



Planning Application Ref. DER /02/18/00176; Site of Rose and Crown PH and St. Ralph Sherwin Centre, Swarkestone Road, Chellaston

The Reasons Why this Application Should be Refused

This document is being provided to all members of the Planning Control Committee. It provides a summary of the numerous comments and considered views of local residents in Chellaston.

This is the **second** application by **Lidl UK GmbH** to build a supermarket on these sites. In this application, the applicant seeks to address those aspects of the first application (DER/12/15/01570) which caused permission to be refused.

The Council refused permission on the grounds of:

- 1. that the proposed development would create, by virtue of the excessive footprint of the building, the sub-standard architectural design of the building and the poor overall layout of the car park, an unacceptable form of development in design terms that would be distinctly out of character with the Chellaston District centre, and,*
- 2. the proposed development would create, by virtue of the proposed single point of access to the site and the relationship of that access to the neighbouring Chellaston Academy, an unacceptable form of development in terms of vehicle and pedestrian safety on the public highway, particularly at peak times when pupils and others are travelling to and from Chellaston Academy.*

This second application fails to address the reasons for the previous refusal and is deficient in other aspects, as follows:

Consultation Irregularities

The normal democratic process has not been allowed to take place fully with regard to this application as the applicant has not supplied relevant information in a timely manner, so the application cannot be properly considered by the Committee on April 12.

A number of important documents relating to this application were made available too late to allow adequate consideration and consultation, including, on 2 March, the formal closing date for consultation, the drainage and external works plans. Then only on 26 March the following important documents were made available:

- Stage 1 Road Safety Audit (RSA)
- Design Team Response to RSA
- Proposed Site Plan Rev. C.
- Proposed Building Elevations – Corrected
- Proposed Site Plan Presentation
- First Defense Vortex Separator Drawing
- Drainage Layout Plan Revision

DCC has a duty to allow 21 days for consultation plus 5 working days for consideration of the Officer Report before the application comes before the Planning Committee. Despite the Case Officer being notified of the fact that DCC were not following their own procedures, the consultation end date has not been changed and the date for the consideration of the application by the committee fixed without reference to the late submission of documents. Effectively, normal public scrutiny of these documents has been denied.

Safety of Schoolchildren

This application does not improve the safety of the Academy pupils, it actually makes their journeys more hazardous.

The car-park entrance and exit remains situated only 40 metres from the Academy boundary. There are serious concerns that this creates a major hazard for the 800-1000 schoolchildren who will have to cross the entrance/exit on their way to and from the Academy every school day. Whilst at the moment there are three entrance/exit points on the site, these are relatively narrow and only allow vehicles to either enter or exit, not both together as would be the case if the supermarket is built. The Council themselves have stated in their statement of case (SoC) for Lidl's appeal on the first application, that *"this is a particular concern of the Council given that the proposal would essentially concentrate all pedestrian / vehicle conflict at a single point on the highway frontage"*. Furthermore, the Academy, in recognition of the hazardous nature of the car-park exits, has recently introduced a rule that their own students may not drive their cars out of the Catholic Centre site before the passage of schoolchildren on foot has subsided. The proposed widening of the footpath to 3 metres along the store site magnifies the hazard as the groups of children will be larger and individuals are more likely to take risks as there will be more exhibitions of bravado.

Potential for Traffic Congestion and Accidents

The traffic problems that the store would cause in Chellaston have not been addressed at all in this application.

As far as vehicles are concerned, the proposed road layout for Swarkestone Road is unchanged and merely widening the road at this point does not address the serious consequences that a large discount store will have on traffic flow and safety. The A514 Swarkestone Road is a major route into the City from the south and the amount of traffic using it has not been mitigated by the T12 route as it continues to be busy all day, especially at peak times, and queues usually occur at the High Street/Swarkestone Road junction, only 30 metres to the north of the site. The proximity of the

store entrance to this junction means that those turning right into the car-park will have to attempt to cross queuing traffic and at busy times the queue could block the junction completely. Those coming out of the car-park wishing to go south will have to negotiate two queues and filter in to the southbound flow, which can only result in a greater likelihood of accidents. The Council have also expressed reservations in the SoC previously referred to, being of the opinion that *“the proposed development and the introduction of a significant generator of vehicular traffic in this location would be injurious to highway safety”*. Furthermore, buses stopping outside the library will cause more delay and drivers are likely to use the right-turn lane to overtake. Any plan to move the bus stop to the south will result in the distance between it and the previous stop becoming almost 600 metres and make the bus less convenient for many passengers.

