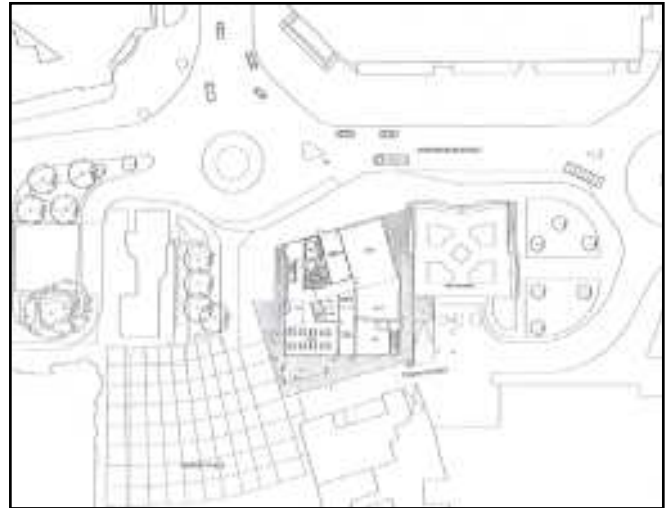
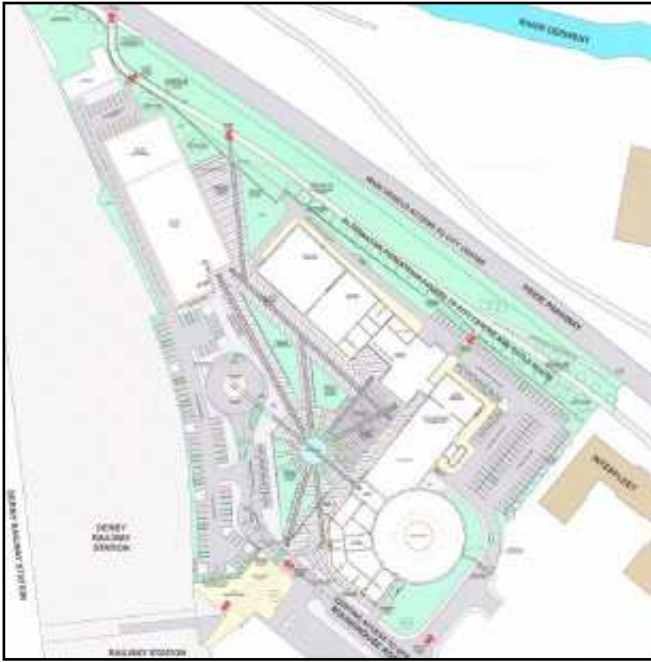


Item 8

Development Control Report of the Director of Planning and Facilities Management



Index
Planning Control Committee 19 April 2012

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 9	11/11/01375 11/11/01376	East Lodge, Bridle Gate Lane, Alvaston, Derby, DE24 0QW	Two storey side extension to dwelling house (kitchen, utility room, w.c, bedroom, en-suite and dressing room) Two storey side extension to dwelling house (kitchen, utility room, w.c, bedroom, en-suite and dressing room), internal alterations and installation of windows	To grant planning permission with conditions To grant consent conditionally
2	10 - 17	03/11/00260	85-89 King Street, Derby	Extension and alterations to shop/flats to form retail (Use Class A1) and offices (Use Class B1) with flat above	To grant planning permission with conditions
3	18 - 29	01/12/00096	252 Abbey Street, Derby, DE22 3SW	Change of use from tyre dealers and car workshop (Sui Generis use) to retail (Use Class A1), and alterations to elevations including installation of shopfront.	To grant planning permission with conditions

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

1. **Address:** East Lodge, Bridle Gate Lane, Alvaston

2. **Proposal:**

Two storey side extension (kitchen, utility room, w.c., bedroom and en-suite)

3. **Description:**

Full permission and Listed Building Consent are sought for extension and alterations to a former entrance lodge to Elvaston Castle, which is a Grade II* listed building, within landscaped grounds, now a country park. The property is part of a semi-detached pair of distinctive period dwellings, which has a coat of arms on the gable elevation. The pair of dwellings are considered to be curtilage buildings to the castle and therefore part of the statutory listing. The dwelling lies just outside a pedestrian entrance to the country park and Elvaston Estate, on the south side of Bridle Gate Lane, east of Alvaston. The site is within a rural setting and the pair of dwellings are surrounded by open fields and woodland, which is within the park. The dwelling has been previously extended towards the rear and been subject to some unsympathetic window alterations, particularly on the front elevation.

The proposal is for the erection of a two storey side extension, which would form kitchen, utility and w.c. on ground floor and bedroom and en-suite to first floor. The footprint of the extension is to measure approximately 3.8 metres x 6 metres in area. There is to be a 580mm recess from the main front elevation of the dwelling, with a pitched roof half dormer on the front roof slope. The rear of the extension would incorporate a projecting gable over a Juliet balcony. The window openings on the front and rear of the dwelling are also to be replaced with casement style windows, which are more in keeping with the character of the dwelling.

The front elevation of the proposal has been amended during the course of the application, to include stone heads and cills to the window openings, as on the original rear windows. There is reference to UPVC for the window units on the submitted drawings although this would not form part of any approval and external materials would be subject to a planning condition.

Previous applications for planning permission and Listed Building Consent were refused, because they included unsympathetic alterations to window openings, inadequate detailing and external materials to elevations of the proposed extension and insufficient set back from the front of the main dwelling.

4. **Relevant Planning History:**

DER/06/11/00761 & DER/08/11/00999 – Planning and Listed Building applications for two storey extension (kitchen, utility, w.c., bedroom and en-suite), Refused – September 2011

Reason for Refusal for DER/08/11/00999 as follows:

“1. The proposed extension, would by reason of its overall design, scale, use of render and different window types, would have a detrimental impact on the balance and symmetry of the facade to the pair of dwellings and is likely to interfere with the distinctive barge board feature on the gable end of the original building. As such, the design and form of the extension would detract from the special architectural and historic interest of the listed building.”

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

Accordingly, the proposal would be contrary to saved Policies E19 and E20 of the adopted City of Derby Local Plan Review.

2. The elevational treatment of the proposed alterations fail to respect the special character and architectural style of the listed building, by reason of the use of render to the facade and the replacement and insertion of UPVC window openings to the principle elevations, which are out of keeping with the distinctiveness and vernacular of the original dwelling. The detailing is therefore considered to be detrimental to the special architectural and historic interest of the Grade II Listed building. Accordingly the proposal is contrary to the saved policies E19, E20 of the adopted City of Derby Local Plan Review.”

5. Implications of Proposal:

5.1. Economic:

None relevant.

5.2. Design and Community Safety:

The proposed extension is of a modest scale and traditional appearance and form, which would be subordinate to the Victorian pair of semi-detached dwellings. The proposal would also involve replacement of existing window joinery with casement openings, more in keeping with the period building.

I am satisfied that there are no community safety implications arising from the proposal.

5.3. Disabled People's Access:

The extension would be designed to be accessible under Part M of Building Regulations.

5.4. Other Environmental:

The curtilage of the property is mature garden, with ornamental planting. There is a mature boundary hedge along the eastern boundary. On adjacent land to the east of the site, there is an area of mature woodland, with some trees, which overhang the site. These trees lie within the Elvaston Country Park. An Oak tree closest to the front boundary of the site, is recommended to be pruned by the submitted Tree Survey and a nearby Ash tree is to be removed.

