

B1 APPLICATIONS

1 Code No: DER/01/07/00117

Type: Full

1. **Address:** Land at 81 Chestnut Avenue, Chellaston
2. **Proposal:** Erection of six dwelling houses (substitution of house types on plots 1, 2, 3, 5, and 6)
3. **Description:** Members will be familiar with this site which has been the subject of previous reports to this Committee. Members have also visited the site. A copy of the last report to Committee, under code no. DER/04/06/00609, is reproduced for Member's reference.
... Development on-site is at an advanced stage.

This current application seeks permission to substitute house types on 5 of the 6 plots. The changes to the house types are relatively minor. The changes principally relate to the reduction of house footprints by the removal of small ground level elements and inglenook fire places and chimneys. Elevational details have also been simplified with a number of changes to window styles and header and sill detailing.

It is important for Members to note that, from my calculations, the siting details are consistent with the approved layout. The proposed development is low density, equating to approximately 12 dwellings per ha, to relate to the spacious character of the established residential surroundings. It is also important for Member's to note that the distances between the dwellings on-site and the neighbouring dwellings on Chestnut Avenue exceed the former residential space standards of the City Council.

4. **Relevant Planning History:** Refer to the previous report.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** I raise no objections to the design amendments in this application. In my opinion, the changes serve to simplify the elevation details of the house types and are acceptable. I raise no objections to the proposed development in community safety terms.
 - 5.3 **Highways:** Refer to the previous report. The visibility splay to the front of no. 75 Chestnut Avenue, as required by condition 7 of the extant planning permission, has been established.
 - 5.4 **Disabled People's Access:** The accessibility of the building is controllable through the Building Regulations.

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5.5 Other Environmental: The submitted landscaping scheme, in accordance with condition 4 of the extant planning permission, has been assessed by the Council's Principal Landscape Assistant.

6. Publicity:

Neighbour Notification letters	21	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Three letters of objection have been received together with a letter of comment. The objectors maintain concerns that were expressed during the determination of the last application about the siting and detrimental impact of the development in relation to the surrounding residential context.

Councillor Tittley objects to the application and, I understand, has elected to speak at the meeting.

8. Consultations: None.

9. Summary of policies most relevant: Adopted CDLPR:

GD4 - Design and the urban environment
GD5 - Amenity
H13 - Residential development – general criteria
E23 - Design

The above is a summary of the policies that are relevant. Members should refer to their copy of the adopted CDLPR for the full version.

10. Officer Opinion: The material planning considerations associated with the redevelopment of this site were fully considered by Members, following a site visit, with the last planning application. Development is ongoing and the developer has addressed the conditions relating to external materials, landscaping, and the provision of the required exit visibility splay on the site frontage.

The developer has sought to amend the house types granted planning permission under code no. DER/406/609. Members will be aware that this type of application is not uncommon.

I raise no over-riding design objections to the amended house types and consider that the simplified designs are acceptable in this varied

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residential context. In my opinion, there are no other material considerations to address and I recommend accordingly

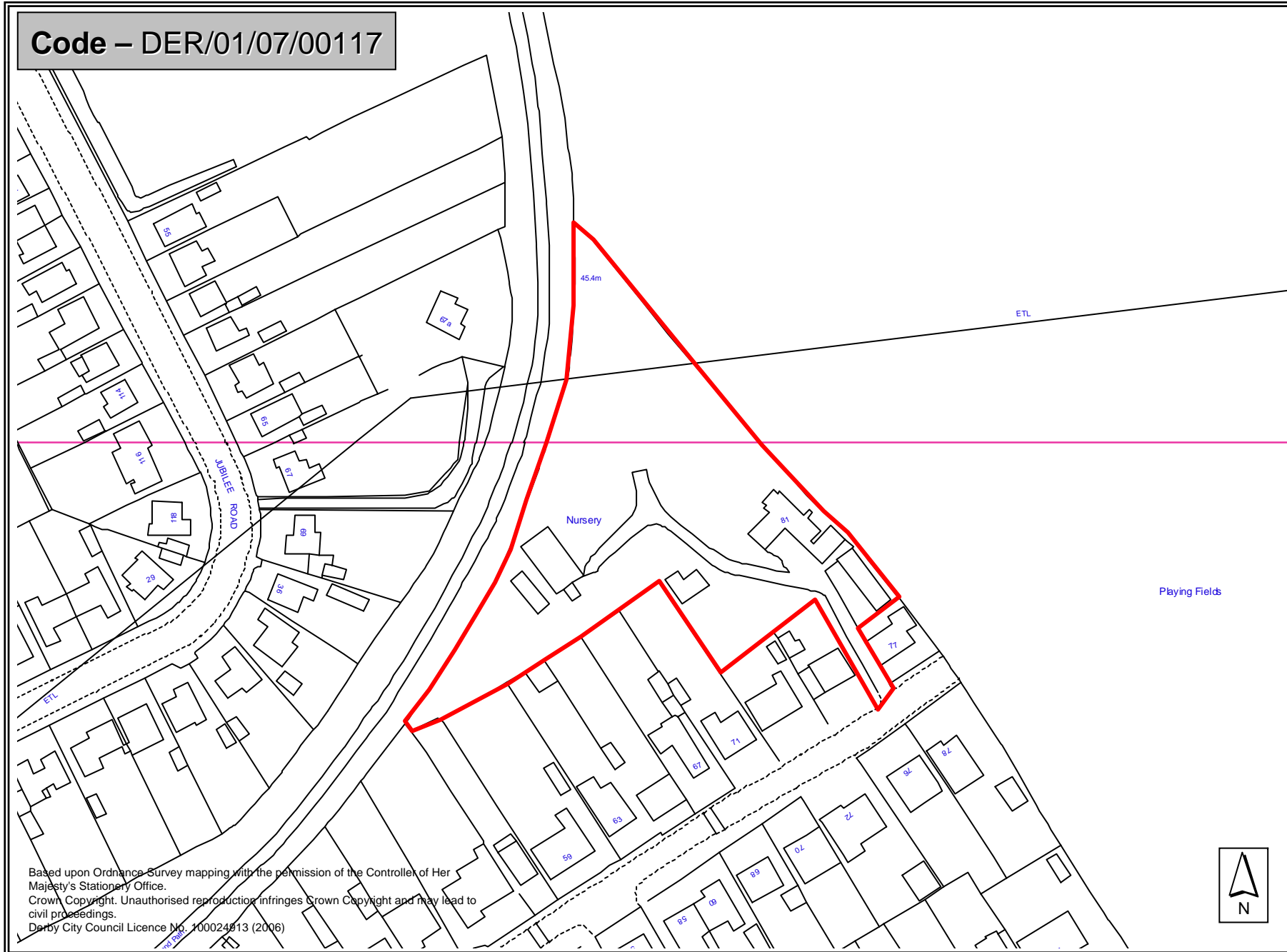
11. Recommended decision and summary of reasons:

11.1 To grant planning permission.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9. above. The proposal is considered an acceptable form of development in siting, design, street-scene and residential amenity terms.

11.3 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00098

Type: Full

1. **Address:** Land at rear 27 Penny Long Lane
2. **Proposal:** Erection of 2 dwellings and garages
3. **Description:** This application relates to part of the rear curtilage of No.27 Penny Long Lane, which is a large 1930's detached dwelling with an extensive plot. The site is currently a mature garden, which slopes gently downhill towards Broadway. The southern boundary of the plot backs onto the Broadway frontage. The surrounding area is characterised by individual detached dwellings, with large gardens and numerous mature trees.

Full permission has recently been granted for a single dwelling alongside the existing row of dwellings, towards the Penny Long Lane frontage. This permission has not yet been implemented. Outline permission was also granted in 2006 for a single dwelling on the rear curtilage of the adjacent property, No.29 Penny Lane.

This proposal is for erection of 2 detached dwellings with double garages to be served off Broadway. They would both be 4 bedroom, 2 storey dwellings of similar design and form. The dwellings would have a long narrow footprint 9 metres wide and up to 15.5 metres long, with a hipped roofline and traditional bay window feature on the front elevation. The garages would both be to the front of the dwellings. One would be integral and the other detached, to be about 2 metres from the highway frontage. They would both be 6 metres square in area and about 5 metres high with a hipped roofline. The dwellings would have rear gardens about 10 -11 metres in length. They would be accessed off a single private driveway onto Broadway, to be formed using no-dig construction methods under the tree canopies.

4. Relevant Planning History:

DER/606/972 and DER/606/971 – Outline applications for residential development, Refused – August 2006 for the following reason:

“The siting and layout of the development, including the provision of a new vehicular access would severely compromise the long term retention of protected trees on the site and trees in the highway verge, due to potential intrusion into their root protection areas as a result of the necessary ground works. In the absence of details of proposed siting and access arrangements, it is concluded that the development would be significantly detrimental to the trees, which make an important contribution to the visual amenities of the streetscene on Broadway and is thereby contrary to Policy E11 of the adopted City of Derby Local Plan Review – 2006.”

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2 Code No: DER/01/07/00098

DER/1206/2077 – Erection of dwelling and garage, Granted - February 2007

DER/306/380 – Outline application for residential development, Land at rear of 29 Penny Long Lane, Granted - May 2006

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The proposed dwellings would be of traditional form and design, in keeping with 1930's style of residential architecture in the surrounding area. The development would provide a secure residential environment and therefore there are no adverse community safety implications.

5.3 Highways: The access is to be ramped to allow a no-dig construction and the footway either side of the access will also require ramping to the same height.

5.4 Disabled People's Access: The dwellings will have a degree of accessibility secured under Building Regulations.

5.5 Other Environmental: The site currently has mature shrubs and ornamental planting and various trees. There are two trees on the site covered by a Tree Preservation Order, which are a mature Beech and Dawn Redwood. The Beech is a large tree, which is located in the south west corner of the site, close to the Broadway frontage. The Redwood is close to the Beech and is part under its canopy. A further protected Redwood tree is on the boundary with No.29, to the north west of the site. This tree would not be adversely affected by the development. There is also a continuous row of mature Lime trees on the Broadway verge, which make a significant contribution to the appearance of the local area.

