
Case Number	18/00655/FUL (Formerly PP-06741174)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of single-storey retail unit (Use Class A1) including provision of parking, plant area and associated works (as per Amended Drawings received on 21/8/18, 29/8/18 and 24/9/18)
Location	229 Derbyshire Lane Sheffield S8 8SB
Date Received	14/02/2018
Team	South
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

- Block & Site Location Plans / 3445-08
- Proposed Site Plan / 3445-06d
- Landscaping Details (Submitted by email 24/9/18)
- Service Management Plan (Submitted by email 24/9/18)
- Proposed Swept Path Delivery Plan / 3445-09b
- Proposed Details / 3445-07b

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

7. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

8. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

9. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

10. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

11. Before the development commences, a strategy to control/mitigate dust and emissions from the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall be carried out in accordance with the approved details thereafter.

Reason: In order to help mitigate the effects of dust and construction traffic during the construction phase.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

12. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation

Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

13. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

14. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

15. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. The submitted materials shall include an artificial slate roof covering and not the Marley Eternit Pantile as identified on the approved drawings. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

16. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the retail store hereby approved shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

17. Details of suitable fencing / railings to prevent access to the rear of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the retail store

hereby approved shall not be used unless such fencing / railings has been provided in accordance with the approved details and thereafter such fencing / railings shall be retained.

Reason: To prevent unauthorised access to the site and in the interests of the visual amenities of the locality.

18. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

19. Prior to the occupation of the building hereby approved details of bat bricks or boxes and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and permanently retained thereafter.

Reason: In the interests of sustainable development.

20. Prior to the use hereby approved commencing, details of a refuse management strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include measures relating to the storage and collection of refuse at/from the store. Thereafter, the management of refuse shall be undertaken in accordance with the approved measures.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

21. No deliveries of goods for sale shall be accepted by the store (either through the service area or public entrance) from any vehicle which has unloaded whilst parked on the public highway.

Reason: In the interests of traffic safety and the amenities of the locality.

22. Before the use commences the car parking accommodation for fourteen cars and the alterations to the site access, as shown on the approved plans, shall have been provided in accordance with those plans. Thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: In the interests of traffic safety and the amenities of the locality.

23. The A1 Retail Store shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

24. A comprehensive hard landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

25. No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

26. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless the scheme of sound insulation measures detailed in The Clover Acoustic Noise Impact Assessment, Report 4025-R3 has been implemented and thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Other Compliance Conditions

27. The retail store shall be used for the above-mentioned purpose only between 07:00 hours and 22:00 hours on any day.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

28. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

29. Deliveries within the site shall be restricted to vehicles of a size not in excess of 10.4metres in length and these deliveries shall be carried out in accordance with the submitted Delivery Management Strategy at all times.

Reason: In the interests of traffic safety and the amenities of the locality.

30. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:30 to 18:00 on Mondays to Saturdays and between the hours of 09:00 to 18:00 on Sundays and Public Holidays, and in accordance with the agreed Service Management plan dated 13/9/18.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

2. Construction and demolition works that are audible at the site boundary should only take place between 07:30 hours and 18:00 hours on Monday to Fridays, and between 08:00 hours and 13:00 hours on Saturdays, and not at any time on Sundays and Public Holidays.
3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense and the incorporation of tactile surfacing within the footway adjacent to the access.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

