

A DEVELOPMENT BY THE CITY COUNCIL

1 Code No: DER/10/06/01561

Type: Reg 3

1. **Address:** Oakwood Junior School, Holbrook Road, Alvaston
2. **Proposal:** Demolition of existing bungalow and erection of children's centre, together with associated fencing, car parking, play area and vehicular access.
3. **Description:** This Regulation 3 application seeks permission for the erection of a single storey building on the Holbrook Road frontage of the curtilage of Oakwood Junior School, to the rear of No. 49 Holbrook Road and 1 Waldene Drive. The building would be 24.0 m x 15.0 m, and 3.4 m in height. It is of a flat roof design, with fenestration on all four sides. Access for vehicles and pedestrians would be from Holbrook Road, and surface parking would be provided for six vehicles.

The proposal is to provide a Children's Centre under the Central Government's "Sure Start" programme, and will provide extensive facilities to assist the community. The Centre will have a small crèche facility for parents when attending training events, day care provision for up to 16 children, and other activities such as training courses for up to 10-12 people. It is intended that the centre will be used for 48 weeks of the year, and will provide a focal point for outreach workers (health visitors, midwives etc) giving easy referral and local access to family support services working with local schools.

The application site is within the curtilage of an existing school, and is at present occupied by a bungalow (to be demolished). The locality is otherwise residential in character.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** I have no design or community safety objections, subject to the use of appropriate facing materials.
 - 5.3 **Highways:** Some concern expressed regarding the level of car parking provision (ie six spaces) given that the existing school use does already generate quite a high level of parking on the highway. Further discussion between officers will take place prior to the meeting. Visibility on to the highway is acceptable.
 - 5.4 **Disabled People's Access:** No objections.

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1 Code No: DER/10/06/1561

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: I have received two letters of objection and these are reproduced. The key issues raised are those of traffic safety on the highway, increased demand for car parking and general levels of disturbance. Any further objections will be reported at the meeting.

8. Consultations:

Police ALO – Concern about vulnerability of the rear of the site.

Natural England – Request that further information be obtained regarding bats roosting in the existing building. If that is the case a detailed survey, method statement and mitigation strategy is required.

9. Summary of policies most relevant: CDLP Review:

LE1 - Education Uses
GD4 - Design and The Urban Environment
GD5 - Amenity
E7 - Protection of habitats
E10 - Renewable Energy
E23 - Design
E24 - Community Safety
T1 - Transport implications of new development
T4 - Access, parking and servicing
T10 - Access for Disabled People
T15 - Protection of footpaths

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

10. Officer Opinion: This is a very welcome proposal, and one that should bring considerable benefit to the Local Community. There are no policy objections to the location, in close proximity to an existing school, and I am satisfied that the design/appearance of the proposed building is acceptable in this location. The use of appropriate facing

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materials, paving and fencing should achieve a pleasant form of development in this predominantly residential location.

I do not consider that the proposed use will in itself detract unreasonably from the amenities of nearby residents, and what disturbance there is has to be balanced against the considerable community benefits the proposal will bring to the locality. I have noted the points raised by objectors regarding traffic disturbance and car parking issues, and further discussions will take place between officers prior to the meeting. I do acknowledge that schools do increasingly generate a demand (albeit relatively short term) for parking spaces on the highway. However, I do understand the great significance of this proposal, and the considerable benefits it will bring about for the community in general. Much of the client base are likely to travel to the centre on foot or use public transport, and I would not wish to see this excellent opportunity unduly prejudiced by car parking issues.

11. Recommended decision and summary of reasons:

11.1 To grant permission under the provisions of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out below.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 and is acceptable in relation to policy, location and design issues.

11.3 Conditions

1. Standard condition 27 (External Materials)
2. Standard condition 19 (Means of Enclosure)
3. Standard condition 30 (Hard Surfacing)
4. Standard condition 34 (Loading/unloading kept free)
5. Prior to the first occupation of the development, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
6. Before any development is commenced, including demolition of the existing building:
 - a. a survey of roosting bats in the building and the potential for roosting bats shall be undertaken. This shall be in the form of emergence/roost survey to determine the exact nature of bat

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presence on site.

Depending on the results of the survey:

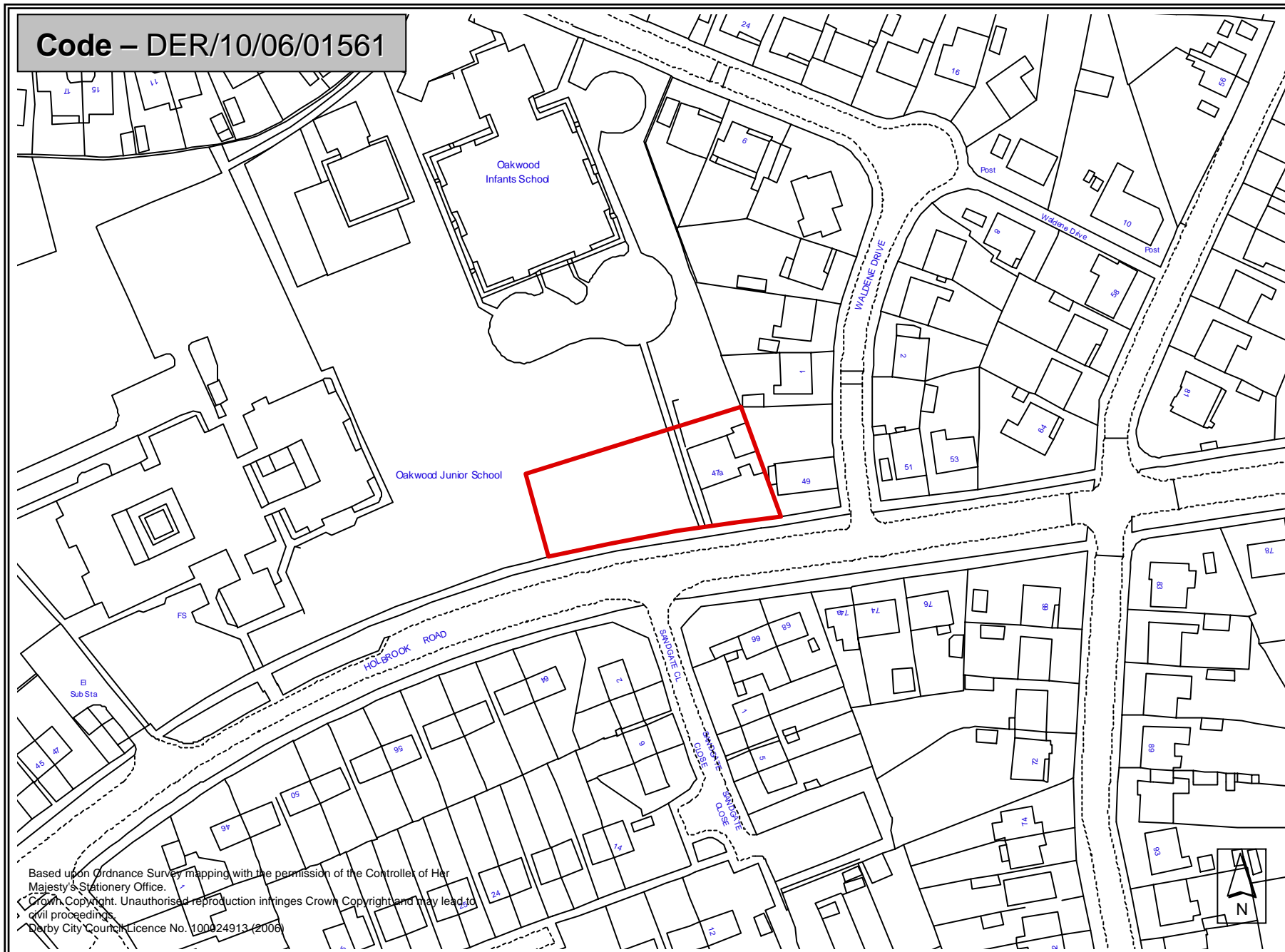
- b. necessary measures to protect the species through mitigation proposal shall be submitted to and agreed in writing by the Local Planning Authority.
 - c. all such agreed measures shall be implemented in their entirety.
 - d. a DEFRA licence shall be secured to legitimise destruction of any bat roost.
7. The existing vehicular access shall be returned to footway specification in accordance with a scheme to be agreed with the Local Planning Authority. The agreed scheme shall be implemented in its entirety within 6 months of the development hereby approved, being commenced.
8. Standard condition 95 (cycle parking)
9. Standard condition 98 (travel plan)

Reasons

- 1. Standard reason E14
- 2. Standard reason E18
- 3. Standard reason E18
- 4. Standard reason E16
- 5. In the interests of the safety and well being of persons employed in and visiting the development, and to reflect government guidance set out in PPS1.
- 6. To ensure that the existence of bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 – Biodiversity and Geological Conservation and Policy E7.
- 7. In the interests of pedestrian and traffic safety...Policy T15
- 8. Standard reason E35 ...Policy T4
- 9. Standard reason E47

S106 requirements where appropriate: None.

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B1 APPLICATIONS

1 Code No: DER/12/06/01934

Type: Full

1. **Address:** 1 South Avenue, Littleover
2. **Proposal:** Retention of radio antennae
3. **Description:** A receiving and transmitting radio antennae have been erected at a semi detached dwelling house, 1 South Avenue, Littleover. They are attached to a pole mast which is itself attached by brackets bolted to a chimney stack. The pole mast is about 4.8 metres in length extending about 2.4 metres above the chimney stack. A vertical slim monopole antenna is attached to, and extends approximately 1.5 metres above, the mast giving a total of 3.90 metres above the chimney stack. An H shaped antennae is also mounted, horizontally on the same mast, approximately 1 metre above the chimney stack.

The antennae have been erected by a community broadcasting station, "Radion Ikhlas" to act as a repeater transmitter to improve the area of coverage for the broadcast of the station. The radio station was recently granted planning permission for a temporary period of one year. The permission was granted for a temporary period to allow an assessment of the impact of the use on neighbouring occupiers. It is however the applicants intention to apply for a permanent planning permission in the future. I understand that as Lower Dale Road lies on fairly low lying land the radio signal has a limited range the applicants have erected the antennae at 1 South Avenue and have installed a repeater transmitting device in the roof space of the property to take advantage of the higher position of the house to give wider coverage for the radio broadcasts. The radio signal is sent to 1 South Avenue from where the signal is retransmitted. The transmitter at 1 South Avenue operates automatically and does not require any personnel to run it other than for occasional maintenance.

The presence of the mast was brought to the Council's attention late last year when complaints were received from residents of South Avenue who were suffering from radio interference as a result of the broadcasts coming from the South Avenue transmitter. The signals from the transmitter were said to swamp other national and local radio station broadcasts.

4. Relevant Planning History:

DER/08/06/1264 – 110 Lower Dale Road/2 Byron Street, change of use from residential to offices and radio studio – granted for a temporary period of one year 8 November 2006. This is the temporary permission granted for the radio station that is having its broadcasts transmitted from South Avenue.

5. Implications of Proposal:

B1 APPLICATIONS (cont'd)

1 Code No: DER/706/1161

5.1 Economic: None.

5.2 Design and Community Safety: The mast and antennae are readily visible above the rooftops, but are not particularly unsightly.

5.3 Highways: None.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: Four representations have been received objecting to the proposal and one letter of comment. Copies of these are reproduced. In summary the objections are to the radio interference that is being created by the transmitter which swamps other radio broadcasts and also to the appearance of the mast and antennae which are considered to be out of keeping in a mainly residential area. The immediate neighbour has also complained that part of one of the antenna overhangs his property.

8. Consultations: None.

9. Summary of policies most relevant: CDLPR Policies:

E28 – Telecommunications and E23 – design.

