

Applications to be Considered

SUMMARY

- 1.1 Attached at Appendix 1 are the applications requiring consideration by the Committee.

RECOMMENDATION

- 2.1 To determine the applications as set out in Appendix 1.

REASONS FOR RECOMMENDATION

- 3.1 The applications detailed in Appendix 1 require determination by the Committee under Part D of the Scheme of Delegations within the Council Constitution.

SUPPORTING INFORMATION

- 4.1 As detailed in Appendix 1, including the implications of the proposals, representations, consultations, summary of policies most relevant and officers recommendations.

OTHER OPTIONS CONSIDERED

- 5.1 To not consider the applications. This would mean that the Council is unable to determine these applications, which is not a viable option.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead 16/02/2014
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

Index
Planning Control Committee 26 February 2015

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 26	10/14/01424	Former Sixt Car Hire, Cathedral Road, Derby, DE1 3PA	Erection of student accommodation together with associated communal and servicing facilities, 3 parking bays, covered secure cycle storage and landscaped areas	<p>A. To authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out 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 Property Services to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	27 - 67	03/13/00298	Land at Hackwood Farm, Radbourne Lane, Mickleover, Derby (access from Starflower Way)	Residential development (up to 370 dwellings), retail units, open space and associated infrastructure	<p>A. To authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out 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 Property Services to grant permission upon conclusion of the above Section 106 Agreement.</p>
		06/14/00805	Land at Hackwood Farm, Radbourne Lane, Mickleover, Derby	Residential development (40 dwellings), primary school, open space, drainage works, formation of access and associated infrastructure and landscaping	<p>A. To authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.</p>

Index
Planning Control Committee 26 February 2015

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
					B. To authorise the Director of Planning and Property Services to grant permission upon conclusion of the above Section 106 Agreement.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

1. Application Details

Address: Former Sixt Car Hire, Cathedral Road, Derby.

Ward: Arboretum

Proposal:

Erection of student accommodation together with associated communal and servicing facilities, 3 parking bays, covered secure cycle storage and landscaped areas

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=97253>

The full planning application seeks permission for the erection of a 7 storey building accommodating 350 student bedrooms all of which would be en-suite. The bedrooms would be set in mix of clusters consisting of 4/5/6/7/10 and 11 bedrooms with shared kitchens and lounges. The building would also accommodate a management/operator office, common rooms, communal laundry room, refuse storage and external amenity space with cycle storage. The applicant is working towards opening the facility for Students in the 2016 academic year and would therefore like to begin construction in March 2015.

Amended plans have been submitted through the life of the application in order to try and overcome the objections and concerns of Conservation Area Advisory Committee and English Heritage along with colleagues in Highways Development Control, Conservation and Urban Design. These amendments included:

- the provision of additional cycle parking a total of 176 spaces are now proposed,
- broad landscaping details,
- vehicular turning and tracking details,
- the window fenestration has been amended to incorporate recessed panels,
- the pedestrian access has been defined on the front elevation to incorporate a projecting canopy,
- rendered panels have been removed and replaced with brickwork,
- additional brickwork has been added to frame the curved glazing feature.

The applicant and their architect have also explored increasing the curvature of the glazing to the corner and reducing the number of floors however these amendments have not been included; to increase the curvature of the glazing would have a detrimental impact on the internal living space and mean those units would not be compliant with housing standards for this type of development. The loss of a cluster and/or bedrooms would have a detrimental impact on whether or not the scheme would be deliverable in financial terms. Therefore the number of units proposed remains at 350.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

The building would be set on a 'U' shaped footprint with an ancillary block to the west of the vehicular access and joining to the main block at upper floors. Three car parking spaces including one disabled space are located to the rear of the ancillary block along with a turning area and 34 covered cycle parking spaces. Additional cycle parking is also located within the courtyard. Vehicular and pedestrian access is located within the under-croft; both have a separate secure gated access.

The proposed development would be set over 7 storeys; the ground floor accommodates the majority of communal facilities including a communal lounge, laundry room, plant room, and lobby area and refuge points. 6 clusters of various sizes are also located at ground floor. Floors 1 - 5 have the same layout comprising of 9 clusters with various numbers of en-suite bedrooms. The 6th floor due to the front elevation being set back accommodates 7 clusters. Each cluster is design on the same principal of en-suite bedrooms and shared kitchen/dining area and lounge.

The front elevation of the development is set at the back edge of Cathedral Road with an element of the front elevation projecting forward, but not encroaching the public highway, and the top storey being set back. Different materials are proposed on the elevations in order to provide relief to its scale and mass; this comprises of two different and complimentary brick types, cladding on the top floor and curtain glazing. The eastern elevation, adjacent to the framing shop, follows, initially the same design principals of the front elevation, with set back on the top floor, curtain glazing and recessed brickwork. The rear elevation accommodates the rearward projections and is characterised by narrow linear windows set in a vertical pattern. The side elevation adjacent to the Magistrates Court comprises of two projections that of the ancillary block and the main block, the main block is set away from this side boundary by some 13 metres.

Environmental Impact Assessment

The applicant has submitted an EIA Screening Report, dated September 2014, their submission concludes that as the proposed development is not located within a sensitive area and does not exceed the applicable threshold set out within Schedule 2 of the EIA Regulations and Environmental Impact Assessment is not required.

I have considered The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in particular Schedule 2 Part 10. Infrastructure Projects (b) Urban Development Projects. The application area covers approximately 0.236 hectares which is below the threshold of 0.5 hectares for these project types within the Regulations. Whilst the application site is not within a sensitive area it does adjoin the City Centre Conservation Area and will be viewed in line with Statutory Listed Buildings of particular note the Grade I Listed Cathedral. However I consider that any impact arising from this relationship would be at a local level and thus would not be significant to warrant the submission of an EIA.

I therefore agree with the applicant's consultants that an Environmental Impact Assessment would not be required.

2. Relevant Planning History:

DER/02/12/00220 Retention of use of land for car park for a temporary period of two years – Refused

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

DER/03/11/00289 Retention of use of land for car park for a temporary period of two years – Refused

DER/12/10/01533 Retention of change of use to temporary public car park (three calendar years) – Application Withdrawn

DER/07/09/00838 Retention of use of land for a car park for a temporary period of 12 months – Application Withdrawn

DER/11/07/02079 Erection of offices (use class B1) and restaurant/café (use class A3) – Granted Conditionally

3. Publicity:

Initial Publicity

Neighbour Notification Letters have been sent to 9 properties

Site Notice erected 12/11/2014

Statutory Press Advert published 07/11/2014

Second Publicity

Neighbour Notification Letters have been sent to 10 properties

Site Notice erected 15/01/2015

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

4. Representations:

The application has attracted 5 letters of representation; 2 have been logged as comments and 2 have been logged as formal objections to the scheme and 1 has been logged in support from Marketing Derby. These are summarised below:

Comment/Objection

- The original scheme wasn't as tall as this proposal;
- Like the shape of the proposal however the height seems excessive particularly with the relationship with the Conservation Area and Grade I Listed Cathedral;
- Agreement with the comments from the Built Environment and await the comments of Conservation Area Advisory Committee;
- Supportive of the redevelopment of a brownfield site;
- Recommend the height be reduced;
- It is accepted that not all tall buildings are unacceptable in a historic context;
- Concerns of the potential impact on the South Derbyshire Magistrates Court particularly loss of light;
- Are there sufficient amenities for this number of people;
- Concerns over potential overlooking and impacts on staff security of the court and potential risks of vandalism;

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

- Potential impact on the boundary of the court during construction and any impacts on access;
- The building is considered to be too tall and out of character;
- The proposal does not consider the historic environment and will stand out;
- The sensitivity of Derby has been lost;
- Derby is a market town not a large City and developments should respect this;
- Loss of light;
- Potential security issues – the neighbouring picture frame shop is concerned with any potential impact on their natural light and the large windows in their front elevations. These are key features to their business and clients;
- The amended plans have not shown a reduction in the height of the building and the building remains unsympathetic to its surroundings.

Support

- Formally support the scheme,
- This is a significant progression of the University;
- Believe that the scheme will help to assist the regeneration of this area and Cathedral Road;
- There is a significant resemblance to the previously approved office scheme;
- The proposal will help to assist and deliver Council policies which places importance on increasing the number of people in the City Centre;
- 350 students in this location will be positive for retailers, leisure operators and service providers.

5. Consultations: *(the most recent and up to date consultation responses have been produced below)*

CAAC:

20/11/2014 - Recommended refusal on the following grounds:

- i) the application would have a detrimental impact on the conservation area, in particular the setting of the Grade One listed Cathedral Tower.
- ii) the proposal included increased height in relation to a previously submitted application, which the Committee felt would be overpowering due to:
 - a) the number of windows
 - b) the materials which were being proposed to construct the building
- iii) there was insufficient information provided regarding the plant and equipment housing
- iv) the Committee requested an archaeological condition for a survey to be carried out to be placed on the application.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

21/01/2015 - Object and recommend refusal for same reasons as previous consultation response without the materials element which was addressed.

Highways DC: 19/01/2014

The applicant proposes to erect a 350 bedroom student accommodation on land adjacent Cathedral Road, presently used as a surface car park. The development is essentially 'Car Free' with the exception of 3no. parking spaces, one of which is a disabled person's parking space.

The development is located within the City centre, close to public transport services and local amenities. Parking provision on the public highway is controlled by 'No Waiting at Any Time' restrictions and 'Limited Waiting', pay and display parking bays. Despite having two multi storey car parks located nearby, it should be noted that public highway parking provision a little further from the development is limited and permit holder parking in nearby streets will not be acceptable. Should the building be managed by Derby University it would be desirable for each resident to sign an 'Occupational Licence' to enforce and accept the 'Car Free' restrictions of the development.

The applicant has shown a gated vehicular access in the region of 4.8 metres wide with a separate pedestrian gate leading to a footway within the development, these gates must open inwards and if electrically operated, be fitted with safety features to prevent them opening/ closing on a person or vehicle. It is noted that 2.0 metre x 2.0 metre pedestrian visibility splays are acceptable.

A service road leads to the rear of the development and to three parking spaces, one of which is a disabled person's parking space. The applicant has provided a turning head facility and has tracked a service vehicle using the turning head facility and exiting the development in a forward facing direction, which is acceptable.

The public highway footway adjacent to the development is in the region of 7.0 metres wide and at the access/ egress point the applicant has shown a narrowed radius access leading to the development service road. It would be desirable for this to be made pedestrian priority with dropped and tapered kerbs. A further access to the east of the development, which will be made partially redundant as a result of the development, will also require altering and is also shown having a radius kerb. As this is public highway land subject to the provisions of the Highways Act 1980 (as amended) the developer will be required to enter into a Section 278 agreement in order to alter the public highway.

The applicant has shown cycle storage for 176 cycles at various locations within the development. The applicant has shown cycle parking using 'Sheffield Stands' that allow two cycles to be secured to each stand. Due to the visual impact of this quantity of cycle stands around the development, it may be better for the applicant to investigate using two tier cycle storage, This type of cycle storage is more space efficient. Despite this the number of cycle parking spaces is acceptable.

It should be noted that surface water drainage within the development should be managed in order that water does not run onto the public highway.

Refuse and recycling bin storage is shown located within 10 metres of the public highway and the applicant has omitted bollards from adjacent doorways in order to aid removal of refuse bins, which is acceptable.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

Transport Planning: 15/01/2015

There is no parking associated with this development and as such very little trip generation. In this instance it would be difficult to ask for a highways contribution under any Section 106 Agreement. Any sustainable travel modes should be supported in particular, cycling facilities should be kept dry and secure. There are limited details within the Transport Statement that explain the integration with the University and their existing bus facilities etc. The applicant should give some thought to this and be conditioned to promote the University's travel plan.

Environmental Services (Health – Pollution): 24/11/2014

Land Contamination

Due to the site's historical use, it has been identified as 'potentially contaminated'. I note there has been some site investigation conducted in this location between 2008 and 2010 in relation to an earlier planning application for commercial uses. A Validation Report (CRA, September 2010) which was submitted as part of the commercial application in 2010, has been re-submitted in support of the current application for residential student accommodation. Due to the more sensitive site use proposed under the present application, historical site investigation data will need to be re-assessed in line with the current proposals and a revised remediation strategy will be required.

I also note an earlier recommendation for the installation of ground gas protection measures for any buildings planned on site. This recommendation is likely to be forwarded under the current proposals. I would strongly recommend that a revised land contamination assessment is completed for the site in line with the current proposals. Such an assessment can be based on existing data, however consideration of further sampling should be considered where necessary. A report of the assessment should be required for submission to the Council for approval before commencement of the development.

In those cases where the detailed investigation confirms that contamination exists, a Remediation Method Statement will also be required for approval.

Finally, all of the respective elements of the agreed remediation proposals will need to be suitably validated and a Validation Report should be submitted for approval before the development can be occupied.

I would strongly recommend the attachment of relevant conditions securing submission and agreement to the documents mentioned above.

Noise

The application involves the creation of residential accommodation in the heart of the City centre. This area currently experiences high levels of noise, particularly late at night during weekends when City centre bars and clubs operate until the early hours of the morning. This Department is aware of complaints regarding low frequency noise associated with loud music from a number of City centre establishments until around 3.30am on Friday and Saturday nights.

Given the above, I have some concerns over the potential for future residents to be disturbed by excessive noise.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

In terms of whether complaints are likely however, the fact that the accommodation will be aimed primarily at short-tenancy students, suggests that a higher than average proportion of the occupants are likely to maintain a lifestyle consistent with the City centre's nightlife. All the same, there will also inevitably be residents that will be unreasonably disturbed by the high levels of noise within this location, during times when they should reasonably be expected to be able to benefit from undisturbed sleep.

Whilst I do not object to the application in principle, I would strongly recommend that a suitable condition is attached to the planning consent (should it be granted), to ensure that all dwellings are provided with enhanced acoustic insulation. The insulation scheme should be produced by a competent acoustician and specifically designed to protect the occupiers from low frequency noise associated with the music from City centre bars/clubs.

Resources & Housing (Strategy): 27/11/2014

In principle, housing standards have no objections to the proposal however they would like to draw the developer's attention to the following:

The housing standards team at the city council need to make appropriate comments with regard to proposed developments. In this case I have discussed the proposed plans with GT architects and made comments based on housing standards legislation. In particular I alerted GT architects to the space and amenity guidance which refers to the amount and location of kitchen facilities. Also to the importance of liaising with the Fire Authority regarding fire safety, fire resistance and type of furniture and fittings. Also that building control would make appropriate comments regarding the structure. The architects have been working closely with specialist facility management and fire safety advisory companies. I have sent the architects our landlord pack which encompasses all the relevant guidelines and legal requirements necessary from a housing standards perspective.

DCC Archaeologist: 26/01/2015

As you will be aware, the applicant has carried out archaeological evaluation of the site. Because the fieldwork was carried out very recently a full report is not yet available, and it is consequently not possible to reach detailed conclusions on the date and significance of the archaeological remains within the site. I am however able to base some provisional comments and recommendations on the evidence of a site visit, and on an interim statement of results supplied by Wessex Archaeology. These comments may change in emphasis once the full report is available with details of professional analyses of finds and palaeo-environmental data, but the overall conclusions and recommended conditions are, I feel, secure.

Six trenches were excavated to sample the archaeological potential of the site:

The frontage of the site, along Cathedral Road, was shown to have been substantially disturbed in modern times, and to retain no archaeological potential.

Much of the site to the rear of this was truncated to some extent, with survival of archaeological features cut into the surface of the natural clay, but no overlying sequence of soil horizons. These features – ditches and gullies – remain undated but may represent property boundaries, drainage etc. within the medieval town.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

The south-western quadrant of the site (Trench 6) uncovered the deepest stratigraphy and most complete archaeological survival on the site, with a post-hole and cobbled surface sealed beneath a sequence of post-medieval buried soils. Again, no dateable material was recovered, but on stratigraphic evidence and comparison with the archaeology at the CQEC site on Bold Lane it is almost certain to represent a sealed medieval level.

We can therefore characterise archaeological significance as follows: site frontage – zero; south-western quadrant – high; remainder of the site – moderate.

The proposed buildings occupy much of the site, and although foundation design does not form part of the application there will undoubtedly be a high level of impact on archaeological remains where judged of moderate or high significance. I note however the open space proposed in the south-western corner of the site, and there is a possibility here that part of the ‘high significance’ area could be preserved in situ, subject to finished levels and details of other groundworks such as drainage. There is a clear requirement under NPPF para 141 for a conditioned scheme of archaeological work to record these areas of development impact. The exact scope of this will depend on the proposed groundworks methodology and foundation design, but it is likely to comprise ‘strip-and-record’ excavation of areas where there will be significant below-ground impacts (and outside the frontage area where there is no archaeological survival).

Police Liaison Officer:

Recommend that any approval is conditional upon the following matters:

Boundaries – details shall be expanded and/or submitted to ensure the site is secure.

Access- the access should be controlled and such details shall be submitted to and approved for both pedestrians and vehicles. It is recommended that any such system should allow visual and audio vetting prior to access being granted.

CCTV – this installation of CCTV is documented within the submission and this is welcomed. Any such system shall cover all access points, circulation spaces, external grounds and cycle parking areas.

Cycle Parking Provision – the type of shelter proposed is considered to be acceptable and should be subject to a lighting scheme.

Lighting Scheme – any lighting scheme should be subject to a condition and be in accordance with BS:5489:2013.

Land Drainage: 26/01/2015

The application form indicates that the development is to have its surface water runoff drained to SuDS only but the drainage strategy indicates that there is a need for connection to the public sewers due to the nature of the ground. There is also a high retaining wall between the development and one of its neighbours whose drainage arrangement must not be altered due to affecting its stability. The public sewers in the area are combined and therefore if SuDS features are connected there to it needs to be undertaken with sufficient care to avoid foul water in flood conditions from gaining access to the SuDS units causing foul odours to permeate the area. The normal discharge rate Q_{bar} appears to be much less than described in the text of the report. It appears that the methods being submitted for dealing with the surface water

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

runoff are appropriate and in the right style though but whether they are sufficient for the task is not apparent.

With a flat roof development it is appropriate for the use of roof gardens both for the improvement of recreational space as well as runoff reduction and surface water quality improvement. The true cost of such works are not cost prohibitive. The method of providing SuDS treatment appears to be reliant on the perforated pipes connected through an outlet control device to the public sewers. I am not convinced that this will provide for the treatment of all runoff being passed to the sewers. Treatment will only be given to waters having been forced through the holes in the perforated pipe and into the filter media. There is a marked ability for the runoff to bypass the treatment area.

There is a watercourse near to the development and it would not be unreasonable to expect improvement of the sewer system to provide for a direct connection in the foreseeable future. I commend the use of permeable paving and the rain garden but care will be needed to ensure that there is a train of hydraulic continuity between the various features guarantee that sufficient treatment is accorded to the runoff before being discharged.

There is a need to ensure that any development on this site is carried out in accordance with GD3, GD5, GD8 and the NPPF therefore I can support the granting of planning permission for this development only provided that it is carried out in accordance with their recommended conditions.

Built Environment: 02/02/2015

The design of the proposal has been amended. In general terms the elevation to Cathedral Road has been slightly improved by being broken up into different elements and by the use of different materials. However, in my view despite this, it still looks rather overbearing from Queen Street, Cathedral Road and St Mary's Gate. It has also lost the important curve on the corner of the building and the roof form is and massing is much heavier/bulkier than the approved scheme - which were key urban design elements in the approved schemes design.

The further views analysis information that was requested to compare the approved scheme and the newly proposed one does show that the new development is bulkier at roof level and is taller than the approved scheme, especially towards St Mary's Gate. It does obscure more of the perpendicular Cathedral tower when viewed along Cathedral Road/Walker Lane (View K), more is visible from St Mary's Gate (View L and J), the massing seems bulkier/more block like in View H when viewed from the Queen Street and the City Centre Conservation Area. The roof form in Views F and G also look much more bulky. This is a concern as it clearly demonstrates that there is harm to the setting of listed buildings, the conservation area and the setting of the grade I listed Cathedral. Please see sections 66 and 72 of the Planning (Listed building and conservation areas) Act 1990, Policy E18 and E19 of the City of Derby Local Plan Review and the NPPF para 132-134. I would describe the proposal as having less than substantial harm and as such the NPPF states that we should weigh up the harm against the public benefits. In my view the new height and roofline design does not give the same benefits as the original scheme and is harmful to the significance. I therefore believe that I have no alternative but to oppose this proposal.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

Regeneration: 10/02/2015

This site is identified as a key priority site in the City Centre Regeneration Framework for the development of Derby City Centre. The proposal for students accommodation on this site is a positive move towards the Council's City Centre Living Initiative. The use of vacant site/ buildings for residential use is being promoted by the Council to reduce dereliction and increase vibrancy of the city centre. The proximity to Derby College and University makes this site appropriate for accommodating students. The city centre location of this facility will attract students seeking the buzz and night life that Derby City Centre has to offer. It will bring in the much needed younger generation to the area and the city is hoped to benefit from the student activity both during day and night time.

