

B1 APPLICATIONS

1 Code No: DER/09/08/01385

Type: Full

1. **Address:** St Joseph's School, Mill Hill Lane
2. **Proposal:** Extension to existing school (2 class rooms) together with adjacent play area.
3. **Description:** St Joseph's School lies between Burton Road and Mill Hill Lane. The school buildings are on the north side of Mill Hill Lane set back about 65 metres from the highway frontage behind playing fields. The area is predominantly residential in character in an area that was originally developed in the late Victorian period and mainly comprises Victorian style terraced dwellings. A medical centre lies immediately to the south west of the school and both the school and the medical centre share a vehicular access off Mill Hill Lane, to the eastern side of the school buildings. A small car park capable of accommodating about 13 cars lies to the eastern side of the school.

The majority of school buildings themselves seem to date from the early 1970s but a number of extensions have been added in the past. The existing buildings rise to two storeys and have a variety of roof types, which include double pitch gable ended, mono pitch, hipped and flat roofs.

A large mature Beech tree stands just in front of the existing school buildings. This is a very prominent feature within the school grounds and it is protected by a Tree Preservation Order.

The application proposal is to build two new classrooms as replacement for existing classroom space. It includes two class rooms each with a floor space measuring approximately 6.9 by 7.2 metres and each with an additional area for wet play; there would be a boys and girls toilets, a linking corridor to the main building and a veranda and storage rooms. The extension would be attached to the main building.

The extensions would replace an existing temporary class room that was repositioned to this location from elsewhere in the site, following the granting of planning permission in 1995. They would also be used to relocate a class that is currently being taught in a small basement room that is grossly undersized under current DfCSF regulations. Two small domestic garage sized buildings would be removed close to the position of the proposed classroom extension.

I am advised that the extension is only intended to serve the existing school pupil numbers and is not intended to increase the pupil capacity.

The building will be single storey and flat roofed. It is to be built from facing brickwork to match one of the existing school buildings.

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Part of the extension would lie under the canopy spread of the Beech tree.

In addition to the extension the proposal includes an enlargement to a play area some of which would lie beneath the canopy of the Beech tree.

4. **Relevant Planning History:** DER/01/95/00019 repositioning of temporary classroom - granted with conditions 16/02/1995.

5. **Implications of Proposal:**

- 5.1 **Economic:** None.

- 5.2 **Design and Community Safety:** The buildings would be set back at least 50 metres from the highway frontage so will have little visual impact on the streetscene or surrounding area. The proposal would have a flat roof which would not be in keeping with the main school roof but as there are a number of roof styles on this previously extended building, the need to match any particular roof type is not essential.

- 5.3 **Highways:** The extension would accommodate the existing class which is in the temporary building as well as a class taught in the basement. The application does not state that class sizes would be increased with the proposals. In view of this there are no objections

- 5.4 **Disabled People's Access:** Accessibility will be fully controllable by Building Regulation Guidance.

- 5.5 **Other Environmental:** The proposal would be built within the root protection area and under part of the canopy of a large mature Beech tree. See the Arboricultural officer's comments below.

6. **Publicity:**

| | | | |
|--|----|--|-----|
| Neighbour Notification letter | 37 | Site Notice | Yes |
| Statutory press advert and site notice | | Discretionary press advert and site notice | |
| Other | | | |

7. **Representations:** 4 letters of objection have been received. Copies of which are reproduced.

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In summary all of the letters object to any increase in traffic that might result from an increase in the numbers of pupils that would be taught by the school.

8. Consultations:

Arboricultural Officer - The extension would lie about 3.5 metres under the canopy of the protected Beech tree, although the Beech tree has some defects and cavities, it is generally sound and should still have a useful life expectancy in excess of 20 years. Investigatory drilling has found no major decay. Branch unions did not lead to the conclusion that they would fail in the short or medium term but some crown reduction may be beneficial to "lighten the load."

The applicants have taken the Council's views on board and in an attempt to retain this visually significant tree have put forward a proposal that retains the tree and attempts to build the extension around it. Usually this would be unacceptable in that it would compromise the root protection area of the tree. However in some circumstances BS 5837 does allow for building in the root protection area. If these principles are followed I suggest approving the application once the relative specification for ground protection, fencing and piling rigs has been submitted.

9. Summary of policies most relevant: Adopted CDLPR:

| | |
|-----|---------------------------------|
| GD1 | - Social inclusion |
| GD4 | - Design and Urban Environment |
| GD5 | - Amenity |
| E9 | - Trees |
| E10 | - Renewable Energy |
| E23 | - Design |
| LE1 | - Educational Uses |
| T4 | - Access, Parking and Servicing |
| T10 | - Access for Disabled People |

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

10. Officer Opinion: In policy terms an extension to an existing school should be able to meet with the requirements of policy LE1 - Educational Uses which states that development for education and training purposes will be permitted provided that:

- it is well related to the public transport network

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- a strategy such as a School Travel Plan or an existing one is reviewed to encourage staff parents and children to use other modes of transport other than the motor car
- The proposal is in keeping with the general scale, character and levels of activity of the surrounding area
- In the case of development in residential areas the site or building is sufficiently large and self contained to prevent unacceptable levels of disturbance to nearby properties.

The proposal meets all of these criteria. In particular, as the proposal is intended only as replacement for existing teaching space and is not in addition to it, then there should be no increase in pupils and no consequential increase in the amount of “school run” traffic, which is the main concern raised by third party objectors.

In design terms the proposal is quite basic in appearance, with simple lines and unsophisticated architecture. It does not, however, have any untoward impact on the streetscene or on the character of the wider area, in view of it being set so far back from the nearest highway boundary, and its functional appearance will not detract from the existing school buildings which are themselves quite functional in appearance. Removal of the temporary classroom, which is constructed from prefabricated panels and two prefabricated domestic garage size buildings that are alongside should help to tidy up a rather fragmented appearance of this part of the site.

With regard to its affect on neighbouring residential amenity, the nearest neighbouring dwellings are 20 metres away to the west and the boundary between the proposed extension and the dwellings is about 7 metres away and defined by a solid brick wall about 2 metres in height. The proposed extensions being only single storey, should not have any massing or enclosing impacts on these properties nor should there be any significant loss of privacy from overlooking.

The Beech tree that stands on the playing fields in front of the school is a very imposing tree with a full and well shaped crown, arboricultural advice is that the tree has reached maturity and is in decline although still has in excess of 20 years of life when it should still be capable of providing a visual amenity in the area. The proposed extension would lie under the canopy of the tree and encroach within its root protection area, both circumstances that would normally lead to arboricultural advice that would preclude development and result in a refusal of planning permission. The arboricultural advice that I have been given however agrees that the works could be carried out without being too prejudicial to the tree provided that fully detailed specifications for

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ground protection, fencing and piling rigs has been submitted and agreed.

Similar advice applies to the creation of a hard surfaced recreation area fully beneath the canopy of the tree.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relations to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated at 9 above. The proposed extension is considered to be an appropriate form of development in replacement for existing classroom capacity on this existing school site, and it is considered that it will be satisfactory in visual terms, in keeping with the character and appearance of the existing school buildings, and should be capable of being implemented without resulting in significant harm to the adjacent beech tree that is protected by a Tree Preservation Order.

11.3 Conditions

1. Standard condition 27 (materials)
2. Before any works commence, fully detailed drawings showing the design and position of foundations for the new classroom extension shall be submitted to and approved in writing with the Local Planning Authority. Any details that may be agreed shall be employed in the implementation of this permission.
3. Notwithstanding any details that may have been submitted as part of the application before any works commence, including the demolition of the existing temporary classroom, a fully detailed working method statement, to mitigate the impact of the development on the nearby Beech tree shall be submitted and approved in writing by the Local Planning Authority. The method statement shall include the following:
 - Details of how the tree is to be protected during the course of development
 - The means by which the foundations are to be constructed
 - The mechanical equipment to be used in and around the root protection area and crown spread of the tree, (mini piling rigs are advised)

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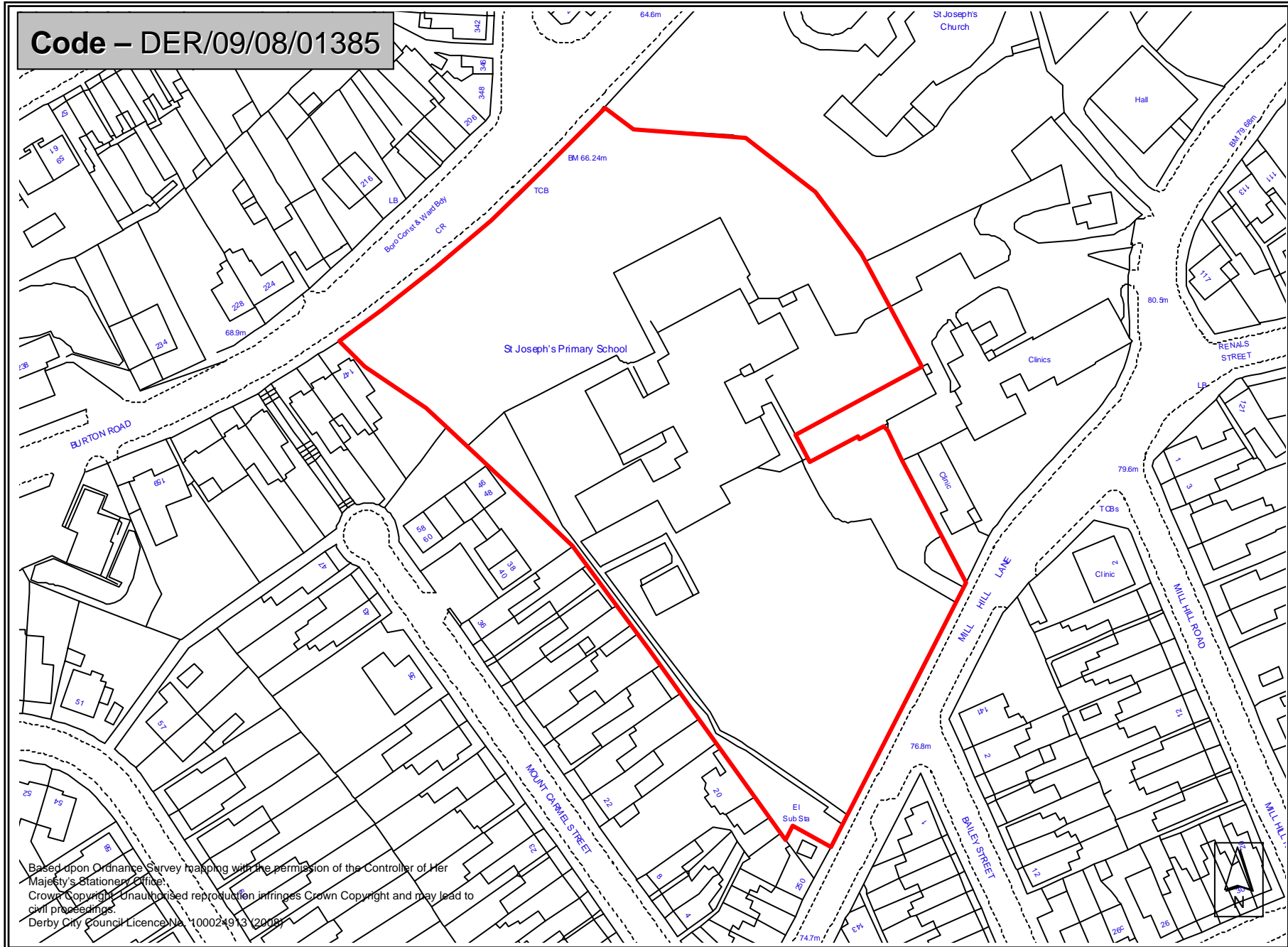
- Protection of the entire root protection area of the tree with protective matting
 - Protective fencing with scaffold and plywood hoarding to protect those areas of the root protection area not immediately affected by construction works
 - No footpaths, service trenches or other excavation or construction shall be allowed in the root protection area
 - Details of the proposed treatment of the surface of the recreation area, including no dig method of construction and details of the surfacing materials for those areas that lie within the root protection area of the tree
3. Standard condition 51 (service runs and trees, modified to read... under ground service runs or modification to any existing underground service runs)

11.4 Reasons

1. Standard reason 14 (ensure satisfactory external appearance)...Policies GD4 and E23
2. Standard reason E32 (visual amenity and tree health)...Policy E9.
3. Standard reason E32 (visual amenity and tree health)...Policy E9.

