

B1 APPLICATIONS

1 Code No: DER/205/244

Type: Outline

1. **Address:** Land at 102 Mayfield Road, Chaddesden
2. **Proposal:** Residential development
3. **Description:** Outline planning permission, with all matters reserved, is sought for residential development in the rear garden area of 102 Mayfield Road, Chaddesden. The existing bungalow would be retained.

No. 102 Mayfield Road is situated within a generous rectangular plot measuring some 22m by 68m. The bungalow is situated towards the front of the plot.

The site is within an established residential area and shares a boundary with 7 other residential properties as well as an area of grassed open space and a footpath access at the rear of Renfrew Street properties. The site contains a number of trees, most of which are situated on the boundary of the site. At present, the site is separated from neighbouring properties by a mixture of boundary walls and fences.

Although the application is in outline form, the proposal does include a notional plan showing how a driveway access and turning head could be accommodated within the site.

4. **Relevant Planning History:** -

5. **Implications of Proposal:**

5.1 **Economic:** -

5.2 **Design and Community Safety:** This is an outline application with all matters, including design, reserved. Notwithstanding this, I am satisfied that the site would be able to accommodate a form of development that would be acceptable in design terms.

5.3 **Highways:** - I am satisfied that it would be possible to make a safe access to this site. If the notional plan showing access and turning head were to be implemented, the visibility and turning head would be adequate. Subject to land ownership issues, in highway terms, an access from Hollington Close could also be acceptable. In the event of a reserved matters application being submitted, the vehicle access would need to be pedestrian priority and depending on the number of units proposed, bin storage at the end of the private drive may be required.

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5.4 Disabled People's Access: Building Regulations will deliver a degree of accessibility to any dwelling built on this site.

5.5 Other Environmental: A reserved matters application should include a detailed tree survey so that the impact of the scheme can be fully assessed once details of siting are available.

6. Publicity:

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

7. Representations: I have received one letter of objection, signed by 7 local residents. The letter is reproduced in this report. It expresses no objections in principle to the proposed residential development, but indicates that residents would be concerned if the access were to be taken from Hollington Close.

8. Consultations: -

9. Summary of policies most relevant:

H22 - Residential development on Unallocated Land

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

10. Officer Opinion: This is a brownfield site within an established residential area. In principle, it is a suitable location for residential development subject to the following:

- there would not be any loss of important landscape, natural history or archaeological features
- the development and design relates well to the existing built-up area and the character of the surrounding area
- there would not be any adverse impacts upon existing levels of amenity or local environment
- a satisfactory living environment can be created.

There are no details of numbers of units, siting or design at this stage. However, I am satisfied that the site would be suitable for some form of residential development and that, subject to acceptable design and layout, the above criteria could be met.

B1 APPLICATIONS (cont'd)

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Issues such as access, retention of the existing bungalow, impact upon trees and residential amenities will need to be carefully considered at reserved matters stage.

11. Recommended decision and summary of reasons:

11.1 To grant 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. The proposal represents residential development of a brownfield site within an established built-up area and with potential to create an adequate living environment without undermining the amenities of existing properties.

11.3 Conditions

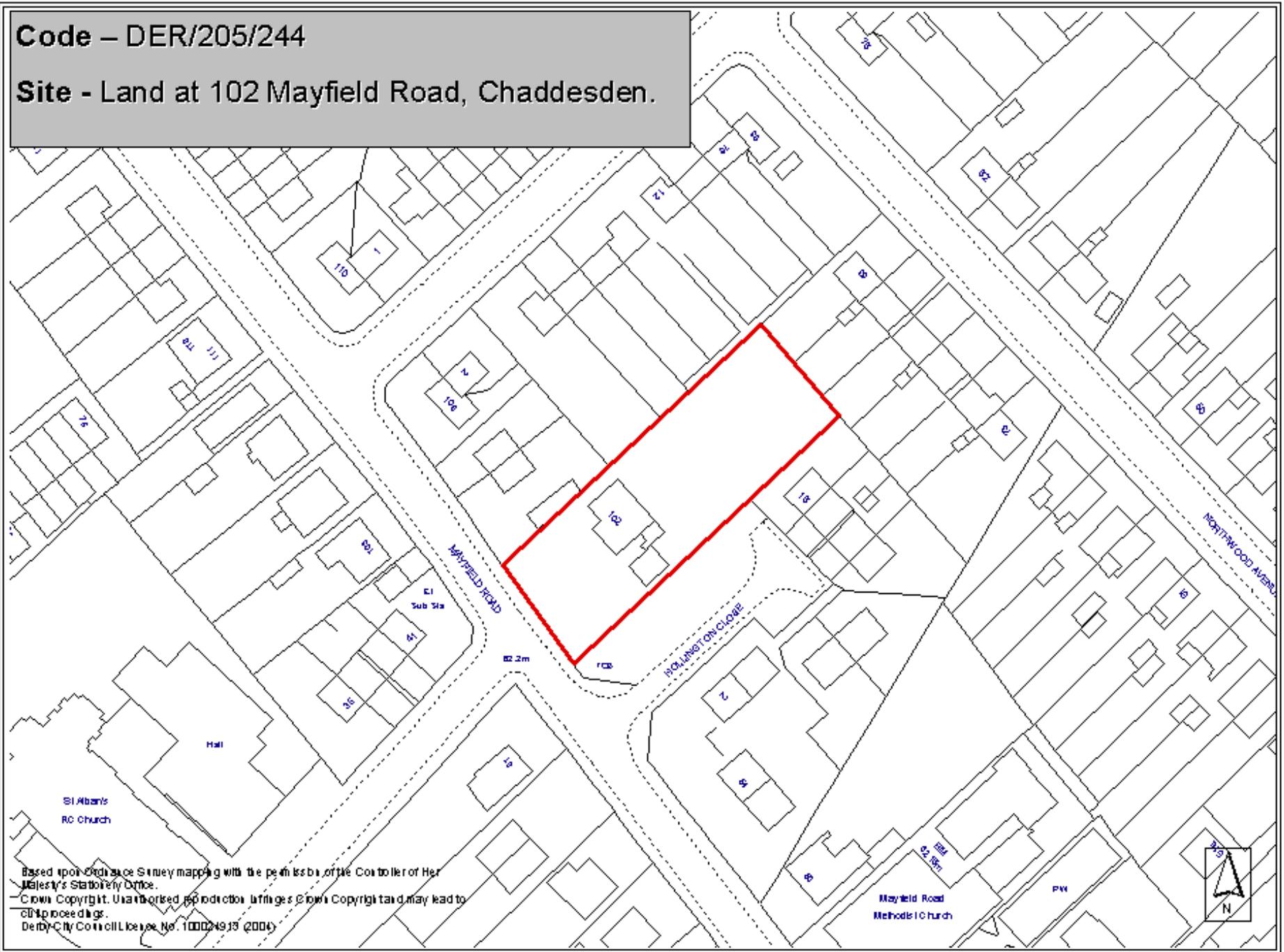
1. Standard condition 01 (part c amended as follows:
c. The landscaping, including a tree survey the site)
2. Standard condition 02 (time limit)
3. This permission excludes the access details shown on drawing number JJ/MRC/1
4. This permission shall be for no more than 9 dwellings

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. This application is submitted in outline form with all matters reserved, and for the avoidance of doubt.
4. This restriction does not imply the approval to any specific number but, beyond 9, the development would need to make provision for facilities such as open space, mobility and affordable housing, transport and education.

Code – DER/205/244

Site - Land at 102 Mayfield Road, Chaddesden.



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B1 APPLICATIONS (cont'd)

2 Code No: DER/205/168

Type: Reserved Matters

1. **Address:** 55 Morley Road
2. **Proposal:** Erection of four dwellings
3. **Description:** The proposed development is for 4 detached dwellings. The site is currently the garden area of 55 Morley Road, a residential property. The principle of residential development on this site has been established under DER/1004/2001; see below for further details. The current proposal provides details of the house types and varies the siting approved under DER/1004/2001. The layout is very similar to that approved but dwellings have been enlarged and are different in detail. The proposed layout also incorporates a detached garage at plot 4.

The proposed layout includes retention of a willow tree that is subject to a tree preservation order. Other trees on the site would be felled, as approved under DER/1004/2001.

Two house types would be used on the site; plots 1, 2 and 3 would be the same house type whilst plot 4 would be different in size and appearance.

4. **Relevant Planning History:** Outline permission for development at this site was granted under DER/1004/2001. Siting and access details were included, all other matters reserved.

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: I am satisfied that the proposed development would be acceptable in design terms.

5.3 Highways: No objections.

5.4 Disabled People's Access: -

5.5 Other Environmental: -

6. Publicity:

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

B1 APPLICATIONS (cont'd)

2 Code No: DER/205/168

7. Representations: I have received four objections, copies of which are attached. Comments can be summarised as follows:

- side elevation windows should be obscure glazed to protect privacy
- construction work should be restricted to limit disruption
- trees should be retained

The houses would unacceptably affect residential amenities.

8. Consultations:

DCommS (Arboriculture) - no objections.

9. Summary of policies most relevant: CDLP policies.

H22 – Residential development on unallocated land.

H28 – Layout and design of residential development.

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

10. Officer Opinion: The principle of this development has already been established. The key issues for consideration at this stage are as follows:

- the precise design details of the scheme
- the impact upon residential amenities
- provision of an adequate living environment

As detailed in section 5.2 of this report, I am satisfied that the scheme would be acceptable in design terms. The site is not highly visible from Morley Road and I am satisfied that the development would not have any unacceptable impact upon the street scene. Within the site, I am satisfied that the design of the dwellings is acceptable.

With respect to the impact upon existing properties, I accept that the development will have some impact upon amenities at neighbouring dwellings. However, I consider that the distance between properties would be acceptable and that there would not be any unreasonable effects upon amenities at neighbouring dwellings.

Notwithstanding this, in order to regulate any further development on the site, I am of the view that permitted development rights should be

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removed to ensure that any further development does not unreasonably affect residential amenities.

I do not think that the proposed siting of dwellings could unreasonably compromise light at neighbouring properties or cause unreasonable effects of massing.

The proposed development would, in my opinion, create an adequate living environment at each of the four new dwellings. The layout would ensure that each new property has an adequate level of amenities with a reasonable level of garden space.

In view of the above, I see no justification for refusing this application.

11. Recommended decision and summary of reasons:

11.1 To grant approval 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 at 9. above. The proposed development provides an adequate living environment at the new dwellings without undermining the amenities at neighbouring properties and is satisfactorily related to the character and appearance of the surrounding area.

11.3 Conditions

1. Standard condition 09D (as amended by the revised layout plan received on 21 March 2005)
2. Standard condition 27 (details of materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 20 (landscaping)
5. Standard condition 22 (cond 4....landscaping within 12 months)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development normally permitted under Part 1, class A of the Order shall be carried out without first obtaining permission from the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the south east facing first floor bedroom window at plot 4 shall be obscure

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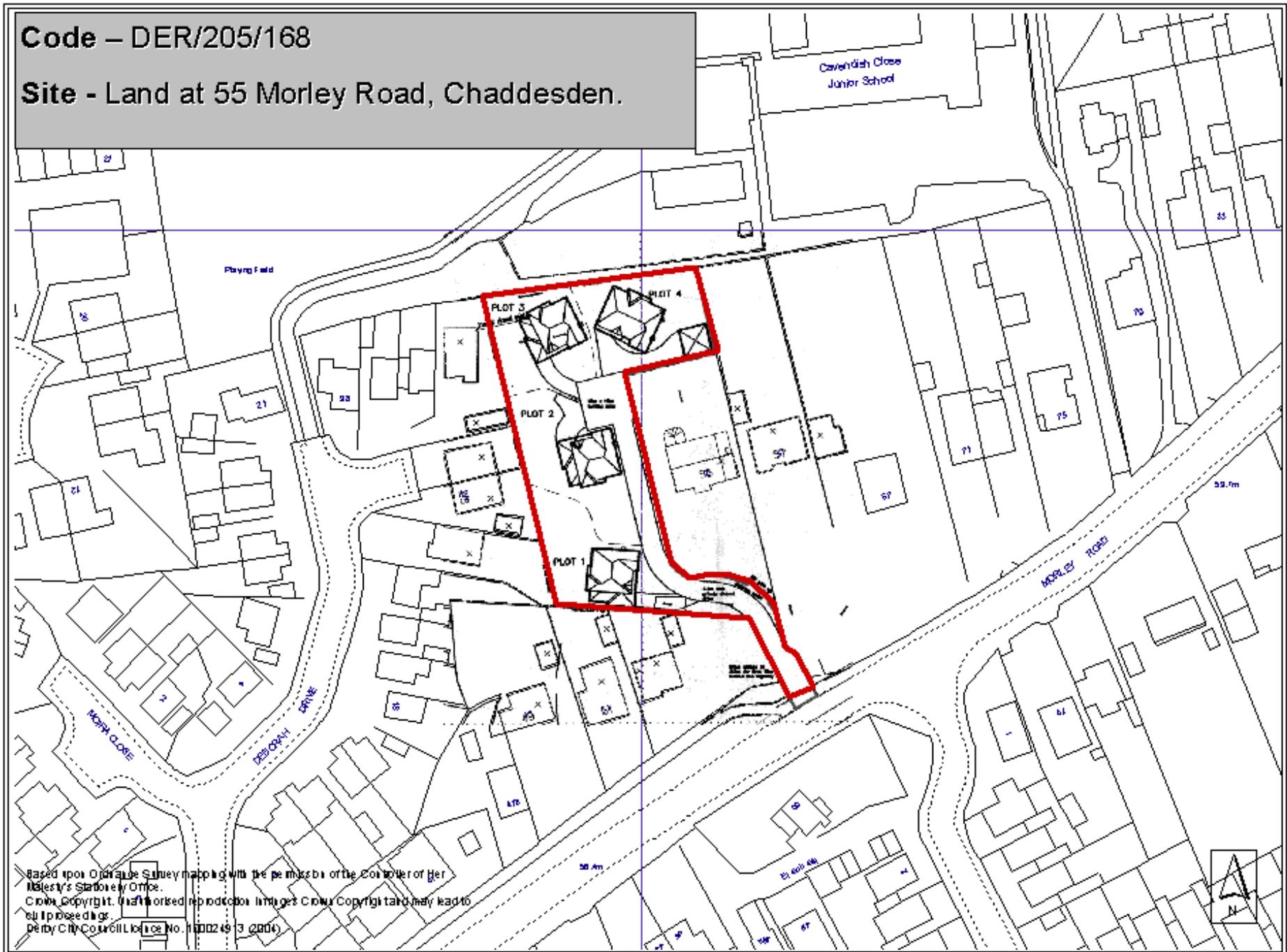
glazed, and permanently retained as such, as indicated on the approved site layout plan.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....H22
3. Standard reason E14....H22
4. Standard reason E14....H22
5. Standard reason E14....H22
6. Standard reason E07....H28
7. Standard reason E07....H28

Code – DER/205/168

Site - Land at 55 Morley Road, Chaddesden.



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B1 APPLICATIONS (cont'd)

3 Code No: DER/205/163

Type: Full

1. **Address:** 63 Burnside Street, Alvaston
2. **Proposal:** Demolition of existing dwelling and erection of 13 flats and ancillary car parking.
3. **Description:** The site is a vacant residential property on the corner of Burnside Street and Curzon Lane. It has a two storey Victorian dwelling, with a number of derelict outbuildings. It lies at the end of Curzon Lane, adjacent to a static caravan park, with an industrial premises opposite. This is a long-established residential area, with a mix of high density, traditional terraced housing and 1930's semi-detached dwellings. The curtilage of the property has dense overgrown shrubs and a hedge, although a large Ash tree in the rear garden is of merit and is protected by a Tree Preservation Order.

A revised application has been submitted for redevelopment of the site and the erection of 13 flats, which would comprise 6 one bed and 7 two bed units in an L-shaped block. The previous proposal for 16 flats was withdrawn in September 2004. The proposed development would be a largely three storey building, with a four storey section on Curzon Lane. The building would be sited along the street frontage and would turn the corner. It would have a hipped roofline, with half-pitched roof dormers and full patio door-style openings, with false balconies. There would be entrances to the flats on both the Curzon Lane and Burnside Street frontages. The development would have 14 parking spaces in a courtyard parking area at the rear of the building, with a new vehicle access formed on Curzon Lane.

4. **Relevant Planning History:** DER/604/1169 – Demolition of existing dwelling and erection of 16 self-contained flats with ancillary parking – withdrawn September 2004.
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** The development would be of a traditional design and form, which would fit in with the character of the surrounding residential area. It does not raise any adverse community safety implications.
 - 5.3 **Highways:** Pedestrian access from the car park to the building should be by provision of a footway strip along the vehicle access. The disabled parking space would also be remote from the pedestrian entrances to the building. The bike store is remote and not secure and

B1 APPLICATIONS (cont'd)

3 Code No: DER/205/163

would be better positioned adjacent to the building. The refuse bins are also remote from the pedestrian entrances to the building.

5.4 Disabled People's Access: Level access is required into the development and one mobility unit with associated disabled parking bay. Flats would have accessibility in compliance with the Building Regulations.

5.5 Other Environmental: The site has a mature Ash tree close to the rear boundary of the curtilage, which is prominent from the local streetscene. It has recently been covered by a Tree Preservation Order. Other vegetation and trees on the property are of limited amenity value.

6. Publicity:

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

7. Representations: Seven letters of objection have been received, copies of which will be available in the Members' Rooms. These include letters from Councillors Graves and Bayliss. The main issues raised are as follows:

- the development will increase parking congestion in Burnside Street, because parking provision is inadequate and would be used by residents
- two-storey houses would be preferable to flats, because the latter would be unsuitable for the area
- the development would put too much strain on existing electricity and gas services
- there would be a loss of privacy and overlooking from the flats into neighbouring gardens
- the additional traffic would cause problems for delivery vehicles to the industrial premises opposite
- the design of the building would not be in keeping with the dwellings in the local area. The proposal is an overdevelopment of the site.

B1 APPLICATIONS (cont'd)

3 Code No: DER/205/163

8. Consultations:

EA – no objections in principle, subject to conditions.

DCommS (Arboricultural) – the Ash tree protected by TPO has a minimum protection zone of 8 metres. No alteration of levels should occur and any hard standing area should be of a no-dig construction.

Police – to be reported.

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

- H20 - Mobility housing
- H22 - Residential development on unallocated land
- H28 - Layout and design of residential development
- E31 - Design
- E32 - Community safety and crime prevention
- L3/L4 - Public open space standards
- T1 - Derby Spur – road proposals
- T22 - Car parking standards
- E11 - Trees and woodland

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

- 10. Officer Opinion:** This proposal would involve demolition of a 19th century dwelling with a generous curtilage and erection of a high density apartment scheme. This residential property would be suitable in principle for redevelopment for a more intensive form of residential development. It amounts to a brownfield site and an apartment scheme of 13 units would be appropriate in principle, subject to the provisions of relevant Local Plan policies. This part of Alvaston is primarily made up of densely built-up, two storey terraced and semi-detached dwelling houses, although this does not preclude the development of a good quality block of apartments in this residential area, provided that it reflects the domestic scale of nearby dwellings. This scheme would be a more efficient use of the land and would achieve a satisfactory living environment, in line with the objectives of the revised PPG3 (Housing). The building would also be of a good quality design, which would be in keeping in with the form and scale of the local streetscene. The development would relate reasonably well to the traditional character and urban context of the surrounding residential area, in terms of height, scale and massing.

Current policy guidance also promotes more flexible parking standards in urban locations which are central or on main transport routes. The

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development would be sited in an accessible location, just off London Road, which has regular bus routes and cycle links. It would enable good access for residents to local facilities by a varied range of transport options. The proposed parking provision would be one space per flat and one visitor space. This level of parking is considered to be acceptable in this urban setting and in the context of current planning guidance. There is on-street parking available in this area and the amount of traffic generated is not likely to cause undue congestion for local residents.

The proposed apartments would not have an unduly harmful impact on the amenities and privacy of nearby dwellings. The terraced properties on Burnside Street abut the road frontage and the existing dwelling on the site is also sited next to the footway. The distances between principal windows of existing dwellings are therefore about 12 metres, less than the normal planning requirements. The development would be sited on a similar footprint to the existing dwelling and there would be a similar distance between habitable rooms. The potential for overlooking and loss of privacy would not be significantly greater than existing and the apartments would have an acceptable relationship with existing properties on Burnside Street. The building elevation facing Burnside Street would be three storey and not over dominant in relation to the two storey terraces nearby. The built form would be reasonably in proportion with the massing and scale of the existing building frontage. The semi-detached properties on Curzon Lane would be about 24 metres from the proposed building, which would be three and four storey in height. This distance would provide for a reasonable relationship with the nearby residents and would not lead to significant loss of privacy or amenity. The height and scale of the building on the Curzon Lane frontage would not be excessive or unduly oppressive on the nearby dwellings in my opinion. I consider that the building could be satisfactorily accommodated in this residential area without undermining the living conditions of local residents.

There is a mature Ash tree close to the northern boundary of the site, which has been made the subject of a Tree Preservation Order, due to its amenity value in the local area. I am satisfied that the siting and scale of the building would not conflict with the canopy of the tree, and as such the tree can be retained in good health. The Ash tree would overhang a small section of the parking area and, provided that the area under the canopy is of a hand-dig construction, there would not be undue harm to its condition. The tree would be incorporated into the development and its visual amenities would be preserved.

The land to the north of the site is safeguarded in adopted Local Plan policy T1 for an extension to the Alvaston-Raynesway bypass to

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London Road. The road proposal would not impact adversely on the form or layout of the residential development or compromise the living environment of the future residents.

The proposed development would provide 13 new residential units and, as a result, generates a need for a contribution towards public open space provision. The overall scheme layout of the new development would be of a relatively high density and in this urban setting it would not be practical or reasonable to insist on open space within the site. A financial contribution has been agreed in principle, for use on existing areas of public open space elsewhere in the city. There is also a requirement for one mobility unit, which could be achieved in one of the ground floor flats. All of the above matters will be secured by means of a Section 106 Agreement.

It is considered that this apartment scheme would meet the criteria specified in policies H22 and H28 of the Local Plan and accord with the spirit of the current housing policy guidance. It would form a good quality living environment and would be reasonably in scale and character with the densely built-up residential area.

11. Recommended decision and summary of reasons:

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

B. **To authorise** the Assistant Director – Development **to grant** planning permission on the conclusion of the above agreement, with conditions. Should the Section 106 Agreement be not concluded within 13 weeks of the application's life, the Assistant Director – Development to give consideration, in consultation with the Chair, to refusal of the application.

11.2 **Summary of reasons:** The proposal has been considered against the adopted City of Derby Local Plan policies as summarised in 9 above and the scheme would be an appropriate form of development which would be reasonably in keeping with the appearance and character of the streetscene and would not unduly affect residential amenities.

11.3 **Conditions**

1. Standard condition 09A (amended plans – site layout plan received 29 March 2005)

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2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping maintenance)
6. Standard condition 24 (protection of vegetation)
7. Standard condition 30 (hardsurfacing and drainage)

8. Before development commences, details of any disturbance of ground levels, including works to form the hardsurfaced area for use by vehicles which encroaches within 10 metres of the trunk of the protected Ash tree, shall be submitted to and approved in writing by the Local Planning Authority. Any excavation within this area shall not involve any mechanical digging and shall be by the use of hand tools only.

9. Standard condition 39 (disposal of sewage)
10. Standard condition 69 (motorcycle/cycle parking)

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policy H28
3. Standard reason E14....policy H28
4. Standard reason E10....policy H22
5. Standard reason E10....policy H22
6. Standard reason E24
7. Standard reason E21/T22

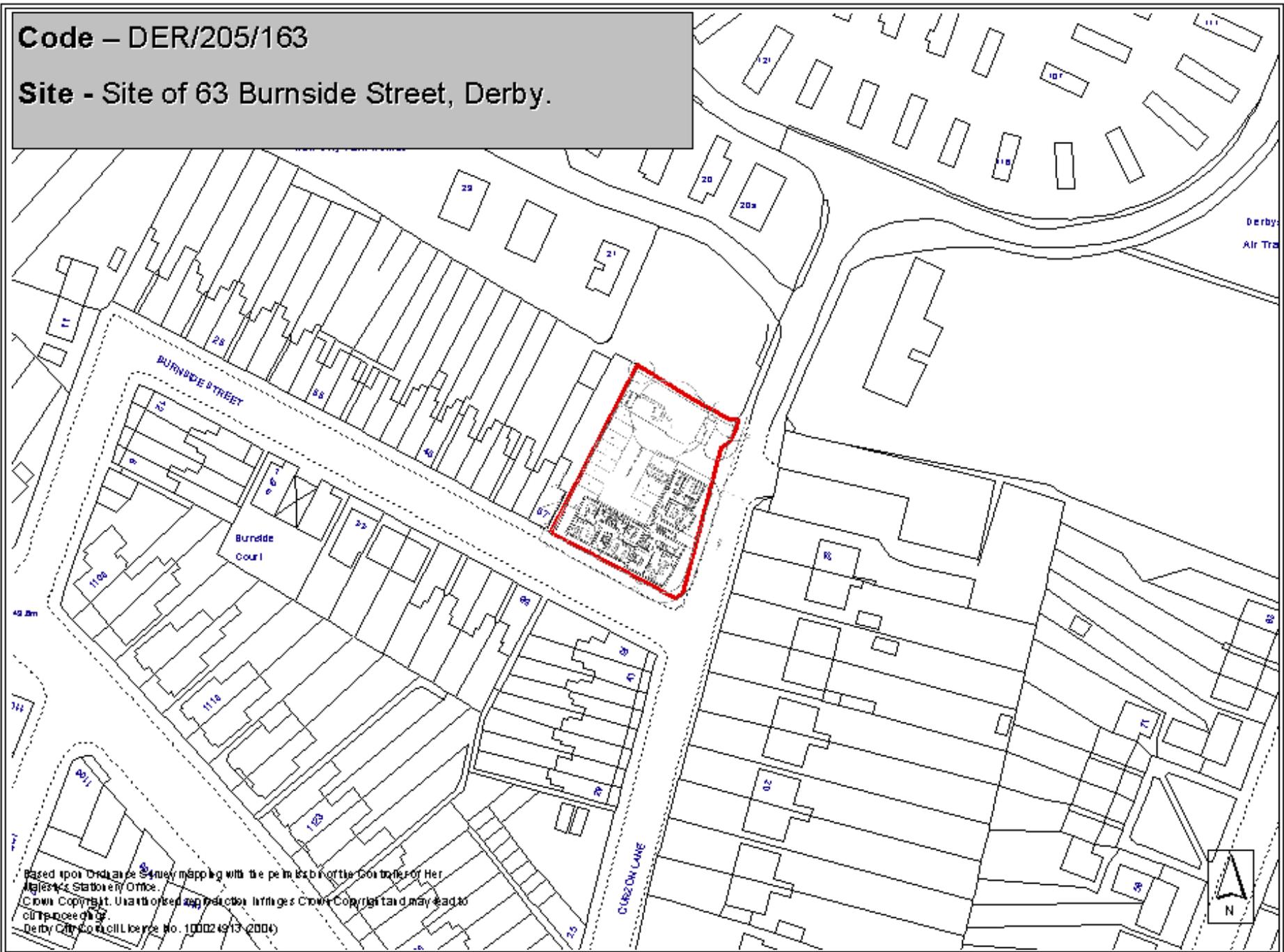
8. To protect the tree from undue damage to roots in the course of construction works, to maintain the visual amenities of the area.