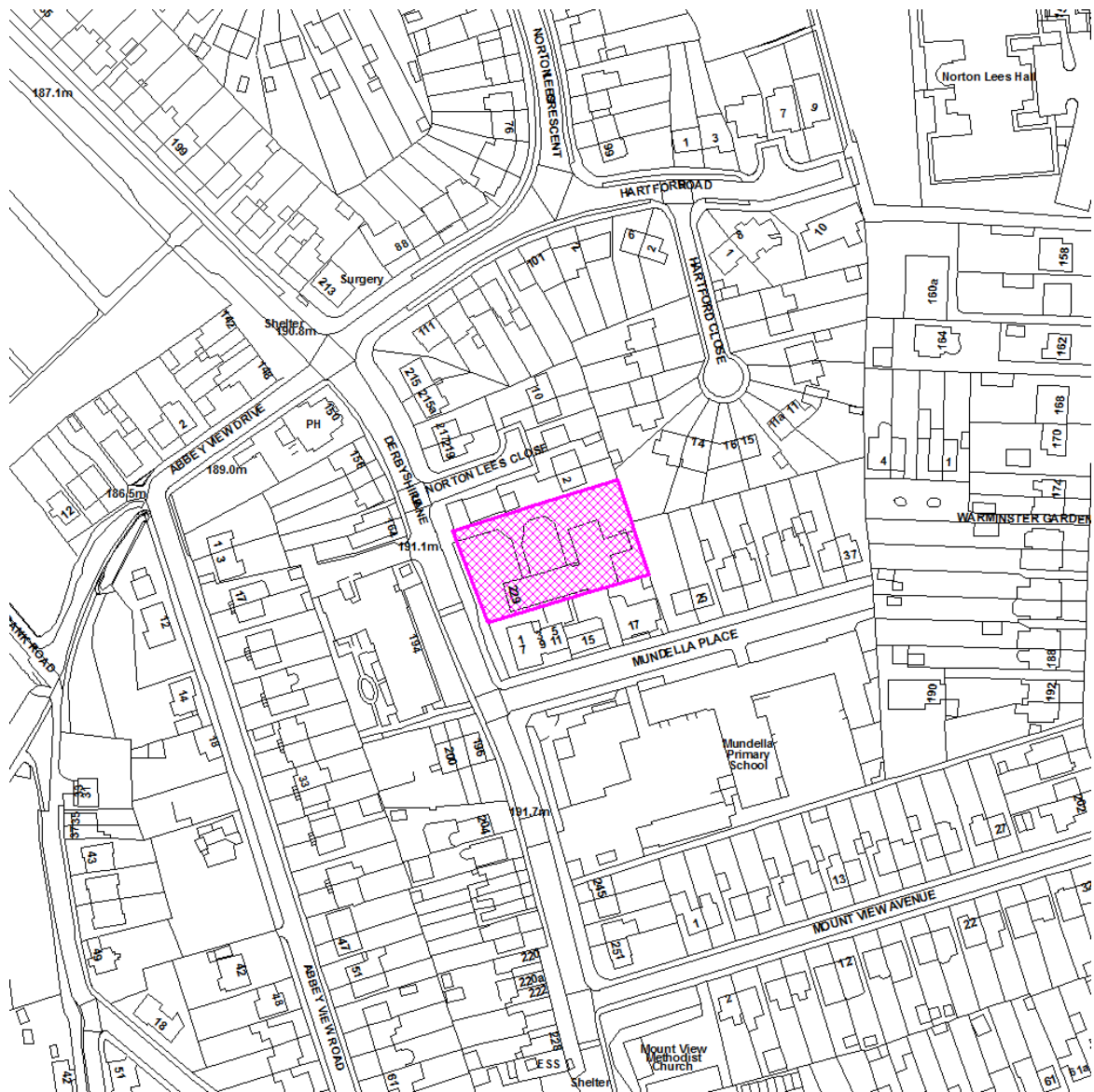
5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site is located to the east of Derbyshire Lane. It currently features existing buildings, which provide a B1/commercial (use class B1) printing business. The Unitary Development Plan designates the site as being within a Housing Area.

The planning application seeks planning permission to demolish the existing buildings and to provide a retail store. The retail store would be single-storey, including a total 370sqm of floor space (250sqm sales area and 120sqm back-of-house facilities). The building is shown as comprising clay facing brickwork, Marley Eternit tiles and a grey, coated aluminium shopfront.

Vehicle and pedestrian access would be provided via the existing access onto Derbyshire Lane and this would provide access to a 14 space car park. The hours of operation would be between 07:00 hours and 22:00 hours on any day.

The retail store is intended to provide alternative accommodation to the existing Co-Operative store at 260 Derbyshire Lane.

RELEVANT PLANNING HISTORY

None.

