

Applications to be Considered

SUMMARY

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

RECOMMENDATION

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

REASONS FOR RECOMMENDATION

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

SUPPORTING INFORMATION

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

OTHER OPTIONS CONSIDERED

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

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead 01/11/2014
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

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Planning Control Committee 18 December 2014

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1	1 - 23	09/14/01216	Land at Brook Farm, north of Oregon Way, Chaddesden. (access from Acorn Way)	Residential development of up to 275 dwellings with associated infrastructure and public open space.	To refuse planning permission.
2	24 - 42	09/13/01106	Land at Agard Street / Friar Gate / Ford Street, Derby.	Erection of 3-8 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non residential institutions), D2 (Assembly and Leisure)) with associated access and car parking - re-submission of previously approved permission DER/12/08/01676 to include flexible use of ground floor Phase 2.	A. To authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal and Democratic Services to enter into such an agreement. B. To authorise the Director of Planning and Property Services to grant permission upon conclusion of the above Section 106 Agreement.
3	43 - 50	07/14/00942	Bretherens Meeting Hall, 121 Blagreaves Lane, Littleover.	Residential development (3 dwelling houses) including demolition of church building.	To grant planning permission with conditions
4	51 - 62	10/14/01367	Land to the north of Health Centre, Coleman Street, Allenton.	Erection of 78 bed care home (Use Class C2).	To grant planning permission with conditions
5	63 - 67	10/14/01345	17 Market Place, Derby. (Ask Italian)	Display of 1 internally illuminated fascia sign	To grant consent conditionally
6	68 - 75	06/14/00740	Site of 73 Field Rise, Littleover.	Demolition of bungalow and erection of detached dwelling house - amendments to previously approved planning permission Code No. DER/09/08/01276/PRI to amend the position of the dwelling house and the addition of a basement.	To grant planning permission with conditions

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Application No: DER/09/14/01216

Type: Outline (with means of access)

1. Application Details

Address: Land at Brook Farm, north of Oregon Way, Chaddesden

Ward: Chaddesden

Proposal:

Residential development of up to 275 dwellings, with associated infrastructure, new vehicular access and public open space

Further Details:

Web-link to application documents –

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=97041>

This is a revised application following refusal of the previous outline scheme for residential development at the Planning Control Committee meeting in February (ref: DER/11/13/01284). The current proposal is for the same number of dwellings on the same development site. The main difference in this scheme is that the means of vehicular access would be taken from Acorn Way only, rather than Oregon Way as in the previous application. This is an attempt to address the reason for refusal, which was on the grounds of adverse impacts on highway safety and amenity.

The overall application site for this scheme is approximately 10 hectares in area. The land is agricultural, although it has not been actively in agricultural use for some time. The fields are currently open grassland subdivided by overgrown hedgerow, which are unmanaged and there are woodland areas to the north of the site along the Lees Brook watercourse. The site is identified as Green Wedge and designated as proposed public open space in the adopted City of Derby Local Plan Review (CDLPR). It is clearly accessed informally by walkers, although the land is identified as private on the site. It is not currently considered to be public open space, even though it is being used by the public for informal recreation. The site runs east to west alongside Lees Brook to the north of the residential area around Tennessee Road and Oregon Way. Chaddesden Park Primary school also lies to the south of the site. To the north of the site is Lees Brook Academy and residential properties off Morley Road. Acorn Way lies to the east with a retained area of open fields which are in the applicant's ownership. The site narrows to the western end, where it meets Chapel Lane, a former vehicular access to the site, which is now closed off. Chapel Lane is a narrow single track road, which contains the former Brook Farmhouse and other housing. The shape of the site is relatively long and narrow, alongside Lees Brook watercourse to the northern boundary. It is also a steeply sloping area of land which extends down to the brook from Tennessee Road and Oregon Way. Lees Brook and its banks are identified as a Local Wildlife Site.

Outline permission is sought for residential development of up to 275 dwellings and associated infrastructure, with means of access to be approved under this application. 60 extra care residential units are not now specifically included in the application, although this is still a potential option for providing affordable accommodation on site, which would be secured under the Section 106 Agreement.

All matters, except for access, would be reserved for future approval. An indicative masterplan has been submitted in support of the application, which shows a concept

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layout for the development. However, this does not form part of the scheme to be approved at this stage. The indicative layout shows the provision of public open space and surface water attenuation ponds.

The development would be served by a single point of vehicular access formed off Acorn Way. A proposed access road would extend from the eastern side of the development site and onto Acorn Way, with a new ghost island junction formed within the public highway. Visibility splays, 2.4 metres x 215 metres in either direction of the junction would also be safeguarded along Acorn Way. Pedestrian access would not be provided at this junction, since the highway does not currently have pedestrian footways. Two pedestrian and cyclist accesses are to be provided to the southern boundary of the development, onto Tennessee Road and Oregon Way. These accesses would also be for use as an emergency access point.

2. Relevant Planning History:

DER/11/13/01284 – Outline application for residential development of up to 215 dwellings and 60 extra care units, associated infrastructure and public open space, Refused permission for following reason:

In the opinion of the Local Planning Authority the detailed principal access arrangements to serve the development site, in the form of a proposed mini-roundabout at the existing junction of Oregon Way and Ellendale Road, would be injurious to the free and safe movement of vehicles and pedestrians on the public highway. As such, the proposed access arrangements would be to the detriment of highways users on this particular part of the local highway network. Therefore, for this reason, the proposal is contrary to saved policies GD5 and T4 of the adopted City of Derby Local Plan Review.

The application is subject to an appeal against the refusal and is due to be considered at a public inquiry in February 2015.

3. Publicity:

Neighbour Notification Letter – 228 letters

Site Notice

Statutory Press Advert

Prior to the original 2013 application, the applicant undertook a public consultation exercise in the local community, which included an exhibition event at Chaddesden Park primary school.

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

4. Representations:

To date 213 objections and comments have been received to the application, including objections from Cllr. Barker and Cllr. Campbell. The main issues raised are as follows:

- Access would be onto a very busy and fast road. Difficult to turn out of development and likely to cause accidents.

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- If road was closed due to accident, how would people access the development.
- Development would cause traffic congestion on Acorn Way and local roads.
- Local schools can't cope with additional pupils.
- High levels of traffic on Acorn Way, which has already had accidents.
- Acorn Way is dangerous and prone to flooding.
- The development would result in the loss of Green Wedge and open space.
- The land is not suitable for development. It is too steep.
- The land is used by the public for walking and recreation.
- The development is likely to worsen flooding in the Lees Brook.
- Sewerage from the development will cause problems for local residents.
- Additional pressure on doctors and other services.
- There would be loss of wildlife and habitat from the site.
- Development should be on brownfield land and empty homes should be re-used.
- The traffic flows from the development would increase CO2 emissions and air pollution.
- The land could be used for food crop production.
- The site has limited access to public transport.
- Loss of amenity for local residents.
- Development would result in increased noise pollution.
- Draft Core Strategy states that Acorn Way would not be used for access to the development.

5. Consultations:

Highways DC:

Acorn Way was constructed to in the late eighties to provide access to the Oakwood housing development. It is approximately 2.7km long and links the A6005 Derby Road in the south to Morley Road in the north. The first 1.5km travelling north from the A6005 lies within the jurisdiction of Derby City Council and the remainder of the route up to Morley Road is controlled by Derbyshire County Council. The route is very rural in nature with only agricultural uses taking access from the road.

Acorn Way is a 7.3m wide, it is mostly unlit and has no footways along its length. Some lengths of the route have a sub-standard alignment as denoted by the solid single and double white line carriageway marking system on the road. The route is generally subject to the national speed limit with the exception of approximately 660m on the most southerly section within Derby City which is subject to a 40mph speed limit. The route is subject to a 7.5 tonne weight limit.

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According to the current accident record, in the last 5 years up to June 2014 there have been 6 injury accidents (4 slight and 2 serious) on the City section within 150m of the proposed access and a fatal accident on the County section approximately 370m north of the proposed access.

The developer recorded the two-way daily flow 9th July 2014 as 15779 vehicles and 85thile measured speeds in the vicinity of the proposed junction, as Southbound **53.4mph** (86kph) and Northbound **59.7mph** (96kph).

During previous discussions with the applicant about a proposed access onto Acorn Way, it was made clear that there would be an objection in principle to such a proposal.

Derby City Council subscribes to the '6Cs' Design Guide, which is the design guide used by the highway authorities in Derbyshire, Nottinghamshire and Leicestershire.

Paragraphs 1.29 & 1.31, say:

1.29 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
- roads with a speed limit of 40mph or less which are essentially rural in nature;

"1.31 If access to a development can be gained off a minor or side road, you should normally consider this option as preferable (with improvements to the junction of the minor side road with the main road as necessary)."

It is acknowledged that these paragraphs relate to Class A and B roads and Acorn Way is an unclassified road. However it is considered that the principle of taking access off a lower speed urban road, where possible, remains sound. This is considered particularly true in this case, where Acorn Way is an unlit rural route where the measured 85thile speeds are very high.

The NPPF, in paragraph 32, requires that "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and decisions should take account of whether:

- safe and suitable access to the site can be achieved for all people."

In the opinion of officers it is considered to be both technically possible and safer to serve the above development from Oregon Way, which is urban road subject to a 30mph speed limit and which has no record of accidents along the site frontage, rather than from a fast section of Acorn Way, which has a history of injury accidents in the vicinity of the proposed junction. Also by forming an access direct to Acorn Way there is a possibility that pedestrians and cyclists from the site could be encouraged to use Acorn Way which is unlit and has no footways and is therefore considered to be an unsuitable route for these modes of travel.

Taking access off Acorn Way, rather than Oregon Way also has the added implication of potentially increasing carbon emissions from traffic, entering the city. NPPF paragraph 30 states that "encouragement should be given to solutions which

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support reductions in greenhouse gas emissions". The proposed access would result in a longer distance for trips onto Nottingham Road by 900 metres from Acorn Way, compared with Oregon Way. Whilst 900 metres does not appear very far for a single journey, when multiplied by the number of vehicular trips to the city generated by all the occupants from the development over the whole life of the development, it will significantly increase in the generation of greenhouse gas emissions when compared to those generated if access was to be taken off Oregon Way. This appears contrary to the aims of the NPPF.

The geometric detail of forming an access to Acorn Way

To assess the suitability of the design of the proposed junction to Acorn Way we first look to 'Manual for Streets 2', particularly in respect of the appropriate level of visibility splays required.

The following paragraphs are considered relevant:

Para 10.1.1 says "*This section of MfS2 incorporates Section 7.5 of MfS1*"

Para 7.5.1 MfS1 says, "*This section provide guidance on SSDs (safe stopping distances) for streets where 85th %ile speeds are up to **60 kph** (37mph). At speeds above this, the recommended SSDs in the **Design Manual for Roads and Bridges (DMRB)** may be more appropriate.*"

Para 10.1.3, says, "*This section provide guidance on SSDs for streets where 85th %ile speeds are up to **60 kph** (37mph).*"

As mentioned above Derby City Council subscribes to the 6Cs Design Guide, which says:

*"3.26 Table DG4 sets out visibility splays normally required for junctions, bends and at vertical crests. The starting point when calculating visibility splays should be the Manual for Streets, unless the external road falls outside the definition of a street as set out in Appendix L. **Otherwise you should use the calculation in the Design Manual for Road and Bridges.**"*

The conclusion I draw from the above is that on high speed roads whether trunk roads or not, DMRB is the appropriate advice in determining the appropriate level of visibility for roads with an 85th %ile in excess of 60 kph (37mph). This has been confirmed by the Council's Highways Design team. In this case the appropriate level of visibility would be a minimum of 2.4 x 215 metres. It is suggested that the developer cannot meet the requirements of DMRB in respect of visibility splays at the proposed junction and consequently the proposed junction is unacceptable.

Recommendation

It is recommended that the application should be refused for following reasons:

1. In the interests of highway safety
2. It does not support reductions in greenhouse gas emissions suggested in the NPPF.

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Natural Environment:

There are no trees protected by a Tree Preservation Order (TPO) within the application site. In relation to the proposed access off Acorn Way though, we are responsible for the road embankment to the west of Acorn Way, which contains a number of trees and shrubs.

Following the recommendations made in the Arboricultural Survey Report and Method Statement, as part of any reserved matters, a scaled Tree Protection Plan showing retained trees and their respective Root Protection Areas in relation to the proposed layout is required for approval to ensure the recommendations made in the Report and Statement are carried forward. Standard conditions are also needed to ensure tree protection measures outlined in the Report and Statement, such as protective fencing is in place before and during construction works and, where necessary, an Arboricultural Method Statement detailing the nature of no-dig surfacing solutions is submitted for approval for any works affecting the root protection area of trees to be retained.

Finally, as long as the recommendations made / advice given in the Extended Phase 1 & Protected Species Survey Report in relation to trees is followed, no further comment to make.

There are no recorded public footpaths running over the area covered by this outline planning application. An application for a modification order submitted in May 2013 to add new public footpaths on the site is currently being considered. The developer should incorporate pedestrian and cycling routes into the final housing layout which adequately connect the development site to the adjacent existing housing, while also meeting the desires of local residents.

Some of the paths being claimed in the modification order application are shown on the Sketch Concept Layout submitted by the developer. This includes a route similar to the proposed walkway/cycleway from Tennessee Road, Chaddesden to Locko Road following Chaddesden and Lees brooks that is included in the City of Derby Local Plan and the Rights of Way Improvement Plan 2014-2017. These paths, as well as the footways alongside the carriageways, should provide good connectivity across the site and between the site and the adjacent housing. The developer should also investigate the establishment of a non-vehicular pedestrian / cycleway link through the small housing development on the western edge of the development site. This would connect in with existing public footpaths off Chapel Lane. The current order application is still been considered, in negotiation with the applicant and is due to be put before the Planning Control Committee in the new year to confirm whether an order should be made for the site.

Land Drainage:

The flood risk from the Lees Brook has been modelled and the flood zones established. The proposal appears to restrict development to within Flood Zone 1 which is acceptable.

The drainage model has excluded all greenfield areas. It will need to be demonstrated how these areas drain such that properties and the highway are not placed at risk. The Flood Risk Assessment (FRA) proposes discharge rates up to the 1 in 100 year greenfield runoff rate. This approach is only acceptable if the requirement for long term storage has been considered. Long term storage provides

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compensation to the difference between the volume of water discharged pre and post development. If long term storage is not provided then discharge rates should be limited to 2l/sec/Ha for all storm events up to the 1 in 100 plus climate change event.

The NPPF Technical Guidance gives a policy aim for developments in flood zones 1 to 3a as follows:- "In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems".

The principles of SuDS should be considered for the development. They have offered permeable paving but little else in the way of source control. It has not been demonstrated that the water treatment proposed will be sufficient to ensure no detriment to the environment. Maintenance access to the Brook does not appear to have been provided all through the development. As the planning permission being sought is outline only, the application is supported subject to conditions to secure details of a surface water drainage scheme, buffer zone along watercourse for maintenance and wildlife corridor and flood defence protection.

Environmental Services (Health – Pollution):

Same comments as on the previous application:

Due to the sensitive nature of the development as residential, conditions are recommended to secure Phase I and if there is potential contamination, Phase II site investigation studies to identify sources of land contamination. Where site contamination is revealed then a remediation strategy and method statement should be required to be agreed and implemented before development commences.

Demolition and building works should be carried out within specified hours to prevent nuisance to neighbours.

Given the scale of the development and/or its proximity to sensitive receptors e.g. residential dwellings, recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phase of the development.

Resources & Housing (Strategy):

Support the development of the site to provide suitable and affordable homes. Their provision will contribute towards a strategic need within the city.

ENV Agency:

There are no objections in principle to the proposed development but recommends that any planning permission should be subject to conditions to secure details of a surface water drainage scheme, in accordance with the Flood Risk Assessment and ensure no development within 8 metres of a watercourse.

Derbyshire Wildlife Trust:

The revisions to the plan are noted, in respect to access to Acorn Way. The material change in terms of biodiversity is that the new access road bisects additional hedgerows on the site. Previous comments in relation to retaining features of biodiversity value within any reserved matters application should apply to these features and they should be protected from construction activity and any losses should be compensated for elsewhere in the scheme's landscape and biodiversity

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management plan. From an ecological perspective the application does not represent a substantive change in relation to its impacts on biodiversity and therefore its consideration under the NPPF and Local Plan policy.

The previous comments therefore still stand, with the inclusion of the protection, enhancement and compensation for the losses of hedgerow associated with the revised access.

Police Liaison Officer:

The detail of the scheme should include design features which are known to aid community safety

- secure private garden space
- outward looking aspects on all building elevations facing open space or the public realm
- in curtilage parking
- well viewed and shared movement networks
- centrally located and well supervised public open space

The following features are avoided

- blank building elevations facing any public space and private parking areas
- detached rear garden access
- remote public footpaths
- parking courts not viewed by at least two active building elevations or where there is no visual connection between owner and vehicle.

Natural England:

Same advice as on the previous application;

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

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

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

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural

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resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

No objections to the proposal.

Severn Trent Water:

No objection to the proposal subject to condition to secure details of a surface water drainage and foul sewerage scheme for the development.

DC Archaeologist:

The site was subject to geophysical survey and archaeological trial trenching as part of the previous planning application, due to an Historic Event Record of a large apparently rectangular earthwork in the central field and in pursuance of the aims of NPPF para 128. The earthwork structure was however found by evaluation to be natural in origin, deriving either from glacial processes or from colluvial slippage associated with the slopes south of the brook. The site was consequently found to have no archaeological potential, and there is consequently no need to place any further archaeological requirement upon the applicant.

Children and Young People (Education):

The proposed housing development at the former Brook Farm site, Chaddesden will generate an estimated 77 primary school aged pupils and 55 secondary aged pupils based on 275 new houses. The development falls within the catchment areas of Chaddesden Park Primary School for primary school provision and Lees Brook Academy for secondary school provision. It should be noted that Lees Brook Academy is independent of Derby City Council.

At present, there are some surplus places available within the schools. However, pupil numbers are increasing significantly, particularly within Derby's primary schools. There has been an unprecedented level of growth in numbers over recent years and projections are indicating a continuation of this trend. This increase in pupil numbers is being experienced both nationally and locally. The higher primary pupil numbers will feed through to secondary schools in future years.

Derby City Council has a statutory obligation to ensure sufficient school places for pupils residing within its administrative boundary. It is therefore considered important that an assessment of pupil numbers is taken in relation to catchment area schools on commencement of the development in order to calculate the education Section 106 funding contribution.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the environment
GD3	Flood Risk
GD4	Design and the urban environment
GD5	Amenity
GD8	Infrastructure
H11	Affordable Housing
H12	Lifetime Homes
H13	Residential development (general criteria)
E2	Green Wedge

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E4	Nature Conservation
E5	Biodiversity
E6	Wildlife Corridors
E7	Protection of habitats
E9	Trees
E10	Renewable Energy
E16	Development near to important open land
E17	Landscaping schemes
E21	Archaeology
E23	Design
L2	Public Open Space Standards
L3	Public Open Space requirements for new developments
L4	New or extended public open space
T1	Transport Implications
T4	Access, parking and servicing
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T10	Access for disabled people
T15	Protection of footpath, cycleways and routes for horse riders

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

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

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

7. Officer Opinion:

Key Issues:

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

- Policy Principles
- Green Wedge and open space
- Traffic implications and access
- Urban Design and amenity
- Environmental Impacts

Policy Principles

This outline proposal for residential development relates to open fields on a steeply sloping site, which are located to the east of Chaddesden and amount to a narrow green space between residential areas of the suburb. The north boundary of the site has Lees Brook, running in an east / west direction, which is a Site of Importance for Nature Conservation (SINC), a designated local wildlife site.

The application site lies within the Lees Brook Valley Green Wedge which is defined in the adopted Local Plan Review, under Policy E2. The site is also within an area

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designated as proposed public open space, identified as a proposed Neighbourhood Park in Policy L4(10). The site lies on the eastern edge of the urban area and is a narrow strip of the wedge which separates the two residential areas of Oakwood to the north and Chaddesden to the west and south. To the north and east the Green Wedge opens out to Acorn Way and the countryside beyond.

The adopted Local Plan also seeks to implement a new route for pedestrians and cyclists across the site, under Policy T15(13) forming a link between Tennessee Road and Acorn Way and then continuing further towards Locko Park outside the city.

A significant factor in determining the application is how much weight to give to various local and national policy documents and material considerations. These include the National Planning Policy Framework, the adopted City of Derby Local Plan Review (CDLPR), the City Council's Draft Core Strategy and the Council's 5 year housing land supply position.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 and has made significant changes to government guidance on planning decision making which are very relevant in the case of this application.

The golden thread which runs through the NPPF (paragraph 14) is a "presumption in favour of sustainable development". Paragraph 47 also sets out the Government's objective to "boost significantly the supply of housing". Both of these objectives are clearly relevant in determining the application.

In terms of decision taking the "presumption" is defined as:

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

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

It is considered that the saved policies of the CDLPR have a high level of consistency with the NPPF and should, therefore, continue to be the starting point for all decisions and given a significant amount of weight in this and any other application.

A further key issue for this application resulting from the NPPF is set out in paragraph 48. This sets out a requirement for local authorities to maintain a supply of deliverable housing sites to meet needs for at least 5 years. It states that relevant policies for the supply of housing should not be considered up-to-date if the local

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planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is important to note that in such cases, only policies relevant to the supply of housing are considered out of date. Policies other than those related to housing supply will still be relevant.

The NPPF therefore requires that local authorities identify and maintain enough deliverable housing sites for 5 years. The definition of 'deliverable' means that they are in a suitable location for housing, that the land is available for development and that development would be economically viable.

Housing Land Supply

The City Council cannot currently demonstrate a 5 year supply of deliverable housing sites and is seeking to identify its housing needs and meet them through the Core Strategy process. Until the Core Strategy is formally adopted many of the sites identified in the Draft Core Strategy cannot be counted in the supply.

This lack of deliverable sites is not necessarily down to the availability of land. It is also influenced by the fact that it is not currently viable for developers to build on certain housing sites because of economic and market conditions. However as mentioned above, in the event that an authority cannot demonstrate a 5 year housing supply the NPPF states that it should grant planning permission for residential developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted.

Derby City Local Plan Part 1: Draft Core Strategy

The Council consulted on its Draft Core Strategy at the end of 2013. The responses to the consultation have now been considered and appropriate amendments have been made to the Plan. On 26 November 2014, Full Council approved the amendments and a final "pre-submission" consultation of the Draft Plan before it is submitted to be examined by a Planning Inspector.

The Draft Core Strategy uses an up-to-date evidence base and the findings of previous consultations to set proposed targets for housing delivery in the city. The evidence supporting the Plan indicates that Derby's housing needs are significant and it will not be possible to meet those needs within the city. Neighbouring authorities, Amber Valley Borough Council and South Derbyshire District Council have therefore agreed to identify sites in their emerging Core Strategies in order to meet part of the city's housing needs.

The Plan continues to identify the application site at the former Brook Farm as one of a number of strategic sites which are proposed to meet housing requirements for the city. Although the previous planning application for this site was refused, the reason for refusal related to the specific access arrangements which were proposed in that application. The reasons for refusal did not relate to the principle of development on the site. There is an appeal pending on that decision.

The relevant draft policy for the Brook Farm site includes a criterion which states that no access will be taken from the site to Acorn Way or Tennessee Road. This criterion was included in the Draft Plan based on advice from the Highways Development Control team, due to their opinion that an acceptable access to Acorn Way could not be provided.

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The Draft Core strategy for the city focuses on regeneration and brownfield development to bring forward housing but it also acknowledges that in order to deliver enough housing to meet the city's needs some greenfield sites and green wedges will also need to be released. The strategy seeks to ensure that viable green wedges are retained and their accessibility and green infrastructure role is strengthened.

It should be noted that the Draft Core Strategy is a Draft Plan and will be subject to further consultation, which will take place before the Draft Plan is submitted and examined by an Inspector. A lot of very relevant work has gone into producing the strategy and the evidence which sits behind it is up to date. As such the Draft Core Strategy currently carries limited weight as a material consideration. I would suggest that the amount of weight which can be attributed to the strategy is limited because of its current emerging status.

Green Wedge Review

As part of the process of preparing the Draft Core Strategy, the Council produced a Green Wedge Review (GWR) in 2012. The purpose of the GWR was to determine the role and function of all of the green wedges in the city and to assess whether there was any opportunity to change their boundaries to accommodate new housing development.