The design of the building has been discussed during the pre-application stages and it is positive to see that the suggested amendments have been incorporated within the proposed development. From the regeneration point of view, this application is envisaged to enhance the appearance of this part of the city and contribute positively towards the city centre vibrancy.

The scheme performs well under the urban design criteria. As a block layout it merges well with the surrounding large urban blocks including the leisure centre. The scale and massing is treated well with the use of different materials, helping to break the mass down and soften the edges. The turned corner detail does create good legibility and landmark feature. The changes in materials work well to identify the private rooms and semi-shared spaces internally, which is a good reflection on legible design. The enhanced entrance to the building helps reinforcing its presence and again contributes towards legibility. The materials chosen create a distinct identity without creating a harsh contrast. Filling the gap on this vacant site with a positive built form helps enhance the views to and from the Cathedral. The entrances to residential blocks from the internal courtyards as well as the parking towards the rear are well overlooked.

Are there any details on landscaping and lighting? If not, it may be good to add that to conditions for review at a later date.

Overall this schemes makes a positive contribution to the townscape and is a welcome addition to city centre.

English Heritage: 22/12/2014

English Heritage was not consulted on the previous application for the erection of an office block therefore this is the first opportunity to consider the impact of a building of this height in this location.

The application site is immediately adjacent to the City Centre Conservation Area, a number of Grade II Listed Buildings on St Marys Gate and close to the Grade I Cathedral. The Council adopted a Conservation Area Appraisal which provides a useful summary of why the conservation area is considered to be of significance. For the City Centre Conservation Area the key attributes are:

- The origins of the city centre in the Roman, Saxon and Viking foundation;
- The survival of the historic street patterns including a north-south spinal route and Medieval side streets such as St Mary's Gate;

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

- An area characterised by the survival of large numbers of individually listed buildings from the 17th -19th centuries and others which make a positive contribution to the area's historic character and appearance;
- Derby Cathedral which dominates the skyline and is Grade I listed

We agree with your authority that the City Centre Conservation area is of high quality, because it retains its historic street pattern and numerous listed buildings and undesignated buildings which make a positive contribution to its character and appearance - it richly deserves its status as a designated heritage asset and is of national significance in our view. High quality historic streets of particular note include Sadler Gate and St Mary's Gate - St Mary's Gate survives as an obviously high status street lined with imposing 18th and early 19th century townhouses, the majority of which are listed Grade II and II* in their own right. The experience of visiting the city centre is thus of being within the heart of an attractive historic city - the historic association of Derby with the Enlightenment and its leading figures adds to the excitement of walking its well preserved streets and recognition of Derby as a cutting edge creative hub.

Our recognition of the high quality of the City Centre conservation area, the threats and challenges it has faced and its huge economic potential is recognised in our substantial financial investment in partnership with your authority via the PSiCA scheme (Partnership Scheme in Conservation Areas). The scale of financial investment (+£500k since 2008) we have made in Derby City Centre is unprecedented for English Heritage in the East Midlands as a funder of conservation areas at risk.

Historically the development site was densely developed with small scale buildings reflecting the surrounding conservation area including a Baptist Chapel and school - this arrangement survived into the 20th century and is still shown on the 1938 OS map.

Impact of the Scheme

It is proposed to build a seven storey high student accommodation block on an empty car park site immediately adjacent to the conservation area boundary. The building is U shaped in plan with a long frontage on Cathedral Road with the two wings projecting at right angles back into the development site. The architectural treatment is simple with two large facing panels of brick and a curved corner entrance of glass and render on Cathedral Road; the rear elevation appears to be rendered. Whilst the brick panels may be considered to make some reference to the materials of the conservation area characterised by brick and stone, the render is not locally distinctive. Architecturally the building appears overall as monolithic because of its height and scale. It can be contrasted with the architectural quality of the Joseph Wright Centre adjacent, where the scale of the building has been broken up by changes in height and form, with an interesting roofscape which responds to the 'lively roofscape' identified as a characteristic of the conservation area which adds to its interest - however it should be noted that the Joseph Wright Centre is only 5 storeys high.

The block will be visible from various locations within and approaching the conservation area. The block will be a substantial visual addition to Cathedral Road, approaching the conservation area (view F in the submitted viewpoint analysis), Here

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

it will block more of the view of the Cathedral Tower than has historically ever been the case. The block will also be visible when approaching from the north - views G and H show how the building will be visible above the existing structures and will become more visible as you move towards the conservation area. It is not clear if the building will also be visible from Chapel Street above the row of historic buildings which includes the Flower Pot public house. One view of St Mary's Gate is produced (View J); this looks towards the Cathedral and shows that the rear wings of the block will be visible above the Grade II listed buildings on St Mary's Gate. We would also argue that the building will be visible from the opposite direction, walking west up St Mary's Gate. Considering the very high quality of St Mary's Gate the visibility of the proposed block in this location is of particular concern.

The historic buildings in the conservation area vary in height from 2 to 4.5 storeys – St Mary's Gate is predominantly 3 storeys in height, whilst the Kenning & Son building on the corner of Cathedral Road changes from 3 storeys facing the Cathedral to two storeys on Cathedral Road. The proposed block is substantially higher at seven storeys.

Quite simply the proposed development is too high for its context and because of that height and its monolithic scale it will be an intrusive visual presence when viewed in approaches to the conservation area and from within it. Because of this visual intrusion it will clearly cause harm to the core element of significance which the conservation area currently derives from its survival as a coherently recognisable high quality historic place with a tight grain of historic streets and buildings.

Development of the car park site presents a significant opportunity to help restore the tightly grained edge of city centre along Cathedral Road and create a visually attractive street front. However we do not understand the argument that leads the Design and Access Statement to conclude that the only way to reinstate the grain of this area of the town is to create a single large building - there would appear to us to be alternative ways to reinstate grain, including an option that referenced the historic development pattern of the site. Redevelopment could incorporate a larger floor plate structure, but the height and quality of such a building is crucial to its success. Your authority is clear on the need for new development either within or adjoining the conservation area to 'be sympathetic to and respect its character.' (page 7, Conservation area appraisal and management plan).

It is for your authority to assess the impact of the development on the setting of the individually listed Grade II buildings along St Mary's Gate. It appears to us that there will certainly be an impact, particularly on numbers 14-16 which are in close proximity to the rear elevation of the block, whilst no. 3 has an elegant rear wing characterised by large sash windows in decorative surrounds which will look towards the proposed block. Your own appraisal notes that the burgage plots and back yards of the conservation area form part of the distinctive urban grain of the City Centre (page 15). Whilst view J shows that new block will appear above these listed buildings, this represents a significant visual addition above their roof-line.

Similarly we were unable to assess whether the proposal would have an impact on the long views considered in the submitted visual analysis - the small views provided with an even smaller orange faded box within them were not helpful in considering this issue. This is something for your authority to consider.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

Legislation and Policy

It is important to note that the previous application, for the erection of the office block, pre-dated the introduction of the National Planning Policy Framework. Therefore this proposal should have regard to this change in policy.

Special regard should be given to the desirability of preserving the setting of listed buildings (s.16 1990 Act) and special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, Listed Buildings and Conservation Areas Act, 1990). Paragraphs 7, 14, 17, 132, 131, 132 and 134 should be carefully considered prior to a decision being made.

English Heritage Position

Having visited the site and surrounding conservation area we believe that the proposed block will cause harm to the significance of the conservation area, primarily because of its height. At seven storeys the building will be significantly higher than any other building in the conservation area (except the Cathedral tower) and will also be higher than other more modern buildings referred to in the Design and Access Statement - the Bold Lane Car Park (four storeys with roof top parking - identified as a negative building in your own conservation area appraisal) and the Joseph Wright Centre (which is both 5 storeys in height and further away from the conservation area).

Having identified harm to the significance of the conservation area, which is a designated heritage asset of high significance, it follows that a clear and convincing justification associated with significant public benefits would have to be associated with the proposal for your authority to consider approval. Your authority will be aware of the raft of recent appeal decisions which have made it clear that less than substantial harm does not equate to acceptable harm, reinforcing the weight which the Principal Act intended should be given to the preservation of the historic environment in balancing harm against public benefits.

Ultimately, the soundness of a decision by the determining authority requires careful weighing of the significance of the heritage assets and the degree of harm arising from the proposed development against the merits of this and alternative locations for student accommodation. If suitable, alternative, less harmful locations can be identified, then there is no justification for development in this location. We are unconvinced that such a convincing justification exists for this proposal.

Equally the harm caused by the current proposal could be readily addressed by reduction in height of the proposed block to a maximum of five storeys, and reconsideration of the monolithic architecture. We are aware that your authority has previously raised the latter, in pre-application advice to the applicant. With regards to archaeology we defer to the County Council's Archaeological Advisor and his advice - we note that he has issued a holding objection in light of the inadequate assessment of archaeological potential for the site and would concur on the high potential for significant archaeological deposits of all periods in this location which merit pre-determination evaluation.

15/01/2015

The additional information submitted has not sought to address previous comments and concerns relating to the height of the building. The additional graphics show that

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

the building is in-fact slightly higher than the pre-NPPF scheme and will block more views of the Cathedral tower particularly from Walker Lane.

As the scheme has not changed from the previous comments these are still relevant.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD8	Infrastructure
CC1	City Centre strategy
CC9	Northern Quarter Policy Area
CC7	Residential Uses within the Central Area
CC18	Central Area Car Parking
H13	Residential Development – General Criteria
E4	Nature Conservation
E10	Renewable Energy
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
E23	Design
E24	Community Safety
E25	Building Security Measures
T1	Traffic Implications for New Development
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 list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

- Principle of Development
- Impact on the adjacent Conservation Area
- Impact on neighbouring Listed Buildings

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

Principle of Development

The site is a prominent brownfield site which has been vacant for a considerable period time following the demolition of the former Sixt Car Hire. Members will note from the planning history in Section 2 of this site that permission has been refused for the use of this site for car parking purposes however despite these decisions the application site remains in use as an unauthorised car park therefore the introduction of this scheme would remove this unauthorised use.

The site is located within the identified 'Northern Quarter Policy Area' (CC9) which is also a Regeneration Priority Area. CC9 allows for residential uses (C3) within this area. Whilst the proposal isn't strictly C3 development, it is still a residential use and would be in keeping with the overall underlying objectives of CC9 and CC1. Policy CC1 'City Centre Strategy' seeks to support new investment which will strengthen and integrates its retail, employment, leisure, cultural and residential functions.

Policy CC9 'Northern Quarter Policy Area' seeks to enforce the Council's priority to promote a 'Creative Industries Cluster' within this area creating an innovative and creative focus for the City Centre. Policy CC7 seeks to increase residential development in the central area provided that a satisfactory living environment can be created, the vitality and viability of the City Centre Shopping Area is not undermined and, existing business activity is not unduly inhibited. The vitality and viability of the City Centre Shopping Area would not be affected by the proposal and existing business activity is unlikely to be inhibited as a result of this development.

These policies all have the overarching aim to strengthen and improve the viability and vitality of the City Centre. This position is also enforced by the recently adopted City Centre Living Initiative which seeks to increase footfall within the City Centre creating a potential 'ripple effect' of improvement and potential investment, which is considered, to be much needed in the Northern Quarter.

Colleagues in Regeneration have prepared and drafted The City Centre Living Initiative which was adopted by Cabinet in October 2014. This is a funding scheme which encourages lifestyle opportunity and housing in the City Centre.

National Planning Practise Guidance states that "All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double-counting"

In considering the impact of this development on the Council's 5 year housing supply the positive impact could be one of two outcomes: the provision of new homes or allowing existing homes currently used for student accommodation to be brought back into use in a traditional residential sense. Colleagues in Planning Policy are currently working with local estate agents to formulate a calculation to estimate how many homes will equate to student accommodation scheme such as this. That being said initial thoughts are that this development would equate to a figure in the region of 100 dwellings.

The scheme as a whole, introducing residential development in the City Centre, on a brownfield site which is of a high quality design and appearance is considered to be

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

in line with Corporate Initiatives, National Planning Policy Framework and the City of Derby Local Plan and will assist in the provision of much needed housing in the City.

Site History

Details of the site history are provided within Section 2 of this report. Of particular note is application no. DER/11/07/02079 which was granted planning permission subject to conditions. The application was for the erection of offices (use class B1) and restaurant/café (use class A3). This permission is considered to be implemented as the developer sought to insert the pile footings. Therefore this development could be fully constructed.

I draw your attention to this particular part of the sites history as there are similarities between the previously approved development and the proposed development when considering its design, appearance and height. Drawing No. (08)013 Revision P01 'Proposed Elevations' identifies the previously approved and partially implemented scheme (red dash line). The main areas of difference between the proposed student accommodation is marginally wider, by approximately 0.5 metres and includes the removal of plant from the roof. The proposed scheme is thus considered to be of the same height to the previously approved scheme. That being said the top floor does project further into the site than the previous scheme.

A detailed views analysis accompanies this application which considered long and short views of particular interest is the additional views analysis (Design and Access Statement pages 57 – 62) which considers the previously approved scheme and the proposed student scheme.

View F looking south-east across Cathedral Road (from behind the Swimming Baths) – there are limited differences between the two schemes when considering this view with the exception that the proposed scheme does not have additional plant on the roof.

View G looking south-west from Queen Street – the main differences between the schemes are the current proposal does not accommodate as many varying roof projections and therefore has a smoother roofline and no roof plant.

View H looking south west from the junction of Cathedral Road and Queen Street – the current proposal does not accommodate as many projections within the elevation and at roof level. The position of the two schemes is the same at the back edge of the public highway with comparable scale.

View J looking north east from St Marys Gate – due to the rear projection of the student accommodate slightly more of the scheme will be viewed however this will not affect the setting of the Grade I Listed Cathedral. This greater rearward projection at roof level will be viewed from St Marys Gate and therefore would have a slight impact on the setting of the individually Listed Buildings along this street.

View K looking south-east from Walker Lane – the analysis shows the main difference between the two schemes as the top floor of the student scheme is deeper than that of the office accommodation. The impact of this difference would be that more of the arch detailing of the Cathedral tower would be obscured from view.

In considering the history to this site the main difference would be when viewing the scheme and the Cathedral from Walker Lane as slightly more of the Cathedral tower

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

would be obscured. However views of the Cathedral from other long and short views would not be affected any more than the impacts of the previously approved scheme.

Heritage Impacts

In considering this proposal the main area of concern and potential impact of the development would be on the Grade I Listed Cathedral and in particular its tower. The applicant submitted an initial views analysis with the application and has provided an addendum to this considering additional views and views of the previously approved scheme.

When considering applications that are within the locality of a Conservation Areas and Statutory Listed Buildings regard must be had to the National Planning Policy Framework and in particular paragraphs 132 – 134. The NPPF states that great weight should be given to the significance of a designated heritage assets and the more important the asset the more weight that should be afforded. When considering significance this could be harm or loss through destruction of the heritage asset or development within its setting, such as with this proposal which will be located within the setting of the Cathedral. Substantial harm to or loss of a grade II listed building should be exceptional, to a grade II* and grade I should be wholly exceptional.

Where a proposed development will lead to substantial harm to or loss of a significant designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweighs the harm or loss.

English Heritage advised that these paragraphs of the NPPF should be carefully considered prior to determining the application. In addition the Council's Conservation Officer in considering this proposal considers that the development will result in less than substantial harm to the setting of the Cathedral and therefore has recommended that without amendments the application should be refused. However there has been limited consideration of the wider public benefits or to what degree this less than substantial harm affects the setting of the Cathedral.

I have considered the proposal in detail and sought reasonable amendments which this report is based upon. The detailed view analysis aids in providing an understanding of the relationship created with the Cathedral and the proposed development and it is from this that I would consider that there is only one element of the proposal that would have an impact on the setting of the Cathedral above and beyond the impact already accepted by the Local Planning Authority when permission was granted for the erection of the office block, which has a partially implemented permission.

It is important to consider that *impact* does not necessarily equate to *harm*. This impact is when viewing the Cathedral from the junction of Walker Lane with Cathedral Road only – slightly more of the tower including the arch detail will be obscured from view. I consider this to be an impact on the setting of the Cathedral, only, I do not consider this to be harmful to the setting of the Cathedral nor do I consider it to be substantially harmful to its setting.

This development will obscure slightly more of the tower from one view across the City Centre which in character is an urbanised location with various tall buildings within the locality all playing their part on the townscape. The development does not

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

completely obscure the view of the tower from this view point nor does the development result in the loss of the heritage asset. In fact it is only a small element of the tower that would be obscured. If the development had sought permission for more storeys or plant at roof level then I would have to re-consider this position as other more views of the Cathedral may or may not be affected but the scheme does not.

Paragraph 134 of the NPPF also states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*. Whilst I accept this scheme is not for a public building it will have public benefits which must in this instance be afforded consideration.

The application site is currently derelict and located in a prime location adjacent to the City Centre Conservation Area. It has been used as an unauthorised car park for a period of time. The re-development of this site would help in the regeneration of this location bringing back into use a brownfield site and removing an unauthorised use. As a residential site, accommodating 350 residents, it would assist in increasing footfall within the Cathedral Quarter and, potentially, help to improve the local economy. Furthermore National Planning Policy Guidance states that student accommodation can be considered towards local housing targets, thus reducing pressure on greenfield land.

The projection into the development site on the top storey will be more visible from St Mary's Gate than the previously approved scheme and therefore would have an impact on the setting of these individually Listed Buildings. That being said the element of the building that would be visible is considered to be minimum and would not obscure these buildings nor would I consider it to be harmful on their setting.

The same, in my opinion, can be said for the relationship created with the City Centre Conservation. Whilst the heights of buildings within the conservation area are lower than the proposed the roofscape is varied. I also consider that the introduction of the development would have an impact; this impact, in my opinion, would not be harmful to its heritage assets.

I accept that there would be an impact on the setting of the Cathedral tower however I do not consider it to be harmful nor substantially harmful. Moreover the development will obscure an element of the tower from one view only and will not seek to obscure other short and long views. Therefore on balance I do not consider this impact to warrant the refusal of the application.

Highways and Parking

The application is accompanied by a Transport Statement which has been duly assessed by colleagues in Transport Planning. As their comments confirm within Section 5 of this report the proposed development as a result of limited car parking will generate very few trips on the highway network. Therefore there are no concerns with regards to impact of the development in traffic terms on the existing City Centre highway network. The development incorporates a high number of covered and uncovered cycle spaces to encourage green travel. Furthermore the development is located in the City Centre which is considered to be a sustainable location and in close proximity to the bus and train station along with easy access to amenities. I

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

would also note that there is a bus service to University Campuses from the City Centre. In light of the Transport Statement and the conclusions of colleagues in Highways Development Control no highway contributions have been sought under the Section 106.

The development has also been assessed by colleagues in Highways Development Control who have recommended planning conditions in respect of surface finishes, the redundant access being reinstated, pedestrian visibility splays, access details for the scheme including the design of the gate and cycle parking.

In light of the above the application is acceptable in highway impact and highway safety terms subject to compliance with the recommended planning conditions as set out in Section 8 of this report.

Environmental Issues

The applicant has carried out trial trenching in accordance with and under the supervision of the County Archaeologist. These 6 trial trenches have been carried out at agreed intervals across the site. The conclusions of these works are the front of the site is considered to be of a low archaeological value due to previous disturbance on the site. The rear of the site, particular the south-western area (Trench 6) uncovered the complete archaeological remain and is therefore characterised as being of a high archaeological significance. The remainder of the site is characterised as having a moderate value. As a result of these conclusions further works are required under condition.

Further works are also required in relation to land contamination whilst previous reports have been carried out in relation to this issue they consider a commercial end user. Therefore these reports must be re-visited in order to consider a residential end user which is more sensitive particular when there are amenities areas. Further details are also requested in relation to acoustic insulation. Whilst there are no objections relating to the introduction of residential units in this location sufficient insulation is recommended in order to minimise any disturbance to future occupiers. I would not consider this issue to warrant refusal of the application.