Policy E28 sets out the criteria for telecommunication proposals as follows:

Planning permission will be granted for telecommunications developments provided that:

- The development is sited and designed to minimise visual impact on residential areas and other sensitive areas protected by the plan.
- New ground based installations will only be permitted where it can be shown that there is no reasonable prospect of erecting antennae on

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/06/01934

existing buildings or structures or of sharing mast facilities.

- c. There is no clear evidence that significant electrical interference will arise for which no practical remedy is available.

Central Government Planning Policy Guidance Note 8 – Telecommunications.

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

- 10. Officer Opinion:** All sorts of television and radio aerials and antennae are mounted on houses which for the main part are treated by the Town Planning's system as "de minimis", that is, they are too small or inconsequential to bring the full weight of the planning system to determine such matters as their impact on visual amenity. In areas of poor reception domestic televisions aerials are often mounted on roofs and chimney stacks on tall masts to improve signal reception. Even these escape the full scrutiny of the planning system. The antennae and mast in this case are little different in visual appearance from many masts and antennae arrays that can be seen when driving around the City, however technically the erection of the mast is operational development and as it is higher than the highest part of the roof it does not benefit from permitted development rights. The decision whether to treat it as de minimus resides with the Council. In this case as there have been complaints about its appearance and interference that has been caused to radio reception in neighbouring dwellings, and as it is not serving a function that is incidental to the enjoyment of the dwelling on which it is attached, it is considered appropriate to require a planning application so that these issues could be considered.

Although the mast and antennae are higher than antennae and aerials on neighbouring properties in this locality I don't consider the appearance to be so out of keeping with the surroundings that it is significantly detrimental to visual amenity of the area. I do not therefore raise any objections to the proposal on the grounds of its affect on visual amenity.

I believe that the main issue is the interference with radio reception at neighbouring properties. As members may be aware these matters are within the area of responsibility of Ofcom the central government watchdog for telecommunication matters. I have spoken with representative for Ofcom and they confirm this and I understand that they have received complaints regarding the interference caused by this transmitter and have carried out tests upon it. I understand it is the responsibility of the broadcaster to resolve the issues but ultimately

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/06/01934

Ofcom can impose restriction including the removal of an offending transmitter. The system however is not straight forward and is very involved and technical. There may however be circumstances where interference will not be resolved for everyone.

Although the Council has a policy that gives it the power to refuse planning permission where there is no clear evidence that significant electrical interference will arise for which no practical remedy is available, I would be reluctant to make such a recommendation which would be duplicating the powers to control this type of development which is more appropriately the responsibility of Ofcom to resolve.

From advice that Ofcom gave there are a number of methods that may be looked at to get around the problem of interference. One of these is to provide the affected neighbours with a replacement radio which is more selective in its tuning ability than the neighbours own radio, and able to tune out the unwanted signal. The applicants have told me that they are willing (within reason) to make such an offer to affected neighbours.

As the area of responsibility to ensure that the interference is dealt with clearly lies within Ofcom I do not recommend refusal of planning permission for the proposal on the grounds of radio interference.

Finally, the horizontal antennae does appear to over overhang the airspace above the neighbour's roof. This would not in my view amount to a reason to refuse planning permission however the neighbour could require the removal of the overhanging element and prevent the siting of the mast in this precise location.

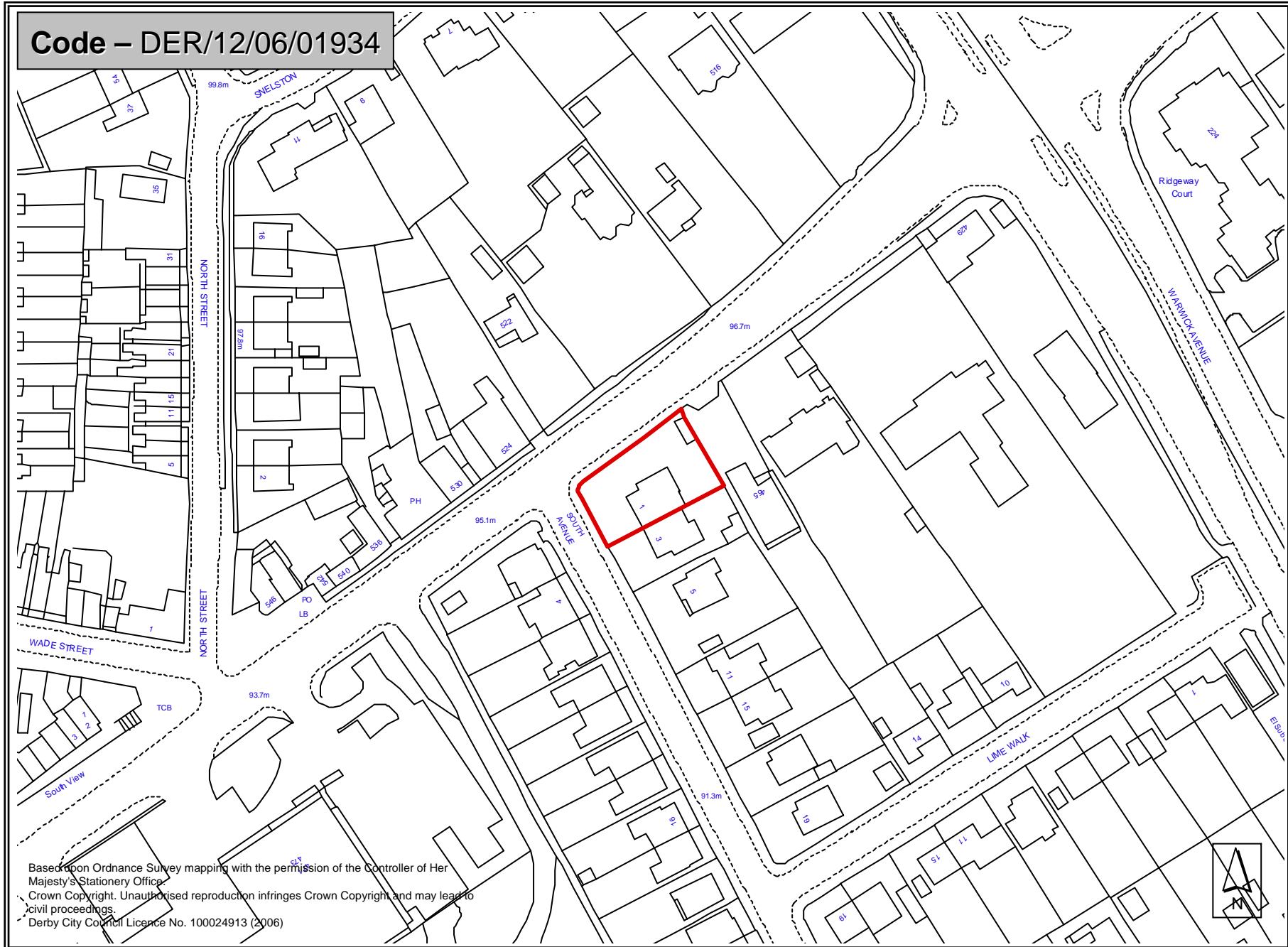
11. Recommended decision and summary of reasons:

11.1 To grant planning permission, no conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the City of Derby Local Plan review as summarised at 9 above, and it is considered that the proposal would be acceptable for the purposes of the Town and Country Planning Act in that the mast and antennae do not result in any significant loss of visual amenity in the area, and that problems associated with radio interference are the responsibility of Ofcom and not appropriate to be controlled through the Town Planning Process.

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00041

Type: Full

1. **Address:** Land to side of 7 Old Lane, Darley Abbey
2. **Proposal:** Erection of dwelling house
3. **Description:** This application relates to a modest infill plot on Old Lane, Darley Abbey, which comprises the side and part of the rear garden of an existing semi-detached dwelling. It is a corner plot, which abuts Weirfield Road. The existing dwelling is a modest property from the early 20th Century and has no private parking space. The site is located within a long established residential area, characterised by modest semi and detached dwellings. The site itself lies outside the Darley Abbey Conservation Area, but it does include the stone wall abutting the front boundary of No.7 Old Lane. It is located within the World Heritage Buffer Zone.

Permission is sought for erection of a single two storey dwelling, with 3 bedrooms to the side of the existing dwelling at No. 7. The proposal would have a similar footprint to the adjacent dwelling and be of a simple form and design, to reflect the appearance of the existing pair of semis. It would be 6.4 metres x 8 metres in area, 5 metres high to eaves level and 8.4 metres to the apex. A vehicle access would be formed to the rear of the plot, onto Weirfield Road. A 4 metre wide driveway and single pitched roof garage would be provided for the new dwelling. The garage would be 6 metres x 3 metres in area and 4 metres high. The existing dwelling would continue to be without any off-street parking provision.

4. **Relevant Planning History:** None.

5. **Implications of Proposal:**

- 5.1 **Economic:** None.

- 5.2 **Design and Community Safety:** The proposed dwelling would be of a traditional design and form, which would be in keeping with the appearance and character of early 20th Century properties in the locality. There would be no adverse community safety implications arising from this scheme.

- 5.3 **Highways:** A 2m x 2m pedestrian visibility splay should be provided to the southern side of the new access on Weirfields Road. This area should be free of structures or landscaping over 1 metre in height. Subject to this provision there are no highway objections.

B1 **APPLICATIONS** (cont'd)

2 **Code No:** DER/01/07/00041

5.4 **Disabled People's Access:** A degree of accessibility will be delivered through Building Regs.

5.5 **Other Environmental:** The site is part of the domestic curtilage and is currently lawned. There are no trees or shrubs on or overhanging the plot.

6. **Publicity:**

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

7. **Representations:** 19 letters of objection have been received and copies will be available in the Members Room. The main issues raised are as follows:

- The proposal would amount to overdevelopment of the site, detrimental to the historic character of the village
- Parking problems on Old Lane and congestion would be worsened and undermine highway safety.
- The stone wall is an attractive feature and should not be compromised
- The development would detract from the setting of the conservation area
- The proposal would set an undesirable precedent for other similar developments in the local area.
- The proposed building would be prominent in the local streetscene and appear out of place.

8. **Consultations:**

County Archaeologist – The Archaeological Alert Area in this locality is related to the medieval monastic site of Darley Abbey, where there may be physical evidence for the abbey and associated buildings. Some mitigation should be required in the light of this development and a condition is recommended requiring a archaeological watching brief.

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

GD5 – Amenity

H13 – Residential development – general criteria

E18 – Conservation Areas

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00041

E10 – Renewable Energy
E21 – Archaeology
E23 – Design
E29 – World Heritage Site and surroundings
T4 – Access and parking

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

10. **Officer Opinion:** The proposed residential development would relate to part of the curtilage of a semi-detached dwelling, which amounts to a brownfield site as defined by PPG 3 and PPS 3 (Housing). It is therefore suitable in principle for a more intensive form of development. The site is of modest proportions, although it is in a corner position and capable of accommodating an additional dwelling, with relative ease. The proposal would constitute a more efficient use of land in an accessible location and form a high quality scheme, which would be in keeping with the character of the surrounding area. It would be acceptable in this location subject to the provisions of Policy H13, relating to general layout and design.

The proposed dwelling would reflect the design, scale and appearance of other nearby dwellings in the local streetscene. It would tie in closely with the form and appearance of the adjacent pair of semis and be in keeping with the general scale of neighbouring properties. The site is elevated above Old Lane and the development would be prominent in the streetscene. Overall the proposal would be sympathetic to the character and appearance of the surrounding residential area. It would form a high quality living environment for the occupants. The development would not impact on the old stone wall on the frontage of Old Lane, which is within the Conservation Area. It would have a visual impact on the Conservation Area, although it would not detract from the special character and historic interest of the village. The proposal would have a limited effect on the World Heritage Buffer Zone.

