

**A     DEVELOPMENT BY THE CITY COUNCIL**

**1     Code No: DER/806/1312**

**Type:** Outline  
(All matters reserved)  
(Reg 3)

**1.     Address: 40 West Avenue**

**2.     Proposal: Residential Development**

**3.     Description:** In February 2005 I reported to this Committee application DER/07/04/1383 for the demolition of 40 West Avenue and nearby garden walls. That application sought Conservation Area Consent for the demolition of one dwelling house, 40 West Avenue, and garden walls to houses in Kedleston Road, that are deemed to be listed by virtue of their inclusion in a conservation area. The demolition is to allow the road construction works for the King Street link (planning application DER/704/1380) to be carried out. I advised that any decision would be made by the Secretary of State. That decision has now been received and is a conditional consent.

In the original version of phase 3b, those parts of the site of No. 40 that were not required for road works were to be landscaped. Part of English Heritage's objections to phase 3b was to the loss of this prominent and visually important building, the end one of a curved terrace of four, and the resultant widened gap in the street scene.

Since then the City Council, as Highway Authority, has re-examined every aspect of the Five Lamps area to see whether any alternative system could be devised that would meet the essential objectives of the scheme. None was found but it did become clear that there was some scope for rebuilding on the reduced site area available and it was the Council's intention to pursue this that was one of the factors that resulted in English Heritage withdrawing its objections.

The current application seeks outline permission for residential development. At this stage the City Council, as developer, wishes to leave open the matter of whether it is one house or flats allied to those at No. 42, although an independent house is rather more likely.

A design and access statement accompanied this outline application and provides conclusions and recommendations on how a subsequent new dwelling might look.

**4.     Relevant Planning History: As above.**

**A     DEVELOPMENT BY THE CITY COUNCIL     (cont'd)**

**1     Code No:   DER/806/1312**

**5.     Implications of Proposal:**

**5.1     Economic:** None directly arising from the rebuilding proposal.

**5.2     Design and Community Safety:** The site is in a very prominent location in the conservation area and this proposal is intended to achieve the maximum amount of restored built form to mitigate the acknowledged harm to the character of the conservation area that will result from the demolition of the existing dwelling.

**5.3     Highways:** The rebuilding of this property has no direct impact on phase 3b of the Inner Ring Road. The development will not have vehicular access or on-site parking space but in this respect it will mirror the pattern of the established terraced housing in the area.

**5.4     Disabled People's Access:** This will be dealt with under building Regulation requirements in due course.

**5.5     Other Environmental:** The location is currently subject to traffic noise and air quality concerns. The Supplementary Environmental Statement for the Inner Ring Road application forecasts little discernable change as a result of the road works. The Environmental Health Officer will advise on this aspect.

**6.     Publicity:**

Neighbour Notification letter	24	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

**7.     Representations:** None at the time of the end of the publicity period; ... eight later ones have been deposited in the Members' rooms. The grounds are the alleged inaccuracy of the supporting documentation, air pollution levels, inadequacy of size of the proposed unit, loss of privacy and failure to preserve or enhance the conservation area.

**8.     Consultations:**

DofC&ASS (EH and TS) – No objection in principle. Full details will have to show how reasonable noise and air quality can be achieved within the building.

CAAC - The Committee noted that this was an application for outline planning permission but that it was subject to a Design Statement that

**A     DEVELOPMENT BY THE CITY COUNCIL     (cont'd)**

**1     Code No:   DER/806/1312**

set out key design principles that would be deployed in the preparation of the ultimate detailed scheme. Given that the Secretary of State had granted conditional Conservation Area Consent for the demolition of 40 West Avenue, the Committee was supportive of the proposal for the residential development of the residual land but considered that any development should be of a greater height and scale than that depicted in the Design Statement; the indicative proposal was considered to be of insufficient height, scale and mass to satisfactorily conclude the truncated terrace of dwellings. It was recommended therefore that this application as submitted should be refused.

**9.     Summary of policies most relevant:   Adopted CDLP Review 2006:**

T2a / CC29d – King Street / Duffield Road improvements as part of Connecting Derby.

H21 - Residential development, general criteria.

E21 - Conservation areas.

T4 - Access, parking and servicing.

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

**10.   Officer Opinion:   The most important matters to bear in mind in determining this application is that the Local Planning Authority is neither approving the road nor the demolition of 40 West Avenue.**

Members gave authority to me in February 2005 to issue the decision on the road application (DER/704/1380) subject to the Secretary of State not calling it in. In view of minor amendments and the availability of a supplement to the Environmental Statement I do not intend to use that authority but will report the application again to this Committee. In relation to demolition, consent has been granted by the Secretary of State. (DER/704/1383).

The current application is in outline with all matters reserved. In the past outline applications in conservation areas have been discouraged in the sense that applicants have been advised that virtually as much information will be required for an outline as for a full application and it would be more appropriate to make such. However, they have always been valid and it may be appropriate for me to remind Members of the changes in the content of outline applications that came in on 10 August. After that date basic information on layout, numbers, height massing etc. is required along with a design and access statement.

**A     DEVELOPMENT BY THE CITY COUNCIL     (cont'd)**

**1     Code No:   DER/806/1312**

These changes will make it easier to judge outline applications in conservation areas.

The detail submitted for this application is similar to what I would expect for outline applications in conservation areas in future. The formal submitted plan simply defines the site but the illustrative material that constitutes the design statement indicates a footprint of some 25sq m and the reproduction of the architectural elements on the current frontage. All external materials are intended to be sourced from demolition of the existing property. The size of the proposal is limited by the space and the good material available; the existing side elevation is cement rendered and the rear is somewhat nondescript. The principle is, in some ways, similar to how Jacobean House in Wardwick was dealt with when Becket Street was created by widening in the 19<sup>th</sup> century.

Adopted CDLP Review policy CC29 states:

“Planning permission will be granted for improvements associated with the Council’s Integrated Transport Project “Connecting Derby” which includes: (*amongst others*) (d) Improvements to King Street / Duffield Road to facilitate bus priority measures.”

The proposal is intended to be a form of built development that facilitates the achievement of Connecting Derby in that it is a better form of mitigation than the landscaping originally proposed in the planning application DER/704/1680 for the construction of the road. I am satisfied that it is in conformity with policies T2a and CC29d.

The intention is that, subject to the grant of outline permission, the City Council will instruct architects to prepare a detailed scheme that will come into the planning system as a reserved matters application. Approval of that would then allow a contract to be let for the building works to meet the Secretary of State’s conditions, although such work could not take place until the statutory processes still then likely to be outstanding (mainly the confirmation of the Compulsory Purchase Order) have been completed.

Whilst I am sympathetic to the views of the Conservation Area Advisory Committee about the scale of the replacement, I feel that the recommendation of refusal is a misunderstanding of how the determination of outline applications supported by design and access statements should be dealt with. This is not a criticism of the Advisory Committee; this is one of the first applications to be determined under the requirements that came in and, at all levels in the planning process, Authorities will be developing their approaches. Refusal would be

**A      DEVELOPMENT BY THE CITY COUNCIL      (cont'd)**

**1      Code No:   DER/806/1312**

appropriate if assessment of the design statement revealed that the proposal would be incapable of meeting policy but where it simply indicates that the applicant must try harder in relation to certain aspects of the proposal, it is entirely appropriate to grant outline permission with the applicant's attention drawn to the areas of deficiency.

In relation to those of the objectors' points not covered elsewhere, the supporting information is not titled "Design and Access Statement" but it serves as one. It was produced some months before the new statutory requirements were introduced. Re-labelling it could be done but would achieve nothing. In criticising its contents I feel that several of the objectors have confused the level of information and technical accuracy expected in such a document with that required for a full planning application. In my view the document properly fills the gap between the traditional "site edged red" outline application and a full application in the way that is intended by the changes to the General Development Procedure Order.

The objectors do have a valid point in querying the viability of the floorspace. There are severe limits on the footprint space available but I think that the ideas illustrated in the design statement could be developed and refined in a manner that increases floorspace and the perception of massing in the street scene without affecting adversely the amenities of nearby properties. The statement does suggest that the size may be increased by curving the wall to follow the new road line. I am unsure at this stage of how that may work aesthetically and it would be wrong to try to prescribe the architectural form in the permission. I am also aware of the contradictions that would arise if the publicly visible parts of the proposal exceeded the reclaimable material. My recommended condition 2 goes as far as I think is practicable.

In relation to the objectors' general criticism of the development not preserving or enhancing the conservation area, again I feel that they are judging the matter from the current circumstances whereas the proper starting point is the situation that will obtain after the demolition of the existing property as now authorised by the Secretary of State.

One objection, received as this report went to print, deals exclusively and in some detail with air quality. These are fairly accurate – the development will be in a new nitrogen dioxide AQMA, which is likely to be declared in October or November, subject to Cabinet approval. The purpose of the 'buffer zone' is not to sterilise development but to draw the attention of developers to the need for AQ mitigation measures to be incorporated in the detailed design of sensitive buildings within the zone. More detailed advice will be given orally at the meeting.

**A     DEVELOPMENT BY THE CITY COUNCIL     (cont'd)**

**1     Code No:   DER/806/1312**

My conclusion is that the proposal offers the best available way of mitigating the detrimental effect of demolition and that permission should be issued to allow the scheme to be developed further.

**11.     Recommended decision and summary of reasons:**

**11.1     To grant permission** with conditions for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992.

**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 other material considerations. It represents the most practicable means of achieving the greatest level of mitigation of the impact on the character and appearance of the conservation area that will result from the demolition of the existing building in connection with the Inner Ring Road works. In relation to the lack of on-site parking, departure from the objectives of policy T4 is acceptable in that it replicates the existing arrangements and those of other terraced properties in the area and will not add to traffic difficulties.

