



DERBY CITY COUNCIL

Planning Control Committee
17 March 2011

Report of the Strategic Director of
Neighbourhoods

ITEM 10

Planning Application DER/08/10/01063 – Proposed Tesco Store, Allenton

SUMMARY

- 1 A planning report for Members consideration and further instruction, under Code No. DER/08/10/01063 for the erection of retail store (Use Class A1), petrol filling station, market and electrical substation and formation of car parking, landscaping and associated access at the site of 61, 67, 73 & 75 Whitehurst Street, Units and Chapel Thirsk Place, Allenton Market, Mitre Hotel PH and 701-727 Osmaston Road, Derby.

RECOMMENDATION

2. To note the report.

REASONS FOR RECOMMENDATION

- 3 The report is for Members consideration and further instruction only.

SUPPORTING INFORMATION

- 4 None.

OTHER OPTIONS CONSIDERED

- 5 None

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	4 March 2011
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For more information contact: Background papers: List of appendices:	Paul Clarke 01332 255942 e-mail paul.clarke@derby.gov.uk Planning application file DER/08/10/01063 Appendix 1 – Implications Appendix 2 – The proposed application
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IMPLICATIONS

Financial and Value for Money

1 None

Legal

2 None

Personnel

3 None

Equalities Impact

4 None

Health and Safety

5. None

Environmental Sustainability

6. None

Asset Management

7. None

Risk Management

8. None

Corporate objectives and priorities for change

9 None

Special Item

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 purpose of this report is to provide an update on the progress of the application. However, Members should be aware that whilst definitive comments are made on some issues, certain matters are still outstanding. Although reference is made to potential conditions within this report, the precise wording and inclusion of those conditions, together with associated reasons, have yet to be finalised.

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.

Special Item

Application No: DER/08/10/01063

Type: Full

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 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

Special Item

Application No: DER/08/10/01063

Type: Full

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 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 71 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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

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.

Special Item

Application No: DER/08/10/01063

Type: Full

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 retail 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 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.

Special Item

Application No: DER/08/10/01063

Type: Full

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. Discussions are ongoing between the applicant and the City Council's Highways Officers. Members will be updated on highways matters at the meeting.

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.

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

Special Item

Application No: DER/08/10/01063

Type: Full

quality (namely NO₂ and PM₁₀ (particulate matter)) would be negligible as a result of the development. However it should be noted that as these figures are based on modelled traffic data, they could change as a result of ongoing discussions between the City Council's Highways Officers and the applicant. Members will be updated accordingly.

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	<p>The applicants held an exhibition at St Bartholomew Church Hall, Allenton over a two day period (22nd and 23rd of June 2010). The results of this consultation event were submitted as part of the planning application.</p> <p>A presentation on the application was provided on the 8th of February 2011 at the Osmaston Neighbourhood Forum Meeting.</p>		

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.
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.

Special Item

Application No: DER/08/10/01063

Type: Full

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 Sinfen 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.
- 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.

Special Item

Application No: DER/08/10/01063

Type: Full

- 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.

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. The EHO notes however that the modelling has been based on data which predicts that the levels of traffic are expected to be lower with the development, than the development were not to

Special Item

Application No: DER/08/10/01063

Type: Full

go ahead. Consequently, it is recommended that the traffic data predictions used in the assessment are suitably agreed with the Council's traffic officers before accepting the conclusions of the report. Should traffic predictions used in the assessment be subject to change, then the air quality assessment will need to be remodelled to incorporate those changes.

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. Members will be updated on any comments provided.

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 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.

Special Item

Application No: DER/08/10/01063

Type: Full

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

GD1	Social Inclusion
GD2	Protection of the Environment
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
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
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) Sustainability
- 4) Amenity and neighbouring properties
- 5) Environmental Issues
- 6) Other issues

Special Item

Application No: DER/08/10/01063

Type: Full

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)
- 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

Special Item

Application No: DER/08/10/01063

Type: Full

datasets. I will refer to specific elements of the retail assessment in the appropriate sections below.

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 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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

'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 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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

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 Sinfen, 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 Sinfen 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

Special Item

Application No: DER/08/10/01063

Type: Full

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'.

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.

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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

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.

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 £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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

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.

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.

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 as for what is considered an appropriate scale for District Centres and so all schemes must be judged on their

Special Item

Application No: DER/08/10/01063

Type: Full

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 Sinfen, 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.

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

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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

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.

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 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.

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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

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.

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

Special Item

Application No: DER/08/10/01063

Type: Full

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.

3) 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 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 feature of the proposed 'eco store' include:

- minimising the use of non-renewable materials throughout the construction and operation phases; with 90% of materials recycle in construction and 95% in operation;
- Sustainable urban drainage techniques including a hydrobrake and water attenuation take 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.

Special Item

Application No: DER/08/10/01063

Type: Full

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 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 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

Special Item

Application No: DER/08/10/01063

Type: Full

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) Highways Issues

The Highway Authority's concerns in respect of this application have always been the:-

1. proximity of the new access junction to the strategically important junctions at Ascot Drive and Spider Island;
2. impact of additional traffic on an already congested network.

Although the City wide model is available, Tesco's consultants have chosen to undertake a manual assessment on the network. The level of improvement work that is possible at Ascot Drive and Mitre Island is limited due to the built up nature of the area. The proposed access arrangements and changes to highway network are as follows:

1. a new traffic signal controlled junction directly opposite Peveril Street, and subject to a successful TRO Peveril Street will become one-way towards Varley Street;
2. An existing 'all movements' access onto Harvey Road will be utilised as an additional exit only from the store;
3. Thirsk Place is to be relocated approximately 50 m to the north of its current location and will act as the service access;
4. An additional left turn lane will be added to the Osmaston Road south bound approach to the Spider Island this will involve relocating part of the Spider Bridge.

It has not been possible to agree a mutually acceptable manual appraisal methodology and consequently the level of transport impact has not been agreed.

The accurate assessment of the transport impact of major food retail proposal is difficult to predict because unlike other land uses the trip generation, distribution and profile are subject to many variables. To give some indication of the complexity the assessment of trip distribution at food stores, it is necessary to make an estimation of the following:-

1. Pass-by trips – trips already passing the access to the site i.e. trips on Osmaston Road;

Special Item

Application No: DER/08/10/01063

Type: Full

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 Chellaston Road (a trip from Chellaston to Spondon Asda that diverts to the new store);
3. Linked trips – a trip to the new store and then a walking trip over to Allenton Centre or visa versa;
4. Transferred Trips – a trip to an existing supermarket not in the vicinity of the proposed store i.e. from Mickleover to Osmaston Park Road Sainsbury's that then transfers to the new store. It is this type of trip that has the greatest impact it is a new trip to the local network.

Agreement over the percentage splits of these trip types has not been possible. The City Council's Highways Officers are continuing to work with Tesco's consultants. Additional work is being undertaken to allow a range of impacts from 0% to 60% transferred trips to be presented so that we can advise as confidently as possible on the likely impact of the development. The intention is then to address all the points in Policies T1 and T4 to allow committee to make a well informed decision.

6) Environmental Issues

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.

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.

Special Item

Application No: DER/08/10/01063

Type: Full

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.

6) Other Issues

Disabled People's Access: 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.

At the present time Members are only asked to note the contents of this report, as a number of matters are still outstanding.

11. Recommended decision:

11.1. For Members' consideration and further instruction.

11.2. 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,

Special Item

Application No: DER/08/10/01063

Type: Full

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

11.3. Application timescale:

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

Special Item

Application No: DER/08/10/01063

Type: Full

