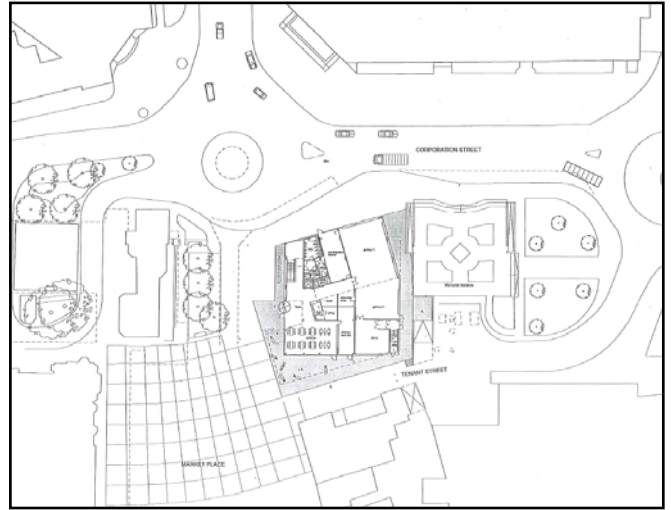
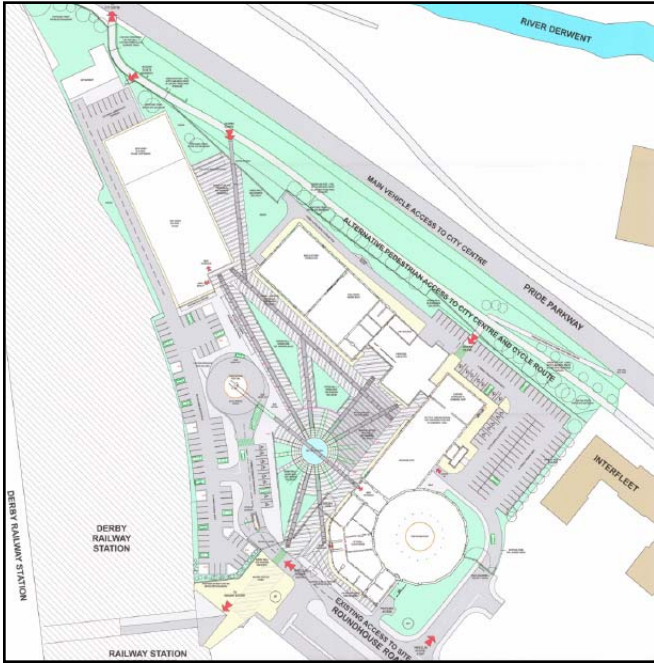


Item 11

Planning Control Committee

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1	1 - 32	08/10/00985	Meteor Centre, Mansfield Road, Derby	Redevelopment of Retail Park (food store, retail units, extensions to retail units, petrol filling station and car wash, formation of car parking and vehicular accesses)	<p>A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement and to authorise the Director of Legal and Democratic Services to enter into such an agreement.</p> <p>B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	33 - 38	12/09/01416	1A Cornhill, Allestree, Derby	Retention of detached garage	To grant planning permission with conditions
3	39 - 44	01/11/00043	Land adjacent 19 Full Street, Derby (Silk Mill PH)	Change of use of public open space to form beer garden (Use Class A4)	To grant planning permission with conditions
4	45 - 59	12/10/01536	National Sikh Heritage Centre & Holocaust Museum, Princes Street, Derby	Retention of and extension to National Sikh Centre Museum and Memorial Hall, erection of National Sikh holocaust and Shaheedi Memorial, formation of pedestrian plaza and car parking area and alterations to vehicular access	To grant planning permission with conditions
5	60 - 69	10/10/01243	Ravensdale Junior & Infant School, Devonshire Drive, Mickleover, Derby	Extensions to school (two classrooms, stores, toilets, staff accommodation, reception, community room and associated facilities) and formation of car park	To grant planning permission with conditions
6	70 - 112	08/10/01063	Site of 61, 67, 73 & 75 Whitehurst Street, Units and Chapel Thirsk Place, Allenton Market, Mitre Hotel PH and 701-727 Osmaston Road, Derby	Erection of retail store (Use Class A1), petrol filling station, market and electrical substation and formation of car parking, landscaping and associated access	A. That Committee resolve to request the applicant to run the appropriate DATUM model as identified by officers and provide the information and results to the Council so as to

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					<p>enable a fully informed decision on the acceptability and impact of the proposal in highway terms</p> <p>Should Members decide not to follow the above recommendation and consider that they have sufficient information to enable the application to be favourably determined the terms of approval should be as follows:</p> <p>B. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.</p> <p>C. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>

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Type: Outline

1. **Address:** Meteor Retail Park, Meteor Centre, Derby.

2. **Proposal:**

Redevelopment of the Meteor Retail Park to include erection of a new food store, three retail units with alterations and an extension to the existing two retail units, the erection of petrol filling station and car wash, formation of car parking and vehicular accesses.

3. **Description:**

This is an outline planning application which includes matters of access, scale and layout. The application site is located within The Meteor Centre, an out of town Retail Park situated 2.25 miles northeast of the city centre. The existing surrounding development consists of 12 large format retail units which are served by a central car parking facility. There are two entrances to the retail park, located off Mansfield Road and Wheatcroft Way. In terms of the wider locality, the Retail Park forms part of a wider commercial area surrounding Alfreton Road comprising employment, leisure and retail land uses.

The existing retail units within the application site are arranged as a long terrace constructed from grey steel clad exteriors with shallow pitch steel deck roofs. Part of the existing frontage is punctuated by glass framed features providing a covered walkway and shop entrances. Fronting the units is a large car park where a total of 788 ancillary car parking spaces are provided. A Park and Ride facility currently operates from the Retail Park. A public house is sited to the south east of the site, which was built subsequent to the development of the retail park. To the east perimeter of the site is a parcel of semi mature trees, some of which are outside the red edge of the application site. Overall, the site is relatively flat with land gradually inclining in a south to north direction.

The proposal

The proposed development comprises a series of separate elements which include:

- The demolition of part of the existing retail terrace and public house; the construction of a new food superstore, measuring 9,290 square metres in floor space and 115metres(W) by 95metres(D) by 10.5metres(H) in footprint. This would be positioned to the southern part of the site.
- The creation of five new non-food retail units. Three of these would be new build and two are existing units to be extended. Units one, two, three and four would measure 30metres by 17metres and the extended part of unit five 6metres by 60metres. These would be positioned to the northern part of the site.
- The construction of a car wash and petrol filling station facility upon the eastern edge of the site.
- Reconfiguration of existing car park layout to increase the total number of car parking spaces from 788 to 899.
- Alterations to the existing retail park junction with Mansfield Road to provide an additional left filter lane from the junction onto the access road into the site.

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- A new dedicated bus stop lay-by on the access road
- A direct pedestrian link from the existing bus stop at Mansfield Road to the retail park.

The retail units

The proposed food store building is identified to occupy the southern section of the site. Sectional drawings indicate a large “L” shaped building. Elevation details and aspects relating to building design will come forth as part of any subsequent detailed application for Reserved Matters.

The proposed new units (1-4) would be orientated horizontally with the entrance points to be located on the southern elevations to face the site interior. Unit 5 would be extended on its west side as well as it being internally subdivided to provide more flexible floorspace. The non-food retail units would be used for a restricted range of ‘bulky goods’. In total the proposed development will increase the quantum floorspace by 360 square metres.

The petrol filling station

A new petrol filling station to the south east part of the site is proposed, together with an automated car wash structure. The filling station would incorporate a kiosk, car wash, 8 pumps and would be of a fairly standard design.

Access

The primary vehicle access into the site would be via the current signal controlled junction at the access road off Mansfield Road. A secondary access point can also be obtained from Wheatcroft Way to the north of the site. This is an internal access road, part of which falls outside the application site. The scheme introduces a re-design of the site access junction to provide a significantly extended and dedicated left turn lane into the site from the southern end of Mansfield Road. The existing ‘Park and Ride’ facility which utilises the Meteor Centre as the car park base, will be maintained as part of the proposed development. In order to enhance traffic flow a new bus lay-by will be created on the Retail Park access road. Further alterations are proposed to incorporate a new pedestrian link to provide direct and level access from the existing bus stop on Mansfield Road into the site. These amendments are reflected in amended plan drawing number NW90167-001 (*proposed retail park junction improvements*).

Updated information

Further information has been submitted by the applicant comprising an addendum to the Planning Statement and Transport Assessment as well as appendices. This addendum should be read in conjunction with the original Planning Statement. The new document includes: justification and further information to support the methodology and assumptions used to assess the proposal; updated information on the sequential approach to site selection and the impact of the proposed development; an update on the proposed works to the highway and further justification as to the ability of the existing network to support the proposed development. Web links to the above documents can be found here.

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4. Relevant Planning History:

The Retail Park was originally built under planning permission DER/09/85/01043, which was granted planning permission in March 1986. Condition 11 of that permission controlled the retail use of the units and placed a restriction on them to the sale of bulky goods only.

Since the Retail Park was built a number of variation of conditions applications have been approved. These have extended the range of goods permitted from the retail units. A plethora of advertisement consent applications have been approved as the retail units have changed ownership.

DER/02/99/00220: Variation of condition 11 pursuant to planning permission

DER/09/85/01043 to permit a wider range of goods to be sold. Granted conditionally April 1999.

DER/01/99/00019: Variation of condition attached to planning permission

DER/09/08/01043 (Office supplies). Granted Conditionally February 1999.

DER/08/92/00975: Variation of condition attached to permission DER/09/85/01043 to permit a wider range of goods to be sold. Granted October 1992.

DER/10/92/01147: Erection of public house with associated parking and managers accommodation. Granted December 1992.

DER/09/85/01043: Erection of building for light industrial/offices/retail/warehousing purposes. Granted conditional March 1986.

DER/09/85/01043: Erection of building for light industrial/offices/retail/warehousing purposes. Granted conditional March 1986.

DER/01/84/00046: Construction of roads, footpaths, foul and surface water sewers and pumping station for proposed retail estate. Granted conditionally March 1984.

5. Implications of Proposal:

5.1. Economic:

The proposed redevelopment of the site provides an opportunity for revitalising the retail park both physically and economically and it is anticipated that the new retail park has the capacity to generate up to an estimated net increase of 391 additional jobs in a range of full and part time positions. The development could also provide a catalyst for further development within the locality and has the potential to attract a major new employer(s) to the City.

5.2. Design and Community Safety:

The existing buildings on the site are not considered to be of any significant architectural merit and no objections are raised to the demolition works proposed. The proposed redevelopment would be substantial in scale but would still relate to the surrounding built environment. The design of the proposed new units would be functional in appearance and generally rectangular in footprint with active retail frontages facing the interior of the site. The outline proposal illustrates a height of 10.5metres for the proposed food store, although elevation details and aspects relating to building scale would be agreed and submitted as part of an application for reserved matters. The

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proposed site layout has been designed with natural surveillance and security factors taken into account. The parking and servicing arrangements promote a degree of surveillance by those utilising the Retail Park.

5.3. Highways – Development Control:

The planning application is accompanied by a Transport Assessment and Travel Plan. The development needs to provide safe access/egress from the site and promote the use of sustainable transport measures. Access for cars and service vehicles would continue to be taken from Mansfield Road. It is proposed as part of the development to add a filter lane to the junction. This will increase the capacity of the junction to prevent significant traffic congestion. The existing Park and Ride Scheme will remain and various bus services will continue to serve the application site and its environs.

In considering the transport, access, parking and servicing implications of the proposed development, it is concluded that the proposed development will not result in increased traffic congestion, have a detrimental effect on the local environment or lead to a reduction in road safety. The submitted Transport Assessment identifies potential impacts and measures to alleviate any adverse effect of the development. Subject to conditions, the proposed scheme is acceptable in all highways terms.

5.4 Highways – Land Drainage:

The applicant has appropriately addressed the issue of flood risk from external sources and has correctly allowed for the issue of climate change. They have also stated that the impermeable area of the development is to remain unchanged. We would, however, like to see a consideration of the anticipated runoff from the site and discharge from existing to reduce the impact of the development on downstream catchments in future years. The application site is located within Flood Zone 2, which is defined as an area with a medium probability of flooding. There are no localised drainage issues within, or around, the site. The use of sustainable urban drainage features would be required as part of any Reserved Matters. There are no overriding objections on the grounds of drainage or flood risk.

5.5 Disabled People's Access:

Disabled people's parking appears satisfactory. The buildings themselves will be subject to compliance with Building Regulation accessibility guidance.

5.6 Other Environmental:

The proposed site lies on a historical landfill site which formerly accepted construction industry waste. Due to the site's historical use the site has been identified as 'potentially contaminated'. A Phase I Ground Investigation has been submitted as part of the application, which recommends further investigation. Such details, together with any remediation works can be controlled through appropriate conditions.

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6. Publicity:

Neighbour Notification Letter	67	Site Notice	yes
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:

Eleven letters of objections have been received. The main points raised include:

- New cycle routes are needed through the site to give access to the Retail Park
- Should the development go ahead traffic congestion in and around the site would be unacceptable.
- No consideration has been given to the Park and Ride Facility
- No need for another supermarket
- Will number of parking spaces meet demand needed to avoid traffic congestion
- The road network from Bishops Drive to the Morrison's Island needs improving
- No consultations with residents of Breadsall Village and adverse traffic impacts on village
- The current road network is totally inadequate to support and cope with the additional traffic that will be generated by such an enormous food store.
- The proximity of the development to the nearby business park, particularly the car park entrance and service road.
- The estate, including industrial development have mushroomed over the last 15 years, but without regard to the need for sensible, well planned speedy and efficient access for traffic. An understanding of the impact on the A38 is essential
- Objections to the size, nature, location visual intrusion, increase in noise, light and traffic pollution, increase in drainage problems

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

Planning Consultancy objections

Further detailed objections have been received from Pegasus Planning Group, Indigo Planning and Peacock and Smith Planning Consultancies. These could be perceived as trade objections. The main points raised include:

- The submitted application does not respond to the Derby Retail and Leisure Strategy Study.
- The Planning Statement does not apply the Sequential Test of PPS4 correctly

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- The study area is too wide and extends close to Ilkeston, Heanor and Ripley
- The analysis of trading impacts is misleading
- The granting of this application for unrestricted goods on this scale at an out of centre location will undermine the strategy and objectives of the Local Plan and vitality of the City Centre.
- The replacement of existing bulky goods floor space with an open A1 floor space of this scale will lead to demand for more out of centre bulky goods retailing here or elsewhere.
- The proposed site is not sequentially preferable

A comprehensive objection document has been compiled on behalf of WM Morrison Supermarket PLC. Members can read the full version via the web links. In summarizing the objection document concerns are raised that: the proposed development is inconsistent with the adopted CDLPR; emerging planning documents comprising the Local Development Framework (LDF); the background evidence which supports the emerging (LDF); the proposal is inconsistent with advice in PPS4; concerns that the development may have significant effects on the local highway network.

http://eplanning.derby.gov.uk/acolnet/DocumentsOnline/documents/39161_8.pdf

http://eplanning.derby.gov.uk/acolnet/DocumentsOnline/documents/39161_6.pdf

http://eplanning.derby.gov.uk/acolnet/DocumentsOnline/documents/39161_13.pdf

http://eplanning.derby.gov.uk/acolnet/DocumentsOnline/documents/39161_10.pdf

Further objections have been submitted on behalf of WM Morrison Supermarket PLC in respect of the Planning Statement: Addendum (January 2011). The points of their objection include:

- Need/deficiencies in convenience retail provision
- Extent of study area and available expenditure
- Range and variety of comparison goods
- Sequential approach and impact of the proposed development

8. Consultations:

8.1. Building Consultancy:

All new buildings will be subject to and need to comply with Building Regulation accessibility guidance. Disabled people' parking is indicated but more exact details are required of the locations and numbers of bays. Taxi pick up and external seating proposals are welcome.

8.2. Natural Environment-Tree Officer:

The proposed tree loss would not have any significant impact on the level of current amenity value particularly when one considers the extent of the proposed tree planting. The most significant trees on site (the 2 groups/belts on the Eastern boundary running from the Public House to Lidl supermarket) are shown for retention and it will be appropriate to request a Tree Protection Plan although this can be conditioned for a later date; it might be that this

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aspect can be combined with the proposed landscaping/tree planting details. Any conditions should stipulate that the protective fencing is erected and agreed upon prior to any other works commencing on site.

8.3. Environmental Services- Pollution:

Due to the site's historical use, the site has been identified as 'potentially contaminated'. The nature of the proposals should not in theory substantially change the existing noise climate at the site; however there is insufficient detail on the proposed changes to the noise climate. The proposed development may have an impact on local air quality. Though no objections are raised in principle on Environmental Health grounds, as this is subject to a number of relevant conditions.

8.4. Environment Agency:

The Environment Agency acknowledges that a Phase 1 Geo-Environmental Assessment Report has been submitted with the above application. The Environment Agency agrees with the recommendations for an intrusive site investigation with groundwater sampling to investigate the ground conditions and contamination status of the site. On flood risk grounds the proposed development is acceptable subject to the flood risk management measures as detailed in the submitted Flood Risk Assessment.

8.5. Police Liaison Officer:

The access and layout benefit from adequate levels of natural surveillance and logical and clearly legible circulation from the car parking areas. Simple blocks without recessed elevations will give clear views all around. Developments such as these attract criminals from wide and far if facilities are easily exploited. Car crime, theft, including shoplifting can be prevalent as well as out of hours anti social behaviour by youngsters driving vehicles erratically. All issues have to be considered by the design and can be mitigated against. I am content with the application at this stage but look forward to the detail being submitted which should include CCTV and adequate lighting schemes with good uniformity to deter and prevent crime and reduce fear of use. Local policy E24 covers the design, layout and lighting arrangements generally for all developments and requires applicants to provide safe and secure environments and take full account of the need for community safety and crime prevention measures.

8.6 Highways Agency:

The proposed development is not expected to have a material impact on the closest strategic route, the A38 Trunk Road. Therefore, the Highways Agency has no objections to the proposal.

8.7 Highways – Land Drainage:

The applicant has appropriately addressed the issue of flood risk from external sources and has correctly allowed for the issue of climate change. They have also stated that the impermeable area of the development is to remain unchanged. We would however like to see a consideration of the anticipated runoff from the site and discharge from existing to reduce the impact of the development on downstream catchments in future years.

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8.8 Highways – Development Control:

In considering the transport, access, parking and servicing implications of the proposed development, it is concluded that the proposed development will not result in increased traffic congestion, nor have a detrimental effect on the local environment or lead to a reduction in road safety. The submitted Transport Assessment identifies potential impacts and measures to alleviate any adverse effect of the development. The assessment there-in is considered robust and sound.

8.9 Health and Safety Executive:

The HSE does not advise on safety grounds against the granting of planning permission.

8.10 Planning Policy:

Reflecting national policy guidance as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS 4), the City of Derby Local Plan Review (Adopted January 2006) aims to promote the City Centre and other traditional retail centres as the main locations for a wide range of retail and other services. However, the Local Plan also recognises that, in some cases, the City's traditional retail centres are not suitable locations for some types of retail providers and Policy S8 lists a number of out-of-centre retail parks, which includes the Meteor Centre, which are designed to complement the traditional retail centres through the sale of 'bulky' goods. In addition, Policy S9 lists the type of goods which should not normally be sold at these locations, in order to try and ensure they maintain their complementary role.

In determining the application the key policy issues are

- Whether a robust sequential approach has been taken to site selection
- Assess the need and impact of the proposed development
- Whether the change in nature of the floorspace will have a significant impact on defined centres
- The regeneration and employment benefits.

The applicant has provided a retail assessment which goes through a logical methodology that is generally in line with the guidance set out in PPS4. This involves; identifying a Primary Catchment Area (PCA), calculating the level of available expenditure in the PCA, calculating the existing turnover of stores in the PCA, calculating potential capacity for new development and assessing the trade diversion and impact from existing stores and centres. They have also carried out an analysis of whether sequentially preferable sites exist. Each of these issues is discussed in further detail under section 10 'Retail Policy'. On balance, subject to appropriate range of goods conditions being applied there are no policy objections to the proposal.

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

GD1	Social Inclusion
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD8	Infrastructure
CC1	City Centre Strategy
CC2	City Centre Shopping Area
S1	Shopping Hierarchy
S2	Retail Location Criteria
S3	District and Neighbourhood Centres
S8	Out of Centre Retail Parks and Other Locations
S9	Range of Goods and Alterations to Retail Units
E10	Renewable Energy
E23	Design
E24	Community Safety
E25	Building Security Measures
T1	Transport Implications of New Development
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
T8	Provision for Public Transport
T10	Access for Disabled People

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth

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 development proposal aims to redevelop part of the existing retail park into a new supermarket, petrol filling station and five new non-food retail units. This would result in a relatively small overall level of new floorspace but clearly changes the very nature and character of the retail park, not least because the replacement non-food units will be considerably smaller than those currently in place as well as the presence of a substantial food store within the Retail Park.

Retail Policy

National Planning Policy Statement 4 (Planning for Sustainable Economic Growth) suggests that local authorities should adopt a “positive” and “constructive” approach toward applications for economic development and that proposals which secure “sustainable economic growth” should be treated favourably. However this does not mean that all commercial development is acceptable by default. The PPS sets out a number of policy tests that must be addressed before a scheme can be considered acceptable. Ultimately, there must be evidence of a sequential approach to site selection and no ‘clear’ evidence of “significant adverse impact”. PPS4 and its associated ‘practice guidance’ recognise that new retail development will inevitably have an impact, but that this shouldn’t warrant an automatic refusal, particularly if

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there are other benefits that should be taken into account. In the main, the policies in the City of Derby Local Plan Review are consistent with the aims and objectives of PPS4. Its underlying strategy is to maintain and enhance the vitality and viability of existing centres, to maintain access to the full range of shopping facilities and to promote sustainable forms and patterns of development. It also seeks to prevent development which would undermine these objectives.

The site is located in an out-of-centre location allocated under Policy S8 in the City of Derby Local Plan Review. Reflecting national policy guidance as set out in PPS4, the City of Derby Local Plan Review aims to promote the City Centre and other traditional retail centres as the main locations for a wide range of retail and other services. However, the Local Plan also recognises that, in some cases, the City's traditional retail centres are not suitable locations for some types of retail providers. Policy S8 lists a number of out-of-centre retail parks, which includes the Meteor Centre, that are designed to compliment the traditional retail centres by locating retailing which is difficult to accommodate in traditional centre. In addition, Policy S9 lists the type of goods which should not normally be sold at these locations, in order to try and ensure they maintain their complementary role.

We should recognise a number of 'given' factors that have significant bearing on the retail policy conclusions reached. We should recognise that the Meteor Centre is an existing retail site and that the application is not creating a substantial amount of new retail floorspace. It is also recognised that the business model used by the major food store retailers contains many of the goods which are already sold within the existing permission. Finally, we need to be aware that there may be some instances that the retail offer may differ from that stated in Policy S9. Indeed, paragraph 8.23 states that "there are other goods and services which may or may not be appropriate in an off-centre context depending on their specific circumstances, including food retailing. In such cases, the tests outlined in Policy S2 will be applied in order to ensure the Plan's retail strategy and objectives would not be undermined". To recap the aim of the Plan is to accommodate retail outlets within the defined hierarchy, followed by suitable edge-of-centre sites and followed by existing out-of-centre locations. As previously stated, the application site is categorised as 'out-of-centre'.

Therefore, in determining the application the key policy issues are:

- whether a robust sequential approach has been taken to site selection
- assess the need and impact of the proposed development
- whether the change in nature of the retail floorspace will have a significant adverse impact on defined centres
- the sustainability and accessibility of the proposal
- assess the regeneration and employment benefits

The application is supported by a Retail Impact Assessment, which has been supplemented by further information in response to requests for clarification/justification. The applicant has followed a logical methodology for assessing major retail development that is broadly in line with guidance set out in PPS4. To this end, the applicant has used robust sources of information from which to make their assumptions on such things as catchment areas, expenditure growth

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and the turnover of both existing stores and their proposal. I will refer in turn to specific elements of the retail assessment.

Primary catchment area – The Primary Catchment Area (PCA) is an important tool in helping to identify the scope of any sequential test, the capacity of the area, the extent of trade draw from retail centres and the realism of the trade draw. PPS4 states “*Drivetime isochrones have been used in some cases to provide an indication of the likely catchment area of a particular proposal and to illustrate levels of accessibility to existing facilities*”. The applicants Planning Statement, appendix 8, indicates the extent of the applicants Primary Study Area which is based on a 10 minute drive time isochrone, starting with a central point at the Meteor centre. Using the 10 minute drivetime as a starting point, the area has been developed to reflect the local circumstances and the anticipated catchment area of the proposed foodstore.

A 10 minute drivetime has been used to determine the PCA in this case. There are some limitations in this approach but, in lieu of a named operator, it is felt that this may be a reasonable compromise. This is particularly the case when considering Derby’s retail geography and existing distribution of superstores. The Competition Commission have also concluded that 10 minutes is a reasonable catchment and 10 minutes has also been used in other applications to identify a catchment area. I am also happy that they have taken other factors than drivetime into account.

The 10 minute drivetime data used has been questioned by third party objectors who suggest that it does not properly reflect a true 10 minute drivetime and that the area defined is not large enough. The information provided by the applicant by MapInfo/Pitney Bowes which is usually considered a robust source of information. While there is likely to be some ‘error’, as there is with any modelled information, I am fairly satisfied that the information provided can be used as a starting point for the analysis of the proposal. Taking all the information into consideration I see no reason to doubt the robustness of the information the applicant has provided regarding the development of the Primary Catchment Area.

Sequential Test - Policy S2 and PPS4 indicate that proposals outside centres, or proposals not in line with an up-to-date development plan, should demonstrate a sequential approach to site selection. Policy S2 defines it as ‘in-centre’ first, followed by ‘edge-of-centre’ sites and then existing defined out-of-centre locations. The policy requirement is for alternative sites to be ‘available, suitable and viable for retail development’. Both PPS4 (Policy EC5) and its practice guide set out advice on how Local Planning Authorities should address these issues. The applicant’s Planning Statement argues that there are no sequentially preferable sites that can accommodate all or part of the development proposed that would meet the ‘need’ they have identified.

The applicant has undertaken an assessment and based it on the need to accommodate the store on an area of land measuring approximately 1.5 hectares. Initially the applicant assessed 109 of vacant units in the City Centre itself and concluded, in paragraph 7.27, that: “*there are no vacant units that could be amalgamated to provide sufficient floorspace to accommodate the proposed development*”. The applicant, in the addendum document, sets out why it would be unviable to disaggregate the retail offer of the proposed store based on the proposal

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for a superstore measuring 9,290 sq. m. It is apparent that the largest vacant unit available is substantially smaller than their requirement (2,100 sq m) and that amalgamating other vacant units will not meet the applicant's requirement. Therefore, we can be reasonably satisfied that the applicant's conclusions.

The applicant has considered five possible development sites in the city, namely: Becket Well and the former Debenhams; Derby Royal Infirmary; former Mackworth College site, North Castleward and Friar Gate Goods Yard. Each of these sites will be discussed.

Becket Well and the former Debenhams: Although this is situated in the City Centre and an acceptable size, the applicant felt that the site was unsuitable for a food superstore. The applicant cited that the Debenhams store had been added to the City of Derby Local List which would make redevelopment of the site unsuitable. However, the most recent list, approved in March 2011, does not contain the building. The applicant also states that, referring to Policy CC4 of the CDLPR, the site is "*considered to be more suited to a mixed use development*" and "*would be more suited to enhancing the overall vitality and viability of Derby City Centre*". Policy CC4 does identify the Becket Well area as a major mixed-use regeneration opportunity which enables the city centre to be the main focus for commercial uses, business and shopping. There is no reason why, in principle, a foodstore could not form part of a mixed use scheme under this policy. However, even when taking this possible flexibility into account, the applicant has concluded that the site would not be viable for the proposal, citing physical constraints, problems of multiple ownership and financial viability as the main barriers to bringing the site forward.

In fairness, the future for Becket Well is currently unclear and there are obvious difficulties in bringing the site forward and some of the applicant's concerns may be valid at this time. I would also note that the site has been put forward as a possible location for the one of the Council's leisure developments. A final decision hasn't been made on this as yet which adds to the uncertainty. Notwithstanding the fact that I do not accept all of the applicant's reasons for disregarding the Becket Well area, the current uncertainty around the site makes it difficult to say for certain that the site is available or viable for large scale supermarket development at this time.

Derbyshire Royal Infirmary (DRI). Following discussions the applicant accepted that the site is edge-of-centre but has dismissed it on the basis that "*The Trust intends to develop the site for a wide mix of uses which includes a foodstore that is significantly smaller than that proposed at the Meteor Retail Park. It follows that the site is not available to accommodate the development proposed at the application site due to the existing commercial objectives of the existing owner*".

An outline application has been submitted to the Council (reference DER/11/10/01429) for a mixed use redevelopment of the DRI. The application includes provision for a foodstore measuring 5,667 sqm. Contrary to the comments made by the applicant this is only an outline application which seeks the approval of the Council for the principle of development on the DRI. It is not apparent anywhere in the outline application that a larger store would not be considered and would be contrary to the commercial objectives of the owner. However, this is not to say that the Council would actually wish to see a larger store in this location in any event.

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particularly if that would impact on the regeneration aspirations identified in the Cityscape Masterplan or City Centre Eastern Fringes Area Action Plan.

The submission of an application for retail development on this site would indicate that it could be considered both 'available' and 'viable' for retail development. This leaves the question of 'suitability'. In fairness, none of the CDLPR, the Derby Cityscape Masterplan or the Preferred Option for the City Centre Eastern Fringes AAP promote the site for large format retail development and the application on the DRI has yet to be determined. As such, the principle of retail development on the site is yet to be established. The PPS4 practice guide does make the point that where a Local Planning Authority suggests an alternative it should be sure that it is satisfied that the scale and form of development is suitable for the site, that it is in line with its stated intentions for the site, and that the proposal would be compatible with any other conservation or environmental constraints affecting the site. These are issues that have yet to be fully resolved in terms of the DRI application.

In conclusion, the DRI site is an edge-of-centre site and a major regeneration area in the City; an outline application has been submitted which includes retail floorspace however this has yet to be determined. Currently, the site is not allocated in the CDLPR for retail and there has to be some uncertainty over the future of the site. What is more, the two proposals are not necessarily serving the same catchment or 'needs' identified. This means that there may be no benefit in directing development to the DRI in this instance as it would probably not eliminate the need or demand for a store in the north of the city. Taking all factors into account I am not convinced that there is currently a strong case for refusing the application based on the existence of the DRI site.

Former Mackworth College Site: The site lies within the defined Normanton Road Linear Centre and so would be a 'sequentially preferable' location.

The applicant has put forward a number of reasons why this site is inappropriate; namely, that it is identified in the Strategic Housing Land Availability Assessment (SHLAA), it is not commercially viable, its scale would be inappropriate for the centre and that it is too small even when taking flexibility into account. The issue over site size is important. The area *within* the defined centre measures approximately 0.8ha. The overall site area including the existing surface car park, which does not fall within the defined centre is 1.3ha. This is smaller than the minimum site requirement, although on the face of it not to a significant degree. However, I am not convinced that the site is genuinely capable of accommodating this scale of development. It would be considerably larger than what was permitted in the past and the site is of an irregular shape that may make it difficult to 'fit' a store in to while still meeting our objectives for the linear centre. As with the DRI, this site is also likely to serve the city centre and Normanton areas and so, while there would undoubtedly be some overlap in catchments, this would not necessarily serve the same markets as the proposal site. Taking all factors into account I do not think there is a strong case to put this site forward as a preferable alternative for a store of this scale and nature.

North Castleward: The applicant states that following the approval for the erection of a hotel and office buildings with small-scale retail units prohibits the development of the site for a foodstore the size proposed by the applicant. I see no reason to doubt

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their analysis and recognise that this site is unavailable. It also would not correspond to the stated aims of the Council for this site as set out in the CDLPR or the Cityscape Masterplan. Thus, I concur that this site is not appropriate for this development.

Friar Gate Goods Yard: Since submitting the application an additional site has come forward for consideration as a potential retail site, namely Friar Gate Goods Yard. An outline planning application for a large format superstore of a similar size to the one proposed at the Meteor Centre has been submitted. This application is yet to be determined. In fairness, the Meteor Centre applicant could not have been expected to consider this site in detail in their initial submission as the intentions of the landowner to submit a planning application for large format retail were not known at the time. The applicant for Friar Gate Goods Yard suggests that they consider their site to be 'edge-of-centre' and thus it would be sequentially preferable to the Meteor Centre site. I think this is open to considerable debate and my current view subject to more detailed analysis of the Goods Yard application is that both sites would be considered 'out-of-centre'.

The Local Plan clearly indicates a preference in this situation to existing out-of-centre retail parks over the creation of a new retail location. The clear logic for this is that the existing retail park is already a significant trip destination and offers opportunities for linked trips. PPS4 indicates that where sites are at the same level of sequential preference, then sites which are nearer to 'the centre' and have a better chance of forming links should be given preference. Whether the Friar Gate Goods Yard site is actually sequentially preferable or not, therefore, is open to some debate (particularly in a situation where the two proposals do not appear to be serving completely the same catchments or aiming to capture the same markets). This site has some of the same potential issues as the Derby Royal Infirmary site, in so far as it is not allocated in the Local Plan for large format retail purposes and until the current application has been determined, we cannot categorically state that the site is suitable for this form of development. Again, even if it were to meet the PPS4 policy tests, there are clearly heritage issues on the site that would determine whether a large superstore is appropriate on the site. These issues are still to be resolved and determined.