6. Publicity:

Neighbour Notification letter	12	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Ten letters of objection have been received copies of which will be available to view in the Members Room. The main comments are as follows:

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- Highway and parking issues on Broadway need to be addressed before this development can be approved. The traffic situation on Broadway would be worsened by the additional access and 2 new dwellings.
- The proposal would detract from the character and tree lined appearance of the local area and harm the streetscene.
- The protected trees would be damaged or lost during the construction process, undermining the local environment
- There would be highway safety issues resulting from the increased number of vehicle accesses onto Broadway.
- The approval of this scheme would set an undesirable precedent for other similar developments on rear gardens.

8. Consultations:

EnvS(Arboricultural) – The surface of the driveway should be permeable as stated in the arboricultural statement. Clarification should be sought of the proposed edging for the no-dig section within the root protection area. Protective fencing should be provided for the TPO tree on the adjacent property.

9. Summary of policies most relevant: Adopted CDLP policies:

GD5 – Amenity
H13 – Residential development – General criteria
E9 – Trees
E10 – Renewable energy
E23 – Design
T4 – Access and parking

The above is a summary of the policies that relevant. Members should refer to their copy of the CDLPR for the full version.

Officer Opinion: This application for residential development relates to a generous rear curtilage of a property on Penny Long Lane, which constitutes a brownfield site and is suitable in principle for a more intensive form of residential use. This residential scheme would accord with the objectives of the recent PPS 3 (Housing) and Policy H13 of the Local Plan Review, which encourages a more efficient use of land in a relatively accessible location. This is a traditional residential area, with densely built up frontage, close to the city centre. There is already full permission for erection of a dwelling adjacent to the existing property, which would face towards Penny Long Lane and outline permission for a dwelling on the adjacent property. These are similar plots in terms of size and layout and residential development would therefore be

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appropriate, subject to provision of a high quality design and layout. This proposal would be served off Broadway and involve erection of 2 detached dwellings with private off-street parking. The plot would accommodate 2 dwellings and garages with relative ease and the proposed layout would form a high quality living environment.

The design and form of the proposed dwellings takes reference from the 1930's style of residential architecture which is prevalent in this locality. They would fit in satisfactorily into the local streetscene and be in keeping with the character of this traditional residential area.

The residential amenities of nearby dwellings would not be unreasonably affected by the proposed residential development. There would be about 21 metres between habitable room windows of the proposed dwellings and dwellings facing Penny Long Lane and as such the normal distance standards for privacy would be adequately met. There would only be small secondary windows on the side elevations of each dwelling, which would prevent undue overlooking of the adjacent properties. The proposal would not have an excessive massing effect on the neighbouring properties on Penny Long Lane, since the development would be up to 2 metres lower in floor level than the existing dwellings. The amenities and privacy of dwellings to the opposite side of Broadway, would not be adversely affected due to the distance and the screening afforded by the mature trees.

This site has physical constraints in the form of protected trees, both on and off the site, which would potentially be affected by the development. The previous outline applications were refused due to concerns that the formation of a vehicle access would compromise the long term retention of the protected trees on the site and in the highway verge. This issue has satisfactorily been addressed by the method statement and layout drawing submitted with the current application, which include a survey of the affected trees. The siting and layout of the proposed access would encroach into the canopies of the Beech tree and the Lime trees on the highway, although the no-dig construction methods to be used and proposed means of protection would in general, be an acceptable package of measures to minimise damage to the protected trees. I feel that it would be prudent to ensure that the recommendations in the arboricultural method statement are implemented as specified, subject to clarification of details relating to surfacing and edging of the driveway. This could be achieved by use of an appropriate condition. Overall I am satisfied that the trees affected by the vehicle access would not be unduly harmed by the proposal. Their visual amenity value would be maintained and they would largely screen the development from the Broadway frontage.

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The formation of the vehicular access by no – dig construction methods would result in the driveway being raised slightly above the existing footway, to protect the roots of the affected trees. This would increase the gradient of the vehicular access to about 1:8, for the first 10 metres off Broadway. The highway standards normally require a maximum of 1:12, although there is no alternative to the higher gradient, due to the need for tree protection measures. Any dwelling erected on the adjacent property under the extant outline permission will also need a similar means of access, sited between highway trees, which would have a similar 1:8 gradient. Although the proposed access would be steeper than desirable, it would only serve 2 dwellings, with very limited traffic flows and I consider that the need to protect the tree roots outweighs the strict adherence to highway standards in this case. The general parking and turning arrangements within the development would provide for 2 parking spaces per dwelling and adequate manoeuvring facilities. There are existing issues relating to traffic and parking on Broadway, which have raised concerns among local residents. The level of parking on the highway is substantial, although it does not impact unduly on the proposed development site. The proposal is therefore unlikely to increase on-street parking on Broadway and would have a minimal impact on the general traffic situation.

11. Recommended decision and summary of reasons:

11.1 To grant permission subject to conditions.

11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan and all other material considerations as indicated in 9 above and would be an appropriate form of residential development, which would be in keeping with the local streetscene and would create a satisfactory living environment subject to approval of appropriate details.

Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 20 (landscaping)
4. Standard condition 22 (landscaping maintenance – Cond 3)
5. Standard condition 38 (surface and foul drainage)
6. During the period of construction works all trees and other vegetation to be retained, including those which are on adjoining land but which overhang the site, shall be protected in accordance

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with BS:5837:1991 ("Trees in relation to construction"), and in accordance with the recommendations included in the arboricultural method statement, dated 5 September 2006 accompanying the application. The following requirements shall be provided:

- (a) The date of the construction of such protection and of its completion shall be notified in writing to and agreed in writing by the Local Planning Authority before any other site works commence.
 - (b) The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
7. Notwithstanding the requirements of Condition 5, precise details of the section of access to be constructed using no-dig methods, including cross – section and levels in relation to surrounding ground levels, shall be submitted to and approved in writing by the Local Planning Authority before work commences and shall be constructed in accordance with such approved details.
8. The construction of each dwelling shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved dwelling is occupied.

Reasons

- 1. Standard reason E14...Policy H13 & E23
- 2. Standard reason E14...Policy H13 & E23
- 3. Standard reason E09...Policy E23
- 4. Standard reason E09...Policy E23
- 5. Standard reason E21
- 6. Standard reason E11...Policy E9
- 7. Standard reason E11...Policy E9

8. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce

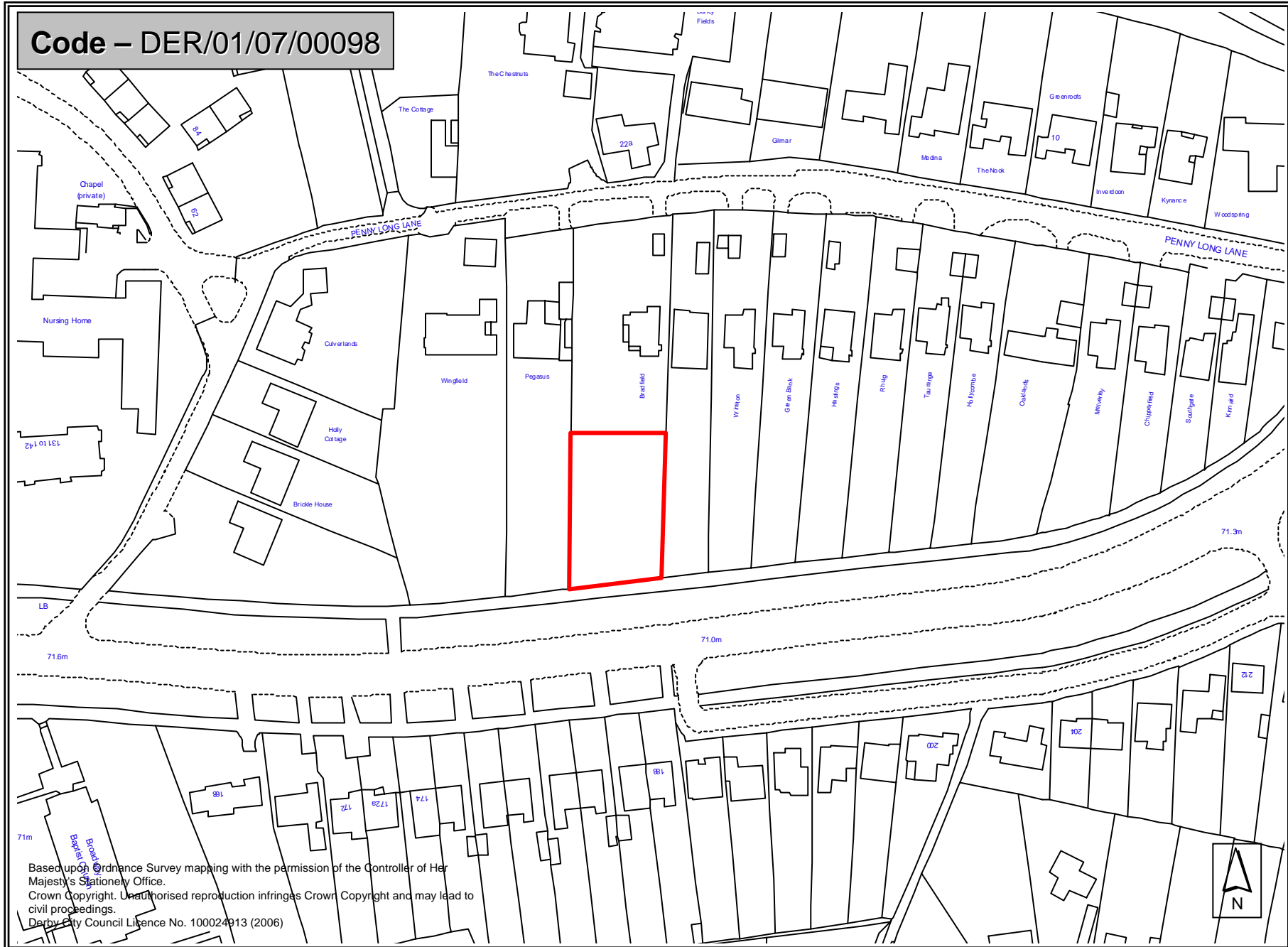
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energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.