In the case of the Lees Brook Valley Green Wedge, the GWR considered the potential impacts of housing development in the proposed location, as a site had been promoted to the Council for residential development at that time. The GWR states that "development of this area of the site for housing would clearly reduce the penetrating effect of the Green Wedge, reducing the proximity of built development and open countryside. Development in this area may be visible from the north due to the topography of the land and would be intrusive within the Green Wedge. It would also erode the rural character."

The GWR goes on to state that "this area of Green Wedge makes very little contribution towards separating different areas of the city due to the narrowness of the western end of the Green Wedge. Therefore development of the site would not have a significant impact in terms of reducing the separation or leading to coalescence. Development would be well related to the existing urban area and would not impact upon the mouth of the Green Wedge. On this basis the site may have some development potential."

The findings of the GWR as well as other considerations including the need to meet housing requirements, have led to part of the Lees Brook Valley Green Wedge being identified in the Draft Core Strategy as a proposed housing allocation. The site which is identified in the Draft Core Strategy broadly matches that of the application site and is identified to deliver up to 275 new homes.

Saved Local Plan Review policies

The site forms part of an area of Green Wedge, which penetrates Chaddesden to the east of the city, allocated under Policy E2. Under this policy, development would only be appropriate in very restricted circumstances and the proposed housing development would not be permitted. The proposal is therefore contrary to the policy. However, the findings of the GWR in relation to this part of the Green Wedge, have led to its allocation for housing in the Draft Core Strategy. The absence of a five year

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supply of deliverable housing sites is also a material consideration in assessing whether the principle of housing on this site is appropriate.

The application site is also in an area identified as proposed public open space under Policy L4 (10) of the CDLPR. The adopted Local Plan identifies the site as forming an extension to Oregon Way Recreation Ground in order to form a new Neighbourhood Park. However, the proposed open space allocation has never been implemented and there is no foreseeable mechanism for the site being brought forward as public open space. Therefore, whilst the development of the site would be contrary to this policy, there is no likelihood currently that the proposed Neighbourhood Park will be brought forward.

The submitted masterplan indicates that an area of major public open space will be provided at the eastern end of the site which will contribute to the needs of both existing and new residents should the scheme be allowed.

Policy H13 relates to the general criteria by which to assess residential development proposals. The policy seeks to ensure that a satisfactory form of development is provided, which safeguards residential amenities and forms high quality living environment, achieves appropriate housing densities and interesting urban forms and townscape design.

The submitted indicative masterplan demonstrates that the application site could accommodate a quality townscape and residential layout. The number of units proposed is a maximum but would achieve a suitable density and scale of development for this site, which is considered acceptable, in line with H13.

Policy H11 requires affordable housing to be provided for the scale of this development, to meet a housing need in the local area. It is intended that the affordable element of the scheme will be provided on the site, although the type and tenure of accommodation has not been specified under this application. The affordable housing element is agreed in principle with the applicant and this is to be secured via the Section 106 Agreement. The form and layout of the affordable accommodation would be submitted under a reserved matters application.

In line with the requirements of Policy H12, 10% of all homes on the development would be to a Lifetime Homes standard.

In regard to the provision of adequate school places to meet the estimated need generated by up to 275 dwellings, there is considered to be capacity at the present time at both primary and secondary level to deal with the proposed scale of the housing development on this site. However, with the current trend of increasing demand for school places in the city, the capacity of local schools is likely to reduce over time. It is therefore considered appropriate for an assessment of education capacity to be undertaken at submission of reserved matters stage. In the event that there is insufficient capacity, a contribution towards increasing school places at primary and/or secondary level will be required. This mechanism is to be incorporated into the Section 106 Agreement to ensure that education provision is secured at reserved matters, if necessary.

The General Development policies, GD1, GD2, GD3, GD4 and GD5 relate to issues including protection of the environment, flood protection, urban design and amenity.

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In order to be acceptable the form, scale and layout of the development should seek satisfy all of these policies.

Summary of Policy Considerations

The proposal would be contrary to the policies of the adopted CDLPR. However the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by the NPPF. The NPPF therefore requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole or if specific policies in the framework indicate that development should be restricted.

The Draft Core Strategy continues to identify the site as a proposed housing allocation and this has been endorsed by Full Council. Furthermore, the previous application was refused on a point of detail and not principle. The committee has therefore already considered the adverse impacts of the loss of Green Wedge and the issue of the Proposed Public Open Space allocation and concluded that the development is acceptable, in principle.

Green Wedge and Open Space

Probably the single most important land use issue for consideration in determining this application is that the whole of the site is in a Green Wedge. Therefore consideration of Policy E2 of the Local Plan is required. The proposal is contrary to this policy which seeks to maintain Green Wedges as open and undeveloped. The policy offers limited scope for built development in Green Wedges and the proposal goes far beyond what would be justified. If the development was to be approved and implemented the open character of this part of the wedge would be lost and the land would no longer continue to function as part of the Wedge. Indeed, the remaining land, some of which included the Lees Brook School, may cease to create a viable wedge. Whilst the loss of the part of the Green Wedge would result in a narrowing of the remaining wedge at this point, the Council's 2012 review of Green Wedge concluded that the application site performed a limited function in separating the urban areas of Chaddesden, Oakwood and Spondon and was therefore considered appropriate for housing development.

Some of the representations made in response to the current application refer to the Green Wedge, which includes this site as having being used for recreational purposes. The site is privately owned land which is within the curtilage of the planning unit of the former Brook Farm and as such, its historical use is one of agricultural activities. There has been no formal change to the use of the site and so agricultural use remains the established use of the land. Any recreational activities carried out on the site have been allowed because the land owner has not prohibited or intervened in them. The land has been promoted for housing development previously (under the Local Plan Review Inquiry in 2005) and it is clear that a developer with an interest has had a long term intention of seeking its release to deliver new homes. The use of the land by some local people for informal recreation does not, therefore, lead to the land becoming public open space. It has only been allowed by the landowner pending a planning permission being given to develop the site for housing.

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Because of the proximity of the site to the Green Belt, which is beyond the city boundary in Erewash and the Green Belt and Green Wedge to the East of Acorn Way, consideration of Policy E16 (Development Near to Important Open Land) is required. This policy relates to development near to important open land and requires that adequate landscaping is provided to ensure that the visual amenities and special character of these open spaces is not adversely affected.

Policy E16 is particularly important in this case because of the topography of the site. The site has a significant slope down to the north and therefore development on it is likely to have a greater visual impact from the Green Belt to the north and north east. It is very important that the appropriate landscaping/screening and buffers are put in place to satisfy Policy E16. The site also contains various hedges and has a corridor of woodland along the Lees Brook banks which are indicated as being suitable landscape features which can form part of a landscaped buffer with open land to the north and east of the development. The proposed access road onto Acorn Way would involve an engineered road solution, incorporating embankments and the removal of a substantial area of the tree buffer alongside the highway, to form visibility splays for the access. This would have an urbanising effect on the rural character of the road and the surrounding open countryside. This inevitably would have a detrimental visual impact on the openness of the adjacent Green Belt and the Green Wedge, contrary to the provisions of Policy E16 and also E1 and E2.

Policy L3 sets out requirements for public open spaces in new developments. The provision of both on-site and off-site new open space is a matter for agreement with the applicant to be secured via the Section 106 agreement. However there are several factors which give weight to the importance of providing high quality open spaces within the site, as well as off site. These include the loss of openness of the Green Wedge by developing the site, the sloping topography of the site and its visual prominence, particularly from the north and east, the fact that the site is identified as proposed public open space as a new Neighbourhood Park in Policy L4 and the requirement to meet Policy L3 itself and provide new open space to meet the needs of the new development.

The indicative masterplan shows provision of public open space in the development, which would link with existing landscape features and would be capable of providing suitable open space on site to meet the standards in Policy L2.

The area to the east of the development site, up to Acorn Way is in control of the applicant and is to remain as open land, which would become major open space to fulfil requirement of L2. However, the vehicular access road to the development is proposed to cross this land to a junction onto Acorn Way. This would result in the open space being sub-divided into two smaller areas by the proposed access road, which is to be supported by substantial embankments. This would be an unfortunate splitting of the area into two unconnected areas of open space, although this would still accord with Policies L2 and L3.

Traffic implications and access

The current application differs significantly from the previous refused scheme, in regard to the proposals for means of access to the development. Means of access is a matter to be determined at this stage and the proposals in this application are therefore a key consideration to be assessed. The proposed formation of a vehicular

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access onto Acorn Way, rather than Oregon Way, as proposed previously, is not consistent with the emerging Core Strategy and raises significant highway safety concerns, as advised by the Highways Development Control Officer.

The previous application included a vehicular access to be provided for the development onto Oregon Way, via a mini-roundabout. Based on the advice of Highways Development Control it was recommended that an acceptable access to the site could be achieved off Oregon Way.

The proposed access road to the current scheme would extend to the east of the development and form a new junction onto Acorn Way, which is essentially a rural link road between Oakwood and Chaddesden. There are currently no other such junctions onto Acorn Way and the road does not have a pedestrian footway alongside it. I note from the Highways Officer's comment that this stretch of Acorn Way has average traffic speeds of between 50 and 60 mph in both directions and an accident record on this stretch of the road, which includes a fatality.

The proposed access junction is to be positioned on a section of Acorn Way which slopes down to Lees Brook and bends in either direction, such that visibility from the access point is relatively limited in both directions. Visibility is also somewhat obscured by dense groups of trees, which have been planted alongside the highway and contribute to the rural character of the road. In order to form the required visibility splays a large group of roadside trees would need to be removed, particularly to the north of the access. However, due to the sloping and curving nature of the road in this location, achieving adequate visibility splays in each direction, within the application site is likely to be difficult.

The Highways Officer has raised significant concerns about the safety of the proposed access onto Acorn Way, both in regard to the measured vehicle speeds on the road and in terms of whether appropriate visibility splays could be achieved onto the carriageway. Discussions between the Highways Officer and the applicant's highways consultant have been taking place during the course of the application, particularly in regard to the forward visibility onto Acorn Way. However, this has not overcome the outstanding highway safety concerns of the Council's Highways Officer. I am in agreement with the Highways Officer, on the matter of highway safety, due to the high traffic speeds and the inadequate levels of visibility which can be achieved at the access point. The potential for a more suitable alternative access to the south of the site, from Oregon Way, is also a material consideration. The proposed access is therefore considered to be unacceptable and contrary to the requirements of Policy T4.

The applicant recently submitted details of an alternative junction arrangement onto Acorn Way, for consideration under this application, which would involve moving the access position onto the carriageway, further to the north, closer to Lees Brook. These details came in late in the application process and following consideration by my officers, they are not being accepted because they do not resolve the outstanding highway safety concerns about the proposed access. In fact, the amendments would raise further difficulties in terms of providing appropriate visibility on land outside the application site. Therefore, the decision has been taken not to entertain these amendments under the current application.

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In regard to the Highways Officer's concerns about potential traffic emissions from the proposed Acorn Way access, as opposed to accessing the site from Oregon Way, I acknowledge that there are likely to be longer trips for vehicles going to and from the city from Acorn Way. This does give rise to valid arguments about potential increased carbon emissions from vehicular traffic using the Acorn Way access. However, the NPPF policies on greenhouse gas emissions do not give sufficient weight to resisting development due to a possible increase in distance travelled for vehicular trips, particularly without a substantive evidence base to demonstrate a significant increase in emissions. I am also mindful that the proposed access onto Oregon Way was refused planning permission, pending the outcome of the forthcoming appeal. This does not therefore provide a solid ground for refusing the application.

In respect to the transport implications of the proposed 275 dwellings on the development site, there are not considered to be any changes from the previous application. A Transport Assessment has been submitted in support of the application, which adequately demonstrates that traffic generation would not be excessive on the wider road network, notwithstanding the highway safety issues arising from the proposed access.

Designated pedestrian and cycle accesses to the development are to be formed onto both Oregon Way and Tennessee Road, which would also serve as emergency access points. These accesses would provide for links to local bus services in the area and access to the District Centre and the nearby schools and community facilities. I understand that there is not intended to be an access through to Chapel Lane to the west of the site. The location of the intended pedestrian and cycle accesses would enable suitable accessibility for residents to the local area and I am satisfied that this meets with the requirements of Policies T6 and T7.

Policy T14 relating to Public Rights of Way states that planning permission will not be granted for development proposals which would sever Public Rights of Way or prejudice access to these routes by pedestrians, cyclists or horse riders unless an alternative route or routes can be secured as part of the development that is at least as safe, convenient and attractive as those being replaced. There is on-going work at present by the Council, via a submitted Modification Order, to identify the status of informal pathways crossing the site. These investigations are separate from the planning process, although they are running in parallel with the current application and if public rights of way do become formally established through the site through the Council's consideration of the Modification application, then these paths would need to be retained or diverted as part of the layout of the future housing development, determined under any reserved matters application. This Modification application is still being considered and due to a decision in the new year. It does not impact on the consideration of the planning application by this committee.

Policy T15(13) seeks the implementation of a cycleway/walkway along the Chaddesden and Lees Brook towards Locko Park. The proposed development of the application site would offer an opportunity to deliver this aspiration and a suggested pedestrian/ cycle route running west to east alongside the Lees Brook in the submitted masterplan could meet this objective, also included as part of any reserved matters proposals.

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Urban Design and Amenity

The character of the surrounding townscape to the north and south of the site is generally suburban, made up of post-war housing. This comprises mainly two storey dwellings with modest gardens. Chapel Lane at the western end of the site is part of historic Chaddesden and has a mix of traditional house types, including the former farmhouse to Brook Farm. This location is therefore appropriate for a housing layout, of mainly two storey dwellings, which is envisaged in the Design and Access Statement, with the application. The residential development would be positioned across the length of the site and towards the southern edge of the site, which abuts up to the existing housing areas of Oregon Way and Tennessee Road. The northern boundary of the site, which runs alongside Lees Brook, would have a greener more open character. This would be in keeping with the general character of the surrounding residential area and references the more open and rural feel of the adjacent Green Wedge and Green Belt.

The southern edge of the site is at an elevated level relative to the surrounding area and has views to the north over the open countryside. The steeply sloping nature of the site presents challenges in term of providing a high quality housing layout and road network. However, this is an outline application with layout and design reserved for a detailed scheme. The sloping site does not inhibit the formation of a good quality living environment and an interesting urban design.

Overall I am satisfied that a good quality residential layout and design can be accommodated on the site, subject to a detailed scheme being submitted under reserved matters, and as such the proposal would be in line with Local Plan Policies GD4, H13 and E23.

Environmental Impacts

The majority of the site, due to its elevated nature is at a low risk of flooding (Flood Zone 1), with a narrow strip alongside Lees Brook, being in Flood Zones 2 and 3, and therefore at medium to high risk of flooding. The areas alongside the Lees Brook are shown on the indicative masterplan as being primarily for existing bank side habitat and open space. The development of housing and roads are identified mainly for the higher ground in Zone 1 and would therefore be at a low risk of flooding in a 1 in 100 year plus climate change event.

I note that some third parties have expressed concerns about existing flooding problems associated with the Lees Brook. The development of this site is required to consider the flood risk implications and mitigation arising from the proposal and to ensure that the situation is not made worse for existing properties in the vicinity of the site. Current flood risk issues should be dealt with via a separate flood management solution.

Whilst most of the site is not a significant flood risk, it is important that land drainage and flooding matters are considered and a Flood Risk Assessment was submitted with the application which incorporates some details of sustainable drainage (SUDs) and flood protection/mitigation proposals into the scheme. This includes recommendations for on-site balancing ponds for water attenuation and finished floor levels above the 1 in 100 year flood risk level. The development of the site for housing is not expected to be subject to significant flood risk and would also not result in increased flood risk elsewhere in the local area, subject to an appropriate

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SuDs and flood mitigation strategy being incorporated into the development. Both the Land Drainage Officer and Environment Agency have not raised significant concerns about the proposal on flood risk or drainage grounds, subject to conditions being imposed to secure suitable SUDs and flood protection/ mitigation measures within the development. The proposal is therefore considered to satisfactorily meet the tests of Policy GD3 and the NPPF.

Policy E4 (27) identifies the Lees Brook and its margins as a Site of Importance for Nature Conservation. It will be important that an adequate buffer is provided between the built development and the brook in order to preserve the ecological value of the wildlife site.

A Protected Species Survey was submitted in support of the application to assess the habitat and presence of protected species on and around the site. An Arboricultural Survey was also submitted which made an assessment of the quality of the woodland areas and hedgerows on the site. The Lees Brook corridor wildlife site is a narrow strip of woodland and waterside habitat, which is of local significance to wildlife and the woodland group of trees are identified as being of a high quality and value, including amenity value. The Lees Brook corridor is not proposed to be developed and would be maintained as green space alongside the development. The wildlife site should be protected and safeguarded during and post construction and this can be secured by means of planning conditions. There are a number of hedgerows across the site, which are assumed to be former field boundaries but are now unmanaged and overgrown. They are identified as being priority habitats of local importance to wildlife and the Arboricultural Survey identifies their condition as being of moderate quality. Most of the hedgerows are indicated on the master plan as being retained as part of the development. The proposed retention of these landscape features and habitats is welcome and allows for potential enhancement of their wildlife interest and ecological value, within the scheme. This would also provide some mitigation for the loss of the Green Wedge in this location.

Subject to protection of the retained habitats, by means of suitable planning conditions, the proposal is therefore considered acceptable in line with Policies E4, E5, E6, E7 and E9.

In terms of archaeological interest, the site and its surroundings are considered to be a heritage asset of local significance, due to evidence of various historic features, which have previously been found on or near to the application site. An archaeological desk-based assessment and subsequent trial trenching report have been submitted in support of the application. The potential for historic evidence of medieval remains to be found on the site was identified however, the site investigation carried out in January 2014, in the form of a number of trenches, revealed no archaeological evidence of medieval or any other activity. As such, no further archaeological investigation is required on the site and the County Archaeologist has no objection to the site being developed as proposed, therefore Policy E21 is satisfactorily met.

Conclusion

In the consideration of the previous application on this site, the loss of Green Wedge and the proposed public open space was accepted in principle, in order to allow the strategic delivery of housing for the city. The refusal of permission was solely on the

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grounds of concerns over the highway safety of the proposed access on Oregon Way. The current application raises similar policy principle issues in terms of loss of Green Wedge and provision of potential open space. The main difference is in regard to how the site would be accessed, which for vehicular traffic would be off Acorn Way. The emerging Core Strategy does not support access to this site from Acorn Way and this is a material consideration. There are also significant highway safety concerns in regard to the formation of the proposed access onto Acorn Way, due to the relatively high average traffic speeds on the highway and the limited level of visibility from the proposed junction. I accept the Highways Officers conclusions that the proposed vehicular access arrangements for this site would be significantly detrimental to highway safety on the local road network and therefore unacceptable on the grounds of the access being contrary to Local Plan Policy T4.

Whilst the national and local planning policy principles in regard to developing this site for housing are still considered acceptable, as a means of securing a contribution towards the Council's five year supply of deliverable housing, the highway safety concerns about the proposed Acorn Way access are considered to be a significant adverse impact, which outweigh the benefits of the proposed development.

The proposal is therefore recommended for refusal.

8. Recommended decision and summary of reasons:

To refuse planning permission.:

Reasons:

1. In the opinion of the Local Planning Authority, the proposed vehicular access arrangement to serve the development site, in the form of a junction onto Acorn Way, would be significantly detrimental to highway safety by reason of the high average traffic speeds on the existing highway, in conjunction with inadequate forward visibility in both directions for users of the access and an absence of pedestrian or cyclist footway on the existing highway, which is likely to unacceptably increase the danger to motorists on this part of the local road network. The application does not adequately consider an alternative access arrangement from the south of the site onto the residential road network with lower traffic speeds. The development, therefore, fails to make a safe and appropriate provision for access to the site, by vehicular traffic. Accordingly, the proposal is contrary to saved Policy T4 of the adopted City of Derby Local Plan Review NPPF paragraph 32 and the relevant technical guidance outlined in Manual for Streets 1 and the Design Manual for Roads and Bridges (DMRB).
2. In the opinion of the Local Planning Authority, the proposed vehicular access onto Acorn Way, would be reason of its design and engineered solution, in particular the formation of required visibility splays, result in a significant removal of trees and vegetation alongside the carriageway, resulting in an urbanising effect on the rural setting of the road and an adverse visual impact on the character and openness of the Green Wedge and adjacent Green Belt. Accordingly the proposal is contrary to saved Policies E1 E2 and E16 of the adopted City of Derby Local Plan Review.

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S106 requirements where appropriate:

Draft Heads of Terms are as follows:

- Affordable Housing and lifetime homes
- On-site layout and maintenance of incidental open space
- Layout and maintenance of major open space on adjacent land in ownership of applicant
- Layout and maintenance of play areas
- Public art
- Assessment of contribution towards education capacity for primary and secondary school places
- Improvements to public transport, cycling and pedestrian facilities within A52 Nottingham Road corridor
- Contribution towards improvements to Chaddesden Hall Community Centre and/or Chesapeake Community Centre
- Contribution towards improvements to Springwood Leisure Centre
- Contribution towards improvements to health facilities reasonably capable of serving the application site

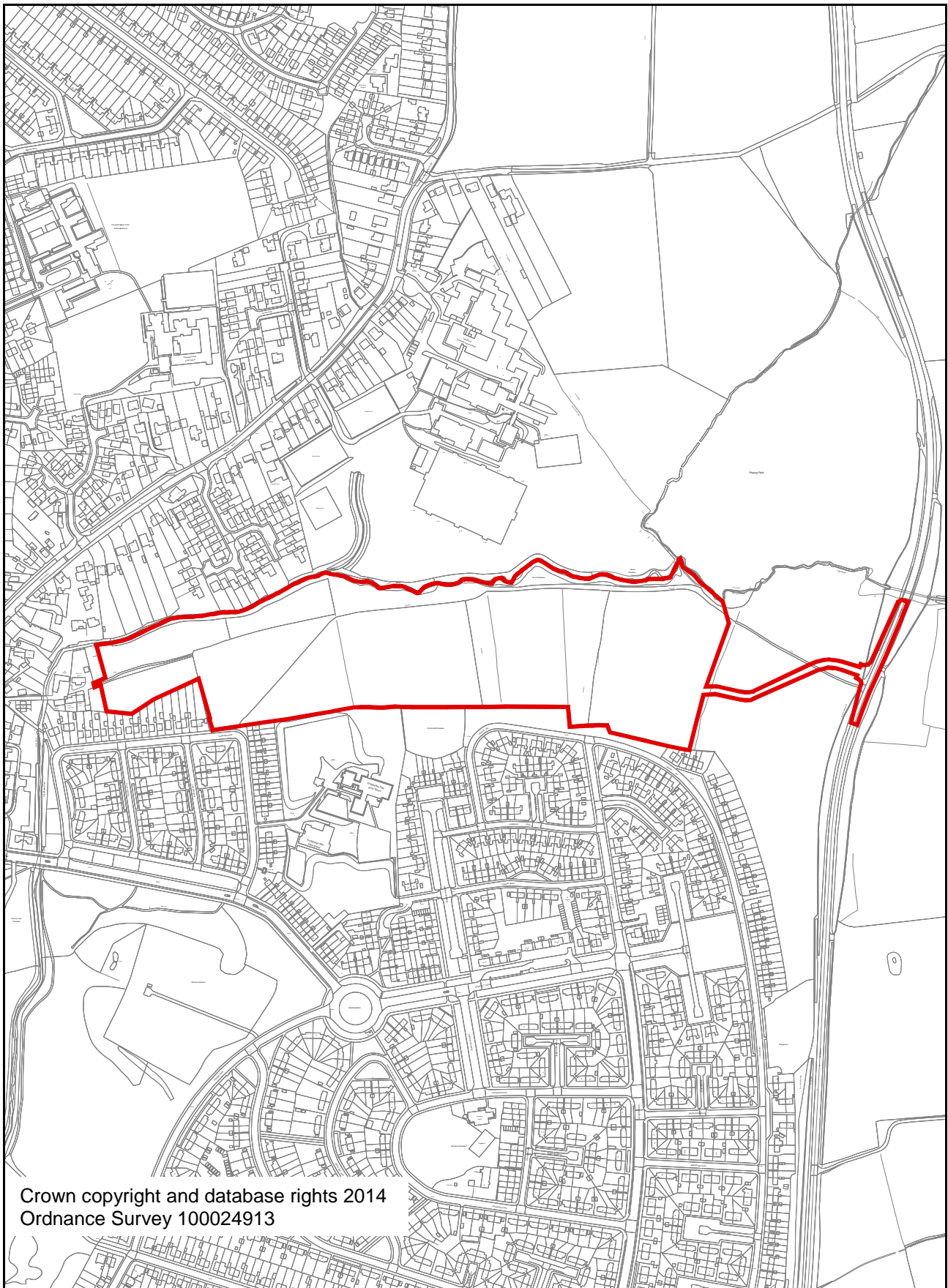
Application timescale:

The target date for determination of the application was the 8 December 2014 and is brought to committee as a strategic housing site in the city with a high level of public interest. An extension of time has been agreed with the applicant until ***** to accommodate the decision making process.