9. Standard reason E21
10. Standard reason E35/T22

11.5 S106 requirements where appropriate: Off-site public open space contribution and one mobility unit.

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Site - Site of 63 Burnside Street, Derby.



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B1 APPLICATIONS (cont'd)

4 Code Nos: DER/205/208 &
DER/205/238

Type: Full &
Conservation Area Consent

1. Address: 51 Church Lane, Darley Abbey
2. Proposal: Extension to dwelling (dining room, sitting room, wc, bathroom and enlargement of kitchen and bedroom) formation of vehicular access and demolition of wall.
3. Description: This residential property is a post – war semi-detached dwelling on Church Lane, Darley Abbey. The front boundary wall is included within the Darley Abbey Conservation area, whilst the dwelling and curtilage lie outside it. The wall is about 1 metre high and is of stone construction, which pre-dates the dwellings. The rear garden is extensive and the land levels drop away from the dwellings by over 1 metre. The property is one of a row of semi-detached dwellings which face the churchyard of St Matthews Church on the opposite side of Church Lane.

Consent is sought to demolish part of the stone wall to form a vehicular access onto the front of the property. There is an existing pedestrian access and this would be widened to a width of 2.5 metres.

Full permission is sought for extensions to the side and rear of the dwelling and for formation of the access onto Church Lane. The proposals would involve a two-storey side extension and single storey rear extension to form a sitting room, dining room, extended kitchen and WC, with extended bedroom and bathroom to the first floor. The side extension would abut the side boundary and have a 2.5 metre set back at first floor from the front elevation. It would have a single-storey lean-to addition up to the front elevation, 2 metres wide. The rear extension would have a lean-to roofline with rooflights. It would be 7.6 metres wide and up to 6 metres deep with a lower section set into the slope.

4. Relevant Planning History:

DER/603/1128 – Conservation Area Consent for demolition of wall, No. 57 and 59 Church Lane – granted November 2003.

DER/103/147 – Formation of rooms in roofspace and extension to dwelling (and formation of vehicle access), Nos. 57 and 59 Church Lane – granted March 2003.

5. Implications of Proposal:

5.1 Economic: -

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**4 Code Nos: DER/205/208 &
DER/205/238**

5.2 Design and Community Safety: The design and form of the extensions tie in with that of the original dwelling and would be in keeping with the character and appearance of the surrounding area.

5.3 Highways: The vehicle access and parking area raise no objections.

5.4 Disabled People's Access: -

5.5 Other Environmental: -

6. Publicity:

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

7. Representations: Eight letters of objection have been received to the demolition of the wall. Copies will be available in the Members' rooms and the main issues raised are as follow:

- the removal of part of the wall would be detrimental to the appearance and character of Church Lane
- the wall is a significant feature in the Conservation Area and should not be damaged or removed
- these properties have adequate garage and parking facilities at the rear
- the proposed demolition of the wall would set a precedent for other neighbouring properties to do the same
- the wall is part of a World Heritage site and should be protected
- the formation of an access would create a traffic hazard on Church Lane.

8. Consultations:

CAAC – object to the proposal to alter the existing wall. The wall is an important feature of the Conservation Area and formerly defined the boundary of the Darley House parkland. Although permission has

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**4 Code Nos: DER/205/208 &
DER/205/238**

already been granted for similar removal of wall at Nos. 57 and 59 Church Lane, it was felt that the wall at the front of No. 51 was more important, being opposite the Church boundary wall and forming more enclosure of the lane at this point. A precedent would be set if the removal of the wall was granted and result in gradual erosion of character through loss of garden areas and highway verges.

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

- H27 - Extensions to dwellings
- E24 - Development affecting Conservation Areas
- E26 - Protection of historic buildings
- E31 - Design
- T22 - Car parking standards.

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

9. Officer Opinion: There are two parts to these proposals, which involve extensions to the dwelling and formation of a vehicle access, by removal of a section of the stone boundary wall. The boundary wall is within the Conservation Area and the World Heritage site and the rest of the property is within the World Heritage Buffer zone only.

The proposed extensions would have a limited visual impact from the Church Lane street frontage and would be subordinate to the appearance and scale of the original semi. The proposals would not detract from the character of the nearby Conservation Area, in my opinion. The amenities and privacy of neighbouring dwellings on Church Lane would not be unduly harmed by the proposals. The side and rear extensions would not be excessive in massing, scale or height and would therefore cause limited obscuring of daylight and overshadowing. The rear extension would step down by 1 metre to the garden level, which would reduce the massing effect on the adjoining semi at No. 49. Overall, the proposed extensions to the dwelling would be acceptable and would not unreasonably impact on the living conditions of nearby residents.

The stone boundary wall at the front of the property is part of the same length of wall which was subject to approval for part demolition at Nos. 57 and 59 in 2003. The wall at this point is lower than elsewhere on Church Lane and has a pedestrian gate in it. This property lies opposite the churchyard, which has a tall retaining stone wall and is also in the Conservation Area. The low boundary wall on the east side of Church Lane is about 1 metre high and was included in the

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Conservation Area to enable control to be exercised over former estate boundary walls, which could otherwise be removed indiscriminately. The walls are believed to have been rebuilt when the dwellings were erected from the 1930s onwards. Vehicle accesses to this group of properties were provided off a rear service road. The stone walls are part of the historic fabric of the village and respect the traditional character of the streetscene.

The current proposal to remove part of the wall to form a vehicle access onto Church Lane would result in more openness in the street frontage, because the wall creates a solid enclosure on the road side. Two small breaches in the wall have already been made at Nos. 57 and 59, to form driveways for parking, which were given consent in 2003. These have set a precedent for similar proposals affecting this wall. However, the existing gaps in the wall have not, in my view, been particularly detrimental to the integrity or form of the historic boundary wall or resulted in a loss of character to the village Conservation Area. The current proposal would create a 2.5 metre gap in the wall, which is smaller than the 2.8 metre gap approved at Nos. 57 and 59. The existing pedestrian access would be widened by about 1.7 metres and there would be about 5.5 metres of wall remaining. The gap formed would be to about 30% of the total frontage.

The request for a vehicle access onto the front of the property is to enable safer pick up/set down of children, because the occupants currently park on the street frontage. There would be traffic safety benefits from creation of off-street parking in this location, which would reduce parking congestion on Church Lane. The visibility requirements are satisfactory on this stretch of the road and there are no highways objections raised to the proposal.

Whilst the total loss of the historic stone wall along Church Lane would be significantly harmful to the appearance and character of the Conservation Area, the formation of small gaps in the boundary would have a much less harmful impact. The section of wall to be removed would be the minimum width required to allow a vehicle to pass and would enable a large proportion of the wall to be retained. The historic interest and structure of the wall would not be unduly undermined by the proposal. The proposed demolition would have a limited impact on the character of the Conservation Area and the World Heritage site. I therefore consider that consent should be granted for removal of part of the wall.

B1 APPLICATIONS (cont'd)

**4 Code Nos: DER/205/208 &
DER/205/238**

11. Recommended decision and summary of reasons:

11.1 DER/205/208 – **To grant** permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the adopted City of Derby Local Plan as summarised at 9 above and the development would be acceptable in terms of its impact on the character and appearance of the local streetscene and the Conservation Area. The residential amenities of nearby properties would also be preserved.

11.3 Conditions

1. Standard condition 27 (external materials)
2. The ends of the wall shall be finished with right angle stone piers, using stone from the existing wall.

11.4 Reasons

1. Standard reason E14....policy H27
2. To preserve the character and appearance of the streetscene and the Conservation Area....policy E24

11.1 DER/205/238 – Consent **be granted** with a condition

11.3 Condition

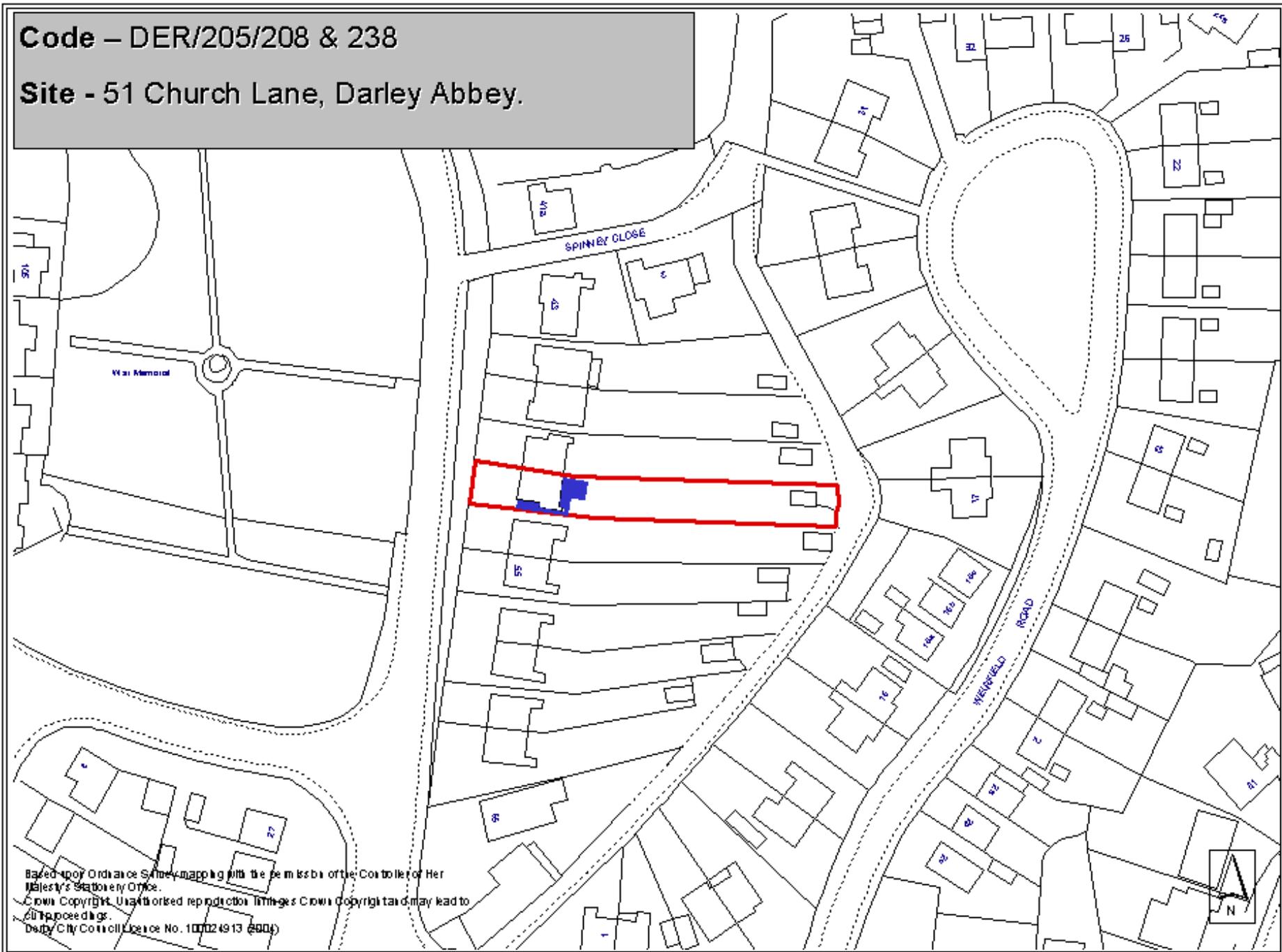
The ends of the wall shall be finished with right angle stone piers, using stone from the existing wall.

11.4 Reason

To preserve the character and appearance of the streetscene and the Conservation Area....policy E24.

Code – DER/205/208 & 238

Site - 51 Church Lane, Darley Abbey.



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B1 APPLICATIONS (cont'd)

5 Code No: DER/1104/2280

Type: Full

1. **Address:** Land at Tennis Courts of former Village Community School, off Browning Street
2. **Proposal:** Erection of Primary Care Centre
3. **Description:** Full planning permission is sought to erect a Primary Care Centre on this site that is located on the east side of Browning Street to the south of the former Village Community School buildings. Part of the site is located on the former Tennis Courts and the whole site covers an area of approximately 3960 sq.m. Members may be familiar with the development of this part of the site and the outline application, under code no. DER/603/1176, that was reported to the meetings on 20 November 2003 and 26 February 2004. That application was deferred from the November meeting pending the provision of a Transport Impact Assessment to support the application. Outline planning permission was subsequently granted conditionally, with siting and means of access included, and a copy of the November report is reproduced for Members' reference. The outline application included notional details for the footprint of the proposed building and the estimated floorspace totalled approximately 1400 sq.m. The report details the national and local plan policy context associated with the loss of land previously used for sporting facilities and the aspirations for redeveloping the whole of the former school site.

This application was originally submitted as an application for reserved matters approval in line with the extant outline permission. However, the site area deviates from the outline permission by virtue of marginal differences in the alignment of the site boundaries.

The proposed building would be sited on the eastern part of the site and vehicle/pedestrian access would be provided from Browning Street. The operational on-site parking facilities would be sited on the western part of the site between the proposed building and the Browning Street frontage. The footprint of the proposed building would be an irregular shape and it would accommodate a total floorspace of approximately 2120 sq.m. The proposed ground level floor layout would be arranged around a centralised reception area with staircase and lift access to a smaller first floor level. The proposed building would accommodate a range of consulting and treatment rooms with associated administration support services on both levels. The proposed building would be a contemporary design, with a number of shallow mono-pitched roofs at varying heights. The proposed elevation details on the north, south and east elevations have windows on both levels, with a predominantly horizontal emphasis. The majority of the windows in the building are located on the north, south and east elevations. The proposed front, west, elevation contains the main

B1 APPLICATIONS (cont'd)

5 Code No: DER/1104/2280

entrance to the building and is characterised by a number of long vertical windows in the main projecting parts of that elevation. The proposed external materials comprise a contemporary mix of brick, render, cedar boarding and powder-coated curtain walling.

4. Relevant Planning History: The relevant site history is as follows:

DER/603/1176 – Erection of Primary Care Centre – outline permission granted with conditions 27 February 2004. Condition 8 of the permission required the submission of a Transport Impact Assessment with any subsequent reserved matters application.

It is important to note that a Transport Assessment and Travel Plan framework have been submitted to support the current application. The details have been assessed by the Council's Transportation Officers.

5. Implications of Proposal:

5.1 **Economic:** I feel that the development of this small part of the site could be seen as a catalyst to the comprehensive redevelopment of the former school site, which could bring the whole site into greater public use. The area of the application site forms approximately 17% of the area of the whole site. The supporting information with the application states that a total of 55 staff would be located at the proposed building. It is stated that 71% of the staff would be relocated from Village Street. It is estimated that the proposed building would cater for a projected throughput of 1670 people per week. It is also estimated that 40% of those service users do **not** have access to a car.

5.2 **Design and Community Safety:** I raise no overriding objections to the scale and design of this contemporary building which would, in my opinion, serve to enhance the architectural variety in this area. With regards to community safety, the Police have been in liaison with the agent over the design of the proposed building. No objections have been raised by the Police.

5.3 **Highways:** I raise no over-riding objection to the application on highways grounds. Certain on-site operational details, such as the precise siting of cycle parking facilities, can be addressed by condition.

5.4 **Disabled People's Access:** The accessibility of the proposed building is controllable under the Building Regulations.

5.5 **Other Environmental:** The site is covered by TPO No. 395. The Director of Commercial Services raises no objections to the removal of

B1 APPLICATIONS (cont'd)

5 Code No: DER/1104/2280

the trees on site. It is recommended that the existing Sycamore trees on the Browning Street frontage should be retained and a minimum protection area of 3m be provided for the trees. The submitted tree report with the application recognises the screening value of these frontage trees.

6. Publicity:

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

7. Representations: -

8. Consultations:

DCorpS (Health) –

DCommS (Arboriculture) – refer to section 5.5 for the relevant comments.

Police – no objections.

Sport England – raise objections to the loss of the playing fields involved with the application. Any further comments from Sport England, as a result of a recent letter from my officer, will be reported orally at the meeting.

9. Summary of policies most relevant:

- L7 - Loss of sports grounds
- C1 - Community facilities
- E31 - Design
- E32 - Community safety and crime prevention
- T17 - Access for disabled people
- T22 - Parking standards

The planning brief for this site has yet to be adopted as formal Supplementary Planning Guidance.

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.

B1 APPLICATIONS (cont'd)

5 Code No: DER/1104/2280

10. **Officer Opinion:** This application has been held in abeyance pending confirmation of the precise site area for the proposed development and amendments to the proposed on-site parking layout have also been sought.

The national and local plan policy context associated with the development of this site was addressed as part of the determination of the previous outline application. The site area for this application is only marginally different from the extant outline permission by virtue of the alignment of the site boundaries and, in my opinion, it is unnecessary to rehearse the policy debate surrounding the loss of the former playing fields.

The proposed development of this site forms part of the wider redevelopment of the former school site and I maintain that this proposal could act as a catalyst for such redevelopment.

I am satisfied with the siting of the proposed building with regard to its physical relationship to the existing dwellings on Browning Street and, in my opinion, it is an acceptable form of development in massing terms. The majority of the windows in the proposed building are also confined to the north, south and east elevations to avoid large areas of glazing on the west elevation facing the dwellings. I consider that the proposed design of the building is a contemporary solution in this case and it would, in my opinion, provide the local population with a modern community focal point in this area.

The various on-site parking issues have been addressed and I am satisfied that the proposed development is acceptable in highways and traffic safety terms.

It is important to note that a financial contribution from the developer towards the creation of a pedestrian link into the eastern part of the site will be included in the sale of the land. A Section 106 Agreement has not been prepared in this case given the similarities of the proposal to the extant outline permission. I am satisfied that the required financial contributions associated with this proposal have been included with the sale of the land.

I consider that there are no overriding reasons why planning permission should not be granted for this development.

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

11.1 **To grant** planning permission with conditions

B1 APPLICATIONS (cont'd)

5 Code No: DER/1104/2280

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. The proposed development of this site is considered acceptable in siting, design, street-scene, residential amenity and traffic safety terms in this location.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 30 (hard surfacing)
3. Standard condition 83 (amended drawing no. 010 Revision B & ***)
4. Standard condition 98 (travel plan)
5. Standard condition 38 (disposal of sewage)
6. Standard condition 24A (vegetation – protection incl. overhanging)
7. Standard condition 20 (approval of landscaping scheme)
8. Standard condition 22 (landscaping within 12 months cond. 7)
9. Standard condition 31 (vehicle parking and manoeuvring)
10. Standard condition 34 (loading/unloading space kept free)
11. Standard condition 69 (cycle/motor cycle parking)

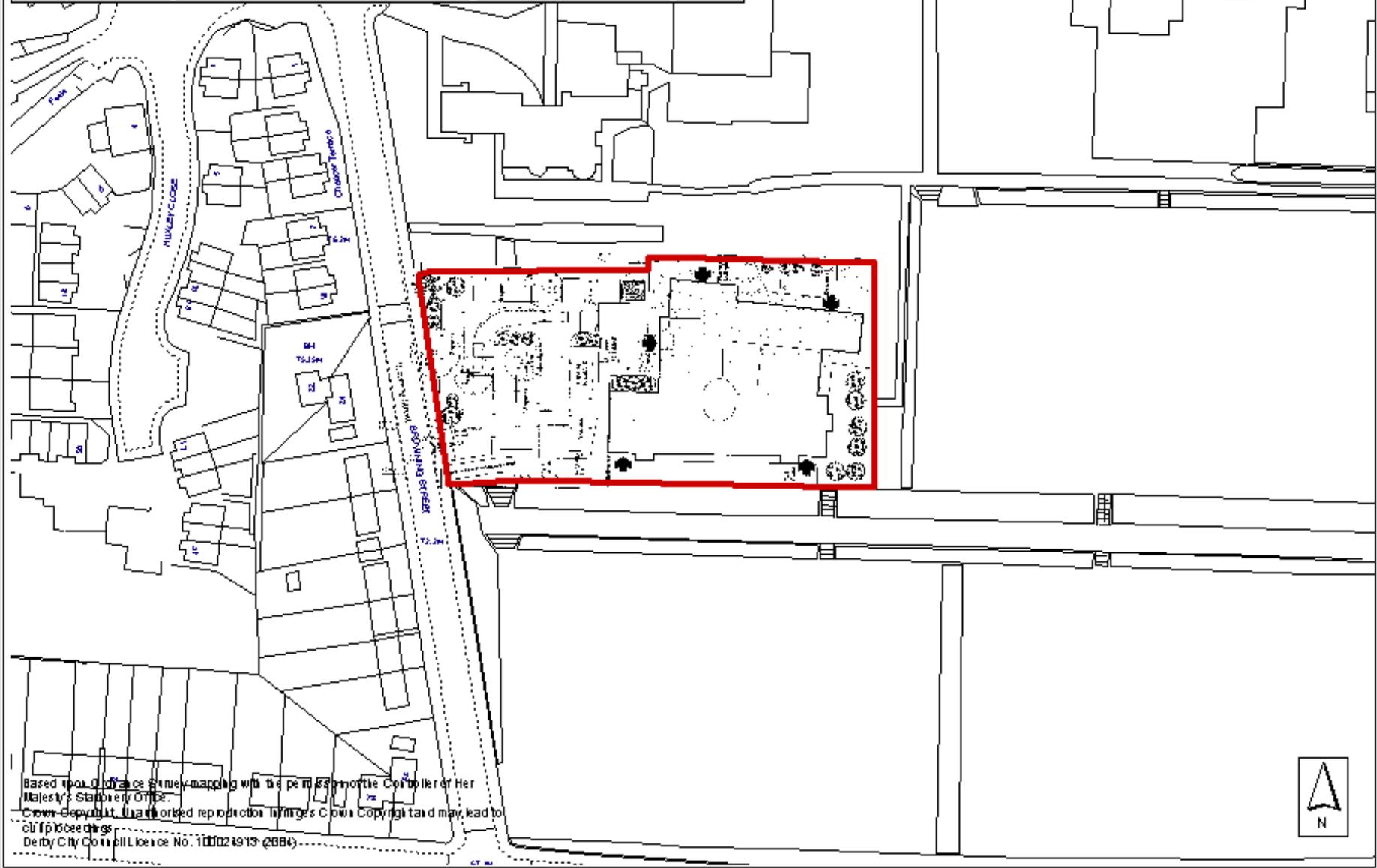
11.4 Reasons

1. Standard reason E14 and in accordance with policy C1
2. Standard reason E14 and in accordance with policy C1
3. Standard reason E04
4. Standard reason E47
5. Standard reason E21
6. Standard reason E24 and in accordance with policy C1
7. Standard reason E14 and in accordance with policy C1
8. Standard reason E14 and in accordance with policy C1
9. Standard reason E16 and in accordance with policy C1
10. Standard reason E17 and in accordance with policy C1
11. Standard reason E35 and in accordance with policy C1

11.5 S106 requirements where appropriate: -

Code – DER/1104/2280

Site - Land at Tennis Courts of former Village Community School off Browning Street, Derby.



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B1 APPLICATIONS (cont'd)**6 Code No: DER/205/241****Type: Full**

1. **Address:** Strutts Park House, Chevin Road
2. **Proposal:** Installation of 2 windows in side elevation
3. **Description:** This application relates to a modern, three storey block of flats on Chevin Road, facing Duffield Road. It is a flat-roofed, brick building, with limited architectural merit, in the Strutts Park Conservation Area. The building is located in a traditional residential area, characterised by late 19th and early 20th Century dwellings. It is in an elevated position above the Duffield Road frontage, although only the front of the building is visible from the street.