6. Publicity:

Neighbour Notification Letter	2	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

7. Representations:

One objection has been received in response to the applications. The main issues raised are as follows:

- No substantial differences from the previous applications
- Extension degrades the architectural integrity of a building in the listed curtilage of Elvaston Castle
- The property abuts pedestrian thoroughfare to Elvaston Country Park.

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:

8.1. Environmental Services-Trees:

Any response will be reported.

8.2 Conservation Area Advisory Committee:

Recommend refusal on grounds that the proposal would disturb the balanced appearance of the pair of cottages.

8.3 English Heritage:

The application should be determined in accordance with national and local policy guidance on basis of specialist conservation advice.

8.4 County Archaeologist:

The proposal is within a site on the Derbyshire Historic Environment Record, relating to ridge and furrow earthworks. The proposal will have no impact on this archaeological resource.

East Lodge is potentially curtilage listed due to its status as part of the former eastern lodge to Elvaston Castle, perhaps associated with the 19th Century park. Because of its links with Elvaston Castle it should be seen as a heritage asset in its own right. The applicant's heritage appraisal does not evaluate or appraise the Lodge as a heritage asset. Notwithstanding this, the proposal is extremely unlikely to have an archaeological impact. There is no need for archaeological requirement on the application. The application should be determined in line with advice of Conservation Officers in relation to proposed impacts on curtilage of listed building and setting of Elvaston Castle.

8.5 Urban Design and Conservation:

The proposal has addressed many of the design issues with regards to the previous scheme. Therefore as an extension it is now subservient and has appropriate detailing. The areas of concern would be the proposed UPVC windows which we would not support. This could be controlled by condition to ensure that appropriate timber windows were used. A high quality replica of the plaque could be provided to ensure that this important detail can be seen when travelling to the west from the castle. The use of stone lintels and cills would be beneficial to the appearance.

The main issue to be addressed is that a side extension would be detrimental to the lodge building. The houses were designed as a set pair and intended to

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

be symmetrical so that when viewed from the road they formed a set piece. The proposal would therefore unbalance this symmetry and therefore have an impact on the character of the overall building. The proposed set back of the extension has reduced the impact when viewed from the western approach. However when approached from the castle the proposed extension would be prominent in particular when leaving the parkland area. It was noted that the Conservation Area Advisory Committee accepted that the design had improved but believe that overall the proposal for a side extension was unacceptable in principle and therefore objected to the scheme.

The character of the existing building derives from its symmetry and gothic detailing and although alterations have been made to the windows, porch and both buildings have been extended to the rear this element this is still an important part of its character. Although the detailing to the façade would remain and the building could be read as a lodge with an extension it would be clear that there was an alteration to the character and symmetrical form of the principle elevation. However given the level of alteration that has previously taken place this detrimental impact would not be as severe as if the building had been unaltered or had relatively little alteration.

Given this and although the case is finely balanced, we do not believe that we are able to support the proposed scheme.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD4	Design and urban environment
GD5	Amenity
H16	Extensions to dwellings
E9	Trees
E19	Listed buildings and buildings of local historic importance
E23	Design
T4	Access, parking and servicing

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

These applications for a two storey side extension to a listed curtilage building of Elvaston Castle follow previous refusal of planning permission and listed building consent of a similar form of extension, primarily on design grounds and detriment to the character of the historic building.

The current proposal has sought to address the earlier refusals, by reducing the overall scale and height of the extension; setting the built form further back from the front of the main dwelling and use of window joinery, which is more in keeping with the period and proportions of the original dwelling. No new window openings or rooflights are now proposed to be inserted in the existing building.

Concerns have been raised about the principle of extending the dwelling, with a two storey side extension, due to the listed status and therefore historic importance of the pair of dwellings. Even though the revised scheme is now subservient in scale and

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

height to the main dwelling, the development is considered to be detrimental to the former lodge building. This is on the grounds that the dwellings were designed as a set piece pair and intended to be symmetrical in their appearance, when viewed from Bridle Gate Lane. A side extension would therefore unbalance this symmetry and harm the special character of the pair of dwellings. It is acknowledged that the further set back from the front of the building has lessened the impact on the overall building, although the form of extension is considered to be harmful to the architectural interest of this historic building.

Whilst the pair of dwellings are considered to have historic significance, as a designated heritage asset associated with Elvaston Castle, a Grade II* listed building, I do not agree that a side extension to one of the former lodges, is fundamentally inappropriate. Extensions can be successfully developed on listed buildings, provided that the special character and integrity of the building is preserved. In this case, the proposal has been reduced in its proportions and scale, such that it is subservient in appearance to the pair of dwellings. The form of the extension is to be modest in scale, with lower roofline than main dwelling and adequate set back from the front elevation. In my opinion, the overall scale and form of the proposal does not conflict with the symmetry and distinctiveness of the historic building. The main views of the extension would be from the western approach to the building and country park. From the eastern route exiting the park land, the development would be partially obscured by the mature woodland alongside the boundary with the site. As such the extension would not be particularly prominent in the streetscene, from the Elvaston Castle park land.

In regard to the detailing and elevational treatment of the proposal, most of the issues raised by the previous refusals have been addressed. The use of UPVC for the window openings, as indicated on the submitted drawings, would not be acceptable for this historic building. However, this could be satisfactorily addressed by a condition controlling details of external materials for use in the development and on the existing building. The proposed extension includes appropriate detailing, in terms of window openings, use of materials and respect of original features. The coat of arms on the end gable elevation is an important feature of the dwelling. This is to be re-used on the gable of the proposed extension, which is welcomed and ensures that it remains in its original context. The character of the existing building is based on its symmetrical appearance and gothic details, which are important to its historic interest, as a listed building. The appearance of the façade would be enhanced by the replacement of modern windows with traditional style casements. These would be complemented by similar casement openings on the front of the extension. As a result of the alterations to the existing dwelling and the proposed development, I consider that the building would still read as former lodge dwelling, with an extension.

On balance, I am satisfied that the proposed extension and alterations would protect the special character of the listed building and have a reasonable impact on the visual amenities of the surrounding area. As such, the requirements of Policies GD4, E19, E23 and H16 would be satisfactorily met.

In terms of residential amenities, the only property affected would be the adjoining semi-detached dwelling, "Castle Lodge". Since the proposed extension is solely to the opposite side of the building, furthest away from the neighbouring property, I am

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

satisfied that the living conditions of the adjacent occupants would not be particularly adversely affected. The residential amenities of the neighbouring property would not therefore be unreasonably harmed and as such Policy GD5 would be satisfactorily addressed.

The existing parking and access arrangements for the dwelling would not be adversely affected by the footprint of the proposed extension. The Highways Officer has raised no objections to the traffic implications of the proposal and as such the requirements of Policy T4 would be adequately met.

The trees on the adjacent parkland, form part of a narrow strip of woodland on the edge of Elvaston Park. The main effect of the development would be is likely to be on an Oak tree and a group of other trees, which overhang the site. There is a mature hedge on the boundary and hard surfaced driveway alongside the site, which if retained, would provide adequate protection for the root protection areas of the trees. The Arboricultural Officer advised under the previous application, that subject to the retention of the hard surfaced driveway, the proposal would not have a detrimental effect on the long term retention of the trees. A site specific tree protection plan has been provided and on the basis that it is implemented in its entirety, then the trees should be protected from the development. I am therefore satisfied that the affected trees, would not be damaged or lost as a result of this proposal and as such the provisions of Policy E9 would be adequately met.