Within certain third party representations it is argued that there is an application currently being considered within Allenton District Centre for a new superstore that demonstrates that there are sequentially preferable sites for foodstore development. While there may be some minor overlap in catchments of these stores (which are at opposite ends of the city) they will obviously cater for primarily different markets and serve different populations. If the Council were only able to consider the development of one additional store in the city as a whole, then the Allenton application may have been an important factor. This is not the case. The removal of the test of need means that the Council can consider a number of different proposals, subject to issues of cumulative impact and the individual suitability of the sites in question, particularly if different proposals will serve to meet different catchments. I do not think that the Allenton site is relevant here as the proposals would serve a completely different core catchment and meet different needs.

Other locations alternative sites outside of the City Council's administrative boundary have not been considered by the applicant. The Primary Catchment Area extends

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into both the administrative areas of Erewash Borough Council and Amber Valley Borough Council. The PCA does extend quite close to Ilkeston in Erewash, but this seems more a function of post code sectors than drive time. As such, I am not convinced that sites around Ilkeston or other Erewash centres are relevant to this application. In addition Amber Valley have not highlighted any suitable, viable, alternatives within or on the edge of Belper that could satisfy the requirements. There has been no formal sequential test objection from Amber Valley Borough Council and we would not be in a position to contradict this. In conclusion while there are technically sites in sequentially preferable locations, I would question whether they could be considered 'suitable, available and viable' for the proposed development at this time, or would entirely serve the same areas. The proposal site also has some existing policy support as a retail location and does meet the 'tests' of being suitable, available and viable for the use proposed. As such, I consider that when taking all factors into account, the requirements of the sequential test have been satisfied.

'Need' and Impact

'Need' is no longer a policy test in its own right. However, it is important to understand whether a need exists to help in understanding what the level and extent of 'impact' will be and what scale of development may be justified. There are two types of need; 'quantitative' (i.e. is there sufficient expenditure capacity in the area to accommodate the new development) or 'qualitative' (i.e. the extent to which existing stores may be overtrading). Importantly, however, an application can no longer be refused on the basis of there being a lack of 'need'.

One of the material considerations in assessing 'need' is The Derby Retail and Leisure Report undertaken by Rodger Tym and Partners (RTP) in 2009. This looked at both comparison and convenience goods provision in the City. Convenience shopping is retailing for the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary. Comparison shopping is retailing for the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods. The report concluded by stating:

Convenience floorspace requirements are relatively small. Before the impact of over and under trading was analysed the requirement in the short term up to 2011 was negative, indicating an oversupply of floorspace. However, the household survey ascertained that six of the main food stores were overtrading, which serves to facilitate the short term requirement.

The RTP study indicated that across the city, there was unlikely to be capacity for significant new food store development, and that any new growth should be tied into areas of significant new housing development. It is recognised, therefore, that the RTP report does not, therefore, provide much support for new superstore development in this location. The RTP report did however look at a city-wide perspective and the applicant has addressed this issue by providing a 'localised' assessment which seeks to demonstrate that there is sufficient capacity to accommodate the proposal within its defined catchment. Capacity assessments are based on numerous assumptions which are open to considerable interpretation. I am fairly happy with the data and methodology used here and they have followed a logical process in coming to their conclusions. Nonetheless, there are some issues with their conclusions that do need highlighting.

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The applicant has concluded that there would be over £61m of convenience goods expenditure after the proposal had been built. If this figure is accepted then it would imply a significant level of excess expenditure potential in the area that would give considerable comfort in terms impact and trade diversion. I consider that the figures provided are likely to be quite optimistic and there are some assumptions that could be questioned that would inevitably reduce the level of 'capacity'. In response to queries by objectors, the applicant has produced revised figures which seek to show a 'worst case scenario' which also serve to reduce the level of capacity in the area. The figures provided still identify sufficient surplus expenditure in the area to support new development.

When taking the worst case scenario into account and making further reductions to capacity based on my own observations, it does not necessarily serve to reduce the level of surplus expenditure in the area to zero. This implies to me that there is some evidence to suggest that there is surplus expenditure locally to support new foodstore development. As the applicant is seemingly reducing the proportion of non-food goods sold on the site, they have not sought to provide evidence of 'need' for comparison goods. I am happy with this approach but would also note that the RTP report indicated that there would be surplus capacity for an additional 10,000 sqm of non-food floorspace in the city between 2011 and 2016. This is important in considering the potential impact of the proposal.

In 'qualitative' terms, the arguments for a new store are that existing Morrison and Asda stores within the Primary Catchment Area are overtrading thus highlighting a lack of consumer choice in the north of the City; a deficit this application seeks to help address. These findings are backed up by the conclusions of the Retail and Leisure report. The applicant indicates that the two stores are estimated to be overtrading by £19.26m at 2011, rising to £26.68m by 2016. The extent of this overtrading has been queried by Morrison's themselves. However the RTP report also concluded that there was significant overtrading at these stores. This argument has been used in relation to a number of other proposals before the Council (both in relation to new stores and extensions). Therefore, I conclude that there is *some* evidence to suggest a qualitative need exists in this area to address the overtrading of these stores. This argument will clearly become less persuasive as new stores/extensions come forward but as of this point in time, *some* evidence does exist for improving the shopping offer in the city. In conclusion, therefore, there is clearly some evidence of 'need' in the northern part of the city and wider locality. This is important in terms of setting the context for the consideration of impact.

There are a number of factors relating to impact that have to be considered, including the impact on the vitality and viability of existing centres as a result of trade diversion, the impact on the Council's overall shopping strategy, impact on potential investment and whether the proposal is of an appropriate scale for its location. The applicant states that the proposed development will not adversely impact in the vitality and viability of existing District Centres or the City Centre or the range and quality of the comparison and convenience retail offer in the city. This is based on the following arguments:

- Trade diversion on convenience goods will primarily be from other similar stores in the area and that this is acknowledged in the PPS4 'practice guide';

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- The city centre's vitality and viability is not dependent on convenience goods retailing
- The proposal will principally serve the residential areas to the north of Derby so will not compete directly with convenience stores in the city centre
- The comparison goods element of the proposed foodstore is adjunct to the principle convenience role rather than operating as a destination in its own right. For this reason it will compete with other large foodstores and other retail warehouse parks in the area
- That the overall comparison turnover from the site will actually go down as a result of the proposal;
- The updated economic assessment provides clear evidence that there is surplus expenditure to support the turnover of the proposed store

Based on average turnover ratios of the major operators, the store is expected to turnover some £51m per year in convenience goods and £12.5m per year on comparison goods. The guidance associated with PPS4 recognises there will inevitably be some trade diversion from existing stores when a new outlet opens but that this is only a concern where it will lead to "significant adverse impacts". The applicant has concluded that the turnover of the new store will come from just six existing locations, with 50% of the new store's trading being derived from the existing Morrisons; 25% from Asda at Spondon, 10% from Sainsburys at Kingsway 5% from Morrisons in Belper, 5% from Sainsburys at the Wyvern and 5% from other shops outside the study area. Only one of these stores sits within a defined centre. This is clearly based on the 'like for like' argument which is supported by the PPS4 practice guide. The general premise is that in areas where there is already significant 'choice' in terms of large format stores, the impact is more likely to fall disproportionately on the existing stores

In terms of convenience impact, I tend to accept the view that a new 'large format' store in this location will be most likely to draw trade from other existing 'large format' stores in the area. The proposal essentially duplicates an existing out-of-centre retail offer. Therefore, I think it quite likely that the proposal will not actually have a significant impact on current 'in-centre versus 'out-of-centre' shopping patterns. Notwithstanding this, based on my own judgement, the Retail and Leisure report and evidence from other recent retail applications, I do think that it is quite likely that trade will be diverted from a wider range of existing stores and centres than indicated. This is only really an issue if we felt that this was likely to lead to concerns over any the vitality and viability of any individual centre or prejudice planned investment within one of those centres.

There are three District Centres within the defined Primary Catchment Area (Oakwood, Allestree, Chaddesden) with Spondon and Mackworth on the periphery. The applicant's analysis suggests that there won't be *any* trade diversion from these centres at all, which is somewhat unlikely in practice. Logic dictates that some people may be attracted away from their local district centre by the presence of a new operator in their locality. However, as already noted I think it is far more likely that people who shop at the out-of-centre Sainsburys, Morrisons and Asda stores could make a decision to transfer their shopping trip to this store, rather than attract

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large numbers of additional shoppers from district centres. The results of the Retail and Leisure report indicated that these District Centres, in the main, have a secondary function in terms of main food shopping. The majority of people living in the zones within which these centres are located appear to do their main food shopping, and spend the majority of their food expenditure, in the large format stores already. This implies that District Centres, while having a main food shopping function for some, will also have a strong top-up shopping role. Thus, the presence of a new foodstore on the Meteor Centre will not necessarily lead to a change in this role or function.

In terms of the impact of the proposed foodstore upon the city centre, I would agree that its vitality and viability is not based around its convenience offer (convenience shopping is retailing for the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) but there are still a number of convenience outlets that complement the comparison / leisure offer (comparison shopping is retailing for the provision of items not obtained on a frequent basis, including clothing, footwear, household and recreational goods). The Retail and Leisure report indicated that the city centre area has relatively low retention rates from local residents for convenience shopping. This means that there is already 'leakage' from the city centre in terms of main food shopping and that the mainly 'basket stores' in the city centre will have a predominantly top-up shopping function. Again, I do not think that a new proposal at the Meteor Centre will necessarily exacerbate this leakage or impact on the 'top-up' shopping role of the city centre food stores.

When assessing the impact of the comparison goods floorspace it is recognised that modern supermarkets sell ranges of goods which would be outside current restrictions and which would be more likely to be found on 'the high street'. The majority of these, such as clothing, recorded materials, pharmacy, books and magazines are not currently permitted to be sold from the affected units on the retail park. There are two issues to consider here. The first would be the trading impact that this change in mix could have. The second would be the impact on the Council's shopping strategy. Obviously, there is still scope for some of the comparison sales at this store to be diverted from the city centre and, to a lesser extent owing to their role, district centres. As the nature of the goods being sold from the supermarket will be changing, I would expect the amount of diversion from the city centre to increase from what it is at present.

We also have to recognise that the proposal will sell a range of non-food items that are consistent with the current permission on the site and which are 'acceptable' in a retail park location. The likelihood is, therefore, that the store will divert a considerable proportion of its non-food trade from competing supermarkets who also sell such goods and from other existing retailers on retail parks (particularly in relation to home wares and household electricals, for example). Out-of-centre supermarkets around the city sell goods which are 'restricted' by S9 and so there will also be a proportion of those sales that will be diverted from existing stores. Therefore, while there will inevitably be some impact on the city centre it is unlikely to be of a sufficient scale to be able to clearly demonstrate "significant adverse impacts". Even though the city centre may currently be experiencing some issues around its overall health and vitality the evidence before us suggests that there should be sufficient growth in

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expenditure to support further growth and investment in the future. The RTP report indicated that the city centre currently has a turnover of some £635m. Therefore, even if 50% of the non-food turnover of the proposal were to be derived from the city centre then it would only equate to a 1% impact on trade. I feel that it would be difficult to conclude that this is a significant impact.

Concerns have been raised by third party objectors over the compatibility of allowing sales of goods restricted under Policy S9 on this retail park. Local Plan Policy S9 states that conditions will be imposed to restrict the sale of certain types of goods that are more appropriate in centres. The reason for this is two-fold. Firstly, it is to protect the vitality and viability of those centres and secondly it serves to help maintain the complementary role of the retail parks. Obviously, large format supermarkets are not completely inconsistent with the role and function of our out-of-centre retail locations (as evidenced by the fact that five out of six defined sites are home to such a store). Therefore if we accept that a supermarket is an acceptable use on a retail park, then we should accept a range of comparison goods is part of their offer. However, in order to ensure we do not set an unacceptable precedent, robust conditions are needed to maintain the non-food element of the proposal as being ancillary or complementary to the main use of the store and to protect the economic vitality of the city centre.

PPS4 also requires the Local Planning Authority to consider the cumulative impact of the proposal and other commitments. It is important to note that there are a number of other undetermined applications for new supermarket floorspace that will, if permitted, contribute to the cumulative impact on centres. These are not currently commitments and PPS4 is quite clear that cumulative impact only relates to schemes which have permission or are under construction. There are some 'proper' commitments, such as an extension to the Osmaston Park Road Sainsburys and a new Lidl in Chaddesden District Centre. In my view, these will not have a significant individual impact on centres and, as such, will not lead to an unacceptable cumulative impact on defined centres. Other proposals in the 'pipeline' are likely to have much more significant turnovers than these proposals and thus will have greater potential to divert trade from existing locations. This is something that will need to be considered as and when proposals are considered. On this point, the Tesco proposal at Allenton is being considered by Members and from all evidence presented I do not conclude there to be a cumulative impact issue of these two proposals on District Centres. This is because the main impacts are likely to fall primarily on different locations. Yet it is understood that this will also divert trade from the city centre but for both developments the majority of impact is expected to fall on existing large format retailers and out-of-centre retail parks. It is predicted, however, the overall impact on the city centre is still likely to be within the £6-£10m bracket which is unlikely to be an amount to clearly demonstrate a significant adverse impact on the city centre.

Other retail considerations

The proposal is to create a new foodstore measuring 9,920 sq. m and five non-food retail units measuring a total of 6,313 sq. m. The applicant states that there will be a *de minimis* increase to the retail floorspace of 360 sq. m. It is recognised that this is a minor quantitative change.

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However, we must consider whether the change in the proportion of non-food floorspace is a significant issue. As noted elsewhere, this will result in the loss of larger units designed to cater for complementary 'bulky goods' retailers. We need to be confident that this will not lead to a change in the character of the park that would undermine this complementary role, contrary to S1. I have raised concerns already with the applicant that the creation of smaller retail units might lead to greater pressure for 'non-bulky' retailers to locate to the park, which could both undermine our policies and, as a direct effect, lead to pressure to allocate additional out-of-centre for bulky goods operators. The applicant has responded by stating that the new retail units, numbers 1 to 6, are better suited to meet the modern operating requirements of retailers and that the existing tenants are interested in occupying the units.

As already noted, Policy S9 of the Local Plan sets out the range of comparison goods which are not normally acceptable for sale at the Meteor Centre. The applicant is happy to accept a condition to restrict the range of goods sold from units 1-6. This condition should reflect and be no more flexible than the current restrictions on the centre. This would maintain the current role of the stores. The applicant has also indicated that they will be happy to enter into a unilateral agreement stating that they will not submit an application to vary the retail use of these units for a period of five years. Whilst I welcome the applicant's recognition that the retail offer of the units should accord with policies in the Local Plan, the issue that it will be only for a period of five years is noteworthy. However, any future application for varying the retail provision in the units will be judged against policies contained in the Development Plan if such an application were to arise. In concluding this issue, it is the range of goods policy that controls the retail offer of the retail parks, not necessarily unit size. Provided these controls are in place, then I am relatively comfortable that the loss of larger units will not have an undue impact on the retail strategy.

Employment and Regeneration

PPS4 E10.2d & e indicate that the impact on employment and physical regeneration in the area should be considered, particularly in areas of deprivation. The site is located within the Derwent ward and close to the wards of Darley and Arboretum. The applicant indicates that the proposed development will create approximately 391 'net' jobs and that they will benefit from a comprehensive training and benefits package. This is obviously a very positive aspect of the proposal which meets the objectives of PPS4. I hope to secure the training and employment initiatives through a S106 Agreement. In terms of physical regeneration, the site is not identified as a regeneration priority area but it is recognised that the proposed development provides an opportunity to make improvements to the physical environment of the Meteor Retail Park as well as create investment opportunities.

Retail Policy Conclusions

The following conclusions can be drawn from a retail policy perspective. I recognise that the development will have an impact on the retail offer in the Primary Catchment Area and that there will be some trade draw from outside of this area. However, national guidance recognises that there will be a 'like-for-like' impact, namely that the main impact of the proposed superstore will be on neighbouring large scale retailers and I accept the applicant's argument this will happen to a significant extent with this application owing to the existing retail geography and activity of the city and its

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environs. I do not think that there is any evidence to suggest that this store will individually or cumulatively lead to “significant adverse effects” on any defined centre in the hierarchy or that it will prejudice investment in those centres. It should also be recognised that national planning guidance seeks to improve consumer choice and does not seek to protect large out-of-centre retailers from competition. I also have seen no evidence that this proposal will prejudice investment in, or on the edge of, existing centres.

We also have to recognise that this is an existing retail location which has some policy support for new retail development. Clearly, supermarket developments are not completely unacceptable in principle in the retail park locations as all of those identified in the city has a supermarket within them. Provided that appropriate range of goods conditions are applied to both the superstore and other new retail units, I am also happy that the Council’s retail strategy regarding out-of-centre retail parks will not be undermined. On balance, therefore, subject to the above controls being implemented there are no policy objections to the proposal.

Design, scale and layout

The existing terraced form of staggered retail units are functional in design and appearance and are of no architectural merit. I note there are no objections to the removal of the existing buildings or structures proposed, as part of the overall development of the site. The proposed development contains a layout designed to optimise active retail frontages arranged around a car parking area. The food store structure would be orientated to face the interior of the site, thereby creating a strong building frontage in a key position within the Retail Park. It is acknowledged that the scale of the food store building within the scheme is clearly larger than many of the nearby buildings within and outside the application site, however, on balance, the scale is still commensurate with the surrounding built environment. With regard to the other 5 units, these would form a large block positioned some 117metres from the proposed food store and also have the principal elevation aspect toward the site interior. In addition, the proposed extended section to unit 5 would be relatively unnoticeable on the rear flank of the building. Nonetheless, this element is entirely acceptable as it would follow the existing dimensions and design of the existing unit 5 building. Moreover, elevation details and design matters will form part of a Reserved Matters application. Accordingly, the proposal is considered to comply with Policies GD4 and E23 of the CDLPR.

Highways / parking / access

Advice in PPG13 states that local authorities should aim to reduce the need to travel especially by car. This should be achieved by promoting development within urban areas at locations highly accessible by other modes of transport, maintain and improve choice for people to walk, cycle or catch public transport, and limiting parking provision for developments to discourage reliance on the car. In this instance, the crucial traffic issues are: whether the road network in the surrounding area has sufficient capacity to cope with any additional number of vehicles generated; whether the access from the site to the road network is adequate and would not interfere with the free flow of traffic; and whether the level of parking provided is satisfactory.

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The assessment of the impact of major food retail proposal is difficult to accurately predict. This is because unlike other land uses the trip generation, distribution and profile are subject to many variables. The method of assessing the capacity of the road network to accommodate the retail development involves a technical appraisal of current and forecast flows for the site and immediate area which is then tested using estimates of the likely trip generation forecasts emanating from the proposed development. To give some indication of the complexity of the assessment, you should be aware that trips to the store are split into four different types, all of which have to be estimated. These are:-

1. Pass-by trips – trips already passing the access to the site i.e. trips on Mansfield Road;
2. Diverted trips – trips on the network in the vicinity of the site but not passing the proposed access i.e. trips on the A61 that divert to the new store;
3. Linked trips – i.e. these are trips that have multiple destinations i.e. between food and non food retail on the same site;
4. Transferred trips – trips to an existing supermarket but not in the vicinity of the proposed store, which transfer to this development i.e. a trip from Oakwood and/or Spondon to Spondon, Asda, which would transfer to this new store on opening. It is this type of trip that has the greatest impact, as it is a new trip to the local network.

The applicant's traffic consultants proposed a 30% transferred trip rate for this location, however the Council's transportation engineers requested a sensitivity test using a 60% transferred trip rate to show a worst case. The developer's consultant undertook this testing which also included background traffic growth to 2015 and robust traffic generation rates, giving what is considered to be a robust analysis of the development. The results of this testing are as follows:

The analysis showed that there is be a potential for traffic leaving the retail park to queue back into the site from the Mansfield Road traffic signals. It should be noted that the majority of the queuing would take place on private land. As a worst case drivers would have to wait through several cycles of the signals before they can access the highway. It has been explained to the applicant that as Highway Authority, we have a responsibility to maintain the expeditious movement of traffic on the highway network and as such priority will always be maintained for traffic on the A608. A future occupier of the site would have to accept that it would be unlikely that the traffic signal timings would be modified to increase flow to and from the retail park at the expense of traffic on Mansfield Road. A suitable note to applicant to this effect has been provided and should be included on any permission should the application be approved.

The Council's highway engineers identified a problem with the modelling of the Mansfield Road/A608 junction as the analysis does not represented the level of queuing that it is known already exists during the pm peak hour. However, there does not appear to be an appropriate solution to increase capacity of this junction due to the nature of the road layout and the existence of private accesses into a scrap metal business adjacent the junction. Also very careful thought would have to be given to the desirability of increasing flow through at this junction as doing so

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could easily encourage more traffic through the Chester Green area, when it is more appropriate for drivers to use the A61 and Eastgate to access the city centre rather than Alfreton Road and Mansfield Road. The anticipated additional 28 trips heading north through this junction will have to negotiate the existing queue, it is not considered that the anticipated additional traffic at the Mansfield Road priority junction would be of a level that would warrant highway objections to the proposed retail store.

The 2015 sensitivity test shows the likely to be some impact on the A61/A608 and Hampshire Road roundabout in the peak hours assessed; however, the modelling indicates that this would be limited to one of the 15 minute periods modelled. For example, the model shows that queues of approximately 7 vehicles will occur on the south arm of the A61 during one of the 15 minute periods of the 16.30 to 17.30 pm peak hour. These results would only occur under free flowing conditions and assumes that drivers are able to exit the roundabout; if a queue was to form blocking the exit then a queue of approximately 7 vehicles would be longer in reality. An alternative way of assessing the impact is to look at the total number of new trips anticipated for the A61 south arm the development would attract a further 26 new trips turning left into Mansfield Road. Overall there would be an additional 270 trips passing through this roundabout junction in the pm peak. No significant road safety issues have been identified.

The proposal does offer cycle, bus and pedestrian enhancements either on site or within off-site highway works, to encourage or facilitate more environmental modes of transport. Though to accommodate car users it also includes a reconfiguration of the existing car park layout to increase the total number of car parking spaces from 788 to 899, which is an acceptable level of parking provision. The existing retail park car park serves a dual purpose as it provides parking for the retail park and acts as a 250 space commercial park and ride site. The applicant has agreed to continue this practice and it is suggested that the long term future and details of the method of operation for the Park and Ride should be secured by means of a S106 Agreement. Some consideration will need to be given to the continued operation of the Park and Ride facility whilst the proposed development is being constructed. It is suggested that details of the construction phases and the impact on the operation of the Park and Ride facility will need to be agreed and covered by a suitable planning condition.

The bus stop which serves the Park and Ride facility is located on the main access road to the site. The Park and Ride bus tends to wait at this stop for up to 5 minutes and in doing so can restrict other vehicles wishing to exit the site via the Mansfield Road traffic signals. The applicant has agreed to provide a bus lay-by to allow the bus to wait for passengers at the bus stop without impeding the approach to the traffic signals. The detailed design of the bus lay-by will be controlled by planning condition. The applicant proposes to improve the existing traffic signals access off Mansfield Road by providing an additional left filter lane from the junction onto the access road into the site. This is shown for indicative purposes only on the revised plan drawing (ref: NW90167-001 Rev E). Yet the detailed design of this improvement can be controlled by a planning condition. A new direct pedestrian link is proposed between the Retail Park and the existing northbound bus stop on Mansfield Road, which is a positive feature. This will involve the construction of a new structure, the detail of which will be subject to a planning condition.

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Third party objections have been raised on the transport and traffic implications of the proposal. Transport consultants, on behalf of WM Morrison Supermarkets PLC have lodged a formal objection on a wide range of grounds related to the applicant's Transport Assessment. Subsequently the traffic consultant acting on behalf of the applicant to responded to the objection - both the objection and the response can be found on the Council's website. In summary, the points clarified by the traffic consultant were:

- The traffic flows at the A608 Mansfield Road priority junction were revisited applying a methodology that was agreed by our highways department.
- The traffic counts for the highway network were considered acceptable as the date was consistent with historic traffic data and therefore provided an appropriate basis for the junction assessment.
- The parameters for the traffic assessment years were considered acceptable.
- The traffic growth factors, including TRICS data, applied to the modelling were acceptable. This is carried out in order to determine the potential traffic generation associated with this development.
- Trip distribution information were considered appropriate.
- The highway capacity analysis were considered appropriate.

On the basis of the above, the Council's transportation engineers have looked at both submissions and have nothing to add to the comments made by the rebuttal statement issued by the traffic consultant acting in behalf of the applicant.

It is recognised that the A61 and A608 are suitable roads for carrying construction traffic to and from the site. Nevertheless, it is suggested that lorry routing should be agreed prior to any development taking place because construction traffic should be precluded from accessing the site via Wheatcroft Way. This is considered necessary to remove the likelihood of any conflict with shoppers utilising other nearby retail units. In balancing the highways, traffic generation, access and car parking implications of the development, it should be recognised that the external transport links to the site have been operating for a number of years and serve the existing stores at the Retail Park. Effectively, the applicant proposes to re-design the existing car park layout rather than create a new car park facility. What is more, the opportunity is being taken for the applicant to significantly improve the main access off Mansfield Road to the Retail Park, which is welcomed. Importantly, and on the basis of all highways information submitted, I conclude that the form of redevelopment proposed would not generate a level of additional traffic that would result in an unacceptable effect on the road network in the immediate and surrounding locality.

Flood Risk Issues

At its closest proximity the development site is located approximately 450m to the east of the River Derwent. According to low detail, national-scale flood mapping created on behalf of the Environment Agency (EA), the site would appear to currently lie within Flood Zone 2 (medium probability of flooding). A Flood Risk Assessment (FRA) accompanies the application. The Environment Agency note that the FRA demonstrates what the finished floor levels are of the existing units and proposed

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development. In addition, the developer has agreed to raise the finished ground floor level of the new buildings by 300mm above existing floor levels wherever practical and feasible. The applicant has appropriately addressed the issue of flood risk from external sources and has correctly allowed for the issue of climate change. They have also stated that the impermeable area of the development is to remain unchanged. On flood risk grounds, the Environment Agency confirm that the proposed development is acceptable subject to the flood risk management measures as detailed in the submitted Flood Risk Assessment. The scheme therefore complies with Policy GD3 (Flood Protection) of the CDLPR and PPS25.

Impact on trees

The site currently benefits from an attractive tree belt around the eastern perimeter of the site (running from the Public House to Lidl supermarket), particularly along the contour of Mansfield Road. To the west of the site is a linear group of trees currently concealed behind the retail terrace. There is sporadic landscaping to the existing car park with trees positioned to the edge of parking areas. The proposals aim to retain the majority of the existing green landscaped area to the east boundary, as well as open up views to the linear group of trees to the western boundary. Some tree loss would occur as a result of the proposed petrol filling station and car wash to the South East corner, but it would not have any significant impact on the current level of amenity value provided by the trees, in line with the intentions of Policy E9. What is more, full details of a landscaping/tree planting scheme would form part of any Reserved Matters application.

Air Quality/Contaminated Land/Noise Pollution

It is noted that the proposed site lies on a historical landfill site, which formerly accepted construction industry waste. Subsequently, there is the potential for contamination to be present through the demolition and redevelopment of the site. As such the applicants have produced a preliminary risk assessment / phase 1 desk study. The Environment Agency agrees with the recommendations for an intrusive site investigation with groundwater sampling to investigate the ground conditions and contamination status of the site. Therefore, a requirement can be included for remediation to a standard that renders the site 'fit for purpose' and which ensures there is no significant risk of harm to the environment or any water course.

The nature of the proposal should not substantially change the existing noise climate at the site, although this has not been substantiated within the outline submission. Nevertheless, potential noise nuisance issues should not arise due to the following factors: the reasonable distance from existing nearest surrounding commercial buildings; extensive distance (approximately 200metres) to the nearest residential properties (Whitby Avenue); position of main entrance (source of greatest noise) and siting of vehicle service areas and car park.

The application site is *not* located within any Air Quality Management Area, but the proposed development is expected to increase traffic movements into and out of the site. Nonetheless, it is likely to be insignificant with any increase in particulate matter levels as a result of the proposed development. Overall, it is considered that the development would be in line with the requirements of Policy E12 (Pollution) of the CDLPR.

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Section 106 Contributions

Members should be aware that the Heads of Terms for the Section 106 Legal Agreement are not yet agreed, but discussions are ongoing on the precise terms of that Legal Agreement, in accordance with the Planning Obligations Supplementary Planning Document.

Conclusion

The application seeks outline planning permission for the redevelopment of the existing Meteor Retail Park to create a new foodstore (measuring 9,290 sq.m) and five non-food retail units (measuring 6,313sq.m). The proposed development also includes the construction of a petrol filling station and car wash and associated highway works which comprise the remodelling of the existing car park and alterations to Mansfield Road (A608) to provide improved vehicular access to the Retail Park.

For the reasons identified above the applicants have produced a reasonable methodology in the Planning Statement which demonstrates compliance with the sequential approach to site selection; there is evidence and robust evidence presented regarding the likely impact of the proposed development on the existing Centres within Derby; it meets the requirements of policies, S2, S8 and S9. The proposed retail-led development would introduce an appropriate use into this location, which would offer significant economic benefits for the local and wider economy. Indeed PPS4 states we should be proactive and positive about commercial development, as well as promote competition and consumer choice. On all other matters concerning access, scale and layout the proposed development is considered acceptable in line with national and local plan policies.

11. Recommended decision and summary of reasons:

11.1. A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement and to authorise the Director of Legal and Democratic Services to enter into such an agreement.

B. To authorise the Director of Planning and Transportation to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated at 9 above. It is considered that the proposal would result in a satisfactory form of development that would be in keeping with the character and appearance of the surrounding area, meet all the relevant retail policy tests and be acceptable on highways and amenity grounds.

11.3. Conditions:

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:

- (a) Appearance
- (b) Landscaping

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2. An application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (2006), the following goods shall not be sold from the approved non-food retail warehouse units at the site (units 1-6):
 - Food*
 - Clothing, footwear, and textiles for clothing;*
 - Sports goods and clothing*
 - Books*
 - Photographic goods*
 - Musical instruments*
 - Recorded material, records, CDs, DVDs, tapes and other pre-recorded media, including computer and video games*
 - Jewellery, watches, clocks, ornaments, silverware and glassware;*
 - Stationary*
 - Hairdressing services;*
 - Pharmacies and Pharmaceutical, health or beauty products*
 - Tickets and travel agency services*
 - Post office services*
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (2006), the foodstore hereby permitted shall be used for the sale of all goods, with comparison goods not occupying more than 30% (2787sq.m) of the net sales floorspace area of the store.
5. No development shall commence unless or until the following details have been submitted to and approved in writing by the LPA:-
 - a. improvements to the existing traffic signal controlled junction on Mansfield Road, which provides access to the site;
 - b. a scheme to provide direct pedestrian access between the northbound bus stop on Mansfield Road and the proposed development;
 - c. a scheme to provide the bus lay-by located on the access road to the site;
 - d. all as shown for indicative purposes only on Drg Nos NW90167-001 Rev E and 090384-B4-003-B. The geometric details shall be submitted on a suitable topographical survey at a scale of 1:500.
6. The proposed development shall not become operational unless and until:
 1. the improvements described in condition 5 above have been completed in their entirety;

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2. The car park is complete and available to customers in accordance with details submitted to and approved in writing by the LPA;
3. Suitable cycle parking has been provided in accordance with details to be submitted to and approved by the LPA.
4. The service area is complete and available for use in accordance with details to be submitted to and approved by the LPA.
7. Vehicular access to the proposed Petrol Filling Station (PFS) shall be via the northern entrance only. Signs shall be erected and maintained at the southern entrance informing drivers that entry to the PFS via this access is prohibited.
8. The proposed development should allow for the provision of a Sustainable Drainage scheme within the site boundaries in accordance with plans submitted and approved by the Local Planning Authority, which should reduce discharge into the off-site sewer network by a minimum of 20%. Any flooding thus evident should be wholly retained on site.
9. The proposed petrol station must have a completely independent drainage system and suitable safeguards must be in place to protect against the escape of polluted runoff from the site all implemented in accordance with a scheme agreed in writing by the Local Planning Authority.
10. The development permitted by this planning permission shall only be carried out in accordance with the flood risk management measures as detailed on page 11 the approved Flood Risk Assessment, dated April 2010.
11. Car Parking spaces of such size and siting as to be suitable for use by drivers with a disability shall be provided on site in such positions as may be agreed in writing by the Local Planning Authority. Each space shall be provided as agreed and clearly marked out on the site prior to the commencement of use of the development hereby approved.
12. Where the desktop study identifies potential contamination, a Phase II intrusive site investigation should be carried out to determine the levels of contaminants on site. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater. A detailed report of the investigation will be required for submission to the Council for written approval. In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will also be required for approval. Finally, all of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development commencing.

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13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
14. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
15. The development permitted by this planning permission shall only be carried out in accordance with the amended plan drawing showing highway access and junction improvements (drawing number NW90167-001 Rev E).
16. No construction related to vehicular movement shall access the application site via Wheatcroft Way.
17. Details of the construction phases of the hereby approved application in respect of the continued operation of the existing Park and Ride Facility shall be submitted to and approved in writing by the Local Planning Authority.
18. No development shall commence unless or until an operational travel plan for the site has been submitted to and approved in writing by the Local Planning Authority. The operational travel plan shall be based on the 'Framework Travel Plan' submitted as part the planning application process.
19. The development hereby permitted shall be carried out in accordance with the following approved plans: 090384 –B4 –004 – A; 090384 – B4 – 005 –A; 090384 –B4 –001– B; 090384 –B4 – 002 –B; 090384 –B4-003-B

11.4 Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended
3. To ensure the overall retail strategy is not undermined by restricting on what can be sold from these non-food units. The restricted goods set out in the relevant policies include those items that the Council considers to be essential to the vitality, viability and long term prospects of the traditional centres in the shopping hierarchy. This is in accordance with

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Policies S1, S2, S8 and S9 of the adopted City of Derby Local Plan Review.

