

A DEVELOPMENT BY THE CITY COUNCIL

1 Code No: DER/03/09/00283

Type: Full

1. **Address:** Land adjacent 97 King Street (Seven Stars PH)
2. **Proposal:** Formation of vehicular access to car park for temporary period
3. **Description:** The Connecting Derby Inner Ring Road improvement scheme, which was granted full permission in November 2006, included provision of a private car park for the Seven Stars public house on King Street. It would replace the existing hard surfaced parking area to the rear of the listed building, which is to be removed to form the new highway. The Seven Stars is a Grade II Listed Building, dating from the late 17th Century. Ground works have now commenced on the route of the new King Street link road and the car park has been implemented, enclosed by brick wall and piers, with steel railings, approx. 1.5 metres high. The car park is sited to the north of the public house on former railway land abutting the King Street frontage. The Grade I Listed St. Helens House and associated buildings lie on the opposite side of King Street and the Strutts Park Conservation Area is to the east of the site.

This application seeks permission solely for the creation of a temporary vehicle access onto King Street, to serve the new pub car park. There is a permanent vehicle access in the opposite side of the car park, onto the approved link road, which will be available for use on completion of the highway works. The permanent access has approval under the original planning permission for the car park. Following completion of the new road, which is anticipated to be open from October 2009, the temporary access would be closed and bricked up.

4. Relevant Planning History:

DER/07/04/01380 – Construction of remaining lengths of Inner Ring Road, King Street dualling, minor link roads and various highway works, Granted full permission – November 2006.

DER/07/04/01381 – Listed building consent granted for demolition of boundary walls at the Seven Stars. - August 2006.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: None.

5.3 Highways: any further comments to be reported at the meeting.

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5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	None	Site Notice	
Statutory press advert and site notice	Yes – setting of Listed Buildings and adj. Conservation Area	Discretionary press advert and site notice	
Other			

7. Representations: Two objections have been received to date and copies are reproduced. The main issues raised are as follows:

- It is not clear that the proposed opening in the wall, would be bricked up. Concern about proposed means of closing gap. If gates used, then rat run could be created
- A pier of the wall abuts the listed building and may damage the original wall of the building
- The development affects the setting of the Seven Stars public house and St Helens House and the character of Strutts Park Conservation Area
- The car park should not be accepted on a main route into the city and in an historically important area
- The proposed access would cause confusion, if the existing car park is still accessible
- It would be sited close to a bus stop, which would be hazardous for pedestrians
- The car park and access proposals should have required Listed Building Consent.

8. Consultations:

CAAC - No objections raised to temporary access to the car park.

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

- E18 - Conservation Areas
- E19 - Listed Buildings and buildings of local importance
- T4 - Access, car parking and servicing

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

- 10. Officer Opinion:** This application relates solely to the formation of a temporary vehicle access onto King Street, at the newly constructed car park, adjacent to the Seven Stars public house. The creation of a replacement parking area for the pub, with associated enclosure walls and access points have already been given approval under the planning permission, for the Connecting Derby scheme. These works did not require Listed Building Consent since at the time of application the site was outside the curtilage of the listed public house. Demolition of some of the walls at the rear of the building to accommodate the new road and associated works were granted Listed Building Consent, in 2006, alongside the planning permission for the whole development. The front wall of the car park butts up to the wall of the Seven Stars, although it does not intrude on the fabric of the building and as such, does not constitute an alteration to the listed building. The impact of the car parking area on the setting of the adjacent listed buildings was considered under the original application and felt to be acceptable. The materials for use in the surfacing and walls of the car park have been agreed under the relevant condition of the planning permission for the whole scheme.

The proposed access onto King Street, would be in place for a temporary period, whilst works to construct the new link road at the rear of the Seven Stars pub are undertaken. The buildings and land along the proposed route are in the process of being cleared and will result in the removal of a large part of the pub's parking area. The replacement car park is, therefore, to be brought into use, prior to the opening of the new highway. This proposal is required to provide access to the car park from the existing highway, during the construction period. The new road is planned to open in October 2009. It is then proposed that the access would be closed and bricked up, with a section of wall and railings to match the rest of the enclosure.