11. Recommended decision and summary of reasons:

11.1. DER/11/11/01375 - To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in regard to the provisions of the Development Plan and all other material considerations as indicated in 9 above. The proposed extension would protect the special character of the listed curtilage building of Elvaston Castle, protect important trees adjacent to the site and have reasonable impacts on the residential and visual amenities of the surrounding area.

11.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans -)
3. Standard condition 27 (external materials)
4. This permission does not imply approval for the use of UPVC materials in the development and all external materials shall be submitted and agreed in writing under the requirements of Condition 3.
5. Standard condition 24A (tree protection and in accordance with Arboricultural Impact and Method Statement, Tree Protection Plan (25 July 2011))
6. The details of tree protection measures to be submitted under Condition 5, shall indicate the maintenance of the hard surfaced driveway to the front of the dwelling, where it is within the root protection area of the retained Oak tree adjacent to the site.

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. To safeguard the visual amenities of the surrounding area and protect the special character of the listed building - Policies GD4, E19 and E23
4. The use of such external materials would be detrimental to the special character and historic interest of the listed building and adversely affect the visual amenities of the surrounding area – Policies GD4, E19 and E23
5. Standard reason E24 – Policy E9
6. Standard reason E24 – Policy E9

11.5. DER/11/11/01376 – To grant listed building consent with conditions.

11.6. Summary of reasons:

The proposal has been considered in regard to the provisions of the Development Plan and all other material considerations as indicated in 9 above. The proposed extension would protect the special character of the listed curtilage building of Elvaston Castle, in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

11.7. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans -)
3. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials to be used in the extension and the alterations to the existing dwelling, shall be submitted to and be approved in writing by the Local Planning Authority before work is commenced. Any materials that may be agreed shall be used in the implementation of the development.
4. Before work is commenced, precise details of the proposed window joinery, including sections to a scale of 1:10 or 1:20, shall be submitted to and approved in writing by the Local Planning Authority and shall be used in implementation of the development.
5. The coat of arms plaque in gable elevation of extension, shall be re-used on in the development as shown on the submitted drawing, 11028.03A Rev A.

11.8. Reasons:

1. Standard reason E57
2. Standard reason E04
3. To safeguard the special character of the listed building - Policy E19
4. To safeguard the special character of the listed building – Policy E19

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376 **Type:** Full & Listed Building

5. To ensure inclusion of original feature in the development, to protect the special character of the listed building – Policy E19

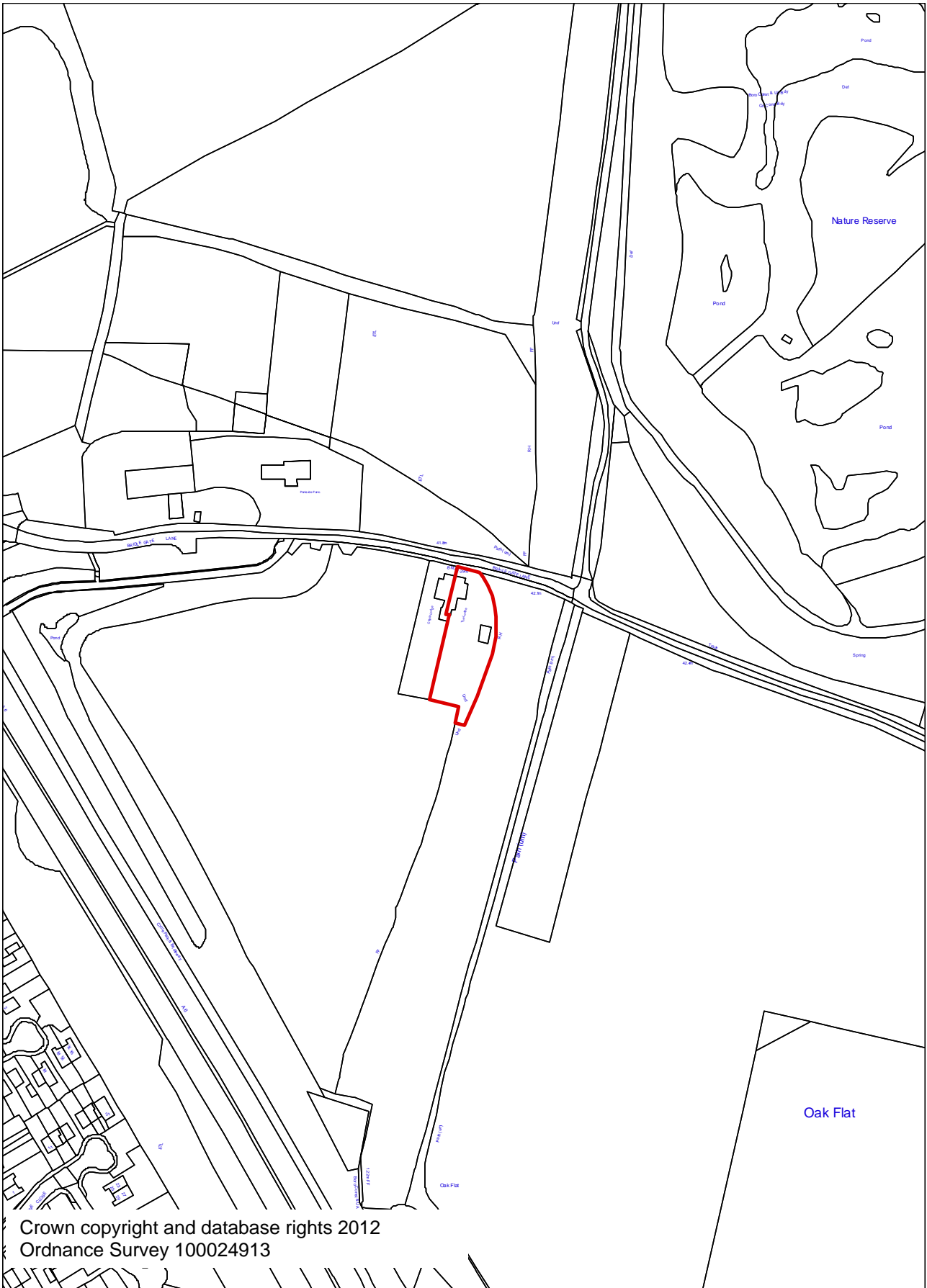
11.9. Application timescale:

The target period for determination of these applications expired on 13 January 2012. The application is brought to committee due to the comments of the Conservation Area Advisory Committee.

Committee Report Item No: 1

Application No: DER/11/11/01375 & DER/11/11/01376

Type: Full & Listed Building



Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

1. **Address:** 85 – 89 King Street, Derby

2. **Proposal:**

Extension and alterations to shop/flats to form retail (Use Class A1) and offices (Use Class B1) with one apartment above.

3. **Description:**

The main thrust of the proposed development consists of an extension to the existing building at 85-89 King Street to form self contained retail and offices with one flat above. The application site is in the Five Lamps area of Derby, north of the city centre opposite to the Grade I statutory Listed Building St Helen's House. The Grade II listed Seven Stars public house is adjacent to the north of the site. No. 85 and no.89 are unoccupied Locally Listed buildings. The site is immediately opposite the Strutt's Park Conservation Area. The site of the extension a level triangular/wedged shaped grassed area.

The southern extension to the building would occupy nearly half of the grassed area with a south facing curved elevation 8.5m in length by 9.8m in height by 8m in width. The design is based around a conical roof structure with the main mass of the building at an angular wedge shape projecting outward from the gable wall of 85 / 89 King Street. Generally the building is to be constructed with red/brown facing brickwork with a 10mm recessed band every 6 courses.