S106 requirements where appropriate: None.

Code – DER/01/07/00098



B1 APPLICATIONS (cont'd)

3 Code No: DER/01/07/00178

Type: Full

1. **Address:** 53 Arthur Street
2. **Proposal:** Extension to dwelling (enlarged kitchen and bathroom)
3. **Description:** This application relates to a Victorian, 2 storey mid-terraced dwelling on Arthur Street, which is within the Strutts Park Conservation Area. It is currently occupied as 2 flats. The property lies close to the Milford Street frontage and the rear elevation is visible from this street. It is surrounded by similar 2 storey terraced properties, with modest curtilages.

This is a revised proposal for erection of a two storey rear extension onto the original projecting gable of the terrace. It is reduced in scale and massing, following refusal of the previous extension on the grounds of loss of amenity and privacy of the adjoining dwelling at No.2 Milford Street, due to an oppressive massing effect and significant overlooking. The current scheme would involve a two storey extension to form bathroom at ground floor and extended kitchen above. It would extend the existing mono-pitch projecting gable by 1.2 metres, with a roofline to tie in with the existing. Beyond this a small single storey lean- to extension would be formed on the rear, 1.6 metres in depth. The footprint of the extension would be 2.8 metres deep and 3 metres in width.

4. **Relevant Planning History:** DER/1006/1646 – Extension to dwelling (2 bathrooms), Refused – December 2006
5. **Implications of Proposal:**
 - 5.1 **Economic:** None
 - 5.2 **Design and Community Safety:** proposed extension would be modest in scale and tie in with the design and form of the existing terrace. There would be no adverse community safety implications.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** None.
 - 5.5 **Other Environmental:** None.

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6. Publicity:

Neighbour Notification letter	5	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: One letter of objection has been received and a copy is reproduced. The main issues raised are as follows:

- The proposal would be clearly visible from Milford Street and would disrupt the uniform line of rear projections to terraces in this row
- It will overshadow the adjacent garden for much of the day
- The design and materials in the extension should be in keeping with architecture in the local area
- The proposed window openings are poor, since they are of the wrong proportions.

8. Consultations:

CAAC - Object on the grounds that the 2 storey extension to the rear out- rigger would disturb the rhythm of the rear elevation of this terrace of dwellings that is highly visible from the adjacent Milford Street. This forms an important element to the character of the Conservation Area. The first floor extension appears to be for the purposes of enabling a second bedroom in the upper floor flat, which is considered to be an unwarranted justification for harm to the Conservation Area.

9. Summary of policies most relevant: Adopted CDLPR policies:

H16 – Extensions to dwellings
E23 – Design
E18 – Conservation Areas

The above is a summary of the policies that relevant. Members should refer to their copy of the CDLPR for the full version.

9. Officer Opinion: The proposed rear extension has been reduced in overall size and scale in an attempt to minimise the undue massing effect on the neighbouring dwelling and to lessen its visual impact on the Conservation Area. The alterations to the extension primarily relate to the first floor element and involve a reduction in the floor area and

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rearrangement of the layout, such that the side window facing the adjacent dwelling would be to a bathroom rather than a kitchen. This means that it would be obscured glazed and therefore minimise loss of privacy.

The rear of this property is clearly visible from the Milford Street frontage and the proposed extension would be a prominent feature in the local streetscene. The two storey element of the extension would be very modest in depth and proportionate to the scale and bulk of the original gable. It would tie in with the design and form of the existing dwelling and reflect the various types of projecting gable along this row of terraces. From the Milford Street frontage, the line of projecting gables along Arthur Street, does not in my opinion appear uniform in terms of form or scale. I consider that this proposal would not appear disruptive or out of keeping with the general pattern of development in the locality. It would fit in successfully with the general appearance and character of the local streetscene and the Conservation Area.

The applicant's intentions for this proposal are to improve bathroom facilities for both ground and first floor flats. The floor layout at first floor would be altered to provide separate kitchen and bathroom, to enhance living conditions for the occupants. The submitted drawings do not indicate the formation of additional bedrooms as claimed by the Conservation Area Advisory Committee. The stated reasons for the proposed development are considered to be reasonable and the issue of need should not be used as a means of determining the proposal.

The amenities and privacy of the neighbouring terrace at No.2 Milford Street would not be unduly harmed by the current proposal. The two storey element would have some additional massing impact on the rear elevation of the adjacent dwelling, although it would amount to a minor increase in the corridor effect to the rear habitable room windows. The potential loss of light and overshadowing would not be significant and would not undermine the living conditions of the local residents. The proposal would also have a minimal adverse impact on privacy. Overall the residential amenities of nearby dwellings would not be unreasonably harmed.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

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11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated at 9. above. The proposal would be an appropriate form of development, which would not unreasonably harm the amenities of nearby dwellings and would preserve the appearance and character of the Strutts Park Conservation Area.

11.3 Condition

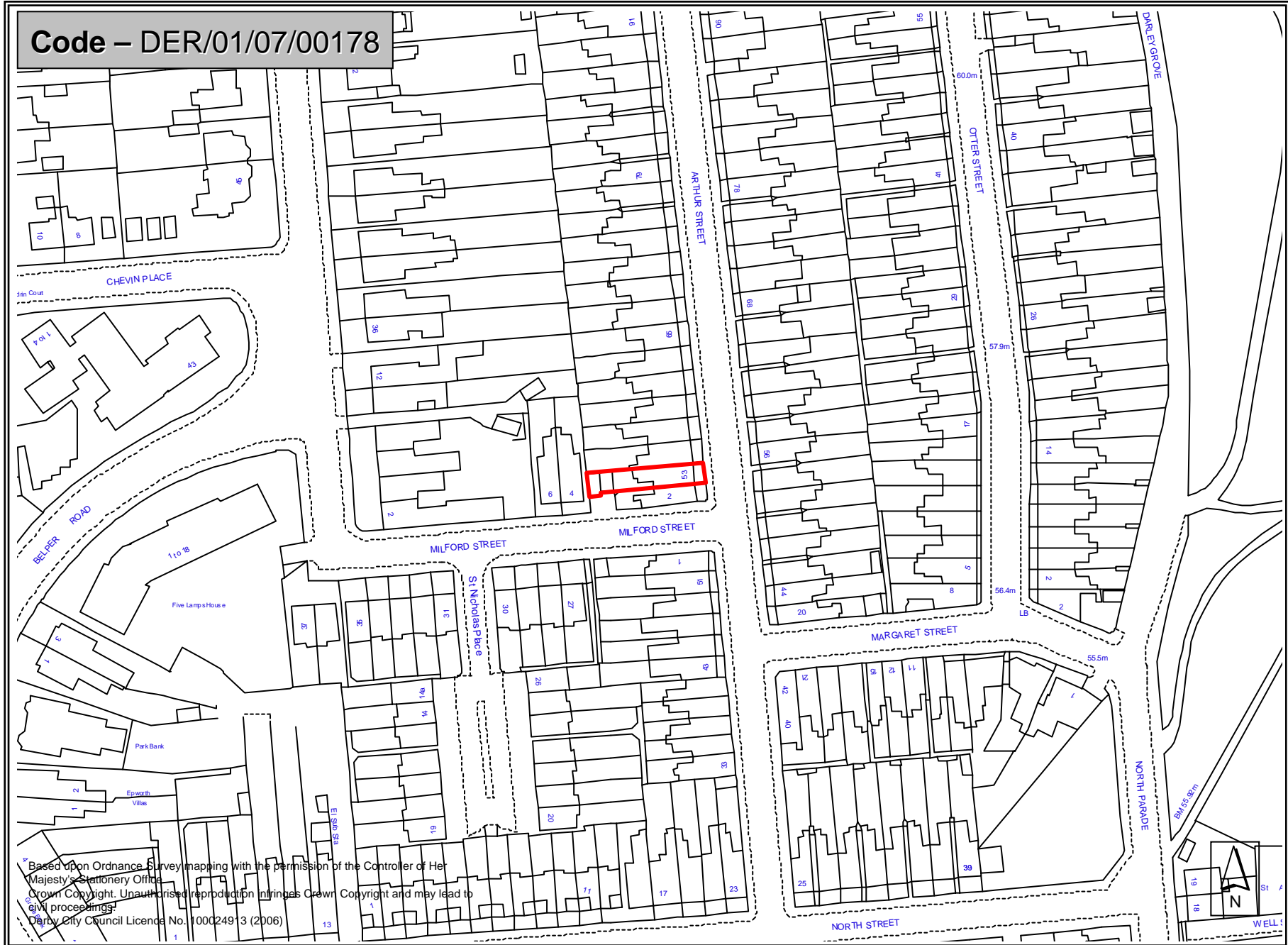
Standard condition 27 (external materials)

11.4 Reason

Standard reason E14 ... Policy H16 & E23

11.5 S106 requirements where appropriate: None.

Code – DER/01/07/00178



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B1 APPLICATIONS

4 Code No: DER/01/07/00195

Type: Full

1. **Address:** 59 Hall Street, Alvaston, Derby
2. **Proposal:** Demolition of the existing end terraced dwellinghouse and the erection of 5 apartments on the site.
3. **Description:** Hall street has a regular urban fabric due to the form of development and the regular plot dimensions. The street is composed of a continuous row of terracing either side of the highway.

The terraced properties, of a mixture of 2 and 3 storeys, generally have the front building line on the back edge of the public footpath, but a few properties have small front gardens as they are set back approximately 1.5m. The neighbouring properties to the north east of the site are examples of this. The appearance, scale and form of the terraced properties appear consistent and so helps form what can be described as quite a regular streetscene. It is important to note there are various roof heights and staggering nature of properties but the general essence of the streetscene and its composition is regular.

The application site is at the end of the row of terraced properties on the eastern side of Hall Street, adjacent to number 57 Hall Street. It is bounded by semi-detached properties and terraced housing to the south on Baker Street.

The site currently accommodates an end terraced dwellinghouse and rear private amenity space with a parking space to the side, taken from Hall Street.

The proposal is to demolish the existing end terraced dwellinghouse and erect a 3 storey development which will accommodate 5 apartments.