The car park and boundary walls have an impact on the setting of adjacent listed buildings and on the character of the Conservation Area and have the benefit of full permission. A temporary access to the approved car park would have a relatively limited visual effect and an acceptable impact on the nearby historic buildings and streetscene.

In highway terms, the proposed access point has limited visibility in the southern direction beyond the Seven Stars pub. This is not a desirable situation on a main road into the city, however the access would only be in use for a short period of time. Temporary measures could be introduced on the highway to mitigate the poor visibility. There does not

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appear to be any other realistic alternative to an access in this location, to ensure that the pub maintains its car parking provision.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The vehicle access would not have an adverse effect on the setting of nearby listed buildings or on the appearance and character of the Strutts Park Conservation Area and would have a limited visual impact on the local streetscene.

11.3 Condition

The use of the access hereby approved shall cease on, or prior to the opening of the vehicle access onto the new link road on the opposite side of the car park, and shall be permanently closed and wall erected across the opening, in accordance with details of boundary treatment on drawing no. ST2/2700/103, submitted in support of the application.

11.4 Reason

The access is only appropriate for a temporary period, since sustained use by vehicles for access and egress is likely to give rise to potentially adverse safety implications on King Street in view of the restricted visibility, – Policy T4

11.5 S106 requirements where appropriate: None.

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The map shows a residential area with several streets: King Street, Edward Street, Arthur Street, Lodge Lane, and St Helen's Street. A red car icon is located on King Street. Various landmarks and buildings are labeled, including St Helen's House, St Mary's RC Primary School, St Mary's RC Church, and several residential courts and houses. A code box in the top left corner reads "Code - DER/03/09/00283".

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The map shows a residential area with several streets: King Street, Edward Street, Arthur Street, Lodge Lane, and St Helen's Street. A red car icon is located on King Street. Various landmarks and buildings are labeled, including St Helen's House, St Mary's RC Primary School, St Mary's RC Church, and several residential courts and houses. A code box in the top left corner reads "Code - DER/03/09/00283".

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A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

2 Code No: DER/02/09/00205

Type: Full

1. **Address:** Parkview Primary School, Springwood Drive. Oakwood, Derby.
2. **Proposal:** Erection of Sure Start Children's Centre
3. **Description:** This application relates to an area of land sited within the curtilage of Parkview Primary School, on Springwood Drive, Oakwood. The wider area to the north of the site is a designated Green Wedge area (serving as school playing fields), beyond that is Chaddesden Wood. To the east is an existing community centre, with an associated car park set within Public Open Space which is also within the Green Wedge. To the south is an established residential area with rear gardens adjoining the application site. To the west is further Green Wedge land used as school playing fields.

There is a sustained gradient to Springwood Drive which rises in a south to north direction, with the school grounds located on a sloping site. At a more detailed scale, the plot of land which is the subject of this application is currently a grassed area next to a play area and an internal access path. A single storey free standing building (used as a classroom) is sited directly north of the proposal site, with perimeter steel fencing separating the site from the public highway.

The school is a modern single storey elongated "L" shaped building and the proposed children's centre is to be sited to the south east of this. It would contain a rectangular footprint and be predominantly brick built and single storey in height. It would utilise a protruding roof section containing a continuous strip of glazing to act as a light well into the interior corridor of the building. The east elevation facing Springwood Drive would be the principal elevation and main entrance containing fenestration, signage and an overhanging roof canopy, together with a ramped access approach. The north and south elevations are mostly brick facades with windows suitably positioned. The west (rear) elevation would front onto the remodelled play area with small windows sited two metres above ground level.

The footprint of the building would measure 17.4metres in width, 10.8metres in depth and 2.9metres to eaves level. The highest part from ground level to the top of the protruding roof section would measure 5.2metres.

With regard to access and parking, seven new parking spaces are to be created by enlarging an existing community centre car park directly opposite the site, on the east side of Springwood Drive. This car park is currently underused and well situated to the application site. An additional footpath will link this car park to the existing public footpath.