Details of how the site will be drained will also be secured by way of a pre-commencement condition.

Conclusion

The redevelopment of this site in principal was accepted in 2007 through the granting of permission for the office scheme; this scheme set the principle for the scale and mass of development. The proposed scheme does incorporate 2 further storeys than that of the extant permission however given the difference between commercial and residential internal floor to ceiling heights the scale and height of the building would remain the same. The submitted amended plans have sought to address concerns raised with regards to the setting of the neighbouring Listed Buildings and the City Centre Conservation Officer considering short and long views of the Cathedral. The Conservation Officer concludes that she considers there to be less than substantial harm on the Cathedral as a result of the proposed development. That being said consider that the proposed development is acceptable would result in less than substantial harm and certainly no substantial harm to the setting of the Listed Cathedral.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

Given the nature of the development the end use will not generate trips and therefore will have a limited impact on the highway network. That being said conditions have been recommended to ensure that there are no implications on highway safety. The drainage scheme and landscaping layout will be secured by way of condition and as such I am satisfied that the required infrastructure will be secured.

Overall, it is considered that the scheme, as amended, would introduce a high standard of design and the building would have the potential to encourage the regeneration of the Northern Quarter positively influencing the local economy.

As such I am satisfied that the scheme would comply with the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990, The National Planning Policy Framework and the saved policies within the adopted City of Derby Local Plan Review.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

- A. To authorise** the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Planning and Property Services to enter into such an agreement.
- B. To authorise** the Director of Planning and Property Services to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

It is considered that the proposal, as amended, would not harm the setting and significance of nearby listed buildings, or the character, appearance and significance of the City Centre Conservation Area. Moreover, subject to compliance with attached conditions, the proposal would not have an adverse impact on the highway network, or flood risk matters. Furthermore there would not be any unreasonable impact upon the neighbouring properties. Accordingly the development would comply with the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990, The National Planning Policy Framework and the saved policies within the adopted City of Derby Local Plan Review.

Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans)
3. Standard condition 27 (external materials including mortar details shall broadly accord with detailed elevation/material schedule on drawing no. (08)015 P01.)
4. Standard condition 19 (means of enclosure broadly in accordance with the details provided on Drawing No. (08)003 P01 Block Plan)
5. No above ground development shall take place until details of the windows and doors including details of any recesses have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those details.
6. No part of the development hereby permitted shall be brought into use until the service road and footways are constructed with provision to prevent the

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

discharge of surface water from the service road and footways to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

7. No part of the development hereby permitted shall be brought into use until the service road and footways have been surfaced in a hard bound to be drained in a sustainable manner. No loose gravel shall be used within 5.0 metres of the public highway. The service road and footways shall be maintained in such a hard bound material for the life of the development. The details of the surfacing material shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
8. No part of the development hereby permitted shall be brought into use until an existing site access that will be partially made redundant as a result of this development is permanently closed and the access crossing reinstates as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. No part of the development shall be brought into use until the visibility splays of 2.0 metres x 2.0 metres are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays, referred to in this condition shall thereafter be kept free of all obstructions, structures and erections exceeding 0.6 metres in height. The development shall be carried out in accordance with the approved details.
10. No development shall commence until the proposed access details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. No part of the development hereby permitted shall be brought into use until precise details of the cycle storage has been submitted to and approved in writing. The submitted details shall include covered and uncovered cycle storage.
12. No part of the development shall be brought into use until precise details of the entrance gates on Cathedral Road have been submitted to and approved in writing by the Local Planning Authority. The gates shall open inwards and be of a character that is sympathetic to the historic setting.
13. Prior to the commencement of any development, precise details of acoustic insulation shall be submitted to and approved in writing by the Local Planning Authority. The acoustic insulation scheme shall be produced by a competent acoustician and particularly consider low frequency noise associated with music from City Centre bars/clubs. The agreed details shall be implemented in full and retained for the life of the development.
14. Prior to the commencement of any development, excluding any necessary enabling works, an updated land contamination assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

shall address the conclusions and recommendations within Section 5.0 of the submitted Site Validation Report Update dated October 2014.

15. Prior to the commencement of any development, excluding any necessary enabling works, a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations with the Remediation Method Statement.
16. 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 the Local Planning Authority prior to the development becoming occupied.
17.
 - a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until the pre-commencement fieldwork element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - i. The programme and methodology of site investigation and recording.
 - ii. The programme for post investigation assessment.
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
 - b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
 - c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
18. No development should take place until both foul and surface water sewerage schemes have been approved by the local planning authority. The surface water drainage shall include Sustainable Drainage features that shall be in accordance with:
 - a) the one in thirty year rainfall event retained below normal ground level, the one in 100year plus climate change rainfall event to be retained on the development. Calculations to that end are to be approved by the local planning authority including that habitable rooms do not flood. The route of outflow from a rainfall event that exceeds that amount shall be made known to the Local Planning Authority.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

b) The draft National Standards for sustainable drainage systems.

19. This permission does not extend to include the installation of plant at roof level.
20. Prior to the commencement of any above ground works precise details of the landscaping scheme shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details.
21. The landscaping scheme required under condition 19 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.

Reasons:

1. Standard reason E56
2. Standard reason E04
3. Standard reason E14 (GD5, E23, H13)
4. In the interest of visual amenity (GD5, E23)
5. In the interest of visual amenity (GD5, E23)
6. To ensure surface water from the site is not deposited on the public highway causing dangers to road user and in accordance with saved policy GD3 and T4 of the adopted City of Derby Local Plan Review.
7. To reduce the possibility of deleterious material being deposited onto the public highway and ensure permeability in accordance with saved policy Gd3 and T4 of the adopted City of Derby Local Plan Review.
8. In the interest of highways safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
9. In the interest of highways safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
10. In the interest of highways safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
11. To promote sustainable modes of travel and in accordance with saved policies T4 and T7 of the adopted City of Derby Local Plan Review.
12. In order to preserve the historic environment and in the interests of highway safety and in accordance with saved policies E18, E24 and T4 of the adopted City of Derby Local Plan Review.
13. In order to preserve the residential amenity of the occupiers of this development as a result of its location within the City Centre and in accordance with saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

14. The submitted Validation Report (CRA, September 2010) recommends further survey work particularly gas monitoring is carried. In the interests of public health and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
15. In the interests of public health and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
16. In the interests of public health and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
17. In the interests of preserving and assessing below-ground archaeology and in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.
18. In the interest of sustainable drainage and in accordance with saved policies GD3, GD5 and GD8 of the adopted City of Derby Local Plan Review.
19. Standard reason E04
20. In the interest of visual and residential amenity and in accordance with saved policies GD4, GD5 and H13 of the adopted City of Derby Local Plan Review.
21. In the interest of visual and residential amenity and in accordance with saved policies GD4, GD5 and H13 of the adopted City of Derby Local Plan Review.

Informative Notes:

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: highwaysdevelopmentcontrol@derby.gov.uk

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

It is the Local Authority's statutory responsibility to issue official addresses for all residential and business premises within its area. The naming or numbering of the properties should be requested when development commences by contacting traffic.management@derby.gov.uk

The County Archaeologist, Steve Baker, will be responsible for monitoring the conditioned works, under condition 15 above, the applicant/agent should contact Steve Baker when details of the foundations and other groundwork's have been finalised, for advice on possible areas of preservation in situ, and on the production of the written scheme of investigation.

When applying to discharge condition 16 you should be mindful of the following:

- Sustainable drainage features shall be in accordance with NPPF cl 103
- The area being previously a vehicle business may have tanks for the storage of hydrocarbons or separation of such materials from water. They such tanks and ancillary works will need to be treated in accordance with the E.A's instructions.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning

- Calculations to ascertain the present or pre-developed surface water discharge rate shall be to LH124 pro rata as for urban development and this shall be used to determine the rate of discharge of the limiting device for the discharge of surface water or for brown field sites with
- Modern efficient drainage systems the Wallingford Procedure fully applied for the appropriate storm for which it has been designed.
- Surface water runoff from individual properties and joint vehicle access arrangements should be prevented from running over the public highway.
- For the correct treatment of surface water SuDS features need to be placed in a train commencing as close to the source as possible in accordance with the draft National Standards for sustainable drainage systems or CIRIA C697 and C687.
- The use of attenuation tanks and the like are discouraged by the E.A

S106 requirements where appropriate:

Colleagues in Implementation have worked with the applicant to negotiate a Section 106 Agreement that accords with the Council's adopted Supplementary Planning Document: Planning Obligations. Financial contributions have been secured towards Open Space, Public Realm, Sports Facilities and health Facilities.

Application timescale:

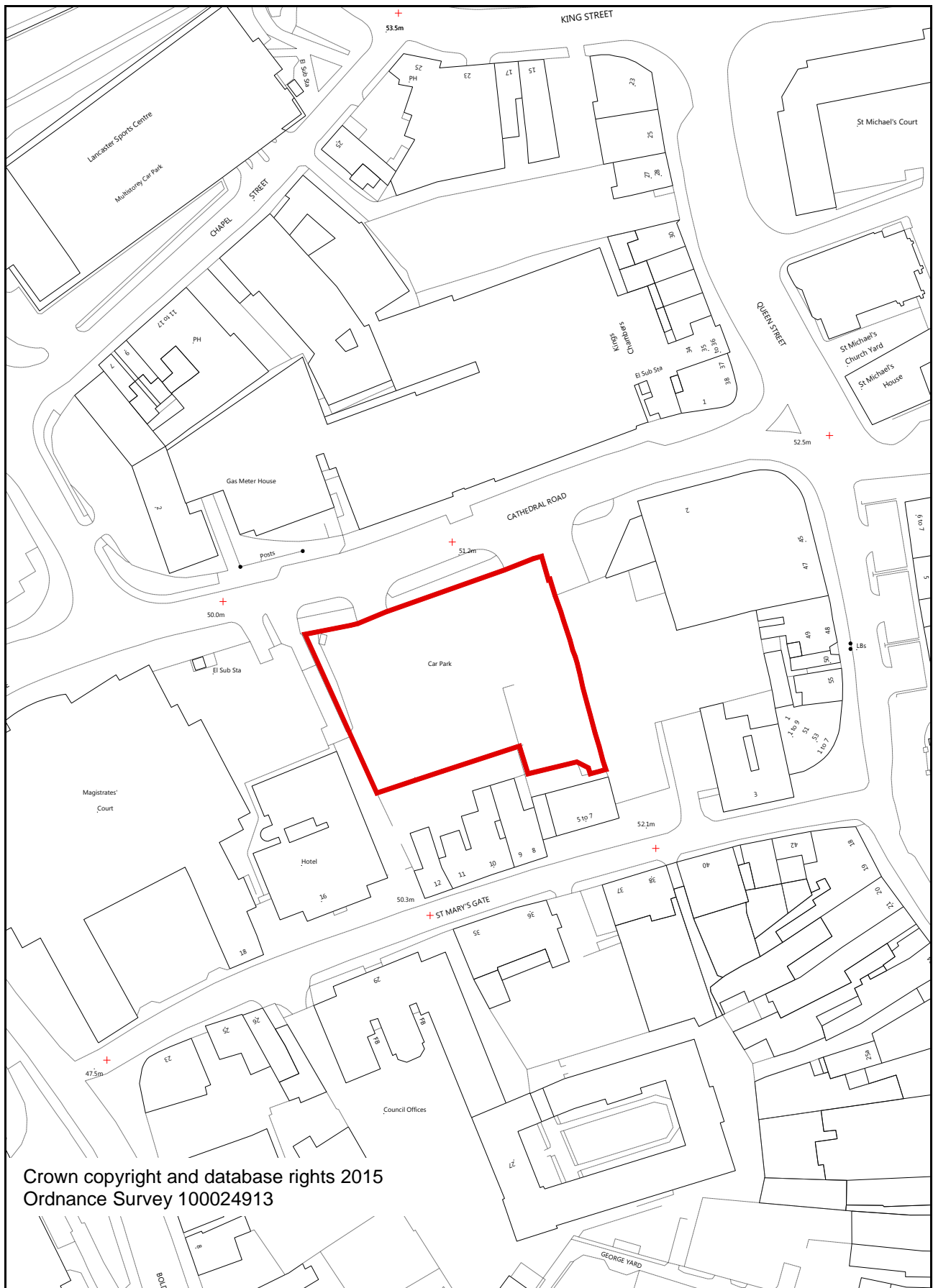
The statutory timescale for determination of this application has lapsed however the applicant has worked with the Local Planning Authority and agreed an extension of time until 6 March.

The application is brought before committee due to the content of consultation responses and the strategic nature of the proposal.

Committee Report Item No: 1

Application No: DER/10/14/01424

Type: Full Planning



Crown copyright and database rights 2015
Ordnance Survey 100024913

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

1. Application Details

Address: Land at Hackwood Farm, Radbourne Lane, Mickleover.

Ward: Mickleover

Proposal:

Erection of up to 410 dwellings, local retail centre, public open space, primary school, formation of access and associated infrastructure

Further Details:

Web-link to application documents –

DER/03/13/00298:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=94452>

DER/06/14/00805:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96606>

Brief description:

Two outline applications have been submitted for residential development and associated infrastructure, relating to land at Hackwood Farm, off Radbourne Lane, which lies just to the north of Mickleover. The site is located on the western edge of the city, where it borders the adjacent local authorities of Amber Valley and South Derbyshire districts. It is a green field site, which comprises of agricultural land and the existing farm complex, which is centrally located within the site. The farm is currently accessed from Radbourne Lane via a single track road. The land is subdivided by hedgerow field boundaries and numerous trees, including some veteran trees. The site is on a gently sloping gradient, which falls from north to south, from Radbourne Lane along the northern boundary to the disused railway cycle route and footpath on the southern boundary. There is a relatively recent housing development to the east of the site on Radbourne Gate and Starflower Way and the Ladybank Road housing estate, which lies directly to the south. A public footpath runs along the western boundary with South Derbyshire district linking Radbourne Lane with the Ladybank Road estate to the south.

The outline proposal for residential development covers a cross-boundary site, with erection of up to 410 dwellings in the city and up to 290 dwellings on land in South Derbyshire district to the west of the city boundary.

This report makes a recommendation solely on the development proposed within the city's area, although consideration must be given to the overall housing scheme and the indicative concept masterplan for the whole site, which would deliver up to 700 dwellings.

The masterplan site, including the South Derbyshire element comprises approx. 41.26 hectares of land. The development site within the city is approximately 27 hectares in area and has been submitted in two applications:

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

DER/03/13/00298 (Phase 1) is an outline scheme relating to approx. 21 hectares, with all matters reserved and is for up to 370 dwellings, provision of a local retail centre, incorporating the existing farm buildings, public open space, surface water attenuation works and associated infrastructure, which indicates a new access linking onto Starflower Way.

DER/06/14/00805 (Phase 2a) is an outline scheme relating to approx. 6 hectares, with means of access to be determined at this stage and all other matters reserved. It is for up to 40 dwellings, provision of a primary school, public open space, surface water attenuation works, associated infrastructure and formation of a new access onto Radbourne Lane.

A concept masterplan has been submitted in support of both applications, to demonstrate the potential urban design and layout for the development. It has been amended during the course of the application, in response to issues raised by various consultees, however, it should be stressed that at this stage the masterplan is indicative only and would not form part of any approved documents list.

Environmental Statement

Both planning applications are supported by an Environmental Statement (ES), prepared under the Environmental Impact Assessment Regulations 2011. The proposed residential development is considered to be a Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The development is classed as an “Infrastructure Project” and falls under Section 10 (b) of Schedule 2. The development is considered likely to have significant effects on the environment by reason of the cumulative impact of the proposal, with a committed residential scheme for 600 dwellings, (within Amber Valley district), just north of the site on Radbourne Lane.

The applicant has carried out a full Environmental Impact Assessment (EIA), which examines the environmental effects of the project and proposes mitigation measures where necessary. The Environmental Statement has been prepared in accordance with the requirements of the 2011 Regulations. The Environmental Statement is also accompanied by a Non-Technical Summary. Both applications are accompanied by an Environmental Statement. Addendums to the Environmental Statement were submitted in December 2013 and November 2014, with amendments to the flood risk assessment and hedgerow assessment, further noise assessment and ecological survey reports to address comments made by consultees. Further consultation and publicity has been carried out in respect to these ES addendums, as required in line with the EIA Regulations. These documents should provide a clear understanding of the potential significant effects of the development upon the environment and the mitigation measures proposed to overcome or avoid the effects.

The main topic areas and conclusions of the ES are summarised below with additional information and comments provided by consultees and others later in the report.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Transport impacts

The impacts on the local transport network of the development as a result of the predicted traffic demand associated with this development and other permitted/ planned development in the local area, have been assessed. A separate Transport Assessment has been provided to support the whole development.

Construction traffic would access the site via Radbourne Lane. A potential minor adverse effect is predicted in terms of pedestrian amenity and driver delay. Mitigation measures are proposed to minimise potential nuisance from construction activity.

Once the development is occupied there is potential for some adverse impacts, specifically at the Radbourne Lane/ Station Road junction in terms of driver delay, pedestrian amenity and severance. Proposals to construct new junction at Radbourne Lane/ Station Road, would reduce driver delay, improve pedestrian amenity and mitigate any adverse effect.

Landscape and visual impacts

The elements of site and surrounding area which are important in terms of landscape character and resources are identified and the extent that these would be affected by the proposals. The assessment has identified that the long-term effects of the development on landscape resources would be slightly beneficial. The development is considered to have a slightly adverse effect on landscape character, arising from the change from agricultural to residential and community uses.

The landscaping strategy for the development would ensure that the scheme is acceptable in landscape and visual terms through the preparation of a masterplan, with careful consideration of development scale and form, site planning and appearance. Impacts would be limited through the delivery of a substantial green infrastructure strategy for the site comprising about a third of the site, to create permeability, connectivity and integration with the wider landscape and the strategic green infrastructure network in the study area. The new green infrastructure would assist in reducing the likely visual effects of development over time and deliver open spaces with improved opportunities for recreation and ecology.

Noise impacts

An assessment of noise and vibration impacts associated with the construction and occupied development has been undertaken and considers the traffic noise generated by the proposal. The cumulative impact of the committed Radbourne Lane development with the proposal has been assessed and results concluded that traffic flow changes result in negligible changes in environmental noise levels.

The use of best practice mitigation measures for the construction phase would ensure minimum noise levels at closest noise sensitive properties.

Assessment of road traffic flow changes have established that for the majority of road links in the surrounding area, changes to existing noise levels will be negligible.

For Starflower Way, there would be the largest change in vehicle flows, resulting in a major impact in the short term and a moderate impact in the long term. Starflower Way would become the access road into the site, therefore a significant increase in traffic flows is inevitable. When compared to current guidance for assessing the

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

suitability of new dwellings the resulting noise levels are not considered significant or excessive. A cumulative assessment of road traffic flows, including traffic associated with the nearby housing development on Radbourne Lane, on surrounding road links has established that changes in existing noise levels would be negligible.

The noise assessment addendum concludes that changes from existing noise levels on Starflower Way at the worst affected receptors would be substantial. However, the predicted noise level is considered commensurate with residential occupation when assessed against related guidance. The overall noise level of 56 db would be at the lower end of Noise Exposure Category B of superceded PPG 24. Noise levels on a housing estate are likely to peak in the early morning and late afternoon and be much lower at other times of the day.

Air quality impacts

An assessment of the potential for the development to have a significant impact on local air quality has been undertaken. In regard to construction activity, there is potential to generate dust emissions, however these would be controlled using on site management practices to the extent that there would be negligible or slight adverse effects on nearest sensitive receptors. The completed development is predicted to have a negligible impact on local air quality. Changes in pollutant concentrations with both the proposed development and committed developments in the area are predicted to be imperceptible or small. The effect on local air quality from the development is therefore negligible and not considered significant.

Archaeological and heritage impacts

The impacts of the proposed development with the committed Radbourne Lane development on below ground archaeological resource and on built heritage in the surrounding area have been assessed. This comprises a desk based assessment, an impact assessment on nearby heritage assets and a geophysical survey of the site.

The development site does not contain any designated heritage assets. There are three statutory listed buildings in the vicinity of the proposed development which are considered potentially sensitive to the development proposal. Radbourne Hall is Grade I listed, Silverhill Farm and Potlocks Farm are both Grade II listed and all lie to the west of the application site. Archaeological surveys have identified ridge and furrow earthworks and low density potential archaeological remains.