**11.3     Conditions**

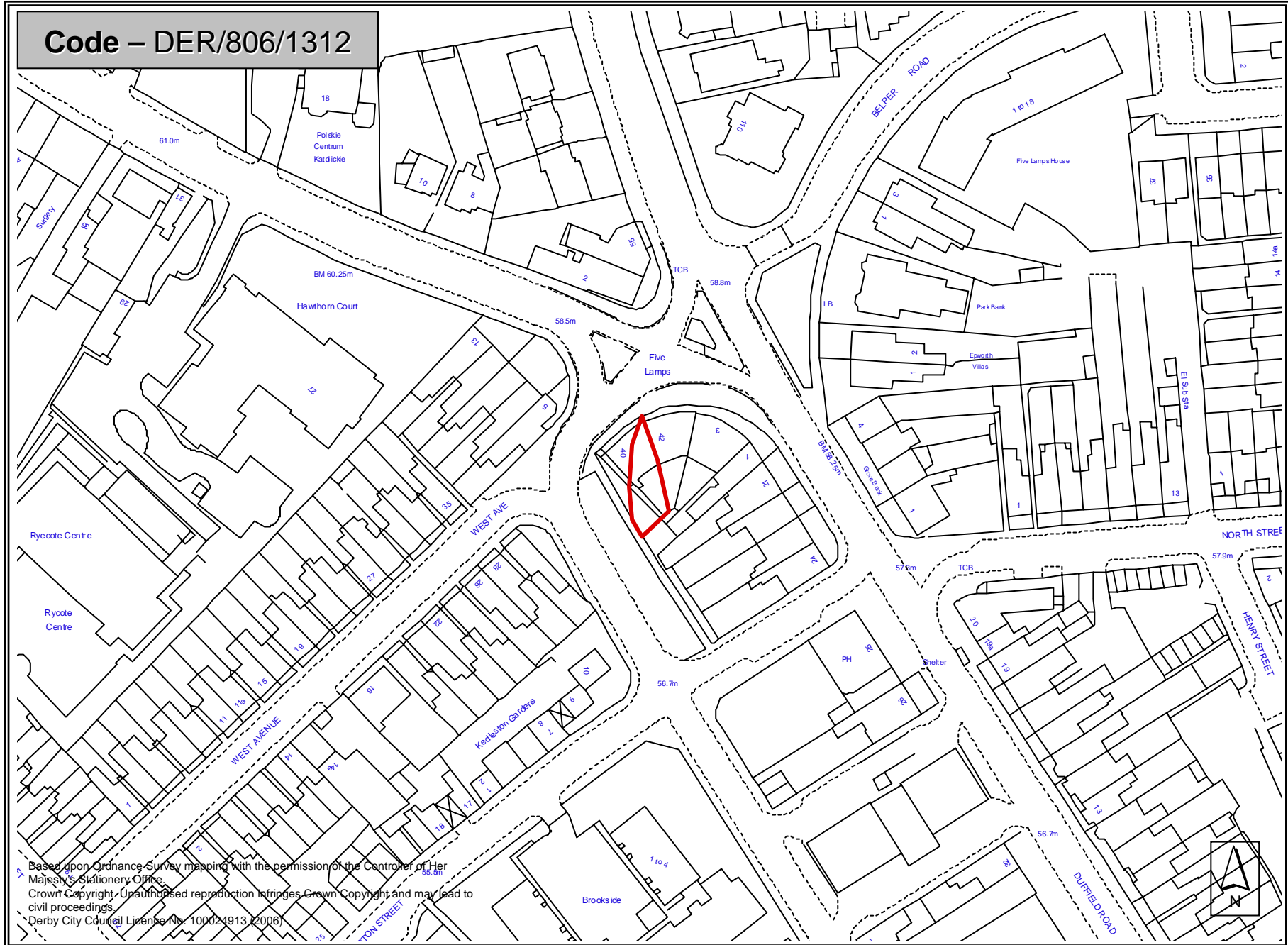
1. Standard condition 01 (outline).
2. The details submitted under (1) above shall substantially follow the principles set out in the submitted design statement, with the addition that they shall attempt to maximise the built form within the space available.
3. Standard condition 02 (approval of reserved matters)

**11.4     Reasons**

1. Standard Reason E04.
2. In order to achieve the maximum compatibility with policy E21 of the adopted City of Derby Local Plan Review – 2006.
3. Standard reason E02.

**11.5     S106 requirements where appropriate:** None.

**Code – DER/806/1312**



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## **B1    APPLICATIONS**

**1    Code No:** DER/806/1330

**Type:** Full

1.    **Address:** : Blue Posts, 550 Kedleston Road, Allestree
2.    **Proposal:**    Extension to dwelling house (garage, day room and bedroom and en-suite bathroom, enlargement of two bedrooms and repositioning of front access)
3.    **Description:**  
Planning permission is sought for extensions to a detached residential property located on the corner of Kedleston Road and Askerfield Avenue. Permission is also sought for a new vehicle access onto Kedleston Road

The proposals would involve extensions to the side, front and rear of the dwelling. Immediately neighbouring properties are 548 Kedleston Road to the south, and 2 Askerfield Avenue to the east. 552 Kedleston Road lies to the north, beyond Askerfield Avenue.

4.    **Relevant Planning History:**

DER/406/730 – Extensions to dwelling house (Garage, bedroom and ensuite bathroom) – refused because of impact upon amenities at 2 Askerfield Avenue

DER/899/995 – Extensions to dwelling house (Dining room, porch, 2 bedrooms and enlargement of existing kitchen).

5.    **Implications of Proposal:**

5.1    **Economic:** None.

5.2    **Design and Community Safety:** The proposed extensions would alter the appearance of the dwelling house, but not in my view in any way that would unacceptably affect the overall appearance of the dwelling or the street scene.

5.3    **Highways:** To be reported orally.

5.4    **Disabled People's Access:** Not applicable

5.5    **Other Environmental:** None

5.    **Publicity:**



## B1 APPLICATIONS (cont'd)

### 1 Code No:

Neighbour Notification letter	8	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** Five letters of objection have been received and ... are reproduced. Concerns relate to:

- Highway objections to the new access
- The height of the extension near to 548 Kedleston Road
- Inconvenience during construction

8. **Consultations:**

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

H26 - house extensions  
E26 - design  
T4 - access and parking

*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 scheme is different from the previous proposal (DER/406/730) which was refused based on the impact of the rear extension upon 2 Askerfield Avenue which has habitable room windows facing the rear of the property. The position of the extensions have changed with the bulk of the work now being proposed to the side elevations.

My comments on the design and visual amenity impacts of the scheme are given in section 5.2 of this report.

In terms of the impact upon residential amenities, I do not consider that there would be any unacceptable effects. The extensions to the southern side elevation would be closest to neighbouring properties, 548 Kedleston Road, but I do not consider that the impact upon privacy or light at that property would be unreasonable. I note the proposed obscure glazed window on the side elevation but subject to this remaining obscure glazed do not raise objections in terms of privacy. I am also satisfied that there would not be any unacceptable loss of light.

Extensions to the other side elevation and front elevation would not, in my view cause any unacceptable impact upon residential amenities.

## **B1    APPLICATIONS    (cont'd)**

### **1    Code No:**

The proposed change to the roof of the existing single storey extension at the rear of the property would also be acceptable in terms of residential amenities.

Subject to satisfactory highways comments, I see no justification for refusing this application.

#### **11.    Recommended decision and summary of reasons:**

**11.1    To grant** planning permission conditionally.

**11.2    Summary of reasons:**    The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above and is acceptable in terms of its impact upon residential and visual amenities and highway safety.

#### **11.3    Conditions**

1. Standard condition 27 (materials)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the south facing side elevation window shall be obscure glazed and permanently maintained as such.

