

Item 8

Derby City Council
Planning Control Committee
17th June 2010



Development Control Report Of
The Director of Planning and Transportation

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Planning Control Committee 17 June 2010

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10	106-117	08/09/00986	Royal Derby Hospital, Uttoxeter New Road, Derby	Erection of School of Nursing	<p>A. To authorise the Director of Planning and Transportation 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 Legal and Democratic Services to enter into such an agreement.</p> <p>B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>
11	118-124	03/10/00343	3 Hall Dyke, Spondon, Derby	Extension to dwelling (utility room and w.c) and alterations to car parking space	To grant planning permission with conditions

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Application No: DER/12/09/01514

Type: Full

1. **Address:** Land adjacent to 50-52 Hartington Street.

2. **Proposal:**

Erection of 12 bedroomed sheltered housing accommodation with wardens flat and associated parking.

3. **Description:**

This is a re-submission for a new planning permission for an unimplemented proposal that was first granted permission by Planning Control Committee in October 1993. The permission has been renewed on two previous occasions, in 1998 and in 2003. On both of these occasions the renewal of permission was granted under delegated powers. A further renewal of planning permission was applied for in June 2008 and was reported to Planning Control Committee in March 2009 where it was resolved to grant planning permission subject to the making of a Section 106 agreement to secure, contributions to highways improvements, incidental open space and public realm enhancements and lifetime homes. Although Committee resolved to grant planning permission in that case, permission was eventually refused as the applicant was unable to complete the Section 106 agreement in the required time.

The current application is almost identical to the 3 previously approved applications, and is identical to the proposal that Committee were minded to approve in March 2009 but subsequently refused because of the failure to complete the Section 106 agreement.

The application site is within the curtilage of 50-52 Hartington Street, immediately to the west of the existing buildings and just within the western boundary of the Hartington Street Conservation Area. The adjoining site to the west is occupied by a hostel that was built as a homeless person's hostel following the granting of planning permission in January 1990. I understand that this is now used as a bail hostel.

The proposal is for the erection of a three storey building to provide sheltered accommodation. It would include 12 bedrooms for residents and a warden's flat. When first applied for it was envisaged that the proposal would be used in conjunction with an existing residential care home for the elderly that operated from the adjoining building 50/52 Hartington Street. Since that time the care home has ceased to operate and 50/52 Hartington Street are now said by the Applicant's agent to be in use as 10 flats/ beds so it is now unlikely that the existing and proposed premises will operate in conjunction with each other.

The accommodation comprises:

A ground floor two bedroom warden's flat with independent kitchen, bathroom and living room.

A ground floor clinic, communal television lounge, dining room, kitchen, office, laundry, toilets and store.

On the first floor would be 7 bedrooms, two with en-suite facilities and the other 5 sharing two communal bathrooms and a separate toilet.

On the second floor would be 5 bedrooms sharing 2 communal bathrooms and a separate toilet.

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It was originally intended in the 1993 proposal that a new vehicular access would be created from Leonards Close to the rear of the site with the land at the rear of the buildings accommodating 7 car parking spaces in the combined rear garden area of 50 and 52 Hartington Street and the new proposed building. Vehicular access is still proposed from Leonards Close but the parking provision has been reduced from 7 to 5 in the current proposal to serve the existing flat/bedsits and the proposed building.

The proposed building would be 3 stories high at the front and almost fill the width of the frontage of the vacant plot. The rear elements would be tiered down from three stories to two and then eventually to a single storey at the extreme rear of the building. The rear elements are reduced to about one third of the plot width.

The front of the building would be set back about 4.0 metre from the highway boundary, in line with the set back defined by the other buildings in the street.

Overall, the building would extend rearwards by about 26.5 metres.

4. Relevant Planning History:

DER/06/87/00703 - Use of premises as residential home for the elderly. Granted with conditions 11/9/87 (50-52 Hartington Street).

DER/11/90/01621 - Change of use to guest house. Granted with conditions 25/1/91. (50-52 Hartington Street).

DER/10/92/01124 - Erection of 12 bedroomed sheltered housing accommodation with wardens flat. Refused 8/4/93 (50-52 Hartington Street).

DER/07/93/00955 - Erection of 12 bedroomed sheltered housing accommodation with warden's flat. Granted with conditions 7/10/93 (50-52 Hartington Street). (Planning Control Committee decision).

DER/09/98/01127 - Erection of 12 bedroomed sheltered housing accommodation with warden's flat (renewal of permission). Granted with conditions. 19/10/98 (50-52 Hartington Street). (Delegated decision)

DER/08/99/00959 - Change of use to nursery/ primary school. Granted with conditions 20/10/99. (50-52 Hartington Street). (Delegated decision).

DER/01/02/00136 - Change of use to house in multi occupation. Withdrawn 08/05/02 (50-52 Hartington Street).

DER/06/03/01009 - Erection of 12 bedroomed sheltered housing accommodation with warden's flat (renewal of permission). Granted with conditions. 25/07/03 (50-52 Hartington Street). (Planning Control Committee decision)

DER/06/08/00944 - Erection of 12 bedroomed sheltered housing accommodation with warden's flat (renewal of planning permission).

Refused. 14/04/2009. (The reason for refusal for this proposal which Planning Committee resolved to approve was the inability for the section 106 agreement to be completed within the target determination period of the application).

DER/11/89/1970 - Erection of a hostel. Granted with conditions 29/1/90 (56 Hartington Street).

Committee Report Item No: 1**Application No:** DER/12/09/01514**Type:** Full**5. Implications of Proposal:****5.1. Economic:**

None.

5.2. Design and Community Safety:

Design - The proposed scheme effectively follows the style of the Hartington Street terrace and would make a positive impact in the streetscene and enhance the appearance of the conservation area. External materials to be used in the construction of the development, including roof slates, should be natural in order to preserve the character of the Conservation Area.

Community Safety- See the comments of the Police Architectural Liaison Officer below.

5.3. Highways – Development Control:

No highways objections are raised to this proposal which is similar to proposals that have previously been granted planning permission. It is recommended that the same highway related conditions attached to earlier permissions should be attached to any permission that may be granted and that reasonable section 106 contributions for highway corridor improvements will be required.

It should be possible and desirable to incorporate a disabled person's parking bay to the side of no 50 Hartington Street.

5.4. Disabled People's Access:

One disabled person's parking bay is required. The building's accessibility will be controllable by compliance with the Building Regulations. Concern is expressed that the proposal will not be provided with a lift as it is intended to be sheltered accommodation; an explanation should be made.

5.5. Other Environmental:

None.

6. Publicity:

Neighbour Notification Letter	62	Site Notice	Yes
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

In addition to the 62 neighbour notification letters sent out, five representations were received from residents who live beyond the 15 metre consultation distance.

Seven letters of response have been received to the proposal all raising objection to the proposal. In summary the grounds for objection are:

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- The area already suffers from anti social and criminal activity; the provision of a further high density residential scheme for non-home owners is likely to add to the problems in the area.
- The proposal amounts to overdevelopment in an already densely populated street.
- The proposal fails to enhance the appearance of the conservation area.
- The land is currently used as car park for the neighbouring properties at 50 – 52 Hartington Street. The proposal would increase demand for car parking provision whilst reducing the amount of car parking space available.
- Since becoming a renewal area in 2002 the area has undergone considerable rejuvenation. Erection of more sheltered housing would do little to continue the efforts to increase family housing in the area and ensure criminal activity remains in decline.
- Access to the parking area would have to be from Leonard Close from the rear as there would be no right of access from the private road to the rear of Hartington Street.

These representations have been made available in the Members' Rooms.

8. Consultations:

8.1. CAAC:

The Committee raised no objection to the proposal but recommended that the roof slope should be of a steeper pitch to match that of 52 Hartington Street and be constructed of natural and not artificial slate.

8.2. DCC Archaeologist:

The proposals will have no archaeological impact.

8.3. Police Liaison Officer:

Hartington Street is a high deprivation, high crime and high fear of crime location. It has featured in the national media, due to crime and drug user problems. Residents frequently complain and petition for change.

The application is for a renewal of an existing permission. Nothing has materially changed on the crime and anti social behaviour front. It is still a high crime and high risk area despite the good work put in by many agencies and residents to regenerate the area physically, socially and economically. What has changed since original permission was granted is the requirement for Design and Access Statements. I made comment under 06/08/00944 in 2008 and made this point which again has been ignored by the applicant.

Many problems can be attributed to existing residents of houses of multiple occupation, offender bail hostels and similar accommodation in this exact location. The design and access statement must reflect the true situation and how crime and anti social behaviour mitigation has been considered so that the design and end user safety can be fully considered as part of any renewal. Social well - being of an area is a planning (PPS1) and local government concern (Local Government Act 2000).

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PPS1 states that adverse environmental, social and economic impacts should be avoided, mitigated or compensated for (para 29, 32). The planning system also has to deliver safe places in which to live. (para.27). Crime is an adverse impact and social impacts are relevant and reasonable to consider, as reflected within PPS1. This area is not safe for vulnerable people to live.

A lot of time and resources of the Derby Community Safety Partnership and other agencies, including the local authority, have been spent over many years in the Hartington Street area in an effort to reduce crime and the fear of crime and lift the area out of deprivation through many interventions such as offender rehabilitation, target hardening houses of multi occupancy due to high levels of repeat victimisation and physical built environment changes. Projects have included installing boundary railings, dividing confused space, drug treatment orders and increased litter / waste picking. Anything new should, therefore, be constructed with the prevalent issues in mind from the outset and not wait until the occupants have been victimised.

The central concern is whether this development will add to already unacceptable crime and social deprivation levels or place the future occupants at risk.

If it should go ahead, I recommend a defended setback, external lighting, good physical door and ground floor window security, audio visual access control and external CCTV to the front and rear, including the parking area; these are essential requirements in this area not just for this “sheltered housing” but for any multi-occupancy dwelling. The upgrading of the street setbacks and re-enforcement of defensible space has included the re-installation of wall mounted iron boundary railings and gates to enclose front boundaries. I would expect this design feature to be incorporated within this application along with a small setback to provide protection and privacy especially to the street fronting bedroom on the ground floor.

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

GD4	Design and Urban Environment
GD5	Amenity
H13	Residential development – General criteria
E10	Renewable energy
E17	Landscaping schemes
E18	Conservation areas
E21	Archaeology
E23	Design
E24	Community safety
T4	Access parking and servicing
T7	Provision for cyclists
T10	Access for disabled people
PPS 1	Delivering Sustainable Development

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

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10. Officer Opinion:

The current application is not for the renewal of an existing planning permission as has been the case for the previous renewals as the previous permission DER/06/03/01009 has now expired and the attempt to renew that permission failed albeit on a technicality, due to the Section 106 not being completed within the target determination period. Permission for the last application was refused on the following grounds:

“The proposal fails to provide highways contributions, incidental public open space or public art facilities to serve and mitigate the impact of the development. The proposal also fails to demonstrate the provision of lifetime homes on the site. Accordingly, the proposal is contrary to policies T4, L2, L3 and H13 of the adopted City of Derby Local Plan Review and the Supplementary Planning Document relative to Planning Obligations (December 2008).”

With the refusal of permission, the continuity of the original permission ceased and as a consequence, the current application is a new application for the same proposal except for a few minor changes to the design of the original scheme.

Consequently, it is open to Committee to reconsider the material considerations that apply to this proposal. However, the proposal is identical to the proposal that Committee resolved to approve in March 2009 and there has been no material change in planning circumstances since that time. Furthermore, there has been no significant physical change in planning circumstances, as far as I am aware, since planning permission was first granted in October 1993.

Notwithstanding that, there have been new national policy documents which have a different emphasis to those when planning permission was first granted. The Police Architectural Liaison Officer has made reference to the current guidance in Planning Policy Statement 1 that adverse environmental, social and economic impacts should be avoided, mitigated or compensated. Although the national policy guidance at the time the proposal was first granted permission did not contain such a statement, these matters would have been taken into consideration at that time. The actual level of anti social behaviour prevalent at that time in the area can now only be speculated on as the Committee report at that time made no reference to anti social behaviour or crime and no neighbour objections were reported.

I do accept the Police Liaison Officers advice with regard to the problems of the area, type of accommodation and the need for enhanced security measures. And will include his advice as an advisory recommendation should planning permission be granted in this case. However, I do not believe that any material changes have taken place since permission was last granted, that would now lead me to reverse the recommendation and recommend refusal. Although there are serious levels of deprivation in the locality this has not been seen as a reason to refuse planning permission in the past even though the property mentioned by residents as being the source or focus of much of the antisocial behaviour, Hartington Court, was already operating when the original planning permission was granted.

The details of the actual development are the same as previously approved, with the exception of a minor amendment to correct an anomaly on the submitted drawings and a reduction by two in the number of car parking spaces that are to be provided.

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The details have already been assessed by the Conservation Area Advisory Committee on each occasion that a renewal of permission has been sought and with the exception of their comment with regard to the roof they have raised no objection to the appearance of the proposal.

There have been no details submitted with the current application to confirm whether there has been any change to the type of sheltered housing intended to be provided or what group of people would be accommodated. When the application was first considered in 1993 it was described on the application form as a nursing home but the description on the decision notice simply referred to sheltered housing accommodation with a warden's flat. Also when first granted permission there was an implicit relationship with the existing buildings on the site at 50/52 Hartington Street that were at that time being used as a residential care home for the elderly. That use has now ceased and the original properties on the site are in use as flats/bedsits. I hope that the applicant will have confirmed the precise intended use by the time of the meeting but I understand that is still intended to be for sheltered elderly accommodation.

In view of the length of time that permission was extant but unimplemented, I strongly suspect that there is no actual end user in mind, and that the application is made simply to keep the permission live and preserve the development value of the land.

It is a long standing practice of the Council when determining applications for residential development of this type, not to be selective over who the future occupants may be, or to engage in any sort of "social engineering" through the Town Planning process. I can see no reason to depart from this practice in this case.

In conclusion, I can see no reason to withhold the renewal of planning permission in this case.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Director of Planning and Transportation 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 Legal and Democratic Services to enter into such an agreement.

B. To authorise the Director of Planning and Transportation to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered against the relevant policies of the adopted City of Derby Local Plan Review and all other material considerations, and it is considered that the proposed development is acceptable in relation to those policies in relation to amenity, design and traffic.

11.3. Conditions:

1. Standard condition 03... (3 year expiry)
2. Standard condition 100... (approved plans)
3. Standard condition 19 ... (means of enclosure)
4. Standard condition 20... (approval of landscaping scheme)

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5. Standard condition 22... (The landscaping scheme submitted pursuant to Condition 4 above)
6. Standard condition 27... (external materials).
7. Standard condition 30 ... (surfaces to be drained)
8. Prior to the commencement of development , precise elevational drawings at a scale of 1:50 and precise drawings of all architectural detailing and features at a scale of 1:20 shall be submitted to approved in writing by the Local Planning Authority. Any details that may be agreed shall be adhered to in the implementation of this permission.
9. A disabled person's parking space shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the building. Any details that may be agreed shall be adhered to in the implementation of this permission.
10. Before any development is commenced full details of the design of the vehicular access onto Leonards Close shall be submitted to and agreed in writing by the Local Planning Authority.

11.4. Reasons:

1. Standard reason E56... (time limit planning).
2. Standard reason E04...(avoidance of doubt).
3. Standard reason E08...(preservation of amenities). Policy GD4
4. Standard reason E10... (To safeguard and enhance the visual amenities of the area). Policy E17
5. Standard Reason E10...(To safeguard and enhance the visual amenities of the area). Policy E17
6. Standard reason E14 ...(to ensure satisfactory external appearance). Policies GD4, H13 and E23
7. Standard reason E16 ... (To accommodate the parking and manoeuvring)...Policy T4
8. To ensure that the detailed appearance of the development is appropriate in the Hartington Street Conservation Area. Policy E18
9. To ensure the provision of disabled person's parking facilities. Policy T10
10. In the interests of the safe and free flow of traffic and highway safety. (Policy T4

11.5. Informative Notes:

The following advice has been given by the Police Architectural Liaison officer to incorporate into the scheme when it is implemented.

The design would benefit greatly from a highly visible front door entry point and iron railing enclosure to remove the possible unauthorised access point. If

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this is not possible then side entry and main door CCTV monitoring is essential.

Good quality physical security specifications are paramount in this high crime area. Individual internal flat doors and locks should be as good as those on the external doors, to prevent easy forced access as is prevalent in this area. The minimum standard is PAS24. Details can be obtained at www.securedbydesign.com

11.6. S106 requirements where appropriate:

Highway contributions, incidental open space, public realm and lifetime homes.

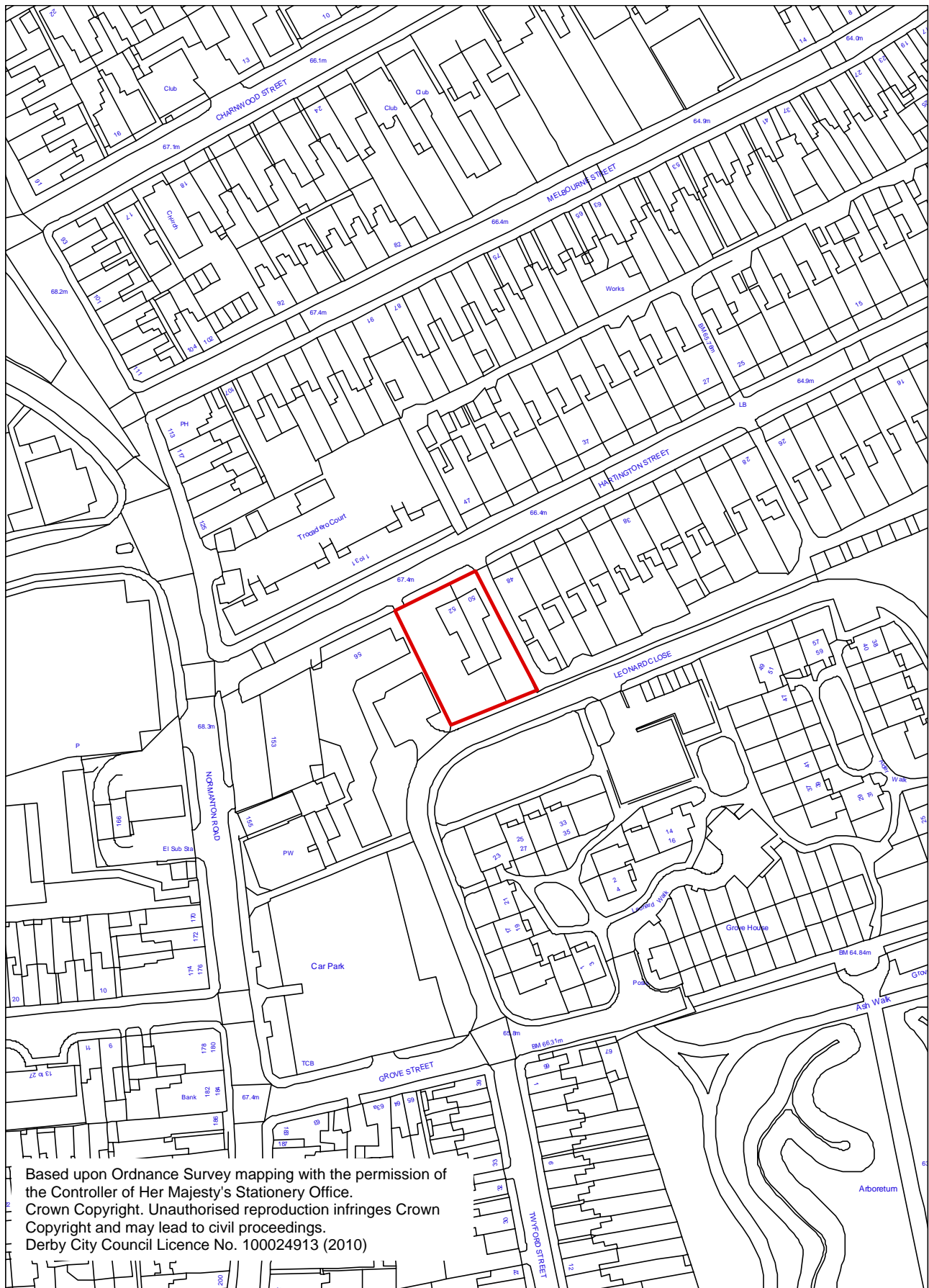
11.7. Application timescale:

The target 13 week determination period ended 24 May 2010. The application is reported to Committee because of the objections and the concern of the Police Liaison Officer.

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Type: Full



Committee Report Item No: 2

Application No: DER/02/10/00104

Type: Outline (extension of time limit)

1. **Address:** Land at 488 – 496 Duffield Road, (Frank Brown's Garage), Allestree

2. **Proposal:**

Residential development, including demolition of buildings (extension of time limit of previously approved outline permission ref: DER/01/08/00072 by a further 3 years)

3. **Description:**

This site has a frontage onto Duffield Road, Allestree, within the Neighbourhood Centre, adjacent to a dwelling at 488 Duffield Road. There is currently a vehicle repair garage and MOT testing centre at the front of the site and a single dwelling with extensive curtilage at the rear. Both the commercial premises and residential property appear to be in the same ownership. The overall depth of the site is approximately 145 metres. The garden of the dwelling has a large number of trees, of various types. They are protected by an area Tree Preservation Order. The levels across the site fall gradually from the garage premises towards properties on Home Farm Drive.

Outline permission was granted for residential development on the site in April 2008. Means of access was approved under this application and proposed a new access road onto Duffield Road, in a similar position to the existing access. The access road would serve the existing garage and the new dwellings to the rear of the site. A notional site layout plan was submitted for illustrative purposes only. The road would comprise a 5.5 metres width carriageway with a turning head behind the garage. A private drive would extend towards the rear of the site to serve the dwellings. The submitted layout shows the provision of 5 two storey dwellings, although this is solely indicative and does not form part of the permission.

This application seeks permission to extend the time limit for implementation. The outline permission would, if approved, be extended for a further 3 years.

The application has been brought to committee for consideration at the request of Councillor Hickson, supported by the Chair.

4. **Relevant Planning History:**

DER/01/08/00072 - Outline permission for residential development, including demolition of existing dwelling and buildings, Granted April 2008

DER/03/06/00541 - Change of use of car showroom to a vehicle testing centre, Granted July 2006

5. **Implications of Proposal:**

5.1. **Economic:**

There would be a downsizing of the garage business, by the removal of part of the commercial premises to form an access to the development site.

5.2. **Design and Community Safety:**

This is an outline application, with design and layout to be agreed under a reserved matters submission. The proposal would be a backland form of development, with residential development towards the rear of the site, behind the existing MOT centre and garage.

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The site is also characterised by a group of mature and protected trees, which would be largely retained as part of any development scheme.

There would not be any significant public safety implications for local residents arising from the development.

5.3. Highways – Development Control:

No material differences to the previous approved scheme and the comments made under DER/01/08/00072 are still relevant. They are as follows:

The existing vehicle access would be modified and used to access the whole site. A turning area and private drive would be formed to serve the turning requirements of service vehicles and the housing development. The turning head at the end of the drive is considered adequate. The application indicates that traffic generated by the garage premises would be reduced by approximately 40% as a consequence of the development. Traffic generation from the housing is considered negligible therefore the overall impact is considered to be less than the existing use. There have been no reported injury accidents related to the existing site access, therefore it is considered that the modification of the access and internal development would have no detrimental highway implications. Recommended that the access and turning area are constructed to adoptable standards to allow refuse vehicles to enter the site.

5.4. Disabled People's Access:

Any residential scheme would require a degree of accessibility to comply with Building Regulations guidance.

5.5. Other Environmental:

The land to the rear of the garage is domestic curtilage associated with the existing dwelling on the site. There is a large number of trees and ornamental shrubs covering the central part of the site and a Tree Preservation Order on all the trees. The rear part of the curtilage, comprises mainly lawn and hedges.

6. Publicity:

Neighbour Notification Letter	24	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

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7. Representations:

Three letters of objection have been received, which raised the following issues:

- Adverse impact on living conditions of adjacent dwellings.
- The layout plan does not accurately indicate the footprint of buildings on adjacent land.
- Increase in traffic flows arising from the development.
- Noise levels would increase as a result of traffic and pedestrian activities on the new road.
- Openess of the road would increase security risks to adjacent properties.
- The proposal would increase potential for accidents on local roads.
- Impact on mature trees and wildlife, including bats.
- Development not in keeping with the character of the surrounding area

These representations have been reproduced in this report

8. Consultations:

8.1. Building Consultancy:

The dwellings would have a degree of accessibility to comply with Building Regulations guidance.

8.2. Natural Environment (Tree Officer):

No objections.

8.3. Environmental Services (Trees):

In principle, no objections to the proposal. At reserved matters stage the design and layout would need to achieve a suitable juxtaposition between the development and trees on the site. A new tree survey and supporting documents would be required as part of a reserved matters application, to include Tree Constraints Plan, Arboricultural Method Statement and Impact Assessment. A Tree Protection Plan showing a Construction Exclusion Zone should also be submitted at design stage.

8.4. Environmental Services (Health – Pollution):

There are no changes since the previous submission and the comments submitted under DER/01/08/00072 are still relevant. These are as follows:

The land has been identified as being potentially contaminated. Recommend a preliminary site investigation report to be submitted and approved. Any potential contamination should be subject to further investigation and possible remediation and validation. With intention to retain use of the garage, regard must be had to the potential for noise, odour and smoke nuisance to adjacent dwellings.

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

GD4	Design and the urban environment
GD5	Amenity
GD3	Flood Protection
GD6	Safeguarding development potential
GD7	Comprehensive development

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H13	Residential development – general criteria
E9	Trees
E10	Renewable energy
E12	Pollution
E23	Design
T4	Access and parking

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

This is an application for extension of time limit of an outline permission submitted under the amended General Development Procedure Order 2009, brought into force on 1 October 2009. Under the new procedures, the Planning Authorities are advised to only consider whether there have been any significant changes to planning policies and other material considerations, since the grant of the original planning permission. The application is unaltered from the previous scheme, in terms of the nature and form of the proposal.

In this case the original permission was granted in 2008, in outline, with all matters reserved except for means of access. That application was decided by the Planning Control Committee on 3 April 2008, based on a recommendation to grant permission. There have been no changes in the Local Plan policies or national policies, in regard to residential development since the permission and as such the proposal is considered to accord with these policies, as before.

There are no changes suggested to the indicative site layout and as such the possible relationship of existing dwellings in the surrounding area with a residential scheme on the site would be similar to that considered acceptable in 2008. I am not aware of any alterations to adjacent properties, which would increase the impact of the proposal on the living conditions of local residents. There are not considered to be any fresh issues in terms of residential amenities and, therefore, I am satisfied that a reasonable form of development and high quality living environment could be achieved on the site, without significant detriment to nearby properties. The provisions of Policy GD5 and H13 would, therefore, be satisfactorily met.

Under the original application, the Committee accepted that the site could appropriately accommodate a small number dwellings on the site and a layout be formed, which would be in keeping with the character of the residential area. The proposal would, therefore, satisfy the terms of Policy GD4.

There are various mature trees on the site, which are protected and there has not been significant growth to these trees since the outline permission, which would affect the potential for a satisfactory form of development to be achieved. The wooded nature of the site, should be maintained as part of relatively low density scheme, subject to an appropriate tree protection plan and method statement, being agreed under a reserved matters approval. The development would, therefore, accord with the requirements of Policies E9 and E23.

The means of access and turning facilities would be as shown under the approved scheme and the Highways Officer has advised that are no material changes in

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Type: Outline (extension of time limit)

circumstances in respect to highway standards. Overall traffic movements to and from the proposed development are considered to be less than currently generated by the garage premises. Traffic generation and potential noise levels were considered to be acceptable under the outline permission and would not differ in scale under this application. There would, therefore, be no fresh issues in terms of highway safety arising from the proposed development. The requirements of Policies T4 and E12 would therefore be satisfied.

I consider that the proposal would accord satisfactorily with the relevant policies of the Local Plan. An extension of time limit for this outline permission, by a further 3 years is considered appropriate for this scheme.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the Development Plan and all other material considerations as indicated in 9 above and a satisfactory form of residential development can be achieved on the site, which would be in keeping with the character of the local streetscene, not unreasonably affect the amenities of nearby dwellings and ensure the long term retention of protected trees.

11.3. Conditions:

1. Standard condition 01 (details of reserved matters – details of access beyond those approved at this stage, in respect to construction, kerbing and paving)
2. Standard condition 02 (time limit for reserved matters)
3. Standard condition 21 (maintenance of landscaping)
4. The landscaping details required in connection with Condition 1c shall include submission of an updated tree survey in accordance with the requirements of BS 5837:2005, with tree constraints plan, arboricultural method statement and construction exclusion zone, for all trees to be retained on the site.
5. Standard condition 51 (service runs)
6. Standard condition 30 (hard surfacing and drainage)
7. Standard condition 38 (surface and foul drainage)
8. This permission shall extend only to the erection of one dwelling in that part of the site shown as Plots 4 and 5.
9. Before commencing the development, a preliminary site investigation report shall be submitted to and approved by the Local Planning Authority. This report will need to include a desktop study and where the desktop study identifies potential contamination, an intrusive site investigation and risk assessment should be carried out to determine levels of contaminants and potential risk to end users and other receptors. Consideration should also be given to the possible effects of

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any contaminants on groundwater. A detailed investigation report shall be submitted summarising the findings of the above. In those cases where the detailed investigation report confirms that contamination exists, a remediation report and validation statement shall be submitted. Prior to development commencing and the development shall proceed in accordance with the version of the remediation report as is approved in writing by the Local Planning Authority.

10. Precise details of the access arrangements required in connection with Condition 1b shall include dropped and tapered kerbs and not kerb radii as indicated on the submitted drawing.

11.4. Reasons:

1. Standard reason E01
2. Standard reason E02
3. Standard reason E10 – Policies GD4 & E23
4. Standard reason E24 – Policy E9
5. Standard reason E29 – Policy E9
6. Standard reason E21 – Policy GD3
7. Standard reason E21 – Policy GD3
8. To preserve the amenities of adjacent residential properties, because two dwellings in this location may result in significant overlooking of the curtilage of 484 Duffield Road and in accordance with policies GD5, GD6, GD7 and H13 of the adopted City of Derby Local Plan Review.
9. To ensure that any remediation on the site is treated as part of the development in accordance with the objectives of policy E12 of the adopted City of Derby Local Plan Review.
10. Standard reason E19 – and to ensure pedestrian priority on the footway – Policy T4

11.5. Informative Notes:

The development requires amendments to an access to the highway, which is land subject to the provisions of the Highways Act 1980 (as amended) over which you have no control. Please contact Highways Maintenance on 01332 641848 for details of how this work can be undertaken.

11.6. S106 requirements where appropriate:

None.

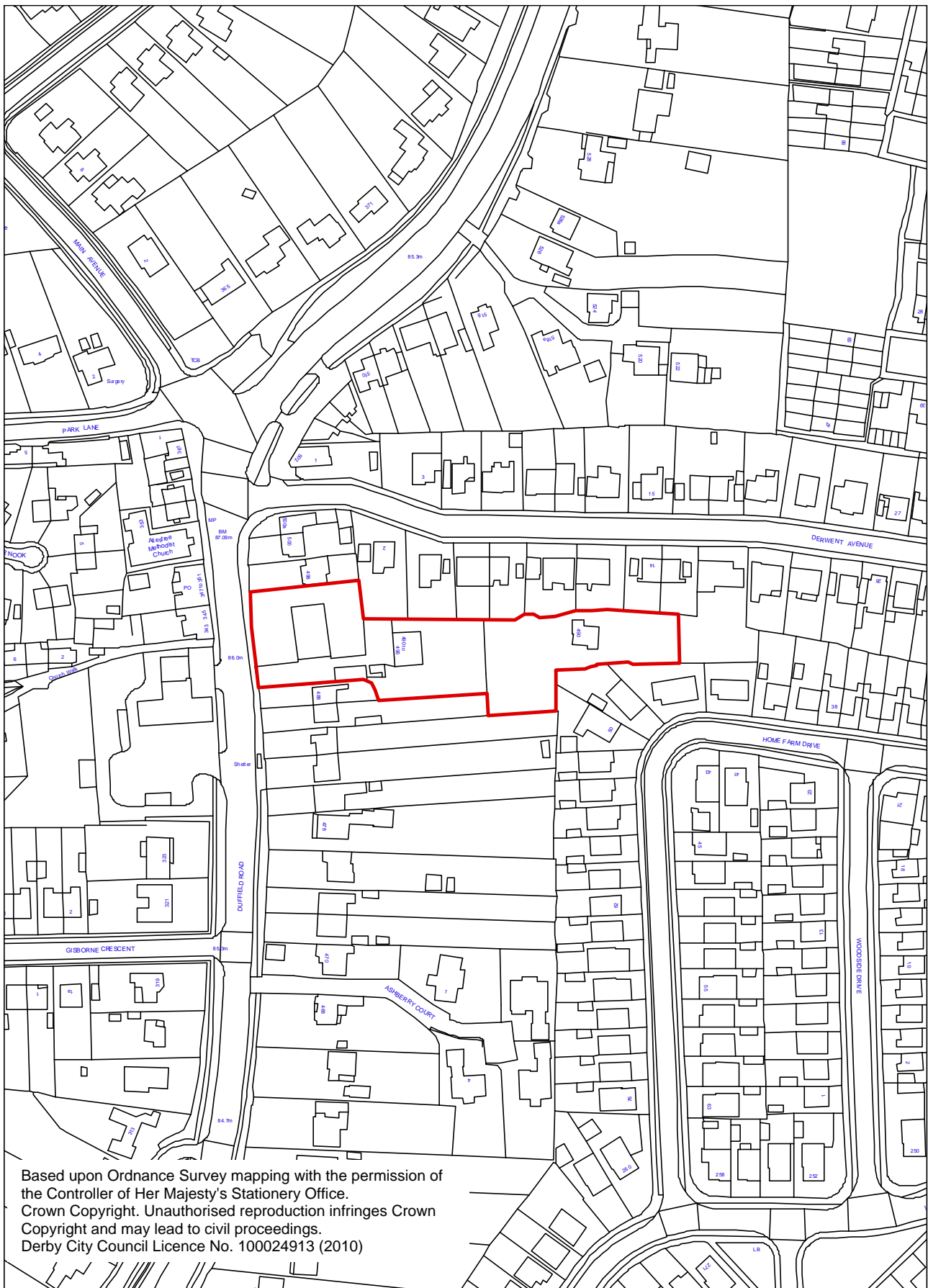
11.7. Application timescale:

The timescale for determination of the application expired on 29 March 2010 and the application is brought to Committee at the request of Members.