Construction activity would result in direct truncation of the archaeological earthworks and remains, which would result in substantial destruction of any remains. However, the impacts on the archaeological remains within the site can be mitigated by preservation by record. With mitigation in place the impacts on the below ground archaeology is considered to be minor/ negligible. The archaeological investigation of the remains on the site would enhance the archaeological record of the region and this is considered a minor positive long term impact.

The potential impact on Radbourne Hall and Silverhill Farm is considered to be negligible. The likely effect on Potlocks Farm, prior to any mitigation, is considered moderate/ minor, due to the distance of the building from the development, intervening hedgerows and its location on the urban fringe of Mickleover. With

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

mitigation in place (proposed landscape buffer on western boundary) the impact would be minor.

In terms of the cumulative impact, of the development with the committed development at Radbourne Lane, the effect in relation to the listed buildings and their setting is considered to be insignificant.

Ecological impacts

An ecological appraisal has been undertaken for the whole site and surrounding area to identify ecological receptors, potential impacts and proposed mitigation measures.

There are two Local Wildlife Sites within the site (Radbourne Lane hedge and Hackwood Farm pond) and one adjacent to the south of the site (Former rail cutting pedestrian/cycle path) One hedgerow also qualifies as a Local Wildlife site under the Derbyshire selection criteria. There are four ponds within and adjacent to the site, two of which are of local nature conservation value. There are buildings in the site, with moderate potential to support roosting bats.

Significant potential construction effects of the development are identified in terms of loss, disturbance and damage to habitats, including the Local Wildlife Sites. This includes loss of approx. 120 metres of the Radbourne Lane Hedge and 10 metres of the qualifying hedgerow. The junction improvements to Station Road/ Radbourne Lane would result in loss of approximately 140 metres of hedge, one tree and small area of ruderal and scrub vegetation and amenity grassland. Disturbance to bats and bat roosts, to reptiles (great crested newts) and to badger setts, loss of farmland bird habitats are also possible. However, no trees or building with potential for bat roosts are to be removed as part of the proposal. No evidence of badger setts have been found within the site.

Mitigation and enhancement measures are proposed to minimise the potential adverse impacts and taking these into account the following residual effects are predicted:

- Short term loss of habitat of Radbourne Lane Hedge, due to removal and translocation. Beneficial effects in medium and long term due to management, creation of adjacent wildlife corridor and enhancement of hedgerow.
- Increase in length of hedgerow.
- Creation of species rich grassland habitats within public open space
- Creation of balancing areas designed to optimise biodiversity benefit
- Long term management of habitats through a Biodiversity Management Plan to enhance their value for wildlife, particularly nesting birds
- Installation of bat roost and bird nesting features on trees and buildings.

All ecologically valuable features within the site will be retained and some enhanced. There would be short term adverse effect from removal of part of the Radbourne Lane hedge but long term management and enhancements will result in a local level beneficial effect in medium to long term. Creation and enhancement of habitats would result in overall local level beneficial effects.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

An addendum to the ecological appraisal was submitted on 1 September 2014 which covered the following:

- Clarification that the methodology for carrying out Great Crested Newts surveys on the site was undertaken in accordance with relevant guidelines. The surveys established that a small isolated population of Great Crested Newts may be present in Pond 1 and therefore assume that a population is present. The development has taken account of the potential presence of amphibians on site, by retention of ponds and maintenance of connectivity and provision of significant areas of suitable habitat. During construction, it would be necessary to translocate the newts from the working areas under a Natural England licence. These mitigation measures would avoid significant adverse effects on Great Crested Newts from the development.
- A tree which has the potential for supporting bat roosts in the site, is not being identified for removal to enable the development. If necessary, emergence/ re-entry surveys would be carried out post-application to determine if the tree has bat roosts and appropriate mitigation would be put in place as required.
- A lighting strategy for the site is recommended to ensure that illumination of trees with bat roost potential is avoided.
- A further tree which was classified as having low potential for bat roosts as been further inspected and no suitable features for roosting bats were present.
- Buildings on the farm scheduled for demolition were found to have no significant potential to support roosting bats. Stable block and barn to be retained have low to moderate potential for bat roosts.
- The area to west of the farm buildings may qualify as a “Traditional Orchard” habitat of principal importance. The orchard will be retained in the development and recommended that it be managed in the long term as a community feature and maintain its value for biodiversity.

Hydrology and flood risk impacts

A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to address flood risk and drainage issues and these have been revised during the course of the application. In terms of watercourses, Egginton Brook runs to the southern boundary of the site and there other surface water features within and close to the site, which include local ditches and a culverted watercourse.

During construction, a short term minor adverse impact on fluvial and surface water flood risk and water quality on site is anticipated. A strategy to implement suitable mitigation measures should be identified. These impacts are expected to have no long term residual effects on flood risk, water quality or water resources.

The cumulative effect of the two developments is expected to be of moderate beneficial significance due to the potential to alleviate flood risk from properties to the south of the railway cutting.

The FRA and flood alleviation measures proposed have demonstrated that the development will be safe, without increasing flood risk elsewhere. The proposed

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 **Type:** Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

drainage strategy makes recommendations for the use of Surface Urban Drainage system (SUDs) to restrict the rate of surface water run-off and also improve water quality. A foul drainage strategy with necessary improvement infrastructure is also proposed to ensure that the existing sewerage system is not overloaded.

The proposal is considered to meet the requirements in the NPPF and as such it is considered suitable in terms of flood risk and drainage.

2. Relevant Planning History:

South Derbyshire District Council:

09/2014/0562 – Outline application (all matters reserved) for erection of 290 dwellings, including provision of public open space, drainage works and related infrastructure and landscaping, Land at Hackwood Farm, Radbourne Lane, current application.

DER/01/14/00104 - Construction of a surface water drainage basin and wetland area together with temporary vehicular access – Application withdrawn

3. Publicity:

Neighbour Notification Letter - 85

Site Notices

Statutory Press Advert and re-advertisement for Addendum information (in compliance with the EIA Regulations)

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

Prior to submission of the application, the applicant undertook a public consultation event, which took the form of an exhibition at the Hackwood Farm Shop on the site. Leaflets were delivered to local residents in the area of Station Road and Ladybank Road. Invitations were also sent to Councillors, the local MP and members of the Mickleover Neighbourhood Board. Notices promoting the exhibition were also posted at community facilities and shops in the locality and an advert was placed in the Derby Telegraph.

4. Representations:

122 objections and comments have been received to the Phase 1 application (DER/03/13/00298), including objections from Cllr Keith and Cllr Jones and from Mackworth Parish Council and Mickleover Neighbourhood Board. A petition with 1462 signatures has also been received in objection to that application, in regard to loss of countryside, increased traffic in Mickleover and inadequate access/ egress onto Station Road.

A further 27 objections/comments have been made to the Phase 2a application (DER/06/14/00805).

The main issues raised in objections/ comments to both applications are as follows:

- Increase in traffic will lead to congestion on local roads

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

- Starflower Way is not suitable for additional traffic
- Parking in the Mickleover centre cannot cope with additional traffic
- Inadequate sewerage infrastructure
- Increase in noise and dust pollution will have detrimental impact on residents of nearby properties.
- Local community facilities and shops will not be able to cope with additional housing
- Loss of wildlife and habitat on the site as result of proposal.
- Increase in flood risk and drainage problems would result from the development
- Existing flooding problems in the area should be dealt with by this development
- Loss of Green Wedge and open countryside
- Local schools are already full and would not cope with additional housing
- Harm to existing farm shop and tea room
- Public transport in local area is limited and proposed bus service may not be implemented/ maintained
- Drainage balancing ponds proposed would be maintained.
- Loss of views over open countryside
- Development is not in sustainable location
- The proposed housing, with the other housing developments planned and committed will urbanise the local area and be over intensive
- The city's Preferred Growth Strategy does not include the site as a housing allocation.
- Impact on the archaeological interest of the agricultural land, which has ancient ridge and furrow fields.

5. Consultations:

Highways (Land Drainage):

There are drainage features on the site and a watercourse, the Egginton Brook on the opposite side of the disused railway cutting. The site is indicated to be in Flood Zone 1 and is to be drained using SUDs features. Encourage the use of sustainable drainage techniques such as shallow swales, permeable paving, shallow filtration trenches, green and brown roofs and rainwater harvesting. Shallow SUDs should be feasible on an area that has been cultivated for a long time. The application can only be supported subject to conditions to control details of surface water and foul sewerage schemes, to include Sustainable Drainage features.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Highways DC:

Transport Assessment

Traffic Modelling - The transport assessment has been undertaken using DATM the citywide transport model. The model generally provides a good indication of the distribution of traffic generated by the development. It is important to have an understanding the likely traffic distribution as the site lies on the edge of the urban area and as the city centre is located to the south east of the site, the vehicular trips are likely to be skewed towards the City via either Station Road and/or Radbourne Lane.

Traffic Generation - The proposed 700 dwellings are likely to produce approximately 500 additional two-way trips in the peak hours when discounts for internal trips to the local centre and primary school are taken into account (see table below):

	In	Out	Total
Am Peak	147	383	530
Pm Peak	331	215	546

Trip Distribution - DATM indicates that the likely split of trips will be:

	Am Peak	Pm Peak
Station Road just south of Starflower Way	259	215
Radbourne Lane to the east of Station Road	252	317
Total	511	532

Note: The totals differ since a small number of vehicles will exit west on Radbourne Lane .

DATM also indicates that some of the trips could use the routes through the estate to the east of Station Road to access Western Road rather than the more direct route via Station Road. There is likely to be some 'rat running' through the estate however within the model the routes through the estate are slightly shorter than the route using Station Road and the model takes no account of the tortuous nature of the estate roads versus the direct route offered by Station Road. It would be impractical to seek to traffic calm the entire estate given the many routes available and the nature of those routes, some of which are bus routes. What would be of concern is if 'rat running' took place along Onslow Road, which is narrow at approximately 4.8m wide and is signed as part of the national cycle routes 68 and 54. It is suggested that should permission be granted, then on occupation of the 200 dwellings the developer should be required to undertake an 'origin and destination' survey to establish if the traffic generated by the development is 'rat running' along Onslow Road. Then if it is established that rat running is a problem the developer should submit proposals to traffic calm Onslow Road.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Proposed off-site highway improvements

The developer is proposing to mitigate the impact of generated traffic on the junction of Station Road and Radbourne Lane by building a roundabout, as shown for indicative purposes only on Drg No 10446/101(see Transport Assessment at Appendix O). The roundabout will accommodate the traffic generated by the development and address the existing issue of substandard visibility to the west of the junction for drivers emerging from Station Road onto Radbourne Lane. It is considered that this roundabout should be provided as early as possible in the life of the development and it is suggested that no works are allowed to take place until the phased implementation of the roundabout has been agreed. It should be noted that the provision of this junction improvement is likely to make the Station Road/Radbourne Lane route more attractive to the wider public.

Walking and Cycling

To improve connections between the site and Mickleover to the south, the developer has shown a new pedestrian/cycle bridge over the former railway cutting to link the proposed development to the existing housing stock to the south and this is shown on the indicative master plan. The developer intends to make a contribution via the Section 106 Agreement to provide the bridge at an unspecified date in the future. It should be noted that the former railway cutting is not in the ownership of the City Council (owned by Derbyshire County Council) and that a design showing that the bridge can be built on land within the City Council's/developers control has not been fully agreed. The indicative master plan also shows a new length of footway/cycleway linking the new bridge to Saxondale Ave, to the south of the site. This new length of footway is shown to be on public open space and again I understand it is expected that the footway is to be provided by the City Council using a contribution from the developer.

The indicative master plan shows an extensive network of footway/cycleways proposed within the site, which are linked to the existing highway network to the south of the site via the proposed pedestrian/ cycle bridge and footway link. The delivery of the bridge would be subject to agreement with other land owners.

The site is well related to the National Cycle Routes 68 and 54 and is crossed by designated footpath 'Radbourne 1'. There is also an existing shared use footway/cycleway running along the southern side of Starflower Way. The indicative master plan indicates that this section of shared use footway/cycleway is to be linked within the site to both the national cycle route and to Radbourne Lane.

Public Transport

Once constructed the new pedestrian/cycle bridge discussed above will enable the residents of the Hackwood Farm development to gain access to the 'Mickleover' bus service, which runs along Ladybank Road. It should be noted that only a small number of the new dwellings will lie within 400m of the 'Mickleover' bus stops, however a sizable portion of the site will be within 800m of the bus route.

The applicants are in discussions with a bus operator to procure a bus service to serve the residential development under construction in Amber Valley district off Radbourne Lane and this service is to be extended to also serve the above site.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

S106 Agreement

It is understood that the cost of both the bridge and the extension of the developer funded bus service are to be discounted against the generic contribution for wider highway improvements as described in the Council's Developer Contributions Supplementary Planning Document (SPD). The Highway Authority questions this approach and suggests both the bridge/link and bus service are required to make the site sustainable. The bridge and bus service will predominantly accommodate the additional trip making by the residents of the proposed site.

Phasing of the development

The development which falls in South Derbyshire has no independent access and consequently cannot be developed until it can be accessed via the proposed accesses described above. Whilst Starflower Way was clearly designed to be extended the number of dwellings to be served from Starflower Way should be restricted until the two proposed points of access have been linked together. This will need to be conditioned and agreed as part of the phasing of the development, as will:

- Delivery of the Radbourne Lane /Station road roundabout;
- How many dwellings can be served off Radbourne Lane before the internal link is provided;
- At what stage the developer funded bus service is to be provided;
- When the footways linking the development to the Radbourne Lane/Station Road roundabout are to be in place;
- When the school is to be provided and what provisions are to be put in place to accommodate the short term congestion which occurs at schools in the morning and afternoon.

Highways Agency:

The proposed development is expected to have a material impact on the closest strategic route, the A38 at the Markeaton roundabout. However, the Agency is satisfied that the additional demand can be accommodated by the committed pinch point scheme at the Markeaton roundabout. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency have no objections to the proposal.

Natural Environment:

Rights of way

If the proposed new pedestrian / cycle links shown on the illustrative layout are implemented then we would recommend a new pedestrian / cycle bridge over the Mickleover to Egginton Greenway. The new bridge would replace the old bridge, which formed part of the existing public footpath Radbourne 1. It may also be preferable to upgrade the footpath Radbourne 1, in-between the greenway and Radbourne Lane, to a pedestrian / cycle route. Finally, it may be beneficial to have a second link from the proposed housing site into the existing public open space to the south of the greenway. This link would allow quicker access to Station Road if heading towards the district centre.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Trees

It is noted that this outline proposal will retain virtually all tree cover within the residential development. Therefore, following on from all the recommendations made in the Arboricultural Assessment, as part of any reserved matters a scaled Tree Protection Plan showing retained trees and their respective Root Protection Areas in relation to the detailed residential layout is required for approval to ensure all the recommendations made in the Arboricultural Assessment are carried forward. Standard conditions are also needed to ensure tree protection measures outlined in the Arboricultural Assessment, such as protective fencing is in place before and during construction works and, where necessary, an Arboricultural Method Statement detailing the nature of no-dig surfacing solutions is submitted for approval for any works affecting the root protection area of trees to be retained.

Environmental Services (Health – Pollution):

Noise

In order to concerns raised about noise impact, an additional noise assessment was carried out in December 2013. Based on the results of the noise addendum there remains an objection to the development on noise amenity grounds with respect to the likely significant adverse impact upon residential dwellings along Starflower Way and to a lesser extent Spinneybrook Way.

I can comment on the addendum as follows:

1. The addendum provides additional noise assessment with respect to properties located at the end of Starflower Way, specifically addressing a concern raised in regard to lack of detailed information contained within the previously submitted ES.
2. The results of the assessment serve to reinforce the concerns relating to noise impacts for current dwellings along Starflower Way, predicting an increase of 9.9dBL(A)10,18hr representing a 'substantial' noise impact and only 0.1dB from being classed as 'severe' according to URS's significance criteria in Table 3 i.e. $\geq 10\text{dB}$.
3. The substantial/severe impact noted above is based upon vehicles travelling along Starflower Way in compliance with a proposed speed limit of 20mph. In practical terms therefore, it is likely that the impact will be even greater than this.
4. The report also considers the predicted noise levels from traffic against recognised criteria, namely the World Health Organisation (WHO) and other standards derived from the WHO criteria. Conclusions are accepted, although the guidelines only relate to impacts on new housing proposals, rather than on existing housing.

The concerns raised are related to the impact of an increase in traffic noise, from a very low ambient noise level, currently experienced by residents on Starflower Way, rather than the resulting noise levels, which are still relatively low. Whilst the increase in noise would be substantial, the actual noise levels as a result of the development would be likely to cause limited adverse effect on resident's amenity.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Land contamination:

A Phase I desktop study has been submitted with the application and agree that a Phase II report is required. Conditions should be attached to any permission to secure a Phase II site investigation.

Air Quality

I can comment on the Air Quality assessment report as follows:

1. The assessment appears to apply appropriate methodology and uses relevant data.
2. No assessment of construction related air emissions is included in the report. This is due to the proposed scale of the project, which is deemed insignificant in air quality terms.
3. The modelling suggests that air pollutant increases due to the development, including cumulative impacts in conjunction with other committed developments, are 'small' at worst and 'imperceptible' in most cases. In all cases, air pollutant levels remain below national objectives at all modelled receptor locations.
4. No long term air quality mitigation measures are considered necessary. I would accept this conclusion based on the information provided within the report.
5. I would recommend the submission of a construction dust management plan to be secured by condition, should permission be granted.

Resources & Housing (Strategy):

To be reported.

English Heritage:

There would be a potential impact on the setting of the Grade I listed Radbourne Hall, which lies to west of application site. The hall is set within its own park. The proximity of the edge of the park to the development site, does suggest that there may be harm but that it would be less than substantial in line with para. 134 of the NPPF. It was also noted that the rural landscape is of relatively undeveloped character to the west and north of Radbourne Lane and therefore consider if the proposed landscaping along the western edge of the development is sufficient to soften the edge or could be extended to help the blend the development into the surrounding countryside whilst retaining the distinct character to the west of the lane.

An appropriate archaeological assessment has been submitted, which is satisfactory.

DCC Archaeologist:

A desk based archaeological assessment and results of a geophysical survey of the site have been submitted. I concur with conclusion of the desk based assessment that the archaeological potential of the site is largely unknown due to absence of significant archaeological work in the area. There are scattered records of archaeological finds in the vicinity of the site, primarily of pre-historic and medieval date. Interpretation of these records is difficult because of their isolated nature: the desk-based assessment argues that these finds simply represent 'background scatter' and material incorporated by medieval manuring practices, but it is also possible that some of these records reflect more substantial past settlement.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

There is consequently some archaeological potential still to be assessed. I feel on balance however that the work thus far does not suggest high-intensity or complex remains and that the remaining assessment could be carried out as part of a conditioned scheme in line with NPPF para 141. This would comprise a programme of trial trenching to investigate and characterise the geophysical anomalies and to sample apparently 'blank' areas for features not picked up in the geophysics, followed (in the event of significant archaeological findings) by an appropriate scheme of recording to mitigate the impact of the development.

Recommend conditions to secure a Written Scheme of Investigation for archaeological work prior to development commencing.

Environment Agency:

No objections subject to conditions being imposed relating to surface water drainage and secure implementation of the recommendations of the submitted Flood Risk Assessment & Drainage Strategy (December 2013).

To deal with flood risk, a condition is recommended to control details of a scheme for the management of surface water run-off emanating from land north of Radbourne Lane.

Following submission of Phase 2a application there is concern whether there is sufficient space to extend proposed flood storage area if required at some point in the future. The performance of the flood storage area should not be inhibited by the layout, although acknowledge that this is an outline planning application.

In regard to biodiversity, conditions are recommended to control details of landscape management plan and method statement for treatment of environmentally sensitive areas

Natural England:

No objections and no conditions requested. The site is in proximity to Kedleston Park SSSI. The proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Soils and Land Quality

The development would not appear to lead to the loss of over 20 ha "best and most versatile" agricultural land (para 112 of NPPF).

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

Green Infrastructure

The development is in an area which could benefit from enhanced green infrastructure provision. This can perform a range of functions including improved

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Derbyshire Wildlife Trust:

Following the submission of ecology addendum to the Environmental Statement and revisions to the concept masterplan, the following comments were received:

We welcome the new 15 metre wide landscape planting buffer along the western boundary of the site.