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

7 Code No: DER/09/08/01397

Type: Full

1. **Address:** Land and buildings at junction of Great Northern Road/Curzon Street/Stafford St/Talbot St/ and Uttoxeter New Road
2. **Proposal:** Alterations to road layout at the junction of Uttoxeter New Road with Stafford Street to provide access to the Friar Gate Station development site.
3. **Description:** This proposal is a marginally enlarged junction improvement from the scheme approved for Connecting Derby; it is designed to take the traffic from one of the proposed access points to the proposed predominantly residential Friar Gate Goods Yard and Station scheme which was reported for information to the 31 July 2008 meeting of the Committee. That scheme also proposes to convert the listed warehouse to retail with residential above and to demolish most of the arches attached to the listed bridge.

The separate application for the junction is required as the proposed roundabout is marginally outside the residential development and Connecting Derby application sites. The main difference relates to the Uttoxeter New Road arm of the junction which is widened to 3 lanes on the junction approach.

The Connecting Derby listed building consent application received consent from the Secretary of State and this established the principle of demolishing the walls and piers to the Goods Yard at this point and their reconstruction on the edge of the new highway. The proposal to only rebuild to a height of 1.2 m was not accepted and it was envisaged that the wall would be built to match the existing height.

A listed building application in relation to the current proposal is awaited to demolish and rebuild the walls of the Yard which are deemed to be listed.

4. Relevant Planning History:

DER/11/05/01883 - Construction of remaining lengths of inner ring road and alteration to existing highways, planning permission granted conditionally in July 2004.

DER/11/05/01883 - Demolition of wall and pillars and erection of walls, listed building consent granted conditionally 9 May 2006.

5. Implications of Proposal:

- 5.1 **Economic:** Construction of this junction improvement instead of the one approved for Connecting Derby would avoid the waste of resources

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if the latter was built and later removed and replaced by the currently proposed scheme.

The development of the Goods Yard site is a key element in the City's provision of residential properties on brownfield sites, a major site in the Cityscape Masterplan and necessary to fund the restoration of the listed buildings on the site.

5.2 Design and Community Safety: See officer opinion and Police consultation.

5.3 Highways: The drawings and documents should relate to Version 6 of the Transyt model results which are approved.

Drainage runoff should be catered for and changes to the proposed landscaping will need to be designed and approved. The listed walls will be affected by the proposal, as with the Connecting Derby scheme.

5.4 Disabled People's Access: A controlled crossing will be required at the junction to facilitate the safe movement of pedestrians.

5.5 Other Environmental: This area of the site is not subject to the same natural interest as other parts of the Goods Yard site. Some trees are affected by the junction improvements for both schemes.

6. Publicity:

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

7. Representations: Representations have been received from four people and these are reproduced in the report.

Only one of these objects to the junction alterations, the other three comment on the merits or otherwise of the Goods Yard development, particularly with regard to biodiversity issues and the proposed density.

The objection relates to the excessive nature of the junction alterations, the use of Council land which should be used instead for public space, flooding issues, lack of tree survey and biodiversity

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recognition, impact on air quality and on the historic fabric of Friar Gate as a result of increased traffic.

8. Consultations:

CAAC - to be reported.

Cityscape - no comments received.

Env Services (Health) - satisfied that there is no additional impact on noise or air quality arising from the proposed changes on sensitive locations.

English Heritage - considers that it would be premature to determine this application without further information in respect of the proposed boundary treatment to the Goods Yard site, and in the absence of a parallel application for listed building consent. The further details should include proposals for the reconstruction of the boundary walls and piers and along the new alignment of the highway, and show how the change of levels will be accommodated.

The principle of an enlarged junction is acknowledged as having been agreed on the Connecting Derby applications but the scheme does involve a wider approach to the junction from Uttoxeter New Road, a wider access to Great Northern Road and a wider splayed access shunted further into the Friar Gate Goods Yard site. This results in a major impact on the local townscape and a need to demolish the existing gate piers and boundary wall. In order to mitigate the impacts on the setting of the listed buildings it is considered vital to for provision to be made for the careful reconstruction of the wall and gate piers to redefine the new boundary and entrance to the Goods Yard site. As with the previous application, it is clearly desirable for the walls to be reconstructed at the back edge of the footway and secured through the imposition of a condition. As the land is rising into the Goods Yard site, it is essential to have detailed drawings showing how the change of level will be accommodated in respect of the reconstructed wall and piers and indicating their precise configuration, alignment, height and profile.

Env Agency - objects on the substance of the submitted flood risk assessment (FRA) which it considers fails to:

1. Give sufficient details of drainage proposals and their adoption. There is an increase in impermeable surfacing and we need further details of drainage proposals to ensure they are designed in the spirit of PPS25.

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2. Consider the effect of a range of flooding events including extreme events on people and property. We suggest liaison with the relevant local drainage body to ascertain the location of any culverts in the vicinity, and the FRA should address any possible effects on the culverts.
3. Consider the effect of a range of flooding events including extreme events on people and property. The FRA fails to provide details of AOD levels of the finished gyratory system, which should be analysed and provided in relation to flood risk. We note that consideration has been given regarding the risk of flooding to the development, however there are no details as to how the design of the development will impact upon flood risk to others.

Police (CPTD) – no issues regarding crime, disorder or design.

9. **Summary of policies most relevant:** The following CDLP policies apply:

GD4 - Design and the Urban Environment
GD5 - Amenity
R2 - Friar Gate Station and Environs - Regeneration Priorities
CC16 - Transport
E19 - Listed Buildings and Buildings of Local Importance
E23 - Design
E24 - Community Safety
T1 - Transport Implications of New Development

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

10. **Officer Opinion:** In land use policy terms, the site of the proposal is largely within the area allocated in the local plan for the Inner Ring Road and largely within the planning application site for that scheme. In land use policy terms the principle is, therefore, acceptable.

The degree of difference between the Connecting Derby scheme and the current proposal is relatively minor and amounts to a widening of the junction by three metres on the Goods Yard side, a widening of the approach to the roundabout from Uttoxeter New Road, a consequent widening of the entrance to the Goods Yard site and to Great Northern Road. In streetscene terms, the impact of the change is negligible in my opinion. The additional land required is either part of the Goods Yard site or largely vacant land in Council ownership containing advertisement boards.

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Whilst the Goods Yard site scheme has not received planning permission, the traffic information from that scheme has been used to determine the current proposal. Given the local plan requirements, the Cityscape Masterplan and the relatively advanced stage of discussion on the details, I consider that approval for this junction improvement can be given at this stage. I have already indicated that there are sound sustainability reasons to give approval to the scheme in advance so that its construction can be tied into the Connecting Derby programme.

The principle of demolishing the walls and reconstruction on the edge of the new highway has already been determined by the Secretary of State under the Connecting Derby listed building consent application. The degree of difference between the schemes is minor and the only difference worthy of further debate is that the entrance to the Goods Yard site is wider with the walls pushed further up the slope. Whilst it is recommended that planning permission is not determined in the absence of the consideration of the listed building application, I consider, in this case, that as the principle is already determined, the planning permission can be determined with suitable conditions.

Drainage issues need to be resolved given the representations by the Environment Agency; however, the principle of a roundabout junction has been previously agreed and I am awaiting clearance on this point from the Agency. Any further comments will be reported at the meeting.

I am reporting this application at this time for Committee's approval of the scheme in principle subject to the resolution of the drainage issues. I anticipate the receipt of an application for listed building consent but as the principle of demolition and rebuilding is agreed, I am recommending appropriate conditions regarding the rebuilding of the wall and piers.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Assistant Director (Regeneration) to determine the application on resolution of drainage issues.

B. To authorise the Assistant Director (Regeneration) to determine the listed building consent application in consultation with the Chair and Vice Chair.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review, the duties of S16, 66, 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all other material considerations as indicated in 9. above. Whilst the demolition is not desirable in relation to the duties in

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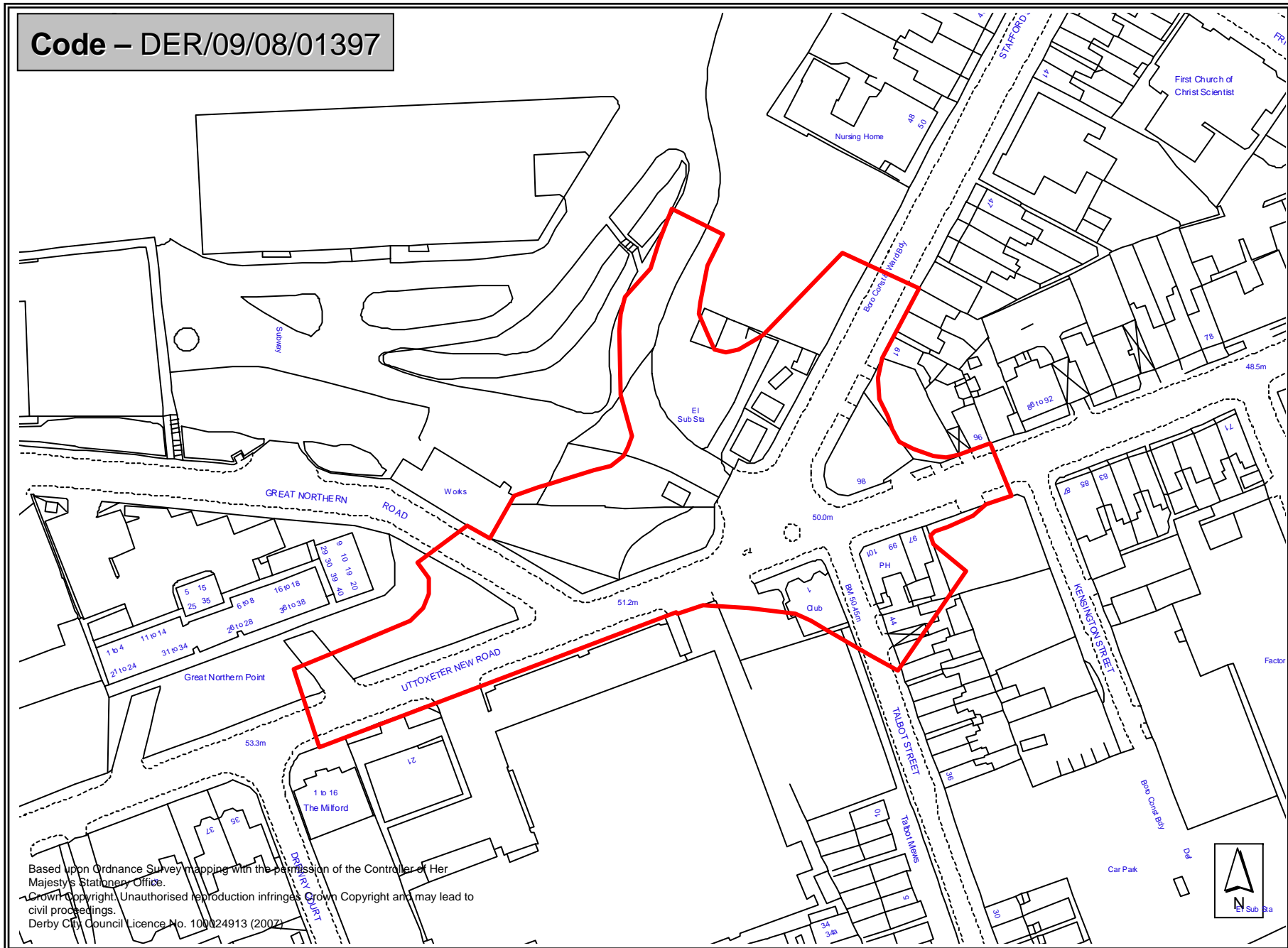
sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the advice in PPG15, the overall benefits and policy considerations above are sufficient to justify the areas of harm to the historic environment. The scheme meets with policy considerations in other respects.