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Committee Report Item No: 2

Application No: 09/13/01106

Type: Full

1. Application Details

Address: Land at Agard Street / Friar Gate / Ford Street, Derby.

Ward: Darley

Proposal:

Erection of 3-8 storey buildings comprising office use (use class B1(a)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non residential institutions), D2 (Assembly and Leisure)) with associated access and car parking - re-submission of previously approved permission DER/12/08/01676 to include flexible use of ground floor Phase 2 and increase the height of the building

Further Details:

Web-link to application documents –

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95314>

Members may recall that an earlier application for redevelopment of the site was granted permission in November 2011 under application reference DER/12/08/01676. This application seeks permission for revisions to Phase 2.

Site Description:

The application site is situated on the southern side of Agard Street close to its junction with Ford Street within the Friar Gate Conservation Area. It lies to the north of the Grade II listed Friar Gate Bridge and a number of other listed buildings which address both Friar Gate and Ford Street. Numbers 28, 29, 30-31 and 32 Friar Gate, together with 47 Ford Street, are all Grade II listed. Number 27 Friar Gate is a Grade II* listed building.

Phase 1 of the development occupies the north-eastern corner of the wider site. To the west is a small surface level car park. Phase 2 would occupy the remainder of the site, an area which is currently vacant and covered with rough surfacing. Along the site's western edge are sections of locally listed tram tracks. There are no statutory listed structures/buildings within the application site itself.

The site lies within the limits of the University District Policy Area, a designated Air Quality Management Area and SFRA Flood Risk Zone 2. Policy T15 identifies a recreational route across the site which extends to Friar Gate Goods Yard, via Friar Gate Bridge.

The Previously Approved Scheme:

The original application approved approximately 8,937 sqm of B1 (a) office space with ancillary retail/leisure floorspace. The intention was for the development to be completed in two phases, forming two clusters of blocks. The first phase of the development, a 3-6 storey building, has now been implemented. It is a bold contemporary structure comprised of a series of angular blocks finished with a vibrant palette of materials.

The second phase of the approved scheme would have risen up to a height of 7 storeys overall (approx. 26m). The tallest element of the approved scheme (the central 'core tower') would have been stone clad structure reaching a height of

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approx. 29m. The development would have included a stepped pedestrian/cycle access to the track level of Friar Gate Bridge via a central square. The building would not however have attached to the bridge, or directly provide for the refurbishment of this listed structure.

The Current Proposal:

The second phase of the development, as amended, would still occupy a similar position within the western part of the site. However the scheme now before you would see the creation of two distinctly independent buildings with at grade parking retained in between. The revised scheme for Phase 2 would provide 4,099 sqm net internal area of B1 (a) office space and includes flexible use of the ground floor which could be used for 14 parking spaces or an additional 360 sqm net internal area of B1 (a) office space. In total, the net change in floorspace from the approved scheme would be +77sqm, or +437sqm net internal area, depending on which ground floor option is progressed.

The central square and stepped access to bridge level the position of the building are no longer proposed. However the position of the building has been pulled back from Friar Gate Bridge (by approx. 8m). This would leave an area of approx. 110 sqm adjacent to the Bridge abutment, which would be gifted to the City Council. This area could be used for a future stair/lift to the 'track' level, subject to future permissions/consents.

The scheme retains the pedestrian route along the western site boundary (the former Short Street route) connecting Agard Street and Friar Gate. Additional lighting, surfacing and landscaping details have been provided within the submission to further improve the quality of this space.

Another key change to Phase 2 is the height of the building which would now reach approx. 30.5m overall. This would see the addition of an extra floor taking the development up to 8 storeys (an increase of +4.5m) overall. The tallest element of the building would now be located in a slightly different position compared to the approved scheme and the revisions include refinements to the overall massing of the building.

The architectural language, materials and colours of Phase 2, as amended, would remain consistent with the approved scheme. As per Phase 1 solid copper wraps containing standing seams would be used on the north and south elevations. The east and west elevations would be glazed with coloured panels used to create visual interest.

The key changes between this application and the approved scheme are summarised below:

- Removal of central pedestrian/bridleway link and consolidation of pedestrian/bridleway access from Agard Street to Friar Gate via the reintroduced Short Street;
- Formalisation of 'at grade' parking for Phase 1 (previously advised as temporary solution);
- Removal of basement car parking solution and provision of 18 car parking spaces (including 1 disabled space) within the ground floor of Phase 2. A

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flexible use of this space is sought to allow for an increase in office accommodation in the event that both phases are occupied by a single tenant (with consolidated parking requirements);

- Reorganisation of ground floor arrangements (including cycle store, refuse store, mechanical and electrical plant rooms, lift cores), with consequential refinements to scheme massing (with particular regards to the relocation of 'Core 1');
- Safeguarded location for future stair/lift to Friar Gate Bridge; and
- Rationalisation of floor plates to create more efficient area and building frame.

The application is accompanied by an updated Design and Access Statement, Heritage Statement, Flood Risk Assessment, Transport Statement, a Bridge Feasibility Study, a computer generated 'walkthrough' and supporting visual stills and views of the building. The walkthrough will be made available at the meeting as part of the presentation.

2. Relevant Planning History:

DER/12/08/01676 – Erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non residential institutions), D2 (Assembly and Leisure)) with associated access and car parking – granted conditionally – 28/11/11

DER/12/08/01677 – Demolition of 4-6 Agard Street and erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non-residential institutions), D2 (Assembly and Leisure)) with associated access and car parking – granted conditionally – 27/11/09

DER/05/09/00606 – Demolition of 33 and 35 Ford Street – granted conditionally – 22/07/09

DER/06/09/00620 – Partial demolition of boundary wall to facilitate erection of 3-7 building comprising office use and ancillary retail/leisure units – granted conditionally – 02/12/09

3. Publicity:

Neighbour Notification Letter – 51 letters sent

Site Notice - Yes

Statutory Press Advert - Yes

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

4. Representations:

Three objection letters/emails have been received in response to this application. The issues raised are summarised below:

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- Concerns about the loss of the access to Friar Gate Bridge and the impact this will have on the long-term future of the Bridge
- Concerns about the height of the building and the proximity to Friar Gate Bridge
- The original plans included the renovation of Friar Gate Bridge and it is suggested that there is a reintroduction of this in the revised plans
- The reinstatement of Short Street is supported, as is the treatment of the public realm and the green wall, subject to suitable planting.

5. Consultations:

English Heritage:

English Heritage's initial comments dated 23rd October 2013 expressed disappointment that the benefits associated with the original scheme are no longer being delivered. They raised questions in respect of the long term viability of the Grade II listed bridge which, under the revised scheme, will have "insufficient curtilage" due to the position of the Phase 2 Building in relation to the bridge. In conclusion, English Heritage advises that Derby City Council must "thoroughly consider the impact of the proposed scheme on the long term viability of the Grade II Friar Gate Bridge. We are concerned that the construction of the Phase 2 building immediately across the bridge deck with the omission of a meaningful access to it will severely limit options for the re-use of the bridge and means that the heritage and public benefits associated with the original scheme are significantly diminished. Your authority must also consider the impact of the scheme on the setting of the Bridge, and we refer you to the NPPF and our published setting guidance".

English Heritage's revised comments of 11th April 2014 noted that the application has been amended to include a large area of 'breathing space' against Friar Gate Bridge. It was advised that whilst the scheme does now provide more space for another party to provide access to the Bridge at some point in the future, it should be recognised that the scheme now fails to actually deliver that access and the public space originally envisaged. Concerns were reiterated about the impact of the amended proposal on the long-term viability of the listed bridge. It was considered that further information should be provided to assess the impact of the additional storey on Friar Gate Conservation Area.

English Heritage's comments dated 30th September 2014:

Friar Gate Bridge: The position of the developer in relation to providing access to the bridge and the proximity of the office building to the bridge remains unchanged. However the developer does helpfully clarify the financial contribution they will make under the Section 106 - this could be directed by your authority to providing access to the bridge in the context of a wider project to secure its repair and perhaps realise the 'emerald necklace' vision provided by Panter Hudspith in the context of the original application for the site. Since the position in relation to bridge remains unchanged we believe our advice of 11 April 2014 remains relevant.

Impact on Friar Gate Conservation Area: The covering letter by Turley explains that the extent of the additional storey to the building has now been reduced and thus states that the storey is no longer visible from Friar Gate. As advised in our letter of 11 April 2014 your authority must satisfy itself regarding the potential impacts of the

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additional storey, in whatever form, on Friar Gate Conservation Area and the setting of individually listed buildings on Friar Gate.

CAAC:

The current proposal has generated an objection to the application and a recommendation for refusal on the following grounds:

The first reason for refusal was that the additional height and visibility of the Phase 2 building would have a detrimental impact on the friar gate conservation area and on the setting of the adjacent listed buildings.

The second reason for refusal was due to the redesign of the scheme which previously included access through the site however this application does not include access to the bridge.

Conservation Officer/Urban Design Officer:

Initial comments:

The original Design and Access statement showed the evolution of the Panter Hudspith design, and the phase 2 block was always shown as a maximum of six stories, with the blocks from south to north stepping upwards in proportion to the floor levels – this meant that, together with the lift tower at that time, the two buildings worked together as a “set piece” and were unified – see extract from early D & A statement below:

The application for phase 2: DER/09/13/01106/PRI demonstrated an increased height up to level 6 plus ground floor (equates to 7 storeys), in order to re-distribute the mass/density away from the Friar Gate bridge – this was felt to not substantially affect the “set piece” of the two buildings, despite the lift shaft position moving away from this elevation. However, it was considered that the original essence of the design was being diluted to some extent by this change.

The proposal adds an additional level 7, which brings the height to a height of 8 storeys. This dis-proportional step-up from the phase 1 building, coupled with the gap left between the buildings by the removal of the lift renders the phase 2 buildings as more isolated and “tower-like”, which was not part of the original design vision; this also means that through the juxtaposition of the whole development with the Friar Gate Conservation Area, the buildings within the conservation area are more dominated by the mass and height than they have been in previous design iterations.

The visual effect of the proposal will be the most prominent from the north-east looking from Ford Street and from Agard Street, and a greater surface area of the copper cladding will be pronounced.

The computer model fly through shows that there is a visual effect that is on par with the approved scheme from the proposals illustrated on the fly through when glimpsed above the rooftops of Friar Gate from the western Friar Gate pavement. It would be useful to have some verified stills showing the approved scheme and the proposed viewed from the pavement on Friar Gate (opposite site to development) looking above 35-39 Friar Gate. This would be particularly useful for committee.

You will be able to see a view of the building from Friar Gate adjacent to the bridge – as you would have done on the approved scheme although the building positions

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have changed. However a still showing the approved scheme and now proposed scheme would be most helpful to show to committee the impact on this view.

The visualisation shows that the addition of the storey view from Friar Gate/Ford Street junction will clearly be able to be seen to the south of the building behind the phase 1 buildings. In terms of impact it could be argued that it does have more of an impact than the approved scheme.

I recommend that this proposal be re-considered at the 7 storey height, as the alteration to 8 storeys materially undermines the design of the whole development, visually, when viewed from the north-east. Should you be mindful to approve the scheme as it stands, it is recommended that consideration is given to reducing the amount of copper on the east elevation, by addition of a wider proportion of glazing – similar in width to the phase 1 building on this elevation.

Updated comments from the Conservation Officer:

The fly through when looking along the roof tops Friar Gate seems to show there isn't more than an impact than the approved scheme. However, there seems to be more of a negative impact on the setting of the listed buildings (the bridge and listed buildings adjacent) when you see the new development when looking alongside the bridge and along Short Street.

The view of the development from the former Council Offices at the junction of Friar Gate, Ford Street and Stafford Street, within the conservation area, shows the negative impact of the new scheme (more so than the approved scheme) due to the increased height and reconfiguration. This view also shows the negative and harmful impact on the significance of the setting of nearby listed buildings (notably 27 Friar Gate and 47 Ford Street).

The view into the Conservation Area from the ring road (outside Willows Sports centre and Joseph Wright Building) shows the negative impact of the new scheme (more so than the approved scheme), due to the increased height, the space in between the two (so that it no longer is viewed as a 'set piece') and reconfiguration. In my view there is a negative harmful impact both on the setting of the conservation area and the setting (which is part of the significance) of the highly graded listed buildings nearby which includes the grade II* listed building on the corner of Friar Gate and Ford Street.

The view into the conservation area from further afield to the proposed development, when viewed from longer views, there is also a negative impact of the proposed scheme (more harmful than the approved scheme).

It is noted that the impact has been improved in respect of the setting of the bridge in respect of moving the development away from it. However, the view alongside the bridge (adjacent to 35-39 Friar Gate) to the development seems to have become more harmful (than the approved scheme) to the setting and the therefore to the significance of the listed building.

In terms of the access to the bridge it is unfortunate that the scheme no longer delivers the benefits of the original approved scheme that was granted permission. The alignment of the buildings of the approved scheme allowed a linear continuation via the public access and square from the bridge abutment through the site which did relate to the former railway use of the structure (and the wrapping and linear building

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alignment Panter Hudspith philosophy of the original scheme). It would have introduced a new feature which would have added to the public experience of the asset and would have improved the public access and interpretation of the asset including its setting. The new proposal only does this to a limited extent in comparison.

It is noted that the development has been moved away from the bridge abutment by 8 metres to allow 'breathing space', which is an improvement, and to allow access to be constructed in the future and that this land is to be gifted to the City Council. It is noted that without a development in this area the access potential to the bridge through the site is limited and other options from land adjacent will have to be looked at. This won't be as good as what is currently being offered (albeit not as beneficial as the original scheme).

It is noted that along with the proposed building there is a 106 contribution that could potentially go towards providing a lift and stair access immediately adjacent to the bridge abutment. This could become a contribution as part of a wider redevelopment scheme to repair the bridge and realise the public realm 'emerald necklace' vision of the approved Panter Hudspith scheme. Although it is hoped that a wider scheme could be devised –if a wider scheme is not realised within the specified 106 timeframe then we are left with a very tall building which is harmful to heritage assets and no access space and no 106 funds to put towards the cost of the staircase/lift.

Overall the Conservations Officer's view is that the amended scheme still does have a negative and harmful impact (albeit less than substantial harm, NPPF para 134) on the significance of the heritage assets of Friar Gate Conservation Area (from certain views), Friar Gate Bridge (to some degree), the grade II and II* listed buildings on the corner of Friar Gate and Ford Street and other highly graded listed buildings in the surrounding area. The benefits of some access space and 106 funds are noted, but the Conservation Officer considers that this does not outweigh the harm to the heritage assets.

Highways DC:

The development is to be located on Derby City's ring road at the junction of Agard Street and Ford Street which has recently been improved as part of the 'Connecting Derby' road scheme. Agard Street which is one-way in a South Easterly direction is part of the ring road. The proposed access is quite close to the Traffic signalised junction with the A52 Ford Street and traffic could be queuing quite close to the access and egress to the site. There are existing residential dwellings to the North West of the proposed access which could obscure visibility. Car Parking, waste recycling and cycle parking provisions appear to be acceptable and the site is considered to be in a sustainable location and therefore reduced car parking provision is acceptable.

A Visibility splay is to be provided at the access/egress to the site in a North Westerly direction. The access should be constructed as a dropped and tapered kerbing arrangement. A section 278 agreement under the Highways Act 1980 will need to be entered into to undertake works in the existing highway. Conditions relating to precise details of the access and footway including visibility splays and access width fronting Agard Street, together with the provision of cycle parking and waste/recycling services are recommended.

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From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species.

N.E advises that the LPA should consider the following issues when determining the application: green infrastructure, protected species, local infrastructure, biodiversity enhancements and local landscape character

Environmental Services (Health – Pollution):

No further comments are made regarding phase 2. However the comments made for the approved application (phase 1 and 2) are still appropriate for the second part of this development. Therefore, the developers would need to comply with these conditions for the second phase of this development.

Previously no objections were raised in respect of land contamination subject the inclusion standard conditions. No objections were raised with regards to the development's impact on air quality.

DCC Archaeologist:

Archaeological conditions were placed upon the previously approved permission because of the site's proximity to the historic core of Derby. Evaluation trenching and watching brief was carried out by Oxford Archaeology in advance of and during construction of the Phase 1 building, and this work – as well as survey of the surviving historic surfaces and tram tracks in the western part of the site – has been fully reported and archived, with no elements left outstanding.

Because the archaeological work has been fully completed it is recommend that the site retains no additional archaeological potential and that there is no need to place an archaeological requirement upon the applicant in relation to any new consent.

ENV Agency:

The Environment Agency has no objection to the proposed development subject to conditions controlling the levels of surface water run-off and finished floor levels of the development.

Land Drainage:

No response received.

Derbyshire Wildlife Trust:

It is understood that as part of the construction of phase 1 the site has now been cleared of any potential ecological habitats and, as such, the Trust advise that no ecological impacts are anticipated as a result of the proposed development. It is recommended that biodiversity enhancement opportunities are provided as part of the landscaping.

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Police Liaison Officer:

Central Parking Area – The centrally located car park has now removed the ‘stand-off’ distance from phase 2 and subsequently the building is considered to be at greater risk of vehicle borne I.E.D. threat. In addition to this, the enclosed car park between the mass of the two building blocks, is much more likely to become subject of misuse. The access control measures currently in use and approved as a temporary measure are inadequate.

Future movement from Friar Gate Bridge - Without the benefit of the previously approved central hub creating a safe route from bridge to street level, connectivity is deemed to be much more problematic. Concerns are raised about the safety of the Short Street route and lack of active building edges, particularly at the narrowing Friar Gate end. Effort has been made within both applications to engineer a better outlook using landscaping, lighting and now CCTV, without the main criticism of inactive edges being resolved. Previously the route was considered to be acceptable because of its direct and uninterrupted aspect, which combined with the added features mentioned above, would provide users with clear views and some reassurance regarding their safety. It is considered that to introduce the proposed link off Friar Gate bridge would compromise this feature, and create a hidden route between one (currently) totally secluded environment to another less than well supervised area of Short Street. An open route here would attract misuse and criminality, but worse be a generator of anxiety amongst users, thereby compromising the success of the link.

Glazing - Because of the significance of this development, its size and the amount of glazing employed, the Crime Prevention Design Advisor recommends that regard is given to reducing the risk of injury from flying glass particles subsequent to any explosion at the site. It is recommended that sealed units with an outer pane of 6mm toughened glass and an inner pane of 8.8mm laminate are used for external glazing. It is requested that this information is relayed as an informative note.

Security Management - Security Management of the site and the integration of management with security hardware, at its various points of access, will be key to a successful and safe development. It is requested that this matter is addressed by a suitably worded condition.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD8	Infrastructure
GD9	Implementation
R2	Friar Gate Stations and Environs
CC1	City Centre Strategy
CC16	Transport
CC18	Central Area Parking
EP10	Major Office Development
EP13	Business and Industrial Development in Other Areas

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S1	Shopping Hierarchy
S2	Retail Location Criteria
S9	Range of Goods and Alterations to Retail Units
S12	Financial and Professional services and food and Drink Uses
E4	Nature Conservation
E5	Biodiversity
E9	Trees
E10	Renewable Energy
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
E23	Design
E24	Community Safety
E27	Environmental Art
L8	Leisure and Entertainment Facilities
L11	New Community Facilities
LE3	University District
T1	Transport Implications of New Development
T2	City Council Schemes
T4	Access, Parking and Servicing
T5	Off-Street Parking
T6	Provision for Pedestrians
T7	Provision for Cyclists
T8	Provision for Public Transport
T10	Access for Disabled People
T15	Protection of Footpath, Cycleways and Routes for Horses

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

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

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

7. Officer Opinion:

The principle of redeveloping the site through a major office led scheme was established under the earlier permission. This permission also established the principle of siting a tall building in this location along the newly reconfigured ring road. The key issues to be considered now are predominantly heritage and urban design matters associated with the proposed revisions to Phase 2.

Heritage/Urban Design Issues:

The principle heritage issues relate to the impact of the amended scheme on the setting and significance of nearby listed buildings and, whether it would preserve or enhance the character, appearance and significance of Friar Gate Conservation Area. The NPPF (National Planning Policy Framework) requires that great weight is

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given to the conservation of designated heritage assets which reflects the statutory duties of the 1990 Act with respect to listed buildings and conservation areas. Whilst setting itself is not a heritage asset, it can have a positive or negative impact upon the significance of designated heritage assets and how they are appreciated.

The Framework also encourages local planning authorities to look for opportunities for new development within the setting of heritage assets to better reveal their significance. It advises that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the asset, should be treated favourably. At paragraph 131 the NPPF advises that in determining planning applications, local planning authorities should take account (amongst other things) the desirability of new development making a positive contribution to local character and distinctiveness.

In terms of consultee comments on heritage matters, the Conservation Area Advisory Committee recommended refusal based on the height and visibility of the building and because access to Friar Gate Bridge is not included. Whilst English Heritage has raised reservations in relation to the delivery of the bridge and the additional floor, no formal objection has not been raised. When looking at views above rooftops on Friar Gate the Conservation Officer is satisfied that there isn't more of an impact. Elsewhere her opinion is that the revised scheme would have more of a negative impact on views, due to the increased height and reconfiguration. This includes the impact on views from outside Roman House, and views of the development when standing in the gap between Friar Gate Bridge and no. 35 Friar Gate (along the historic Short Street route). She also has reservations about the impact on some of the medium and long distance views into the conservation area.

Overall the Conservations Officer's view is that the amended scheme still does have a negative and harmful impact (albeit less than substantial harm) on the significance of the heritage assets of; Friar Gate Conservation Area (from certain views), Friar Gate Bridge (to some degree) and surrounding listed buildings. The benefits of some access space adjacent to the Bridge and 106 funds are noted, but the Conservation Officer considers that this does not outweigh the harm to the heritage assets.

Increased Height:

The revised scheme would clearly introduce a taller building on the site but the additional height and mass would be focused around Agard Street. This ensures the development, as amended, would not appear as a constant presence above the rooftops within Friar Gate's historic core. The updated 'walkthrough' travelling east along Friar Gate demonstrates that the proposal would be no more visible than the approved scheme, which is backed up by The Conservation Officer's comments. Whilst there would be glimpses of the development above and between buildings, due to the linear arrangement of the historic built form and the position of the additional storey, wider views of the proposal would be limited along this sensitive section of Friar Gate.

When looking at views along the former Short Street route specifically, it is acknowledged that the additional height of the building would be evident. However from the historic core of Friar Gate views of the development would only be available through a narrow gap looking to the side of Friar Gate Bridge. Rather than having a harmful impact on this viewpoint, it is considered that the development would create

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a new and interesting vista created by the juxtaposition of old and new architecture within this fairly narrow vantage point. The proposal would also provide benefits in terms of enhancements to the public realm and would see this historic route reinstated.

A more direct view of the development in context to listed buildings would be afforded from junction of Friar Gate and Stafford Street (from outside Roman House), but some comfort can be taken from the quality of Phase 1, which already sits adjacent to the statutory listed buildings: 27 Friar Gate and 47 Ford Street. The contemporary design and vibrant pallet of materials used within Phase 1 contrast well with the traditional character and materials of neighbouring properties and, whilst the building is large in mass and scale, it does not, in my opinion, dominate its neighbours. Although the amended scheme for Phase 2 would be taller, when viewed from this particular vantage point, it is considered that the additional height would not be overbearing and would not be harmful to the setting of nearby heritage assets. Phase 2 of the scheme would be set back behind Phase 1 and the stepped arrangement of the two phases helps to reduce the mass of the buildings. The revisions to Phase 2 have also seen the building pulled back from Friar Gate Bridge which has reduced the height and massing adjacent to this listed structure.