With regard to the proposed Local Centre it was previously understood that none of the Hackwood Farm buildings would be subject to any works as part of this development. A number of the farm buildings were identified as having moderate bat roosting potential.

If any of the farm buildings are proposed to form part of the Local Centre, then further bat survey information should be provided.

Phase 2a lies within a particularly sensitive part of the Mickleover/Mackworth Green Wedge and would result in a significant narrowing of the mouth of the Wedge. The development would restrict the feeling of openness and reduce the amount to which open countryside penetrates the urban area. The application needs to be considered in line with the 2012 Green Wedge Review that principle of the Wedge should be maintained and opportunities for enhancement should be provided.

The phase 2a application as submitted requires the removal of the Radbourne Lane Hedgerow local wildlife site to widen the road and, as such, introduces a far greater level of adverse ecological impact. Whilst the proposal offers a range of mitigation measures including the translocation of the hedgerow and new hedgerow planting we would advise that there is an element of risk to such an approach and its success cannot be guaranteed. We would therefore prefer an alternative solution which does not impact upon the local wildlife site. Consideration should be given to providing an alternative access further to the east through the formation of a new roundabout at the junction of Radbourne Lane and the B5020 thus removing the need for the widening of Radbourne Lane and the removal of the hedgerow. If this is not possible, consideration should be given to achieving the widening of the lane by removal and translocation of the hedgerow on the north side of Radbourne Lane which is slightly less diverse. If it is deemed that the benefits of the scheme clearly outweigh the impacts upon the local wildlife site we would advise that a condition to secure the following should be attached to any consent, to secure details of a method statement for translocation of the local wildlife site.

The associated roadside verge is an important component of the hedgerow and as such, an equivalent width of roadside verge should be created alongside the

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

translocated hedgerow which should be seeded with an appropriate wildflower seed mix.

The Mitigation and Enhancement Measures as set out in section 9.5 of Chapter 9 Ecology of the Hackwood Farm Environmental Statement should be implemented in full as a condition of any approval.

The development should be carried out in strict accordance with the Protection Measures set out in paragraphs 4.27 to 4.29 and the Biodiversity Enhancement measures set out in paragraphs 4.30 to 4.35 of the Hackwood Farm, Micklegate, Phase 2a Ecological Appraisal Report prepared by fpcr dated June 2014 as a condition of any approval.

Great Crested Newts

Further correspondence dated 23rd April 2014 in relation to the Phase 1 development provided confirmation that great crested newt had been recorded in pond 1 which lies immediately adjacent to the southern boundary. This advised that further information and mitigation would be required prior to the determination of the application. The letter dated 1 September 2014 from the ecological consultant confirms that a single additional survey of pond 1 was carried out on 15th May 2014 together with analysis of an environmental DNA sample. The results of this additional survey work are inconclusive and, as such, the letter recommends that the application proceeds on the basis that a small population of great crested newts is present within pond 1. We would advise the Council that this is considered to be a reasonable approach and we are satisfied that the implementation of the broad measures outlined in the letter, including the retention of ponds, maintenance of connectivity, provision of areas of suitable terrestrial habitat and the exclusion and translocation of great crested newts from the working area under a licence from Natural England prior to works commencing on site are appropriate to maintain the favourable conservation status of the local great crested newt population. We recommend that a condition to secure a mitigation and monitoring strategy for great crested newts and their habitat.

Bats

The letter of 1 September 2014 confirms the retention of tree T87 which has been identified as having potential to support roosting bats. This is welcomed and the letter advises that the retention of the tree within a suitable buffer to allay any health and safety concerns should be confirmed in a subsequent detailed Landscape Masterplan. It is also confirmed that none of the buildings with potential to support roosting bats will be subject to any works associated with the proposed development and that tree T113 does not contain any features suitable for roosting bats. We are therefore satisfied that no further survey work for bats is required.

Traditional Orchard – UK BAP priority habitat

The letter of 1 September 2014 acknowledges the presence of an area to the west of the Hackwood Farmhouse that may qualify as “Traditional Orchard” habitat of principal importance and confirms its retention. The retention of the traditional orchard and its long term appropriate management as a community feature and to

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

enhance its biodiversity value is fully supported. The retention of the orchard should be included in the detailed landscaping plans required as a planning condition.

Birds

Suitable nesting opportunities for swallows will be incorporated into the proposed buildings which is welcomed. We would advise that details of provision of compensatory nesting for swallows should be included as part of an Ecological Mitigation and Enhancement Strategy to be submitted as part of the detailed design process. We note and welcome the proposed off-site land management of 3ha and 300 metres of hedgerow specifically for farmland birds as shown in figure 5.2. We would advise that such measures should be secured by way of an agreement required as a condition of any permission in order to provide an appropriate level of compensation for impacts upon farmland birds. The off-site compensation plots were proposed to provide compensatory nesting opportunities for farmland bird species displaced from the area affected by Phase 1 of the proposed development, including the ground-nesting priority species grey partridge. Following discussion with the ecological consultant, we advise that earlier concerns would be addressed, provided that increased opportunities for grey partridge are to be provided in the most south western of the two farmland bird mitigation plots to be detailed in a Habitat Creation and Management Plan, to be secured by condition.

Any planning permission should be subject to conditions to secure a construction environmental management plan, no works to take place in bird breeding season, protective fencing during construction period and a landscape and ecological management plan.

Police Liaison Officer:

I am pleased to see that on the indicative layout that defensible space and natural surveillance has been built in to the cycle link where it passes this proposed development, which will increase the safety of this section. The existing rights of way are also well overlooked with dwellings well placed to facing onto the links.

Whilst access to these cycle and public footpaths is an understandable ethos I consider that there are too many and too much overall permeability in this scheme layout.

Accessibility should not be provided at the expense of safety especially when it has no defined purpose. Links to the Retail units and open space can be conveniently provided concentrating activity via a few routes, which also help way finding and legibility, but increasing safety and security by removing crime opportunity.

Parking is always an issue and in a location such as this I am pleased to see at least two spaces per dwelling to avoid the dangerous obstruction of highways, foot paths and access.

Defensible space to all frontages with adequate set backs should be provided to comply with privacy and security as local policies H13 and E24 which also support the design of safe and secure environments. Building for Life 2012 also supports this measure recommending use of vertical treatments for demarcation and definition of the active street edge.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 **Type:** Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

The only way to ensure that developments take full account for the need for community safety and the prevention of crime at later planning submission stage is via the adoption of the “Secure by Design Scheme”.

Local area retail areas can be a constant source of nuisance and anti social behaviour through unwanted congregation, if not well designed. The frontages must be exposed to open natural surveillance, building lines should be strong without recesses and canopies should not offer shelter.

Aerodrome Safeguarding (East Midlands Airport):

The proposed development does not conflict with safeguarding criteria. Accordingly there is no safeguarding objection to the proposal.

Amber Valley BC:

No objection to the development from a policy point of view. The site is far enough away from the area designated for the setting of Kedleston Hall to not have a detrimental impact upon it to justify refusal.

One of the further proposed sites going forward as a change to the core strategy is a site across the road from this site for 70 dwellings. The impact of the site in terms of transport was looked at by a study commissioned by the Derby Housing Market Area as a whole and we would encourage the overall impact of this application plus our strategic site to be judged using that.

South Derbyshire DC:

The Phase 1 application forms part of a larger scale site with an allocation made in South Derbyshire’s Draft Local Plan directly adjacent to the site for 290 dwellings. The suggested allocations have been made in combination to allow for a more sustainable site to be developed holistically which principally allows land and contributions towards a new primary school to be built on the site in Derby City. South Derbyshire would like to see as part of this application an agreed master plan for the whole site.

There are fundamental educational issues particularly at a primary level in this area that need to be addressed and the primary issue would be addressed through an allocation in both Derby City and South Derbyshire’s Local Plan. The secondary educational issue will be addressed through a strategic solution in coordination with both Derbyshire County Council and Derby City.

No observations to make on the proposal for Phase 2a (40 dwellings).

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the environment
GD3	Flood Protection
GD4	Design and the urban environment
GD5	Amenity
GD7	Comprehensive development
GD8	Infrastructure
H11	Affordable Housing

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

H12	Lifetime Homes
H13	Residential development – general criteria
E2	Green Wedge
E4	Nature Conservation
E5	Biodiversity
E7	Protection of habitats
E9	Trees
E10	Renewable Energy
E12	Pollution
E16	Development Close to Important Open Land
E17	Landscaping schemes
E21	Archaeology
E23	Design
E24	Community Safety
S2	Retail location criteria
L2	Public Open Space standards
L3	Public Open Space requirements in New developments
L4	New or Extended public open space
LE1	Education Uses
T1	Transport implications of new development
T4	Access, servicing and parking
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T10	Access for disabled people
T15	Protection of footpath, cycleways and routes for horse riders

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Residential development -Policy context
- Highways and transport implications
- Archaeology and heritage assets
- Flood Risk and Drainage
- Noise impacts

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

- Ecology and trees
- Landscape and Visual impact
- Residential amenity and urban design
- Section 106

Residential development - Policy context

The starting point for determining each of the proposals is the City of Derby Local Plan Review (CDLPR) Saved Policies. The National Planning Policy Framework (NPPF) is also a material consideration. Further important considerations are that land at Hackwood Farm has been identified as a new housing allocation in the Pre-Submission Core Strategy which has recently been approved by Full Council for consultation and that the Council cannot demonstrate a five year supply of deliverable housing sites. These and other relevant factors are discussed further below.

City of Derby Local Plan Review

All of the policies of the CDLPR listed above are relevant and should be given due weight. Neither of the two application sites is allocated for any specific development in the CDLPR. As such, Policy H13 (Residential Development – General Criteria) is one of the main policy considerations.

Part of DER/06/14/00805 is within the Green Wedge between Mickleover and Mackworth and policy E4(36) relates to the Radbourne Lane Hedge which is a wildlife site running along the northern edge of both application sites. These are the only Local Plan policy designations which lie within the site boundary.

Residential Development – General Criteria

Policy H13 sets the criteria which must be met for residential development to be considered acceptable. Given the outline nature of the proposals, regard has to be had to the indicative masterplan in order to consider these matters.

The criteria relate to matters including the relationship of the proposals to other nearby properties, densities, form, design, layout and standards of privacy and security.

There is no reason in principle why the form of development indicated in the masterplan cannot meet these requirements. Some of the more detailed elements will require consideration at Reserved Matters stage.

The need to improve pedestrian/ cycle linkages from the development to the existing local facilities in Mickleover to the south of the former Mickleover/Egginton railway cutting have been addressed by the applicants as part of the agreed Section 106 package, by provision of a bridge over the cutting. This would improve connectivity and provide link between the new and existing communities and provide better integration.

National Planning Policy Framework

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

The NPPF was published in March 2012. A golden thread which runs through the Framework (paragraph 14) is a “presumption in favour of sustainable development”. Paragraph 47 also sets out the Government’s objective to “boost significantly the supply of housing”. Both of these objectives are clearly relevant in determining the application.

In terms of decision taking the “presumption” is defined as:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b) specific policies in this Framework indicate development should be restricted.

It is important to remember that the NPPF provides a policy framework for a whole range of planning related issues and not just housing. The thread of ‘Sustainable Development’ is embedded in these policies and is therefore an important factor in decision making.

Paragraph 48 of the NPPF sets out a requirement for Local Authorities to maintain a supply of deliverable housing sites to meet needs for at least 5 years. It states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is important to note that in such cases, only policies relevant to the supply of housing are considered out of date. Policies other than those related to housing supply, such as Green Wedge, are still relevant and can be given “due weight”.

The City Council cannot currently demonstrate a 5 year supply of deliverable housing sites and, as discussed above, the NPPF therefore requires that planning permission should be granted for the proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. This issue is addressed in more detail below.

Derby City Local Plan part 1 : Pre-Submission Core Strategy

Part 1 of the Derby City Local Plan, the Pre-Submission Core Strategy, was approved by Full Council on 26 November 2014. Consultation is expected to take place later this year. Land at Hackwood Farm is included in the Plan as a strategic housing allocation to deliver a minimum of 400 new dwellings in the city. It also makes reference to a further 290 dwellings as an urban extension in South Derbyshire district. The site was also included in the Draft Core Strategy, which was published for public consultation in October 2013. The site forms an important part of the overall strategy to help meet Derby’s housing needs and identify “deliverable” sites that can establish a 5 year housing land supply for the city.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

The new policy for the site requires that a new primary school and local facilities are provided as well as requiring new public open space and improved connectivity with the rest of Mickleover. These measures were required to mitigate concerns over the overall sustainability of the site. The two outline applications are consistent with the requirements of the new policy in principle, which is welcomed.

Until the Plan has been adopted it carries limited weight. However, it is based on a significant amount of up-to-date evidence, including the Green Wedge Review which is discussed above. Parts of the evidence base are in themselves material considerations in determining the applications. In this case there are various evidence documents relating to housing need and supply which are particularly relevant to the applications.

Shopping Hierarchy and Retail Location Criteria

The proposals for application site DER/03/13/00298 include a new local retail centre. Policy S1 (Shopping Hierarchy) sets a hierarchy of centres in order to maintain sustainable shopping patterns. Policy S2 (Retail Location Criteria) sets out criteria for guiding the location of retail uses. A new local centre will provide opportunities for residents to access local shops for everyday needs with a reduced need to travel by private car. This assists with the sustainability credentials of the proposal. With appropriate conditions restricting the scale and the nature of a new local centre in this location, the centre will not conflict with or adversely affect any of the other local centres in the city.

Education Uses

It is recognised that there is no capacity within existing primary schools in the local area to accommodate the proposed 700 dwellings on this site. There is therefore a need for a new primary school to be provided to serve the development. Application DER/06/14/00805 includes a proposal for a one form entry Primary School in Phase 2a, in the north east corner of the site. Policy LE1 (Education Uses) sets out criteria which should be met where new education uses are proposed. The policy requires that new educational uses are 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 in the area. In principle, a school in this location should be able to meet the requirements of this policy and would be welcomed in terms of providing local facilities and sustainability.

Public Open Space

If approved the proposed residential scheme would lead to a need for the provision of additional public open space. Local Plan Policy L3 sets out the requirements for additional public open space in new developments and sets out a requirement for incidental open space to be provided on sites of 10 or more dwellings and major open space on sites of 25 or more dwellings. Both proposals will meet these policy triggers.

Both applications include provision of new public open space on site and an Open Space Typologies Plan has been submitted which indicates the amount and the various types of open space proposed within the overall development. Within the City, approximately 5.9 hectares of public open space is to be included on site, which

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

does not include the water attenuation ponds. This comprises major open space, which takes the form of a linear park running along the northern boundary of the site, adjoining the Radbourne Lane Hedge Local Wildlife Site. The provision of incidental open space would include areas of formal open space incorporating childrens play areas and linear routes alongside retained hedges and trees. The total amount of public open space to be provided within the City is in excess of the Local Plan policy requirement for the number of dwellings on the site. The amount of open space proposed would be secured by means of the Section 106 Agreement and a maintenance contribution for the proposed areas has been agreed in principle with the applicant.

The proposed mix of formal and informal public open space on site is broadly welcomed. This seeks to incorporate and safeguard the natural features on the site, including the hedgerows, existing orchard and the individual trees, which have considerable ecological interest to the site. The formation of linear buffer zones along the north and west boundaries of the site, to form part of the open space provision would also help to soften the impact of the development on the landscape.

Green Wedge

Policy E2 (Green Wedges) lists the uses which are acceptable within Green Wedges. The masterplan indicates that some built development, including the school and some dwellings, are proposed within the wedge. These uses would be contrary to Policy E2.

The amount of Green Wedge lost would be small and in a peripheral part of the wedge which provided a limited contribution to the primary function of the wedge in separating and defining the suburbs of Mickleover and Mackworth.

The City Council produced a Green Wedge Review (GWR) in 2012 as part of the evidence to support its emerging new Core Strategy. The purpose of the GWR was to determine the role and function of all of the green wedges in the City and to assess whether there was any opportunity to change their boundaries to accommodate new housing development. It forms an important piece of evidence which supports the emerging Core Strategy and has been key in determining where parts of the Green Wedge could be removed to help meet the city's housing needs without undermining their overall role and function.

The GWR identified the main functions of the wedge between Mickleover and Mackworth. These included the wedge helping to define the edges of Mackworth and Mickleover, contributing to their separation, character and identity and enhancing the urban structure of the city. It also identified that the wedge allows the open countryside to penetrate into the urban area of the City.

The GWR concluded that there may be an argument to redefine the Green Wedge to the west of the housing at the northern end of Station Road because some of the land is now inset and makes limited contribution towards Green Wedge function. This evidence has been influential in setting the site boundary for a housing allocation on the Hackwood Farm site in the Core Strategy. The boundary of the application site is consistent with the boundary identified in the Core Strategy.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Summary of Policy Considerations

The principles of the proposed developments are generally consistent with the requirements of the CDLPR. The main area of inconsistency is where built development would take place in the area of Green Wedge on the eastern part of application DER/06/14/00805. However the GWR has identified this piece of land as serving limited function in terms of meeting the objectives of Green Wedge policy. The Pre-Submission Core Strategy rolls the Green Wedge back in this location and allocates the land for housing.

Given that the site has been approved as a future housing allocation by the Council, the principle of residential development is considered to be acceptable. The proposals included in the two applications are highly consistent with those of the policy set out in the Pre-Submission Core Strategy. On-site local facilities, a new primary school, open spaces and improved connectivity will contribute to establishing a sustainable location for a strategic housing extension to the city.

In the absence of a five year housing land supply the NPPF requires that planning permission is granted for residential development unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

In terms of the Green Wedge element of the proposal, it is not considered that the adverse impacts would significantly and demonstrably outweigh the benefits in this particular case. The impact on Green Wedge is relatively limited and should be considered in the context of the NPPF, the absence of a five year supply and the emerging Core Strategy. The proposal as a whole will deliver a considerable level of housing and new local facilities which are required to meet the city's housing need.

Highways and Transport impacts

Hackwood Farm is located on the north western edge of the city and is close to the junction of Radbourne Lane and Station Road, which is a main route into Mickleover. The masterplan proposal shows two proposed points of vehicular access to the site. Application DER/03/13/00298 shows an access from Station Road, via Spineybrook Way with a new junction on the end of Starflower Way. DER/06/14/00805 includes a further access which serves directly onto Radbourne Lane. Means of access is to be determined under the latter Phase 2a application (DER/06/14/00805) although it is a reserved matter for the Phase 1 application.

A full Transport Assessment has been submitted in support of both applications, to determine the traffic impacts of the whole development of 700 dwellings, including the South Derbyshire district part of the scheme. The cumulative impact of traffic generation from the development with the committed Radbourne Lane housing scheme which is for 600 dwellings, has also been assessed. There is likely to be a substantial traffic impact on Station Road/ Radbourne Lane junction arising from the development proposal. To mitigate this, a new roundabout junction is proposed to be provided at the Station Road/ Radbourne Lane junction to improve traffic flows on this route, as a result of the development. The timing of the delivery of this junction improvement has been considered and would be subject to a separate planning condition. The Highways Officer is generally satisfied with the traffic impact of the overall development on the local roads and with the principle of the provision of the

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

proposed roundabout to be delivered as part of the proposal, subject to timing and details to be agreed.

The Highways Agency have also considered the traffic impacts of the development in relation to the effect on the A52/ A38 junction at Markeaton Island. I note that on the basis of the programmed improvements to that junction, they have not raised objections to the scheme.

The potential for "rat running" of traffic through the estate to the south of the site, particularly through Onslow Road has been identified by the Highways Officer, as a possible issue arising from the development. However, this is understood not to be of significant concern and could be appropriately dealt with by survey work and potential mitigation measures undertaken once the development is occupied. The required investigation can be sought by the use of a suitable planning condition.

The layout of the internal road network within the site is a reserved matter, which would be determined at a later stage. Despite this the proposed road layout within the concept masterplan has been amended during the course of the application, to indicated improved connectivity and linkages through the site.

The submitted masterplan shows various proposed and existing footpaths and cycle routes through the site with linkages to the footpath/ cycleway and existing housing estate to the south and Radbourne Lane. Connectivity with Mickleover for pedestrians and cyclists is an important consideration for this scheme, due to the location of the site, at the edge of city boundary. Improving links with the rest of the city is a means of enhancing the sustainability of the proposal. The walking and cycling routes through the development would provide enhanced routes to existing facilities within Mickleover and with the proposed local centre within the site. Links to the existing rights of way and national cycle route are also shown.