It is proposed to replace two white painted timber window openings on the south side elevation of the apartment building. They are large openings at first and second floor level, to a communal stairwell. White Upvc units would be inserted of a similar design and appearance to the windows that would be replaced. The building already has some Upvc windows.

4. **Relevant Planning History:** -
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** The proposed windows would be similar in design to the existing openings and would tie in with the appearance and period of the apartment building. There are no community safety issues.
 - 5.3 **Highways:** -
 - 5.4 **Disabled People's Access:** -
 - 5.5 **Other Environmental:** -
6. **Publicity:**

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

7. **Representations:** No representations have been received.

B1 APPLICATIONS (cont'd)

6 Code No: DER/205/241

8. Consultations:

CAAC – object and recommend refusal on the grounds that the proposed replacement Upvc windows are uncharacteristic of the design of this particular building and of the Conservation Area as a whole. Existing frames should be replaced with matching timber windows.

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

E24 – Development in Conservation Areas
E26 – Protection of historic buildings
E31 – Design

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: Full permission is required for replacement of the window frames, because the building is a block of flats and does not therefore have permitted development rights to undertake alterations which materially affect the appearance of the building. In this case the existing timber frames would be replaced with white Upvc, which would amount to a material change. The windows are large openings to communal areas of the buildings, which are on the side elevation, facing No. 132 Duffield Road. The design of the new frames would have similarities with the existing windows and they would not appear out of place in my opinion. They would fit in with the modern style and appearance of the building.

The proposed windows would have a limited visual impact on the local streetscene and on the Conservation Area. The side elevation where they would be located is hidden from the Duffield Road frontage and is only just visible from Chevin Road, at a substantial distance. The windows would appear similar to the existing frames from the street frontage, which is about 30 metres distant. The impact of the windows on the appearance of the Conservation Area would be minimal and would not be harmful. It is considered that the acceptance of Upvc openings in this location would not set an undue precedent for this type of material on more prominent elevations of the building or elsewhere in the Conservation Area.

On this basis, it is recommended that full permission is granted for these windows.

B1 APPLICATIONS (cont'd)

6 Code No: DER/205/241

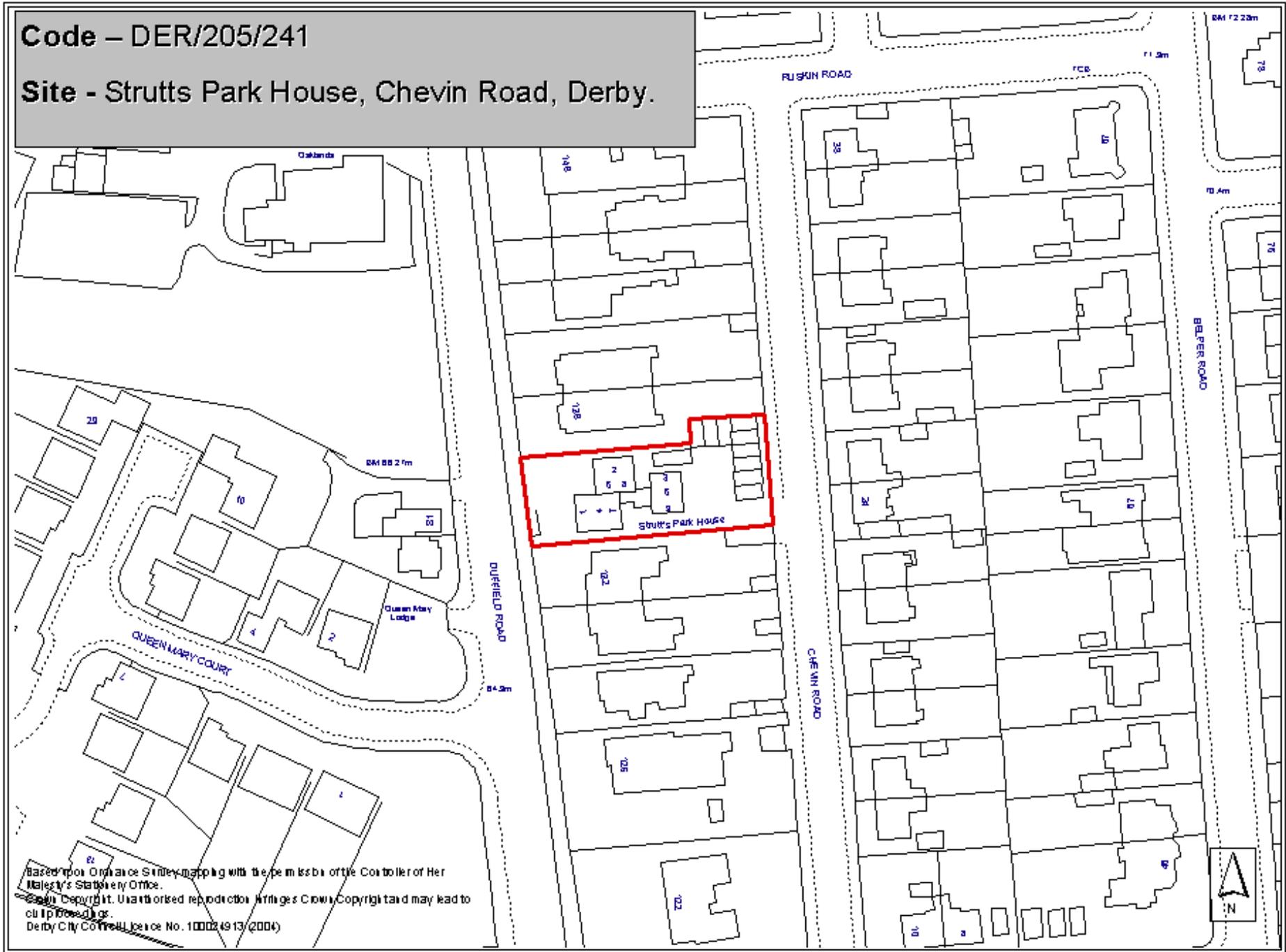
11. Recommended decision and summary of reasons:

11.1 To grant planning permission

11.2 Summary of reasons: The proposal has been considered against the policies of the adopted City of Derby Local Plan as summarised at 9 above and the proposed development would be appropriate, both in its impact on the local streetscene and on the character and appearance of the Conservation Area.

Code – DER/205/241

Site - Strutt's Park House, Chevin Road, Derby.



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B1 APPLICATIONS (cont'd)

7 Code No: DER/205/335

Type: Full

1. **Address:** Land adjacent 110 Albert Road, Chaddesden
2. **Proposal:** Erection of 3 garages
3. **Description:** Permission is sought for the erection of three garages. The site is situated off Waterford Drive and was part of the rear garden area of 110 Albert Road, within an established residential area. The site has been separated from the garden area by fencing. Although it is no longer in use as private garden, this is its most recent use and no planning permission has been granted to change this.

No. 112 Albert Road lies to east of the site, separated from the site by a fence. Waterford Drive flats lie to the south, separated from the site by a hedge and 110 Albert Road to the north, separated from the site by a fence.

The proposed development would be a single storey block of three garages, intended for rent as private garages. The building would be brick with a pitched roof and up-and-over garage doors.

Amended plans showing a shallower pitched roof have been sought and are awaited.

4. **Relevant Planning History:**

DER/504/887 – Planning permission was refused for the erection of a dwelling house based upon design and residential amenity objections.

DER/1104/2179 – Planning permission was refused for the erection of 4 garages based upon the impact of the sub-division of the plot upon the residential amenities at 110 Albert Road.

Prior to submission of any planning applications, a decking area was erected to the rear of 110 Albert Road to compensate for the reduced garden space resulting from splitting the property into two separate ownerships. This decking area did not require planning permission.

5. **Implications of Proposal:**

5.1 **Economic:** -

5.2 **Design and Community Safety:** I am satisfied that the proposal would be acceptable in design terms. The anticipated amendments showing the roof with a shallower pitch would also be acceptable.

B1 APPLICATIONS (cont'd)

7 Code No: DER/205/335

5.3 Highways: Proposed vehicle access visibility and standing space is acceptable.

5.4 Disabled People's Access: Dropped kerbs will need to be inserted in the driveway when the new crossing to the garages is constructed.

5.5 Other Environmental: -

6. Publicity:

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

7. Representations: One letter of objection has been received, a copy of which is attached. The letter expressed concern about the impact of the development upon residential amenities. A delegated briefing note was prepared and sent to ward members and the Chair. Councillor Bolton has expressed concern about the implications of garages in this location and, therefore, the application is being reported to Committee.

8. Consultations: -

9. Summary of policies most relevant:

- T21 – Off-street parking
- T22 – Parking standards
- E32 – Community safety and crime prevention
- E31 – Design

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

10 Officer Opinion: This site is unallocated in the Local Plan. Its most recent use is as private garden space and, since no use has superseded this, I consider that this is the current authorised use. Planning policy requires that the proposal is assessed in terms of its impact upon residential and visual amenities, the need for the facility and any effect it may have on increasing trips by the private car. Community safety policy requires that design should include measures that can discourage anti-social behaviour.

I am satisfied that the principle of rented garages on this site would be acceptable in planning policy terms and have been advised by the local

B1 APPLICATIONS (cont'd)

7 Code No: DER/205/335

housing office that there may be demand for these types of garages. I am also satisfied that, in design terms, the proposal would be an acceptable addition to the street scene. In my opinion, the area to the rear of the garages could be secured by using an appropriate boundary treatment, the front of the garages would have a good level of street surveillance and conditions can be used to restrict the use of the garages.

In residential amenity terms, I am satisfied that the building would not have any unacceptable impact upon residential amenities. The new building would be close to the boundary with 112 Albert Road, but it would not cause overlooking or an unacceptable loss of light to this neighbouring dwelling.

The proposed development would result in a formal split of the planning unit that was 110 Albert Road. In dealing with the previous application for 4 garages this was of great concern, as it would have left 110 Albert Road with little usable private amenity space. The current application site is smaller, leaving more space with a private garden use. The matter is complicated by the fact that the site is in separate ownership from 110 Albert Road. My understanding is that the extra space created in this application, by reducing the number of garages from 4 to 3, remains in the applicant's ownership. I am advised that he is negotiating to sell the land to the occupant of 110 Albert Road. Notwithstanding this, the land in question is not within the current application site and would retain its use as a private garden area. Conditions can ensure that it is fenced off from the application site and remains available in the event that negotiations are completed to transfer the land back to 110 Albert Road.

In summary, I am satisfied that the current proposal would not unreasonably reduce the amenity space at 110 Albert Road. I understand that land ownership implications may prevent immediate release of the land edged in blue for use by 110 Albert Road residents, but whilst this is not an ideal situation I do not think that this would be a valid reason for refusing the application. I consider that the land in question retains its private garden use until another use is permitted and, implemented and am satisfied that conditions can be used to ensure that the land remains physically separate from the current application site, thus helping to protect the residential use.

In view of the above, subject to conditions restricting the use of the garages and ensuring good security in terms of the boundary treatment, I do not think that refusal of this planning application could be justified.

B1 APPLICATIONS (cont'd)

7 Code No: DER/205/335

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

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

11.3 Conditions

1. Standard condition 09A (amended plan
2. Standard condition 27 (materials)
3. The garages hereby permitted shall only be used for the storage of motor vehicles and shall not be used as a base for any commercial operation.
4. No new windows or other openings shall be inserted into the building.
5. Detailed plans showing the design, location and materials to be used as a means of enclosure of the site shall be submitted to, and approved in writing by, the Local Planning Authority, prior to development commencing. The details shall include a robust boundary wall or fence marking the north eastern boundary of the site.
6. The details agreed in condition 5 above shall be implemented prior to occupation of the garages and shall be retained as agreed, unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to occupation of the garages, the driveway access shall be finished with dropped and taper kerbs, to the satisfaction of the Local Planning Authority.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14 ... policy E31
3. To ensure that the use of the garages remains acceptable with respect to their location within an established residential area, in the interests of residential amenities ... policy T21

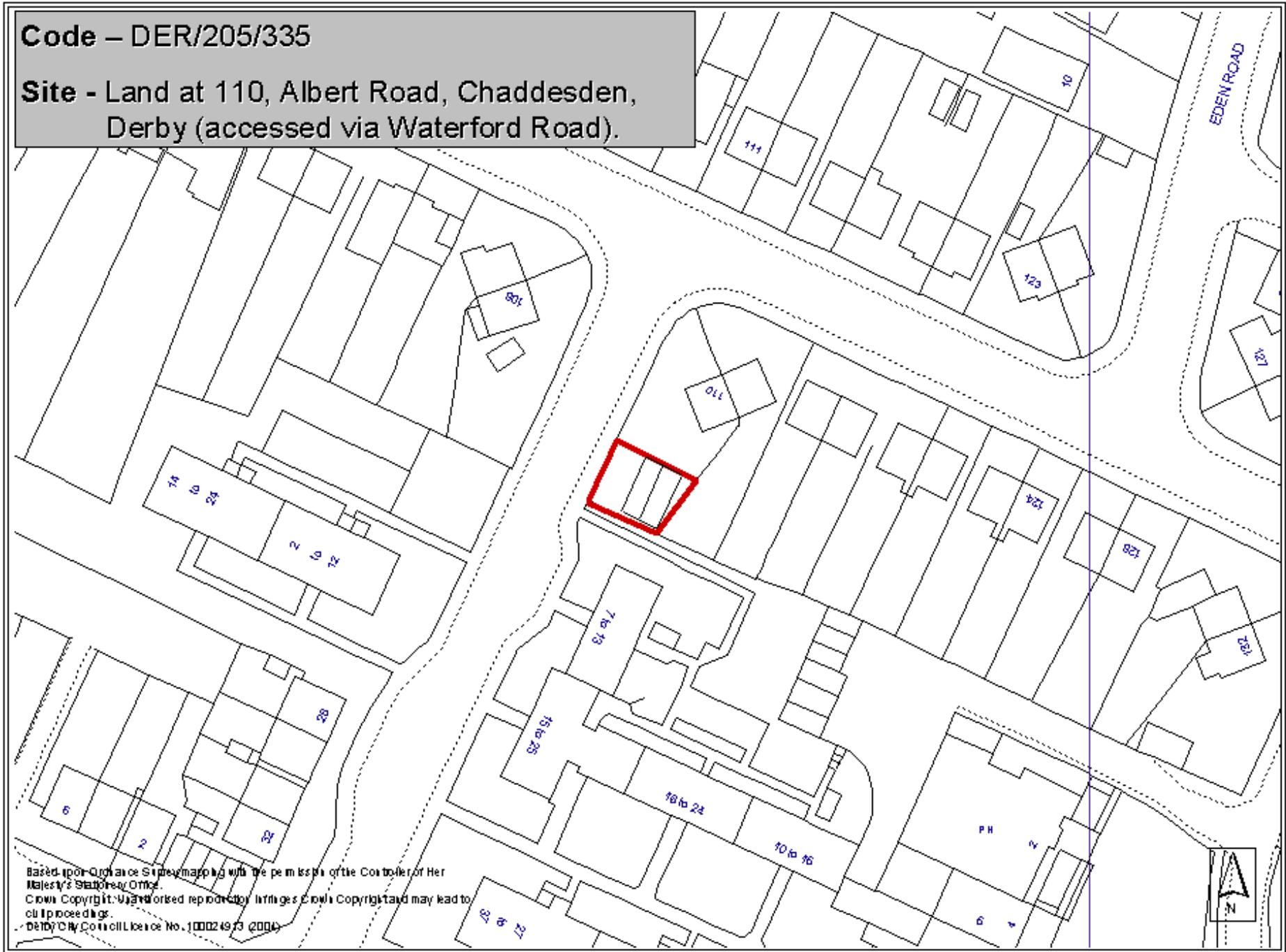
B1 APPLICATIONS (cont'd)

7 Code No: DER/205/335

4. Standard reason E07 ... policy T21
5. In order to protect the residential amenities of 110 Albert Road and to ensure that the area to the rear of the garages is secure, in the interests of community safety and residential amenities ... policy T21 and E32.
6. In order to protect the residential amenities of 110 Albert Road and to ensure that the area to the rear of the garages is secure, in the interests of community safety and residential amenities ... policy T21 and E32.
7. In the interests of pedestrian safety policy T21

Code – DER/205/335

**Site - Land at 110, Albert Road, Chaddesden,
Derby (accessed via Waterford Road).**



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B1 APPLICATIONS (cont'd)

8 Code No: DER/205/89

Type: Outline (means of access applied for)

1. **Address:** Land rear of 154 and 156 Derby Road, accessed via Ashleigh Drive, Chellaston
2. **Proposal:** Residential development – erection of one dwelling house.
3. **Description:** Outline planning permission is sought to redevelop this site for residential purposes. The site forms part of the existing rear gardens of Nos. 154 and 156 Derby Road and it covers an area of approximately 740 sq m. Vehicle access to the site would be from Ashleigh Drive, which is a private drive from Derby Road serving a small number of existing dwellings. The applicants are not owners of the private drive and notice has been served on the landowner. The north-west boundary of the site adjoins the residential development site to the rear of the former “Balconies” residential home on Derby Road. That site has been cleared and development is ongoing.

The application has been amended to an outline application for one dwelling house. The original application sought permission for residential development without any reference to proposed dwelling numbers.

4. **Relevant Planning History:** -
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** The detailed content of the scheme would be addressed at the reserved matters stage.
 - 5.3 **Highways:** I raise no objections to the amended application in highways terms. The applicants have revised the application to avoid having to undertake improvements to Ashleigh Drive that would be required with any development in excess of one dwelling.
 - 5.4 **Disabled People's Access:** -
 - 5.5 **Other Environmental:** -
6. **Publicity:**

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

B1 APPLICATIONS (cont'd)

8 Code No: DER/205/89

7. **Representations:** A total of eight letters of objection has been received in response to the original submission. They will be available in the Members' rooms. The objectors are concerned about the detrimental impact of any proposed development on their privacy levels and traffic safety on Ashleigh Drive. Other concerns, such as the detrimental impact of any development on water pressure to the existing dwellings in the locality, are not valid planning objections.

8. **Consultations:** -

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

H22 – Residential development on unallocated land.
T22 – Parking

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

10. **Officer Opinion:** The site is located in a residential context. It would be accessed directly off Ashleigh Drive and, although it would be the redevelopment of the joint rear gardens of Nos. 154 and 156 Derby Road, it would not constitute conventional backland or tandem development. The site is a rectangle and it covers an area of approximately 740 sq m. I am satisfied that the site could satisfactorily accommodate a form of development that would respect the low density character of the existing sites on Ashleigh Drive. I also consider that, in accordance with policy H22 of the adopted CDLP, a satisfactory form of development and living environment could be created for future occupiers of the site.

I am aware that the applicants are relying on the co-operation of the owner of Ashleigh Drive to permit access to this site. That is a civil concern that needs to be addressed by the parties concerned and should not cloud the determination of this planning application.

In accordance with policy H22 of the adopted CDLP, I am satisfied that the proposal is acceptable in principle and consider that the site could be satisfactorily developed with a single dwelling.

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

11.1 **To grant** outline 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

B1 APPLICATIONS (cont'd)

8 Code No: DER/205/89

material considerations as indicated in 9. above. The proposal is acceptable in principle in this residential context.

11.3 Conditions

1. Standard condition 01 (reserved matters) omit (b)
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 21 (landscaping)
4. Standard condition 30 (surfaces to be drained)
5. Standard condition 19 (means of enclosure)
6. Standard condition 07A (applicant's letter of 23 March 2005)

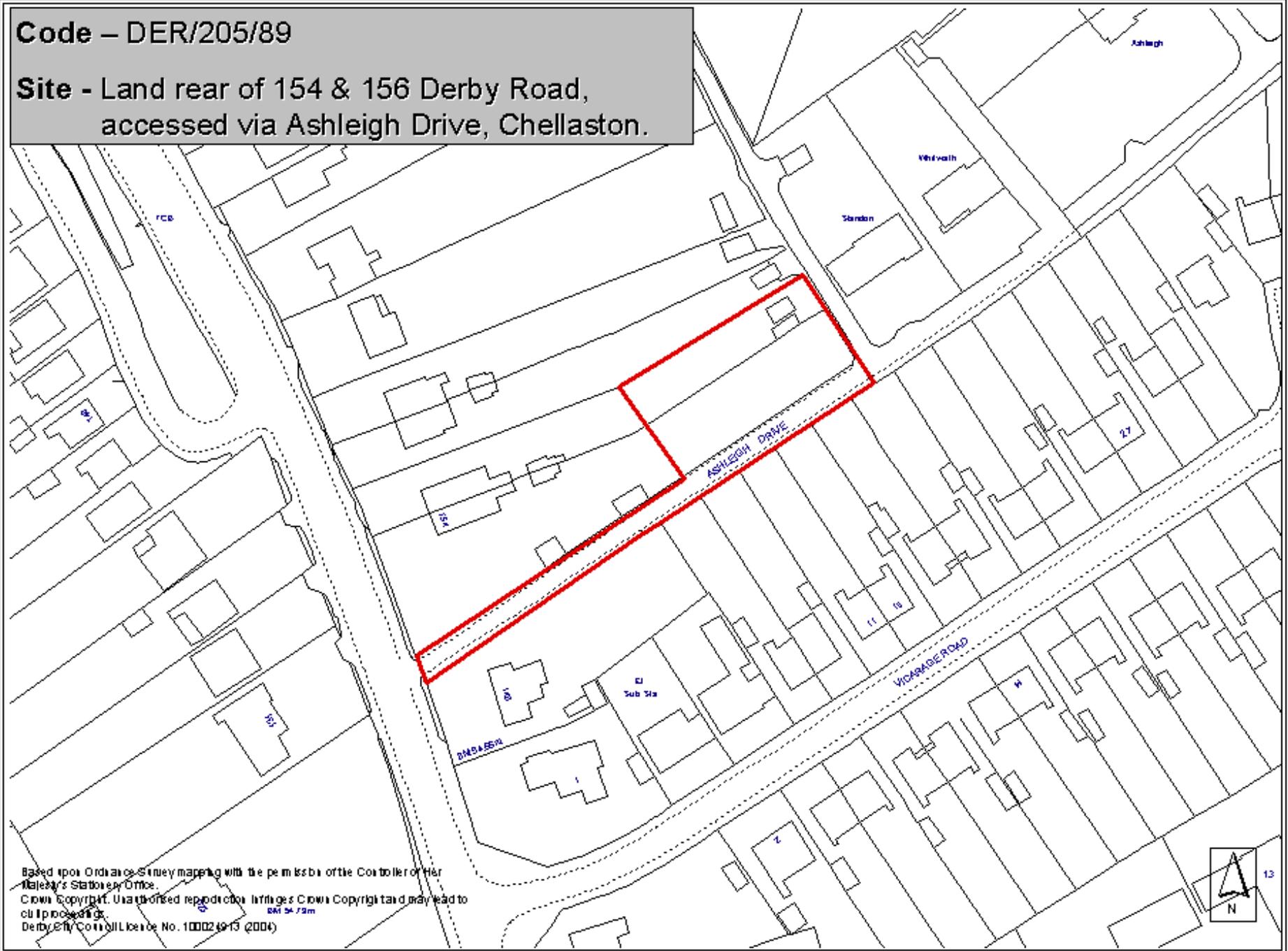
11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E14 and in accordance with policy H22
4. Standard reason E14 and in accordance with policy H22
5. Standard reason E14 and in accordance with policy H22
6. Standard reason E04

11.5 S106 requirements where appropriate: -

Code – DER/205/89

**Site - Land rear of 154 & 156 Derby Road,
accessed via Ashleigh Drive, Chellaston.**



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B1 APPLICATIONS (cont'd)

9 Code No: DER/105/135

Type: TPO Consent

1. **Address:** 120 Belper Road
2. **Proposal:** Removal of 8 Scots Pine trees protected by Tree Preservation Order (2004 No. 399) and crown reduction of Horse Chestnut tree protected by Tree Preservation Order (1992 No. 69).
3. **Description:** This application for works to trees covered by Tree Preservation Order relates to a group of 8 mature Pine trees in the garden of No. 120 Belper Road and a large Horse Chestnut tree adjacent to No. 116 and 118 Belper Road. The trees are within the Strutts Park Conservation Area. The Pine trees are grouped in a row along the northern boundary of the property, which overhangs the entrance to Darley Park.

Consent is sought to fell the 8 Pine trees and to crown reduce the Horse Chestnut tree, by an unspecified amount.

4. Relevant Planning History:

DER/304/597 – Fell 8 Pine trees in Strutts Park Conservation Area – raise objections, July 2004.

DER/404/819 – Fell Horse Chestnut tree covered by TPO – refused, June 2004

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: -

5.3 Highways: -

5.4 Disabled People's Access: -

5.5 Other Environmental: The Pine trees and Horse Chestnut tree are mature specimens which are prominent in the streetscene and sited close to residential properties on Belper Road.

6. Publicity:

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

B1 APPLICATIONS (cont'd)

9 Code No: DER/105/135

7. Representations: Two letters in support of the proposals have been received, copies of which are reproduced. The main issues raised are as follows:

- The Horse Chestnut tree is overdominant in its height and size and is liable to drop branches. It is therefore a danger to local residents and pedestrians.
- The Pine trees are not attractive specimens and do not allow for shrubs to be grown under their canopies. They do not provide privacy for residents. They are not in keeping with the trees in Darley Park.