Amended plans have been received in an attempt to address comments received by English Heritage. The main changes are the removal of rooflight windows and the change in position, design and number of windows. Those revised drawings are:

- 821/01/AS003 revision C
- 821/01/AS004 revision E
- 821/01/AS005 revision D
- 821/01/AS006 revision C

The proposal does not include any internal or external refurbishment of the existing building but comprises a self contained extension to its gable end.

4. **Relevant Planning History:**

DER/02/92/00156 – Installation of security shutters. Granted in 1992.

DER/02/12/00129 – Display of externally illuminated freestanding sign. Decision pending.

5. **Implications of Proposal:**

5.1. Economic:

The proposal offers physical regeneration of the site with economic benefits from the retail and office use proposed.

5.2. Design and Community Safety:

The sensitivity of the development site in relation to the setting of the St Helens House has increased due to the recent alterations to the road system as part of Connecting Derby. The building would need to make a positive

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

contribution to the townscape and wider conservation area given its prominent siting. It would however add interest to an otherwise bland gable end that is in need of renovation.

5.3. Highways – Development Control:

The site is situated within close proximity to the city centre and can be accessed via King Street which is a principle road. The site is on a cycle and bus route and is close to both on-street and off-street parking facilities. Although no off-street parking is provided it is situated in a highly sustainable location. Conditions recommended regarding waste and recycling facilities.

Highways – Land Drainage:

It would appear that the whole of the area was drained in terms of surface water prior to Connecting Derby. There is no reason for treating the application for greenfield as far as run-off is concerned. Subject to conditions no objection raised.

5.4. Disabled People's Access:

The development should be compliant with disability access requirements in the building regulations and specifies a Part M compliant access.

5.5. Other Environmental:

The application site is situated within an Archaeological Alert Area which also corresponds to the extent of the medieval town of Derby. Comments of the County Archaeologist are reported below.

6. Publicity:

Neighbour Notification Letter	6	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

One letter of objection received from the Derby Civic Society. Their main contention is that the existing building should be sensitively restored which would enhance the area around St Helen's House rather than construct an inappropriate and unwelcome extension.

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:

8.1. Conservation Area Advisory Committee:

The committee raised objection to the scheme based on design grounds.

8.2. Derbyshire County Council Archaeologist:

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

The proposal area is situated within an Archaeological Alert Area as defined in the City of Derby Local Plan Review (2006), and corresponding to the extent of the medieval town of Derby, where stratified deposits of medieval and earlier date may survive below ground (as recently identified on the Princes Supermarket site, Bold Lane). The proposal area is at the northern periphery of the medieval town, and remains of the medieval town ditch were identified in recent excavations north of St Helen's Street and about 80m west of the proposal site. Immediately to the west of the proposal site, archaeological excavations by Birmingham Archaeology, associated with the Connecting Derby road scheme, have identified stratified medieval deposits in addition to later remains associated with the Derby China Works and a former Marble and Spar Works, although these excavations were constrained to the formation depth of the proposed road scheme and did not investigate the full depth of stratigraphy.

The medieval oratory associated with St Helen's Abbey is thought to have stood on or near to this site, and human remains were found during removal of cellars on St Helen's Street, adjacent to the proposal site, during the Connecting Derby project. These disarticulated remains may be of medieval date, and had been disturbed during insertion of the 19th century cellars. The proposal site appears on map evidence to have been open ground between the Marble Works and China Works during the late 19th century, and this may enhance the possibilities for medieval preservation. The site is consequently an undesignated heritage asset, *sensu* PPS5, with considerable archaeological significance in the form of below-ground potential as outlined above. The standing building at 85-89 King Street is also a locally listed heritage asset. Impacts on the locally-listed building and its setting, and on the neighbouring Strutts Park Conservation Area, should be referred for comment to the Derby City Council conservation team. My comments below should therefore be read with reference to below-ground archaeology only.

The applicant has carried out pre-application consultation with myself and with the Derbyshire HER, and has submitted the results of an archaeological desk-based assessment of the site carried out by Birmingham Archaeology. In terms of below-ground archaeology I recommend that this meets the information requirements of PPS5 Policy HE6. The proposal involves a fairly substantial three-storey extension to the locally-listed building. Foundation design and depth is not discussed in the application, but is likely to involve substantial below-ground excavation and consequent impacts to below-ground archaeology.

I recommend that these below-ground impacts should be addressed through a conditioned scheme of archaeological work, to record and advance understanding of the heritage asset in line with PPS5 Policy HE12.3. The archaeological desk-based assessment includes a recommendation for archaeological watching brief and a proposed WSI/method statement for the archaeological work. Given the archaeological sensitivity of the surrounding area, with remains of the medieval town ditch, human remains associated with the medieval oratory, and 19th century archaeology relating to the china and marble works, I feel that watching brief is not an appropriate methodology, and

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

that controlled archaeological excavation of the excavation footprint should take place before any development work on site.

8.3. English Heritage:

The amended plans broadly address the issues we raised in our earlier correspondence is a significant improvement on those previously submitted. The increase to three storeys avoids the awkward dormer window detailing, allowing an attractive curved roof slope that emphasises the buildings corner characteristics. The detailing will be critical to the success of the scheme and that shown is less than convincing. Appropriate windows, doors, eaves and suitable materials should be secured by condition to be discharged in consultation with conservation officers.

8.4. Built Environment:

No objection to the principle of new development in this location. However as the new building articulates the junction and affects the setting of the Grade I listed St Helen's House the design and detail of the proposal has to be of the highest quality. Concern remains that the applicant has not outlined their proposals for the current immediately adjacent locally listed building which is in disrepair. The proposal needs to be of outstanding quality as it will affect the setting of St Helen's House. I note the applicant has chosen a more traditional form of approach rather than a modern contemporary one.

The following improvements are suggested:

- Improve the visual appearance of the adjoining locally listed building
- Adjust building angle so it is a symmetrical shape
- Solar shading upon south facing apex
- Re-arrange bathroom and living area of flat
- Window apertures could align better to the first floor with the original windows to 85-89 King Street.
- Window design is not clear
- Need for suitable natural slate material for roof.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development
H14	Re-use of underused buildings
E19	Listed Buildings and Building of Local Importance
E21	Archaeology
E23	Design
T4	Access, Parking and Servicing

The recent NPPF which replaces all PPG and PPS guidance is a material consideration in this proposal.

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The parcel of land in question is a level triangular/wedged shaped grassed area which is somewhat peculiar as the area of land around it was subject to major alterations due to the Connecting Derby carriage works. As part of these works a number of buildings were demolished to the south of the site that consequently isolated 85 / 89 King Street between the north and southbound carriageways. In addition, the demolition of adjacent buildings has made the application site a prominent feature on what is a major route out of the city. At present the gable elevation of the building is highly noticeable and can be viewed from many vantage points in the locality. What is more, the state of disrepair of the gable wall, discolouration and unkempt appearance detracts significantly from the terminating view of this part of King Street. Thus, the site is in need of regenerating.

With regard to the use of the premises there would be a single entrance into the building serving both the office accommodation at ground and first floor as well as the living area at second floor. On the first floor landing two doors exist, one leading to the office and the other to the studio flat. The lack of space around the building and isolated position within the new road network means the site is more conducive to a commercial rather than purely residential use. Hence the main component of the scheme is a commercial use. As the site is largely the building footprint very little landscaping is proposed, the grassed area fronting the extension will be replaced with natural stone paving as specified in the approved 'Connecting Derby' highway works.