A pedestrian and cycle bridge over the railway cutting footpath and cycle route is part of the proposal to provide a better linkage to the existing facilities to the south. The current right of way goes into the cutting and into the housing estate through a narrow route between houses. A suitable location for the bridge has been identified, which is considered to be deliverable and provide an attractive access route to Ladybank Road, via an area of existing open space. A cost proposal for the bridge has been put forward by the applicant, which has been assessed by the Council's Structures team and accepted in principle. It is considered that the bridge would most appropriately be delivered by the Council rather than the applicant, due to logistical and land ownership issues with the site where the bridge is to be located. The route of the railway cutting path is owned and maintained by Derbyshire County Council. A financial contribution for erection of a bridge and improvements to path linkages with the bridge has been agreed in principle, to be secured as part of the overall Section 106 package. Further details of this are described below.

Bus transport to this site would need to be provided to improve opportunities for access to Mickleover and the wider city by public transport. Current bus services run to the housing estates to the south of the site, although they are not sufficiently close in walking distance to be attractive for all residents of the development. There is to be provision of a new bus service to the housing site on Radbourne Lane, in Amber

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Valley district which is currently under construction. The applicant has agreed to engage a bus operator to provide a service for the proposed development, between the site and the city centre. The cost of securing this service is also part of the Section 106 package, which has been agreed in principle with the applicant.

Overall, the proposal does indicate improved accessibility and opportunities for use of alternative modes of transport to and from the wider area of Mickleover, which help to demonstrate that the development can be sustainable in terms of its connections with the rest of the city. The applications are considered to satisfy the requirements of all the relevant Local Plan Transport policies.

Archaeology and Heritage Assets

In terms of heritage assets as defined by the NPPF, the overall development site, including the South Derbyshire element, does not contain any designated heritage assets, ie. Listed buildings, Scheduled Monuments, Conservation Areas, etc. However, there is a recognised archaeological interest on and around the site, in term of evidence of medieval agriculture (ridge and furrow field patterns) and previous isolated archaeological finds on the site.

The development would potentially impact on the setting of three nearby listed buildings to the west of the site, including Potlock Farm and Silverhill Farm, both Grade II and Radbourne Hall, a Grade I listed country house with parkland estate. The submitted heritage impact assessment identifies that the proposed development would have a limited impact on the setting of Radbourne Hall and Silverhill Farm, with a moderate effect on Potlock Farm, which is nearest in distance from the western boundary of the site. The main impact, in terms of harm to the setting of these buildings would be from the South Derbyshire part of the scheme, since the development on this area would be closest in distance to the affected buildings. The impact of the development in the city would be negligible and the Council's Conservation Officer has not raised any concerns in this regard. However, the overall master plan proposal is not considered to have a significant adverse effect on the nearby listed buildings, particularly with the proposed landscaping buffer zone on the western boundary of the site.

The desk based assessment and geophysical survey of the archaeological interest on the site have identified that there is potential archaeology within the site, although there are unlikely to be remains of significant historic significance. The County Archaeologist considers that the potential for archaeological interest on the site is currently unknown and has recommended that a site investigation of trial trenching is undertaken, post- decision on the applications. An archaeological scheme of investigation can therefore be secured by means of a suitable planning condition. This accords with the requirements of Policy E21.

The original farmhouse and stable buildings on Hackwood Farm are not statutorily listed or on the Council's Local List although The Conservation Officer agrees that they are of some historic merit and considers them to be non-designated heritage assets. They have not been subject to an appraisal in the Environmental Statement, although, it was requested that an appraisal undertaken, in line with para. 135 of the NPPF. The applicant has responded that consideration of the non-designated farm

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

buildings is not required under the EIA Regulations, since there would be no significant impact on the buildings or their setting. The applicant has confirmed that all of the farm buildings of historic merit are to be retained and reused as part of the proposed local centre within the development. I must concur with the applicants view and agree that assessment of the Hackwood Farm buildings is not needed in the Environmental Statement, since they are not identified as having even local historic importance, via the Local List and the impact of the development on them is not considered to be significant.

Overall, I am satisfied that the proposed development would respect and safeguard the setting of affected listed buildings in the area, the potential archaeological interest on the site and the historic part of Hackwood Farm buildings, in line with the requirements of Local Plan policies E19, E20 and E21.

Flood Risk and Drainage

The application site and surrounding area are identified as being at low flood risk, identified as Flood Zone 1. However, there are known to be existing flood risk issues relating to the railway cutting to the south of the site, which has had impacts on residential properties to the south and to the north of Starflower Way, which has had effects on properties on Starflower Way. These flooding events are likely to arise from the existing drainage ditches and watercourses, including a culverted watercourse which runs across the site and in the surrounding area.

These water features would be affected by the proposed development. A Flood Risk Assessment, which has been revised and a Drainage Strategy have been provided for the whole development site, to demonstrate that flood risk and surface water run-off from the development is proposed to be managed, to minimise flood risk on the site and for nearby properties, particularly to the south of the site, in a 1 in 100 year event. The use of Surface Urban Drainage (SUDs) systems are being proposed for the development, to attenuate surface water on the site and minimise potential flood flows off site, to safeguard nearby properties from flooding. These are proposed to take the form of four balancing ponds (including one in South Derbyshire part of the site) and new drainage ditches and swales through the development, to control and treat the flow of surface water within the development. The details of the SUDs proposals, including the design and form of the balancing ponds and drainage features would be included at the detailed design stage of the development and submitted as part of the reserved matters approval.

Discussions with the Council's Land Drainage team and the Environment Agency have taken place during the course of both applications to provide clarification on the form, scale and layout of the flood mitigation scheme and drainage strategy. Both consultees are generally satisfied that the drainage strategy and recommendations in the Flood Risk Assessment would mitigate the flood risk arising from the development and current flood risk issues in the vicinity of the site.

There are continuing discussions in regard to the form and area required for the flood attenuation pond to be located to the north east corner of the site and the details of the agreed design will be subject to a suitably worded planning condition. The proposed flood storage area would primarily deal with flood risk management for the

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

proposed development and also includes a safeguard from existing flooding issues which affect existing nearby properties adjacent to the site. The applicant has undertaken in this case to provide such flood management measures within the development proposal to protect nearby properties from surface water run off from existing watercourses. The maintenance of the proposed ponds and surface water channels which are agreed in principle as part of this proposal, would be via a contribution which is to be secured through the Section 106 Agreement.

The detailed design of the attenuation ponds proposed on the site, would be dealt with through the reserved matters stage, when the form and layout of the overall development is determined. Planning conditions would also be used to control the design of any surface water drainage and flood management scheme in the future development.

Overall, I am satisfied that a reasonable flood risk management and surface water drainage strategy has been submitted in support of the application to ensure that there would not be an increased flood risk to occupants of the development or existing properties in the local area, which is in line with the NPPF and Local Plan policy GD3.

Noise Impacts

A Noise Impact Assessment has been provided in support of the application, which identified the impacts of noise and vibration on nearby sensitive receptors (residential properties) to be primarily arising from increased traffic flows associated with the proposed development. The assessment concluded that the main impact from an increase in traffic would be on properties on Starflower Way, which would be major in the short term and moderate in the long term. However, the resulting noise levels are concluded to meet industry guidelines and are therefore not considered to be significant or excessive.

On the basis of the submitted noise assessment, the Council's Environmental Health Officer has objected to the proposal, due to concerns about the increase in traffic noise for properties on Starflower Way. It is acknowledged by both the noise consultant and the Environmental Health Officer that no specific mitigation measures are available to overcome the increased noise levels at the affected properties. The impact of increased noise for the residential properties on Starflower Way is the result of the road currently being a cul-de-sac at the end of a residential development, on the edge of the open countryside. The normal traffic levels on Starflower Way at present are therefore likely to be very low, with ambient noise levels also being low. The proposal for up to 700 dwellings with one of two accesses from Starflower Way would inevitably lead to a significant increase in vehicles using this road. The noise associated with the additional traffic is clearly to be substantial, when compared with the current levels on the quiet residential cul-de-sac. It is therefore accepted that there would be a significant impact from traffic noise on Starflower Way, as a result of the development, over and above the current situation. This is balanced against the very low levels of traffic and noise which are currently experienced by the existing properties.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

The road at the end of Starflower Way was constructed in such a way to enable it to be extended to form an access. It is probable that it was envisaged by the developer that the development would be extended at some point in the future.

The proposed access onto Radbourne Lane is designed to take a substantial proportion of the traffic from the development and traffic flows from the site would be shared with the Starflower Way. I note this factor does not overcome the Environmental Health Officer's objection to the proposal.

The concerns raised by the Environmental Health Officer are material and have taken into consideration the findings of the noise assessment. Despite this, the noise impacts on a relatively small number of properties on Starflower Way should be weighed against all the other impacts of the proposal and the planning gain which would be achieved by delivery of a significant amount of new housing, primary school and associated infrastructure. The other environmental impacts of the scheme, as measured in the Environmental Statement are not assessed to be significant, subject to mitigation and some, including flood risk and drainage impacts would have beneficial impacts with the provision of flood alleviation measures. Whilst, the increase in traffic noise on Starflower Way would be significant, when measured against the low levels of traffic noise at present, this impact is not in my view an excessive one. When balanced against, the other impacts of the development and the policy context, in terms of addressing a substantial housing need in the city I am of the view that the applications should not be resisted solely on the grounds of noise impact.

Ecology and Trees

The Radbourne Lane hedge is identified as having wildlife habitats which should be protected. Policy E4(Nature Conservation) requires that proper account is taken of the need to protect wildlife sites from adverse impacts and Policy. Similarly, Policy E5 (Biodiversity) seeks to protect features of nature conservation interest.

Policy E7 (Protection of Habitats) is also relevant and this policy sets out criteria relating to developments which would materially affect sites supporting wildlife species supported by law. The policy seeks to ensure that in such cases disturbance to the species is minimised and their survival facilitated or an offer of the creation of alternative habitat is made, supported by a planning obligation, which would sustain the current levels of species protection.

It is clear that the proposed new access onto Radbourne Lane will affect the hedge and approx. 120 metres is proposed for removal to accommodate the access. A further 10 metres of a hedge of habitat importance would also see part removal to enable the development. Other hedges of limited conservation value are proposed to be lost. However, overall the loss or disturbance to hedgerow habitat is to be kept to a minimum. A landscaped buffer approximately 15 metres in depth is proposed to the north of the site to incorporate the Radbourne Lane Hedge, and provide enhanced habitat.

Protected species have been identified on and adjacent to the application site, as indicated by the Ecological Appraisal and subsequent Addendums. These include a small population of Great Crested Newts in one isolated pond adjacent to south east

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

boundary of site, close to properties on Starflower Way. Evidence for bat activity and potential bat roosts have been found in trees and some of the farm buildings within the site. Various species of farmland nesting birds have also been identified on and around the site.

Potential impacts on the identified species are contained within the Ecological Appraisal and mitigation measures to safeguard species and habitat and to create habitat or enhance retained habitat have been recommended to ensure that there is no significant adverse effect on the ecological value of the site. The proposed creation of new water features, hedgerow and planting buffer zones will provide enhanced habitat which would address the loss of existing wildlife features and result in an ecological benefit to the scheme. The loss of nesting habitat for farmland birds from the Phase 1 part of the development site, are to be compensated on off-site plots to the south west of the site in South Derbyshire district. This would be subject to conditions on any permission granted by South Derbyshire District Council.

Derbyshire Wildlife Trust has considered the Ecological Appraisal and addendums in detail and is satisfied in principle that the proposed development would not result in significant harm to the Local Wildlife Sites and other features of nature conservation value on and around the site. Any loss of habitat would be appropriately replaced elsewhere on the site and potential disturbance to protected species and habitats would be subject to a suitable scheme of mitigation and enhancement measures.

The site has numerous individual trees, including some veteran trees, which are primarily located along existing field boundaries. Most are native broadleaved trees and many are of significant amenity value, due to their age or landscape value. The masterplan proposals indicate the retention of many of the trees, within areas of public open space, either hedgerow corridors or the formal open spaces, including the retained orchard. This is broadly welcomed and would contribute to the character of the development aswell as retaining wildlife habitat.

Overall, I am satisfied that the ecological interest on and around the site, in terms of important habitats and protected species, has been properly assessed and suitable mitigation measures and new habitat areas are proposed to safeguard the nature conservation value of the site during and following construction of the development. The requires of relevant Local Plan policies E4, E5, E9 and E7 would therefore be met.

Landscape and Visual Impact

The whole development site is currently agricultural fields, subdivided by established hedgerows and trees on gently sloping terrain, which sits on the edge of the urban area of Mickleover. The site and the surrounding landscape is generally open and undulating in nature, comprising of agricultural land, similar in character and in landscape features. The railway cutting to the south of the site forms strongly defined boundary with the housing estate on the south side.

The proposed housing scheme would introduce a townscape and urban forms into an existing rural location, although it would link into the existing residential areas to the south and east of the site. The scale of the development would have a significant impact on the landscape and character of the rural area around Radbourne Lane,

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

mainly due to the loss of countryside and openness resulting from the urbanising effect of the new built form. The proposal is likely to be most prominent against the landscape from vantage points to the south and west of the site. From the north and east the scheme is likely to be partly obscured by the Radbourne Lane hedge and retained trees and landscaping within the retained Green Wedge around the Station Road/ Radbourne Lane junction.

The proposed landscaping strategy and open space proposals which are indicated on the submitted masterplan, would comprise a considerable proportion of the development site and assist in softening the visual impact of the development by integration into the wider landscape. The retention of hedges and trees within the development and creation of new areas of landscaping would reduce the adverse visual effects over time, as the planting matures. The formation and retention of views and vistas through the development towards the existing farm buildings and through to the wider landscape, would enable permeability and legibility with the surrounding area.

In terms of visual and landscape impacts of the proposal, these are not considered to be significant in the medium to long term and would satisfactorily meet the provisions of Policies GD4, H13, E17 and E23.

Residential amenity and Urban design

Whilst the masterplan proposals are indicative only at this stage, they have been assessed against the Building for Life 12 assessment. There is potential for the scheme to meet the requirements of the urban design toolkit and form a high quality living environment which takes reference from the landscape character and the original farm buildings within the development.

The Design and Access Statement gives a broad approach for the potential form and layout of the proposed housing scheme on the whole site. The proposal suggests the use of blocks of housing fronting onto open space and public realm, with the landscape features and planting integrated into the design. The type of housing proposed is primarily two storey dwellings, with a variety of house types and tenures. This scale and form of development would respect the general scale and height of housing in the neighbouring areas of Mickelover and the edge of rural context in which the development is located.

In terms of residential amenity, the properties on the Radbourne Gate development would be most affected by the proposal and to a lesser extent the properties to the south of the railway cutting. There would be a potential impact on living environment of these properties, which currently back onto open fields. The detailed design stage of the scheme, would need to consider the relationship with existing properties and safeguard the amenities and privacy of local residents. The indicative masterplan suggests that a high quality development, which is sensitive to its local context and amenity can be achieved on the site, which I am satisfied would address the Local Plan policies relating to design and amenity, GD4, H13, GD5 and E23.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

Section 106 package

Paragraph 173 of the NPPF advises that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable and therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. A viability report has been submitted with the application and the finances of the scheme have been independently assessed by the District Valuer.

A position has now been reached with the developers where key requirements are agreed and the proposed Section 106 package for the City would secure the following:

- **Primary School** - Provision of a one form entry school with land and core infrastructure for a one and half form entry school.
- **Secondary School** - At present there would be sufficient capacity in Murray Park to accommodate the number of pupils generated by the development. There would be an assessment of capacity on 50% occupation and a contribution per school place on remaining 50% if there's no spare capacity.
- **On Site Public Open Space** - Provision of on-site public open space to standards set out in the Planning Obligations SPD, to be transferred to a management company for management and maintenance.
- **Highways and Sustainable Transport –**
 1. An annual contribution for 3 years, towards a bus service to access the site and provide links with the wider area and Derby City Centre.
 2. A contribution towards the provision of a pedestrian/ cycle bridge over the Mickleover/Egginton Greenway and a further contribution towards a path linking the site with the existing residential area of Mickleover. A commuted sum to the Council for maintenance of the pedestrian/ cycle bridge.
 3. A contribution towards improvements to the ramp leading to Mickleover Greenway footpath/ cycleway.
 4. A contribution towards sustainable transport measures including:
 - Footway improvements along Station Road;
 - Measures to reduce blocking back on Uttoxeter Road / reduce rat running along Western Road; and
 - Remodelling of the timings at the new traffic lights associated with Radbourne Lane to provide capacity for the new traffic.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

- **Affordable Housing** – Two options agreed with applicant: 1. 15% provision of affordable units within the development with an overage clause, which allows for review to assess actual sales and costs. If higher profit is achieved then further contribution to be provided by developer or: 2. 18% affordable units with no overage clause (so no opportunity for review).

In addition, a “with grant” option for provision of affordable units on site, if the City Council is minded to use Right to Buy receipts on the site.

- **Health** - Reservation of an area of land within the Local Centre for use as a GP surgery. The land can be called upon within 5 years to be sold at market value.
- **Drainage Maintenance** - Provision of a flood alleviation scheme, attenuation ponds and highway swales to be transferred to the City Council and payment of a commuted sum towards drainage maintenance.
- **Public Art** - A contribution towards art works within the scheme.

The Supplementary Planning Guidance (SPD) for Planning Obligations allows for generic transport corridor contributions to include public transport, pedestrian and cycle improvements. In this case, the contributions are to fund specific measures to provide bus service for the development and a pedestrian/ cycle bridge to enhance linkages to the rest of Mickleover. A further contribution is also agreed in principle to provide pedestrian/cycle improvements to the A52 corridor, which are described above. If the bus service and bridge link are to be funded separately from the generic transport corridor contribution, then there is highly likely to be less funding available for the other contributions in the Section 106 package indicated above. I am satisfied that the approach taken in securing the various planning contributions for this proposal, is in accordance with the SPD and takes account of the viability report for the scheme, which has been independently assessed by the District Valuer.

For Member’s information South Derbyshire District Council are negotiating a separate Section 106 Agreement, in conjunction with the City Council. This is to ensure that there is consistency across the development and to avoid undue duplication in the contributions to be provided by the applicant. This is relevant to the obligations for the provision of health and sports facilities, which are to be secured through one Agreement only. In this case health care provision is to be secured on Phase 1 which is the City’s part of the scheme. It has been agreed that sports facilities should appropriately be secured through the Etwall Leisure Centre, which is relatively near to the site. It is important to consider this development as one residential scheme, rather than two separate proposals. The agreed draft Heads of Terms for South Derbyshire is as follows:

- **Secondary Education** – Assessment of capacity for secondary education and post-16 education.
- **Drainage Maintenance** – Commuted sum for drainage attenuation pond
- **Maintenance of Public Open Space** – Maintenance sum for on-site public open space
- **Affordable Housing** – 12% provision of affordable units within the development

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

- **Built Sports facilities** – Commuted sum towards improvements to Etwall Leisure Centre
- **Outdoor Sports facilities** – Commuted sum towards provision of outdoor sports pitches.
- **Farmland Birds Mitigation scheme** – Provision of off-site compensatory plots for nesting farmland birds, including ground nesting birds to south west of the development site.

Conclusions

Following a careful consideration of the national and local planning policy context the principle of residential development is deemed acceptable on this site. The development would contribute to securing the Council's five year housing supply as a site where housing can be delivered, subject to a quality residential development being submitted under the reserved matters. The development of housing on most of the site is consistent with the adopted local planning policy and would meet the need for new housing in the city. The loss of a small part of the Green Wedge has regard for the Green Wedge Review, which concludes that this area serves limited function as Green Wedge. Regard has to be had for the emerging core strategy and the policies in the NPPF, which give significant weight to deliverability of housing sites to address the five year supply.

The applications are both accompanied by an Environmental Statement prepared under the EIA Regulations 2011, which assesses the environmental impacts of the proposal. I am satisfied that the environmental impact of the scheme have been properly assessed and appropriate mitigation measures proposed to address adverse effects of the development. The identified noise impacts on properties on Starflower Way, must be balanced against the other environmental effects of the scheme, and mitigation of flood risk and drainage issues, landscape enhancement and open space proposals, protection and enhancement of areas of ecological value on and adjacent to the site. Subject to site specific, planning conditions being imposed a suitable residential scheme can be designed on this site that can take into consideration the wider environmental issues and accordingly the site is considered to be appropriate for residential development. There are therefore no over-riding policy concerns that would warrant a refusal of permission at this stage.