The amendments to Phase 2 would be most evident when looking into the conservation area from the north along the ring road, and from the east along Agard Street. However Agard Street, in contrast to Friar Gate, has a very mixed character with a fragmented and comprised of modern infill development and open car parking areas. Whilst the additional height of the proposal would be more noticeable here, the change is not so significant that it is considered to be detrimental to views into the conservation area. It has previously been accepted that a taller building in this location would be appropriate as it would provide a visual marker along the inner ring road. Recent developments, including Phase 1, have established a new scale of development to the north of Friar Gate and it is considered that the development would sit comfortably within the surrounding context. In terms of general arrangement, the two phases would no longer form a 'set piece' and would form two independent structures. Nonetheless, the quality of architecture is still considered to be of a high standard. At present the site fails to enhance the character and appearance of the area and, in fact, it significantly detracts from the character of the area and the setting of surrounding listed buildings. Ultimately the development provides an opportunity to enhance the appearance of the site, albeit with a contemporary addition, making a positive contribution to local character and distinctiveness.

The impact of the development upon more medium and longer distance views has also been assessed and, again, whilst the additional height of the building would alter these views, the impact of the proposed amendments is not considered to be harmful and it is considered that the proposal would sit comfortably with the wider cityscape

Access to Friar Gate Bridge:

The application is accompanied by a Bridge Feasibility Study which explores alternative options for providing access up to the former track level on Friar Gate Bridge. The Study demonstrates that access solutions to bridge level are still achievable taking into consideration the amended siting of Phase 2, although such works fall outside of the scope of the scheme now proposed.

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The applicant intends to gift a piece of land (approx. 110 sqm) to the City Council which could be used to site a future access solution to the deck of Friar Gate Bridge. This piece of land, which is located directly adjacent to the bridge abutment, is of a sufficient size to accommodate both a stair and lift access and its transfer to the City Council can be controlled through the Section 106 Agreement.

In addition to the land transfer, monies within the original Section 106 Agreement (to be carried forward with this application) could be put towards an access solution, or used to fund feasibility studies to access other funding sources. Future access solutions would need to be the subject of separate planning applications/consents, facilitated by another party, and delivered as and when funding for the project is secured.

The fact that the revised scheme no longer proposes the necessary infrastructure to access Friar Gate Bridge does not preclude the recreational route across Friar Gate Bridge from being realised at some point in the future and therefore the intention of Local Plan Policy T15 will still be safeguarded. The scheme would still encourage improved connectivity and linkage through the reinstatement of the former Short Street route, connecting Friar Gate and Agard Street.

Other Issues:

Public Realm/Public Safety Issues: Given the increased importance of this route, the landscaping, surfacing and lighting solutions for Short Street have been revisited. Here the interplay between building and street is to be emphasised by bands of cobbles that cross and wrap up a feature 'green' wall on the ground floor of the building. Recessed floodlights/ground lighting of feature green wall and building façade are also proposed, together with wall or column mounted lamps to provide general illumination. The existing locally listed tram tracks within the site are to be let into bands of cobbles crossing the street which would be interspersed with natural stone paving.

The ground floor car park within Phase 2 would have a fob activated roller shutter door providing access for cyclists/cars and egress for bins etc., with mesh screening and lighting. Full CCTV coverage is proposed around the perimeter of the building. In line with the Crime Prevention Design Advisor's comments it is recommended that security management of the site is controlled through condition

Impact on Neighbours: The original scheme allowed a tall building on this site and whilst it was noted that there would be potential impacts on a few surrounding properties (namely the University Halls of Residence opposite), this impact was not considered to be so significant to warrant refusal. Given the modest increase in height now proposed, on what was already a tall building, it is considered that any additional impact upon neighbouring properties, over and above the approved scheme, would not be significant.

Highways/Parking Issues: Whilst the position of the proposed vehicle access into the site remains unchanged from the approved scheme the applicant now seeks permission for two separate entrances, serving two separate car parks. This would also see the existing site access from Agard Street retained. The revised access arrangements have been assessed by the Highways Officer and are considered to be acceptable in terms of their siting, visibility levels and all other highway safety matters.

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Instead of an undercroft and full subterranean car park (creating 61 car parking spaces in total) the applicant now intends to retain the existing 'temporary' surface level car park adjacent to Phase 1. This area provides approx. 20 parking spaces including 2 disabled persons spaces. In addition, the revised scheme for Phase 2 would provide 14 car parking spaces at ground floor level including 1 disabled space (but could be used as additional ground floor office accommodation if required).

Whilst there has been a reduction in the overall number of parking spaces as a result of the revisions, the parking standards within the Local Plan Review are maximum levels and in areas with good access by modes of transport other than the car lower levels of on-site parking will be sought. Taking into account the highly sustainable location of the site and its close proximity to public car parks, the lower off-street parking provision is acceptable.

Cycle parking levels (54 cycle secure parking spaces) are also in excess of the minimum levels required and servicing arrangement, including the location of the bin storage areas, are acceptable. Submission of Green Travel Plan can be controlled through condition to further encourage staff to travel by sustainable modes of transport.

Overall the revised scheme is considered to be acceptable in terms of parking, access and servicing arrangement and its impact upon the local highway network. Accordingly the revised scheme would comply with saved policies T1 and T4 of the CDLPR.

Flood Risk: The revised application is accompanied by an up to date Flood Risk Assessment which has been assessed by the Environment Agency. Subject to conditions relating to surface water drainage and finished floor levels no objections have been raised on the grounds of flood risk. It is considered that the proposed development would have no additional impacts in terms of exacerbating flood risk within the area over and above the approved scheme. Accordingly the proposal would comply with saved policy GD3 of the CDLPR.

Accessibility: The revised scheme would provide an at grade pedestrian route from Friar Gate to Agard Street along the reinstated former Short Street. A ramped access (at an incline of less than 1 in 20) is proposed from Agard Street to the office entrance level. Three disabled persons parking spaces are proposed and, in the event that the ground floor level within Phase 2 is occupied by additional office space, the provision of an additional disabled parking space within the adjacent car park can be controlled through condition.

Sustainability Credentials: Phase 1 achieved a BREEAM 'Excellent' rating. Various features are proposed within the revised scheme to ensure an excellent rating is also secured for Phase 2, these include; roof mounted photovoltaic arrays; a high efficiency air source heat pump system; solar shades and the provision of secure cycle racks, lockers and shower facilities for both ambulant and disabled staff. As with Phase 1, construction materials are 'A+' rated in accordance with the BRE Green Guide to specification (A+ represents the best environmental performance / least environmental impact). Ultimately the sustainable location of the development, which is well served by public transport, together with the energy efficiency features proposed ensure the development meets the aspirations of saved policy E12 of the CDLPR.

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Air Quality/Land Contamination: The Air Quality Assessment submitted under the approved scheme concluded that the scheme would have an insignificant increase in Nitrogen Dioxide and particulate matter levels. Based on the overall reduction in car parking this impact would be reduced further. Subject to conditions there are no objections to the development from the Environmental Health Officer. It is considered that the revised scheme would comply with the requirements of Local Plan Policy E12, in respect of its impact on air quality and land contamination issues.

Conclusion:

The principle of redeveloping this site with a major office scheme has already been accepted through granting of the 2011 permission. The approved scheme also established the principle of redeveloping the western part of the site with a tall building. Whilst the revised scheme proposed for Phase 2 would introduce a taller building, taking into account the impact of the revisions on key short, medium, and long distance views, it is considered that the proposal, as amended, would not harm the setting and significance of nearby listed buildings, or the character, appearance and significance of the Friar Gate Conservation Area.

The revised scheme no longer proposes the necessary infrastructure to access Friar Gate Bridge but the key issue is that it does not preclude this route from being realised at some point in the future.

Moreover improved connectivity through the site would still be achieved through the reinstatement of the historic connection between Friar Gate and Agard Street (Short Street). Taking into account the siting of the building in relation to Friar Gate Bridge, it is considered that scheme, as amended, would not prevent future re-use of the structure and would not be harmful to the longer viability of this grade II listed building.

Overall, it is considered that the revised scheme for Phase 2 would still maintain a high standard of design and the building, together with the associated public realm works, would comply with the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990, The National Planning Policy Framework and the saved policies within the adopted City of Derby Local Plan Review.

8. Recommended decision and summary of reasons:

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

Summary of reasons:

It is considered that the proposal, as amended, would not harm the setting and significance of nearby listed buildings, or the character, appearance and significance of the Friar Gate Conservation Area. Moreover, subject to compliance with the attached conditions, the proposal would not have an adverse impact on the surrounding highway network, or flood risk matters, and would not unreasonably impact upon the amenity of neighbouring properties. Accordingly the development would comply with the statutory duties of The Planning (Listed Building and

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Type: Full

Conservation Areas) Act 1990, The National Planning Policy Framework and the saved policies within the adopted City of Derby Local Plan Review.

Conditions:

1. Time limit condition.
2. Approved plan reference condition:
 - Site Plan Red/Blue Line – drawing no: (20) 001 rev: A
 - North elevation – drawing no: (20) 023 rev: C
 - West elevation – drawing no: (20) 020 rev: E
 - South elevation – drawing no: (20) 022 rev: E
 - East elevation – drawing no: (20) 021 rev: E
 - Section – drawing no: (20) 030 rev: C
 - Section – drawing no: (20) 031 rev: C
 - Landscape/Public Realm Plan – drawing no: (20) 008 rev: A
 - Level 0 Plan - drawing no: (20) 010 rev: B
 - Level 1 Plan - drawing no: (20) 011 rev: B
 - Level 2 Plan - drawing no: (20) 012 rev: B
 - Level 3 Plan - drawing no: (20) 013 rev: B
 - Level 4 Plan - drawing no: (20) 014 rev: C
 - Level 5 Plan - drawing no: (20) 015 rev: C
 - Level 6 Plan - drawing no: (20) 016 rev: C
 - Level 7 Plan - drawing no: (20) 017 rev: B
 - Roof Plan - drawing no: (20) 018 rev: A
 - Road layout proposals – drawing no: BMW/340/111 P3
3. Condition controlling external materials and finishes
4. Condition controlling the slab levels of the building
5. Condition controlling the submission of a precise landscaping scheme
6. Condition requiring the implementation of the approved landscaping scheme
7. Condition controlling surfacing materials
8. Condition controlling details of boundary treatment
9. Condition controlling foundation construction details
10. Condition requiring the submission and implementation of a surface water drainage scheme
11. Condition controlling details of disabled parking provision
12. Condition controlling precise details of the vehicle access into the site and visibility splays

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13. Condition requiring the implementation of the approved cycle parking prior to occupation
14. Condition requiring the submission/implementation of a green travel plan
15. Condition controlling energy efficiency measures
16. Standard contaminated land condition
17. Condition controlling details of flue/vents/plant on the building
18. Condition relating to the removal and reinstatement of the listed tram tracks
19. Condition controlling finished floor levels
20. Condition requiring the submission of a wildlife enhancement scheme for the site
21. Condition controlling external lighting of the building and public realm
22. Condition requiring the submission/implementation of a security management strategy

Reasons:

1. Standard time limit reason
2. For the avoidance of doubt
3. In the interests of visual amenity and to preserve the character and appearance of the conservation area and setting of nearby listed buildings... in accordance with saved policies E18, E19, E23 and GD4
4. Slab levels
5. In the interests of visual amenity...in accordance with saved local plan policy E17
6. In the interests of visual amenity...in accordance with saved local plan policy E17
7. In the interests of visual amenity and to ensure satisfactory drainage...in accordance with saved local plan policies E18, E19, E23, GD3 and GD4
8. In the interests of visual amenity and to preserve the character and appearance of the conservation area and setting of nearby listed buildings... in accordance with saved local plan policies E18, E19, E23 and GD4
9. To ensure protection of groundwater and the underlying minor aquifer.....in accordance with saved local plan policies E12 and E13
10. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site....in accordance with saved local plan policy GD3
11. To ensure the development is accessible...in accordance with saved local plan policy T10
12. In the interests of highway safety...in accordance with saved local plan policy T4
13. To encourage sustainable transport methods....in accordance with saved local plan policy T7

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14. To encourage sustainable transport methods....in accordance with saved local plan policy T7
15. There are opportunities to incorporate energy saving features into the scheme...in accordance with saved local plan policy E10
16. In order to safeguard human health and the water environment...in accordance with saved local plan policy E13
17. In the interests of visual amenity and the preserve the amenity of neighbours...in accordance with saved local plan policies E18, E19, E23, GD3, GD4 and GD5
18. To safeguard the recording/preservation of these designated heritage assets...in accordance with saved local plan policy E19
19. To reduce the risk of flooding to the proposed development and future occupants....in accordance with saved local plan policy GD3
20. In the interests of wildlife preservation and enhancement....in accordance with saved local plan policy E4
21. In the interests of visual amenity and the preserve the amenity of neighbours...in accordance with saved local plan policies E18, E19, E23, GD3, GD4 and GD5
22. In the interests of community safety...in accordance with saved local plan policy E24

Informative Notes:

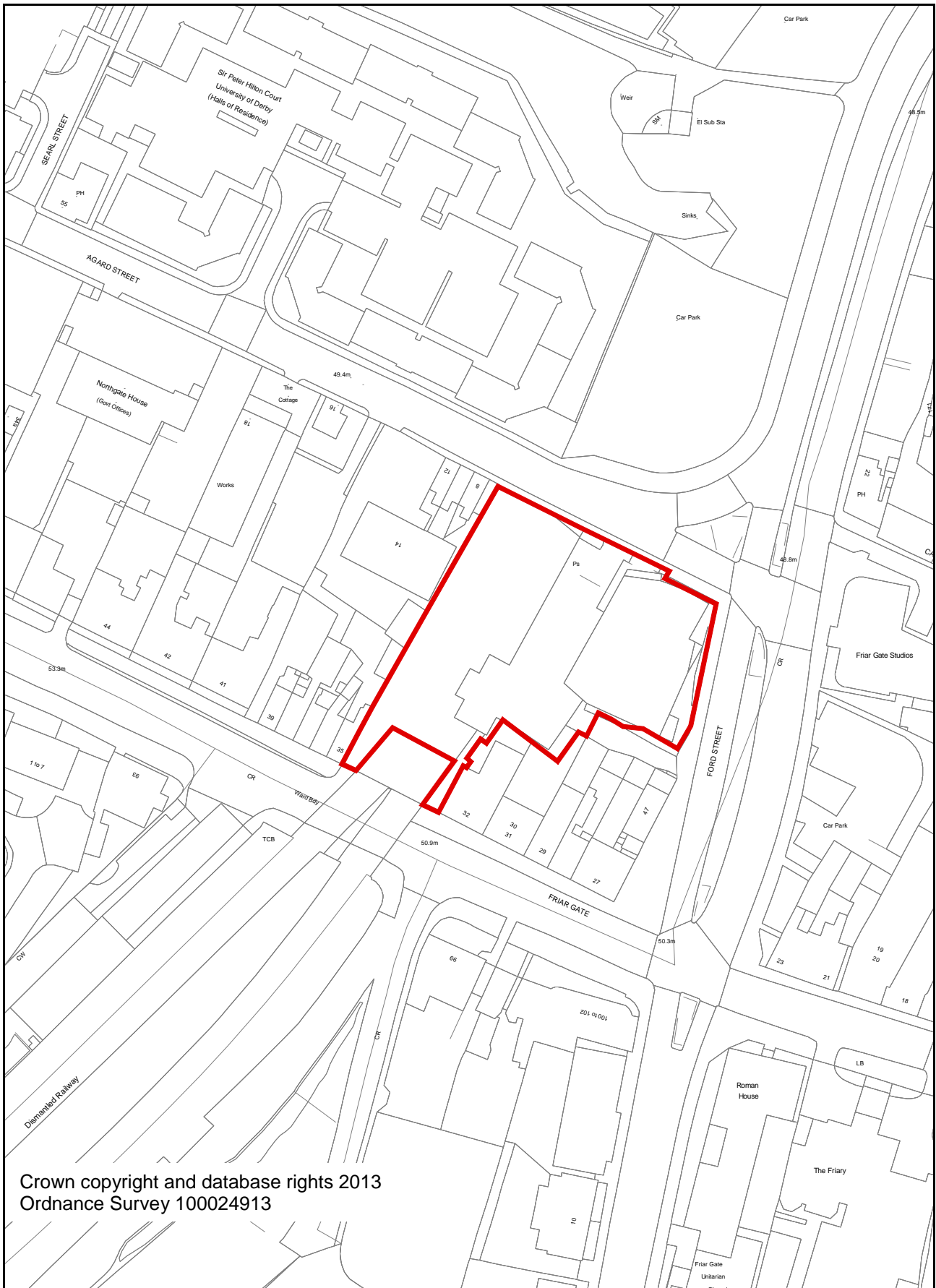
1. Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development has sufficient capacity to accommodate the additional foul flows, generated as a result of the development, without causing pollution to the water environment.
2. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under section 278 of the Act. Please contact highwaysdevelopmentcontrol@derby.gov.uk.
3. Because of the significance of this development, its size and the amount of glazing employed, the Crime Prevention Design Advisor recommends that regard is given to reducing the risk of injury from flying glass particles subsequent to any explosion at the site. It is recommended that sealed units with an outer pane of 6mm toughened glass and an inner pane of 8.8mm laminate are used for external glazing.

S106 requirements where appropriate:

Highways contributions, public realm, public art, employment initiatives and provision of the land adjacent to Friar Gate Bridge.

Application timescale:

The 13 week target date for the determination of this application expired on 30 September 2014.



Committee Report Item No: 3

Application No: DER/07/14/00942

Type: Outline (with means of access)

1. Application Details

Address: Bretherens Meeting Hall, 121 Blagreaves Lane, Littleover.

Ward: Blagreaves

Proposal:

Residential development (3 dwelling houses) including demolition of church building

Further Details:

Web-link to application documents –

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96758>

The site is located within Littleover, on the east side of Blagreaves Lane, approximately 3 miles south west of Derby City Centre. The site area is approximately 720sqm in area and the existing church building is currently vacant. The site fronts an area of existing Public Open Space/Green Wedge to the south and east of the site. The site also borders the rear curtilages of neighbouring residential properties along Greenburn Close, to the north of the site.

The site lies within a residential area and between three Neighbourhood Centres. In terms of appropriate uses, it has no specific allocation and is considered, by the applicants agent, to be suitable for residential development as the existing use is no longer required. There is a single storey building on the site which had previously been occupied as a Church meeting Hall however, is currently vacant.

Although a significant amount of detail has been provided in support of the application, it must be recognised that the application is submitted in outline with only means of access to be determined at this stage. All other matters are to be determined by way of a further Reserved Matters application to be submitted at a later date.

The proposal is to demolish the existing church building and develop the site for up to three dwellings. The vehicular access to the development will remain in the same location as the existing access onto Blagreaves Lane.

2. Relevant Planning History:

No Relevant or Recent Planning History

3. Publicity:

Neighbour Notification Letters

Site Notice

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

4. Representations:

1 letter of objection from Cllr Bob Troup who wishes to speak at Committee

28 Letters of objection raising the following concerns:

- Design

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- Materials
- Not appropriate design given the setting of the site
- Concentrated dwelling density
- Loss of privacy to dwellings to the rear (5, 6 and 7 Greenburn Close)-overlooking from rear windows
- Noise and dust pollution
- Loss of sunlight
- Highway concerns
- Possible parking along Blagreaves Lane
- High risk of fire with little means of escape
- Manoeuvrability of vehicles within the site
- Insufficient car parking within the site
- Effect on the two locally listed buildings opposite the site
- Concerns regarding covenant on site (height of existing buildings etc.)
- Removal of large tree
- Overlooking of vicarage
- Scale of development
- Design not appropriate given close proximity to Sunnydale Park
- Inadequate undertakings to protect wildlife

5. Consultations:

Highways DC:

A suitable drainage system should be provided in the driveways, in order that surface water is retained and disposed of within the site. The driveways should also be surfaced in a bound material. The proposed vehicular access to the development should incorporate 2 metre x 2 metre pedestrian visibility splays.

The refuse and recycling bins must be within 25 metres of the public highway.

The proposed parking spaces should have minimum dimensions of 5 metres x 2.5 metres and the required internal dimensions for a usable single garage are 6 metres x 3 metres and 6 metres x 6 metres for a usable double garage.

The access to the driveway from the public highway will need to be constructed to create a new dropped vehicular crossing. Pedestrian priority should be given to new and existing access arrangements. Conditions to secure details of access and visibility splays are recommended.

Derbyshire Wildlife Trust:

A daytime bat survey has been undertaken by a suitably qualified and licensed ecologist on 20th August 2014. No evidence of the presence of bats or nesting birds has been recorded and the building is assessed to have no suitable features to

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support roosting bats. It is considered that adequate survey work has now been undertaken in support of this planning application for it to be determined.

Relevant Policies: *Saved CDLPR policies*

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development – General Criteria
E10	Renewable Energy
E23	Design
E24	Community Safety
L12	Protection of Community Facilities
T4	Access, Parking and Servicing

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

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

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

6. Officer Opinion:

Key Issues:

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

- The principle of use of the site for residential development.
- Securing outline planning permission with access to be determined and all other matters reserved.
- Protection of wildlife upon the site.

This is an Outline proposal for residential development of a brownfield site in Littleover.

It is considered that this is an acceptable location for a small residential infill site on land that is not allocated for any particular use in the adopted City of Derby Local Plan Review.

The site lies in a primarily residential area, which is characterised by a mix of house types, from 19th Century to post-war properties. The site itself borders an area of existing Public Open Space/Green Wedge to the south and east. The principle of residential development is considered acceptable on this site, which amounts to an infill plot along this stretch of Blagreaves Lane. It is a relatively large plot in both width and depth with an existing vehicular access onto Blagreaves Lane.

Planning Policy

In my opinion the site is capable of providing a satisfactory form of residential development and high quality living environment, in line with the requirements of Policy H13 and the over-arching policies of the NPPF, provided that any future built form and layout of dwellings would respect the amenities of the neighbouring dwellings. Given the size and positioning of the site I am satisfied that up to three

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dwellings can be achieved, subject to a sensitive design and layout which should safeguard residential amenity and privacy in this locality. This detail however, would be subject to a future Reserved Matters application.

Policy L12 allows for development which involves the loss of community facilities under certain circumstances. These include that there is shown to be no need or demand for its use as a community facility; this being the justification put forward by the applicant. There is no indication in the application as to how long the building has been vacant nor the steps taken to attract another community use in to it, however In this case, the fact that the building has ceased to be used as a community facility and that there are other facilities in the area, the benefits of the proposal could be considered to outweigh the adverse impacts.

Amenity

Given the size, shape and orientation of the plot, it is clear that the site has the potential to accommodate some form of residential development. Through a reserved matters scheme, it could be demonstrated that an appropriate scale, design and form of residential development is achievable, which fits in with the character of the surrounding area and does not unreasonably harm the amenities of neighbouring residential properties.

Concerns have been expressed by local residents that the site is not of an adequate size to accommodate up to three dwellings, due to both the size of the site and the limitations of the access and parking provision along this stretch of Blagreaves Lane. However, I am satisfied that sufficient detail has been submitted to demonstrate that three residential units could be accommodated within this plot.

A significant number of objections have been received relating to the proposed design, form and materials to be used in the development however, given that this application has been submitted in Outline only, the illustrative drawings provided with the application are not subject to formal approval. The indicative design drawings have in part, generated concerns from local residents who clearly feel that the scheme illustrated in those drawings is inappropriate for this site.

Since this application is in outline only, I am satisfied that there would be opportunity for a residential scheme to be developed which could be complementary to the types of housing in the surrounding area. I am therefore satisfied that the proposal would meet the provisions of Policies GD4, H13 and E23 of the adopted City of Derby Local Plan Review.

Although concerns have been raised in regards to the removal of trees on the site I confirmation has been received from the City Councils Natural Environment Team stating that the trees on the site are not worthy of a Tree Preservation Order. I therefore raise no objection to their removal.

Highway Implications

In terms of highway implications the proposed vehicular access is a matter to be determined at this stage. This element of the proposal has not raised any concerns or objections from the Highways Officer, provided that the proposed vehicular access to the development would incorporate a 2 metre x 2 metre pedestrian visibility splay. This detail is to be conditioned accordingly. I am therefore satisfied that the proposal

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would be acceptable, meeting the requirements of Policy T4 of the adopted City of Derby Local Plan Review.