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From there users can cross Springwood Drive by one of two pedestrian crossing areas to the north or south of the application site and access the proposed main entrance from the Springwood Drive frontage. An additional gate would serve both the proposed centre and the school, with a secondary gate shutting off access to the school. The new centre will be separated from the school with a 2.4m high weld mesh fence.

The Council's Property Services Team and Children and Young People's Department are in partnership, alongside consultations with the primary school, to bring about a Sure Start community facility in Oakwood. This children's centre is intended to be a facility where children under five years old and their families can receive various services and information. These services are likely to include: integrated early education and childcare; support for parents and child and family health provision.

- 4. Relevant Planning History:** DER/07/06/0116 – Extension to School (additional classroom space) granted conditionally in September 2006. This proposal was for the erection of a single storey free standing building sited adjacent to the main building for the school to provide additional classroom facilities.

5. Implications of Proposal:

5.1 Economic: None.

- 5.2 Design and Community Safety:** The impact of the building on the adjoining school building, nearby residential dwellings and open character of the area has to be considered. There are specific community safety implications which relate to the location of gated access points both to the proposed centre and the existing school site. The proposed building should not impede the existing internal fencing around the school site, which ensures the school grounds are securable when unoccupied.

- 5.3 Highways:** The proposed seven car parking spaces are satisfactory. The new provision of a length of footway to be constructed to the north of the car park access from its junction with Springwood Drive to direct pedestrians to the designated crossing point is satisfactory. Cycle storage facilities have been provided, however. they should be covered and secure. The position of the bin storage is satisfactory. Subject to recommendations no objections raised.

- 5.4 Disabled People's Access:** A disabled people's parking bay is to be marked out in the parking area. The proposed pedestrian access

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route from the parking bay to the centre will be satisfactory for disabled people.

5.5 Other Environmental: The general amenity impact of the proposal upon the character of the Green Wedge has to be considered.

6. Publicity:

Neighbour Notification letter	Yes	Site Notice	
Statutory press advert and site notice	Yes	Discretionary press advert and site notice	
Other	Notification to Secretary of State		

7. Representations Six letters of objection have been received, the main issues raised include:

- The centre would hinder the future expansion of the school
- The centre is not on a bus route
- The massing effect and restricted natural daylight upon the existing school
- The reduction/relocation of outdoor playground space
- The community centre across the road should be used instead
- Potential for cars parking outside the school, making it dangerous for children
- Additional people in the vicinity of the school could compromise the security of the children
- No need for this centre in this location
- Parents unaware of proposal – no consultation.

8. Consultations

Police ALO – Subject to the continuance of the existing site boundary and internal fencing of the school, no objections raised. The details of access routes to the centre should be clearly identified.

Environmental Services (Arboricultural) - In principle no objections to the proposal and although there would be some tree loss they would only be category C trees (a tree survey and supporting information would confirm this).

8. Summary of policies most relevant:

GD1 - Social Inclusion
GD4 - Design and the Urban Environment

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GD5 - Amenity
E2 - Green Wedges
E10 - Renewable Energy
E23 - Design
E24 - Community Safety
L11 - New community facilities
T4 - Access, Parking and Servicing
T10:Access for Disabled People

- 10. Officer Opinion:** The site of the proposal is not allocated for any particular use in the CDLPR. Part of the scheme involves enlarging the existing car park facility located directly opposite the application site to provide six spaces plus one disabled persons space to serve the proposed Sure Start Centre, thereby according to policies T4 and T10. The locality of the parking area is situated within an area of Public Open Space and Green Wedge. In policy terms, as the proposed additional parking spaces are not for an appropriate use in the Green Wedge or Public Open Space, this element is potentially in conflict with policies E2 and L1. However, the additional parking spaces would have a minimal effect on the openness of the Green Wedge and use of the Public Open Space. Due to its advantages outweighing any harm, in this case the proposal is acceptable on the understanding that it is an exception to normal policy requirements.