4. To ensure the overall retail strategy is not undermined by restricting on what can be sold from these non-food units. The restricted goods set out in the relevant policies include those items that the Council considers to be essential to the vitality, viability and long term prospects of the traditional centres in the shopping hierarchy. This is in accordance with Policies S1, S2, S8 and S9 of the adopted City of Derby Local Plan Review.
5. In the interests of highway safety and to ensure that the proposed improvements can be provided to a satisfactory standard. This is in accordance with Policies T1, T4, T6, T7, T8 and T10 of the adopted City of Derby Local Plan Review.
6. In the interests of highway safety and to ensure the development is fully operational before opening to the public. This is in accordance with Policies T1, T4, T6, T7, T8 and T10 of the adopted City of Derby Local Plan Review.
7. In the interests of traffic safety. This is in accordance with Policies T1 and T4 of the adopted City of Derby Local Plan Review.
8. To reduce the likelihood of flooding in areas downstream of the development. This is in accordance with Policy GD3 of the adopted City of Derby Local Plan Review
9. To protect the existing sewer system from possible pollution. This is in accordance with Policy GD3 of the adopted City of Derby Local Plan Review.
10. For the avoidance of doubt.
11. To ensure convenient parking for people with a disability, in accordance with Policy T10 of the adopted City of Derby Local Plan Review.
12. In the interests of public health and safety and in accordance with policy E13 of the adopted City of Derby Local Plan Review.
13. In the interests of public health and safety and in accordance with policy E13 of the adopted City of Derby Local Plan Review
14. To preserve the amenities of the surrounding area. This is in accordance with Policy GD5 of the adopted City of Derby Local Plan Review.
15. For the avoidance of doubt.
16. In the interests of pedestrian safety, in accordance with Policy T4 of the adopted City of Derby Local Plan Review.
17. To meet the parking needs of the development, to encourage and provide for varied means of transport to the site and in the interests of environmental amenity. In accordance with Policy T1 and T9 of the adopted City of Derby Local Plan Review.

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18. To promote sustainable modes of travel. In accordance with Policies T6, T7, T8 and T9 of the adopted City of Derby Local Plan Review.

19. For the avoidance of doubt.

11.5 Informative Notes:

- 1) The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact 01332 641876 for further details.
- 2) The above proposal includes amendments to a traffic signal junction. You should be aware that the Traffic Management Act places a duty on Derby City Council as the Local Transport Authority to secure the expeditious movement of traffic on our road network. Please note that to ensure we meet this duty the movement of traffic on the main road network will always be given preference to traffic emerging from a private development.

11.6 S106 requirements where appropriate:

Terms of S106 to be agreed.

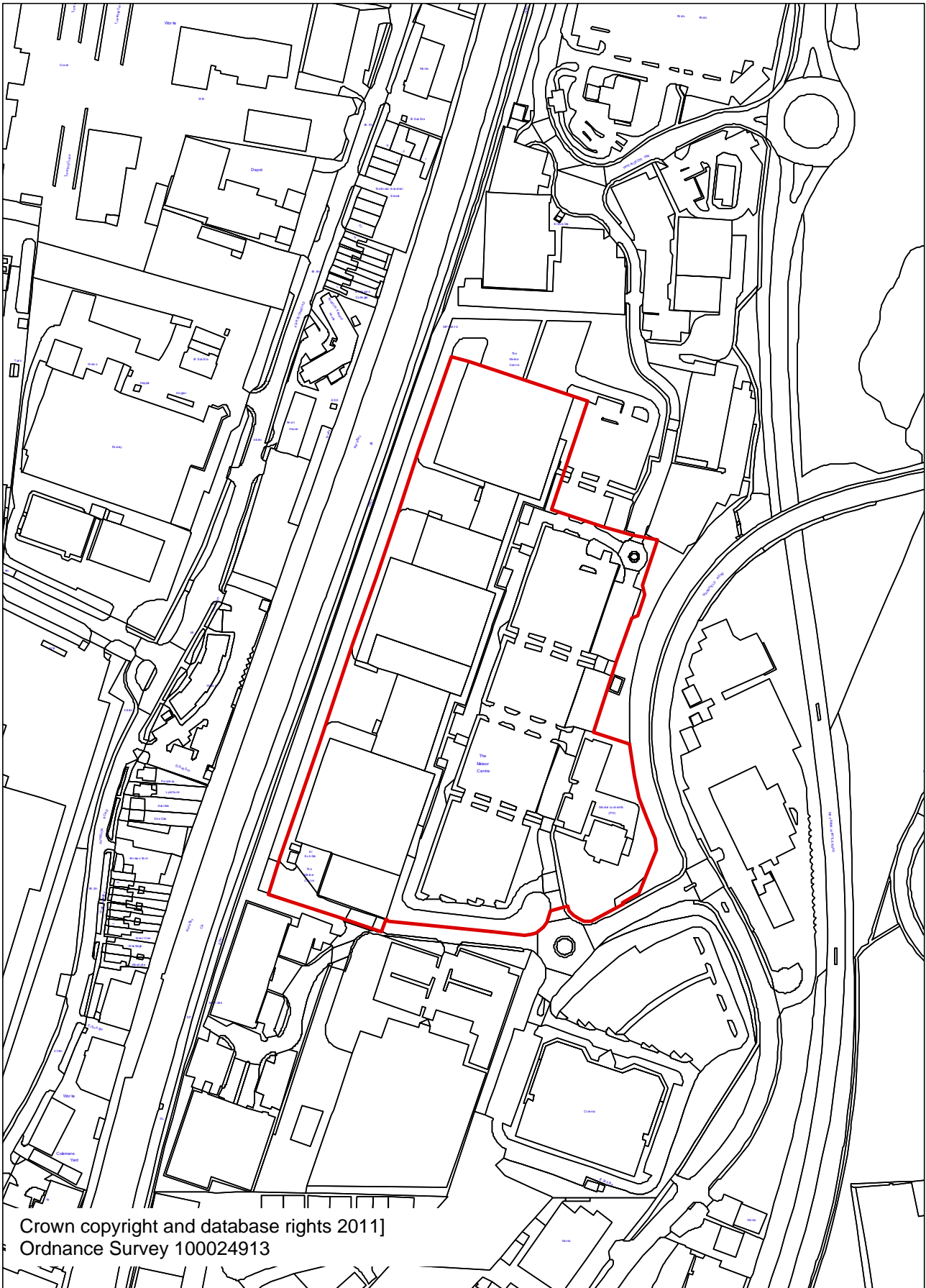
11.7 Application timescale

The 13 week target date for the application expired on the 18th November 2010.

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Ordnance Survey 100024913

Committee Report Item No: 2

Application No: DER/12/09/01416/PRI

Type: Full

1. **Address:** 1A Cornhill, Allestree

2. **Proposal:**

Retention of a detached garage

3. **Description:**

This householder planning application seeks permission to retain an existing detached double garage located at 1A Cornhill, Allestree. The garage is a large flat roofed structure which has been erected within the property's rear garden. It has an irregular footprint measuring approximately 5.7 metres in width and between approximately 6.8 metres and 10.2 metres in length. The exterior of the garage is constructed of concrete panelling, with a pebble dash exterior, and its maximum height is approximately 2.6 metres. The garage had been erected to replace a smaller detached garage which previously occupied this part of the property's garden.

The main house at number 1A is a two-storey semi-detached dwelling. It is a themed twentieth century house of no historic or architectural significance; however, it does fall within the limits of the Allestree Conservation Area. The application property is slightly elevated from the highway along Cornhill and is set back from the road behind a private drive. The garage itself is situated close to the garden's south-eastern boundary, approximately 18m back from the public highway, and is screened from Cornhill by 2 metre high fencing panels and a sliding gate. To the south and east, the application site abuts the rear gardens belonging to properties along St. Edmunds Close and Park View Close.

4. **Relevant Planning History:**

No relevant planning history

5. **Implications of Proposal:**

5.1. **Economic:**

None

5.2. **Design and Community Safety:**

The garage's design and materials of construction are uninspiring; however, the structure is set back from the public highway and well screened from public vantage points within the Allestree Conservation Area when the gated access into the site is closed. Subject to the retention of the fencing panels and sliding gates, and taking into consideration the size of building the applicant could erect as permitted development, the proposal is considered to have an acceptable impact upon the character and appearance of the area. There are no community safety issues associated with the proposed development.

5.3. **Highways – Development Control:**

There are no highway safety implications. The garage is set back from the frontage over 6 metres which is acceptable.

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5.4. Disabled People's Access:

None

5.5. Other Environmental:

None

6. Publicity:

Neighbour Notification Letter	11	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 has been received. The reasons for the objection are summarised below:

- The garage abuts the fencing around my rear garden and is at least one metre higher than the fence.
- The materials and construction are very poor.
- There is no drainage from the flat roof and the roof covering is not attached around the edges.
- The space between the garage and my fence is not adequate to allow repair of the fence.

The representation has been reproduced in this report.

8. Consultations:

8.1. Conservation Area Advisory Committee:

The Committee recommended refusal on the grounds that the design of the garage and the materials used in its construction are not appropriate to the area and fail to preserve or enhance the appearance of the area.

8.2. Built Environment

Object and recommend refusal of the garage on the ground of the negative impact on the character and appearance of the conservation area. However, should there be a way of insisting/conditioning that the solid high boundary gate is retained in this position and shut then the garage, as it can not be seen, it would not have an impact on the conservation area.

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

GD4 Design and the Urban Environment

GD5 Amenity

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H16	Residential Extensions
E18	Conservation Areas
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:

The key issue is considered to be visual impact the garage has on the character and appearance of the surrounding area and, in particular, the special character of the Allestree Conservation Area. Also to be assessed are implications in terms of residential amenity and highway safety.

Initially I should make Members aware that the garage only requires planning permission because it is 0.1 metres above the height to which detached residential curtilage building's can be erected. Class E of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 restricts the erection of detached buildings, if the structure is over 2.5m in height where it is located within 2 metres of the dwelling's boundary. In this instance the garage is 2.6 metres at its highest point, within 2 meters of the boundary, thus requiring planning permission. Furthermore, as the application site is located within a designated conservation area, the property is subject to further restrictions in terms of its permitted development rights. Within conservation areas development is not permitted by Class E if any part of the building would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. However, in this respect, it should be noted that only a very small portion of the front of the garage falls within this restricted zone and the vast majority of the structure is located to the rear of the main dwelling, rather than between its side elevation and the garden boundary.

Impact upon the streetscene/character of the Allestree Conservation Area:

As the garage is set somewhat back within the plot it is not readily visible from public vantage points. Moreover, the structure is fully obscured from Cornhill when the 2m high gated access into the rear garden is closed. To the rear, the garden is surrounded by other dwellings, ensuring the garage is well screened from public vantage points along the Park View Close and St Edmunds Close.

Whilst a garage of this type would generally be considered wholly inappropriate within a conservation area setting, in order to fully justify refusal of the application it would have to be demonstrated that the structure has a detrimental impact upon public views within the Allestree Conservation Area. In this respect, I feel a refusal would be difficult to substantiate, given the siting of the garage and the presence of high level screening. In arriving at this conclusion I have taken into consideration the fact that the dimensions of the garage are only just over the limits allowed under the dwelling's permitted development rights and, therefore, the applicant could erect a very similar sized building without actually requiring planning permission in the first place. I fully acknowledged that it would be unenforceable to insist on the gated access being closed at all times, however, I do feel it would be reasonable to insist

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on the retention of the fence/gates in perpetuity, to screen the garage from Cornhill. Subject to control over the screen condition I feel the garage would have a neutral impact upon the character and appearance of the Allestree Conservation Area and I feel a refusal based on the structures impact upon the character of the area would be very difficult to uphold at appeal.

Impact upon the amenity of neighbouring residents:

I have noted the neighbour comments regarding the height of the garage and its proximity to the garden boundary, however, I have also taken into consideration the "fall-back position" - that the home owner could erect a 2.5 metre high detached garage directly adjacent to the garden boundary without requiring planning permission. I do not consider that this 2.6 metre high garage results in any undue loss of amenity, through loss of light or massing, over and above what could be erected as permitted development. There are no overlooking issues associated with the building and, on balance, it is considered to comply with the requirements of saved policy GD5 of the CDLPR. The issues with regards to fence maintenance are not material planning considerations and cannot be taken into account.

The neighbour's comments regarding the unfinished nature of the garage and lack of adequate drainage have also been noted, however, I have been informed that the applicant is waiting for the outcome of this submission before completing work of the garage, which will include the installation of suitable guttering.

Highway safety/parking

The Highways Officer has raised no objections to the proposal on the grounds of highway safety. The proposal would utilise the existing vehicle access into the site and would be set a sufficient distance back from the highway boundary. Accordingly the proposal would comply with the requirements of saved policy T4 of the CDLPR.

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 in relation to the relevant saved policies of the adopted City of Derby Local Plan Review, as indicated in Section 9 of this report, and all other material considerations and it is considered that, subject to retention of the screening measures in place, the garage would have a neutral impact upon the character of the Allestree Conservation Area and would not cause an undue loss of amenity to neighbouring residents. There are no issues with regards to highway safety or loss of off-street parking provision.

11.3. Conditions:

1. Standard condition 100 (approved plans)
 - Ordnance Survey site location plan at a scale of 1:1250 dated as received in this office on the 15th February 2011.
 - Elevation drawings at a scale of 1:50 dated as received in this office on the 15th February 2011

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Type: Full

- Floor plans at a scale of 1:50 dated as received in this office on the 15th February 2011
- 2. The 2 metre high fence and sliding gates, which have been erected between the detached garage and Cornhill, shall remain in perpetuity, unless the Local Planning Authority gives formal written approval for their replacement or removal.

11.4. Reasons:

1. Standard reason E04 (for the avoidance of doubt)
2. To screen the garage from public vantage point along Cornhill and thus preserve the character and appearance of the Allestree Conservation Area in accordance with saved policy E18 of the adopted City of Derby Local Plan Review.

11.5. S106 requirements where appropriate:

N/A

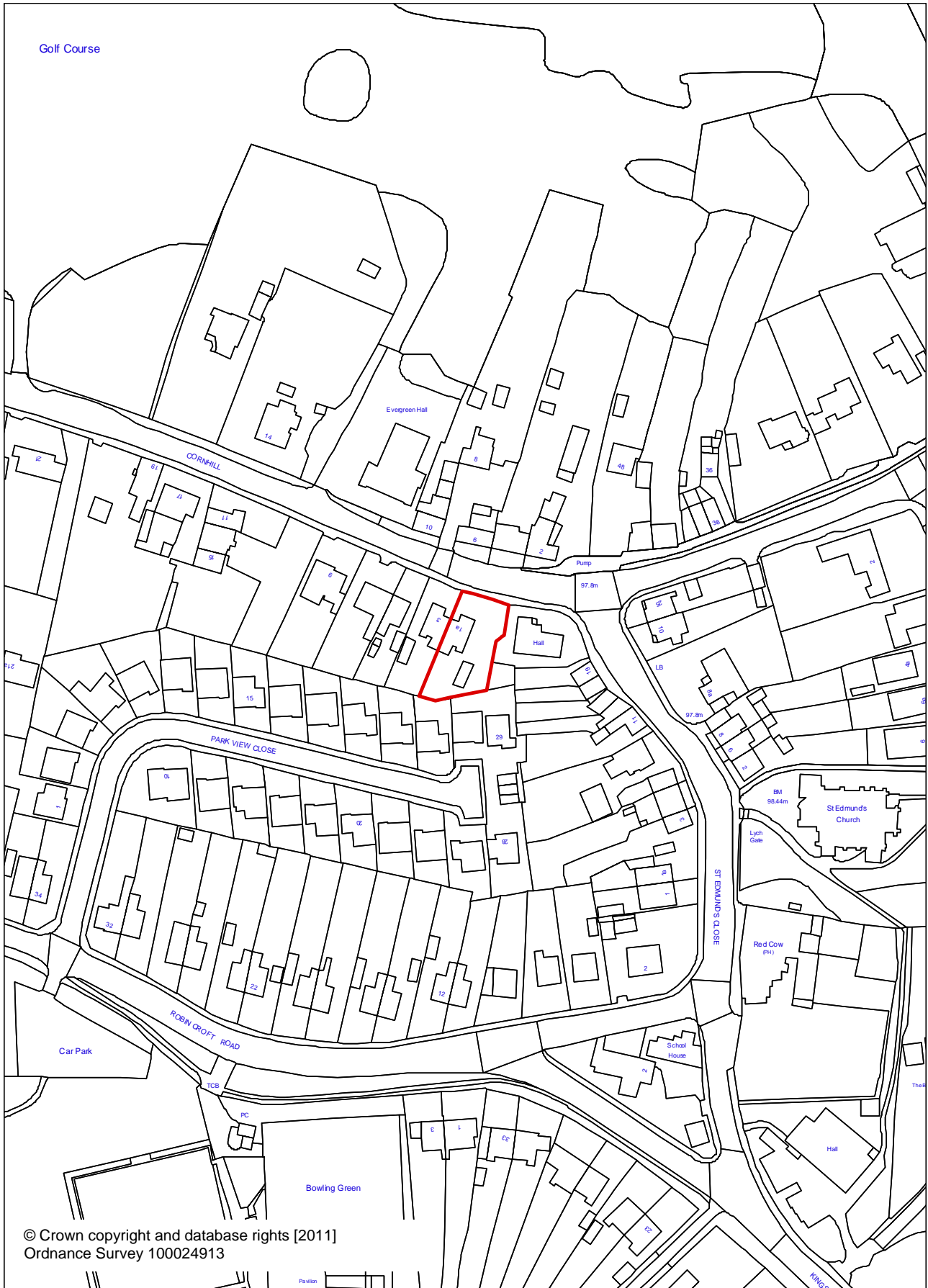
11.6. Application timescale:

The statutory 8 week time period for the application expired on the 12 April 2011. The application is brought before the Committee following the receipt of an objection and recommendation for refusal from the Conservation Area Advisory Committee.

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Application No: DER/12/09/01416/PR1

Type: Full



29 Pa **Enclosure 2**

Alles...

Derby

DE22 2QH

CITY OF DERBY DEVELOPMENT & CULTURAL SERVICES DEPT.	
FILE REF.	1209/1416
DATE REC'D	14 MAR 2011
REFERRED TO	OWB JM
REPLIED	

10th March 2011

Julie Meehan
Derby City Council
Neighbourhoods
Saxon House
Friary Street
Derby
DE1 1AN

DERBY CITY COUNCIL CORPORATE SERVICES	
14 MAR 2011	
REFERRED TO	

Dear Ms Meehan

Application No: DER/12/09/01416/PRI

Location: 1A Cornhill, Allerstree, Derby

I wish to make a representation against this application for retention of a large detached garage.

The garage abuts the fencing around my rear garden and is at least one metre higher than the fence. The building was erected on 19th January 2009, with no consultation. The materials and construction are very poor. There is no drainage from the flat roof, and the roof covering is not attached around the edge, so flaps in the wind.

The space between the garage and my fence is not adequate to allow repair of the fence.

If I had been consulted before this building was erected, I would not have

agreed that it could go ahead.

Enclosure

I look forward to hearing from you with the results of the application.

Yours sincerely

E. M. CAMPBELL (Mrs)

Committee Report Item No: 3

Application No: DER/01/11/00043

Type: Full

1. **Address:** Land adjacent to 19 Full Street, Derby (Silk Mill PH)

2. **Proposal:**

Change of Use of public open space to form beer garden (Use Class A4)

3. **Description:**

This proposal seeks permission to convert a small area of informal open space on Full Street to become a beer garden for the Silk Mill public house adjoining the site. The site is located between the blank gable end of the public house, fencing to an adjoining car park and the end of Church House and is elevated above the adjoining highway by some 1.5m behind a retaining stone wall.

The land is open space located in the City Centre Conservation Area and the Derwent Valley Mills World Heritage Site buffer zone, and directly across Full Street from the grade II listed Dolphin Public House.

The application site is pleasantly landscaped with a mixture of raised beds, grass and small trees. Just beyond the site boundary are some large mature trees which frame the open space and provide a handsome addition to the street scene.

Although an indicative site layout plan is included which shows some physical changes to the area of land this application seeks only to establish the principle of the change of use.

4. **Relevant Planning History:**

08/00/00960 Use of land as beer garden. Granted Conditionally 13 October 2000

5. **Implications of Proposal:**

5.1. **Economic:**

This proposal affords possibilities for the public house to expand its business which will bring economic benefits to the area.

5.2. **Design and Community Safety:**

None associated with this pure change of use

5.3. **Highways – Development Control:**

The following comments are made in reference to Drawing No. 0066.103 revision A unless otherwise specified. The application site is currently land held for highway purposes and at present there are no highway objections to the sale or lease of this land.

The applicant has proposed a gated entrance for disabled customers to the West of the site, and I would require this to open inwards only and not onto the highway thereby causing an obstruction. Also, it should be noted by the applicant that if a ramp is required to enter the site for disabled access, that this also should be within the site and not on the highway.

Condition:

The gates at the access point shall open inwards only and constructed in accordance with details which have been submitted to and approved in writing by the LPA. The approved gates shall be retained for the life of the development.

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Highways – Land Drainage:

The site is not in flood zone 2 or 3 and the area is less than 1ha therefore there is no need for an FRA. There is no information on the application form regarding drainage or any shown on the drawing.

I consider that you may have the need for a gully in the external access area to ensure that runoff does not enter the building unless that area has a roof and it is unlikely that rainwater will get into that area.

Strictly, as there should be no increase in the rate and volume of discharge, the gully should be drained to a soakaway but for such a small area I consider that a drain connection would not be worth objecting to.

For the reasons above I would have to object if the whole garden was to be hard surfaced and positively drained to sewers, drains or watercourse. From the site plan it appears to me that there will be small areas of soft landscaping which would be sufficient to provide for the drainage of the garden area.

5.4. Disabled People's Access:

Because of the elevated nature and size of this POS it isn't practical to create a compliant ramped approach. If approval is likely then an ambulant stepped approach should be secured by condition.

6. Publicity:

Neighbour Notification Letter	4	Site Notice	Yes
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	No
Other			

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

7. Representations:

Five representations have been received. One supports the proposal and four object. The issues raised are

- Loss of open space within the city centre
- Impact on the mural
- Impact on the nearby trees
- Future structures associated with the change of use will not enhance the area

These representations have been reproduced in this report

8. Consultations:

8.1. Conservation Area Advisory Committee:

Recommends Refusal – Adverse effect upon the appearance of the World Heritage Site and an adverse visual effect upon the appearance of the

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Type: Full

Conservation Area. Also an adverse effect upon the mural which is a significant part of the City's heritage.

8.2. Environmental Services-Trees:

Arboricultural team raise concerns about future pressures to do works to nearby trees and feel there is a lack of information to comment fully.

8.3 Built Environment Section, Chief Executive's Office

These comments are made in the light of the relevant National and Local Planning Policy such as the Planning (Listed buildings and conservation area) Act 1990, PPS5, PPS1 and the City of Derby Local Plan Review (January 2006).

On the 1901 OS map the space was built over with terraced housing, since replaced by the Old Silk Mill PH in the 1920s. It is therefore not historically significant as an open space within the Conservation Area and World Heritage Site.

The use of this space for a beer garden is unlikely to have a negative impact on neither the character of the Conservation Area nor the setting of any adjacent listed buildings. I have no objection to the principle of a change of use, but this does not imply approval of the proposed addition of metal balustrade to the stone boundary wall, nor the smoking shelter or entrance lobby, which are only shown in plan form and would need to form part of a full planning application. I do have concerns about the visual impact of any structures within this space, which would need to be carefully positioned and designed.

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

CC1	City Centre Strategy
CC15	Improvements within the Central Area
GD4	Design and Urban Environment
GD5	Amenity
S12	Food and Drink and Financial and Professional Services
E18	City Centre Conservation
E23	Design
E24	Community Safety
E29	World Heritage Site Buffer Zone
L1	Protection of Parks and Public Open Space

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 land to which the proposal relates is not allocated for any specific purpose in the saved Policies of the Adopted Local Plan.

Its current use is as a small area of incidental, informal public open space at the side of the Silk Mill Public House. The main issue here is the loss of this open space

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which would become a beer garden associated with the pub if the proposal were to be implemented. Generally, both Local Plan Policy and government planning guidance is that open space should be protected from loss through development.

Policy L1 of the Local Plan only allows development relating to leisure and recreational uses of an open nature on them. Although a pub garden is open and could be classed as a leisure activity, the land would technically be lost as public open space. The policy does allow for non open and recreational uses on public open space if an assessment clearly shows that the open space is surplus to requirements. The Council does not have an up to date open space assessment and in such circumstances Planning Policy Guidance Note 17 allows for an applicant to demonstrate that development is acceptable because the open space is surplus to requirements and there is wide community support for their proposal.

Demonstrating that open space is surplus to requirements is often difficult as different types of open spaces can cover different catchment areas. There is a large area of existing and highly accessible public open space at the recently improved Cathedral Green very close by. However, generally the City Centre is not well provided for in terms of amenity green space. In my view the open area which would be lost performs a visual amenity function only and is not currently an accessible usable area. Also, the feeling of openness would not be completely lost through development as the land would still have an open function as a beer garden. My view is that because the area is so small and only serves a visual amenity purpose, and because Cathedral Green is very close, it is probably unreasonable to ask the applicants to provide their own assessment of open space to demonstrate that it is surplus. Therefore, from a quantitative perspective, we have no significant concerns about its 'loss'. However, we need to give consideration to the 'qualitative' question of the impact of its loss in terms of visual amenity and whether these 'impacts' are outweighed by any potential benefits that might arise.

Policy CC15 seeks to implement a series of improvements to the central area and it is important that the proposal would not conflict with these. The policy refers to enhancements to open spaces and also about improvements to the physical fabric. Given that extensive improvements have been implemented at Cathedral Green across the road in recent years, the area has seen significant improvement in qualitative open space provision recently.

The loss of this open space therefore needs to be balanced with potential benefits of the proposed use which could include positive impacts on the vibrancy of the City Centre and particularly the Cathedral Quarter and generally creating a better entertainment and cultural offer.

I am satisfied that the loss of open space is acceptable in principle, further considerations are required in relation to the proposal, particularly in terms of the Conservation Area and World Heritage Site Buffer Zone policies.

The Conservation Area policy (E18) requires that development proposals in Conservation Areas should meet criteria including to preserve or enhance the character of the area, encourage physical and economic revitalisation and ensure that new buildings enhance the area in terms of siting and alignment, materials use and mass, scale and design.

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The World Heritage Site policy (E29) seeks that development within the World Heritage Site Buffer Zone should only be approved if they do not have an adverse effect upon the World heritage Site or its setting, including views into and out of the site. These are essentially the same issues as need to be considered under E18.

In line with GD5 I am satisfied that the proposal would not result in unacceptable harm to any nearby areas including noise, smells, smoke, or light pollution or any of the other policy considerations. This links in with the criteria set out in Policy S12 (i.e. that food and drink uses should not cause unacceptable harm to the amenity of nearby areas). S12 also sets out relevant conditions that can be put in place to mitigate such impacts if appropriate.

Some of the objections and consultation responses I have received relate to the indicative changes, it therefore follows that they are not directly relevant to this change of use proposal.

The proposal will enhance the vibrancy of this area of the city drawing more people into the Cathedral Quarter and this will bring economic benefits to the surrounding businesses therefore according with saved policy CC15.

A major consideration in this proposal is the impact upon the Conservation Area, the World Heritage Site buffer and nearby Listed Buildings. No objections have been received to the principle of the change of use on these grounds. Concerns are aired about future proposals for operational works on the site but these are to be the subject of a separate application and can not be a reason to withhold permission in this case. Simply changing the use of the site to allow the public to drink beer on the site will not alter the character of the site in any significant way.

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 in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated at 9. above and it is considered that the proposed change of use of the land is acceptable in street scene amenity and policy terms

11.3. Conditions:

1. Standard condition 03... Time limit
2. Standard condition 100...List of approved plans.

11.4. Reasons:

1. Standard reason E56... Standard time limit.
2. Standard reason E04... Avoidance of doubt.

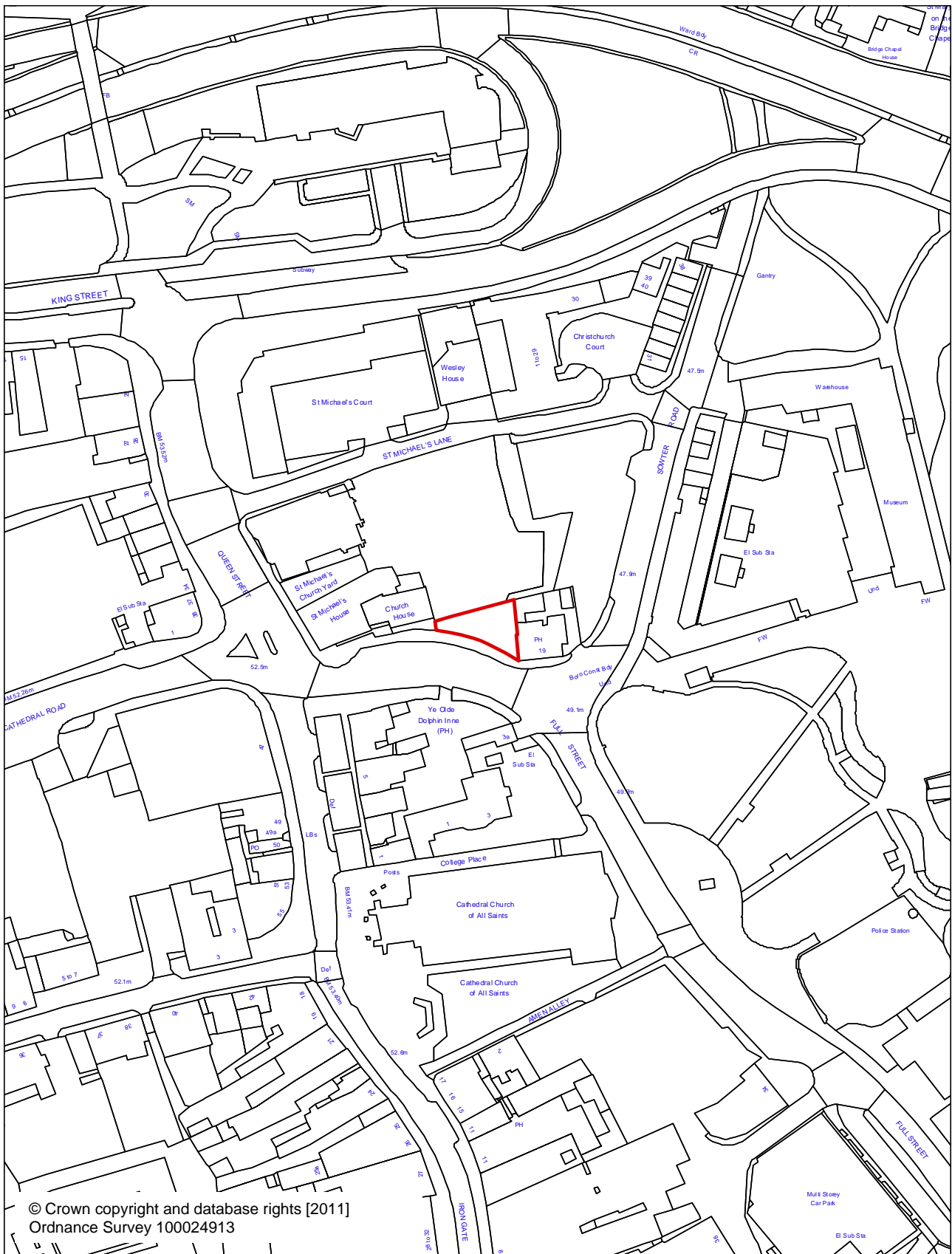
11.5. Application timescale:

This application expired on 10/03/2011 and is brought to Committee as a result of a CAAC objection..

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Enclosure

Neighbour comments for Planning Application 01/11/00043

Site Address: Land adj to Silk Mill Public House, 19 Full Street Derby

Comments received from: mr Lyon, 1 the spinney

Type of Response: OBJE

Comments:

I wish to object because the site has been established as it is for over 100 years and there is no merit in changing what is part of the fabric of derby. There is little green areas within the cathedral quarter as it is so to make further unnecessary alterations at this time would not be good for the city.

Does not wish to speak at committee.

Date Comments Accepted: 25/01/2011

Enclosure

Neighbour comments for Planning Application 01/11/00043

Site Address: Land adjacent 19 Full Street, Derby (Silk Mill PH)

Comments received from: Mr Brentnall, 12 Vicarwood Ave

Type of Response: OBJE

Comments:

I object to losing an unspoilt garden area in the Cathedral Quarter and strongly feel that a beer garden and shelter fronting this main thoroughfare would detract from the established street scene and would do nothing to enhance the area.

Does not wish to speak at committee.

Date Comments Accepted: 28/01/2011

Enclosure

Mr A Dunn
31 Haig Street
Alvaston
Derby DE24 8RJ

For the attention of:-

Director of Regeneration & Community
Derby City Council
Roman House
Friargate
Derby

Dear Sir,

I formally wish to object to the planning proposal listed below:-

01/11/00043 SILK MILL

Dear Sir,

I wish to object to the above planning application at the Silk Mill Public House for the following reasons:

- The small green wedge of open space involved is of immense value to that part of full street
- Although a member of Camera and appreciating what a super public house the Silk Mill is. it would be totally inappropriate to build a beer garden on this space , epically the smoking shelter
- I also believe it would eventually end to the lost of the mural on the end wall of the pub.