The design of the building would in essence be two storey development with an apartment in the roof space incorporating front facing dormer windows. The building will be sited in the same manner as at present in relation to the neighbouring property, number 57 Hall Street. The property will be set forward approximately 1.5m of this property, thus maintaining the active frontage which currently exists.

The design of the front elevation appears similar to the neighbouring properties along the street incorporating existing elements, such as the sills and window head detailing. The proportioning appears somewhat different in the roof area as the eaves appear at a higher level, approximately 0.8m above the neighbouring property. The dormer windows appear similar to the gable end appearance of 3rd floor levels further north in the streetscene.

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It is proposed to provide no off-street car parking space provision. A communal garden is provided to the rear of the property. It is proposed there will be a single storey projection to the side of the apartment building to accommodate bin storage and provision for 5 cycles. Site access to the main entrance to the building and this cycle storage area will be through a secure gate to the side of the bin store.

The ground floor flats have individual access arrangements whereas the 3 other flats, on the first and second floors, will have a communal staircase providing access. The main stairwell has access to the side elevation.

4. Relevant Planning History:

DER/11/92/01237 – Conversion of dwelling to 3 flats – Granted conditionally.

DER/07/06/01236 – Demolition of dwelling and erection of 5 apartments – Refused

The application was refused on the following grounds:

- “1. The proposed development would have an unacceptable effect upon residential amenities causing a loss of light to 57 Hall Street and having an overbearing, oppressive massing effect upon neighbouring properties at 57 Hall Street and 180 and 178 Baker Street. As such the proposal is contrary to Policy H13 of the adopted City of Derby Local Plan.
2. By virtue of its width and prominent ground floor vehicle door access, the proposed development is out of keeping with the character and appearance of the street scene, which is dominated by narrow terraced dwellings with traditional front door access details. As such the proposal is contrary to Policy H13 of the adopted City of Derby Local Plan.
3. The proposed communal garden area would be inadequate in its size and would not provide a high quality living environment. As such the proposal is contrary to Policy H13 of the adopted City of Derby Local Plan.

5. Implications of Proposal:

5.1 Economic: None.

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5.2 Design and Community Safety: The existing dwellinghouse, an end terrace, is to be demolished. The site is located between a row of terraced dwellings on Hall Street and semi-detached dwellings on Baker Street. The proposed design, form and character of the new apartment building would be sympathetic of the surrounding context.

There are no issues with regard to the community safety.

5.3 Highways: Recommend that the development be car free, since the street can accommodate potentially 5 vehicles without having any significant impact upon the street parking demands. Details of bin storage and cycle provision have been provided.

5.4 Disabled People's Access: To be controlled through the Building Regulation application.

5.5 Other Environmental: None

6. Publicity:

Neighbour Notification letter	12	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** One letter of objection was received prior to the submission of amended drawings and is reproduced. Concerns relate to:

- The proximity of the proposal in relation to the property of 180 Baker Street
- The height of the proposal, being too tall at 3 storeys
- The proposed building would restrict access to levels of light, thus over-shadowing the property of 180 Baker Street
- The proposed parking of 2 on site and 3 off site would exacerbate the problems of parking on Hall Street.

One further objection has since been received from the original objector Concerns relate to:

- Minimum of 5 cars, possibly more to find spaces for overspill onto Baker Street

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- The proximity of the proposal in relation to 180 Baker Street
- Bin storage provision is not suitable for its requirements.

A Briefing Note has been sent to the ward councillors of Alvaston and the Chair of the Planning Control Committee. Councillor Graves has objected to the delegated decision.

8. Consultations: None

9. Summary of policies most relevant:

Policy E23 - Design
Policy GD5 - Amenity
Policy H13 - Residential Development – General Criteria
Policy T4 - Access, Parking and Servicing
Policy E10 - Renewable Energy

The above is a summary of the policy that is relevant. Members should refer to their copy of the adopted City of Derby Local Plan Review.

10. Officer Opinion:

This is a brownfield site located in a residential area where the principle development is acceptable.

The urban fabric of the street helps to form a regular streetscene. There is a continuous row of terraced properties either side of the street, all of which are quite similar in appearance, scale and form. There are some variances in roof heights and staggering of properties however, on the whole the streetscene is generally consistent.

The existing building is of a similar appearance and form to the neighbouring dwellings but does not have a prominent active frontage to the street at ground floor level. The building looks quite run down.

It is my opinion that the proposed development will be a suitable replacement of the existing building in terms of the design and appearance. The apartment building has been designed to look like a terraced property as a result of the proportioning. The new building appears well proportioned providing vertical emphasis rather than horizontal emphasis. This is further enhanced when you consider it in relation to the neighbouring terraces.

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The development will be noticeably higher than the adjoining terrace but this is considered not to be so significant in respect to the overall impact upon the streetscene. The extra height is a result of the accommodation in the roof space. However the roof incorporating 2 dormer windows further accentuates the verticality of the end terrace and helps to minimise the difference of height of the roof in comparison with the neighbouring property. The built form provides an end-stop to the terrace.

The detailing of the façade, in terms of sills and window head detailing, appears consistent and adds character to the property. It is my opinion that the proposed new development will link in with the streetscene and will not unduly detract any character or identity from the streetscene.

The side elevation of the existing property at present is approximately 12m away from the rear building line of the properties on Baker Street. The proposed main double storey elevation would lie approximately 11m away from the rear building line. This exceeds the former space standards. The bin store and cycle storage will lie 9.1m from the rear building line of those properties on Baker Street. The bin store is set back approximately 0.2m from the front building line of the proposed development.

In relation to number 180 Baker Street the proposed single storey element will add minimal massing as it will be single storey. The only evident feature would be the pitched roof due to the 2m high fencing along the boundary between the application site and number 180 Baker Street.

The orientation of the site is north of Baker Street, and it is considered there will be no issue with respect to loss of access to levels of both day and sun light.

The rear elevation is set back at the 1st floor level and above, adjacent to the boundary with 57, to ensure the proposal will not cross the 45 degree line from the closest habitable room window to number 57 Hall Street. The massing impact of the proposal is therefore reduced for this property. It is considered the proposal will have minimal amenity impact in respect to loss of sunlight since the existing dwellinghouse has a double storey rear projection which will slightly shadow the rear of the property from midday. However, this is considered minimal in any case.

It has been recommended by Highways that the area to the side of the building be used to accommodate the bin storage and cycle provision on the site. This has been achieved and is considered acceptable.

B1 APPLICATIONS (cont'd)

4 Code No: DER/01/07/00195

In terms of the internal layout, the proposed development would provide a satisfactory living environment. The communal garden is acceptable based on the site constraints, its location and the nature of the development.

Overall, it is of my opinion that the development will have no significant streetscene implications. The proposal has been sympathetically designed to fit in with the surrounding context. The scale and proportioning of the building emphasises the verticality of the building and so it appears as a suitable replacement for the existing end

terraced dwellinghouse. The material treatment of the facades seems to tie in with the surrounding context.

I therefore consider the proposal to accord with Policies GD5, E10, E23, H13 and T4 of the 2006 adopted City of Derby Local Plan Review and recommend accordingly.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission conditionally.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policy as summarised in 9 above and is acceptable in terms of its impact upon residential and visual amenities and highway safety.

11.3 Conditions

1. Standard condition 27 (materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 09A (revised plans received on 16 March drawing number 3831 ACH(FPO) 101 rev. D)
4. The construction of the apartment building shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed, before the development is commenced. The approved scheme shall be implemented in its entirety before any of the approved apartments are accepted.

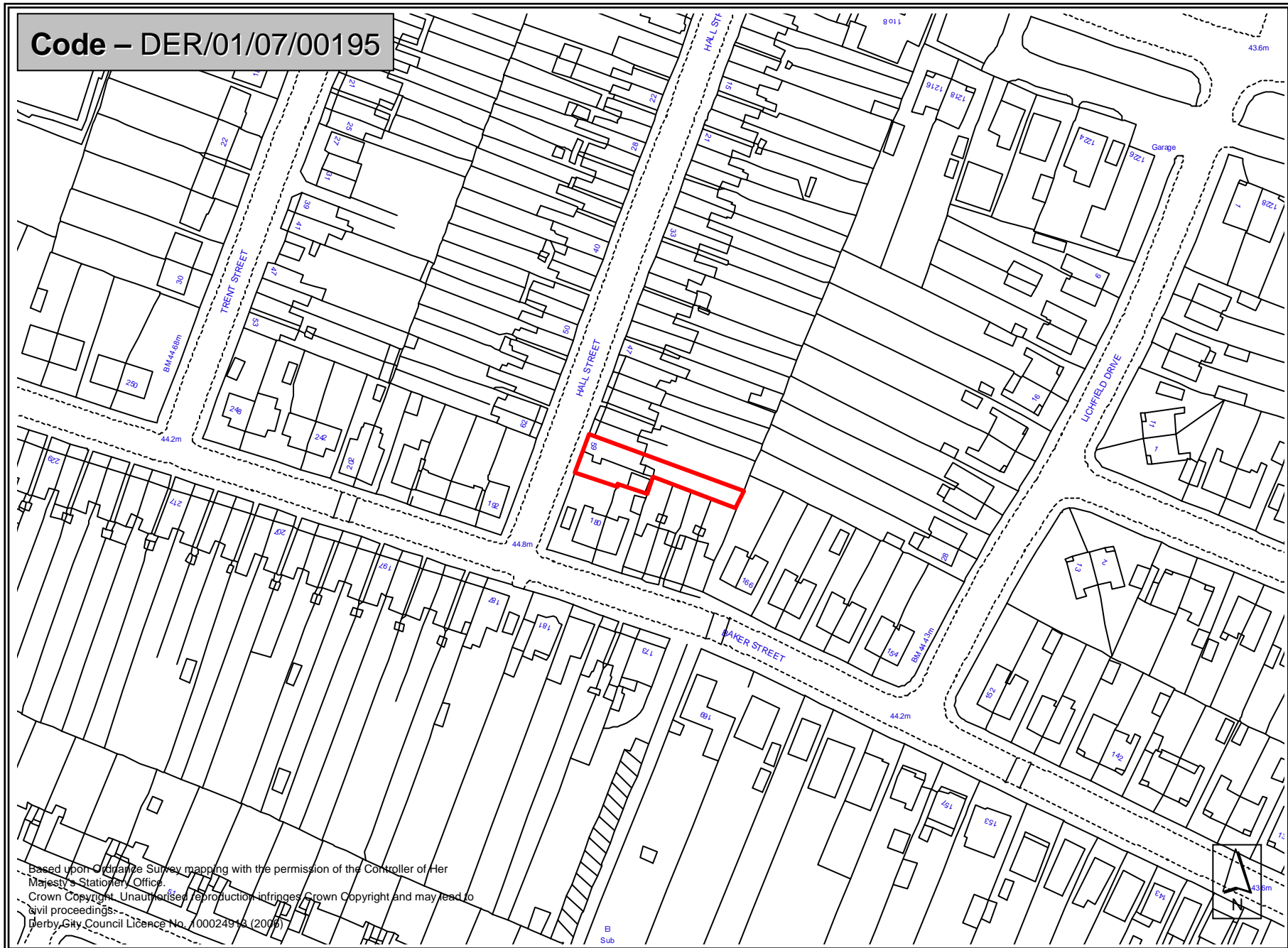
B1 APPLICATIONS (cont'd)

4 Code No: DER/01/07/00195

11.4 Reasons

1. Standard reason E14...Policy E23 and H13
2. Standard reason E14...Policy E23 and H13
3. Standard reason E04
4. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste, and in accordance with Policy E10 of the adopted City of Derby Local Plan.