In terms of the rationale as to why the proposed centre is to be located next to the primary school, part of the requirement for children's centres is that they work as closely as possible with schools, particularly those providing nursery education. Government guidance for children's centre development is that, where possible they should be on school sites (although managed separately) and that has been the policy in Derby since 2004. All services for children and young people are being integrated and delivered locally as far as possible and both children's centres and schools are fundamental to the delivery of these integrated services.

In broad terms, the proposed development meets the social and community objectives found in policies GD1 and L11. Certainly, by virtue of its location, design and social function, the proposed centre would have a high degree of accessibility and social inclusion advantages for all potential users. What is more, the Sure Start Centre would form an addition to a 'community hub' of the school, community centre and nearby leisure centre.

In terms of access routes from the car park to the site, there are existing designated pedestrian crossing points. These can provide a safe and direct pedestrian route onto the west side of Springwood

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Drive from the new parking spaces via an additional footpath linking the existing public footpath. This is also considered satisfactory alongside policy T4. In addition, the pedestrian railing on Springwood Drive is to be retained as existing, to assist with the safe crossing the road.

Some of the objection letters comment on the likelihood of users parking on Springwood Drive regardless of the allocated spaces, to avoid their young children crossing what can be a busy road as well as the increased traffic being dangerous for school children. Firstly, the section of Springwood Drive immediately surrounding the site is subject to restrictions prohibiting on-street parking outside the school. Secondly, Highways Officers consider that the existing pedestrian crossing point appears to be relatively safe and well used already. Thirdly, any potential increased flow of traffic around the application site would be off-set by the staggered nature of car trips with attendees utilising the proposed centre throughout the day. Also, the proposal site is suitably located and well connected to the population it is intended to serve.

In design terms the building is orientated to front onto Springwood Drive, thereby having an identifiable and, because of its visual interest, a welcoming presence from the street vista. Its external built form would display a contemporary appearance with differing external materials, surfaces and the glazing feature (a light well) toward the top of the building projecting above, but set back of, the main entrance. Whilst being single storey in height, it is considered well proportioned to the footprint of the plot and does not over-develop this area of the site. It is also regarded as being of an appropriate and complimentary scale in context of the surrounding school buildings and nearby residential dwellings. Due to the road gradient, the centre would become a prominent part of the street scene as viewed from the north and south aspects, along Springwood Drive. Although, it may have a strong street presence, the design and appearance of the building would integrate successfully into the non-domestic context it is sited against and not be detrimental to the quality of the immediate built environment. Accordingly, the proposed design is deemed to satisfy the requirements of policies GD4 and E23.

With regard to the impact of the development on residential amenity, only the detached bungalows along the east end of Pentland Close could potentially be affected. The nearest dwelling house on Pentland Close would be 16 metres from the south elevation of the proposed centre, which is at a reasonable distance. Whilst the topography is such that the proposed centre would be at a higher land level than the nearby dwellings, a number of factors mitigate the overall impact of it. These being: the reasonable distances between the centre and

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dwellings, presence and screening of small trees along the southern boundary, fenestration arrangement of the south elevation and appropriate height of the centre which would not result in undue massing or loss of light to the nearest dwellings on Pentland Close.

In terms of the impact of the proposed building upon the adjoining primary school, a number of objection letters raise the point of potential massing and restriction of daylight to the new detached nursery classroom part of the school. Also raised is the concern with the reduction and relocation of the play area. It is correct that the existing play area boundary would be remodelled and reduced in size from 33metres in length at present to 26metres as proposed. Currently, the playground adjoins the soft play area, so there is a physical limitation to the expansion of the play area toward the interior of the site. Moreover, an existing soft play area located on the western edge of the playground would remain. The proposed centre would contain rear elevation windows positioned 1.8 to 2.0metres above ground level, which limits any overlooking toward the play area and school grounds. Further, a suitable landscaping scheme would provide a degree of 'soft relief' from the built form.

The north elevation of the proposed centre would be five metres from the south elevation of the existing single storey additional school building. This appears to be used as a classroom facility with a number of windows facing the area to be developed. Yet the proximity of a single storey building to a single storey building is reasonable and the effect of massing is lessened by sloping land levels away from the school building. Furthermore, the elevation facing the proposal site would still receive natural daylight because of its south facing aspect. When considering the amenity issue, it is worthwhile to note that whilst the classroom may be used for the majority of the school day, these are not principle habitable room windows. Therefore in planning terms, this point carries less weight when assessed against policy GD5.