Yours sincerely

Tony Dunn

3rd February

Enclosure

Neighbour comments for Planning Application 01/11/00043

Site Address: Land adjacent 19 Full Street, Derby (Silk Mill PH)

Comments received from: Mr Yates, 19 Angelica Close

Type of Response: OBJE

Comments:

Theres not much greenery left in the city centre, and yet whats left shouldnt be taken away. A nice peace of land when driving past, and also a nice painting on the wall, and would be a shame to lose both peaces. Will also ruin looking at the trees behind the green area and looking at an eyesore of a beer garden!!

Does not wish to speak at committee.

Date Comments Accepted: 04/02/2011

Enclosure

From: Bayliss, Paul
Sent: 21 March 2011 09:54
To: Bancroft, Isabel
Subject: RE: Silk Mill pub planning permission 01/11/00043 & 08/00/0960

Hi

I would like to support the application.

Cllr Paul Bayliss | Leader of the Labour Group | Alvaston Ward Councillor | Vice Chair of Derby Homes
Tel: 01332 643640 | Derby City Council, 5th Floor, Saxon House, Heritage Gate, Derby, DE1 1AN
| h 01332 558874 m 07812 301 770

Committee Report Item No: 4

Application No: DER/12/10/01536

Type: Full

1. **Address:** National Sikh Heritage Centre, Princes Street Derby

2. **Proposal:**

Retention of and extension to National Sikh Centre Museum and Memorial Hall, erection of National Sikh holocaust and Shaheedi Memorial, formation of pedestrian plaza and car parking area, and alterations to vehicular access.

3. **Description:**

The application site occupies land that is surrounded on three sides by the highways of Harrington Street to the north, Princes Street to the east and Pear Tree Crescent to the South, with frontages onto each of these roads. To the west it shares a boundary with dwellings to the southern western end of the site and a sports centre to the north west of the site. It lies in an area of mixed uses lying in an industrial area which extends to the east but bordering onto a residential area which extends to the west.

The site is occupied by a number of existing buildings. To the south of the site with frontages onto Pear Tree Crescent and Princes Street is a modern former factory building originally granted planning permission in 1992. The building fell into part disuse and planning permission was subsequently granted for the use of this building as a mixed use including part as a place of worship, part industrial usage and with a single flat.

Immediately to the north of this is a paved area for car parking for 14 cars with a vehicular access at its eastern end onto Princes Street.

North of this towards the centre of the site is a very large former industrial building that was in the past occupied by a steel fabrications company. This building has a foot print of about 60 metres by 27 metres with an eaves height of about 8 metres and a double pitched roof with a ridge height of about 12.8 metres. A single storey canopy runs along the northern side of the building, about 2.5 meters deep, along the full length of the buildings. This building has been converted into a museum and memorial hall in the recent past, without the benefit of planning permission.

Just to the north of the large industrial building, to the eastern end of the site and with a frontage onto Princes Street is a single storey brick built industrial workshop which is the end one of a terraced row of similarly designed workshops which appear to date from the late 19th or early 20th century. The other workshops lie outside of the application site and extend along the Princes Street frontage as far as Harrington Street; they are all in active industrial uses

To the north of the former industrial building is an area of undeveloped land which runs to the west up to the boundary of dwellings that front onto Pear Tree Crescent. and extend up to the highway boundary with Harrington Street to the north. This land was until recently being used as a car scrap yard but has subsequently been cleared of scrap vehicles. This area is predominantly surfaced with loose semi-compacted materials and it is intended to provide in total 50 car parking spaces, including 4 disabled spaces, 2 mother and baby spaces, 2 car sharing spaces, a coach drop off point and 5 cycle and 5 motor cycle parking spaces.

To the south of the site across Pear Tree Crescent lie the factory buildings and car park of S&A Foods. To the east is a mix of smaller factory units with a small row of

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Type: Full

houses fronting onto Coronation Street which are surrounded by industrial uses. To the north across Hartington Street, the industrial area gives way to residential uses with terraced house from the late Victorian era and the playing fields and buildings of the Pear Tree School.

To the immediate west of the northern portion of the site is the Sherwin Club, which provides indoor sporting facilities and beyond that a community centre and house beyond. To the west of the southern part of the site are the rear gardens and dwellings of houses that front onto Pear Tree Crescent.

The current proposal is to retain the use of the unauthorised museum and memorial community hall, and car park, to build a two storey extension to include lift and stairs, to the museum and memorial /community hall, to erect a single storey extension to the memorial /community hall to include toilets and changing rooms, to erect a substantial memorial with an eastern architectural style, to convert the existing car parking area to a pedestrian plaza and to relocate the exiting vehicular access further north onto Princes street. A new vehicular access is to be created onto Princes Street just to the north of the museum building facilitated by the demolition of some of the workshops on the Princes Street frontage. The application drawings show a proposal to erect sheltered affordable housing just north of the proposed access but these do not form part of this application.

The single storey extension would be located on the northern side of the former industrial unit. It would extend from the front wall of the building from the boundary with Princes Street, the full length of the existing museum and hall and to about 13.5 metres beyond the rear of the existing building, in total about 71 meters in length. For the majority of its length this would be about 6.2 metres wide and single storey and provide an area for a kitchen and café, reception area toilets and changing rooms. A seven metre length of this would rise to two stories to contain the stairs and lift to the first floor. To the western end the extension would extend beyond the original building and wrap around the rear still as a single story extension. This end of the extension would contain a storeroom

The holocaust memorial would be built at the western end of the current car park between the existing Gurdwara and the industrial building, close to the rear boundaries of the dwellings on Pear Tree Crescent. This would be about 13 metres wide by 6 metres deep and would be located about 2 metres from the boundary with the houses to the rear. It would rise to an overall height of about 7.3 metres the highest part being about 8 metres from the boundary with the nearest neighbouring residential property. It would be of a distinctly Indian architectural style with a central arched structure flanked by two dome structures supported on pillars. Two flights of steps would rise to a height of 1.2 metres giving pedestrian access to the central feature. The different elements of the memorial have individual significance in commemoration of periods of Sikh history. It would be constructed from a variety of material predominantly of natural sandstone white and black granite. Ramped access would be provided to facilitate disabled access.

The current car park would be remodelled to act as a pedestrian plaza with new paving and two parallel rows of illuminated bollards. The existing access to the plaza is to be remodelled and a new access created in the southern boundary to provide

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access to recycling bin storage area that is to be located between the western wall of the Gurdwara and the boundary with the neighbouring dwellings to the west.

The application drawings drawing number JN841-NWK-006 indicate the proposed position of a future affordable sheltered housing development for a notional 4 three storey dwellings which are intended to gain their vehicular access by way of the newly proposed vehicular access onto Princes Street, that is to serve the main Gurdwara/Museum/ multi-use hall. These dwellings do not form part of the current application and will form part of a separate application.

Morning prayers are currently held from Monday to Friday from 5:00am to 8:30 am with most people attending between 7:30 am to 8:30 am. Evening prayers are held between 6:00 and 7:30 pm. Sunday is the busiest day at the week end when the majority of people attend morning prayer between 9:30 and 12:00pm during which time approximately 50 – 100 people attend. Approximately 2 wedding ceremonies are held a month between July and August, where on average between 100 – 200 people attend.

The National Sikh heritage centre opened in November 2008 and has received over 20,000 visitors since that time. Its opening hours are 10am to 12pm Monday to Friday, and 10 am to 1 pm on Saturdays and Sundays. At present approximately 20 people a day visit the museum at the week ends. It is largely used for school visits during the week.

In addition to the displays of artefacts the museum facilities include a reference library, archive and classroom facilities. It is free to visit. The memorial hall is currently used for meetings, receptions and sports activities such as martial arts.

The proposed elements of extension are intended to be developed in phases and it is proposed to develop the first floor of the museum as an art gallery.

A corridor through the middle of the museum memorial hall building provides a pedestrian link between the proposed car park to the north and the plaza.

4. Relevant Planning History:

DER/12/04/02402. Change of use from industrial building (Use Class B2) to a mixed use incorporating place of worship (use class D1) Industrial Use (B2) and single apartment (C3).

DER/494/449 - Erection of an industrial unit.

DER/202/265 - Use of first floor as a wedding centre. Refused for the following reasons:

The proposal would be likely to result in an unacceptable loss of amenity for nearby residents by virtue of additional vehicular and pedestrian traffic, noise and general disturbance during the evening, when occupiers of nearby residential properties would reasonably expect to benefit from the peaceful enjoyment of their homes. The proposal would, therefore, be contrary to Policy C1 of the adopted City of Derby Local Plan.

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5. Implications of Proposal:

5.1. Economic:

The proposal may attract visitors from beyond the City boundaries and raise the profile of Derby as a visitor destination.

5.2. Design and Community Safety:

The design of the memorial would contrast sharply with all of the existing buildings within the site and in the surrounding area but would be appropriate to the use proposed and would stand alone as an architectural and cultural statement for the Sikh community. The very impressive memorial structure can only add something “special” to this area and therefore should be welcomed.

5.3. Highways – Development Control:

The following comments are made in reference to the revised Drawing No. JN841-NWK-006D unless otherwise specified. The submitted revised layout and accompanying letter from the agent details the closure of the existing vehicle access onto Harrington Street from the site, and the proposed access from Princes Street also being utilised as an egress. The existing vehicle access on Harrington Street will be required to be reinstated as footway as a consequence of the resubmitted proposed development.

The agent has supplied tracking for a large coach using the proposed access/egress from Princes Street. The tracking has also included details of turning within the site to enable a coach to enter and leave in a forward gear which appears to be acceptable.

The proposed access/egress into the car park from Princes Street adjacent to the proposed Memorial Hall will require a dropped and tapered kerb to be constructed to Derby City Council standard which is fit for purpose, with pedestrian access from Princes Street and pedestrian visibility to either side of the access.

The submitted revised layout details a protective entrance marking for the proposed access/egress on Princes Street. It has been indicated that residential properties will also be served through this car park; however, the applicant has stated that these dwellings are subject to a separate Outline planning application and does not form part of the current application. It should be noted by the applicant that off-street parking facilities should not be affected by this should planning permission be sought in the future.

It has been proposed that the existing car park and vehicle access between the Gurdwara and the Memorial Hall will become a pedestrianised area and as a consequence of this, the vehicle access will no longer be required. This access will need to be reinstated at the applicant’s expense along with the existing adjacent vehicle access (to the North of the existing car park access) that will also be made redundant in front of the Memorial Hall. These accesses should be reinstated to footways and shall be to current Derby City Council standard.

Should planning permission be granted, I would request conditions regarding pedestrian visibility splays each side of the proposed vehicle access on Princes Street. Provision of cycle parking facilities and details of a system to

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limit the number of visitors attending the National Sikh Holocaust centre to a number that can be accommodated by the available parking capacity for both cars and coaches has been submitted to and approved in writing by the LPA.

Transportation

In terms of traffic generation the net impact would equate to 0 in the traditional peak hours and only +3 two way in the surveyed morning peak and +3 two way in the surveyed PM peak. We would not require junction analysis on Corporation Street. The interactions of the industrial estate opposite are not likely to be in operation during the centres peak hours on a Saturday or Sunday.

5.4. Disabled People's Access:

Proposed disabled people's parking is satisfactory. Routes to and through the proposal appear accessible. Compliance with Building Regulations will deliver accessibility for all to the extension.

6. Publicity:

Neighbour Notification Letter	25	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:

One third party letter of representation has been received.

- This generally supports the proposal but does raise concerns over the increase in traffic and parking pressure that may accompany the development.

This representation has been reproduced in this report.

8. Consultations:

8.1. Natural Environment:

No comment.

8.2. Natural Environment-Tree Officer:

No comment.

8.3. Derbyshire Wildlife Trust:

The bat survey conducted during November 2010 involved an inspection of the buildings for evidence of bats. No evidence of bats was found.

It is likely that the assessment that has been undertaken for bats meets Government guidance within PPS9 and its associated circular and, as such, sufficient information regarding these protected species has been supplied to the Council to enable it to make an informed decision in accordance with the guidelines. In summary, we advise the Council that bats should not present a

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constraint to the proposed development and that there are unlikely to be any protected species issues arising with this application.

We note that the desk study was limited to the use of the web based NBN Gateway. We would normally expect a desk study to include data consultation with relevant local nature conservation organisations, including in this case, the Derbyshire Bat Conservation Group. We therefore would not agree that a detailed Desktop Study has been carried out although we accept that in this particular case it does not affect the overall survey results.

8.4. Police Liaison Officer:

Many comments are ambiguous in the application relating to local facilities, local transport links and local people but it is also a National Centre and Museum that I can only presume will attract visitors, many who will not be familiar with the area. This can impact on crime, crime targets and local Policing. One paragraph talks about local residents providing natural surveillance, the next states the site is to be screened from residential development.

Safety and safe as words have been included but I see no strategy or information to maintain safety or security of the site other than a 1.8m fence and gate. I would suggest that further information is required or confirmed.

Visitors do tend to leave more items on view within vehicles wherever parked in the street or allocated car parking. This will increase the level of crime opportunity which can encourage miscreants into the area. This is especially pertinent when large scale events are held. The car park and car parking is vulnerable and requires full security considerations especially overnight/out of hour's enclosure of the space. All existing uses in this area have had to provide full enclosure of similar spaces to deter and prevent theft, trespass, fly tipping and use for prostitution in the evenings. A full height lockable gate will be required to the main vehicle access and if the walls are to be retained to Harrington Street then these may need to be reinforced or upgraded to secure the site.

The new houses I can only presume will be fenced and have no views from main habitable rooms into the site. I do not see who will be able to provide natural surveillance to reduce crime. In this industrial / residential edge location, surveillance opportunities are minimal. There are no capable guardians or surveillance opportunities on Harrington Street or currently on Princes Street. Natural surveillance is massively misunderstood subject in the development world and it is not good enough for just a window to be present on an elevation. I would suggest that a comprehensive CCTV system should be considered to cover the whole site. I am aware of the existing cameras on the current building but have no information within the accompanying information if this system is to be reused or expanded. A good standard of physical security is recommended to all parts of the development and minimum standards can be found at the "Secure by Design" web site. The lighting is adequate and well designed. As a phased development, a secure car park at the very start will reduce crime opportunity and reduce vehicle pedestrian conflicts.

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

GD1	Social inclusion
GD4	Design and Urban Environment.
GD5	Amenity.
EP11	Development in existing business and industrial areas.
EP15	Visitor attractions.
E10	Renewable energy.
E23	Design.
E24	Community safety
L11	New community facilities.
T1	Transport implications of new development.
T4	Access parking and servicing.
T10	Access for disabled people.

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:

Some members may be familiar with the quite recently opened Sikh museum and memorial hall on the site adjacent to the Gurdwara on Princes Street, which opened last year. These two uses occupy a large industrial building which was formerly occupied by a steel fabrications company but which fell out of use some time ago. It would seem that the community has acquired land and buildings adjacent to the Gurdwara and has converted the former industrial building to a museum of Sikh history and a memorial hall which will have multi functional uses including use for indoor sports. The former scrap yard has been cleared of scrap and made ready for use as a car park. All of these changes already undertaken require planning permission.

Loss of industrial buildings and land.

The proposal would result in the loss of a large industrial building of unknown age, which stands on a site that bridges the gap between residential dwellings to the west and a wider industrial area to the east and lies on the western fringes of the industrial area. CDLPR policy EP11 allows for uses other than in business, industrial or storage classes (the usual uses on sites identified business or industrial uses), subject to several criteria. These include that:

- (i) in the case where site are near to residential areas , redevelopment would lead to an improvement of the environment for residents,
- (ii) it would not lead to a qualitative or quantitative deficiency in the supply of employment land, the proposal would not be incompatible with established employment activity, and
- (iii) the proposal would not decrease the development potential of nearby land identified for business and industrial use.

The uses proposed could readily see an improvement of the environment for neighbouring residents compared to the steel fabrication and scrap yard uses that used to occupy the building and land right alongside the boundary with neighbouring

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dwellings. However part of the proposal is described as a National Sikh Museum, and the proposed Holocaust and Shaheedi memorial is understood to be the first of its kind anywhere in the world. Although the proposals are located within an area close to the heart of the local Sikh community, I would expect the museum and memorial to be an attraction to visitors from outside Derby, possibly from across the country, and even for international visitors. It would at this time be difficult to assess the numbers of visitors from outside the City, but I do have some concerns that vehicular access to the site is far from straight forward and most traffic would have to approach the site through residential back streets not designed to cope with large amounts of visitor traffic in private cars or coaches. I am concerned that some of the benefit that may be enjoyed by local residents by the removal of previous industrial uses may be offset by the additional traffic that may be generated by the new uses.

Although the location may be sustainable for the local residents it may not be so for visitors from outside the City.

Affect on residential amenity.

As referred to above, the proposal could have an impact on the amenity of nearby residents. The approaches to the site will be either off the outer ring road through the residential streets of Portland Street, Pear Tree Crescent or Harrington Street or through the Victorian terraced streets of the Pear Tree area none of which are particularly suitable for large volumes of visitor traffic. Potential access through the industrial estate along Shaftsbury Crescent is unlikely to be a preferred route for visitors.

I am conscious of the fact that the museum, and memorial hall have been operating in conjunction with the existing Gurdwara since late 2008 and I have not been made aware of any highway difficulties that these combined uses may have created with regard to traffic generation, or any amenity concerns that have occurred through additional noise, activity and fumes from additional traffic which could impact on residential amenity. The figures quoted in the applicants planning statement for number of people attending the Gurdwara and museum appear to be relatively small at present. I continue however to have some concerns with regard to the aspirations of the applicants who refer to the proposal as a National Sikh Centre Museum and Memorial Hall. I believe there is more than a suggestion that the proposal is intended to have a national significance beyond the local significance of the existing Gurdwara. With the construction of the proposed memorial its significance may be considerably raised at national and perhaps even international level. Any significant increase in tourist visitors could potentially result in increased traffic generation which would be detrimental to the amenity of nearby residents. To be balanced against this however must be the benefit that would be accrued to the residents from the removal of the potential for industrial uses to re-establish themselves within the industrial buildings and on the former scrap yard, with all the potential for noise and disturbance fumes, dust and grit that could be associated with industrial uses as well as the an increase in the number of heavier vehicles that would accompany any restoration of industrial uses on this site.

The construction of the memorial will have a direct massing impact on those residents whose gardens back directly onto that part of the site namely 77, 79, 81, 83 and 85 Pear Tree Crescent where the massing of the memorial at over 7 metres high only 2 meters from the rear garden boundaries will have a slightly overbearing affect,

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and lead to some overshadowing of rear garden areas. However in comparison with the existing buildings on the site along this boundary the proposal would be much less of a massing impact and the openness of parts of the structure should help to reduce the overall massing impact of this part of the proposal on neighbours.

A three meter high solid wall at the rear of the memorial will help to prevent overlooking of neighbouring properties even where visitors have mounted the steps of the memorial and will also provide some degree of sound attenuation to events which are from time to time to be held in the proposed plaza.

The single storey extension to the memorial hall that extends along the rear boundary of 75 and 77 Pear Tree Crescent will replace two derelict brick sheds. Its height of around 4.1 metres to its ridge will also have a massing impact on the rear of those two properties and will result in additional massing and enclosing impacts. These are not wholly desirable but again are relatively minor compared to the existing buildings.

The provision of a car park for around 50 cars could give rise to noise and disturbance to the rear area of the neighbouring residential properties but this could be controlled by a suitable boundary treatment such as a wall or solid fence. The removal of the scarp yard which preceded the car park can however only be seen as a benefit to the amenity of neighbouring residents.

Wildlife / bats.

As the proposals occupies formerly redundant buildings and proposes to remove some smaller buildings to make way for a new vehicular access and extensions, it was necessary for the applicants to submit a bat survey to establish whether any bats were using the buildings as a roost. The survey didn't find any bats within these buildings. Derbyshire Wildlife Trust advised that there were unlikely to be any protected species issues arising with this application.

New Community facilities.

CDLPR Policy L11, allows for the provision of new, extended or multiple use of community facilities, including community halls places of worship or health care facilities provided the proposal is

- a) well related to the population it is intended to serve:
- b) takes proper account in design terms to its location :
- c) allows for adequate access and servicing...

The proposal can in my view correctly be considered to be a community facility, it will be used in combination with the existing Gurdwara, by members of the Sikh community who already travel to the Gurdwara from within the immediate area and from local districts nearby, principally from the Normanton, Sunny Hill, Littleover, Sinfen and Stenson Fields districts. I consider that all of these can reasonably be described as being local to the proposal and that it is well related to the population it is intended to serve.

In design terms the majority of the proposal sees the retention of an existing industrial building, which by definition must be taking account of the location; the proposed extensions retain a similar industrial building design with similar material, which again are taking account of the existing location. I suppose that it is inevitable when reusing an existing building, particularly of the scale of this that the original use

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and design will predominate. It is perhaps unfortunate from a design and a regeneration point of view that the existing building has not been removed and replaced with something more attractive in visual terms.

The proposed memorial is quite clearly unique in design terms in this area and cannot therefore be considered to be taking into account the architectural character of the area however it will be culturally associated with the Gurdwara and is located in an area where there is said to be a concentration of Sikh residents. I consider therefore that it can be taken to have taken into consideration the location, where architecture of an eastern tradition will be appropriate.

Access and servicing are acceptable in technical terms both for pedestrians, users of public transport and in motor vehicles. Highway matters will be considered under a separate heading.

Design and Urban Environment.

The improvement to the external appearance of the large industrial building can only be a benefit to the visual amenity neighbouring residents and the wider public. Some re-cladding has already been carried out but this is rather piecemeal so at present the building is rather a patchwork of new and old metal cladding and exposed concrete blockwork.

The proposal extensions are intended to be in buff brickwork to match the Gurdwara building, with a metal clad roof. Little detail is actually shown on the drawings of how the existing external part of the original building is to be treated. It is hoped that it will be re-clad in modern metal sheeting in its entirety rather than just patched, to give the impression of a completely new building. The existing front wall facing Princes Street which is in red brickwork at ground floor level with re-clad upper parts is expected to remain unchanged and the walls facing into the intended piazza area have already been re-clad and defenestrated and are visually an immense improvement over the un-maintained appearance of a year or so ago.

The use of buff brickwork for the extensions will help to visually tie together the whole of the Gurdwara complex and the visual improvement will give a lift to the whole area.

The proposed memorial is considered to be a very impressive structure and can only add something "special" to this area and therefore should be welcomed.

Regeneration.

The re-use and visual improvement of the redundant building and land should hopefully have positive benefits for the immediate area replacing the run down and neglected image that has affected the area over recent years.

Community safety.

The Police liaison officer has raised some concerns related to the location of the proposal and in noting his recommendations I also consider that the provision of a high lockable gate to the car park can be required by condition.

The other suggestions that a comprehensive CCTV system and good standard of physical security to Secure by Design Standards be employed could not in my view be required by condition on a planning permission but can be suggested as desirable to the applicants.

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The lighting scheme is considered to be well designed and adequate from the crime safety point of view.

Lighting.

Details of a comprehensive lighting scheme were submitted with the application. These include general space lighting and a scheme for the architectural lighting of the proposed memorial. No expert comment has as yet been received as to the appropriateness of the lighting proposals and any affect that these may have on the amenity of neighbouring occupiers. It is hoped to be able to report these matters orally at committee.

Landscaping.

Landscape planting is proposed to the rear of the memorial to provide screening between the memorial and the dwellings to the rear. This is shown as being ultimately to grow to the height of the memorial about 7 metres tall. I have no objection in principle to the use of landscape planting to soften the impact of the memorial on neighbouring dwellings but I do have some doubts how this will be achieved in a narrow planting. New landscape planting is to be used to enhance existing planting which lies close to the existing vehicular access, which is to be converted to a pedestrian access. This should be acceptable and should help to enhance the streetscene.

Conclusion.

Although there are some concerns with regard to the numbers of visitors that may come to visit the proposed heritage centre, no specific objections have been raise by the highways division to this proposal.

The museum and multi-purpose memorial hall have been operating since late 2008 without any apparent problems from a traffic generation point of view and without having caused any amenity problems to neighbouring occupiers. Although the addition of a memorial could increase the numbers of visitors from outside the City there is no way of knowing whether these would be in numbers that would have significant detrimental affect on the highway system on the approaches to the site. With a restriction on the opening hours of the museum, it should be possible to limit the numbers of visitors coming to the site.

It is clear that the proposal would result in, and has already achieved a considerable benefit to the local area both in visual terms with the removal of the scrap yard and the enhancement of the external appearance of the industrial building. It will also have helped to buffer the residential properties on Pear Tree Crescent from some of the more industrial uses to the west forming a far better transition between the industrial land and the residential properties.

The proposal can be seen as the regeneration of this quite run down part of the inner city and brings back into beneficial use a large redundant industrial unit which was a visual blight on the area.

The proposal will fulfil a local need for a multi purpose hall which will provide for meetings, sporting and social functions and the museum will provide educational opportunities of the Sikh culture which should be welcomed as a wider community benefit.

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There will be some impact on nearby residential properties mainly through the massing of proposed buildings close to the boundary with neighbouring properties on Pear Tree Crescent but also to some extent through increased traffic which will affect residents in the surrounding streets, particularly those immediately opposite the proposed new vehicular access onto Princes Street.

On balance however I consider that the public benefit that is likely to result outweighs the loss of amenity to neighbouring occupiers and the added highway congestion that may result from an increase in visitors to the site.

On balance I consider that the proposal will have significant benefits which outweigh the possible detriment to residential amenity and highway usage.

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 in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated at 9. above and it is considered that the proposal would result in the reuse of a large underused industrial building and underused land bringing it back in beneficial use, in a facility that has significant community benefits which include visual improvement of the area, improved residential amenity, and improved sporting and cultural facilities that would directly benefit members of the local community.

11.3. Conditions:

1. Three year expiry condition 03 slightly amended to refer only to the operational development but not the change of use.
2. Standard condition 100...list of approved plans.
3. Standard condition 27 ...external materials.
4. Standard condition 19. ...means of enclosure,
5. This permission specifically excludes those houses shown as sheltered /affordable housing on the application drawings but which lie outside of the application site.
6. Opening hours of the museum and future art gallery shall be limited to 10:00 hours till 12:00 hours and 18:00 hours 20:00 hours Monday to Friday and 11:00 hours to 14:00 hours on Saturdays and Sundays.
7. Standard condition 20 landscaping scheme.
8. Standard condition 22 landscaping maintenance.
9. Before any work is commenced on the redevelopment elements of this proposal full detail of the new vehicular access onto Princes Street shall be submitted to and approved in writing by the Local Planning Authority. These details shall include pedestrian visibility splays of 1.0 metres x 1.0 metres on each side of the proposed vehicle access ref: drawing no. JN841-NWK-006D. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be

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maintained free of all obstruction over 0.6 metres above the carriageway level at all times.

10. Before any works on the redevelopment are commenced, full details shall be submitted for the reinstatement to footway of the former vehicular access points into the site on Princes Street, (the entrance to existing car park and in front of the Museum Building) and the existing access onto the proposed car parking area on Harrington Street, the details shall be submitted to and agreed in writing the Local Planning Authority and any details that may be agreed shall be implemented prior to the proposed new extensions being taken into use.
11. Before the new extensions hereby approved are brought into use, those parts of the site to be hard surfaced or used by vehicles shall be properly laid out, drained and surfaced in a manner to be approved by the Local Planning Authority and such areas shall not thereafter be used for any other purpose.
12. Standard condition 70 modified slightly to refer to the new development...cycle parking provision.
13. Standard condition 66... disabled people's provision.
14. Standard condition 67... disabled people's provision.

11.4. Reasons:

1. Standard reason E56... standard time limit.
2. Standard reason E04... avoidance of doubt.
3. Standard reason E18... visual amenity... in accordance with CDLPR Policies GD4, and E23.
4. To ensure adequate security of the site and to protect the amenity of neighbouring occupiers in accordance with CDLPR policies GD5 and E24.
5. Standard reason E04 ... avoidance of doubt.
6. To control the numbers of visitors to the facility in order to prevent highways congestion and on street overspill parking on the surrounding streets. in accordance with CDLPR policies GD5.
7. Standard reason E18 ...visual amenity... in accordance with CDLPR policy E17.
8. Standard reason E18 ...visual amenity ... in accordance with CDLPR policy E17.
9. In the interests of traffic and pedestrian safety... in accordance with CDLPR policies T4 and T6.
10. To promote pedestrian priority along the footway... in accordance with CDLPR policies T4 and T6.
11. To ensure the provision of satisfactory drainage arrangements and to accommodate the parking and manoeuvring requirement of the development ...in accordance with CDLPR policies T4 and GD3.

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12. Standard reason E35 parking needs of the development ...in accordance with CDLPR policy T7.
13. Standard reason E34... accessibility to the disabled... in accordance with CDLPR policy T10.
14. Standard reason E34... accessibility to the disabled... in accordance with CDLPR policy T10.

11.5. Informative Notes:

The applicant is advised that the lack of natural surveillance of the site may render it vulnerable to crime or antisocial behaviour and is recommended to incorporate a comprehensive CCTV system which covers the whole of the site, particularly to include the car park, and also to incorporate robust security measure in accordance with the recommendations of Secured by Design.

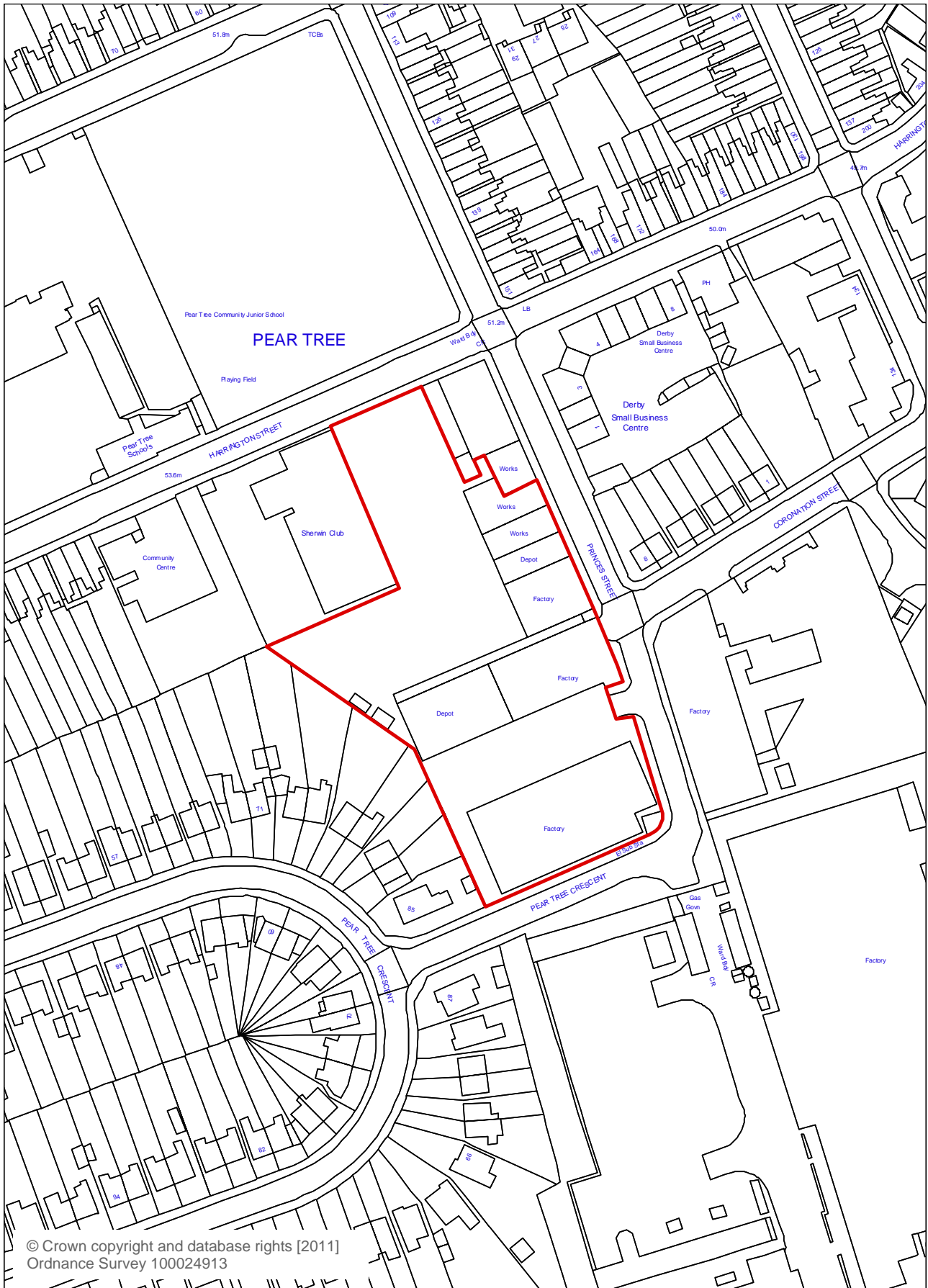
11.6. Application timescale:

The application expiry date is 22 March 2011; this was exceeded as it was decided appropriate to report this item to committee.

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Enclosure

C Mr & Mrs

DEVELOPMENT	CITY OF DERBY	87
FILE REF.	PLANNING & CULTURAL SERVICES DEPT	Derby
DATE RECD	Pub-C	21/2/11
REFERRER	BP	21/2/11
REPLIED	Senior Planning Officer	27 FEB 2011

CITY COUNCIL
DEPARTMENT

Dear Sir,

As I Halima Ali spoke to you on the phone on 2/2/11 that I have received a letter from the Council about the Museum which the National Sikh Heritage Centre is planning to open.