A number of objections have been raised relating to the parking provision provided on the site, and in particular possible subsequent impact upon the existing alleged parking problems in the locality, however details of parking and turning within the site would be subject to a future Reserved Matters application.

Wildlife

The building to be demolished on the site has been assessed for the presence of roosting bats as part of the outline application. The agent has submitted a daytime bat survey which has been undertaken by a suitably qualified and licensed ecologist on 20th August 2014.

It has been concluded that there is no evidence of the presence of bats or nesting birds within the building and it has been assessed as having no suitable features to support roosting bats. It is therefore considered that adequate survey work has now been undertaken in support of this planning application for it to be determined.

I am therefore satisfied that the proposal meets criteria set out in Policy E7 of the adopted City of Derby Local Plan Review.

Conclusion

Overall it is felt that the proposed residential development of this site is acceptable and an appropriate means of access can be achieved. Residential amenity would not be unreasonably affected by the proposal. The proposal reasonably satisfies the requirements of Local Plan Policies set out in the adopted City of Derby Local Plan Review 2006 and as such a recommendation of conditional Outline planning permission should be granted.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions. .

Conditions:

1. Standard condition 01 - Details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:
 - Appearance
 - Landscaping
 - Layout
 - Scale
2. Standard condition 02 - Application for the approval of the reserved matters shall be submitted within three years from the date of this permission and the development shall be begun within two years from the approval of the last of the reserved matters.
3. Standard condition 100 - The development hereby permitted shall be carried out in accordance with the following approved plans:
983-001-OS Plan

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983-008A-A-Access detail only

4. No part of the development hereby permitted shall be brought into use until the access is surfaced in a hard bound material (not loose gravel) behind the highway boundary. The surfaced access shall then be maintained in such hard bound material for the life of the development.
5. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.0 metres x 2.0 metres are provided at the sites access, in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays, referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
6. No development shall be occupied on any part of the application site unless or until the existing access has been dropped and tapered to give pedestrians priority over the footway at application site 121 Blagreaves Lane and new accesses constructed, as shown for indicative purposes on the revised drawing No. 993-008A received 29th August 2014, to the satisfaction of the Local Planning Authority.

Reasons:

1. Standard reason E01- The application was submitted in outline only.
2. Standard reason E02- As required by Sections 91-92 of the Town and Country Planning Act 1990.
3. Standard reason E04- For the avoidance of doubt.
4. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
5. In the interests of Highway safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
6. In the interests of Highway safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.

Informative Notes:

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

A suitable drainage system should be provided in the driveways, in order that surface water is retained and disposed of within the site. The driveways should also be surfaced in a bound material.

The refuse and recycling bins must be within 25m of the public highway.

The proposed parking spaces should have minimum dimensions of 5 metres x 2.5 metres and the required internal dimensions for a usable single garage are 6 metres x 3 metres and 6 metres x 6 metres for a usable double garage

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means of access)**

The driveway is to be constructed with provision to prevent the discharge of surface water on to the public highway.

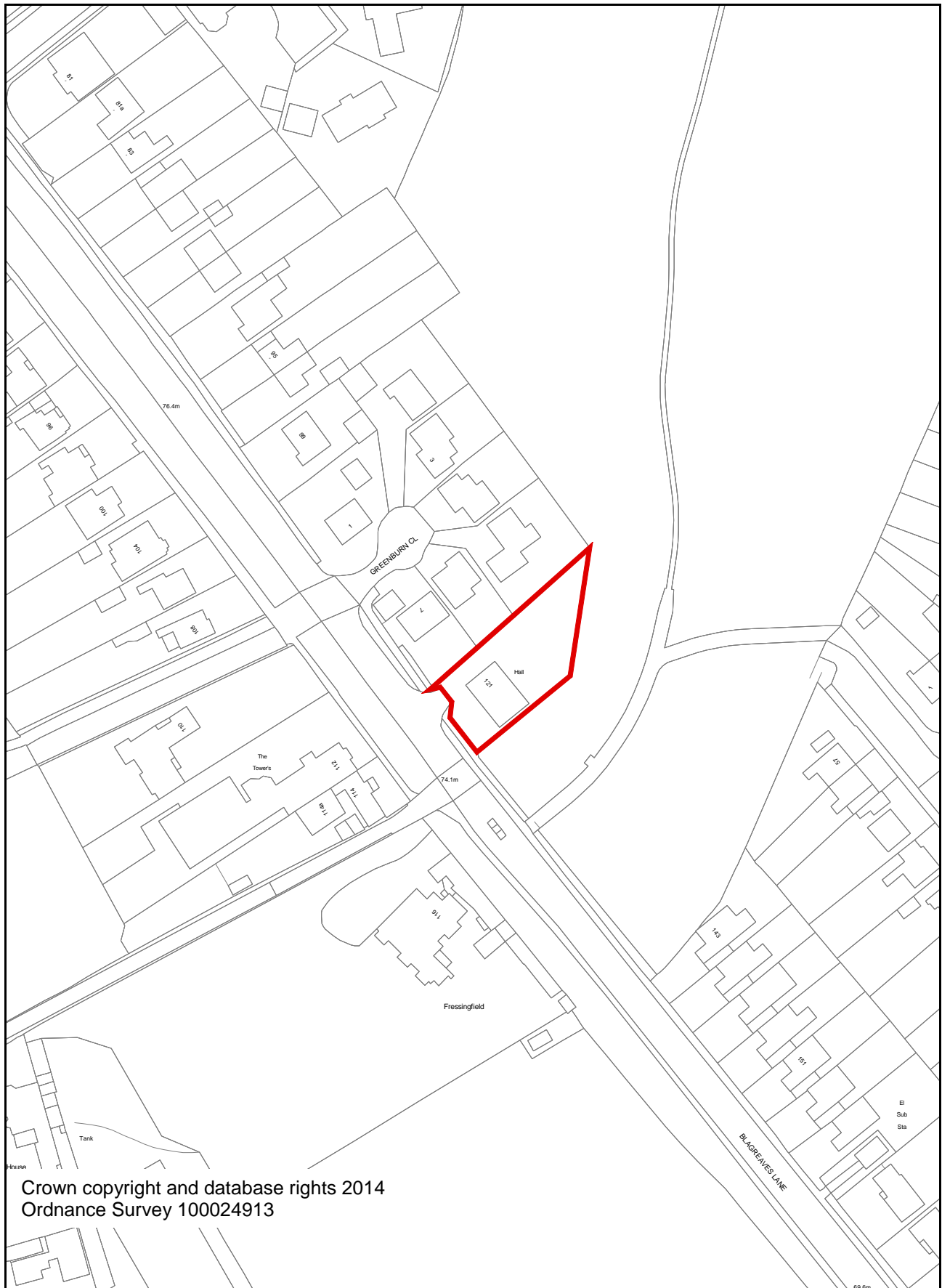
Application timescale:

This application had a target date of the 10/09/2014. It has exceeded this date due to the level of objection and level of officer time required

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Application No: DER/07/14/00942

**Type: Outline (with
means of access)**



Committee Report Item No: 4

Application No: DER/10/14/01367

**Type: Full Planning
Application**

1. Application Details

Address: Land to the north of Health Centre, Coleman Street, Alvaston.

Ward: Alvaston

Proposal:

Erection of 74 bed care home (use class C2)

Further Details:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=97195>

The full planning application seeks permission for the erection of a 74 bed care home on land to the north of the Coleman Street Health Centre. The application site is located at the end of Coleman Street where it connects to the footway/cycleway. The existing site is currently cleared and bounded by palisade fencing. It is designated for employment uses and has been used for light industry in the past.

The western side of Coleman Street is a mix of uses including a petrol filling station, timber merchants, health centre and retail unit (currently under construction DER/08/13/00957). The eastern side of Coleman Street is residential in character consisting of two storey traditional semi-detached properties with front gardens and the majority of properties benefiting from off-street parking. The site is bounded by the part two storey and part single storey health centre to the north and the pedestrian/cycle links to the national cycle network and Kiwi Park Drive to the north and west. To the east of the application site is the termination of the public highway and three residential properties. There is no formal turning head at the end of Coleman Street.

The proposal seeks to close up the existing vehicular access on Coleman Street and replace with a new access to the south of the existing. Pedestrian access will be via a separate access north of the new vehicular access. 26 car parking spaces, 2 disabled people's car parking spaces and a designated ambulance parking space are to be provided which front the site. The layout plan identifies areas for planting and landscaping. An external secure and covered cycle store, bin store and general store are to be located to the north of the pedestrian access and will be screened by planting.

The 74 bedrooms will be accommodated over three floors with ancillary facilities spread throughout; these include kitchens, dining/living rooms, shop, cinema, hairdressers, stores and staff rooms/facilities. Two outdoor terraces are also provided within the first and second floor which will overlook the cycleway/open space to the north and west. Each bedroom will overlook the landscaped car park/Coleman Street or the open space to the north and west. All bedrooms are en-suite.

The building has an L shaped footprint providing a backstop to the car park and termination to the street scene on the western side. The main entrance to the building is centrally located and highlighted by glass walling. The building will be three storeys in height with a hipped roof. In order to add interest and provide a break in the mass of the elevation, protruding dual pitch gables have been provided at regular intervals along all elevations. Additional interest is also added through the introduction of

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Application No: DER/10/14/01367

Type: Full Planning Application

terraces: these will be glazed structures with small openings. Whilst exact details of the materials to be used haven't been provided the submitted drawings do identify that there will be a mix of render and brick with tiled roof.

2. Relevant Planning History:

No relevant planning history.

3. Publicity:

Neighbour Notification Letters sent to 6 local properties on 20 October 2014

Site Notice displayed 31 October 2014

Statutory Press Advert published 24 October 2014

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

4. Representations:

The application has attracted 1 letter of objection following the statutory consultation period. The objector is a resident on Coleman Street and raises the following concerns:

- Coleman Street is a cul-de-sac and the proposal is for a large care home;
- The car park at the clinic is not sufficient which causes parking problems and potential accidents;
- Aldi have already started construction and there will be more traffic on the street.

5. Consultations:

Land Drainage:

The application form indicates that the drainage of this development in flood zone 1 will be to Soakaways, SuDS and Main Sewers. There does not appear to be a drainage strategy and the Design and Access Statement includes that the whole of the land is impermeable with drainage and therefore the whole of the runoff will be reduced by 60%. This on the face of it appears to be a superb application providing much more than is required by the NPPF.

Unfortunately, the topographical survey and the photographs supplied do not show any gullies that would be necessary for the proper drainage of the impermeable surface. The surface appears to be well overgrown with vegetation growing between the concrete joints. The survey shows that the land is relatively flat with no discernible fall to direct drainage to any particular point. Therefore, I consider that the run-off from the area is basically to the ground or unlawfully to other areas. Therefore, the land must be considered for this application as being un-drained.

However, the application appears to have sufficient space for the use of SuDS though I would not advise the use of soakaways due to their relative inefficiency yet I can only support the application if any grant of planning permission is conditioned.

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Highways DC:

Coleman Street is a cul-de sac that has a junction with the A5111 Harvey Road at its Northern end. At the southern extremities of the road there is the National Cycle Network cycle path number 6 which runs to the west. There are footways on both sides of Coleman Street. However, the footway on the Western side of the carriageway only extends along the frontage of Coleman Health centre and 'Jhoots' Pharmacy and terminates at the site boundary. The street has residential dwellings and a number of commercial uses including a Pharmacy and Health Centre. The proposed site was formerly a builder's yard but is currently undeveloped with an existing vehicular access onto Coleman Street. The existing access will need to be closed and returned to full footway construction and a new access created together with extending the footway to the frontage of the site

In terms of impact, this development is not going to generate significant trips in the AM and PM Peak traffic periods. The level of trip generation is relatively consistent across the weekday with the peak period being recorded between 14:00 and 15:00 hours.

The development will not have any noticeable impact on current traffic conditions. The ORR is also part of the AQMA and as such, for these reasons we would normally pursue a S106 contribution.

In terms of connections with public transport and sustainable travel modes, the site is in a relatively accessible location. There are bus stops on Harvey Road, which are around 450 metres from the site, offering connections to the 40/41 and 44/45 and 16 services per hour.

In terms of pedestrian and cycling the site is located in a predominately residential area with a 2 kilometre walk distance isochrones that incorporates parts of Allenton, Alvaston and Boulton. The site is located directly adjacent to Route 6 of the National Cycle Network. This is a traffic free route with links to the City centre, Osmaston, Boulton and Chellaston. There are also other traffic free links to Alvaston.

The proposed parking is within the maximum standards although the minimum disabled parking will require increasing. The submitted layout plan provides limited details in respect of cycle parking and staff facilities therefore a condition requiring additional information is recommended. In addition, there should also be changing and shower facilities available for staff. The highway Section 106 contribution should normally be £209 per room or £15,884.

Environmental Services (Pollution):

Noise - Based on the location and considering the proposals, such a development within this location does not appear to conflict with Local Plan Policy GD5 with respect to noise in the opinion of the Environmental Protection Team.

Phase I and II Contamination Report

The report includes a desk top study and also some intrusive soil contamination sampling. Additionally, ground gas monitoring was conducted at 2 locations.

The study highlights a historical industrial legacy for the site, but specific details about the operations that have been conducted on the site in the past are unknown. This has made bespoke testing difficult and so the investigation includes a generic range of contamination testing.

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**Type: Full Planning
Application**

A total of six samples of the near surface soils were tested. The report concedes that there remains the potential for unidentified areas of contamination to exist. I would agree with this suggestion based on the relatively limited sampling.

Suitable criteria have been used in the risk assessment.

Based on the results of the limited near surface sampling, the report suggests that significant levels of contamination do not exist on site, based on the proposed end use as a residential care home.

Ground gas monitoring was conducted on four occasions from two boreholes on site. The report recommends gas precautions for proposed buildings on site and these are detailed within section 7.5.1. I would accept the recommendations.

No specific remediation is proposed in relation to soil contamination

Conclusions on Ground Contamination

I would accept the gas precaution recommendations for proposed buildings on site detailed within section 7.5.1. I would recommend that these gas protection recommendations are incorporated into the development before it is occupied, to be secured by condition.

I would accept that the data in the report is *indicative* of the site being free from significant contamination, but I do not feel sufficient sampling has been conducted on site to be confident that this is the case across the whole site.

If any soils are proposed for re-use on site in proposed garden areas in the top 600mm of ground, then I would strongly recommend that additional sampling is conducted in order to demonstrate that they are suitable for use. The sampling strategy and chemical targets should be agreed with this Department in advance. The development should not be occupied until the developer has demonstrated that the site is free from significant contamination risks.

I would recommend a condition is attached to the consent, should it be granted, to ensure the above.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD8	Implementation
H12	Lifetime Homes
H13	Residential Development – General Criteria
EP11	Development in Existing Business and Industrial Areas
EP12	Alternative Uses of Proposed Business and Industrial Areas
E6	Wildlife Corridors
E13	Contaminated Land
E17	Landscaping Schemes
E23	Design
T1	Transport Implications of New Development
T4	Access, Car Parking and Servicing

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- | | |
|-----|---|
| T6 | Provision for Pedestrians |
| T7 | Provision for Cyclists |
| T10 | Access for Disabled People |
| T13 | Protection of former Railway Lines and Canal Routes |

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

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

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

7. Officer Opinion:

Key Issues:

- Principle of Development
- Highways and Access
- Design and Street Scene

Principle of Development

The application site is allocated under EP11 and so any alternative to B1, B2 or B8 will have to demonstrate:

- That it would lead to an improved environment for local residents. A care home may arguably be 'better' than any industrial use that could now be accommodated on this relatively small plot of land – so this criterion is 'passed';
- That it wouldn't lead to a qualitative and quantitative deficiency in the supply of employment land. There is only a very small area of land left in this 'allocation' and so from a quantitative perspective is unlikely to give rise to any concerns; from a qualitative perspective, it is unlikely that this provides a particularly 'valuable' plot for a particular type of business or market sector. There are no concerns here, therefore.
- That it would not be incompatible with established employment activity. This shouldn't be a problem as the nearby uses are not technically 'employment' and would not be prejudiced in any event.
- That the proposal would not reduce the development potential of nearby land for business and industrial use. All other nearby land is either in use or under construction, so no issue here.

There will be a number of jobs associated with the care home, so this will also help to mitigate the technical loss of employment land. All in all, there are no concerns associated with EP11 and the loss of this employment site as the care home will also introduce employment opportunities.

Highways and Access

By their nature care homes do not generate significant trips in the AM or PM peak traffic periods. The application has been accompanied by a Transport Assessment which identifies very low trip rates. Colleagues in Highways have considered the presented trips along with those in the TRICS database which would generate

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around 10 vehicles in the peak times. Therefore there is not considered to be a significant impact as a result of the proposed development. That being said there are still concerns regarding the cumulative impact this development would have with others on the Outer Ring Road. However as the trips generated as a result of the development are very low no financial contributions have been sought, further details are provided in the Section 106 Section of this report.

The application site is considered to be very well located in terms of public transport links and other sustainable modes. A number of bus stops are located on Harvey Road which is around 450 metres from the site. The adjacent cycle/pedestrian link provides a car free route to the City Centre, Allenton, Boulton and Chellaston. There are also other links to Alvaston.

Car parking for such uses is based on the number of staff; 1 space per 2 members of staff. The application form states that there will be a total of 80 staff employed at the site however there will be a maximum of 20 staff on site at any one time. Therefore a total of 10 car parking spaces are required in policy terms. The proposal seeks to provide a further 16 spaces for visitors this includes family/friends and service providers such as doctors, opticians, physiotherapists and the district nurses. These services are likely to be on an appointment basis throughout the working week. The residents of this care facility will not have access to a car. Ambulance and disabled parking is provided also.

One letter of objection has been received and concerns expressed by Local Ward Councillors in respect of parking and the potential to displace further car parking onto Coleman Street. Following various site visits to this site the concerns expressed appear to be as a result of demand for parking at the existing Health Centre. This proposal and the adjacent Health Centre are not linked and therefore we should not expect this development to mitigate and/or provide parking for an existing unrelated facility.

As discussed, the level of parking proposed is considered to exceed standards and therefore the level of parking is considered to be more than adequate. That being said I have included, for reference, below a table of other similar facilities within the city and their parking levels:

Site Address	No. of Beds	No. of Car Parking Spaces including disabled spaces	Notes
Oaklands Care Home, Burton Road	8	2	No complaints recorded
62 Blagreaves Lane	31	17	No complaints recorded
Arboretum House	38	15	No complaints recorded
Douglas Court (Existing), Douglas Street	41	12	No complaints recorded

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Douglas Court (Proposed), Douglas Street	64	17	Not yet under construction
Nuffield Care Home, Nuffield Hospital, Rykneld Road	74	28	Currently under construction
Arthur Neale, Hanwell Way (Extra Care facility)	98	40	No complaints recorded

I am more than satisfied with the proposal in highway terms. Overall this location is considered to be a sustainable location with good links to greener modes of travel. The application provides limited details of cycle parking and further details will be secured through condition. I consider the proposal to be acceptable in terms of policies T4, T6, T7 and T8.

Design and Amenity

The overall layout of the proposal is considered to be acceptable. Whilst I would prefer car parking to be screened by the building a precedent for car parking fronting the site has been set with the adjacent Health Centre. Therefore, with adequate landscaping, I consider this arrangement to be acceptable.

Amenity areas for the future residents of this site are located to the rear in the form of a garden and two terraces within the built form of the development. These will take advantage of views across the wildlife corridor and open space to the north and west. The arrangement for residents is considered to be acceptable with suitable outlook and obscure view lines between the two arms of the care home which will ensure no internal overlooking.

In terms of the relationship created with the existing residents I am satisfied that there will be no overlooking from the proposal. The distances between the application site and the neighbouring residential properties exclude massing and overshadowing. There will be a neutral impact between the development site and the neighbouring health centre.

I note the concerns raised by the local residents and consider these to be robustly covered within the highway and access section of this report.

Environmental Considerations

The site is adjacent to a wildlife corridor and the protected route of the Derby Canal; the extent of the application does not encroach on the protected route or the wildlife corridor and therefore I am satisfied there will be no conflict between these designations and the proposed development.

There are no concerns with regards to noise. The application has been accompanied by a Phase I and Phase II Ground Investigation Assessment which has been duly assessed by colleagues in Environmental Health. The report suggests that significant levels of contamination on the site do not exist but the gas precaution recommendations should be incorporated into the building prior to its occupation. A further condition is requested in relation to the re-use of soil on the site. There are no objections from Environmental Health.

A condition is attached in order to secure a suitable sustainable drainage strategy for this site and no objections have been received from colleagues in land drainage.

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I am satisfied that there are no overarching environmental issues that would warrant further investigation or the refusal of this application.

Summary

The proposed development of a care home is considered to be an acceptable alternative use on this designated site as the proposal will create employment opportunities. The overall layout is generally well thought out and provides landscaping opportunities, adequate off-street parking and opportunities to incorporate sustainable drainage solutions. The design of the building is considered to be acceptable and will provide a termination feature to the street scene. Furthermore the introduction of residential development on this site will introduce overlooking and natural surveillance of the cycle connections and open spaces.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposed development of a care home is considered to be an acceptable alternative use to employment on this designated site as the proposal will create employment opportunities. The overall layout is generally well thought out and provides landscaping opportunities, adequate off-street parking and opportunities to incorporate sustainable drainage solutions. The design of the building is considered to be acceptable and will provide a termination feature to the street scene. Furthermore the introduction of residential development on this site will introduce overlooking and natural surveillance of the cycle connections and open spaces.

Conditions:

1. Standard condition 100 (approved plan)
2. Standard condition 03 (time limit)
3. Standard condition 27 (external materials)
4. No development should take place until both foul and surface water sewerage schemes have been approved by the local planning authority. The surface water drainage shall include Sustainable Drainage features that shall be in accordance with:
 - the one in thirty year rainfall event retained below normal ground level, the one in 100year plus climate change rainfall event to be retained on the development. Calculations to that end are to be approved by the local planning authority including that habitable rooms do not flood. The route of outflow from a rainfall event that exceeds that amount shall be made known to the local planning authority.
 - The draft National Standards for sustainable drainage systems.
5. No development shall commence on any part of the application site unless or until a new access and footway extension together with associated reinstatement of the existing access arrangement has been provided at Coleman Street as shown for indicative purposes only on the attached plan F14104/01 Rev B to the satisfaction of the Local Planning Authority

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6. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent on Coleman Street is permanently closed and the access crossing reinstated in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
7. No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing AP13028/10 Rev M has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
8. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided and surfaced in a bound material and are surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking/turning/servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles
9. Standard Condition 20 (landscaping scheme)
10. Standard condition 22 (landscape maintenance)
11. Prior to development commencing on site precise details of the design and external appearance of the external store and cycle shelter have been submitted to and approved in writing by Local Planning Authority. The agreed details shall be implemented in full.
12. Standard condition (boundary treatment)
13. The gas protection measures as detailed within section 7.5.1 of the Phase I and Phase II Ground Investigation Report dated 13 August 2014 shall be incorporated into the development prior to its occupation.
14. Prior to the development being brought into use details of the sampling strategy shall be submitted to and approved in writing by the Local Planning Authority if soils are to be re-used within the top 600mm of ground in any garden and/or amenity space. The development shall not be occupied until the developer has demonstrated that the site is free from significant contamination risks.

Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14 ... GD4 and GD5
4. To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution. To reduce the risk of creating or exacerbating flooding and to protect or improve water quality... NPPF, GD3 & GD8
5. In the interest of highway safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.

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6. In the interest of highway safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
7. To promote sustainable travel and in accordance with saved policy T7 of the adopted City of Derby Local Plan Review.
8. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
9. In the interest of visual amenity and in accordance with saved policy E17 of the adopted City of Derby Local Plan Review.
10. In the interest of visual amenity and in accordance with saved policy E17 of the adopted City of Derby Local Plan Review.
11. No such details were provided and in accordance with saved policies GD4, GD5 and T7 of the adopted City of Derby Local Plan Review.
12. In the interest of visual amenity and in accordance with saved policy GD5 of the adopted City of Derby Local Plan Review.
13. In the interest of human health and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
14. In the interest of human health and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.