The residential amenities of nearby dwellings would not be significantly adversely affected by the development. The nearest dwellings on Weirfield Road would be at least 18 metres distant and would not see any undue loss of privacy. The dwellings on the opposite side of Old Lane would be about 24 metres from the front windows of the proposal. This would meet the normal distance requirements for habitable room windows. There would be minimal massing effect arising from the development and the amenities of the adjacent dwelling at No. 7 would also be largely unaffected. I am satisfied therefore that the living conditions of nearby properties would not be unreasonably affected.

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00041

There would be limited traffic generation resulting from a 3 bedroom dwelling and the provision of private parking space for this scheme, should not lead to an undue increase in parking on local roads. This proposal is unlikely to compromise highway safety in the vicinity of the site.

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 and would be an appropriate form of residential development, which would be in keeping with the character and appearance of the local streetscene and preserve the character of the Conservation Area and would create a satisfactory living environment.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscaping maintenance – condition 3)
5. Standard condition 38 (drainage and sewage)

6. The construction of the dwelling shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved dwelling is occupied.

7. Before development commences precise details of the vehicular access, incorporating a 2m x 2m pedestrian visibility splay on the southern side of the access, shall be submitted to and approved in writing by the Local Planning Authority. The access shall be implemented in accordance with the approved details.

8. No development shall take place until the applicant or successor in title has secured the implementation of an archaeological watching brief in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00041

11.4 Reasons

1. Standard reason E14 ... policy H13 & E23
2. Standard reason E14 ... policy H13 & E23
3. Standard reason E09 ... policy E23
4. Standard reason E09 ... policy E23
5. Standard reason E21

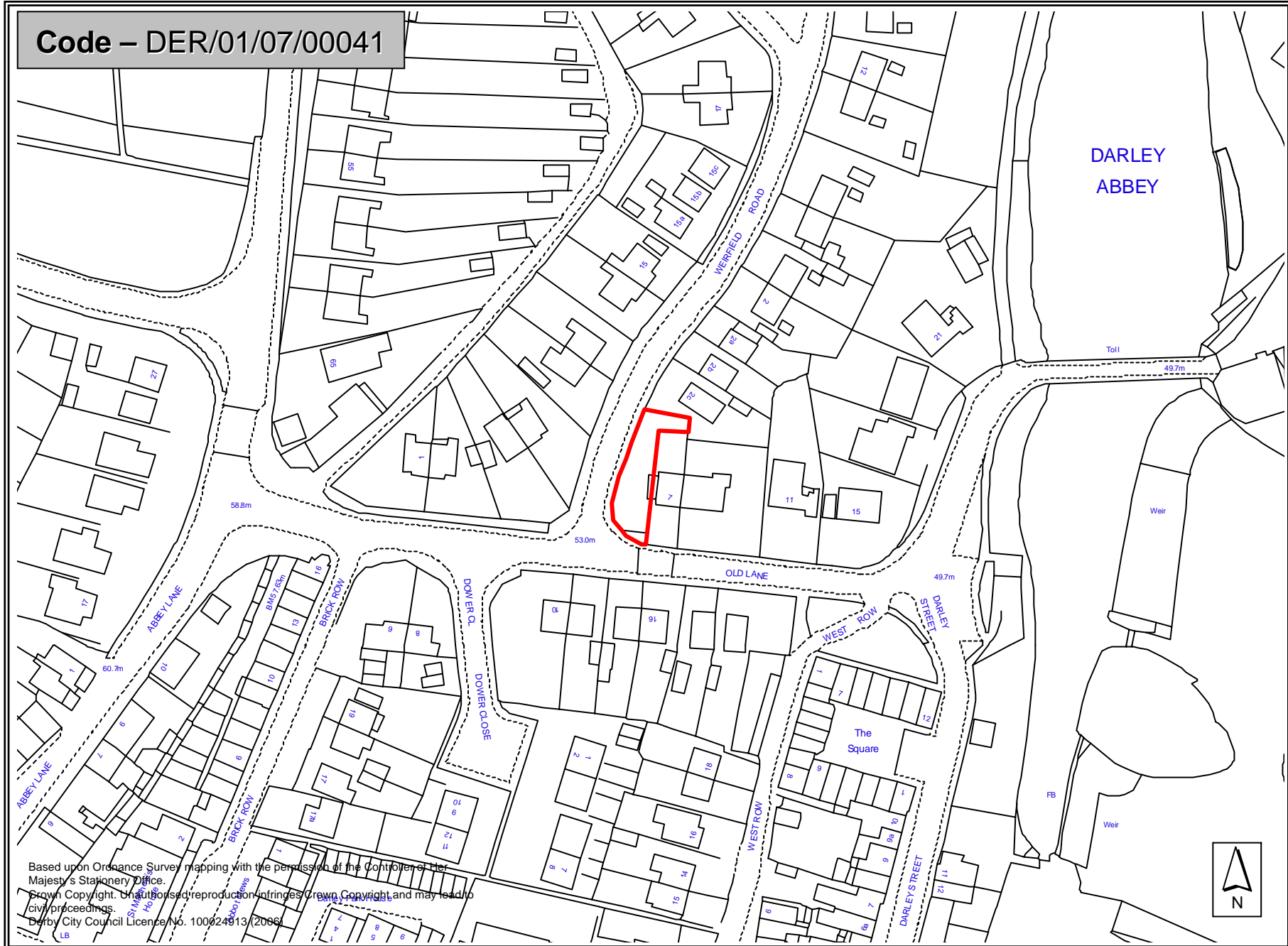
6. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.

7. Standard reason E17 ... policy T4

8. To protect any archaeological interest on or under the site ... policy E21

11.5 S106 requirements where appropriate: None

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B1 APPLICATIONS (cont'd)

3 Code No: DER/12/06/02048

Type: Outline (with
with siting and
access)

1. **Address:** Land at rear of 81 Locko Road, Spondon
2. **Proposal:** Residential development (one bungalow)
3. **Description:** This application relates to a modest backland plot for residential development. It currently forms part of the rear curtilage of 81 Locko Road, Spondon. The existing property has a large detached dwelling, with a long and relatively wide plot compared with other dwellings in the row. Adjacent to the property and No. 73 is a private driveway, which provides access to a piece of land at the rear of the site, with various lock up garages. The drive also accesses an existing garage and parking area on the application site towards the rear of 81. The site is surrounded by residential properties, comprising traditional dwellings on Locko Road frontage and modern semis on Avondale Road, to the east.

A previous application for outline permission was refused and dismissed on appeal in 2006 for a similar proposal. This related to a smaller site area in the rear curtilage with a similar means of access. The current proposal seeks outline permission for residential development, with siting and access to be determined at this stage. This scheme would involve erection of a single bungalow towards the eastern boundary of the site, which faces the existing dwelling at No. 81. The proposed dwelling would be 10.5 metres wide and 6.8 metres deep and sited 1 metre from the north, east and southern boundaries. Provision for 2 parking spaces and turning would be achieved on the site in place of the existing garage. Access to the development would be via the private driveway off Locko Road and a passing place is provided between the existing dwelling and the site.

4. **Relevant Planning History:**

DER/03/06/00481 – Outline for residential development, Refused and Dismissed on Appeal – December 2006. The Inspector considered that the presence of a large Acer tree in the eastern part of the site and a Horse Chestnut next to its south western corner with canopy extending over part of the site made a significant contribution to the visual amenities of the surroundings. Both trees would be adversely affected by the development and in accordance with policy E11 the benefits of providing the bungalow was not considered to outweigh the harm done to the visual amenities of the surroundings.

5. **Implications of Proposal:**

B1 APPLICATIONS (cont'd)

3 Code No: DER/12/06/02048

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposed bungalow would be modest in scale and partially hidden from the street frontage, behind the existing residential properties. It would therefore have a limited visual impact on the local streetscene.

5.3 **Highways:** With regard to the Inspectors comments in the appeal decision, which considered that access visibility at the junction with Locko Road is satisfactory, subject to access widening, there are no highway objections raised to the proposal. The submitted plan shows satisfactory local access widening between the existing dwelling and the highway, to enable vehicles to pass at the point of access and off the highway. The proposed vehicle parking and turning facility will allow some service vehicles to turn.

5.4 **Disabled People's Access:** No comment at this stage.

5.5 **Other Environmental:** The site has mature garden vegetation, comprising shrubs and ornamental planting. The Acer tree, which was present on the site at the time of the previous application and appeal has since been removed. The other tree referred to in the appeal decision is a mature Horse Chestnut tree located just outside the site on land to the west. It appears to be of good quality, although it has limited visual amenity value from the nearby street frontage and as such it is not considered to merit formal protection. This tree is not in the control of the applicant and overhangs the development site.

6. Publicity:

Neighbour Notification letter	13	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

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

- The potential increase in traffic flows on the private drive, will cause damage and disturbance to the single track, which is not designed to cope with the additional vehicles. It is already used regularly to access the garages at the end of the drive.
- The additional traffic will result in increased noise and disturbance for nearby residents.

B1 APPLICATIONS (cont'd)

3 Code No: DER/12/06/02048

- Access for emergency vehicles down the drive would be restricted
- There would be a greater security risk for nearby dwellings
- There would be an increased highway danger on the Locko Road junction for drivers and pedestrians
- The proposal would damage two trees on the site, due to the siting of the proposed dwelling.
- The new dwelling would detract from the appearance and character of the local streetscene.
- The development would result in loss of daylight to adjacent gardens and loss of privacy for neighbouring residents and as such residential amenities would be undermined
- If permitted, many other proposals for new dwellings would be sought in the local area.

A letter has also been received from the applicant in support of the application.

8. Consultations:

STW – No objections subject to condition relating to a public surface water sewer which crosses the site.

DEnvS (Arboricultural) – The Acer has been removed and the Horse Chestnut tree does not have sufficient amenity value to justify protection by a TPO. This tree could be retained within a scheme, subject to a suitable layout.

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

GD5 – Amenity
H13 – Residential development – general criteria
E9 – Trees
E10 – Renewable energy
E23 – Design
T4 – Access and parking

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

10. Officer Opinion: This outline application for residential development has sought to address the issues raised by the Inspectors decision on the appeal, which was determined in December 2006. The previous proposal was similar in terms of means of access, although the proposed plot would be about 5 metre longer than under the previous scheme and siting of the bungalow is to be determined under this application. The site is within a long established residential area and is

B1 APPLICATIONS (cont'd)

3 Code No: DER/12/06/02048

suitable in principle for residential development. As part of the rear curtilage of an existing dwelling, it constitutes a brownfield site as defined by PPG and PPS 3 (Housing). The garden area is of sufficient size to accommodate an additional dwelling and a new dwelling could be served by the existing private drive alongside the property. The main issues raised by this proposal are related to the impact on the Horse Chestnut tree, which overhangs the site and on the residential amenities of nearby dwellings.

The previous scheme was dismissed on appeal due to concern about the adverse effect of development on two mature trees, an Acer and Horse Chestnut. Neither are protected trees, although the Inspector considered that they made a significant contribution to the visual amenities of the local area. Since the proposal was likely to damage both trees, the scheme was felt to be contrary to Policy E11, now Policy E9 in the final version of the adopted Local Plan, which relates to protection of trees and development. This was the sole ground for dismissal of the appeal. The Acer tree appears to have been removed recently and the main concern with the current proposal is therefore the impact of development on the Horse Chestnut, which overhangs the site. The proposed bungalow would be sited about 18 metres from the trunk of this tree, which is sufficiently distant to avoid damage to its root system and canopy. This tree could be retained satisfactorily with limited impact on the amenities of the future occupants. In this case I am satisfied that the existing tree would not be adversely affected by the development and as such Policy E9 would be complied with.

