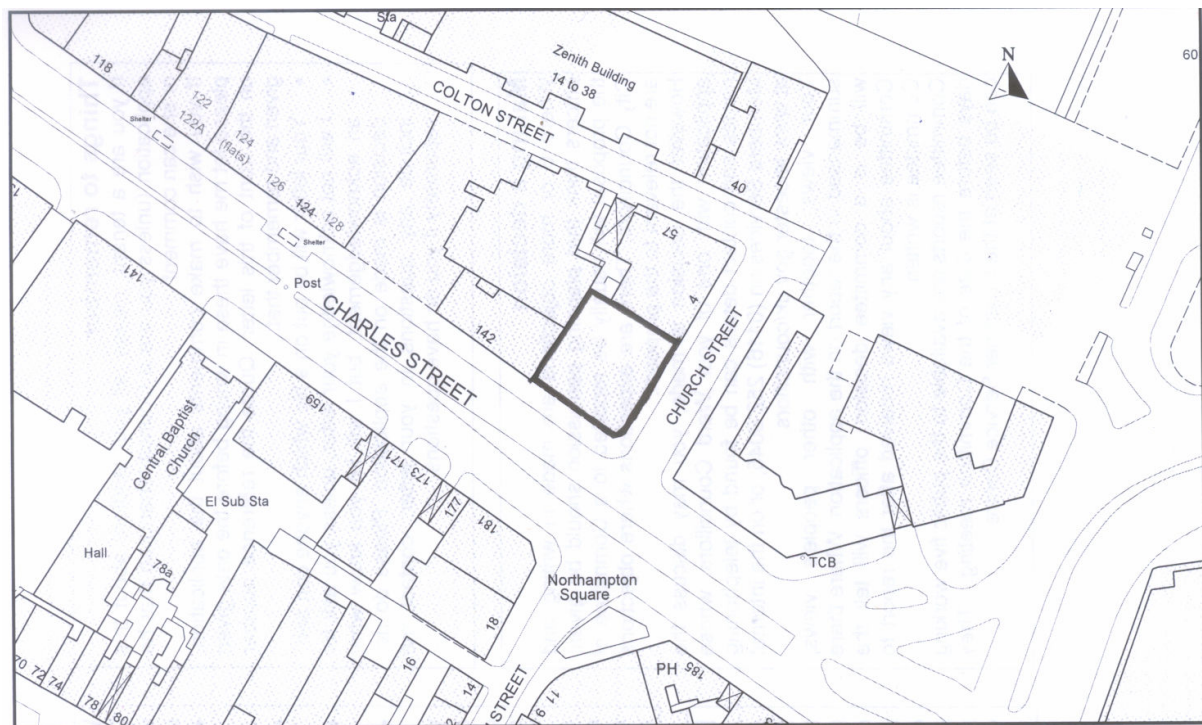
### **Policies relating to this recommendation**

2006_PS01	The City of Leicester Local Plan will promote the regeneration of the City, economically, socially, culturally and environmentally.
2006_PS02	Within the Strategic Regeneration Area (SRA) planning permission will only be granted where a comprehensive and coordinated approach to development can be demonstrated.
2006_PS07	Planning Permission will be granted for development that contributes towards a new comprehensive Waterside development in the vicinity of Frog Island, in the area shown on the Proposals Map.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.