Councillor Travis has written in support of the application.

8. Consultations:

DCommS (Arboricultural) – The Pine trees should be retained and deadwood removed only. The Horse Chestnut tree is over mature and does not appear to be causing problems. One limb may require removal.

9. Summary of policies most relevant: -

10. Officer Opinion: The trees are all large specimens, which have significant public amenity value and contribute to the appearance and character of the Conservation Area and surrounding streetscene. In my opinion, they are attractive trees, which are important features in this traditional residential area, characterised by mature trees in gardens of large dwellings.

There is no arboricultural justification for the proposed felling of the Pine trees. The trees appear to be in good health and condition and do not conflict unduly with the nearby dwellings. The proposed works to crown reduce and reshape the Horse Chestnut tree would be excessive in nature and detrimental to the appearance of the tree. The proposed works appear to be unnecessary in arboricultural terms and only the pruning of specific branches would appear to be required. The comments of the Arboricultural Officer confirm that the proposed works to all the trees are not justified and that only minor pruning may be necessary to the Horse Chestnut tree.

The proposed works are considered to be excessive and without justification. They would be of significant detriment to the visual amenities of the surrounding area. It is therefore recommended that the application be refused.

B1 APPLICATIONS (cont'd)

9 Code No: DER/105/135

11. Recommended decision and summary of reasons:

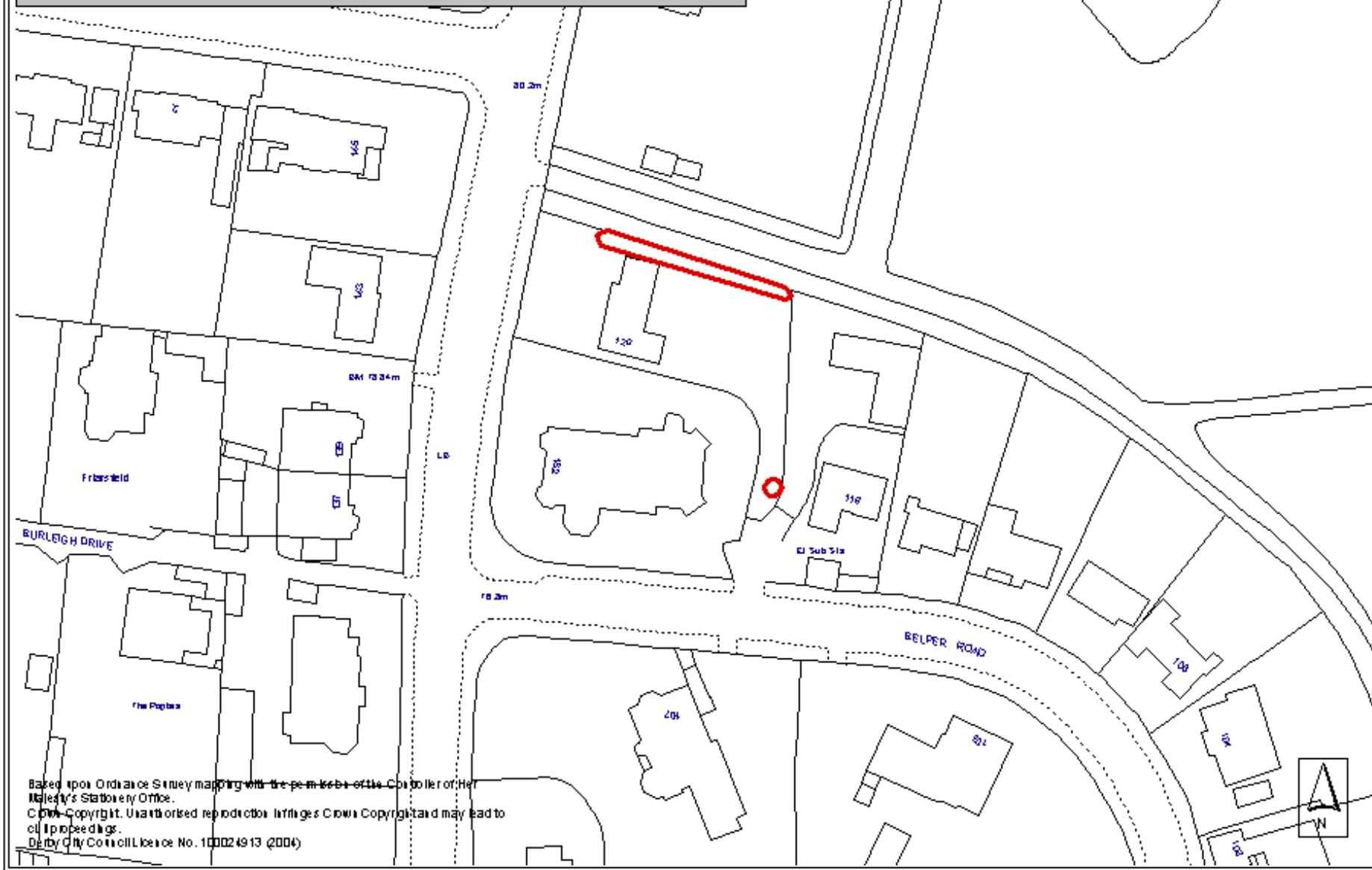
11.1 To refuse consent

11.2 Reason

There is no arboricultural justification for the proposed felling of the Scots Pine trees or for crown reduction of the Horse Chestnut tree, which are prominent in the streetscene and are protected by Tree Preservation Orders. They make a significant contribution to the visual amenities of the Strutts Parks Conservation Area.

Code – DER/105/135

Site - 120 Belper Road, Derby.



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B1 APPLICATIONS (cont'd)

10 Code No: DER/305/426

Type: Full

1. **Address:** Site of former Library, Greenwood Avenue, Chaddesden
2. **Proposal:** Erection of 9 x 2 bedroomed flats
3. **Description:** The site is currently vacant, with dilapidated timber fencing on its boundaries. There is a large area of open space to the north, with a smaller area adjacent to the south. There is a mixture of semi-detached and terraced properties over the road to the west of the site. The land level slopes from the area of open space to the north to the semi-detached properties that curve around the corner to the south. The Co-op supermarket building is to the east and is bounded by 2.4m high steel palisade fencing.

A three storey T- shaped building is proposed for 9 residential flats. The main part of the building faces onto Greenwood Avenue. The access road would be to the south of the site with parking areas to the side and rear. Bin stores and cycle parking are to be located to the south, adjacent to the proposed building. Nine car parking spaces are proposed with four cycle spaces.

4. Relevant Planning History:

DER/304/393 – Continued use as site compound and siting of 5 containers enclosed by 1.8m high fencing for extended temporary period (June 2004 to Sept 2004) - granted 7 May 2004.

DER/503/853 – Change of use to site compound and siting of 5 containers enclosed by 1.8m high fencing for a temporary period (July 2003 to June 2004) - granted 10 July 2003.

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: In my opinion the design of the building is considered acceptable. It is a very simple hipped roof building with brickwork detailing; materials will be controlled by condition.

5.3 Highways: sufficient parking is provided. The entrance should be dropped and taper kerbs giving pedestrians priority.

5.4 Disabled People's Access: The number of units is below the threshold for requiring a mobility unit.

B1 APPLICATIONS (cont'd)

10 Code No: DER/305/426

5.5 Other Environmental: -

6. Publicity:

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

7. Representations: Three separate letters of objection have been received from neighbouring properties. Twenty one identical letters were also received from properties on Greenwood Avenue and Taddington Road. Concerns raised were:

- loss of view
- as the proposed property development is 3 storeys high and in close proximity to the road, the property to the north west and its back garden would be in shadow for a large portion of the day, restricting right for light
- adequate parking is not provided within the site
- loss of site for community use
- the proposed building would dominate the area, as there are no other 3 storey buildings.
- overlooking.

All representation will be available in the Members' rooms.

8. Consultations:

DCorpS – no objection

DCommS – concern that northern wing would be adjacent to existing open space and possible impact on hawthorn hedge.

Police – recommends a condition be attached to ensure compliance with “secured by design” standards.

9. Summary of policies most relevant:

H22 – Residential development on unallocated land

B1 APPLICATIONS (cont'd)

10 Code No: DER/305/426

H28 – Layout and design of residential development
T22 – Parking standards

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: The main issues with regard to this proposal are:

- the impact on the amenity of the neighbouring properties in relation to overlooking and privacy
- the design of the proposal and whether it relates well with the existing built-up area
- whether a satisfactory form of development and living environment can be created and
- highway and parking issues.

There is a pair of semi-detached houses directly opposite the site with main room windows on the front elevation. The proposed building would have four bedroom windows and two kitchen windows per floor on the elevation facing these properties. As submitted, the proposal did not meet the guidance in relation to distances between main room windows. An amended plan has been received to rectify this. Amended plans show the main part of the building being set back a further 750mm from the road and the rear of the building would be shortened by 777mm and the width increased by 450mm.

There is a residential property to the north west, which faces onto Brailsford Road. This property has an obscure glazed bathroom window on the first floor of the side elevation facing the site. Overlooking and overshadowing of this non-habitable room window is not considered to be significant. Having measured the 45 degree angle taken from the edge of this property's nearest rear bedroom window, the proposal would not cut this angle; therefore overshadowing of this property is not considered significant. This assessment relates only to the rear windows of the property. Overshadowing of the rear garden of this property cannot be taken into account, as a refusal on this basis would not be sustained at appeal. Loss of view is not a material planning concern. Amended plans that have set the building back from the road serve to improve the relationship.

B1 APPLICATIONS (cont'd)

10 Code No: DER/305/426

The neighbouring property to the south is separated from the site by an area of open space. This property would be 38.5 metres from the proposed building, therefore overshadowing and overlooking would not be significant.

In my opinion, the proposal would not appear dominant in the street due to a number of factors. The area of land to the north of the site has a higher land level, with properties on Max Road approximately 1.5-2 metres higher than the site. The amended proposal sets the building 3 metres from the highway. There is a sharp bend in the road to the north west of the site and to the south the road curves, with properties on an angle with the road at a lower land level. The street is therefore not uniform in nature with areas of open space adjacent to the road to the east. The proposal would also be viewed against the supermarket building. There would be a landscaped area adjacent to the road frontage and all boundary treatments would be controlled by condition.

The Hawthorn hedge is not protected, and is only of a height of 1m. I do not consider its loss to have significant impact on the area. Having the flats overlook the area of open space, in my view, should improve security by natural surveillance.

To conclude, the amended proposal would not have a significant impact on the amenity of neighbouring properties or be overly dominant in the street. A satisfactory living environment would be created. I therefore consider the proposal to accord with Policies H22, H28 and T22 of the City of Derby Local Plan.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to impact significantly upon the amenities of neighbouring residential properties and would relate well to the existing built-up area.

11.3 Conditions

1. Standard condition 09A (amended plans – received 13 April 2005)
2. Standard condition 19 (means of enclosure)
3. Standard condition 27 (materials)
4. Standard condition 20 (landscaping)

B1 APPLICATIONS (cont'd)

10 Code No: DER/305/426

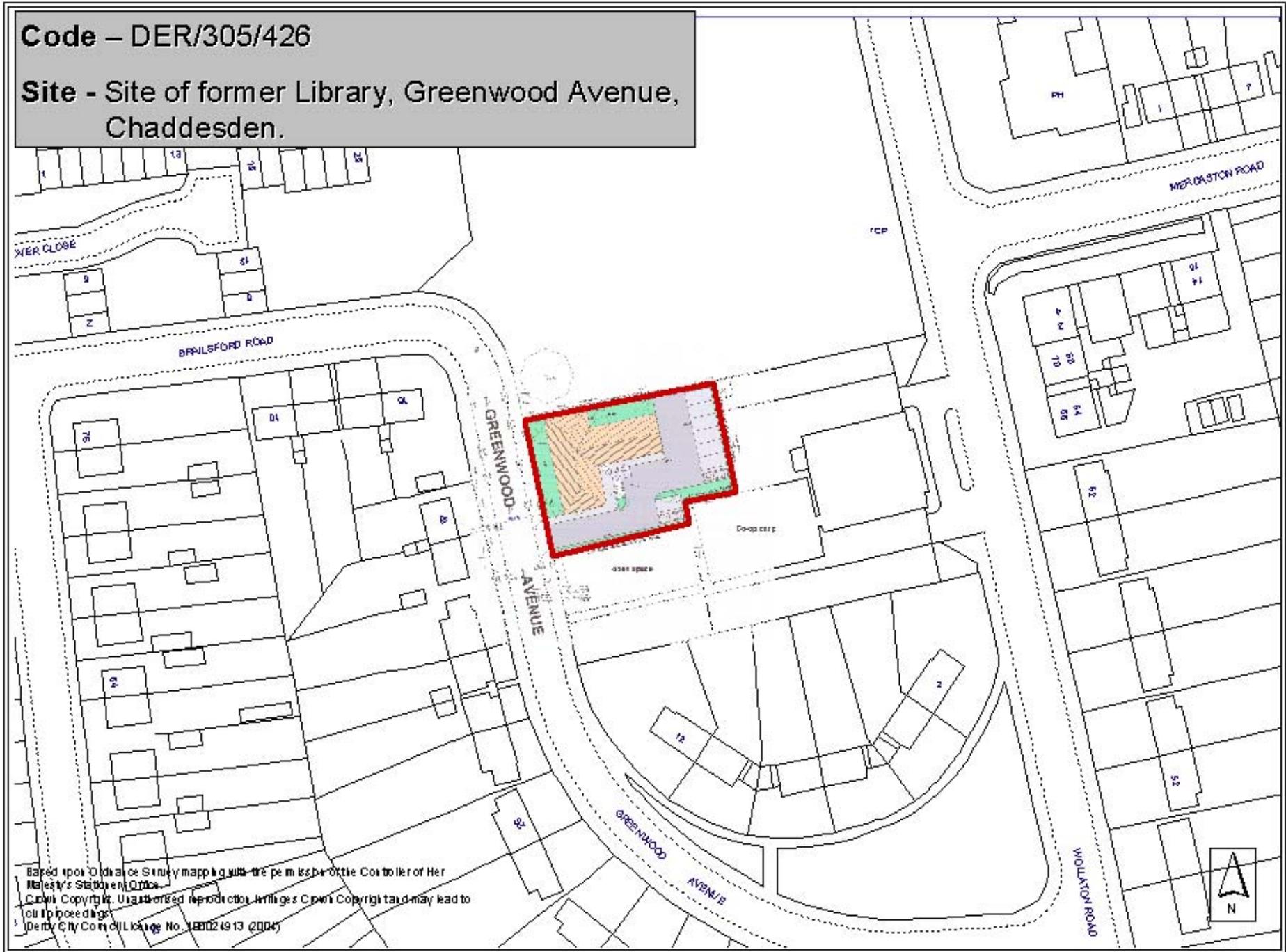
5. Standard condition 22 (landscaping maintenance – refer to 4)
6. Prior to commencement of development, measures to address community safety requirements shall be submitted to and agreed in writing by Local Planning Authority

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policy H22
3. Standard reason E14....policy H22
4. Standard reason E18....policy H22
5. Standard reason E18....policy H22
6. In the interests of community safety.

Code – DER/305/426

**Site - Site of former Library, Greenwood Avenue,
Chaddesden.**



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B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

Type: Full

1. **Address:** Land at front of St Benedicts RC School, Duffield Road
2. **Proposal:** Erection of 24 dwellings and garages
3. **Description:** This land at the front of St Benedicts School off Duffield Road is currently playing fields and includes a dwelling, adjacent to the entrance, which is part of the school grounds. The land is relatively flat and has various mature trees and young saplings along the Duffield Road frontage. The surrounding residential area is made up primarily of detached and semi-detached dwellings, which lie to the north and east of the site. The main school buildings are close to the western boundary, with the main school entrance just to the south.

The site, which is about 0.5 hectare in area, was the subject of an outline application in 2002 for residential development, which had a resolution to grant permission, subject to a Section 106 Agreement. This Agreement has, to date, not been completed and a decision therefore has not been issued. The current full application would supercede the outline if permission is granted.

The proposals involve the erection of 24 dwellings, which include a mix of 4 detached dwellings, 5 pairs of semi-detached dwellings and 3 blocks of 10 terraced. The semis and terraces would all be three storey units, whilst the detached dwellings would be two storey with rooms in the roofspace. The dwellings would all have either double or single garages, detached or integral. They would also comprise 4 and 5 bedroom properties. The design of the built form would be mock-Georgian in style and of a domestic scale. The development would be served off a single access road onto Duffield Road. Only one plot would have a separate drive onto the highway. It would be a private road, with a gate and walled entrance feature. The development would also incorporate an area of open space for use of the residents, which would be centrally located and landscaped with tree planting.

4. **Relevant Planning History:**

DER/102/144 – Outline application for residential development – resolution to grant, subject to Section 106 Agreement, not completed.

5. **Implications of Proposal:**

5.1 **Economic:** -

5.2 **Design and Community Safety:** The layout and design of the development would form a self-contained enclave, which would have traditional style dwellings of two and three storey scale. The

B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

development would have good natural surveillance and defensible space, which would be of benefit to community safety.

5.3 Highways: An adoptable access road would be preferable due to the number of dwellings, although if it is a private road, then it should be designed to adoptable standard. There is adequate visibility onto Duffield Road.

It is unclear if the surface of the road would be shared or have a separate footway. A service strip would be required on the side of the road, where a footway is not shown. Management of the highway and gates should be clarified and the junction should be of dropped and taper kerb to give pedestrian priority.

5.4 Disabled People's Access: A degree of accessibility will be delivered in compliance with Building Regulations.

5.5 Other Environmental: There is a number of trees on the site of varying quality, mainly around the perimeter. Various trees of merit are covered by a Tree Preservation Order, made in 2002. A Tree survey has been undertaken which indicates the main trees of merit to be a mature Oak, Willow and some Ash trees. A group of 8 young Horse Chestnut and Plane saplings which line the Duffield Road frontage are protected by the Order and are replacements for trees which were felled recently due to poor condition.

6. Publicity:

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

7. Representations: Seven letters of objection have been received, copies of which will be in the Members' rooms. The main issues raised are as follows:

- The new dwellings would result in drainage problems for local residents on Duffield Road, where flooding has already occurred on nearby properties
- There are concerns about the proposed access to the new development and potential parking problems from the school, which may worsen traffic congestion on Duffield Road

B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

- The three storey height of the houses would be excessive and obscure natural light
- There would be too many dwellings for the size of the site, not in character with Duffield Road.

8. Consultations:

DcommS (Arboricultural) – Objects to loss of young replacement TPO trees along Duffield Road frontage. More clearance from the canopies is required for Oak, Ash and Willow trees. Protective fencing and no-dig construction would be necessary for driveways, close to the tree canopies. Further comments to be reported.

DCorp (Estates) – No comments

Dcorp (Health) – The properties fronting Duffield Road would be subject to traffic noise. An assessment should be undertaken to determine the mitigation measures which would be needed.

Police- The design of the development would incorporate community safety measures. The open space should be defined as semi-private, with a gate on the Duffield Road frontage, to allow pedestrian and cycle access.

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

- H20 - Mobility housing
- H22 - Residential development on unallocated land
- H28 - Layout and design of residential development
- L3 & L4 - Public open space
- L7 - Loss of sports fields
- E11 - Trees and woodland
- E31 - Design
- T22 - Car parking standards

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

10. Officer Opinion: The principle of residential development on this site has been accepted by the resolution to grant outline permission, subject to a Section 106 Agreement. The Agreement has not yet been completed and the current full application has been submitted with similar heads of terms, which have been agreed in principle. The grant of outline permission was subject to a replacement sports pitch being secured elsewhere on the school grounds. Members may recall that full permission was granted for an all weather hockey pitch on the

B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

school playing fields in August 2004 and this will be implemented by the School and the Council. The provision of an all-weather pitch is also a condition set by the Department of Education and Skills, when it gave approval for disposal of the playing field. I am therefore satisfied that the playing field at the front of the school will be replaced with enhanced facilities and, as such, this is no longer a requirement of the Section 106 Agreement.

The proposed residential development of this site for 24 dwellings would result in a medium-density scheme, which would provide a mix of house types. They would all be 2½ and 3 storey units, which would have a strong presence in the local streetscene, sited close to the Duffield Road frontage. They would be of a traditional form and design, which would fit in successfully with the overall suburban character and layout of this long-established residential area. The layout of the scheme would be more intensive than the existing built-up frontage, although this would be in the spirit of current housing guidance, which promotes a more efficient use of land and higher-density residential development, particularly in accessible locations along main transport routes and urban centres. The development would be of a good design quality, which would contribute to the visual amenities of the streetscene and would create a cohesive urban form. There would be a group of 3 similar detached dwellings along the main road frontage with the 3 storey terrace blocks sited towards the rear of the site. A centrally located open space would provide an attractive focal point for the development. The dwellings would all be provided with a private amenity space and full off-street parking facilities, creating a satisfactory living environment for residents, in line with Local Plan policies H22 and H28.

The self-contained nature of the development and location of the site would mean that the nearby residential properties would not be unduly affected by the proposed dwellings. The properties on the opposite side of Duffield Road are lower than road level and at least 40 metres from the site. The three storey terraces and semis would be sited the furthest distance from existing properties and those on Plots 19, 20 and 21 would satisfy normal requirements for maintaining privacy and residential amenity.

There are four protected trees on the site which are to be retained and incorporated into the development. The Oak and the Willow are particularly prominent and attractive specimens, which have significant amenity value. The Ash trees are also worthy of retention. The layout of the development has been amended slightly to give more space to the tree canopies and the comments of the Council's Arboricultural Officer to these changes will be reported to the meeting. The

B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

replacement saplings along the road frontage are not the best substitutes for the prominent group of trees which lined Duffield Road, until they were removed with the benefit of consent in 2003. I consider it important to maintain a tree-lined feature, to preserve the character of the local streetscene. The existing saplings would be replaced with a group of different tree species positioned close to the road frontage, with precise details of trees to be controlled by condition.

An open space would be provided in the centre of the site and be formally laid out with a pedestrian/cycle access onto Duffield Road. It would be landscaped and planted with specimen trees and would provide a valuable visual break in the street frontage. It would be a semi-private area for the use of local residents and would not be made available for general public use. A financial contribution would be made towards public open space elsewhere in the city, to be secured by a Section 106 Agreement.

The development would be sited adjacent to the A6, a busy main road into the city, which experiences high levels of traffic noise particularly at peak times. A noise assessment has been prepared, although it is not expected to show excessive noise levels for the proposed residential properties. Any mitigation measures to minimise noise disturbance which it recommends would be controlled by means of condition.

The proposed access road serving the dwellings is designed to be a private road, which would not become a public highway. This would be appropriate in planning terms provided that it is designed and laid out to an adoptable standard. The applicants are aware of the highway requirements and further details will be submitted in respect to the servicing of the dwellings and management of the highway and gates. The proposed surfacing and layout of the road and junction can be controlled by means of a condition. The overall parking and access arrangements for the development would be acceptable to meet the Council's highway standards.

11. Recommended decision and summary of reasons:

- 11.1 A. **To authorise** the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an Agreement.
- B. **To authorise** the Assistant Director – Development **to grant** planning permission on the conclusion of the above agreement, with conditions. Should the Section 106 Agreement be not concluded within 13 weeks of the application's life, the Assistant

B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

Director-Development to give consideration, in consultation with the Chair, to refusal of the application.

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. The residential development would preserve the character and appearance of the local streetscene and would not unduly harm the amenities of nearby residential properties.

11.3 Conditions

1. Standard condition 09a (amended plans received 11 April 2005)
2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 24 (tree protection)
5. Standard condition 20 (landscaping scheme)
6. Standard condition 22 (landscaping maintenance – condition 5)
7. Standard condition 39 (disposal of sewage)

8. The details of tree planting as required by Condition 5 shall include siting of a replacement group of trees along the Duffield Road boundary of the site, indicating species and size of saplings and the scheme shall be implemented in accordance with the approved details.

9. Standard condition 51 (service runs and trees)

10. Detailed plans showing the finished floor levels for the development in relation to the surrounding ground levels shall be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall be carried out in accordance with such plans.

11. The accommodation shall not be occupied until a sound insulation scheme is implemented in accordance with details submitted in the noise assessment accompanying the application.

12. No development shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall not result in an increase in the rate of surface water and discharge to the local land drainage systems.

B1 APPLICATIONS (cont'd)

11 Code No: DER/205/225

13. Development shall not commence until details of surfacing of the access road and the footway and of the delineation between them, have been submitted to and approved in writing by the Local Planning Authority.
14. The vehicle access on the Duffield Road shall be constructed with taper and dropped kerbs. In accordance with details to the submitted to and approved in writing by the Local Planning Authority before the development is commenced.

11.5 Reasons

1. Standard reason E04
2. Standard reason E14....policy H28
3. Standard reason E14....H28
4. Standard reason E11....H11
5. Standard reason E09....E31
6. Standard reason E09....E31
7. Standard reason E21
8. Standard reason E10
9. Standard reason E11....E11
10. Standard reason E09....E31
11. Standard reason E15
12. Standard reason E21
13. Standard reason E16
14. Standard reason E16

- 11.6 S106 requirements where appropriate:** Off-site public open space contribution, education contribution, highways contribution towards alternative modes of transport, mobility housing.