Code – DER/01/07/00195



B1 APPLICATIONS (cont'd)

5 Code No: DER/01/07/00199

Type: Full

1. **Address:** Carsington House, Park Farm Shopping Centre, Birchover Way, Allestree
2. **Proposal:** Change of use from offices (B1) to 11 flats on first floor
3. **Description:** Carsington House is a mixed use, office and residential block on the roof of an elevated car park, which is at the Park Farm Centre in Allestree. The building is a flat roof, four storey block from the 1960's, with undercroft car parking, office space on first floor and residential on second and third floors. It lies within the District shopping centre and is above the main retail precinct. Vehicle access to the car park is via a ramp off Carsington Crescent. The surrounding area is residential characterised by post war detached and semi-detached housing.

It is proposed to change the use of the first floor offices to form 11 one bedroom apartments. The apartments would be served by the existing stair and lift access and an external fire escape. There are minimal external alterations proposed to the building, comprising replacement windows and a single bricked up window opening. Provision of car parking for future residents would be addressed by parking permits to enable use of the centre's existing parking facilities.

4. **Relevant Planning History:** None relevant.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed residential use would be within an existing apartment block and there would be no adverse community safety implications.
 - 5.3 **Highways:** There is no information about provision of cycle/ motorcycle parking. Adequate space would be available for combined cycle/motorcycle hoops to be provided within the existing elevated parking area. The proposal to allow residents to park within the existing centre would be acceptable. Traffic generation should be similar, if not less than the existing office use. Subject to the above there are no objections to the proposal.
 - 5.4 **Disabled People's Access:** A degree of accessibility would be secured through Building Regulations.
 - 5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/07/00199

6. Publicity:

Neighbour Notification letter	-	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: None received to date.

8. Consultations:

Police – An access control system would be required to enable it to function as separate residential units. Physical security specifications of all door sets should meet minimum standards of Secure by Design.

9. Summary of policies most relevant: Adopted CDLPR policies:

GD5	- Amenity
H12	- Lifetime homes
H13	- Residential development – general criteria
H14	- Re-use of underused buildings
S3	- District and Neighbourhood Centres
L2 & L3	- Public open space standards
T4	- Access and parking

The above is a summary of the policies that relevant. Members should refer to their copy of the CDLPR for the full version.

10. Officer Opinion: The proposed conversion of the vacant office space to form 11 apartments, would amount to a residential re-use of a former commercial building. It is unusual in location in that the building is on the roof of the Park Farm shopping centre above an existing customer car park. The site is within the District centre and as such the proposal should be considered under Policy S3 of the Local Plan. This policy allows for residential use at first floor and above and this proposal would therefore accord with this objective. Two of the three floors of the building are already in residential use and there is other flat accommodation elsewhere in the District centre, all at first floor and above. Policy H14 also provides for the re-use of underused buildings for residential purposes. This residential proposal would be appropriate in principle in this location and meets the provisions of the Local Plan policies and the recent PPS 3 (Housing).

The formation of the proposed apartments would involve very limited external alterations to the building and the existing window

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/07/00199

arrangement would be maintained. The apartments would be accessed by the existing service core, which is directly accessed from the car park below and a high quality living environment would be formed for the future occupants.

There is ample public car parking above and around the District Centre provided for customers and local residents. The occupants of the new units would be able to utilise this car parking, which is easily accessible from the existing building. The provision of cycle and motorcycle parking could be secured below the apartments in the existing car park. There would not be any adverse highway safety implications arising from this proposal.

This residential scheme would generate a requirement for the provision of public open space, improvement to public transport, walking and cycling and a lifetime home. It has been agreed in principle with the applicant that these contributions would be secured by means of a Section 106 Agreement.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate and Adult Social Services to enter into such an agreement.

B. To authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement with conditions.

C. If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (10 May) consideration be given, in consultation with the Chair, to refusing the application.

11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal would be an appropriate form of residential development, which would be in keeping with the appearance and character of the local streetscene.

11.3 Conditions

1. Standard condition 94 (cycle/motorcycle parking)

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/07/00199

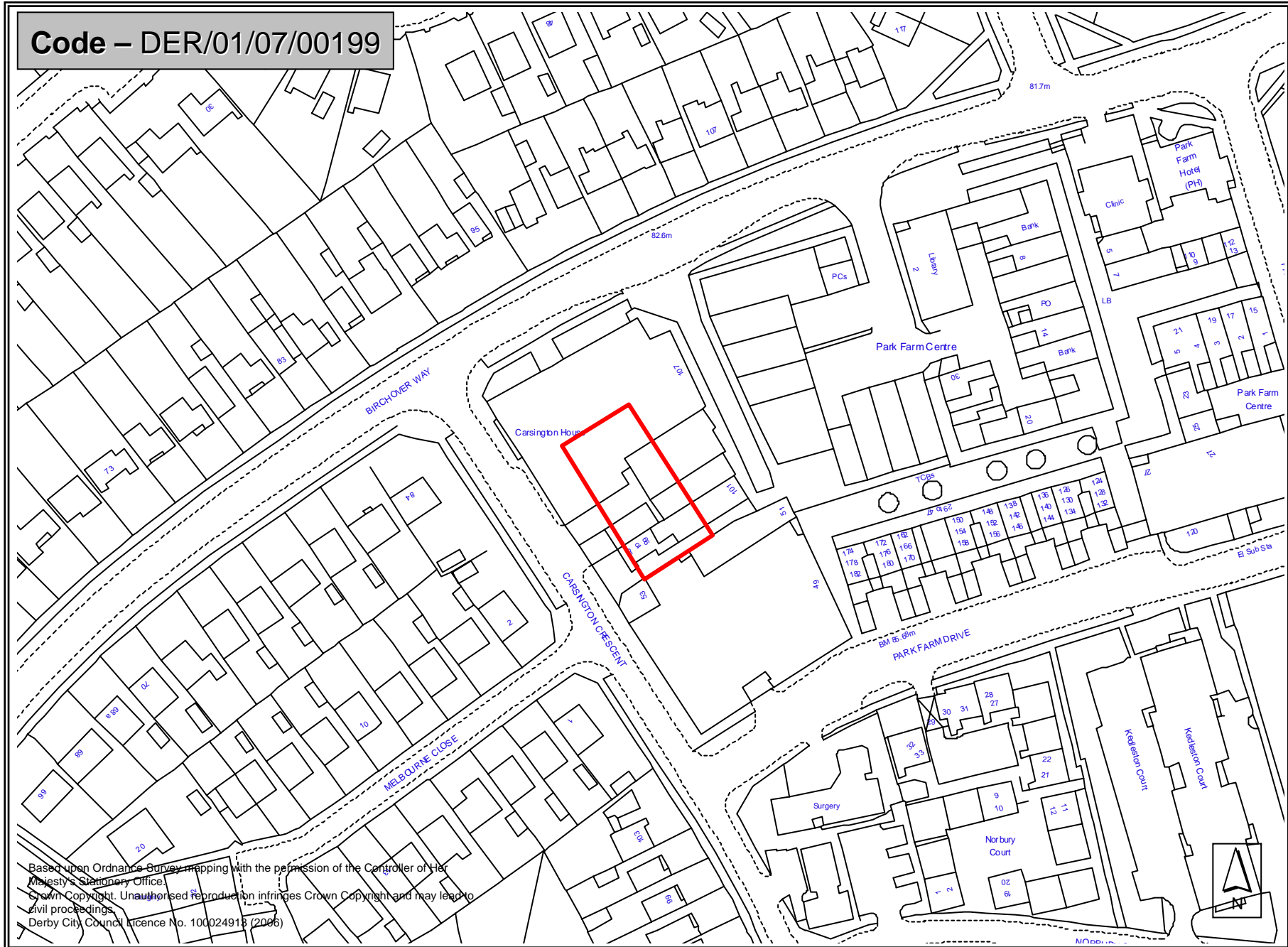
2. Car parking provision for each apartment shall be secured in accordance with details specified in the Access Statement accompanying the application.

11.4 Reasons

1. Standard reason E35...Policy T4
2. To meet the parking needs of the development and to prevent undesirable on-street parking in the local area – Policy T4

11.5 S106 requirements where appropriate: Public open space, public transport, walking and cycling facilities and lifetime homes.

