



Derby City Council

To: Plan A (North West) Limited
69 Talbot Street
Southport
PR8 1LU

Planning Application Decision

Town And Country Planning Act 1990

Part 1: Application Details

Application No: DER/12/15/01570 (please quote in correspondence)

Location: Site of Rose and Crown PH and St. Ralph Sherwin Centre,
Swarkestone Road, Chellaston, DE73 5UA

Proposal: Demolition of existing buildings and structures and erection of retail store (use class A1), car parking and servicing areas, access and associated works

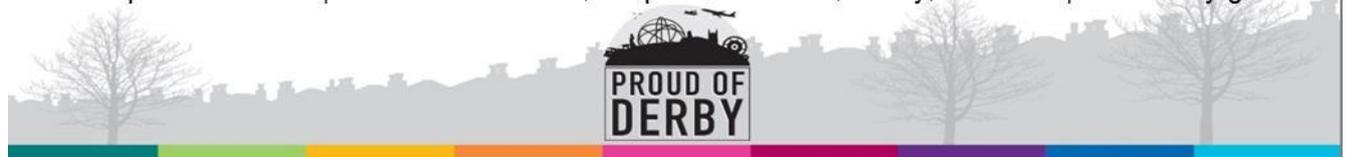
Part 2: Decision

Permission is **refused** for the reasons given in Part 4

Part 3: Relevant Policies

The provisions of the National Planning Policy Framework where appropriate and the following adopted City of Derby Local Plan Review policies are relevant to the application.

- CP2 Core Strategy Policy - CP2
Responding to Climate Change
- CP3 Core Strategy Policy - CP3
Placemaking Principles
- CP4 Core Strategy Policy - CP4
Character and Context
- CP12 Core Strategy Policy - CP12
Centres
- CP16 Core Strategy Policy - CP16
Green Infrastructure
- CP19 Core Strategy Policy - CP19
Biodiversity
- CP20 Core Strategy Policy - CP20
Historic Environment
- CP21 Core Strategy Policy - CP21
Community Facilities
- CP23 Core Strategy Policy - CP23
Delivering a Sustainable Transport Network



- GD5 CDLPR Saved Policy - GD5
Amenity
 - E13 CDLPR Saved Policy - E13
Contaminated Land
 - E17 CDLPR Saved Policy - E17
Landscaping Schemes
 - E19 CDLPR Saved Policy - E19
Listed Buildings and Buildings of Local Importance
 - E24 CDLPR Saved Policy - E24
Community Safety
 - T10 CDLPR Saved Policy - T10
Access for Disabled People
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Part 4: Reasons for Refusal

In dealing with this application the City Council has attempted to work with the applicant / agent in a positive and proactive manner but, in this case, the proposal includes unacceptable planning problems that could not be satisfactorily resolved. As such, a refusal of permission has been issued for the reasons which are clearly and precisely included below:

The development hereby refused relates to the following plans:

1. Site location plan no: AD 100
 2. Proposed site layout plan no: AD 110 Rev. F
 3. Proposed site layout 'finishes' no: AD 115 Rev. E
 4. Proposed elevations no: AD 113 Rev. C
 5. Proposed building plan no: AD 111 Rev. A
 6. Proposed roof plan no: AD 112 Rev. A
 7. Proposed landscaping no: AD 116 Rev. F
 8. Proposed boundary treatments no: AD 114 Rev. F
1. In the opinion of the Local Planning Authority 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. As such, the proposal is contrary to policies CP3 and CP4 of the adopted Derby City Local Plan Part 1: (Core Strategy), saved policy GD5 of the adopted City of Derby Local Plan Review and the guidance in paragraph 56 of the National Planning Policy Framework which attaches great importance to the design of the built environment.
 2. In the opinion of the Local Planning Authority 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. As such, the proposal is contrary to policy CP23 of the adopted Derby City Local Plan Part 1: (Core Strategy) and the guidance in paragraph 32 of the National Planning Policy Framework which requires development proposals to provide safe and suitable access to sites for all people.

Signed:



David Gartside
Authorised Officer of the Council

Date: 25/07/2017

Notes

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within **six months of the date of this notice**, using a form which you can get from the Planning Inspectorate, 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the Appeals area of the Planning Portal. This may include a copy of the original application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.. You must use a Planning Appeal form or Householder Planning Appeal form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- Please note, only the applicant possesses the right of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act

1990.

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Website: www.derby.gov.uk/environment-and-planning/planning/