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

Type: Reserved matters

1. **Address:** Land at Anglers' Lane/Nottingham Road, Spondon.
2. **Proposal:** Erection of 73 flats.
3. **Description:** This site is on the eastern side of Anglers' Lane and the southern side of Nottingham Road. It covers some 8300 sq m and was the site of three bungalows in large gardens. It lies well below the level of each of the adjacent roads. In the case of Nottingham Road the difference is some 5.5m and the shallow embankment to the former canal that runs along its southern boundary. To the east are allotments. There is a number of mainly inconsequential trees on the site but some specimens are more significant and have a Tree Preservation Order on them.

Approval of reserved matters is sought for the erection of 73 flats, cycle and bin stores, layout of internal access ways and paths, landscaped areas and improvements to Anglers' Lane. Density is 78/ha. The residential units are in three blocks. One large one, at the corner of the two roads, is an "L" shape, whilst the other two are much smaller, of the same design (although handed) and face the eastern and southern boundaries.

The larger block, containing 43 units, is a mixture of three and four storeys, the higher part being confined to lengths of about one-third of the frontage from the corner. The two smaller blocks, each containing 15 units, are of three storeys. Materials are not specified in detail but the drawings indicate conventional construction with artificial stone/brick for walls and tiled roofs.

Externally, there are 87 parking spaces to give a ratio of 1.20. Landscaped areas on the periphery and between the blocks contain existing trees, some of which are covered by a Tree Preservation Order, and proposed new planting. This comprises 21 trees and some 2000 shrubs and ground cover plants. Some limited widening and regularisation of the Anglers' Lane carriageway, with a footway on the eastern side, is proposed.

The original layout has been amended, following discussions, to reduce further the impact on trees and to improve pedestrian facilities.

The submitted documents include a Transport Impact Assessment, a Noise Assessment, a Ground Condition Survey, and a Tree Survey.

4. **Relevant Planning History:** An outline planning application (DER/903/1744) was considered by Members at the meeting held on 18 December 2003. Permission, linked to a Section 106 Agreement

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

covering mobility and affordable housing, contribution in lieu of public open space and a contribution for highway improvement and traffic management works, was issued on 23 September 2004.

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: There are no special design requirements for this site. The substantial drop in level from Nottingham Road does require buildings of a substantial height to produce a reasonable street scene and this is achieved in the three / four storey mix. The development is unlikely to give any specific community safety problems as there will be a management system to maintain and control external areas.

5.3 Highways: Anglers' Lane is suitable for access for residential development. At outline stage the need for a Transport Impact Assessment (TIA) was identified and this has been submitted with this current application. The layout plan indicates improvements as described above. However, Anglers' Lane is currently supported on its eastern side by an ancient stone wall of dubious engineering capability. Widening, even by the small amount envisaged, will involve engineering works that will have an impact on the trees alongside this boundary. Further details of these works will be needed.

The Transport Impact Assessment (TIA) prepared in March 2004 looked at the impact of the additional residential traffic on Nottingham Road at its junction with Anglers' Lane. The TIA did not look at the operation of the traffic signal controlled junction of Nottingham Road and Willowcroft Road. During the weekday morning peak hour this junction is heavily congested with delays of approximately 5 minutes on both the approaches from Nottingham Road and Willowcroft Road for traffic heading into the city centre. The majority of traffic from the development will use this junction during the morning peak and will increase the delays and congestion to the detriment of all users including those using the local bus services.

To mitigate against the impact of this development it will be necessary to install Microprocessor Optimised Vehicle Actuation (MOVA) at the signalled junction. This system will provide a responsive and flexible approach to the traffic demands at the junction and it is estimated that it will achieve a 10% improvement on the current capacity. In addition, and it will also be possible to improve the timings of the principal local bus service by linking MOVA with Real Time Information. Should the development proceed without mitigation measures at the signalled

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

junction, congestion will undoubtedly worsen and will be further exacerbated by the development of further sites in the Nottingham Road corridor, which while incremental, will have a combined impact on traffic volumes and the performance of the local bus service. This accumulative impact would be difficult to mitigate.

A Section 106 Agreement agreed at outline stage has made provision for a contribution of £5,000 towards Traffic Management measures with the stipulation that the whole of the highway works section of the Agreement can be superseded following an evaluation of the TIA. The mitigating measures to install MOVA at the Willowcroft Road and Nottingham Road junction will cost £20,000.

Subject to achieving these mitigating measures there are no highway objections to the proposal.

- 5.4 Disabled People's Access:** The 23 ground floor units will be accessible to wheelchair users and the 10% mobility units required by the outline permission will come from these. Flats at higher levels will be accessible to ambulant disabled people.

I am concerned that this will make visits by disabled people difficult but, with all blocks of flats, it is a commercial decision by the developer whether or not lifts are provided. The access arrangements do comply with part M of the Building Regulations and I am satisfied that a higher level of access should not be pursued under the planning system.

- 5.5 Other Environmental:** The amended layout takes account of those trees on the site that are now covered by the Tree Preservation Order. Two on the corner of the two roads will be lost owing to unavoidable engineering works to secure a safer junction. A ground condition survey has been provided in respect of ground contamination. A degree of noise from the nearby railway can be expected and a survey covers this also

6. Publicity:

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

- 7. Representations:** Three objections have been received and these are reproduced. The grounds are:
...

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

- objection to flats in principle
- overlooking, loss of privacy and view
- disruption of building works
- extra traffic on Anglers' Lane
- design out of character with the area
- precise location of access into the site
- devaluation.

I respond to these points in "Officer Opinion" below.

8. Consultations:

DWT – no objections. Draws attention to the need to protect bat habitats.

DCorpS (EH&TS) – the noise assessment is accepted. It is now accepted that there is no significant ground contamination and a remediation scheme is not required. The comments made at outline stage in relation to the proximity of this site to the Acetate Products' benzene emissions remain.

9. Summary of policies most relevant:

- H18 - Affordable Housing *
- H20 - Mobility Housing *
- H22 - Residential development on unallocated land *
- E11 - Trees and woodland
- E18 - Contaminated land
- L3 - Public open space standards *
- L4 - Provision of public open space within housing development *
- L12 - Former Derby Canal
- T22 - Parking

This is a summary of the policies that are relevant. Members should refer to their copy of the CDLP for the full version. Whilst all were taken into account at outline stage, those policies marked with an asterisk are reflected in the conditions on the decision notice and the terms of the Section 106 Agreement and do not influence this reserved matters application.

- 10. Officer Opinion:** The outline permission establishes that residential development can take place on this site and that access must be from an improved Anglers' Lane. All other matters were reserved for later approval. It is in the context of this current application that questions of density, traffic generation, detail of road improvements, building

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

massing, design and privacy implications and landscaping have to be judged.

I will leave traffic implications to the last as I consider that this is where the greatest difficulties lie.

Density

PPG3 (paragraph 58) suggests a normal range of 30 to 50 dwellings, and so at 78/ha the proposal is above this range. It does make the comment that higher densities are to be sought in certain locations including in areas well served by public transport because it is more sustainable to achieve higher densities on good public transport routes. It is high for a suburban area of Derby but much lower than is being approved in more central locations. Densities such as this are needed to balance those sites that have an outturn below the 35/ha average envisaged in the CDLP Review. As set out below there are very good site characteristics for accommodating this density.

Building massing and design

This site is particularly well suited to three and four storey development as the drop of some 5.5m from Nottingham Road to the main ground level would make two-storey development insignificant; the eaves would be at Nottingham Road footway level and the street scene would be of roofs. The main corner block would therefore appear as the equivalent of normal single and two storeys. The dwellings on the northern side of Nottingham Road would be some 37m away and there is no massing, overlooking or privacy problem.

In relation to Anglers' Lane, the difference in levels is less, but still around 2.5m. Here the development drops to three-storey giving a two-storey equivalent when viewed from the road. The large corner block faces commercial property with just the end elevation of one of the smaller blocks facing Nos. 37/39. It would be some 16m away and 1.2m lower.

The design of the blocks is acceptable although it is somewhat plain. Good roofscape articulation with the main block is achieved and interest is added to the façades by the use of Juliet balconies. Materials are not specified in detail but the drawings indicate conventional construction with artificial stone / brick for walls and tiled roofs. I am continuing to discuss the detail of the way that materials are used and there may be some modification.

Site layout

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

There is little practicable alternative to the point of access from Anglers' Lane. I am aware that there is some concern from the residents opposite but I do not consider that any serious harm to their amenities or safety will result.

The entrance is to have gates across the carriageway. These will be set some 7m into the site, 15m from the opposite kerbline and the space in front will, in effect, provide a turning facility. Gated accesses are always questionable because of practical matters such as access by the emergency services, deliveries and all visits by non-keyholders. There is no obstruction of pedestrian / cycle access and I am advised that the gates are to be arranged to open automatically on vehicular detection. I do not think that the Local Planning Authority can object to this arrangement although it seems to achieve little that a notice as to the private nature of the site would not do, and at the cost of perpetual maintenance of the equipment.

All parking is open although it is broken down into manageable areas. Some of the disabled parking requires adjustment to provide the full side-loading space. Two substantial buildings are provided for bin storage, motor-cycle and cycle parking. The bin area in each will permit separation of materials for recycling and the parking areas will make an effective contribution to transport other than by car or public transport.

The landscaped areas are quite generous and the trees subject to Preservation Orders are an adequate distance from building works. The amended plan protects, and gives space to mature, to a young *Cedrus deodara* which may grow to 20m with a 12m spread. Two trees covered by the Order will be lost for junction improvement and some others by the engineering works connected with the Anglers' Lane widening. Substantial new tree and shrub planting will mitigate this.

Landscaped areas abut the canal walkway. Restoration proposals envisage a top water level of 44.2m which compares comfortably with the lowest ground floor level of the flats of 44.7m. Initially one would be able to walk directly on to the canal corridor but after restoration this would be available only by whatever crossing is provided at Anglers' Lane. The canal would, however, provide a most pleasant and effective southern boundary to the development.

Highway details

The amended details are considered adequate for the on-site conditions. The junction improvement and the slight carriageway

B1 APPLICATIONS (cont'd)

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widening will aid all users of the lane. I am satisfied that the improvements balance the extra traffic on the lane.

At present Anglers' Lane provides access, via a very poor demolished bridge over the former canal, to some fairly low-key commercial activities to the south. Intensification of these has been long resisted because of the substandard nature of the lane. I do not think that the improvements proposed as part of this development will make it appropriate to modify that position. The original W S Atkin's feasibility study of canal restoration of 1994 envisaged a swing or lift bridge here. These are more expensive in first cost, have a continuing maintenance liability, are prone to vandalism and are inconvenient to road and canal users. I therefore consider that the development of land south of the canal should be undertaken only by a fixed bridge on an alignment away from Anglers' Lane.

Traffic generation

The TIA described in 5.3 above was prepared in March 2004, that is after the outline application had been considered by this Committee but before the permission was issued. Its contents were taken into account in the formulation of the Section 106 Agreement which makes provision for a traffic management contribution of £5000, with the proviso that the whole of the highway works section of the Agreement can be superseded in the context of an application for reserved matters, or a fresh application for planning permission, if evaluation of a new TIA tailored to the specific scheme indicates that different works are needed.

Off-site impact is not significant except at Willowcroft Road. The Section 106 Agreement allows, effectively, for the substitution of fresh highways obligations if the TIA, as judged by the City Council, indicates that the provisions in the Agreement are no longer appropriate. They can be replaced by conditions or a Supplemental Agreement based on the particular features of the reserved matters application. The forecast trip generation from the 73 flats is forecast to be less than from the 40 house-scenario. Had it been more I would have felt able to invoke the clause allowing for the original highways requirements to be superseded by new ones, but I do not feel so able in the forecast circumstances.

However, it is clearly not sensible to allow a development that will worsen congestion to go ahead without mitigation if a way can be found to achieve such. Therefore, I am continuing to investigate the scope for justifiable and worthwhile off-site improvements and will update Members at the meeting on this. However, this is one of

B1 APPLICATIONS (cont'd)

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number of committed and prospective developments south of Nottingham Road and the Willowcroft Road junction is the pinch-point.

Whilst there has been a move towards residential rather than employment uses in this area, traffic capacity problems would be common to all new development, although possibly of a different degree. The land south of Nottingham Road is a valuable resource and cannot be left fallow. Peak-hour congestion at Willowcroft Road has a detrimental effect on public transport and an improvement may have to await other developers' contributions becoming available if a mechanism cannot be found within the context of this application and the City Council, as Highway Authority, cannot fund it.

Conclusion

Subject to some further refinements of engineering detail of the road improvement, disabled parking and the use of materials, I consider that the details are acceptable. The off-site traffic management implications are clearly a difficult situation and I will continue to look for the most beneficial solution and report orally on the position.

Several conditions will be carried forward from the outline permission and do not need to be repeated on this decision. I will remind the applicants of those that are outstanding.

11. Recommended decision and summary of reasons:

11.1 Subject to the resolution of the matters at the end of "Officer Opinion" above, **to approve the details** with conditions.

11.2 **Summary of reasons:** The proposal has been considered against the Adopted City of Derby Local Plan policies set out in section 9 above and all other material considerations. It is in conformity with those aspects of policy that remain to be considered at reserved matters stage and with the terms of the outline planning permission.

11.3 **Conditions**

1. Standard condition 84 (amended plans nos.)
2. Standard condition 44 (implementation of landscaping on plans)
3. Standard condition 89 (landscape management scheme)

4. The gate control system shall allow for automatic vehicular entry without key or electronic card activation.

11.4 **Reasons**

B1 APPLICATIONS (cont'd)

12 Code No: DER/205/166

1. Standard reason E04
2. Standard reason: (add: "in accordance with the objectives of policies H22(e) and E23 of the adopted City of Derby Local Plan")
3. The development comprises substantial external areas of parking, circulation and landscaping that are neither to be adopted by the City Council nor within residential curtilages. A permanent comprehensive management scheme is essential to preserve the amenities of future residents in line with the objectives of policies H22(e) and E23 of the adopted City of Derby Local Plan.
4. To ensure that casual visitors do not park on the public highway and that access for emergency services is always available in the interests of traffic safety and convenience and the safety and security of residents, in line with the objectives of policies H22, E32, T17 and T22 of the adopted City of Derby Local Plan.

(Further conditions may be added dependent on the content of the awaited further amended plans)

11.5 S106 requirements where appropriate: Dealt with at outline permission stage.

B1 APPLICATIONS (cont'd)

13 Code No: DER/305/351

Type: TPO Consent

1. **Address:** Trees at David Wilson Homes Development, Chain Lane, Littleover
2. **Proposal:** Felling of Cherry tree, crown raising of Holly tree and Horse Chestnut tree, crown cleaning of Willow tree and Apple tree, reduced crown of Cherry tree, raise crown of Holly tree, reduce branches of Cherry tree, clean crown of Sycamore tree and trimming of Hawthorn hedge.
3. **Description:** This application seeks consent to undertake works to trees on this site which has the benefit of planning permission to erect 11 dwellings. Planning permission was granted for the development in August 2003 and construction works on the site are close to completion. All the trees concerned are located within the development site and a number of them are located close to the boundaries that the site shares with neighbouring dwellings on Chain Lane and Elms Drive. The Hawthorn hedge, which is also subject of the application, extends along the site's eastern boundary that is shared with dwellings at 114 Chain Lane and 672 Burton Road.
4. **Relevant Planning History:**

DER/204/262 – Consent granted April 2004 for felling of Oak, Ash and Hawthorn trees.

DER/503/887 – Planning permission granted 22 August 2003 for erection of 11 detached dwelling houses.
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** -
 - 5.3 **Highways:** -
 - 5.4 **Disabled People's Access:** -
 - 5.5 **Other Environmental:** See Officer Opinion section for comments on the proposed works.

B1 APPLICATIONS (cont'd)

13 Code No: DER/305/351

6. Publicity:

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

7. Representations: In response to neighbour notifications, three letters of objection have been received and are reproduced. Issues raised by objectors concern:

- level of trimming works proposed for Hawthorn hedge as it provides privacy for the garden area of a neighbouring property on Chain Lane
- there should be no more tree losses in the area
- tree pruning could lead to tree loss
- the Cherry tree contributes to the street scene and should be retained.

8. Consultations:

DCommS (Arboricultural) – there are no objections to the works proposed.

9. Summary of policies most relevant: CDLP policies:

- E11 - Trees and woodland.
- E6 - Sites of natural history importance.

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

10. Officer Opinion: Most of the trees which are subject of this application are mature and healthy and do add significantly to the amenity of both Chain Lane and Elms Drive. Works to them are proposed in order to raise the crown of trees extending over footpaths and fences and to reduce branches in order to gain clearance from the new dwellings. In my opinion, the proposed works are not excessive as they would not be detrimental to the overall quality of the individual trees and the quality that they add to the amenity of the local area. The four trees which are located to the north of the site would also continue to provide an established barrier between the new dwellings on the site and the properties to the north on Elms Drive.

B1 APPLICATIONS (cont'd)

13 Code No: DER/305/351

The Cherry tree that is proposed to be felled is in a prominent position approximately 5m into the site from the Chain Lane frontage. The tree is, however, in poor condition and I have no objections to its removal. The applicants have advised that they are happy to replace the tree with a suitable species and this can be secured by attaching a condition to this application, should consent be granted.

It is understandable that the owners of a neighbouring dwelling may have concerns with regards to works to a boundary hedge which provides their property with privacy. The works to trim the hedge are, however, not considered excessive and there is no arboricultural justification to refuse consent for the works.

11. Recommended decision and summary of reasons:

11.1 To grant consent, with conditions.

11.2 Summary of reasons: -

11.3 Conditions

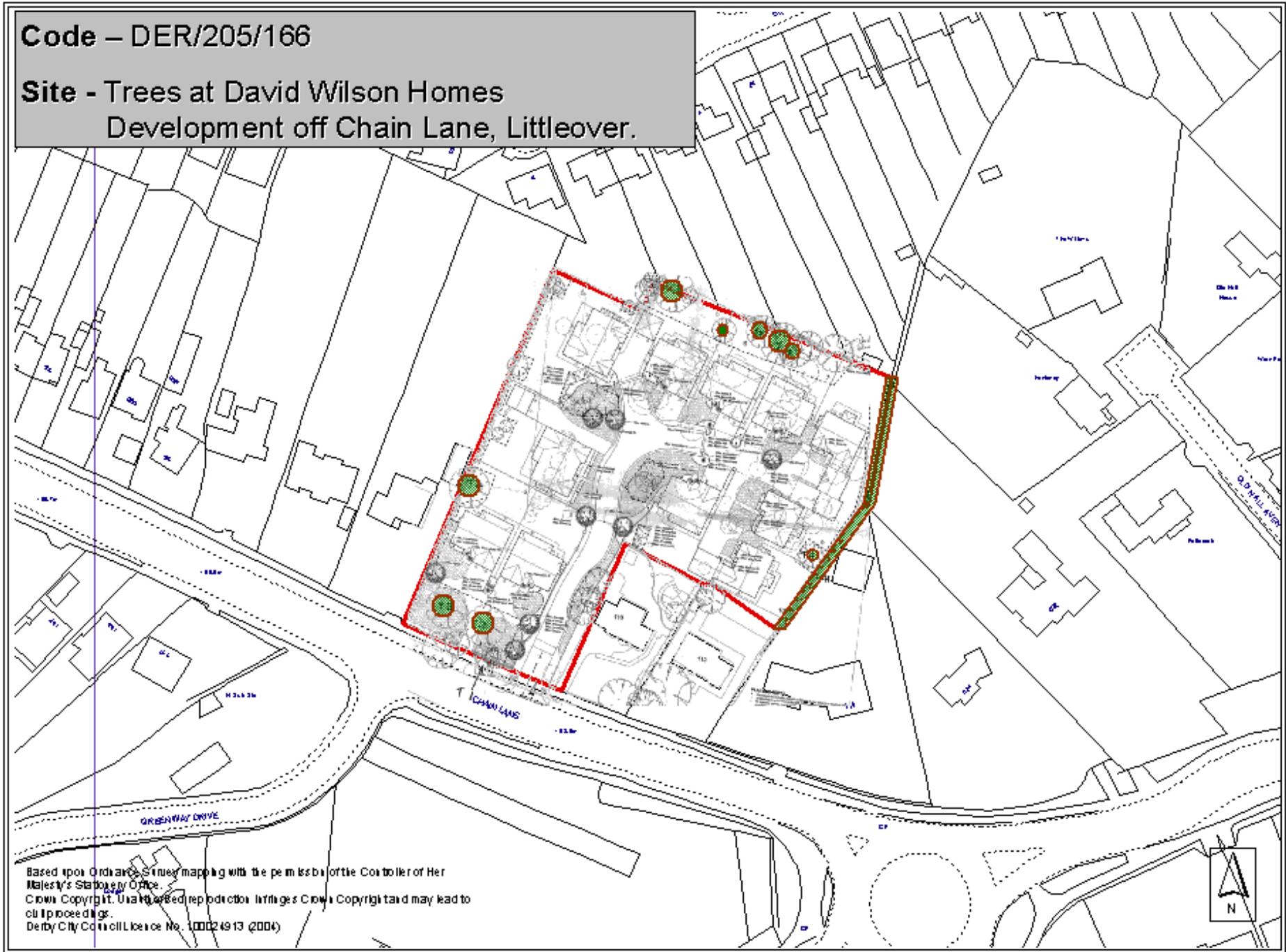
1. Standard condition 55 (replacement tree)
2. Standard condition 58 (maintenance of replacement tree)
3. Standard condition 59 (bough removal)
4. Standard condition 65 (time limit)

11.4 Reasons

1. Standard reason E25
2. Standard reason E25
3. Standard reason E32
4. Standard reason E33

Code – DER/205/166

**Site - Trees at David Wilson Homes
Development off Chain Lane, Littleover.**



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B1 APPLICATIONS (cont'd)

14 Code Nos: DER/205/308 & DER/205/309 **Type:** Advertisement
Consent and Listed
Building Consent

1. **Address:** 3 Market Place
2. **Proposal:** Display of internally illuminated fascia sign and externally illuminated hanging sign
3. **Description:** Advertisement and Listed Building consent are sought for signs on this Grade II Listed Building built in the early 18th Century. This red brick 4 storey building has sash windows with moulded stone dog-eared architraves. The fascia sign would be 0.7m in depth and 5.1m in length. The majority of the fascia would be black with the lettering and logo measuring 0.6m x 1.7m, which would be white, green and orange. The lettering only would be internally illuminated.

The projecting sign would measure 0.6m x 0.6m and would extend 0.7m from the building. The majority of the sign would be black, with white and green lettering. The bracket would house a fluorescent strip.

4. **Relevant Planning History:**

DER/301/390 – Internal alterations and shop front and display of internally illuminated fascia sign and non-illuminated double sided projecting sign – Listed Building Consent granted 17 May 2001.

DER/301/399 – Internal alteration, shop front alterations and change of use of ground floor to shop and café (A1 and A3 retail) – granted 18 May 2002.

DER/301/407 – Display of externally illuminated fascia sign and non-illuminated projecting sign – Advertisement Consent granted 30 May 2001.

DER/596/480 and DER/596/481 – Internal alterations and change of use to hairdressing salon on 1st and 2nd floors, granted 28 June 1996.

5. **Implications of Proposal:**

5.1 **Economic:** -

5.2 **Design and Community Safety:** The existing signage is of a relatively traditional style, though not in traditional materials. Members will need to consider whether the rather more contemporary style of the signs proposed is harmful to the character and appearance of this listed building.

B1 APPLICATIONS (cont'd)

14 Code Nos: DER/205/308 & DER/205/309

5.3 Highways: No objections subject to a condition controlling the level of illumination.

5.4 Disabled People's Access: -

5.5 Other Environmental: -

6. Publicity:

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

7. Representations: -

8. Consultations:

CAAC – recommended refusal; objected to the internally illuminated fascia sign, being unacceptable for a listed building of this stature. Recommended exclusion of any illumination on the fascia sign and, if done, details of the non-illuminated sign could be agreed by officers. No objection to the hanging sign.

9. Summary of policies most relevant:

E26 – Listed Buildings
E35 – Advertisements

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: The existing fascia sign is a metal panel fascia with stick-on lettering. This sign extends slightly from the building. The proposed sign is an internally illuminated box fascia sign which I do not consider would appear more dominant in the street than the existing sign. Adjacent premises do have similar internally illuminated box fascia signs.

The main part of the fascia, which would be black in colour, would not be illuminated; only the central part with the lettering would be lit. The projecting sign would be a similar size to the existing hanging sign and in the same position. This sign would be externally illuminated by a fluorescent strip within the bracket. In my opinion, the proposed signs would not have a detrimental impact on the Conservation Area and are

B1 APPLICATIONS (cont'd)

14 Code Nos: DER/205/308 & DER/205/309

similar in nature to existing signs in the vicinity. The proposed signs are the same size as the existing signs with sympathetic illumination; I therefore do not consider that they have an adverse impact on the character or appearance of the Listed Building. I do not believe that a refusal of this proposal could be sustained at appeal.

On the basis that the signs would not appear dominant in the street and are considered to be in keeping with the character of the area and the building on which they would be displayed, I consider the proposed signs accord with Policies E26 and E35 of the Adopted City of Derby Local Plan.

11. Recommended decision and summary of reasons:

11.1 DER/205/308 – To grant advertisement consent with a condition

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposed signs are acceptable as they do not detract from the Conservation Area or Listed Building and would not appear dominant in the streetscene.

11.3 Condition

The intensity of illumination of the fascia sign hereby approved shall not exceed 1200 candelas per square metre.