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Type: Outline (extension of time limit)



Enclosure

PRIVATE AND CONFIDENTIAL

486 Duffield Road
Allestree,
Derby
DE22 2DJ

Tel:
12 March 2010

Ms Sara Booty – Planning Officer
Derby City Council
Regeneration and Community Department
Roman House,
Friar Gate
Derby.
DE1 1XB

Dear Ms Booty,

**RE: TOWN AND COUNTRY PLANNING ACT 1990 –
APPLICATION DER/02/10/00104/PRI & DER/01/08/00072**

Posted via email to : developmentcontrol@derby.gov.uk

Further to your letter dated 25/02/2010 received 9th March 2010, in respect to the above, we wish to raise our objection to the proposed planning permission of this application.

Essentially, the reasons for our objection are summarised as follows:

1]. The proposed plan layout drawing PR 287/01A dated 12.12.07, is out of date in that it does not reflect our rear extension to our property and therefore, the design of the new proposal could not have taken into consideration any design impact relating to our property. This also raises the question in terms of the accuracy of the planning process itself. By not making the documents correct, I believe this contravenes your obligation under the Town and Country Planning Act 1990 Section 40, 2[a] which is extracted below for speed.

40 Publicity and consultation: short procedure for certain alterations, etc (1) Where a local planning authority propose to alter, repeal or replace a local plan and it appears to them that the issues involved are not of sufficient importance to warrant the full procedure set out in section 39, they may proceed instead in accordance with this section.

(2) They shall prepare the relevant documents, that is, the proposed alterations, instrument of repeal or replacement plan, as the case may be, and, having obtained any certificate required by section 46, shall—

(a) make copies of the documents available for inspection at their office,

2]. Having visited the proposal on the www.derby.gov.uk/planning website, it is clear that other objections have been raised in respect to concerns due to increased traffic. The initial officer replies state there will be no increase in traffic. I strongly disagree in that the existing garage volume of traffic will not change and that with an increase in residents in the new properties, it is extremely likely, that traffic will be increased. In all, it is not evident that a detailed design risk assessment has been performed relating to Traffic Management taking into consideration the existing hazards that will only be compounded by increased traffic from new residents.

3]. The level of noise, already at an unacceptable level, will be increased further by both traffic and pedestrian activities in the new road. A pre-assessment would need to be undertaken or designed to confirm that noise will not be a nuisance avoiding a breach of The Permitted Level of Noise [England] Directions 2008 Act. If construction takes place and build is completed, an assessment at that stage will be too late. The point ignores compliance to CDM 2007 during construction and noise nuisance that may require a section 61.

4]. The proposed new turn-point will take place directly to the side of our property and will therefore spoil the quietness we currently have.

5]. Our existing level of privacy will be removed by the exposure of the open road on the rear side of our property.

6]. The openness of the proposed new road increases security risk to the rear of our property which is currently protected by the existing adjacent garden.

Continued:

Enclosure

7]. Our property effectively would be like an island surrounded by 3 sides of traffic and increased noise.

8]. Given the existing level of traffic in/out of the garage, by having residents to the rear side of 486 can only increase the level of traffic. Whilst we have the A6 on the front, currently the rear of our property has lesser noise but this would be increased by new residents traffic.

9]. Refuge and Utilities deliveries/work will increase noise.

10]. Rear of our property would be more exposed at bedroom level.

11]. Our rear bedroom and bathroom will become exposed to the new road and adjacent new properties who will be able to see directly into our bedrooms.

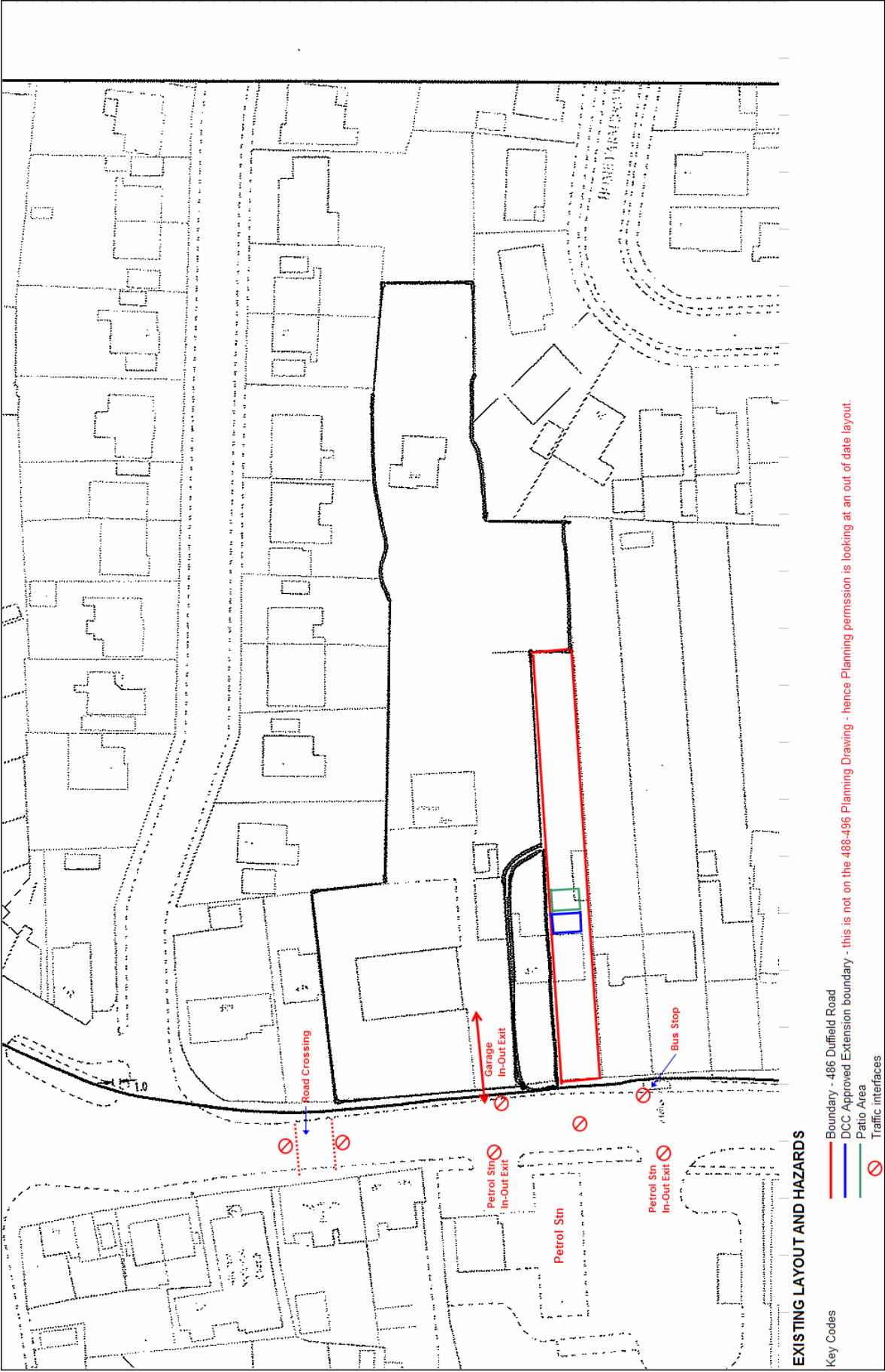
12]. Given the level of public and traffic interface, this whole area along the A6 is a disaster waiting to happen. If anything, the whole traffic management should be reviewed to decrease, not increase. The number of interface areas are significant between a children's bus stop, two in-out exit routes from a 24 hour busy petrol station, the A6 heading towards Derby is on a tight bend where cars regularly exceed speed limits plus there is a level crossing. On a regular basis, when buses stop to collect passengers, the middle of the road becomes a death trap with cars trying to overtake the bus at the stop, cars trying to enter/exit the petrol station as well as cars competing to exit the garage. There is a duty of care under Health and Safety at Work Act 1974 for the Council to review this area in conjunction with the Highways Agency with or without this current planning application.

In summary, this application should not be accepted.

I look forward to receiving your notification for a future hearing as per Town and Country Planning Act 1990.

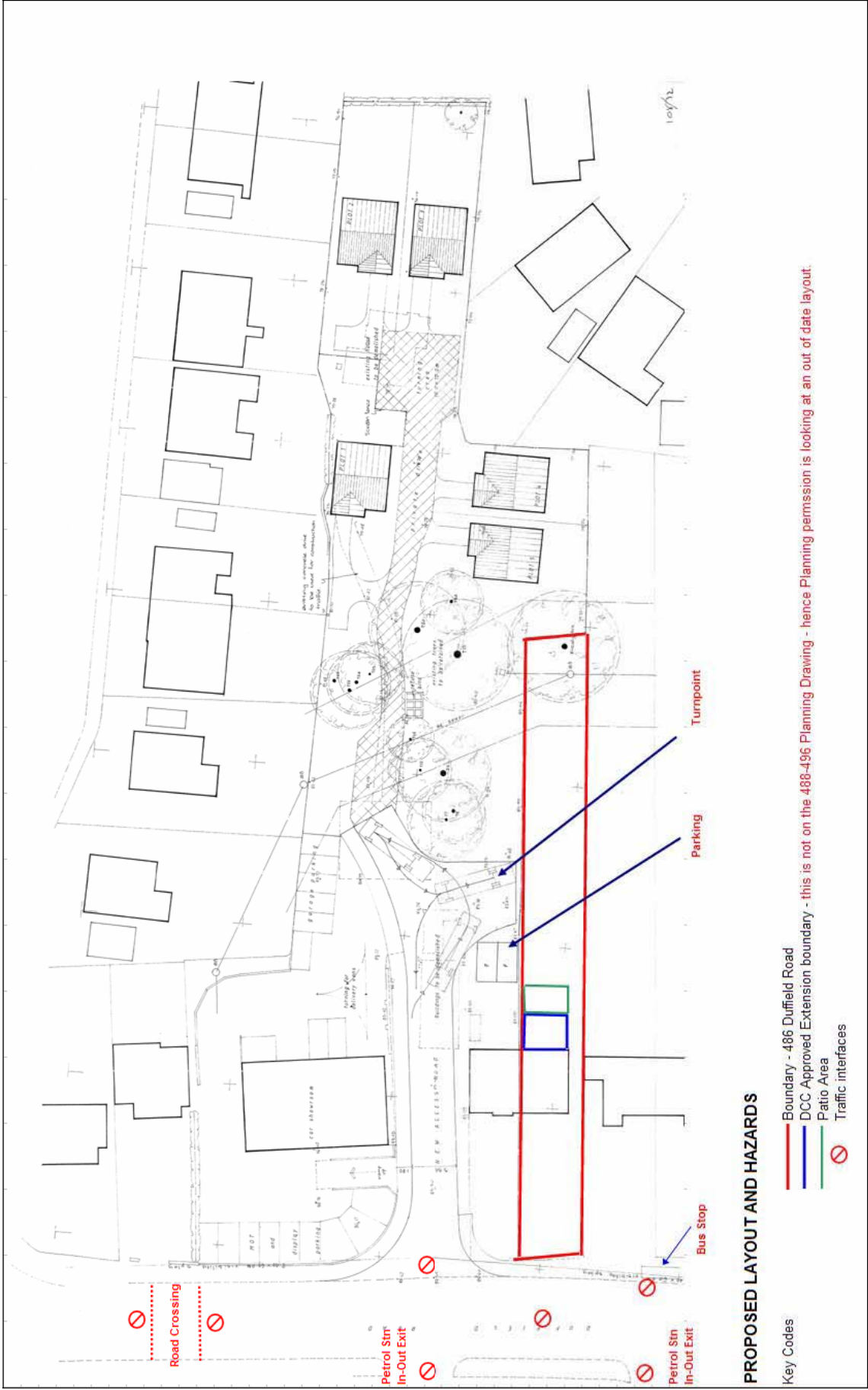
Yours sincerely,

Michael Howell



Notes:

- 1]. The Bus Stop is used by children each day.
- 2]. There are five traffic interfaces - where existing congestion takes place between the 2 entry/exit points of the Petrol Station, the Bus Stop, the exit from the existing garage entry-exit and in the middle of the road when cars/lorries attempt to enter the garage and at time are competing with buses at the bus stop. Compounded by the level crossing which reduces traffic flow. The whole area is a competitive 'exit if you can' against the normal A6 traffic flow. Essentially, an already congested area for traffic.
- 3]. The Planning drawings for DER/02/10/00104/PRI & DER/01/08/00072 are out of date as they do not reflect the rear extension of 486 as approved by DCC.



Notes:

- 1). There will be increased traffic and noise to the rear side of our Patio area and garden due to Parking and Turnpoint.
- 2). Our existing level of privacy will be removed by the exposure of the open road on the rear side of our property.
- 3). The openness of the proposed new road increases security risk to our property which is currently protected by the existing adjacent garden.
- 4). Our property effectively would be like an island surrounded by 3 sides of traffic and increased noise.
- 5). Given the existing level of traffic in/out of the garage, by having residents to the rear side of 486 can only increase the level of traffic. Whilst we have the A6 on the front, currently the rear of our property has lesser noise but this would be increased by new residents traffic.
- 6). Refuge and Utilities deliveries/work will increase noise.
- 7). Rear of our property would be more exposed at bedroom level.

Enclosure

Neighbour comments for Planning Application 02/10/00104

Site Address: Land at 488 - 496 Duffield Road, Derby

Comments received from: Mr and Mrs Brookes, 14 Derwent Avenue

Type of Response: OBJE

Comments:

We have not changed in our opinion that this application should not be granted nor continued.

The area has an abundance of mature trees giving habitat to a wide variety of wildlife, There is a bat colony believed to be in the area. The development is not in keeping with the surrounding houses and several bungalows which would be totally overshadowed with the amount and location in the small area of the proposed development.

Little consideration was given to the increased traffic flow at an already busy stretch of road which has now increased. This is evidenced with the amount of cars we see parked down both sides of Derwent Avenue with the change of use of commercial properties on Duffield Road.

Wishes to speak at committee.

Date Comments Accepted: 18/03/2010

DERBY CITY COUNCIL

Enclosure

From: Richard Long
Sent: 17 March 2010 09:00
To: DevelopmentControl
Subject: RE Application No DER/02/10/00104/PRI - 488-496 Duffield Road,
Derby

Dear Sirs,

I refer to your letter dated 25 February 2010 concerning an application to renew exisiting outline planning permission at the above address. I remain very concerned about the effect of the proposed development on my adjacent property. The plans submitted at outline stage showed 2-storey proposed houses built very close to the rear boundary of my property, and given the short back garden we have we would be overlooked to an unpleasant degree.

I would ask that a planning officer visit us to see the potential impact.

Regards

Richard Long

12 Derwent Avenue
Allestree
Derby
DE22 2DQ

Committee Report Item No: 3

Application No: DER/02/10/00203

Type: Full

1. **Address:** 175 Peartree Road

2. **Proposal:**

Change of use from retail (Use Class A1) to hot food take-away (Use Class A5).

3. **Description:**

It is proposed to change the use of the ground floor shop unit from a ladies fabric and clothing shop, in Use Class A1, to a hot food take away shop in Use Class A5.

The application premises is a mid terraced property lying at the South eastern end of Pear Tree Road about 45 metres from its junction with Dairy House Road. It is part of a terrace of late Victorian two storey properties and when inspected the ground floor was in use as a ladies fabric and clothing shop. The use of the upper floor was uncertain but was most probably in residential use as a flat over the shop. It stands in an area of mixed uses and is included in the Normanton Road/ Pear Tree Road, Linear Centre, as defined in the adopted City of Derby Local Plan Review. The neighbouring property to the immediate west is a dress shop and to the immediate east is a hot food shop. On the same side of Pear Tree Road the ground floors to the west are a travel agent, a hair dresser, a food store, a dress shop, a partly vacant dress shop, a further dress shop (which appears to be in use as part of the application premises) a hot food shop, a community centre (The Mandela Youth Centre) , a dwelling that appears to have been converted from a former shop premises and a further hot food shop for consumption of hot food on and off the premises.

On the opposite side of Pear Tree Road are a library, police station, a clinic and a City Council Home Improvement Centre.

To the immediate rear is an area of vacant land formerly the site of three dwellings, 81-85 Becher Street, which have long been demolished. A planning application was received in 2005 to use this site as a car park in association with the community centre, but this application was never determined and has been effectively withdrawn.

The nearest dwelling houses that lie to the rear of the application site on Becher Street are over 15 metres away beyond the vacant site formerly occupied by 81 – 85 Becher Street.

Refuse bins are to be stored in the rear yard of the premises in the same location as the existing refuse bins. To the rear of the application premises is an alleyway that provides pedestrian access from Becher Street and which serves 171 to 177 Peartree Road. This access will be used to transport refuse bins to the highway frontage for collection.

The following crime prevention measures are to be incorporated into the proposal,

- Retention of existing laminated glass for the main shop front.
- A high level serving counter installed to help protect staff.
- CCTV installed in the serving area.

Opening hours are stated to be 8:30 – 23:30 Monday to Saturday and 8:30 – 23:00 on Sundays.

There is no off street parking provision within the control of the Applicant.

Committee Report Item No: 3**Application No:** DER/02/10/00203**Type:** Full**4. Relevant Planning History:**

None.

5. Implications of Proposal:**5.1. Economic:**

None.

5.2. Design and Community Safety:

There are no proposals for external changes to the premises although a notional fume extraction flue is indicated on the application drawings which will be sited at the rear of the property. Further details of an extraction flue will be required, as a new application, should planning permission be granted for the change of use.

5.3. Highways – Development Control:

The application site is located on Pear Tree Road which is a classified road, and is within the district centre of Normanton. There are on-street parking controls, double yellow lines outside the premises and it is within walking distance of public car parks. There are no significant highways implications and in view of this no objections.

5.4. Disabled People's Access:

The premises has a level access at the main customer entrance. There are no concerns over disabled access to the premises.

5.5. Other Environmental:

If planning permission is granted for this proposal, a fume extraction flue will be required capable of mitigating the effects of food odour that may be emitted by the premises.

6. Publicity:

Neighbour Notification Letter	9	Site Notice	Yes
Statutory Press Advert and Site Notice	No	Discretionary Press Advert and Site Notice	No
Other	None		

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

One petition of objection has been received to this proposal and is attached to this report. This has 6 signatories from 6 separate addresses in the immediate vicinity, including one from a business premises. In summary the grounds for objection are:

- There are already too many (hot food) outlets in the area, including two within yards of each other.

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Application No: DER/02/10/00203

Type: Full

- Because of the existing hot food outlets there is a serious parking problem at the junction of St Thomas Road, Peartree Road and Dairy House Road. Obstruction of emergency vehicles for the police station, also results.
- Noise and disturbance into the early hours of the morning.
- Increased litter.
- Antisocial behaviour from intoxicated customers

This representation has been reproduced in this report.

8. Consultations:

8.1 Environmental Services (Health – Food Safety):

There are no objections to the proposal on Environmental Health grounds subject to the imposition of conditions to ensure adequate provision for refuse storage and appropriate ventilation / fume extraction system.

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

GD5	Amenity
R8	Normanton Road/ Peartree Road Linear Centre.
S12	Financial and professional services and food and drink uses.
T4	Access, car parking and servicing.
T10	Access for disabled people.

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The application premises lies in the defined Normanton Road / Peartree Road Linear Centre (NR/PR L C) within which hot food uses in Use Class A5 are considered to be acceptable in principle, subject to their being compatible with the general scale, nature and function of the centre and that they contribute to the vitality, viability and regeneration of the centre. The reasoned justification for Policy R8 of the City of Derby Local Plan Review makes the following comment, referring to the NR/PR LC, "It contains a wide mix of uses, including retail and other similar commercial activities. It also provides community and other services for Derby's minority ethnic population and has a city-wide role for diverse cuisines. Indeed the City Council is now promoting this feature as part of its tourist strategy...."

I do accept that a hot food takeaway of unspecified cuisine may not contribute significantly to the diversity referred to, however, it would make some contribution.

Policy S12 refers to the provision of Financial and Professional Services and food and drink uses and states that they will be permitted within and on the edge of centres in the defined shopping centre hierarchy provided that they would not lead to a concentration of such uses likely to undermine the vitality and viability of the centre. In all areas planning permission will not be granted for A3, (restaurants, snack bars, cafes) A4 (pubs and bars) or A5 (takeaway) uses which would cause unacceptable harm to the amenity of nearby areas, whether residential or otherwise.

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Application No: DER/02/10/00203

Type: Full

The application premise does lie within the defined Normanton Road/Peartree Road Linear Centre and consequently meets that part of policy S12.

At this southern end of the district centre, the existing retail uses become somewhat fragmented and dispersed with no retail uses on the southern side of the road and on the side of the application premises, A1 retail shops are interspersed with a community centre, a hot food shop, a restaurant/ take away and a dwelling house. The restaurant was first granted planning permission in 1982 and the take away, immediately next door to the application premises, was granted permission in 2003.

An additional hot food take away will lead to a concentration of hot food uses with three hot food premises out of a row of seven units but, in overall terms, this concentration is less than 50% of the total number of units and less than 50% of the linear frontage. With the existing length of A1 retail frontage already fragmented by the community centre, house and hot food outlets, I don't consider that the additional 5.5 metre of frontage would have any significant impact on the vitality or viability of this length of shopping frontage and certainly would have little impact on the shopping centre as a whole.

Flats would appear to exist above the application property and the adjoining retail shops alongside, although the nearest residential property outside the District centre, is over 15 metres away. Hot food shops can be associated with unneighbourly impacts such as food and cooking smells, late night activity causing noise and disturbance, litter, and highway congestion. The effect of these on residential amenity can be a problem but the nearest properties, those over the shops, lie within the district centre and it is generally considered that those people who choose to reside within or on the fringes of a shopping /district centre, should accept that they cannot be afforded the same protection of residential amenity as those who live elsewhere. The unit is over 20 metres from the house in the same row (183 Peartree Road) and I would not consider that the opening of a further hot food shop would lead to any significant worsening of residential amenity.

Highways Officers have pointed out that the fronting highway already has parking restrictions marked by double yellow lines and that the site lies within walking distance of public car parking areas. No objections are raised to the proposal on highways grounds.

The Environmental Health Division has raised no objection to the proposal subject to the provision of adequate refuse storage and appropriate fume extraction/ventilation. These can be required by condition. It is suggested that it should be possible to remove refuse from the building without having to take bins through kitchens and eating areas which, I believe can be achieved using the rear pedestrian access that connects to Becher Street.

I would anticipate that the close proximity of the Peartree Police Station immediately across the road would provide some limited control over parking during day time hours, however, it closes at 8 pm Monday to Friday, closes at 2pm on Saturday and does not open at all on Sundays and so is unlikely to provide any form of supervising role at night time when anti social behaviour is most likely. Nevertheless, I do not consider that it would be appropriate to withhold planning permission on the basis that it may be used by antisocial customers as the same argument could be levelled at any late night opening venue, pub, club restaurant or hot food outlet.

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Type: Full

The objections received from third parties by way of the petition refer to

- Parking and highways problems.- the highways division has, however, not raised an objection on highways grounds.
- Late night noise and littering. - As hot food take-aways tend to stay open late and do some of their trading after pub closing times, they can attract a certain level of late night noise and activity. The worst effects of this are often controlled by restricting opening hours as was done with the adjoining premises in 2003 when the following restriction was imposed on the planning permission:

“Opening hours shall be limited to 0830 to 2330 Monday to Saturday and 0830 to 2300 on Sundays both in respect of direct sales and the dispatch of orders.”

I consider it appropriate to impose a similar opening hours restriction on the present application.

Littering is a difficult problem to overcome as it is mostly caused by customers at some distance from the premise and litter bins provided outside the shop are of minimal benefit.

Although I accept that the late night opening of hot food shops may result in some antisocial behaviour becoming concentrated into the area, this is not in my view sufficient reason to warrant refusal of this proposal.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the relevant policies of the adopted City of Derby Local Plan Review and all other material considerations, and it is considered that the proposed use as a hot food take-away is an appropriate use within the Normanton Road/Peartree Road Linear Centre.

11.3. Conditions:

1. Standard condition 03... (3 year expiry).
2. Standard condition 100...(approved plans).
3. Standard condition 47... (details of fume extraction / ventilation)
4. Standard condition 50... (opening hours for hot food shops).

11.4. Reasons:

1. Standard reason E56 ... (time limit for planning permissions).
2. Standard reason E04 ... (for the avoidance of doubt).
3. Standard reason E25...(residential and environmental amenity) Policies GD5 and S12.
4. Standard reason E27 (amenities of adjacent residential properties) policies GD5 and S12.

11.5. Informative Notes:

With regard to the installation of a fume extract/ventilation system the applicant is advised that the following guidance has been provided by the Environmental Health and Trading Standards division.

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Application No: DER/02/10/00203

Type: Full

Before the use is commenced, full details regarding the proposed extract ventilation system for the cooking area shall be submitted to and approved by Environmental Health and Trading Standards. This submission shall include the following:

- (a) The extract vent should terminate not less than 0.6 metres (ideally 1 metre) above the ridge of the building and not less than 1 metre above any openable window/skylight. (Please advise the applicant that the extract vent should be installed internally as far as possible, if there is a likelihood of conflict with any planning requirements);
- (b) There must be a gas interlocking device installed on the ventilation system to prevent gas appliances from operating with the ventilation switched off;
- (c) Details of the expected noise levels generated by the fan, which are required to be supplied, must include full octave band analysis;
- (d) All mountings and fixings shall incorporate anti-vibration mounts in order to reduce airborne and structure-borne noise transmission;
- (e) Details of how the equipment will suppress and disperse fumes and/or odour produced by cooking and food preparation;
- (f) The extract vent should not be fitted with any restriction at the final opening i.e. cap or cowl;
- (g) The system should be designed to allow the collection and removal of rainwater in order to prevent water entering the fan unit;
- (h) Details of the cleaning schedule.

11.6. S106 requirements where appropriate:

None.

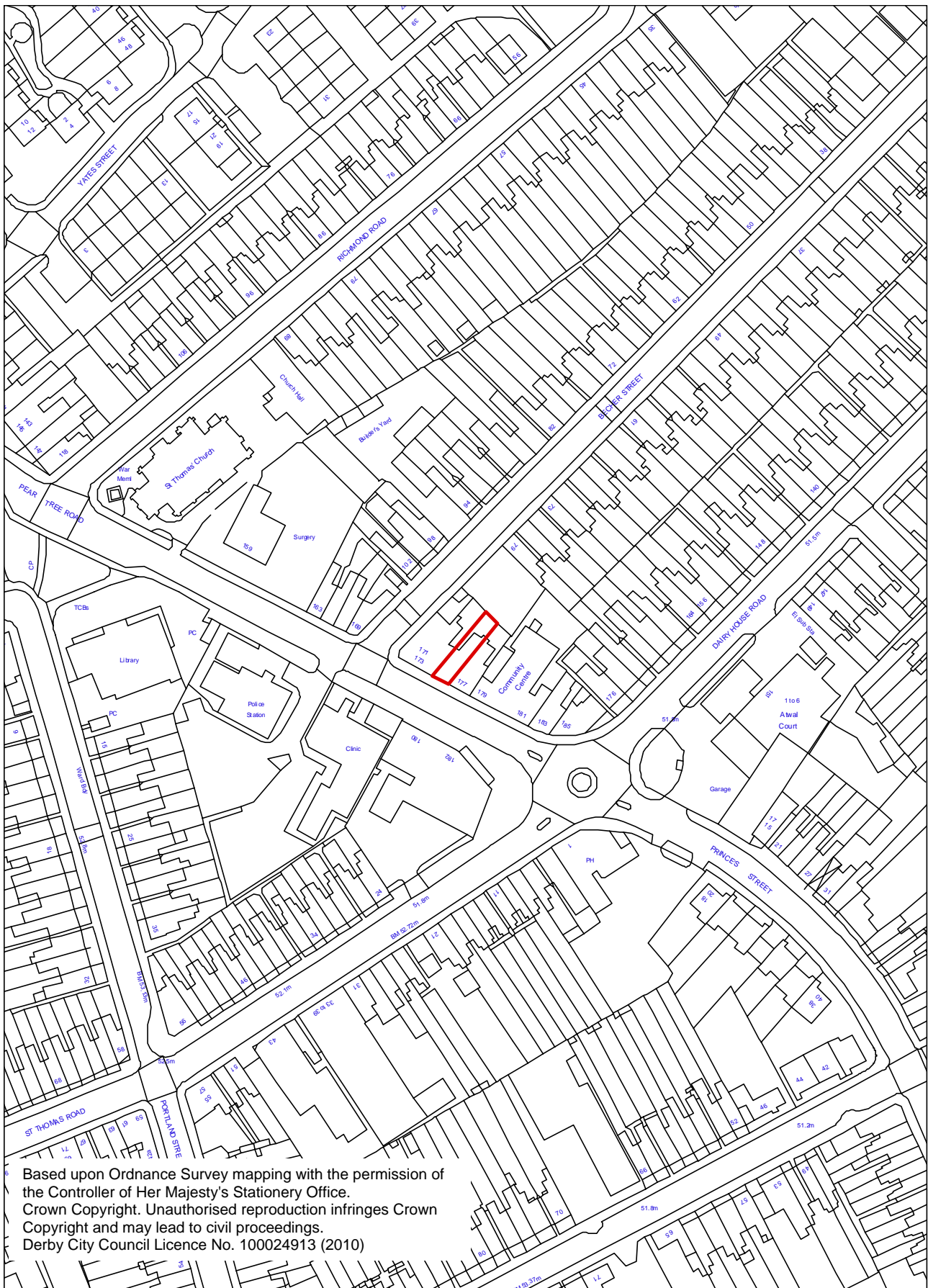
11.7. Application timescale:

The target expiry date was 19/04/2010 on which date a petition was received late via the Licensing Division.

Committee Report Item No: 3

Application No: DER/02/10/00203

Type: Full



14 APR 2010

FAO DCC LICENSING COMMITTEE

6th April 2010

WE THE UNDERSIGNED DO STRONGLY OBJECT TO THE PROPERTY 175 PEARTREE ROAD, DERBY BEING GRANTED A LICENSE TO OPERATE AS A HOT FOOD OUTLET FOR THE FOLLOWING REASONS.

- * ALREADY TOO MANY OUTLETS IN THE AREA INCLUDING TWO WITHIN YARDS OF EACH OTHER.
- * BECAUSE OF THE EXISTING HOT FOOD OUTLETS THERE IS A SERIOUS PARKING PROBLEM ON THE JUNCTION OF ST THOMAS RD AND PEARTREE RD & DAIRYHOUSE ROAD.
- * LOUD NOISE INTO THE EARLY HOURS OF THE MORNING DUE TO PEOPLE SLAMMING CAR DOORS, SAT IN CARS EATING + CHATTING AND LEAVING A TRAIL OF LITTER ALONG THIS CORNER TO THE POLICE STATION AND ALONG DAIRYHOUSE ROAD.
- * PEOPLE UNDER THE INFLUENCE OF DRINKS URINATING ON THE GARAGE FORECOURT ACROSS, ON DAIRYHOUSE ROAD. THE JUNCTION IS ALREADY CONGESTED AS FAR AS PARKING IS CONCERNED AS THERE IS ALSO A TAXI BASE NEARBY WHOSE VEHICLES PARK NEAR BY.
- * WHEN CARS PARK ON PEARTREE RD, THEY OBSTRUCT EMERGENCY VEHICLES COMING OUT OF THE POLICE STATION ACROSS THE ROAD, ESPECIALLY WHEN THERE IS A BUS ON THE STOP.

NAME

ADDRESS

SIGNATURE

1. J. S. AWAH
NORWICH STATION
DAIRY HOUSE RD
DERBY
DE23 8HQ

2. A. YASIN
~~KEMER~~ ANWARAS -
DAIRYHOUSE ROAD
DERBY

3. MR & MRS S.S. BHOGAL 172 DAIRYHOUSE RDC
DERBY
DE23 8HP

4. MR MUSHTAQ AHMED
174 DAIRY HOUSE R. 12

5. SURAT ANAND
168 DAIRYHOUSE ROAD.

6. MR M. NAZIR & MRS R. SULTANA
176 DAIRYHOUSE ROAD, DERBY

Committee Report Item No: 4

Application No: DER/03/10/00393

Type: Outline Planning Application
All matters reserved

1. **Address:** Land Between 19 and 21 Keswick Avenue, Sunnyhill

2. **Proposal:**
Residential development (1 dwelling house)

3. **Description:**

This outline planning application proposes the erection of a dwelling house with all matters reserved for consideration under detailed future applications. The application is accompanied by notional details only.

The application site is sited between two existing dwellings at no.19 and no.21 Keswick Avenue. Both properties are traditional 1930's semi-detached properties characterised by bay windows and main entrances on the side elevations. The site is bound to the south west by the public highway and to the north east by the recreational ground. No's 21 and 23 are set back from the highway and frame the turning head along with no's 20 and 22. There is no formal closure to the head of the cul-de-sac.

The application site has a triangular form and joins to the public highway at a south easterly point where the highway widens to form turning and access at the head of the avenue. Land levels on the site are relatively consistent. The application site is in the ownership of the adjacent property, no.21 Keswick Avenue.

4. **Relevant Planning History:**
No planning application site history

5. **Implications of Proposal:**

5.1. **Economic:**
None

5.2. **Design and Community Safety:**
Indicative details submitted only, therefore, no comments are provided in respect of design and community safety.

5.3. **Highways – Development Control:**
This is an outline application with all matters reserved. Keswick Avenue is a quiet residential cul-de-sac and the proposal is situated at the head of the cul-de-sac. In principle, there would be no highway objections to this application on condition that the first 5 metres behind the public highway is kept open for the use of both properties, as individual accesses would be unworkable due to the site entrance width. It is recommended that there is a maximum of 150% parking provision. Subject to the above there would be no highway objections.

5.4. **Disabled People's Access:**
The dwelling house will have degree of accessibility through compliance with Building Regulation Guidance.

5.5. **Other Environmental:**
None

Committee Report Item No: 4**Application No:** DER/03/10/00393**Type:** Outline Planning Application
All matters reserved**6. Publicity:**

Neighbour Notification Letter	9	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

The application has attracted 4 letters of objection from neighbouring properties on Keswick Avenue. The letters of objection are attached to this report. Any further letters of representation received prior to this meeting will be made available for Members' consideration. The letters of objection are primarily concerned with the following issues:

- Impact on traffic and increased congestion,
- Inadequate turning facility on the avenue,
- The avenue has become busier over the recent years, above levels which would be normally associated with a domestic street scene,
- The proposal would result in a massing effect,
- Loss of view from certain properties,
- The limited parking provision would result in cars being parked on the street,
- The scale, size and depth of the proposal is unacceptable,
- Loss of residential amenity to those surrounding residents,
- The dwelling would be out of keeping with the street scene,
- An extension at no.22 was refused in 2000 and it is felt these reasons also apply to this proposal,
- The land owner does not reside in this location and therefore has no understanding of the current pressures of car parking and congestion on the Avenue.