#### **11.4    Reasons**

1. Standard reason E14...policy H26
2. Standard reason E07...policy H26

**11.5    S106 requirements where appropriate:**    None.

**Code – DER/806/1330**

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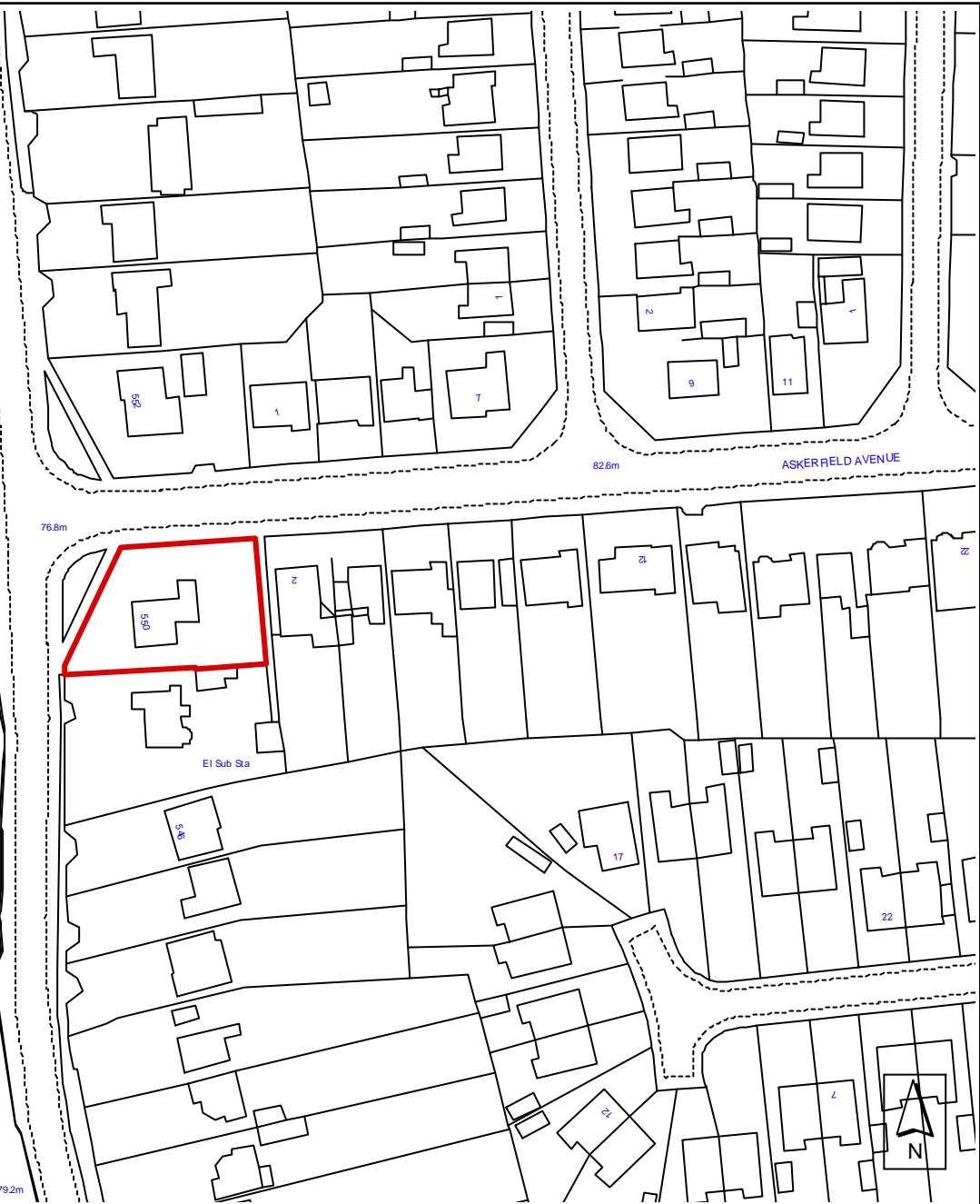
79.2m

BM 78.76m

76.8m

82.6m

ASKER FELD AVENUE



## **B1    APPLICATIONS    (cont'd)**

**2    Code No:** DER/506/902

**Type:** Full

1.    **Address:** Land at the rear of 21 Field Crescent and fronting onto Farm Drive, Alvaston
2.    **Proposal:** Erection of 2 dwelling houses (a semi detached pair)
3.    **Description:** Full planning permission is sought for the erection of a pair of semi-detached dwelling house. The application follows an earlier application for outline planning permission for residential development that was granted planning permission in November 2005. That permission specifically excluded agreement for any specific number of dwellings on the site. Although this current application is a follow up to the outline application it is on a slightly enlarged site and so is submitted as an application for full planning permission rather than an application for approval of reserved matters.

An application for the erection of a pair of semi-detached dwellings on the present site was submitted in March of this year but was refused in May for the following reasons:

- “1.    The proposed dwellings by reason of their size and position set back deeply behind the established neighbouring dwelling would result in a significant loss of amenity to that property through massing, overbearance and overshadowing. The proposal would accordingly be contrary to policies ST12 and H21 of the adopted City of Derby Local Plan Review – 2006.
2.    The proposed dwellings by reason of their siting set deeply back behind the established dwellings on Farm Drive, would be out of character with the established pattern of development and consequently detrimental to the visual amenity of the streetscene. The proposal would therefore be contrary to policies ST12, H21 and E26 of the adopted City of Derby Local Plan Review – 2006.”

In the current proposal is the same design of semi-detached dwellings proposed as was refused in May but these are positioned closer to the highway frontage and rotated slightly so that they do not lie so deep in the plot. This means that they are not so overbearing on the neighbouring property, lie parallel with the line of neighbouring dwellings and are more in character with the existing pattern of development in the area.

The site is part of the large rear garden of 21 Field Rise which stands at the junction of Field Crescent and Farm Drive. It uses the end of the garden and has its proposed vehicular accesses fronting onto Farm Drive. It stands alongside 35 Farm Drive which is one of a pair of

## **B1    APPLICATIONS   (cont'd)**

### **2    Code No:   DER/506/902**

semi-detached dwellings in a row of similarly designed dwellings. The depth front to back of the proposal is approximately half as deep again as the depth of the neighbouring houses on Farm Drive and as a consequence the roof will be higher than that of the houses to the immediate west, however, by following the staggered/stepped positioning of the frontages of the existing dwellings I don't believe the additional height will be so noticeable as to be significantly out of character with the general streetscene.

The route of a watercourse runs along the western boundary of the site. The formerly open watercourse appears to have been infilled over the years. This appears to have been carried out without any agreement by the responsible drainage authority. It is not clear if any water now passes along the water course. However, in acknowledgement of the historical existence of this and until it is determined if the watercourse is still active, condition was attached to the outline planning permission requiring a clear gap of a 3.5 metres being maintained clear of the presumed centre line of the watercourse to allow maintenance of it should it become necessary. The current proposal shows that one corner of the development would encroach within 2.7 metres of this line.

#### **4.    Relevant Planning History:**

DER/705/1145 – outline residential development – granted conditionally 22 November 2005.

DER/306/392 – erection of 2 dwellings – refused 5 May 2006.

#### **5.    Implications of Proposal:**

**5.1    Economic:** None.

**5.2    Design and Community Safety:** The design of the pair of dwellings is bland but would not be significantly out of character with the neighbouring houses.

**5.3    Highways:** The proposed means of access has satisfactory visibility and proposed parking is adequate therefore there are no highway objections.

**5.4    Disabled People's Access:** Satisfactory access should be achieved through the Building Regulations.

**5.5    Other Environmental:**

## B1 APPLICATIONS (cont'd)

### 2 Code No: DER/506/902

**Drainage and Flood Defence:** raise no objection to the proximity of the proposal to the concealed watercourse but recommend that fences would be more appropriate than boundary walls to facilitate any maintenance of the water course should this become necessary.

### 6. Publicity:

Neighbour Notification letter	10	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

When the application was submitted it was incorrectly made as an application for approval of reserved matters pursuant to an earlier outline planning permission. This could not be the case as the application incorporates additional land that was not part of the original application site. The applicant has now asked for the application to be treated as an application for full planning permission.

It has now been realised that the original notification to neighbours will have described the application as one for approval of reserved matters, advising that matters of principle cannot be questioned. This is not the case with an application for full planning permission where the whole principle of development may be re-examined. I have only recently written to the neighbours advising them of this change giving a further opportunity for them to comment. The consultation period will not expire until after the Committee. I will therefore be recommending that no decision be made until the expiry of the consultation period and that should any further objections be raised these are discussed with the Chair and Vice Chair of the planning control committee prior to any decision being made.

7. **Representations:** Two letters of objection have been received from the same neighbour who occupies the adjoining property at 35 Farm Rise. Copies of the letters are attached. The second letter is in response to some slightly amended plans.

In summary the objections are as follows:

- The site is not a brownfield site but a garden
- The site is not large enough for the development proposed
- The site boundary has altered since the outline planning application was submitted
- Loss of early morning sun
- Loss of privacy

**B1    APPLICATIONS (cont'd)**

**2    Code No: DER/506/902**

- Loss of amenity of outlook from the kitchen
- Concerns over windows being inserted in the blank side elevation of the dwellings once the new dwellings are occupied
- The proposal shows services to be connected outside no. 35 Field Crescent

**8.    Consultations:**

STW – Raise no objection to the proposal but draw attention to the existence of a public sewer that crosses the site and request that a condition be attached to any approval that may be given requiring that no buildings or trees are planted within 5 metres of the centre line of the sewer. I do not consider it appropriate to attach such a condition but will forward the views of STW to the applicant's agent.

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

ST12 - Amenity  
H21 - Residential  
E26 - Design  
T4 - Access parking and servicing

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

- 10.    Officer Opinion:** The site is classified as a brownfield site as the land has been previously developed and is garden land of 21 Field Crescent. As can be seen from the submitted plans the site can accommodate the development proposed and maintains rear garden depths of over 10 metres deep in accordance with our guideline minimum. There are also driveways either side of the dwellings sufficient to allow cars to park so the built development in my view sits quite comfortably in the plot. The front garden of one of the plots is shorter than the others on this side of Farm Drive, however even at its narrowest point it is over 3.5 metres deep and with the existing stepped relationship between property frontages further west along Farm Drive I don't consider the short front garden to be visually out of keeping with the existing street scene.

From a highways point of view the proposal is considered to be acceptable.

The proposal inevitably has some impact on neighbouring residential amenity but it meets with normal space between buildings guidelines. As such the effects on neighbouring properties on privacy, overlooking,

## **B1 APPLICATIONS (cont'd)**

### **2 Code No: DER/506/902**

massing overbearance and overshadowing are all considered to be within acceptable limits. There would be some loss of direct early morning sunshine to the nearest neighbouring property if the proposal were to be built. This is regrettable however I don't consider that there would be so great a loss of sunlight and/or daylight as to warrant refusal, particularly as this form of stepped layout is already a feature of the streetscene and the relationship of 37 and 39 is not too dissimilar to that proposed here.

Concern raised by the one objector about the position of proposed connection to drains and sewers is a matter more appropriately dealt with under the Building Regulations.

In conclusion I consider that the proposal would result in a satisfactory form of development which in my opinion would not result in any significant loss of residential amenity to neighbouring occupiers and as such I recommend that planning permission should be granted in this case.