The prominence of the south facing elevation offers the opportunity for an interesting architectural statement as well as making good use of the wedged shaped nature of the plot. Indeed the site offers an opportunity to enhance the setting of the Grade I listed building and to make a positive contribution to the wider townscape and setting of the conservation area. The applicants have sought to address concerns raised by English Heritage in respect of the proposed design and architectural treatment of the extension. These changes include:

- Altering the alignment, number and detailing of the window arrangement so that it relates better to the proportions of the classical elevations of St Helen's House.
- The roof design remains as per the originally submitted plans with the only difference being the deletion of roof light windows in the south facing elevation. The removal of these second storey windows appears to have quashed the 'roofscape' concern by English Heritage.
- The architectural treatment of the south facing curved elevation is also raised by English Heritage, yet the changes appear to have quashed this part of their concern as "*the increase to three storeys avoids the awkward dormer window detailing, allowing an attractive curved roof slope that emphasises the buildings corner characteristics*".

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

Based on the above I feel that the amended scheme now responds far better to the sensitivity of the nearby Statutory Listed Building and wider townscape. Furthermore, the scheme will offer a better termination landmark and repair the somewhat fragmented built environment. To that end, the development offers positive regenerative benefits and could enhance this part of the urban fabric.

Interestingly, the site may potentially contain below ground archaeological artefacts/remains. As such the applicants have produced a full survey and the County Archaeology Officer has been consulted. They conclude that the results from the archaeological desk based assessment of the site, carried out by Birmingham Archaeology, do meet the relevant national policy requirements and is therefore acceptable. A suitable planning condition requiring controlled archaeological excavation work before any development takes place on site is recommended.

In terms of highways issues the site is edge of centre and very well positioned to the city centre generally. The site is also very well served by public transport and near accessible and convenient routes in and out of the city. No off-street parking is provided within the site though due its central location and proximity to public car parks this would be acceptable.

On balance, the scheme is considered to comply with all relevant policies and be an acceptable form of development in this locality. A recommendation to grant planning permission is therefore given.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the Adopted City of Derby Local Plan policies set out in 9. above and all other material considerations. It is considered that the proposal would result in a satisfactory form of mixed use development that is acceptable in terms of design, implications for residential amenity and highway safety. The scheme would assimilate well into the townscape and respond sensitively to the nearby Statutory Listed St Helen's House.

11.3. Conditions:

1. Standard condition 02 (time limit)
2. Standard condition 100 (approved plans)
3. Standard condition 27 (all external materials including window design and depth of reveal)
4. Standard condition 46 (Archaeological investigation including controlled archaeological excavation of the excavation footprint before any other development work on site.)
5. Unique condition 1 (details of waste/recycling storage facilities)
6. Unique condition 2 (inward opening doors and windows at ground level)

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full

11.4. Reasons:

1. Standard reason E02
2. For the avoidance of doubt
3. Standard reason E14 of policies E23 and GD4
4. Standard reason E09 of policy E21
5. Standard reason E19 of policy T4
6. Standard reason E19 of policy T4

11.5. S106 requirements where appropriate:

None required.

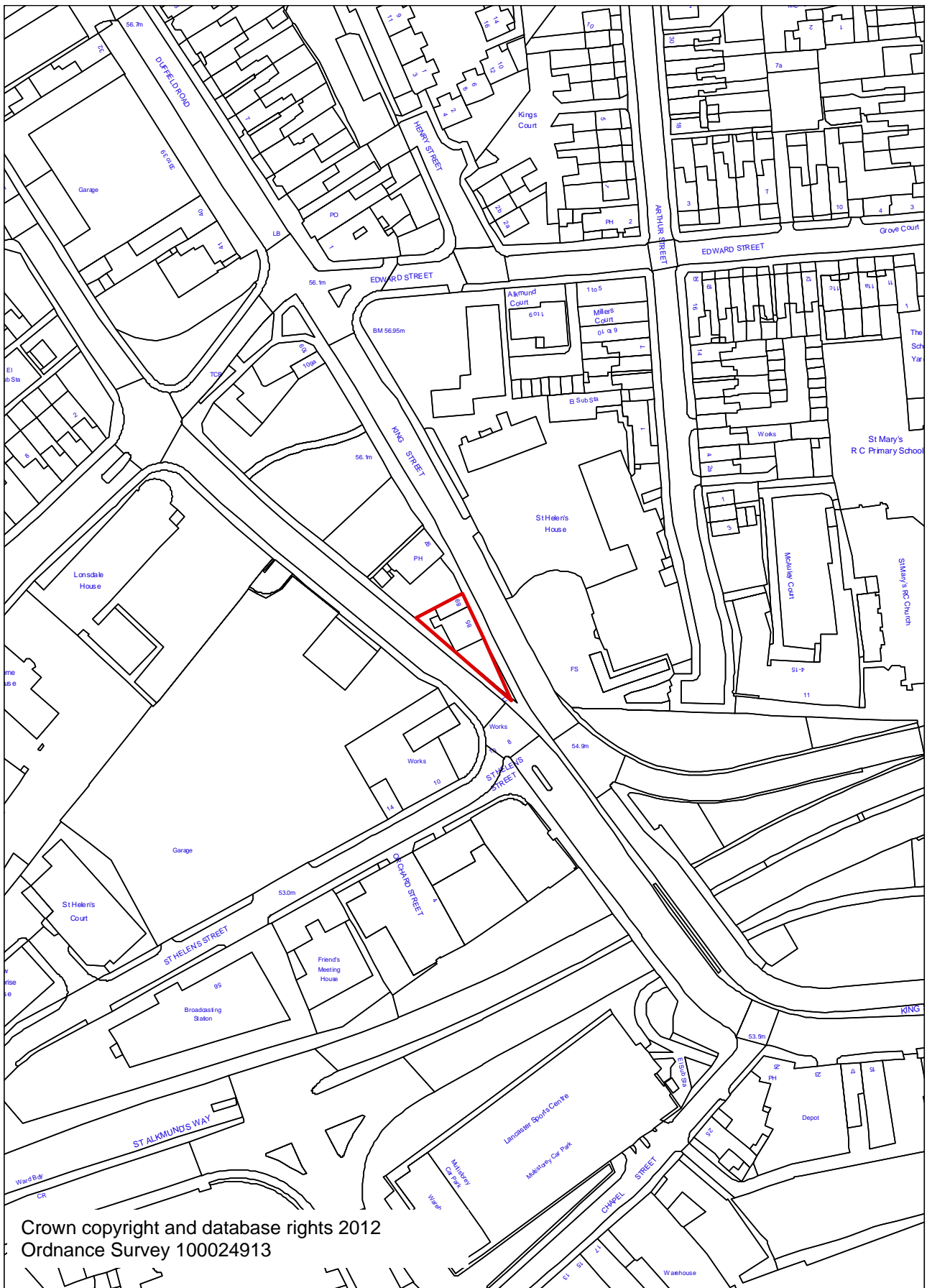
11.6. Application timescale:

The target decision date for this application expired in May 2011 and has been exceeded as a result of extensive discussion around design and detailing on this sensitive location.

Committee Report Item No: 2

Application No: DER/03/11/00260

Type: Full



Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

1. **Address:** 252 Abbey Street, Derby.