2006_E03	Planning permission granted for the development of appropriate B1, B2 and B8 uses in Primarily Employment Areas and not for changes to other uses unless it meets criteria.
2006_R01	Planning permission for major new retail development will not normally be granted outside existing shopping centres unless a need for the development can be demonstrated and it meets other criteria.
2006_R02	Planning conditions imposed on the sale of comparison goods from out-of-centre supermarkets and superstores.
2006_R03	Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.
2006_R04	Use of the ground floor of premises within shopping centres for offices for financial and professional services (Use Class A2) will normally be permitted subject to criteria.
2006_R06	Planning permission will not granted for new local shops and facilities outside the centres identified on the Proposals Map unless they can meet criteria.
2006_UD01	Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria.
2006_UD02	Planning permission will be given for new development where buildings make a positive contribution to the street scene and create a sense of identity.
2006_UD04	Planning permission will not be given for development proposals which would fail sufficiently to achieve efficiency in the use of energy.
2006_UD07	New development and redevelopment should have sufficient refuse storage space to allow segregated waste collection.
2006_BE01	The City's archaeological heritage will be preserved where appropriate.
2006_BE11	Planning permission for the fitting of external security measures including roller shutters and grilles will only be approved where a special need for external security exists.
2006_BE16	Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
2006_BE17	Planning permission will be granted for infrastructure associated with combined heat and power schemes where local impacts are not outweighed by wider benefits. Major developments and those within the SRA must source their energy from CHP where feasible.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_BE21	Noise-generating development not permitted if affecting unacceptably amenity of noise-sensitive land uses; noise-sensitive development not permitted if affected by noise from noise-generating land uses.
2006_BE23	Development on land that is or may be contaminated will only be allowed where the risks caused by the contamination can be reasonably overcome.
2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM09	Proposals for large-scale or travel intensive development must be accompanied by a Transport Assessment and a Travel Plan.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_AM13	When a number of users occupy a single site, development proposals should take account of the opportunities for communal and shared parking provision.

- 2006\_AM15 Location and design of new parking provision should be subject to safety and design criteria.
- 2006\_AM17 Non-residential development will, where practical, be expected to include loading and unloading facilities and manoeuvring space within the site.

<b>Recommendation: Conditional approval</b>	
<b>20071843</b>	<b>144 CHARLES STREET, 2 CHURCH STREET</b>
Proposal:	SEVEN STOREY MIXED USE BUILDING COMPRISING GROUND FLOOR TO FIFTH FLOOR OFFICES (CLASS B1), SIXTH FLOOR RESTAURANT (CLASS A3); TWO STOREY BASEMENT CAR PARK
Applicant:	WEST LONDON PROPERTIES
App type:	Operational development - full application
Status:	Major development
Expiry Date:	26 February 2008
WJJ	WARD: Castle



## Introduction

The site lies within part of the city undergoing significant regeneration. The area is changing from one dominated by uses associated with the old shoe and hosiery industries to residential, offices and community/cultural uses. The site used to be occupied by the Spread Eagle Public House and one other building. It has now been cleared.

## Background

20062029 – Six-storey mixed-use building (Ground to fourth floor offices with restaurant on fifth floor) with two-storey basement parking – Approved.

20060499 – Demolition of buildings (including the Spread Eagle Public House) – Approved.

20052437 – Six-storey mixed-use building (Ground to fourth floor offices with restaurant on fifth floor) with two-storey basement parking – Approved.

## **The Proposal**

The proposal is for a mixed use block consisting of two basement storeys with parking for 22 cars, six storeys of office (2100 square metres), and a seventh storey restaurant on top. The seventh storey is set back on the Church Road side to provide a sitting out area. The main roof of the building is 24m high although there are some small elements that are higher than this. Access to the basement car park is off Church Street. A car lift will transport cars down to the basement car park.

## **Policy Considerations**

City of Leicester Local Plan (CLLP) policies relevant to this application are listed at the end of this report.

The site is within the St George's Conservation Area (Conservation Area Character Statement) and the St George's Intervention Area (Supplementary Planning Guidance). On the other side of Church Street is the Office Core Intervention Area.

To the rear of the site is the Grade II Listed Leicestershire Guild for the Disabled building and on the other side of Church Street is the Grade II Listed former Police Station.

Supplementary Planning Guidance (SPG) – Tall Buildings.

SPG – Energy Efficiency and Renewable Energy.

SPG – Office Core.

## **Consultations**

Local Amenity Societies (Leicester Civic Society, Leicestershire Archaeological and Historical Society) – No comment.

Victorian Society – No comment.

Highway Authority – No objection subject to conditions.

Pollution (Noise) – No objection subject to conditions.

Pollution (Land) – No objection.

## **Representations**

Conservation Advisory Panel (CAP) – Object. Design and height of the building will have a detrimental impact on the neighbouring listed building.

## **Consideration**

### Principle of use

The site is next to the area designated as the Office Core. Approximately 2100 square metres of office space (Class B1) is welcome here. At over 1000 square metres the sequential test applies for the office proposal however with the proposals

location on the edge of the office core I do not consider that a policy objection can be raised, particularly as the proposal is within the city centre.