8. Recommended decision and summary of reasons:

- A. To authorise** the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out 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 Property Services to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

The proposal is an acceptable form of residential development in principle for this green field site and Green Wedge, subject to adherence to the attached conditions and the provision of detailed comprehensive design and layout for the overall site,

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

including integrated landscape and open space strategy. In the opinion of the Local Planning Authority there are no over-riding highway implications associated with the overall scheme, subject to satisfactory detailed on-site layout and the noise impacts of increased traffic have been balanced with other environmental impacts on ecological and landscape features, archaeology and setting of nearby heritage assets, flood risk and surface water drainage, which would not be significant, subject to appropriate protection and management schemes being implemented. The proposal would deliver significant housing, to address the city's housing need and is considered appropriate in this location.

DER/03/13/00298:

Conditions:

1. Standard condition to secure details of all reserved matters.
2. Standard condition to give two year time limit for submission of reserved matters and three years for implementation.
3. Standard condition for approval of specified plans.
4. To secure details of phasing plan for provision of; Radbourne Lane/ Station Road roundabout, number of dwellings that can be served from each access before a road linking the two accesses has been provided, when the bus service is to be provided and when footway on Radbourne Lane linking development to Radbourne Lane/ Station Road junction is to be provided.
5. The reserved matters details to be submitted under condition 1 to include precise details of roundabout junction for Radbourne Lane/ Station Road and then implemented in accordance with phasing plan agreed under condition 4.
6. On the occupation of the 200th dwelling on the site and including the site of DER/06/14/00805, an "origin and destination" survey to be undertaken as agreed with Local Planning Authority. In event that results of survey indicate that development traffic is "rat running" along Onslow Road, traffic calming measures to deter "rat running" to be provided, in accordance with details agreed and a consultation of local residents.
7. Details submitted under condition 1 to include details of internal road layout for the site to be designed in accordance with principles in Manual for Streets and conform to the 6Cs Highways Design Guide and implemented as agreed.
8. Before development commences details of measures as set out in Framework Travel Plan to be submitted and agreed by Local Planning Authority and implemented in accordance with agreed details.
9. To secure details of tree protection plan, constraints plan and arboricultural implications assessment and tree protection in line with BS5837:2012 for all retained trees and hedgerows.
10. To secure details of a green infrastructure plan and landscaping strategy for the site, for the open spaces and landscape buffer zones to be provided within the development.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805 **Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)**

11. To secure details of a construction management plan for works on the site to control noise and dust emissions during construction phase of the development.
12. To secure details of a foul and surface water drainage scheme for the development to include SUDs drainage system and implement in accordance with timetable.
13. To secure details of a written scheme of investigation for an archaeological site investigation on the site, prior to development commencing and require results to be submitted and agreed and report of the findings to be archived.
14. To control the scale of the retail units within the local centre by restricting total floorspace to the amount specified in the application.
15. A Phase II site investigation study to be undertaken and completed and agreed before development commences. Where contamination exists a remediation method statement to be completed and agreed. Remediation to be carried out and a validation report to be agreed before development commences.
16. Details to be submitted under condition 1 to include precise details of on-site flood alleviation scheme, to include details of siting and layout and modelling for the operation of the proposed water attenuation ponds. The agreed alleviation scheme to be implemented in accordance with agreed timetable.
17. To secure details of a mitigation and monitoring strategy for great crested newts and their habitat, to be agreed and works to proceed in accordance with agreed strategy.
18. Recommendations of letter dated 1 September 2014 by FPCR in regard to great crested newts, bats and the traditional orchard shall be implemented in full, unless alternative scheme is agreed before work commences.

Reasons:

1. To accord with relevant Town and Country Planning Legislation
2. To accord with relevant Town and Country Planning Legislation
3. For avoidance of doubt.
4. For avoidance of doubt and to ensure no adverse implications for traffic flows on Starflower Way and Station Road in interests of highway safety – Policies T1 & T4
5. To ensure free and safe flow of traffic and pedestrians in interests of highway safety – Policies T1 & T4
6. To ensure safe and free flow of traffic on local roads and in interests of highway safety – Policies T1 & T4
7. To ensure the provision of a safe highway layout within the development in the interests of highway safety and good highway design – Policies T1 & T4
8. To ensure the occupants of the development have opportunity for using alternative modes of transport – Policies T1, T6, T7 & T8

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

9. To ensure protection and retention of trees and hedgerows during and following construction – Policies GD2 & E9
10. In the interests of visual amenity, maintaining nature conservation value and for protection of landscape features - Policies E4, E7, E17, GD4, L3 & L4
11. To minimise risk of pollution in interests of public health and residential amenity – Policies GD2 & E12
12. To ensure satisfactory drainage arrangements for the development and to minimise flood risk to properties in the local area – Policy GD3
13. To safeguard and protect any archaeological interests on and under the site – Policy E21
14. To ensure provision of retail units appropriate to a neighbourhood centre and to protect vitality and viability of designated retail centres – Policy S2
15. To minimise risk of pollution in interests of public health – Policies GD2 & E12
16. To minimise flood risk and ensure appropriate on-site surface water attenuation in the interests of flood protection and safeguarding residential amenity – Policy GD3
17. To ensure protection and safeguarding of protected species in interests of nature conservation – Policies GD2, E4, E5 & E7
18. To ensure protection and safeguarding of protected species in interests of nature conservation – Policies GD2, E4, E5 & E7

DER/06/14/00805:

Conditions:

1. To secure details of reserved matters (to exclude means of access)
2. To give two year time limit for submission of reserved matters and three year time limit for implementation.
3. Standard condition for approval of specified plans.
4. To secure details of phasing plan for provision of; Radbourne Lane/ Station Road roundabout, number of dwellings that can be served from each access before a road linking the two accesses has been provided, when the bus service is to be provided and when footway on Radbourne Lane linking development to Radbourne Lane/ Station Road junction is to be provided.
5. Details submitted under condition 1 to include details of internal road layout for the site to be designed in accordance with principles in Manual for Streets and conform to the 6Cs Highways Design Guide and implemented as agreed.
6. Before development commences details of measures as set out in Framework Travel Plan to be submitted and agreed by Local Planning Authority and implemented in accordance with agreed details.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

7. To secure details of tree protection plan, constraints plan and arboricultural implications assessment and tree protection in line with BS5837:2012 for all retained trees and hedgerows.
8. To secure details of a green infrastructure plan and landscaping strategy for the site, for the open spaces and landscape buffer zones to be provided within the development.
9. To secure details of a construction management plan for works on the site to control noise and dust emissions during construction phase of the development.
10. To secure details of a foul and surface water drainage scheme for the development to include SUDs drainage system and implement in accordance with timetable.
11. To secure details of a written scheme of investigation for an archaeological site investigation on the site, prior to development commencing and require results to be submitted and agreed and report of the findings to be archived.
12. A Phase II site investigation study to be undertaken and completed and agreed before development commences. Where contamination exists a remediation method statement to be completed and agreed. Remediation to be carried out and a validation report to be agreed before development commences.
13. Details to be submitted under condition 1 to include precise details of the on-site flood alleviation scheme, to include details of siting and layout and modelling for the operation of the proposed water attenuation ponds. The agreed alleviation scheme to be implemented in accordance with agreed timetable.
14. The section of Radbourne Lane hedge to be removed to form the vehicular access onto Radbourne Lane, shall be subject to a method statement, to include precise details of hedge to be removed and mitigation proposals for planting of replacement hedge within the development. Details to be submitted and agreed and implemented in accordance with agreed details.
15. Recommendations of letter dated 1 September 2014 by FPCR in regard to great crested newts, bats and the traditional orchard shall be implemented in full, unless alternative scheme is agreed before work commences.

Reasons:

1. To accord with relevant Town and Country Planning Legislation
2. To accord with relevant Town and Country Planning Legislation
3. For the avoidance of doubt.
4. For avoidance of doubt and to ensure no adverse implications for traffic flows on Starflower Way and Station Road in interests of highway safety – Policies T1 & T4
5. To ensure the provision of a safe highway layout within the development in the interests of highway safety and good highway design – Policies T1 & T4

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

6. To ensure the occupants of the development have opportunity for using alternative modes of transport – Policies T1, T6, T7 & T8
7. To ensure protection and retention of trees and hedgerows during and following construction – Policies GD2 & E9
8. In the interests of visual amenity, maintaining nature conservation value and for protection of landscape features - Policies E4, E7, E17, GD4, L3 & L4
9. To minimise risk of pollution in the interests of health – Policies GD2 & E12
10. To ensure satisfactory drainage arrangements for the development and to minimise flood risk to properties in the local area – Policy GD3
11. To safeguard and protect any archaeological interests on and under the site – Policy E21
12. To minimise risk of pollution in the interests of health – Policies GD2 & E12
13. To minimise flood risk and ensure appropriate on-site surface water attenuation in the interests of flood protection and safeguarding residential amenity – Policy GD3
14. To safeguard Local Wildlife Site and mitigate for loss of habitat in interests of nature conservation – Policies GD2, E4, E5 & E7
15. To ensure protection and safeguarding of protected species in interests of nature conservation – Policies GD2, E4, E5 & E7

Informative Notes:

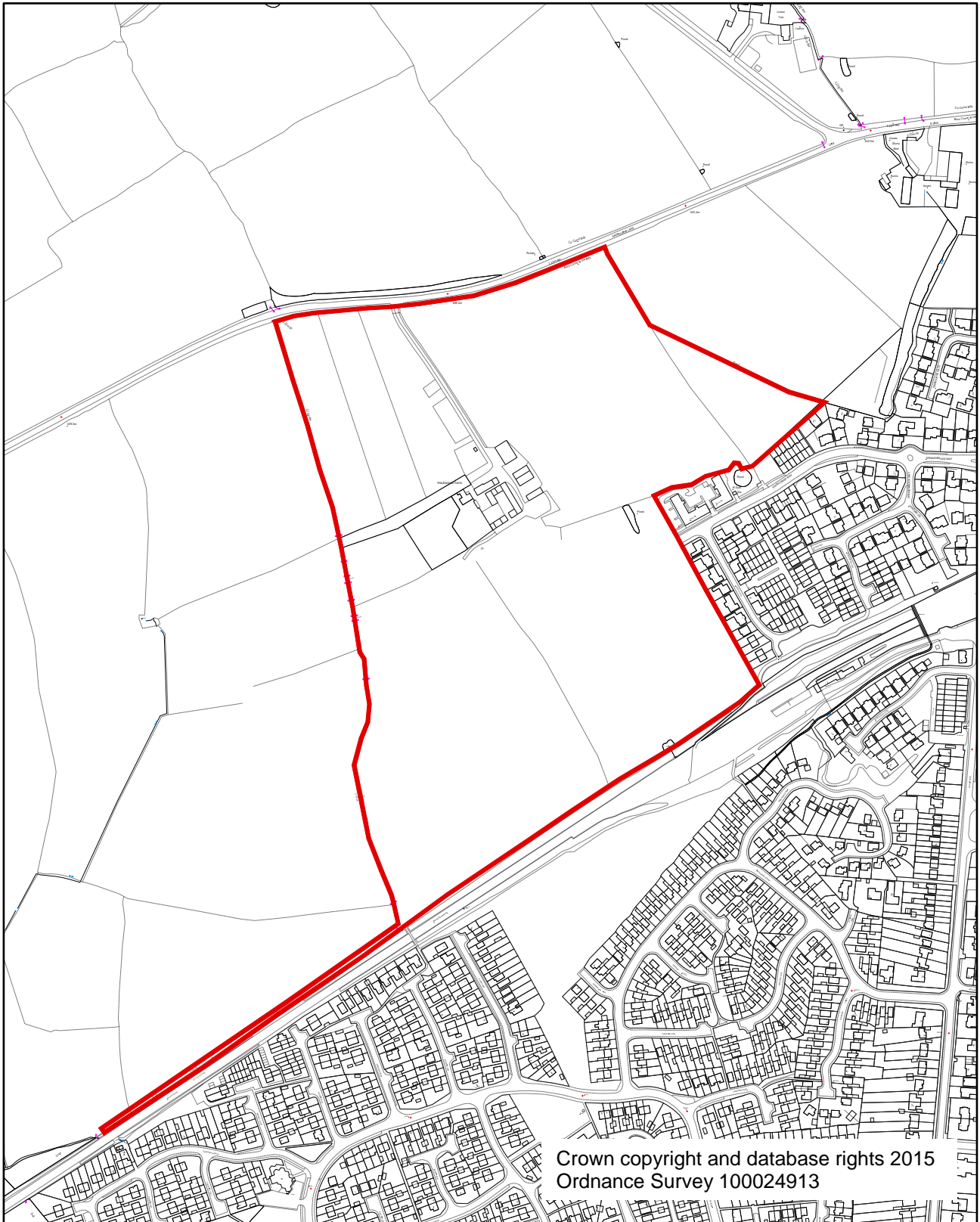
- 1) The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 641876 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- 2) Derby City Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). You should be aware that it is an offence to build dwellings unless or until the street works costs have been deposited with the Highway Authority.
- 3) For details of the 6C's design guide and general construction advice please contact Robert Waite Tel 01332 641876.

Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

DER/03/13/00298

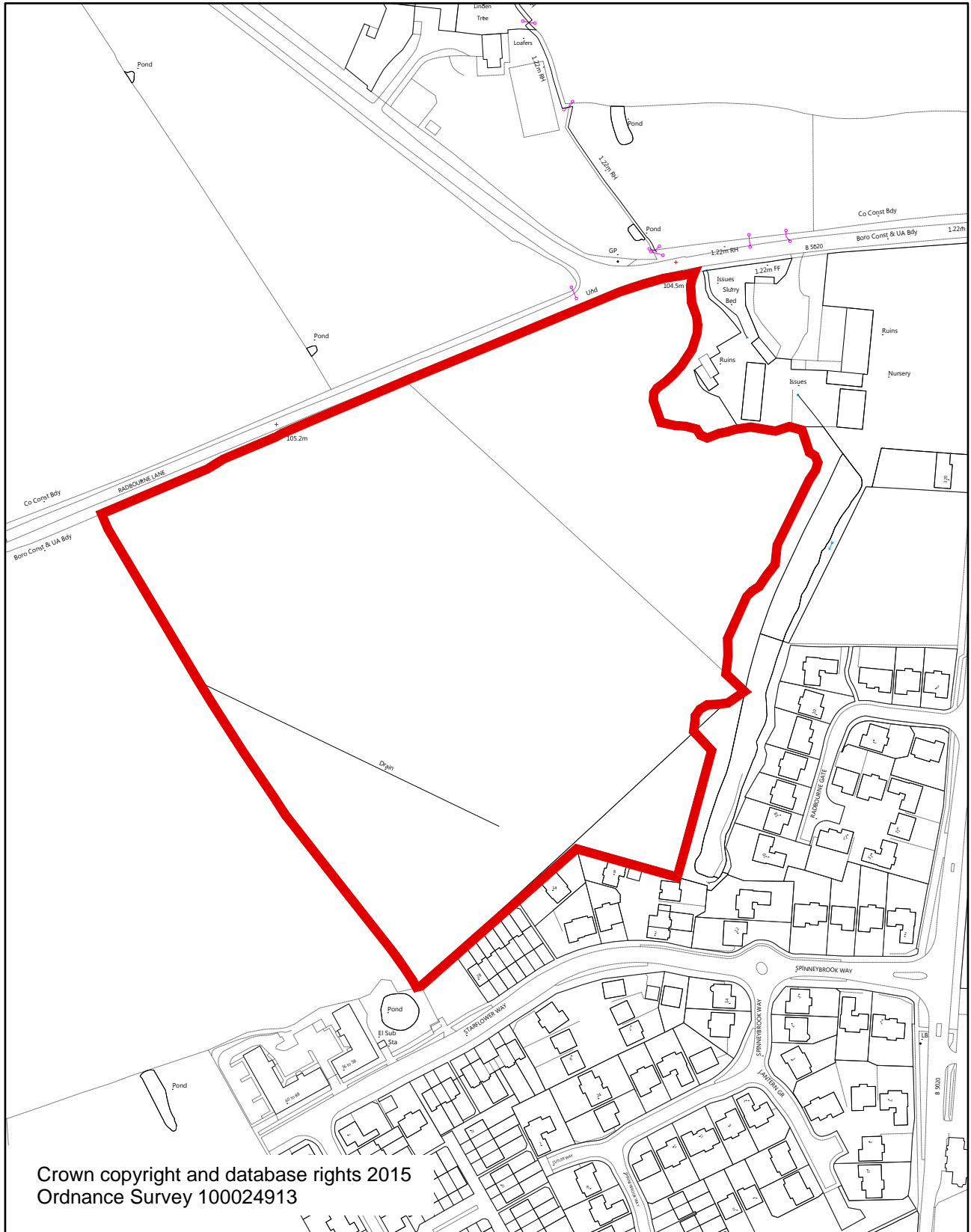


Committee Report Item No: 2

Application No: DER/03/13/00298 & DER/06/14/00805

Type: Outline (all matters reserved – 03/13/00298) and (with means of access- 06/14/00805)