We are very pleased to hear that there will be some thing Knowledge to see and Learn around our area. We have no objecting for opening of the Museum. But expect one Problem is the Traffices and the Parkings. The Parkings should be one way only. Some times it is very difficult to use the road downwards

P.T.O

Enclosure

Also as my Neighbours has spoke to me about the same matter the Traffic. Now we all find very difficult to use the Princess Street specially on Sundays.

Hoping you will look into this matter and one way Parking will be highly appreciated.

Thank you,

Yours Sincerely
Mr. C. Ali Mrs Ali

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Application No: DER/10/10/01243

Type: Full

1. **Address:** Ravensdale Junior and Infant School, Devonshire Drive, Mickleover

2. **Proposal:**

Extension to school (two classrooms, stores, toilets, staff accommodation, reception) and formation of car park

3. **Description:**

Ravensdale Junior and Infants Schools occupy neighbouring plots that are accessed off Devonshire Drive in Mickleover. The school buildings sit centrally within the site and their associated playing fields extend to the north and south. The junior school occupies the eastern side of the plot and comprises a cluster of mainly single storey buildings with a single wing of two storey accommodation. Car park areas sit adjacent to the north elevations of the buildings which are accessed directly from the drive which links to Devonshire Drive. This access is shared with the Infant School. The boundaries to the north, west and east are shared with residential properties. To the south of the schools site is a local park.

Planning permission is sought for two extensions to the Junior School. Both would extend from the northern elevation of the main school building and would compromise single storey accommodation. The footprint of both extensions would be similar to some of the existing wings of the school and would measure 14.1m x 10.6m for extension 1 and 17.5m x 14.8m for extension 2. Extension 1 is proposed to serve as the new main entrance to the school. Both are to be of masonry construction with monopitch green roofs. The extensions would provide additional classrooms, staff accommodation and a community room along with ancillary accommodation including the schools disabled changing place. Supporting information provided in the Design and Access Statement indicates that the extensions to the school are proposed in response to three key issues. These include, additional teaching space being required for an increase in pupil numbers due to new housing development within the schools catchment area, the readdressing of priority issues relating to safeguarding and the provision of a library as raised by Ofsted and to meet the required facilities and space sizes of Building Bulletin 99 "Briefing Framework for Primary School Projects."

The proposed extensions would compromise the schools existing parking areas and therefore a new car park is proposed. Planning permission is therefore sought for a new area of hard surfaced car park to the north of the school buildings. It would be located on an area of the site which accommodates one of the school playing fields and an existing trim trail would need to be relocated. The car park would provide 20 spaces plus 2 suitable for disabled persons with their associated manoeuvring and turning areas. The road layout between the school buildings and car park would be amended to suit the development and a 1.8m high fence is proposed to act as a screen between the car park and the retained area of playing field.

4. **Relevant Planning History:**

DER/07/09/00819 – Installation of external fire escape stairs and upgrade windows to be fire resistant – granted 09/10/09

DER/10/08/01507 – Erection of store – granted 26/11/08

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DER/05/05/00826 – Extensions to school (nursery and enlargement of classroom) – granted 15/07/05

5. Implications of Proposal:

5.1. Economic:

The supporting information provided with the application indicates that the number of full time employees at the school is proposed to increase by 13 posts and the number of part time employees would increase by 9 posts.

5.2. Design and Community Safety:

The existing buildings have lightweight steel frames with a mixture of tile hanging, render and timber clad panels. Although the masonry walls of the proposals will be a contrast to this, the existing buildings are not considered to be of any significant architectural merit and I would raise no overriding objections to the extensions on general design grounds. The mono-pitch roofs will add a modern feel to the buildings and assist in creating a focal point around the new entrance. The size and mass of the extensions are consistent with the scale of the existing buildings. The introduction of the green roofs is welcomed and there are no overriding objections raised to the design solution being pursued.

The extensions and relocated car park would remain within the existing school grounds and I am satisfied that there are no significant community safety issues arising from this proposal.

5.3. Highways – Development Control:

Although the school has proposed an increase in staff numbers, the level of parking provision provided is within current standards. As a result of the development the level of parking will increase by 2 no. spaces, however these will be designated as disabled person's spaces and are therefore considered acceptable. The site does not offer turning facilities for service vehicles and this situation will be unchanged. The waste and recycling storage areas are acceptable and the provision of cycle storage facilities is welcomed.

Highways – Land Drainage:

It is noted that the information provided with the application implies that discharge of surface water will be to SuDS soakaway and main sewers. Given the arrangement of buildings and car parks, securing these arrangements is possible but unlikely. It is noted that the submitted drawings indicate the provision of green roofs but no other forms of drainage. No objections are raised to planning permission being granted subject to conditions being imposed which require further detailed information to be provided relative to the proposed drainage solution for the proposals.

5.4. Disabled People's Access:

The proposals will improve the accessibility of the school not only to disabled pupils but also the wider community. The detail of the improved accessibility will be controlled by compliance with Building Regulation guidance.

5.5. Other Environmental:

The submitted plans indicate that 10 trees would need to be removed in order to accommodate the relocated car parking area. A tree survey has been

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provided in support of the application and 17 individual trees and 1 mixed species group have been surveyed. The survey suggests that the impact of the proposals would be minimal and with protective fencing should have little negative effects on retained trees. It is advised that some small trees may require removing to construct the access for the proposed car parking but the trees are young and could either be replanted or their removal mitigated with replacement planting. It is noted that the existing play area is proposed to be used as a site compound and as such the hard standing should prevent damage to trees on site.

6. Publicity:

Neighbour Notification Letter	10	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:

One letter of objection has been received from a neighbouring occupier at 33 Nelson Close. The issues raised in objection to the application relate to the following;

- The siting of one of the extensions close to the school boundary
- Any windows in the side of the extension should be of a non opening design in order to reduce noise as noise nuisance is already experienced from the existing classrooms.

This representation has been reproduced in this report

8. Consultations:

8.1. Environmental Services-Trees:

To be updated.

8.2. Sport England:

Sport England has advised that it is understood that the development is likely to prejudice the use, and lead to the loss of land being used as a playing field. Sport England has considered the application in light of its playing fields policy; 'a Sporting Future for the Playing Fields of England'. The aims of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy sets out that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for

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use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of five specific circumstances applies.

It is evident that the proposed extensions to the school buildings would have an impact on the existing car parking provision. A new car park is therefore proposed, sited on an area of existing playing field. Whilst the apparent need for additional teaching space at the school is noted, it is not considered that this outweighs the conflict with planning policy which arises from the consequential impact on the playing fields. It is understood that the requirement for additional teaching space has arisen from a new housing development within the schools catchment area. In addition to this increasing demand for teaching space, it will also increase demand for places on which to play organised sport.

Given that the new car park area is proposed on an area of playing field and none of the exceptions in their playing field policy are applicable, Sport England register an objection to the application.

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

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
E9	Trees
E10	Renewable Energy
E17	Landscaping Schemes
E23	Design
E24	Community Safety
L6	Sports Pitches and Playing Fields
L11	New Community Facilities
LE1	Education Uses
T4	Access, Parking and Servicing
T10	Access for Disabled People

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 Design and Access Statement that has been provided in support of the application outlines the different options that have been considered for accommodating additional facilities that are required at the school. A need for the works to have minimal disruption on existing accommodation and spaces, whilst ensuring that the school can remain in operation whilst the works take place have been balanced alongside a need to ensure the staff accommodation is located together, where possible, and the community facilities located so that they can be accessed by visitors without the need to enter the wider school buildings. It is considered that the submitted proposals meet these criteria and the two extensions proposed offer the most suitable and viable solutions for the school.

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In design terms, the two extensions are similar in height and scale to the existing school buildings. A more modern building form and different external materials are being proposed so the external appearance of the two extensions will differ to the existing buildings. However, the school is well screened from surrounding areas and the subtle changes in external appearance will not impact significantly on the character of the school itself or wider area. It is clear from the supporting information provided with the application that consideration has been given to maximising natural light and ventilation within the buildings and the incorporation of the green roofs will assist in achieving some sustainable drainage solutions on site.

The extension which is proposed to be added to the north east elevation of the existing school would be sited approximately 10m from the boundary shared with properties in Nelson Close. The separation distances between those neighbouring properties and the extension is considered acceptable especially given that it is only single storey extensions that are being proposed. Given the screening that is provided by hedges and trees along that boundary, there are no significant massing issues likely to arise. The objectors concerns relative to noise are noted and consideration would be given to the imposition of restrictions on the opening of the windows in the side elevation if it was considered that a significant loss of amenity would arise from noise from the proposed classroom. It can be appreciated that immediate neighbours may experience some noise from the use of the site as a school but I feel that it would be difficult to argue that this development will make the situation substantially worse.

The need to relocate the existing car parking is an unfortunate consequence of the development but is needed to ensure that the school can continue to accommodate its own servicing and parking needs. Several locations have been considered for it taking into account the need to ensure the site is accessible whilst limiting its impact on existing playing fields and trees. As a result of the proposal a total 990 sqm of soft landscaping within the grounds of the school would be lost and this includes 290 sqm of the existing small paying field. Saved local plan policy L6 only allows for development which would result in the loss of playing fields associated with educational establishments under certain circumstances. The most relevant to this application are that the facilities now provided can be fully retained or enhanced through the development of only a small part of the site. The supporting information provided with the application indicates that the existing playing field cannot accommodate sports which need larger pitches anyway and could only accommodate 2 5-a-side football pitches or 1 no. mini hockey pitch. These pitches could still be accommodated following the development. It has also been indicated that the field could be laid out as a pitch and this would enhance the existing facilities at the school as the existing field is not formally laid out as such. With this secured, I am satisfied that the requirements of saved local plan policy L6 can be met.

The objections to the application that have been raised by Sport England have been considered carefully. They object to the application given that it leads to the loss of an area of playing field. Whilst this loss of playing field is regrettable, this scheme has been designed to reduce the amount of playing field loss to a minimum. It is found to offer the best solution given that the existing trim trail will be relocated to

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another area of the site and the existing playing field enhanced through its laying out as a formal pitch. The community benefits in providing better teaching facilities at the school is also a consideration and goes some way to compensating for that loss of playing field. Information provided in support of the application indicates that the level of hard and soft landscaping at the site will meet the requirements of Building Bulletin 99 which sets out criteria for new schools. In spite of the objections raised by Sport England, I am drawn to conclude that the loss of playing field would be outweighed by the benefits brought out through the extensions to the school.

The layout of the car park is considered acceptable. A new weldmesh fence which is to be screened with ivy is proposed along its western edge and along with new areas of planting that is proposed it is considered that the visual impact of the hard surfaced parking will be lessened when viewed across the wider site. Vehicular activity will be moved to a different area of the site but the parking spaces would be located a sufficient distance from the northern residential boundary. Additional tree planting will also assist in improving the buffer between the car park and the boundary shared with neighbouring residential properties.

In conclusion, I am satisfied that the extensions to the school and proposed new car park are unlikely to result in significant harm to the character of the wider area and amenities of neighbouring occupiers. Whilst the loss of the soft landscaping areas and area of playing field which will result are regrettable, it is considered that the benefits offered by the new accommodation at the school outweigh that loss. This is subject to the appropriate landscaping, relocation of trim trail and laying out of pitches being undertaken but all of these can be secured through appropriate conditions of planning permission. With these matters secured, there are no overriding policy objections to the development and I therefore see no reasonable grounds on which a grant of planning permission should be withheld.

11. Recommended decision and summary of reasons:

11.1. To be minded to grant planning permission with conditions subject to referral of the application to the Secretary of State.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated at 9. above and it is considered that the design, scale and mass of the proposals are considered acceptable and the implications of the extensions and car park for residential amenity, highway safety and sports provision at the school site are considered to accord with the aims of the saved policies outlined in the City of Derby Local Plan Review.

11.3. Conditions:

1. Standard condition 03 (Time limit)
2. Standard condition 100 (Approved Plans)
3. Standard condition 30 (Surfacing)
4. Standard condition 20 (Landscaping Scheme)
5. Standard condition 23 (Landscaping Maintenance)

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6. Standard condition 24A (Vegetation Protection)
7. The development shall be implemented in accordance with the external materials outlined in the planning application documents, unless otherwise agreed in writing by the Local Planning Authority.
8. The development hereby permitted shall not be brought into use until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.
9. The development hereby permitted shall not be brought into use until provision has been made within the application site for the storage of waste and recycling facilities in accordance with details submitted to and approved in writing by the Local Planning Authority. The waste and recycling facilities shall be implemented in accordance with the agreed details.
10. The development hereby permitted shall not be brought into use until provision has been made within the application site for the parking of cycles in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the agreed details.
11. The development hereby permitted shall not be brought into use until the existing Trim Trail has been relocated to an alternative area of the school site in accordance with details that shall be submitted to and agreed in writing by the Local Planning Authority.
12. The small playing field at the northern end of the school site shall be laid out as a formal sports pitch, in accordance with details that shall be submitted to and agreed in writing by the Local Planning Authority, within 12 months of the commencement of the use of the development hereby approved.
13. No development shall take place until foul and surface water sewerage schemes have been approved by the Local Planning Authority. The surface water drainage shall include Sustainable Drainage features. The submitted information. Shall include the following;
 - a) The runoff from the development shall be outlet at a rate not exceeding the present or pre-developed rate with the one in thirty year rainfall event retained below normal ground level, the one in 100 year plus climate change rainfall event to be retained on the development. Calculations to that end are to be approved by the Local Planning Authority including that habitable rooms do not flood with the limiting device in place. The route of outflow from a rainfall

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event that exceeds that amount shall be made known to the Local Planning Authority.

- b) A drainage statement from the sewerage undertaker shall be submitted to the Local Planning Authority before commencement of the development.
- c) A geotechnical study shall be made that includes the permeability of the subsoil and results submitted to the Local Planning Authority before the development commences.

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. Standard reason E09 ...policy E23
4. Standard reason E10 ... policy E17
5. Standard reason E10 ... policy E17
6. Standard reason E24 ... policy E9
7. Standard reason E14 ... policy E23
8. To encourage and provide for varied means of transport to the site to promote sustainable travel and in the interests of environmental amenity... policy T4.
9. To aid safe and efficient collection service in the interests of meeting the service requirements of the development ... policy T4.
10. Standard reason E35 ... policy T4
11. To enable the Local Planning Authority to exercise control in ensuring that the existing facility is replaced on an alternative area of the site in the interests of retaining existing sports facilities at the school ... policy L6.
12. To enable the Local Planning Authority to exercise control in securing enhanced playing pitch provision on the small school playing field ... policy L6.
13. Standard reason E21 ... policy GD3

11.5. Informative Notes:

The following advice is provided in response to the information required pursuant to condition 13:

- Sustainable drainage features shall be in accordance with Annex F7-F11 of PPS25.
- Calculations to ascertain the present or pre-developed surface water discharge rate shall be to IH124 pro rata as for urban development and this shall be used to determine the rate of discharge of the limiting device for the discharge of surface water.
- The test for permeability of the soil to be in accordance with BRE 365 or other similar.

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- Surface water runoff should be prevented from running over the public highway.

11.6. S106 requirements where appropriate:

There are no S106 requirements arising from this proposal.

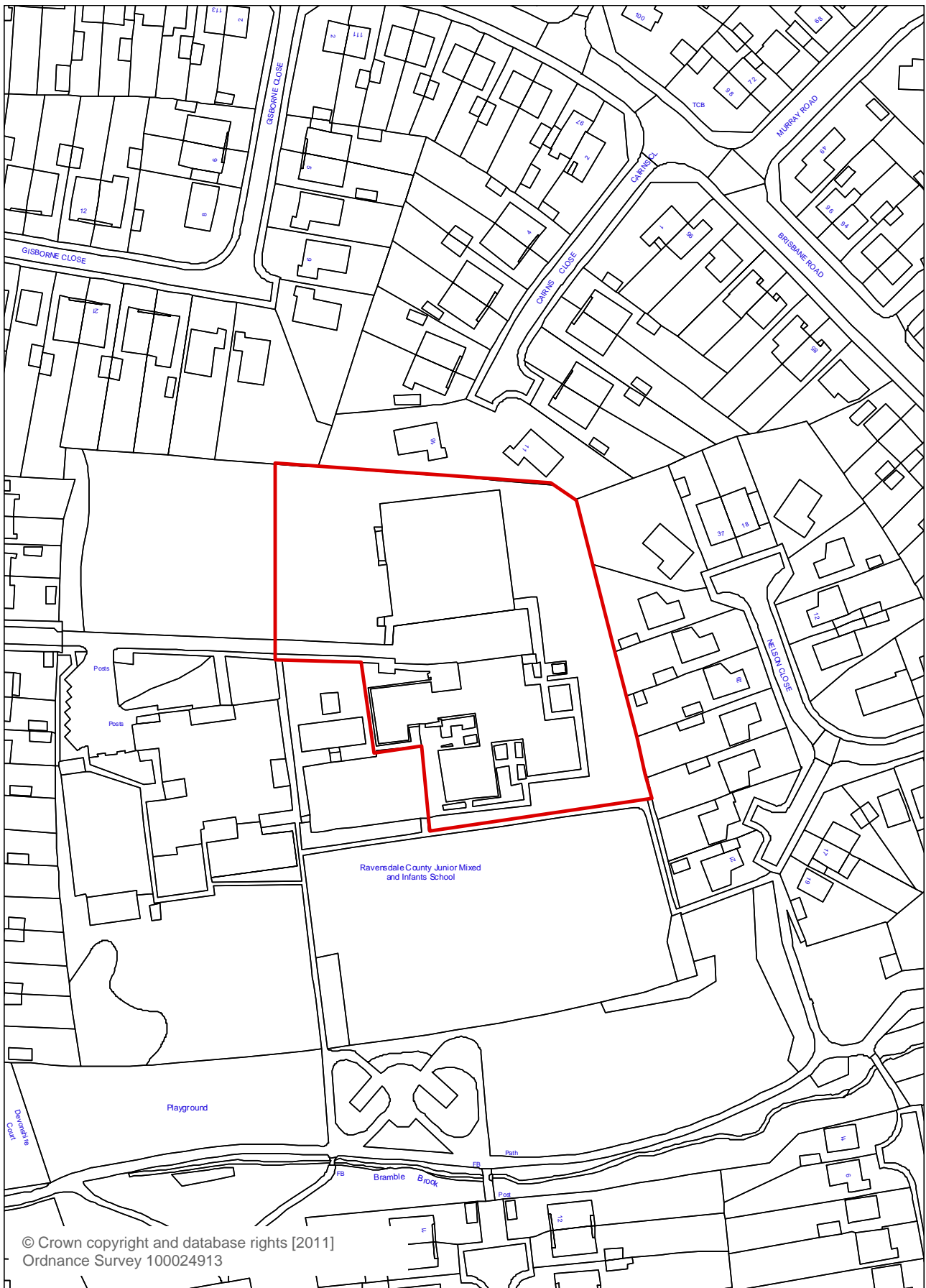
11.7. Application timescale:

The deadline for the determination of the application has already expired and is brought before the Committee because of the objection by Sport England and the inherent requirement to refer the application to the Secretary of State.

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DER/10/10/1243.

Sara John.

MR E.J. MASKEEY
 33 NELSON CLOSE
 NICKLEOVER
 DERBY
 DE3 9LX.

My first objection was to locate the new classroom closer to the boundary fence (Class Room 2) The other is if the plans go ahead that the opening windows onto the boundary are not full opening as shown on the plans. This is because we already get too much noise from the existing classrooms during lesson times. Please, any doubt on this claim, just pay us a visit at N° 33 to verify.
 Thank you.

1010/243

✓ AR
 SJ 4/1/04

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Application No: DER/08/10/01063

Type: Full

1. **Address:** Site of 61, 67, 73 & 75 Whitehurst Street, Units and Chapel Thirsk Place, Allenton Market, Mitre Hotel PH and 701-727 Osmaston Road, Derby

2. **Proposal:**

Erection of retail store (Use Class A1), petrol filling station, market and electrical substation and formation of car parking, landscaping and associated access

3. **Description:**

The application site is situated to the east of Osmaston Road, one of the main arterial routes into the city centre. To the south of the site is 'Spider Island' with its distinctive raised footbridge, at the junction of Osmaston Road, Harvey Road and Osmaston Park Road. The plot is an irregular shaped piece of land, approximately 3.4 hectares in area, which stretches as far as Harvey Road to southeast and Ascot Drive to the northwest. It is partially situated within the Allenton District Shopping Centre as designated with the adopted City of Derby Local Plan Review.

At present there are a number of existing commercial buildings on the site including three retail units occupied by Farmfoods and two bulky goods retailers ('Cut Price Furniture 2 Go' and 'Happy Homes Furniture'). These units are located fairly centrally within the plot and are of a typical bulky store design with shallow pitched roofs and corrugated metal cladding. To the south of these units there is an area of associated car parking and, to the north, an electricity substation.

Along the western boundary of the site, on the Osmaston Road frontage, are 11 residential properties which would be demolished to make way for the proposed development. The houses are all post-war dwellings with hipped roofs and bay windows and the majority are vacant and in a state of disrepair. The eastern site boundary directly abuts the rear gardens of residential properties along Whitehurst Street and the site actually incorporates part of the rear gardens of numbers 35-41 Whitehurst Street (odds). Numbers 61, 67, 73 and 75 Whitehurst Street also fall within the site boundary and, again, it is proposed to demolish 73 and 76 to allow for highway improvements associated with the scheme.

The northern half of the site is occupied by a number of small industrial units, a vehicle hire company, a scooter shop and a chapel. Here the site is bisected by Thirsk Place which provides access to the existing commercial/light industrial units from Ascot Drive. At present, Thirsk Place allows vehicle egress only from Whitehurst Street with a contra-flow cycle lane. To the south of the site is the vacant Mitre Public House, a two-storey building of traditional brick and tile construction which forms a fairly prominent feature at the junction of Osmaston Road and Harvey Road. To the north of the public house is a single storey structure open sided structure which houses Allenton Market on Tuesdays, Fridays and Saturdays. Presently accommodating 90 market stalls in total.

There is little variation in land levels across the site and existing vegetation is predominantly comprised of fairly sparse amenity shrub and tree planting. The eastern site boundary is defined by fencing and some maturing vegetation cover, which creates a degree of separation between the rear gardens of neighbouring dwellings and the application site. Along the Osmaston Road frontage is a line of well established Lime trees which provide a significant amount of visual amenity value

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within the area. There are presently two vehicle accesses into the site from Osmaston Road itself, one serving the retail units and one serving the market. Vehicle access into the Mitre Public House car park is via either Osmaston Road or Harvey Road.

The surrounding area is comprised of a mixture of commercial, light industrial and residential land uses. To the east and west the development is predominantly residential. To the north the prevailing land use is commercial and light industrial. To the south is the remainder of Allenton District Shopping Centre which is separated from the site by Harvey Road. Allenton District Shopping Centre is amongst the larger of the district centres in Derby. At present the district centre is anchored by two food stores (Somerfield (now taken over by the Co-operative) and Heron Frozen Foods). In terms of convenience uses Allenton offers two bakeries, two newsagents and an off licence. Comparison uses in the centre include a pet store, a florist, a pharmacy, a fabric store, a shoe store, a jeweller, three furniture stores, three electronics stores, a general store and a car-parts store. There are also a range of service uses, including Natwest and Barclays bank. The last health check of the centre concluded that Allenton appeared to be a fairly strong centre in a reasonable state of health

The proposal

Full planning permission is sought to demolish all of the existing buildings on the site and erect a large retail store and petrol filling station together with associated combined heat and power (CHP) unit, car parking, vehicle accesses, landscaping and public realm improvements. The scheme also proposes the erection of a replacement market building and an electricity substation. In order to accommodate the new retail store Thirsk Place would be relocated to a position approximately 50m further north within the application site.

The retail store

The main retail store would be situated on the northern part of the site. It would create 8,546 sqm of floorspace (gross) of which 5,706 sqm would be sales floorspace. The building would be of a contemporary design, set on stilts, with a large undercroft car park. The main element of the store would have a shallow pitched roof with a light grey finish, upon which would be installed a series of mono-draught windcatchers. It would be approximately 13m at its tallest point (excluding the windcatchers) and approximately 8.5m at its lowest point. Parts of the building would be raised approximately 4m from the ground to allow for the undercroft parking area.

On the western elevation of the store would be a large glazed entrance/atrium, which would have a flat roof with deep overhanging eaves. This area of the building would contain travelators, escalators and lifts providing customer access to the upper/retail level of the store. The store's café would be situated at first floor level within a prominent wrap-around feature on the building's south-western corner. This rectangular element of the building would project beyond the ground floor level of the store and its glazing would be screened with aluminium solar shades.

The main elevation of the building, fronting onto Osmaston Road, would incorporate large expanses of glazing, broken up with panels of larch cladding. The building's side elevations would be finished with combination of larch cladding, together with composite cladding in an oyster coloured finish. To the rear of the main store would

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be a raised service yard, accessed via a ramped approach from a realigned Thirsk Place. The service yard would be approximately 3m above ground level (equivalent to the first floor level of the store) and would be enclosed by acoustic screens (approximately 3m high), which again would be finished in oyster coloured cladding.

Internally, the food store would provide a wide range of convenience goods including deli ranges, hot and cold food counters and a bakery. The store would also provide a range of comparison goods to complement this convenience offer; this will include items such as electrical, home entertainment, home ware, newspapers and magazines. The proposed opening hours of the store are: 00.00 – 23.59 Monday to Friday, 00.00-22.00 on Saturdays and 10.00-16.00 on Sundays and bank holidays.

The retail store would provide a total of 530 car parking spaces; include 26 disabled spaces and 22 parent / toddler spaces. Cycle parking would be located beneath the store providing a total of 31 cycle bays. A recycling centre would be situated between the site entrance and the main store.

Electricity substation and CHP unit

The development also proposes the erection of a replacement electricity substation. This facility would be relocated from its existing position within the centre of the site to its north-eastern corner. The substation would comprise of various plant and a single storey brick building measuring approximately 27.5m by 5m, by 3.9m in height. All of the structures associated with the substation would be enclosed within a fenced compound and whilst the precise design and housing of the plant are restricted somewhat by requirements of Central Networks, a landscaping buffer would provide screening between the substation and the nearby dwellings along Whitehurst Street.

The proposed combined heat and power unit would provide hot water, heating and electricity to the site. It would be situated to the north of the site adjacent to a Thirsk Place and would be enclosed within a compound, together with other plant associated with the main store.

The petrol filling station

A new petrol filling station is proposed centrally within the site. The filling station would incorporate a kiosk, car wash, 8 pumps and would be of a fairly standard design with a 4m high canopy.

The market building

It is proposed to relocate Allenton Market to a new building which would be situated to the south of the site, close to the junction of Osmaston Road and Harvey Road. The new market building would have a footprint of approximately 25m by 20m and would provide an area for 40 stalls at ground floor level, together with staff facilities such as customer toilets and a cafe. The building would be approximately 9m at its highest point and would have 'over croft' car parking located on its roof (approximately 4.5m from ground level). This area would provide approximately 34 car parking space for stall operators and customers, including 2 disabled parking spaces. Vehicles would access this upper level parking area via a ramped approach along the eastern elevation of the building. Pedestrian access to the car park would be accessed via stairwells and a customer lift. A further 8 parking spaces, including 2 disabled parking spaces, would be available for customers at ground floor level. In total 9 cycle parking bays would be provided to serve the market.

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The market building has a contemporary feel and would be comprised of a series of blocks, or towers, of differing heights, which would incorporate facilities such as stairwells, lift shafts and toilets. The exterior of these towers would be a mixture of exposed brickwork and painted render. Metal railings would run along the first floor level of the building, around the upper level car park. On the south-western corner of the building, at the junction of Osmaston Road and Harvey Road, there would be feature canopy and a tall timber clad block on which it is proposed to display the 'Allenton Market' sign (subject to separate advertisement consent). The large ground-floor openings around the sides of the building would be secured by folding timber shutters, which when open would form a canopy, or brise-soleil, around the perimeter of the building on market days.

Access

The main vehicle access into the site would be via a signal controlled crossroads on Osmaston Road, opposite Peveril Street. This new junction would incorporate pedestrian crossings and would have two lane approaches on Osmaston Road and a three lane approach on the site access. The scheme also includes the introduction of a third lane on the Osmaston Road (southbound) approach to Mitre Island (this will involve relocating part of the Spider Bridge) combined with an additional customer vehicle exit (left turn only) onto Harvey Road from within the site. As part of the proposal, Peveril Street would become one-way towards Varley Street (subject to a successful Traffic Regulation Order).

The service yard for the proposed retail store is would be accessed via a realigned Thirsk Place. This relocation involves the demolition of number 75 and 73 Whitehurst Street. A separate service yard access would ensure that servicing traffic is segregated from customer traffic within the site. The yard would also accommodate the store's home delivery facility and enclosed cage marshalling area.

Public realm improvements are proposed along the Osmaston Road frontage and at the junction of Harvey Road. The aim here is to create a 'boulevard' between the proposed food store, the market and the southern part of the district centre. The improvements include new paving and provision of a dedicated safe cycle lane, together with landscaping enhancements, replacement planting (including the introduction of some semi-mature trees) and the installation of new street furniture and lighting.

A link to the application documents can be found below:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=90308>

The most up to date plans are at the top of the list of documents and plans.

The application is accompanied by a number of supporting documents including the following:

- Planning and Retail Statement
- Design and Access Statement
- Transport Assessment including Travel Plan
- Air Quality Assessment

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- Ecological Assessment
- Noise Assessment
- Phase 1 Environmental Assessment
- Landscape Supporting Statement
- Air Quality Assessment
- Sustainability and Energy Statement
- Statement of Community Engagement

4. Relevant Planning History:

DER/05/08/0852 – Erection of building for class 1 retail use, parking service areas and garden centre – granted conditionally, subject to restrictions of the sale of goods – 10/07/80

DER/11/81/1485 – Erection of building for the retail sale of household furniture and floor covering including car parking access – refused – 18/03/82

DER/03/82/0360 – Erection of building for the retails sales of household furniture and floor coverings including car parking - granted conditionally, subject to restrictions on the sale of goods for household furniture and floor coverings – 15/04/82

DER/12/88/01754 – Use of premises for sale of DIY goods, home improvement products, motor accessories and parts - granted conditionally, subject to restrictions on the sale of goods – 16/01/89

DER/01/89/0023 – Use of premises for the sale of golf equipment and accessories together with indoor golf range – granted – 09/03/89

DER/04/89/0769 – Use of premises for A1 food supermarket – granted – 26/07/89

DER/11/89/1812 – Application to vary condition 1 imposed on planning permission DER/12/88/1754 to permit unrestricted goods – granted – 22/12/89

DER/02/94/00126 – Extension to shop – granted – 02/03/94

DER/04/94/00492 – To enlarge previously approved extension to shop – granted – 02/03/94

DER/10/09/01214 – Prior notification application for the demolition of dwelling houses (numbers 707, 709, 711, 713, 715, 717 Osmaston Road) – no objections raised – 23/12/09

5. Implications of Proposal:

5.1. Economic:

The proposed redevelopment of the site provides an opportunity for regeneration of the area both physically and economically and it is anticipated that the new store would employ approximately 400 staff in a range of full and part time positions. The applicant has a policy of recruiting new staff from the local area, wherever possible, and providing in-house training to unskilled and semiskilled workers. The proposal also provides an opportunity to attract other

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businesses and private investment to the area and increase footfall in the remainder of Allenton District Centre through associated linked trips.

5.2. Design and Community Safety:

Food store design – Whilst this is clearly a large structure, the elevations of the building are broken up by the use of differing materials and by features such as the glazed atrium fronting Osmaston Road. There are no overriding objections to the design of the food store, which would inevitably improve the site frontage and would act as a landmark at the junction of Osmaston Road and Ascot Drive. The proposed public realm improvements would enhance the surrounding physical environment and a high quality landscaping scheme would help to soften the visual appearance of the development.

Market Design - The existing Mitre Public House is an important reference/orientation point on the corner of the junction of Osmaston Road and Harvey Road. In view of this, it is important for the market building to have some form of focal point, which can act as a landmark on this prominent corner plot. Modifications to the design of the market building have been sought and its' appearance, together with the overall layout of the scheme are discussed further within the 'Officer Opinion' section of this report.

Community Safety - Secured by Design principles have been taken into considered during the evolution of the development. The retail store's atrium would be orientated towards the Osmaston Road providing increased activity and natural surveillance along the site frontage. The first floor café would also provide natural surveillance over areas to the south of the store. Pedestrian routes throughout the site would comprise a series of well lit pathways which direct customers into and out of the store. It is proposed to install CCTV cameras around the market building and location of the market's café, together with the open nature of its side elevations, would allow for natural surveillance during market days. On days when the market is not trading, timber in-built shutters, of a high quality design, would secure the building without it presenting a fortress like appearance to the street.

5.3. Highways – Development Control:

The application is accompanied by a Transport Assessment and an addendum thereto. The following comments have been provided by the City Council's Highways Officer and are reproduced in full for your information. These comments are supplemented by the appended diagrams which detail existing and predicted levels of queuing traffic:

'It is considered the following Local Plan policies apply to the assessment of the above proposal:

Policy T1: Transport Implications of New Development

In considering applications for planning permission, the City Council will seek to ensure that the proposed development will not result in:-

a) increased congestion;

The highway network in the vicinity of the proposed store is already congested and experiences queuing. Our initial concerns were that the introduction of the proposed Tesco access junction may result in traffic block backing into the

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strategically important junctions at Ascot Drive and Mitre Island. However through co-operation between Arup and our traffic control engineer the likelihood of blocking back occurring has been reduced to a minimum through the design of the method of control of the three sets of traffic signals affected by the scheme.

The modelling work undertaken indicates that the major impact of the above occurs at the Mitre Island, and predominantly on the Harvey Road, Osmaston Road Northbound and Osmaston Park Road arms of that junction. It is the extent of this queuing, which it has not been possible to agree with Arup.