The Office Core SPG allows for publicly accessible uses such as restaurants surrounding both the main square (between Charles Street and Granby Street) and a second public space in front of the former police station adjacent the application site). Policy PS05 of the local plan allows for complementary leisure and retail in the Office Core. The restaurant (Class A3) on the top floor is also welcome as it will provide a mix of uses.

### Amenities of neighbouring properties

The proposed building is six metres taller than the Squirrel Building to the northeast and 24m in total height. The rear balconies on this building are on the top floor (facing northwest) and hence approximately 3 metres below roof level. The increase in height will reduce the amount of light that reaches these balconies. However these balconies already do not receive much light due their orientation and this light will be reduced further should the building already permitted be built (20062029). The site is within the city centre where tall buildings are built. For these reasons I do not believe an extra storey on this site will have an unreasonable effect on the occupants of the Squirrel Building. An additional floor on this site will also increase the shadow cast across the Zenith Building (on Colton Street). However as the permitted scheme will cast a shadow and because shadows are already cast by the Squirrel Building and 142 Charles Street I do not believe the new scheme is a significant change.

I do not consider that the proposed offices will cause any loss of amenity to the neighbouring residential properties at 142 Charles Street and 4 Church Street or to future residents of the accommodation being built on the former police station site. I do have concerns regarding the proposed restaurant on the fifth floor. However, I consider that with the provision of a suitable insulation scheme and a condition restricting the use of the outside terraced area that the effect on adjoining residents will be minimised. I have also proposed conditions relating to the required ventilation system/flue to serve the restaurant to ensure no detriment is caused in terms of noise or odour from this.

### Character and appearance

The new building will be significantly taller than the Guild for the Disabled building that lies immediately to the north. This is a large two storey building with a high floor to ceiling height. I believe the contrast in height between the two buildings will add interest to the area. The Squirrel Building, the Zenith and Foister Buildings (on Colton Street), and 142 Charles Street are all much taller than it.

I believe the design makes good use of the corner location. The curved section on the corner may become a small landmark and will increase the legibility of the area. The glass walling on the ground floor will be an active frontage on the street.

### Highway and parking matters

The parking and access arrangements are as previously proposed and accepted by the Highway Authority.

### Other matters

The Better Buildings Officer has recommended conditions be attached concerning on-site renewable energy and a combined heat & power/community heating scheme. The Access Officer has recommended one parking place be reserved for those of limited mobility. Other matters of access are covered by the Building Regulations.

### Conclusion

The proposal is for a building with an interesting design that will improve the character and appearance of the area and provide a significant amount of much desired new office space. I therefore recommend APPROVAL.

### CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun the materials to be used for the walls, roof, windows, doors, and balconies shall be agreed in writing between the applicant and the City Council as local planning authority. The development shall be carried out in accordance with the agreed details. (In the interests of visual amenity, and in accordance with policy UD01 and BE06 of the City of Leicester Local Plan.)
3. No part of the development shall be occupied until a Travel Plan has been submitted and agreed in writing with the local planning authority. The Travel Plan shall be implemented in accordance with the agreement. (To encourage use of all means of transport in accordance with policy AM19 of the City of Leicester Local Plan).
4. Before the development is begun details of the proposed cycle storage shown on the approved plans shall be submitted to and agreed in writing with the City Council as local planning authority and shall be provided in accordance with those details and retained thereafter. A minimum of 7 secure cycle parking spaces shall be retained at all times. (To encourage all means of transport and in accordance with policy AM02 of the City of Leicester Local Plan).
5. There shall be no live or amplified music or voice played which would be perceptible to the occupiers of nearby properties. (In the interests of the amenities of nearby occupiers and in accordance with policies BE21, PS10 and PS11 of the City of Leicester Local Plan.)
6. The restaurant use shall not be carried on outside the hours of 0800 to midnight daily. (In the interests of the amenities of nearby occupiers and in accordance with policies SPA04, BE21, PS10 and PS11 of the City of Leicester Local Plan.)
7. The terraced areas on the fifth and sixth floors shall not be used outside the hours of 0900 to 2300 daily. (In the interests of the amenities of nearby occupiers and in accordance with policies SPA04, BE21, PS10 and PS11 of the City of Leicester Local Plan.)