Code – DER/01/07/00199



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B1 APPLICATIONS (cont'd)

6 Code No: DER/01/07/00014

Type: Full

1. **Address:** 298 Burton Road
2. **Proposal:** Erection of double garage
3. **Description:** This full application seeks permission for the erection of a double garage to the rear of No. 298 Burton Road. No. 298 is a dwelling house, while the adjoining property (No. 300), also controlled by the applicant, is a Bed and Breakfast/property in multiple occupation. The adjacent properties (Nos. 296 and 302 Burton Road) are dwelling houses. In the curtilage of No. 296 alongside the proposed garage is a mature tree. Permission was granted (DER/906/968) under delegated powers in September 2006 for the erection of a double garage to the rear of No. 298. Permission is now sought for the erection of a double garage in the same position, but with a roof height some 1.1 m higher to allow for a storage area above the space for two cars. Work has commenced, on the basis of DER/606/968. The drive is under construction and the garage is erected to just above the height of the doors. Building work has stopped pending the determination of this application.

The proposed garage is of a pitched roof design, with a double up/over door facing the rear of the garden. It would hold two cars, and a standing area for a further two vehicles is proposed. The boundary treatments conditioned in DER/906/968 are in place.

4. **Relevant Planning History:**

DER/606/968 – Erection of double garage – granted under delegated powers, September 2006.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposed garage is of a reasonably traditional pitched roof design, with a double up and over door, and windows in one side elevation. I have no major design objections to raise.

5.3 **Highways:** As per DER/606/968, no highway objections.

5.4 **Disabled People's Access:** None.

B1 APPLICATIONS (cont'd)

6 Code No: DER/01/07/00014

5.5 **Other Environmental:** There is a protected tree close to the boundary with No. 302 Burton Road. The alignment of the access drive to the proposed garage is as for DER/606/968, which was agreed with the Arboricultural Officer.

6. Publicity:

Neighbour Notification letter	15	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received three letters of objection, and ... these are reproduced. The main points raised by objectors are:

- the garage is larger than permission was granted for
- it would give rise to unreasonable overlooking
- loss of overall amenity to properties either side
- is out of character with the original house
- likely disturbance from parked cars.

7. **Consultations:** None.

9. **Summary of policies most relevant:** Adopted CDLPR:

GD5 - Amenity
H16 - House extensions
T4 - Access, parking, servicing

The above is a summary of the policies that are relevant. Members should refer to that copy of the CDLPR for the full version.

10. **Officer Opinion:** The principle of a double garage in this position is already acknowledged by the granting of permission in September 2006. The key issue in this case, is the acceptability, or not, of the proposed increase in height of 1.1 m. I have no major design objection to raise to the proposal, and apart from the residents of Nos. 296 and 302 Burton Road it will not be readily visible to third parties. Given that a very substantial boundary fence has just been erected between Nos. 300 and 302 Burton Road, and given the distance of the garage from that boundary I do not consider that a valid case of loss of amenity can be justified in respect of No. 302. The garage is 20.0 m distant from the boundary with that property.

B1 APPLICATIONS (cont'd)

6 Code No: DER/01/07/00014

Of far greater relevance, is the effect on No. 296 Burton Road and here the issues are finely balanced. I have concluded that no first floor habitable room windows in the rear of No. 296 would be unreasonably affected by the proposal, and to some extent the massing effect is reduced by the large mature tree in the rear garden of No. 296. I have also noted that no objection has been received from the residents at that property.

Subject to the imposition of appropriate conditions (ie in respect of the use of the upper level, and control over the introduction of further windows and doors) I have concluded that it would be very difficult to justify a refusal of permission at appeal. The relationship of No. 296, and particularly that of its primary windows on the rear elevation, is such that a refusal of permission would not be sustainable for the reasons given.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the Adopted City of Derby Local Plan Review 2006 and all other material considerations, as indicated in 9 above. It is considered to be acceptable in design terms and would not have an unreasonable impact on the amenities of third parties.

11.3 Conditions

1. Standard condition 27 (external materials)
2. The garage hereby approved shall be used for the storage of motor vehicles, and for storage purposes relating to the residential uses of Nos. 298 and 300 Burton Road only, and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.
3. The windows in the side elevation shall be obscure glazed at all times, unless otherwise agreed in writing by the Local Planning Authority.
4. This permission does not indicate the acceptability of vehicles being parked to the rear of 300 Burton Road.
5. No further windows or doors shall be added to the approved garage, without the prior consent in writing of the Local Planning Authority.

B1 APPLICATIONS (cont'd)

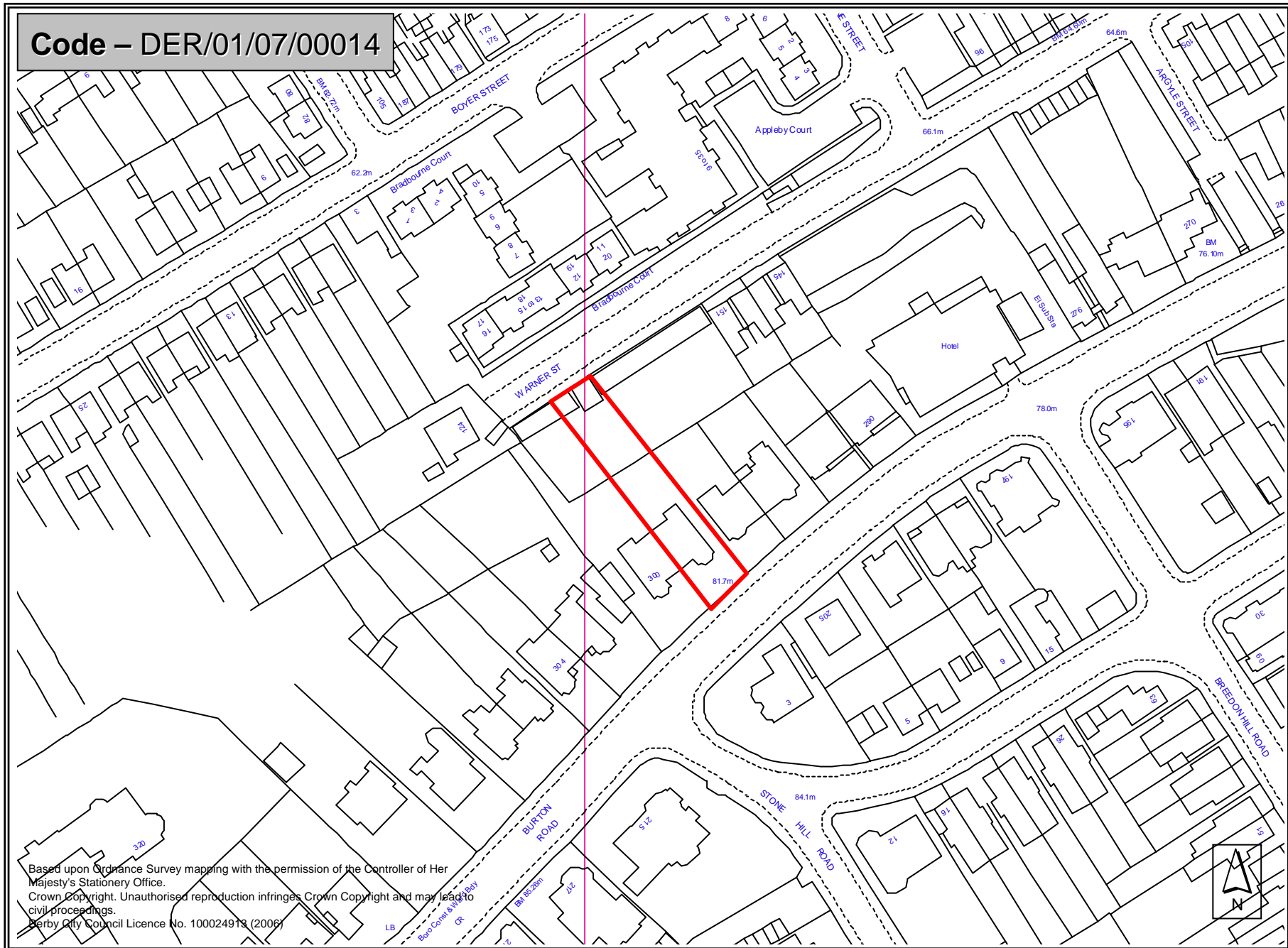
6 Code No: DER/01/07/00014

11.4 Reasons

1. Standard reason E14...Policy H16
2. Standard reason E07...Policies GD5 and H16
3. Standard reason E07...Policies GD5 and H16
4. Standard reason E07...Policies GD5 and H16
5. Standard reason E07...Policies GD5 and H16

11.5 S106 requirements where appropriate: None.

Code – DER/01/07/00014



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B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
DER/03/06/00562

Type: Full and
Listed Building Consent

1. **Address:** 2-8 Strand, 15-25 St. James' Street, St James' Yard and 50 Sadler Gate
2. **Proposal:** Formation of 16 retail units, central piazza and pedestrian accesses, with alterations to retained properties.
3. **Description:** The two applications seek planning permission and listed building consent respectively for the comprehensive renovation of the St. James' Yard area within the City Centre. They are accompanied by a design statement, archaeological, historic context, traffic and flood risk assessments.

2-8 Strand and 15-25 St. James' Street form part of a grade II range dating from 1881, in neo-classical style, ashlar masonry and of three and four storeys. 50 Sadler Gate is unlisted but abuts the grade II listed 51.

The intention of the scheme is to clear away the poor quality buildings within the core of the site, to replace them with new retail units and to refurbish those buildings worthy of retention, that is the listed buildings and some others, so that they can be re-used for retailing. Seven new-build units are proposed with a further nine resulting from conversion. A central piazza would be created, based on the existing St. James' Yard / 50 Sadler Gate axis. The new-build units line this route with the conversions grouped around the 2-8 Strand and the St. James' Street frontage. Servicing is proposed primarily from Strand with some vehicles able to use the current vehicular access from St James' Street.

The conversions include work to the interior of 2-8 Strand and the further lowering of its cill level. At No. 8 the entire modern shop front is to be removed to provide the principal pedestrian access. The buildings behind Nos. 2-8, which include the roofed courtyard used for vehicle parking, are to be retained and converted. An angling of the shopfront at No. 50 Sadler Gate is proposed in order to give greater visibility to the entrance and I comment on this in some detail in "Officer Opinion". Most of the link to Sadler Gate would remain at its current width.

A further application will be made for conservation area consent to demolish the unlisted buildings in the core of the area and this will be made once the current applications are determined.