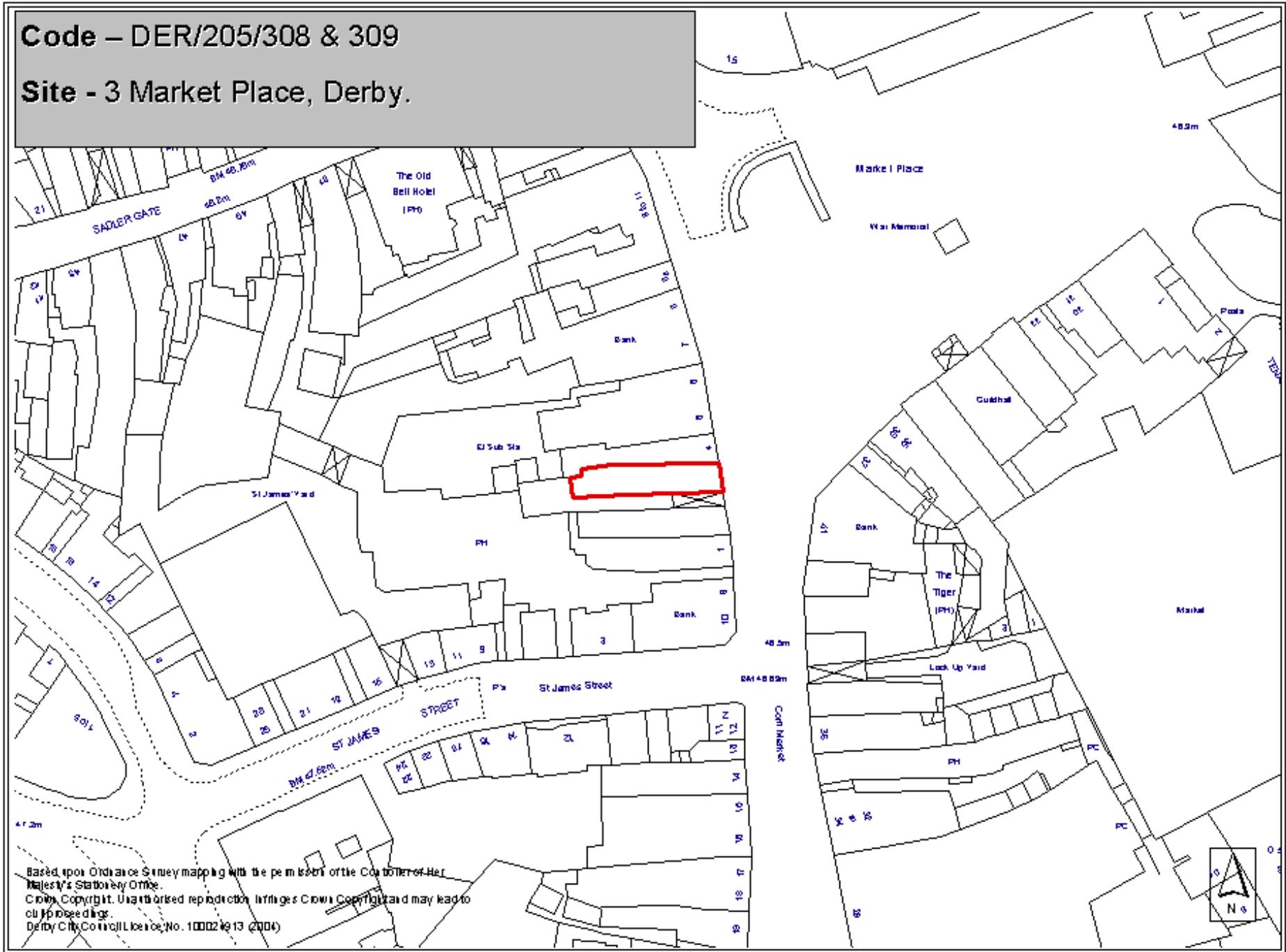
11.4 Reason

Standard reason E19 – policy E35

11.1 DER/205/309 – To grant listed building consent.

Code – DER/205/308 & 309

Site - 3 Market Place, Derby.



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B1 APPLICATIONS (cont'd)

15 Code No: DER/205/248

Type: Full

1. **Address:** The Leylands Estate, Broadway
2. **Proposal:** Erection of security fencing and gates
3. **Description:** The Leylands Estate is a self-contained residential community for elderly people, which is managed by The Retail Trust. It is a Conservation Area, which was mainly developed in the 1950's and has dense tree and hedge cover around the perimeter of the estate. The enclave is heavily screened from the road frontage by vegetation. The main vehicle entrance to the site is off Broadway with a secondary entrance off Penny Long Lane, which is permanently closed to traffic. The entrance to the estate has brick walls and a small brick gatehouse, which are original features built at the same time as the dwellings.

It is proposed to erect steel fencing and entrance gates around the street boundary of the site, along Broadway and Penny Long Lane, to provide better security for the estate. It would take the form of steel railings, coated in fir green, which would be round with plain tops. The fencing would be erected over the existing dwarf wall around the perimeter and the mature shrubs and hedge would be retained to grow through the railings. At the main entrance to the estate, the fence would be erected over the brick feature walls and new vehicle and pedestrian gates would be sited across the road and footway, enclosing the gatehouse. The fencing and railings would all be 1.8 metres high. The Penny Long Lane entrance would be enclosed with fencing and a gate for emergency access only.

4. **Relevant Planning History:**
DER/1104/2142 – Erection of security fencing and gates – withdrawn.
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** The railings would be of a simple design and coloured to blend in with the surrounding area. They would have a formal appearance which would fit in satisfactorily in this location.
 - 5.3 **Highways:** Adequate vehicle standing space would be maintained clear of the highway, therefore no objections.
 - 5.4 **Disabled People's Access:** -

B1 APPLICATIONS (cont'd)

15 Code No: DER/205/248

5.5 Other Environmental: There are trees and mature shrubs around the street frontage of the estate, which form a hedge in some sections. The dense vegetation cover contributes to the secluded character of the estate.

6. Publicity:

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

7. Representations: No representations have been received to date.

8. Consultations:

CAAC – Object to proposal on the grounds that the fencing/gates are over-intrusive and inappropriate and would substantially alter the character of the Conservation Area. The fence should be sited behind the perimeter hedge and be of less intrusive form and the main entrance gates should be of a design appropriate to the period of the Conservation Area.

DCommS (Arboricultural) – No objections to works; however would prefer hand digging and no roots over 25mm be cut.

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

E31 – Design

E24 – Development in Conservation Areas

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: The proposed fencing and gates around the street frontage of the Leylands Estate would have a significant visual impact on its appearance and character, particularly from Broadway. The Conservation Area has an open appearance and simple form at the main entrance to the estate, which would become much more enclosed by the proposals. The agents state that the fencing and entrance gates are intended to enhance security for the elderly residents and are required due to previous instances of crime and anti-social behaviour on the estate. Whilst it is unfortunate that the open frontage of the estate would be enclosed in this way, there is clearly a need to provide a more secure living environment for the residents. To restrict access

B1 APPLICATIONS (cont'd)

15 Code No: DER/205/248

to the estate would inevitably involve some form of fencing and secure gates, which would affect the appearance of the Conservation Area. However, it would not be reasonable to require the estate to retain its open access in order to maintain its traditional character.

The fencing would be erected over the existing boundary walls and the feature brick walls at the main entrance. The mature vegetation would be retained behind the railings, which would soften its appearance and impact. The suggested siting of the fencing behind the hedge has been rejected by the agent and would not be an appropriate solution, due to the varied depth of vegetation around the perimeter. This would probably result in more damage to trees and shrubs than erecting the fence along the wall.

The design of the fencing would be simple and would not have an unduly harsh fortress-like appearance. It would be 1.8 metres high, which would be of a domestic scale and, in my opinion, it would be reasonably in keeping with the 20th Century period of the estate. The brick features and gatehouse at the entrance to Broadway would be retained intact and would not be overwhelmed by the proposed fencing and gates. Overall the development would not be over-intrusive or detrimental to the architectural interest and character of this Conservation Area. The design and layout of the fencing would preserve the special character of the Leyland Estate and it is recommended that permission be granted.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the adopted City of Derby Local Plan policies as summarised in 9 above and the scheme would be an appropriate form of development, which would maintain the character and appearance of the Leylands Conservation Area and would not detract from the visual amenities of the local streetscene.

11.3 Conditions

1. Standard condition 09A (amended plans received on 15 April 2005).
2. The fencing shall be coated in a fir green colour as indicated on the submitted plans, unless an alternative colour is submitted to and approved in writing by the Local Planning Authority, before the development commences.

B1 APPLICATIONS (cont'd)

15 Code No: DER/205/248

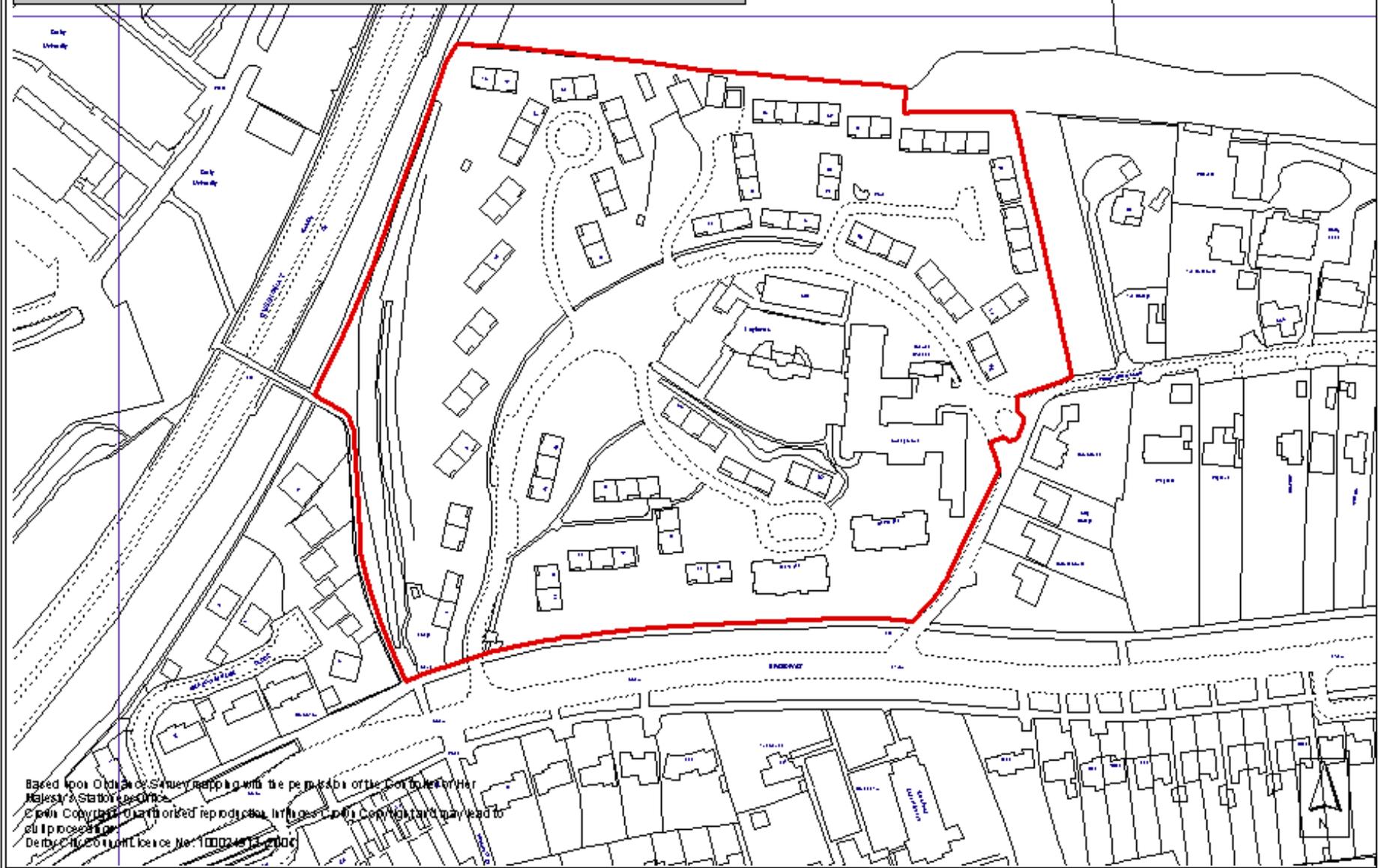
3. Further precise details of the design and construction of the automatic entrance gates and pedestrian gates at a scale of 1:10 or 1:20 shall be submitted to and approved in writing by the Local Planning Authority before development commences.
4. Any excavation of ground levels affecting trees or shrubs within the site shall not involve any mechanical digging and shall be by the use of hand tools only. No roots over 25 mm in diameter shall be cut, unless agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E04.
2. To safeguard and enhance the visual amenities of the streetscene and the Conservation Area.
3. To ensure a satisfactory external appearance of the development and to safeguard the visual amenities of the streetscene and the Conservation Area.
4. To protect retained vegetation from undue harm or loss during construction of the development.

Code – DER/205/248

Site - The Leylands Estate, Broadway, Derby.



B1 APPLICATIONS (cont'd)

16 Code No: DER/205/265

Type: Full

1. **Address:** Site of 8 Louvain Road
2. **Proposal:** Formation of three apartments within roof space of previously approved building.
3. **Description:** Members may recall considering an application for the demolition of the existing nursing home and the construction of 19 apartments at the meetings on 28 October and 25 November 2004. This proposal seeks to utilise the roofspace of one of the previously approved blocks to provide three additional apartments.

The approved two storey block provides six units in the eastern corner of the site. The building is of a hipped roof design. There would be no increase in height or mass of the approved building; the proposal would result in three gable windows that would look over the proposed car park and gardens, and would be some 26 metres from the neighbouring property. Four rooflights on the south eastern roof slope would be to two bathrooms and two lobby areas. In the south western and north eastern roof slopes one rooflight is proposed that would serve a bedroom. Each of these additional units would be one bed apartments.

A vehicular access from Louvain Road between the approved building at the front of the site and No. 6 Louvain Road, would give access to a total of 26 parking spaces with a further four spaces on the Louvain Road frontage.

The location of the site is predominantly residential in character, composed mainly of large detached properties. To the south of the site is No. 6 Louvain Road which is a large bungalow with a double garage alongside it. Immediately to the north is No. 10 Louvain Road, a two storey house, again with a double garage alongside it adjacent to the application site. Four storey apartments lie to the north east of the application site.

The site slopes very steeply to the east (rear) and contains a number of trees. To the south of the site are the rear gardens of Nos. 4 and 6 Louvain Road and Nos. 24-28 (even) Farley Road. These latter houses are situated a considerable distance away from the application site.

4. **Relevant Planning History:**

DER/104/44 – Erection of 20 apartments – refused May 2004 for the following reasons:

B1 APPLICATIONS (cont'd)

16 Code No: DER/205/265

“The proposed buildings by reason of their height and massing in close proximity to the site boundary on this sloping site would be seriously detrimental to the amenities of the residents of Nos. 6 and 10 Louvain Road. In addition the proposal would give rise to an overintensive form of development that would be out of keeping with, and detrimental to, the established character of the locality, and which would give rise to high levels of traffic movements to and from the site. It would therefore be contrary to the provisions of policy H22 in the adopted City of Derby Local Plan.

The proposed design and layout of the apartments results in a convoluted design solution to avoid overlooking of neighbouring property. This is at the expense of the amenities of future occupiers of the apartments and is typified by the narrow slit windows, particularly those facing north east. Accordingly the proposal is contrary to policy H22 in the adopted City of Derby Local Plan.”

DER/804/1526 – Construction of 19 apartments – approved 10 December 2004.

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: I have no design objections to raise to the proposal which has little material difference from the approved scheme. I have no community safety objections.

5.3 Highways: No major objections. I have requested a pedestrian footway into the site if possible and secure parking for motorcycles and bicycles.

5.4 Disabled People's Access: Disabled peoples parking is satisfactory. Two previously approved apartments are to be to mobility standard. The remainder of the units will have a degree of accessibility resulting from compliance with the Building Regulations.

5.5 Other Environmental: There are some mature trees within, and on the periphery of, the site. The views of the Arboricultural Officer are noted below.

B1 APPLICATIONS (cont'd)

16 Code No: DER/205/265

6. Publicity:

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

7. Representations: I have received six letters of objection, which are reproduced. The main points raised by the objectors are:

- the overall development is too big for the site and location
- the number of vehicle movements on site with a corresponding increase in noise and other pollution
- the increase in mass
- that the density is too high
- that many general guidelines in PPG1 and PPG3 and regulation H27 have not been followed
- design aesthetics
- quality of life will be reduced to the detriment of local residents
- over shadowing
- loss of privacy.

8. Consultations:

DCommS (Arboricultural Officer) – to the previous application, had no objections subject to the suitable replacement of any trees removed.

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

- H22 – Residential development on unallocated land
- H28 – Layout and design of residential development
- E11 – Trees and woodland
- E31 – Design
- E32 – Community safety and crime prevention
- T22 – Parking standards

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

10. Officer Opinion: In accordance with Local Plan policies H22 and H28, and the relevant guidance in PPG3 (Housing) the previous application for 19 apartments was approved. There are no policy objections to the use of the application site for residential development, and there are no

B1 APPLICATIONS (cont'd)

16 Code No: DER/205/265

policy objections to the use of the roof space of a previously approved building for residential purposes.

There are no objections on highway grounds to the access or the level of car parking indicated and I am satisfied that the creation of an additional three units in the roof space would not have a materially unreasonable effect on traffic movements in Louvain Road. The issue of additional traffic generation and its effect on residential amenity has to be balanced against the previously approved scheme. The proposal results in an additional four car parking spaces at the site and, in my opinion, I find it difficult to quantify how the difference between 26 spaces, as approved, and 30 spaces, as now proposed, would be to the detriment of the amenities of adjacent residents.

With regard to the new windows in the north western elevation these look out across the proposed car park, with the curtilage of No. 10 Louvain Road some 26 metres distant. The proposal has rooflights on the south elevation facing the rear gardens of Nos. 24-28 Farley Road. I would wish, as with the earlier approval, to condition that these rooflights be retained as obscure glazed in order to safeguard the amenities of those neighbours. The two side-facing rooflights in this block, serving one bedroom each, would be sufficient distance from No. 6 Louvain Road and the flats on St Clare's Close.

Whilst the density of the development would increase from 71 dwellings per hectare as approved, to 82 dwellings as proposed, this in itself is not a reason for refusal.

In my view, the applicant has sought to accommodate additional units into the previously approved scheme without demonstrable harm to the amenities of adjoining residents. In lieu of public open space provision on site the proposal will require an additional contribution to the previous Section 106 Agreement

11. Recommended decision and summary of reasons:

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

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

B1 APPLICATIONS (cont'd)

16 Code No: DER/205/265

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 outlined in 9. above. The layout and design of the development is satisfactory without demonstrable harm to interests of acknowledged importance.

11.3 Conditions

1. Standard condition 09A (amended plans)
2. Standard condition 20 (landscaping)
3. Standard condition 22 (landscaping maintenance...condition 2)
4. Standard condition 30 (hard surfacing)
5. Standard condition 24 (protection of trees)
6. Standard condition 69 (cycle/motorcycle parking)

7. The roof lights in the south elevation of Garden Lodge as indicated on drawing LR06F, shall be obscure glazed at all times, unless otherwise agreed in writing by the Local Planning Authority.

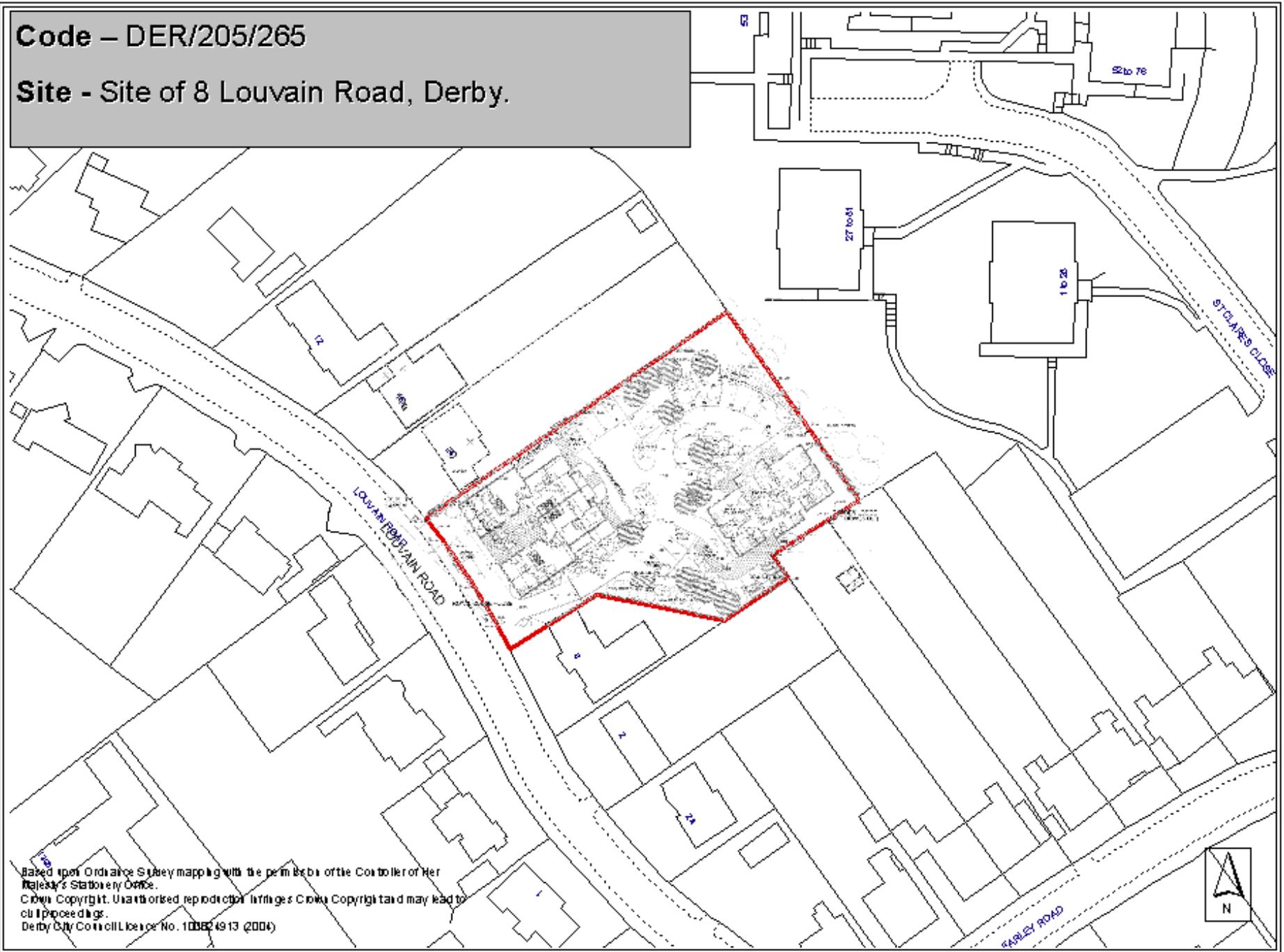
11.4 Reasons

1. Standard reason E04
2. Standard reason E18....policy E23
3. Standard reason E18....policy E23
4. Standard reason E14....policy E31
5. Standard reason E11....policy E11
6. Standard reason E35... policy T9
7. To preserve the amenities of nearby residents and policy E31

11.5 S106 requirements where appropriate: Contribution to off site public open space.

Code – DER/205/265

Site - Site of 8 Louvain Road, Derby.



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B1 APPLICATIONS (cont'd)

17 Code No: DER/1204/2419

Type: Full

1. **Address:** Land south west of Supermarket, off Peak Drive (including site of MCS Dairies).
2. **Proposal:** Erection of non-food retail unit (Use Class A1), builders yard, garden centre and dairy (duplicate application).
3. **Description:** This full application relates to land adjacent to the existing Sainsbury's store to the east of Peak Drive and incorporates currently undeveloped land and an existing Co-op Dairy. The site is located to the south of the city centre accessed directly from a roundabout junction on Osmaston Park Road. Part of the site adjoins an area of undeveloped land, which extends along the western boundary. Beyond this land to the west is a railway line, with Pear Tree station on the opposite side of Osmaston Road. The eastern boundary of the site comprises a long-established residential area fronting Victory Road. The site falls within a predominantly commercial area with retail and leisure uses within the immediate locality, with larger scale employment uses to the south and west.

The application is for a retail warehouse (referred to as a B+Q Warehouse in the associated retail assessment) of 13,935-sq m gross floorspace (including 1,858 sq m for an enclosed builders yard and 2,787 sq m for a garden centre). The overall sales area of the unit would be some 12,077sqm. The development includes 491 car parking spaces for the DIY store with 61 car parking spaces dedicated to the relocated dairy. The application suggests that B+Q propose to relocate from the existing B+Q supercentre at Ascot Drive, which no longer meets the retailer's operational requirements. As a consequence of this proposal, approximately 250 jobs would be created (this includes those transferred from Ascot Drive). A Planning and Retail Impact Assessment, a Transport Assessment, an Employment Land Supply Study, a Household Shopping Survey, a Noise Impact Assessment, an Air Quality Assessment and a Design Statement were submitted with the application.