SUMMARY OF REPRESENTATIONS

Following neighbour notification and the placement of a series of site notices, 35 representations have been received from 18 different addresses objecting to the scheme. A further 4 representations have been received in support of the proposals. These comments can be summarised as follows:

OBJECTIONS

Design Issues

- Overdevelopment of site.
- Proposal appears ugly and brutal.
- Boundary wall/s should be protected and kept in existing style. Unstable boundary walls needs to be dealt with.
- Appropriate security fencing and gates should be provided.
- No bin store details.
- Existing building is part of local history and should be restored.

Retail Issues

- A new Co-op store is not required, given proximity of existing shop which should be refurbished and more efficiently stocked.
- If there are health and safety issues relating to existing store why is it currently in use?
- There are three parades of shops within walking distance.

- A Post Office would be welcomed, but one isn't included in proposal (despite contents of Liberal Democrat Councillor's survey and press article.)
- Many of the less mobile customers would have to walk further to proposed store and new housing development would be without a convenience store.
- Proposed store would undermine business of current mini-market, and the centre around existing store would lose benefits of users of the ATM, lottery ticket sales and payment facilities. However, the sale of newspapers has minimal effect on local newsagents.
- The Sequential Test document only features unrealistic sites, and excludes a recently available site at Chesterfield Road.
- There would ultimately be pressure for increased opening hours.

Living Conditions

- Contrary to residential nature of locality.
- Harmful impacts to surrounding properties and community as whole, including noise (vehicles, reverse alarms, refrigeration units, plant equipment operating 24 hours per day), light pollution and privacy. The rearward relocation of store would worsen these impacts. Would conflict with Sheffield Core Plan, Draft Sheffield Plan and NPPF.
- Existing business operates very quietly and unobtrusive.
- Noise Report is not independent, and contains too much technical language.
- Derbyshire Lane isn't heavily trafficked at night.
- Opening hours are not stated.
- Deliveries stated as taking place outside shop opening hours, but should be more tightly controlled.
- Will lorries access rear of building?
- Manual handling of deliveries from vehicle to door would increase noise and duration of deliveries.
- Plant would operate through night.
- Delivery Management Strategies require checking to ensure compliance.

Highways

- School already causes issues with parking in area.
- 16 parking spaces (number included in original proposal) is inadequate as site is not easily accessible.
- Additional traffic (cars and lorries) entering / exiting site will be dangerous.
- Site currently generates very few vehicle movements.
- Increased traffic will cause air pollution.
- Scheme proposes no alterations to access, which will cause vehicle and pedestrian conflict. Other comments state that demolition works to wall near entrance will be required.
- Query whether lorries will be able to enter / exit the site.
- Parking adjacent to Mount View Lodge's elderly residents is required.
- Funding of any new street lighting queried.
- Current store's delivery vehicles reverse into site and drive out (not the converse), which is safer.

Consultation

- Inadequate consultation.
- Occupants of sheltered flats should receive individual letters.

Other Issues

- Shrubby and hedging already removed from site, giving site a harsh appearance. Replacement trees should be required.
- Decrease in property value.
- Queried whether there will be flooding impacts.
- Refuse storage should be controlled to prevent vermin.
- Control of shop signs / adverts.
- Purpose of satellites queried.
- Wildlife should be protected. Badgers and foxes use area, and there is a bat roost on site.
- Boundary wall to No.23 Mundella Place requires immediate attention, and construction work will cause further damage.
- Liberal Democrat's Survey covered too large an area clouding actual opinions of those affected, and the proposed store won't feature a Post Office.
- Public meeting/s have taken place. Queried whether records of these are available.
- Site should be used as a G.P. practice surgery.

SUPPORT

- Development of great benefit to area. Existing Co-op is extremely tired, inadequate car parking and restricted exit from car park. A large supermarket is needed as current shops do not serve needs.
- Proposal avoids impacts on local residents and is better than a residential development of site which would overlook existing residents.
- Local community will be able to support a larger supermarket (local public transport is inadequate).