8. Consultations:

No other consultations were requested in light of this application being for outline purposes with all matters reserved. The comments of the Highways Section are set out in Section 5 of this report.

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

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development – General Criteria
T4	Access, Car parking and Servicing
E23	Design

Committee Report Item No: 4

Application No: DER/03/10/00393

Type: Outline Planning Application
All matters reserved

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The application seeks outline planning permission for the erection of a detached dwelling house on land between 19 and 21 Keswick Avenue. The application has been submitted in an outline format with all matters reserved; the submitted elevations and block plan are for indicative purposes, only and as stated in the recommended conditions do not form part of this approval, if Members are minded to approve the scheme.

I raise no objection to the use of the site for residential purposes. I am of the opinion that the application site has the capacity to accommodate one dwelling house without compromising the urban grain of the area and will, subject to a suitable layout, provide off-street car parking and sufficient private amenity space for future occupiers of the dwelling house. The residential amenity of the surrounding properties will not be unduly affected at this outline stage and will be considered in further detail under an application for reserved matters. I note that surrounding residents have raised concerns with regards to loss of residential amenity, overlooking, massing and overshadowing along with unacceptable scale, design and size, but I feel that these issues cannot be considered in detail at this stage due to the format of the application. However, in principle, I consider that a dwelling can be erected without causing such impacts materially.

The access to the application site is indicated at the north-east side of the turning facility; I note that a number of residents share concerns over the impact of an additional dwelling and its impact on the highway. My Highways Officers have considered the scheme and raise no objection, providing a shared access is provided between the proposal and no.21 Keswick Avenue. I am of the opinion that the introduction of a dwelling on this site would not have such a detrimental impact to warrant refusal of the scheme on highways grounds.

Other objections have been raised and are set out in Section 7 of this report; concerns over land ownership, in this particular context, are not considered to be material considerations, nor are loss of view and the previously refused extension at no.22 Keswick Avenue.

Overall, I feel that the proposal is acceptable and will not unreasonably affect residential amenity. A number of concerns have been raised by neighbouring properties; the majority of these concerns relate to matters to be considered at detail stage and these will, therefore, more properly be dealt with at the later stage. The application reasonably satisfies the relevant plan policies as set out in the City of Derby Local Plan Review and as such I recommend planning permission be granted for outline planning permission of one dwelling house on land between 19 and 21 Keswick Avenue.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

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Type: Outline Planning Application
All matters reserved

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 Section 8 of this report and it is considered that the proposed residential development is acceptable in terms of impact on residential amenity, impact on the street scene and in terms of impact on highway safety.

11.3. Conditions:

1. Standard condition 100 (approved plans)
2. Standard condition 01 (reserved matters) layout, scale, appearance, access and landscaping
3. Standard condition 02 (reserved matters)
4. Standard condition 19 (means of enclosure)
5. Standard condition 22 (landscaping maintenance)
6. Standard condition 30 (hardsurfacing)
7. Standard condition 38 (foul and surface water drainage)

11.4. Reasons:

1. Standard reason E04
2. Standard reason E01
3. Standard reason E02
4. Standard reason E09 (GD4 and E23)
5. Standard reason E10 (GD4 and E23)
6. Standard reason E21 (GD4)
7. Standard reason E21 (GD4)

11.5. Informative Notes:

The Applicant's attention is drawn to the Highways advice that any reserved matters application should identify a shared driveway for a minimum of 5 metres behind the public highway. This is because individual accesses would be substandard due to the entrance width.

11.6. S106 requirements where appropriate:

None

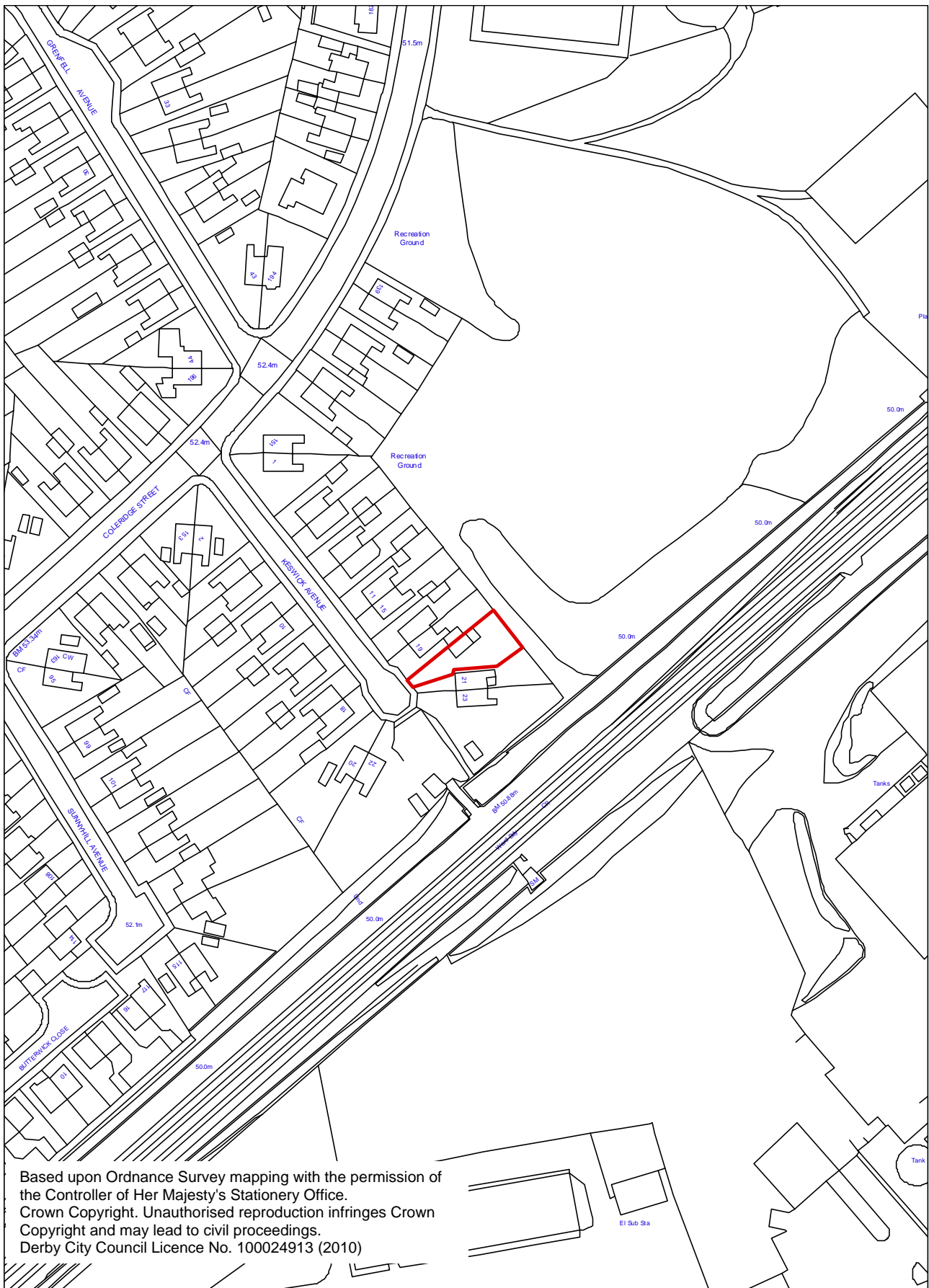
11.7. Application timescale:

The statutory 8 weeks time period for the application expired on 26th May 2010. The applications were brought before the Committee because of the receipt of 5 objections from neighbouring properties.

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Application No: DER/03/10/00393

Type: Outline Planning Application
All matters reserved



Enclosure

From: Geoffrey Wright [mailto:]
Sent: 16 April 2010 14:07
To: DevelopmentControl
Subject: DER/03/1000393/PRI

Dear Laura Raynor,
Re DER/03/10/00393/PRI

Thank you for your letter, 14-04-10, re the proposed new dwelling between properties 19 and 21 Keswick Avenue DE23 1JY.

Incidentally, the postcode for Keswick Avenue is DE23 1JY, not 7JY, as on your letter to me.

I have looked at the www.derby.gov.uk/eplanning website; however, there is very little information.

At this stage, I would like to know more details. What is the size of the proposed new dwelling? Where would the access point for the property be? How near will the property be to other existing houses in the avenue? Where will the roadway access be? Will there be off road parking for the proposed new dwelling?

Where might I be able to see a scale map that shows the exact position of the proposed new dwelling in relationship to other properties?

Yours Sincerely, G. Wright

Enclosure

Neighbour comments for Planning Application 03/10/00393

Site Address: Land between 19 and 21 Keswick Avenue, Sunnyhill, Derby

Comments received from: Ms Pender, 19 Keswick Avenue

Type of Response: OBJE

Comments:

The size, depth, width, and height of the proposed development would have an unacceptable impact on the amenities of the properties immediately adjacent to the site and the surrounding area. They would be overlooked, there would also be a loss of privacy, and 19 Keswick Avenue would suffer from loss of light due to the positioning of the dwelling.

The proposed siting of the dwelling would have an adverse impact on the amenity of neighbouring properties and have an overbearing effect and also would result in a cramped appearance to the immediate residential area.

The proposed dwelling would be out of keeping with the design and character of the semi-detached properties which were built during 1947, and are located within the area, and would have an adverse effect on the visual amenity of the area as a whole, being unsympathetic to the appearance and character of the local area.

The proposed development would generate additional vehicle access, therefore increasing the volume of traffic and parking within the small cul-de-sac, increasing from 6 drives to 7 drives in one small turning circle, and could, in effect, propose a serious risk of accident to residents and pedestrians. The turning circle at the end of the road is used by residents and delivery drivers etc. This could also be detrimental to Emergency vehicle access.

A planning application for a development at 22 Keswick Avenue during 2000 was refused for the following reasons. I believe these reasons also apply to the proposed current application at 21 Keswick Avenue.

1) The proposed extension would, by reason of its size and position, be detrimental to the residential amenity of the neighbouring property, No. 20 Keswick Avenue through unacceptable massing effects and loss of daylight and sunlight. It would also be detrimental to the character and appearance of the semi-detached pair of dwellings by reason of a visual imbalance of the pair of dwellings, and by overwhelming their scale. Furthermore the excessive scale of the proposal would be detrimental to the street scene. For these reasons the proposal would be contrary to Policy H27 of the adopted City of Derby Local Plan.

Does not wish to speak at committee.

Enclosure

Neighbour comments for Planning Application 03/10/00393

Site Address: Land between 19 and 21 Keswick Avenue, Sunnyhill, Derby

Comments received from: Mrs Russell, 23 Keswick Avenue

Type of Response: OBJE

Comments:

I am concerned that the proposed development would have a detrimental impact on the surrounding properties. Keswick Avenue is a small cul-de-sac and consequently any additional traffic caused by a further property being built in such a small area could result in a serious accident occurring. Often visiting cars park on the turning circle making it difficult for residents to get out of their driveways or for other vehicles to turn round and this would surely only be exacerbated if another house was built and the occupants also had vehicles. I would also envisage that any emergency vehicles would have difficulty in accessing properties at the lower end of the cul-de-sac.

This development has been suggested by an absentee landlord who has no understanding of the difficulties that additional vehicular parking would cause. The landlord currently rents out the property of 21 Keswick Avenue and while the houses are primarily two bedroomed there is no supervision of the number of people in residence and, as there is no guarantee he will not rent out the proposed new dwelling, the addition of several more people with further vehicles could cause an even greater disruption.

The proposed property would also spoil the appearance of the Avenue as a whole.

It should also be noted that the properties were actually built in 1947 and not the 1960s and the landlord suggests.

Does not wish to speak at committee.

Date Comments Accepted: 27/04/2010

Enclosure

Neighbour comments for Planning Application 03/10/00393

Site Address: Land between 19 and 21 Keswick Avenue, Sunnyhill, Derby

Comments received from: MR LAMBERT, 18 Keswick Avenue

Type of Response: OBJE

Comments:

THE PROPOSAL TO BUILD ON THE PLOT WOULD RESULT IN A MASSING EFFECT DUE TO THE SIZE OF THE AREA, IT WOULD ALSO BE A LOSS OF VIEW FROM 18 KESWICK AVENUE.

THE PLAN TO BUILD THE PROPERTY WOULD ALSO BE DETRIMENTAL TO THE CHARACTER OF THE CUL-DE-SAC WITH A VISUAL IMBALANCE TO THE SURROUNDING PROPERTIES.

THE PROPOSAL TO SPLIT THE EXSISTING DRIVE INTO TWO WOULD RESULT IN CARS PARKING IN THE CUL-DE-SAC TURNING CIRCLE AS THE OCCUPANTS OF NO 21 ALREADY HAVE 2/3 VEHICLES PARKED IN THE DRIVEWAY. THE TURNING CIRCLE HAS A BRICK WALL AT THE END, THIS HAS ALREADY BEEN HIT TWICE DUE TO TIGHTNESS OFF THE ACCESS PROBLEMS.

WITH EXTRA VEHICLES PARKING THIS WOULD ALSO BE A PROBLEM FOR ACCESS, FOR EMERGENCY VEHICLES TRAVELLING TOWARDS THE LOWER END OF THE CUL-DE-SAC.

Does not wish to speak at committee.

Date Comments Accepted: 04/05/2010

Enclosure

From: Pamela Brain [mailto:]
Sent: 06 May 2010 09:06
To: DevelopmentControl
Subject: DER/03/10/00393/PRI

Dear Sirs

I have studied the available material concerning the planning application for the above numbered application and lodge my complaints on the following grounds :

The Cul de Sac is already over crowded with vehicles and a further dwelling would add to the difficulties already experienced in Keswick Ave, we have difficulty exiting our driveway on numerous occasions due to the density of traffic parked on the avenue. I can only see that another dwelling will increase this problem. The turning facilities at the end are barely adequate as they are and to add yet more traffic will exacerbate the problem.

The use of the said proposed building is also in question as two properties are already being used as hostel type accomodation and my belief is that this further dwelling will be used for the same purpose. An application for a nursing home was turned down a few years ago and I would hope that the same may happen to this. The Avenue has always been a quite place with normal residential comings and goings. (I have been a resident here since 1985) but over the past year there has been an increase in the comings and goings associated with properties 19 and 21 and although there have been no problems as such the nature of the Avenue has changed and I feel that another property designated for the same purposes with change the character of the Avenue further.

I hope that you will take these views into account when dissussing the above application

Yours sincerely

Pamela C Brain

9 Keswick Avenue
Sunnyhill
Derby
DE23 1JY

06.05.2010

Committee Report Item No: 5

Application No: DER/03/10/00376

Type: Advertisement Consent

1. **Address:** 4 Queen Street (Avisa Financial Services)

2. **Proposal:**

Display of externally illuminated fascia sign and projecting sign

3. **Description:**

Number 4 Queen Street is three-storey, mid-terraced, period property located within the City Centre Conservation Area. It is located close to several listed buildings including the grade II 16th century Dolphin Public House and the grade I listed Cathedral Church of All Saints. The ground floor has a modern shop front, which is comprised of aluminium framed display windows and doors.

This application seeks to obtain advertisement consent to display two signs on the front elevation of the premises: an externally illuminated projecting sign and an externally illuminated fascia sign. This is in effect a retrospective application as both signs have already been installed.

The projecting sign measures 650mm (L), by 650mm (W), by 40mm (D), and is of aluminium construction with a dark grey powder coated finish and orange perspex lettering reading 'AVISA'. The sign is externally illuminated from above via two black trough down lighters and is situated to the left of the entrance door, almost level with the first floor window.

The fascia sign measures approximately 4820mm (L), by 700mm (W), by 40mm (D). It is constructed of aluminium with a dark grey powder coated finish and orange perspex letters which read 'AVISA'. The sign is illuminated from above, via a single trough light, and it is located above the ground floor display window above.

4. **Relevant Planning History:**

DER/04/09/00375 - Installation of replacement shop front, granted June 2009 – not implemented

DER/08/09/00561 - Display of internally illuminated fascia sign and non illuminated hanging sign, granted July 2009 – not implemented

5. **Implications of Proposal:**

5.1. **Economic:**

The signs display the company's corporate brand and would promote the business and identify its location within the street.

5.2. **Design and Community Safety**

The fascia sign is considered to be acceptable in the context of the modern shop front on the property and would not be unduly harmful to the visual amenities of the locality. However, it is considered that the non traditional, bulky design of the projecting sign would neither preserve, nor enhance the special character of the conservation area. There are no community safety implications.

5.3. **Highways – Development Control**

The proposed signs would either not overhang the highway or are placed at an appropriate height, which would not impede the safety of pedestrians and

Committee Report Item No: 5

Application No: DER/03/10/00376

Type: Advertisement Consent

other road users. Subject to control of the means/intensity of illumination there are no highway safety concerns.

5.4. Disabled People's Access:

Not applicable on signage proposals.

5.5. Other Environmental:

No material implications.

6. Publicity:

Neighbour Notification Letter	No	Site Notice	No
Statutory Press Advert and Site Notice	No	Discretionary Press Advert and Site Notice	No
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

None has been received to date.

8. Consultations:

8.1. CAAC:

The Committee objected to and recommended refusal of both the fascia sign and the projecting sign. It was considered that the depth of the fascia sign was too great, the projecting sign would add unnecessary clutter to the building and, in accordance with the draft Shop Front and Advertisement Guide, the illumination of the signs was not justified for this use. The signs would, therefore, have a detrimental impact on the character of the conservation area and the setting of the listed building. It was suggested that the depth of the approved fascia sign at No. 5 may be more acceptable.

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

GD4	Design and the urban environment
GD5	Amenity
E18	Conservation Areas
E19	Listed Buildings and buildings of local importance
E26	Advertisements

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

Planning Policy Statement 5 (Planning and the Historic Environment).

Planning Policy Guidance Note 19 (Outdoor Advertisement Control).

Committee Report Item No: 5

Application No: DER/03/10/00376

Type: Advertisement Consent

10. Officer Opinion:

The key issues to be considered in relation to this application are the impact the proposed signs have on the character and appearance of the application property, the surrounding City Centre Conservation Area, along with any public safety matters which may arise.

The projecting sign:

Whilst there are other examples of projecting signs along Queen Street, they are generally more traditional, non-illuminated hanging signs, mounted on traditional metal brackets. English Heritage, in its shop front guidance leaflet, advises that projecting signs of any type are considered to be appropriate only in certain circumstances. The guidance states that hanging signs may be appropriate for historic buildings, and if so 'they should preferably be painted, not too large, and fitted in a way that does not damage or obscure the shop front. Care should be taken not to create a "cluttered" aspect to the street scene in general. Internally illuminated box signs are not acceptable.'

In my opinion, the modern design of the projecting sign, with the bulky form of its board and illuminating troughs, stands out as an unsympathetic feature within the locality, which fails to preserve or enhance the special character and appearance of the City Centre Conservation Area.

Moreover, the introduction of an additional illuminated sign, situated part way between the fascia sign and the first floor window further clutters the front elevation of the application property, and fails to harmonise with the architectural and historic character of the building upon which it is displayed.

Overall, by virtue of its design, siting and source of illumination refusal of this element of the application is recommended.

The fascia sign

Whilst the concerns raised by the Conservation Area Advisory Committee have been appreciated, it is considered that refusal of the fascia sign, based on its depth alone, could not be substantiated on this non-listed building. Clearly, it is advisable that fascia designs should respect the appearance and scale of their host buildings, but in this instance the fascia sign still respects the proportions of the existing shop front and does not obscure or intrude onto any of the building's important architectural features, such as the first floor windows. It is a deep sign compared with those on the adjacent properties, but it is not considered to dominate the front elevation of the application property, or significantly detract from its character or appearance.

Additionally, whilst the use of more traditional materials would also have been preferable, the materials of construction are considered acceptable in the context of the aluminium shop front and the designs and colour scheme are not deemed inappropriate. Whilst the shop front guide restricts illumination, it is a draft guide, with minimal weight and in the context of this shop, a refusal could not be justified. Whilst the proposal does not particularly enhance the conservation area, except through ensuring the continued use of the premises, it does in my view have a neutral impact.

In this context, the Applicant has submitted a letter of justification for the proposals which is reproduced for Members' consideration.

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Application No: DER/03/10/00376

Type: Advertisement Consent

On balance, the fascia sign is not considered to be unduly harmful to the character and appearance of the application property, or the surrounding streetscene and approval of this element of the proposal is recommended.

11. Recommended decision and summary of reasons:

It is recommended that a split decision be issued in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007 to **refuse** advertisement consent for the externally illuminated projecting sign and to **grant** advertisement consent for the externally illuminated fascia sign.

11.1. To refuse advertisement consent for the externally illuminated projecting sign.

11.2. Reasons for Refusal:

The projecting sign by virtue of its non-traditional bulky design, first floor siting and source of illumination fails to respect the character of the application property and neither preserves nor enhances the special character and appearance of the City Centre Conservation Area. Accordingly the proposal is considered to be contrary to saved policies GD4, E18 and E26 of the adopted City of Derby Local Plan Review and the recommendations of the City Council's draft Shop Front and Advertisement Guide.

11.1. To grant advertisement consent for the externally illuminated fascia sign, with conditions.

11.2. Summary of reasons:

The design, size, siting and source of illumination of the fascia sign are considered to be acceptable and would not be unduly harmful to the character and appearance of the application building, or the special character of the surrounding conservation area. There are no public safety concerns and the proposal accords with the policies referred to in Section 9, above, and all other material considerations.

11.3. Conditions:

1. This consent relates solely to the following drawings:
 - a) OS site plan dated as received on the 26th March 2010,
 - b) scaled drawing of externally illuminated fascia sign dated as received on the 26th March 2010,
 - c) photomontage detailing the locations of the fascia sign on the front elevation of the application property dated as received on the 26th March 2010.
2. This consent applies only to the display of one externally illuminated fascia sign and does not include the externally illuminated projecting sign.
3. Standard condition 05C (advertisement consent time limit – 5 years)
4. The lighting scheme for the proposed sign shall be installed and retained strictly in accordance with the submitted design/specification and the

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Institution of Lighting Engineers "Guidance Notes for the Reduction of Obtrusive Light, 2005" (www.ile.org.uk) for Environmental Zone E4. The means of illumination shall be screened and maintained, so that the light source is not visible to drivers on the public highway.

11.4. Reasons:

1. For the avoidance of doubt.
2. For the avoidance of doubt.
3. As required by Regulation 13(5) b of the Town and Country Planning (Control of Advertisements) Regulations 1992.
4. Standard reason E19 (interests of traffic safety)...policy E26.

11.5. Informative Notes:

None

11.6. S106 requirements where appropriate:

None

11.7. Application timescale:

The statutory 8 weeks time period for the advertisement consent application expired on the 21 May 2010. This application has been brought before the Planning Control Committee because of objections raised by the Conservation Area Advisory Committee.

Type: Advertisement Consent



Committee Report Item No: 6

Application No: DER/11/09/01402

Type: Full

1. **Address:** 28 Church Lane, Darley Abbey

2. **Proposals:**

Extension to dwelling house (kitchen/dining/lounge room, lounge) and formation of rooms in roof space (3 bedrooms, 2 bathrooms, 2 store rooms and wardrobe) including alterations to roof and installation of dormer windows.

Matter for consideration: This report is brought to Committee to consider whether to make a revocation or modification order in relation to a previous grant of permission for domestic extensions to number 28 Church Lane, Darley Abbey. The development was granted planning permission under delegated powers on the 11th of February 2010 (a copy of the decision notice is appended).

In accordance with the City Council's adopted Statement of Community Involvement all neighbours within 4m of the application should be notified of householder planning applications. During the consultation processes for planning application reference: DER/11/09/01402 notification letters were sent to 6 properties surrounding the site, regrettably, this did not include number 34 Church Lane which is located to the south of the application site across a private lane. As a result of incorrect neighbour notifications, which failed to allow one neighbouring resident the opportunity to comment on the development, the Committee are now being asked to review the decision.

Legal Considerations

Section 97 Town & Country Planning Act 1990 (TCPA) gives a local planning authority the power to make an order revoking or modifying a planning permission if it appears to them that it is expedient to do so, which if confirmed by the Secretary of State has the effect of revoking or modifying the permission.

In considering whether it is expedient to make such an order the authority must have regard to the development plan and any other material considerations.

The power may be exercised only up until any permitted operational development or change of use is completed and revocation has no effect against any operation already carried out.

The Secretary of State who has similar powers under section 100 TCPA to modify or revoke a permission, restating government policy on the use of such power, advised in a ministerial statement of December 1989 that in terms of the use of the power

“... practice has been to use this power rarely. He has taken the view that the power should be used only if the original decision is judged to be grossly wrong, so that damage is likely to be done to the underlying public interest”

Beyond those cases identified in the above paragraph the only specific area which the Secretary of State identified as being one that he may well be prepared to exercise his powers was where he considered consistency was needed between a local planning authorities decisions in different cases in order to ensure that similar circumstances give rise to similar decisions.

The Secretary of State then went on in his statement to emphasis that planning committees need to be governed by material planning considerations a view clearly

Committee Report Item No: 6

Application No: DER/11/09/01402

Type: Full

supported by His Honour Richards J in R v Secretary of State ex parte Alnwick District Council (1999) who in terms of use of that power stated

“It is wholly consistent with the statutory purpose that decisions under s97 and s100 should be guided only by planning considerations”

An owner/occupier who objects to the making of an order under Sections 97 or 102 can request the matter be dealt with by public inquiry.

If an Order under Section 97 of the Act is confirmed by the Secretary of State the owner/occupier of the land or person affected will normally be entitled to compensation under section 107 of TCPA.

3. Description:

The site to which this permission relates, is currently occupied by a modest detached bungalow. It is situated within a fairly large plot to the west of Church Lane and is accessed off a narrow private lane, which runs along the southern boundary of the site. To the north there is an unused private access drive surrounded by a group of trees which are all the subject of Group 2 of Tree Preservation Order Number: 154.

The existing bungalow is constructed of white rendered brickwork and concrete interlocking roof tiles. It has a hipped roof, which measures approximately 5.5m at its highest point and has three feature gables which project into the rear garden. The property is orientated side-on to the access lane and there is a driveway to the west of the main house, serving an existing lean-to carport and detached single garage. To the east, there is an existing conservatory and raised patio area. There are a number of small trees located within the site boundary, including several fruit trees and a Yew close to the site frontage. These trees are not covered by a preservation order.

The surrounding area is predominately characterised by large detached dwellings, which are set within fairly substantial plot plots. The land levels slope from west to east and, as a result, the application property is slightly elevated compared to no. 26a Church Lane which it located to the east of the application site.

The development

This application sought permission to extend the application property by raising the roof height of the bungalow and adding two, one and a half storey, extensions, and a front porch.

The largest extension would be located along the southern boundary of the application site. It would project from the eastern elevation of the main house by approx. 11.6m, and would be approx. 7.3 in width. The extension would have a steeply sloping roof, which would measure approx. 7m at its ridge and 3.5m at eaves height. It would provide a kitchen/lounge area at ground floor level and a bedroom, en-suite and walk-in wardrobe within the roof space. In order to achieve the desired head-height, and provide light to the upper floor accommodation, three dormer windows would be installed on the northern roof slope of the extension – two serving the master bedroom and one serving the walk-in wardrobe. Four rooflights would also be installed on the southern roof slope – two-serving the mater bedroom, one serving the landing area, and one serving the en-suite.

Committee Report Item No: 6**Application No:** DER/11/09/01402**Type:** Full

A smaller in-fill extension would be added to the northern elevation of the property, creating a lounge area and further rooms in the roof. The roof height of the existing bungalow would be raised from approx. 5.5m at the ridge, to approx. 6.5m at the ridge, again, this would allow for addition rooms in the roof. A further dormer would be installed on the eastern roof slope of the property, serving a bedroom. Four no. rooflights would be installed on the western roof slope.

The porch would be located on the southern elevation of the existing property and would be a canopied structure measuring approximately 2.7m by 1.1m in floor area. It would have a hipped roof which would measure approx. 4m at its highest point.

4. Relevant Planning History:

Permission for the erection of a large side extension has been approved at no. 34 Church Lane, which is currently under construction, – DER/04/08/00669 – Extensions to dwelling house (Kitchen/breakfast room, utility room, study, porch cloaks, 2 bedrooms, en-suite, bedroom and bathroom) and Erection of Double Garage – Granted Conditionally – 20/06/08.

5. Implications of Proposal:

5.1. Economic: None

5.2. Design and Community Safety: The siting, design and scale of the extensions are considered to be acceptable in this location. There are no community safety issues arising as a result of the proposal.

5.3. Highways – Development Control: None.

5.4. Disabled People's Access: None

5.5. Other Environmental: There are a number of protected trees located to the northern boundary of the application site (along the unused private access drive). None of these trees would be adversely affected as a result of the development proposed.

6. Publicity:

Neighbour Notification Letter	6	Site Notice	N/A
Statutory Press Advert and Site Notice	N/A	Discretionary Press Advert and Site Notice	N/A
Other			

List of neighbours notified of planning application reference: DER/11/09/01402:

- 1 The Head Teacher, Walter Evans C Of E School, Darley Abbey Drive, Darley Abbey, Derby, DE22 1EF
- 2 The Occupier / Owner, 30 Church Lane, Darley Abbey, Derby, DE221EY
- 3 The Occupier / Owner, 26 Church Lane, Darley Abbey, Derby, DE221EY
- 4 The Occupier / Owner, 26a Church Lane, Darley Abbey, Derby, DE221EX
- 5 The Occupier / Owner, Silecroft, 2 Friars Close, Darley Abbey, Derby, DE22 1FD
- 6 The Occupier / Owner, 4 Friars Close, Darley Abbey, Derby, DE221FD

Committee Report Item No: 6

Application No: DER/11/09/01402

Type: Full

In addition to the above neighbours, a notification letter should also have been sent to the owner/occupier of no. 34 Church Lane. All other neighbours were correctly notified.

7. Representations:

1 objection has been received in respect of this application from the neighbour who had not been initially notified. The reasons for the objection are summarised below:

- Lack of notification,
- The velux windows, amongst other things, will impact negatively and significantly on our property.

The objection letter is reproduced.

In addition to the objection above, 4 further objections have been received in respect of a revised scheme (reference DER/03/10/00331). These objections are referred to within the report for the amended scheme, submitted under planning application reference DER/03/10/00331.

8. Consultations:

8.1. Environmental Services (Trees):

No objections to the proposal subject to the tree survey recommendations being adhered to.

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

E23	Design
GD4	Design and the Urban Environment
GD5	Amenity
H16	Housing Extensions
T4	Access, Parking and Servicing
GD3	Flood Protection
E9	Trees

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

In considering making a revocation or modification order the Committee will need to consider with specific regard to the development plan and any other material considerations, whether there exist any grounds in terms of the planning merits of the development significant enough to justify revocation or modification of the permission?

The key issues to be considered in relation to this application were the scale, siting and design of the proposed extensions, and their impact upon the residential amenity of neighbouring dwellings.

Design:

Policies E23, GD4 and H16 are the key policies of reference with regard to design, scale and siting. The application site is well screened from the adopted part of

Committee Report Item No: 6**Application No:** DER/11/09/01402**Type:** Full

Church Lane and the proposed development would only be visible from the narrow section of the unadopted lane serving no's 32, 30 and 28. I acknowledge that the extensions would essentially turn this bungalow into a one and a half storey property, and substantially increase the mass and the length of the southern elevation, however, given the relatively large plot and the spacious setting of neighbouring properties, I do not consider there would be a material harm to the visual amenities of the surrounding area as a result.

Although the introduction of a hip on one side of the southern roof slope, and a gable the other, is not ideal. The existing property already has a fairly unconventional mixture of hips and gables and I do not consider the proposal to be out of keeping with the area, which has a wide variety of architectural styles. The proposed materials of construction match the existing render/brick detail on the bungalow, thus, having an acceptable appearance.

Overall I feel that the design is acceptable in the streetscene and will not have a detrimental impact on character and appearance of the immediate streetscene, or the surrounding area more generally. Accordingly the proposal is considered to comply with saved policies E23, GD4 and H16 of the City of Derby Local Plan Review.

Residential Amenity:**Massing/loss of light**

With regard to amenity policy GD5 and H16 are the most relevant. The extension on the eastern elevation of the application property would take the footprint of the dwelling closer to numbers 26a and 34 Church Lane and would also involve raising the roof height of the main dwelling from approx. 5.5m at ridge height to approx. 7m at its very highest point. Nevertheless, because of the size of the application plot, its position in relation to neighbouring properties and the distances involved, I do not consider there would be any significant loss of light, or that the proposal would result in any undue massing, or overshadowing.

The tallest gable would be set approximately 3m from the eastern boundary, however, it would be situated over 15m from the rear elevation of no. 26a Church Lane. Whilst I acknowledge that the application site sits at a slightly higher level than no. 26a, I do not feel that there would be any significant loss of light because of the position of the extension in relation to sunrise/sunset. Although the extension would be taller than the existing bungalow, it would not create a full two-storey property and would have a steeply sloping roof, measuring only 3.5m at eaves level.

In terms of the impact upon no. 34 Church Lane, to the south, I am satisfied that there should be no significant massing, or loss light issues, taking into account the degree of separation also provided by the unadopted lane, which runs between the two properties. The extension would also be situated to the north of the no. 34 Church Lane and, therefore, in relation to sunrise and sunset would be located in the best position to avoid any loss of daylight/sunlight.

Overall, whilst I admit that the extension along the southern boundary is of a fairly substantial size, I do not feel that refusal of planning application could have been justified on the ground of massing, loss of daylight/sunlight, or that the previously approved planning permission should be revoked on these grounds.

Overlooking:

Committee Report Item No: 6**Application No:** DER/11/09/01402**Type:** Full

This proposal would introduce 4 dormer windows in total, however, the orientation of these windows and distance to neighbouring dwellings is such that I do not consider they would result in any direct overlooking. Furthermore the dormer windows would be fairly small 1m x 1m openings, which would be set within the roof slope with restricted head height either side.

Although the dormer window serving bed 2 would face directly towards no. 26a Church Lane, the development would allow for a separation distance of approx. 14m to the eastern boundary and a distance of approx. 25m between the habitable windows in the rear elevation of no. 26a. I consider that these distances are satisfactory to avoid any significant loss of privacy.

The three dormer windows situated on the northern roof slope would be located slightly closer to the boundary with no. 26a, however, they would be orientated at an oblique angle in relation to the neighbour's garden, so that no direct overlooking would occur. Furthermore, the dormer closest to the eastern boundary would serve a walk-in-wardrobe rather than a habitable room.