... The former of these documents has had to be assessed more recently in the light of PPS6: (Planning for Town Centres) and the applicant has also addressed the comments raised in objection to the application on behalf of a competing land owner. With regard to PPS6 the applicant advises that the overall objectives and tests of the revised guidance remain unchanged in relation to proposals of this nature, and there are no material modifications that should affect the Council's original recommendation. The letter is reproduced. In summary, the applicant feels that PPS6 introduces little material change in the policy approach to the consideration of applications for new retail development in out-of-centre locations. The key tests of retail need, the sequential approach,

B1 APPLICATIONS (cont'd)

17 Code No: DER/1204/2419

retail impact and accessibility by alternative transport modes, continue to be applied, largely in line with the previous advice set out within Ministerial Statements supplementing PPG6. The information already submitted in support of the application has comprehensively addressed these tests, as confirmed by Council Officers and their own consultants.

The most significant change in emphasis introduced by the revised guidance relates to the importance placed on regeneration as a consideration in assessing applications. The regenerative merits of the subject application are demonstrated in the planning submission and these include employment creation (both directly via the store itself and indirectly through the facilitation of the development of the associated employment units which will be secured via a legal agreement) and the physical regeneration of a largely vacant brownfield site. It is clear that greater weight should be attached to these matters in determining the application, lending further support to the positive recommendation.

The store would have a simple rectangular form, aligned west to east along the southern boundary of the site. The building would have a combination of solid and transparent elements of cladding, blockwork and glass on the main elevation with a raised entrance feature on the front elevation. Projecting roofs over the main entrance feature, exit lobby and coffee shop functions are all interconnected by the application of a soft undulating roof, with high point domination over the main entrance feature and low-key point at the coffee shop extremity. The undulating feature roof is supported by a series of exposed steel tubular structural members that are angled and curved in elevation and which are in sympathy with the curvature of the main roof.

Acoustic barriers, as recommended by the Noise Impact assessment that accompanies the application, are proposed, 3.5 m in height adjacent to the Sainsbury Store service yard and 3 m in height adjacent to the proposed B&Q service yard. Both features are designed to protect the amenities of residents that front Victory Road.

The replacement dairy building is of rectangular shape, providing cover for some 40 electric floats with chargers, ancillary offices and staff facilities. Two roller shutter doors at either end of the building would allow vehicular access.

Members should be aware that this is a second application for a proposed B&Q Warehouse unit, the other one at Ascot Drive having already been considered by this Committee. An earlier application on this site is the subject of an appeal against non-determination.

B1 APPLICATIONS (cont'd)

17 Code No: DER/1204/2419

4. Relevant Planning History:

DER/989/1577 - Erection of 3 retail units, petrol service station, industrial park and dairy distribution depot, construction of service road and ancillary vehicle parking - granted April 1990. This application was renewed in June 1993 (code DER/1292/1380).

DER/693/761 – Reserved matters approval for the retail elements of the scheme granted in November 1993 but only the food store and petrol filling station were built with the non-food retail site remaining vacant.

The period for the submission of reserved matters in respect of the industrial elements of the outline has been varied on 2 occasions. Latterly DER/401/569 was granted in June 2001, which extended the period until 2004.

DER/203/315 – Extension to existing food store - granted April 2003.

5. Implications of Proposal:

5.1 Economic: The new retail unit would employ approximately 250 staff, which would be a substantial increase over the existing store at Ascot Drive but would include the transfer of staff to this site.

5.2 Design and Community Safety: The store building would be of substantial scale and the features described above lend it a quite striking appearance. It would not appear unduly incongruous or dominant in the street scene given its setting adjacent to the Sainsbury's store and future industrial land.

5.3 Highways: Initially I had significant concerns arising from this development in terms of its impact on the immediate highway network. I also had concerns regarding accessibility to the site for pedestrians, cyclists and public transport users. However, having spent considerable time with the developer, reviewing and refining the proposed trip generation likely to be brought about by the development, I am now confident that the true impact of the proposals has been identified. To mitigate these impacts the developer, through a Section 106 Agreement, is now proposing the following:

- to undertake minor capacity improvements to the A5111/Victory Road junction
- to provide improved pedestrian and cycle facilities at the Peak Drive/A5111 junction, including a controlled crossing on Peak Drive

B1 APPLICATIONS (cont'd)

17 Code No: DER/1204/2419

- a contribution of £100,000 towards improvements to public transport, walking and cycling facilities along the A5111.

Subject to these items being included within a Section 106 Agreement, I would not wish to raise highway objections to the proposals.

There are a number of other highway issues where I am awaiting revised details from the developer. These include:

- Confirmation of the levels of parking to be provided within the site, with a justification of any shared usage. The levels need to indicate appropriate numbers of spaces for blue badge holders, for cycles and for motorcycles
- Amendments to the internal roundabout. Because of concerns over queuing vehicles, an amendment to allow a dual lane approach to the roundabout has been proposed
- Revised details showing a significant pedestrian and cycle link, avoiding conflict with vehicle movements, through to the entrance to the proposed store
- Additional pedestrian facilities are required, alongside the internal access road, to ensure appropriate pedestrian access to the employment units and to the dairy
- A travel plan indicating travel patterns for staff employed at the new store should be submitted
- Confirmation that the provision of recycling facilities on the site will be retained.

If appropriate details have been received in respect of these issues, I will provide an oral update at Committee. Alternatively, appropriate conditions should be applied to any permission that may be granted, in order to secure the submission of details at a later stage.

5.4 Disabled People's Access: The proposed number and location of the disabled parking bays are satisfactory. Any new building would be subject to accessibility requirements of the Building Regulations.

5.5 Other Environmental: -

B1 APPLICATIONS (cont'd)

17 Code No: DER/1204/2419

6. Publicity:

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

7. Representations: Two letters of objection has been received, one from Friends of The Earth expressing concern about the site's location in an Air Quality Management Area and that the proposal would do nothing to improve this, and one from a nearby resident concerned about any increase in pollution, noise and traffic problems.

... The letters are reproduced.

Neighbouring authorities:

- South Derbyshire District Council – note that, in the absence of evidence relating to need, sequential approach, retail impact and accessibility, the proposal would be contrary to PPG6 and draft PPS6
- Broxtowe Borough Council – no comments
- Erewash Borough Council – note that the proposal represents a significant increase in retail floor space outside the City Centre, contrary to Government advice.

I have also received three letters of objection on behalf of the land owners for the Ascot Drive scheme. The first objection is based on their opinion that there is no need for the proposal, that the two schemes are not mutually exclusive, that Ascot Drive could become abandoned and derelict, and that PPS6 has not been addressed. The second letter reiterates these points and notes that until 2011 there would be insufficient capacity for both schemes and that justification for the proposal on quantitative need grounds has not been demonstrated. It adds, on the point about the supply of industrial land, that further detailed analysis is required to demonstrate that the land is needed before other alternative uses are considered, that in terms of public transport accessibility there is only one 15 minute service past the site compared with the Ascot Drive site which is served by two services in each direction, and that the £100,000 contribution to highway improvements is not explicit in how it would be spent to overcome highway concerns. The letters are reproduced.

...

B1 APPLICATIONS (cont'd)

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In response to the objection letters, the applicant comments that:

'it is stated that B&Q are not the only operator who could occupy the Ascot Drive scheme, the applicants are actively discussing the proposed development with alternative occupiers (with the implication being that this will affect the "need" case at Osmaston Park Road). This matter has been addressed in detail within previous submissions to the Council, where B&Q have documented their intentions to operate from Osmaston Park Road, should planning permission be granted, and also made it clear that they have a controlling leasehold interest over their existing store at Ascot Drive (with an unexpired term of 9 years).

The objector specifically acknowledges the control that B&Q have in relation to the Ascot Drive site and suggest it could be abandoned for the remainder of B&Q's lease. The objector states that the existing store would then become derelict and run down to the detriment of this important gateway site and the surrounding area. In the first instance it must be clarified that there is no policy presumption in favour of protecting out-of-centre retail floorspace; whether or not the unit continues in beneficial use for retail purposes should not be a concern of the Council. However, it is not in B&Q's interests to allow the unit to remain vacant for the remainder of their lease. The obvious intention would be to secure a sub-let agreement thereby ensuring a continued revenue stream for B&Q whilst keeping the unit in beneficial use.'

I have also received one letter of support from an adjoining business which welcomes developments which improve the overall area. The letter is reproduced.

...

8. Consultations:

DCorpS (EnvHealth) – as the site could be potentially contaminated, a contaminated land study should be undertaken. The site is not within an AQMA although it adjoins one – the outer ring road. There are no objections to the proposal on the grounds of its potential impact on nitrogen dioxide levels in the area. Mitigation measures specified in the report and its recommendations regarding construction and dust are incorporated into conditions. Noise – the conclusions of the report are accepted but precise details of the noise barriers around the service yards will be needed along with details of a noise attenuation scheme for plant and machinery.

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

S1 - Retail Strategy Objectives

B1 APPLICATIONS (cont'd)

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- S2 - Shopping Centre Hierarchy
- S3 - Retail Location Criteria
- S4 - Retail Design Objectives
- S17 - Range of Goods Conditions
- S18 - Trade and Showroom type sales
- EMP11i - Osmaston Park Road
- EMP15 - Core Business and Industrial Development
- EMP24 - Alternative Uses on Employment Land
- E15 - Sustainable Development
- E17 - Pollution
- E18 - Contaminated land
- E23 - Landscaping schemes
- E31 - Design
- E32 - Community safety and Crime Prevention
- E37 - Public Art
- T13 - Bus and taxi users
- T16 - Rights of Way and Routes for Cyclists and Pedestrians
- T17 - Access for Disabled People
- T22 - Car Parking Standards
- C2 - Community facilities
- C4 - Infrastructure requirements

Relevant CDLP Review policies:

- S1 - Retail Hierarchy
- S2 - Retail Location Criteria
- S9 - Out Of Centre Retail Parks and Other Locations

Relevant Derby and Derbyshire Joint Structure Plan Policies:

General Development Strategy Policy 1 - Sustainable Development.

General Development Strategy Policy 2 - Scale and Nature of Development.

General Development Strategy Policy 3 - Location and Density of Development.

Economy Policy 1 - Scale and Range of Business, General Industrial and Distribution Provision.

Town Centre and Shopping Policy 4 – New Development in Out of Centre Locations.

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Department of Environment Guidance

Planning Policy Statement 6: Planning for Town Centres.

Planning Policy Guidance Note PPG13: Transport.

Planning Policy Guidance Note PPG6: Town Centres and Retail developments (now superseded by PPS6)

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

- 10. Officer Opinion:** This application is for a new non-food retail warehouse on a site that is allocated in the adopted Local Plan under Policy EMP11i (Osmaston Park Road industrial site), EMP15 (Core Business and Industrial Area) and Policy S2 (Off-Centre Retail Location). Part of the application site already benefits from an extant planning permission for some 4,645 sqm non food retail floorspace. The application proposals would involve the 'trading in' of this floorspace.

The acceptability of a DIY store of this size raises a number of issues; however, this application has been further complicated by being proposed on employment land and the Council's resolution to grant permission for a 'competing' scheme on Ascot Drive.

Notwithstanding this, the key issues are outlined below:

1. Whether the development of the dairy is consistent with EMP11i
2. Whether the retail proposal would cause or worsen a quantitative or qualitative shortage of employment land (Policy EMP24)
3. Whether there is quantitative capacity for additional comparison retail floorspace in the City
4. Whether there is a qualitative need for a proposal of this nature
5. If so, whether the applicants have demonstrated a sequential approach to site selection
6. Whether there would be an undue impact on other centres in the shopping centre hierarchy
7. Whether the site is accessible by a range of means of transport.

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For ease of reference each of these points will be visited in turn below:

Dairy Proposal

This element of the application is relatively straightforward. The dairy is a B2 use and, as EMP11i allows such uses, this part of the proposal is acceptable from a policy point of view.

Retail Proposal

This element of the application is far more complex and covers both employment and retail policy issues. Consultants were retained to look at the retail assessment submitted with the application and the subsequent requirements of PPS6.

Retail Policy Issues

Any out-of-centre retail application must satisfy the three tests of need, sequential test and impact.

- **Quantitative Need:**

One objection that has been made to this application is that the Council's position has changed with regard to 'capacity' insofar as when the Ascot Drive scheme was put to Committee concerns were raised that there would not be enough capacity for both schemes and that this application may 'automatically fail'.

Those comments were based on an assessment of the Ascot Drive applicant's retail assessment and it was reported verbally to Committee that there had not been time to properly assess *this* application.

Since the December committee, independent consultants have been retained by the Council to critique the applicant's retail assessment. This assessment has been looked at entirely on its own merits (as was the assessment for Ascot Drive). The consultants have concluded that the capacity assessments made by the applicant are generally sound.

The methodology adopted by the applicants consultants to demonstrate 'need' and consider 'impact' uses a conventional approach. Our consultants have reviewed the assessment in the context of the recently published PPS6. The basis of this assessment has been challenged by an objector and our

B1 APPLICATIONS (cont'd)

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consultants have been asked for further advice. This will be reported orally at the Committee Meeting.

The conclusion reached by our consultant is that the applicant has adequately demonstrated capacity for the proposal on its own merits. There is, of course, the added complication that the Council has resolved to grant permission for the potentially competing scheme at Ascot Drive. Although this is not yet a commitment, it would seem sensible to consider the impacts of granting both schemes.

Long-term calculations made by the applicant imply that, by 2011, there will be enough surplus expenditure in DIY goods to accommodate both proposals that are in front of the Council at this time. PPS6 suggests that capacity assessments should not normally look further than 5 years in advance. The Council's consultants have confirmed that even when looking at the situation in 2010, there is still sufficient capacity for both proposals.

Considered on their own merits, both schemes are acceptable in policy terms. For these reasons, it may therefore be appropriate to consider them as 'mutually exclusive' applications, rather than cumulative commitments. This gives further comfort in granting permissions for both schemes.

The overall conclusion drawn from the applicant's assessment, however, is that there is sufficient capacity to support this scheme on its own merits in the short term and sufficient capacity within a five year period to support both applications before the Council. Therefore, there is no reason to object to the proposal on lack of quantitative need.

- **Qualitative Need:**

The applicant has suggested that there is a deficiency in the quality of Derby's existing DIY offer and that there is evidence of overtrading in some stores.

Whilst I accept the view that Derby's DIY offer is dated and that it is not necessarily offering the kind of 'modern' facility other districts can, our consultants do not think this is necessarily an indicator of qualitative need.

PPS6 does indicate that evidence of overtrading can be taken into account, however (although this, according to our consultants, is also a further indicator of quantitative deficiency).

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Although our consultants have raised some doubt over the presence of a qualitative need, PPS6 does make it clear that greater weight should be given to quantitative factors. I therefore conclude that, overall, a need for both proposals has been demonstrated.

- Sequential Test & Accessibility:

In my view no *sequentially preferable* site exists for a store of this nature or function.

The Osmaston Park Road site is seen as sequentially equal to Ascot Drive. It resides at the same 'tier' as Ascot Drive as an out-of-centre location that relates well to an existing retail operation. This is comparable to the Ascot Drive proposal that consolidates and expands existing retail units. Both schemes can be seen as satisfying Structure Plan Policy TCSP4 in this regard.

The proposal is accessible by a range of means of transport and will facilitate some linked trips with the existing Sainsbury's store. Access by public transport and pedestrians is not currently ideal (although possible). However, this is not necessarily a reason for refusal in its own right. PPG6 provided for the Council to enter into planning agreements to secure contributions to new or improved public transport services. In terms of cycle access, the site as a whole is reasonably well related to the strategic cycle network. Under the provisions of Policy T16b, facilities for cyclists should be sought.

In conclusion, there are no *sequentially preferable* sites to this and the site is accessible by a range of means of transport. Although it would expand an existing retail location, it will offer the opportunity for linked trips.

- Impact:

The general consensus is that stores such as these will generally impact and draw trade mainly from existing out-of-centre DIY operators, which were afforded no protection under PPG6. Impact on existing centres in the shopping hierarchy is minimal.

The cumulative impact of both the Osmaston Park Road and Ascot Drive schemes has not been examined. However, logic dictates that, as neither scheme individually unduly impacts on an existing centre, two together will have no noticeable effect either. What is likely to happen (in the unlikely event that both schemes do come

B1 APPLICATIONS (cont'd)

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forward) is that there would be increased impact on out-of-centre stores, which is not a policy issue. This view has been endorsed by our own consultants.

In order to ensure that the impact is kept at a minimum, a range of goods condition should be imposed under Policy S17. In addition, the provision of a mezzanine floor or the sub-division of the unit should be restricted. A further control should be imposed to restrict the use of the proposal to the B&Q Warehouse model and the nature of the store to be the same as justified in the retail assessment. I am mindful that out-of-centre retail permissions are granted on the basis of certain assumptions about the operator and the characteristics of the proposal. For this reason, we have to ensure that the proposal does not change its nature in such a way that would have meant that we would not have granted it permission in the first place.

In conclusion, the proposal, either individually or cumulatively with other proposals, is unlikely to undermine the vitality and viability of any centre in the existing shopping hierarchy. However, to ensure that the store does not change its character in ways that would create a development that could have been refused (or not been justified), the controls outlined above should be imposed.

Loss of Employment Land

The applicant concludes that the loss of around 3ha of employment land will not contravene the requirements of Policy EMP24 insofar as it would not cause or worsen a shortage of land and would not inhibit or prejudice existing business activity. This conclusion is that the element of the EMP11i site that would be lost is a poor site in market terms and is unlikely to come forward for business uses in the future in any event as it would be unlikely to find favour with developers. It also concludes that there is more than sufficient supply of employment land in both quantitative and qualitative terms. The job creation of the DIY store and the provision of some industrial units on the north-western part of the site are also seen as contributing factors to the acceptability of losing this land.

These conclusions cannot be refuted. Although the loss of land is actually closer to 4ha, I doubt that I could realistically argue a quantitative shortage when the Local Plan Review allocates over 320ha for new development. Furthermore, this site has been allocated for a number of years without any signs of the outline permission it has coming to fruition. The fact that this scheme should guarantee the development of some new industrial units on the remainder of the site

B1 APPLICATIONS (cont'd)

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is also material. Subject to our ensuring the provision of the associated employment units, I do not wish to object to this application on loss of employment grounds.

Other Policy Issues

Design and Public Art

I am satisfied that the design of the store is consistent with design policies S4 and E31. An appropriate landscaping scheme in line with Policy E23 can also be provided.

This is a significant proposal that would clearly trigger the 'public art' policy. Policy E37 highlights the potential to negotiate with developers to voluntarily commission a work(s) of art in accordance with the Council's 'Percent for Art' scheme. Some public art/realms improvements could be secured through the Section 106 Agreement.

Overall Policy Conclusions

The analysis undertaken by the applicants concludes that there is a quantitative need for the proposal on the basis of an existing undersupply of floorspace in the catchment area relative to available expenditure. I generally concur with this conclusion. While there are questions over whether a qualitative need has been fully demonstrated, greater weight should be given to quantitative considerations and I am therefore satisfied that, overall, a need for the proposal has been demonstrated.

I also agree with the conclusion that the proposal would not have an unacceptable impact on any individual shopping centre within the area.

If we look at the scheme on its own merits there is sufficient capacity to accommodate the proposal, there are no sequentially preferable sites and impact is acceptable. The proposal is therefore acceptable in principle.

If the (not-yet) committed floorspace at Ascot Drive is factored into the equation the applicant's long-term estimates suggest that enough capacity exists for both schemes by 2010 which would be consistent with PPS6 guidelines. This capacity would increase if the timeframe were rolled forward to the end of the Local Plan Review period in 2011.

As such, even when considered as 'cumulative commitments' and not mutually exclusive schemes, there is justification for allowing both to go forward.

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Subject to the above controls and conditions being in place, I am drawn to conclude that there are no overriding policy objections to the proposal.

Highways

Subject to improvements to junction capacity, pedestrian, cycle and public transport facilities as outlined above I am satisfied that the development can proceed without a highway-based objection. Minor highway issues remain outstanding but I feel that these can be secured by condition or their inclusion reported orally at the meeting.

This application must be referred to the Secretary of State under the Town and Country Planning (Shopping Development) Direction 1993, due to the scale of the recent permission for the Eagle Centre extension. The application for the other retail scheme at Ascot Drive has already been referred.

11. Recommended decision and summary of reasons:

11.1 A. To refer the application to the Secretary of State under the Town and Country Planning (Shopping Development) Direction 1993 to enable consideration of whether the application should be called-in.

B. To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.

C. Subject to the Secretary of State not calling-in the application, **to authorise** the Assistant Director – Development **to grant** planning permission on the conclusion of the above agreement, 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 at 9. above. The development would be appropriate in this location and would be in keeping with the appearance and character of the local streetscene.

11.3 Conditions

1. Standard condition 09A (amended plans received on 8 and 11 March 2005, a composite traffic assessment received on 21 February 2005 and agent's letter dated 12 April 2005).

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2. Standard condition 27 (external materials)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscaping scheme) (condition 3)
5. Standard condition 69 (cycle/motorcycle parking)
6. Standard condition 67 (disabled people's provision)

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) or any Order revoking and re-enacting that Order, the premises shall not be used for the sale of:
 - Food, including snack food (unless for consumption within the premises and ancillary to the main use of the premises)
 - Clothing and footwear (unless directly related to permitted goods sold on the same premises)
 - Fibres and textiles for clothing;
 - Ornaments, silverware, china, glassware and fancy goods;
 - Music and musical instruments;
 - Books and recorded material (unless directly related to permitted goods sold on the same premises);
 - Stationery, artwork supplies and greeting cards(unless directly related to permitted goods sold on the same premises);
 - Photographic equipment and services;
 - Jewellery, watches, clocks;
 - Sports goods and equipment;
 - Pet food or pet-related goods;
 - Optical goods or services;
 - Luggage, travel goods, travel services and personal accessories;
 - Pharmaceutical or cosmetic goods or services;
 - Service of travel or ticket agency or a post office or an undertaker or a dry cleaner;
 - Service as a hairdresser or for the sale of hair care products;

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- Electrical, audio, visual or telecommunication equipment not directly related to the use of the premises as a DIY/home improvement retailer.
8. The gross sales floor area shall not exceed 13,935 square metres as a whole. The floorspace shall be distributed as follows – builders yard 13%; garden centre 20% and retail warehouse 67%, as described in the submitted retail assessment. No internal alterations shall take place to increase the sales floorspace of the store, including through the provision of a mezzanine level, or to sub-divide the space into smaller units.
 9. Development shall not begin until:
 - a. details of an investigative survey of the site have been submitted to and approved in writing by the Local Planning Authority. This investigative survey shall have regard for ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment
 - b. the investigative survey has been carried out and a report submitted, to include details of remedial measures to be taken to address any contamination or other problems; and both the report and the remedial measures have been approved in writing by the Local Planning Authority
 - c. all the necessary remedial measures have been completed in accordance with the approved details, and
 - d. the applicants have certified to the Local Planning Authority that the measures taken have rendered the site free from risk to human health from the contaminants identified.
 10. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.
 11. Standard condition 98 (travel plan)
 12. Standard condition 99 (recycling facilities)
 13. The recommendations of the Transport Assessment, Noise Impact Assessment, and Air Quality Assessment particularly the

B1 APPLICATIONS (cont'd)

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conclusions and mitigation measures in each document shall be pursued in their entirety.

14. Detailed plans showing the precise design, location and materials to be used in the construction of the service yard noise barriers and details of noise attenuation measures for plant and machinery shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.
15. Before the development is brought into use, the following alterations to Peak Drive, within the red and blue land, comprising the application site and land owned by the applicant, shall be implemented in their entirety in accordance with a scheme first agreed in writing by the Local Planning Authority:
 - amendments to the internal roundabout to allow dual lane approach to the roundabout
 - significant pedestrian and cycle links, avoiding conflict with vehicle movements, through to the entrance of the store
 - additional pedestrian facilities alongside the internal access road to ensure appropriate pedestrian access to the employment units and to the dairy
 - location of the replacement on-site recycling facilities.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...policies E15 and E31
3. Standard reason E26...policy E23
4. Standard reason E26...policy E23
5. Standard reason E35...policy T22
6. Standard reason E34...policy T17
7. To protect the vitality and viability of existing defined centres within the shopping hierarchy in accordance with the objectives of Policy S17 of the Adopted City of Derby Local Plan.
8. To ensure that the characteristics of the store do not change in ways that would have resulted in the refusal of the application and in order to ensure that the retail strategy outlined in Adopted City of Derby Local Plan Policy S1 is not undermined and the vitality and viability of centres in the defined shopping hierarchy are not

B1 APPLICATIONS (cont'd)

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harmed.

9. In the interests of environmental amenity...policy E18
10. To preserve the amenities of the area...policy E31
11. Standard reason E47
12. Standard reason E48

13. In accordance with the terms of the application and to mitigate the respective effects of the development and in accordance with policies S3, S4, EMP24, E15, T22 and C4 of the adopted City of Derby Local Plan.