Informative Notes:

When applying to discharge condition 4 you are advised to consider the following:

- Sustainable drainage features shall be in accordance with NPPF cl 103
- Calculations to ascertain the present or pre-developed surface water discharge rate shall be to IH124 pro rata as for urban development and this shall be used to determine the rate of discharge of the limiting device for the discharge of surface water.
- For a development of this nature a drainage strategy to determine how the drainage of the site is to be treated would be productive.
- The development is over the route of a public sewer and shall be treated in accordance with the SU's requirements
- For the correct treatment of surface water SuDS features need to be placed in a train commencing as close to the source as possible in accordance with the draft National Standards for sustainable drainage systems.
- The use of attenuation tanks and the like are discouraged by the E.A

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

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**Type: Full Planning
Application**

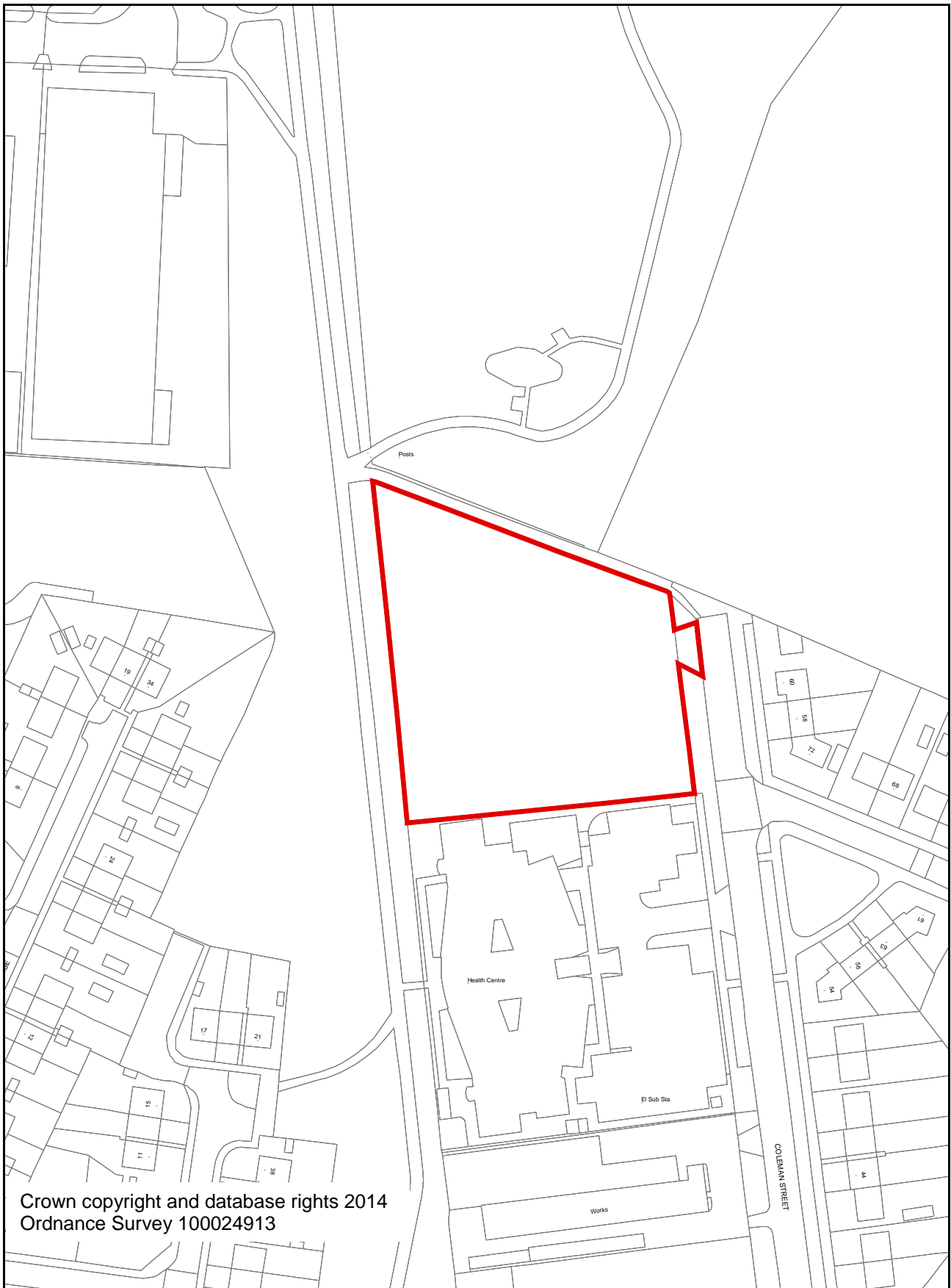
S106 requirements where appropriate:

Under the criteria of the Planning Obligations Supplementary Planning Document, the scale and type of the proposal is eligible for a S106 Highways contribution. However, the transport assessment for the care home has shown that is not going to generate significant trips in the AM and PM Peak traffic periods and will not have any noticeable impact on current traffic conditions. As such there is not sufficient evidence to justify a S106 contribution towards the transport corridor.

The agent is willing to discuss a voluntary recruitment and training agreement with the Council's Employment and Skills Manager because the care home is likely to employ staff from the local area.

Application timescale:

The application is brought before Planning Control Committee following a request from Councillors Bayliss and Tittley and the statutory application deadline expires on 13 January 2015.



Committee Report Item No: 5

Application No: DER/10/14/01345

**Type: Advertisement
consent**

1. Application Details

Address: 17 Market Place, Derby

Ward: Arboretum

Proposal:

The display of 1 internally illuminated fascia sign.

Further Details:

Web-link to application documents –

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=97173>

The application relates to part of the ground floor element of the Assembly Rooms building facing the Market Place. The premises are occupied by a restaurant end user – known as ASK ITALIAN. The site is within the City Centre Conservation Area. The applicants have submitted amended plans which show the sign set back approximately 0.5 metres from the front elevation of the building.

The proposed fascia sign includes fixed individual letters that would read 'ASK ITALIAN' beneath the horizontal cross section and between two of the concrete cantilevers attached to the lower part of the Assembly Rooms frontage. The fascia sign proposed to the front elevation would comprise a signage panel suspended from the concrete cantilever beams below the overhang. The sign would be directly affixed to the underside of the projecting concrete cantilever. The height from the ground to the base of the sign would be approximately 4.5metres and height of individual letters would be 1 metre. The luminance level indicated on the application form is 600 candelas per metre. The sign itself would measure approximately 4.5m in width and 1.1m in height.

2. Relevant Planning History:

DER/03/03/00378: Display of various illuminated signage. Granted conditionally April 2003.

DER/09/11/01131: Display of 2 internally illuminated fascia signs and 2 internally illuminated hanging signs. Granted conditionally February 2012.

3. Publicity:

No publicity required.

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

4. Representations:

- No third party representations received.

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**Type: Advertisement
consent**

5. Consultations:

CAAC:

Objections raised. Resolved to recommend refusal on the grounds that the proposed signage would be detrimental to the building, conservation area and disrupt the rhythm of the cantilevers.

Built Environment:

Subsequent to the receipt of amended plans, the Conservation Officer welcomes the setting back of the sign to the cantilevers. This will allow them to continue to be the dominant feature on the site and not have a detrimental impact on the rhythm of the structure. Therefore we believe that this element of the proposal is now acceptable. However as previously highlighted we would be concerned about the proposed signage lighting. Internally illuminated signage would not be supported.

6. Relevant Policies: *Saved CDLPR policies*

E18 Conservation Areas
E26 Advertisements

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

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

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

7. Officer Opinion:

Key Issues:

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

- The impact of the proposed fascia sign on the character and appearance of this locally important building and this part of the conservation area.

An amended plan drawing has been submitted following points raised by the Conservation Officer. The main difference is to incorporate a 0.5 metre set back of the sign from the front building edge.

The signs are located on the primary frontage of the ground floor of the Assembly Rooms, which is a prominent and important elevation within the streetscene of Market Place. The key issue to be considered is the impact of the proposed fascia sign on the character and appearance of this important building and the surrounding City Centre Conservation Area. Initially, it is worthwhile pointing out that no other similar hanging signs exist on the building. Yet there are 2 signs to the far right hand side of the building advertising the 'Box Office' and 'Tourist Information' and the main large 'Assembly Rooms' sign nearer the top of the building. Two existing *Ask Italian* hanging signs are sited either side of the main entrance to the restaurant, on the underside of the cantilever sections. All of these are well designed and are the only signs on an otherwise monolithic expanse of building.

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The sign itself is comprised of individual letters bonded to a steel fixed rail which is powder coated to match the graphite grey of the sign. Vertical supports are to be concealed behind the individual letters. There would be no damage to the building's façade, aside from the attachment bracket/bolt to the underside of the cantilever beam. The sign would be succinct, effective and present a simple typographic which reflects the company logo and the format of 'Ask Italian' signage. The 'Ask Italian' letter faces would be rimless and formed of two shades of graphite grey. The precise siting of the letters respect the proportions of the lower level of the building and are positioned so they do not interfere with the horizontal rhythm of the cantilevers. The means of illumination is unclear from the submitted drawings, but halo or trough illumination could be achievable. A suitable condition is recommended to be attached to secure this.

Even though the advertisement proposal would have some visual impact on the appearance of the building as seen close up and from wider vantage points, when viewing the fascia sign, at street level, from the Market Place and Corn Market it would be difficult to argue that it would disrupt the vast principle façade of the Assembly Rooms building. Indeed, given the overall scale of the building the sign would have a lesser impact on its character as a whole and would not detract from its overall modernist architecture, which could clearly still be viewed and appreciated. Thus, the proposal would preserve the visual amenities of this part of the city centre and would not be detrimental to the character of the conservation area.

In addition, it is considered that the proposed sign would not have an adverse affect on pedestrian or vehicular safety given their height above ground level and luminance. Overall, I consider that the proposed signage, as amended, would be appropriate for use on the application site and would not unduly clutter the building's frontage or result in excessive advertisement clutter within the Market Place as a whole. The proposed design, size and siting of the signs would complement the modernist appearance of the building and would not, in my opinion, be detrimental to the character and appearance of this locally important building or the special character of the surrounding conservation area. The extent of the sign's luminance can be controlled by condition. In view of this, I feel the proposal complies with the requirements of policies E18 and E26 of the adopted City of Derby Local Plan Review.

8. Recommended decision and summary of reasons:

To grant advertisement consent with conditions.

Conditions:

1. Standard condition 100 (approved plan drawings)
2. Standard condition 05D (advertisement time limit)
3. Standard condition 40 (intensity of illumination)
4. Unique condition 1 (details of lighting method)

Reasons:

1. For the avoidance of doubt.
2. Standard reason E23 (advertisement legislation reasons)
3. Standard reason E19 (interests of traffic safety and visual amenity)

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4. Standard reason E40 (safeguard character of conservation area)

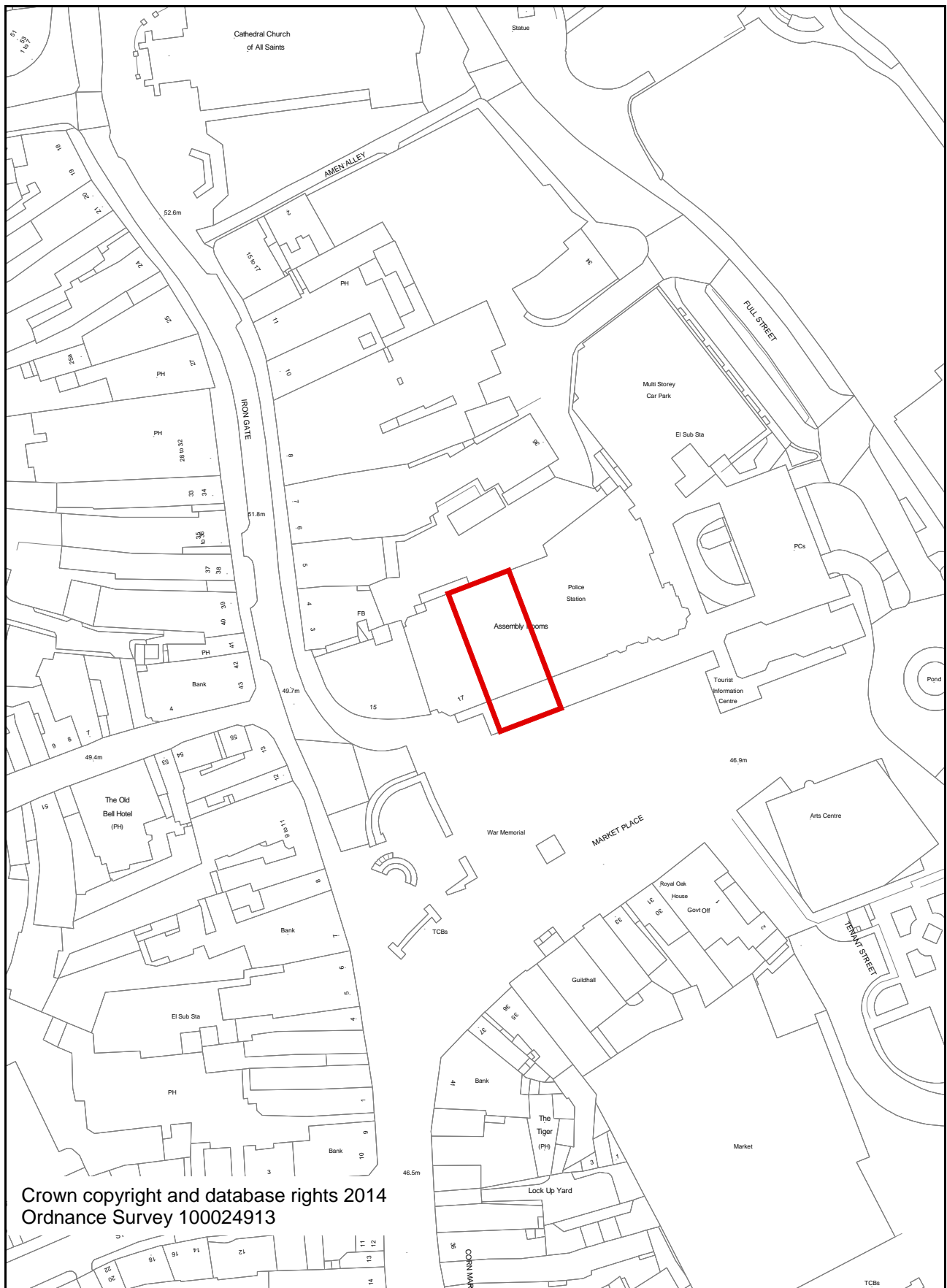
Application timescale:

The 8 week time period for the advertisement consent application expired on the 28 November 2014. The application is brought before the Planning Committee due to objections raised by the Conservation Area Advisory Committee.

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Application No: DER/10/14/01345

**Type: Advertisement
consent**



Committee Report Item No: 6

Application No: DER/06/14/00740

Type: Full

1. Application Details

Address: Site of 73 Field Rise, Littleover

Ward: Blagreaves

Proposal:

Demolition of bungalow and erection of detached dwelling house – amendments to previously approved planning permission DER/09/08/01276 to amend the position of the dwelling house and include a basement

Further Details:

Web-link to application documents –

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96537>

Some members may recall the previous application to redevelop this site which was reported to committee on 21 October 2010.

For ease of reference and to avoid duplication the previous report is attached for reference (Appendix A). That report provides a thorough appraisal of the material considerations.

It is important to note that the previous bungalow that stood on this site was, I am advised, demolished in the latter part of 2013 and the previous permission has therefore been implemented and is extant. I am advised that work ceased in May of this year and this application was submitted to regularise matters.

This proposal seeks permission to amend the position of the proposed replacement dwelling house by siting the building approximately 1m further back into the site. The scale, form, footprint and integral configuration of the proposed dwelling house, at ground and first floor level, remains as per the previous submission.

This proposal also seeks permission to construct a 'basement store' within the proposed dwelling house and it would be served by a stair case that would sit beneath the main staircase. The proposed basement would accommodate a floor to ceiling height of approximately 2.2m and it would sit beneath the whole of the ground floor, except the area situated beneath the integral garage. The volume of the space created would be approximately 192 cubic metres.

2. Relevant Planning History:

Please refer to the previous report.

3. Publicity:

Neighbour Notification Letters sent to 14 properties

Site Notice displayed on 13 June 2014

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

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4. Representations:

The application has attracted a range of objections from 6 nearby households including the neighbours at nos. 71 and 75 Field Rise.

The objections cover a range of issues and these include the following:

- Concerns about the on-going and long running planning history of the site.
- The lack of detail in the application and the absence of details included with the previous submission.
- The impact of the re-positioning of the proposed dwelling house in the context of the previous permission and the detrimental impact of such on neighbouring residents.
- The scale and volume of the proposed basement store and the structural integrity of the construction.
- The scale of the basement and concerns about the proposed future usage of that space.
- The impact of the proposed development on foul and surface drainage and commitments made by a previous agent about the drainage solution.
- The impact of the development on springs and culverted water courses in the area.
- The need for previous conditions to be attached should permission be granted once again.
- Parking issues and the nature and safety of traffic movements on Field Rise.
- Concerns about works that should adhere to the Party Wall Act and the Building Regulations etc.

Members should refer to the web link in part 1 of this report for the full versions of the individual objections.

5. Consultations:

Highways DC:

No objections. With the previous submission officers raised no objections to the proposal, subject to a condition that precluded the future creation of a second vehicle access to the site. This condition is also proposed for inclusion in this case.

Structures:

In principle, it is unlikely that there would be any structural issues with the new build that could not be overcome with adequate design, and appropriate construction methods. It may require a significant amount of work and expenditure but it appears to be technically feasible. For a residential property such as this we would normally expect the issues to be checked and resolved as part of the Building Regulations approval system, and where relevant, the Party Wall Act. We have therefore not examined the submitted calculations / drawings in detail for technical comment at this time. It is also our understanding from looking at some of the correspondence on the

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planning web page that this project is to be assessed for compliance with the Building Regulations by an Approved Inspector and not Derby City Council.

6. Relevant Policies: *Saved CDLPR policies*

GD4	Design and the urban environment
GD5	Amenity
H13	Residential development – general criteria
E7	Protection of habitats
E8	Enhancing the natural environment
E10	Renewable energy
E23	Design
T4	Access, parking and servicing
GD3	Flood protection
GD8	Infrastructure

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

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

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

7. Officer Opinion:

Key Issues:

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

- The principle of development
- The re-positioning of the proposed dwelling house
- The inclusion of the proposed basement
- The concerns of local residents

The principle of development

The principle of the redevelopment of this site is not in question and was established as part of the extant permission.

The repositioning of the proposed dwelling house

The proposed re-positioning of the dwelling house is, in my view, a small and acceptable change in this case. As part of the previous report an analysis of the proposed scheme in the context of previous application refusal was provided together with an appraisal of the scheme in the context of saved policy H13. As members are aware saved policy H13 does not contain specific space dimensions or prescriptive criteria for considering residential proposals. Proposals are considered on their merits and in relation to the prevailing built context. In this case the repositioning of the dwelling 1m back into the site would impact primarily on the neighbours at nos. 71 and 75. However, given the footprint of both neighbouring properties and the relationship of the proposal to those properties I consider that the impact of the proposal would not be detrimental so as to warrant refusal of this

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application in layout, scale and massing terms. In street-scene terms I am happy with the proposed repositioning of the dwelling house given the varied nature, character and form of this side of Field Rise.

The inclusion of the proposed basement

There is no policy basis for resisting the creation of a 'basement store' within the proposed dwelling house. It would sit beneath the proposed dwelling house and, as such, it would have no impact on its external appearance. There are a range of detached dwelling houses on this particular side of Field Rise and the proposal would sit happily within the context of the wider street-scene. Subject to a safeguarding condition controlling the use of the 'basement store', as addressed below, I raise no objections to the proposal.

The main responsibility for the developer will be to ensure that the basement store is constructed in accordance with separate legislation under the Building Regulations and responsibilities under the Party Wall Act, if applicable.

The concerns of local residents

I note the concerns of the neighbours and other local residents. In this case I propose to do the following in an attempt to allay some the neighbour's concerns:

- Attach conditions controlling drainage details (as condition 4 of the extant permission), vehicle access to the site (as condition 5 of the extant permission), requiring replacement bat roost features (as condition 6 of the extant permission) and removing permitted development rights (as condition 8 of the extant permission).
- I propose the inclusion of another condition to prevent the use of the 'basement store' for commercial purposes and shall restrict that space solely to purposes incidental to the enjoyment of the dwelling house.
- I propose the inclusion of another condition to ensure that the proposed ground floor level of the dwelling house is lowered 300mm below the floor level of the previous bungalow given that this formed part of the previous submission and was included under condition 2 of the extant permission.
- I also propose the inclusion of informative notes on the decision notice to highlight the developer's responsibilities towards the Building Regulations and the Party Wall Act. These are separate areas of legislation and, therefore, cannot be addressed by planning condition but informative notes would provide the necessary reminders.

For clarity, I have reproduced the conditions in full for member's reference.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposed development is an acceptable form of development in term of its layout, scale and architectural style in this particular street-scene context and in relation to the layout and scale of the immediate neighbours on either side of the application site. The local planning authority is also satisfied that the proposed

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dwelling house is a reasonable form of development, in relation to the amenities enjoyed at nos. 71 and 75, in scale, massing and overlooking terms.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location plan @ 1:1250
 - Block plan @ 1:500
 - Elevations/sections and working drawing (including site plan and site location plan) @ 1:100, 1:500 and 1:1250 - no. 25/05/2014/01
 - Ground floor plan @ 1:50 - no. 25/05/2014/02
 - First floor plan @ 1:50 - no. 25/05/2014/03
 - Street-scene drawing showing neighbours at nos. 71 and 75 @ 1:100
2. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
3. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.
4. No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing.
5. The development as approved shall be served solely by the existing vehicle access to the site, as shown on site plan no. 25/05/2014/01, and no additional vehicle accesses shall be created from Field Rise.
6. A replacement potential roost feature shall be provided on the new dwelling to consist of either hanging tiles with potential access for bats or bat entry tiles into the space between roof tiles and lining which shall be designed to be suitable for bats. Precise details of the replacement roost feature shall be submitted to and approved in writing by the Local Planning Authority before the dwelling is occupied.
7. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority.
8. Notwithstanding the provisions of Part 1 Class A, Class B, Class C, Class D, Class E, Class F and Class G (but excluding Class H) of the Town & Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and all other Orders revoking or re-enacting that Order no external

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alterations or extensions to the hereby approved dwelling house shall be implemented without an application for planning permission being submitted to and hereby approved in writing by the Local Planning Authority.

9. The 'basement store' shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for or in connection with any trade or business.
10. The finished floor level of the proposed dwelling shall be lowered by 300mm from the finished floor level of the previous bungalow that occupied this site, as included on the 'Street-scene drawing' included under condition 1.

Reasons:

1. For the avoidance of doubt.
2. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To ensure a satisfactory external appearance of the development in the interests of visual amenity and in accordance with saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.
4. To ensure the provision of satisfactory drainage arrangements and in accordance with saved policy GD3 of the adopted City of Derby Local Plan Review.
5. For the avoidance of doubt and to minimise the danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policies GD5 and T4 of the adopted City of Derby Local Plan Review.
6. In the interests of accommodating protected species on-site, in the interests of general environmental amenity and in accordance with saved policies E7 and E8 of the adopted City of Derby Local Plan Review.
7. To ensure a satisfactory external appearance of the development in the interests of visual amenity and in accordance with saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.
8. To enable the Local Planning Authority to exercise control in the interests of the amenities of nearby residents and in accordance with saved policies GD4, GD5 and H13 of the adopted City of Derby Local Plan Review.
9. To preserve the amenities of adjacent residential properties and in accordance with saved policy GD5 of the adopted City of Derby Local Plan Review.
10. For the avoidance of doubt and to ensure an orderly and satisfactory overall development of the site in accordance with saved policies GD4 and H13 of the adopted City of Derby Local Plan Review.

Informative Notes:

The developer should note that construction of the 'basement store' should be completed in accordance with the relevant Building Regulations approval and the Party Wall Act, if required.