The proposed bungalow would be accessed via a single track driveway, which currently serves the two residential properties on either side and land to the rear which has two garages, probably owned by third parties. The drive has therefore been utilised by vehicles for a long period of time and has a history of limited traffic use. An additional small bungalow would result in a movement of vehicles, which would not amount to a significant increase on the overall traffic flows along the access. The limited increase in traffic would also not unduly affect the amenities of the neighbouring residents at Nos. 73 and 81. Alterations are proposed to the access road, in terms of provision of passing space and widening of the access at the Locko Road junction, which were recommendations in the appeal decision to allow vehicles to pass on the private drive. Visibility onto Locko Road is considered to be satisfactory and with the improvements to the access, traffic generation would be accommodated without undermining highway safety in the local area. There is adequate space proposed within the site to achieve suitable parking and turning provision, which accords with the Highway officer's requirements.

B1 APPLICATIONS (cont'd)

3 Code No: DER/12/06/02048

The proposed siting and layout of the development would impact mainly on existing residential properties on Locko Road. The bungalow would be orientated to the west and sited close to the other 3 boundaries. This would not be a conventional layout for a residential plot, although in this location it is considered to be an acceptable approach for a single storey building on a backland plot. The dwelling would be sited up to 17 metres from the rear elevation of the existing property at No. 81 and the massing effect on the nearby dwelling would not be excessive. Other nearby dwellings would also not see an undue loss of light or oppressive impact from the proposed development. The design and internal layout of a bungalow is not to be determined at this stage and the submitted layout is only indicative. There is considered to be scope to form a dwelling, with its main windows facing towards the western boundary, which would minimise overlooking of neighbouring properties. The appeal Inspector considered that a modest bungalow could be satisfactorily accommodated on the site, whilst protecting the amenities and privacy of nearby residents. This opinion was based on a smaller plot than the current proposal. The proposed siting of a bungalow as indicated would not have an undue adverse impact on the residential amenities of neighbouring properties. I am satisfied that a satisfactory living environment can be formed and sufficient private amenity space provided on this plot. Overall, the proposal would meet the criteria in Policy H13 and is considered to be an acceptable form of development in this location.

11. Recommended decision and summary of reasons:

11.1 To grant permission subject to conditions.

11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan and all other material considerations as indicated in 9 above and would be an appropriate form of residential development, which would be in keeping with the local streetscene and would create a satisfactory living environment.

11.3 Conditions

1. Standard condition 01 (outline permission – siting and access arrangements)
2. Standard condition 02 (reserved matters)
3. Standard condition 38 (disposal of sewage)
4. Standard condition 24 A (protection of vegetation)

B1 APPLICATIONS (cont'd)

3 Code No: DER/12/06/02048

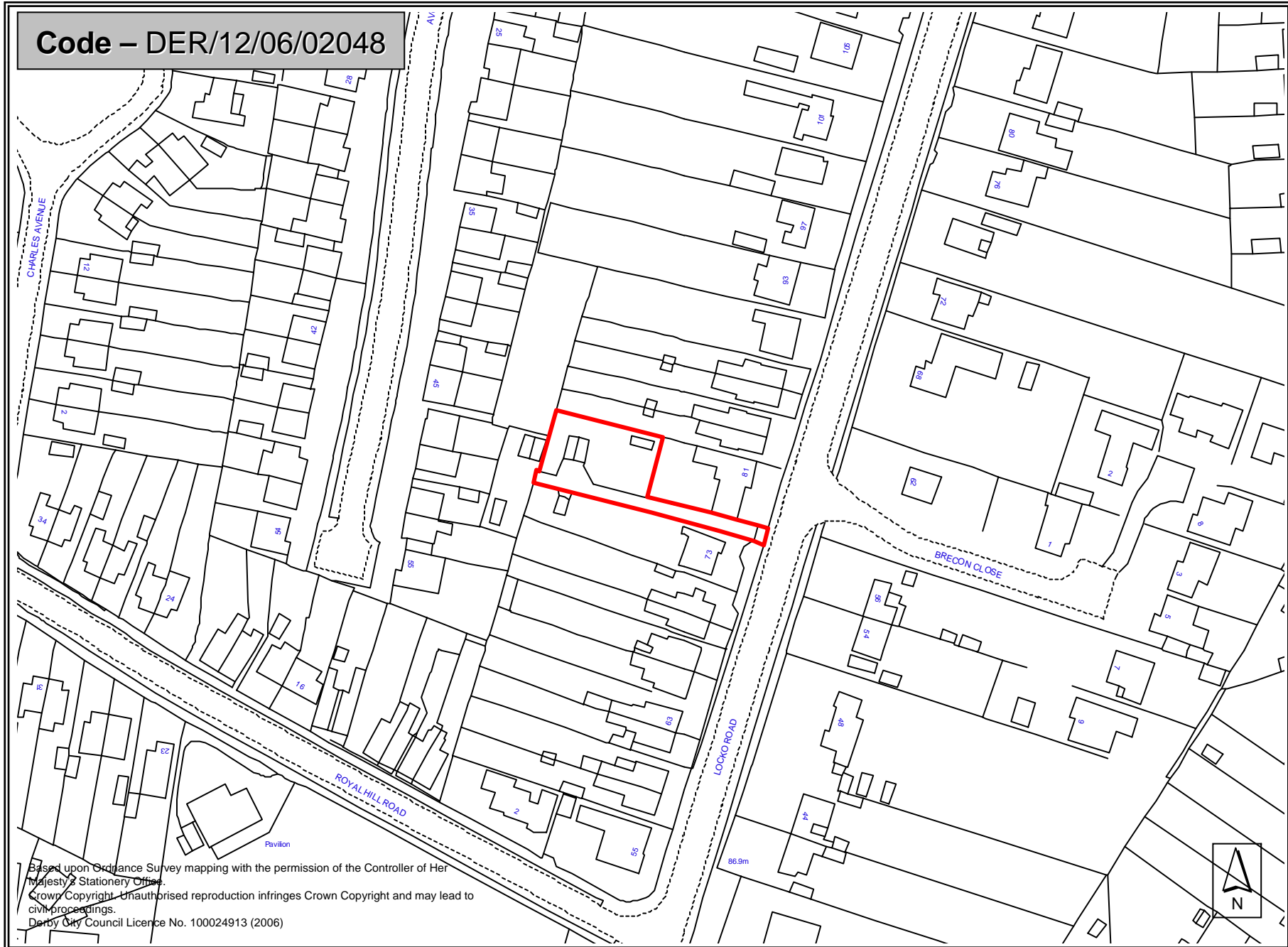
5. The siting, design, layout and orientation of the buildings shall have full regard to the need to reduce energy consumption.
6. This permission shall imply approval for the erection a single storey dwelling only, with no openings at first floor level.
7. The widening of the access road to provide the passing bay and turning area shall be made available for vehicular use before the dwelling is first brought into use.
8. Standard condition 19 (boundary treatment)

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E21
4. Standard reason E24 ... policy E9
5. Dwellings that are south facing, having solar panels and/or wind turbines will help to reduce energy consumption reducing pollution and waste ...policy E10
6. To protect the amenities and privacy of nearby residential properties, due to the physical constraints of the site ... policy H13
7. In the interests of vehicular and pedestrian safety ... policy T4
8. In there interests of visual amenity ... policy H13

11.5 S106 requirements where appropriate:

Code – DER/12/06/02048



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B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02025

Type: Full

1. **Address:** Site of 574 Burton Road and car park off Middleton Avenue, Littleover (former Ken Ives site)
2. **Proposal:** Erection of 19 apartments, five dwelling houses, veterinary practice, doctors surgery and associated car parking.
3. **Description:** This full application seeks permission for an extensive mixed use development on this site at the junction of Burton Road and Middleton Avenue, Littleover. The application site fronts Burton Road and part of Middleton Avenue, and extends to the north to the rear of Nos 2 – 22 Middleton Avenue. It also abuts the rear of Nos 1A – 15 Heath Avenue. It is proposed to erect 2 No. three and four storey buildings that would be linked at ground floor level, on the Burton Road frontage. These would provide a total of 19 apartments at first floor level and above. On the ground floor, it is proposed to provide a new doctors surgery, and a new veterinary surgery. Both these building would have lift/staircase access. The buildings are of a hipped and pitched roof design, and would provide a major physical feature on this prominent site situated entirely within the Littleover District Centre.

To the rear of the buildings on the Burton Road frontage, it is proposed to construct a private drive to serve the rear of the site. This would allow access to five detached dwelling houses, all with garages, and 20 four parking spaces (one for each apartment, one for the doctor, and four visitor spaces. Further car parking (14 spaces) to serve the doctors and vet's surgery would be provided on land immediately to the west on the opposite side of Middleton Avenue. This is a brownfield site surrounded by residential properties, but fronting an established District Centre.

4. Relevant Planning History:

DER/02/03/00178 – Demolition of buildings and erection of three retail units, granted July 2003.

DER/08/06/01402 – Erection of eight dwelling houses, 16 apartments, doctors' surgery, veterinary surgery and associated car parking, withdrawn November 2006.

5. Implications of Proposal:

- 5.1 **Economic:** The proposed doctors surgery and vet's surgery are likely to provide employment opportunities.
- 5.2 **Design and Community Safety:** This is a considerable improvement on the previous submission (DER/08/06/01402) and would provide an

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02025

important visual feature on what is a most important site in the District Centre. I have no design objections to raise to the proposed house types, and reasonable relationships can be achieved with existing properties in Middleton Avenue and Heath Avenue.

5.3 Highways: Visibility splays of 2.4m by maximum achievable shall be provided at the junction of the private drive with Middleton Avenue, and at the junction with Burton Road. The gradient of the private drive shall not exceed 1:10 for the first ten metres behind the highway boundary. Dropped kerb crossing points shall be provided for the car park on the west side of Middleton Avenue. Concern is expressed about the proposed gating of the private drive. Discussions will take place with the applicant, regarding the possible adoption of the private drive.

5.4 Disabled People's Access: Two Lifetime Homes to be secured by Section 106 Agreement. The remainder of the units will have a degree of accessibility through compliance with Building Regulation guidance. I would wish to see disabled parking closer to the proposed doctors surgery.

5.5 Other Environmental: There are a number of trees within the site, several of which are to be retained. A tree survey has been submitted, and the advice of the Arboricultural Officer sought.

6. Publicity:

Neighbour Notification letters	51	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received ten letters of objection, and these will be available in the Members' Room. The main issues raised are:

- the development will generate traffic/parking problems
- the junction proposed is too close to Burton Road
- residential amenity in Middleton Avenue and Hope Avenue will decline considerable
- removal of trees
- the proposed buildings on the Burton Road frontage are too high, and out of character with the area
- the proposal is seriously over intensive
- concern about ownership/control of the site boundary
- concern about what type of housing is proposed

B1 **APPLICATIONS** (cont'd)

4 **Code No:** DER/12/06/02025

- is the portacabin surgery on Middleton Avenue to be replaced
- the overall impact on the locality is too great.

Any further representations will be reported at the meeting.

8. **Consultations:**

Env Services (Trees) – proposal will involve the loss of a considerable number of trees, and this will open up views into the site. A method statement will be required (there are two trees covered by TPO just outside the site). Some of the retained trees are very close to plots 23,24 and are likely to require pruning or even removal.

Police – to be reported.

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

- GD4 - Design and the Urban Environment
- GD5 - Amenity
- GD8 - Infrastructure
- H12 - Lifetime Homes
- H13 - Residential development – General Criteria
- S1 - Shopping Hierarchy
- S3 - District Centre
- E9 - Trees
- E10 - Renewable Energy
- E23 - Design
- L2 - Public Open Space Standards
- L3 - Public Open Space Requirements in New Development
- L11 - New Community Facilities
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People

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

10. **Officer Opinion:** Members will be well aware of the history of this site, and its considerable significance in the Littleover District Centre. The previous application (DER/08/06/01402) was the subject of considerable discussion with the applicant, and those negotiations resulted in the form of the proposal now before you.