LOCAL COUNCILLORS

Councillors Ayris, Sue Auckland and Ian Auckland have submitted a single neutral representation. This can be summarised as:

- Councillors undertook a survey of 1,052 local residents surrounding current Co-op store regarding proposed relocation of store.
- 73% of households responding replied saying plans should go ahead. (91% supported plans if a post office facility was incorporated).
- Woodseats Centre is not easily accessible due to level differences.
- Main concerns were; impact on business of adjacent shops, proximity to Primary School and sheltered housing opposite site, access/egress by delivery lorries, increased traffic, lack of clarity on widening of access, noise impacts, waste disposal details and querying why current store can't be refurbished.
- Other issues were additional demand created by housing developments, and loss of ATM at existing store.

- Deliveries to existing Co-op are an issue, blocking traffic and visibility. More information justifying why store cannot be upgraded should be provided.
- Details of proposed deliveries and swept path analysis should be provided.
- Noise report covering delivery vehicle and refrigeration equipment noise should be provided.

PLANNING ASSESSMENT

Principle of the Land Use

The application site is designated as being in a Housing Area in the UDP. As such, the proposed A1 Retail Use would be identified by UDP Policy H10 as being 'Acceptable', subject to the provisions of Policy H14 being satisfied.

H14 requires new buildings to be well designed and in scale and character with neighbouring buildings, to not constitute over-development or deprive residents of light, privacy or security, and to provide safe access to the highway network and appropriate off-street parking. For non-housing uses it is also required that the proposal would occupy only a small area and not lead to a concentration of non-housing uses and not lead to air pollution, noise, smell, excessive traffic or other nuisance.

Retail Policy Issues

The National Planning Policy Framework (NPPF) seeks to support the viability and vitality of existing centres, and allowing them to grow and diversify.

The NPPF states a sequential test should be applied to applications for main town centre uses such as the retail store, which aren't in existing centres. It adds that main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.

The proposed development would involve the current Co-op store at 260 Derbyshire Lane being vacated. The current store is located in a Local Shopping Centre, and is therefore sequentially preferable to the proposal. By relocating 230metres, the vitality of the other shops in the LSC could be affected.

With these issues in mind, documents were provided which sought to demonstrate the store at the existing site was not suitable for refurbishment and, more generally, that there wasn't commercial scope for its extension/redevelopment because of day to day operational issues.

The first thing to note is that a survey concluded there were numerous defects to the building, requiring further investigation and repair. It was concluded that it would be necessary to close the store for 10-16 weeks to allow these to be undertaken which creates clear operational and viability issues for the operator.

Furthermore, the existing Co-op store at 260 Derbyshire Lane includes 104sqm of retail floor space. The Applicant's Sequential Test document states that a store must

have a minimum of 200sqm retail floor space to operate as a viable commercial operation and this is accepted given knowledge of similar stores. The current store falls significantly short of this requirement, and is therefore considered as not being an ongoing viable commercial store in its current form.

Based on this, options for an extension to the current store or a complete redevelopment of the site were therefore provided. These have been assessed and it is considered that they would not provide adequate off-street parking facilities. They would also necessitate delivery vehicles reversing into/out of the site, or necessitate deliveries occurring from the road. Either of these outcomes would be considered as being unacceptable from a highway safety perspective.

So whilst the existing store's location is preferable in sequential terms, it is concluded by Officers that a long term viable scheme could not be delivered there. As a result, the existing site would not be considered to be sequentially preferable to the proposed site.

A broader Sequential Test covering other possible sites was also submitted. A total of two possible sites were identified, however, they were concluded as being too small with insufficient parking and outside of the catchment area. A further site on Chesterfield Road was mentioned in a neighbour's representation, but this was also considered to be too far from Derbyshire Lane and to fail to encourage linked trips to its existing centres.

The proposed site is therefore considered to be acceptable in sequential terms, and its edge of centre location will lead to linked trips to the existing centres.

It is therefore concluded that the proposal would have an acceptable impact on the nearby shopping centres, meeting the relevant NPPF provisions in this respect.

Design

The existing buildings at the site are not considered to be of notable architectural merit, and there would not be any in principle objection to their demolition.

The store is proposed to be single storey and feature clay facing brickwork, roof tiles and a coated aluminium shopfront. It would be set into the site, behind the car park area and have a pitched roof, with hipped ends.

Modifications to the frontage layout have achieved a stronger main entrance into the store, partly by the incorporation of the pedestrian crossing achieving a more intuitive approach. The car park is made softer by the provision of a soft landscaping belt on the inside of the frontage wall.