Traffic on High Street

No scheme is provided to mitigate traffic on High Street and without this, a large scale retail development in Chellaston centre is not acceptable.

No information is provided about the impact of greater traffic volumes on High Street, but it is clear that a store of this size will inevitably draw customers from a wide area and many of these will come from the large new housing developments on Boulton Moor who will travel by car along High Street. This route is already a bottleneck due to its narrow width, roadside parking along its length and it gets very congested at busy times with long queues forming at the traffic lights. The road is already beyond its design capacity and it is undesirable to increase the traffic load by positioning a Lidl store in the centre of Chellaston.

Massing & Design

The proposal is no more acceptable than the original, nor is it suited to its surroundings.

The new application proposes a store with a footprint of 1878 m² gross area compared with 2051 m² previously. This reduction in size will not appear significant from the main road, and the store, by virtue of its size, would still be out of character with other buildings in the centre of Chellaston, particularly that of the Corner Pin public house, part of which is Grade 2 listed. Indeed, the Council itself accepts, in the SoC referred to above, that *“the precise siting of the proposed store and its large external footprint would be distinctly at odds with the overall character and appearance of the Chellaston District Centre”* and be *“contrary to the placemaking policies of the Derby City Local Plan and the over-arching guidance in the NPPF which attaches great importance to the design of the built environment”*.

The north-facing elevation is proposed to be clad in timber to soften the building’s appearance. We would comment that such a finish deteriorates very rapidly and looks unsightly, as evidenced by the fish bar opposite the site where the timber used has lost its colour after only a year. The design still incorporates a glass front (east elevation) and a highly prominent company logo.

Car-Park Layout

The car-park design is no safer than in the original application.

The applicant claims to have improved the layout of the car-park, but we note that the number of spaces has hardly changed so the store will still be expected to attract the same number of customers and hence the number of vehicle movements in to and out of the car-park will not change. The layout now incorporates a walkway for customers, which appears to be mainly for the benefit of those arriving on foot. However, these customers will still have to negotiate two crossings of access roads within the car-park. The swept path analysis shows that the delivery wagons will have to drive past the front of the store, where most customers would be expected to be passing and reverse between parked cars. This appears to require a complex and potentially dangerous manoeuvre which will be undertaken several times a day during store opening hours. The surfacing has been changed to tarmac instead of a semi-permeable type which means that far less rainwater will penetrate in to the ground – this is less good for the environment and could damage the few trees which are to be retained.

Loss of Community Facilities

The application goes against the spirit of Local Plan policy CP21 which states that existing community facilities should be retained unless it is demonstrated that they are no longer needed.

The proposal will require the demolition of the Rose and Crown public house, a historic building dating back to the 17th century, which is the only family-friendly such establishment in the centre of Chellaston and the only one with stepless disabled access. For the record, The Corner Pin has no disabled access and is closed presently and the Lawns Hotel and R&R's Sports Bar can only be accessed up a ramp which is too steep for wheelchair access. The Rose & Crown building is listed as an Asset of Community Value (see below) and is a viable business. Additionally, the St. Ralph Sherwin Catholic Centre is also due for demolition, removing a well-attended place of worship and a meeting place from the centre. It has been stated that the church will be rebuilt in a much less accessible location peripheral to Chellaston but no definitive evidence of a firm commitment to carry this out has been provided. The loss of two important facilities on the site is not mitigated by the building of a large supermarket and there will be an impoverishment of community infrastructure overall.

Impact on Chellaston District Centre (DC)

This application goes against the spirit of the requirements of LP policies CP12 and CP13 in that it will impact adversely on existing retail in the DC.

It is a requirement of Local Plan policy CP12 that larger retail developments in the DC should be consistent with the scale, nature and function of the centre they are in and of CP13 that any retail proposal over 1000 m² in gross area outside of the DC should provide a retail impact assessment to show that it would not have a significant adverse impact on the role, vitality, viability or competitiveness of any centre. This development would straddle the DC boundary but no retail impact assessment has been requested by the council or provided by the applicant, yet it is clear

that a store of this size, selling not only groceries but also a range of hardware goods and clothes, would have an adverse effect on existing retail outlets in the DC. The viability of Chellaston's two central supermarkets would be severely challenged as would that of the smaller outlets such as the butcher and off-licence. Should closures ensue, the result would be less choice in the DC, less employment overall and the possibility of empty retail units.