The north elevation of the proposed centre facing the school building would contain five windows at a height of two metres above ground level – serving a community room and staff office. It is considered that the positioning and height of these windows would not result in overlooking or loss of privacy to the adjacent school building. Hence, the proposed development would provide and retain a satisfactory level of amenity within the site, thereby meeting the requirements of policy GD5.

The issue of community safety, security of the school site and physical separation of the proposed centre from the school site has been considered. Of particular note is how the proposed centre is to operate

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independently and managed separately from the primary school which it adjoins. In considering this development proposal it ought to be evident that a safe environment is created for all site occupants. The provision of additional gated access points to the proposed centre would be created, yet the appropriate positioning of both internal fencing and gated access points would physically separate the school grounds from the proposed centre. This would also dictate the movement of those using the centre or the school, with access from one to the other completely restricted. A suitable condition could stipulate the type and size of internal and external boundary treatment.

In addition, both sites beyond the west side of the public footpath would be securable when unoccupied. With particular regard to the school, the continuance of this provision is essential to the sustainability of the site, whilst accepting the need for openness to the children's centre during operating hours. Throughout the day and by virtue of the inclusion of windows and openings, at ground floor level which face onto the highway the centre would provide a degree of natural surveillance, which is a positive feature. Overall, it is considered the proposed development would not compromise the security of the school environment, thereby meeting the objectives of policy E24.

In light of the above and in conclusion, the proposal reasonably satisfies the requirements set out in the relevant local plan policies of the adopted City of Derby Local Plan Review. Therefore, a recommendation to grant planning permission conditionally is given.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of Reasons The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material planning considerations and is considered acceptable in terms of amenity, design, community safety and highway safety.

11.3 Conditions

1. Standard condition 09a (Revised plans dated 14th April 2009)
2. Standard condition 19 (Means of enclosure)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 21 (landscaping within 12 months)
5. Standard condition 27 (details of external materials)
6. Standard condition 38 (foul and surface water drainage)
7. Standard condition 66 (Disabled people's provision C)
8. Standard condition 70 (cycle parking)