Whilst the surroundings predominantly feature two storey development, the single storey building would not be considered too intrusive in the locality. It would also be reflective of other standalone proposed retail units of a similar scale seen elsewhere across the city.

The building would be setback into the site to facilitate the provision of the car park, which is an arrangement typical of this type of proposal. As a result, the proposal would be considered to be acceptable in scale and siting terms.

The proposal includes an increase in width of the existing access stone wall at the property frontage from approximately 3.6m in width to 10.5m (approx.). The remaining 20m (approx.) of the wall would also be reduced in height by removal of the top 4 courses, leaving 6 deeper courses and reinstating the triangular coping stones. The access needs to be wider to achieve separated vehicles and pedestrian access suitable for use by delivery vehicles. The retention of the large majority of the wall is welcomed, as it is a distinct feature which contributes to the street scene.

Precise materials for the main building would need to be agreed by condition. Whilst an appropriate brick would be likely to be supported, a concrete roof tile would be unlikely to be considered acceptable, and as an alternative a good quality artificial slate would instead be identified as being required as part of the condition/s.

Overall, the proposed design would be considered to be acceptable and to meet the relevant requirements of UDP policies BE5 and H14, and Core Strategy policy CS74.

Living Conditions

The proposed building would be sited adjacent to the southern boundary of the site, and be single storey. It would be to the north of residential properties on Mundella Place, most notably No 15 Mundella Place, which is a bungalow property separated from the application site by a communal parking court used by residents of other adjacent properties and a small rear garden area.

The existing building at the site is a combination of single and two storeys in height, with the more modern single storey, flat roofed component running for a significant length in very close proximity to the boundary.

The proposed building would not be considered to have any significantly greater impacts upon the neighbouring occupiers to the south than the existing buildings with respect to matters such as shadowing and dominance. The building would therefore be considered to be acceptable in this regard.

The proposal provides a 'Plant Area'. This would be at the rear of the store and adjacent to the site's boundary shared with No 17 Mundella Place. Also deliveries to the store would take place during daytime hours.

Given the potential implications of these factors on neighbouring occupiers, a Noise Assessment has been submitted. This incorporated a noise survey, and recommended appropriate measures required to ensure that adjacent occupiers would not be harmed by either noise from equipment in the plant area or proposed deliveries. The recommendation was for barriers of 2.2m in the form of a close boarded timber screen.

On this basis, it is considered that the proposal would avoid any unacceptably detrimental impacts upon their living conditions caused by plant and equipment noise.

The Noise Assessment also included a Service Management Plan. This identifies strategies to eliminate harmful noise impacts, to allow deliveries to take place without undermining amenities of neighbouring occupiers.

The identified measures include for example; the programming of deliveries to avoid conflict between vehicles, no audible reversing alarms before 9am and after 7pm, use of 'white noise reversing alarms' to allow direction of sounds to staff and public, use of a Banksman, and the switching-off of engines and refrigeration units once vehicles are stationary.

In order to ensure that the recommended fencing is erected and that the Service Management Plan is followed, conditions relating to this will be included in any permission issued. Restrictions on delivery times will also be covered by condition should Members be minded to approve the application.

Conditions will also be imposed, should Members be minded to approve the scheme, to manage dust nuisance during the construction phase and artificial light levels during both the construction and operational phases.

Therefore, the proposal would be considered to have an acceptable impact upon living conditions of neighbouring occupiers, and to meet the relevant requirements of UDP policy H14.

Highways

The site would be accessed directly from Derbyshire Lane. This would cater for delivery vehicle access and the provision of separate pedestrian access, and would leave approximately a 20m length of stone wall along the frontage.

The proposal includes a total of 14 parking spaces (including two mobility spaces and a parent/child bay) in the front portion of the site. This would be considered to be appropriate for the proposed store as the facility would largely serve local need, and avoid the generation of any on-street parking.

Delivery vehicles would use the space between the two lengths of parking bays for reversing, therefore enabling vehicles to exit in a forward gear. The swept path analysis plan shows that a 10.4m delivery vehicle would undertake these manoeuvres safely, and without causing potential conflicts with other vehicles or pedestrians either using the store or the immediately surrounding highway.