#### **11. Recommended decision and summary of reasons:**

##### **11.1 Subject to** no additional representations being received, **to authorise** the Assistant Director – Regeneration to issue planning permission conditions set out below.

Should additional representations be received, to delegate to the Assistant Director, in consultation with the Chair and Vice Chair, the consideration of those representations, and in view of those representations, the decision as to whether those further representations should be considered by the Planning Control Committee at a future meeting.

##### **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 at 9 above. It is considered to be in accordance with these policies and that it would result in a satisfactory form of development that would not significantly harm neighbouring residential amenity, and which would remain in character with the pattern of development in the surrounding area.

##### **11.3 Conditions**

1. Standard condition 09A (revised plans 1/4777/01 rev c received 4 August 2006 and 1/4777/02 rev b and 1/4777/03 rev a, both received 6 September 2006.



## **B1    APPLICATIONS   (cont'd)**

### **2    Code No:   DER/506/902**

2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Notwithstanding the provisions of part 1 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no windows or doors shall be created in the side elevations of the dwellings facing sideways towards 35 Farm Drive, unless otherwise agreed in writing with the Local Planning Authority.
5. No buildings shall be constructed, walls built or trees planted within 2.7 metres of the side boundary with 35 Farm.

#### **11.4   Reasons**

1. Standard reason E04 (avoidance of doubt)
2. Standard reason E14...policy H21
3. Standard reason E07...policy H21
4. To protect the privacy of neighbouring residents at 35 Farm Drive ...policy H21
5. There is evidence that a concealed watercourse runs along the western boundary of the site. It is necessary to ensure that sufficient space is kept clear of the centre line of the watercourse to allow for its future maintenance...policy H21.

#### **11.5   S106 requirements where appropriate:   None**

**Code – DER/506/902**



## **B1    APPLICATIONS (cont'd)**

**3    Code No:** DER/806/1319

**Type:** Full

1.    **Address:** Land to the south of Holmleigh Way, Chellaston
2.    **Proposal:** The erection of 5 office blocks incorporating 20 residential apartments
3.    **Description:** Members may be familiar with the content of this application which is a resubmission following approval for a similar development, under Code No. DER/204/169. Various amendments have been made to the approved scheme which as resulted in this application. The revised plans include an increase in the number of residential units from 10 to 20, however, the building footprints and the number of storeys are unchanged from the approved scheme. Blocks 3 and 4 which were previously linked are now separated to facilitate the new arrangement. There has also been some reorientation of the buildings.

The revised layout also incorporates highway measures to satisfy the requirements of the Section 38 Agreement. Specifically these are concerning the visibility envelope along Holmleigh Way, and the reduction of the site levels forward of the visibility splay down to general carriageway level.

The site covers some 0.5 hectares of land to the west of the A514, of which 0.2 hectares fall within the City boundary. The rest of the site is within South Derbyshire's area. The northern and eastern boundary of the site is formed by Holmleigh Way and the southern boundary is formed by the A50. The western boundary adjoins land which is allocated and has detailed planning permission for roadside services.

Access to the site is from the roundabout off Holmleigh Way which has accommodated the access in its design. The site is not flat but rises through 5 metres from pavement level up to a central crest. The nearest residential properties are some 65 m from Block 5. The proposed buildings comprise:

Blocks 1,2, 3 and 4 – ground floor and first floor offices, each with four second floor apartments having a gallery area and balcony within the roof space. (3½ storeys).

Block 5 – is in the same design as the other blocks but has undercroft parking by taking advantage of the site's levels but is in appearance a 4 storey unit.

The 5 blocks are located within an overall paved and landscaped setting; the paved area would accommodate 115 car parking spaces, cycle and motor cycle parking and bin storage, all allocated and

## B1 APPLICATIONS (cont'd)

### 3 Code No: DER/806/1319

devoted to particular blocks. There is change to the elevational design detail but the height of the buildings remains unchanged from the former application.

The whole of block 5 and a small part of Block 4 are within the City boundary, as is the access to the site. The rest of the proposed development is located within South Derbyshire's area where permission has already been granted for the proposal.

4. **Relevant Planning History:** DER/204/169 – erection of 5 office blocks incorporating 10 residential apartments – granted conditionally 26 August 2004.

5. **Implications of Proposal:**

- 5.1 **Economic:** The development would create additional office floor space and a corresponding number of jobs.

- 5.2 **Design and Community Safety:** This is a prominent site both from housing land within the City boundary, from the A50 and from further a field in South Derbyshire. The 5 blocks would add a distinctive gateway. The residential aspect will bring activity and supervision to the site out of office hours, when traditional office developments are crime generators. Conversely office workers will bring the same to the site when many dwellings will be empty during the day. The building elevations provide good supervision of the street and parking areas.

- 5.3 **Highways:** No objections from the highway aspect as the modification accords with that drawn up following negotiation. A highway contribution for the provision and/or improvement of pedestrian and cycle facilities in the vicinity of the application site has been agreed. The application is subject to a Section 38 Agreement.

- 5.4 **Disabled People's Access:** 10 disabled people's parking spaces are provided, each adjacent to the principle entrance for each block.

- 5.5 **Other Environmental:** None.

6. **Publicity:**

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

## **B1    APPLICATIONS    (cont'd)**

### **3    Code No:    DER/806/1319**

**7.    Representations:** I have received 10 letters of objection which will be made available in Members rooms. The main points raised by the objectors are:

- loss of tv/satellite signal; (not a material consideration)
- inadequate parking provision for proposed development
- concern over the height of the buildings
- reference to another unit being incorporated on to the site (see Officer report)
- some residents state that they were not notified on the original application.

**8.    Consultations:**

DCorpS (Health) - Two main issues on site are noise and contaminated land. A noise assessment has been submitted in support of the application; the report states that the part of the site in the Derby City area is Noise Exposure Category 'B'. A noise mitigation scheme will need to be approved prior to development commencing. Similarly, a preliminary site investigation report will need to be submitted to and approved by the Local Planning Authority.

South Derbyshire District Council – have granted permission for the part of the layout within their Authority.

**9.    Summary of policies most relevant:** CDLP Review 2006 Policies:

- ST12 - Amenity
- H21 - Residential Development
- EP8 - High Quality Business Park Opportunity Sites
- EP12 - Alternative uses of proposed Business and Industrial Areas
- E12 - Renewable Energy
- E26 - Design
- L3 - Public Open Space Standards
- L4 - Public Open Space Requirements in new Development
- 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 CDLP Review for the full version.*

**10.    Officer Opinion:** The site is allocated in the City of Derby Local Plan Review as a High Quality Business Park Opportunity Site reserved for business use (B1). The principle of the development of this site for this mixed business and residential use was accepted on the granting of the previous permission (DER/204/169). Part of the scheme in South

**B1    APPLICATIONS (cont'd)**

**3    Code No: DER/806/1319**

Derbyshire's area, is under construction as this has already been approved.

The current proposal would accord with Local Plan Review Policies EP8 and EP12. The main issue with regards to the development is the ability of the proposal to create a high quality living environment, which I consider to have been achieved; the proposal reasonably satisfies the requirements of H21. The buildings are of a distinctive design for this gateway site and will be landmark features on this elevated site.

The increase in the number of residential units has increased within the building envelope but without altering the footprint. Additional parking has been modified in relation to these changes which have been agreed with the highways officer.

I have looked carefully into the points raised by the objectors. Reference is made to another unit being accommodated on the site; Blocks 3 and 4 were previously linked but are now separated with some re-orientation of the buildings and therefore there are no additional blocks on the site. The heights of the proposed buildings are unchanged from the previous approval.

Some of the objectors claim to not have been notified on the original permission (although some of the addresses were notified). This is due to the changes to the neighbour notification policy that was not in effect until 1 August 2005. We now undertake more extensive neighbour notifications and exceed the recommended procedure. Properties within 4 metres of the site were notified of the previous application in February 2004. Neighbour notification for this recent application included more properties within a 15 m radius of the site. A site notice was put up for both of the applications.

Most of the development lies within South Derbyshire's area where permission has already been granted. The part of the development that lies within the City Boundary's area is much smaller in comparison with the principle of the development already being accepted on the granting of the previous application.

In view of the above considerations, I am drawn to conclude that the proposed amendments in relation to the increase in residential units, minor layout alterations and access alterations to the previously approved application for this residential/commercial use are acceptable.

## **B1 APPLICATIONS (cont'd)**

**3 Code No:** DER/806/1319

### **11. Recommended decision and summary of reasons:**

**11.1 A. To authorise** the Assistant Director – Regeneration to negotiate the terms of the Section 106 Agreement to achieve the objectives set out in 11.5 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.

**C.** If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period (14 November) consideration be given, in consultation with the Chair, to refuse planning permission.

**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 of the CDLPR policies. Policies EP8, EP12 and H21 have been reasonably met. The layout and design of the development is acceptable and other policy objectives are either met, or can be achieved through the use of conditions or the Section 106 Agreement.