2. **Proposal:**

Change of use from tyre dealers and car workshop (Use Class Sui Generis) to retail (Use Class A1) and alterations to elevations and installation of shopfront.

3. **Description:**

This application relates to a brownfield site located on the west side of Abbey Street. There is a range of existing business/ light industrial / commercial units located within close proximity to the site to the south, known as Peter Baines Industrial Estate, commercial units to the direct north, although generally to the east and west of the site the area is predominantly residential in nature both along Abbey Street and adjacent streets. The site is currently occupied by 'Hi Q' tyre dealers and workshop repair centre which operates as a tyre and exhaust fitting service. The building is a single storey brick workshop building set back some 26metres from Abbey Street. Generally the site has a well established commercial appearance.

The site encompasses two buildings, one fronting Abbey Street and the other Monk Street. There is a large area of hard-standing / parking area located to the front of building one and a smaller service yard area located to the rear of building one and side of building two. Vehicular access to the site is provided via two separate access points, directly off Abbey Street to the east of the site and directly off Wood Lane to the west. Car parking is provided within the area of hard-standing off Abbey Street, although formal parking bays are not marked out.

Full planning permission is sought for the change of use of the existing building from a tyre and exhaust centre (A 'Sui Generis' Use Class) to retail (Use Class A1) and for the installation of a shopfront. The proposed retail floorspace will provide approximately 374 square metres to accommodate approximately 267 square metres net sales trading area. Car parking for 11 off street spaces will be provided to the forecourt, adjacent to Abbey Street, with service delivery access off Woods Lane.

The proposed retail unit would be occupied by Tesco as an Express format store. The store would be offering a convenience 'top up' range of goods. Typically, convenience goods comprise food, drink, newspapers, tobacco, and a range of regularly purchased household goods. The proposed store would sell mostly convenience goods and because the store would be less than 280sqm it would qualify for Sunday trading.

At present Tesco have 7 stores in Derby. They comprise a full size supermarket at Mickleover, a mid-sized format Metro store in the city centre and the remainder are Express stores in various suburbs of the city.

4. **Relevant Planning History:**

DER/05/11/00519 – Change of use from tyre dealers and car workshop (Use Class Sui Generis) to retail (Use Class A1) and alterations to elevations and installation of shopfront.

Refused under delegated powers for the following two reasons:

"1. In the opinion of the Local Planning Authority, the proposed out of centre retail proposal does not fully satisfy the tests and criteria of saved Policy S2

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

and PPS4, in terms of further evidence to justify the search area for the sequential test and potential impacts on the vitality and viability of the existing neighbourhood centres. Accordingly, the proposal conflicts with saved policies S2 and S3 of the City of Derby Local Plan Review and Planning Policy Guidance 4: Planning for Sustainable Economic Growth”.

“2. In the opinion of the Local Planning Authority, the proposed development would lead to an unacceptable highways delivery access and servicing arrangement to the west of the site, off Woods Lane. Even though the applicant has proposed to install on street parking restrictions as per drawing reference PL/01 to facilitate access and egress of delivery vehicles to the rear of the site, this Traffic Regulation Order is not currently secured or implementable. Therefore, the proposal conflicts with saved Policy T4 of the adopted City of Derby Local Plan Review”.

5. Implications of Proposal:

5.1. Economic:

The proposal would generate some 20 full-time jobs, 15 more than currently employed at the site.

5.2. Design and Community Safety:

The external appearance of the premises will be altered by the installation of the new shopfront, glazing and main entrance. These changes will improve the visual amenity of the property as viewed from Abbey Street.

5.3. Highways – Development Control:

The application site is located within a mixed residential and commercial area and can be accessed via Abbey Street which is a Classified Road and to the rear of the site via Woods Lane. There are on street restrictions on Abbey Street, double yellow lines, and on Woods Lane, there are double yellow lines in proximity to the site.

The applicant has offered 11 no. off street parking spaces for customers, including a disabled space in proximity to the entrance of the building, and these spaces can be accessed via Abbey Street. It has been indicated that customers will use the existing shared access and the detailed spaces are existing within the site.

The Highway Authority previously had concerns regarding the servicing of this proposal. The applicant has now indicated that the size of the vehicle accessing the site will be similar to that currently used and that there will be an overall reduction in delivery trips from that of the existing. There would therefore be no need for an amendment to the Traffic Regulation Order on Woods Lane to be secured. The applicant does not appear to be amending the width of the Woods Lane access to facilitate deliveries therefore there should be no need for an amendment to the existing vehicle access. The applicant states that the largest vehicle which will service this proposal will be 10.35 metres in length or smaller, I would recommend that the maximum size of delivery vehicle should be conditioned if possible.

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

5.4. Disabled People's Access:

The main entrance would need to meet the specified access standard in accordance with Building Regulations.

5.5. Other Environmental:

Noise / light pollution. The development would not introduce a noise source that is any more harmful than the existing use. The positioning and luminance of lighting columns could be conditioned.

6. Publicity:

Neighbour Notification Letter	16	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

Four letters of objection and one letter of comment have been received. The main points of objection are:

- Concern over number of vehicle movements and access to service yard off Woods Lane
- The appraisal within the submission of existing vehicle movements is questionable. Less vehicles access the site than what is stated.
- Congestion will be caused as a result of delivery vehicles
- No need for another supermarket as Sainsburys', Spar and 3 other stores within walking distance.
- Attract anti-social behaviour.
- The site would be better suited as a residential development or similar industrial units.
- Increase pollution
- Noise levels as a result of deliveries will disturb residents.
- Increase volume of traffic
- Inadequate parking for the development

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

8. Consultations:

8.1. Environmental Services - Pollution:

The full comments of our Noise & Pollution Team are reproduced below for your reference.

Note that the development will introduce an industrial/commercial noise source into the area.

Before a decision can be made on the appropriateness of this site for such a development, I would recommend that a comprehensive acoustics survey is conducted, assessing the proposals against the criteria contained within BS4142, or other relevant methodology agreed by the Local Planning Authority. A report of the assessment must be submitted to the Local Planning Authority for written approval, before a decision whether to grant permission or not should be made.

I note that the proposal will involve some building works. Given the proximity of residential properties, I advise that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. I note that there is the potential for light from the development to impact upon the amenity of neighbouring premises.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD5	Amenity
EP11	Development in Existing Business and Industrial Areas
S1	Shopping Hierarchy
S2	Retail Location Criteria
S3	District and Neighbourhood Centres
S9	Range of Goods and Alterations to Retail Units
T4	Access, Parking and Servicing
T10	Access for Disabled People

The recent NPPF which replaces all PPG and PPS guidance is a material consideration in this proposal.

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

This is a re-submitted proposal following a previous refusal based on insufficient evidence to support the sequential approach and concerns about impact upon a nearby neighbourhood centre. Furthermore, the Local Planning Authority previously refused the scheme upon concerns regarding the delivery access and servicing arrangement to the west of the site, off Woods Lane. On both counts, the applicant has sought to address the reasons for refusal by providing further details and evidence to support the proposed food store development. This will be discussed further in the main body of the report. Meanwhile, I think it useful to note that the size of store being considered under this planning application is comparable to that of the

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

Tesco Metro on Stenson Road, Littleover. Hopefully this gives a benchmark as to the scale and type of store the proposal could be, aside from the differences in external appearance.