In policy terms, the proposed mix of uses is perfectly acceptable in this prominent District Centre location. While some retail floorspace might have been welcome, the two surgery uses are quite appropriate combined with a mix of residential development. The degree of

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02025

intensity of the use has to be balanced against its previous use of car sales, and the fact that any form of land use within a District Centre is likely to generate a considerable number of vehicle and pedestrian movements. Members are also reminded, that this is not simply a brownfield site in a suburban location, it falls clearly within a designated District Centre. Its contribution to the overall economic vitality of that centre is therefore a highly relevant factor. The introduction of the two surgery uses, will clearly contribute to the overall economic benefit of the District Centre as a whole.

There are no major highway objections to the proposal, and the proposed parking levels are quite acceptable. I have requested that more disabled persons car parking be provided nearer to the proposed doctors surgery, and further discussions amongst officers regarding final highway details will be reported at the meeting. I acknowledge the concerns raised by objectors regarding traffic movements but as indicated previously, this quite large site will generate considerable levels of activity whatever it is developed for. Visibility from the new drive onto Middleton Avenue is quite acceptable as are the proposed levels of car parking.

With regard to the proposed buildings, those proposed for the Burton Road frontage would be quite imposing, and act as a gateway to the District Centre from the west. Given the form of development further east along Burton Road, and the important prominent nature of the site I do not consider the scale of the proposed buildings to be too great. The design is not without interest, the continuous glazing on the ground floor (Burton Road frontage) leads into the District Centre, and I am satisfied that the overall impact on No. 2 Middleton avenue and No. 572 Burton Road is not unreasonable. The proposal would give good visual impact to the Middleton Avenue/Burton Road junction, and I have no design objections. The proposed house types for plots 20 – 24 are quite acceptable for this location, and acceptable relationships with the existing properties in Middleton Avenue and Heath Avenue are achieved. I think it appropriate to withdraw by condition certain elements of permitted development in relation to plots 20-25 in order to further safeguard residential amenity (ie insertion of further windows, and erection of extensions)

The issue that has probably raised the most concern is that of the trees and vegetation to the rear of the site. There are two trees protected by Tree Preservation Order that are situated close to, but outside the application site. These are an Oak tree in the rear garden of No. 572 Burton Road, and an Ash tree in the rear garden of 22 Middleton Avenue. I will require by condition, adequate protection of both these trees and a method statement indicating the form of construction for the

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02025

private drive in close proximity to the protected Oak tree. No other trees on the site are considered worthy of Tree Preservation Order protection, but it is hoped that several trees along the boundary with the Middleton Avenue properties can be retained. I know that this particular issue has caused great concern to third parties, but I have to remind Members, that this is a brownfield site in a designated District Centre. Although it has been vacant for sometime, the site is an important one and its use in an appropriate manner will have a very positive impact on the vitality of the Littleover District Centre.

I have looked carefully at the points raised by the objectors, and while noting their concerns would comment

- the site is allocated for development **within** a District Centre
- the proposed uses are acceptable in policy terms
- there are no major highway objections
- normal space standards/privacy requirements are met
- the designs of the new buildings are acceptable
- no TPO protected trees are to be removed
- vehicle and pedestrians movements of a considerable degree would be generated, whatever use the site was put to
- this mixed use proposal is clearly in line with current Government guidance, and accords with the policy framework of the Local Plan Review
- the applicant has responded positively to further officer guidance, following the withdrawal of the previous application
- a Section 106 Agreement would secure sums for public open space provision, highways works and the provision of two Lifetime Homes.

This is a very positive proposal for this part of the city, and would bring into valuable use an important and prominent site. For the reasons outlined above, and subject to a number of conditions and the conclusion of a Section 106 Agreement, I fully support the application.

11. Recommended decision and summary of reasons:

- 11.1 A. **To authorise** the Assistant Director – Regeneration **to negotiate** the terms of a Section 106 Agreement to achieve the object set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.
- B. **To authorise** the Assistant Director – Regeneration **to grant** planning permission upon the conclusion of the above Section 106 Agreement.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02025

- C.** If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (15 March) consideration be given in consultation with the Chair, **to refuse** planning permission.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above and it is an acceptable form of development in land use, siting, design, highways terms and in the context of the District Centre, the streetscene and the amenities of third parties.

11.3 Conditions

1. Standard condition 09A (amended Plans 2 February 2007)
2. Standard condition 27 (details of external materials)
3. Standard condition 20 (landscaping)
4. Standard condition 22 (landscaping maintenance)
5. Standard condition 19 (means of enclosure)
6. Standard condition 30 (hard surfaces)
7. Standard condition 99 (drainage)
8. Standard condition 24A (protection of vegetation)

9. Before the development commences, a method statement for the construction of the proposed private drive shall be submitted to and be approved in writing by the Local Planning Authority. The statement shall include a clear indication of the form of construction and the means of protection proposed, in close proximity to the protected tree within the curtilage of No. 572 Burton Road.

10. Standard condition 69 (cycle and motorcycle parking)

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no external doors, or windows, nor any extensions shall be constructed on units 20-24 (inclusive) without the prior permission of the Local Planning Authority.

12. The windows in the side elevation of the frontage building adjacent to No. 572 Burton Road, shall be obscure glazed at all times, unless otherwise agreed in writing by the Local Planning Authority.

13. The access points to the car park on the west side of Middleton Avenue shall be constructed as dropped kerb crossings.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02025

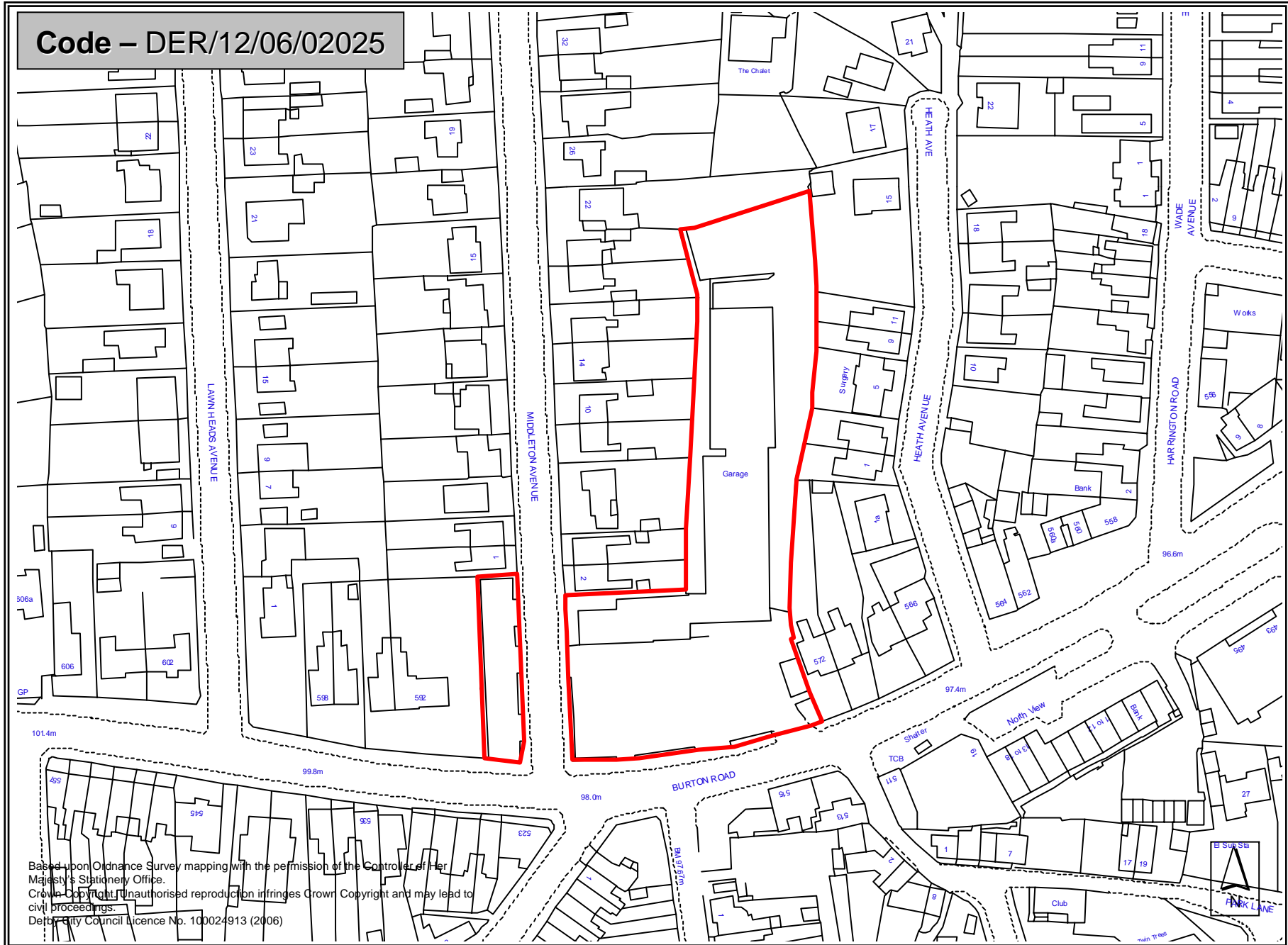
14. The construction of the development shall have full regard to the needs to reduce energy consumption and a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the respective building to which it relates is brought into occupation.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policy E23
3. Standard reason E18....policy H13
4. Standard reason E18....policy H13
5. Standard reason E14....policy E23
6. Standard reason E14....policy E23
7. In order to ensure that there is adequate provision for the drainage of surface water and foul sewage....policy GD8
8. Standard reason E24....policy E9
9. In order to ensure the continuing good health of a mature tree protected by Tree Preservation Order, and in the intent of visual amenity....policy E9
10. In order to encourage the use of alternative modes of transport....policy T4
11. To preserve the amenities of nearby residents....policy H13
12. To preserve the amenities of nearby residents....policy H13
13. In the interests of pedestrian safety....policy T4
14. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan

11.5 S106 requirements where appropriate: Public Open Space provision, highways works, Lifetime Housing.

Code – DER/12/06/02025



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B1 APPLICATIONS (cont'd)

5 Code No: DER/12/06/01975

Type: Full

1. **Address:** 31 Newbridge Crescent
2. **Proposal:** Extension to dwelling (kitchen and bedroom)
3. **Description:** The application site is a small detached one bedroomed bungalow standing in a row of bungalows in a primarily residential area. To the rear of the properties lies a cycle track and footpath that follow the route of the former Derby Canal which constitute a highway.

The bungalow is one of two similar bungalows that stand side by side and which have distinctly smaller footprints than the majority of bungalows in this road. Work was started, without the benefit of planning permission, around August last year for an extension to the rear of the bungalow. That work has been temporarily suspended awaiting the outcome of this retrospective application.

The extension would extend across the full width of the existing bungalow which is about 7.6 metres wide, and extends rearward into the back garden area by about 4.0 metres. There would be a gap of about 0.45 metres to the boundary on one side and 1.0 metres on the other side. It would provide a large kitchen extension and an additional bedroom. The side walls would rise to match the existing eaves height of 2.5 metres, and the roof would be a shallow pitched gable ended roof rising to about 4.1 metres. The ridge would be about 4.3 metres from the boundary with one neighbour and 4.8 metres from the boundary with the other.

It is intended that the external materials for the extension would be facing brickwork to match those of the existing building and concrete profiled tiles that should be a reasonable match to the existing roof tiles.

It will be necessary to create a new window opening for the existing bathroom in the side elevation of the bungalow, facing sideways towards the neighbouring property at 29 Newbridge Crescent.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** This is a simply designed rear extension with no community safety issues.

B1 APPLICATIONS (cont'd)

..5 Code No: DER/12/06/01975

5.3 Highways: None.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	5	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations:

3 letters of objection, have been received two from neighbouring residents, and one from Councillor Tittley who has requested that the application be placed before this Committee. Copies of the letters are reproduced.