Loss of Trees Protected by TPO 585

The applicant has failed to provide an appropriate Arboricultural Impact Assessment or to demonstrate that the environmental benefits that the trees represent will be adequately replaced.

Most of the trees on the sites are presently protected and this protection was granted in 2015 on the basis that the trees improved the urban aspect of the centre and were beneficial to the environment. Most of these trees, including mature willow, beech, ash and birch, would be felled under the proposals which rather makes a mockery of the TPO system. In this latest application, a further two trees are due for destruction compared to the first one and although there is a replanting schedule, it will take many years for the new trees to attain the aspect of those that will be lost. Furthermore, the Arboricultural Impact Assessment is not relevant to this application as it was prepared for the previous application and does not show that the trees T23 and T24 are to be removed.

Noise Assessment

The assessment as provided is flawed and should not be used as a supportive document. Deliveries outside of normal shop opening times, which Lidl may wish to utilise given the car-park constraints, are not acceptable as the store is surrounded by residential properties.

To support their application, the applicant has provided the same Noise Impact Assessment which was used for the first application. This was shown by an independent noise consultant to be flawed and the Case Officer agreed that this was the case but allowed the assessment provided on the basis that it was considered that performing tests differently would not affect the outcome.

Asset of Community Value (ACV) Status of Rose & Crown

The applicant has collaborated with the owner of the Rose and Crown to contravene the provisions of the ACV legislation enshrined in the Localism Act 2011.

The Rose & Crown public house is registered as an ACV under the provisions of the Localism Act 2011. The Act requires owners of properties which are so registered to advise the local authority of any intention to sell, so that community groups can express an interest in purchasing the property for the benefit of the community. There is a moratorium period of six months during which time the owner may not dispose of the property if such an expression of interest has been made. In this case, the community has notified their intention to bid and a moratorium period currently applies to the Rose and Crown. However, public records show that there is a binding agreement between the owner and Lidl to purchase it in principle. This is contrary to the ACV provisions in the Act because it

places the community bidding process in an untenable position, due to the fact that it would be difficult or impossible to obtain backing for a sensible bid for a building likely to be demolished.

Parking Arrangements for the Bowls Club and Academy Students

Loss of these parking areas will lead to pressure on the limited alternative parking which is available in the DC, inconvenience to residents and congestion.

Members of the Bowls Club and visiting teams who presently enjoy parking on land belonging to the Catholic Centre, have been advised that they will be allowed to park a certain number of cars in Lidl's car-park. It is not clear how this will operate however, since, Lidl normally control parking using NPR technology. Whilst Bowls Club members may be able to register their car registrations, visiting teams will not be able to do this. Furthermore, Lidl have said that this concession will be reviewed at intervals so there is no guarantee that the parking concession will continue indefinitely. The Academy's sixth-form students also park cars on this area presently but will be displaced to side roads around the school, or other car-parks.

Consideration of Alternative Sites

The applicant does not indicate that any alternative sites have been considered in the Chellaston Ward or nearby.

The CRA considers that there are other possible locations which would provide customers with easier access and be closer to housing developments. In particular, a site off Infinity Park Way with its link to the A50 and local housing developments of west Chellaston and Sinfin would provide a superior location.

Requirement for a Discount Supermarket

The new Aldi store to be built 700 metres from the proposed Lidl site would appear to render Lidl's proposal superfluous.

Demand for a larger discount food store in Chellaston will be satisfied when the large Aldi store, which already has been granted outline permission, is built on the Chellaston Fields development to the south of Chellaston centre, approximately 700 metres from the site proposed by Lidl. This site will also be more easily accessed from the large west Chellaston housing development and from the Sinfin area.

Concluding Remarks

In conclusion, it can be seen that the proposed location chosen by Lidl for the largest discount supermarket in Derby is totally unsuitable for such a development. It would be inappropriate for its setting by virtue of its size and appearance and potentially result in a higher risk of accidents involving vehicles and pedestrians. Both the community and the environment of Chellaston will lose out if permission is granted for this development.

For the reasons given, therefore, the CRA strongly recommends that this application is rejected.