11.5 S106 requirements where appropriate: Not relevant to this application. The relevant applications for the development of the Goods Yard and Station site itself will be subject to s106 requirements.

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Code – DER/09/08/01397



B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01610

Type: Full

1. **Address:** 5 George Street
2. **Proposal:** Alterations and extension to café/wine bar (external fire escape and enlargement of kitchen)
3. **Description:** The application property is a mid 19th century brick building that sits at the end of a row of buildings on the eastern side of George Street. It adjoins 4 George Street which is a grade II listed building. The property is located in the Friar Gate Conservation Area.

The most recent use of the property has been for light industrial purpose. It accommodates a single storey extension to its rear which sits within a small yard that is currently hard surfaced and used for parking.

Planning permission was granted in May this year for the use of the building as a café/wine bar. Planning permission is now being sought for alterations and extension to the rear of the building in association with that use.

A single storey extension is proposed to the rear of the building. The extension would project 5.3m out from the rear of the building and would accommodate an element of flat roof and sloping roof which is to be hung with slate tiles and inserted with glazed panels. The extension is proposed to allow the kitchen and staff areas to be moved to the rear of the building.

This application also proposes the erection of an external fire escape. A new doorway is proposed to be inserted into the first floor of the building leading out onto a new external stair. Alterations to the building that are also included in this application involve the rendering of the existing brickwork on the side elevation of the building and the infilling of the roof trusses on the gable end with glazing.

This application is being reported to Members following the receipt of comments from the Conservation Area Advisory Committee who raised objections to this application.

4. Relevant Planning History:

DER/08/08/01144 – Alterations to elevations including insertion of windows – refused 28/10/08

DER/03/08/00329 – Change of use to café/wine bar (A4) and formation of new entrance door – granted 21/05/08

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01610

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: No objections are raised to the design of the extension which is to be located to the rear of the building. The internal space within the building would benefit from remaining open and it is acknowledged that there would be some difficulty in including the kitchen within the existing footprint. A new brick skin and weather boarding have been added to the side elevation of the building in the past and they do detract from the buildings character. The rendering of the brickwork on the side elevation and the infilling of the roof trusses with glazing are considered acceptable alterations that would not compromise the buildings existing character.

In my opinion, there would be no adverse community safety implications in this case.

5.3 Highways: -

5.4 Disabled People's Access: A ramped or level approach should be secured at the George Street entrance. The specification and exact location of a disabled person's parking bay should be detailed. Building regulation guidance will control the accessibility of the building's internal arrangements.

5.5 Other Environmental: None.

6. Publicity:

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|--|----|--|--|
| Neighbour Notification letter | 35 | Site Notice | |
| Statutory press advert and site notice | | Discretionary press advert and site notice | |
| Other | | | |

7. Representations: No third party letters of representation have been received in response to this application.

8. Consultations:

CAAC - Objected to the application and recommended that it be refused. The Committee considered that the amendments to the proposal offered a modest improvement but they considered that the alteration to the character of the existing Victorian building, which is attached to the grade II listed early 19th Century 4 George Street, was

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too drastic and would have a detrimental impact on the setting of the listed building. The Committee felt that although the proposed alterations were to the rear of the building they did not offer any less of an impact on the adjacent listed building.

DCorpS (Health) - No comments have been made in response to this application.

County Archaeologist – Note that the site is located within an Archaeological Alert Area as defined in the CDLPR. Advises that while relatively minor in scope, the excavations for foundations and services may impact upon buried archaeology of medieval or earlier date. However, given the limited scope of the development it is considered that the archaeological interest could adequately be safeguarded through a condition placed on any planning permission granted. It is advised that this should be an archaeological watching brief to be carried out on all development ground works.

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

- GD4 - Design and the Urban Environment
- GD5 - Amenity
- E18 - Conservation Areas
- E19 - Listed Buildings
- E23 - Design
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People
- E21 - Archaeology

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

10. Officer Opinion: This application is a resubmission, following the issue of a refusal of planning permission in October. That application comprised both ground and first floor extensions to the rear of the premises. It generated objections from the Conservation Area Advisory Committee and was refused on design grounds. In response to the design concerns raised, the extent of the proposals has been scaled down and I am satisfied that the external appearance of the extension now being put forward in this application, has improved.

The extension would abut the existing catslide extension that sits to the rear of the property and would also abut the high brick boundary wall which extends alongside 4 George Street. The majority of its side elevation would be screened in views from 4 George Street and the extension would not be visible from the street. An element of flat roof

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has been incorporated into the roof design in order to avoid the need to alter existing window openings at first floor level. The section of sloping roof is proposed to be hung with slate tiles which will assist in giving the extension a traditional element to its external appearance. Overall, the extension would remain subservient to the main building and, given that it would sit to its rear, I am satisfied that it would not significantly detract from its existing character or the surrounding conservation area. I have noted the concerns raised by the Conservation Area Advisory Committee but given the separation between this site and 4 George Street, offered by the high level boundary wall, I do not consider that a clear case can be put forward to suggest that the extension would cause unreasonable harm to the setting of the adjacent listed building.

The side elevation of the property has been clad with a brick skin and weather boarding and the rendering of this elevation and the addition of glazing to the roof trusses are considered acceptable alterations that would not detract from its existing character.

I raise no objections to the proposals on residential amenity grounds. The external fire escape offers some views towards neighbouring property, but this is to be used only in times of emergency and would not serve as a main entrance to the premises. Its position is also a reasonable distance from the boundaries shared with neighbouring property. In my view there are also no unreasonable massing implications likely to result in this case given the screening that would be offered the extension by the existing boundary treatments that surround the site.

I conclude that the proposals put forward in this application are reasonable alterations and additions which will assist in facilitating the approved use of the building. In my view, it would be difficult to argue that they would be significantly detrimental to the character of the building itself, the surrounding Conservation Area or the neighbouring listed building. In these circumstances, I see no reasonable grounds on which to withhold a grant of planning permission.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above and it is not considered that the proposal will have an adverse impact on the special character of the Conservation Area.

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11.3 Conditions

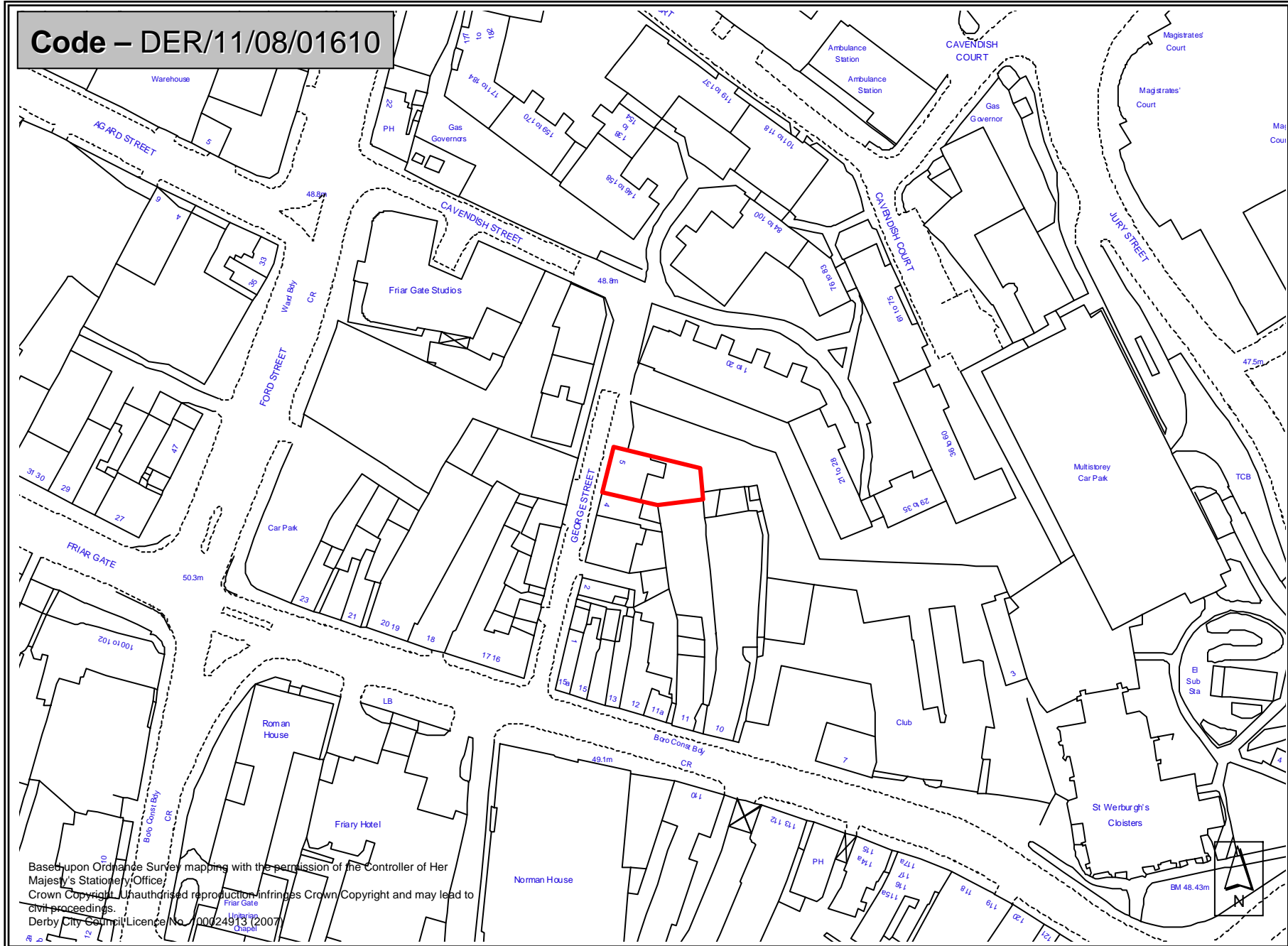
1. Standard condition 27 (external materials)
2. Before development is commenced further drawings at a scale of 1:10 or 1:20 indicating the joinery details for the new doors and roof lights, stair post and balusters along with precise details showing the rear wall of the building with eaves details and door lintel and frame details for the new doorway at first floor level, along with drawings which show how the fire escape will be attached to the rear wall, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented.
3. Standard condition 67 (disabled people's provision)
4. No development shall take place within the site until the developer has secured the implementation of an archaeological watching brief on all development groundworks, to be carried out in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work and off-site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...Policies GD4 and E23
2. To ensure a satisfactory external appearance of the development in the interests of visual amenity and to enable the Local Planning Authority to control adequately the appearance of the development in the interests of preserving the special character of the surrounding Conservation Area, in accordance with policies GD4, E23 and E18 of the adopted City of Derby Local Plan Review.
3. Standard reason E34...Policy E10
4. To enable the Local Planning Authority to exercise control in the interests of safeguarding important archaeological remains, in accordance with Policy E21 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/11/08/01610



B1 APPLICATIONS (cont'd)

4 Code No: DER/10/08/01525

Type: Full

1. **Address:** Land adjacent to 2 West Park Road, Derby
2. **Proposal:** Residential Development (one dwelling house)
3. **Description:** The application site lies on the east side of West Park Road, between the side of 2 West Park Road and the rear of 15 Woodland Road. At present, the site contains a single detached garage to the rear, in front of which there is overgrown vegetation and a hardstanding access onto the highway.

The site has a width of approximately 6 metres and a length varying from 17 metres on the south side to 18 metres on the north side. The northern boundary consists of a low wall and a tall hedge. The common boundary to the east has a 1.8 metre high wall, while the southern boundary contains a close boarded fence. The frontage is open to West Bank Road. The site is relatively flat, with a slight incline from the front to the rear. At the rear there is a step up of about 0.90 metres to the rear garden of the dwelling at 17 Woodland Road.

In terms of its urban context, the residential block immediately around the application site is composed of large detached dwellings, whilst the wider area consists of various house types, including detached, semi-detached, terraced dwellings and bungalows.