S106 requirements where appropriate:

None

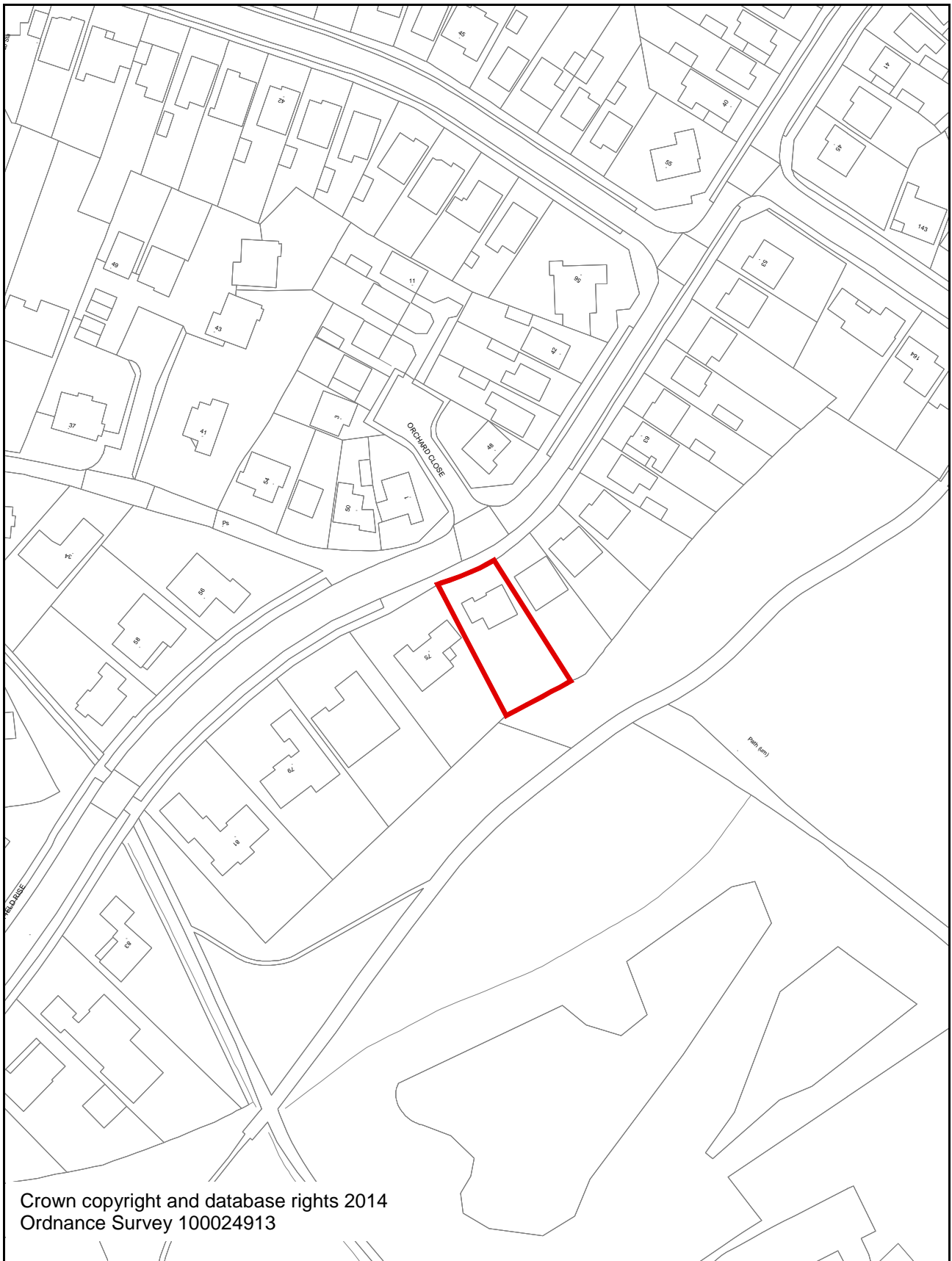
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Type: Full

Application timescale:

The agent has entered into an extension of time agreement to accommodate the extended time period for determination. Given the number and nature of objections to the application and the receipt of this application when the constitution was in the process of review it was considered necessary to report the proposal for member's consideration.



Committee Report Item No: 11**Application No:** DER/09/08/01276**Type:** Full1. **Address:** Site of 73 Field Rise, Littleover.2. **Proposal:**

Demolition of bungalow and erection of detached dwelling house.

3. **Description:**

Full planning permission is sought to demolish the existing chalet style bungalow on this site and erect a detached two storey dwelling house with integral garage. The application site is located on the south-east facing side of Field Rise and it has residential neighbours on both sides and bounds Sunnydale Park to the south. The site is also located opposite the junction with Orchard Close. Orchard Close is a relatively small development of properties which principally sit behind the main frontage of properties on the north-west facing side of Field Rise. Some Members may be familiar with the built character of Field Rise. Parts of the south western leg of Field Rise have been incrementally developed in the recent past and it accommodates some imposing suburban style residential dwelling houses. The part of Field Rise that includes the application site almost forms a transition between those recent residential developments and the more established parts of Field Rise up to its junction with Willson Avenue. This transition in layout and form can be appreciated from the submitted Ordnance Survey site location plan. Land levels on Field Rise fall noticeably from the recent developments on the south-western leg through the application site and beyond.

The siting of the front elevation of the proposed dwelling house, as amended during the life of this application, would be sited on the line of the most forward part of the existing chalet bungalow. The proposed dwelling house would be sited approximately 2.45m from the side boundary with the neighbour at no. 71 at its nearest point and, given the tapering form of that boundary, approximately 3.25m at its widest point. The proposed dwelling house would be sited a maximum of 1.5m from the opposing side boundary with the neighbour at no. 75 and that particular neighbour accommodates a single storey double garage element nearest to the boundary. The proposed dwelling house has a fairly regular footprint which has an external depth of approximately 10.3m and an overall breadth of approximately 11m. The proposed front elevation design accommodates a gable on either side with a smaller recessed 'eye brow' gable sited above the centralised front door. The proposed front elevation ground level design accommodates a conventional garage door on the western side with a modest bay window to serve the proposed lounge on the other side of the front door. The proposed roof style would be a split hipped and gable design to accommodate the rear elevation form which has two storey double gables with a central valley. The characteristics of the roof form can be gleaned from the roof plan. The proposed dwelling house has been designed to confine all the habitable accommodation windows to the principal front and rear facing elevations. The proposed ground level internal layout accommodates a lounge and garage on either side of the entrance hall with a combined breakfast room / kitchen and dining / study served by rear elevation French doors and windows. The proposed first floor accommodation includes two front bedrooms on either side of the main landing served by front elevation windows and three rear bedrooms served by rear elevation outlook. The only accommodation served by side elevation outlook is a single ensuite at first floor level on the side facing no. 71 and a first floor bathroom on the

Derby City Council

Delegated decisions made between 01/11/2014 and 30/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/13/01500/PRI	Full Planning Permission	Funktion Fitness Gym, Pride Park Stadium, Pride Park, Derby, DE24 8XL	Two storey extension to gymnasium	Granted Conditionally	17/11/2014
01/14/00049/PRI	Full Planning Permission	Land adjacent 169 Rykneld Road & to the rear of 167a & 167b Rykneld Road, Littleover, Derby	Erection of three dwelling houses	Granted Conditionally	14/11/2014
02/14/00239/	Reserved Matters	Plot L, Fernhook Avenue, Derby Commercial Park, Derby DE21 7BH	Erection of a warehousing unit and ancillary office accommodation, vehicle maintenance unit, gatehouse, servicing and parking areas and landscaping (Plot L)- Approval of reserved matters.	Granted Conditionally	21/11/2014
03/14/00374/PRI	Full Planning Permission	Land adjacent to 30 The Hollow, Mickleover, DE3 0DH	Erection of five dwellings together with associated access road and infrastructure	Refuse Planning Permission	21/11/2014
03/14/00392/PRI	Outline Planning Permission	Land rear of 30 Glenwood Road, Chellaston, DE73 6UB	Residential development (one dwelling house)	Refuse Planning Permission	25/11/2014
04/14/00474/PRI	Full Planning Permission	St. John Fisher RC Primary School, Alvaston Street, Alvaston, Derby, DE24 0PA	Extension to classrooms and toilets and retention of storage container	Granted Conditionally	11/11/2014
04/14/00527/PRI	Full Planning Permission	3 Pastures Avenue, Littleover, Derby, DE23 7BE	Two storey rear extension to dwelling house (family room, utility/pantry and enlargement of 2 bedrooms)	Invalid - Finally Disposed of	19/11/2014
04/14/00530/PRI	Full Planning Permission	Land south of Callow Hill Way, Littleover, Derby (including Hell Brook)	Formation of access road in association with Residential Development at Highfields Farm (South Derbyshire District Council application numbers 9/2011/0640/MR and 9/2014/0275)	Granted Conditionally	14/11/2014
05/14/00630/PRI	Works to Trees under TPO	15 Hillcross Drive, Littleover, Derby, DE23 7BW	Removal of four lower branches of Oak tree protected by Tree Preservation Order No 36	Granted Conditionally	12/11/2014
05/14/00730/PRI	Full Planning Permission	546A Burton Road, Littleover, Derby, DE23 6FN	Formation of replacement parking surface and erection of fencing	Invalid - Finally Disposed of	12/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/14/00930/PRI	Full Planning Permission	Land at Alison Close, Chaddesden, Derby	Erection of two bungalows	Granted Conditionally	14/11/2014
07/14/00933/PRI	Works to Trees under TPO	Littleover Nursing Home, 149 Stenson Road, Derby, DE23 7JJ	Crown reduction by 5m to two Sycamore, 1 Lime and 1 Yew trees protected by Tree Preservation Order . No.97	Refuse Planning Permission	04/11/2014
07/14/00935/PRI	Full Planning Permission	296 Uttoxeter New Road, Derby, DE22 3LN	Change of use of building from school (Use Class D1) to form 4 flats (Use Class C3) including alterations to the fenestration and installation of entrance canopy	Granted Conditionally	25/11/2014
07/14/01006/PRI	Full Planning Permission	Addison Newsagent, 18-20 Addison Road, Derby, DE24 8FG	Alterations and extension (external fire escape) to residential accommodation on ground and first floor to form 3 bedsits	Granted Conditionally	21/11/2014
07/14/01014/PRI	Full Planning Permission	6 Gilbert Street, Alvaston, Derby, DE24 0LB	Single storey rear extension to dwelling (living room/dining room and WC) and formation of rooms in roof space (2 bedrooms and en-suite) and installation of dormer - amendments to previously approved planning permission DER/12/13/01436 to alter the roof light layout to the north elevation and allow restricted opening of the south dormer window	Granted Conditionally	03/11/2014
07/14/01017/DCC	Local Council own development Reg 3	Land between Holmleigh Way and Wilmore Road, Derby	Construction of drainage swale in connection with the link road (T12) and associated works previously approved under planning application Code No. DER/05/13/00463	Granted Conditionally	26/11/2014
07/14/01032/PRI	Works to Trees under TPO	Land adjacent to Broadeaves, Aston Lane, Chellaston, Derby, DE73 1TT	Felling of 12 sycamore trees protected by Tree Preservation Order No 104	Refuse Planning Permission	20/11/2014
07/14/01038/PRI	Works to Trees under TPO	12 St. Georges Close, Allestree, Derby, DE22 1JH	Crown reduction of 10 Lime trees by 3m and cutting back of 2 branches of Chestnut Tree protected by Tree Preservation Order No's. 236 and 288	Granted Conditionally	14/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/14/01046/PRI	Full Planning Permission	51 Callow Hill Way, Littleover, Derby, DE23 7RJ	First floor front extension to dwelling house (enlargement of bedroom)	Granted Conditionally	11/11/2014
07/14/01055/PRI	Full Planning Permission	Luxe Hotel apartments, St. Helens Street, Derby, DE1 3GY	Single storey side extension to apartment hotel (gym)	Granted Conditionally	25/11/2014
08/14/01074/PRI	Works to Trees under TPO	Leap Frog Day Nursery, Smalley Drive, Oakwood, Derby, DE21 2SF	Crown lifting to 5 metres of 8 Oak trees, (G1). Remove low overhanging branches from boundary of 1 Oak Tree.	Granted Conditionally	04/11/2014
08/14/01094/PRI	Advertisement consent	T C Harrison Ford, Stadium View, Pride Park, Derby, DE24 8JH	Display of various signage	Granted Conditionally	28/11/2014
08/14/01108/PRI	Outline Planning Permission	Land at side of 39 Muswell Road, Derby, DE22 4HN	Residential development (one dwelling house)	Granted Conditionally	05/11/2014
08/14/01109/PRI	Full Planning Permission	18 St. Peters Street, Derby, DE1 1SH	Change of use from Use Class A1 (retail) to Use Class A2 (financial and professional services).	Granted Conditionally	11/11/2014
08/14/01117/PRI	Full Planning Permission	135 Pear Tree Street, Derby, DE23 8PL	Single storey side extension and two storey rear extension to dwelling house	Granted Conditionally	25/11/2014
08/14/01126/PRI	Outline Planning Permission	Land at the side of 26 Edale Close, Allestree, Derby, DE22 2RL	Residential development (one dwelling)	Granted Conditionally	11/11/2014
08/14/01134/PRI	Listed Building Consent - alterations	St Mary's Chapel, Sowter Road, Derby, DE1 3AT	Installation of fire alarm system and emergency lighting, removal of fireplace and upgrading of internal doors	Granted Conditionally	05/11/2014
08/14/01147/PRI	Works to Trees under TPO	1 The Plantation, Littleover, Derby, DE23 6EG	Crown reduction by 2m of Oak Tree protected by Tree Preservation Order No. 37	Granted Conditionally	12/11/2014
08/14/01148/PRI	Outline Planning Permission	Land to the rear of 188 Chaddesden Park Road, Derby, DE21 6HN (access via Spring Gardens)	Residential Development (bungalow)	Granted Conditionally	17/11/2014
08/14/01150/PRI	Full Planning Permission	43 Howard Street, Derby, DE23 6TX	Extensions to dwelling house (kitchen, utility room, shower room, en-suite, covered way and canopy and first floor bathroom)	Granted Conditionally	06/11/2014
08/14/01158/	Full Planning Permission	39 Moorland Road, Mickleover, Derby, DE3 5FX	First floor front and rear extensions to dwelling house (enlargement of 2 bedrooms and en-suite)	Granted Conditionally	10/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/14/01176/PRI	Full Planning Permission	Go Outdoors, Ascot Drive, Derby, DE24 8GW	Retention of external alterations to retail unit and alterations to the car parking layout	Granted Conditionally	12/11/2014
08/14/01177/PRI	Advertisement consent	Go Outdoors, Ascot Drive, Derby, DE24 8GW	Retention of display of various signage	Granted Conditionally	13/11/2014
09/14/01180/DCC	Advertisement consent	Road Traffic Island B, Pride Parkway, Pride Park, Derby (Junction with Derwent Parade & Locomotive Way)	Display of 4 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01181/DCC	Advertisement consent	Road Traffic Island 1, Derwent Parade, Pride Park, Derby (Junction with Millennium Way)	Display of 4 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01182/DCC	Advertisement consent	Road Traffic Island 2, Derwent Parade, Pride Park, Derby (Junction with Riverside Road/Royal Way)	Display of 4 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01183/DCC	Advertisement consent	Road Traffic Island A, Wyvern Way, Chaddesden, Derby (Junction of Derwent Parade, Wyvernside and Wyvern Way)	Display of 4 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01184/DCC	Advertisement consent	Road traffic island, Morledge, Derby (Junction with Corporation Street/Albert Street)	Display of 4 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01185/DCC	Advertisement consent	Road traffic Island, Corporation Street, Derby (Junction with Full Street and Derwent Street)	Display of 4 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01197/PRI	Advertisement consent	Land at Road Traffic Island, The Pentagon, Derby	Display of 5 non illuminated post signs	Granted Conditionally	06/11/2014
09/14/01199/PRI	Variation/Waive of condition(s)	Site of 562 Duffield Road, Derby, DE22 2ES	Demolition of dwelling house and erection of two semi detached dwelling houses - variation of condition 2 of previously approved permission Code No. DER/05/13/00555/PRI to include installation of juliet balcony and roof lanterns to both dwellings	Granted Conditionally	11/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01207/PRI	Full Planning Permission	New City Homes, Curzon Lane, Alvaston, Derby DE24 8NX	Retention of use of land for the siting of residential caravans on a permanent basis	Granted Conditionally	07/11/2014
09/14/01208/	Full Planning Permission	Pedwarun, 41 West Avenue South, Chellaston, Derby, DE73 1SH	Extensions to dwelling house (covered way, dining/kitchen, garage, 2 bedrooms, 2 bathrooms and en-suite) and formation of additional rooms in roof space (2 bedrooms and bathroom)	Refuse Planning Permission	17/11/2014
09/14/01210/PRI	Full Planning Permission	57 Wardwick, Derby, DE1 1HJ	Change of use of ground floor from retail (Use Class A1) to cafe (Use Class A3) and second floor from retail (Use Class A1) to tattoo parlour (Sui Generis use)	Granted Conditionally	10/11/2014
09/14/01214/PRI	Full Planning Permission	89 Moorside Crescent, Sinfen, Derby, DE24 9PT	Two storey side and single storey front extensions to dwelling house (kitchen, utility, storage, porch, bedroom and enlargement of bedroom)	Granted Conditionally	05/11/2014
09/14/01217/PRI	Full Planning Permission	Derby Caravan Centre, Meadow Lane, Alvaston, Derby DE24 8QQ	Retention of use of land and premises for the sale and display of caravans, camping equipment and accessories on a permanent basis	Granted Conditionally	07/11/2014
09/14/01219/PRI	Full Planning Permission	123 Nottingham Road, Derby, DE1 3QR (The Tavern)	Extensions and alterations to public house on ground floor and extensions to first and second floor to form 3 additional flats	Granted Conditionally	19/11/2014
09/14/01225/PRI	Full Planning Permission	35 Church Lane, Darley Abbey, Derby, DE22 1EX	Ground floor extension to dwelling (enlargement of hall) and formation of rooms in roof space (2 bedrooms, bathroom and en-suite) together with installation of front and rear dormer windows	Granted Conditionally	12/11/2014
09/14/01228/PRI	Full Application - Article 4	39 North Street, Derby, DE1 3AZ	Installation of replacement windows to front elevation	Granted Conditionally	11/11/2014
09/14/01231/PRI	Advertisement consent	30 East Street, Derby, DE1 2AF	Display of internally illuminated fascia sign, projecting sign and internal promotional box sign	Granted Conditionally	17/11/2014
09/14/01233/PRI	Full Planning Permission	30 East Street, Derby, DE1 2AF	Installation of shop front and roller shutters	Granted Conditionally	17/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01237/PRI	Full Planning Permission	59 Penrhyn Avenue, Derby, DE23 6LB	Two storey side and single storey rear extension to dwelling house (study, shower room, living room, bedroom, bathroom, en-suite and enlargement of kitchen/dining room)	Granted Conditionally	03/11/2014
09/14/01238/PRI	Full Planning Permission	31 Bank View Road, Derby, DE22 1EL	Two storey extension to dwelling house (utility room, cloak room, garage, bedroom, bathroom and ensuite) and single storey rear extension and erection of boundary wall	Granted Conditionally	04/11/2014
09/14/01239/PRI	Full Planning Permission	40 Reigate Drive, Derby, DE22 4EN	Two storey side extension to dwelling house (living room, utility room, cloak room, bedroom and en-suite) and erection of detached garage	Granted Conditionally	26/11/2014
09/14/01240/PRI	Full Planning Permission	7 Bankside, Darley Abbey, Derby, DE22 2BZ	Single storey rear extension to dwelling (enlargement of dining/kitchen)	Granted Conditionally	03/11/2014
09/14/01241/PRI	Full Application - Article 4	53 Mileash Lane, Darley Abbey, Derby, DE22 1DE	Installation of replacement front door	Granted Conditionally	06/11/2014
09/14/01242/PRI	Advertisement consent	Proposed Aldi Store, Land at corner of Harvey Road/Coleman Street, Derby	Display of various signage	Granted Conditionally	21/11/2014
09/14/01243/PRI	Full Planning Permission	27 Horwood Avenue, Derby, DE23 6NX	Side and rear extensions to dwelling house (sitting room, kitchen, double garage and 3 bedrooms) together with formation of vehicular access from Arlington Road	Granted Conditionally	12/11/2014
09/14/01244/PRI	Full Planning Permission	353 Burton Road, Derby, DE23 6AH	Front extension to dwelling house (sitting room, hall, bedroom and landing)	Granted Conditionally	04/11/2014
09/14/01246/PRI	Full Planning Permission	6 Carlton Avenue, Shelton Lock, Derby, DE24 9EH	Extension to dwelling house (conservatory)	Granted Conditionally	03/11/2014
09/14/01247/	Full Planning Permission	16 Brentford Drive, Derby, DE22 4BN	Single storey front, side and rear extensions to dwelling house (store,w.c. and enlargement of kitchen/dining room, utility room, porch and bedroom)	Granted Conditionally	03/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01250/PRI	L B C alterations and demolition	Derby & South Derbyshire Magistrates Court, Full Street, Derby, DE1	Internal demolition of walls to accommodate a cafe and server room on the ground floor along with waterproofing of the basement storage area	Granted Conditionally	04/11/2014
09/14/01254/PRI	Full Planning Permission	32 Moorway Lane, Littleover, Derby, DE23 7FR	Extensions to dwelling house (garage, store and office)	Granted Conditionally	05/11/2014
09/14/01255/PRI	Full Planning Permission	2 Hollies Road, Allestree, Derby, DE22 2HW	Side and rear extensions to dwelling house (family room, w.c., laundry bedroom, bathroom, en-suite and enlargement of kitchen) and installation of decked area to the rear elevation	Granted Conditionally	17/11/2014
09/14/01263/PRI	Full Planning Permission	207-209 Shaftesbury Crescent, Derby, DE23 8NA	Change of use from one dwelling to two dwelling houses	Granted Conditionally	10/11/2014
09/14/01266/PRI	Works to Trees under TPO	Trees adjacent to 22 Goldcrest Drive, Spondon, Derby, DE21 7TN	Felling of Oak tree and Ash tree, removal of branch of Ash tree and crown lift by 2.1m of Oak tree all protected by Tree Preservation Order No 79	Refuse Planning Permission	12/11/2014
09/14/01268/PRI	Full Planning Permission	Land at 1 Croydon Walk and adjacent to 67 Finchley Avenue, Derby, DE22 4EU	Erection of dwelling house	Granted Conditionally	21/11/2014
09/14/01270/PRI	Full Planning Permission	19 Forman Street, Derby, DE1 1JQ	Change of use from work studios (Use Class B1) to 2 residential units (Use Class C3) including alterations to the roof design and external elevations including installation of additional windows and doors	Granted Conditionally	10/11/2014
09/14/01271/PRI	Full Planning Permission	Arboretum Primary School, Corden Street, Derby, DE23 8GP	Erection of shelter	Granted Conditionally	05/11/2014
09/14/01272/PRI	Outline Planning Permission	Land adjacent to 24 Walton Drive, Derby, DE23 1GN	Residential Development (one dwelling house)	Granted Conditionally	04/11/2014
09/14/01273/PRI	Full Planning Permission	81 Western Road, Mickleover, Derby, DE3 5GQ	Single storey side extension to dwelling house (garage and enlargement of kitchen)	Granted Conditionally	12/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01274/PRI	Advertisement consent	Bristol Street Motors, Sir Frank Whittle Road, Derby, DE21	Display of various signage	Granted Conditionally	24/11/2014
09/14/01275/PRI	Full Planning Permission	Bristol Street Motors, Sir Frank Whittle Road, Derby, DE21	Retention of installation of glazing and entrance doors to the east elevation of existing showroom	Granted Conditionally	24/11/2014
09/14/01277/PRI	Full Planning Permission	28 Beeley Close, Allestree, Derby, DE22 2PX	Two storey side and rear extensions to dwelling house (garage, bedroom, en-suite and enlargement of kitchen/dining room and bathroom)	Granted Conditionally	11/11/2014
09/14/01282/PRI	Full Planning Permission	15 Horwood Avenue, Derby, DE23 6NX	Extensions to dwelling house (lounge, sun lounge, porch, 2 bedrooms and enlargement of 2 sitting rooms, games room, kitchen/dining room, hall and 3 bedrooms), formation of rooms in roof space (bedroom, bathroom and store/dressing room) and installation of rear dormer	Refuse Planning Permission	12/11/2014
09/14/01283/PRI	Full Planning Permission	19 Duncan Road, Derby, DE23 8TR	Two storey side and rear extensions to dwelling house (sitting room, utility room , w.c., two bedrooms and en-suite)	Granted Conditionally	12/11/2014
09/14/01286/PRI	Full Planning Permission	45 Chaddesden Park Road, Derby, DE21 6HE	Extensions to dwelling house (garage, utility room, shower room and family room) and formation of rooms in roof space (bedroom, 2 store rooms and en-suite) together with installation of rear dormer	Granted Conditionally	24/11/2014
09/14/01287/PRI	Full Planning Permission	Station Masters House, Station Road, Mickleover, Derby, DE3 5FB	Installation of 2 rear dormer windows	Granted Conditionally	10/11/2014
09/14/01291/PRI	Full Planning Permission	Joseph Wright Centre, Cathedral Road, Derby, DE1	Erection of enclosed cycle storage area	Granted Conditionally	05/11/2014
09/14/01294/PRI	Full Planning Permission	66 Valley Road, Littleover, Derby, DE23 6HS	Single storey side and rear extensions to dwelling house (kitchen/dining room, lounge, bedroom and bathroom)	Granted Conditionally	13/11/2014
09/14/01296/PRI	Full Planning Permission	23 Mickleover Manor, Mickleover, Derby, DE3 5SH	Single storey extension to dwelling house (enlargement of lounge)	Granted Conditionally	05/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01298/PRI	Full Planning Permission	Land at side of 233 Nottingham Road, Spondon, Derby, DE21	Erection of dwelling house	Granted Conditionally	21/11/2014
09/14/01300/PRI	Full Planning Permission	42 Gladstone Street, Derby, DE23 6PQ	Two storey extension to dwelling house (study, w.c., two bedrooms and enlargement of kitchen and dining room) and installation of rear dormer	Granted Conditionally	18/11/2014
09/14/01302/PRI	Full Planning Permission	116 Pear Tree Crescent, Derby, DE23 8RR	Extensions to dwelling house (lounge, 2 bedrooms and enlargement of lounge and kitchen)	Granted Conditionally	17/11/2014
09/14/01309/PRI	Full Planning Permission	25 Foremark Avenue, Derby, DE23 6JQ	Erection of two storey side and single storey rear extension to dwelling house (garage, enlargement of bedroom, additional bedroom and conservatory)	Granted Conditionally	17/11/2014
09/14/01313/PRI	Advertisement consent	12 Albion Street, Derby, DE1 2PR	Display of internally illuminated fascia sign	Granted Conditionally	06/11/2014
09/14/01314/PRI	Works to Trees in a Conservation Area	Darley Slade, 107 Belper Road, Derby, DE1 3ER	Reduction of Laurel tree and felling of Acacia tree within Strutts Park Conservation Area	Raise No Objection	12/11/2014
09/14/01316/PRI	Works to Trees under TPO	11 Lindford Close, Oakwood, Derby, DE21 4TA	Crown reduction by 2 to 3 metres of 2 Oak trees protected by Tree Preservation Order No 11	Granted Conditionally	13/11/2014
09/14/01317/PRI	Full Planning Permission	9 Green Avenue, Chellaston, Derby, DE73 1TE	Raising of roof to form rooms in roof space (2 bedrooms and bathroom) and installation of rear dormer	Granted Conditionally	06/11/2014
09/14/01319/DCC	Full Planning Permission	Land adjacent to 60-70 Merrill Way, Derby	Formation of additional parking bays	Granted Conditionally	04/11/2014
09/14/01320/PRI	Certificate of Lawfulness Proposed Use	8 Briar Close, Chaddesden, Derby, DE21 6ZD	Single storey rear extension to dwelling house (sitting room)	Granted	13/11/2014
09/14/01324/PRI	Full Planning Permission	1 Stroma Close, Sinfin, Derby, DE24 9LB	Extensions to dwelling house (two bedrooms and utility room)	Granted Conditionally	18/11/2014
09/14/01328/PRI	Full Planning Permission	Bethel Seventh Day Adventist Church, 33 Boyer Street, Derby, DE22 3TB	External alterations to Church	Granted Conditionally	27/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01331/PRI	Full Planning Permission	10 Lime Grove, Chaddesden, Derby, DE21 6WN	Single storey rear extension to provide for dependent relative accommodation (kitchen, dining room and living room)	Granted Conditionally	05/11/2014
09/14/01332/PRI	Full Planning Permission	28 Park Lane, Allestree, Derby, DE22 2DT	Erection of detached double garage	Granted Conditionally	07/11/2014
09/14/01333/PRI	Works to Trees under TPO	131 Morley Road, Oakwood, Derby, DE21 4QY	Crown reduction of tree by 5m of height and 3m of width and crown raise to 3m from ground of Willow tree protected by Tree Preservation Order No 507	Granted Conditionally	12/11/2014
09/14/01336/PRI	Full Planning Permission	St. James Centre, Malcolm Street, Derby, DE23 8LU	Rear extension to centre (conservatory) and installation of replacement windows	Granted Conditionally	25/11/2014
09/14/01337/PRI	Full Planning Permission	404 Burton Road, Derby, DE23 6AF	Two storey side and rear extension to dwelling house (sitting room, utility room, garage, 2 bedrooms and 2 en-suites, dressing room and enlargement of kitchen/dining room)	Granted Conditionally	25/11/2014
09/14/01340/PRI	Outline Planning Permission	Land adjacent to 24 Colwyn Avenue, Derby, DE23 6HG	Residential development (one dwelling house)	Granted Conditionally	13/11/2014
10/14/01347/PRI	Full Planning Permission	8 Hailsham Close, Mickleover, Derby, DE3 5PE	Two storey side and single storey front extensions to dwelling house (garage, porch, bedroom and bathroom)	Granted Conditionally	27/11/2014
10/14/01352/PRI	Works to Trees under TPO	Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby, DE23 7BH	Cutting back of Sycamore and Holly trees to give 3m clearance of 2 Frampton Gardens. Trees protected by Tree Preservation Order No 78	Granted Conditionally	05/11/2014
10/14/01360/PRI	Full Planning Permission	36 Burlington Way, Mickleover, Derby, DE3 5BD	Rear extension to dwelling (bedroom and enlargement of kitchen and roof space)	Granted Conditionally	05/11/2014
10/14/01362/PRI	Works to Trees in a Conservation Area	Pineside, Burleigh Drive, Derby, DE22 1AL	Crown reduction of 1m of Rowan, crown reduction of 1-1.5m of Sorbus Aria, crown lift and crown reduction of 1 metre of Magnolia and felling of Silver Birch tree all within Strutts Park Conservation Area	Raise No Objection	04/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/14/01366/PRI	Full Planning Permission	Rykneld Bowls Club, 39 Farley Road, Derby, DE23 6BW	Extension to clubhouse (enlargement of kitchen)	Granted Conditionally	27/11/2014
10/14/01368/PRI	Prior Notification	64 St. Chads Road, Derby, DE23 6RQ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.3.m, maximum height 3.7m, height to eaves 2.485m) to dwelling house	Granted	20/11/2014
10/14/01383/PRI	Full Planning Permission	St Giles Church, 209 Village Street, Derby, DE 23 8DE	Extension to Church (meeting room, kitchen and toilets)	Granted Conditionally	27/11/2014
10/14/01388/PRI	Certificate of Lawfulness Proposed Use	1 Longford Close, Allestree, Derby, DE22 2RG	Single storey rear extension to bungalow	Granted	17/11/2014
10/14/01391/PRI	Full Planning Permission	192 Western Road, Mickleover, Derby, DE3 5GU	Single storey side, rear and front extensions to dwelling house (playroom, utility room, sitting room and porch)	Granted Conditionally	27/11/2014
10/14/01393/PRI	Certificate of Lawfulness Proposed Use	18 Greenwich Drive North, Derby, DE22 4AB	Erection of a single storey rear extension to dwelling house (living room and dining room)	Granted	27/11/2014
10/14/01403/PRI	Non-material amendment	Land adjacent 6A Hastings Street, Derby, DE23	Erection of 2 dwelling houses - Non- material amendment of previously approved planning permission Code No. DER/06/13/00720	Granted	20/11/2014
10/14/01419/PRI	Prior Notification	17 Foxbrook Close, Littleover, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 5.21.m, maximum height 3m, height to eaves 3m) to dwelling house	Approval Not required	18/11/2014
10/14/01421/PRI	Works to Trees under TPO	Trees at Fieldsway Drive, Oakwood Derby	Crown lifting to 3m of 2 Maple trees and 2 Whitebeams protected by Tree Preservation Order No 149	Permitted Development	21/11/2014
10/14/01429/PRI	Certificate of Lawfulness Proposed Use	173 Marlborough Road, Derby, DE24 8DQ	Single storey rear extension to dwelling house (bathroom)	Granted	28/11/2014
10/14/01451/PRI	Prior Notification	23 The Hollow, Mickleover, Derby, DE3 5DH	Single storey rear extension (projecting beyond the rear wall of the original house by 4.3.m, maximum height 3.5m, height to eaves 2.6m) to dwelling house	Approval Not required	05/11/2014