8. Before the development is begun details of the required ventilation system including the flue shall be submitted to and agreed in writing with the City Council as local planning authority. It shall be installed before the use is begun in accordance with the agreed details. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10, PS11 and BE21 of the City of Leicester Local Plan.)
9. No noise or vibration from the operation of the local exhaust ventilation system shall be perceptible in any adjoining property. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10, PS11 and BE21 of the City of Leicester Local Plan.)
10. Before the restaurant use is begun, an insulation scheme to prevent the transmission of noise to adjacent properties shall be carried out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. (In the interests of the amenities of nearby occupiers and in accordance with policies BE21, PS10 and PS11 of the City of Leicester Local Plan.)
11. The glazed screen to the entrance lobby shown on the plans dated the 26th September 2007 (6187/002K & 004J) shall be retained in perpetuity to ensure adequate visibility at all times. (In the interests of the safety of pedestrians and other road users and in accordance with policy AM15 of the City of Leicester Local Plan.)
12. Before the building is occupied details of the type and management of the carlift shall be submitted to and approved in writing by the City Council as local planning authority. The carlift shall be installed in accordance with those approved details prior to the occupation of any part of the building. (In the interests of highway safety in accordance with policy AM15 of the City of Leicester Local Plan.)
13. At least 1 car parking space for the use of disabled people shall be provided before the development is occupied to the satisfaction of the City Council as local planning authority and shall be retained and kept available for use by disabled people. (To ensure adequate provision for the needs of disabled people and in accordance with policy AM01 of the City of Leicester Local Plan.)
14. Before construction commences on the site details of how the development will contribute towards the regional and local plan target of 11% of renewable energy of the total estimated energy demand for the site shall be submitted to and agreed with the local planning authority. Before the development is occupied evidence will be required demonstrating satisfactory operation of the onsite installation in accordance with the agreed details. (To ensure sustainable energy efficiency in accordance with policy BE16 of the City of Leicester Local Plan).
15. Before construction commences on the site details EITHER of combined heat and power and/or community heating within the development, OR of an assessment demonstrating that combined heat and power/community heating is

not feasible within the development shall be submitted to and agreed in writing with the City Council as the local planning authority. It shall be implemented before the development is occupied and evidence will be required demonstrating satisfactory operation of the onsite installation in accordance with the agreed details. (To ensure sustainable energy efficiency in accordance with policy BE17 of the City of Leicester Local Plan).

16. This consent shall relate solely to the submitted plans (ref.no.6187/002K/003I/004J/010A) received by the City Council as local planning authority on the 26th September 2007 (For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. **REASON FOR APPROVAL.** In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, with Supplementary Planning Guidance - Office Core and there are no material considerations which outweigh these policies. The City Council considers that any harm can be overcome by the attached conditions.
2. In order to satisfy Condition 14. Based upon the estimated 734,483 KWh total energy demand value for the development, contained within the submitted Sustainable Energy Statement, an accurate calculated value derived from Building Regulation Part L could be submitted.

#### **Policies relating to this recommendation**

2006_PS06	Planning permission will be granted for development proposals that contribute to the creation of a new mixed use residential neighbourhood in the St George's area as shown on the Proposals Map.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD01	Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria.
2006_UD02	Planning permission will be given for new development where buildings make a positive contribution to the street scene and create a sense of identity.
2006_UD03	Planning permission will be granted for development which includes high quality and imaginative designs for streets and public spaces which meet criteria.
2006_UD04	Planning permission will not be given for development proposals which would fail sufficiently to achieve efficiency in the use of energy.
2006_UD07	New development and redevelopment should have sufficient refuse storage space to allow segregated waste collection.
2006_SPA04	Criteria for determining planning applications for new food and drink uses in the Central Shopping Core.
2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006\_AM15 Location and design of new parking provision should be subject to safety and design criteria.
- 2006\_E05 Sets out the preferred sustainable locations for major office development of over 1,000 square metres floor space beginning with the Central Office Core and the Abbey Lane Research Business Park.
- 2006\_BE04 Planning permission will not be granted for development that would have a detrimental effect on the setting of a listed building.
- 2006\_BE06 New development or changes of use within or adjoining a Conservation Area must preserve or enhance the character or appearance of the Area.
- 2006\_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
- 2006\_BE17 Planning permission will be granted for infrastructure associated with combined heat and power schemes where local impacts are not outweighed by wider benefits. Major developments and those within the SRA must source their energy from CHP where feasible.
- 2006\_BE21 Noise-generating development not permitted if affecting unacceptably amenity of noise-sensitive land uses; noise-sensitive development not permitted if affected by noise from noise-generating land uses.