### **11.3 Conditions**

1. Standard condition 27 (external materials)
2. Standard condition 20 (Landscaping scheme)
3. Standard condition 22 (landscaping scheme)(condition 2)
4. Standard condition 69 (cycle/motorcycle policy)
5. Standard condition 98 (travel plan)
6. Standard condition 19 (means of enclosure)
7. Standard condition 30 (surfaces to be drained)
8. Before any development is commenced a scheme for protecting the proposed dwellings from noise from the adjacent commercial buildings shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

### **11.4 Reasons**

1. Standard reason E14 ...policy E26
2. Standard reason E10 ...policy E23
3. Standard reason E10 ...policy E23
4. Standard reason E35 ...policy T4

**B1    APPLICATIONS   (cont'd)**

**3    Code No:   DER/806/1319**

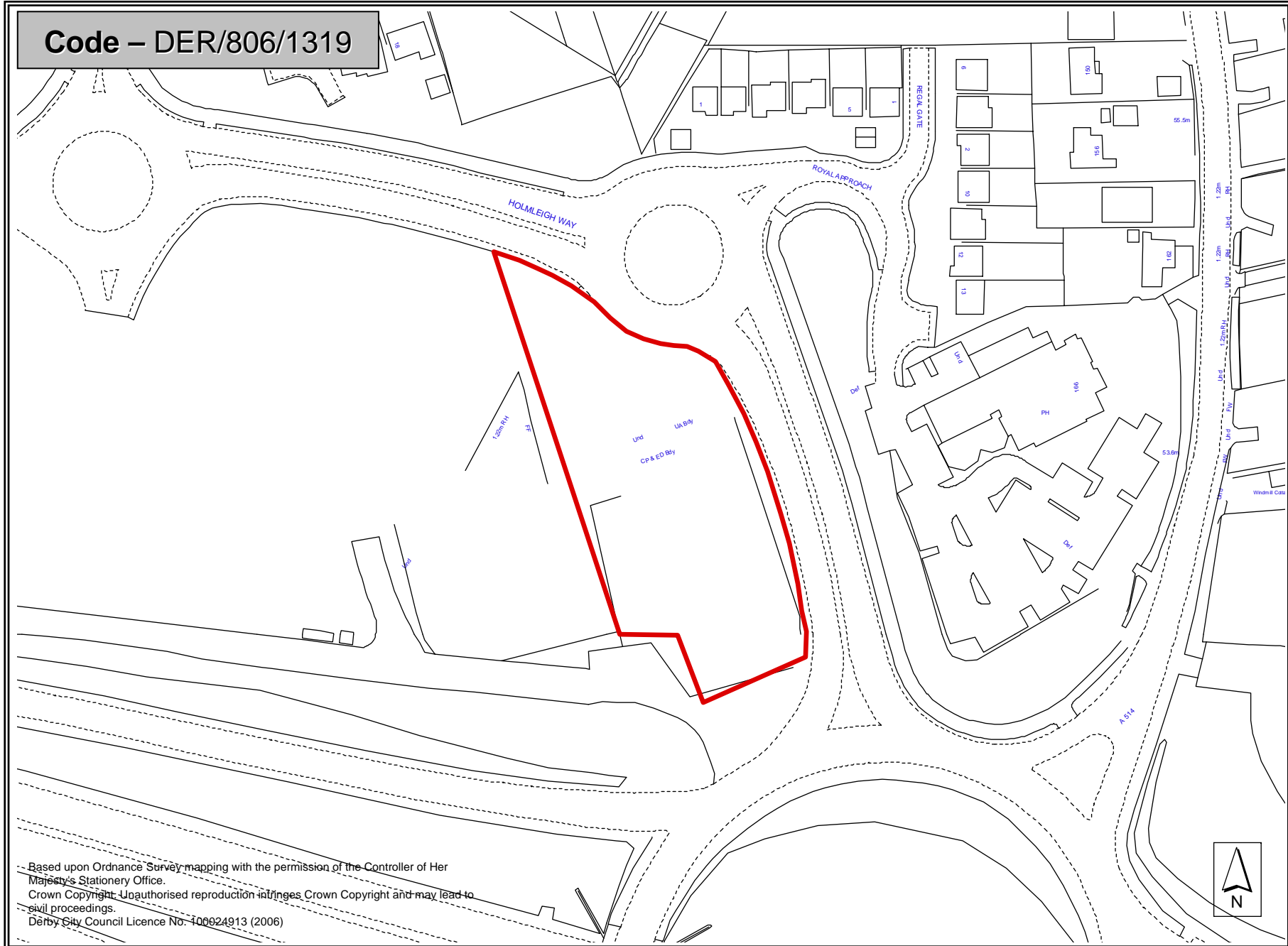
5.    Standard reason E47
6.    Standard reason E08 ...policy E26
7.    Standard reason E21 ...policy T4
8.    Standard reason E48 ...policy E18
  
9.    In the interests of residential amenity and environmental amenity  
and in accordance with policy ST12 of the CDLPR.

**11.5   S106 requirements where appropriate:**

- Public Open Space contributions
- Highway contributions



**Code – DER/806/1319**



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## **B1    APPLICATIONS    (cont'd)**

**4    Code No:** DER/406/668

**Type:** Full

1.    **Address:** Land adjacent to 1 Shepherd Street, Littleover
2.    **Proposal:** Erection of 4 flats
3.    **Description:** This full application seeks permission for the erection of a two storey building (with rooms in the roof space) to provide four self contained flats. Vehicular access would be from Shepherd Street to a car parking area shared with No. 1 Shepherd Street (itself in use as flats). A total of 8 car parking spaces would be provided to serve a total of 8 flats (those existing at 1 Shepherd Street, and the four further ones now proposed).

The proposed building is of a traditional pitched roof design, with the main fenestration on the front and rear elevations, and with rooflights on both planes of the roof. The rear windows to the roofspace area would be obscure glazed. To the north of the site are retail/commercial operations fronting Burton Road, to the east and west of the site (on opposite side of Shepherd Street) are residential curtilages. To the south of the site is No. 1 Shepherd Street, in the control of the applicant. This property has the benefit of planning permission for the creation of four self contained flats.

Shepherd Street is quite narrow, and is used quite heavily for parking along its eastern side. The surroundings of the application site are predominantly residential in character. The site is at present vacant, and at a somewhat higher ground level than that of the curtilage of No. 1 Shepherd Street. It is intended to lower the existing ground level to that of No. 1 Shepherd Street. The site is situated within the Littleover District Centre.

### **4.    Relevant Planning History:**

DER/1205/2009 – erection of six flats – refused.

The reason for refusal of permission:

1. The proposed building by reason of its height and massing in close proximity to the site boundary, would give rise to an unreasonable degree of overlooking that would seriously detract from the amenities of nearby residents. In addition the proposal would result in an over-intensive use of the site, out of keeping with the surrounding established form of development and again likely to seriously detract from the amenities of nearby residents by reason of the levels of activity, vehicular and pedestrian movements likely to be generated. The proposal is therefore contrary to the provisions of policies H21 and E26 of the adopted City of Derby

## B1 **APPLICATIONS** (cont'd)

### 4 **Code No:** DER/406/668

Local Plan Review – 2006.

2. The proposal would represent an over-intensive use of the existing narrow access onto Shepherd Street, that has sub-standard visibility onto the highway. Use of the substandard access would be to the detriment of pedestrian and highway safety, and to the free and safe flow of traffic generally. The proposal is accordingly contrary to policies H21 and T4 of the adopted City of Derby Local Plan Review – 2006.

### 5. **Implications of Proposal:**

#### 5.1 **Economic:** None

#### 5.2 **Design and Community Safety:** I have no design objections to raise to the proposed building, subject to the use of obscure glazing on the rear elevation of the roofspace, as indicated on the submitted amended drawings. The scale of the proposal has been reduced following the previous refusal of permission.

#### 5.3 **Highways:** The proposed level of surface parking is adequate to serve both No. 1 Shepherd Street, and this current proposal. With regard to the access from Shepherd Street, no objection is raised subject to the visibility splay shown on the submitted plans being kept free of obstructions above 1.0 m in height.

#### 5.4 **Disabled People's Access:** The Building Regulations will deliver a degree of accessibility to the building.

#### 5.5 **Other Environmental:** None.

### 6. **Publicity:**

Neighbour Notification letter	9	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

### 7. **Representations:** I have received two letters of objection and these are reproduced. The main issues raised are:

...

- the condition of the rear boundary fence of the site
- loss of amenity for residents to the rear
- loss of privacy, and overlooking to rear
- further traffic problems on Shepherd Street

## B1 APPLICATIONS (cont'd)

### 4 Code No: DER/406/668

- Noise and disturbance will increase
- disturbance from vehicle movements and exhaust fumes
- light pollution
- proposal would be out of keeping with the surroundings

### 8. Consultations: -

### 9. Summary of policies most relevant: Adopted CDLP review 2006:

- ST12 - Amenity
- H21 - Residential Development – General Criteria
- E20 - Landscaping schemes
- E26 - Design
- T4 - Access, parking and servicing
- S3 - District and Neighbourhood Centres

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

The advice of PPG3 (Housing) is also relevant in this case.

### 10. Officer Opinion: This proposal is for a form of residential development in what is predominantly a residential location albeit within the District Centre. The principle of this form of use is acceptable in Local Plan policy terms, and it is in line with the broad guidance of PPG 3 (Housing).

The key issues for discussion, are the likely impact on traffic flows on Shepherd Street and the impact on the amenities of third parties to the rear in Park Lane. In highways terms, the proposal has been viewed in relation to the existing use of No. 1 Shepherd Street for four flats. The proposed parking provision is considered to be adequate, and no objections are raised to the form of access proposed onto Shepherd Street. The nature of the access would result in very low traffic speeds, but I am satisfied that sufficient access onto the highway can be provided.

I am satisfied that the design and scale of the proposed building is acceptable in the location. Essentially it is a traditional two storey building, with additional rooms in the roofspace. A two storey building is acceptable in this location and on the same ground level as No. 1 Shepherd Street itself, and reflects the building height on the remainder of the street. I have negotiated a form of fenestration on the rear elevation that will reduce unreasonable overlooking to the east into the curtilage of Nos. 2-4 Park Lane. The resident of that property has

## **B1 APPLICATIONS (cont'd)**

### **4 Code No: DER/406/668**

raised the issue of the boundary between their curtilage and the application site. This matter would be covered by condition, but I also intend to discuss the matter further with the applicant's agent and the outcome of that will be reported at the meeting.