The reason agreement could not be reached is that the assessment of the impact of major food retail proposal is difficult to accurately predict and can be interpreted in various ways. This is because unlike other land uses the trip generation, distribution and profile are subject to many variables. To give some indication of the complexity of the assessment, you should be aware that trips to the store are split into four different types, all of which have to be estimated see below:-

1. Pass-by trips – trips already passing the access to the site i.e. trips on Osmaston Road;
2. Diverted trips – trips on the network in the vicinity of the site but not passing the proposed access i.e. trips on the outer ring road and or perhaps a trip from Chellaston to Spondon, Asda that diverts to the new store);
3. Linked trips – i.e. a trip to Tesco’s new store and then a walking trip over to Allenton Centre or visa versa;
4. Transferred Trips – a trip to an existing supermarket but not in the vicinity of the proposed store i.e. from Mickleover to Osmaston Park Road Sainsbury’s. However, if Tesco was to open on Mitre Island the trip transfers to the new store becomes a trip from Mickleover to Allenton. It is this type of trip that has the greatest impact it is a new trip to the local network. Arup suggest that the split in trips is as shown in the following table:

Arup	Trip Type			
	Linked	Transferred	Pass-by	Diverted
Friday pm	0%	0%	70%	30%
Saturday	0%	40%	30%	30%

The above site is well located to attract pass-by and diverted trips. However, as stated above it is the level of transferred trips that has the most impact, as these are new trips to the local network. Research into the expected level of transferred trips at supermarkets is based on work undertaken in 1995. It is recognised that retailing has changed significantly since that research, due to 24 hour shopping, increased activity on a Sunday and on-line shopping, but modern data is not available. Even so, Arup’s suggestion that there will be **no** transferred trips to the new store in the Friday evening peak is considered over

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optimistic and unlikely to provide a robust assessment. Therefore we asked for the following percentages to be considered to give a more robust assessment of the network.

DCC	Trip Type			
	Linked	Transferred	Pass-by	Diverted
Friday pm	0%	30%	40%	30%
Saturday	0%	60%	15%	25%

It simply is not possible to be exact about the level or origin of trips that will visit the proposed store in any hour. It is however possible to estimate these elements and to provide a likely range of impacts. Below is a table which shows the various scenarios set out in the tables above both in terms of impact on queue length and time to clear the queue at the Mitre Island. This also includes a 60% scenario for Friday. The assessment assumes Friday peak hour is 16:30 to 17:30 and Saturday inter peak is 11:15 to 12:15. The queue lengths in the table are average queues over the hour that has been assessed. This means that within the hour the queues could vary from no queue, to one which is twice as long as the figures shown.

In such a congested network a 60% transfer of trips in the Friday pm peak is likely to be very much an upper limit, with 30% representing the average and 0% unlikely. If the higher level of transfer were to materialise the extensive queues and delays shown in the table should be taken as a worst case. In reality some traffic would be likely to re-route, albeit onto less appropriate roads.

The extent of the re-routing could be determined by using the City Traffic Model (DATM). However despite DCC requesting the model should be run and Arup agreeing to do this, subsequently Arup decided not to fund a run the model. Drivers may also adjust their travel times to avoid the extra congestion and it is likely the resulting queues may be shorter than shown in the table but would be likely to last for a longer period than the peak hour.

On Saturdays the majority of people are generally less time constrained than in a weekday peak hour as they are less likely to have work commitments and/or the school run. Therefore people have greater scope to adjust their travel times to avoid the extra congestion than in a Friday peak.

It should be noted that where there are a numbers of lanes on any arm of the junction the table only indicates the longest queue on that approach. The results for the 'Existing' scenario reflect the junction layout as it exists at present and the remainder includes the extra left turn lane proposed by Tesco. The results therefore show the actual impact of the proposed mitigation measures.

Arup have suggested that the method of operating the Mitre junction could be changed to maximise its capacity. However, the method of operation they suggest was used previously and was changed to the current method of operation to address an accident problem at the junction. DCC would not wish

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to see the existing method of operation changed. It is considered that further improvements over and above the extra left turn lane are unlikely to be possible

The agreed model results are as follows (these result include no background growth in traffic see below):

	'Q' length (m)		Extra 'Q' (m)		Time to Clear		Extra Time	
Harvey Road	Fri	Sat	Fri	Sat	Fri	Sat	Fri	Sat
Existing	81	104	n/a	n/a	1m46s	1m46s	n/a	n/a
Arup 0%Fri 40%Sat	63	190	-18	+86	1m14s	3m27s	Minus 32s	+1m41s
DCC 30%	98	n/a	+17	n/a	1m55s	n/a	+9s	n/a
DCC 60%	190	144	+109	+40	4m21s	4m12s	+2m35s	+2m26s
	'Q' length(m)		Extra 'Q'(m)		Time to Clear		Extra Time	
Osmaston Park Road	Fri	Sat	Fri	Sat	Fri	Sat	Fri	Sat
Existing	115	109	n/a	n/a	58s	1m26s	n/a	n/a
Arup 0%Fri 40%Sat	132	161	+17	+52	1m22s	2m15s	+24s	+49s
DCC 30%	144	n/a	+29	n/a	1m38s	n/a	+40s	n/a
DCC 60%	242	259	+127	+150	3m36s	4m12s	+2m38s	+2m46s
	'Q' length (m)		Extra 'Q'(m)		Time to Clear		Extra Time	
Osmaston Road N/B	Fri	Sat	Fri	Sat	Fri	Sat	Fri	Sat
Existing	63	81	n/a	n/a	1m26s	1m26s	n/a	n/a
Arup 0%Fri 40%Sat	40	144	-23	+63	49s	3m18s	Minus 7s	+2m32s
DCC 30%	46	n/a	-17	n/a	49s	n/a	Minus 37s	n/a
DCC 60%	52	161	-11	+80	1m3s	3m45s	Minus 23s	+2m19s

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A summary of the above table is as follows (where **queue length** is mentioned this refers to the **average queue** as defined above :

Friday 0% transferred trips the model shows that the proposed improvement better than mitigates the impact on Harvey Road and Osmaston Road N/B, but does not fully mitigate the impact on Osmaston Park Road, albeit the queue is only extended by 3 vehicles.

Friday 30% transferred trips shows the queue on Harvey Road extended by 3 vehicles, which takes an extra 9s to clear and on Osmaston Park Road an extra 5 vehicle queue taking an extra 40s to clear. On Osmaston Road N/B it shows the queue reducing by 3 vehicles and the time to clear the queue reducing by 37s. The traffic control engineer suggests this is a function of additional capacity provided by adding the additional lane to Osmaston Road S/B.

Friday 60 % transferred trips shows the queuing on Harvey Road extended by 19 vehicles, which takes an extra 2m35s to clear and on Osmaston Park Road an extra 22 vehicle queue taking an extra 2m38s to clear. Osmaston Road N/B it shows the queue reducing by 2 vehicles and the time to clear the queue reducing by 23s.

Sat 40% transfer shows the queue on Harvey Road extended by 15 vehicles, which takes an extra 1m41s to clear and on Osmaston Park Road an extra 9 vehicle queue taking an extra 49s to clear. On Osmaston Road N/B it shows the queue increasing by 11 vehicles and the time to clear the queue up by 2m32s.

Sat 60 % transfer shows the queue on Harvey Road extended by 7 vehicles but the time it takes to clear up is an extra 2m26s. On Osmaston Park Road the queue increases by an extra 26 vehicles taking an extra 2m46s to clear. On Osmaston Road N/B it shows the queue increasing by 14 vehicles and the time to clear the queue extended by 2m19s.

Arup's assessment methodology has moved away from that set out in Guidance on Transport Assessment (GTA) published by the Department of Transport. Arup have suggested the following:-

The existing traffic flows should not be increased to account for general traffic growth over the period of the assessment. Generally a rate of growth is obtained from Government figures based on a wide range of factors including predicted economic performance, and from which it is possible to predict year on year growth for Derby. These figures predict a 10% background traffic growth factor for between 2008 and 2016. The difficulty is that local counters do show a general decrease in traffic levels on Harvey Road over the past four years. However it is not possible to guarantee this trend will continue into the future. Our own transportation engineers believe there is scope for some growth to take place. Assessing the impact of the above proposal without any growth in background traffic means the assessment only considers the traffic levels at the time they were surveyed. If future growth did take place then substantially longer queues and /or queuing for longer periods would occur;

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The traffic generation by the existing uses on the application area i.e. Farm Foods should be increased above what they actually produce as Arup suggest they are underperforming. This on the basis that Tesco could open a store in Farm Foods without planning consent and DCC would have to deal with the increased traffic flows. The increased levels of traffic would be discounted from the back ground traffic when assessing the impact on the new store. DCC disagree with this proposition and consequently it has not been applied to the assessment work.

b) have a detrimental effect on the local environment;

Please refer to Section 8.3 Environmental Services- Pollution below

c) lead to a reduction in road safety.

No significant road safety issues have been identified that are not covered by the suggested conditions.

d) Travel Plans

The travel plan is focused on changing and supporting staff travel and this is considered to be a fair approach because it will be very difficult to influence customer travel. In total it is likely that the store will generate around 400 employees, however, these will be spread over a number of shifts and days.

The travel plan suggests a range of schemes to reduce it's environmental and travel impacts, and these are very corporate focused. Locally the travel plan does not really provide a significant amount initiatives to encourage mode shift:

- Travel plan co-ordinator, identified from one of the existing employees
- Employee lift share scheme
- Taxi home scheme
- Information board
- Cycle racks and changing facilities
- Bicycle user group
- Internet shopping
- Employee lift share scheme

It is also worth noting that the store has been designed with 23% less parking than the maximum parking standard.

The travel plan does not suggest anything that is really innovative and likely to any impact on the stores total trip generation. However, it is not clear what could be achieved because shift patterns tend to be outside the peak traffic periods, where the impacts are likely to be most sensitive.

Policy T4: Access, Parking and Servicing

The City Council will only grant permission for development that makes safe and appropriate provision for:

a. Access to and egress from the development by pedestrians, cyclists, powered two-wheelers, public transport users and the private car;

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Vehicular Access for Customers

The applicant proposes to construct a new traffic signal controlled junction directly opposite Peveril Street, and subject to a successful traffic regulation order (TRO) process, it is proposed Peveril Street will become a one-way street towards Varley Street. This is necessary to remove the possibility of driver's rat running from Osmaston Rark Road via Varley Street and Peveril Street to access the site. If the TRO is successful it is proposed to provide a parking bay on Peveril Street.

Road, which served the Mitre public house into an additional exit only from the store. This will allow drivers wishing to go eastbound along Harvey Road to avoid the Mitre junction.

Cyclists and Pedestrians

At present pedestrians can access the application area via footways on all adjacent roads, although there are currently no controlled crossing points at the Ascot Drive signals. There is a controlled crossing just to the north of Peveril Street, which caters for both pedestrians and cyclists. Cyclists can use traffic free cycle routes on both sides of Harvey Road and Osmaston Roads and Thirsk Place are both designated on-road cycle routes on the Derby cycle map.

The applicant proposes a new length of footway/cycleway across the Osmaston Road store frontage between Ascot Drive and Harvey Road. The new access junction will replace the existing controlled crossing and will include crossing facilities for pedestrians and cyclists as will the relocated Thirsk Place.

The proposed Harvey Road exit cuts across the existing cycle route and details of the design of the proposed exit will need to be conditioned. There is also a possibility that both pedestrians and cyclists will be tempted to access the site along the exit only route and this will also need to be addressed by condition.

Similarly, it is considered there should be a pedestrian/cycle entrance off Thirsk Place, otherwise an informal one is likely to be formed, and again this can be dealt with by condition.

As stated above there are no controlled crossing facilities at the Ascot Drive junction, there are however proposals to install such facilities as part of the Osmaston Road SITs scheme. The applicant has been asked to bring these proposals forward due to the increased attraction that their new store is likely to generate, however they have consistently refused to do. It is suggested that the upgrade of the Ascot Drive signals be conditional of any planning consent for this store. This is because it is considered unlikely that pedestrian approaching from Osmaston triangle area will cross at the new access junction because this would require them to effectively walk past the entrance to the store to cross at the traffic signals then walk back to the store. It is suggested that they are far more likely to cross at Ascot Drive because it is a more direct route.

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Public Transport

It is considered that the above site is adequately served by public transport provision.

b. Car, powered two-wheelers and cycle parking, in accordance with the parking standards set out in Appendix A;

The level of car parking proposed for the above development is considered acceptable as it does not exceed the maximum allowable standards set out in the Derby Local Plan. Cycle parking provision will be controlled by planning condition.

c. Vehicle servicing and access arrangements clear of the highway.

The applicant proposes to apply to remove the highway rights from Thirsk Place by means of an application to the Secretary of State under S247 Planning Act 1990 (as amended). If that application is successful to then relocate Thirsk Place approximately 50m to north of its current location. The operation of Thirsk Place will remain as at present i.e. as a two-way cycle link and 'No Entry' for vehicles to Whitehurst Street. It is suggested that DCC's agreement not to object to the S247 application should be on the basis that the relocated Thirsk Place is built to adoption standards and is offered for adoption as public highway. This is to safeguard the egress from dwellings situated on and served off of Whitehurst Street as the only other exit from this estate is a left turn out onto Harvey Road via Cockayne Street.

The relocated Thirsk Place will provide access to the elevated service yard (1.2m below the floor level of the store) via a 1:15 ramp. This arrangement is considered acceptable in highway terms, subject to the provision for the S247 mentioned above.

Policy S2(f): Retail Location Criteria –The site is easily accessible by alternative modes of transport to the car, including public transport, foot and cycle and the proposal does not unacceptably add to the over all number and length of car trips.

It is suggested that Policy S2(f) is not compromised due to the location of the proposal at the intersection of the outer ring road and a main radial route into the City'

Highways – Land Drainage:

The application site is located within Flood Zone 1, which is defined as an area with little or no risk to flooding. There are no localised drainage issues within, or around, the site. The use of sustainable urban drainage features are proposed within the scheme. There are no overriding objections on the grounds of drainage or flood risk.

5.4. Disabled People's Access:

The levels of disabled people's parking for both the main store and the market building are considered to be satisfactory. The Spider island footbridge is inaccessible to some disabled people, so improvements should be undertaken to the at grade crossings. The buildings themselves will be subject to compliance with Building Regulation accessibility guidance.

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5.5. Other Environmental:

An Ecological Assessment has been submitted as part of the application which outlines existing ecological conditions and opportunities for enhancement. The site itself is considered to be of negligible ecological value; however, the proposal would include the loss of 6 visually significant Lime trees situated on the highway verge adjacent to Osmaston Road.

The site is within an Air Quality Management Area (AQMA) for Nitrogen Dioxide, which means that the area already suffers from poor air quality. An Air Quality Assessment, together with an addendum thereto, has been submitted with the application. The Assessment concludes that changes in air quality (namely NO₂ and PM₁₀ (particulate matter)) would be negligible as a result of the development.

Due to the site's historical use the site has been identified as 'potentially contaminated'. A Phase I Ground Investigation has been submitted as part of the application, which recommends further investigation. Such details, together with any remediation works can be controlled through appropriate conditions.

6. Publicity:

Neighbour Notification Letter	109	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other	The applicants held an exhibition at St Bartholomew Church Hall, Allenton over a two day period (22 nd and 23 rd of June 2010). The results of this consultation event were submitted as part of the planning application. A presentation on the application was provided on the 8 th of February 2011 at the Osmaston Neighbourhood Forum Meeting.		

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

7. Representations:

Councillor Graves has raised the following objections:

1. Access from and onto Osmaston Road will exacerbate an already highly congested road; there is simply not enough space of the roadway to accommodate the increased number of vehicles.
2. This increase in vehicle numbers and the subsequent increase in severe congestion will increase the pollution emitted in this highly populated area. Local residents/workers and visitors will suffer increased health problems.

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3. After the spate of supermarkets that were built, legislation was introduced to prevent further saturation of these large stores, classed I believe as out of town supermarkets. The result was no more applications accepted. I was not aware that such legislation nor council policies had changed to impinge on this strategy. This development is certainly a large supermarket and would respectfully remind committee that this could set a precedent that they could come to regret.

In total 55 letters/email of support have been received and 4 letter/emails of objection. One comment letter/email of comment has been received. The reasons for objection/support are summarised below:

Objections:

- 'Farmfoods' should be retained on the site.
- Loss of parking on the site.
- Concerns regarding traffic problems and access into and out of the store.
- The submitted Air Quality Assessment does not include the waste plant at Sinfin and the development at Raynesway Business Park.
- Concerns regarding impact upon Alvaston and Allenton District Centres in terms of increased vacant retail units and loss of trade.
- The application site is not fully located within an existing shopping centre; therefore a sequential assessment is required in accordance with policy EC14.3 of PPS4.
- The proposed superstore is disproportional to the existing scale of the stores already located within Allenton District Centre and the role and function of that centre.
- Lack of connectivity between the application site and the remainder of the district centre.
- There are not enough disabled parking spaces allocated.
- The proposed development is not best located to serve the identified needs and quantitative qualitative deficiencies in convenience retail provision set out in the Council's Retail study.
- The proposed development is of a significant scale, far larger than required to meet the identified needs.
- The proposed development is likely to significantly prejudice the provision of future convenience retail facilities in the sequentially preferable locations in the Council's retail study.

Comments

- Could the proposal not include an additional floor within the market to be used by the community?
- The market area needs changing so traders could have a permanent site similar to Derby Eagle Centre on the top of casual traders.

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- The scheme should include wildlife enhancements.
- Cycle routes should be considered in the public realm improvements.
- Staff should be encouraged to use sustainable transport methods.

Support

- The proposal will regenerate the site and bring jobs to the area.
- The proposed development will introduce a new shopping experience in the area.
- The introduction of a 24/7 store will impact on perceptions of safety and security in the area.

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

8. Consultations:

8.1. Natural Environment:

No response received.

8.2. Environmental Services-Trees:

Raises objections to this proposal on the grounds of significant tree loss.

8.3. Environmental Services- Pollution:

Land Contamination – Agrees with the comments made within the submitted Phase 1 Desktop study and a site investigation/Phase II report to document the ground conditions of the site. The investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data should be submitted to the Council.

Demolition/Building Works – The proposal will involve a considerable amount of demolition and building works. Given the proximity of residential properties, it is advised 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.

The following construction management plans should be forwarded to this Department for approval:

- Dust management Plan
- Noise and Vibration Management Plan

Light – It is recommended that floodlighting should be located, installed and maintained in a manner so as to minimise the impact upon neighbouring premises. Detailed proposals for the location, positioning and luminance of the lighting, should be agreed in writing with the local planning authority prior to installation.

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Air Quality – To support the application an air quality assessment has been submitted by Ove Arup and Partners Ltd dated August 2010. A subsequent addendum to this report was submitted in January 2011. The methodology used within the reports follows the relevant guidance and appears reasonable. Based on the modelling and associated information provided in the assessment, the comments made stating that '*air quality impacts are considered to be negligible*' are accepted.

8.4. Chief Executive's Office-Estates:

The City Council's Estates Team were consulted on the application as part of the site (Allenton Market) is within City Council ownership. The number of stalls appears to have been reduced to 40, from the 60 agreed prior to Highways planning issues being considered, however, 60 stalls are still needed. Car parking looks to have been reduced for traders and customers, which unfortunately is not acceptable. Based on the current stall figures each of the traders will need at least one space per trader (as they are sole traders) this is in addition to parking for customers who come to the Market. There should be an adequate number of service lifts to accommodate the traders who will park on top of the Market. There appears to be provision for a Markets Office (for cash reconciling and for housing a Supervisor/Markets Cleaning attendant), an adequate storage area for the number of demountable stalls (detailed above), toilet facilities for the number of traders and members of the public who use the building, a storage area for the compactor and waste bins.

8.5. Environment Agency:

Following receipt of a revised flood risk assessment the Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted full details of the surface water drainage scheme are controlled through condition. Further conditions requiring the submission and approval of further contaminated land surveys, together with a remediation strategy (if required), and measures for the safe storage of oils, fuels or chemicals are also recommended.

8.6. Derbyshire Wildlife Trust:

The Trust concur with the conclusions reached within the Ecological Assessment that the majority of the site is of negligible ecological value and that there are unlikely to be any protected species issues arising with the application. Advise the Council that the buildings and vegetation proposed for removal have potential to provide suitable breeding bird habitat during the nesting season and, therefore, recommend that site clearance operations should be scheduled to commence to avoid the bird breeding season which extends from March to late August. The Trust fully support the recommendation for the provision of nesting boxes within the development design to provide biodiversity benefits at the site in accordance with the principles set out within PPS9.

8.7. Police Liaison Officer:

Notes that the applicant is a well known developer of such premises and well aware of the types of crime, risk and victimisation levels generated by their presence in any given area. The demographics of this area and the many

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escape routes and links must be a factor in assessing design layout and crime reduction mitigation measures for the site specific risks. Full boundaries, division of space, clear views, quality and adequate levels of lighting and an expansive CCTV system are all certainly required and will be effective tools to reduce crime and mitigate its negative adverse impact on the built environment.

8.8. Central Networks:

Raise no objections to the proposal. Notes that a substation is a potential source of noise, therefore the developer should adopt measures to ensure that acceptable noise levels are maintained for future residents.

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

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD7	Comprehensive Development
GD8	Infrastructure
GD9	Implementation
S1	Shopping Hierarchy
S2	Retail Location Criteria
S3	District and Neighbourhood Centres
S9	Range of Goods and Alterations to Retail Units
S10	Trade and Showroom Type Sales
EP11	Core Business and Industrial Land
E4	Nature Conservation
E7	Protection of Habitats
E9	Trees
E10	Renewable Energy
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E23	Design
E24	Community Safety
E25	Building Security Measures
E27	Environmental Art
T1	Transport Implication of New Development
T4	Access, Parking and Servicing
T6	Provisions for Pedestrians
T7	Provisions for Cyclists
T8	Provision for Public Transport
T10	Access for Disabled People
PPS1	Delivering Sustainable Development
PPS1	Planning and Climate Change: Supplement to PPS1
PPS4	Planning for Sustainable Economic Development

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PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS22 Renewable Energy
PPS23 Planning and Pollution Control
PPG24 Noise
PPS25 Development and Flood Risk

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:

Determining Issues:

- 1) Retail Policy
- 2) Design, scale and layout
- 3) Energy Consumption and Sustainability
- 4) Amenity and neighbouring properties
- 5) Environmental Issues
- 6) Other issues

1) Retail Policy

National Planning Policy Statement 4 (Planning for Sustainable Economic Growth) suggests that local authorities should adopt a “positive” and “constructive” approach toward applications for economic development and that proposals which secure “sustainable economic growth” should be treated favourably. However this does not mean that all commercial development is acceptable by default. The PPS sets out a number of policy tests that must be addressed before a scheme can be considered acceptable. Ultimately, there must be evidence of a sequential approach to site selection (where appropriate) and no ‘clear’ evidence of “significant adverse impact”. PPS4 and its associated ‘practice guidance’ recognise that new retail development will inevitably have an impact, but that this shouldn’t warrant an automatic refusal, particularly if there are other benefits that should be taken into account. In the main, the policies in the City of Derby Local Plan Review are consistent with the aims and objectives of PPS4. Its underlying strategy is to maintain and enhance the vitality and viability of existing centres, to maintain access to the full range of shopping facilities and to promote sustainable forms and patterns of development. It also seeks to prevent development which would undermine these objectives. As part of the proposal falls within a defined District Centre, it also falls to be considered under Policy S3, which states that permission will be granted for shops provided that they are compatible with the scale, nature and function of the centre.

There are a number of policy issues, particularly relating to the supermarket element of the proposal that, have to be addressed. These include;

- The sequential test;
- Impact (including issues relating to need and capacity, appropriateness of scale, impact on trade, impact on investment, cumulative impact with other developments, impact on shopping strategy etc)

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- Transport & accessibility
- Sustainability & Design.
- Employment Land and Regeneration Issues.

The application is supported by a Retail Assessment, which has been supplemented by further information in response to requests for clarification/justification. The applicant has followed the normal process for assessing major retail development and it is considered that the stages they have used are logical and meet the relevant guidance. I am happy that, in the main, that the applicant has used robust sources of information from which to make their assumptions on such things as catchment areas, expenditure growth and the turnover of both existing stores and their proposal. The applicant has relied to a considerable extent on the City Council's own Retail Capacity Assessment, published in April 2009, for its data (the RTP report). For example, they have used the results of a household survey to support some of their assertions and have used data such as its population statistics as a basis for their work. However, they have also used data from other third parties to supply expenditure and turnover data of stores and have done some sensitivity testing using different datasets. I will refer to specific elements of the retail assessment in the appropriate sections below.

a) Sequential Test

Policy S2 and PPS4 indicate that proposals outside centres, or proposals not in line with an up-to-date development plan, should demonstrate a sequential approach to site selection. Policy S2 defines this as 'in-centre' first, followed by 'edge-of-centre' sites and then existing defined out-of-centre locations. Again, this is broadly reflected in PPS4, though this document also provides further guidance on considering sites in the same 'sequential' category. The first key issue to address is whether the application is subject to a sequential test or not.

Whilst the whole of the application site does not fall within the Allenton District Centre (the boundary finishes to the north of the existing retail units on the site) the applicant argues that a sequential assessment for this application is not required. The logic for this is that part of the store, including the entrance, is within a defined centre and that it would create a seamless extension that would "genuinely function as part of the centre". In addition, they argue that it would be unreasonable to disaggregate the store between its food and non-food components in order to try to get different elements of the scheme into smaller sites elsewhere. The point about disaggregation is accepted, as there is considerable appeal evidence to suggest Inspector's are happy that modern supermarkets sell a large range of non-food goods. The issues relating to the 'in-centre' element perhaps need more consideration.

In terms of the proposal forming a seamless extension to the centre, the applicant quotes the 'Practice Guide' that accompanies PPS4. This guidance suggests that in situations where the proposal is partially within and partially outside a defined centre, relevant considerations will include whether the boundary is up-to-date, whether it is consistent with a clearly defined strategy for the centre, what the degree of linkage between the proposal and the rest of the centre is like and whether it would genuinely function as part of the primary

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shopping area. The practice guide goes on to suggest that the focus should be on the effects of a scheme, as well as its location including the degree of integration and current and future levels of accessibility. Therefore, it is clear that in determining whether this is an 'in-centre' or 'edge-of-centre' scheme we will have to have regard to the attractiveness of linkages with the rest of the centre, whether the scheme will operate as an integral part of the centre (including such things as shared parking etc) and whether there will be a propensity for shoppers to walk between developments.

The distance from the site of the proposed food store to the edge of the southern part of the centre is approximately 200 metres, with the ring road providing a physical barrier (notwithstanding the 'spider bridge'). The linkages between the store and the remainder of the centre have been a long standing concern. The RTP Report did highlight these issues and suggested that this part of the centre could be considered for removal from the Local Plan owing to the quality of the links but also the poor quality of the retail offer. Notwithstanding these concerns, it is recognised that the site does partially fall within a defined District Centre and that retail activity already takes place on the site. It is considered that the boundary of the centre is still 'up-to-date' and, though not part of a 'primary shopping frontage' it currently functions as part of the centre. It is also recognised that the applicant has made significant efforts to address the issues of 'poor linkages' through proposed improvements to the quality of the public realm and landscaping along the Osmaston Road frontage. Signs directing customers to the market building and the southern half of the district centre are also proposed, together with improvements to paving, lighting and street furniture, which it is envisaged would strengthen pedestrian priorities along the frontage and provide a legible and cohesive link between the food store, the market and the southern half of the district centre. Furthermore, it is recognised that the market, when open, would act as a link between the two halves of the centre. All of these are positive steps in ensuring the store acts as a functional part of the centre. In addition, the implementation of a suitable parking management strategy is recommended, to ensure that parking spaces are 'dual use' and can be used by both food store customers and those using the rest of the district centre. This would assist in integrating the food store with the rest of the district centre and by encouraging customers to other facilities in the locality, such measures, can be conditioned accordingly.

Subject to the improvements discussed, it is accepted that the proposal would function as part of the district centre as a whole and therefore meets the criteria for being considered 'in centre' in terms of the requirements of PPS4. In view of this, it is considered that a sequential test to site selection is not needed in this case.

b) 'Need' & Impact

'Need' is no longer a policy test in its own right. As such, a lack of 'need' is no longer a reason for refusal. However, it is important to understand whether a need exists to help in understanding what the level and extent of 'impact' will be and what scale of development may be justified. There are two types of need; 'quantitative' (i.e. is there sufficient expenditure capacity in the area to accommodate the new development) or 'qualitative' (i.e. are there any local

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deficiencies that need to be addressed). While the RTP study indicated that, across the city, there was unlikely to be capacity for significant new food store development, the applicant has provided a 'localised' assessment which seeks to demonstrate that there is sufficient capacity to accommodate the proposal within its defined catchment. In general, while different datasets and assumptions can always be used, I am fairly happy with the data and methodology used here. There are some areas of interpretation of the data that would, in my view, suggest a lower residual capacity than the applicant suggests. However, even taking these issues into account, there is a strong case to suggest that there is some capacity to accommodate new floorspace in the area. From a 'qualitative' perspective, there is evidence to suggest that some nearby stores are 'overtrading'. This is backed up by the RTP study and indicates that there is some scope for improving the offer locally. In conclusion, there is some evidence of 'need' in the area. This is important in terms of setting the context for the consideration of impact.

There are a number of factors relating to impact that have to be considered, including impact on vitality and viability of existing centres, impact on investment and whether the scheme is of an appropriate scale. We can only consider the impact on centres as a whole and not on individual retailers (however, where an anchor store is undermined to the extent it might close then it would be reasonable to look at the effects of that closure on the centre's overall vitality).

The proposed retail unit would have a gross floorspace of 8,546 sqm and a net retail floorspace of 5,706 sqm (comprised of 3,315 sqm of convenience goods floorspace and 2,391 of comparison goods floorspace). The existing retail floorspace on the site is estimated to be 1764 sqm, which would equate to an overall increase in 3,942 sqm of retail floorspace. Since a grant of planning permission in 1989 (DER/04/89/0769) the existing retail premises on the site have been unrestricted in terms of the types of goods that can be sold. On this basis, the applicant could occupy the existing retail units on the site, and trade as a food store, without restrictions. As a result of this, it has been argued by the applicant that it is only necessary to assess the retail proposals in terms of the proposed uplift created by the new building i.e. an additional 3,942 sqm of retail floorspace. Whilst this fall back position has to be taken into account, the applicant has also provided further figures which consider the impact of the whole store on nearby stores and centres.

The main premise of the applicant's impact case is that a store like this will primarily compete with other stores with a "similar offer". This is supported by the PPS4 practice guide which states that;

"There is a general assumption that 'like affects like' so for example, in an area already served by large modern food stores, the effects of a new large food superstore are likely to fall disproportionately on the existing competing stores. Their proportionate impact on local independent retailers, or discount food stores for example may be less"

This is quite an important consideration in Derby as there are already a number of large food stores. The evidence from the RTP study is that the majority of main food shopping already takes place from the existing large format stores.

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The applicant concludes that the turnover of the store at 2016 will be £53.6m (made up of £34.8m convenience and £18.8m comparison). The uplift would turnover at £37m (£23.9 & 13.1m respectively). The vast majority of this trade is identified to be diverted from existing out-of-centre stores, both within and outside their 'primary catchment area'. It is argued that the largest proportion of the applicant's 'convenience' trade will be taken from the Asda stores in Spondon and Sinfyn, the Sainsbury's stores at Osmaston Park Road, Kingsway and Wyvern, the Morrisons at the Meteor Centre and Tesco at Mickleover. They argue that around 97% of the new store's turnover will be derived from these locations. Only the Mickleover Tesco and Sinfyn Asda are in defined centres that are protected by policy. All of the other stores are not protected by policy and so trade diversion from these stores is of no particular concern in policy terms.

The exact level of trade diversion is very difficult to assess and retail assessments are not an exact science. What we have to be comfortable with is that the evidence provided is logical and that it gives a reasonably sensible guide to the extent of trade diversion. When considering both the national practice guide and evidence from our own retail study, it is generally accepted that the majority of the new store's trade will come from other major stores in the city and not existing centres. This does not mean I completely accept all of their conclusions. It is quite likely, in my opinion, that more trade will be diverted from existing centres than they anticipate. The question is, however, whether that would lead to an unacceptable 'significant adverse impact'.

i) Impact on Allenton DC: Clearly the biggest concern will be with the impact on Allenton District Centre itself. The applicant suggests that the proposal will have a positive impact on the centre by increasing its attraction and will address some of the deficiencies identified by the health check (such as improving the links between this and the rest of the centre, the physical appearance of the site, the quality of the market and the quality of the shopping offer). In addition, they argue they will not generally compete with retailers in the rest of the centre. However, they do accept that some trade will inevitably be diverted. Their impact assessment shows an overall trade diversion of £843,246 from both convenience and comparison goods. This would equate to around 5.5% of existing trade. The bulk of diversion from Allenton itself would be from Somerfield (circa £540,000) which equates to around 12% of its current turnover (or £372,000 and 8% based on the 'uplift' in floorspace).

It is recognised that the proposed food store would improve the retail offer within the area, thus complying with PPS4's objectives to improve consumer choice and competition, and CDLPR objectives to provide the full range of shopping facilities to all residents. However, as indicated above, it is considered that trade division from Somerfield (and Herrons, for example) could be more than suggested within the submitted Retail Assessment, owing to its proximity to these stores and the nature of the goods sold. The new store is likely to be an attractive alternative to people who already shop in Allenton thus it may operate on a more 'like for like' basis. However, if we assume measures can be put in place to mitigate any impacts then it is unlikely that this diversion will lead to clear evidence of a significant adverse impact on the centre. I do not think there is any evidence to suggest that it would lead to the closure of the Somerfield, or other stores.