On this basis the proposal would be considered to comply with the relevant aspect of UDP policy H14 in this respect.

Access

The scheme is considered to achieve acceptable facilities in access/mobility terms, including a level approach and mobility parking spaces.

As such the scheme would meet the requirements of UDP policy BE7, which covers 'Design of buildings used by the public', and requires easy access to buildings and parking spaces. The proposal would therefore be acceptable in regards to this issue.

Ecology

Policy GE11 (Nature Conservation and Development) requires development to respect and promote nature conservation.

Following a number of comments made within representations a Bat and Ecology Survey was provided. This found that the buildings are well maintained and included no signs of bat presence internally. They were therefore considered to be unsuitable for roosting bats. The site's location in a busy residential area is considered to make it low value bat foraging habitat, not warranting further investigation.

A number of animal holes were found in the garden, but given their size and shape, the very small spoil heaps and the prey remains on the spoil heaps are all indicative of fox usage. The lack of odour also suggests no recent usage. Therefore, the proposal would not lead to detrimental impacts in this regard.

The removal of the green space, vegetation and trees from the site represents a net loss of bio-diversity. It is therefore recommended that bat bricks are incorporated into the fabric of the building or bat boxes are installed post-construction. Additionally, bird boxes could be installed around the site. These measures could be required by condition.

Based on the above the proposals are considered to be acceptable from an ecology perspective.

Contamination

The site has been identified as potentially contaminated due to current/former uses including unspecified works, which have the potential to impact on human health and/or the environment. As a result, a series of conditions requiring these issues to be assessed and potentially remediated will be added to any approval issued.

RESPONSE TO REPRESENTATIONS

The majority of issues raised within responses have been considered in the above assessment. With regards to the remaining points, the following comments can be made:

- The instability of the boundary wall is a private issue, to be resolved amongst respective parties.
- Boundary treatment and refuge management details will be required to be agreed by way of condition/s should Members be minded to approve the proposals.

- The existing building is not listed, and there would be no ability within planning to require retention.
- The proposal doesn't mention inclusion of a Post Office, so this has not formed a part of the assessment.
- Any future pressure for the increase of opening hours would require a future application which would be assessed on its merits.
- A condition requiring compliance with the Delivery Management Strategy is included in the recommendation.
- Delivery lorries will not be able to access the rear of the site given their size.
- The level of traffic generated by the development would not be at a level which would have a harmful impact upon air quality, particularly when the established use is taken into account.
- Direct neighbour notification was undertaken and site notices were placed within the site vicinity, satisfying statutory obligations and the requirements of the Council's Statement of Community Involvement.
- Advertisement controls will apply to the store.
- The satellite dishes will be required for business communication purposes and are typical of such proposals.
- The results of the Liberal Democrat Councillor survey has not been attributed significant weight in the assessment of the application.
- Details of the public meeting minutes have not been forwarded to planning officers.
- There is no scope within this application to consider a G.P. surgery on the site.
- No details of an ATM have been provided, however, 'cash-back' facilities would be available in store continuing this option.
- The Noise Report has been assessed by Environmental Protection Officers and found to be acceptable.
- Decrease in property value is not a material planning consideration.
- The site is in Flood Zone One and is therefore not prone to flooding.

SUMMARY AND RECOMMENDATION

The application relates to an existing site located within a Housing Area under the provisions of the Unitary Development Plan. It is located to the east of Derbyshire Lane. Permission is sought for the demolition of the existing commercial buildings and construction of an A1 Retail Store.

The proposal would be considered to avoid unacceptably harmful impacts upon the amenities of neighbouring occupiers and also to have acceptable impacts upon local highway safety circumstances.

The proposed Retail Store would be considered to satisfy the Sequential Test, as it has been evidenced that there are no viable, sequentially preferable locations within designated shopping centres. It would also be considered to generate linked trips to the shopping centres within the vicinity of the application site.

On this basis the proposal would be considered to meet the provisions of the relevant UDP and Core Strategy policies and provisions of the National Planning Policy Framework.

On this basis the proposal is recommended for conditional approval.

This page is intentionally left blank