To conclude, I am satisfied that the form of development proposed together with the proposed use itself are quite appropriate in this location. The design of the building resolves reasonably the issue of impact on the properties to the rear, and there are no highway/parking objections. On that basis I support the proposal, and this is reflected in the recommendation to grant permission with conditions.

### **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 – 2006 and all other material considerations as indicated in 9 above and is an acceptable form of infill development, that would not have an adverse effect on either the streetscene or the amenities of third parties.

#### **11.3 Conditions**

1. Standard condition 09A (amended plans, and Agents letter dated as received 9 August 2006)
2. Standard condition 27 (External Materials)
3. Standard condition 19 (Means of Enclosure)
4. Standard condition 30 (Surfaces to be drained)
5. Standard condition 20 (Landscaping)
6. Standard condition 22 (Landscaping Maintenance)(Condition 5)
7. The visibility splay indicated on submitted drawing P4B-0510A shall be kept free of any obstruction higher than 1.0 metre above ground level.

#### **11.4 Reasons**

1. Standard reason E04
2. Standard reason E14 policy H21
3. Standard reason E14 policy H21
4. Standard reason E14 policy H21
5. Standard reason E18 policy E20
6. Standard reason E18 policy E20

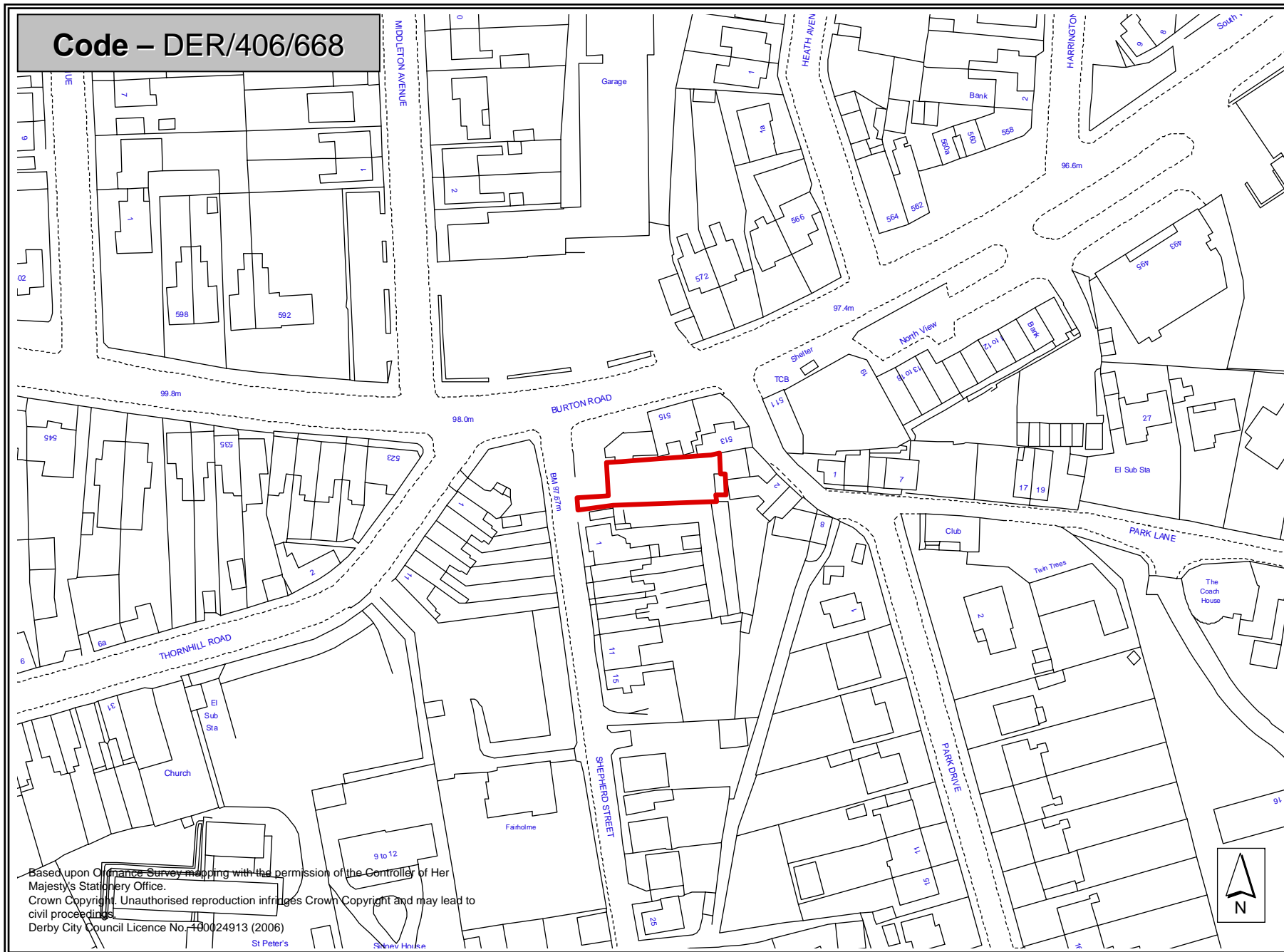
**B1    APPLICATIONS    (cont'd)**

**4    Code No:    DER/406/668**

7.    In the interest of traffic and pedestrian safety on the highway.

**11.5    S106 requirements where appropriate:    None.**

**Code – DER/406/668**



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## **B1    APPLICATIONS    (cont'd)**

**5    Code No:** DER/706/1238

**Type:** App of  
Reserved  
Matters

1.    **Address:** Land adjacent 58 Taylor Street and 1 Warwick Street
2.    **Proposal:** Erection of 2 flats
3.    **Description:** This application relates to a small site containing single storey workshops/outbuildings, which is located on the corner of Taylor Street and Warwick Street. This is part of a residential area, comprising traditional high density terraced housing sited off London Road. The red brick outbuildings abut both street frontages and are adjacent to terraced properties on both sides.

It is proposed to redevelop the site and erect a two storey block of 2 flats. Both flats would have 2 bedrooms. It would be an L-shaped building, with a part hipped and part gabled roofline. There would be a small projecting flying gable in the internal corner of the building at first floor level. The footprint would be 9 metres wide and 11.4 metres in overall depth. The built form would abut the Taylor Street and Warwick Street frontages and 2 car parking spaces would be provided on site, accessed from Warwick Street.

4.    **Relevant Planning History:** DER/905/1482 – Outline permission for residential development, granted November 2005.

### **5.    Implications of Proposal:**

**5.1    Economic:** No significant implications

**5.2    Design and Community Safety:** The design and scale of the proposal would reflect the two storey terraced properties in the surrounding area. There are no adverse community safety implications.

**5.3    Highways:** Similar comments to the outline application, which are that the proposed off-street parking is satisfactory, where good public transport is available therefore no objections.

**5.4    Disabled People's Access:** Building Regulations will deliver a degree of accessibility to these dwellings.

**5.5    Other Environmental:** There is a Cherry tree in the footway on the Taylor Street frontage, which is directly to the front of the site. It should not be unduly affected by the proposed development.

### **6.    Publicity:**



## B1 APPLICATIONS (cont'd)

5 Code No: DER/706/1238

Neighbour Notification letter	19	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

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

- The massing and scale of the building would be excessive and overshadow neighbouring properties
- The proposed building may adversely affect the health of the tree or result in its total removal
- The proposal would be out of character with the properties in the surrounding area

8. **Consultations:**

DENV (Arboricultural) – the tree is highly visible with amenity value, which is healthy. It is semi-mature and should be retained.

EA – raised objections due to the absence of a Flood Risk Assessment as the site is located in Flood Zone 2. Further comments in response to the submitted Assessment are to be reported.

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

ST12 - Amenity  
H21 - Residential development on unallocated land  
E26 - Design  
T4 - Access and parking  
E12 - Renewable energy  
E11 - Trees  
STx2 - Flood Protection

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

10. **Officer Opinion:** The principle of residential development has already been established on this site by the outline permission which was granted in November 2005. The site lies in a predominantly residential area, characterised by relatively high density terraced housing. It is in a corner location and is appropriate for a similarly high density form of residential development. A condition on the outline

## **B1    APPLICATIONS    (cont'd)**

### **5       Code No:    DER/706/1238**

permission, limits the proposal to no more than 2 dwellings and the submitted detailed scheme complies with those requirements.

The design and form of the proposed development takes reference from the two storey terraced properties in the surrounding area. The built form would be of similar scale, height and massing to the neighbouring dwellings and it would fit in satisfactorily with the appearance and character of the local streetscene. A satisfactory living environment would be provided by this proposal and the amenities of nearby dwellings in the surrounding area would not be unduly harmed. The development would result in a limited loss of daylight and massing for the adjacent properties and the potential for overlooking would not be significant.

A Cherry tree in the highway frontage on Taylor Street is in close proximity to the front of the site and the proposed bedroom and kitchen windows would face towards the canopy. The tree is a modest specimen which has significant amenity value in the streetscene and is to be retained. The footprint of the building on the frontage facing the tree would be similar to the existing building on the site and as such the development would not encroach any closer to the tree canopy. It should not be unduly adversely affected by the siting of the development and I am satisfied that the residential use of the site would not led to undue pressure to prune or fell the tree.