The separation distances between the first floor windows on the extensions and the properties to the north, are such that there are no concerns regarding loss of privacy. Additionally, the trees along the northern boundary of the application are subject to a tree preservation order, which should provide an additional degree of screening.

The only high level windows facing number 34 and 30 Church Lane would be rooflights and, following on from the objections received the applicant has amended the plans to show the use of fixed obscurely glazed rooflights serving the master bedroom within the revised proposal – planning application reference DER/03/10/00331. As there is approximately 11m to the boundary with no. 30 Church Lane, the use of fixed obscurely glazed rooflights would not necessarily be required.

Again, I am satisfied that the scheme proposed by planning application reference DER/11/09/01402 would not result in any significant loss of privacy and, therefore, the permission should not be revoked.

Other Issues:

The tree officer raised no objections and, although the root protection area of the Yew tree will be compromised, this tree is not subject to a TPO and has not accrued sufficient amenity value to justify the creation of one and could be removed, if desired. Although the group of trees to the north of the site are protected under G2 of Tree Preservation Order Number: 154, there would be no detrimental impact as a result of the proposal. It is considered that the scheme could be completed without compromising the amenity value of nearby protected trees.

Conclusion:

In conclusion, whilst failure to notify the owner of no. 34 Church Lane by letter is regrettable, the development proposed under planning application reference: DER/11/09/01402 was carefully assessed at the time of the application and, for the reasons explained above, is considered to be acceptable in terms of design, impact upon residential amenity. There is nothing in terms of material planning considerations by which to conclude that in planning terms the original decision was wrong in any respect. Whilst noting the concerns of the neighbouring at no. 34 nothing new has been raised in terms of planning considerations to justify revoking or

Committee Report Item No: 6

Application No: DER/11/09/01402

Type: Full

varying the original planning decision. There are no issues with regards to highways safety and the development would not adversely impact upon nearby protected trees. In view of this, whilst noting the additional objection and the concerns of the local residents, the proposal is considered to reasonably comply with the requirements of saved policies E23, GD4, GD5, H16, T4 and T9 of the City of Derby Local Plan Review. I do not consider that making a revocation order could be justified in relation to the permission.

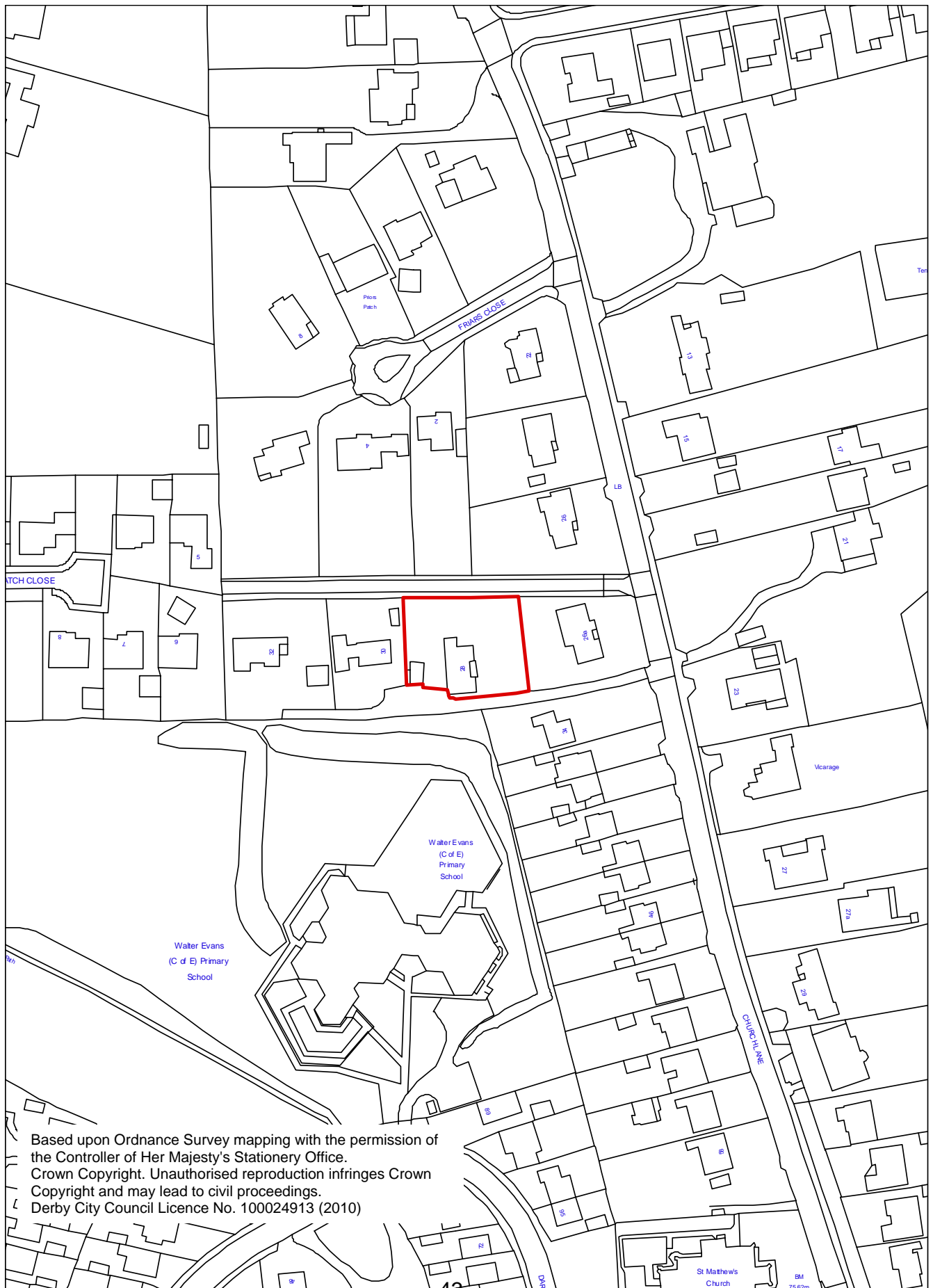
11. Recommended decision:

11.1. Not to make an order revoking the permission granted under planning application reference DER/11/09/01402.

Committee Report Item No: 6

Application No: DER/11/09/01402

Type: Full



Enclosure

To: Matt King @ Making Plans
Ivy Lodge
Twyford Road
Willington
Derbyshire
DE65 6AE

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION DECISION

Part 1: Application Details

Code No: DER/11/09/01402/PRI (please quote in correspondence)

Location: 28 Church Lane, Darley Abbey, Derby

Proposal: Extension to dwelling house (kitchen/dining/lounge room, lounge) and formation of rooms in roof space (3 bedrooms, 2 bathrooms, 2 store rooms and wardrobe) including alterations to roof and installation of dormer windows

Part 2: Decision

Permission is **granted** subject to the conditions in Part 4 and development shall be begun not later than three years from the date of this permission

Part 3: Reason for Decision and Relevant Policies

The proposal has been considered against the following Adopted City of Derby Local Plan Review policies and all other material considerations and the proposal is acceptable in terms of its design, impact upon residential amenities and highway safety provision.

- | | | |
|----|-----|----------------------------------|
| 1. | E23 | Design |
| 2. | GD4 | Design and the Urban Environment |
| 3. | GD5 | Amenity |
| 4. | H16 | Housing Extensions |
| 5. | T4 | Access, Parking and Servicing |
| 6. | GD3 | Flood Protection |
-

Enclosure

Part 4: Conditions

1. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority.
2. During the period of construction works all trees hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837:1991 ("Trees in relation to construction"), and in accordance with the following requirements:
 - (a) Notwithstanding the submitted details, a scheme of tree protection measures shall be submitted to and agreed in writing before any development commences.
 - (b) 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.
 - (c) 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.

DERBY CITY COUNCIL

Part 5: Reasons for Conditions

1. To ensure a satisfactory external appearance of the development in the interests of visual amenity and in accordance with policies H16, GD4 and E23 of the adopted City of Derby Local Plan Review.
2. To ensure that adequate measures are taken to preserve trees and their root systems whilst construction works are progressing on site, in the interests of visual amenity and tree health in accordance with policy E9 of the adopted City of Derby Local Plan Review.



Signed: _____
Authorised Officer of the Council

Date: 11/02/2010

Note to applicant:

Enclosure

This decision is made in respect of the development being constructed solely on the existing ground levels unless otherwise stated on the approved plans. Any changes to ground levels shall be agreed in writing by the Local Planning Authority before any such alterations are commenced.

The applicant is advised to be aware of a landowners' legal duty in respect of land drainage not affecting neighbouring properties.



Enclosure

Mr & Mrs Taberer
34 Church Lane
Darley Abbey
DE22 1EY

Tel 01332 310133
26.3.10

Dear Mr Guest /Richard Williams

Please find below a copy of the email sent but as yet unanswered.

We are writing in response to the letter received today seeking our views regarding the proposal to include an additional dormer window to a development next door (planning application numbers as above).

We are extremely alarmed at receiving such a letter given we were never consulted by Julia Meehan, senior planning officer, and therefore knew nothing of the original proposal that has been approved!

We have taken advice from a reputable planning consultant and have been advised that although there is an unadopted single track between our houses, given there is only a mere two metres between us the proposed development is wholly unacceptable.

Our concerns centre on the scale of the development and the siting of the velux windows amongst other issues, both will impact negatively and significantly on our property.

We would like a clear explanation as to why Julia Meehan failed to follow the consultation procedures designed to ensure a fair process and yet for some obscure reason decided to inform us an additional dormer window had been applied for.

Given we have been wrongly excluded from the process can we assume that the original approval will be revoked and we are permitted to express our views as per planning procedures? We would appreciate a site meeting from a senior officer to enable them to see the full impact from our house asap and can be contacted on the above number.

Yours sincerely Mr & Mrs Taberer

Cc Duncan Inwood

CITY OF DERBY DEVELOPMENT & CULTURAL SERVICES DEPT	
FILE REF.	310/331
DATE REC'D	31 MAR 2010
REFERRED TO	JM. pl respond.
REPLIED	

Committee Report Item No: 7

Application No: DER/03/10/00331

Type: Full

1. **Address:** 28 Church Lane, Darley Abbey

2. **Proposals:**

Extension to dwelling house (kitchen/dining/lounge room, lounge) and formation of rooms in roof space (3 bedrooms, 2 bathrooms, 2 store rooms and wardrobe) including alterations to roof and installation of dormer windows (amendment to previously approved DER/11/09/01402/PRI)

3. **Description:**

This application is submitted as an amendment to the previously approved application DER/11/09/01402 for extensions to number 28 Church Lane. The revisions include the addition of a slightly larger extension on the northern elevation of the property. The amended scheme would not see a further increase in the building's footprint, however, the northern extension would now have a gabled roof, rather than a hip, allowing for a slightly larger bedroom in the roof space. The only other change to proposal submitted as part of planning application reference DER/11/09/01402, is the addition of a further dormer in the eastern roof slope and the installation of an additional rooflight in the western roof slope

4. **Relevant Planning History:**

DER/11/09/01402 - Extension to dwelling house (kitchen/dining/lounge room, lounge) and formation of rooms in roof space (3 bedrooms, 2 bathrooms, 2 store rooms and wardrobe) including alterations to roof and installation of dormer windows – granted, with conditions – 11/02/2010 (reported elsewhere in this report)

Permission for the erection of a large side extension has been approved at no. 34 Church Lane, which is currently under construction, – DER/04/08/00669 – Extensions to dwelling house (Kitchen/breakfast room, utility room, study, porch cloaks, 2 bedrooms, en-suite, bedroom and bathroom) and Erection of Double Garage – Granted Conditionally – 20/06/08..

5. **Implications of Proposal:**

5.1. **Economic:**

None

5.2. **Design and Community Safety:**

The design of the extensions, as amended, are considered to be acceptable in this location and there are no community safety issues arising as a result of the proposal.

5.3. **Highways – Development Control:**

None.

5.4. **Disabled People's Access:**

None

5.5. **Other Environmental:**

There are a number of protected trees located to the northern boundary of the application site (along the unused private access drive). None of these trees would be adversely affected as a result of the development proposed.

Committee Report Item No: 7**Application No:** DER/03/10/00331**Type:** Full**6. Publicity:**

Neighbour Notification Letter	7	Site Notice	N/A
Statutory Press Advert and Site Notice	N/A	Discretionary Press Advert and Site Notice	N/A
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

In total 5 Objections have been received, 4 regarding planning application reference: DER/03/10/00331 and 1 regarding the initially approved application reference: DER/11/09/01402. These objections can be summarised as follows:

- Lack of notification.
- Overlooking of neighbouring dwellings and their private amenity space, as a result of the proposed dormer windows and rooflights.
- Loss of light, massing, overbearing impact.
- The roofline is too high, intrusive and visually overbearing.
- The gable on the eastern side of the development would result in overshadowing and loss of light.
- The neighbouring dwelling at no. 26a Church Lane would feel 'boxed in' as a result of this extension and that which has already been erected at no. 34 Church Lane.

These representations have been reproduced in this report.

8. Consultations:**8.1. Environmental Services (Trees):**

No objections to the proposal subject to the tree survey recommendations being adhered to.

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

E23	Design
GD4	Design and the Urban Environment
GD5	Amenity
H16	Housing Extensions
T4	Access, Parking and Servicing
GD3	Flood Protection
E9	Trees

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

Committee Report Item No: 7

Application No: DER/03/10/00331

Type: Full

10. Officer Opinion:

As with planning application reference DER/11/09/01402, the key issues to be considered in relation to this application are the scale, siting and design of the proposed extensions and their impact upon the residential amenity of neighbouring dwellings.

Design:

The amendments are fairly modest and would only involve changes to the roof design on the extension to the northern elevation of the application property and the insertion of a further dormer window. This element of the proposed development would be well screened to the rear of the existing property and, therefore, would only have a minimal impact on view from the access lane to the south. I am satisfied that the changes to the design of the development proposed under this application, would be acceptable in context to the character of the surrounding area and would not be detrimental to the visual amenities of the surrounding locality. Accordingly the proposal is considered to comply with saved policies E23, GD4 and H16 of the City of Derby Local Plan Review.

Residential Amenity:

The revisions to the development would add more bulk to the roofline of the extension on the northern elevation of the property. It would also introduce an additional dormer window on the eastern roof slope and rooflight on the western roof slope, both of which would serve bedroom 2. Given the distance between this element of the extension and the neighbouring properties either side, I am satisfied that there would be no significant massing, or overbearing impact as a result of the revisions. Again, the development would provide 25m between the additional dormer window proposed and the nearest habitable room windows at no. 26a Church Lane. There would also be a distance of 11m between the additional rooflight and the western boundary with no. 30 Church Lane.

Although objections have been raised from the occupiers of no's 26 and 24 Church Lane, the nearest first floor windows to these particular dwellings would be located over 23m away. Additionally, the trees along the northern boundary of the application are subject to a tree preservation order, which should provide a degree of screening. In view of the distances involved the proposal is not considered to result in any undue harm to the amenity of dwellings situated to the north.

The only high level windows facing number 34 and 30 Church Lane would be rooflights and, following the objections received the applicant has amended the plans to show the use of fixed obscurely glazed rooflights serving the master bedroom. As there is approximately 11m to the boundary with no. 30 Church Lane, the use of fixed obscurely glazed rooflights would not normally be required. The agent has also confirmed, by email, that stained-effect obscure glazing is to be used within the ground floor porthole style windows on the southern elevation, to overcome concerns raised by the occupier of no. 34 Church Lane.

Conclusion:

The revisions to the development are considered to be acceptable and the development, as amended, would not, in my opinion, result in any significant loss of amenity to the occupiers of neighbouring dwellings. Furthermore, it is not considered to impact detrimentally on the character of the streetscene and would not result in

Committee Report Item No: 7**Application No:** DER/03/10/00331**Type:** Full

any additional issues with regards to tree protection, or highway safety. Accordingly, it is considered that the proposals reasonably comply with the requirements of saved policies E23, GD4, GD5, H16, T4 and T9 of the City of Derby Local Plan Review.

11. Recommended decision and summary of reasons:**Planning application reference: DER/03/10/00331:****11.1. To grant** planning permission with conditions.**11.2. Summary of reasons:**

The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is an acceptable form of development in terms of its design and impact upon residential amenity. There are no highway safety issues associated with the proposal.

11.3. Conditions:

1. This permission relates solely to the following drawings/details:
 - a) 1:1250 site location plan dated as received on the 17th of March 2010.
 - b) Proposed site plan (drawing no: J1410/8 rev:B) dated as received on the 25th March 2010.
 - c) Proposed block plan (drawing no: J1410/5 rev:A) dated as received on the 25th March 2010.
 - d) Amended proposed first floor plan and sections (drawing no: J1410/7 rev:B) dated as received on the 21st March 2010 and detailing the provision of fixed, obscurely glazed rooflights, on the southern roof slope, serving the master bedroom.
 - e) Amended proposed ground floor and elevation plan (drawing no: J1410/6 rev:B) dated as received on the 21st March 2010.
 - f) Email dated the 25th of May 2010 from Matt King (Making Plans) to Julia Meehan detailing the use of obscure glazing, within the porthole windows on the southern elevation of the development.
2. Standard condition 03 (time limit – 3 years)
3. SC27 (materials)
4. During the period of construction works all trees hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837:1991 (“Trees in relation to construction”), and in accordance with the following requirements:
 - a) Notwithstanding the submitted details, a scheme of tree protection measures shall be submitted to and agreed in writing before any development commences.
 - b) 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.

Committee Report Item No: 7

Application No: DER/03/10/00331

Type: Full

- c) 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.

11.4. Reasons:

1. For the avoidance of doubt.
2. As To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. Standard reason E14 (ensure satisfactory external appearance).....in accordance with policies H16, GD4, E23
4. To ensure that adequate measures are taken to preserve trees and their root systems whilst construction works are progressing on site, in the interests of visual amenity and tree health in accordance with policy E9 of the adopted City of Derby Local Plan Review

11.5. Informative Notes:

None.

11.6. S106 requirements where appropriate:

None

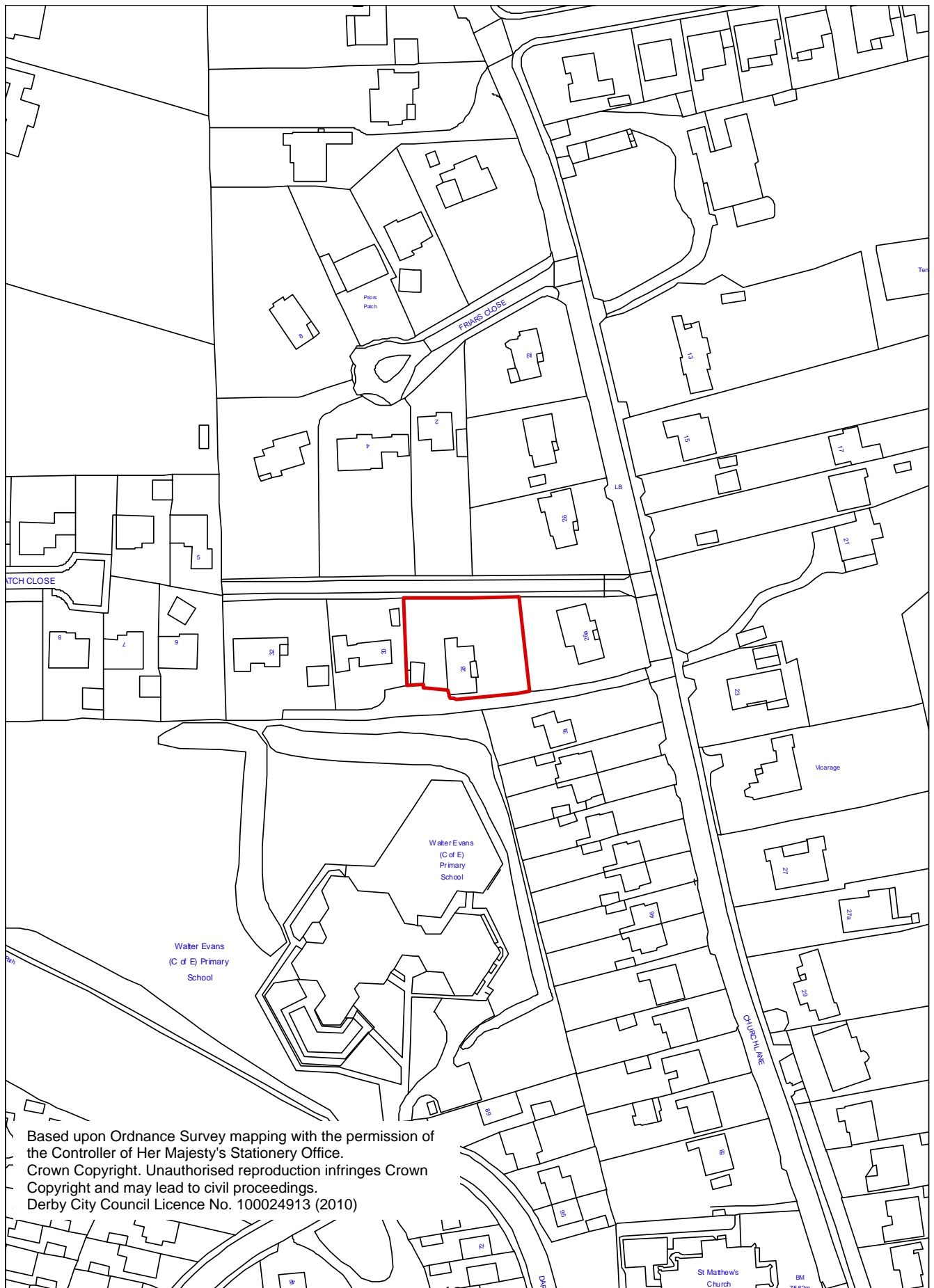
11.7. Application timescale:

The 8 weeks time period for this particular application expired on the 12 May 2010. This application has been brought before the Planning Control Committee because of the number of neighbour objections received.

Committee Report Item No: 7

Application No: DER/03/10/00331

Type: Full



Enclosure

310/331

JM

26 A Church Lane,
Dorley Abbey,
Dorley DE22IEY.

Ref DER/03/10/00331/PR1.

Dear Julia,

I refer to the above and previous planning applications. We would like to express our concerns over the windows overlooking our house, which will take a lot of our privacy away.

Also the gable end of the proposed build will cast a large shadow over our garden, and will affect the light. Anyone from D.C.C. are invited to our home to see what impact this will have on our life. Therefore we ask you to refuse this application and give planning to our neighbours for a less intrusive extension.

Enclosure

Regards.

CITY OF DERBY DEVELOPMENT & CULTURAL SERVICES DEPT.	
FILE REF.	
DATE REC'D	12 APR 2010
REFERRED TO	<i>DM</i>
REPLIED	

Enclosure

CITY OF DERBY DEVELOPMENT & CULTURAL SERVICES DEPT.	
FILE REF	30/331
DATE REC'D	12 APR 2010
REFERRED TO	an
REPLIED	SM

26 Church Lane

Darley Abbey

Derby

DE22 1DH

10th April 2010

Ref- DER/03/10/00331/PRI

Dear Julia,

I refer to the above planning application and previous application reference 11/09/01402.

We have recently moved into 26 Church Lane (without knowing of the planning application) and are extremely disappointed with the approval of the extension to 28 Church Lane and more concerned with the revised application.

We would like to express our concerns that the initial proposal and subsequent revised proposal will affect our privacy.

The proposal will turn a bungalow into a house with 5 windows looking directly into our bedrooms and onto our garden along with being visually overbearing.

I would like to object to the proposal on the grounds of privacy and also question the appropriateness of such development in the position the dwelling is in. The roof line is being raised to a height which we feel is inappropriate for the position and especially when evaluated against surrounding homes – ours being one.

We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Derby City Council refuse this Planning Application and encourage No 28 Church Lane to resubmit a building design that is smaller, less intrusive on neighboring properties, and less visually overbearing.

Regards,

Charlotte and Will Meredith

Enclosure

30 Church Lane
Darley Abbey
DERBY. DE22 1EY

20th April 2010.

DCC Planning Dept
FAO: Julia Meehan
REF:- DER/03/10/00331/PRI – 28 Church Lane, Darley Abbey.

We have now looked at the amendments to the original plans and whilst we have no objection to the proposed extension in principle we are concerned about the additional height now being requested.

We would like a guarantee that the slope of the roof on the West Elevation, which has the 5 roof lights in and which overlooks our property, starts at least 1800mm from the floor of the rooms. This will mean that anyone standing in these room will not be able to see into our property.

As an additional point we were under the impression that the area of land on which nos: 28, 30 and 32 are built could only have a maximum of 3 bungalows. The purpose of this stipulation being to prevent a developer purchasing all 3 bungalows and applying to build a 'mini estate' of houses. It would seem that the proposed extension to no.28 makes the finished property more like a house than a bungalow.

We are aware that the other residents/neighbours are also very concerned about the height of the new application.

We look forward to hearing the planning committee's further comments on this application in due course.

Regards

Mrs C Adams / Mr D A Hayton
30 Church Lane

Enclosure^{p.c}

Mr & Mrs M.J. Woodhouse
26a Church Lane
Darley Abbey
Derby
DE22 1EY

14/05/2010

Dear Sir/Madam,

We feel compelled to write to you again regarding the plans for 28 Church Lane, Darley Abbey.
Ref: DER 03/10/00331/PRI

Firstly, as previously mentioned, the overwhelming proximity of this build is going to make our property feel 'boxed in' due to the height of the proposed end gable and heightened roofline. Whilst we have already lost considerable daylight from the building works at no. 34 Church Lane, we feel that, due to the land levels around our house, the project would be creating a huge shadowing effect in and around our property, therefore losing our amenity. To sit in our garden or living areas faced by walls to the south and now also potentially the southwest seems somewhat unfair, considering the depth of the garden (35ft).

We would request that a Planning Control Committee site visit be arranged, to enable yourselves to experience the huge impact that this proposed project would impose on our lives, and the intrusive visual effect that will be created should it go ahead.

Whilst we have no objection to the Bradleys at no. 28 creating a large family home on their plot of land, we feel that due to the size of the plot and the possible opportunities within it, a more sympathetic design could perhaps be created. One that doesn't have so much negative impact on ours and other established residents on the lane.

As the most recent proposed plan for this project is to include a gable ended finish and extra window, it has occurred to us that maybe the other gable end that would be causing the shadowing over our house and garden, could be changed to a hipped roof, which would not be quite so imposing? As we have commented, we have no objection to a sizeable build, but feel that the plans need to be 'tweaked' a little, to preserve the ambience of the surroundings.

Finally, please visit us, the purpose of my letter is to welcome the Planning Committee into my home, which is the only way to clearly see why we feel so strongly regarding the application.

Many thanks

310/331
18 MAY 2010
<i>[Signature]</i>

Enclosure

Neighbour comments for Planning Application 03/10/00331

Site Address: 28 Church Lane, Darley Abbey, Derby

Comments received from: Mr Levitt, 24 Church Lane

Type of Response: OBJE

Comments:

I write to raise my objection to the intended extension works to the property at 28 Church Lane, Darley Abbey. We are particularly concerned regarding the apparent significant increase in height of the property coupled with the inclusion of 5 No. dormer windows, 3 No. of which face directly towards our property.

Firstly, we would like to register our considerable disappointment that we were not made aware of the proposals, albeit we are led to believe that since our property boundary does not fall within 4m of the boundary of 28 Church Lane, that we were not required to be informed of the proposals by Planning.

In the circumstances the impact on our property, from a privacy perspective, is more considerable than that of our 2 neighbours (Nos. 2 and 4 Friar Close), both of which were notified of the proposals, but whose dwellings are; a) further away from the dormer windows, b) at a more visually obtuse angle, and c) whose properties are considerably more shielded by trees. We were only made aware of the proposals via neighbours (who whilst eligible for notification were not so informed we understand until very recently). We were subsequently advised by Planning that the planning information is updated by the Department on their website on a weekly basis, the insinuation being that we should check every week just on the off chance that something posted might affect us. We didn't feel that this was a desperately realistic stance.

We acknowledge that the encroachment of privacy is likely to be more severe in relation to the properties at 26 and 26A Church Lane, but still feel that the impact is also significant enough to raise as a concern to ourselves. The line of sight, particularly due to relative land levels, will afford a direct view from the new 28 Church Lane dormer windows into our garden and conservatory. All other local properties in the road are constructed in line with each other which reduces this issue. The property in question is set back such that views from the windows are direct.

From our perspective we would not have an objection were the dormer windows to be limited in proportion of opening and to be installed in frosted glass (to an appropriate percentage obscurity). This is the solution we implemented when installing a window in our extension that overlooked our neighbours garden.

Finally, whilst endeavouring to understand all the documentation on the Planning website I became confused by the TPO discussions. Acknowledging that this does not affect us, would we however be correct in suggesting that the architects drawings should be updated to remove the end chimney and re-route the drainage as required by the Arboricultural Officer. Neither this nor the ongoing reference to the yew tree being subject to a TPO, have been updated on the latest plans.

Does not wish to speak at committee.

Committee Report Item No: 8

Application No: DER/11/09/01322

Type: Full Planning Application

1. **Address:** Chellaston School, Swarkestone Road, Chellaston, Derby

2. **Proposal:**

Extension to School (changing rooms) and creation of all weather sports pitch and floodlighting. The application is accompanied by an Environmental Statement.

3. **Description:**

The application to extend the caretakers bungalow to form additional changing room facilities and the creation of an all weather sports pitch and floodlighting at Chellaston School is a resubmission following the Planning Control Committee's decision to grant planning permission under code no. DER/12/08/01696 in March 2009

That application is subject to judicial review proceedings challenging the failure to provide an Environmental Impact Assessment, questioning the way the decision was reached and challenging the format of the decision letter.

The prospect of an early decision on the judicial review proceedings is highly unlikely and accordingly the School and its agents, HSSP Architects, have taken the pragmatic approach of resubmitting the application accompanied by an Environmental Statement (ES).

The role of the Environmental Statement (ES) is to present relevant environmental information which has been gathered following the EIA process. The background to the EIA and ES along with its findings will be discussed in Section 4 of this report 'Environmental Statement'.

The requirement of the EIA Regulations is to ensure that EIA development (which this is by virtue of the application having been accompanied by an Environmental Statement (ES)) is not approved without the committee taking into account "Environmental Information" ("EI").

The EI is that found in the ES, together with any "further information" and any representations made by a consultation body and any representations duly made by any other person about the environmental effects of the development (Regulation 2(1)).

This means, in this case for example, that the consultation responses from the Environment Agency and some of the local objections are EI that must be taken into account in order to discharge the duties under the EIA Regulations. It is not enough for the Committee simply to take into account the ES

The scheme differs only slightly from the previously approved application, DER/12/08/01696, which was approved by Committee on 26 February 2009. For clarity the report to that meeting is reproduced in full for Member's consideration. The main difference in the scheme, is a change in the proposed hours of use for the all weather pitch which in relation to this application are 08:00 to 21:00 hours Monday to Friday and 08:00 to 18:00 hours on weekends and Bank Holidays as compared to that proposed in the previous application DER/12/08/01696 of Monday to Friday 08:00 to 21:30 hours and weekends and Bank Holidays to 8:00 to 18:00. It should be noted that the ES includes slightly different hours of use which shouldn't be confused with the actual proposed hours of use.

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In addition, the current application is accompanied by additional environmental information in the ES. The submitted application details are available via the following link:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeResultDetail&TheSystemkey=88850>

The application site is located within the curtilage of Chellaston School, Swarkestone Road, which is an established school site; the present layout of the schools playing fields was agreed under planning permission code no. DER/09/77/01223. The school site is located to the west of A514, Swarkestone Road and is bounded by residential properties.

The existing school facilities, which would be affected by the proposal, consist of grass pitches and a caretaker's bungalow. According to the ES the existing changing room facilities at the school do not meet present Health and Safety Standards which is having a detrimental impact on students and the physical education curriculum. The existing grass pitches, which will be displaced as part of the proposed scheme, will be re-sited within the school curtilage.

Planning permission is being sought for the creation of an all weather pitch (AWP) to the south west of the existing school buildings and it measures approximately 104 metres x 70 metres (external measurements) and is to be surrounded by fencing for both ball retention and security; measuring approximately 3 metres in height on both sides and approximately 4.5 metres at both ends. There would be additional rebound panelling measuring approximately 1.2 metres from ground level around the perimeter of the pitch. The proposed floodlighting consists of 8 individual columns, 4 to be installed on the south-east side and 4 on the north-west side at regular intervals. The proposed columns would measure approximately 12 metres in height from ground level. The lighting elements would be constructed using flat glass which seeks to limit light spillage from the pitch. The hours of use of the lighting columns can be conditioned although in practice they would only likely to be in operation during the use of the AWP during hours of darkness. The proposed AWP provides a ground level spectator's viewing area on its north side which measures approximately 4.5 metres x 73.5 metres with a useable area of approximately 305.75 square metres. Access to the proposed spectator's area is located on the north corner of the AWP.

The proposed extensions to the caretaker's bungalow would provide four changing rooms, store rooms, changing rooms for officials and staff, office space, club room with kitchen facilities, two W.C's with disabled access and foyer. The proposed extension is to be located on the south elevation of the existing building with a single storey construction measuring approximately 4 metres at its highest point and 3.6 metres at its lowest point.

To reduce the ambient noise levels from pitch activities, an acoustic barrier/bund is recommended as a mitigation measure in the ES. The proposed bund is located to the south of the AWP and extends close to the site boundary at the rear of the gardens of nos. 112 / 114 Swarkestone Road along the line of the pitch. The proposed bund would be formed using excavated top soil and it would include a landscaping screen.

Whilst the application proposes the creation of an AWP and the re-siting of grass pitches, the overall number of sports pitches will not increase as a result of the

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proposed scheme. The proposals will be used predominantly by the School for curricular and extra-curricular use however the pitches will be used by other community organisations. Details of the proposed use of the AWP are outlined in the submitted Draft Programme of Use, in Appendix 1 of the ES.

Environmental Statement

The following is a summary of the content of the Environmental Statement. The Environmental Statement is accompanied by a Non-Technical Summary which is broken into sections which I have summarised as follows:

Consideration of Alternative Sites

The main objectives in designing the pitch were to ensure that the pitch was accessible for out of school use and was located close to the changing facility. Also, the position of the pitch was at the greatest possible distance from the perimeters of the school. In light of these objectives the playing fields to the west and south of the school buildings is the only area large enough to accommodate the AWP. In addition the position of the pitch is constrained by the need to have an athletics track to meet curriculum requirements.

Alternative locations have been considered within the school's curtilage, plans of the alternative schemes can be viewed in Appendix 2 of the ES and summarised below.