DER/06/14/00805



Derby City Council

Delegated decisions made between 01/01/2015 and 31/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/12/00864/PRI	Full Planning Permission	45 Dale Road, Spondon, Derby, DE21 7DG	Two storey extension to dwelling house (garage, utility room, two bedrooms and en-suite), extension to garden room (orangery) and erection of 1.6m high entrance gates	Granted Conditionally	28/01/2015
08/13/01003/PRI	Full Planning Permission	1-5 Hartington Street Mews, Hartington Street, Derby, DE23 8XL	Change of use from garages and flat to two dwelling houses (Use Class C3)	Granted Conditionally	22/01/2015
03/14/00380/PRI	Full Planning Permission	Land adjacent to 114 Blagreaves Lane, Littleover, Derby, DE23 7FP	Erection of bungalow	Refuse Planning Permission	14/01/2015
05/14/00723/PRI	Works to Trees under TPO	36 Sitwell Street, Spondon, Derby, DE21 7FE	Felling of Lime tree protected by Tree Preservation Order no. 345	Refuse Planning Permission	30/01/2015
06/14/00803/PRI	Full Application - Article 4	32 Vivian Street, Derby, DE1 3RZ	Installation of replacement windows	Granted Conditionally	22/01/2015
06/14/00828/PRI	Full Planning Permission	17 Kensal Rise, Derby, DE22 4DA	Front and side extensions to dwelling house (dining room, study, utility room, w.c, porch and enlargement of kitchen)	Refuse Planning Permission	13/01/2015
07/14/00910/PRI	Reserved Matters	Land rear of 8 Burnside Drive, Spondon, Derby, DE21 7QQ	Erection of detached bungalow - approval of reserved matters of access, layout, scale, appearance and landscaping under outline permission Code no. DER/06/13/00699/PRI	Granted Conditionally	14/01/2015
07/14/00952/PRI	Full Planning Permission	615 Burton Road, Derby, DE23 6EJ	Two storey side and rear extension to dwelling house and erection of detached garage	Granted Conditionally	15/01/2015
08/14/01082/PRI	Advertisement consent	Former Park Farm Public House, Park Farm Centre, Park Farm Drive, Allestree, Derby, DE22 2QN	Display of 3 externally illuminated fascia signs and 1 non illuminated fascia sign	Granted Conditionally	13/01/2015
09/14/01226/PRI	Full Planning Permission	5 Taunton Close, Alvaston, Derby, DE24 0YD	Two storey side extension to dwelling house (dining room, bedroom, bathroom and enlargement of kitchen)	Refuse Planning Permission	15/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01232/PRI	Full Planning Permission	Corn Exchange Snooker Club, Albert Street, Derby, DE1 2DS	Conversion of window to doorway and formation of balcony	Granted Conditionally	14/01/2015
09/14/01276/PRI	Full Planning Permission	322 Normanton Road, Derby, DE23 6WE	Change of use from Use Class A2 (ground floor) and Use Class C3 (first and second floor) to Use Classes A3/A5 together with installation of shop front, alterations to elevations, air conditioning units, condensers and extract duct	Granted Conditionally	20/01/2015
09/14/01278/DCC	Local Council own development Reg 3	Children's Home, 55 Coronation Avenue, Alvaston, Derby, DE24 0LR	Demolition of children's home. Erection of childrens home (Use Class C2) and detached garage and store and formation of associated hard landscaped areas including car park, vehicular and pedestrian access.	Granted Conditionally	22/01/2015
09/14/01280/PRI	Full Planning Permission	Site of 522 Duffield Road, Derby, DE22 2DL	Demolition of dwelling and erection of one replacement dwelling house and detached garage	Granted Conditionally	20/01/2015
09/14/01285/PRI	Variation/Waive of condition(s)	276 Broadway, Derby, DE22 1BN	Change of use and extension of garage to chiropodist (Use Class D1) - Variation of conditions 1 and 4 of previously approved permission DER/06/13/00734 to to allow permanent use as a chiropodist and amend the opening hours to allow weekday opening until 7pm	Granted Conditionally	30/01/2015
09/14/01293/PRI	Full Planning Permission	Midland House, 1 Nelson Street, Derby, DE1 2SA (Al Madinah School)	Installation of additional door on southern elevation together with associated ramp and steps, erection of fence in connection with formation of play area and formation of paved area	Granted Conditionally	22/01/2015
09/14/01307/PRI	Full Planning Permission	The Bridge Yard, Alfreton Road, Derby, DE21 4AF (Huws Gray)	Erection of storage unit/warehouse with link to the existing building	Granted Conditionally	22/01/2015
09/14/01311/PRI	Full Planning Permission	55A Station Road, Mickleover, Derby, DE3 5GJ (Wilmar Electronics Ltd)	Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5)	Granted Conditionally	22/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01326/PRI	Full Planning Permission	17 Whinbush Avenue, Allenton, Derby, DE24 9DQ	Single storey side and rear extensions to dwelling house (dining room, utility room and w.c.)	Granted Conditionally	15/01/2015
10/14/01364/PRI	Outline Planning Permission	University of Derby, Markeaton Street Campus, Markeaton Street, Derby	Erection of four storey science, technology, engineering and mathematics block	Withdrawn Application	09/01/2015
10/14/01373/PRI	Full Planning Permission	Breadsall Hilltop Junior & Infant School, St. Andrews View, Derby, DE21 4ET	Formation of accessible playground including installation of canopy/covered walkway, security fencing and access ramp	Granted Conditionally	09/01/2015
10/14/01385/PRI	Full Planning Permission	4 Brookfield Avenue, Sunnyside, Derby, DE23 7HJ	First floor extension to dwelling (bedroom, lounge and bathroom)	Granted Conditionally	15/01/2015
10/14/01397/PRI	Full Planning Permission	Outbuilding at side and rear of Guru Arjon Dev Gurdwara Sikh Temple, Stanhope Street, Derby, DE23 6QJ	Change of use, alterations and extensions, including the raising of height of former industrial mill building to form multi-function hall and gym with covered parking and ancillary accommodation (Use Class D2) in connection with Sikh temple	Granted Conditionally	12/01/2015
10/14/01399/PRI	Full Planning Permission	39 Kingsley Road, Allestree, Derby, DE22 2JJ	Extension to dwelling (garden room and enlargement of bedroom and kitchen) and erection of detached garage	Granted Conditionally	09/01/2015
10/14/01407/PRI	Full Planning Permission	6 Littleover Crescent, Derby, DE23 6HU	Single storey rear extension to dwelling (kitchen and utility room) and formation of rooms in roof space (bedroom, dressing room and en-suite)	Granted Conditionally	20/01/2015
10/14/01415/PRI	Full Planning Permission	50 Chequers Road, West Meadows Industrial Estate, DE21 6EN	Installation of steel framed structure to the front and side elevations and partial re-cladding	Granted Conditionally	22/01/2015
10/14/01418/PRI	Variation/Waive of condition(s)	Land South West, Belmore Way, Alvaston, Derby	Variation of Condition 2 of previously approved planning permission Code No. DER/03/12/00311/PRI, to revise design of units 1,5 and 6.	Granted Conditionally	20/01/2015
10/14/01430/PRI	Full Planning Permission	2 Glenshee Gardens, Chellaston, Derby	Single storey extension to dwelling house (conservatory)	Granted Conditionally	26/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/14/01436/PRI	Full Planning Permission	82 Western Road, Mickleover, Derby, DE3 5GQ	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	06/01/2015
10/14/01442/PRI	Full Planning Permission	147 Baker Street, Alvaston, Derby, DE24 8SE	Single storey rear extension to dwelling house (study and living room)	Granted Conditionally	09/01/2015
10/14/01454/PRI	Full Planning Permission	2 Courtway Crescent, Chellaston, Derby	Single storey side and rear extensions to dwelling house (study, sitting room and garden room)	Granted Conditionally	23/01/2015
10/14/01455/PRI	Full Planning Permission	Gurdwara Sri Guru Singh Sabha, Princes Street, Derby, DE23 8NT	Alterations and extensions to entrance incorporating additional staircase with minaret to roof	Granted Conditionally	06/01/2015
10/14/01457/DCC	Advertisement consent	Road Traffic Island C, Pride Parkway (Junction with Royal Way/Royal Scot Road/Orient Way) and Road Traffic Island, Orient Way, Pride Park, Derby	Display of 9 non illuminated post signs	Granted Conditionally	13/01/2015
10/14/01467/PRI	Full Planning Permission	8 Tuphall Close, Chellaston, Derby, DE73 1WN	First floor side extension to dwelling house (bedroom)	Granted Conditionally	14/01/2015
10/14/01470/PRI	Full Planning Permission	33 Penrhyn Avenue, Derby, DE23 6LB	Retention of single storey extension to dwelling house (dining room and kitchen)	Granted Conditionally	14/01/2015
10/14/01484/PRI	Full Planning Permission	35 Corinium Close, Alvaston, Derby, DE24 0TJ	Two storey side extension and single storey rear and front extensions to dwelling house (porch, study, sitting room, bedroom, en-suite and kitchen)	Granted Conditionally	12/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/14/01502/PRI	Non-material amendment	Land at Former Tannery, Sinfin Lane, Sinfin, Derby, DE24	Construction and operation of Waste Treatment Facility comprising Reception and Recycling Hall; Mechanical Biological Treatment (MBT) Facility; Advanced Conversion Technology (ACT) Facility; Power Generation and Export Facility; Education and Office Accommodation; Landscaping; and Formation of Access. Non- material amendment to previously approved Planning Permission DER/05/09/00571 to alter position of gatehouse and weighbridge, weighbridge layout, and provision of a retaining wall.	Granted	22/01/2015
10/14/01507/PRI	Full Application - disabled People	127 Birchover Way, Allestree, Derby, DE22 2DB	Single storey extension to dwelling (utility room, bathroom and enlargement of kitchen)	Granted Conditionally	09/01/2015
10/14/01512/PRI	Full Planning Permission	11 Lang Road, Alvaston, Derby, DE24 0GB	Single storey rear extension to dwelling house (enlargement to kitchen)	Granted Conditionally	28/01/2015
10/14/01513/PRI	Full Planning Permission	18 Keats Avenue, Littleover, Derby, DE23 7ED	Two storey side extension to dwelling house (study/dining room, kitchen, family room, utility room, two bedrooms, two en-suites and dressing room) and erection of detached double garage	Granted Conditionally	15/01/2015
11/14/01519/PRI	Full Planning Permission	45 Church Lane, Darley Abbey, Derby, DE22 1EX	Formation of vehicular access and hardstanding	Granted Conditionally	13/01/2015
11/14/01523/PRI	Full Planning Permission	3 Grasmere Avenue, Spondon, Derby, DE21 7JZ	Single storey rear extension to bungalow (enlargement of dining room and kitchen) and erection of replacement detached garage	Granted Conditionally	13/01/2015
11/14/01524/PRI	Listed Building Consent - alterations	HSBC, 1 St. Peters Street, Derby, DE1 2AE	Alterations to facilitate the installation of 4 ATMs	Granted Conditionally	21/01/2015
11/14/01525/PRI	Full Planning Permission	HSBC, 1 St. Peters Street, Derby, DE1 2AE	Installation of 3 replacement ATMs	Granted Conditionally	22/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/14/01527/PRI	Full Planning Permission	Harlow Bros Ltd, Coleman Street, Allenton, Derby, DE24 8NH	Demolition of office and timber store. Change of use of existing trade counter and showroom building to timber store and erection of replacement trade counter, display area and timber store along with alteration of vehicular accesses and erection of 1.8m high fence	Granted Conditionally	30/01/2015
11/14/01529/PRI	Full Planning Permission	14 Wilmot Avenue, Chaddesden, Derby, DE21 6PL	Single storey side and rear extensions to dwelling house (enlargement of living room and verandah)	Granted Conditionally	12/01/2015
11/14/01530/PRI	Certificate of Lawfulness Existing Use	Units 8a, 8b and 9, Kingsway Retail Park, Kingsway, Derby, DE22 3FA	The lawful use of Unit 8a, Unit 8b and Unit 9 as unrestricted Class A1 use	Granted	16/01/2015
11/14/01535/PRI	Full Planning Permission	24 Alfreton Road, Derby, DE21	Change of use of part of the ground floor premises for retail (use class A1)	Granted Conditionally	09/01/2015
11/14/01537/PRI	Works to Trees under TPO	8 Kirkstead Close, Oakwood, Derby, DE21 2HN	Removal of epicormic growth from main trunk of Oak tree (to where main trunk splits) and cutting back of branches to give 3 metre clearance of the house of Oak tree protected by Tree Preservation Order No. 42.	Granted Conditionally	09/01/2015
11/14/01544/PRI	Full Planning Permission	20 Pear Tree Road, Derby, DE23 6PY (K and B Fashions)	Two storey rear extension to form extension to existing retail unit and apartment (Use Class C3)	Granted Conditionally	30/01/2015
11/14/01555/PRI	Certificate of Lawfulness Proposed Use	3 Cardinal Close, Oakwood, Derby, DE21 4TH	Single storey rear extension to dwelling house (office and enlargement of kitchen and family room)	Granted	13/01/2015
11/14/01558/PRI	Prior Approval - Offices to Resi	Carsington House, Park Farm Centre, Park Farm Drive, Allestree, Derby, DE22	Change of use from offices (Use Class B1) to 9 flats on first floor (Use Class C3)	Prior Approval Approved	06/01/2015
11/14/01562/PRI	Listed Building Consent - alterations	1 The Hollow, Mickleover, Derby, DE3 5DG	Installation of replacement and refurbishment of three first storey sash windows	Granted Conditionally	15/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/14/01564/	Works to Trees under TPO	Trees at Beechwood Park Drive, Derby, DE22 1HZ	Reduction of branches of trees protected by Tree Preservation Order No. 308 to give 1m clearance from nearby street lighting columns	Granted Conditionally	29/01/2015
11/14/01567/PRI	Full Planning Permission	Unit 1C & 1D Trafalgar Park, Trafalgar Park Way, Derby, DE24 8DX	Extension to timber resource recovery centre (three silos)	Granted Conditionally	20/01/2015
11/14/01568/PRI	Advertisement consent	1270 London Road, Derby, DE24 8QP (Co-op Store)	Display of externally illuminated fascia sign	Granted Conditionally	30/01/2015
11/14/01574/PRI	Full Planning Permission	55 Albert Road, Chaddesden, Derby, DE21 6SH	Single storey rear extension to dwelling house (dining room)	Granted Conditionally	13/01/2015
11/14/01577/PRI	Full Planning Permission	116 Nottingham Road, Spondon, Derby, DE21 7NP	Change of use from day nursery (Use Class D1) and first floor extension and alterations to elevations to form 7 flats (Use Class C3)	Granted Conditionally	13/01/2015
11/14/01578/PRI	Full Planning Permission	14 Bromyard Drive, Chellaston, Derby, DE73 1PF	First floor side extension to dwelling house (bedroom)	Granted Conditionally	30/01/2015
11/14/01581/PRI	Certificate of Lawfulness Proposed Use	678 Osmaston Road, Derby, DE24 8GT	Change of use of dwelling house from residential (use class C3) to house in multiple occupation (use class C4)	Granted	28/01/2015
11/14/01582/PRI	Advertisement consent	18 St. Peters Street, Derby, DE1 1SH	Display of halo illuminated fascia sign and externally illuminated hanging sign	Granted Conditionally	15/01/2015
11/14/01584/PRI	Full Application - Article 4	20 Highfield Cottages, Highfield Lane, Chaddesden, Derby, DE21 6PR	Installation of replacement windows to the front elevation	Granted Conditionally	14/01/2015
11/14/01585/PRI	Full Planning Permission	4 Cherry Close, Mickleover, Derby, DE3 9DD	Single storey rear extension to dwelling house (orangery) and erection of a detached annexe	Granted Conditionally	19/01/2015
11/14/01587/PRI	Full Planning Permission	84 West Bank Road, Allestree, Derby, DE22 2FZ	Two storey side extension to dwelling house (study, utility, en-suite and dressing room)	Granted Conditionally	14/01/2015
11/14/01588/PRI	Full Planning Permission	Lansdown, The Close, Derby, DE22	First floor extension to dwelling house (bedroom and en-suite)	Granted Conditionally	16/01/2015
11/14/01589/PRI	Full Planning Permission	8 Fieldgate Drive, Oakwood, Derby, DE21 2PL	Two storey side extension to dwelling house (car port, bedroom and en-suite)	Granted Conditionally	14/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/14/01592/PRI	Full Planning Permission	16 Avondale Road, Spondon, Derby, DE21 7AW	Single storey side extension to dwelling house (bathroom and porch)	Granted Conditionally	22/01/2015
11/14/01593/PRI	Full Planning Permission	17 Vauxhall Avenue, Derby, DE22 4DZ	Single storey front extension to dwelling house (enlargement of kitchen)	Granted Conditionally	19/01/2015
11/14/01594/PRI	Full Planning Permission	Land at corner of Hillcrest Road and Wiltshire Road, Chaddesden, Derby	Erection of 3 bungalows - amendments to previously approved planning permission Code No. DER/05/13/00482/PRI	Granted Conditionally	14/01/2015
11/14/01607/PRI	Full Planning Permission	29 Cadgwith Drive, Derby, DE22 2AF	Single storey rear extension to dwelling (dining room and enlargement of kitchen) and erection of retaining wall and steps	Granted Conditionally	14/01/2015
11/14/01609/PRI	Full Planning Permission	6 Eaton Close, Allestree, Derby, DE22 2FD	First floor side extension to dwelling house (bedroom and en-suite) and installation of pitched roof to detached garage	Granted Conditionally	14/01/2015
11/14/01610/PRI	Full Planning Permission	111 Penzance Road, Alvaston, Derby, DE24 0NJ	First floor side extension to dwelling house (bedroom)	Granted Conditionally	22/01/2015
11/14/01612/PRI	Full Planning Permission	7 Kings Drive, Littleover, Derby, DE23 6EW	Rear and side extensions to dwelling house (hall, utility room, study, sun lounge, 2 bedrooms, bathroom, en-suite and enlargement of kitchen and bedroom)	Granted Conditionally	22/01/2015
11/14/01613/PRI	Full Planning Permission	592 Burton Road, Derby, DE23 6DH	Formation of vehicular access	Granted Conditionally	22/01/2015
11/14/01614/PRI	Full Planning Permission	Land at side of 592 Burton Road, Littleover, Derby, DE23 6DH	Erection of dwelling house and formation of vehicular access	Granted Conditionally	22/01/2015
12/14/01619/PRI	Full Planning Permission	Derby College, Roundhouse Road, Pride Park, Derby, DE24 8JE	Erection of catering marquee for a temporary period in June 2015 and between September 2015 and February 2016	Granted Conditionally	29/01/2015
12/14/01625/PRI	Variation/Waive of condition(s)	Bath Street Mills, Bath Street, Derby, DE1 3BU	Removal of condition 16 of previously approved application Code No. DER/12/12/01527/PRI (Demolition of mill and associated outbuildings, erection of 82 extra care apartments with associated communal facilities and formation of car park)	Granted Conditionally	23/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/14/01626/PRI	Full Planning Permission	7 Jackson Avenue, Mickleover, Derby, DE3 5AS	Two storey and single storey rear extensions to dwelling house (dining room, kitchen, store and bedroom)	Granted Conditionally	14/01/2015
12/14/01627/PRI	Local Council own development Reg 3	172 Havenbault Lane, Littleover, Derby, DE23 7AG	Single storey rear extension to dwelling house (bedroom and dining room)	Granted Conditionally	26/01/2015
12/14/01630/	Local Council own development Reg 3	9 Sale Street, Derby, DE23 8GE	Single storey rear extension to dwelling house (shower room)	Granted Conditionally	23/01/2015
12/14/01640/PRI	Full Planning Permission	5 Ingleby Avenue, Derby, DE23 8DL	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	22/01/2015
12/14/01641/DCC	Local Council own development Reg 3	Markeaton Park, Derby, DE22 3BG	Construction of 2 tennis courts and multi use games area	Granted Conditionally	26/01/2015
12/14/01645/PRI	Full Planning Permission	98 Onslow Road, Mickleover, Derby, DE3 5JG	Two storey side extension to dwelling house (store, w/c, bedroom and enlargement of kitchen)	Granted Conditionally	14/01/2015
12/14/01646/PRI	Prior Approval - Householder	3 Domain Drive, Chellaston, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 3.26m, maximum height 3.55m, height to eaves 2.45m) to dwelling house	Prior Approval Not required	16/01/2015
12/14/01649/PRI	Outline Planning Permission	24 Dennis Close, Littleover, Derby, DE23 7BP	Residential development (one dwelling)	Granted Conditionally	30/01/2015
12/14/01650/PRI	Full Planning Permission	Land at rear of 488 - 496 Duffield Road, Derby	Erection of dwelling house and detached garage	Granted Conditionally	30/01/2015
12/14/01657/PRI	Full Planning Permission	Pedwarun, 41 West Avenue South, Chellaston, Derby, DE73 1SH	Extensions to dwelling house (covered walkway, dining/kitchen, garage, 2 bedrooms, 2 bathrooms and en-suite) and formation of additional rooms in roof space (2 bedrooms and bathroom)	Granted Conditionally	22/01/2015
12/14/01660/PRI	Works to Trees in a Conservation Area	Yew Tree Cottage, 19 Cornhill, Allestree, Derby, DE22 2GG	Felling of various trees within the Allestree Conservation Area	Raise No Objection	20/01/2015
12/14/01671/PRI	Full Planning Permission	19 Home Farm Drive, Allestree, Derby, DE22 2UP	Single storey rear extension to dwelling house (enlargement of dining room)	Granted Conditionally	14/01/2015
12/14/01673/PRI	Full Planning Permission	14 Hollies Road, Allestree, Derby, DE22 2HW	Single storey rear extension to dwelling house (sitting room)	Granted Conditionally	22/01/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/14/01682/PRI	Works to Trees in a Conservation Area	3 Belper Road, Derby, DE1 3BP	Removal of Purple Plum tree within Strutts Park Conservation Area	Raise No Objection	16/01/2015
12/14/01687/PRI	Works to Trees under TPO	Land to the rear of The Vicarage, 25 Church Lane, Darley Abbey, Derby, DE22 1EX	Various works to Trees Protected by Tree Preservation Order No.306	Withdrawn Application	28/01/2015
12/14/01698/PRI	Full Planning Permission	12 South Avenue, Littleover, Derby, DE23 6BA	Single storey rear extension to dwelling house (dining room and lounge)	Granted Conditionally	14/01/2015
12/14/01705/PRI	Full Planning Permission	21 Hobart Close, Mickleover, Derby, DE3 5LJ	Single storey side extension to dwelling house (store and enlargement of kitchen)	Granted Conditionally	14/01/2015
12/14/01706/PRI	Prior Approval - Householder	44 Penrhyn Avenue, Derby, DE23 6LA	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.8m, height to eaves 3m) to dwelling house	Prior Approval Not required	16/01/2015
12/14/01726/PRI	Prior Approval - Householder	160 Dean Street, Derby, DE22 3PT	Single storey rear extension (projecting beyond the rear wall of the original house by 3.64m, maximum height 3.7m, height to eaves 2.3m) to dwelling house	Prior Approval Not required	16/01/2015
12/14/01728/PRI	Prior Approval - Householder	17 Findern Close, Allestree, Derby, DE22 2RJ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.95m, maximum height 3.7m, height to eaves 2.4m) to dwelling	Prior Approval Not required	16/01/2015
01/15/00047/PRI	Advertisement consent	Crompton House, Derwent Street, Derby, DE1 2ZG (NatWest Bank)	Display of various signage	Invalid - Finally Disposed of	15/01/2015