B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
 DER/03/06/00562

4. Relevant Planning History: Some Members may recall four previous applications on this site. These were DER/802/1098, DER/802/1099, DER/802/1100 and DER/802/1101. The two relating to planning and listed building consent at Strand / St. James' Street (DER/802/1099 and DER/802/1101) were subsequently granted by this Committee. The decisions were issued on 23 April 2003 but have not been implemented. The other two, relating to demolition and rebuilding of the northern end of the site, were never determined and have effectively been superseded by the current overall applications.

5. Implications of Proposal:

5.1 Economic: The proposals would bring into beneficial use a small but key area that is currently sadly neglected and is contributing virtually nothing to the economic life of then City Centre. No estimate of job creation has been given by the applicant's agents but I would think that something over 100 would be likely.

5.2 Design and Community Safety: The site is in the City Centre Conservation Area and the design of all new components must respect its character. 2-8 Strand is part of a continuous neo-classical range which, with nearby properties, forms a fine, substantial and distinctive piece of late 19th century cityscape. The character of the conservation area street scene is, of course more than just the street frontages and in St James' Yard the large vehicle shed forms a visual surprise.

In complete contrast the rear of Sadler Gate still follows the lines of the mediaeval burgess plots and there is merit in preserving the surviving evidence of these. In the southern part, although the current shopfront at No 8 is removed to provide an entrance to the development, the only other on the existing façade is the cill-lowering proposal that I comment on in "officer opinion". The yard area in the southern part comprises mid to late Victorian buildings of designs and materials typical of their period. Apart from the new build, the external work here is mainly restricted to repair of badly neglected brickwork, roofs, rainwater goods, windows and doors and is compatible with the conservation area.

In relation to community safety, the interior of this street block is currently unpleasant and is perceived as being unsafe at night because of the lack of lighting, activity and the tortuous relationship of buildings to open areas. The scheme as a whole seeks to open up a main pedestrian route from Sadler Gate through to St James' Street with a secondary link through to Strand. Safety is to be achieved through the constant presence of people, both in the daytime and at night.

B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
 DER/03/06/00562

It will I believe be essential that the area of the whole scheme is linked to the City Centre CCTV system and this is a matter that is under negotiation.

5.3 Highways: Much of the interior of the site is used for all-day car parking. The scheme involves the removal of some 61 spaces, giving a welcome reduction in flows in Strand, St James' Street and Wardwick.

However highways officers are concerned about the proposed servicing arrangements. From the highway and Connecting Derby aspect unhindered use of Strand is fundamental and problems are already occurring with the servicing of premises on the western side. There are also a number of "Blue Badge" spaces on Strand and the loss of any of these spaces would be problematic and replacement on a "one for one" basis would be very difficult to achieve in this particular area. A considerable amount of "Blue Badge" parking also occurs on St James' Street which is subject to a Traffic Regulation Order.

It is considered that to encourage any servicing from Strand would not be in the interest of free and safe traffic movement in the City Centre. The applicant should be restricted to servicing the development from St James' Street only as well as off Sadler Gate. The applicant should be requested to submit realistic plans showing how such access is to be achieved as clearly refuse disposal vehicles cannot access the site off St James' Street due to the height restriction.

5.4 Disabled People's Access: All areas will be accessible apart, possibly, from some upper areas of existing buildings. There is concern about any possible loss of disabled persons' parking spaces as part of servicing alterations.

5.5 Other Environmental: The site is within an archaeological alert area. Two stages of investigations were carried out in 2002 and the final report has now been submitted. As is often the case in the City Centre substantial evidence of archaeological interest was found. The excavated areas / trenches were relatively small and it is likely that further evidence remains to be uncovered. Whilst there has to be some speculation it seems more likely that anything found would be fragments where skilled evaluation would lead to a greater understanding of the City's medieval and later history rather than finds of such significance as to make the development unacceptable.

B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
DER/03/06/00562

6. Publicity:

Neighbour Notification letter		Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: None has been received.

8. Consultations:

Police – Gives general security advice. In particular the comments emphasise the need to avoid recesses wherever possible, to ensure that fire escape rear accesses do not provide an entry opportunity for burglars, that areas where constant access is not required are closed off at night and that adequate lighting and CCTV installations are used.

DC Archaeologist – accepts the conclusions of the 1992 study. Comments on the final report will be reported orally.

CAAC – has considered the proposals twice. On the second occasion its views were that:

“The Committee reiterated its general support for this proposal as expressed at its previous meeting on the 18 May 2006. However it was disappointed to note that the amended plans failed to address its concerns relating to the poor detailing of the proposals in terms of elevations (both front and rear), shop front design (could the existing shop fronts within the open fronted “Shed” be retained), roofscape and the quality of building materials / floor finishes.

The Committee noted the submitted details re the alterations to the Strand elevation of the listed building and to 50 Sadler Gate and recommended that these elements of the scheme should not be accepted. It was felt that there was no justification for the alterations to the listed building that involved the permanent loss of historic fabric around the existing ground floor window. It was considered that the proposed alterations to 50 Sadler Gate caused unnecessary harm without any tangible benefits, to the intimate character of the existing pedestrian access off Sadler Gate which forms a distinctive and attractive feature within this part of the Conservation Area.”

9. Summary of policies most relevant: Adopted CDLP:

B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
 DER/03/06/00562

GD4 - Design and the urban environment
GD5 - Amenity
CC1 - City Centre Strategy
CC2 - City Centre Shopping Area
CC11 - Sadler Gate / Strand Arcade Special Shopping Area
T4 - Access, Parking and Servicing
T5 - Off-Street Parking
E18 - Protection of character of conservation area
E21 - Impact of alterations on listed buildings and in conservation
E23 - Design Standards
E24 - Community Safety
E27 - Environmental Art
E29 - Archaeology.

The above is a summary of the policies that are relevant. Members should refer to their copy of the CDLP Review - 2006 for the full version.

10. Officer Opinion: As Members will see, these two applications have been in for some considerable time whilst efforts have been made to overcome their perceived problems. I cannot recommend that planning permission and listed building consent be given at the present time but I do need Members to indicate what would be acceptable so that further work is not requested pointlessly.

I have no doubt that the scheme will be of very significant economic benefit and will bring back vitality to a shabby backwater. However, inserting new activity-generating development into a densely developed part of the City Centre, all in the conservation area, involving listed buildings and a highly limited road system for servicing has brought out several conflicts.

Firstly I will confirm those aspects that I consider satisfactory, or close to so being.

- The walk-through piazza is precisely the right way to enliven the area and improve safety by the presence of people going about their normal business. The creation or adaptation of alleyways of this type in historic city and town centres is one of the ways in which they can offer a shopping experience different to that in large modern shopping complexes
- The balance between retention / repair and demolition is acceptable. The buildings to be removed have no real merit and, whilst they exemplify past uses in a somewhat grim manner, their

B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
DER/03/06/00562

loss will be beneficial to the conservation area in general

- The general scale of the new build retail units is appropriate. Whilst there is no objection to 100% Class A1 retail I consider that the scheme would be better balanced with a small element of Class A3 restaurants and Class A2 financial and professional services units. These could be dealt with by individual change of use applications at a later date.

This leaves a number of problem areas that will deal with in turn, with a recommendation / choice at the end of each.

1. The architectural form of the main façade to the new build

This is one of the aspects disliked by CAAC. There are six units in this row totalling 45m frontage. Both the complete façade and shopfronts are treated individually. We now have the third version of the design but I think that they still exhibit a rigidity of design that would not be present in a range that had evolved organically over time. There are also architectural forms that would not have been realistic in a historic context. Whilst always aware of the risks of creating a pastiche, I consider that a treatment closer to traditional forms is required. Following recent discussions the architect has now confirmed that he would be receptive to this requirement.

Recommendation – that a more traditional and organic façade design is required.

2. The roofscape and rear projection treatment to the new build

This is another of CAAC's concerns. The footprint of the new block is quite irregular and the architect has striven to produce a two-storey building with a regular depth of first floor and a conventional duopitch roof as viewed from the piazza. This has resulted in single storey rear projections being treated with flat roofs. Whilst pitched-roof rear projections are a feature of the historic property in this area I do not feel that such can be insisted on in situation where they will be visible only from the upper levels of nearby higher buildings.

Recommendation – to confirm that the rear elevational treatment and flat roofs to single storey areas are acceptable.

B1 APPLICATIONS (cont'd)

7 Code No: DER/03/06/00561&
DER/03/06/00562

3. The shop fronts within the vehicle shed

This shed has an interesting origin as a coach house and stabling for the St James' Hotel. It dates from 1867 and therefore pre-dates the listed frontage range. It was later adapted as a vehicle park and workshops. As the "shop" fronts are within a building it is doubtful that their replacement is development. This point has not been pushed by the applicants who have indicated renewal in a suitable form to deal both with structural conditions and to ensure access by disabled persons. I am satisfied that the existing fronts are of no great merit and that replacement is justified.

Recommendation – to agree to replacement of the internal façades as indicated.

4. Shopfront alterations at 50 Sadler Gate

This is the first of the final two design-related points of contention, and in respect of both there is no clear-cut "right" solution. The property comprises an alleyway some 1.95m wide on its eastern side, and a shopfront some 4.6m wide to the west. Between these, and at either end, are decorative pilasters which are probably mid-19th century and sit well with the late 18th / early 19th century building. Within these pilasters and beneath the main fascia board is a nondescript modern shopfront. It is proposed to remove this and to insert an angled shopfront to lead, both visually and functionally, to the alleyway.

The applicants justify this on the grounds of its being a commercial imperative with safety benefits. I have now received a further statement of justification from the architect as set out below:

"We note the critical comments made by your Conservation Advisory Committee in regard to the proposal to splay the entrance to the development from No.50 Sadler Gate. The applicant has looked at this carefully with ourselves and his commercial advisers and will not agree to amend the application to take out the splayed access. We would ask you to pass onto your committee the following points:-

The success of the development needs every device possible to let people know where the development is. The splay is a means of guiding people into this development as making them aware that there is something around this corner, which the existing narrow access doesn't do. To illustrate the problem, a few years ago, I was standing next to the entrance to Blacksmiths Yard on Sadler Gate, a considerably wider entrance than this situation, and was approached by someone asking where Blacksmiths Yard was.