The site is within designated Flood Zone 2, which means there is a risk of flooding in this area. Any development scheme would therefore be exposed to a flood risk, which should be addressed by mitigation measures. A Flood Risk Assessment has recently been submitted to deal with this issue. The proposed development would have a modest footprint on a site, which is previously developed and it would therefore be unlikely to exacerbate flooding in the local area. However the future occupants would be adversely affected in the event of a flood and it is proposed that finished floor levels are elevated above the predicted one to 100 year flood level, to minimise the detriment to the amenities of future occupants. This is considered to be a satisfactory means of addressing the flood protection issue.

#### **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 and all other material considerations as indicated in 9 above and the details of the residential scheme would be in keeping with the appearance and

**B1    APPLICATIONS (cont'd)**

**5       Code No:   DER/706/1238**

character of the local streetscene and would create a satisfactory living environment.

**11.3   Conditions**

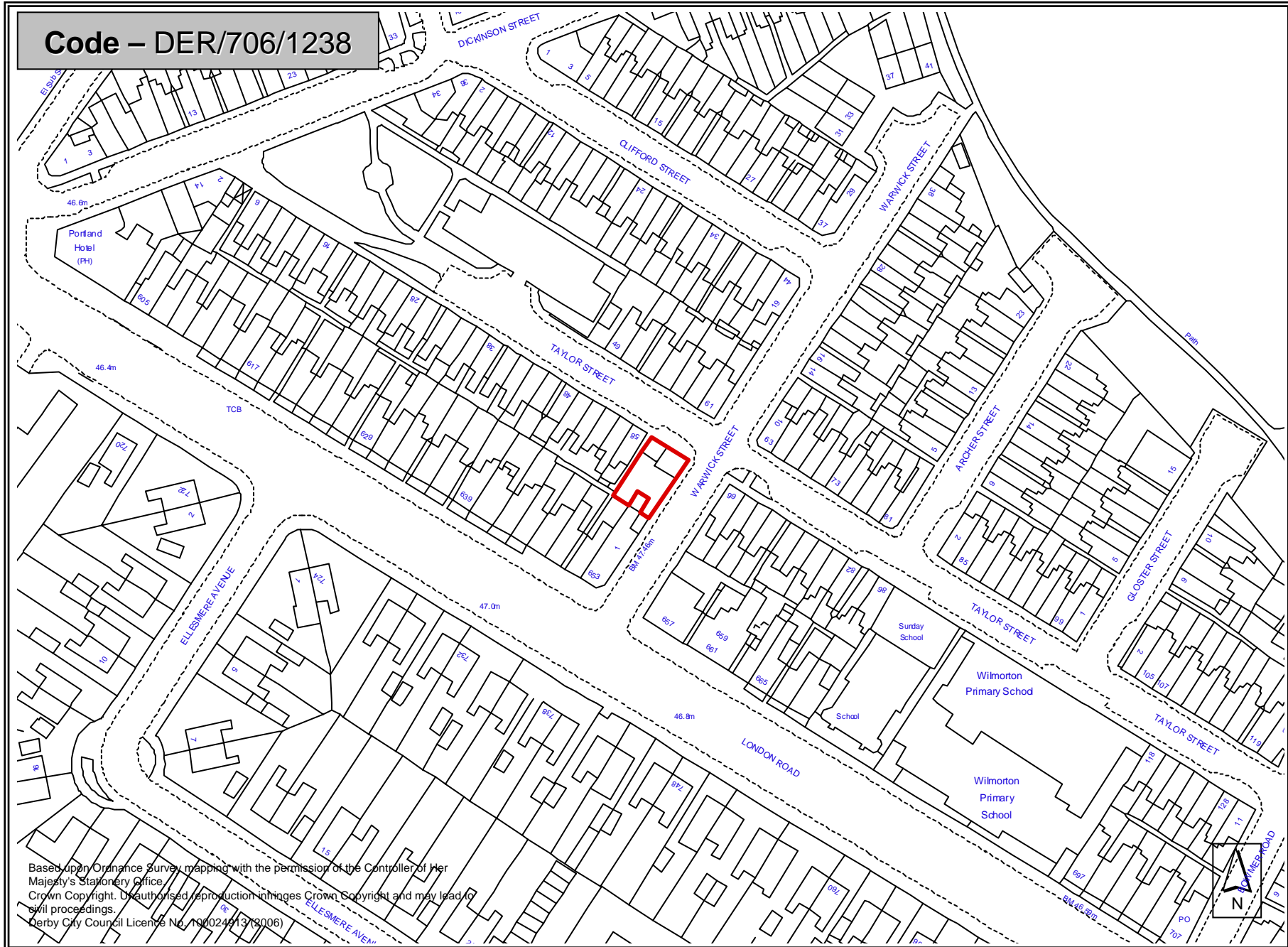
1. Standard condition 09A (amended plans – received 20 September 2006)
2. Standard condition 27 (external materials)
3. Standard condition 38 (foul and surface drainage)
4. Standard condition 30 (hard surfacing)
5. The finished floor levels of the development shall be implemented in accordance with the details included in the Flood Risk Assessment submitted to accompany the application.

**11.4   Reasons**

1. Standard reason E04
2. Standard reason E14...policies H21 and E26
3. Standard reason E21...policy H21
4. Standard reason E21...policy E26 and T4
5. To protect future occupants from flooding...policy STx2

**11.5   S106 requirements where appropriate:   None.**

**Code – DER/706/1238**



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## **B1    APPLICATIONS   (cont'd)**

**6    Code No:** DER/806/1288

**Type:** Full

1.    **Address:**   Site of Elmhurst, Lonsdale Place
2.    **Proposal:**   Residential Development together with associated works
3.    **Description:**   This full application seeks permission for the erection of 24 apartments, together with the provision of 34 car parking spaces and secure cycle parking. By taking account of the fall in land levels the proposed building would be four and five storeys in height. Much of the site contains trees covered by Tree Preservation Order, most of which would be retained. Vehicular and pedestrian access to the site would be from Lonsdale Place only, using the existing access to the rear of the premises of Aston Engineering, and a new access directly opposite Lee Bay and Cranford on Lonsdale Place.

On the opposite side of Lonsdale Place, are two storey dwelling houses, while at the end of that street are University Halls of Residence. Within that curtilage is a Grade II listed building (a two storey building) that abuts the southern end of the application site. To the north of the application site are workshops (Aston Engineering) while to the east are the rear gardens of 3-17 (odd) Rowditch Avenue, again these are two storey dwelling houses. The site slopes quite sharply from south to north, and contains many mature trees along the south, west and eastern boundaries. The existing building on the site is vacant, and was used as a residential home for children. Along the boundary at back of pavement along Lonsdale Place is a fine stone wall.

A design and access statement accompanies the application, together with the necessary tree survey. The statement notes that this bespoke design is intended to display a sympathetic relationship with the nearby listed building. The vertical emphasis echoes the tower feature of the listed building and the overall mass of the building is designed to relate to the slope to the north of the site. The proposed building is in two parts, to the north and south of the site, linked by a glazed section at first-third floor level. The building has a mixture of pitched and hipped roof features, and the main fenestration is on the eastern and western sides. The bulk of the surface car parking is along the western boundary with the Rowditch Avenue properties. On the Lonsdale Place frontage most of the existing stone boundary wall is to be retained, and car parking is likely to remain on the highway there.

4.    **Relevant Planning History:**

DER/1205/2036 – Residential Development and associated works.  
Application withdrawn.

## B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

### 5. Implications of Proposal:

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposed design follows a considerable degree of officer discussion and, as the design statement notes, the new building occupies a central strip of the site well away from the rear boundaries of the site with the distances from nearby houses much more than the existing property and greater than usually accepted for back to back standards. The scale takes note of the University Halls of Residence at Lonsdale Hall which is up to four stories in a quadrangle arrangement. The design and layout, provides rear car parking which is visually controlled through an archway in the building and overlooked from the apartments. As such the layout is self policing taking note of relevant community safety initiatives in its design.

5.3 **Highways:** No major objections 2m x 2m by 45° pedestrian visibility splays should be provided on both sides of the existing and proposed accesses. The gradient of the two accesses should not be steeper than 1 in 14 for the first 4.5m from the highway. Secure cycle and motorcycle parking should be provided. The proposed parking of 100% desirable in this location.

5.4 **Disabled People's Access:** Would wish to secure two lifetime homes apartments, and the inclusion of lifting device is welcome. Building Regulations will deliver a degree of accessibility to the remaining dwellings.

5.5 **Other Environmental:** The site contains many trees, protected by Tree Preservation Order, most of which would be retained. This group of trees has a considerable impact on residential properties both in Lonsdale Place and Rowditch Avenue. The guidance of the Arboricultural Officer has been sought.

### 6. Publicity:

Neighbour Notification letters	33	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received two letters of objection to the proposal, one of which is signed by nine people, and these are reproduced. The main points raised are:

## **B1    APPLICATIONS    (cont'd)**

### **6    Code No:    DER/806/1288**

- the proposal is too high, and over dominant
- the proposal is over intensive for the site
- existing road cannot deal with increased demand
- concern for the future of protected trees on site.

Any further representations will be reported at the meeting.

### **8.    Consultations:**

DCS – to be reported.

DCS (Housing) – to be reported.

CS (Arboricultural Officer) – tree survey is acceptable. Requests that a method statement be prepared, explaining how trees will be protected during construction and nature of landscaping proposals. Details are also required, of where protective fencing will be placed, before any development commences.

Police ALO – no objections. Attention is drawn to the relative isolation of five parking spaces to the north of the site and this has been taken up with the applicant. Some concern expressed about the degree of tree/vegetation cover on the site, in respect of visibility from Lonsdale Place.