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Clearly, in order to make the most of this, the new store needs to be well integrated with the remainder of the centre and, in this respect, the configuration of the parking, the quality of the pedestrian environment, the lines of sight and legibility of routes and the quality and ease of crossing points will all be extremely important. The existing situation can only be improved as a result of the proposal, particularly in terms of the market and pedestrian environment. 'Soft' measures could also help integrate the development with the remainder of the centre, such things as improved marketing etc. These are measures that may be considered as part of a S106 agreement and discussions with the applicant are on-going.

The quality of the environment and the retail offer to the south of the store will also be a determining factor. The evidence we have is that Allenton District Centre is currently quite healthy and has been subject to recent investment to improve the environment. This should help to draw people to the southern half of the centre and help it to compete with the new store. Parking management at the store will be particularly important – in terms of charges and timing to try and encourage as many people as possible to visit other parts of the Centre. One potential way forward is to agree a 'parking management plan' with the applicant

In conclusion, while it is considered that the impact of the proposed food store on the rest of Allenton District Centre has the potential to be higher than indicated, this does not necessarily mean that it will lead to '*significant adverse impacts*' on the centre as a whole particularly if we can secure measures to mitigate the impact and maximise the inherent benefits of improving that part of the centre.

ii) Impact on Alvaston DC: Health-check information from the RTP report concluded that the centre has a strong convenience presence and is anchored by three small supermarkets (Tesco Express, Iceland and Co-Op). Although there were a number of hot food takeaways in the centre, the overall conclusion was that there was a healthy mix of retail types, though few national retailers. They also noted high pedestrian flows along the Primary Frontages. However, concerns were raised over the high number of vacancies in the centre and that the quality of the environment in the centre could be improved. As with Allenton, the applicant does not consider that there will be significant trade diversion from this centre. They argue that this is justified on the basis that the centre does not contain any 'like for like' operators and has a mainly top-up shopping focus. Again, the figures provided are considered to be optimistic. The relative weakness of Alvaston's current health may also exacerbate the impact of any diversion. Thus we may want to consider whether there are any mitigation measures that could be implemented to ensure that trade diversion, and its effects, are kept to a minimum. Again such measures are being discussed within the Section 106 negotiations.

iii) Impact on Other District Centres: According to the data provided, the only 'centre' which will suffer any significant trade diversion will be Sinfin, mainly as a result of trade being diverted from the Asda. The Asda store obviously anchors Sinfin District Centre and, if it were to be undermined to the extent that it could close, then a "significant adverse impact" on the centre would obviously occur. The applicant's figures indicate that there will be an impact of between 9.9% and 14.4% on the Asda store. This would bring its turnover down from £55.5m to

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£47m per annum. Owing to 'overtrading' it is argued that this would still leave the store trading above company averages.

Asda is obviously a very strong anchor store and is likely to be able to compete on a more level footing with the applicant. It is likely to retain its strong position in the local hierarchy in the long term, owing to its size and offer. While it will definitely see a short term reduction in trade, it is considered that this reduction would not lead to its closure or any significant effect on the centre as a whole.

By virtue of the fact that Mickleover District Centre contains a Tesco supermarket; that centre is expected to lose around £2.7m worth of trade. As with Sinfin DC, it is unlikely the store would be seriously undermined by the new proposal and that it will be a strong enough 'offer' to continue to trade. In all likelihood one would also not expect Tesco to open a new store that could lead to another of their stores closing. Therefore there are no overriding concerns over Mickleover's future vitality and viability

The applicant indicates that the only other centres that will have any trade diversion from within the primary catchment area are Cavendish and Normanton. Chellaston DC and Spondon DC, both within the Primary Catchment Area, are considered not to lose any trade as a result of the proposal. It is accepted that there are no directly competing stores within these centres but, some level of trade diversion would be expected. However, it is unlikely that any of these centres would be unacceptably undermined by this proposal, particularly Chellaston which has a very local function. Spondon may also be too far away to 'share' the top-up shopping role with Allenton and the majority of 'main food shopping' trips in the area that are likely to be diverted have probably already taken place as a result of Asda and Sainsburys. There are no overriding concerns in terms of the impact on these centres.

iv) Impact on City Centre / Comparison Goods: In terms of comparison goods, the applicant has suggested a similar pattern of trade diversion. The main difference is that a larger proportion of the trade is not taken from supermarkets. The applicant argues that this is because the new store will tend to compete with both supermarkets and retailers who are predominantly found on retail parks. This is accepted as a realistic conclusion. For example, modern supermarkets sell significant proportions of household and electrical goods which will draw trade away from the 'traditional' retail warehouse park operators. The applicant has not specifically indicated how much trade will be diverted from the city centre. In their assessment tables there is an 'Other' category which includes the city centre and all other out-of-centre retail parks. The trade diversion expected from these stores totals £6.7m from the overall turnover of the proposal and £4.6m from the 'uplift'. The applicant does not believe that the comparison 'offer' within the new store will compete with that of the city centre. Even where there may be overlap in the type of goods sold (e.g. clothing) they feel it is more likely to compete with other supermarkets. This would be on the basis that the clothing would be predominantly 'value' led own brand goods that tend to be found in other 'food stores' rather than retailers in the city centre. There is some logic to this argument, but it is still anticipated that there will inevitably be some trade diversion from the city centre.

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Again, it is considered that this has the potential to be higher than indicated by the applicant. However, the RTP study indicated that stores in the city centre currently turnover around £635m per annum. Therefore, even if all of the £6.7m was to come from the city centre, that would only equate to a 1% impact on trade. Even low levels of trade diversion can have significant impacts, particularly where there may be existing 'health' issues. The city centre is obviously experiencing some problems with vacancies and this is something we need to keep in mind. However, at this time I am not convinced that a strong case exists to conclude there will be a significant adverse impact on the overall vitality and viability of the city centre.

v) Scale & Nature: Scale is another important factor here. All relevant policies expect development to be appropriate in scale, nature and function to that of a District Centre. Importantly, the CDLPR does not set any thresholds at for what is considered an appropriate scale for District Centres and so all schemes must be judged on their merits. The applicant argues that the store is appropriate in scale terms for the following reasons; PPS4 suggests district centres often contain at least one superstore, that as there is no such store in Allenton it will help strengthen and maintain its position in the retail hierarchy, that significant trade is being lost to large food stores outside centres which shows the centre is deficient, that the scale of this store is comparable to stores in other centres and that the proposed store must be of a similar size to competing stores to ensure local residents can access the goods they can currently buy elsewhere. This would be the largest store associated with a District Centre in the city. This does not automatically mean the store is inappropriate in terms of its scale. There are examples, such as Mickleover and Sinfyn, where larger format stores exist and which 'anchor' those centres. There is no reason why we should not expect District Centres to be able to fulfil the main food shopping needs of local residents and this proposal can help meet that aim. In addition, Allenton is one of the larger District Centres in the city and should be able to accommodate such a proposal more easily than some of the others in the hierarchy. I am also concerned that if we were to refuse permission for this owing to arguments over its scale in relation to a District Centre then it would not alter the demand for additional stores of this size in the city and thus there would be pressure to allow development on inferior sites. In this location, there is at least the opportunity to integrate the store with the centre in a location supported by the aims of the sequential test. This could not be achieved by directing development to an out-of-centre location. A smaller store would obviously be easier to justify with regard to this element of the policy. However, a smaller store would not necessarily meet the qualitative needs of the area or be able to provide some of the other benefits in terms of regeneration, jobs, or potential 'claw back' of trade. These are important factors that have to be given some weight.

vi) Impact on investment: PPS4 expects proposals to be considered in relation to their impact on planned public or private investment within centres. In terms of nearby District Centres, there are no planned developments of any significance that this proposal could impact on. In relation to the city centre, it is unlikely that this proposal would have any impact on potential schemes for sites such as

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Becket Well. In view of this, there would not be a strong case to argue significant adverse impacts in terms of planned investment.

vii) Cumulative Impact: As well as considering the effects of this proposal, we are also required to consider the cumulative impact of all current 'commitments' (i.e. proposals with permission and allocations). These include a new Lidl in Chaddesden, an unfinished extension to the Osmaston Park Road Sainsburys, a potential store on Boulton Moor (required as part of the planning permission in South Derbyshire) and some new 'bulky goods' retail units on Ascot Drive. However the nature and location of these commitments means that there is very little additional impact as a result of their floorspace and it is considered that these existing proposals would not be sufficient to make an otherwise acceptable proposal unacceptable.

There are a number of other proposals currently before the Council which are likely to generate a significant amount of floorspace and turnover (this includes extensions to the Sainsbury's Store at Osmaston Park Road and the Wyvern, together with the development of a new superstore on the former Derbyshire Royal Infirmary Site and the proposal at the Meteor Centre). These are not currently commitments and PPS4 is quite clear that cumulative impact only relates to schemes which have permission or are under construction. As such, little weight can be given these proposals at this time. This is something that will need to be considered as and when proposals are considered.

viii) Impact conclusions: PPS4 states that there should be clear evidence of significant adverse impacts on a range of factors. The consideration of impact is quite subjective and based on a range of variables, dynamics and judgements. I am generally happy that the bulk of 'impact' will be derived from existing large format stores and even where these are in District Centres they are unlikely to be undermined to the extent that it would have an unacceptable impact on their vitality and viability. Even if, as suspected, the impact on Allenton and some other centres could be greater than identified, this does not necessarily lead me to conclude that the centre will suffer from "significant adverse impacts" as a result. As noted throughout, increased competition will inevitably lead to diversion and there are risks associated with this but in my view, subject to the improvements discussed being put in place, the impacts are still likely to be within acceptable parameters. We also have to bear in mind that there is also a valid fall back position which would still have an impact on the centre which would be material. In terms of city centre impact, I do not believe that trade diversion would reach particularly worrying levels in its own right. Clearly, the cumulative impact on this, and other centres, will need to be carefully monitored. Whether there are other measures that should be secured through the S106 agreement are also being considered.

c) Employment and Regeneration

PPS4 E10.2d & e indicate that the impact on employment and physical regeneration in the area should be considered, particularly in areas of deprivation. The application site is in Alvaston Ward but there is a close relationship with Boulton and Sinfin. The applicant indicates that the store will create approximately 400 new jobs and that they will benefit from a comprehensive training and benefits package. The applicant has a policy of

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employing local people. This is obviously a very positive aspect of the proposal which meets the objectives of PPS4. We will hope to secure the training and employment initiatives through either a S106 Agreement or condition. In terms of physical regeneration, it is recognised that the area is fairly run down and the new development provides an opportunity to make significant improvements to the urban environment.

d) Market Proposal

The replacement market is completely in line with policy and is to be welcomed. It is an acceptable use within a District Centre and fits in with Government advice in PPS4 (EC4) which states that local authorities should seek to maintain and improve markets in order to promote competitive town centres. By providing a new improved market on the 'Mitre' corner, it may be that it can act as a draw to get people to visit other parts of the centre (at least on the days it is open). This may, to a certain extent, mitigate the impact on the centre and may act as an attraction in its own right. This can only be a positive thing for the centre as a whole. The provision of a new improved market also has obvious regeneration and environment benefits for the centre as a whole.

e) Retail Policy Conclusions

The following conclusions can be drawn from a retail policy perspective:

- The proposal can be considered 'in-centre' in terms of the sequential test;
- The impact on existing centres will potentially be higher than indicated by the applicant but it is accepted that the majority of trade will be diverted from existing large format stores in the city;
- There is no evidence to suggest the proposal will lead to 'significant adverse impacts' in its own right, particularly if the improvements proposed and other mitigation can be put in place;
- The proposal has the potential to 'claw back' trade lost to out-of-centre stores in the area;
- Though a large store, it does not necessarily conflict with the aim for stores to be of an appropriate scale and format and meets the objectives of focussing new retail development into existing centres and providing choice and competition;
- There are regeneration and employment benefits associated with the proposal which can be balanced against concerns over impact.

2) Design, Scale and Layout

There have always been some concerns with the overall layout of the site and, in particular, the position of the petrol filling station in the centre of the plot. However, given the present situation, and the fact that the filling station would replace the poor quality market structure, it is considered that the proposal would be an overall improvement to the visual amenities of the site. In terms of the precise location of the food store it is accepted, owing to the shape of the site, that there would be some difficulties in siting this building elsewhere within the site and, notwithstanding the issues of whether the proposed food store is 'in centre', there are no overriding objections to the location of the food store.

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The food store: As with any contemporary retail store of this nature, the proposed food store is essentially a box designed to best serve its purpose, however, the elevations of the building are broken up by the use of differing materials and by features such as the glazed atrium fronting onto Osmaston Road. Although the retail store is undeniably a large structure, it would inevitably improve the site frontage and would act as a landmark at the junction of Osmaston Road and Ascot Drive.

The Market Building: Following discussions with the applicant, the design of the market building has been amended to provide more of a focal point at the junction of Osmaston Road and Harvey Road. This has been achieved through the introduction of a tall timber clad block, which has added height and verticality to the building. An increase in the height of the two of the rendered 'towers' has also helped to improve the building's prominence within the plot and the use of vertical window openings, and a varied palette of materials would provide visual interest and help to animate the building's elevations. Whilst this is still a functional building, the design of the proposed market, as amended, is considered to be acceptable in context to the surrounding built development.

The proposed public realm improvements would further enhance the surrounding physical environment and seek to strengthen pedestrian priorities in the area, in the form of a tree lined boulevard. A high quality landscaping scheme will help to soften the visual appearance of the development and can be controlled through condition.

Discussions are on-going between the City Council's Estates Team and the developer, which have sought to address concerns regarding the internal layout of the market building. Whilst these issues are not material planning considerations, it is envisaged that the issues regarding the number market stalls, parking levels and storage, will be resolved before the committee meeting and Members will be updated accordingly.

3) Energy Consumption and Sustainability

In general terms, the site is located within a defined District Centre and on a main arterial route, which would ensure that it will have good access from all forms of transport and be accessible to a large nearby resident population. The land is on a well served bus route, with numerous buses bypassing the site hourly (both to and from the city centre, but also Alvaston and Chellaston). In view of this it is considered that the proposal would meet the plan's objective in terms of promoting sustainable patterns of development, subject to levels of congestion created associated with the proposal which will be covered within the updated highways information.

Policy E10 and PPS4 require new development to exhibit a high degree of sustainability in terms of materials, layout and design. To this end the proposed 'eco-store' aims to maximise energy efficiency and achieve a saving of 15% against current building regulations levels. The store minimises energy consumption and maximises efficiency in construction and operation, through its design, the materials used and a number of additional features. Most notably a Combined Heat and Power unit is proposed, which would provide hot water, heating and electricity to the site reducing the need for a separate fossil fuel

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energy supply. It is estimated that the CHP unit would provide a further 10% carbon reduction giving a total carbon reduction of 23%. Other design features of the proposed 'eco store' include:

- minimising the use of non-renewable materials throughout the construction and operation phases; with 90% of materials recycled in construction and 95% in operation;
- Sustainable urban drainage techniques including a hydrobrake and water attenuation tank reduced surface water run-off by 20%;
- Energy efficient lighting, with external Passive Infra Red (PIR) sensors time switch controls so that lights are only used when required;
- Roof lights to reduce the need for artificial lighting whilst reducing potential solar gain;
- Natural roof ventilation without the need for a mechanical system;
- Rainwater harvesting providing water for reuse in toilets; and
- Using a hybrid/timber frame in the construction has less carbon and reduces the overall embodied energy in the building.

I am satisfied that the proposal meets the requirements of Local Plan Policy E10 and PPS EC10, in terms of reduced energy consumption and sustainability. However, to ensure that both the store and the market include sustainable/energy efficient technologies, as detailed within the submission, I would recommend a condition to this effect.

4) Amenity of neighbouring properties

In terms of overshadowing and overlooking, the majority of the food store's footprint would be set away from the boundaries with residential properties. At its closest point the building would be approx 5m away from the eastern side boundary, at the rear of number 43 to 49 Whitehurst Street, which is a similar position to the existing retail store on the site. However, taking into consideration the close proximity to the nearby residents at this point, the height of the proposed food store has been lowered to a maximum of approximately 9m adjacent to the boundary. This element of the building would have a shallow pitched roof, with a blank elevation facing towards the dwellings on Whitehurst Street. Screen planting is proposed along the boundary to soften the visual impact of the store for nearby residents. In view of this, it is considered that the proposed food store would not result in any undue loss of light/privacy to nearby residents.

The siting of the proposed market building is also considered to be acceptable in context to neighbouring dwellings, whilst the proposal would result in a new vehicle egress to the rear of the market, the use of an acoustic screen, together with screen planting, is proposed along the eastern site boundary. The upper deck of the market would also be surrounded by a parapet wall providing acoustic screening from the proposed car park. The issues of noise are covered further below.

A Noise Assessment has been submitted with the application which considers noise generated from the car park, deliveries, market activities, the recycling centre, the petrol filling station, together with plant associated with the

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development, road traffic noise and construction noise. The City Council's Environmental Health Officer has considered the finding of this report and accepts the conclusion that predictions of noise during day-time periods are within World Health Organisation guidelines and, given the current usage of the area for a mixture of commercial operations, the daytime impact is considered to have no detriment to the amenity of local residents. However, concerns are raised over the potential for noise to affect the amenity of residents during night-time hours, in particular from HGV movements. In view of this, it is recommended that deliveries/collections are restricted between 23:00 to 07:00 hours. It is also recommended that the construction/material of the acoustic fence (proposed along the boundary with residential properties on Whitehurst Street) are also controlled through condition. The EHO has also recommended conditions relating to noise mitigation measures for on-site plant, together with a restriction on the hours of usage for the recycling centre and on-site compactor. Such measures can be conditioned accordingly to preserve the amenity of nearby residential properties.

In addition to the above, I am also recommending conditions in respect of the construction and demolition works associated with any development in order to further protect the amenity of nearby residents from undue noise and general disturbance during this period. This includes restricting the hours of operation and the submission of Dust, and Noise and Vibration Management Plans, as recommended by the Environmental Health Officer.

In respect of light pollution, it is considered that a condition requiring the applicant to submit full details of the location, positioning and luminance of any lighting on the site for prior approval by the Local Planning Authority, would adequately ensure that external lighting within the site would not cause undue light pollution/spillage to the detriment of the residential amenity of neighbouring occupiers. I accordingly recommend a condition to this effect.

Subject to the conditions recommended above, I do not consider that the development would have an adverse impact on the residential amenities of nearby residents and therefore would accord with saved policy GD5 of the adopted Local Plan Review.

5) Highway Conclusions

Friday – as discussed above DCC officers rejected Arup's proposition that there will be no transferred trips in the Friday Peak hour. The proposed mitigation does not quite address the impact of the above development at a level of 30% transferred trips with the model indicating that a slight amount of additional queuing occurs. At levels of transferred trips greater than 30% additional increased congestion will occur. At 60% transferred trips the predicted levels of additional queuing and delay become very significant.

Again as mentioned above the full 60% transferred trips is unlikely to take place in the Friday pm peak hour as people already know this is a congested network and therefore are likely to adjust their shopping times accordingly. However, this would be the only large Tesco in Derby and consequently is likely to be very attractive and the rate of transfer from other supermarkets in the Friday peak could exceed the 30% rate tested.

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Saturday – the proposed improvements to the Mitre Island does not mitigate the 40% transferred trips scenario suggested by Arup and the model shows increased congestion will occur. Again the levels of additional queuing and delay associated with a 60% transfer predicted by the model are very significant.

Background Growth – The results of the modelling above does not include any growth in background traffic. Government data predicts that background traffic levels in Derby could rise by as much as 10% in the period between 2008 and 2016. However, local traffic data suggests that traffic flows have decreased in recent years and Arup have supplied data from other Midlands Cities to further support this. At present the economy is at a low ebb and petrol prices are high and so it is not surprising that car usage may have decreased. Where a development fully mitigates its impact then growth in background traffic levels is less of an issue because if growth occurs then the position is no worse with the development than without it. Were full mitigation cannot be achieve any network capacity that is available to accommodate growth is being used up to accommodate the development and therefore any future growth adds trips directly onto the back of the extra queue caused by the development. The danger of assessing a development without some level of growth in the forecast is that if growth occurs the queues and delays shown in the above table would be significantly worse and/or traffic that should be travelling along the Ring Road may transfer to inappropriate routes.

It is recommended that the City Wide traffic model (DATM), should be run to provide a much more sophisticated view of the likely impact, particularly in respect of the likely re-routing of traffic and trip distribution and there fully inform the decision about the acceptability of the above proposal.

6) Environmental Issue

Ecology/trees: Given the negligible ecological value of the site there are unlikely to be any protected species issues arising with the application. It is considered that the scheme as a whole includes appropriate ecological enhancement measures which can be secured through conditions.

There would be a degree of vegetation removal as part of the proposed development. Mostly notably the proposal would include the loss of 6 visually significant Lime trees on the site frontage along Osmaston Road. Three trees would need to be removed to accommodate the new access into the site, and three trees to allow for the additional land along Osmaston Road, at its junction with Harvey Road. These trees currently provide significantly visual amenity value within the locality and their loss would be regrettable, however, it is considered that the wider regenerative benefits of the scheme as a whole would outweigh the tree loss in this instance. Suitable replacement planting can be controlled through appropriate planning conditions.

Drainage: The application site is located within Flood Zone 1, which is defined as an area with little or no risk to flooding. The use of sustainable urban drainage features are proposed within the development in form of a hydrobrake and attenuation tank, so that the discharge of water can be controlled in times of heavy rainfall. The City Council's Land Drainage Team has raised no objections to the development, subject to conditions regarding surface water drainage.

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The Environment Agency originally raised an objection to the proposal on the grounds that it did not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). However, following the submission of further information from the applicant and, subject to conditions, the Environment Agency has now withdrawn the objection. Accordingly, subject to the recommended conditions, the scheme is considered to be acceptable in terms of drainage and flooding issues.

Contaminated land: A phase 1 desk Environmental Assessment has been undertaken and submitted in support of the application. The City Council's Environmental Health Officer and the Environment Agency raise no objections to this assessment subject to conditions that further assessment and any required works be carried out. A condition is recommended accordingly.

Air Quality: The application site is located adjacent to a designated Air Quality Management Area (AQMA), which encompasses Osmaston Road and the outer ring road. This particular AQMA has been declared for nitrogen dioxide due to the high levels of traffic within the area.

The Council's supplementary Planning Guidance on Development and Air Quality, states that air quality concerns must be weighed up against the social, economic or other benefits of the development to the city. In considering the weight to be given to air quality as a material consideration, there should be regard to any proposed mitigation measures, the scale and nature of any breach and whether improvement is expected over time and sensitivity of the uses proposed.

The submitted Air Quality Assessment and addendum thereto concludes that there would be negligible impact on air quality in the area, as a result of the proposed development, taking into consideration changes in traffic levels and the introduction of the proposed CHP unit. Whilst the City Council's Environmental Health Officer is satisfied with the methodology within the submitted AQA, this advice is subject to changes, as it relies on the traffic data modelling which is currently under discussion. Members will be updated on this matter.

7) Other Issues

The level of disabled people's parking provision is satisfactory and complies with the levels contained within Appendix A of the adopted Local Plan Review. All disabled parking spaces are located close principle entrances and level access to the main retail store and market would be provided. Pedestrian routes would incorporate tactile paving and dropped kerbs, where appropriate and the use of lifts/travelators would ensure the accessibility of the upper levels within the proposed food store and market building. The buildings themselves will be subject to compliance with Building Regulation accessibility guidance. Overall, it is considered that the scheme would comply with requirements of saved policy T10 of the adopted Local Plan Review.

8) Conclusion:

It is considered that the proposed development, as amended, would make a positive contribution to the area, by regenerating a currently derelict site and providing distinctive contemporary buildings which would further enhance the character of the surrounding area. The application site is considered to be 'in

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centre', thus meeting the sequential approach to site selection required by Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and, in the opinion of the Local Planning Authority, would not have a significantly adverse impact upon the vitality or viability of designated centres within the shopping hierarchy. Subject to conditions the scheme is also considered acceptable and would not have an adverse impact in terms of landscaping, ecology, impact upon the amenity of neighbouring residents, drainage and contaminated land.

However, notwithstanding the above, further information has been requested to allow for further assessment of the highways matters. It is recommended that the City Wide traffic model (DATM) should be run to provide a much more sophisticated view of the likely impact of traffic dispersal and whether it would be injurious to this important strategic network and the surrounding area.

11. Recommended decision:

11.1. A. That Committee **resolve to request** the applicant to run the appropriate DATUM model as identified by officers and provide the information and results to the Council so as to enable a fully informed decision on the acceptability and impact of the proposal in highway terms

Should Members decide not to follow the above recommendation and consider that they have sufficient information to enable the application to be favourably determined the terms of approval should be as follows:

B. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.6 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.

C. To authorise the Director of Planning and Transportation to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated at 9 above. It is considered that the proposal would result in a satisfactory form of development that would be in keeping with the character and appearance of the surrounding area, meet all the relevant retail policy tests and be acceptable on amenity grounds. However, it is recommended that further modelling of the highway data should be undertaken to fully inform the decision about the acceptability of the above proposal.

11.3. Conditions:

1. Standard condition 100 (approved plan references)
2. Standard condition 03 (time limit)
3. Standard condition 27 (external materials)
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping maintenance)

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6. Standard condition 30 (hard surfacing)
7. Standard condition 19 (means of enclosure)
8. Standard condition 24A (Vegetation protection including overhanging)
9. Standard condition 51 (service runs and trees)
10. Standard condition 38 (disposal of sewage)
11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
12. Notwithstanding the submitted details and prior to first occupation of the buildings hereby approved, full details of all external plant or machinery (refrigeration units, condenser units, air handling units, boilers, stand-by generators and extraction units etc), including the position, number and design, shall be submitted to and approved in writing by the Local Planning Authority. The plant and machinery shall thereafter be installed in accordance with the approved details.
13. Prior to first occupation of the buildings hereby approved a noise assessment, assessing the impact of noise from all proposed on-site mechanical services/plant, using BS4142 as a basis, together with any required noise mitigation/control measures, shall be submitted and approved in writing by the Local Planning Authority. The noise mitigation/control measures shall subsequently be implemented in accordance with the approved details within a timescale which shall first have been agreed in writing with the Local Planning Authority.
14. Site clearance operations that involve the destruction and removal of vegetation on site and/or operations that involve the destruction and removal of buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.
15. Before first occupation of the buildings hereby approved a wildlife enhancement scheme and timetable for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be subsequently implemented in accordance with the approved details.
16. Notwithstanding the submitted details and prior to development hereby approved being brought into use, a detailed scheme of external lighting (including location, positioning and luminance of external lighting) shall be submitted to and approved in writing by the Local Planning Authority. The approved means of external lighting shall thereafter be implemented/installed in accordance with the approved details and shall

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not be amended/alterd unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no other external lighting shall be installed, other than that detailed within/on the approved lighting scheme/plans.

17. All of the parking spaces and servicing areas for the respective element of the development (retail store, petrol filling station and market building) shall be surfaced and thereafter maintained, with the parking bays clearly delineated in accordance with the details shown on the approved plans (drawing no: 6260_P101.0 Rev: E), prior to first occupation of the respective element it is to serve, and shall thereafter be retained for the purposes of parking and servicing for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
18. Prior to commencement of the development hereby approved, the following details shall first be submitted to and approved in writing by the Local Planning Authority:
 - a. details of the changes to the existing all movements junction onto Harvey Road to form the proposed exit only.

The details shall include:

 - i) a 2.4m x 60m visibility splay to the west of the access within which nothing shall be constructed or allowed to grow above 600mm in height;
 - ii) details of the changes to the existing Harvey Road cycle route where the exit emerges on to Harvey Road
 - b. full geometric and constructional details for the relocated Thirsk Place, including the access to the service yard;
 - c. detail of the proposed amendments to the Spider Bridge, including full structural calculations.
 - d. details of a suitable all movements pedestrian/cycle route between the proposed exit onto Harvey Road and the proposed store or measures to deter pedestrians and cyclists using the exit only route to access the supermarket.

The development shall be subsequently implemented in accordance with the approved details and retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

19. No part of the development hereby approved shall be brought into use until the following required highway improvement works have been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority:
 - a. the proposed traffic signals at the access to the store and the additional left turn lane at the Mitre junction (as shown for indicative purposes only on drawing no: 116786-00 CH012 Issue 4)

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- b. a pedestrian/cycle access has been provided off Thirsk Place, or a suitable boundary treatment has been provided to guide pedestrians and cyclists to the main access off Osmaston Road
 - c. pedestrian/cycle crossing facilities have been provided at the Ascot Drive/ Osmaston Road traffic signal junction
20. No part of the development hereby approved shall be brought into use until such times that public realm improvements/enhancements to the pedestrian links between the retail store and the southern part of Allenton District Centre have been implemented in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority.
 21. Prior to the installation of any proposed CCTV cameras/equipment, including the columns to which they are attached and installation of any lighting columns within the site or along the pedestrian routes into the site, full details, including their design/appearance and location, shall be first submitted to and agreed in writing by the Local Planning Authority. The CCTV cameras/equipment and lighting columns shall thereafter be installed in accordance with the approved details prior to first use of the retail store by customers.
 22. Prior to the first use of the retail store and its associated car parking by customers, a car park management regime for the retail store shall be submitted to and approved in writing by the Local Planning Authority. This management regime shall include details of the time limit for free parking within the store's car park. The approved car parking management regime shall be implemented prior to first use of the retail store by customers and shall be continued for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
 23. Standard condition 66 (disabled people's provision – ramped/level accesses).
 24. Standard condition 69 (cycle/motor cycle parking)
 25. Standard condition 98 (travel plan)
 26. Standard condition 104 (energy consumption)
 27. 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), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - a. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

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- potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
29. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a risk assessment, the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
30. Any facility for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from damage. All filling points and tank overflow outlets should be within the bund.
31. No rainwater contaminated with silt/oil from ground disturbed as a result of the construction phase of the development shall drain to surface water sewer or watercourse without sufficient settlement. Under the Water

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Resources Act 1991, the prior agreement of the Environment Agency is required for any discharge of dewatering water from excavations to controlled waters.

32. All foul and contaminated water (including effluent from any car wash facility) should be directed into the main foul sewerage system provided that adequate capacity for such additional flows is available.
33. Deliveries and collections to the petrol station, retail store and associated recycling centre, shall be restricted to between 08:00 hours and 20:00 hours, unless otherwise agreed in writing by the Local Planning Authority.
34. Prior to commencement of the development hereby approved further drawings detailing the precise location, materials, height and construction, of the acoustic fencing proposed along the boundary to residential properties along Whitehurst Street, shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed prior to first use of the development and shall fully maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
35. The development hereby approved shall not be taken into use until recruitment and training agreement has been submitted to and agreed in writing by the Local Planning Authority. The submitted information shall include details of the number and types of jobs to be created, together with training needs and opportunities for young people resulting from the development hereby approved. A method statement shall form part of the agreement which shall indicate what percentage of jobs are to be targeted towards the long term unemployed and details of the training opportunities that will be provided.
36. Prior to commencement of the development hereby approved, the following construction management plans shall be submitted to and approved in writing by the Local Planning Authority:
 - Dust management Plan
 - Noise and Vibration Management PlanThe development shall only be carried out in accordance with the approved details.
37. Demolition and building works that give rise to noisy operations shall be restricted 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, Bank Holidays or other Public Holidays.

11.4. Reasons:

1. For the avoidance of doubt
2. Standard reason E56 (time limit reason)
3. Standard reason E14 (external appearance)...policies E23 and GD4
4. Standard reason E10 (visual amenity)...policy E17

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5. Standard reason E10 (visual amenity)...policy E17
6. Standard reason E21 (satisfactory drainage)...policy GD3
7. Standard reason E14 (external appearance)...policies E23 and GD4
8. Standard reason E24 (to protect trees and vegetation – construction work)...policy E9
9. Standard reason E24 (to protect trees and vegetation – construction work)...policy E9
10. Standard reason E21 (satisfactory drainage)...policy GD3
11. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system...policies GD3 and E12
12. To ensure the satisfactory appearance and location of proposed external plant and machinery, in the interests of visual amenity and to protect the residential amenity of neighbouring occupiers....policies GD5, E23 and GD4
13. To protect the residential amenity of neighbouring occupiers....policy GD5
14. In the interests of nature conservation....policies E4 and E7
15. In the interests of wildlife preservation and enhancementpolicies E4 and E7
16. To ensure the provision of an appropriate lighting scheme within the site that would not cause undue nuisance to the amenity of neighbouring residents....policy GD5.
17. ensure that the development has adequate parking provision....policy T4
18. In the interests of highway safety....policy T4
19. In the interests of highway safety....policy T4
20. To ensure the provision of an acceptable and appropriate pedestrian route between the development and the remainder of the District Centre, to attract linked trips and to make the development accessible by all.....policies GD4, T10, S3, T6 and T7
21. To ensure the provision of CCTV cameras/equipment within the site, in the interests of security, and to ensure that the proposed CCTV and lighting installation within the development are of an appropriate design and location, in the interests of visual amenity....policy GD4, E23, GD5 and E24.
22. To encourage linked trips between the retail store, market and the remainder of Allenton District Centre....policy S3
23. Standard reason E34 (development accessible to disabled)...policy T10
24. Standard reason E35 (to meet parking needs/encourage varied means of transport)...policy T7

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25. Standard reason E47 (employee travel to work study reason)...policy T1
26. Standard reason E48 (opportunities to incorporate renewable energy saving features)....policy E10
27. The Phase 1 study has identified numerous past and existing potentially contaminating sources on the site. These will require further investigation, risk assessment and remediation as required, in order to protect controlled waters in the area.....policy E13
28. Future intrusive investigations may not identify all areas of contamination, which may be encountered during the development...policy E13
29. No details of the proposed fuel tank installation have been supplied. We will require a risk assessment and details of the proposal to demonstrate that the risks posed to groundwater and surface waters are acceptable....policy E12
30. To prevent pollution of the minor aquifer beneath the site.....policy E12
31. To prevent pollution of the water environment.....policy E12
32. To prevent pollution of the water environment. ...policy E12
33. To preserve the amenities of neighbouring residential properties.....policy GD5
34. To preserve the amenities of neighbouring residential properties.....policy GD5
35. To enable the Local Planning Authority to promote initiatives which aim to maximise employment and training opportunities for local people in the interests of promoting the economic and social regeneration of the urban area as well as social inclusion, in accordance with the key planning objectives and saved policy GD1 of the adopted City of Derby Local Plan Review and in accordance with the Planning Obligations supplementary planning document adopted in December 2008.
36. To preserve the amenities of neighbouring residential properties.....policy GD5
37. Given the close proximity of residential properties and to preserve the amenities of neighbouring residential properties.....policy GD5

11.5. Informative Notes:

- 1) In order to remove the highway rights from Thirsk Place a 'stopping up' order under S247 of the Planning Act 1990 (as amended) will be required to be obtained from the Secretary of State. Derby City Council will only agree to this 'stopping up' order on the basis that the relocated Thirsk Place is built to adoption standards and the new route is offered for adoption as public highway. This is to safeguard the egress from dwellings situated on and served off of Whitehurst Street as the only other exit from this estate is a left turn out onto Harvey Road via Cockayne Street. Vehicular access to Whitehurst Street should be prohibited from the relocated Thirsk Place but an all movements cycle route provided to replicate that which currently exists on Thirsk Place.