B1 APPLICATIONS (cont'd)

**7 Code No: DER/03/06/00561&
 DER/03/06/00562**

It is accepted that the set back to No.50 Sadler Gate is not typical of other shop fronts on Sadler Gate, but that is precisely why its so important to do it, to make people aware with something different, that there is something 'down there' in the proposed development

Other comparable narrow pedestrian thoroughfares shopping arrangements do not always rely on such a splayed access, and The Lanes Brighton typifies this statement. The problem in the context of Derby is that this form of narrow alleyway shopping is not typical of the shopping area, and therefore as a narrow shopping artery it is unexpected and it is important to make the points of entry more apparent.

From an Architectural and Historical perspective, the old historic shop front surround of No.50 is retained on the basis that should the need to re-instate the frontage at some time in the future, then the old part of the building is unaffected. The only part of the existing that is changed is the poor quality and of no architectural merit, basic shop windows.

The original pier fronting Sadler Gate will be retained. The extent of retention and the degree of structural support necessary to do this has yet to be looked at in detail.

In summary the importance of this splayed access to the viability of the development has to be stressed."

(I have not reproduced those parts of the letter that confirm other aspects of the scheme)

CAAC's views are that the proposed alterations to 50 Sadler Gate cause unnecessary harm, without any tangible benefits, to the intimate character of the existing pedestrian access off Sadler Gate which forms a distinctive and attractive feature within this part of the Conservation Area.

I consider that the particular current detail of the setback is not well done but a decision has to be made on the principle.

- In favour of a setback is the commercial advantage, which is most ably and fully put in the extract from the architect's letter reproduced above, and some public safety benefit in reducing the hazards of people almost bursting out of a narrow opening, the existing poor shopfront and the fact that the building is unlisted. Also similar alley entrance arrangements exist, either historically or by modern creation, in historic streets in other towns and cities and do not

B1 APPLICATIONS (cont'd)

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appear odd.

- Against it is the fact that the historic pattern of shopfronts is that they are on the highway boundary, that a recess would create the indentation of the type that the police consider a hazard, that the restricted width appears to have been tolerable for many years' of access for "Vines" and that a "pinch point" access can have an attraction of its own. The architect has now accepted that the retention, behind the central pilaster, of a 350mm square pier is not structurally realistic and that a structural solution that will be bulkier is required.

Members will see that this is the one aspect where the applicant feels unable to agree to the views expressed strongly by CAAC because of his opinion on how vital a widened entrance is to commercial success. Opinion on this – either way – is never going to be provable in advance. Refusal to agree to a setback may result in the scheme not proceeding, or it may proceed with an economic performance that would be claimed to be inferior to what might have been. Agreeing to a setback would involve the loss of the traditional Sadler Gate shopfront pattern for this one unit but this could be acceptable in relation to the enhancement of the conservation area if it were done properly. This aspect is finely balanced; I am inclined to give the benefit to the applicant but Members will wish to take all aspects into account.

Recommendation – to accept the principle of a setback shopfront but to a different pattern to the current detailing.

5. Cill lowering to 2 – 8 Strand

The windows facing St James' Street had their cills lowered some 40 years ago and it is proposed that those to Strand be similarly treated. In pure design terms, this is not bad design as it is well-proportioned and it would have been quite believable for the building to have been so designed in 1881. It does however involve the change to the original form and the loss of historic fabric for the benefit of only a slightly easier view of the interior. The previous lowering was done poorly and the lack of quality in the work is compounded by further natural erosion of a rather soft sandstone used at lower levels. I would have confidence that any new work would avoid these quality problems but I am not convinced that the commercial benefits of the extra exposure justify the harm to the historic fabric. The architect has now indicated that his client would be prepared to accept the retention of the current cill heights.

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Recommendation – to confirm that cill lowering be not agreed to.

6. Servicing arrangements

In summary, the applicant's proposals are for small vans to use St James' Street and the yard whilst larger vans would use the disabled bays in Strand before 1000 each day, which the applicants consider should be acceptable as few disabled persons' cars would be displaced before that time. Five such medium-sized vans per day are expected. Vehicles of all sizes could use Sadler Gate outside the 1000 to 1700 period. An additional 51 service vehicle movements are expected. This is balanced by the loss of some 158 existing car parking movements.

The highways officers are unhappy about the use of Strand for unloading. It is a vital part of the inner City Centre highway system, particularly for buses. The balance between the number of disabled persons' and other spaces is the best that could be devised in circumstances where everyone's aspirations could never be met. Loss of spaces or obstruction of the bus route would be very undesirable.

I have to advise Members that it is not just a choice between these different views, difficult as that is anyway. Whilst I would not dispute the total average servicing flow, I have grave doubts about the ability of the developer, or the shop operators, to maintain the times and points of delivery indicated. These are small shops, intended to suit specialist traders. Such people have very little control over their deliveries which tend to come in small quantities from couriers with a day's worth of multiple drop-off points. These are not supermarkets that can contract their suppliers to come at fixed times and it is unrealistic to expect that a shop owner or manager will send away a delivery that appears at the "wrong" time. Indeed it would be futile to do so because the harm, that is the obstruction, will already have been caused.

We have to accept that achievement of normal servicing arrangements is impossible for this development and it will be a matter of accepting the least disruptive arrangements. I consider that day-long deliveries will occur and that, if they are not acknowledged, real difficulties will result. These will be mainly double parking and obstruction of buses in Strand, or dangerous reversing manoeuvres in St James' Street, both of which already happen occasionally.

My inclination is to create an all-day unloading lay-by in Strand by the loss of one general parking space, the moving along of disabled spaces but retaining the same number, and the removal of part of the

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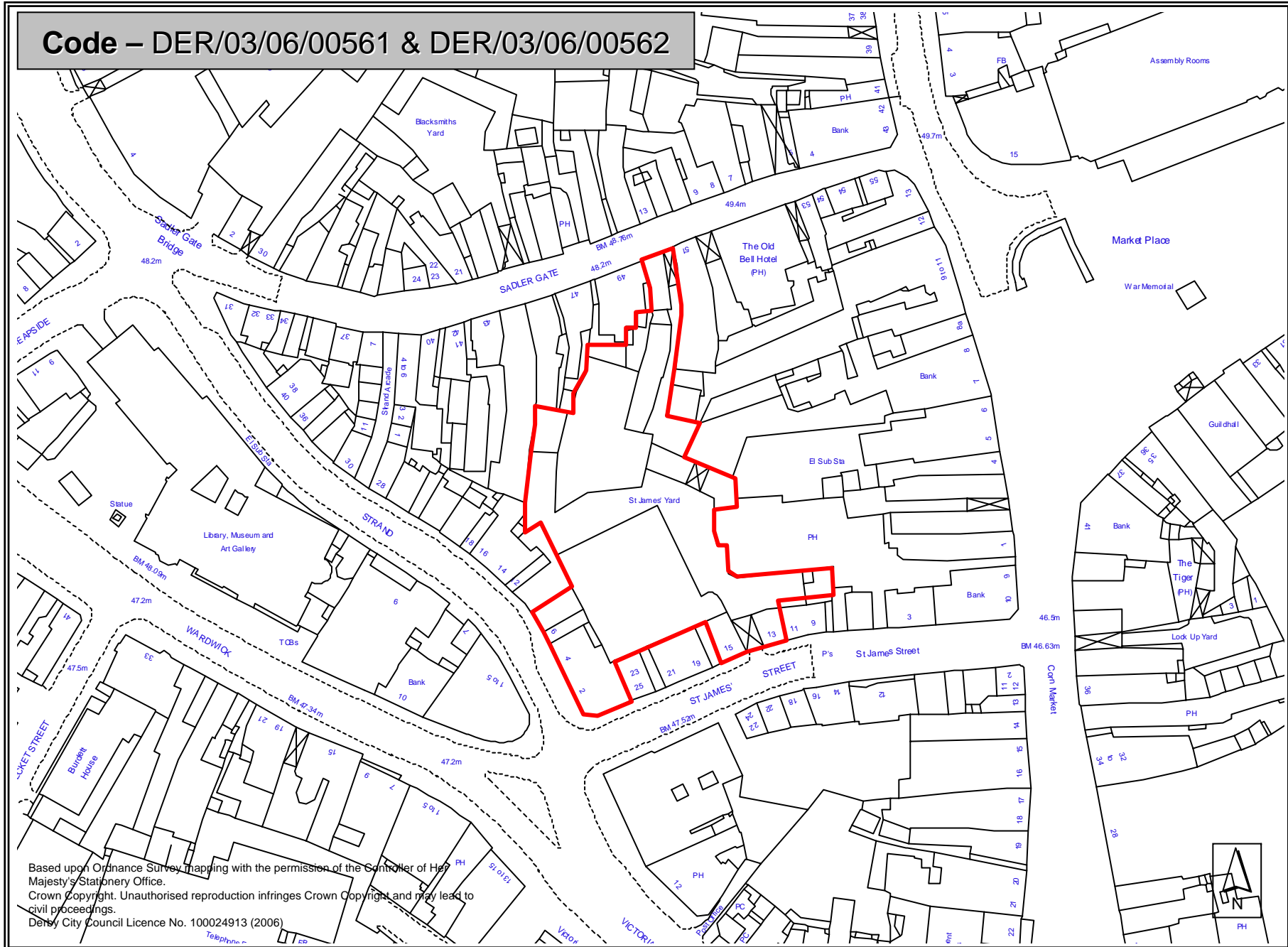
additional footway / cycle parking installed as part of the Connecting Derby improvements. I feel that occupying disabled persons' spaces before 1000 will cause some loss of facilities but that the arrangement put forward by the applicants is unacceptable more from its lack of practicality.

Recommendation – to determine which on-street unloading arrangement should be pursued through alterations to the current Traffic Regulation Orders and / or the highway layout.

11. Recommended decision and summary of reasons:

11.1 To endorse that the proposals are, in principle, welcomed, and **to determine preferences** for each of the matters identified under items (1) to (6) above, to enable an amended version of the proposals to be reported back to a future meeting.

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