It is proposed to erect a contemporary style two storey one bedroom dwelling in a similar position to the existing garage, with a single off-street parking space to the front of the building. It would have a two storey element at the front facing West Park Road with a single storey element at the rear facing the rear garden of 17 Woodland Road. Of particular note is the proposed floor level of the dwelling which would be approximately 500 mm lower than the level of the existing garage on the site. The building footprint would almost fill the width of the plot, being approximately 5.5 metres wide and up to approximately 8.3 metres in depth. The rear elevation would be sited 4.5 metres at the southern edge and 5 metres at the northern edge from the boundary wall abutting 17 Woodland Road.

4. Relevant Planning History:

DER/07/04/01314 – Residential Development (one dwelling house) – permission granted 9 November 2004 (Not implemented).

DER/11/07/02147 – Residential Development (one dwelling house) – permission refused 29 January 2008.

B1 **APPLICATIONS** (cont'd)

Code No: DER/10/08/01525

DER/06/08/00881 – Residential Development (one dwelling house) – permission refused 29 July 2008.

5. **Implications of Proposal:**

5.1 **Economic:** -

5.2 **Design and Community Safety:** See 'Officer Opinion' section.

5.3 **Highways:** The parking and access provision would be acceptable.

5.4 **Disabled People's Access:** Would be secured through the Building Regulations.

5.5 **Other Environmental:** None.

6. **Publicity:**

| | | | |
|--|---|--|---|
| Neighbour Notification letter | 6 | Site Notice | - |
| Statutory press advert and site notice | - | Discretionary press advert and site notice | - |
| Other | | | |

7. **Representations:** Seven letters of objection have been received and copies will be available in Members Rooms. The main issues raised are as follows:

- Increased traffic/parking problems
- Out of keeping with character of area
- Projects too far forward of the building line frontage
- Poor living conditions for future occupants
- Concerns with maintenance and impact upon common boundaries
- Lack of need for 1-bed dwellings in locality
- Concern with potential for overlooking between the new development and 17 Woodland Road
- Inadequate size of plot suitable for a dwelling
- Impact of massing/loss of light to 2 West Park Road

8. **Consultations**

DCC Archaeologist - No objections raised.

Environmental Services (Trees) - No objections raised.

B1 **APPLICATIONS** (cont'd)

Code No: DER/10/08/01525

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

- GD4 - Design and the Urban Environment
- GD5 - Amenity
- H13 - Residential Development – General Criteria
- E10 - Renewable Energy
- E23 - Design
- T4 - Access and Parking

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

10. **Officer Opinion:** Firstly, it is worthwhile to briefly mention previous and very similar proposals related to this site, to give Members a greater degree of background to this current planning application. Initially permission was granted, by Planning Control Committee, to the application code no. DER/07/04/01314 for the erection of a small detached apartment type dwelling on this site. Notably, in that approval is the acceptance that *“the plot is capable of accommodating a small residential unit and is suitable in principle for residential development”*. However, that proposal was associated with 17 and 19 Woodland Road for the formation of eight apartments.

Crucially, the rear gardens of these two properties, which the application site adjoins, were to form the car parking and garden areas as part of one development scheme. Hence, the approval of proposal application code no. DER/07/04/01314 was made in light of it being within the curtilage of the larger development for the creation of nine apartments.

Two further applications were refused planning permission under delegated powers. Application code no. DER/11/07/02147 was refused for the following reasons:

“The proposed dwelling would fail to provide an adequate area of private amenity space around the building, due to the cramped layout which would be formed on the site. This would result in an unsatisfactory living environment for the future occupants of the dwelling, thereby contrary to policies GD5 and H13 of the adopted City of Derby Local Plan Review.”

“The siting and layout of the proposed dwelling would, by reason of the building's proximity to the eastern boundary and provision of habitable room windows in the rear elevation, be detrimental to the residential amenities and privacy of the adjacent dwelling at 17 Woodland Road,

B1 APPLICATIONS (cont'd)

Code No: DER/10/08/01525

due to unreasonable massing and potential overlooking, which would be contrary to policy GD5 of the adopted City of Derby Local Plan Review”.

“The proposed development would also preclude vehicular access to the rear garden indicated on the previous permission under Code No. DER/07/04/01314 and would accordingly reduce the potential for off-street parking in an area of high levels of on-street parking, to the detriment of the residential amenity and contrary to policy GD5 of the adopted City of Derby Local Plan Review.” This reason relates to the approved scheme associated with 8 apartments, which remains a valid permission until November 2009.

More recently, a revised proposal was submitted under application code no. DER/06/08/00881. It was refused for the following reasons:

“The proposed dwelling would fail to provide an adequate area of private amenity space around the building, due to the cramped and over-bearing layout which would be formed on the site. This would result in an unsatisfactory living environment for the future occupants of the dwelling, thereby contrary to policies GD5 and H13 of the adopted City of Derby Local Plan Review”.

“The siting and layout of the proposed dwelling would, by reason of the building's proximity to the eastern boundary and provision of habitable room windows in the rear elevation, be detrimental to the residential amenities and privacy of the adjacent dwelling at 17 Woodland Road, due to unreasonable massing and potential overlooking, which would be contrary to policy GD5 of the adopted City of Derby Local Plan Review.”

In evaluating the context of the application site, consideration must be given to its prominent position on West Park Road. Together with the ability of the proposal to satisfactorily integrate into the scale, design and layout of dwellings in the immediate residential ‘block’, of which the application site forms part. It should also be borne in mind that the issue of design is not a subjective issue relating purely to ‘style’ but is a holistic appraisal of a development site within its context.

Notwithstanding the conclusions made under application code no.DER/07/04/01314 and the fact that its context differs by relating to an apartment type of development as well as pre-dating the current City of Derby Local Plan Review, on reflection I have certain reservations about the suitability of the site for residential development. When assessing the character and urban fabric of the immediate area, any residential development on the application site would be somewhat

B1 APPLICATIONS (cont'd)

Code No: DER/10/08/01525

constrained by a plot of limited width and depth. It would have a far more intensive layout and form, thus, in my opinion, being atypical to the character of the immediate area. As an 'in principle' reason for refusal has not been stated under the previous refusals, the Council could not, now, reasonably refuse the application on these grounds.

This current application has been submitted very much on the basis of a design based solution to overcoming the two reasons for refusal under application code no. DER/06/08/00881. The position of and type of dwelling proposed would be relatively modest in relation to existing two storey dwellings in the locality. What is more, it is an improvement on all three previous schemes. For it is likely to provide an improved level of living conditions for its future residents, as this has been revised from two bedrooms to a one bedroom property combined with a small increase in the private amenity space available at the rear of the site. As such, I am of the opinion that this addresses the first reason for refusal. Also, it is considered that adequate off-street parking provision would be produced.

In attempting to overcome the other reason for refusal, under application code no. DER/06/08/00881, relating to the detrimental impact on the residential amenities of 17 Woodland Road, the revised proposal has sought to omit all windows to habitable rooms in the rear elevation at first floor level, so the only opening being at ground floor level. Additionally, the lowering of the floor level will also mitigate the effect of intrusive sight lines onto No.17. What is more, the ridge line of the proposed building is shifted about 2.5 metres away from the rear eastern boundary, combined with a reduction in eaves height from approximately 4.4 metres to 3.1 metres. Collectively, these factors would significantly lessen the impact of massing and potential overlooking in its relationship to the rear private amenity space of 17 Woodland Road. So, the amended proposal does, in my opinion, satisfy the remaining reason for refusal under application code no. DER/06/08/00881.

With regard to the impact of the proposed dwelling upon the neighbouring property 2 West Park Road, I consider that the relationship between the new dwelling and that property would be acceptable and that there would not be any unreasonable overlooking, loss of light or harmful effects of massing. This is due to the lack of any side elevation windows in the proposed dwelling and that the 45 degree guideline would not be breached, even though the proposed dwelling would project approximately 4metres further forward than the building line of No.2. I am also of the opinion that the residential amenities of 15 Woodland Road would not be unduly affected.

B1 APPLICATIONS (cont'd)

Code No: DER/10/08/01525

This is a finely balanced case and after much consideration of the issues, recommend to Members that permission be granted in this case. If permission were to be refused, and an appeal were to be lodged, then any Inspector would be compelled to have regard for the planning precedent set for residential development of the site with the approval of application code no. DER/07/04/01314, which arguably is an inferior scheme than the one in question here. Hence, it should be recognised that this is a significant material consideration that will carry weight in any subsequent appeal decision.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations, including a previous approved permission in relation to the same site, and it would be an appropriate form of development in layout and massing terms.

11.3 Conditions

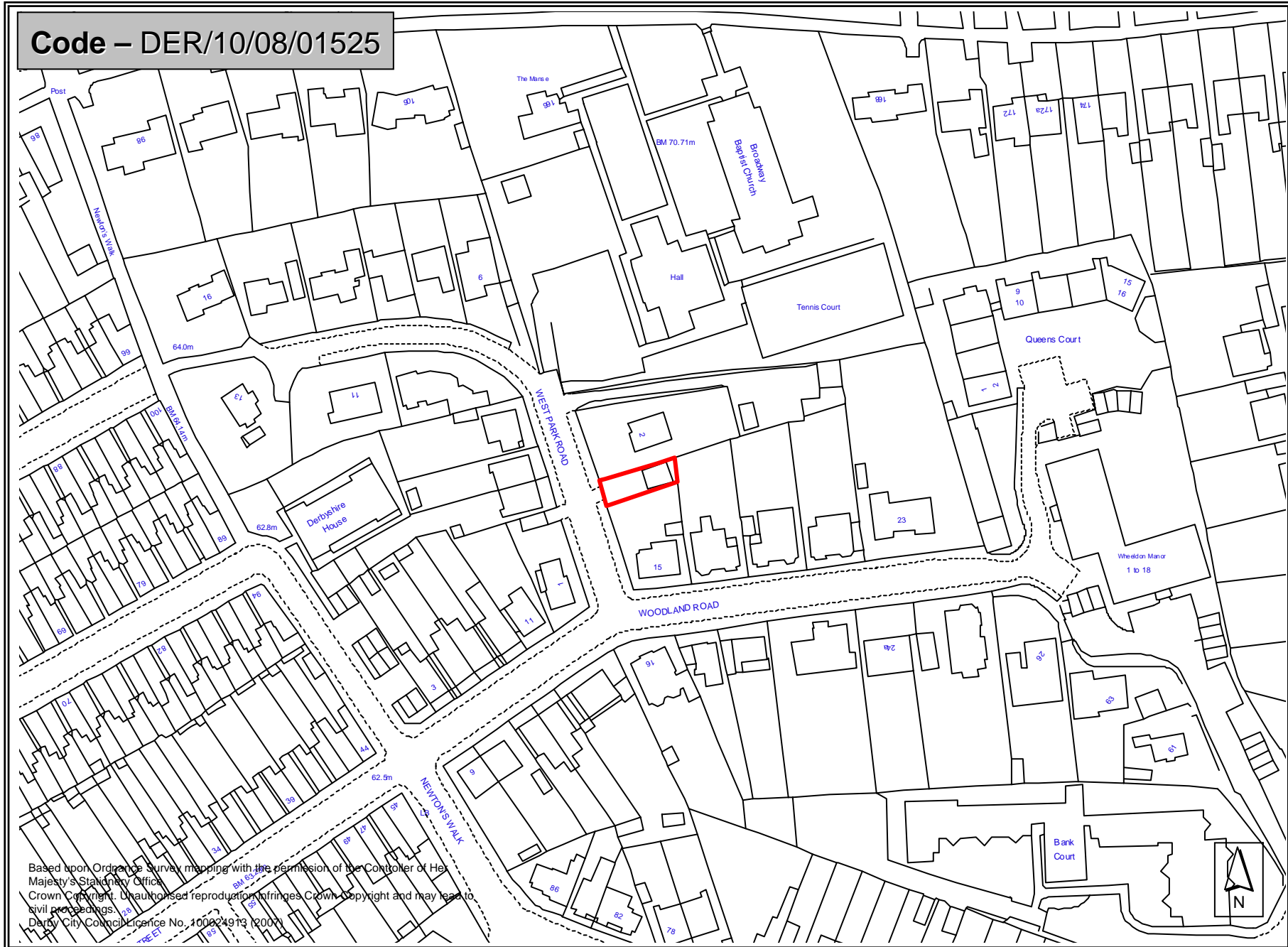
1. Standard Condition 27 (Materials).
2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no development falling within Classes A, B, C and E of Part 1 of Schedule 2 to the Order, shall be erected, constructed or placed on any part of the land subject of this permission, unless planning permission has first been granted by the Local Planning Authority.