Scheme 1 – pitch along the boundary; this had the benefits of only disrupting one existing pitch however the flood lights would have been closer to those residential properties on Swarkestone Road and therefore was discounted.

Scheme 2 – pushes the AWP deeper into the schools site but impacts on the flexibility of the existing pitches and stops the school from marking out an athletics track.

Scheme 3 – this is pretty much the chosen site however the proposed spectator viewing area has been moved to the other side of the pitch; further away from those residents on Swarkestone Road.

Scheme 4 – the pitch is turned at right angles and moved away from the boundary however the proximity of the fire access, to provide emergency access to the rear of the school buildings, would be compromised along with the need to accommodate the athletics track. In addition there would be a large expanse of 'waste ground' between the AWP and the changing rooms; which is not large enough for any curriculum usage.

The 'Do Nothing Option' – the AWP and changing rooms would not be constructed and the existing facilities remain in use, which would have an impact on the students of Chellaston School. The ES states that the consequences of this option are:

- Health and Safety Standards would be breached,
- Students bring mud into areas that should be kept clean,
- The changing facilities are inadequate and pupils cannot take showers as the area for showering is used for changing, this is the same for the girls and boys changing, with changing taking place in shifts,
- The main school buildings have to remain open when the pitches are in use; this requires staffing and has significant security issues.

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Planning Policy

This section of the ES sets out National, Regional and Local Planning Policy which is considered to be relevant to the proposed development. The section is structured into National and Local Policy and provides a general overview of each policy document and local plan policy, in terms of its generic purpose and not how it relates specifically to this proposal. The policy implications of the proposal are discussed further in parts 10 and 11 of this report.

Socio-Economic Impacts

The ES states that there are identified deficiencies in terms of sports pitches in Derby. This conclusion is drawn following consideration of the 'Playing Fields Needs Assessment Study' which was carried out by the then Regional Council for Sport and Recreation and local authorities. Private facilities, including those provided at a school, are recognised as playing an important role in sports provision and in raising amenity standards. Table 4.2, of the ES, "*Population and Age Distribution (from 2001 Census)*" provides details of the population of the Chellaston Ward and surrounding areas and highlights specifically the percentage of that population which is under 24 years old. Existing grass pitches at the school are unusable in times of bad weather or during the evenings. In addition the existing changing facilities do not meet current health and safety standards and furthermore are not accessible by disabled people. The Socio-Economic impacts, considered by the ES have been broken into four topic areas: Employment, Education, Healthcare and Open Space.

In terms of employment the proposed AWP is thought to create employment opportunities for the duration of its construction, which is predicted to be approximately 26 weeks and is therefore thought to be a minor beneficial impact with no mitigation measures proposed.

Education is considered to be improved, with PE being taught in a high quality environment; the facility would also allow sport to be available beyond curriculum time. "*A growing evidence base demonstrates that high quality PE and sport has in improving educational standards through helping young people become active and healthy and can play a central role in developing young people's confidence and self esteem, helping develop team working and wider personal skills*". This is considered to be a moderate beneficial impact, with no specific mitigation measures proposed.

The impact of the proposal on Healthcare is considered to be a minor beneficial impact with participation in PE and sports contributing to the Chief Medical Officers recommendation of an hour's exercise a day for young people.

The ES considers the impact of the proposal on open space and considers that to be a minor beneficial impact with no mitigation measures proposed.

Transportation

Transportation is considered under three specific transport modes: Vehicular, Public Transport and Walking and Cycling. The site is considered to be in a strong location on the A514 (Swarkestone Road), approximately 700 metres from junction 3 of the A50. The school provides 126 car parking spaces within its curtilage, 4 of which are designated for disabled usage with "on- street" space for approximately 30 vehicles around the access/egress driveway which is also within the curtilage of the school.

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In terms of public transport there are numerous bus stops on Swarkestone Road along with a pedestrian crossing which provides a link to the bus stops on the opposite side of the public highway. A summary of the bus services is provided within the ES, page 29, with the full bus routes illustrated in Figure 2 in Appendix 3. There is a regular bus route between Chellaston and Derby, which also serves the Shelton Lock and Allenton areas of the City, which runs every 20 minutes on weekdays including Saturdays, with an hourly service after 19:00 until midnight. Services run every hour on Sundays. There are services to Melbourne and Swadlincote however these are considered to be limited.

There are large residential areas within walking and cycling distance to the school, which form the majority of the school's catchment area. These two modes of transport tend to account for a high percentage of travel by secondary school pupils. There are a number of footpaths, footways and crossing facilities within the vicinity of the school including the pedestrian crossing outside the school and the signalised junction of High Street, Station Road and the A514. There are also national and local cycle routes in the vicinity of the site.

This section also highlights the current extra curriculum programme which includes sports (netball, hockey, fitness, etc) and non sports clubs (music, drama, languages, etc) and roughly involves 100+ children, in addition to those taking part in football and rugby. The school day has been changed with lessons finishing at 15:00 with most non sport clubs finishing by 16.15 – 16.30 and those who are participating in sports clubs generally leaving between 17.00 and 17.30.

The pitch would be used by the school for curricular and extra-curricular activities between 08:00 and 17:30 each day with facilities available for hire from 17:30 until 21:00 on weekdays and from 08:00 until 18:00 at weekends and Bank Holidays. The curricular activities are not considered to generate any additional trips as children are already at the school. In terms of extra-curricular activities, the maximum number of children using the pitch is anticipated during the school's football training; with two squads of 30 training three nights a week. There are also school football matches, approximately 10 per winter term and would include 15 pupils from the opposition school who generally arrive by mini bus. Rugby training at the school occurs twice a week, on evenings when there is no football and would involve between 30-40 pupils and therefore be less intensive than the football training.

The extra curricular activities are not anticipated to generate additional trips as these activities already take place on the site, using the existing facilities. The activities listed within the ES are restricted between November and February due to the lack of lighting and are therefore carried out indoors; the AWP would enable these activities to continue outdoors during the winter period.

In terms of pitch hiring; it is considered that when a third of the pitch is hired, it will accommodate a maximum of 15-20 juniors therefore a maximum of 60 at any one time .

For adult usage, if the individual thirds of the pitch are booked then the maximum combined number of people is likely to be 35-40 and less again if the whole pitch is booked. Interest has been expressed from local sports clubs, in terms of pitch hiring with training commencing at 17:30 with a total of 12-15 people per third of the pitch and a maximum of 36-45 participants per session; these include Castle Donington FC

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(Monday and Friday), Melbourne RFC (Wednesday) and Chellaston Juniors FC (Tuesday and Thursday).

The construction of the AWP would take approximately 26 weeks with the number of people travelling to and from the site increasing during this period. Traffic would also be generated by the delivery of materials. The increase of traffic is not considered to be significant compared to the current levels of trips to and from the school each day. The car parking area for the construction site will be separate to that of the school.

It is anticipated that a significant percentage of pupils and people using the facility would live locally and therefore are likely to walk, cycle or use buses which stop at the main entrance of the school. It is not uncommon for 80-85% of pupils to walk, cycle or travel to school by bus due to the school catchment area being supported by the large residential areas of Chellaston. Due to safety issues it is anticipated that there will be a higher percentage of car journeys in the winter however it is not uncommon for parents to share the responsibility of picking up children from after school clubs.

In conclusion, the proposals, according to the content of the ES, are not anticipated to have a significant impact on the local highway network in terms of traffic generation. The curricular and extracurricular activities are not anticipated to increase and the facility would permit greater frequency of activities taking place outdoors which currently take place indoors in bad weather and in the winter. The increase in traffic in and out of the school is not considered to be significant in comparison to the two way traffic on Swarkestone Road (A514) and is therefore judged as being a 'negligible impact'. The level of car parking on the site is considered to be more than adequate. The construction traffic is not considered to be significant when compared to the traffic travelling to and from the school each day. In addition this increased traffic would be for a temporary period of approximately 28 weeks. The development is therefore considered to be acceptable in highway terms.

Air Quality and Carbon Emissions (Climate Change)

This section of the ES seeks to consider emissions to air and changes to air quality that could potentially occur during the construction and operation phases of the proposed scheme, together with the potential impact of those changes on sensitive receptors in the study area. Air quality data for NO₂ has indicated that it is unlikely that any of the monitoring locations within South Derbyshire are at risk of exceeding the Air Quality Objectives as set out in the *Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2000)*, the *Air Quality Regulations 2000*, the *Air Quality (England) Amendment Regulations 2002* and the *Air Quality (Scotland) Amendment Regulations 2002*.

The construction phase of the development will lead to the generation of dust and PM₁₀; the majority of this dust is likely to be kept within the boundaries of the site although some may be transported in the air to sites outside of the construction area. The proposed construction activities are considered to be of a moderate scale and duration with the effects of the development possibly being felt 200 metres from the construction site. The main impact is likely to be the nuisance caused by the deposit of dust on the school, properties, vehicles and outdoor furniture. Exhaust emissions from construction vehicles may also impact on air quality for the construction phase however it is considered that these would be small compared with the normal traffic flows on the A514. In terms of mitigation measures the ES does provide details of

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measures to lessen the nuisance and human-health impacts of the dust and PM10 during the construction period; the selection of haulage routes into the site, location of stockpiles, frequent spraying of stockpiles and haulage roads with water, regular sweeping of access roads, covering of vehicles carrying materials and early planting of landscaping features.

Exhaust fumes, from vehicles using the facility, may have an impact however the number of vehicle movements is very small when compared with the normal traffic flows on local roads; therefore no mitigation measures are proposed.

When considering carbon emissions and embodied energy associated with the artificial pitch, changing rooms, fencing (including paint) and lighting is considered small when assessed by dividing the number of people using the facility. Therefore no specific mitigation measures are proposed.

In terms of carbon emissions when the facility is operational; the ES derives conclusions based on proposed usage from September to October, when lighting is in use, by 60 users who all take a shower. The impact is described as being a 'minor adverse impact' with mitigation measures proposed. These include the use of sustainable energy sources and the replacement of the lighting when the technology becomes available, the use of these mitigation measures would result in a 'negligible residual impact'.

The ES states that the implementation of the proposed mitigation measure would cause the residual impacts in relation to the air quality from construction and the Carbon emissions from the operation of the AWP to be negligible.

Noise

In order to assess the potential noise impact, evening ambient and background noise levels have been measured at the site boundary close to the noise sensitive premises. Noise from a typical football activity has been assessed at the Lees Brook School, where a similar facility is now in full operational use. Assuming all three sections of the proposed artificial grass pitch are used simultaneously, the number of individuals playing would be up to 45 players plus coaches/teaching staff, which would represent a worst-case scenario. This has formed the basis of the calculations of the ES. Noise levels were measured at the application site on Wednesday 12 November 2008, between the hours of approximately 14:00 and 21:45, and are considered to represent the general daytime and evening noise in the area. Measurements were not taken from Station Road due to the greater distances involved between the proposal and the residential properties.

There is no specific guidance on noise from football pitches although PPG 24 (Planning & Noise) provides advice and also reference to PPG 17 (Sport & Recreation) where general advice is given for considering the location of noisy sports activities. The World Health Organisation (WHO) provides guidance for noise both inside and outside of dwellings; these values aim to achieve acceptable internal noise levels to avoid annoyance. The ES also refers to British Standard guidelines and Building Bulletin 93 which could reasonably be used for noise comparisons. The measured noise data at the school and at sports facilities similar to that proposed (Lees Brook School) has been used to calculate the effect of the proposed AWP operating during the daytime and evenings in terms of average and maximum noise levels. It is

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highlighted that the existing ambient noise is dominated by road traffic noise from the A50 trunk road. The report states that the ambient noise levels of the gardens of the nearest properties around the pitch will be similar to those currently experienced during the daytime and will be significantly lower than that currently existing during the evening. The ES states that, in terms of average noise levels, the predicted ambient noise from the pitches, at the nearest residential gardens would be similar to the existing ambient levels; this is judged as a negligible impact.

The ES includes predicted maximum noise levels from the proposal in relation to residential dwellings surrounding the site on Swarkestone Road, Glen Park Close and Station Close. Based on the assessment of predicted noise levels at the building elevations it is considered prudent by the Noise Consultants to include a noise barrier to the south of the proposed pitch, in order to ensure that existing ambient noise levels are not exceeded and that maximum noise levels are minimised in the interest of reducing the likelihood of annoyance in gardens and particularly in bedrooms during the evening.

It is concluded in the ES that noise from the pitch activities can be controlled to acceptable levels at the nearest existing residences on Swarkestone Road, by the provision of an acoustic barrier, or bund, approximately 5 metres from, and adjacent to, the pitch at its southern perimeter. The barrier, or bund, should be at the minimum height of 1m to control noise to below the proposed noise target level in a garden. The properties to the north of this position on Swarkestone Road will benefit from some screening from the existing changing rooms and the proposed extensions, therefore no additional mitigation measures are proposed.

The properties on Glen Park Close and Station Close are significantly further away from the AWP and are deemed to be subject to noise levels that do not require mitigation measures.

A member of the Council's Noise & Pollution Team will be present at the meeting should Member's require any clarification about noise related issues.

Surface Water

The existing surface water discharge from the site is uncontrolled with the proposed development connecting into the existing drainage system, with measures, where appropriate, to control surface water flows prior to discharge from the site to the Cuttle Brook, a tributary to the River Trent. The Cuttle Brook is located approximately 350 metres from the site. A site specific Flood Risk Assessment has been carried out, the comments of the Environment Agency (EA) and my colleagues in Land Drainage are included in Section 9 of this report. The site, as indicated by the Flood Maps of the EA, is not located within a Flood Zone; therefore the emphasis is placed on assessing whether or not the runoff from the site exacerbates flooding lower down the catchment area. The topography of the site would indicate that any runoff would flow in a westerly direction and into any field drains.

The change in runoff characteristics from the development following the replacement of the grass pitch with the permeable synthetic grass with a drainage under-layer is considered unlikely to exacerbate flooding lower down the catchment. The permeable surface of the pitch and under drainage layer is considered to attenuate runoff and store rainfall similar to that of a grass pitch.

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There is a risk of muddy water runoff entering the Cuttle Brook during construction following the exposure of bare soil. However the soil excavation for the pitch and foundations for the changing rooms is unlikely to exacerbate sediment runoff. The ES does recommend that field drains and other water courses are protected during the critical periods of construction, namely during times of soil exposure.

Ground Conditions and Contamination

The previous uses of the site were agricultural land and school playing fields and neither of these uses are listed as being contaminative uses. The excavation of soil is unlikely to release any contamination and is considered to be beneficial for the purposes of landscaping.

Ecology

The proposal seeks to construct an AWP on the site of an existing grass pitch; along with the replacement of the existing grass pitch. The replacement grass pitch is to be constructed on part of the "wild area"; however most of the "wild area" will remain. Several large Crack Willows will be removed as part of the proposal. There are a number of mature trees within the site the majority of which will remain with the exception of the removal of the Crack Willows and a section of the hedgerow.

The existing habitat types on site are considered to be of "Limited Wildlife Interest" however the proposed works to remove the vegetation are scheduled to occur outside of the bird nesting season.

The proposed lighting could have the potential to affect the movement and ability of bats. In order to mitigate this, the proposed lights will be configured so as not to spill onto the field boundaries of the site.

Visual Assessment

This section relates to the effects of the proposal on the landscape character and the amenity value of the surrounding environs. The proposed changing room's extension is not considered to be visually out of place due to its single storey construction and proximity to existing school buildings. Any impact is therefore considered to be negligible.

The intrusion of the lighting columns (12 metres) and fencing (3 metres and 4.5 metres) is inescapable and would be viewed by the surrounding residential properties. The mesh design of the fencing is considered to be transparent in appearance and would reduce the bulky form of the AWP boundaries. The existing school site has changed previously over the recent years through the introduction of new school buildings and through the construction of housing to the west of the playing fields. The impact is therefore considered to be a 'minor adverse impact'.

The design of the individual lighting columns is such to shield light from the surrounding area and alleviate "sky glow" and the trespassing of light past the point at which it is needed. It is stated that the proposed lighting elements benefit from less glare due to the use of "flat glass" which means that there is no direct upward light that would illuminate the sky. In addition the topography of the land, degree of enclosure and landscaping framework would reduce the impact of lighting on sensitive receptors and is therefore judged as being a 'minor adverse impact'.

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It is not practical to reduce the impact of the proposal during the daytime although the bund will provide a degree of screening. The lighting has been designed to reduce light spillage. The 2 metre high bund would also reduce light spillage at the nearest school boundary (along the footpath). It is thought this will help to reduce the visual intrusion of the proposed and also be of benefit to any commuting bats, (section 10.5 of the ES).

Archaeology

The “wild area”, which is currently unused by the school, contains earthwork ridge and furrows as listed in the Derbyshire Historic Environment Record (HER 32046). In order to satisfy a condition of the previous approval a topographical survey has been carried out and accompanies the ES. The ridge and furrows are partly eroded and it is stated that such denudation is probably a result of cross ploughing in the 20th Century which has led to the partial flattening of the ridge into the furrows. There are four other ridge and furrow earthworks within a 2km radius of the school site. When considering the nature of the earthworks and the existence of similar works in this locality, the loss of the ridge and furrow earthworks at the school is considered to be a minor adverse impact.

Conclusions and Summary

The proposal would allow the teaching of physical education and provide access to sporting activities beyond the curriculum. The proposal also supports the Government’s plan for Sport “A Sporting Future for All”. The benefits are therefore considered to be a moderate beneficial impact.

The environmental impacts of the development have been assessed along with the impacts of the proposal following the implementation of any mitigation measures:

Transport	}	Negligible Impact
Noise		
Air Quality and Carbon Emissions		
Surface Water		
Ground Conditions		
Ecology		
Visual Impact	}	Minor Adverse Impact
Archaeology		

There are expected to be no cumulative impacts from the development.

The mitigation measures in the ES can be tied to any planning permission by condition.

4. Relevant Planning History:

DER/12/08/01696 Granted Planning Permission – Extension to School (changing rooms) and creation of all weather sports pitch and floodlighting

DER/09/08/01350 Withdrawn – Extension to School (changing rooms) and creation of all weather sports pitch and floodlighting

DER/09/077/01223 Granted Planning Permission – Layout of playing fields, tennis courts and erection of fencing

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5. Implications of Proposal:

5.1. Design and Community Safety:

The comments of the Police ALO are set out in Section 9.7 of this report. Amenity considerations, design considerations and the perceived impact of the proposal in the street-scene are discussed in Section 11 of this report.

5.2. Highways – Development Control:

The application is very similar to a previous application, DER/09/08/01350 which was withdrawn and also a subsequent application, DER/12/08/01696 which was granted conditionally. This application does not differ significantly from the previous in highway terms; therefore the previous comments are reiterated. The main change is that the applicant has reduced the proposed hours of operation. The accompanying Transport Statement together with Personal Injury Accident information for the vicinity of the access into the school indicates that the proposal does not create any significant highway implications. There are no highways objections to this application.

Highways – Land Drainage:

Further details are awaited with respect to verifying the materials of the sub base; the application currently shows a type 3 sub base which is a close graded material with very few voids in which to store surface water and will not therefore work as storage medium as the calculations assume. As such the calculations and drainage philosophy do not demonstrate a sustainable drainage solution and may increase flood risk to other 3rd party properties. No additional correspondents have been provided to support the calculations and therefore suitable conditions should be attached to any planning permission that requires the full details of the drainage system to be submitted prior to the commencement of any development on site.

5.3. Disabled People's Access:

Sports England guidance "Access for Disabled People" recommends that one unisex changing room and toilet be provided and no such facilities are incorporated. The proposal would be expected to comply with the above recommendation. The proposed changing rooms extension would also need to comply with Building Regulation accessibility guidance.

5.4. Other Environmental:

Refer to sections 4, 9 and 10 of this report.

6. Publicity:

Neighbour Notification Letter	436	Site Notice	
Statutory Press Advert and Site Notice	Y	Discretionary Press Advert and Site Notice	
Other			

The publicity for this application accords with statutory requirements for applications accompanied by EIA. The application has been publicised in the Press on two occasions, site notices have been displayed and individual neighbour notification

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letters have been sent. Copies of the ES and the Non-Technical Summary have been made available at the School and Council offices for public scrutiny.

7. Representations:

436 initial letters of neighbour notification were sent on 30th November 2009 along with the display of a site notice on 1st December 2009. Following the receipt of the Flood Risk Assessment the Council re-notified 550 members of the public of the additional information along with the erection of an additional site notice on 19th January 2010. The application and additional information has also been advertised in the press.

At the time of drafting the report, the application had attracted 218 letters of representation, 165 of which are letters of objection and 52 are letters of support. In addition 1 petition has been received containing 72 signatures in objection to the application. In terms of the initial neighbour notification letters, 436 letters were sent to properties that either surround the application site and/or made representations to the previous application. In addition to the above, copies of the application have been made available at the School for public consultation along with copies of the Environmental Statement, Non-Technical Summary and Flood Risk Assessment. A summary of the letters of objection and support are provided below:

Objections

- Concerns remain the same as those submitted as part of the first and second application. I would refer Members to the previous report which is reproduced in full.
- The application should not have been registered by the LPA due to the pending Judicial Review,
- Impacts of noise and general disturbance to residential properties due to the siting of the proposed close to the residential properties,
- The hours of operation are unacceptable in a residential location,
- Loss of trees and natural habitats,
- There is an existing under-used facility at Snelsmoor Lane that should be redeveloped rather than a new one built,
- Impact of the Clubhouse, in terms of noise, potential for drinking licence, and parties,
- The school is being running as a business and not a school facility,
- Increased traffic and congestion,
- Light pollution due to floodlighting,
- The school, at present, is over subscribed and this facility will only worsen this,
- The topography of the land will worsen impacts on those residential properties on Swarkestone Road which are elevated above the application site,
- Loss of view and tranquillity,
- The accompanying information is biased and limited,
- Hours of operation are not acceptable,
- Location is unacceptable,
- Reference has been made to other facilities both within the City boundaries and outside the City boundaries where all weather pitches have created problems relating to noise and light pollution,
- Potential for anti-social behaviour,

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- The school site is too small to accommodate such a pitch,
- Impact on bats living in the area,
- There is nothing within the application to suggest that the school will provide management of the facility or that it will reduce anti-social behaviour.

Support

- The proposed would benefit the School, pupils, sports clubs and the wider community,
- Disappointment over the length of the process to build such a beneficial facility,
- Sporting events, training sessions, and curricular activities, in the past, have been cancelled due to poor pitch condition
- Increased physical activity of children, and will be away forward to reducing childhood obesity,
- The pitch has been designed to ensure a minimal impact on surrounding properties and has less environmental impact than other pitches in the area,
- Raising the value of properties in the schools catchment area, as a multiplier effect, as the school facilities will improve,
- Lead to a reduction in anti-social behaviour and the congregation of youths as they will have a facility to use,
- Improve school facilities,
- Increase interest in sports,
- Will help to regenerate Chellaston as previous developments have been centred around housing estates,
- The benefits of the scheme far outweigh any negatives of the scheme,

Representations have been received which question the Authorities acceptance of letters from none local residents; that does not prevent them from being taken into consideration, although the relevance and weight will depend on what issues they raise.

These representations have been made available in the Council Chamber Foyer.

8. Consultations:

8.1. Natural Environment:

The tree proposals are considered to be acceptable. The management plan for the "Wild Area" will be sought separately. Derbyshire Wildlife Trust should provide comment on biodiversity elements.

8.2. Environmental Services (Trees):

State that the application can be mitigated in terms of impact on the trees and tree loss through the use of planning conditions. If the incursion into the root protection areas of the 3 Pines cannot be avoided and a non dig solution is impractical in this area, then an additional 3 Pine trees should be included within the re-planting scheme to mitigate this loss and the inclusion of a replacement hawthorn hedgerow in the area detailed below. There are no over-riding objections to this proposal.

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8.3. Environmental Services (Health – Pollution):

My colleague's comments are as follows:

I refer to the recently submitted revised Acoustics Assessment prepared by AEC Ltd, dated 19 March 2010 (Reference: P1993/R1C/2a/AJT). I would offer the following comments regarding the assessment:

Noise Assessment

1. The assessment is a re-submission of a report completed in December 2009, but with the addition of background/ambient noise monitoring during weekend periods.
2. The conclusions of the assessment do not differ from those submitted in the original report.
3. During the previous assessment, noise levels were monitored at Location A (Swarkestone Road) during activities on the pitches (a training session) within the location of the proposed all weather pitch ($58\text{dBL}_{(\text{A})\text{eq}}$ and $68\text{dBL}_{(\text{A})\text{max}}$). These measurements appear to have been disregarded in both assessments.

Instead, predicted noise levels from sports activities have been based on calculations and data from three other sites (Lees Brook School in Derby, Eccles College in Salford and High Peak Borough Council in Glossop).

In my view, actual noise source levels taken at the subject site would have been more appropriate for use within the assessment than theoretical predictions.

4. The report acknowledges my earlier recommendation to use BS4142 as the basis for the assessment, but regardless of this, it does not use BS4142 to inform its conclusions. It does however include the BS4142 assessment in Appendix D.

The results of the BS4142 assessment in Appendix D shows that complaints from noise from the development would be 'likely', from residents living on both Swarkestone Road and Glen Park Close during weekend mornings and from residents living on Swarkestone Road during weekend evenings.

A BS4142 evaluation of noise during weekday evenings has not been included, however I can confirm that this assessment again suggests that 'complaints are likely' from residents living on Swarkestone Road during this period, based on the information provided.

It is also of note to highlight my point above (item 3) regarding the relevance of predicted noise source levels. Using the data collected during the training activities on 12 November 2008, a rating value of 63dB can be calculated for Location A, exceeding background levels by 22dB on a Sunday morning, 21dB during a Sunday evening and by 18dB during a weekday evening. BS4142 states that an exceedence of the rating value of more than 9dB over the background levels, suggests that 'complaints are likely'.

Using this data, the use of a barrier (of any of the heights suggested) would still lead to a likelihood of complaints.

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No justification has been given as to why the noise from training activities measured on 12 November 2008 has been ignored.

Conclusions

1. It is of relevance to firstly explain the fundamental principles that have been applied in coming to the following conclusions. The comments below have been based on 'worst case scenario' principles using BS4142 as the basis of assessment, in order to determine the 'maximum' impact that the development may have. To clarify this, the predicted impacts of the development have been assessed based on, firstly:
 - a) an assessment of current background noise levels at times that one would expect the greatest impact i.e. early in the morning or later on in the evening; secondly
 - b) a calculation of the expected noise levels generated by the proposed development; and finally
 - c) an assessment of the difference between these two values, in order to gauge the expected worst case impact.
2. I acknowledge comments made in the report regarding the (in) applicability of BS4142 for this site, namely that BS4142 has been designed for assessing the impacts of noise from industrial sources in mixed industrial-residential areas. All the same, it is in my view the most appropriate tool available for assessing the potential impact of noise from an introduced source and could even be viewed as a less conservative assessment methodology than may be appropriate, given that the subject site is in fact a predominantly residential area. In other words, one would expect and allow for higher noise levels within a mixed industrial-residential area.
3. Based on the information provided and from my own assessment using the principles outlined above, it is my view that noise generated by the introduction of the proposed development is expected to have a detrimental affect on local residents during evening and weekend periods.

Furthermore, the proposed installation of a barrier/bund is unlikely to mitigate such impacts to a level that would avoid a detriment to the local amenity.

If the proposal were to go ahead, I would expect that complaints regarding noise would be likely.
4. I would once again reiterate my original comments (and those of my colleague Jeanette Guy), those being to recommend a restriction upon the hours of operation during evening and weekend periods

St Asaph Leisure Centre, Noise and Impact Assessment

My colleague has also commented in respect of a case outside of Derby, namely

"Synopsis of Assessment of Noise and Light Impact from All Weather Sports Pitch, St. Asaph Leisure Centre". My colleague has reviewed the submitted acoustics assessment relating to an all weather sports pitch at St. Asaph

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Leisure Centre in November 2006 (Ref: O'Hare 61204) and offers the following comments:

- The assessment relates to a site outside Derby City, the address of which is not noted in the assessment.
- The report does not include a site plan or associated monitoring locations. It also does not specify the distance of monitoring locations from the noise source.
- No background monitoring data is included in the report.
- No calculations are provided as evidence for the majority of the statements made in the report.
- BS4142 is referred to, but is not incorporated into the assessment and no numerical comparison is made with background noise levels. Nevertheless, the conclusions of the assessment are that the noise impact is severe.
- The report relates to a site in a rural location. As such, it is not relevant to compare the assessment to a site within an urban location such as Derby City.
- The report appears to be a subjective and biased assessment of noise, with the writer exhibiting an emotional connection to it. Examples of comments that display this include, "*I could not tolerate or live with this noise*", "*at times this seems relentless*" and "*...I fail to see how the Council could have doubts over this*".
- I would consider this assessment wholly irrelevant to potential noise at Chellaston School. I have no other comments to make on the report.

8.4. DCC Archaeologist:

The proposal site contains extant poor quality ridge and furrow in scrubland, which was the subject of an archaeological condition for topographic survey, which was attached to and carried out in accordance with the previous application, DER/12/08/01696. An area of the ridge and furrows remains to be surveyed due to dense vegetation. In light of the previous works a specific condition should be attached to any consent.

8.5. ENV Agency:

We have no objection to the proposed development subject to imposition of the following planning condition:

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to contaminated sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than use infiltration techniques. Support for the SuDS approach is set out in paragraph 22 of Planning Policy Statement 1 and in more detail in Appendix F of Planning Policy Statement 25.

8.6. Derbyshire Wildlife Trust:

The “wild area” of rough grass and scrub has been identified to contain earthwork ridge and furrow; the remains of medieval strip cultivation. The formation of a new grass pitch within the “wild area” would result in the loss of the ridge and furrow earthworks and we therefore advise that this needs to be assessed against Local Planning Policy E12 (Archaeology).

The proposed formation of a new grass pitch will result in the loss of a hedgerow, scrub, rough grassland and mature Crack willow trees. Hedgerows, regardless of their species-richness, are a UK BAP priority habitat and a Habitat of Principle Importance within Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. It is recommended that the loss of these habitats should be compensated for through the planting of native trees, the creation of new hedgerows and the retention and planting of native scrub.

The Environmental Statement has included an assessment of protected species which may potentially be present on the site. No evidence of bats was found in the existing pavilion building although potential access points were noted. A bat activity survey undertaken in September 2009 observed common pipistrelle bats foraging along the hedgerows.

Mature Crack Willow trees are to be removed in order to facilitate the formation of the new grass pitch and these have potential to possess features suitable for use by roosting bats. We are aware that although an assessment was made of the potential of the trees on the site to support bat roost opportunities we recommend that prior to the removal of any trees an up to date inspection for bat roost features should be carried out. Similarly, because of the transient nature of bats and the time-lapse since the building inspection was carried out we would recommend that a further survey of the building should be undertaken prior to the works commencing as per the recommendation in section 9 of the Ecological Assessment.

The floodlighting associated with the proposed all-weather pitch has potential to impact upon foraging/commuting routes used by bats.

We advise that the floodlighting associated with the all-weather pitch should be designed to minimize light pollution along the site boundaries and hedgerows in order to avoid impact upon the bat foraging/commuting routes identified on the site. Evidence of badger was found in the “wild area” but no setts were recorded. It was concluded that badgers use the area for foraging and commuting.

It was concluded from the assessment that the “wild area”, trees and hedgerows provide suitable habitat for nesting birds. Whilst we acknowledge that no UK BAP priority bird species were recorded on the site during the survey visits we are aware that no specific breeding bird survey was undertaken and the site visit was made in July which is towards the end of the breeding season for some bird species. We therefore maintain the view that the creation of the new grass pitch has the potential to result in the loss of nesting opportunities for a range of bird species.

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The Trust would advise the Authority that any vegetation removal, including tree felling, should be scheduled to avoid the bird breeding season which can extend from March to late August. If this is not possible any vegetation should be surveyed for nesting birds immediately prior to removal by a suitably experienced ecologist. Should an active nest be found, the nest should be left undisturbed until all young have fledged. This should be attached as a condition to any permission.

We note and support the production of a Habitat Management Plan for the “wild area” to demonstrate how the remaining area will be managed and enhanced for biodiversity. The Plan should aim to promote the use of the site as a valuable resource within the school curriculum. Biodiversity enhancement should include the restoration of existing hedgerows on the site. This could include, where appropriate, coppicing, laying and gapping-up using appropriate native species of local provenance together with the implementation of a future management regime. The Plan should state how the management of the “wild area” will be funded and implemented and should be agreed in writing by the Authority following consultation with Natural England and the Derbyshire Wildlife Trust. The provision of the Plan should be attached as a condition to any permission.

8.7. Police Liaison Officer:

Is sympathetic to the application as these facilities are greatly needed in this area. The extension is well designed for its use with high level fenestration and minimal recesses.

There are always issues with noise and light spill from these types of facilities especially with late hours of use.

On safety grounds the bunds actually reduce beneficial preventative views into and from the site to offer natural surveillance protection to the pavilion and make the adjacent public footpath slightly less safe by removing the open nature of the path, in a short 50m section.

On balance supports these proposals with secure boundary treatments and well designed extension with a controllable single point of access.

It is recommended in terms of mitigation that the hours of use should be restricted to reduce noise nuisance and anti social behaviour emanating from the school enclosure.

Many calls for service are received by the Police and Council regarding excessive noise and nuisance from recreational facilities especially later in the evenings.

The consultee wishes to clear up any confusion that appears to have been created regarding the two sets of comments relating to the applications for Chellaston School and the extension for changing rooms and the creation of an all weather pitch and flood lighting. His comments are as follows:

The set of comments for application code no. DER/11/09/01332 relating to this proposal were a briefer edited version of the comments I made for the first application under code no. DER/12/08/01696. It was this original information that a member of the public asked me to send in again.

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My comments for the current application DER/11/09/01332, in my opinion, still cover the issues of noise nuisance, light spill and anti social behaviour and suggest restricting hours of use due to the potential of increased calls to the Police due to noise and nuisance late in to the evening that can emanate from such land use.

I edited these to remove comments that were part formulated using my own personal experiences of noise and nuisance from similar permitted land uses and to clarify and make the comments more concise and for no other reason.

I now see that the personal experience comments could be seen as a possible conflict of interest as well as unprofessional when, it is my duty to reflect professionally on the potential adverse effects of a development on a site specific basis.

It is also stated that he wrongly presumed that the application was one and the same and not a totally separate application hence the mistake in the reference numbers and date.

In conclusion, the consultee is happy for the City Council to take forward the more concise comments as submitted for the current application which still cover all the relevant issues.

8.8. Natural England

Notes the inclusion of the Environmental Statement with this application and that the surveys were undertaken in July 1008, which is considered to be on the outside of what is likely to be acceptable in terms of time-lag. Have no objections to the proposal subject to the attachment of conditions to any consent.