...

In summary the objections are:

- Loss of daylight to side facing windows and doors
- The blank side wall would create an outlook that would be detrimental to the health of neighbouring occupiers
- Concerns that the building works carried out so far have not been subject to building control scrutiny in connection with the building regulations
- Concern over the safety of work already carried out
- Concern over the type of roof proposed and its affect on daylight
- A request (from Councillor Tittley) that should planning permission be granted, the extension should have a flat roof.

8. Consultations: None necessary.

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

GD5 - Amenity
H16 - House extensions
E23 - Design
T4 - Access car parking and servicing

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

B1 APPLICATIONS (cont'd)

..5 Code No: DER/12/06/01975

- 10. Officer Opinion:** The proposal is to increase the size of this small one bedroomed bungalow to provide an additional bedroom and an enlarged kitchen. The extension being wholly at the rear of the property will have a negligible impact on the streetscene or on the character of the bungalow or the wider area. Although there is a highway, in the form a cycle way and footpath running being the rear boundary of the property the design of the proposal is quite acceptable and the rear boundary so well screened that there would be no detriment to visual amenity. Design-wise the proposal is simple uncluttered and in keeping with the design of the existing bungalow. The main areas of concern raised by the neighbours and Councillor Tittley are related to the affect that the proposal would have on neighbouring residential amenity.

At 4 metres deep the extension will extend no further rearwards than the neighbouring bungalow at 33 Newbridge Close but almost the full 4 metres beyond the main rear wall of number 29.

The impact of the proposal on number 33 is mainly on the outlook that property has from a side facing window and door in its kitchen and to its side facing bathroom and main side entrance. As members will be aware when considering the impact of a proposal on residential amenity, it is our normal approach to protect the amenity of outlook to principal windows to habitable rooms. The loss of outlook to number 33 is an outlook from a side facing kitchen window and door. The view is directly across the rear garden of the application premises. As the kitchen at 33 has a principle window looking down the length of its own garden which wouldn't be affected I do not consider that permission could reasonably be withheld because of the loss of outlook to this property. As 33 is to the southeast of the application property there should be no loss of direct sunlight to this property although there may be some loss of skylight. Even this would be quite a small effect as the extension is only 2.5 metres high at its eaves which lie closest to the boundaries of neighbouring properties, and the low slope of the roof should not make this significantly worse.

The bungalow at 29, being less deep in its own garden and being north of the proposal would lose direct sunlight to its rear windows and to the patio area immediately to the rear of the bungalow. I believe that the rear facing windows are to a kitchen and a bathroom. If this is the case the residential amenity enjoyed by these none habitable rooms would not be protected to the same extent as would that of habitable rooms.

I accept that there would be loss of amenity to No. 29 particularly through loss of direct sunlight to the rear of the property and to a lesser

B1 APPLICATIONS (cont'd)

..5 Code No: DER/12/06/01975

extent an additional sense of enclosure, I do not consider this would be to such an extent that planning permission should be refused.

As members may recall a boundary fence or wall could be erected up to 2 metres in height without requiring planning permission and a permitted development extension could be erected up to 4 metres tall, also without requiring planning permission. As the eaves level of the proposal is only 0.5 metres higher than a permitted development boundary wall, where it lies close to the neighbouring boundaries, and as the overall height is only 0.1 metres higher than a permitted development extension, the proposal would in my view have little greater impact than a permitted development extension, relative to either of the immediate neighbours.

Some concerns are raised that the work so far has been undertaken without the benefit of building control approval or inspections. I am aware however that the plans have been vetted by a private building control surveyor and the Council's Building Consultancy have received the appropriate notification.

Finally Councillor Tittley suggests that there are drainage issues to be taken into consideration. The details of the modifications to the existing drains and sewers are matters that are dealt with under the Building Regulations and are not planning matters.

In conclusion I can see no overriding reason why planning permission should be withheld for this simple uncluttered extension.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9 above and is considered to be an acceptable form of development in terms of its impact on the character of the area, on the visual appearance of the streetscene and its affect on the residential amenity of neighbouring dwellings.

11.3 Condition

Standard condition 27 (materials)

B1 APPLICATIONS (cont'd)

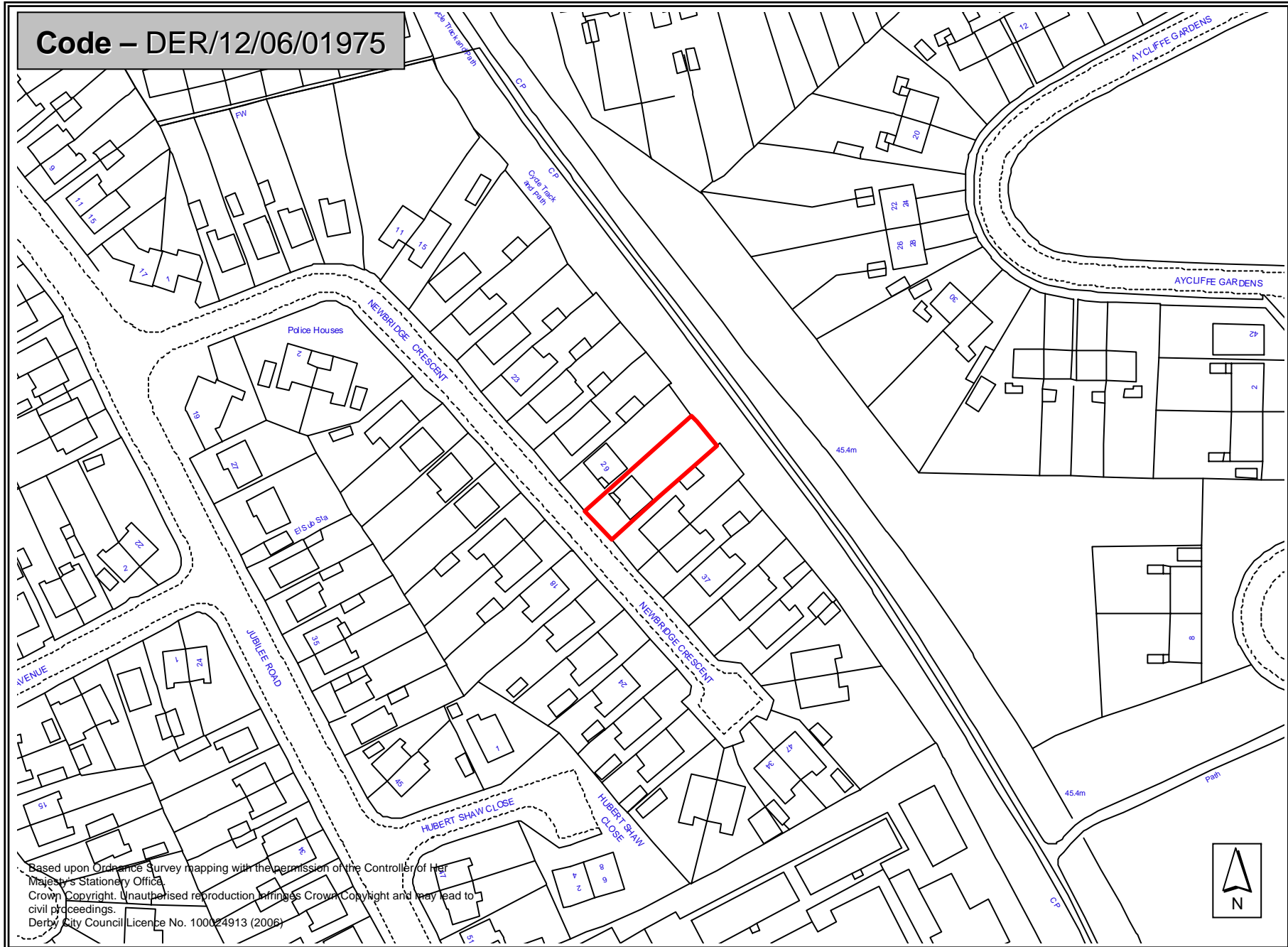
..5 Code No: DER/12/06/01975

11.4 Reason

Standard reason E18

11.5 S106 requirements where appropriate: None.

Code – DER/12/06/01975



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B1 APPLICATIONS (cont'd)

6 Code No: DER/09/06/01469

Type: Full

1. **Address:** Land adjacent 7 North Avenue, Mickleover

2. **Proposal:** Erection of dwelling house

Description: Outline planning permission was granted in March 2006, for residential development on this site which previously formed the side garden of 7 North Avenue. It measures some 7m across its frontage and is approximately 22m in depth. It sits on the western side of North Avenue and detached dwellings sit to the north and south of the plot. North Avenue is a residential street containing dwellings of various style and size. To the west of the site are detached bungalows which front onto Oak Drive.

This reserved matters application proposes the siting of a two storey, 3 bedroomed detached dwelling on the plot, with bedroom and en-suite in the roofspace. It is a modest property with a ground floor footprint measuring some 6.2m in width and 10m in depth. The proposed dwelling has simple elevations, and a steeply pitched gabled roof. Two parking spaces are proposed to be located to the front of the dwelling and accessed directly off North Avenue. At the rear of the dwelling, a garden of approximately 7m in depth would be accommodated.

4. **Relevant Planning History:**

DER/01/06/128 Outline planning permission for residential development – granted 20/03/06

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The dwelling is proposed to be sited alongside no.'s 5 and 7 North Avenue and its position within the street scene would fit in with the existing pattern of development in the area. The dwellings elevations are simple and its proportions modest and I do not consider it would appear out of place in North Avenue which contains dwellings of various styles. Although it is to accommodate a steep pitched roof, there is no uniform building height in this street scene with which any new development should adhere to and I do not consider the proposed dwelling would appear dominant in this context.

There are in my opinion, no community safety implications to consider in this case.

5.3 **Highways:** The information provided on the parking spaces for the new dwelling and the existing property is considered to be adequate. A

B1 **APPLICATIONS** (cont'd)

Code No: DER/90/06/01469

vehicle crossing is required to access both the new and the existing property, to be satisfactorily constructed to City Council standards. There are no objections to this application.

5.4 Disabled People's Access: The new dwelling will have a degree of accessibility through compliance with building regulation guidance.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations:

In response to this application 6 letters of objection and a petition containing 10 signatures has been received. These are available in the Members Rooms. The nature of the objections raised relate to:

- Inadequate parking provision impacting upon highway safety and parking in the locality
- Inadequate turning and manoeuvring space for vehicles
- Loss of privacy for neighbouring occupiers
- Cramped appearance of the development and its impact upon the existing street scene
- The dwelling being of an inappropriate design and out of character with North Avenue.

8. Consultations: None

9. Summary of policies most relevant: Adopted CDLPR:

GD5 - Amenity
H13 - Residential development – general criteria
E23 - Design
T4 - Access, parking and servicing

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

B1 APPLICATIONS (cont'd)

Code No: DER/90/06/01469

10. Officer Opinion:

The principal of the subdivision of the plot of 7 North Avenue has already been established through the granting of planning permission for residential development upon this site. It is the detail relating to the siting, design and access to the development which is now under consideration in this reserved matters application.

The position of the dwelling on the plot is in line with the established pattern of development along North Avenue. I am satisfied that it reasonably meets with our 45 degree line guidance and no unreasonable massing implications would result for neighbouring occupiers. No. 7 does have two principal windows in its side elevation which face the application site. However, given that No. 7 remains in the ownership of the applicant and they are secondary windows to the appropriate rooms, it is clear that any implications for those windows are accepted by the owner.

The internal layout of the dwelling has been arranged so as to limit the number of habitable rooms on the rear elevation above ground floor level. It is therefore clear that the close relationship that the site has to its rear boundary has been taken into consideration. A modest dormer at roof level would accommodate a bedroom window on the rear elevation and this window would enjoy a view towards the bungalows at the rear of the site on Oak Drive. However, our usual space standards are met in terms of the distance of that window from principal windows in the rear elevation of the adjacent bungalow therefore a loss of privacy for neighbouring occupiers could not be defended as a reason for refusal of the application.