PLANNING INSPECTORATE APPEAL DECISIONS	
<b>20078028A</b>	<b>19-21 MONSELL DRIVE, REAR OF</b>
Proposal:	<b>TWO BUNGALOWS (3 BEDROOMED); TWO DETACHED DOUBLE GARAGES; NEW VEHICULAR ACCESS; DEMOLITION OF DETACHED GARAGE AT 19 MONSELL DRIVE TO MAKE SPACE FOR NEW VEHICULAR ACCESS (CLASS C3) (AMENDED PLANS)</b>
Appellant:	R ALLEN
Appeal type:	Planning Appeal (Sections 78/79)
Appeal received:	21 June 2007
Appeal decision:	Dismissed
Appeal dec date:	17 October 2007
WJJ	AREA: W      WARD: Aylestone



### Location and Site Description

The site is on the rear gardens of 19 and 21 Monsell Drive adjoining the boundary of the gardens along Sharpland to the rear. It is within a suburban residential area characterised by bungalows, detached and semi-detached houses. At present none of the long rear gardens for houses along this part of Monsell Drive have been developed for new housing.

### The Proposal

The proposal was for two detached three-bedroomed bungalows with detached double garages to the rear of 19 and 21 Monsell Drive. The proposals included an access drive off of Monsell Drive. The detached garage at the front of 19 Monsell Drive was to be demolished to make way for the driveway. The application was refused on the following grounds:

1. The siting of the proposed bungalows, garages and driveway would be an overdevelopment of the site that would result in a cramped, inward looking

layout with poor surveillance of the access road from the new buildings. As such the proposal is detrimental to the character and appearance of the area and contrary to policies PS10, UD01, UD02, UD03, H12 and H14 of the City of Leicester Local Plan.

2. The proposed driveway, by reason of not being to adoptable standards is not capable of significant extension to serve the possible future development of adjoining areas of backland. As such the proposal is likely to result in an inefficient use of land, may compromise possible comprehensive backland development and is likely to set a precedent for future inefficient development of this type in the area. Were the driveway to be extended to serve more dwellings it may raise significant highway safety concerns. The development is therefore contrary to policies AM10, AM12, H03, H12 and H14 of the City of Leicester Local Plan.

### **The Appeal**

The appellants argued that:

1. The driveway was in accordance with highway standards.
2. That the development would not stop other properties building on their rear gardens. They could either extend the proposed driveway or they could build similar driveways of their own.

### **The Appeal Decision**

The appeal was dismissed.

### **Commentary**

The Inspector concluded that the development was piecemeal in nature and would be likely to compromise a more comprehensive development of the rear gardens in future. The driveway would be suitable for the proposed two bungalows but would not be suitable for serving a significant number of further dwellings.

The Inspector held the view that a comprehensive development on rear gardens would change the character of the area but that the change could be acceptable if the development was handled in a sensitive manner. In contrast he held that the proposed development would 'appear as an unrelated, incongruous development inserted within a small part of the wider, spacious garden area'. He commented on the way the existing dwellings would closely flank the access road and the garages being just in front of the proposed bungalows. This would give a cramped character compared with the open character of Monsell Drive and Sharplands.

The Inspector held that the proximity of the driveway to the existing dwellings of 19 and 20 Monsell Drive would be likely to lead to disturbance for residents of these properties.

The Inspector noted the potential conflict between vehicles coming down the driveway from the new dwellings and vehicles manoeuvring within the parking areas of the existing houses at 19 and 21 Monsell Drive. While he attached little weight to this, it was noted, and added some further weight to the justification for dismissing the appeal.