8.9. Sport England

The comments remain the same as per the previous application, DER/12/08/01696. Whilst the current application includes additional information in response to specific issues Sport England understands that the siting and extent of the proposed extension to the pavilion and the proposed all weather pitch are the same as the previous application. As such the comments of Sport England remain consistent with their previous comments. The development will have an impact on the playing fields; however as a replacement pitch is proposed this outweighs the potential loss. The proposal therefore conforms to exception E5 "An alternative sports use is proposed, outweighing loss". The new facilities are welcomed by Sport England. However concern is expressed that the value of the facility to the whole community will be reduced by the shorter evening opening hours.

8.10. GOEM

In accordance with statutory requirements the government office was sent full details of the planning application, ES and Appendices. No comments have been received in relation to the application.

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

GD1	Social Inclusion
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
E5	Biodiversity
E7	Protection of Habitats
E9	Trees
E10	Renewable Energy
E17	Landscaping Schemes
E21	Archaeology
E23	Design
E24	Community Safety
L2	Public Open Space Standards
L6	Sports Pitches and Playing Fields
LE1	Education Uses
T4	Access, Car Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
T8	Provision for Public Transport
T10	Access for Disabled People

The above is a summary of the saved policies and guidance that are relevant. Members should refer to their copy of the adopted CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The main issues at the centre of the assessment of this application are considered to be the impact of the proposal on residential amenity in terms of noise and visual impact and pollution in terms of noise and light.

Alternative Sites

The application is accompanied by details of the site selection process along with the potential implications if the School were not to implement such a facility; details of which are set out in Section 4 of this report. Site selection and site location is a holistic approach with the consideration of, amongst others, pitch flexibility, need, impact on residential properties and security of the school. Given the issues for consideration I am of the opinion that the siting of the proposed pitch and changing room extensions does seek to reduce impact on residential amenity whilst ensuring the security, safety and usability of the school and its site. Whilst this siting may not be considered to be appropriate by surrounding residents other potential locations would have resulted in detrimental impact on the schools facilities in terms of loss of useable pitch area and impact on school safety when used by others. In addition the facility is needed to improve curriculum activity for pupils at Chellaston School.

Planning Policy

The saved policies of the adopted City of Derby Local Plan Review provide both generic and specific policies which will be considered throughout the Officer Opinion

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section of the report. This section is not exhaustive of planning policy and the proposals adherence to local plan policies and their criteria.

The following General Development (GD) policies of the adopted CDLPR are generic policies which are applicable to different development types and are therefore not site or use specific. The policies provide general criteria which planning applications are assessed against covering a wider variety of issues.

GD1 Social Inclusion

Policy GD1 seeks to ensure that development proposals help to meet the objective of promoting social inclusions and reduce the effects of exclusion, such as poverty, ill-health and disability. I am of the opinion that the proposed scheme by virtue of the proposed opening hours and siting of the proposal in a residential location will seek to ensure the facility will benefit not only the school but the wider community.

GD3 Flood Protection

Policy GD3 seeks to ensure that all developments are acceptable in terms of the provision of satisfactory compensation measures and mitigation measures are implemented to off-set any potential adverse effects of development on the water environment and associated land. The current application has been accompanied by an Environment Statement and Flood Risk Assessment which are considered to be acceptable following consultation with the Environment Agency and officers in the Land Drainage section. In addition to ensure the proposal complies with policy GD3 the following condition will be attached to any planning permission:

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- *the utilisation of holding sustainable drainage techniques;*
- *the limitation of surface water run-off to equivalent greenfield rates;*
- *the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and*
- *responsibility for the future maintenance of drainage features.*

GD4 Design and the Urban Environment

Policy GD4 seeks to ensure development is only permitted where it make a positive contribution to good urban design taking into consideration local distinctiveness; urban grain, road network, access and creating an attractive environment. The proposed scheme has taken into consideration design, appearance and character of the existing school site. In addition, the AWP and its boundary fencing are considered to be of a design which is typical to and associated with a school site.

GD5 Amenity

One of the central considerations arising from the application is the impact of the proposed development on the amenities of neighbouring residents of Chellaston

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School. Saved policy GD5 of the adopted CDLPR is, therefore, relevant. The policy contains general criteria against which applications for planning permission are considered. One of the aims of the policy is to prevent unacceptable harm being caused to nearby amenity. The point at which new development will unacceptably affect nearby amenity will depend on the nature of the activity proposed and the nature of the surrounding area. In this case, the issues of noise, general activity, light from the proposed floodlights and additional pedestrian / vehicular movements to the site associated with the proposed development should be considered when assessing whether or not the proposal would cause unacceptable harm to the amenity of nearby areas.

Environment policies

The following Environmental policies ensure the protection of the natural and built environment. There are no Listed Buildings or Conservation Areas to consider with the application

E5 Biodiversity

Policy E5 seeks to ensure that applications for development on sites which have a natural conservation interest within them accommodate a provision for the retention of those features. The application is accompanied by an ES and subsequently an Ecological Assessment; in Appendix 7 of the ES. No objections have been received following consultation of the application and supporting documentation therefore I am of the opinion that the proposed scheme will not have a detrimental impact on the biodiversity value of the area.

E7 Protection of Habitats

Policy E7 seeks to ensure development which would materially affect sites supporting wildlife species protected by law will only be permitted providing disturbance is minimised and alternative habitat sites are made. I note the comments of DWT and there are no objections to the scheme on these grounds.

E9 Trees

Policy E9 relates to ensuring development will only be permitted where it would not seriously damage, destroy or compromise the long term retention of individual trees, groups of trees and/or woodland areas which contribute to the amenity of the area. The application is accompanied by an Arboriculture Assessment which can be viewed in Appendix 7 of the ES. The proposal, in my opinion will not have a detrimental impact on trees that affect the locality as the amenity of those trees affected are only viewed within the application site.

E10 Renewable Energy

Policy E10 seeks to ensure developments help to minimise the use of energy and have full regard to the need to reducing energy consumption; through construction methods, materials, siting, design, orientation and minimise the emission of greenhouse gases.

Whilst there are no specific details relating to energy consumption or the use of renewable energy sources in the submission the following condition is proposed in order to mitigate any potential impact

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“The design, layout, and materials of the proposed extension to the proposed changing rooms shall have full regard to the need to reduce energy consumption”

I am of the opinion that given the scale of the proposed scheme the attachment of the above condition is sufficient, in this instance, to address policy E10.

E17 Landscaping Schemes

A high quality landscape is an essential component to an attractive living environment; policy E17 provides the opportunity for the Council to attach a condition to ensure any development is accompanied by a suitable landscaping scheme. In this instance the relevant condition is set out in Section 13 of this report and should, therefore be attached to any planning permission.

E21 Archaeology

Policy E21 seeks to preserve the historic environment; planning permission will only be granted when the development is unlikely to affect nationally important archaeological remains. Whilst the implementation of the scheme may result in the loss of an area of ridge and furrow no objections have been received by the County Archaeologist due to other areas of ridge and furrows being evident in this locality.

E23 Design

Policy E23 expects proposals to be of a high standard of design and to complement the surrounding area. In respect of design I am content with character and appearance of the scheme given its siting within both an established school site and urban area.

E24 Community Safety

E24 states that new developments should provide a safe and secure environment and take full account of the need for community safety and crime prevention measures. The AWP, due to the elevated position of those properties on Swarkestone Road, will be naturally surveilled and will also be incorporated in the security programme for the existing school site.

Leisure and Community Services policies

L2 Public Open Space Standards

Policy L2 seeks to ensure that no open space is lost as a result of any proposal and also provides data on what should be achieved in terms of open space per 1,000 of the population. The scheme will not result in a loss of public open space and therefore there are no objections in respect of the proposals compliance with this specific policy.

L6 Sports Pitches and Playing Fields

Policy L6 states that planning permission will not be granted for development which involves the loss of land currently used for sports or recreational purposes, including playing fields associated with educational establishments, such as Chellaston School, unless one or more of the three specific criterion are met. These include that the facilities currently provided can be either be fully retained or enhanced through the development of only a small part of the site; or the alternative provision of another site of the same or better facilities in terms of community benefit is implemented before the commencement of development; or it is demonstrated to the satisfaction of the City Council that the site is not required to be retained for sports or recreational purposes

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In terms of the proposed scheme the application seeks to replace an existing grass pitch with an AWP whilst relocating the displaced pitch within the school's curtilage. In addition the AWP will be available to hire by the community and thus is seen as a community benefit along with the extension to provide the proposed changing rooms which will enhance the existing changing facilities at the school. As such the proposal adheres to policy L6 of the adopted CDLPR as the proposed scheme will not result in the loss of any playing fields and therefore conforms to the policy.

Learning and Health policies

LE1 Education Uses

Policy LE1 seeks, amongst others, to ensure proposals are in keeping with the general scale, character and levels of activity of the surrounding area and to ensure the site and/or building is sufficiently large and self contained to prevent unacceptable levels of disturbance to nearby residents. It also states that keeping educational facilities close to local communities helps to foster good community relations and reduces social exclusion. In addition the policy aims to ensure that education facilities are located in ways that enable people to choose to reach them on foot, by bicycle or by bus. In this instance the proposal at Chellaston School is considered to be in line with the criteria of policy LE1.

Transport policies

T4 Access, Car Parking and Servicing

Policy T4 seeks to manage travel demand through making safe and appropriate provision for access and egress of the site for pedestrians, motor vehicles, cyclists and powered two-wheeled vehicles. The Council's parking standards are set out in Appendix A of the adopted CDLPR. The site is an established school site with an adequate parking provision, which is in accordance with the Council's parking standards. There are no objections to the scheme in terms of access, car parking and servicing.

T6 Provision for Pedestrians, T7 Provision for Cyclists, T8 Provision for Public Transport

Policies T6, T7 and T8 of the CDLPR aim to promote alternatives to the car. The site is already well served by foot traffic, and cyclists through existing footpaths and cycle routes from the surrounding residential locations. In addition the site is also served well by existing public transport, with two bus stops sited outside of the main school entrance. Therefore a provision has been made for pedestrians, cyclists and for public transport and therefore has made provisions to adhere to these policies.

T10 Access for Disabled People

Policy T10 aims to create an environment where people with mobility difficulties including disabled people, parents with children and elderly people can gain access. A degree of accessibility will be provided, when considering the extensions, through compliance with Building Regulations guidance

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Socio-Economics

“A Sporting Future for All” encompasses the Government’s aspirations which are clear on increasing sporting opportunities; ensuring *“more people of all ages and all social groups”* take part in sport and sporting activities, such facilities as that proposed, which will increase both curricular, extra curricular and be available for hire by social groups, in my opinion is a way of reaching this Government goal. A further aspiration is to extend opportunities beyond the close of the school day; such a facility as that proposed will, as stated with the ES, provide extra-curricular activities in varied sports at the end of every school day each week and in addition is available for hire for community groups. Therefore, the proposal will help to broaden skills of both pupils at the school and communities groups increasing social inclusion, in line with policy GD1 of the adopted CDLPR as non-school pupils are not excluded from benefiting from such a facility.

Facilities, such as the proposed AWP, seek to ensure Physical Education can take place in times of bad weather when the water tables of the playing pitches are high and pitches deemed unusable. In terms of general health young people are advised to participate in an hours exercise a day; accessibility to such a facility that can be used throughout the year will help to ensure participation in exercise on a regular basis.

The objectives of the school, as set out within the ES, are clear as to trying to achieve the aspirations of the Government and increase participation in sport and involve the wider community.

Transport

The existing school site fronts the A514 which links directly to the city centre and the A50 which provides access to the M1. The site is accessible, due to its location, by foot, cycle and bus as well as by car. Details of the bus timetable are detailed within the ES including frequencies and those residential areas served. The comments of my colleagues in the Highways Development Control Section indicate that the proposal will not create any significant highway implications and therefore no highway objections have been raised.

The school has an existing access, egress, turning facility and car parking provision within its curtilage and the application seeks to use these existing facilities. The existing car park provides 126 spaces, 4 disabled spaces, and has the ability to accommodate a further 30 vehicles on and around the driveway, although these are not delineated spaces. The level of car parking is considered to be satisfactory. There are a number of footways around the school; the A514 also has a standard pedestrian footpath. The facility is to be used both during the school day and outside of the school day.

In terms of usage of the AWP and changing facilities during the standard school day there is considered to be no or limited change to the highway. The standard school day already encompasses physical education; with pupils and teaching staff currently participating in such curricular activities. Therefore the proposal will not generate any additional trips when considering the development of such a facility for curricular usage.

It is evident from the details submitted that the school intend to use the facility for extra-curricular purposes after the close of the standard school day. However, as these

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clubs will be run by the school and for the purposes of the pupils no additional trips will be generated and the leaving times of the pupils will be staggered. Sporting after school clubs are likely to be only a relatively small percentage of extracurricular activities provided at the school and therefore in my opinion would not have a detrimental impact on the surrounding highway network.

The existing playing pitches, as approved in 1977, are already used by local sports clubs and by the community at weekends and in the evenings therefore I would question whether or not the development of the AWP would have an impact on the highway to a detrimental level, and whether or not it would generate more trips than already occur. It would be my conclusion that the development is likely to generate an increased number of trips as the facility will be available for use during hours of darkness and during times when the grass pitches may be waterlogged. However, the increase of usage of the playing fields as a whole in my opinion is likely to generate an influx of trips but not to a level that it would have a detrimental impact on the highway network.

Secure cycle parking and cycle hoops are already provided at the school site and therefore, I am of the opinion that it would be unreasonable to request additional cycle storage/parking through the attachment of a condition.

The level of car parking provided at the site is considered to be satisfactory and is in accordance with the parking standards as set out in the adopted CDLPR. Therefore I feel there would not be any reasonable justification to request additional car parking spaces for the proposed AWP and extensions to provide the proposed changing rooms. The site is considered to be in a sustainable location where the majority of users are considered to be within walking distance of the school and proposed facility. In addition the site is well served by public transport and cycle links. I am therefore of the opinion that the proposed scheme will not have a detrimental impact on or worsen the existing traffic situation and/or the level of movement in this location.

Air Quality

Following consideration of the application and supporting information I am of the opinion that there is likely to only be changes, in terms of air quality, during construction of the changing rooms and AWP with mitigation measures proposed to ensure the effects of any impact are kept to a minimum. I therefore do not have any additional comments to make as any effect will be seen in the short term and are not considered to be detrimental in the long term.

Noise

Members will recall that this application was deferred from the previous Committee, 25th February 2010, in order to obtain additional information from the applicant in respect of noise following a request from my colleagues in Environmental Health. The information was duly submitted and considered by all consultees, the most recent comments of the Environmental Health Officer are set out above, in Section 8 'Consultation' of this report. The Environmental Health Officer does express concern in relation to increased noise based on the findings of the Noise Assessment. It is recommended by the Officer that hours of operation should be limited, to those recommended for building sites namely 07:30 to 18:30 hours Monday to Friday and

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07:30 to 13:00 hours Saturday. The majority of objections received from surrounding residential properties are concerned with increased noise levels.

It is important for Members to note that the existing layout of the school pitches was agreed in 1977 and is an established existing use at this site. The use of the existing school grass pitches at evenings and weekends for curricular, extra-curricular and community based sports facilities is not governed by any restrictive planning conditions relating to the control of hours of use; they can therefore be used on any day for any length of time. For example, if permission were to be granted for the AWP and a restrictive condition attached in relation to hours of use, any user could vacate the AWP at the specified time and continue their match/training session on the playing fields without breaching any planning permission. The application therefore is not considering a new use in this location but is considering **the erection of fencing, lighting columns, new changing facilities and a change in the surfacing material** and not the principle of use of this location for the purposes of sport. There will most likely be an increase in use as the erection of an AWP will enable use of the site at times when ground conditions may have limited such, particularly during the winter months. The lighting will also enable use previously restricted due to hours of darkness to take place but this can be satisfactorily dealt with by conditioning hours of operation of the flood lights. Environmental Health records show that there has been only one complaint logged in respect of noise levels, in October 2008. This was unsubstantiated due to the lack of completed information and evidence as requested by the Environmental Health Section.

In order to mitigate any potential effects on those nearby properties on Swarkestone Road the applicant has provided details of and proposes to erect a 3 metre high bund. The proposed bund is a welcomed component of the scheme in order to reduce any potential effect of noise on nearby residential properties. Other approved, similar, facilities within the City include the following, none of which have provided such a mitigation measure and have not had placed upon the respective permissions any hours of use conditions, in respect of the pitch. I note conditions have been attached to restrict the use of any lighting columns.

Application	School /College	Floodlighting	Distance from Residential	Conditions
11/03/02060	Boulton Primary School, Wyndham Street	6 columns – 10 metres in height	60 metres	Light filtering and no operation after 21:30
05/04/00845	St Benedict's School, Duffield Road	8 Columns – 15 metres in height	90 metres – across A38	Light filtering and no use between 21:30 - 07:00
10/05/01800	Lees Brook Community School, Morley Road	8 columns – 15 metres in height	100 metres	Light filtering and no use after 21:30

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09/05/01581	Merrill College, Brackens Lane	6 columns – 15 metres in height	35 metres & 70 metres	Light filtering and no use after 22:00
10/06/01752	Derby Moor Community School, Moorway Lane	5 columns – 6 metres in height	60 metres from residential properties	Light filtering and no use after 22:00
02/07/00350	Woodlands Community School, Blenheim Drive	8 columns – 15 metres in height	28 metres	Light filtering and no use between 21:30 - 07:00
07/08/00995	University of Derby, Kedleston Road	8 columns – 16 metres in height	35 metres	Directed lighting and no use between 21:30 - dawn

Members should be mindful of these other similar permissions within the City, as set out above, and that none of the above have generated any objections and/or complaints to the Environmental Health Section. Members need to be also mindful of the robust information which accompanies this EIA application along with the guidance and comments of all consultation responses as set out in Section 8 of this report. Please note there is a difference of opinion in relation to the use of a condition to restrict hours of use:

Environmental Health state *“proposed development is expected to have a detrimental affect on local residents during evening and weekend periods.”* Whereas Sport England state they *“... would express concern that the value of the facilities to the whole community is reduced by the shorter evening hours.”* The Consultants noise report states *“Noise from pitch activities can be controlled to acceptable levels at the nearest residences on Swarkestone Road by the provision of an acoustic barrier, or bund...”*

Surface Water and Land Drainage

The scheme considers the potential for increased surface water runoff, which is generally a result of the installation of an AWP due to its need to be quickly drained of any surface water. However the calculations within the Flood Risk Assessment (FRA) do not support the use of the proposed materials in the construction of the AWP; therefore a condition is proposed to ensure full drainage details are submitted to the City Council prior to the commencement of works on site to ensure there is no increase in terms of potential flooding onto other 3rd parties. No objections have been obtained from the consultees, whose comments are set out in Section 5 and 9 of this report, and suitable conditions have been recommended in Section 12.3 in order to address their concerns.

Ground Conditions

The previous land uses of the application site relate to agricultural uses and school playing fields therefore the development is unlikely to result in the release of any contaminants. No concerns have been raised with regards to the potential of land

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contamination in this location following either the neighbour notification responses and/or the response of colleagues in our Environmental Health Team.

Ecology

The proposal will result in the loss of a section of the “wild area” to the south of the school curtilage. The application also seeks approval for the removal of numerous Crack willow trees, a section of hedgerow and Pine trees which are in close proximity to the AWP and are therefore likely to be damaged during construction; a no dig construction is not viable given the proposals. There have been no objections from my colleagues in Environmental Services providing a suitable re-planting scheme is secured by condition. In addition there have been no objections from Natural England and/or Derbyshire Wildlife Trust providing the removal of any vegetation is undertaken outside of the bird breeding season.

The accompanying information states that there were no badger setts within the application area and no bats were found to be roosting in the pavilion however should the contractors disturb or find traces of a protected species they are bound by the Wildlife and Countryside Act 1981 and EC Directive to cease any operational works and seek guidance.

The loss of trees as a result of the development is considered to be acceptable and will be mitigated by the attachment of a tree planting and landscaping condition, which is welcomed by the Arboricultural Officer.

In light of the mitigation measures proposed to carry out re-planting within the site to replace any felled trees I am of the opinion there is no ecological reason to deem this scheme unacceptable in accordance with planning policy.

Visual Impact

In terms of visual impact the application encompasses two very different proposals; the extensions to the pavilion and the erection of the AWP and associated lighting columns.

The extension to the existing pavilion to provide changing rooms is considered to be acceptable and will not have a visual impact on the setting of the school due to its siting, location and design.

The erection of 8 x 12 metre lighting columns and perimeter fencing of the AWP is inescapable in visual impact terms; however they are structures that are characteristic within the curtilage of an established education facility such as Chellaston School. The lighting elements have also been designed in order to mitigate light spillage.

The proposal will be visible from the surrounding residential properties particularly those on Swarkestone Road. However, the design of the fencing is such as to reduce its impact in terms of its bulk and appearance and therefore is considered to be acceptable.

Following consideration of the site, existing school buildings and proposed mitigation measures I am of the opinion that there will be some inescapable impact on the surrounding residential properties. However, where possible, mitigation measures have been proposed to reduce any potential impact. In addition the school is an

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existing established facility and the proposal is, in my opinion, characteristic of a school setting within an urban area.

Archaeology

The impact of the proposal on the “wild area” and ridge and furrows will be monitored by the completion of archaeological survey in accordance with the approved written scheme of investigation (WSI); the WSI accompanies the ES and was submitted in accordance with Condition 6 of planning permission DER/12/08/01696.

The proposal will result in the erosion of part of the ridge and furrows; however there are four other ridge and furrows earthworks within a 2km radius of the school site. No objections have been received from the County Archaeologist in respect of the erosion of the earthworks in this case.

Amenity, Design and Street Scene

The proposal, in my opinion, would not have a detrimental impact on the setting of the school nor the setting of residential properties in terms of design, amenity and impact on the street scene of Swarkestone Road, due to the siting and orientation of the proposal along with its external appearance.

In terms of the extensions to provide the changing rooms, the proposal due to its single storey form, siting and design would not in my opinion have a detrimental impact on the nearby residents. It is considered that the proposal will not result in the development of an incongruous feature within the curtilage of an established school site as it is acceptable in terms of visual amenity, the setting of the school and it's siting close to the existing school buildings. Consideration has been paid to the proposed materials and design to ensure the impact of the extensions is lessened as they are similar in form and design to those used in the construction of the original pavilion. The bulk of the extension is reduced when considering the external appearance by the change in texture of the building through the use of rendering along with the installation of windows.

The AWP is considered to be acceptable in terms of design, amenity and impact on the street scene; the proposed fencing due to its mesh formation is considered to appear more transparent and has a reduced impact when considering its visual impact and is a fairly common form of school boundary treatment. The proposed changing room extension will provide a degree of screening when viewing the AWP from certain properties on Swarkestone Road.

Floodlighting

The application seeks to install 8 x 12 metre high lighting columns; four on either side of the AWP. There are three main potential effects when considering the installation of flood lights in the proximity of residential properties; these are as follows:

- Visual intrusion from the columns during daytime
- Visual intrusion from lighting whilst in use
- Noise and other disturbance during the times they are in use.

Daytime visual intrusion from the columns is inescapable and will be in the view from nearby residential properties. However given that this is an existing school site future

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development within its curtilage must be expected and in my opinion should not stunt the development of an all weather sports pitch. The height of the proposed columns is not excessive and has been reduced by 3 metres from the previously withdrawn planning application code no. DER/09/08/01350. Furthermore I do not consider that the degree of intrusion for the houses on Swarkestone Road is significant enough to warrant a recommendation for refusal of this application. The distance between the nearest floodlight and the nearest dwelling is some 75 metres.

Intrusion from the floodlights is inevitable in that the sports pitch will have a glow over it. However the design of the lighting elements is such to shield the surrounding area and decrease light spillage beyond the confines of the playing surface. The lighting proposed in this application, Challenger 1 AL5760, benefits from less glare given off into the surrounding locality and the use of 'flat glass' means that there is no direct upward light that would illuminate the sky resulting in less "sky glow". Therefore the light provided will be directed towards the pitch rather than the surrounding areas.

The application, additional accompanying information, consultation responses and neighbour notification letters have been considered and with those in mind I remain of the opinion that the proposed AWP and changing room extensions are acceptable in policy and land use terms. Any potential impacts of the proposal will be both mitigated and restricted by the use of planning conditions to ensure the development is satisfactory in terms of the impact on the setting of the school and the impact on nearby residents.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the saved adopted City of Derby Local Plan Review policies; specifically these policies are as follows:

GD1 Social Inclusion – *seeks to ensure any development proposal helps to meet the objectives of promoting social inclusion.*

GD3 Flood Protection – *ensure the off-set of any potential adverse effects of developments on the water environment and associated lands.*

GD4 Design and the Urban Environment – *preserve local distinctiveness, respecting urban grain and making a positive contribution to good urban design.*

GD5 Amenity – *not to cause unacceptable harm to the amenity of nearby areas in terms of a development proposal.*

E5 Biodiversity - *retention of nature conservation or ensure suitable mitigation to compensate for any loss.*

E7 Protection of Habitats – *minimise disturbance to protected species.*

E9 Trees – *protection of mature trees for their biodiversity value.*

E10 Renewable Energy – *has full regard to the need to reduce energy consumption and supports developments that incorporate the generation of renewable energy*

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E17 Landscaping Schemes – *seeks to ensure high quality landscaping schemes.*

E21 Archaeology – *seeks to protect nationally important archaeology remains whether scheduled or unscheduled, or their setting.*

E23 Design – *high standards of design to enhance the physical appearance of the City.*

E24 Community Safety – *providing a safe and secure environment.*

L2 Public Open Space Standards – *seeks to provide a minimum area of public open space.*

L6 Sports Pitches and Playing Fields – *ensures the retention of playing fields, sports pitches or recreational areas including those associated with educational establishments.*

LE1 Education Uses – *seeks to ensure proposals are in scale, character and levels of activity with the surrounding area.*

T4 Access, Car Parking and Servicing – *safe and appropriate provision for parking servicing and access.*

T6 Provision for Pedestrians – *provision of safe and attractive environments for pedestrians*

T7 Provision for Cyclists – *provision of safe and attractive environments and facilities for cyclists.*

T8 Provision for Public Transport – *promote the use of bus, rail and other public transport services*

T10 Access for Disabled People – *provision to meet the reasonable need for disabled people.*

The proposed extension to school (changing rooms) and creation of an all weather sports pitch and floodlighting has been considered against the saved adopted City of Derby Local Plan Review policies as set out above and all planning material considerations and is considered acceptable in terms of socio-economics (GD1, E24), transport (T4, T6, T7, T8), noise (GD5), land drainage (GD3), ecology (E5, E7, E9, E17), visual impact (GD4, GD5, E23), archaeology (E21), amenity, design and street-scene considerations (GD4, GD5, E23) and, in the opinion of the Local Planning Authority, the proposal would not have an undue impact on the amenities of surrounding residents in terms of the external design components of the development, additional noise generation, lighting, general disturbance and pedestrian and vehicular movements to the site associated with the proposed development.

11.3. Conditions:

1. The hereby approved All Weather Pitch and floodlights, which forms part of this permission shall not be used outside of the following daily hours:

Monday to Friday	0730 - 1830
Saturday	0730 – 1300

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Sundays and Bank Holiday Mondays No Use

2. Before the floodlights are brought into use precise details of the shielding to be used on the hereby approved floodlights shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
3. Standard Condition 27 (details of external materials)
4. No development shall be commenced until a landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.
5. The landscaping scheme submitted pursuant to Condition 3 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas, unless otherwise agreed in writing by the Local Planning Authority.
6. During the period of construction works all trees, hedgerows and other vegetation to be retained shall be protected in accordance with BS: 5837:2005 ("Trees in relation to construction"). Details of such protection shall be submitted to and approved by the Local Planning Authority prior to its erection. The protection shall be provided before other site works commence and shall be retained in position at all times until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
7. No development shall take place within the site until the developer has secured the completion of archaeological survey in accordance with the approved written scheme of investigation which accompanies this application and which was submitted pursuant to condition 6 of planning permission code no. DER/12/08/01696. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
8. Prior to the commencement of the development:
 - i. A detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - ii. Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields are provided to an acceptable quality shall be submitted to and

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approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full prior to commencement of the development.

9. The design, layout, and materials of the proposed extension to the proposed changing rooms shall have full regard to the need to reduce energy consumption.
10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - the utilisation of holding sustainable drainage techniques;
 - the limitation of surface water run-off to equivalent greenfield rates;
 - the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - responsibility for the future maintenance of drainage features.
11. The proposed development shall be implemented in accordance with the submitted Environmental Statement and the recommended mitigation measures included in that statement unless otherwise agreed in writing by the Local Planning Authority. The mitigation measure relate specifically to Transportation, Air quality construction impacts, Carbon Emission Operation, Noise, Protected Species.

11.4. Reasons and associated policies

1. To restrict the visual impact of the lighting and the impact of noise associated with use of the all weather sports pitch so that it does not cause unacceptable harm to the amenities of nearby residents, in accordance with the objectives of policy GD5 of the adopted City of Derby Local Plan Review.
2. To restrict the visual impact of the lighting in accordance with the objectives of GD5 of the adopted City of Derby Local Plan Review.
3. To ensure a satisfactory external appearance of the development in the interest of visual amenity...policy E23.
4. To safeguard and enhance the visual amenities of the area...policy E17.
5. To safeguard and enhance the visual amenities of the area...policy E17.
6. To protect trees and other vegetation during the course of construction works in order to preserve the character and amenity of the area...policy E9.
7. In order to record the historical value of the site...policy E21

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8. To ensure that site surveys are undertaken for the new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure the provision of an adequate quality of playing field and to accord with policy L6 of the adopted City of Derby Local Plan Review.
9. To help reduce energy consumption, pollution and waste in accordance with policy E10 of the adopted City of Derby Local Plan Review.
10. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policies GD3 and GD5 of the adopted City of Derby Local Plan Review.
11. For the avoidance of doubt and to ensure that the development is regulated in accordance with the mitigation measures outlined in the Environmental Statement and to ensure that the development is not unduly detrimental to the residential and environmental amenities enjoyed by surrounding residents, in accordance with policies GD3, GD4, GD5, E5, E7, E9, E10, E17, E21, E23, E24, L2, L6, LE1, T4, T6, T7, T8 and T10 of the adopted City of Derby Local Plan Review.

11.5. Informative notes to be included on decision notice

Groundwater & Contaminated Land

Any groundwater in the Glacial Deposits is likely to be high and therefore it should be ensured that the infiltration rates calculated are completely satisfactory.

Although the results are shown in the report, the original calculations are not. If the applicant would like approval from the Environment Agency we would advise that the SoilTechnics report which contains the infiltration and geology information which the calculations were based on is sent in to the Groundwater and Contaminated Land team at Trentside, Scarrington Road, West Bridgford, Nottingham, NG2 5FA.

11.6 Application timescale:

The application has a 16 week statutory determination date and expired on 15th March 2010.

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Type: Reserved matters.

1. **Address:** Land at the rear of Tesco Store, (former Blue Pool Public House) Stenson Road and off Bosworth Avenue.

2. **Proposal:**

Erection of 15 dwelling houses and formation of vehicular access, boundary treatments and erection of garden sheds.

3. **Description:**

This is an application for reserved matters pursuant to an outline planning permission that was granted for "Residential development with means of access from Bosworth Avenue" under Code No. DER/04/07/00701, granted planning permission in January 2008. Although the application specified the erection of 14 dwellings and the details that were submitted with that application showing a notional site layout with 14 dwellings, these did not form part of the application itself and were reserved for future approval. The only matter not reserved for future approval was for the means of access.

The current proposal is for the approval of the details of the appearance, layout and scale.

When submitted in January the scheme referred to the erection of 17 dwellings. This figure has been reduced through negotiation, and the layout of the access road has also been amended. The scheme that is now being presented to this Committee is for the erection of 15 dwellings. The dwellings are to be provided as social housing for rent, to be retained and managed by a Housing Association. The City Council would have nomination rights over the future occupiers.

The application site was until last year part of the garden to the rear of the Blue Pool Public House on the eastern side of Stenson Road, close to its junction with Wellesley Avenue and Sunnyhill Avenue. The Blue Pool ceased operation as a Public House last summer and was converted to a Tesco Express Supermarket. Planning permission was not required for that change of use, but Members of the Planning Control Committee who were serving on the committee last year may remember being asked to consider a number of small applications for alterations to the building at meetings later last summer.

The public house garden has now been severed from the former pub site and access to the application site from Stenson Road is now prevented by a fence that stands along the rear boundary of the Tesco Supermarket.

The proposal would to some extent impact on the setting of the former Blue Pool building which is a Modern Movement Art Deco style building built in about 1936 by the former Offilers Brewery, and which is included on the Council's Local List of buildings of architectural or historic interest.

The application site which is part of the former rear garden of the public house is split into two areas. Part had in the past been used as supplementary car parking area for the Blue Pool but appears to have been unused for a long time and is slightly overgrown. The rest of the garden is mainly rough grass, probably an untended lawn, with trees growing along parts of the boundaries with neighbouring properties. The application site area measures approximately 0.4 of a hectare. It is surrounded on three sides by long established housing and on the fourth side by the Tesco Express Supermarket. The turning head of a short cul-de-sac, Bosworth Avenue, adjoins the

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southern boundary. It is proposed to provide vehicular and pedestrian access to the site by extending Bosworth Avenue into the application site.

The only point of vehicular access would be from Bosworth Avenue.

The proposals being presented to this committee include a vehicular access taken off the end of the turning head at the end of Bosworth Avenue. The first 20 – 25 metres of the access would be built to standards adoptable by the highways authority. A new turning head would be created close to the entrance of the site, to be built to adoptable standards. The remainder of the road would be constructed as a private road and incorporate sustainable drainage features that would allow surface water to be handled in a manner that allows the site to be drained towards Stenson Road.

The sewers that serve the dwellings in Bosworth Avenue are not adopted by the water company and the applicant has no right to connect to the Bosworth Avenue sewerage drainage system.

Of the fifteen dwellings that are proposed, 12 of these would be as 6 semi-detached pairs of dwellings and the other 3 would be as a short terrace of three. 13 of these would be conventional two storey dwellings, the remaining two on plots 5 and 6 would be 2.5 storey dwellings with rooms being provided within the slope of the roof space.

The site is surrounded by development on all sides. To the immediate west is the Tesco Supermarket, to the north, east and south are dwellings. The separation distances between the proposed dwellings and the existing dwellings for the main part meets with the Council's established guidelines although the very short rear garden depths of dwellings at 12 and 14 Sunnyhill Avenue from 10 metres down to a minimum of 6.5 metres, does mean that the dwelling on plot 9 would be somewhat closer to the rear of those two houses than usual, and the short rear gardens will permit a greater degree of overlooking of rear gardens and between buildings than is usually the case.