Principle and policy implications

The site of the proposal is located in an existing employment area, covered by Policy EP11 of the Local Plan. EP11 permits the redevelopment of existing employment sites provided that redevelopment would lead to (a) an improved environment for nearby residents, (b) would not lead to a qualitative or quantitative deficiency in the supply of employment land, (c) would not be incompatible with established employment activities and (d) would not decrease the development potential of nearby land. EP11 notes that the employment generating potential of the alternative use should be considered. A retail use in this location would meet criteria (c) and (d). The site only covers 0.12ha and has been assessed as 'below average' in the Employment Land Review. Therefore the loss of the employment use is acceptable in policy terms

The overall aim of the retail strategy contained in the Local Plan is to promote sustainable shopping patterns and maintain access to the full range of shopping facilities in the defined shopping hierarchy for all sections of the community. It does this by directing retail development into defined centres as they are regarded as being the most sustainable locations, in terms of access by alternatives to the car and facilitating linked trips. In strict definition this proposal is not located within a centre and is therefore contrary to policy. The emphasis is therefore on the applicant to demonstrate why the proposal is acceptable from a policy perspective.

Whilst the 'need' for a retail proposal is no longer a test, an understanding of need helps to confirm the extent of the Primary Catchment Area (PCA) and the subsequent area of search for the sequential test. The applicant has submitted information relating to qualitative and quantitative need to help justify the location of the store and the extent of the PCA. In terms of quantitative need, the applicant has estimated that approximately £2.4m of top-up shopping expenditure will 'leak' from the PCA in 2013 increasing to £2.56m in 2016. This equates to approximately 55% of available top-up expenditure generated from within the PCA. It could be argued that the projected leakage from the PCA is because existing facilities are not adequate to meet projected needs. Whilst the robustness of quantitative need assessments are somewhat limited for a store of this size, the figures do help to give a broad understanding of current provision against projected expenditure within the PCA.

Qualitative need clearly overlaps with quantitative need and relates back to the assumption that existing facilities are not meeting current top-up needs. At the current time, top-up need within the PCA is predominately served by a Sainsbury's Local on Boyer Street and a Spar on Monk Street. There are also smaller stores on Burton Road and Stockbrook Road. The Spar unit is relatively small (62sqm net) and functions as a 'corner shop' rather than a comprehensive top-up facility. The same applies to the shops on Burton Road and Stockbrook Road. Anecdotal evidence suggests that the Sainsbury's Local on Boyer Street is overtrading. This could also suggest that current needs within the PCA are not being met.

The implementation of the ring road has caused some level of severance within the PCA. It could be argued that this has reduced the attractiveness of top-up facilities

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

within the city centre, thus increasing the level of need within the PCA. Further quantitative arguments include the fact that the new facility will provide a high quality shopping environment, will provide for disabled customers and will have dedicated parking spaces. Very little evidence relating to need was submitted alongside the previous application leading to our concerns about justification for the PCA and sequential test. Having reviewed the newly submitted qualitative and quantitative arguments, I am satisfied that there may be a level of top-up need that is not currently being met within the defined PCA.

Based on the need identified above, the applicant has identified a PCA which extends to Uttoxeter Road, Dean Street, Mercian Way and Mill Hill Lane. Taking account of the need arguments and considering the size of the proposed store, I am satisfied that the extent of the PCA is realistic. The applicant has identified two 'centres' that are located within the PCA of the proposed store, including Monk Street and Burton Road. I have reviewed the reasons as to why the proposed use cannot be located within either of these centres and am satisfied that the justification is reasonable. The Amy Street / Stockbrook Street neighbourhood centre also falls on the boundary of the PCA; however the applicant has not looked at this site. New retail units are being built within this centre, although I do not believe that any of them would be of a suitable size to accommodate the proposed use. Therefore I am convinced that the requirements of the sequential test have been met.

The previous application was refused on the basis of concerns about the level of impact on the Monk Street neighbourhood centre, particularly the Spar unit. In order to provide some comfort about this issue, the new application includes information about expenditure, turnover and trade diversion. As already noted in the consideration of need, it is projected that without the proposal around £2.1m of top-up expenditure generated in the PCA would be spent within the area in 2016. This equates to around 45% of the overall top-up spend generated in the area. This would leave a surplus of approximately £2.56m which will be spent elsewhere. The proposed store is estimated to have a turnover of £2.27m by 2016 of which 70% (£1.59m) is expected to be derived from expenditure generated in the PCA. It is projected that implementation of the proposal would leave a surplus of expenditure generated in the area of approximately £0.97m. This suggests that there would be enough expenditure generated within the PCA to sustain existing and proposed retail uses.

One third of the turnover (£0.53m) derived from expenditure generated in the PCA is expected to be diverted from stores within the area including £0.48m from Sainsbury's on Boyer Street, £0.03m from the Spar on Monk Street and £0.02m from other out-of-centre stores in the PCA. The remaining turnover is expected to be diverted from stores beyond the main catchment. It is difficult to determine exactly which stores this diversion will impact upon as a proportion of trade will be pass by. The submitted impact figures suggest that the Sainsbury's store on Boyer Street will lose 24% of trade, whilst the Spar on Monk Street will lose 6%. The Sainsbury's is not located within a centre and therefore the level of impact is less of an issue as it does not receive policy protection. The main policy consideration is whether 6% impact upon the Spar (which is in a centre) is a reasonable assumption and an acceptable level of impact.

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

The quantitative impact assessment suggests that a significant amount of expenditure can be clawed back into the PCA, potentially leading to more sustainable travel patterns. It also suggests that will be 'headroom' in terms of expenditure to allow the proposal and existing facilities to trade satisfactorily. The applicant has suggested that the Spar on Monk Street has a trading area of approximately 62sqm. Having visited the Spar I would suggest that it functions as a newsagent / corner shop, rather than a mini-supermarket providing a range of top-up goods. It could therefore be argued that the Spar and proposed store will serve different functions and any potential impact will be minimal. I am also satisfied that none of the other uses within the centre are reliant upon pass by trade related to the Spar. Whilst 6% trade diversion from the Spar seems like a very low assumption, I am satisfied that whatever impact there is on the centre, it is unlikely to be 'significantly adverse'. As mentioned previously, the robustness of a quantitative assessment at this scale is limited. However, there are also qualitative arguments that seem to support this conclusion.

Planning policy aims to deter sporadic retail development on the basis that it does not facilitate linked trips and is generally unsustainable. However local policy also aims to plug areas of retail deficiency, by allowing small scale, out of centre convenience stores, helping to facilitate more sustainable travel patterns. The proposed retail unit will provide ready access to convenience provision in a densely populated residential area. It is a sustainable location and will provide the following economic benefits; providing improved shopping facilities to meet the identified need; encourage sustainable shopping patterns and provide additional retail jobs.

In policy terms I am satisfied that there may be a retail deficiency in this area, that the proposal is of an appropriate scale to meet the need, that there are no alternative units within the primary catchment area and that it is unlikely that any centre will be impacted in a significantly adverse manner.

Highways implications

The potential for increased traffic, congestion and parking / access issues were previously raised as issues by objectors and have been raised again in relation to this resubmission. In terms of highway implications, the applicant has offered 11 dedicated off-street parking spaces for customers, including a disabled space in proximity to the entrance of the building, and these spaces can be accessed via Abbey Street, which is a classified road. Such a level of off-street parking is considered acceptable. In reality and like other retail shops of this nature, people will access it at different times of day and night by car and by walking, both for people who live nearby and those who could be pass-by trade, thus there will be a *trickle effect* of comings and goings. The main activity of people entering and exiting the site will be concentrated to the Abbey Street entrance. At present the existing entrance into the 'HI-Q' unit, off Abbey Street is bounded on either side by a low boundary wall. Consequently, the *effective* width of the vehicular access is 5.2metres. I am mindful that there is likely to be more vehicles and pedestrians utilising the site than at present (from the main Abbey Street entrance). In anticipation of greater vehicular and pedestrian movement here I consider that it is entirely appropriate to widen the existing Abbey Street entrance to allow safer access and egress at the site, reduce any potential conflict between pedestrians and vehicles and maintain the free flow of

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

two-way traffic along Abbey Street. This could be secured through a suitable planning condition.