11.4 Reasons

1. Standard Reason E14 – ensure satisfactory external appearance (policies H13 and E23).
2. To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of protecting the amenities of adjacent residents and in accordance with policy GD5 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/10/08/01525



B1 APPLICATIONS (cont'd)

5 Code No: DER/07/08/01048

Type: Full

1. **Address:** 40 Chapel Lane, Spondon
2. **Proposal:** Extension to front elevation of dwelling house
3. **Description:** As Members will be aware this is a revised report following the decision at the previous Planning Control Committee for the application to be deferred and certain matters clarified.

The application relates to a detached 'L-shaped' property on Chapel Lane, Spondon. The area is typified by a mixture of detached and semi-detached properties in an established suburban residential area. On the eastern side there is a row of medium-sized detached houses, of which the application site is a part. In their original form they were built in an "L" shape and over the years most have been extended by infilling the "L" shape angle with some variation of design. Number 40 is set in a common building line with No's. 34, 36, 38, yet number 42 is set further forward. To the front south west side boundary there is a hedge between 1.5m and 1.8m in height. To the front north east side common boundary there is a 1.5m high close boarded fence. The property frontage is open plan with a driveway to the south side which leads to a car-port.

Permission is sought for a two storey extension to the front elevation. This would have two architectural features to it - a two storey extension to the front elevation, with a front facing gable roof (effectively filling in the "L" shape), with a single storey front section, attached to that. It would accommodate a bedroom at 1st floor and a piano room at ground floor. The two storey component would measure 4.5m wide, 4.5m deep and 6.0m in height. The adjoining ground floor element would project forward of the front of the building by approximately 1.8m at single storey level; it would be 4.5m wide and 3.6m in height with a 'lean to' roof.

4. **Relevant Planning History:** A two storey front extension was refused under delegated powers in January 2007 (DER/12/06/01967). This subsequently went to the Planning Inspectorate where it was dismissed on appeal (Decided November 2007), based on the design of the extension being harmful to the character and appearance of the street scene. That proposal, under application DER/12/06/01967, attempted a two storey tandem gable extension to the front elevation, projecting 2m further forward, at two storey level of the existing building line. But although the front projecting dual gable was considered incongruous to the dwelling and streetscene, the Inspector did state that "in principle a gable design need not be out of character with the existing dwelling". The comparison, in design terms, of the appeal refusal and the current application is best understood by viewing the drawings in appendix one.

B1 **APPLICATIONS** (cont'd)

5 **Code No:** DER/07/08/01048

With regard to immediately surrounding properties, these also have had front elevation extensions (filling in the “L” shape angle). The following properties, close to the application site at Chapel Lane have all had planning permissions granted:

No.34 – an extension with a front facing gable (DER/05/93/00565);
No.36 – an extension with a gable to the side (DER/10/94/01308);
No.38 – an extension with a gable to the side (DER/07/96/00759);
No.42 – an extension with a forward projecting side gable (DER/03/00/00300).

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The revisions to the front elevation are now more in keeping with the style and character of the existing property matching what has been built at no. 34.

5.3 **Highways:** The property is set back sufficiently from Chapel Lane such that the proposal would not raise any highway issues.

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

5.5 **Other Environmental:** None.

6. **Publicity:**

| | | | |
|--|---|--|--|
| Neighbour Notification letter | 7 | Site Notice | |
| Statutory press advert and site notice | | Discretionary press advert and site notice | |
| Other | | | |

7. **Representations:** 1 letter of objection received.

- The new proposal still exceeds the 1.0m restriction (forward of the existing building line) placed on other houses in Chapel Lane.
- The gable features are detrimental to and not in keeping with the rest of Chapel Lane.
- Concerns with the impact of noise pollution (piano room).

Councillor Peter Berry also raises an objection to the proposal.

8. **Consultations:** -

B1 APPLICATIONS (cont'd)

5 Code No: DER/07/08/01048

9. Summary of policies most relevant: Adopted CDLPR:

GD4 - Design and Urban Environment
GD5 - Amenity
H16 - Residential Extensions
E23 - Design

10. Officer Opinion: The main concern, in my opinion, is the effect of the proposal in urban design terms on the character and appearance of the property and those of similar design in the surrounding street scene. The local vernacular of this eastern section of Chapel Lane is characterised by detached properties situated in a clearly defined pattern and with quite uniformed building lines. Firstly, I feel that it is useful to contextualise this proposal with the built form of nearby dwellings.

There are various other types of front extensions on this section of Chapel Lane, which are flush with their front elevations, with 'lean to' additions at ground floor (please see appendix 2). The extensions at No's.34, 36, 38 appear to be flush with their front elevations, with ground floor extensions to these properties located beyond the building line. Yet crucially they utilise a front sloping roofline, which taken cumulatively does display a balanced rhythm to the row of properties and to the visual amenity of the local street scene. In my view, the proposed extension would continue this form. Only No. 32 is a significant departure from the existing form of architecture of extensions, as it has a single storey extension with a gable roof, though it is less visually prominent because of its location and screening by trees.

The potential impact upon the residential amenities of neighbouring properties would be limited, particularly in respect to No.38. The south elevation, facing No.38 would contain a blank brick façade, thus mitigating any overlooking or loss of privacy issue. There would be a 3m distance between the two properties and the proposed extension would not impede the 45 degree guideline.

Initially, I did have concerns with the originally submitted proposal but the alteration to the single storey front projecting element to incorporate a 'lean to' roof design was considered more in-keeping, despite this single storey component being 800mm further forward from the current extended building line of No.38 Chapel Lane. This is minimal and the 800mm difference is not going to be overtly obvious from the street vista. What is more, it would still be 9.5m from the highway boundary, which is a reasonable transition between the 12m setback of No.38 and the 8.5m setback at No.42.

B1 APPLICATIONS (cont'd)

5 Code No: DER/07/08/01048

In my view, due to the scale and appearance of the application proposal it would be unobtrusive and far more harmonious with its surroundings, compared to previous proposals for this site. Indeed, the proposed extension would follow the visual form of the immediate locality and should the development go ahead, it would look almost identical to No.34 Chapel Lane, except for the degree of projection at single storey level. Having seen the examples of various ways of extending these houses my view is that there is little to choose between them in terms of the most be-fitting urban design solution.

In terms of the letter of objection and the possible noise pollution, one could say that cavity wall insulation/double glazing should mitigate some of those effects, but planning cannot control people's domestic leisure activities, and so this issue cannot be viewed as a material planning consideration.

Overall, I am satisfied that the revised design would sit comfortably in the context of the street vista and would *not* detract, nor visually conflict from the appearance of this property and those similar dwellings nearby. As such, I consider the proposed development would still keep to the degree of uniformity found in the street frontage on this side of Chapel Lane. In view of the above assessment, I conclude that the proposal reasonably satisfies the requirements set out in local plan policies: E23, GD5 and H16 of the adopted CDLPR. Therefore it is recommended that full permission be granted conditionally.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission conditionally.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all material planning considerations and is considered acceptable in terms of design, amenity and street scene impact.

11.3 Conditions

1. Standard Condition 27: Details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced.
2. Standard condition 09a....29 October 2008

B1 APPLICATIONS (cont'd)

5 Code No: DER/07/08/01048

11.4 Reason

1. Standard reason E14 in accordance with the policy H16 of adopted City of Derby Local Plan Review.
2. Standard reason E04.

11.5 S106 requirements where appropriate: -

Code – DER/07/08/01048

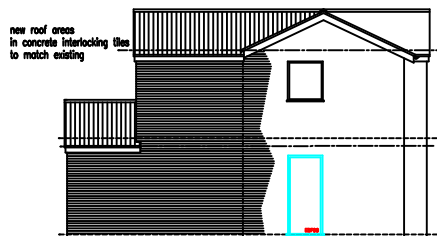


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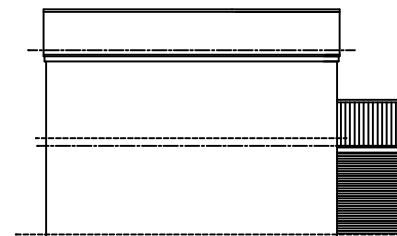
THIS DRAWING HAS BEEN PRODUCED FOR THE PURPOSE OF PLANNING AND BUILDING REGULATION APPROVAL ONLY



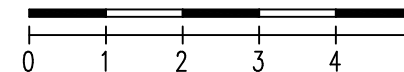
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION

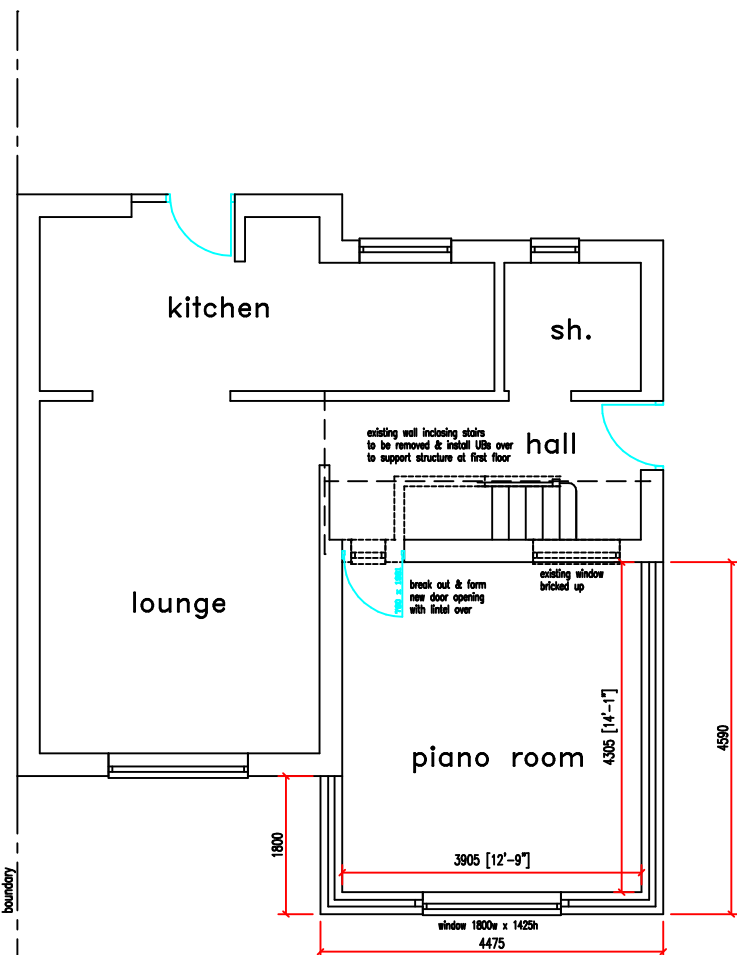


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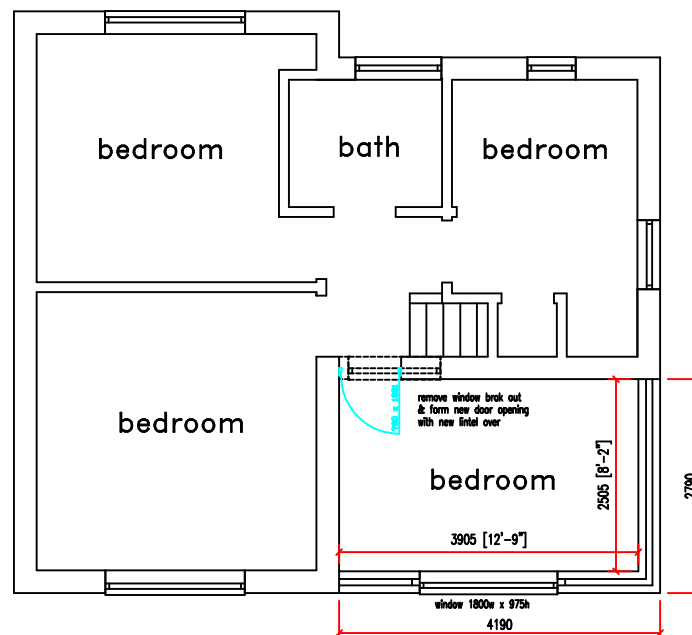
Current Application DER/07/08/01048