Parking provision is made for 29 vehicles, with two spaces each for 12 plots and one space each for the remaining three plots. Two of the 29 plots will be for visitors to the site.

The house types are fairly basic with dual pitched roofs and ridge lines running parallel to the fronting highway. The only exception to this being plot 9, part of the terrace of three houses, which has a gable facing directly towards the highway. The house types will contrast with the house types on the approach road to the site, Bosworth Avenue, which are a late 1960s types. The dwellings will have small canopy type porches over the front entrance doors. External materials are to primarily be brickwork with artificial stone window cills and window heads simulating Yorkstone on the front elevations. The roofs will be tiled with a grey concrete tile designed to look like a traditional plain tile.

There are a number of trees that stand within the application site. For the main part these stand on the boundaries of the site, but in addition there is a larger group that stand in the south east corner of the site. This group was protected by Tree Preservation Order, as a direct response to the submission of the former outline planning application that was granted permission in 2008. Two trees from this group are proposed to be felled on arboricultural grounds because of the condition of the trees. A further protected tree which stands on the boundary of the site in the middle line of the existing cul-de-sac is also proposed to be felled. Its removal was considered in relation to the Outline permission and is essential to facilitate vehicular access to the site.

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4. Relevant Planning History:

DER/04/07/00701 Residential development with means of access from Bosworth Avenue. Granted with conditions 02/01/2008.

5.0 Implications of Proposal:

5.1. Economic:

None.

5.2. Design and Community Safety:

The design of the proposal is similar in layout to the notional scheme that was granted Outline planning permission. The house types are fairly basic but not objectionable. The house types don't seek to emulate the design of the existing dwellings on the approaches to the site, on Bosworth Avenue, but will result in a clear definition between the older existing dwellings and the new dwellings.

5.3. Highways – Development Control:

The following comments are made in relation to drawing reference no. 4078/A10 unless otherwise stated.

The application has been subject to previous comments and it has been noted that these have been incorporated into the current layout.

Recommendation:

No highway objections subject to the following;

Condition:

No development shall take place unless and until a scheme for the redundant turning head has been submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority. The area of land is currently the Public Highway. No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason:

In the interests of highway safety.

Highways – Land Drainage:

The following comments were received prior to the recent receipt of more detailed submission with regard to drainage. Revised comments are anticipated from the Land Drainage and will be reported orally at committee. In the absence of these comments on the more detailed submission the original comments are reproduced.

The application form does not state how the development is to be drained.

Without a clear scenario of how the development is to be drained I object to the application.

If you wish to proceed with granting the application I would advise that the approval is conditioned to include:

1) No development should take place until both foul and surface water sewerage scheme have been approved by the local planning authority.

2) The development to be drained in accordance with Annex F7 - F12 of PPS25.

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- 3) Runoff from a one in 100year plus climate change rainfall event is to be retained on the site and calculations to that end are to be approved by the local planning authority.
- 4) Calculations to determine:
 - a) The present or pre-developed surface water discharge rate pro rata IH124 as for urban development.
 - b) A limiting device for the surface water to a) above
 - c) To ensure that habitable rooms do not flood with that device in place.
- 5) Flood path to be indicated to show where runoff in excess of the one in 100year plus climate change rainfall event will flow.
- 6) Route of the present drainage to be determined and indicated on a drawing with evidence that these routes are being used.
- 7) Surface water runoff should be prevented from running over the public highway.
- 8) The levels of the habitable floors need to be as agreed with the Local Planning Authority.
- 9) A drainage statement from the Sewerage Undertaker.
- 10) That there will be set up a responsible establishment to maintain the drainage system.
- 11) A geotechnical study is made that includes the permeability of the subsoil in accordance with BRE 365.
- 12) That the area between the principle elevation and the highway shall be constructed in permeable materials.

Reasons:

- 1) To ensure that the development is provided with a satisfactory means of drainage and to minimize the risk of pollution.
- 2) To reduce the risk of creating or exacerbating flooding and to protect or improve water quality.
- 3) To reduce the risk of creating or exacerbating flooding.
- 4) To prove 3 above
- 5) To determine the route of runoff of the extreme event.
- 6) To confirm the areas drained at present and to avoid pollution of the environment.
- 7) For safety of users of the highway.
- 8) To ensure safety of the users of the development.
- 9) To establish if there are sewers in the area that do not flood and that there is capacity in the sewerage system.
- 10) To ensure safety of the users of the development and avoidance of pollution in time of flood and thereafter.
- 11) To ensure that there is a proper means of disposal of surface water in accordance with the application.

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12) To accord with the requirements of Class F of the General Permitted Development Order 2008.

Highways – Structures:

None

5.4. Disabled People's Access:

Disappointment is expressed that the dwellings are not shown as being built to lifetime homes standards and it is advised that at least two, but preferably all of the dwellings should be built to this standard. The Section 106 agreement that was reached with regard to the outline planning permission only required one Lifetime Home to be provided. I can see no grounds to increase this number at this reserved matters stage.

5.5. Other Environmental:

A site investigation has revealed that parts of the land are made up, and that there is some contamination within the site.

6. Publicity:

Neighbour Notification Letter	36	Site Notice	Yes
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

Eight letters of objection and one letter of comment have been received to the proposals. No comments have been received with regard to the amended proposals.

The grounds for objection are in summary:

- The increase in the numbers of dwellings from the notional 14 suggested in the outline proposal.
- The traffic flow previously predicted will be increased.
- The proposed dwellings are not going to be for owner occupation.
- The traffic that would be generated particularly heavy construction traffic would potentially damage to private sewer that runs across the end of the Bosworth Avenue cul-de-sac. This could cost everyone in the street who are jointly responsible for its maintenance. Residents of Bosworth Avenue want written confirmation that the developer or the Council would accept liability for any damage caused to the sewer.
- The proposal is for low cost housing and the area already has a lot of low cost housing with the associated problems and additional low cost housing may increase this.
- Potential for existing properties to be overlooked.

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- The design of the new houses isn't in keeping with the existing properties.
- Bosworth Avenue is not big enough to cope with a development of the size proposed.
- The increase in traffic generated by the proposal would turn Bosworth Avenue into a dangerous road which is considered already at capacity and the narrow carriageway is already difficult to negotiate when cars are parked on the highway.
- The destruction of trees which at present screen part of the site.
- Dust, dirt and pollution, noise and disturbance during the course of construction.
- Damage to the road and pavements during the course of construction.
- The existing houses would be devalued by the addition of low cost housing.
- Concerns over liability to repair damage to driveways and private sewers caused by trees on the application site.
- Insufficient parking provision within the site.
- Affect on wildlife.
- Objection to Bosworth Avenue being the means of access to the site.

These representations have been made available in the Members Rooms.

8. Consultations:

8.1. Natural Environment (Tree Officer):

The following comment was made prior to the receipt of further amended plans. Any comments that may be made in connection with the latest amended plans will be reported orally at the meeting.

This amended layout does address arboricultural concerns that have recently expressed. Whilst not totally eliminating problems that potential occupiers might experience with the trees they are definitely on a more reasonable level and on that basis I've no objections.

Recent activity on site would suggest that the applicant is keen to start as soon as practically possible and on that basis the submission of a Tree Protection Plan should not be left to condition.

8.2. Environmental Services (Landscape):

Having had a look at the plans I assume that the areas either side of the entrance to the site will be Public Open Space. If this is the case then I am happy with the proposals.

8.3. Environmental Services (Health – Pollution):

It is noted that a Phase I and II Ground Investigation was conducted for this site. This reveals that contamination was discovered on site and as a result, it is recommended that conditions are attached to any consent requiring:

- In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will be required for approval. This should outline how any unacceptable risks from the

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contamination will be mitigated. It should also detail proposals for validation of the remediation works.

- All of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved in writing by Derby City Council, prior to the development being occupied.

Noise

There is a history of complaints from local residents regarding noise from the Tesco Store adjacent to the site. Consequently, it is strongly recommended that a comprehensive noise survey be undertaken, assessing the site against the criteria contained in BS4142, or other suitable methodology to be agreed by the Local Planning Authority.

If this should indicate that mitigation works are required, a scheme must be submitted by the developer for approval by Derby City Council before the development proceeds.

Demolition/Building Works

I note that the proposal will involve some demolition and building works. Given the proximity of residential properties, I advise that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours.

There should be no bonfires on site at any time. I would suggest an advisory note on any planning consent regarding these matters.

8.4. Police Liaison Officer:

Crime levels remain average in this area. Dwelling burglary and car crime figures fluctuate but all in all, this residential area remains a relative safe and popular place in which to live.

Site Specific Comments

A cul de sac arrangement without leakage is still one of the most desirable and safest locations in which to live. This proposal is generally well laid out with good use of natural surveillance, defensible space and within curtilage car parking. Surveillance is good and from within the main habitable rooms of each dwelling.

My only concern with this amended layout is with the open spaces each side of the entrance. Left over and uncontrolled land can be a source of many problems. It is the cause of misery from nuisance and anti social behaviour when small areas of space such as these are situated next to the end gables of dwellings and they are exploited and become areas prone to anti social behaviour and nuisance.

It is especially noticeable within similar developments after the first few years as the resident's children grow up. These plots of land offer ideal conditions being unobserved and result in additional demands on and calls for Police and Council services. They can also be areas exploited and prone to unwelcome dog fouling.

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All spaces should show a use or show territorial ownership to avoid nuisance and exploitation and are better placed within the curtilage and under the control of a dwelling.

I would suggest that the feasibility of plots 14 and 15 becoming detached dwellings with one occupying the left over entrance space is explored as an option to remove the potential anti social behaviour and nuisance that this area may provide not only to the new residents but the existing neighbouring properties whilst maintaining the turning head and increasing surveillance into the layout. I am sure a design could also accommodate the retained trees as part of the solution.

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

GD4	Design and Urban Environment
GD5	Amenity
GD8	Infrastructure.
H12	Lifetime Homes
H13	Residential development –General Criteria.
E9	Protection of trees.
E10	Renewable energy
E17	Landscaping scheme.
E23	Design
E24	Community safety.
L2	Public Open Space Standards.
L3	Public Open Space requirements in New Development
T4	Access, parking and servicing
E12	Pollution
E13	Contaminated Land
E7	Protection of habitats.

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the adopted CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The application is for the approval of certain reserved matters following the granting of Outline planning permission in January 2008. The principle for residential development of this land, with access taken from Bosworth Avenue is therefore already clearly established.

The current proposal is to establish acceptability for the layout, scale and appearance of the proposal, the appropriateness of the boundary treatments and energy conservation measures to be adopted.

Highway Layout.

When the outline planning application was submitted it was accompanied with a notional site layout indicating a potential 14 dwellings for the site and a layout for a central road as a cul-de-sac extension to the existing cul-de-sac of Bosworth Avenue. When Outline planning permission was granted conditions attached to that permission made it clear that the details included on the notional plan, including the numbers of

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dwelling, the layout and position of the highway were not included as part of the permission however the position of the access to the site off the head of the Bosworth Avenue cul-de-sac was agreed.

The current proposal being presented to Committee is for a development of 15 dwellings. It proposes a highway layout that incorporates a turning head just inside the application site, which is to be constructed to adoptable standards. The further 37 metre length of highway would include a further turning head and be retained as a private road. The adoptable length of road and turning head should improve the turning situation at the head of the existing Bosworth Avenue cul-de-sac which is currently substandard and creates turning difficulties for large vehicles, including the Council's refuse vehicles which often have to reverse into or reverse out of Bosworth Avenue.

The layout within the site is considered to be acceptable. There are still some details that need to be resolved with the existing turning head which will become redundant and it is proposed that these be the subject of a condition attached to any approval that may be granted. The redundant part of the existing cul-de-sac would no longer be required for highway purposes but it will be necessary to ensure that neighbouring residents will still be able to cross over the redundant highway to connect with the new highway arrangement.

The number of dwellings has increased by one over and above the 14 shown on the notional scheme that accompanied the Outline application. This will have a small additional impact on the amount of vehicular and pedestrian traffic entering and leaving the site and the level of parking provision. Off street parking would be available for a total of 27 cars for residents, two spaces each for 12 of the dwellings and one space each for 3 of the dwellings. A further two spaces for visitors are also provided. This is in excess of the 1.5 car spaces per dwelling recommended in the adopted City of Derby Local Plan Review.

No objections have been raised by the Highways Division to the additional traffic that will use Bosworth Avenue once the development is completed and the car parking provision is also considered to be acceptable.

Land drainage.

It is intended to use sustainable drainage methods to handle the surface water drainage requirements of the site. An innovative sustainable method for draining the surface water access road is proposed. Amended details for this have only recently been received and these have been sent to for further consultation with the Land drainage team and Severn Trent Water. I hope to be able to report their comments orally at the meeting.

Design and Layout

The house types are acceptable if somewhat basic and lacking any distinctive character. Their design makes no attempt to reproduce the character of the dwellings on the approaches to the site which are of a late 1960s early 1970s style. In this suburban location the area has a very wide variety of house types and these would be simply a further addition to that mix. I would not expect the new dwellings, to match the houses on Bosworth Avenue, and the development will be seen as a self contained development, retained and maintained by a Housing Association.

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The area of the site is approximately 0.4 of a hectare and with the 15 dwellings proposed, the density would be approximately 37.5 dwellings per hectare which is comfortably in line with the minimum average density of 35 per hectare required by Policy H13 the adopted CDLPR. The proposal is denser than much of the surrounding development but this is to be expected with the national and local requirement to increase the density of residential development to meet minimum standards to improve sustainability.

This also impacts on the size of gardens and separation distance between existing and proposed development. A number of the rear gardens are shorter than the average 10 metre depth of rear garden that are required for a straight, rear elevation to rear elevation relationship between habitable rooms of neighbouring properties. In the main part however the longer than average length of rear gardens of existing dwellings allows for the appropriate separation distance between dwellings to be maintained. In the north east corner of the site, however, the rear gardens of 12 and 14 Sunnyhill Avenue are themselves quite short so privacy between dwellings is not so easily maintained. The relationship between dwellings is not however face to face but at an angle so that views between dwellings will be reduced. I do however consider that for greater level of privacy to be attained, limited aspect windows could be installed at first floor level to the dwellings on plots 7 – 9. Amended drawings have been received showing limited aspect windows and I believe that their use will adequately help to retain privacy between these dwellings.

The footprint of the individual dwellings is somewhat larger than those shown on the notional Outline scheme, however the Outline scheme showed all of the dwellings to be at 2.5 storeys high. The current proposal is for mainly 2 storey dwellings, with only one 2.5 storey pair. In my view the 2 storey development would be more in keeping with the predominantly 2 storey character of the existing surrounding dwellings and the greater footprint is a reasonable way of achieving a similar floor space to that proposed on the notional Outline scheme.

Although the proposal sits in fairly close proximity to a Locally Listed Building, the proposed development lies to the rear of the Tesco Supermarket and will not be seen from Stenson Road, which is the principle elevation of the building and its most important and characterful elevation. I don't consider that the design of the dwellings and the layout of the site will result in any significant detrimental impact to the appearance of the setting of the Locally Listed Building.

The Police Architectural Liaison Officer is fairly satisfied with the overall layout of the proposal but has highlighted concerns with regard to the two open areas that lie either side of the access point into the site. These are the areas that on the western side of the access provide an area of landscaping and 2 visitor parking spaces and on the eastern side of the access provide a landscaped area on which the trees protected by a Tree Preservation Order stand. In his view areas of land that are not within the direct control of adjoining residents, can become a focus for antisocial behaviour. The land on which these trees stand was initially to be developed with houses. It was my view however that the relationship between these trees and the proposed dwellings would probably result in damage to the trees, poor living conditions for residents who would be living in dwellings close up to or beneath the canopy of the trees, or future requests to fell or severely prune back the trees. In my opinion the trees are an important part of the streetscape and I don't consider that it would be possible to build beneath on the area

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of land close to the trees without prejudicing their survival. The area of land opposite doesn't have the same constraint but is intended to provide an area of communal visitor parking and it is unlikely to be reasonable to incorporate the parking spaces into a private curtilage. It would be possible for the two landscape areas of land to be incorporated into private curtilage but the TPO area would make a very large garden with a fairly heavy maintenance responsibility for the occupier, and to be effective they would have to be fenced off. This is something that the applicants may wish to consider. As the site is intended to be maintained by the Housing Association, I would expect them to maintain the land for the community to appreciate but the lack of on site supervision would not help to prevent any potential misuse of the land. It is a matter of judgement as to whether the areas of land would be better allocated as gardens or whether they would be better kept as communal landscaping.

Amenity considerations.

As I have already mentioned above, some the proposed dwellings to the eastern side of the site have shorter gardens than is average for a new development. This has implications for the amenity of the immediate neighbouring properties, I have already commented on loss of privacy between habitable rooms of dwellings. In addition there are massing, overbearing and overlooking impacts to consider. The closest position of the proposed dwellings to the boundary with a neighbouring dwelling is on plot 9 where one corner of the dwelling lies 4.5 metres from the boundary with neighbouring properties. More generally the distance is between 7.5 and 10 metres. Even at the closer distance I don't consider that the proposals would result in so significant loss of amenity for neighbours through massing, overbearing and overlooking as to warrant refusal. I would however consider it prudent to remove permitted development rights for those dwellings where the rear garden depths are less than 9 metres in depth to enable the Council to retain control over future extensions in the rear gardens of the properties where they are most likely to impact on the neighbours.

Trees and Arboricultural considerations.

The proposal requires the loss of a number of trees that stand within the site, certain of which (those in the south eastern corner of the site) are protected by a Tree Preservation Order. Some of these trees stand on the northern, eastern and southern boundaries of the site, two stand within the protected group of trees in the area to the south east and one which is also protected stands directly in line with the proposed vehicular access at the head of the Bosworth Avenue cul de sac. The trees to be removed include ash trees, weeping willow, hawthorn, and elder.

The Outline planning permission that was granted already accepted the loss of the ash tree that stands on the line of the vehicular access as the only position that access could be achieved to facilitate the development of the site. Most of the other trees that are to be removed are either in poor condition or are not significant visual specimens or both of these.

The amended proposals that deleted two dwellings from the proposal were negotiated to some extent to remove a conflict between retention of some of the tree that are in the protected group, and the need to ensure good living conditions in the closest dwellings. Fewer trees within the protected group would now be lost or would have their future prejudiced.

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The revised proposals have been agreed with the Tree Preservation Order officer.

Pollution.

When the Outline planning application was considered there was no indication that the site may be contaminated. However site contamination investigations have now been undertaken which have identified levels of contamination within the site which need to be mitigated if the site is to be developed for residential purposes. This has been taken into consideration in the design of the scheme by the applicants, who assert that the contamination can be mitigated without any need to significantly alter land levels. To ensure that the contamination can be dealt with satisfactorily, a condition will need to be attached to any decision that may be granted requiring the submission of a full contaminated land mitigation strategy.

Noise pollution concerns.

When the Outline application was originally under consideration in 2007, concern was given to the relationship between the public house and the proposed dwellings that would be closest to that building, a matter of only 12 metres away, principally with regard to noise disturbance originating from the public house and how this would impact on potential residents. Noise would be expected from customers both inside the building and outside using the residual pub garden particularly late into the evenings, noise generated by special events that may take place within the building (for example disco's or karaoke) and also from noise generated by mechanical devices such as air conditioning units, refrigeration units extractor fans etc. At that time the applicant for the residential development was the brewery that also owned the public house and it would have been possible to require mitigation for noise to be the responsibility of the brewery. As this ownership link is now broken, it will not be possible to impose mitigation requirements onto the Tesco Express owners. I do however consider that the mode of operation of the supermarket is likely to result in less noise from customers that would the public house. When permission was sought for the installation of new air conditioning /refrigeration equipment for the Tesco Express last year, noise emissions were of concern in anticipation of the residential development of the current site, and acoustic fencing was shown on the application drawings installed around the new equipment. In addition, conditions were attached to the permission for the new refrigeration units requiring them to be maintained and serviced to the manufacturer's specification and the air conditioning units for the cash office and sales floor were conditioned to only be operated between 07:00 and 23:00 hours to protect the amenities of neighbouring residents. It is hoped that these measures that anticipated the development of this site would have gone a long way to reduce noise nuisance. Nevertheless I consider it prudent to require a further sound survey by condition and a mitigation strategy developed to ensure that future residents are not significantly affected by noise for the equipment.

Energy issues.

The design and access statement specifies that the scheme will achieve at least a 25% improvement over the Building Regulation Document L (2006) for the conservation of fuel and power. Amongst other measure this would include the installation of solar powered heating, energy efficient lighting, white goods with an A+ energy rating external washing lines etc. I am satisfied that these would meet the requirements of CDLPR Policy E10.

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All individual properties are intended to be provided with a lockable timber shed, which will allow the storage and encourage the use of bicycles.

Response to third party comments.

In response to the objections received from neighbouring residents I make the following comments.

With regard to the increase in the number of dwellings proposed over the 14 suggested in the Outline planning permission and the potential for loss of neighbouring amenity. Firstly, the total number of dwellings proposed in the original Outline permission was not specified and the number of dwellings indicated on the submitted layout was only notional in the Outline scheme. The number of dwellings proposed has been reduced from the 17 that was originally shown in this reserved matters proposal to 15, an increase of one over the notional layout. Although some concern was expressed over the original notional layout and the relationship with neighbouring dwellings proposed in the notional scheme, I don't consider the current proposal with its density of 37 dwellings per hectare would be so detrimental to neighbouring amenity as to warrant refusal. I have referred to privacy massing and enclosing impacts on neighbours above, under the heading amenity considerations.

With regard to concerns raised over the provision of low cost housing, the Outline application did not specify what form of tenure was being proposed for the development although from the notional house types proposed at that time it may have been assumed that they would have been private houses for sale. The fact that the proposal is now for affordable housing to be managed by a housing association has resulted in some concern by neighbouring residents that the development would devalue neighbouring property values and result in "problems". As Committee members will be aware, the effect of a development on neighbouring property values is not a material planning consideration and cannot be taken into account in determining a reserved matters application. Concerns over future "problems" that may result because of the fact that this is to be low cost housing would appear to be a prejudiced view over the behaviour of the future applicants, which cannot be justified. Committee members will be aware of current council practice to disperse affordable housing throughout the City, in order to avoid concentrations of low cost housing in certain areas. This site is in a location where the immediately surrounding houses are for the main part privately owned market housing. This does in my view fulfil this aim of dispersal. Although the housing is to be owned and managed by a housing association, the Council will initially have 100% nomination rights over the future residents. The scheme should therefore, help meet the Council's established housing needs requirement.

Concerns over the use of Bosworth Avenue as the means of access to the site are raised, including worries that the road is too narrow to cope with the additional traffic that the scheme would generate. The Highways Division has made no objection to the use of Bosworth Avenue which is able to cope with the additional traffic. Outline planning permission has in any case already been granted for the development of this site with its vehicular access taken from Bosworth Avenue. No other point of access is available.

Concerns are expressed over the impact of construction traffic, from the point of view of noise and disturbance, generation of dust and pollution and the difficulties that would result in using Bosworth Avenue if large construction vehicles have to negotiate their way past cars that are parked on street. It is inevitable in most situations where

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development is carried out that existing occupiers will be affected by the construction process. Current nationwide and local planning policies for sustainable development positively encourage development in previously developed areas to make the best use of unused or poorly used land and to concentrate development where existing resources and infrastructure can be used more efficiently, and where proximity to existing resources minimises the need for increased journey lengths. With policies such as these the negative affect on residential amenity of developing close to and within existing housing areas is always of concern. The detrimental affects of the construction process are however only temporary. The Environmental Health Officer has suggested that a limitation on the hours of working may be advisable. In Derby ,such a limitation is not normally imposed by condition and I don't propose to depart from the usual procedure in this case. An advisory note could however be attached advising of the need to respect neighbouring residents amenity.

With regard to the difficulties large vehicles may have in negotiating Bosworth Avenue and around parked cars, this will be an inconvenience for residents and developers, but is not a reason to refuse planning permission and will need to be resolved by the co-operation between the individuals concerned.

It is the responsibility of the developer to ensue that the highways are kept free from mud or other deposits on the highway.

The level of parking provision within the site has been raised as a cause for concern by residents however this has been referred to above and as stated the level of provision proposed is in excess of the level required by the policies of the CDLPR.

Concern is expressed at the possible damage that may be caused to the private sewers that serve Bosworth Avenue, particularly across the head of the cul-de-sac, as a result of large construction vehicles using Bosworth Avenue. The sewers are not adopted by the Severn Trent Water, and residents who have a shared responsibility for their maintenance are concerned that they will have to foot any bill for repairs that may result from damage to the sewers caused by the construction process. Although I accept that this is a concern to those who share the responsibility for the maintenance of the sewer, this is not in my view a material planning consideration. Bosworth Avenue is a public highway, which may be used by anyone, therefore the developer cannot be prevented from using it and permission has already been granted in Outline for the principle of the vehicular the access to be created off the end of the cul-de sac. I am uncertain as to where the legal responsibility would lie with regard to the repairing any damage that may result as a result of vehicles using the highway but assume that it would remain with the existing residents.

Concern has been expressed with regard to liability for repairs to sewers and driveways that may result from the action of tree roots from trees within thee application site. This is not a matter relevant to this Reserved Matters application.

Concern is expressed with regard to the loss of some of the trees within the application site. I have already referred to this above. For the main part the trees that are protected by Tree Preservation Order are to be retained and the visual amenity that they provide in the area will not be significantly affected.

Concern is also raised with regard to the affect of the proposal on wildlife. This matter was considered when the Outline planning application was determined. No objections

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were raised by Derbyshire Wildlife Trust although they did recommend that as many trees and hedgerows as possible should be retained and that in line with the recommendation of the then applicants ecological report, bat roosts and bird nesting boxes should be incorporated into the development. This was required by a condition on the Outline planning permission.

Concern was expressed that the house types do not match and are unsympathetic to the appearance of the existing houses on Bosworth Avenue. I have commented on this matter above. Although the houses proposed are fairly simple in their design and do not reproduce the style of the existing houses on Bosworth Avenue, I don't consider them to be unacceptable in design terms. The proposals are clearly from a different time period than the original dwellings on Bosworth Avenue and are intended to fulfil a different role in providing low cost housing. I am satisfied that with the visual separation between the existing dwellings and the proposed dwellings that will result from the retention of the area of trees and the gap in the developed frontage, will serve to make a clear and satisfactory transition between house types.

Section 106 Agreement

I don't consider that any of the objections raised by neighbouring residents provide grounds to refuse this application for the approval of reserved matters.

A Section 106 agreement is already in place for the site that requires contributions for public open space provision, one lifetime home and provision for highway improvements. This will be carried forward with the current application should it be granted planning permission.

Conclusion.

The proposal will, in my opinion, result in an acceptable form of housing development that meets the density that requirements of the CDLPR. It will go towards meeting affordable housing targets within the City with a sustainable development that will utilise underused land and reduce the need to develop land in the countryside and outside of the existing developed framework of the City.

11. Recommended decision and summary of reasons:

11.1. To grant approval details with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the policies of the CDLPR and all other material considerations. It is considered that the proposal would result in a satisfactory form of development that should provide a valuable contribution to the affordable housing requirements of the City.

11.3. Conditions:

1. Standard condition 100... approved plans
2. Standard condition 44... landscaping scheme
3. Before the development is brought into use those parts of the site to be hard surfaced or used by vehicles shall be properly laid out, drained and surfaced in accordance with the submitted and approved details.
4. No development should take place until details a both foul and surface water sewerage scheme have been submitted to and approved in writing by

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the local planning authority. The details that are to be submitted with this scheme shall include the following.

- (a) The development to be drained in accordance with Annex F7 - F12 of PPS25.
 - (b) Runoff from a one in 100year plus climate change rainfall event is to be retained on the site and calculations to that end are to be approved by the local planning authority.
 - (c) Calculations to determine:
 - (i) The present or pre-developed surface water discharge rate pro rata IH124 as for urban development
 - (ii) A limiting device for the surface water to (i) above
 - (iii) To ensure that habitable rooms do not flood with that device in place.
 - d) Flood path to be indicated to show where runoff in excess of the one in 100year plus climate change rainfall event will flow.
 - e) Route of the present drainage to be determined and indicated on a drawing with evidence that these routes are being used.
 - f) Surface water runoff should be prevented from running over the public highway.
 - g) The levels of the habitable floors need to be as agreed with the local planning authority.
 - h) A drainage statement from the Sewerage Undertaker is required.
 - i) That there will be set up a responsible establishment to maintain the drainage system.
 - j) A geotechnical study is made that includes the permeability of the subsoil in accordance with BRE 365.
 - k) That the area between the principle elevation and the highway shall be constructed in permeable materials.
5. Before any development is commenced a scheme for protecting the proposed dwellings from noise from the adjoining retail premises shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
6. The first floor windows to bedrooms in the rear elevation of the dwellings on plots 7, 8 and 9 shall be controlled aspect windows in accordance with the details shown on the amended plans, plan number 4078/C4, received on 4 June 2010.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no extensions shall be constructed on the dwellings on plots 7,8,9,10,11,12,13,14 and 15, unless otherwise agreed in writing with the Local Planning Authority
8. Standard condition 106 site contamination.

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9. Standard condition 107 Submission of a contaminated land remediation scheme.
10. Standard condition 108 ...implementation of contaminated land remediation scheme.
11. The materials to be used for the external surfaces of the proposed dwellings shall be in accordance with the details submitted as part of the application unless otherwise agreed in writing with the Local Planning Authority.
12. The construction of the dwellings shall incorporate those energy efficiency measures that are specified in sheet F of the Building for Life Statement that was submitted as part of the planning application on 6 January 2010.
13. The conclusions and recommendations made in the Ecological Report submitted as part of the original Outline planning application, reference number DER/04/07/00701 shall be implemented in their entirety in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.
14. Before any development is commenced, including removal of any trees, a survey of roosting bats in the trees and the potential for roosting bats shall be undertaken. This shall be in the form of a roost survey to determine the nature of any bat presence on site. Depending on the results of the survey, necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority and all such agreed measures shall be implemented in their entirety. A DEFRA licence shall be secured to legitimise destruction of any bat roost.
15. Prior to the development being brought into use, those boundary treatments that are submitted as part of the reserved matters application and shown on drawings 4078/A10 And 4078-211 shall be implemented, unless an alternative scheme has been submitted and agreed with the Local Planning Authority.
16. No development shall take place unless and until a scheme for the redundant turning head has been submitted to and approved in writing by the Local Planning Authority in association with the Highway Authority.
17. No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
18. During the period of construction works all trees hedgerows and other vegetation to be retained, including any which are on adjoining land but which overhang the site, shall be protected in accordance with BS:5837:1991 ("Trees in relation to construction") and in accordance with the tree protection plan as detailed on drawing number 09.850.002 revision

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D. The date of its construction of such protection and its completion shall be notified in writing to and agreed in writing by the Local Planning Authority before any other site works commence. The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protected zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.

11.4. Reasons:

1. Standard reason E04...for the avoidance of doubt.
2. Standard reason E18 ... in the interests of visual amenity and in accordance with policy E17 of the City of Derby Local Plan Review.
3. Standard reason E21...To ensure satisfactory drainage and in accordance with policy GD3 of the City of Derby Local Plan Review.
4. Standard reason E21...To ensure satisfactory drainage and in accordance with policy GD3 of the City of Derby Local Plan Review.
5. To protect the amenity of future residents from noise and in accordance with Policy GD5 and H13 of the City of Derby Local Plan Review.
6. Standard reason E38 protection of neighbouring amenity and in accordance with CDLPR Policy GD5.
7. Standard reason E38 protection of neighbouring amenity and in accordance with CDLPR Policy GD5.
8. Standard reason E54... land contamination ...and in accordance with policy E12 of the CDLPR.
9. Standard reason E54... land contamination ...and in accordance with policy E12 of the CDLPR.
10. Standard reason E54... land contamination ...and in accordance with policy E12 of the CDLPR.
11. Standard reason E18 ...visual amenity... and in accordance with policies GD4, H 13 and E 23 of the City of Derby Local Plan Review.
12. Standard reason E51... energy consumption and in accordance with policy E10 of the City of Derby Local Review.
13. In the interests of wildlife preservation and in accordance with policy E7 of the adopted City of Derby Local Plan Review.
14. In the interests of wildlife preservation and in accordance with policy E7 of the adopted City of Derby Local Plan Review.
15. Standard reason E28... to protect the amenity of nearby residential properties and in accordance with policy E23 of the City of Derby Local Plan review.
16. To ensure a satisfactory road layout is created with the redundant turning head in the interests of amenity and highway safety and in accordance with policies GD4 and T4 of the City of Derby Local Plan Review.

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Application No: DER/01/10/00010

Type: Reserved matters.

17. In the interests of good highway design and in accordance with policy T4 of the City of Derby Local Plan Review.
18. Standard reason E32 ...visual amenity and tree health and in accordance with Policy E9 of the City of Derby Local Plan Review

11.5. Informative Notes.

The applicant is advised that to protect the amenity of residents during the course of construction of the development, noisy works should be limited to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays to prevent nuisance to neighbours.

There should be no bonfires on site at any time..