The application site also contains a secondary, servicing / delivery, entrance off Woods Lane, to the west of the site. This is currently used by the existing operator. The east side of Woods Lane is not subject to any on-street parking restrictions, but the west side of Woods Lane contains interspersed double yellow lines in close proximity to the residential housing. Previously under the refused scheme, the applicant proposed to install on street parking restrictions (double yellow lines), through a Traffic Regulation Order, near the site on Woods Lane to facilitate access and egress of delivery vehicles. The contention previously was that if the on-street parking restrictions were not in place, adjacent to the secondary entrance along Woods Lane, then the delivery access point may not be workable. This assumption was made based on the type and number of Tesco delivery vehicles using the Woods Lane access.

The applicant has now indicated that the size of delivery vehicle needed for the retail operation would be smaller than that stated under the previous scheme. The largest vehicle which will serve the secondary entrance off Woods Lane will be 10.35metres in length or smaller. What is more, their appraisal of the existing vehicle movements associated with current business compared to the anticipated deliveries of the retail operation indicates there would be an overall reduction in delivery trips compared to the existing situation. I do note the main points in the letters of objection and while the data analysed on the existing delivery arrangements is contested by some, there is no reason to believe the information within the submitted Access Statement is incorrect or falsified. Moreover, it maybe that if vehicles are parked on both sides of the road, on Woods Lane near the application site then this may impede delivery vehicles entering and exiting the service yard. But it seems unlikely people would purposefully park for long periods immediately either side of or very close to an 'active' service yard entrance. Nevertheless, the secondary 'delivery' entrance is deemed acceptable in highways terms and will operate much the same as it does at present.

Environmental Health.

The application site is within commercial/light industrial location with residential housing situated nearby on Spa Lane, Abbey Street, Grey Street, Woods Lane, Pittar Street and Sun Street. I note the internal consultation from Environmental Health states that the proposal will introduce an industrial/commercial source into the area and an acoustic survey ought to be undertaken. Actually, the proposed retail use would not necessarily generate increased sources of noise over and above the existing situation. Accordingly, it would be somewhat onerous and fruitless to request such an assessment when considering the existing level of noise emitted from the premises (mechanical machinery etc). Therefore, bearing in mind the immediate light industrial context and the existing use of the premises I do not consider a noise assessment to be necessary, either as part of the submission or as a planning condition.

The site and the adjoining 8 (occupied) units on Peter Baines Industrial Estate are already established light industrial / commercial premises, so the co-existence of these type of land uses in close proximity to residential housing is already well established and accepted. Again, any noise source related to the delivery vehicles

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

accessing the site along Woods Lane would not be significantly different or more harmful as compared to the existing situation both here and what is experienced at the nearby Industrial Estate. Furthermore, when people use small convenience stores the only real noise generation is either from an engine when arriving/leaving by car or general chatter outside the store – none of which are particularly harmful in terms of noise nuisance. Finally, light pollution is also mentioned within the consultation but the details of any internal lighting columns within the site could be secured through a planning condition.

Residential amenity

The application site is positioned in close proximity to mostly dense terraced residential housing which exists more to the east and west of the site. Indeed, this nearby housing is the population catchment the proposed retail store primarily intends to serve. Looking first at the Abbey Street side of the site it is evident that two storey flats, 222 – 224 Abbey Street, abut the common boundary to the direct north of the application site, where parking spaces 1 – 7 are indicated. At present car parking spaces exist in the exact same position to that proposed. Two obscure glazed ground floor windows upon the gable elevation of No.222 currently face the parking area, yet while it is not particularly desirable for those occupants, the situation already exists and to that end the effect would be negligible. The impact upon Potters House Christian Church which adjoins the southern side would not be demonstrably unacceptable.

Immediately opposite the site to the west are the two residential properties No's 48 and 50 Woods Lane. Whilst the principle elevations of these two houses face the site, the perceptible impact upon their residential amenities would not be unacceptable, given the current operation of the site. Conversely, it could be argued that the development would improve the physical appearance of the rear part of the site, adjacent to Woods Lane, compared to its present unkempt external appearance. The objections from nearby residents are noted but in terms of material harm the potential disturbance from delivery vehicles utilising the Woods Lane entrance would not be significantly different, aside from the size of vehicles, than when vans and lorries use the service area as part of the HI-Q business operation. Indeed, the frequency of deliveries is likely to be less as a result of the proposed retail store. On balance, there would not be significant adverse impacts upon the amenities of residents living nearby.

It is considered that the proposal would result in a satisfactory form of commercial development that is acceptable in terms of its policy implications, design, implications for residential amenity, provision of off-street parking and highway safety. For the reasons given above, a recommendation to grant planning permission is given.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is considered that the proposal includes a robust assessment of the proposed retail use against national and local plan policies. The applicants have demonstrated that there are no sequentially preferable sites and how the

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

proposed store may impact on surrounding District Centres. The proposal would also result in a satisfactory form of commercial development that is acceptable in terms of design, implications for residential amenity, provision of off-street parking and highway safety, both to the Abbey Street frontage and Woods Lane aspect.

11.3. Conditions:

1. Standard condition 02 (time limit)
2. Standard condition 100 (approved plans 10027-PL-205 and 10027-PL-206)
3. details of external lighting
4. submission of details relating to widening of access off Abbey Street entrance
5. provision of cycle parking
6. provision of waste and recycling facilities
7. restriction of size of delivery vehicle
8. restriction for the sale of convenience goods only, with convenience goods not occupying more than 267square metres of the net sales floorspace area of the store
9. range of goods restriction
10. restriction of sub-division, merging of units and provision of mezzanine floors
11. No deliveries shall be taken at or despatched from the application site outside the hours of 06:30 and 23:00 , nor at any time on Sundays, Bank and Public Holidays

11.4. Reasons:

1. Standard reason E04 (time limit reasons)
2. Standard reason (for the avoidance)
3. Standard reason E08 (preserve residential amenities) of policy GD5.
4. Standard reason E16 (accommodate parking and manoeuvring) of policy T4.
5. To encourage greener modes of transport ... policy T4.
6. Standard reason E09 (ensure satisfactory development) policy T4.
7. Standard reason E19 (in the interests of traffic safety) policy T4.
8. To ensure the overall retail strategy is not undermined by restricting on what can be sold from the approved retail unit ... policy S1, S2 and S9.
9. To ensure the overall retail strategy is not undermined by restricting on what can be sold from the approved retail unit ... policy S1, S2 and S9.
10. To ensure the overall retail strategy is not undermined by restricting on what can be sold from the approved retail unit ...policy S1, S2 and S9

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

11. To safeguard the amenities of residents living in the vicinity of the application site...policy GD5

11.5. Application timescale:

The 8 week decision target date expired 26 March 2012 and is brought to committee given the number of objections received.

Committee Report Item No: 3

Application No: DER/01/12/00096

Type: Full