NOTES

1. **DRAWING IS PROVISIONAL.** Unless clearly denoted elsewhere this drawing is provisional and subject to local authority approval. Building works shall not be commenced prior to the issue of Approved Drawings.
2. **DO NOT SCALE.** All dimensions to be verified on site and any discrepancies reported to the Architect.
3. **DIMENSIONS.** All dimensions shown are brickwork measurement between structural walls and vertical measurement between structural floors & ceilings. Dimension exclude allowance for dry-linings, plaster, internal finishes, wall & floor covering unless stated otherwise.
4. **RELEVANT DRAWINGS.** This drawing to be read in conjunction with all other relevant project drawings and details.
5. **PLAN COPYRIGHT.** This drawing remains the property of M. A. Blood Building Design Ltd and shall not be altered or copied or reproduced without prior written consent.
6. **UNITS.** All dimensions in millimetres unless stated otherwise.
7. **LOCAL AUTHORITY APPROVALS.** Approvals granted by the local authority relate only to permission under the Town & Country Planning Act 1990 and/or the Building Regulations 2000. The Client shall be responsible for ensuring that this drawing does not contravene any other legislation relating to the property, with particular regard to property title deeds and covenants, land ownership or tenancy, site boundaries, boundary encroachments and rights of way etc.
8. **SITE BOUNDARIES.** The position of any site boundaries indicated on this drawing is approximate. The Client shall be responsible for confirming the legal position of all relevant site boundaries, and shall confirm ownership and/or responsibility for any boundary walls, fences and hedges etc, likely to be affected by the works detailed on this drawing. The client shall agree all boundary issues with the neighbouring property owner prior to any works being commenced.
9. **PARTY WALL ACT.** The client shall be responsible for discharging their duty under the Party Wall etc. Act 1996, which requires persons intending to carry out building work likely to affect an adjoining or nearby building or property boundary, to give written notification to all neighbouring property owners affected.



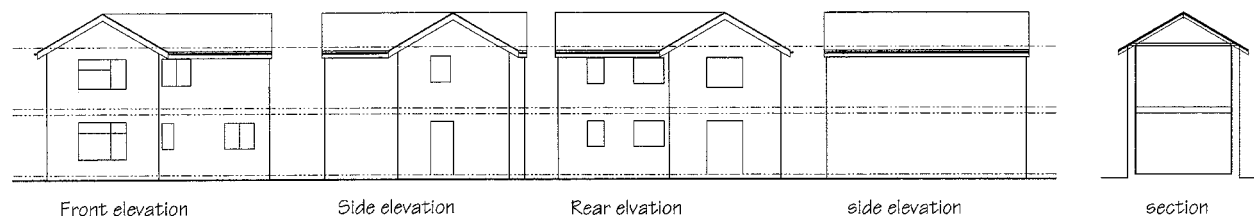
GROUND FLOOR PLAN



FIRST FLOOR PLAN

| | | | |
|--|-------------|--------------|---------------|
| PROJECT | | | |
| PROPOSED EXTENSION TO DWELLING | | | |
| SITE | | | |
| 40 CHAPEL LANE SPONDON DERBY | | | |
| CLIENT | | | |
| MR & MRS McGUINNESS | | | |
| DRAWING TITLE | | | |
| DETAILS AS PROPOSED | | | |
| Drawing No. | Date | Scale | Pt/Rev |
| 08016.02 | May. 2008 | 1:100 & 1:50 | A2 |
| Revisions | | | |
| | | | |
| | | | |
| | | | |
| 6 Brecon Close Spondon Derby. DE21 7JD Tel. & Fax. (01332) 675625 | | | |

Current Application
DER/07/08/01048



Front elevation

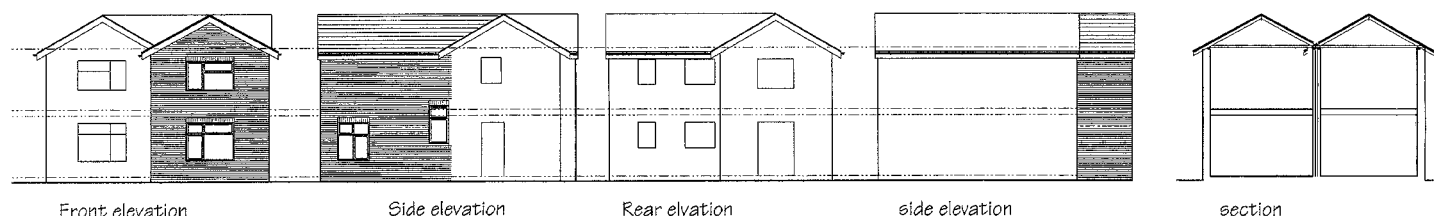
Side elevation

Rear elevation

side elevation

section

ELEVATIONS AS EXISTING



Front elevation

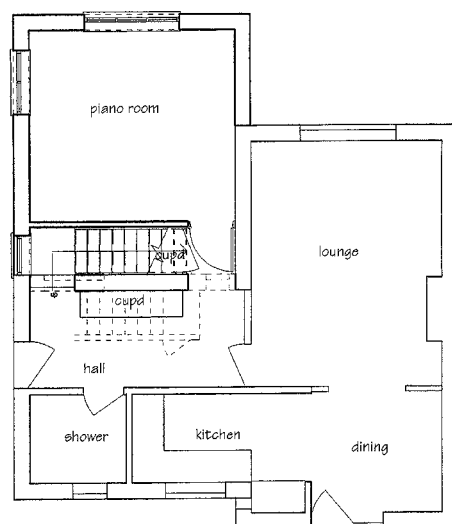
Side elevation

Rear elevation

side elevation

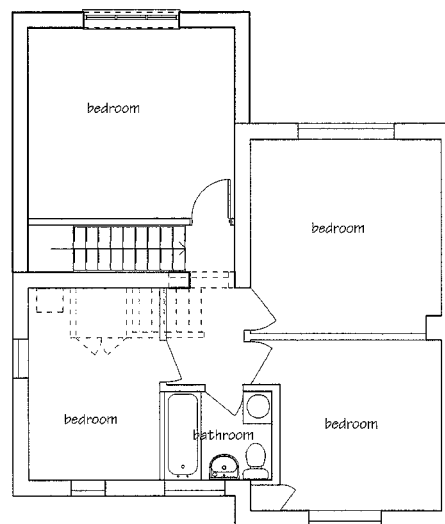
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ELEVATIONS AS PROPOSED

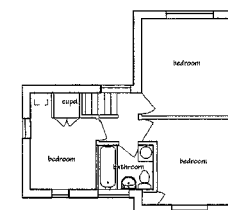


Ground floor plan

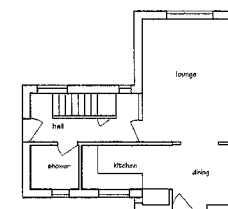
PLANS AS PROPOSED



First floor plan



First floor plan



Ground floor plan

PLANS AS EXISTING

B. & E. Design

27 Dorwell Avenue
Dronowash
Derby DE72 3HZ

Project
PROPOSED EXTENSION TO HOUSE
40 CHAPEL LANE
SPONDON
DERBYSHIRE

Title
SKETCH PLAN

Client
Mr and Mrs MCGUINNESS

| Scale | Drawn | Drawing Number |
|------------|-------|----------------|
| 1:50 1:100 | | BE-686-004 |

No. 40



No. 42



No. 38





B1 APPLICATIONS

6 Code No: DER/10/08/01500

Type: Full

1. **Address:** Land off Traffic Street/Siddals Road/Copeland Street
2. **Proposal:** Erection of offices, hotel, retail units and associated development including piazza
3. **Description:** The application site is located to the east of the city centre and covers an area of approximately 1.28 hectares. Although separated from the primary shopping area by the inner ring road, the site occupies a prominent and strategically important location between the city centre and the railway station, on the north-western edge of the Castleward area.

The site is an irregular shaped plot of land, the majority of which is utilised for car parking, with the eastern area occupied by a car dealership. The site is bounded by Siddals Road to the north and Traffic Street to the west. At present Copeland Street runs along the south boundary of the plot and cuts through the centre of the site.

The built development to the north, east and south east of the application site is predominately comprised of low rise and low density commercial and light industrial buildings. To the west of the site is an area of higher scale and density development, including Derby Playhouse Theatre and the Westfield Shopping Centre, which reaches some 42m at its highest point. To the north-west are the cockpitt roundabout and the site of the Riverlights development, which will be approximately 43m in height once completed.

Full planning permission is sought for the erection of five office buildings, associated retail units and a 104 bedroom hotel on the site. In total, the scheme would create 51,677 square metres (gross) of floorspace, comprising 46,979 square metres of Class B1 office facility; 4,119 square metres of hotel and 540 square metres of 'retail' (this could include other quasi-retail uses, such as café/restaurant, falling within the A3-A5 use classes). The scheme also includes the 'stopping up' of Copeland Street.

The development would be arranged in staggered blocks around a central courtyard, or piazza, with the 9 storey hotel building located to the north of the site, adjacent to Siddals Road. The office accommodation would be provided across five buildings either side of the hotel and would provide flexible commercial space capable of adaptation for a single occupier or sub-division for multiple occupiers. The retail units would be located at ground floor level to the north and east of the site.

B1 APPLICATIONS (cont'd)

6 Code No: DER/06/08/00981

The proposed development would range from between 6 and 9 storeys in height and would be contemporary in terms of its design, form and materials, with extensive use of glazing, reconstituted stone, ceramic tiles and metal mesh panels. The primary site frontage would be the development's western elevation, along Traffic Street. Here the buildings would have curved 'finger' projections, which would gradually rise from 6 (25m) to 9 (42m) storeys in height. Raised landscaped areas, or 'mini pocket parks', would break up the elevations along Traffic Street and the development would culminate in a focal point on the north-west corner of the site. The tallest office building would provide a landmark feature, approximately 42m at its highest point, at the junction of Traffic Street and Siddals Road. Along the Siddals Road the buildings would step down from the north-west corner to a height of 7 storeys (30m), before reducing to 6 storeys (25m) along Copeland Street.

A half-excavated, half-elevated basement car parking area would provide a total of 528 parking spaces over two levels (including 20 disabled parking spaces). Vehicle access into the car parking facility would be provided from Copeland Street, via a ramped access located on the south-eastern corner of the site. Service and refuse vehicles would also access the development at this point. The scheme includes the provision of 120 cycle parking spaces at basement level and 30 surface level cycle parking spaces.

The primary pedestrian and cycle access into the development would be from the south, via Copeland Walk. It is envisaged this new walkway would link into future public realm spaces such as Castleward Boulevard and the new pedestrian crossing at Traffic Street to the Westfield Centre. A secondary, ramped pedestrian access is proposed off Siddals Road, to the north of the site, and controlled pedestrian access would also be available from the east.

The central piazza would be slightly elevated in relation to the surrounding land levels, due to the partially submerged upper level car parking area beneath and would provide a fully landscaped area of public open space. Further enhancements proposed include work to the adjacent green spaces, with an overall landscaping and planting scheme, and the provision of green and brown roofs within the development itself.

The application is supported by a Design and Access Statement, Transport Assessment and Framework Travel Plan, Ecological and Arboricultural Assessment, Archaeological Assessment, Noise Survey and Air Quality Assessment, Phase 2 Ground Investigation, and Remediation Strategy and Flood Risk Assessment,

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4. **Relevant Planning History:**

None relevant to this particular application.