### **9.    Summary of policies most relevant:    adopted CDLP Review 2006.**

- ST12    -    Amenity
- H20    -    Lifetime Homes
- H21    -    Residential development – general Criteria
- E11    -    Trees
- E12    -    Renewable Energy
- E20    -    Landscaping Schemes
- E22    -    Listed Buildings and Buildings of Local Importance
- E26    -    Design
- E27    -    Community Safety
- L3    -    public Open Space Standards
- L4    -    Public Open Space Requirements in New Development
- T4    -    Access, Parking and Servicing

The advice of PPG3 (Housing) is also relevant in this case.

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

## **B1    APPLICATIONS    (cont'd)**

### **6    Code No:    DER/806/1288**

**10.    Officer Opinion:**    Following the previous withdrawal of application DER/1205/2036 this current proposal has been the subject of quite extensive discussions with officers to attempt to address the previous reasons for the unacceptability of the initial scheme. While the principle of residential development is clearly acceptable on this site, there are major factors that have required care in the overall design of the proposal. These are:

1.    The design and scale of the proposed buildings.
2.    The relationship to the existing residential properties in Lonsdale Place and Rowditch Avenue.
3.    The relationship to the Listed Building to the south of the application site.
4.    The degree of tree removal proposed, within a group of trees covered by a Tree Preservation Order, and the issue of tree protection while work is carried out.

The design of the proposed building is fairly coteremporary in nature, and would be situated along the spine of the site. It has a larger footprint, and is higher than the existing building on the site. Following the withdrawal of the original application, the design of the building was amended to relate better with the physical topography of the site. This resulted in some reduction in the height of the building and a better physical relationship with the site itself. In addition, the building was reduced to three storeys at its southern end, and this substantially improved the relationship with the adjacent listed building.

Much of the southern, western, and eastern boundaries of the site contain extensive tree cover, and this will serve to substantially reduce the impact of the scale of the proposed building on the curtilages of the adjacent residential properties in both Lonsdale Place and Rowditch avenue. The houses in Rowditch Avenue would be between 31.0m and 38.0m from the proposed building. Those in Lonsdale Place would be between 26.0m and 29.0m distant from it. My main concern is this relationship between a proposed 4-5 storey building (up to 18.0m in height) and these existing two storey dwelling houses. While it could be argued that the Council's space standards are reasonably met, I have concluded that without the influence of the very considerable mature tree cover, the impact of the proposed building would be over dominant. I have attempted to balance the current situation with the existing building on the site (itself much closer to both the houses in Lonsdale Place and Rowditch Avenue), with the likely impact of the proposed building given the distances from existing houses, and the



## B1 APPLICATIONS (cont'd)

### 6 Code No: DER/806/1288

scale of the mature trees. I am forced to conclude, and the arguments are finely balanced, that the proposal in this form is just about acceptable given the current climate of guidance from Central Government.

A key factor in the success of this proposal is the continued care of and overall health of the many good quality trees around the perimeter of the site, and this is reflected in the suggested conditions. Because of the great significance of the proposal, given its scale, and the proximity of the listed building I will wish to see the use of very good quality external materials throughout the scheme, together with the use of appropriate hard and soft landscaping works. I acknowledge that the proposal will increase traffic flows along Lonsdale Place but this would be the case whatever use the site was put to. It is likely that parking on the highway will continue as at the present time. There are no major highways objections raised, and adequate provision will be made for secure cycle and motorcycle parking.

I have duly noted the comments raised by third parties, and Members have visited the site. This type of proposal clearly demonstrates the issues raised by the need to utilise brownfield sites in an economic manner as encouraged by PPG3. This is quite an intensive scheme, but the height of the building can be accommodated by the physical nature of the site, and is offset to a reasonable degree by the degree of tree cover. I have concluded that it would be very difficult to sustain a refusal of permission at appeal for the reasons outlined, and recommend that permission be granted conditionally subject to a Section 106 Agreement to secure mobility housing and contributions to public open space provision. The 24 units proposed falls below the threshold for the provision of affordable housing.

### 11. Recommended decision and summary of reasons:

- 11.1 A. **To authorise** the Assistant Director – Regeneration to negotiate a Section 106 Agreement to secure the contribution set out in 11.5 below, and **to authorise** the Director of Corporate and Adult 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 subject to the conditions set out below.
- C. Should the Section 106 Agreement be not concluded within the 13 weeks of the application's life (9 November 2006) the Assistant Director – Regeneration to give consideration in consultation with the Chair, **to refusal** of the application.

## **B1 APPLICATIONS (cont'd)**

### **6 Code No: DER/806/1288**

**11.2 Summary of reasons:** The proposal has been considered against the Adopted City of Derby Local Plan Review policies set out in (9) above and all other material considerations and is in conformity with them or can be made so by the conditions imposed and the terms of the Section 106 Agreement.

#### **11.3 Conditions**

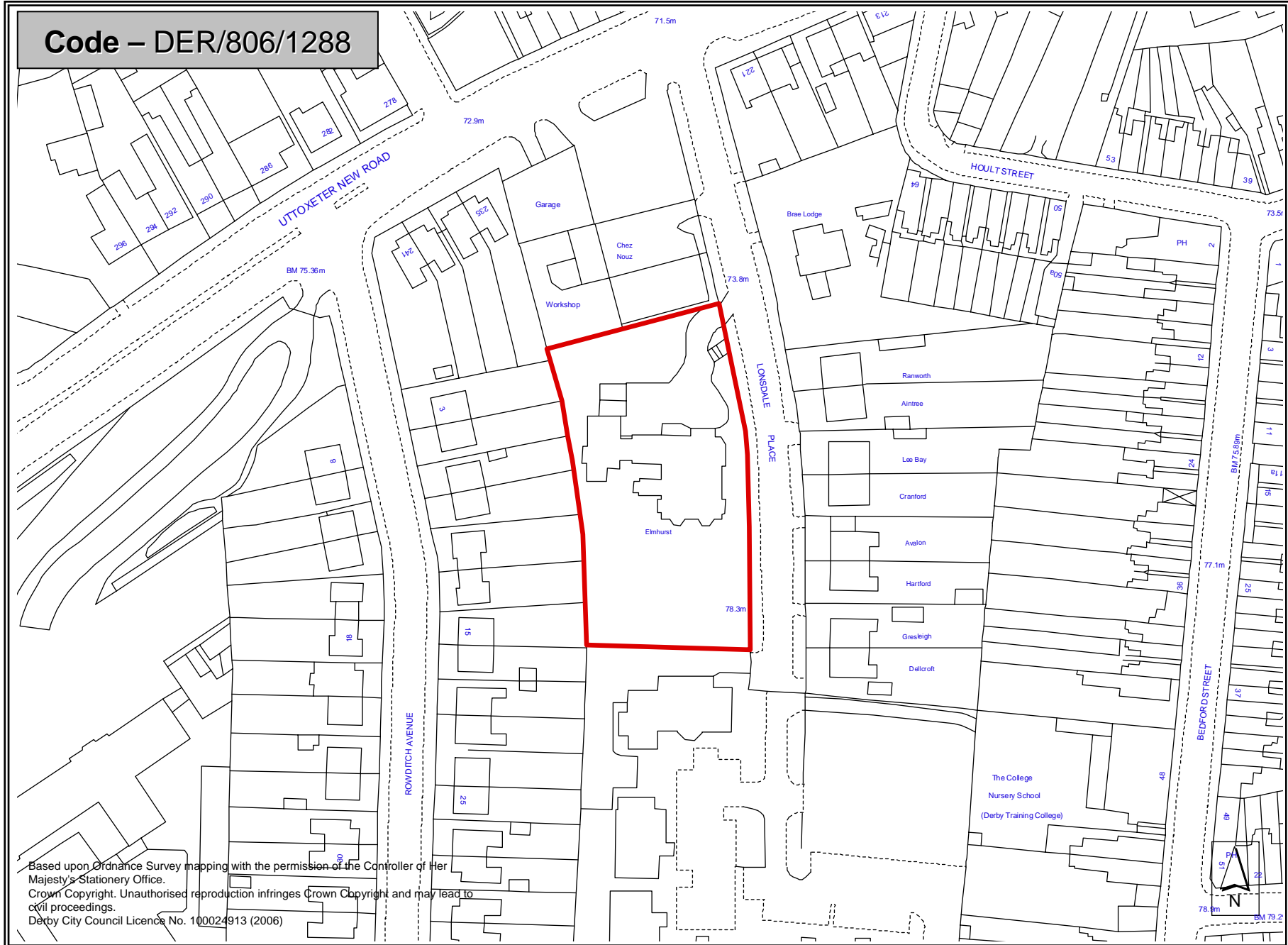
1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 30 (hard surfacing)
4. Standard condition 20 (landscaping)
5. Standard condition 22 (landscaping maintenance)
6. Standard condition 24A (protection of trees)
7. Standard condition 38 (drainage)
  
8. Before any work is carried out, further precise details of all external doors and windows at a scale of 1:20 or 1:50, shall have been submitted to and approved in writing by the Local Planning Authority.
  
9. Standard condition 99 (recycling)
  
10. Before any work is carried out, a method statement for all tree work proposed shall be submitted to and be approved in writing by the Local Planning Authority.

#### **11.4 Reasons**

1. Standard reason E14...policy H21
2. Standard reason E18...policies H21 and E26
3. Standard reason E18...policies H21 and E26
4. Standard reason E14...policies H21, E26 and E20
5. Standard reason E14...policies H21, E26 and E20
6. Standard reason E11...policy E11
7. Standard reason E21...policy H21
8. Standard reason E39...policy E26
9. Standard reason E48
  
10. To safeguard the trees on the site protected by Tree Preservation Order, and in the interests of visual amenity.

**11.5 S106 requirements where appropriate:** Lifetime Homes, Public Open Space provision, transport corridor improvements.

**Code – DER/806/1288**



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