Local residents have raised concerns with regards to the design of the dwelling and its impact upon the character of North Avenue. However, it is a street which contains dwellings of various style, size and character where no uniform style prevails for any new development to adhere to. The application proposes a modest detached dwelling, with simple elevations and modest proportions and I do not consider it would appear an inappropriate addition in this residential context.

The majority of the objections to this application that have been raised by local residents relate to the proposed parking provision on the site and the access to it. The site is small in footprint but the application does demonstrate that two off road parking spaces can be accommodated to the front of the dwelling. There is an existing dropped kerb and vehicle access to this site which would be utilised for one of the parking spaces detailed on the plans. Colleagues in highways have confirmed that they have no objections to the parking

B1 APPLICATIONS (cont'd)

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layout or access to it and are also satisfied that sufficient off road parking space will remain for 7 North Avenue. A refusal of planning permission on highway safety grounds could not therefore be defended in this case.

For the reasons given above, I consider this proposal meets the appropriate policies set out in the City of Derby Local Plan Review and I see no reasonable grounds on which to refuse planning permission in this case. It is clear that the constrained size of the site has been taken into consideration when designing the layout of the site. However, given the tight relationship that the resulting dwelling would enjoy in relation to neighbouring property, I consider it appropriate to restrict any additional extension or alteration to the dwelling in the future by condition, to ensure that the amenities of neighbouring residents can be protected.

11. Recommended decision and summary of reasons:

11.1 A. To grant planning permission with conditions

B. To remind the applicant of the outstanding provisions of the outline approval Code No. 01/06/00128.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and the siting, design, street-scene and massing impact of the proposed development is considered to be acceptable in this location.

11.3 Conditions

1. Standard condition 27 (materials)
2. Standard condition 20 (landscaping)
3. Standard condition 22 (landscaping within 12 months)
4. Standard condition 30 (surfacing)
5. Notwithstanding the provisions of Part 1, Class A and Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no enlargement or addition to the dwelling including any alteration to the roof shall be undertaken without the prior permission in writing of the Local Planning Authority.

11.4 Reasons

1. Standard reason E04 ... policy H13/E23

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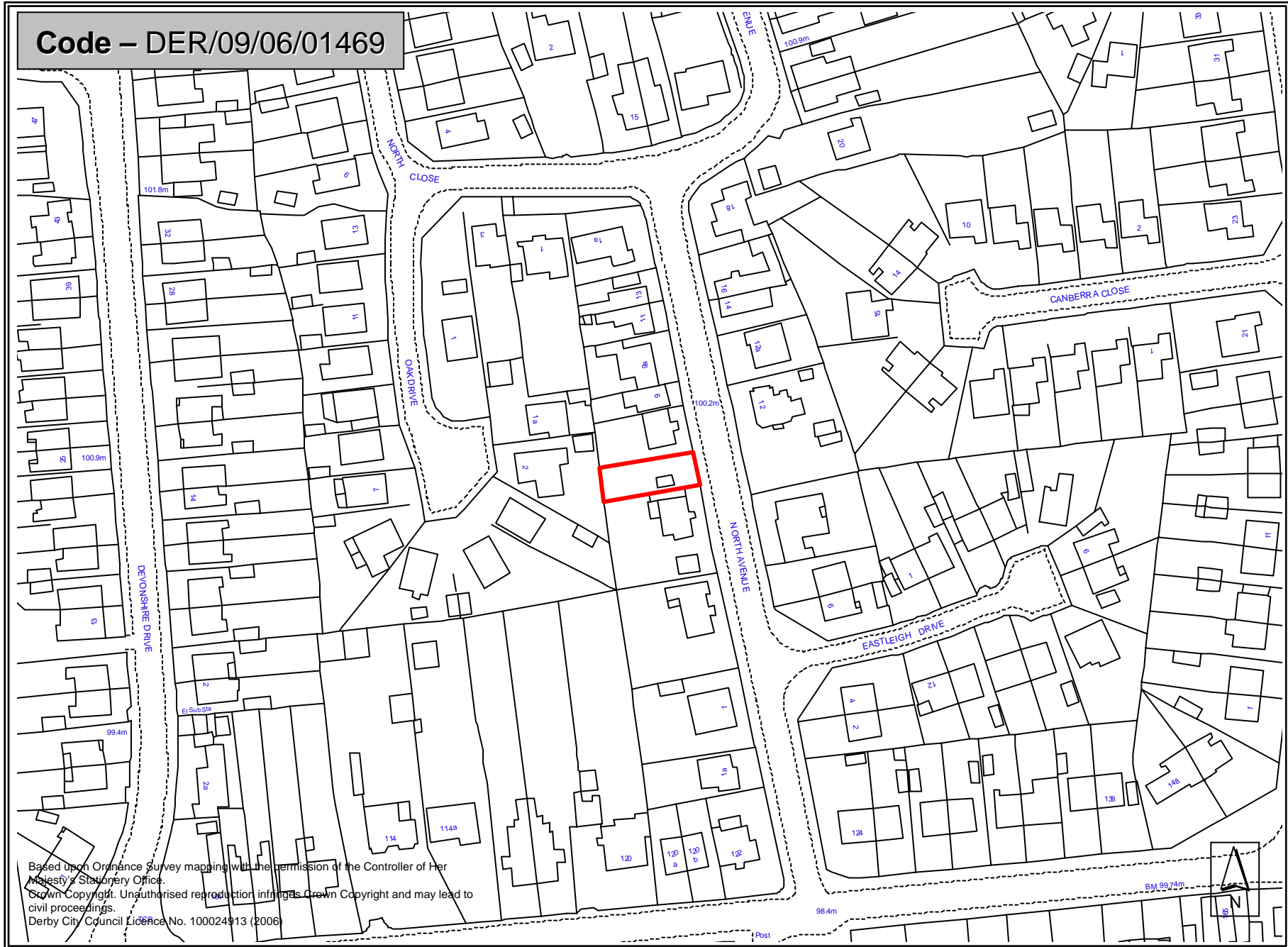
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2. Standard reason E14policies H13/E23
3. Standard reason E14....policies H13/E23
4. Standard reason E14....policy H13/E23

5. To enable the Local Planning Authority to exercise control in the interests of the amenities of neighbouring residential properties and in accordance with policy H13 of the adopted City of Derby Local Plan Review – 2006.

11.5 S106 requirements where appropriate: None

Code – DER/09/06/01469



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B1 APPLICATIONS (cont'd)

7 Code No: DER/11/06/01841

Type: Full

1. **Address:** Site of 59 Blagreaves Lane, Littleover
2. **Proposal:** Demolition of dwelling house and erection of residential care home
3. **Description:** Full planning permission is sought to demolish the existing property on this site and erect a residential care home with associated car parking. The site is located on the eastern side of Blagreaves Lane between Hill Cross Avenue and Rowley Lane. The site is almost rectangular and it covers an area of approximately 1,960 sqm. It is located opposite the Royal British Legion Club which sits on the south side of Hill Cross Avenue at its junction with Blagreaves Lane. This part of Blagreaves Lane is wholly residential in character.

The front elevation of the existing dwelling sits at a slight angle to Blagreaves Lane and it is set back approx 13.5m from the front site boundary. The 2 storey property is described as a speculative Edwardian Villa. The main front elevation of the property has original symmetrical proportions, including canted bay windows at ground floor level on either side of the front door, and a pavilion style slate roof. Although the property maintains a number of original architectural features it has been unsympathetically extended on the rear and side elevations. It is important for Members to note that the property has been forwarded for inclusion in the City Council's Local List as part of the current review of the List. The expert Review Panel has met to discuss the merits of this property. The Panel did not consider it appropriate to recommend inclusion of this building on the Local List because it was felt that it was of insufficient historic/architectural quality and could not be considered special by virtue of rarity of this particular building type/age. Members have also had an opportunity to visit the site.

The original application has been amended at my officer's request. The architect has reduced the height of the proposed roof by approximately 2m and part of the on-site parking area has been redesigned to address the concerns of the Highways officer. The proposed layout has also been amended to respect a protected Cedar tree that sits in the north-eastern corner of the site. The amended application includes the following component parts:

- The proposed care home would front Rowley Lane and the footprint would include forward projecting hipped roof gables at either end of the building. The main part of the front elevation would be set back approximately 10.8m from the end gables and vehicle access to the front of the building is proposed.

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- The proposed building would accommodate 47 bedrooms together with offices, day rooms and other support facilities over the ground, first and second floors. The internal layout would include a central corridor that would run across the main body of the building and the upper levels would be served by stairs and lifts within the gable arms of the building.
- The proposed side, east, elevation would be sited a minimum of approximately 15m from the side boundary of no. 23 Hillcross Avenue. The area adjacent to that side of the building would be sub-divided to provide a total of 5 parking spaces with vehicle access onto Rowley Lane. A separate garden area adjacent to the boundary with no. 23 Hillcross Avenue is also proposed.
- The proposed front elevation is characterised by the hipped peak gables at either end of the building. The main front elevation is set back from the gables and the architect has arrived at the design solution to break the form and mass of the building in this residential context. The proposed gables include timber detailing and this feature is apparent on existing residential properties in the immediate locality. The proposed front elevation includes a centralised pitched roof gable with dormer windows on either side to serve the rooms in the roof space. Those features would also include timber detailing. The proposed rear elevation would front Hillcross Avenue and it would be set back approximately 2.4m from the end gables. The main part of the rear elevation would include a consistent fenestration of French doors and windows with dormers at second floor level. Both side elevations would accommodate doors and windows at ground and first floor level only.
- The proposed eaves height of the main front and rear elevations would be approximately 6.8m from ground level. The existing property has an eaves height of approximately 6.3m from ground level. The proposed hipped roof would be approximately 11.8m in height from ground to roof ridge level.

The architect has submitted a photographic impression of how the building would appear in the street context and this accompanies the Design and Access statement.

4. Relevant Planning History:

DER/902/1386 – erection of 3 dwellings (outline) – granted conditionally 12 November 2002.

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DER/1006/1676 - residential development - decision pending.

5. Implications of Proposal:

- 5.1 Economic:** The architect has indicated that 12 staff would be employed at the proposed care home.
- 5.2 Design and Community Safety:** My comments in relation to design and contextual issues are included in the 'officer opinion' section. I raise no objections to the proposed development in community safety terms.
- 5.3 Highways:** The amended layout includes the provision of 5 parking spaces to the front of the main front elevation which would be served by separate ingress and egress points to Rowley Lane. The proposed area to the east side of the building would include a further 5 spaces with access from Rowley Lane and a mini-bus space is included. The architect has indicated that staff would benefit from a minibus service to and from work as part of the management of the proposed care home. The original layout included a total of 13 spaces on-site and that included a vehicle access from Blagreaves Lane to serve 2 spaces adjacent to the west elevation of the building. The on-site parking area on the opposite side of the building was also combined with a Grasscrete garden area to serve residents. This layout was disjointed and, in my opinion, it would have increased pedestrian and vehicle conflict on-site. The amended layout is a more practical solution and the Highways Development Control Team is satisfied with it subject to an additional parking space being provided in a redundant area next to bay number 5. That can be addressed by condition. It is accepted that a S106 request for the provision of a new bus shelter on Blagreaves Lane has not been pursued in this case given that residential care homes are historically low traffic generators and a bus shelter could not be reasonably sought. The existing narrow footway on the south side of the Rowley Lane frontage would be enlarged from a minimum existing breadth of 0.9m to 1.8m across the Rowley Lane site frontage. This is acceptable in highways terms.
- 5.4 Disabled People's Access:** The accessibility of the building is controllable through the Building Regulations.
- 5.5 Other Environmental:** The site layout adjacent to the protected Cedar tree has been amended and I understand that the architect has discussed the amendments with the Council's Arboricultural Team. Any formal comments in relation to the amended site layout will be reported orally at the meeting. The application involves demolition of the existing property and detached garage on-site and a Phase 1

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Habitat Survey has been commissioned by the architect as a result of the formal comments of DWT. Details of that report and the formal comments of DWT will be reported orally at the meeting. The site currently accommodates a large garden area and, therefore, it is inevitable that the proposed redevelopment of the site will result in a net-loss of biodiversity.