5. **Implications of Proposal:**

5.1 Economic: This is a significant commercial scheme offering the potential to attract a major new employer(s) to Derby and to provide a catalyst for further development within the locality. The proposal would result in significant employment generation for the city and economic benefits for the local economy. The proposed office and hotel development would serve a demand from the business and leisure markets for good quality accommodation.

5.2 Design and Community Safety: The proposed development would be substantial in scale and height in relation to the majority of the surrounding development. However, the application site is located in a prominent 'gateway' location and offers the opportunity to provide a 'landmark building' in a location which is identified as presenting significant opportunities for tall buildings. The general massing of the development would be broken up by the articulation of the separate 'buildings' and their 'cores' and more elegant 'finger projections' within the design of the structure. The development also has the potential to significantly enhance the public realm in this locality and improve connectivity through to the railway station and the rest of the Castleward area.

The development would provide good natural surveillance over the public realm and secure points of access would be provided to the various uses.

5.3 Highways: The Highways Officer notes that there may be some conflict between the proposal and the overall redevelopment for the Castleward area, in terms of proposed improvements to nearby highway junctions. A reduction in the number of car parking spaces is also recommended and further details regarding the stopping up of Copland Street have been requested from the applicant.

Some of these issues can be dealt with by conditions. However, any amended details or further information received on this matter will be reported at the meeting.

5.4 Disabled People's Access: Parking and access arrangements detailed within the submitted drawings and design and access statement appear to be satisfactory. Ramped accesses are indicated at

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all changes of level within the development. Any comments raised by the Access Officer will be reported orally.

5.5 Other Environmental: The site is currently comprised of a large proportion of hardstanding with a scattering of trees. It is isolated from the local wildlife habitats by commercial developments and busy roads, and consequently, considered to be of negligible value to wildlife. Of the 13 trees surveyed on, or adjacent to the site, two have been identified as Category A - having high amenity value. Although only one of these trees is included for retention within the scheme, the high quality landscaping and improvements to the public realm proposed by the development will offer substantial benefits to the visual amenity and environmental quality of the area. The use of green and brown roofs within the development will improve the ecological value of the site.

6. **Publicity:**

| | | | |
|--|-----|--|--|
| Neighbour Notification letter | 1 | Site Notice | |
| Statutory press advert and site notice | Yes | Discretionary press advert and site notice | |
| Other | | | |

7. **Representations:** To date, no letters of objection or comment have been received.

8. **Consultations:**

East Midlands Development Agency - support the application and recommends approval of the development.

Cityscape - have encouraged development on this site which contributes towards delivering the aspirations of the Derby Cityscape Masterplan. The subject proposals have evolved with and are supported by, Derby Cityscape.

Crime Prevention Design Advisor - no objections are raised, although the Crime Prevention Design Advisor has been involved in direct discussions with the applicant regarding a number of issues which weren't included within the submitted application. These issues have been discussed and broadly agreed upon and any additional comments made will be reported orally at the meeting.

Land Drainage - any comments made will be reported orally.

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Environment Agency - the development will be acceptable if a scheme for surface water disposal and the remediation of any ground contamination are controlled by condition.

Derbyshire Wildlife Trust – the trust agrees that the application site is currently of low nature conservation interest, however, they advise that there may be invertebrates present and that bats could be found in existing buildings. The Trust encourages the use of green or brown roof technology within the development in order to promote biodiversity.

Environmental Health - are satisfied that the ground contamination remediation proposals are acceptable 'in principle' and advise that the recommendations given in the noise survey should be complied with. With regards to Air Quality it is recommended that a condition is placed on any consent, which requires the applicant to undertake monitoring to check the affect the development actually has on air quality.

DCArchaeologist - recommends that the submission and implementation of a programme of archaeological works are secured by condition.

English Heritage - any comments made will be reported orally.

OPUN - (The East Midlands Design Review Panel) – in general, welcome the approach the design team have taken to address urban design issues, incorporate green, landscaped space and invigorate the street. It is noted that the layout it is likely to attract high profile businesses and agencies, providing maximum flexibility and making a wider contribution to the city The following specific comments have been made regarding the design scheme:

- It is considered that the proposed roofline appears a little weak at the point where it needs to be strong, dropping away from Traffic Street and that a more confident approach is required, both to mitigate the height of the building and also to improve articulation as the building turns the corner.
- This is an uncharacteristically tall building for the city, ranging from 6 to 10 storeys. Stepping down the height of blocks 4, 5 and 6 would allow more sunlight to reach the plaza and make this a more useable space and without building higher, the tower element could be more pronounced to create a more distinct landmark. Breaking down the mass of the building to ensure the 'fingers' are more pronounced would also create greater distinction between the blocks.

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- The Traffic Street could become sterile if the most active entrance to the building is through the Plaza. Use of the entrances on Traffic Street and Siddals Road should be encouraged to increase activity on the street where possible.
- The inclusion of a hotel in this development is welcomed and the efforts to create a 24 hour economy in the city. The opportunity to enliven the area further at night time should be given additional consideration, as one hotel alone would not provide a sufficiently active environment for pedestrians.
- Lighting design should be carefully considered to enhance this environment and increase the perception of safety after dark. It could also be used to animate the building at night and draw the emphasis away from the strong vertical presence it has at present.

9. Summary of policies most relevant: CDLPR policies:

- GD1 - Social Inclusion
- GD2 - Protection of the Environment
- GD3 - Flood Protection
- GD4 - Design and the Urban Environment
- GD5 - Amenity
- GD6 - Safeguarding Development Potential
- GD7 - Comprehensive Development
- GD8 - Infrastructure
- GD9 - Implementation
- CC13 - Castle Ward
- CC18 - Central Area Parking
- EP10 - Major Office Development
- EP16 - Visitor Accommodation
- S1 - Shopping Hierarchy
- S2 - retail Location Criteria
- S9 - Range of Goods and Alterations to Retail Units
- S12 - Financial and Professional services and food and Drink Uses
- E9 - Trees
- E10 - Renewable Energy
- E17 - Landscaping Schemes
- E23 - Design
- E24 - Community Safety
- E27 - Environmental Art
- T1 - Transport Implications of New Development
- T4 - Access, Parking and Servicing
- T6 - Provision for Pedestrians
- T7 - Provision for Cyclists
- T8 - Provision for Public Transport

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T10 - Access for Disabled People

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

Important Strategic Documents: Derby Cityscape Masterplan, draft Tall Buildings Strategy, City Centre Eastern Fringes Area Action Plan – Preferred Option Report.

10. Officer Opinion:

Land-use policy

The application site falls within the Central Area, the City Centre Fringe Area and also within the Castleward Mixed Area and is identified as an area for regeneration opportunities under Policy R1. In addition, the Derby Cityscape Masterplan highlights this area as a key opportunity for change within the city.

Policy CC13 (Castle Ward) indicates that both the B1 office development and the hotel are acceptable in principle. The proposed retail use is considered acceptable, provided it remains an ancillary element to the scheme and development does not become a retail destination in competition with the primary retail area of the city.

The proposal would be a mixed use development sited on the edge of the city centre, in a highly accessible location, which would generally be appropriate in policy terms. The site is currently poorly utilised land of minimal landscape value, which requires a re-development scheme of high quality to make a positive contribution to the streetscape and skyline of the city centre.

Design, scale and massing

At over 20 metres in height, the development would constitute a ‘tall building’ in the context of Derby’s general urban form, however, both the application site and the whole of the Castleward area are identified within the draft Tall Building Strategy, as areas ‘*where there is the greatest opportunity for tall buildings*’ within the city, as they are located outside of the area of historic townscape. The application site also occupies a prominent corner plot along the city’s ring road, identified as a strategic gateway location within Derby’s Masterplan, which offers the opportunity for a more bold development in terms of the height and scale of the structure.

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The tallest element of the proposed development would be the prominent corner in the north-west corner of the site, which at approximately 42m in height, would be clearly visible from approach routes into Derby such as Pride Parkway and St Alkmund's Way. In this location a contemporary approach to the development is considered to be appropriate and the proposal responds to the 'gateway' function of the site in terms of its massing and expression, by rising to a height of 9 storeys to create a 'landmark' corner feature at then junction of Traffic Street and Siddals Road.

To a certain extent the massing of the building has been informed by the client brief, and the requirement for a number of flexible office buildings that can operate independently, or together. Which has negated the possibility of a more slender proportioned tall building. Nevertheless, it is acknowledged that the architect has tried to break down the massing of the building, in particular along the Traffic Street frontage, by articulating the separate 'buildings' and their 'cores'. The development is not expressed in a single mass, but differentiated as individual buildings around the site perimeter, which are expressed as more elegant finger projections along Traffic Street.

Initial reservations were expressed regarding the scale of the 7 storey 'building' to the north-east of the site, as it was considered that the development would dominate the existing context along Siddals Road, which is comprised of low rise low density buildings. Although the massing of the buildings along the Siddals Road frontage is not broken down to the same degree as along Traffic Street, it is considered that the expression of the hotel as a separate element and the differentiation in terms of the materials, offer some relief along this elevation.

The comments raised by The East Midlands Design Review Panel regarding the roof line of building are noted and their comments have been referred to the developer. Members will be updated at the meeting on any revisions to the design.

Permeability and legibility

During pre-application discussions concerns were also expressed over the lack of an entrance from the Traffic Street frontage. The response has been that it would be commercially unviable to do this, and consequently, the scheme has entrances from within the central public space. Although there are still reservations, it is acknowledged that in order to compensate for this, the activity to the Traffic Street frontage has been maximised, allowing for surveillance over the street and a secondary pedestrian entrance onto Siddals Road has been provided,

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which is clearly legible given the ramp and the design of the hotel providing a marker.

Impact on strategic views

The site of the proposed scheme is located on the edge of the viewing cone for one of the two strategic views identified within the City Council's draft Tall Building Strategy: the skyline panoramic from Rykneld Recreation Ground, a raised area of public open space some distance to the south-west of the application site. Verified views have been provided from this location, which demonstrate there would be no detrimental impact on the Derby skyline as a result of the proposed development. Another verified view has been provided from a local vantage point to the west of the site: the roundabout at the junction of Morledge and Albert Street. This again demonstrates that the development would be satisfactory in context to the existing streetscape.

As previously stated, the application site is identified as an area of the city where there is a potential for tall buildings, and in context to the high-rise/density built development the south, the development would not appear over dominant or out of keeping. Furthermore the verified views provided demonstrate that the development would not conflict with views of the neighbouring townscape, or the long distant strategic views identified within the City Council's draft Tall Building Strategy. Being some distance from the historic core of the city the development would not impact upon important views into or out of the city's various conservation areas and the world heritage site, or view of the city's historic towers, such as the Cathedral or St Mary's Church.

Whilst it is acknowledged that the development is of substantial scale and mass, it is considered that the design of the scheme has gone some way to breaking up the massing of the structure, by the introduction of the 'finger projections' along Traffic Street. Furthermore, it is considered that the development would provide a strong street frontage, both along Traffic Street and Siddals Road, and would create a greater sense of enclosure within the streetscene, bringing activity to this currently neglected site on the edge of the city centre. Overall, it is considered that the development offers the opportunity to create a landmark/gateway feature, which it is envisaged will provide a catalyst for the redevelopment of the adjacent site and the whole of the Castleward area. In view of this the proposed would accord with the requirements of Local Plan Policies GD4 and E23.

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Highways

The Highways Officer notes that there is a possible conflict between traffic generated by the development and the future closure of Liversage Street as envisaged by the Castleward masterplan. As the design of this new junction has yet to be finalised, allowing this development to proceed without being sure that a suitable Station Approach junction can be provided, carries some risk to the Castleward redevelopment scheme. Discussions are ongoing regarding this matter and Council Members will be updated at the meeting.

Parking: The site is located in Derby's central core and Policy T4 is clear that lower levels of on-site parking that are applicable to the remainder of the City should be sought. The application seeks planning permission consent for the maximum level of parking provision allowed by the Local Plan 528 spaces. This comprises 470 spaces for office use, 6 spaces for retail use and 52 spaces to serve the hotel. The basement level parking will be accessed from Copeland Street and will only be available for use by tenants of the development. The Highways Officer has advised that a condition restricting parking levels to less than the maximum in line with policy T4 should be considered. The Highways Officer's comments are noted, however, as the level of parking does not exceed maximum standards, the imposition of this condition could not be justified.