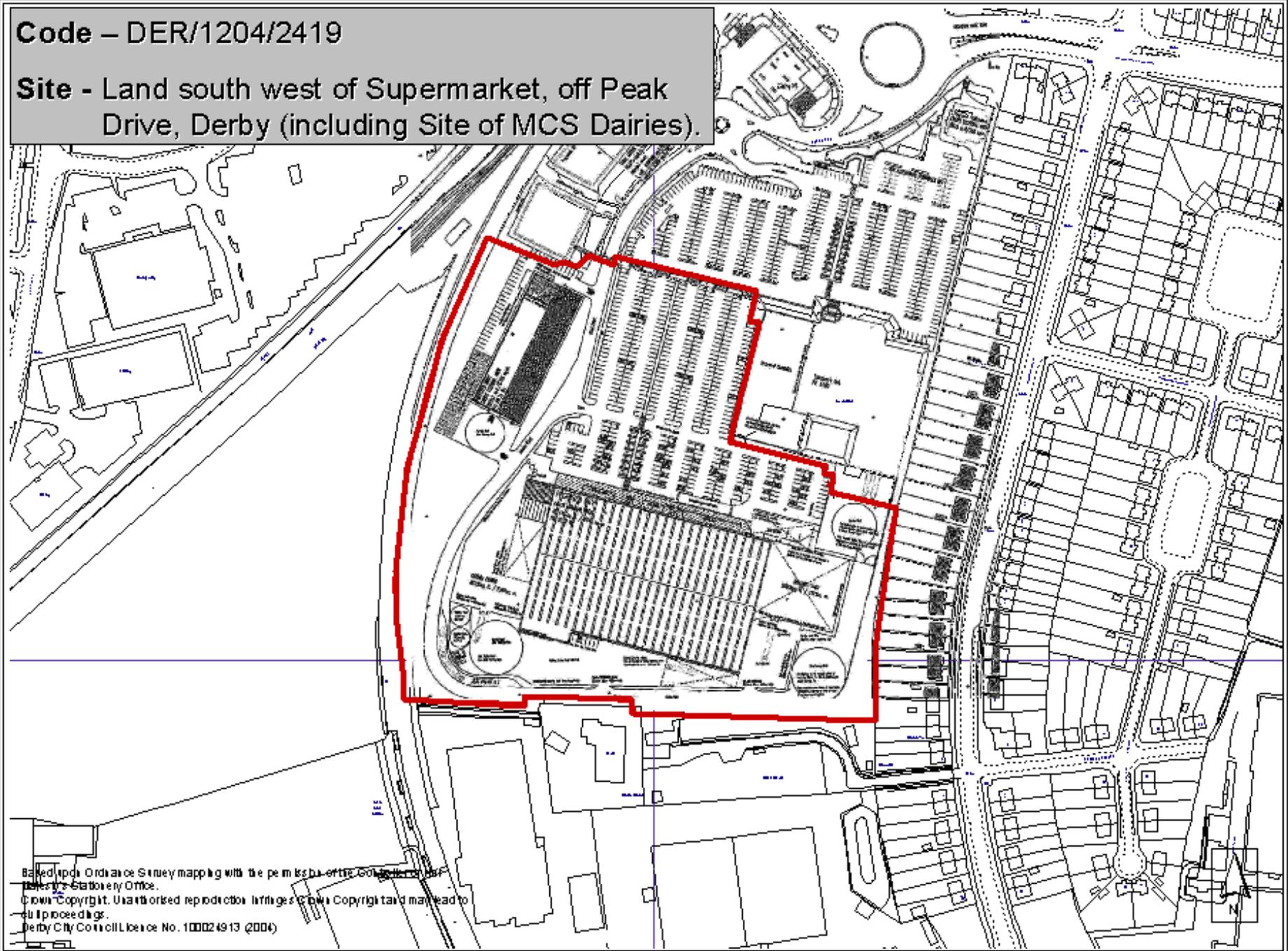
14. To preserve the amenities of the area...policies E17 and S3

15. In accordance with the terms of the application and to mitigate the respective effects of the development and in accordance with policies S3, S4, E15, T22 and C4 of the adopted City of Derby Local Plan.

11.5 S106 requirements where appropriate: Contributions to off-site public transport, cycling and pedestrian improvements, and junction capacity improvements to Osmaston Park Road corridor. The security of the completion of the B1, B2 and B8 industrial units within 18 months of the non-food retail unit being brought into use. Contributions towards public art/public realm improvements.

Code – DER/1204/2419

Site - Land south west of Supermarket, off Peak Drive, Derby (including Site of MCS Dairies).



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B1 APPLICATIONS (cont'd)

18 Code No: DER/205/209

Type: Conservation Area
Consent

1. **Address:** 20 North Parade
2. **Proposal:** Demolition of part of boundary wall to incorporate two car spaces.
3. **Description:** This application seeks conservation area consent for the removal of part of a front boundary retaining wall, and a side retaining wall, to permit the creation of a wider hardstanding. The walls are of modern construction but the front one has an older stone coping. The extent of control is very marginal and is limited to the two metre length of frontage wall which also contains a gateway with steps behind leading into the garden. The existing ground surface would be replaced by appropriate materials.

Last year a similar proposal was submitted and consent was eventually granted for a modified proposal which retained the frontage wall, bricked up the gateway and removed the steps and soil behind the frontage wall.

The applicant does not consider, on reflection, that this arrangement will provide adequate space for his family's needs for the parking of two cars. A statement of justification has been submitted by the applicant and is reproduced.

...

The width of the proposed car standing space is 6.5 metres. The width of the previously approved gap was 4.5 metres which then widened out behind the frontage wall.

4. **Relevant Planning History:** DER/504/0927 - Demolition of walls at 20 North Parade – granted on 23 November 2004 in accordance with amended plans.
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** Although the boundary wall in front of this late 19th century building within the Strutts Park Conservation Area is a relatively modern build, historic copings have been used and it is likely that the wall was rebuilt at some point to match an original wall. Many features come together to give conservation areas special character and the issue is whether the loss of this built form would preserve or enhance the character of the conservation area.

B1 APPLICATIONS (cont'd)

18 Code No: DER/205/209

5.3 Highways: the increased provision of off-street parking will benefit the existing on-street parking congestion in this area.

5.4 Disabled People's Access: -

5.5 Other Environmental: -

6. Publicity:

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

7. Representations: One representation has been received repeating the previous objection on the grounds that the proposal will not enhance the conservation area or increase the surety of it remaining a family house and will set a precedent. That objection is reproduced. Any further comments will be reported at the meeting.

8. Consultations:

CAAC – no objection, subject to the re-use of existing or matching bricks in any reinstatement works but the Committee acknowledged that this was considered to be a particular, unique situation and should not be seen to set a precedent for future proposals

9. Summary of policies most relevant:

E24 – Conservation area protection.

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

10. Officer Opinion: Whilst it is acknowledged that removal of boundary frontage walls can adversely affect the character of an area and especially the special character of a conservation area, the detailed circumstances of this proposal need to be given consideration.

There is an existing gap in the street frontage to accommodate the existing hardstanding area. This gap is to be widened by two metres by the removal of a wall which is only marginally above the one metre height at which conservation area consent is required. This is very different to the creation of a completely new gap and the removal of a wall of greater visual impact.

B1 APPLICATIONS (cont'd)

18 Code No: DER/205/209

The visual quality of the existing hardstanding is also poor and the applicant proposes to provide new paving materials which will be a considerable improvement.

The car space is currently barely wide enough for two vehicles and the applicant does not feel that it or the amended proposal is adequate for his purposes. The current proposal would allow adequate access.

In my view, the proposal will be detrimental in the loss of the relatively short section of wall but this is more than offset by the visual improvement to the quality of the hardstanding area and the benefits to removing vehicles off the highway. I consider that the particular circumstances of this proposal would not justify a refusal of consent.

11. Recommended decision and summary of reasons:

11.1 To grant consent with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the adopted City of Derby Local Plan as summarised at 9 above and against the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered acceptable in terms of the impact on the property, the streetscene and the conservation area.

11.3 Conditions

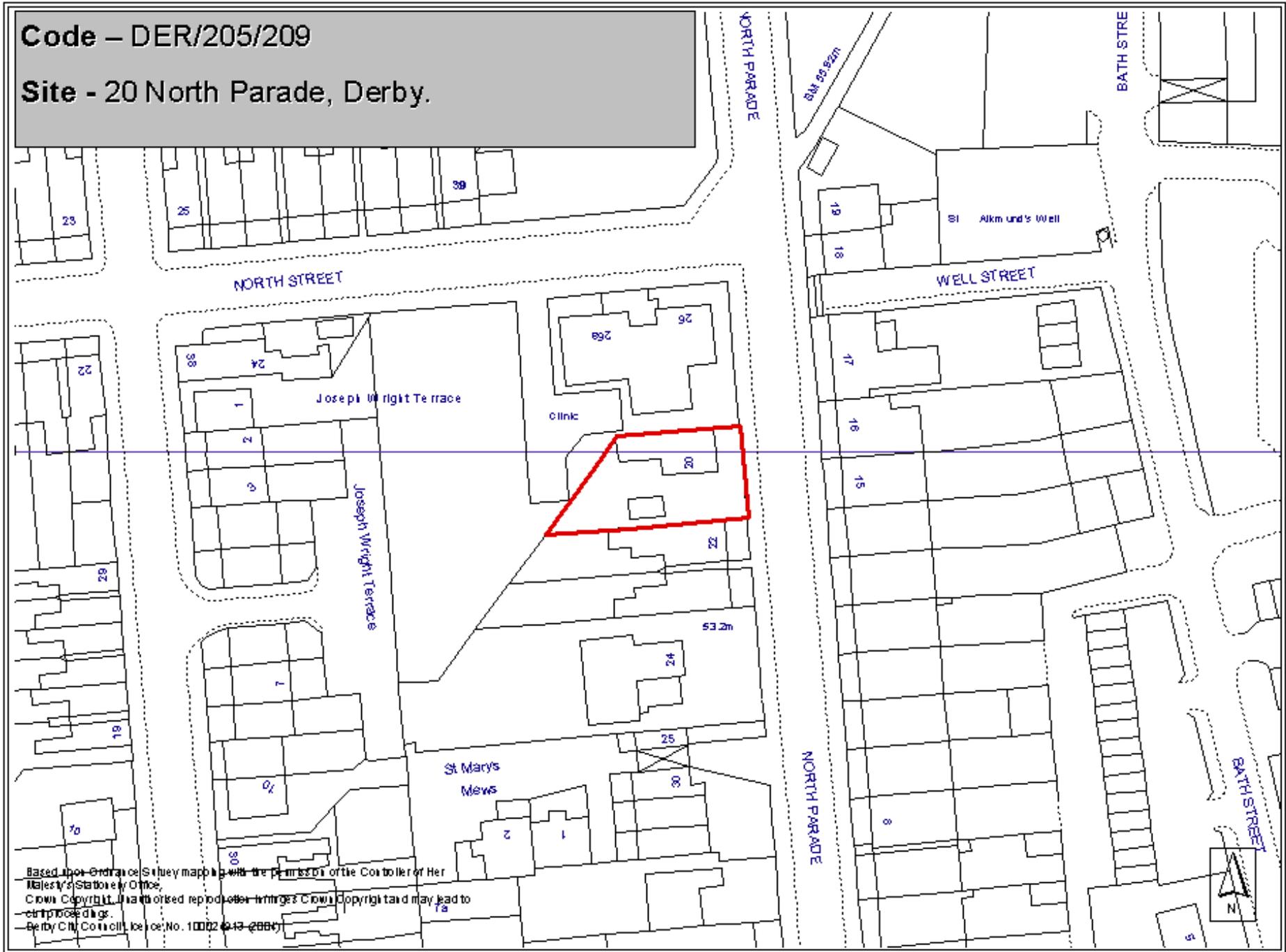
1. Before any demolition takes place, a detailed scheme for the paving of the enlarged hardstanding area, treatment and materials of the adjoining walls shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be implemented within three months of the removal of the frontage wall.
2. The details required under condition 1 above shall indicate the use of existing or matching bricks.

11.4 Reasons

1. In order to ensure that the special character of the conservation area is preserved and enhanced....policy E24.
2. In order to ensure that the special character of the conservation area is preserved and enhanced....policy E24.

Code – DER/205/209

Site - 20 North Parade, Derby.



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D1 SPECIAL ITEMS

1 Land corner of Kedleston Road and Markeaton Lane – residential development, variation of drainage details

At the last meeting this item was deferred pending further information, details and consultation with interested parties. Further information and clarification have been received and consultation with the interested parties should have taken place by the time of the meeting.

I reported at the last meeting that planning permission was granted on 11 October 2001 for residential development on the eastern part of the site and open space on the western part. The brief for the site required special protection of features of nature conservation interest, including the water quality of the Markeaton Brook and the restoration of the marsh. One way of achieving this was to use established sustainable drainage techniques with the surface water draining to two treatment beds containing reeds which then drained to the marsh, instead of being removed by pipes to be dealt with elsewhere. This approach is encouraged by the Environment Agency as it deals with surface water in a natural way and reduces flooding problems downstream.

The development commenced on both the housing and the reed beds and although well advanced, problems were encountered with the design. Work has been stopped for some time on the reed beds pending the redesign. Since then officers, including the Land Drainage and Landscape Officers, have been working with the applicant and their consultants to find a solution which still uses sustainable drainage. We are now at the stage where an acceptable viable alternative has been offered. It is considered that from a drainage aspect this is a better scheme.

The principle of the scheme is that the surface water still drains to the two collection points which will now be wetland water retention basins. The water from the northern basin will flow to the dryer southern basin from where it is pumped northwards along the edge of the marsh to a distribution basin where it is released into the marsh via swales. Water comes into the basins into a small inlet pool and out via a micro pool which has a gabion stone mattress and stone scouring protection aprons.

The basins and swales will be vegetated into three categories of vegetation:

Firstly, the wetland which includes species such as Flote Grass (*Glyceria fluitans*), Water Plantain (*Alisma plantago-aquatica*) and Arrowhead (*Sagittaria sagittiflora*), the mid basin and swales with some 19 species such as Branched Burreed (*Sparganium erectum*) and Marsh Bedstraw (*Galum palustre*) and finally the dry upper level, area around the reception basin and the southern swales with some 17 species including Ragged Robin (*Lychnis flos-cuculi*) and Red Fescue (*Festuca rubra*).

D1 SPECIAL ITEMS (cont'd)

1

The southern basin is larger than the previous reed bed and the depths of both comprise approximately 400mm to 900mm for the wetland; this overlaps with the mid basin which varies from 800mm to 300mm, beyond which is the dry upper level of 1600mm, giving a total difference of gradient of 2.9m.

The basins would appear for most of the year as shallow ponds with wetland, marshland and grassland vegetation.

Members will appreciate that in view of the delay in resolving the problems on the site there is now a need to progress rapidly with the installation of the scheme for drainage of the site. This site was the first to use sustainable drainage of this nature and some valuable lessons have been learned with respect to processes and timescales.

An ecological study has been undertaken of the proposal and this concludes that, in principle, there are enough treatment stages in the proposed stormwater facility effectively to treat runoff from the development. It also concludes that detail design modification should ensure:

1. All inorganic silt is removed in basins 1 and 2
2. All small storms, say up to 1 in 2 year events, flow as a sheet flow through treatment wetlands with a retention time approaching 21 – 28 days
3. High volumes of runoff bypass treatment wetlands and discharge via a reception basin and long swale.
4. Level wetlands and wet swales enhance treatment of pollutants significantly slow down flows to a minimum. Hydraulic gradients ensure treated water flows to the marsh.
5. Careful planting, with a clear filtering, will treat pollution, be good for wildlife and be attractive to gain acceptance by the community.”

The Environment Agency has been consulted and I will report any comments at the meeting but I understand that the Agency has accepted the principle of the scheme.

... The Derbyshire Wildlife Trust has been consulted and I have reproduced its comments. It is broadly in agreement with the scheme but has raised certain detailed issues which have been forwarded to the applicant and a response received.

The resident group concerned with ecological matters has been kept informed and a meeting held to discuss outstanding issues. Any further views will be reported at the meeting.

D1 SPECIAL ITEMS (cont'd)

1

For Members' guidance, I have reproduced the response from the applicant's consultant to the questions raised.

Any further comments will be reported at the meeting.

RECOMMENDATION:

To agree the proposed changes to the drainage scheme, subject to a requirement for agreement of a construction management scheme, including details of machines, protective fencing, areas of working, access and protection of wildlife, details of monitoring of water quality and levels in the marsh, ponds and Markeaton Brook and monitoring of flora and fauna and the continuation of negotiation during the initial maintenance period over maintenance and associated financial requirements.

Code – DER/599/591

**Site - Land at corner of Markeaton Lane and
Kedleston Road, Allestree.**



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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal:

Code No	Proposal	Location	Decision
DER/404/738	Extensions to dwelling house (kitchen, playroom, WC, porch and two bedrooms)	5 Rowsley Avenue	Dismissed
<p>Comments: The applicants provide respite care for three children with multi-disabilities, in the applicant's own home. The application was to extend the house to provide additional amenities and facilities for three children. However, the Planning Inspector agreed with the Council's view that such provision could not be justified if it caused unacceptable harm to other people. As the proposal would result in unacceptable massing and enclosing impacts on neighbouring dwellings, the Inspector concluded that the personal circumstances of the applicants did not outweigh the potential harm to the residential amenities of third parties.</p>			

RECOMMENDATION: To note the report.

D3 **PRIOR NOTIFICATIONS- Telecommunications**

1 **Code No:** DER/305/337

1. **Address:** Land at junction of Holbrook Road/Holt Avenue
2. **Proposal:** Installation of 12.2 m monopole, three antennae, and two equipment cabinets
3. **Description of Location:** Land at the corner of Holbrook Road and Holt Avenue, on the north side of the Co-operative Supermarket. On the opposite side of Holt Avenue are two bungalows (No. 26 Holt Avenue and Boscastle Road) and two storey houses. To the south of the proposed site is the supermarket itself, with a service yard to the rear. On the south side of Holt Avenue are further two storey houses. To the south of the supermarket are further retail shops forming a local centre. To the west, on the opposite side of Holbrook Road, is an extensive area of two storey houses. The nearest residential properties are 20 m from the proposed equipment. The equipment is required to provide T Mobile coverage in the area. The site is not within highway land.
4. **Description of Equipment:** The proposed monopole would be 12.2 m in height, with three antennae contained within the top 2 m. The associated ground level equipment would be in the form of a cabinet 1 m x 950 mm x 1.2 m high, and a cabinet 2 m x 800 mm x 1.6 m high. The monopole would be similar in appearance and height to a streetlighting column.
5. **Alternatives considered by Applicant:** A schedule of five alternatives has been provided. Reasons for their rejection cover:
 - Roof design of building unsuitable for equipment
 - Large trees too close to site
 - Rooftop too low to provide sufficient height to clear the adjacent screening
 - Site provider not willing to support proposal
 - Building due for demolition soon.
6. **Relevant Planning History:** None on this site.
7. **Implications of Proposal:** -
 - 7.1 **Economic:** None directly arising. The extension of coverage is intended to generally equip the United Kingdom better in relation to all forms of communication technology.
 - 7.2 **Design:** The type of monopole has been designed to replicate the design of existing lighting columns on a major road.

D3 APPLICATIONS (cont'd)

1 Code No: DER/305/337

7.3 Community Safety: Any hazard presented by this type of equipment is no greater than that from other street furniture.

7.4 Highways: No objection.

7.5 Health: The proposal is certified as being in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). As a result of this and the advice in Planning Policy Guidance Note on Telecommunications (PPG8) the planning authority should not consider further the health implications of the proposal.

7.6 Other Environmental: -

8. Publicity:

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

9. Representations: I have received 17 letters of objection, and these will be available in the Members' Rooms. The main points raised by the objectors are:

- great concern over health considerations, and the proximity to schools and houses
- the appearance of the equipment in the streetscene
- incorrect location for this proposal
- effect on property values
- growth of demand for this type of equipment
- proposal is far too visible
- equipment will be too near to house.

Any further representations will be reported at the meeting.

10. Consultations:

DCorpS (Health) – No comments

D3 APPLICATIONS (cont'd)

1 Code No: DER/305/337

11. Summary of policies most relevant:

Policy E38 - (Telecommunications) of the adopted CDLP states that planning permission will be granted subject to assessment against the following criteria:

- a. impact upon amenities and the surrounding environment, with consideration given to sensitive areas, screening and landscaping
- b. there is no possibility of erecting the mast upon existing buildings or sharing mast facilities
- c. the proposal should not unacceptably inhibit development potential

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

12. **Officer Opinion:** Policy E38 of the adopted CDLP is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and appearance grounds. This is consistent with Government advice in PPG8 which seeks to encourage development of the telecommunications network.

Health Considerations

Further to the comments under 7.5 above, a recent case before the Court of Appeal has reinforced the requirement for Local Planning Authorities to assess telecommunications proposals on siting and visual amenity grounds only.

Visual Amenities and the Environment

I am satisfied that the proposal would not have any unreasonable impact upon visual amenities or the surrounding environment. The monopole would be sited on a busy road and would closely resemble the existing lighting columns. In my view, the telecommunications industry has listened to part criticism of the ugliness of its early equipment and has developed this type, which is indistinguishable from other urban street furniture in visual impact, for urban residential locations.

D3 APPLICATIONS (cont'd)

1 Code No: DER/305/337

Mast-Sharing and Erection upon Existing Buildings

The applicant has submitted supporting information which states that alternative site options have been explored as set out in section 5 above. I am satisfied that there are none available, within the limits that will give coverage to the cell, that have any material advantages over this one.

In relation to site-sharing, I now feel that this is one area where technological development has overtaken the advice in PPG8. I consider that a number of monopoles in a locality is arguably better than site-sharing as this inevitably still requires heavy engineering structures.

Highway Considerations

The proposed monopole would be sited well back from the highway carriageway, and I raise no objections on highway visibility grounds.

I therefore conclude that the Local Planning Authority should not seek to control the siting and appearance of the equipment.

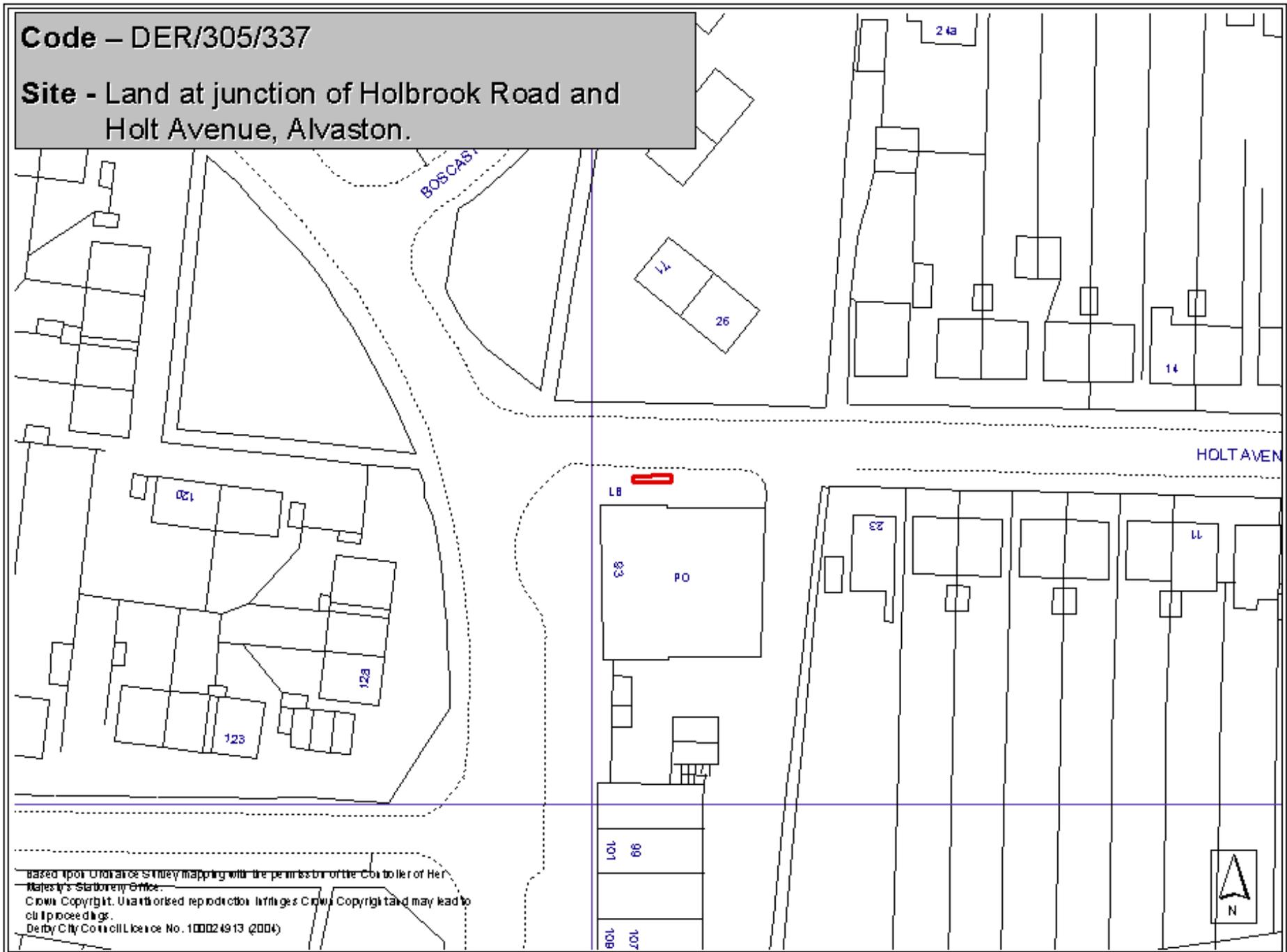
13. Recommended decision:

13.1 That the City Council does not wish to control the details of siting and appearance.

13.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policy as summarised in 11 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development in the most suitable of several identified locations and would improve the network in this part of the City without having a detrimental effect upon local amenities.

Code – DER/305/337

Site - Land at junction of Holbrook Road and Holt Avenue, Alvaston.



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