6. Publicity:

Neighbour Notification letter	46	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. **Representations:** A total of 44 letters of objection have been submitted in response to the application. The neighbours were individually re-notified of the amended submission and objections to the amended application are largely maintained. The objectors principally raise strong concerns about the siting, design and detrimental massing impact of the development in relation to the residential street context. Concerns about the impact of the development in traffic safety terms are also expressed. Copies of the letters will be available in the Council Chamber Foyer and any further representations will be reported orally at the meeting. I understand that the application has been discussed at Area Panel 4 and concerns have been raised by Local Members about the principle and form of the proposed redevelopment in this location. Councillor Marshall has also elected to speak at the meeting in objection to the application.

8. Consultations:

DCommS (Arboriculture) – to be reported orally.

DWT – to be reported orally.

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

- GD4 - design and the urban environment
- GD5 - amenity
- GD8 - infrastructure
- H13 - residential development – general criteria
- E9 - trees
- E7 - protection of habitats
- E10 - renewable energy
- E23 - design
- E24 - community safety

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- T4 - provision for pedestrians
- T7 - provision for cyclists
- T10 - access for disabled people

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

10. Officer Opinion:

The planning application has generated a large number of objections. The objections surround the principle of redevelopment and detailed factors relating to the siting, design, scale, street-scene and residential amenity impact of the proposed development in this residential context. There are also concerns about the impact of the development in terms of traffic generation and highways safety in the immediate area. My comments about the application are as follows:

Principle

The site of the proposal is not allocated for any particular use in the CDLPR. The proposed redevelopment of the site is, therefore, considered in relation to the city-wide policies of the CDLPR. Policies GD4, H13 and E23 are particularly relevant. Outline planning permission has been granted for residential development in the recent past and, in my opinion, I consider that the proposal is acceptable in principle. The architectural merits of the existing property on-site have been carefully scrutinised as part of the current review into the Local List. The Review Panel considers that the property is not worthy of inclusion on the Local List and, therefore, the demolition of the property is not objectionable in planning terms. I consider that the main development control issue surrounds the creation of an acceptable form of development in siting, design and street-scene terms in this context. My Urban Design officer in our Built Environment Team has carried out a design appraisal of the original submission and the main results are included below together with my update where it relates to the revised plans.

Design Context

Layout

Rowley Lane and the site boundary to the North benefit from a development fronting the street as currently back garden fencing face one side of the street. The line of the façade frontage to Blagreaves Lane and the west elevation is in line with the adjacent club building rather than the existing residential street frontage, which is stepped back. Given the proposed 'non residential' use of the development this

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is acceptable. However, the line of the façade frontage to the south elevation on Hill Cross Avenue is significantly closer to the site boundary, albeit stepped back to form the patio areas, than the existing frontage line of the residential properties and the street. This is a principal concern and will give the proposed development a significant impact on the street which is further reinforced by the removal of the soft landscaping currently in place on the southern edge of the site.

The architect has assessed this comment. He has surveyed the site to align the main part of the proposed rear elevation of the building with the existing front elevation of no. 23 Hillcross Avenue. This relationship is now considered acceptable in street-scene terms.

Height

The ridge height would be above the adjacent properties and ambient heights. However, the heights are in keeping with other properties in the wider area. Notwithstanding these comments, I requested that the overall height of the proposed roof be reduced by approximately 2m across the main part of the building to reduce its overall visual impact in the street context. The amended design has a total roof ridge height of approximately 11.8m from ground level.

Massing

The south west corner viewed from Blagreaves Lane is significant given the closeness of the development to the site boundaries. The treatment of the corner is weak given its prominence but the detail of the gable and bay does provide a significant element to 'landmark' the development.

External Appearance

The surrounding context includes a variety of roof types some of which are reflected in the proposed development. High roof ridge levels are evident with accommodation within the roof space. A reasonably recent development in Rowley Lane is of 3 storey composed of gables and dormers - this is the newest development to the area. The composition of the proposed development is in keeping with the context. The elevational treatment to the south elevation does not reflect the rhythm of Hillcross Avenue with its 'pairs' of semi-detached properties. However, as the site ends the street this is not unreasonable.

Spacing

From my calculations the former residential space standards of the Council are met in relation to the habitable windows in the north side of the proposed building and the facing residential properties on Rowley Lane. The former space standard of 21m between habitable elevations

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is partially transgressed on part of the south elevation gable in relation to no. 18 Hillcross Avenue. This transgression relates to a pair of ground and first floor level French Doors to serve bedroom nos. 9 and 32. I have requested the repositioning of those windows to the east elevation and an amended drawing should be available at the meeting. Subject to this change I consider that there is no reason to object to the proposed development on spacing grounds.

Highways

There are no over-riding objections to the amended proposal in highway terms subject to the provision of an additional parking space to the side of the proposed building. This space can be accommodated and I am satisfied that it can be reasonably secured by condition. Secure bin storage is provided in the proposed building. I consider that cycle parking could also be provided in the building and this can be conditioned.

Environment

At the time of writing the report the finalised comments of the Arboricultural Team had not been received. I anticipate that conditions will be required on any permission with regard to the proposed means of construction of the parking area adjacent to the protected tree and tree protection measures to be used during the course of development. Details of the Phase 1 Habitat Survey will be reported orally at the meeting. In terms of environmental build features I consider that it would be feasible to include solar panels on the proposed south facing roof plane of the main rear elevation. This can be secured by condition.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9. above. The proposal is considered an acceptable form of development in siting, design, street-scene, residential amenity and highways terms in this location.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 24 (vegetation protection)

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3. Standard condition 84 (drawing nos. 06 108 05 B, 06 108 06B and *****) also omit 'solely' from condition
4. Standard condition 30 (surfaces to be drained etc)
5. The construction of the care home shall have full regard to the need to reduce energy consumption and a scheme shall be submitted to, an approved by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the care home is occupied, unless otherwise agreed in writing by the Local Planning Authority.
6. An additional parking space shall be provided in the area to the east of the proposed building, adjacent to parking space no. 5 (as included on amended drawing no. 06 108 06B), in accordance with details to be agreed in writing by the Local Planning Authority before the building is brought into use.
7. Standard condition 69 – cycle/motor cycle parking.
8. Standard condition 19 – means of enclosure.
9. The parking area to the eastern side of the proposed building adjacent to the protected Cedar tree shall be constructed utilising a method of no-dig construction, unless otherwise agreed in writing by the Local Planning Authority.
10. Standard condition 20 – approval of landscaping scheme.
11. Standard condition 22 – approval of landscaping scheme (condition 10).
12. Before any development is commenced, including demolition of the existing building; a survey of roosting bats and the potential for roosting bats shall be undertaken. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site. Depending on the results of the survey: necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority. All such agreed measures shall be implemented in their entirety. A DEFRA licence shall be secured to legitimise destruction of any bat roost.

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11.4 Reasons

1. Standard reason E14 (H13 and E23)
2. Standard reason E11 (E9)
3. Standard reason E04
4. Standard reason E09 (GD8 and H13)

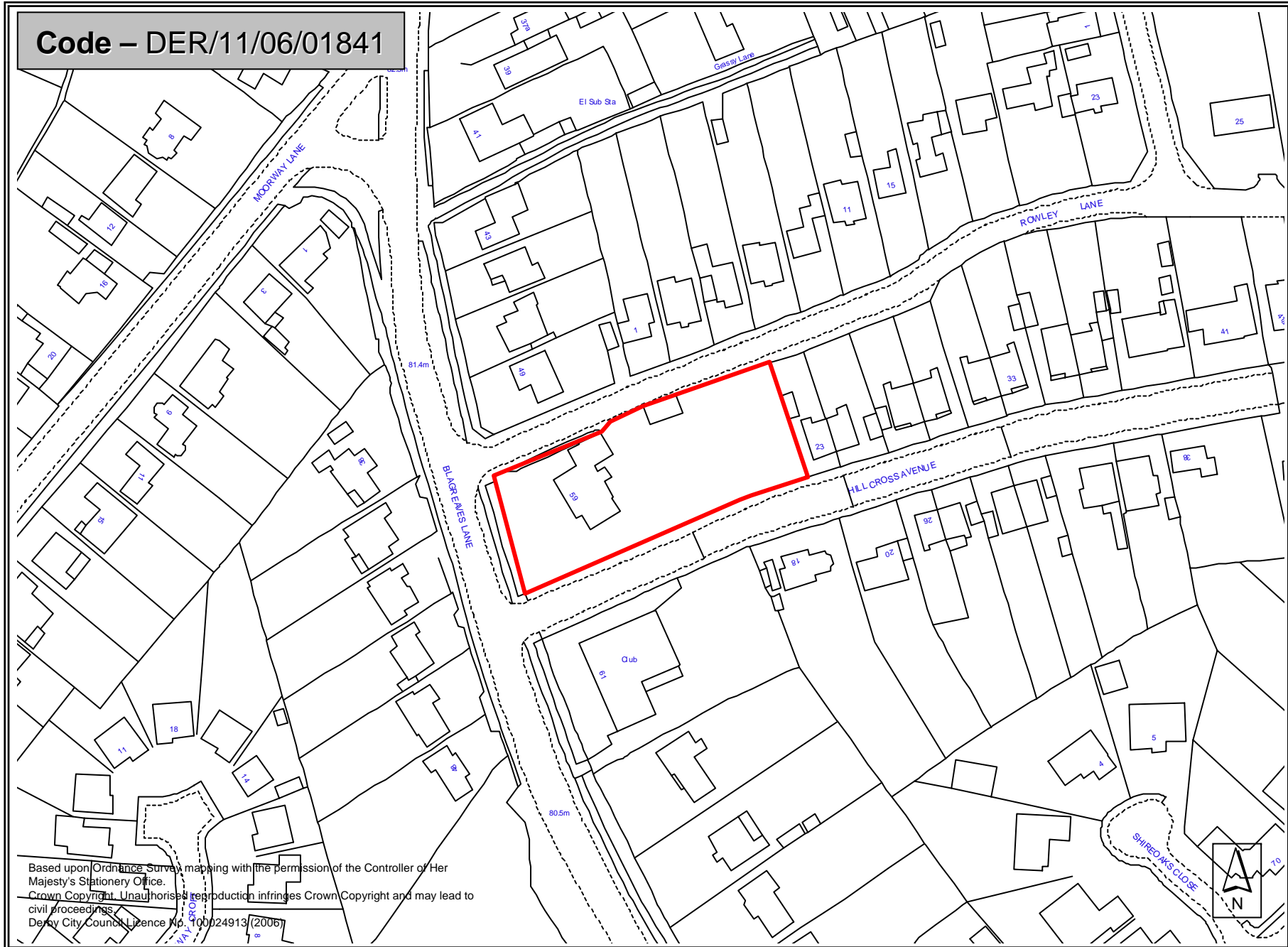
5. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.

6. Standard reason E16 (T4)
7. Standard reason E35 (T7)
8. Standard reason E09 (H13 and GD5)
9. To prevent damage to the protected Cedar tree on-site and in accordance with policy E9 of the adopted CDLPR
10. Standard reason E09 (GD4, GD5, H13 and E23)
11. Standard reason E08 (GD4, GD5 and H13)

12. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 - Biodiversity and Geological Conservation and Policy E7 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

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