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/14/01469/PRI	Prior Notification	3 Stowmarket Drive, Derby, DE21 4SN	Single storey rear extension (projecting beyond the rear wall of the original house by 5.51m, maximum height 3.52m, height to eaves 2.44m) to dwelling house	Approval Not required	27/11/2014
10/14/01493/PRI	Non-material amendment	Homelands, Lime Lane, Oakwood, Derby, DE21 4RF	Two storey rear extension to dwelling house (family room, kitchen, utility room and two bedrooms), installation of front dormer window and erection of detached garage-Non material amendment to previously approved planning permission Code No. DER/02/14/00244 to reduce the size of ground floor kitchen window	Granted	24/11/2014

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opposing side facing no. 75. The agent has indicated that both of those windows would be obscure glazed.

The original layout included a new vehicular access onto Field Rise on the east side of the front boundary adjacent to the side boundary with no. 71. This vehicle access has since been removed from the scheme as illustrated on the amended layout plan which was received in June 2009. The original block plan also included the provision of a patio area at the rear of the proposed dwelling house and the latest revised details (received on 31 August 2010) illustrate the extent of that patio area.

4. Relevant Planning History:

DER/01/07/00079 - Demolition of bungalow and erection of detached dwelling house – permission refused on 9 March 2007.

DER/06/07/01057 - Demolition of bungalow and erection of detached dwelling house – permission refused on 26 July 2007.

DER/05/08/00745 - Demolition of bungalow and erection of detached dwelling house – permission refused on 29 July 2008.

5. Implications of Proposal:**5.1. Economic:**

-

5.2. Design and Community Safety:

The proposed replacement dwelling house would be located in a built context that accommodates a number of house types of varying styles. I am, therefore, satisfied that the layout and elevational style of the proposed dwelling house is acceptable in this built context. In terms of community safety issues the proposed dwelling house would front Field Rise and its principal accommodation would overlook its own private drive and fronting highway. The Police ALO has not been asked to comment on this proposal but I am satisfied that the layout of the development is acceptable as it provides defensible space at the front which is clearly private space and it provides a frontage which would provide active surveillance of the public highway.

5.3. Highways – Development Control:

My officers raise no objections to the proposal which no longer includes the provision of a second access onto Field Rise. Given the concerns of neighbouring residents about that issue I recommend that a condition be attached to any permission to preclude the creation of a second access in the future.

Highways – Land Drainage:

The comments of my colleague are as follows:

1. The site is presently occupied by a bungalow. We are not aware of any drainage system on the site to deal with surface water drainage at the present time therefore it may be possible that surface water is currently drained to soakaway systems. There are both foul and surface water

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sewers nearby therefore it is likely that the property has a connection to the local foul sewer network.

2. The surface water drainage from the site should be dealt with using Sustainable Urban Drainage techniques as required under the guidance published in PP825. Examples of such techniques include rainwater harvesting, grey water recycling, the use of permeable pavements, soakaways and drainage discharge to garden areas where it may infiltrate naturally into gardens.
3. The proposals for the site drainage should be submitted to and approved by the Land Drainage Team prior to any commencement of redevelopment on the site and should include sufficient site investigation, testing and calculations required to demonstrate the effectiveness of the design solution chosen for this development.

In this regard we object to the redevelopment at this property until such time as we can be satisfied that the redevelopment will not increase the flooding risk elsewhere.

Highways – Structures:

-

5.4. Disabled People's Access:

-

5.5. Other Environmental:

In accordance with PPS9 (Biodiversity and Ecological Conservation) and the recommendations of Derbyshire Wildlife Trust (DWT) a protected species assessment has been completed on behalf of the applicant. The application site is located immediately adjacent to the Local Wildlife Site (DE034) Sunnydale Park which is noted for its habitat mosaic. There is also a bat record for pipistrelle bat recorded in 2000 some 480m south-west of the application site. DWT requested the additional information on the grounds that protected species, such as bats, may be roosting in the existing bungalow and / or any vegetation on-site.

The submitted assessment is based on an analysis of the appropriate data for the site and a site visit was carried out to gauge the existence of any protected species in accordance with established methodologies. The site was inspected for a host of flora and fauna and it is recommended that a further dusk emergence survey is completed during the main bat breeding season given evidence of bat activity on part of the rear elevation of the existing bungalow.

In accordance with PPS9, associated EC Directives and planning case law the existence of any protected species on the site is a material consideration and needs to be established and addressed before any planning permission is granted.

As a result of consultations with DWT and Natural England (NE) the following evidence was provided after further on-site studies were carried out:

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No bats were seen or heard during the morning re-entry survey. One bat was seen to enter the building approximately 2 hours after sunset during the evening emergence survey. No detection was heard, though only Pipistrelle bats had been heard earlier in the evening and therefore it was considered likely to be a Pipistrelle bat that either was not echolocating or was too far away from the bat detector to be heard.

Given that no other bats were seen to enter or exit from the building at any time during the emergence/re-entry surveys, it was considered that the building was likely to act as an occasional night time perch for a single bat and that a Natural England site licence would not be required for the development to proceed. However, to ensure compliance with wildlife legislation the following precautionary measures should be undertaken:

- Works should be timed to avoid times of high risk to bats. This would likely be over winter as it is unlikely that bats would hibernate within the building.
- A suitably licensed Ecologist should be on site during the hand removal of roofing tiles and hanging tiles. Should any bats be found, works in that area should cease and the Ecologist consulted on how to proceed lawfully.
- A replacement, potential roost feature should be provided on the new property to consist of either hanging tiles with potential access for bats or bat entry tiles into the space between roof tiles and lining which should be designed to be suitable for bats.

With these measures undertaken the potential risk of harm to bats should be negligible and the development could proceed lawfully.

Further assessment of the pond and its surroundings resulted in a low likelihood of Great Crested Newt presence and therefore the development was considered unlikely to impact upon Great Crested Newts, a letter will be provided to further explain these findings. That letter has yet to be received and any further comments from DWT and NE about the issue of Great Crested Newts on this site will be reported orally. Both DWT and NE are satisfied with the approach employed relative to bat investigations.

6. Publicity:

Neighbour Notification Letter	8	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

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

7. Representations:

The application, as amended, has attracted strong objections from residents who live adjacent to and opposite the site. The application has also attracted objections from all of the local ward members. Some of the objectors have provided detailed and

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lengthy objections to the application, as amended, and during the life of the application the case officer has visited the site on number of occasions. He has also inspected the proposal from the neighbouring site, no. 71, and met with those neighbours. On one occasion the case officer met with the neighbours at no. 71 and the agent was also present at the meeting.

As indicated the objectors have submitted lengthy objections to the application, as amended, and I have sought to summarise their principal concerns under the bullet points below. The representations are also available via the web link below and copies of the representations will be available before the meeting.

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=86765>

- The principle of the demolition of an existing bungalow which is considered to be of sound and viable construction;
- The scale, form and visual impact of the proposed dwelling house within the context of the street-scene;
- The issue of vehicular access and the dangerous nature of the Field Rise carriageway which narrows at the front of the application site;
- The impact of the proposed development on the neighbours at no. 71 in terms of scale, privacy and amenity impact;
- The accuracy of the drawings and the inconsistency of approach, in terms of labelling drawings and the provision of certain information, by the agent during the life of the application;
- Drainage issues and the impact of the proposed development on existing land drainage conditions in the area;
- The planning site history and the previous refusals that have been issued.

These representations have been made available in the Members Rooms.

8. Consultations:**8.1. Derbyshire Wildlife Trust:**

Please refer to part 5.5 of this report.

8.2. Natural England:

Please refer to part 5.5 of this report.

9. Summary of policies most relevant: Saved CDLPR policies / associated guidance.

GD4	Design and the urban environment
GD5	Amenity
H13	Residential development – general criteria
E7	Protection of habitats
E8	Enhancing the natural environment
E10	Renewable energy
E23	Design
T4	Access, parking and servicing
GD3	Flood protection
GD8	Infrastructure

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PPS3 Housing
 PPS9 Biodiversity & Ecological Conservation

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:**Principle of development:**

The proposal seeks to demolish an existing bungalow and erect a replacement dwelling house. There are no over-riding saved policy objections to such a proposal and, in a residential context, the issues of design detail are at the fore of the decision making process.

Previous applications and comparisons:

The application, as amended, has been submitted following three previous refusals for the demolition of the existing bungalow and the erection of a replacement dwelling house on the site. For Members reference the three reasons for refusal are included below:

1) The proposed house type, by reason of its height and considerable massing in close proximity to the site boundary compounded by the significant difference in ground levels would be seriously detrimental to the amenities currently enjoyed by the adjacent residents in No's. 71 and 75 Field Rise. The proposed building is considered to be over dominant particularly in relation to the curtilage of No. 71. As a result the proposal would be contrary to the provisions of policies GD5 and H13 of the adopted City of Derby Local Plan Review.

2) The proposed house type, by reason of its height and considerable massing in close proximity to the site boundary compounded by the significant difference in ground levels, would be seriously detrimental to the amenities currently enjoyed by the adjacent residents in No's. 71 and 75 Field Rise. The proposed building is considered to be over dominant particularly in relation to the curtilage of No. 71. As a result the proposal would be contrary to the provisions of policies GD5 and H13 of the adopted City of Derby Local Plan Review.

3) The proposed house type, by reason of its height and considerable massing in close proximity to the site boundary compounded by the significant difference in ground levels, would be seriously detrimental to the amenities currently enjoyed by the adjacent residents in No's. 71 and 75 Field Rise. The proposed building is considered to be over dominant particularly in relation to the curtilage of No. 71. As a result the proposal would be contrary to the provisions of policies GD5 and H13 of the adopted City of Derby Local Plan Review.

The applicant's agent has sought to address these reasons for refusal and, as amended, the design of the proposed dwelling includes the following components:

1) The layout of the proposed dwelling house sits between approximately 2.45m and 3.25m from the side boundary with the two storey neighbouring property at no. 71. The side boundary tapers away from the proposed dwelling house hence the difference between the dimension at the front corner of the proposed dwelling and

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the dimension at the rear corner. (The existing bungalow sits between approximately 1.6m and 2.2m respectively from that boundary). The last application refusal (code no. DER/05/08/00745) proposed a building layout that would have been between approximately 1.1m and 1.7m respectively from that side boundary. The second application refusal (code no. DER/06/0701057) proposed a building layout that would have been between approximately 1.0m and 1.75m respectively from that side boundary.

2) The layout of the proposed building sits between approximately 1.45m and 1.50m from the side boundary with the two storey neighbouring property at no. 75. The previous two application refusals proposed a building layout that would be within approximately 1.1m from that boundary. It is also important for Members to note that the nearest part of the dwelling at no. 75 to the side boundary is a single storey double garage element. The main part of that neighbouring dwelling sits approximately 6m away from the side boundary at its nearest point. Given the layout of no. 75 the main part of the dwelling at its farthest point sits approximately 7.5m from the side boundary.

3) The footprint of the proposed dwelling house has been re-sited to align with the most forward part of the existing bungalow and the proposed rear elevation would broadly align with the rear elevation of the neighbour at no. 71.

4) The proposed roof ridge height of the dwelling house from ground level would only be marginally higher than that of the existing bungalow. The agent has submitted a street-scene elevation, including nos. 71 and 75, to illustrate that the height of the proposed dwelling house would be in keeping with those neighbouring properties. The maximum height of the proposed dwelling house from ground level is also approximately 0.8m lower than the respective height proposed in the previous two application refusals.

5) The proposed dwelling house only accommodates two secondary windows (one on each side elevation) and the principal habitable accommodation is served by front and rear elevation windows. This is best practise to avoid the issue of direct overlooking from side elevation windows serving habitable accommodation.

In relation to the provisions of saved policy H13 (criteria a – e) I am satisfied with the content of the amended application. I have addressed the individual criterion laid down in saved policy H13 in turn:

a) The proposal is not a form of backland or tandem development but a straightforward replacement of a dwelling on a residential plot.

b) The minimum density criterion in H13 has been overtaken by the revised wording in PPS3 and is not a principal material consideration in this case.

c) The proposed dwelling house would enjoy a south-east facing aspect and a number of habitable rooms on the rear elevation would enjoy that aspect. A central part of the proposed roof at the rear could also possibly accommodate solar panels or photovoltaic cells to take advantage of the favourable aspect.

d) The proposed dwelling is reasonably sited to maximise the potential of the plot and to reasonably respect the neighbours, particularly those at no. 71, in layout, massing and scale terms. Field Rise is not a regimented street-scene in terms of the layout,

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scale and architectural style of dwelling houses. With reference to the dwelling houses at nos. 75 – 81 (inclusive) to the south-west of the site and the more modest scale neighbours to the north-east of the site, I consider that the layout and form of the proposed dwelling house is reasonable in this context and would add variety to this part of the street-scene.

e) The proposed layout of the dwelling house would provide a front driveway threshold and a private rear garden area. I am satisfied that future occupiers would have good standards of privacy and amenity, particularly at the rear, and the proposed dwelling would provide good natural surveillance at the front to serve the street-scene.

In relation to generic policy GD5 I consider that the application, as amended, is a reasonable form of development in its context in terms of layout, scale, massing and overlooking considerations. Therefore, subject to safeguarding conditions relative to vehicle access and residential amenity, I consider that the application should be granted planning permission.

11. Recommended decision and summary of reasons:**11.1. To grant** planning permission with conditions.**11.2. Summary of reasons:**

The proposed development is an acceptable form of development in term of its layout, scale and architectural style in this particular street-scene context and in relation to the layout and scale of the immediate neighbours on either side of the application site. The local planning authority is also satisfied that the proposed dwelling house is a reasonable form of development, in relation to the amenities enjoyed at nos. 71 and 75, in scale, massing and overlooking terms.

11.3. Conditions:

1. Standard condition 03 (plan numbers)
2. Standard condition 100 (time limit)
3. Standard condition 19 (means of enclosure)
4. Standard condition 38 (drainage)
5. The development as approved shall be served solely by the existing vehicle access to the site, as shown on plan nos. 30/04/08/01 Rev. C and 30/04/08/02 Rev. D, and no additional vehicle accesses shall be created from Field Rise.
6. The development hereby approved shall be carried out as follows:
 - Construction works shall be timed to avoid times of high risk to bats.
 - A suitably licensed Ecologist shall be on-site during the hand removal of roofing tiles and hanging tiles. Should any bats be found, works in that area shall cease and the Ecologist consulted on how to proceed lawfully.
 - A replacement potential roost feature shall be provided on the new dwelling to consist of either hanging tiles with potential access for

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bats or bat entry tiles into the space between roof tiles and lining which shall be designed to be suitable for bats. Precise details of the replacement roost feature shall be submitted to and approved in writing by the Local Planning Authority before the dwelling is occupied.

7. Standard condition 27 (materials).

11.4. Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14...saved policies GD5 / H13
4. Standard reason E21...saved policy GD3
5. Standard reason E04 & E17...saved policies GD5 and T4
6. In the interests of safeguarding any protected species on-site and in the interests of general environmental amenity and saved policies E7 and E8 of the adopted City of Derby Local Plan.
7. Standard reason E14...saved policies GD5 and H13.

11.5. Informative Notes:

The developer should be aware that, in relation to condition 3, attention should be devoted to providing suitable boundary treatments on the full length of both side boundaries to safeguard the privacy of neighbouring occupiers. In relation to condition no. 6 the developer should retain the services of their ecologist and any information about the timing of development works etc should be sought from DWT or NE.

11.6. S106 requirements where appropriate:

Not applicable.

11.7. Application timescale:

The application is beyond the statutory determination period as negotiations have been ongoing regarding design and layout amendments to the proposal. Survey work relative to protected species issues have been carried out and the Council has had to exercise its responsibilities in relation to PPS9 and the relevant EC Directives.

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