Cycle provision: The developer is seeking to remove the segregated cycle route between Liversage Street and Copeland Street and replace it with a shared surface route running parallel to Traffic Street across the site frontage. There is no objection to this in principle, subject to precise details. The developer proposes to install 150 cycle stands, which is well in excess of the minimum standard and thus complies with the requirements of Local Plan Policy T7.

Further details regarding highways issues, including precise details of the 'stopping up' of Copeland Street have been sought from the developer. Members will be updated orally at the meeting.

Air Quality

An important constraint to the development is the proximity of the site to the designated Air Quality Management Area (AQMA). This AQMA has been declared for nitrogen dioxide due to the high levels of traffic along the ring road. An air quality assessment has been submitted with the application which confirms the following:

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- There were no predicted exceedences of any air quality objectives for 2010 with or without the development.
- The highest predicted annual NO₂ concentration was 37.6µg/m³ against an objective of 40µ g/m³.
- The highest predicted increase in NO₂ concentrations inside the AQMA was 0.9µg/m³, less than the criteria for significant concerns of 1µg/m³ detailed in the Council's Supplementary Planning Guidance Note for Air Quality and New Development.

The Council's supplementary Planning Guidance on Development and Air Quality, states that air quality concerns must be weighed up against the social, economic or other benefits of the development to the city. In considering the weight to be given to air quality as a material consideration, there should be regard to any proposed mitigation measures, the scale and nature of any breach and whether improvement is expected over time and sensitivity of the uses proposed. Although the development would have some impact on air quality within the AGMA, based on the data provided, it is considered that this impact would not be significant. On balance the significant benefits of the overall scheme to the city are considered to outweigh the possible adverse effect of poor air quality in this location and future monitoring and mitigation (if required) can be controlled by condition.

Open Space and the Natural Environment

The general quality in the design of the public realm is clear and creation of the central piazza is welcomed. In addition, the scheme would significantly enhance the public realm around the application site and improve connectivity within the locality, setting a precedent for future development in the Castleward area. The development would offer improved visual surveillance along Traffic Street and would create a more pleasant experience for pedestrians, along a street which at present is a fairly hostile environment for those travelling by foot. The development has been fully informed by an assessment of the local microclimate, in terms of possible over shadowing and creation of wind tunnels.

A full arboricultural survey has been submitted to accompany the application. The survey confirms that the majority of the trees on the site are of little visual merit and only two trees on the site as having high amenity value. One of these trees is shown for retention within the scheme, and whilst the loss of the other tree is regrettable, the loss of this tree would be mitigated by the significant improvements to the public realm and high quality landscaping scheme, which are included within

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the proposals. A high quality scheme of external works and precise details of the landscaping would be secured by an appropriate condition, to ensure the development integrates with the wider public realm strategy for the Castleward area. The use of green and brown roofs within the scheme will improve the ecological value of the site.

Sustainability

The development is to incorporate sustainable energy principles in its design and measures to minimise energy consumption with the objective of achieving a BREEAM rating of 'Excellent'. The design and form of the building is proposed to use passive solar gain to enable maximum natural light within the building and the use of rainwater harvesting from the green roofs is being explored. These measures proposed would accord with the provisions of Policy E10 and precise details of energy efficiency measures can be controlled by condition.

Section 106 Contributions

The proposal would generate a requirement for contributions towards, public art, public realm, employment initiatives and any off-site highway improvements required as a result of the Transport Assessment would be secured by completion of a Section 106 Agreement.

Conclusion

This commercial redevelopment scheme relates to a strategically important location on the north-west corner of the Castleward area. It is considered to be a gateway site abutting the Inner Ring Road and the development offers an opportunity to provide a landmark building, which will act catalyst for future development within the locality. Although of a substantial scale and mass, the development is considered to be of a high quality design and would not conflict with views of the neighbouring townscape or the long distant strategic views across the city. The application provides no indication of the potential number of employees offered, it is evident that the development will significantly increase the capacity for employment on a site, in an area with good access to public transport and services. The amenities of neighbouring occupiers would not be unduly affected and there would be significant benefits in terms of public access and pedestrian activity in the immediate area encouraged by proposed improvements to the adjacent public realm. Overall, the proposal would be a high quality development with economic benefits for the city and, subject to the Highways issues being resolved, the scheme is recommended for approval.

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11. Recommended decision and summary of reasons:

- 11.1 A. To authorise** the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.4 below and **to authorise** the Director of Corporate Services to enter into such an agreement.
- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement, with conditions.

11.2 Conditions

1. Standard Condition 03 (time limit – 7 years)
2. Before development is commenced a scheme indicating the phasing of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. Standard Condition 27 (external materials)
4. Standard Condition 20 (landscaping scheme)
5. Standard Condition 22 (landscaping maintenance – Condition 3
6. Standard Condition 24A (protection of vegetation)
7. Standard Condition 30 (hardsurfacing)
8. Standard Condition 38 (drainage scheme)
9. Standard Condition 100 (site contamination)
10. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented as approved.
11. Standard condition 67 (disabled access facilities)
12. Standard Condition 98 (Travel Plan)
13. Before development is commenced, precise details of the following shall be submitted and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved detail:
 - a) Geometric details of the proposed turning area, car park access ramp including gradient and inter-visibility with the turning head

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- b) Details of all materials to be used as paving/surfacing within the planning application area, these materials shall be compatible with the pallet of materials to be used on the remainder of the Castleward project unless otherwise agreed
 - c) Constructional details of the proposed walkway and public square
 - d) Drainage details, including suitable outfall
 - e) Street lighting details, again to be compatible with the remainder of Castleward scheme.
14. Before the development is brought into use the following vehicle accesses on Siddals Road shall be reinstated as footway, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
- a. The access into the former NCP car park
 - b. The junction of Copeland Road and Siddals Road
 - c. The access in to the former car dealership.
15. The gross retail floorspace of the development hereby permitted shall not exceed 540 sqm.
16. The retail units hereby approved shall not be used for the sale of the following goods, without prior written consent from the Local Planning Authority.
- a. Clothing and footwear
 - b. Toys and sports goods and sportwear
 - c. Musical instruments
 - d. Recorded Music,
 - e. Photographic and Optical Goods,
 - f. Travel Goods,
 - g. Post Officer Services
 - h. Pharmacy and Pharmaceuticals
 - i. Travel Agency
 - j. Garden Centre
17. Standard condition 45 (Archaeological Investigation).
18. Before the development is brought into use precise details of an air quality monitoring scheme to assess the impact of the development upon the adjacent Air Quality Management Area, with particular regard to emissions of Nitrogen Dioxide, shall be submitted to and

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agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full and any mitigation measures resulting from that scheme, as part of the ongoing monitoring shall first be agreed in writing with the Local Planning Authority.

19. Before development is commenced, precise details of a scheme of external lighting, to illuminate the building, shall be submitted and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

20. Precise details of measures adopted to reduce energy consumption shall be submitted to and agreed in writing to and agreed in writing with the Local Planning Authority.

11.3 Reasons

1. For the avoidance of doubt
2. To ensure a satisfactory development.
3. Standard reason E14...policy E23
4. Standard reason E09...policy E17
5. Standard reason E09...policy E17
6. Standard reason E24....policy E17
7. Standard reason E21...policy E23
8. Standard reason E21...policy GD3
9. Standard reason E49...policy E12
10. As recommended by the Environment Agency and to protect groundwater quality....policy E12
11. Standard reason E34...policy T10
12. Standard reason E34...policy T1
13. In the interests of highway safety...policy T1
14. In the interests of highway safety...policy T1
15. To ensure the development does not impact or undermine the vitality and viability of the City Centre shopping area...policies S2 and S9
16. To ensure the development does not impact or undermine the vitality and viability of the City Centre shopping area...policies S2 and S9.
17. Standard reason E22...policy E21.
18. In the interests of environmental amenity...policy E12
19. Standard reason E14...policy E23

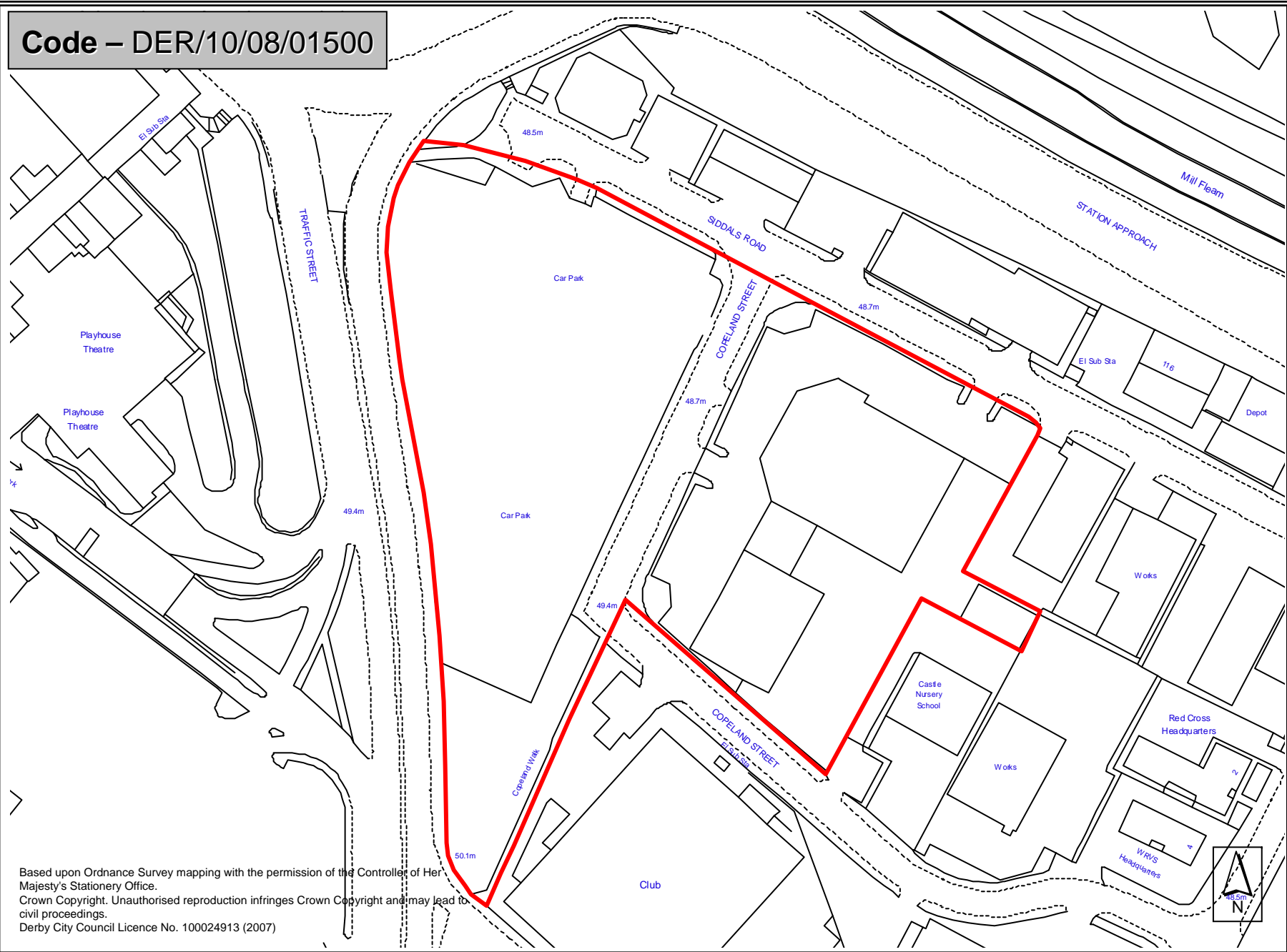
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20. Such approved measures will help to reduce energy consumption and reduce pollution and waste...policy E10.

11.4 S106 requirements where appropriate: public art, public realm, employment initiatives, off site highway improvements.

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