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- 2) The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 641876 for details.
- 3) The above proposal includes a new traffic signal junction. You should be aware that the Traffic Management Act places a duty on Derby City Council as the Local Transport Authority to secure the expeditious movement of traffic on our road network. Please note that to ensure we meet this duty the movement of traffic on the main road network will always be given preference to traffic emerging from a private development.
- 4) The above proposal relies on a traffic regulation order (TRO) to restrict Peveril Street to one-way working. The TRO process is not certain as it is subject to a formal consultation process and can attract objections. If you proceed with the development prior to the Peveril Street TRO being formally confirmed you will be doing so at your own risk.
- 5) The comments of Central Networks.

11.6. S106 requirements where appropriate:

Detailed Heads of Terms for the Section 106 Agreement are still being negotiated, it is likely to incorporate the following items:

Highways – Any financial contributions required by the TA will be secured under the S106. In addition, a contribution will be required for the provision of, or improvements to, public transport, cycling and pedestrian facilities within the A514 Osmaston Road Corridor, or towards travel planning

Market – The market will be retained

Impact – A financial contribution will be required to mitigate the impact on surrounding shopping centres

Public Art – A scheme for art to be provided within the scheme and/or in the vicinity of the application site

Trees – A financial contribution is likely to be required to mitigate the loss of trees

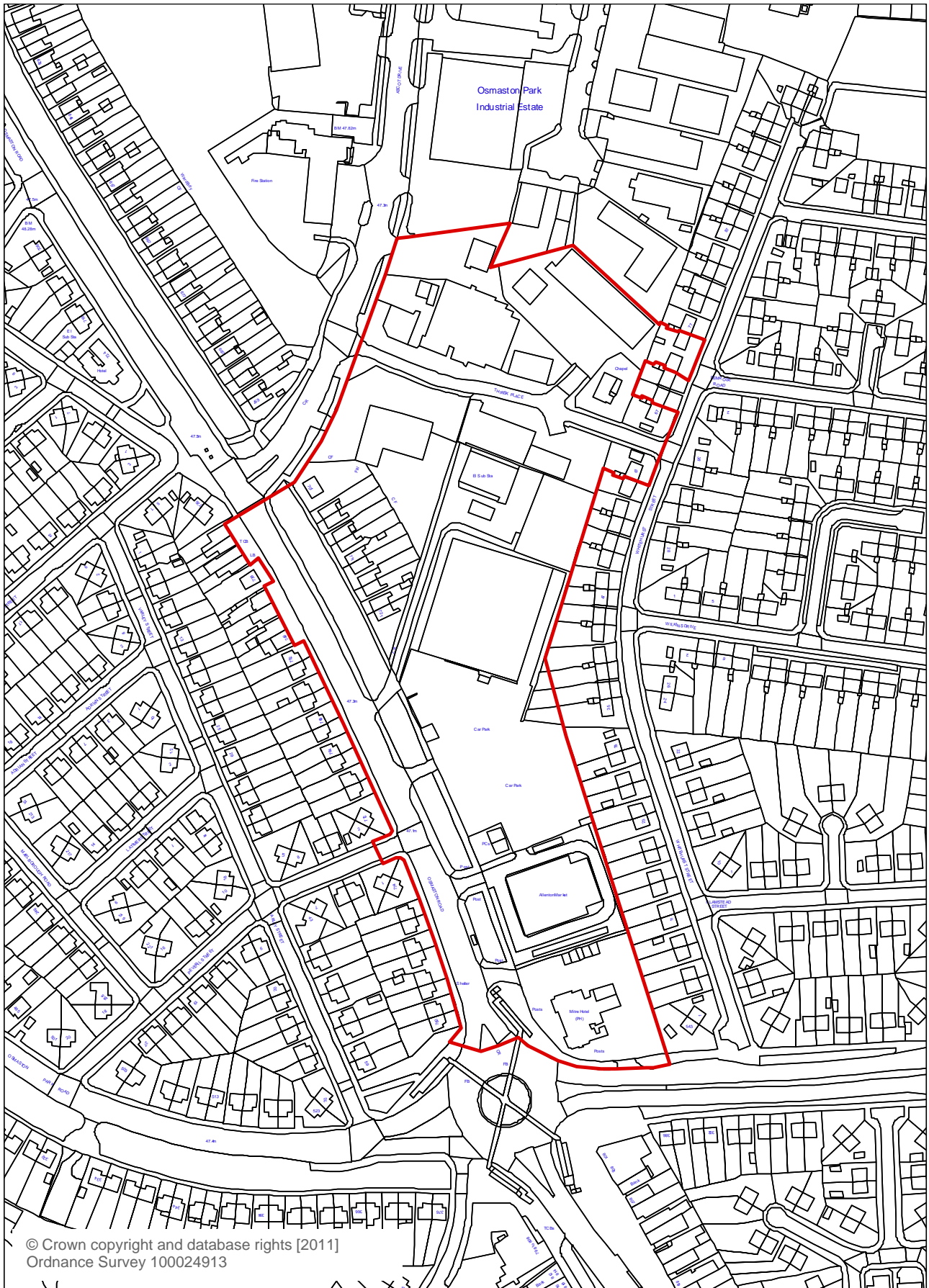
11.7. Application timescale:

The 13 week target date for the application expired on the 1st of December 2010.

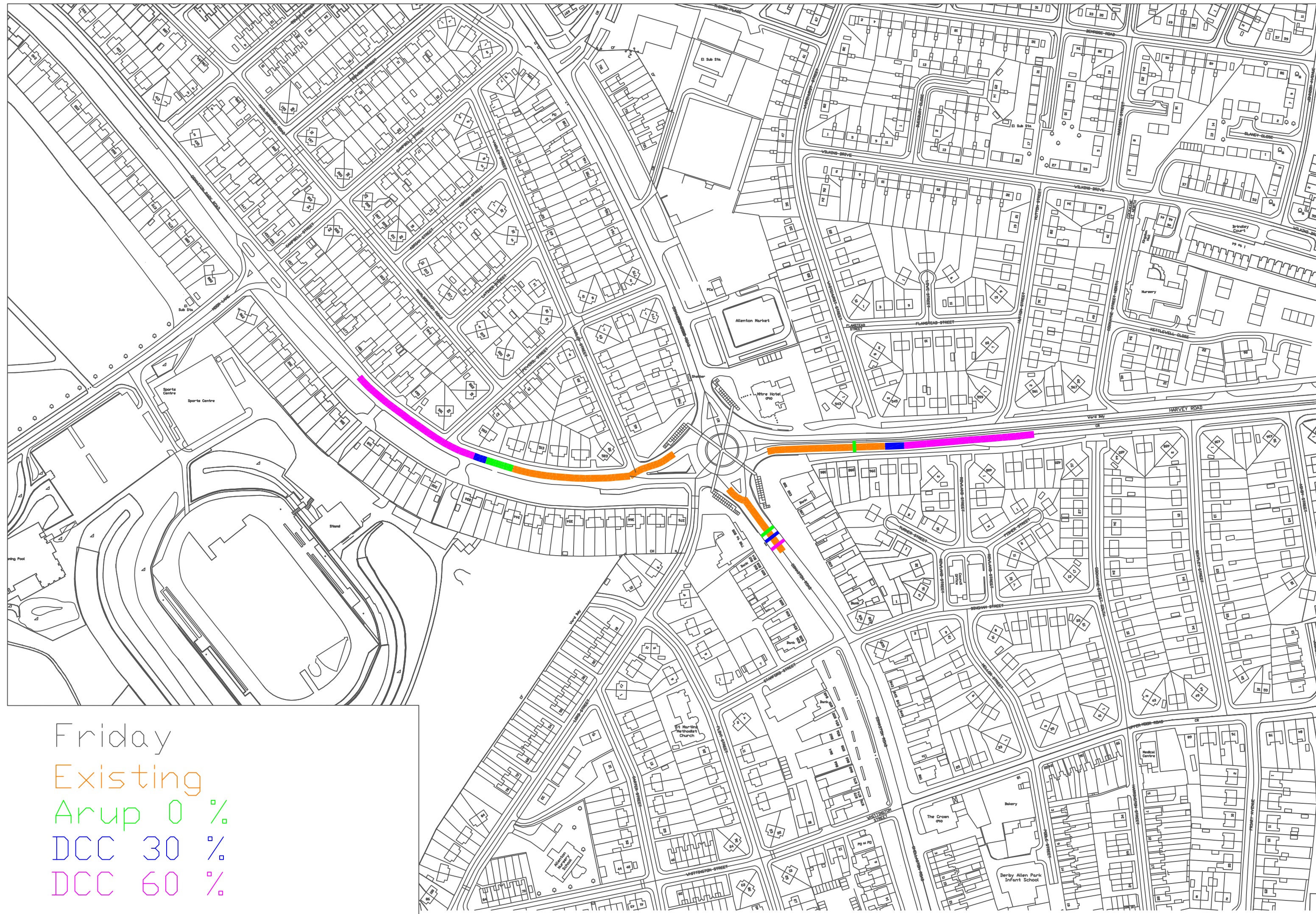
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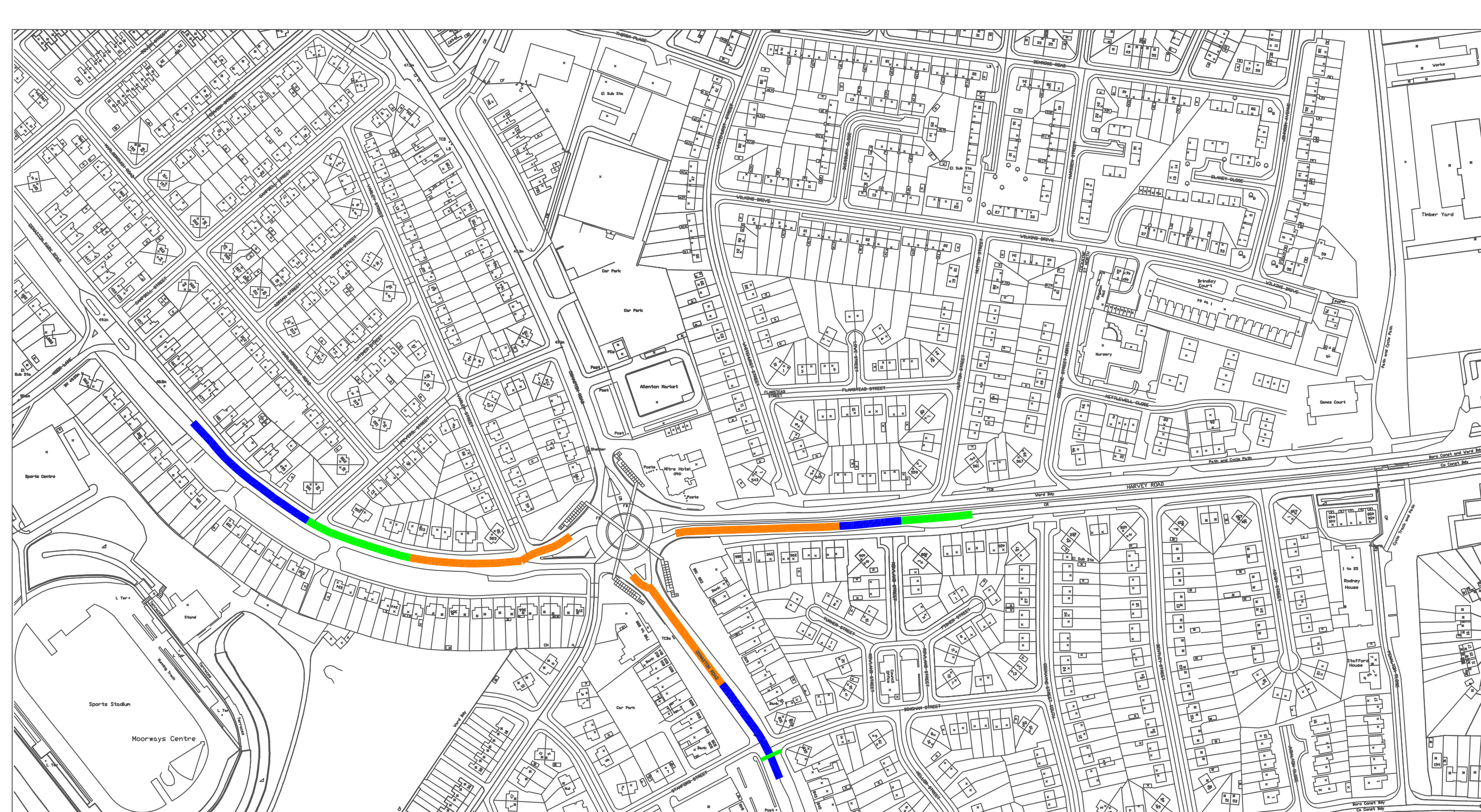
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Ordnance Survey 100024913





Saturday
 Existing
 Arup 40 %
 DCC 60 %





Derby City Council

Delegated Decisions Made Between 04/03/11 and 31/03/11

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/01/00533/GOV	Full Planning Permission	Land opposite 1 Birchfield Close, Chellaston, Derby	Installation of Royal Mail Pouch Box	Finally disposed of	04/03/2011
05/10/00536/PRI	Full Planning Permission	Units and yard rear of 24 - 54 Walbrook Road, Derby	Demolition of Industrial Units and erection of 8 residential units (Use Class C3) and associated parking	Granted Conditionally	10/03/2011
09/10/01085/PRI	Full Planning Permission	1 Peak Drive, Derby (Sainsbury's)	Installation of mezzanine floor in store extension previously approved under planning application Code No. DER/11/09/01319	Granted Conditionally	21/03/2011
11/10/01331/PRI	Outline Planning Permission	Land at side of 30 Longbridge Lane, Derby	Extension of factory	Granted Conditionally	04/03/2011
11/10/01349/DCC	Listed Building Consent -alterations	Entrance to Fish Market, Corn Market, Derby	Display of non illuminated signage	Granted Conditionally	04/03/2011
11/10/01364/PRI	Full Planning Permission	124 Burton Road, Derby (Durham Ox PH)	Two storey extension to public house (kitchen, toilets and two first floor rooms) and erection of external staircase to rear	Granted Conditionally	21/03/2011
11/10/01373/PRI	Full Planning Permission	211-213 Uttoxeter New Road, Derby (Best One)	Extension to shop (Formation of rear dormer to provide office)	Granted Conditionally	21/03/2011
11/10/01379/PRI	Works to Trees in a Conservation Area	86 Belper Road, Derby	Crown reduction of 3 Cherry trees by 20% and crown reduction of Holly tree by 15% at 86 Belper Road and removal of branches by 1.5m of Mountain Ash tree within Strutts Park Conservation Area	Raise No Objection	10/03/2011
11/10/01405/PRI	Full Planning Permission	Land between 26 - 28 Shorwell Gardens, Alvaston, Derby	Formation of natural play area	Granted Conditionally	18/03/2011
11/10/01439/DCC	Advertisement consent	1 Willow Row, Derby	Display of non-illuminated badge sign	Granted Conditionally	08/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
11/10/01446/PRI	Full Planning Permission	Costco Wholesale Uk Ltd, Wyvernside, Derby	Change of use in part of warehouse club (Sui Generis Use) to Ophthalmic Services (Use Class D1)	Granted Conditionally	04/03/2011
12/10/01466/PRI	Full Planning Permission	Land adjacent 112 and 114 Shalfleet Drive, Alvaston, Derby	Change of use to allotments including installation of raised planters and erection of shed, tool store, fence and gates	Granted Conditionally	17/03/2011
12/10/01510/PRI	Full Planning Permission	Temple Lodge, Mill Hill Lane, Derby	Alterations to elevations, installation of replacement windows and access ramps, and erection of 2m high fence, gate and external staircase	Granted Conditionally	07/03/2011
12/10/01520/DCC	Full Planning Permission	Site of garages off St. Davids Close, Derby	Erection of 6 flats with associated access and parking	Granted Conditionally	17/03/2011
12/10/01534/PRI	Full Planning Permission	The Pippens, Orchard Street, Mickleover, Derby	Three storey extension to dwelling house (dining room, utility room, w.c., bedroom and en-suite and enlargement of garage), erection of entrance steps and alterations to vehicular access and boundary wall	Granted Conditionally	30/03/2011
01/11/00010/PRI	Works to Trees in a Conservation Area	Trees at Heritage Gate Complex, Friary Street, Derby	Fell 3 London Plane trees and crown lift of Ash tree to 4m within Friar Gate Conservation Area	Raise Objections	04/03/2011
01/11/00017/PRI	Full Planning Permission	14 Ingleby Avenue, Derby	Single storey extension to dwelling house (conservatory)	Granted Conditionally	07/03/2011
01/11/00018/PRI	Full Planning Permission	Land at rear of 502 Duffield Road, Allestree, Derby (access via Derwent Avenue)	Erection of 2 dwelling houses	Refuse Planning Permission	14/03/2011
01/11/00020/PRI	Full Planning Permission	16 Latrigg Close, Mickleover, Derby	Erection of 2m high boundary fence	Granted Conditionally	04/03/2011
01/11/00022/PRI	Full Planning Permission	3 Cotswold Close, Littleover, Derby	Single storey extension to dwelling (kitchen/dining room, utility and shower room)	Granted Conditionally	07/03/2011
01/11/00024/PRI	Full Planning Permission	609 Burton Road, Derby	Erection of detached garden room	Granted Conditionally	07/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
01/11/00028/PRI	Listed Building Consent -alterations	Chestnut House, 65 Friar Gate, Derby	Internal alterations to form w.c, installation of central heating and installation of external lighting to front and rear of building	Granted Conditionally	16/03/2011
01/11/00030/PRI	Full Planning Permission	5 Grangeover Way, Derby	Two storey extension to dwelling house (bedroom, enlargement of kitchen, family/dining room and 2 bedrooms)	Refuse Planning Permission	23/03/2011
01/11/00031/PRI	Full Planning Permission	42 Ettrick Drive, Sinfin, Derby	Single storey extension to dwelling (kitchen and sitting room/dining room)	Granted Conditionally	09/03/2011
01/11/00032/PRI	Full Planning Permission	17 Constable Drive, Littleover, Derby	Two storey extension to dwelling house (guest room, sun lounge, W.C., 2 bedrooms and en-suite)	Refuse Planning Permission	09/03/2011
01/11/00034/PRI	Advertisement consent	73 Normanton Road, Derby (Co-operative Funeral Services)	Display of 3 externally illuminated fascia sign, 2 internally illuminated projecting signs and 2 non illuminated signs	Granted Conditionally	11/03/2011
01/11/00035/PRI	Advertisement consent	798 Osmaston Road, Derby (Co-operative Funeral Services Ltd)	Display of externally illuminated fascia sign, internally illuminated projecting sign and non illuminated car park sign	Granted Conditionally	11/03/2011
01/11/00039/PRI	Full Planning Permission	18 Strathmore Avenue, Alvaston, Derby	Two storey extension to dwelling house (passageway and bedroom)	Granted Conditionally	07/03/2011
01/11/00040/PRI	Full Planning Permission	43 Station Road, Chellaston, Derby	Single storey extension to dwelling house (w.c. and enlargement of living room and hall) and dormer window to front elevation	Refuse Planning Permission	17/03/2011
01/11/00041/PRI	Full Planning Permission	22 Hindscarth Crescent, Mickleover, Derby	Single storey extension to dwelling house (dining room, utility room and w.c.)	Granted Conditionally	16/03/2011
01/11/00042/PRI	Full Planning Permission	7 Lens Road, Allestree, Derby	First floor extension to dwelling house (shower room)	Granted Conditionally	07/03/2011
01/11/00045/PRI	Full Planning Permission	16 Dresden Close, Mickleover, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	07/03/2011
01/11/00047/PRI	Works to Trees under TPO	Trees at rear of 46 Station Road, Chellaston, Derby	Felling of 6 Leylandii trees protected by Tree Preservation Order 2005 No.422 (26 to 60 Station Road, Chellaston)	Granted Conditionally	30/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
01/11/00048/PRI	Full Planning Permission	26 Park Lane, Allestree, Derby	Two storey extension to dwelling house (garage, utility room, bedroom, en-suite and enlargement of kitchen/dining room)	Granted Conditionally	07/03/2011
01/11/00051/PRI	Full Planning Permission	7 Hedgevale Close, Littleover, Derby	Single storey extension to dwelling house (sun lounge and family room)	Granted Conditionally	07/03/2011
01/11/00052/PRI	Full Planning Permission	99A Ashbourne Road, Derby	Retention of alterations of previously approved planning permission Code No. DER/08/02/01141 (Enclosure of balcony to form part of office space, installation of additional shutter door, installation of roof lights and translucent roofing to south and west elevations and minor alterations to fenestration at first floor)	Granted Conditionally	14/03/2011
01/11/00053/PRI	Full Planning Permission	9 Hillcrest Drive, Chellaston, Derby	Single storey extension to dwelling house (porch and w.c.)	Granted Conditionally	16/03/2011
01/11/00054/PRI	Full Planning Permission	68 Hobkirk Drive, Sinfin, Derby	Two storey side extension to dwelling house (dining room, bathroom, cupboard, bedroom and en-suite)	Refuse Planning Permission	16/03/2011
01/11/00055/PRI	Full Planning Permission	31 Matthew Street, Alvaston, Derby	Single storey extension to dwelling house (bedroom, bathroom, hall and utility room)	Refuse Planning Permission	28/03/2011
01/11/00057/PRI	Full Planning Permission	33 Denstone Drive, Alvaston, Derby	Extension to dwelling house (w.c)	Granted Conditionally	07/03/2011
01/11/00058/PRI	Full Planning Permission	Site of Patchetts, Broadway, Derby	Erection of dwelling house and detached garage with ancillary living accommodation above	Granted Conditionally	14/03/2011
01/11/00060/PRI	Works to Trees under TPO	Beech House, 283 Uttoxeter Road, Mickleover, Derby	Crown reduce by 15%, crown thin by 15%, crown thin to 5m and removal of lower branches of Oak tree, crown lift to 4m, crown reduce by 15% and crown thin by 15% of Beech tree, both protected by Tree Preservation Order 2005 No. 436 (283 Uttoxeter Road)	Granted Conditionally	15/03/2011
01/11/00061/PRI	Certificate of Lawfulness Proposed Use	17 Corbel Close, Oakwood, Derby	Conversion of garage to form habitable rooms	Granted	10/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
01/11/00064/PRI	Full Planning Permission	42 Gladstone Street, Derby	Two storey extension to dwelling house (study, w.c., two bedrooms and enlargement of kitchen)	Granted Conditionally	17/03/2011
01/11/00066/PRI	Full Planning Permission	2 The Green, Allestree, Derby	Two storey extension to dwelling house (utility room, garage, 2 bedrooms, en-suite and enlargement of kitchen and dining/family room) and formation of vehicular access	Refuse Planning Permission	16/03/2011
01/11/00067/PRI	Full Planning Permission	1 Highfield Road, Littleover, Derby	Single storey extension to dwelling house (conservatory and utility room)	Granted Conditionally	16/03/2011
01/11/00072/PRI	Full Planning Permission	177 Station Road, Mickleover, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	25/03/2011
01/11/00073/PRI	Full Planning Permission	1 Peak Drive, Derby (Sainsbury's)	Alterations to store including changes to external appearance, car park and access previously approved under planning permission Code No. DER/11/09/01317/PRI	Granted Conditionally	22/03/2011
01/11/00074/PRI	Full Planning Permission	83a Maple Drive, Chellaston, Derby	Single storey extension to dwelling house (entrance hall)	Granted Conditionally	16/03/2011
01/11/00075/PRI	Full Planning Permission	57 Melton Avenue, Littleover, Derby	Two storey and single storey extensions to dwelling house (lounge, study, garage, two bedrooms and en-suite)	Refuse Planning Permission	21/03/2011
01/11/00076/PRI	Listed Building Consent -alterations	25 Iron Gate, Derby	Display of non-illuminated signage	Granted Conditionally	16/03/2011
01/11/00079/PRI	Full Planning Permission	296 Duffield Road, Derby	Single storey extension to dwelling house (porch, store/study, w.c. and enlargement of kitchen and dining room)	Granted Conditionally	23/03/2011
01/11/00080/PRI	Full Planning Permission	12 Pingle, Allestree, Derby	Two storey side extension to dwelling house (study, store, w.c. en-suite and enlargement of bedroom) and alterations to roof (dormer)	Granted Conditionally	18/03/2011
01/11/00081/PRI	Full Planning Permission	6 Sadler Gate, Derby	Installation of shopfront	Granted Conditionally	21/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
01/11/00083/PRI	Advertisement consent	Littleover Methodist Church, Constable Drive, Littleover, Derby	Display of internally illuminated freestanding sign	Granted Conditionally	16/03/2011
01/11/00084/DC5	Prior Notification	Highway verge adjacent Hollybrook Medical Centre, Hollybrook Way, Littleover, Derby	Erection of 12.5m high telecommunications mast, 3 antennae and 2 cabinets	Refuse Planning Permission	21/03/2011
01/11/00085/PRI	Full Planning Permission	139 Chaddesden Park Road, Derby (Pegasus Plumbing and Heating Services Ltd.)	Extension to shop (storage area) and installation of 3 air conditioning units and 2 solar panels	Granted Conditionally	23/03/2011
01/11/00088/PRI	Works to Trees in a Conservation Area	65 Friar Gate, Derby (Chestnut House)	Felling of Ash tree within Friar Gate Conservation Area	Raise No Objection	14/03/2011
01/11/00093/PRI	Full Planning Permission	20 Eaton Avenue, Allestree, Derby	Two storey and single storey extensions to dwelling house (garage, living area, 2 bedrooms, bathroom and balcony)	Granted Conditionally	24/03/2011
01/11/00094/DC5	Telecommunication installations	2 Moor Street, Spondon, Derby (Spondon Liberal Club)	Installation of 2 roof mounted antennae and erection of equipment cabinet and associated works	Refuse Planning Permission	21/03/2011
01/11/00095/PRI	Full Planning Permission	35 Allestree Lane, Derby	Two storey and single storey extensions to dwelling house (kitchen/ dining room, family room, utility room and enlargement of bedroom and bathroom)	Granted Conditionally	18/03/2011
01/11/00098/PRI	Works to Trees under TPO	Land adjacent 8 Willowbrook Grange, Chellaston, Derby	Crown reduction by 25%, crown lift of low hanging branches and removal of dead branches of Elm Tree protected by Tree Preservation Order 1993 No. 81 Derby City Council (former 154 High Street, Chellaston)	Granted Conditionally	25/03/2011
02/11/00106/PRI	Full Planning Permission	Oakwood Infant School, Waldene Drive, Alvaston, Derby	Single storey extension to nursery building (enlargement of quiet area)	Granted Conditionally	30/03/2011
02/11/00108/PRI	Full Planning Permission	3 Witham Drive, Littleover, Derby	Single storey extension to dwelling house (conservatory)	Granted Conditionally	21/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/11/00109/PRI	Full Planning Permission	273 Derby Road, Chaddesden, Derby	Formation of pitched roof over existing two storey rear extension	Granted Conditionally	29/03/2011
02/11/00113/PRI	Full Planning Permission	8 Dewchurch Drive, Sunnyhill, Derby	Two storey extension to dwelling house (kitchen, dining room and bedroom)	Granted Conditionally	25/03/2011
02/11/00114/PRI	Full Planning Permission	10 Max Road, Chaddesden, Derby	Two storey extension to dwelling house (kitchen/dining room and bedroom)	Granted Conditionally	25/03/2011
02/11/00115/PRI	Full Planning Permission	23 Derby Road, Chellaston, Derby (former Red Lion)	Installation of two external chiller units erection of associated screen fencing	Granted Conditionally	30/03/2011
02/11/00117/PRI	Full Planning Permission	23 Derby Road, Chellaston, Derby (former Red Lion)	Installation of ATM, security door and 2 bollards	Granted Conditionally	18/03/2011
02/11/00118/PRI	Full Planning Permission	23 Derby Road, Chellaston, Derby (former Red Lion)	Installation of shopfront, 4 bollards and alterations to elevations to include installation of security door	Granted Conditionally	30/03/2011
02/11/00119/PRI	Full Planning Permission	23 Derby Road, Chellaston, Derby (former Red Lion)	Installation of condenser unit and three air conditioning units and erection of 2.3m and 1.9m high screen fencing	Granted Conditionally	31/03/2011
02/11/00120/PRI	Advertisement consent	23 Derby Road, Chellaston, Derby (former Red Lion PH)	Display of 3 internally illuminated fascia signs, 1 internally illuminated projecting sign, 1 externally illuminated hanging sign and 2 non illuminated freestanding signs	Granted Conditionally	30/03/2011
02/11/00126/PRI	Works to Trees in a Conservation Area	Pineside, Burleigh Drive, Derby	Crown thinning by 0.5 to 1m of Rowan, crown reduction by 1.5 -2m of Sorbusaria, crown lifting to give 1 metre clearance of Magnolia and crown reduction of Ash tree by 1-2m within Strutts Park Conservation Area	Raise No Objection	21/03/2011
02/11/00128/PRI	Full Planning Permission	Land at 1 Croydon Walk and adjacent 67 Finchley Avenue, Mackworth, Derby	Erection of dwelling house	Refuse Planning Permission	30/03/2011
02/11/00129/PRI	Works to Trees under TPO	67 Smalley Drive, Oakwood, Derby	Crown lifting to 3m of Oak protected by Tree Preservation Order 1985 No.31 (Oakwood No 3)	Granted Conditionally	31/03/2011
02/11/00131/PRI	Full Planning Permission	64 Birdcage Walk, Mackworth, Derby	Formation of access ramp	Granted Conditionally	29/03/2011

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/11/00137/DCC	Full Planning Permission	Silverhill Primary School, Draycott Drive, Mickleover, Derby	Erection of shelter	Granted	31/03/2011
02/11/00139/PRI	Non-material amendment	Asda, Derby Road, Spondon, Derby	Alterations to warehouse (installation of ramp, roller shutter door, erection of wall and re-location of compactor)- Non-material amendment to previously approved permission DER/06/10/00650 for installation of external canopy above compactor, alteration to fire exit and gates and removal of windows	Granted	16/03/2011
02/11/00151/PRI	Works to Trees under TPO	Trees at Laverstoke Court, Peet Street, Derby	Cut back by 15% of Holly, Oak and Yew trees protected by Tree Preservation Order 1999 No. 204 (Laverstoke Court)	Refuse Planning Permission	31/03/2011
02/11/00153/PRI	Full Planning Permission	Mickleover Primary School, Vicarage Road, Mickleover, Derby	Erection of shelter	Granted	31/03/2011
02/11/00165/PRI	Works to Trees in a Conservation Area	Trees at St. Christophers Court, Ashbourne Road, Derby	Crown reduction by 10%, crown lift 3-4 metres and pruning of trees in area T1, crown lift 3-4 metres, pruning and deadwood of trees in area T2 and crown reduction by 10% and pruning of trees with area T3 all trees within Friar Gate Conservation Area	Raise No Objection	25/03/2011
02/11/00172/PRI	Full Planning Permission	15 Oak Close, Allestree, Derby	Single storey extension to dwelling (lounge and porch)	Granted Conditionally	31/03/2011
02/11/00178/PRI	Full Planning Permission	20 Clifton Road, Allestree, Derby	Extension to dwelling (enlargement of bedroom)	Granted Conditionally	31/03/2011
02/11/00194/PRI	Full Planning Permission	2 Whinbush Avenue, Allenton, Derby	Two storey extension to dwelling house (bathroom and enlargement of kitchen and two bedrooms) -amendment to previously approved planning permission Code No. DER/12/10/01471/PRI.	Granted Conditionally	31/03/2011
03/11/00244/PRI	Non-material amendment	34 Vauxhall Avenue, Derby	Extension to dwelling house (garage, hall, store, bedroom and en-suite) - non material amendment to previously approved planning permission Code No. DER/05/10/00591 to amend render to brick work and alterations to garage roof	Granted Conditionally	29/03/2011