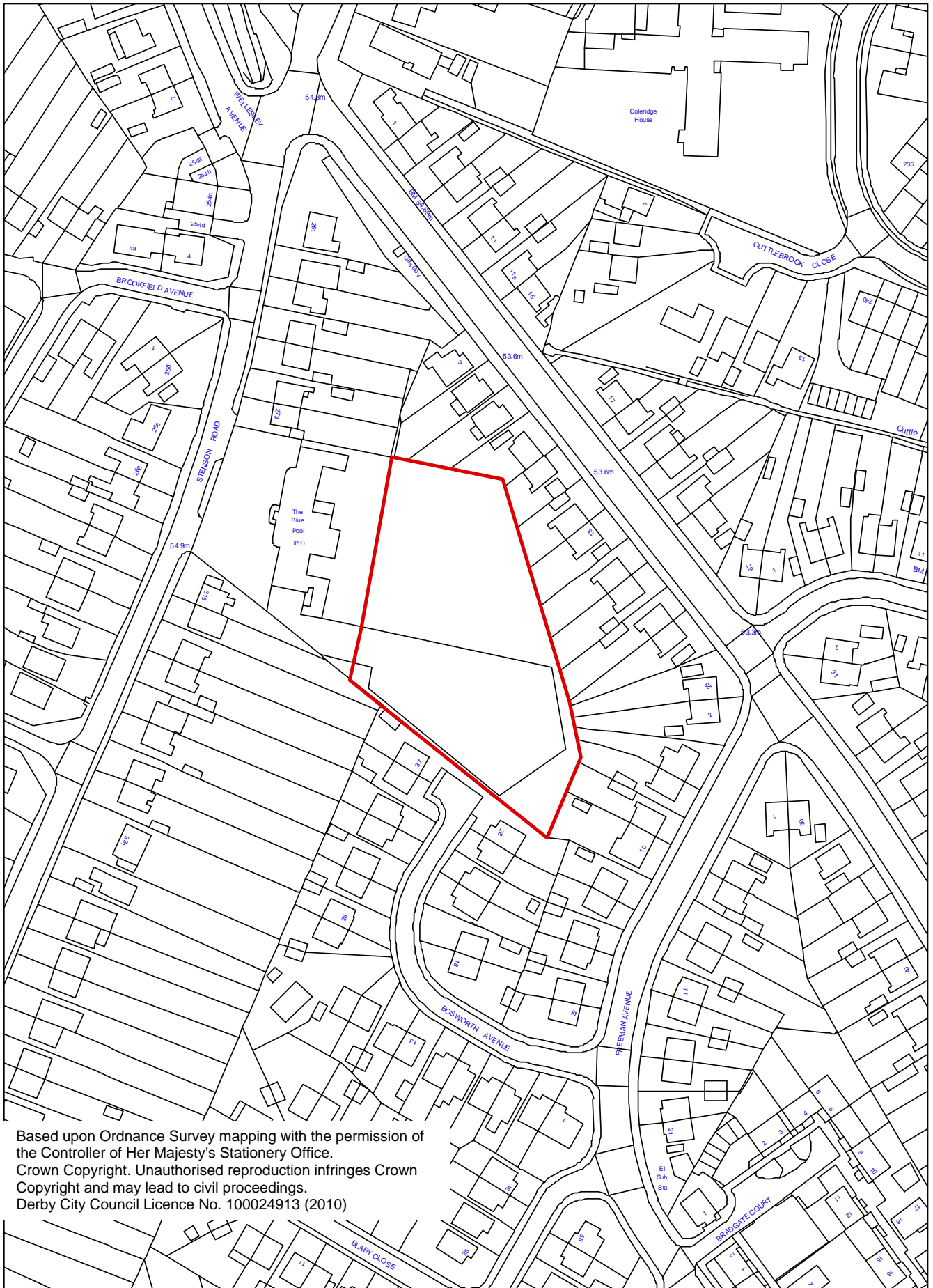
11.6. Application timescale:

The 13 week expiry date was 15 April 2010. The application has been subject to extensive negotiation and resubmission of amended plans and re-consultation with consultee's and third parties.

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Application No: DER/01/10/00010

Type: Reserved matters.



Committee Report Item No: 10

Application No: DER/08/09/00986

Type: **Full**

1. **Address:** Royal Derby Hospital, Uttoxeter New Road

2. **Proposal:**
Erection of School of Nursing

3. **Description:**

This item was deferred at the 18 March Planning Control Committee to await the submission of the Travel Plan for the Royal Derby Hospital. A draft final Travel Plan was issued by the Trust to the Council in Mid May, initial comments incorporated and a press statement agreed. The application is reported back for Members' further consideration.

An update on the Travel Plan will be given at the meeting. Briefly, in relation to the School of Nursing, the Trust has indicated its efforts in promoting the Parking Partners scheme for car sharing, increased investment in public transport, and encouragement of other means of transport by means such as the 'Walk to Work' week and a forthcoming 'Cycle to Work' week.

In addition, further discussions have been held on the Section 106 and the University's contract with students regarding parking within a specified zone.

I have reproduced in this report the substance of the report to the March Committee.

This proposal is for a building to accommodate the teaching spaces and support services for the School of Nursing. The facility will be managed by the University of Nottingham, in conjunction with the existing Medical School adjacent to the site. It will replace the School of Nursing which is currently still located at the former DRI site on London Road.

The site is located within the hospital campus adjacent to the Education Building and between the Medical School and the main hospital building (Children's Hospital). The site slopes down from the Medical School to the main building creating a storey change between these buildings. The site is currently grassed, has a disused play area and allows emergency evacuation from the Children's Hospital. It is enclosed on three sides by the existing buildings and access to the building is proposed via a link corridor to the Education Building which itself links with the Medical School and the main hospital.

The proposed building is generally three storeys in height reducing to two storeys facing the Children's Hospital, which is two storey and at a lower level. The Medical School and Education Building are predominantly four storeys in height and consequently have a more dominant impact.

The design of the building reflects those adjoining with the use of red facing brick, grey and white cladding systems, metal monopitch roof and flat roof on the two storey section.

The internal space comprises classrooms, office space, common rooms and reception and associated office space. The scheme will consolidate the existing teaching facilities, replacing those at the former DRI, for nursing students on Registered Nursing, Midwifery and Physiotherapy courses at degree and diploma levels. It will bring together classroom based studies with clinical skills based training

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Type: Full

all on the same campus and share the use of academic facilities in the Medical School and Education Building. It is intended to accommodate a maximum of 420 students and 52 staff (full and part time). Of the staff, 6 are already based at the hospital with 43.5 (full time equivalent) intended to relocate to this campus. The majority of student nurses gain practical experience at the Royal Derby Hospital during their studies and with the use of the Education Centre and Medical School most already visit and work on the campus but have to travel to the DRI for classroom facilities. The Applicant advises that of the 420 students, 360 already work at the new hospital and the other 60 access the site to use the University medical library.

As submitted, apart from an additional provision for 40 cycles, no additional parking was provided for vehicles. However, as part of the discussions on the application, a further 15 car spaces are proposed. These spaces are located to the north of the undercroft spaces at the eastern end of the medical school on sloping ground between the latter and the Children's Hospital. A new access road would be provided to access these spaces.

A revised Travel Plan for the entire hospital is being prepared by the Trust, which will include this development. This is now submitted.

4. Relevant Planning History:

There are several permissions relating to the main hospital development; the main ones relevant to this development are:

DER/1299/1498, outline planning permission granted in January 2002 to demolish the older parts of the existing hospital and to rebuild a new hospital at the City.

DER/1201/1567 – Erection of a Medical School, granted 2002.

DER/1002/1513 - reserved matters for the new hospital, approved 20 December 2002.

DER/03/03/00454 –Erection of education facility building, granted 22 April 2004

5. Implications of Proposal:

5.1. Economic:

The scheme will provide a high quality teaching facility to enhance the education courses offered by the University of Nottingham and will replace the current facilities at the former DRI. Nursing staff are a key component of the hospital and it is considered vital to attract, train and retain nurses. The hospital is a major employer providing vital health care services.

5.2. Design and Community Safety:

The hospital campus consists of a wide variety of building sizes, heights and style which have developed over time. The scale and massing of the proposed building is designed to step down from the four storey adjoining newer buildings to the lower scale older hospital buildings. The style complements the newer buildings with materials reflecting the external treatment of the nearby buildings.

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The building is located well within the hospital site some distance from the hospital site entrances and will benefit from existing security arrangements. The access to the building is via the Education Building and, therefore, more secure. There would be no anticipated impact on the locality in community safety terms.

5.3. Highways – Development Control:

There are now 15 additional parking spaces provided with 40 cycle spaces. The Transport Statement suggests 6 staff already work at the site and 43.5 FTE staff will transfer from the DRI and that most students already work at the hospital site. Further information is referred to in Officer Opinion below.

Highways – Land Drainage:

recommends conditions relating to further drainage information including any amendments to the hospital drainage system.

5.4. Disabled People's Access:

Building accessibility will be delivered by Building Regulation guidance. Disabled people's parking is available at the existing Medical School.

5.5. Other Environmental:

Drainage from the development will be connected to the hospital systems which are understood to have capacity for this development.

With respect to sustainability, the facility will be designed to BREAM rating of 'very good'. The site is close to public transport routes.

6. Publicity:

Neighbour Notification Letter		Site Notice	
Statutory Press Advert and Site Notice	yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

Fifteen representations including one from the Littleover Neighbourhood Board have been received and are reproduced in the Members' Rooms. The grounds relate to existing problems at the hospital:

- Surrounding streets such as Corden Ave suffer from being busy and from use as overspill parking by hospital staff and visitors avoiding parking, fees
- Unrealistic to expect students/ staff to use public transport/cycles, especially as a high proportion could be mature and dropping children off at school on the way to work
- Forty cycle spaces is insufficient for 450 students/ 420 students and 52 staff.
- The hospital should build a multi-storey car park
- The proposal should be rejected until more parking is provided :
- This proposal will take up all the available spaces on the hospital car parks

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In addition the Littleover Neighbourhood Board suggested no further development at the hospital until existing problems are resolved, namely:

- Parking and traffic problems
- Helicopter flight paths
- Noise from the Facilities Management Yard
- Security at the hospital resulting from A & E being on site with an increase in crime and anti-social behaviour locally.

8. Consultations:

8.1. Building Consultancy:

Need to be satisfied that spare capacity exists for disabled staff and students in the existing Medical School car park. Building accessibility will be delivered by Building Regulation Guidance.

8.2. Environmental Services (Health – Pollution):

No comments

8.3. Police Liaison Officer:

Distance from the hospital entrance and enclosure by existing buildings will deter opportunist crime, the reception area and internal circulation area has been well considered and external areas will be covered by existing CCTV systems; internal CCTV of the internal reception area is recommended.

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

GD4	Design and the Urban Environment
GD5	Amenity
E10	Renewable Energy
E23	Design
E24	Community safety
LE1	Education Uses
T1	Transport Implications of New Development
T4	Access, Parking and Servicing
T10	Access for Disabled People

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

As indicated above, this application was deferred to await the submission of the Hospital Travel Plan and as this is now produced, this application is reported back.

I have reproduced below my comments to the March meeting.

In land use policy terms the, now lapsed, Policy LE7 in the local plan allowed for hospital uses on this site. This policy is not carried forward as the site is now well established and clearly hospital and associated uses are acceptable in principle on the hospital site.

Policy LE1 allows for development for education and training purposes subject to the following criteria:

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- a. It is well related to the public transport network and that traffic generated would not lead to major traffic management implications, a reduction in road safety or adversely affect the environment of the area;
- b. A strategy is drawn up, or an existing one reviewed, to encourage more users to walk, cycle or use public transport and car sharing schemes;
- c. The proposal is in keeping with the general scale, character and levels of activity of the surrounding area; and
- d. In the case of development in residential areas, the site or building is sufficiently large and self contained to prevent unacceptable levels of disturbance to nearby properties.

The main considerations with this proposal relate to the effect that users of the premises would have on the surrounding area in relation to highways, car parking and traffic management. Other considerations relate to amenity implications, and design.

Fifteen additional car parking spaces are now proposed together with the provision of an additional 40 cycle spaces. Disabled parking is available at the existing medical school.

The School of Nursing (SoN) is currently located at the Derby Royal Infirmary (DRI), however, the School of Nursing library and approx 85% (360) of the students who attend the college are already located at the Derby Royal Hospital (DRH). Consequently, a considerable amount of travel takes place between the two sites by both student nurses and staff. The proposal to relocate the SoN to the DRH, therefore, appears logical, not least because it would save travel between the two sites and because the majority of hospital services are concentrated at the former city hospital site.

Relocating hospital services to DRH has not been without its problems, in particular on- street parking has become a difficult issue. The City Council is currently working with the Trust to seek to address these issues by implementing parking controls and by the creation of an enhanced travel plan. The acceptability of the above proposal rests on the following:-

1. will the additional development significantly increase congestion at the DRH?
2. will the development exasperate the on-street parking problems associated with the DRH?

1 & 2 above are functions of the additional trip making associated with the proposed development and can be split between trips by the additional staff and students.

Staff - the applicant suggests that the SoN will be staffed by 49.5 full time equivalent staff (10.5 admin staff and 39 academic staff). Six of these staff (1 admin and 5 academic) already work permanently at the DRH and a further 8 academic staff spend at least 20% of their time at the DRH. Effectively, there will be 43.5 additional permanent staff at the DRH as a consequence of this proposal. Local plan policy T4 says that for use class D1, 'Higher and Further Education' the maximum level of parking allowable is 1 space per two staff. The applicant is proposing to provide 15

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additional dedicated parking spaces for the additional staff members adjacent to the new building.

The applicant points out that the academic staff teach at locations other than the Derby SoN and that activities such as marking are often undertaken away from the SoN, for example at home. Therefore, not all the staff will be on site at any one time. To seek to quantify this, the applicant has submitted survey data from the existing SoN at the DRI for the week commencing 13th January 2010. This data indicates that during this week approximately 66% of the staff were on site at any time, with 34% at other locations. Although this is only one week's data and can only ever be an indication, if this was applied to the above proposal and assuming only academic staff move from place to place, additional staff on site at any one time could vary between 32.5 (66%) and 43.5 (100%). This results in a maximum parking requirement of between 17 to 22 additional parking spaces. However, paragraph 51(2) of Planning Policy Guidance Note 13 (PPG13) is clear that:

*"Local authorities should **not** require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which **cannot** be resolved through the introduction or enforcement of on-street parking controls."*

The proposed additional parking provision accords with current central government planning policy. In terms of the potential to generate additional on street parking, as compared with the maximum number of spaces that could be allowed under policy T4, the shortfall is between 2 and 7 spaces.

All the University staff will be eligible to join the hospital's 'Parking Partners' scheme, which is a scheme to encourage car sharing with the incentive of dedicated parking spaces from the hospital's parking stock at reduced rates. In addition, the University of Nottingham operates its own car share scheme as detailed below in the extract from the travel statement:-

"The University has teamed up with the UK's largest car sharing network to provide a car share scheme specifically for the University of Nottingham staff and this is a web based system available to all University staff at RDH. The University will liaise with the Trust with regard to expansion of car sharing; presently the system is shared with the Trust in Nottingham. The Environment Team for the University will be promoting this and other sustainable measures to occupants of the new building."

Significantly, University staff will also have the opportunity of **free** travel on the link bus service operated by the hospital. It should be noted that the patronage of this service has increased significantly since it began in 2005.

In terms of the above tests:-

- 1) it is considered that the additional staff associated with this development will not significantly increase congestion at the DRH. The number of extra traffic movements associated with 15 extra parking spaces will not be noticeable when considered against the traffic generated by the existing 1270 parking spaces at the hospital.
- 2) In terms of parking numbers the proposal is considered acceptable in the context of PPG13. The risk of additional on-street parking by staff cannot be

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totally ruled out but the level of such parking would be unlikely to be significant.

Students - The applicant says *that*:

"During the academic year approximately 360 students are already working at the RDH on clinical placements to compliment the classroom activities. The remaining 60 nursing students already visit the RDH to access the University medical library"

Therefore, the above proposal will increase the trip making at the DRH by an additional 60 students. It will, however, also significantly reduce the need to travel between the DRH and the DRI.

Policy T4 says that the maximum parking standard for students is 1 space per 15 students on developments over 2500 sqm, consequently no parking spaces are required or being provided for students.

The applicant says that although they do not have specific car ownership figures for the existing SoN, they suggest that, based on their experience across all students attending the University of Nottingham, student car ownership is low as 5% i.e. of the 60 additional students visiting the DRH only 3 may have cars. This appears to be unrealistically low. The applicant was asked if student car ownership data was available from their similar facility at Kings Mill Hospital, but this data was also not available.

To seek to resolve this important point I have undertaken some research and have found a document entitled '*Universities engaging with local communities*' published in Jan 2006 by Universities UK who describe themselves as:-

'Universities UK is the major representative body and membership organisation for the higher education sector. Our members are the executive heads of UK universities',

This document suggests that their research shows that '*63% of students do not drive at all and 14% only rarely*'.

Clearly whilst this is only an indication of the likely level of car usage amongst the students, it is data published by a body who should have an understanding of this sector and who are not related to this application. Therefore, in the absence of any other data these figures are taken as being an indication of likely car usage, meaning that of the 60 additional students visiting the DRH between 14 and 22 may wish to travel by car. For those wishing or needing to use their cars they are also eligible to join the hospital's 'Parking Partners' scheme as mentioned above.

The question then arises, what opportunities exist for those students wishing to travel to the DRH by non-car modes? The DRH is well served by public transport as set out below in the extract from the applicant's travel plan statement. The most significant point is that nursing students attending the proposed development have the opportunity of **free** travel on the link bus service operated by the hospital.

"The Trust operates a patient, staff and visitor bus service between both main sites and the City Centre. Royal Derby Link Bus service is a dedicated 10-minute service stopping at RDH, the City Centre and London Road Community Hospital. The bus

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runs continually from 06:20 until 21:22 Monday - Friday and 06:25 until 20:32 on Saturdays.

Hospital staff can travel free on the Royal Derby service if travelling between the two hospital sites for trust business only. The hospital bus is open to the nursing students and university staff on the same basis as hospital staff.

The RDH is served by frequent bus services 35, V1, V2, X38, Unibus No 5 and the Mickleover Blue & Red routes. Trent Buses provide regular services between Derby City Centre, the RDH and the LRCH. The Big Yellow Bus is a free service to transport patients & visitors safely around the RDH site. The specially adapted, low-floor bus is able to accommodate 11 passengers as well as 2/3 wheelchairs. The Trust employed drivers have all undertaken MIDAS training to ensure passengers who require wheelchair accessibility receive the correct assistance. The bus runs continuously around the Hospital Monday - Friday 8.30am - 5.30pm"

In terms of cycling the proposed development includes showers, lockers and changing facilities to assist and encourage cycling to the site.

It has been made very clear to the applicant that the issue of on street parking in the vicinity of the DRH is particularly sensitive with local residents and they need to demonstrate that this development will not make the problem significantly worse. The applicant appears to have a good deal of experience of this type of issue and has provided information about how they manage parking issues at the University of Nottingham campus. Effectively, when accepting to join a course at the University students are required to agree to abide by the Rules and Regulations of the University, one of which is not to park in defined local residential streets, the sanction being that if students are caught doing so they could be fined and if they do not pay the fine they cannot graduate, see extract from the Transport Statement below:-

"The University of Nottingham has robust methods of dealing with issues of Students not adhering to our Rules and Regulations. Where a Student is fined, they would not be allowed to Graduate or re-register if they are a returning Student until they have cleared their debts to the University.

The level of fines that can be imposed by the Officers with Summary Jurisdiction are higher than those imposed by Local Council enforcement. Our Level of fines currently do not exceed £150 per Offence. Both the Head of Security and the Manager for Off-Campus Student Affairs are Officers with Summary Jurisdiction.

For all Students at the point they accept their Course they are also accepting that they will adhere to the Rules and Regulations of the University. Ignorance of these Rules and Regulations is not an excuse."

The particular rule which has significance at the DRH is as follows:

Rules and Regulations of the University Section 7 states

It is an offence:

*(vii) for a student to park a vehicle on any residential street or road near the University Park campus **as shown on the attached map**, so as to cause or be likely to cause unreasonable obstruction, or to refuse any reasonable request from the Manager for Off-Campus Student Affairs to move a vehicle parked outside a resident's property.*

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Although this is a private contract between the University and its students and, therefore, has to be enforced by the University, it appears that they have had some success in Nottingham as evidenced by the letter from Nottinghamshire Police. In this letter the Neighbourhood Policing Inspector for the area, which includes the Nottingham University Hospital (QMC) and the main campus for the University of Nottingham, has confirmed that the University of Nottingham is very robust in dealing with its traffic and car parking issues in and around its Nottingham campus with strict control measures in place for staff, students and visitors both off and on campus. This letter is reproduced for Members information.

The University's tough regime on student parking has the potential to improve the on-street parking problems at the DRH because the University has confirmed that at present the 360 students who already work at the DRH are not subject to the parking restrictions described above. However, if the SoN was to transfer to the DRH the new student intake would be subject to these restrictions and consequently it is likely that the on-street parking problem would be no worse and may even reduce slightly.

In terms of the above tests:-

- 1) it is considered that the additional 60 students associated with this development will not significantly increase congestion at the DRH.
- 2) the risk of additional on-street parking by students should be controlled by the contract between the University and Students and may even see a reduction in on street parking as the 360 students who currently work at the DRH move from being uncontrolled to being controlled as described above.

I consider that the University's proposals to control parking are made the subject of a S106 agreement to link them to this application and the emerging Travel Plan. I consider this is important not least to ensure that the Council has some control over which local residential streets that are offered protection, also to ensure this protection extends into the future.

I would also recommend a condition to require the provision of the 15 additional car parking spaces and cycle spaces before the development is occupied. Sections of the additional parking areas have been submitted and the previously imposed condition is no longer required.

With respect to other comments from the objectors, this scheme would not affect other existing problems associated with the hospital development such as helicopters, noisy operations or behavioural issues and a refusal could not be justified on these grounds.

In design terms the proposed building complements and takes reference from neighbouring buildings in terms of scale, materials and style and, together with the sustainability intentions, is acceptable in design policy terms.

Other aspects such as drainage can be resolved by suitable conditions.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Director – Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in

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11.5 below and to authorise the Director of Corporate and Adult Services to enter into such an agreement.

B. To authorise the Director –Planning and Transportation to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above and presents a proposal which is acceptable in relation impact on the area subject to the conditions imposed and the proposed terms of the Section106 agreement and taking into account the wider benefits of the development to the City.

11.3. Conditions:

1. Standard condition 100 (drawing numbers)
2. Standard condition 27 (materials)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscape maintenance)
5. Standard condition 38 (drainage details)
6. Standard condition 104 (energy efficiency)
7. Standard condition 68 (disabled access and parking)
8. Notwithstanding the submitted information, further details of the cycle parking provision shall be submitted to and approved in writing before the development is brought into use. The agreed provision shall be implemented before occupation of the development.
9. Within 12 months of the occupation of the development, a Green Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented within 12 months or other timescale agreed within that Plan. The Travel Plan shall indicate the provision of additional parking spaces generated by this development unless otherwise agreed in writing by the Local Planning Authority.
10. Before the development is occupied the additional parking provision indicated on the submitted plans shall be implemented and available for use.

11.4. Reasons:

1. Standard reason E04 (avoidance of doubt)
2. Standard reason E14 (satisfactory external appearance) – policy E23
3. Standard reason E14(satisfactory external appearance) – policy E23
4. Standard reason E21(satisfactory external appearance) – policy E23
5. Standard reason E21 (satisfactory drainage) – policy GD4
6. Standard reason E21(satisfactory energy saving) – policy E10
7. Standard reason E34 (accessible development) – policy T10

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8. Standard reason E47 (travel to work study)
9. Standard reason E35 (parking needs of development)
10. To ensure the acceptable provision of such provision in the interests of visual amenity – policy GD4

11.5. S106 requirements where appropriate:

Control over student parking outside the hospital campus.

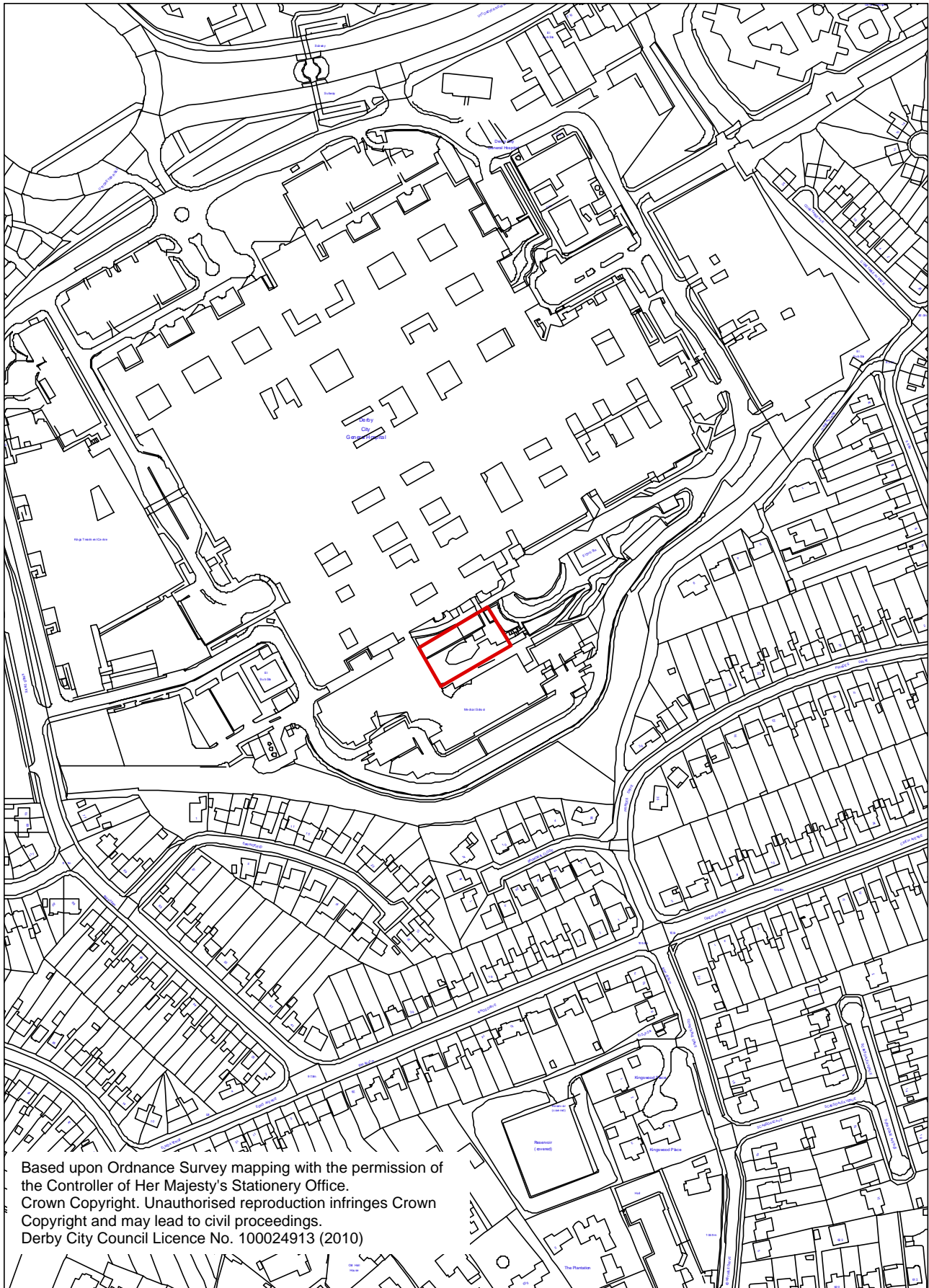
11.6. Application timescale:

The application has exceeded the 13 week timescale in order to ensure that the highway generation and parking information is accurate and specific to the development proposed.

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Type: Full



Committee Report Item No: 11

Application No: DER/03/10/00343

Type: Full

1. **Address:** 3 Hall Dyke, Spondon.

2. **Proposal:**

Extension to dwelling (utility room and w.c) and alterations to car parking space.

3. **Description:**

This application is being reported to Planning Control Committee as a matter of propriety, as the applicant is a member of the Development Management section of Derby City Council.

The application premises is a late 19th or early 20th century semi-detached two storey dwelling house. It stands at the eastern side of Hall Dyke, Spondon and is just outside of the Spondon Conservation Area which lies to the western side of Hall Dyke. To the immediate north of the application premises is the other half of the semi-detached pair of dwellings. To its immediate south is a vet's surgery of more recent origin, to the rear and east of the site are the gardens of dwellings that front onto Chapel Street and Poplar Avenue. On the opposite side of Hall Dyke to the west are school playing fields beyond which are the school buildings.

Within the application site, to the south of the house lies a car parking area and a single garage made of concrete blockwork with a corrugated asbestos sheeting roof.

Hall Dyke is a sunken lane where it crosses the front of the application premises and the playing field to the west, are at a higher level retained by a stone wall about 1.5 metres high. The application premises and its immediate neighbours stand about 1 metre above highway level.

The proposal is to build a small single storey side extension on the south side of the dwelling, to form an extension to the existing kitchen to act as a utility room and w.c. This would replace a small single storey extension in almost the same position.

It would project sideways from the flank wall of the house by 1.9 metres and extend beyond the rear wall of the original house by 1.3 metres. It would have a dual pitched roof. Overall measuring from highway level the extension would measure 6 metres in height although this would only be 4 metres in height above the ground level adjoining the house. The external walls are to be built from brickwork to match those on the existing house. The roof tiles are to be in fibre cement to visually match the slate roof of the original dwelling. The materials for the window frames have not been specified.

The blockwork garage is to be demolished and a new 1.6 metre high retaining wall erected along the southern boundary of the site, to be surmounted by a 1.8 metre high timber fence. The area from where the garage is to be removed would be hard surfaced to create a wider car parking area. Double gates 1400mm tall would be set back from the highway. No details of these have been provided.

4. **Relevant Planning History:**

None

5. **Implications of Proposal:**

5.1. **Economic:**

None

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5.2. Design and Community Safety:

The small extension would be in keeping with the character of the existing dwelling and set back over 5 metres from the fronting highway.

5.3. Highways – Development Control:

The following comments are made in relation to the proposed layout drawing unless otherwise stated. The application site is situated within a residential area and has an existing garage and off street parking facility. The applicant has proposed to demolish the garage and erect double gates at the access with hard standing parking space to the side of the dwelling.

No highway objections subject to the following;

Condition:

Any gates to be installed should not open onto or encroach onto the highway or obstruct the car standing space when in the fully opened position.

5.4. Other Environmental:

None

6. Publicity:

Neighbour Notification Letter	7	Site Notice	No
Statutory Press Advert and Site Notice	No	Discretionary Press Advert and Site Notice	No
Other No			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

No third party representations have been received

8. Consultations:

None.

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

GD4 Design and the Urban Environment.
GD5 Amenity.
H16 Housing extensions.
E18 Conservation Areas.
T4 Access, Car Parking and Servicing

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

9. Officer Opinion:

The proposal is for a relatively small extension to the house and for the rationalisation of the car parking area by removal of a garage to allow greater flexibility for vehicle

parking, slightly increasing the parking area by removing part of the raised garden and rebuilding a retaining wall, the erection of a fence for privacy purposes above the retaining wall and the installation of gates set back from the boundary.

The application premises lies close to but outside the eastern boundary of Spondon Conservation Area. City of Derby Local Plan Review Policy E18 seeks to preserve and enhance such areas of special architectural or historic interest including views into and out of conservation areas. As the application premises are close to the boundary of the conservation area it is appropriate to consider the impact of the proposal on views into and out of the conservation area.

The closest part of the conservation area is a school playing field that has trees along the boundary and is bounded by a stone wall. This is a pleasant open aspect without any buildings in the immediate vicinity. The proposed extension to the dwelling will replace a slightly smaller side extension and has been designed to be in keeping with the existing dwelling. As the house stands at a slightly higher level than the surrounding land the extension which starts from the lower level and has to rise 1.25 metres just to match the floor level of the existing dwelling. This additional height makes the overall height of the extension 5.25 metres to the top of the roof and 3.7 metres to eaves level. Were it not for the change in levels the extension itself would be permitted development and planning permission would not be required. The extension is of a simple design that is sympathetic with the architectural style of the existing dwelling and appropriate in this location. As it is set well back from the highway frontage it has little impact on the streetscene. If built from materials to visually match those used in the existing dwelling then it should not result in any detriment to the visual appearance of the house itself, to the streetscene and wider area or the conservation Area.

Although it would be most appropriate for external walls to be matching brickwork, roofing materials to be in slate and window frames to be in timber, to match those of the existing dwelling, as the proposal is not a listed building nor affecting views into and out of the conservation area, I don't consider it to be necessary to insist on like for like matching of materials provided a reasonable visual match can be obtained.

The extension would be over 5.5 metres from the nearest boundary with any neighbouring property, which is a vet's surgery and at this distance should have very little impact on that property. I consider the extension to be acceptable.

The demolition of the concrete blockwork garage doesn't need any permission and could be undertaken at any time. Although it is functional, it is not an attractive structure and its removal could be considered to be a visual improvement in the streetscene. The enlargement of the car parking space will be rearward into the garden area of the property by two metres a lowering the higher ground level of the garden down to highway level, a reduction in height of about 1.4 metres. A retaining wall would be constructed about 1.6 metres tall. This would be topped by a 1.8 metre fence for privacy. The details of the materials for the retaining wall have not been submitted although the fence is detailed as being timber. Details of the wall and fence can be controlled by condition.

The proposal also includes the provision of a gate along the line of an existing gate and the line of the front doors or the garage which are to be removed. These are indicated as double gates with an overall opening width of 5.7 metres and a height of

1.4 metres. These will be between 1.6 and 3.0 metres back from the highway. No details of the appearance of the gates have been submitted. As the gates do not lie adjacent to the highway it is debatable whether planning permission is required for these. However, a planning application is usually taken as being necessary if a gate wall fence or other means of enclosure is over 1 metre in height and within 2 metres of the highway boundary. In this case only a small part of the gates would be within 2 metres of the boundary. They would have little impact of the street scene when looking along Hall Dyke and no significant highway safety implications. It will be required however that the gates do not open out onto or encroach onto the highway or the parking space when in the fully open position. Full details of the design operation and appearance of the fence may be controlled by condition.

I consider the proposal to be acceptable

10. Recommended decision and summary of reasons:

11.1. To grant planning 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 and all other material considerations and it is considered that the proposals would result in a satisfactory form of development and may be carried out without resulting in any harm to the appearance of Spondon Conservation Area, to the streetscene or the wider area, nor would the proposals result in any significant detriment to the amenity of neighbouring occupiers.

11.3. Conditions:

1. Standard condition 03... (3 year expiry).
2. Standard condition 100... (approved plans).
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. Before work commences on any part the retaining wall, within 2 metres of the highway or in excess of 2 metres in height above ground level, full details of the design materials to be used in its construction shall be submitted to and agreed in writing with the Local Planning Authority Any details that may be agreed shall be implemented in the execution of this permission
5. Before the any part of the southern boundary fence is erected within two metres of the highway or in excess of 2 metres in height above ground level, full details of the design and material of the fence shall be submitted to and approved in writing by the Local Planning Authority. Any details that may be agreed shall be implemented in the execution of this permission
6. Before any gates within 2 metres of the highway are erected full details of their design and materials shall be submitted to and approved in writing by the Local Planning Authority. Any details that may be agreed shall be implemented in the execution of this permission

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11.4. Reasons:

1. Standard reason E56 ...(time limit for planning permissions)
2. Standard reason E04...(avoidance of doubt).
3. Standard reason E18...(visual amenity). CDLPR Policies GD4, H16 and E23
4. Standard reason E18...(visual amenity). CDLPR Policies GD4, and E23.
5. Standard reason E18...(visual amenity). CDLPR Policies GD4, and E23.
6. Standard reason E18...(visual amenity). CDLPR Policies GD4, and E23.

11.5. Application timescale:

8 week expiry date 18/05/2010. Late return of consultations.

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