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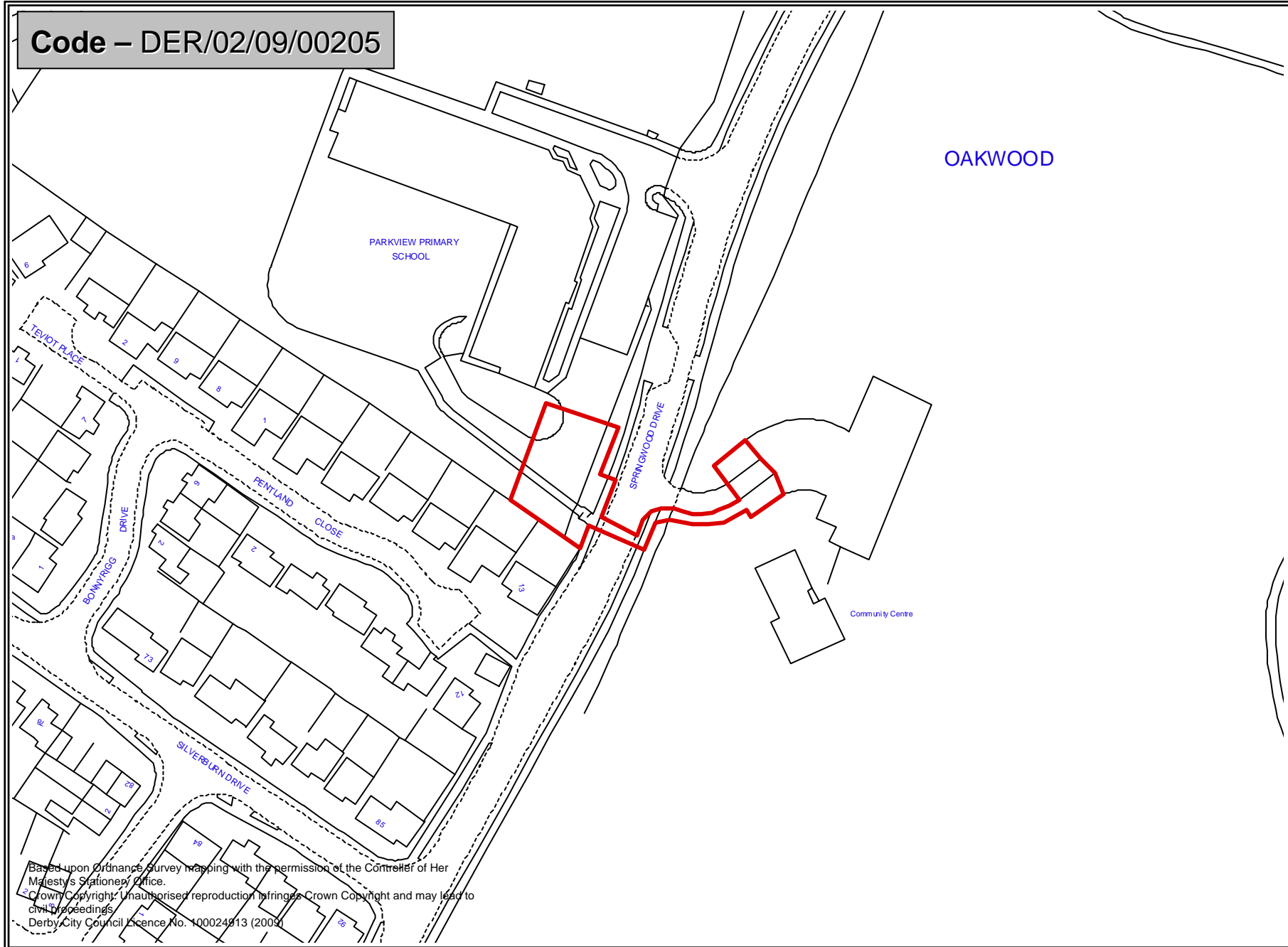
- 9. Standard condition 104 (reduced energy consumption)
- 10. Standard condition 98 (submission of Green Travel Plan).

11.4 Reasons

- 1. Standard reason E04
- 2. Standard reason E08...policy GD4
- 3. Standard reason E10...policy E17
- 4. Standard reason E09...policy E17
- 5. Standard reason E14...policy E23
- 6. Standard reason E21...policy GD4
- 7. Standard reason E34...policy T10
- 8. Standard reason E35...policy T7
- 9. Standard reason E51...policy E10
- 10. Standard reason E47...policy T1

11.5 S106 requirements where appropriate: Not applicable.

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B1 APPLICATIONS (cont'd)

1 Code No: DER/02/09/00124

Type: Full

1. **Address:** 8 West Bank Road, Allestree, Derby
2. **Proposal:** Extension to dwelling house (cloaks, garden room, bedroom, bathroom and enlargement of kitchen) and erection of games room
3. **Description:** The proposal is for the erection of a two storey extension to the side of the property.

This application is a resubmission of previously refused application DER/10/08/01458. The previous application had been refused due to the two storey extension being insufficiently set back resulting in an incongruous feature in the street scene. No issues of loss of amenity to neighbouring dwellings had been raised as part of the previous refusal.

This revised application is shown with a 1m set back at both ground floor and first floor levels. The proposal includes the erection of a two storey side and rear extension and a single storey rear extension close to the boundary. The proposed roof is of a hipped design and is lower than the existing ridge height with the eaves in line with the existing.

Full Planning permission is also sought for the erection of a single storey outbuilding, to accommodate a games room, approximately 2.0m from the rear building line of the extension, adjacent to the south eastern boundary. It will occupy a footprint of approximately 3.2m in width x 4.8m in length. Its height is approximately 2.5m to the eaves and 3.0m to the ridge. No concerns were previously raised to this element of the proposal.

The land slopes up from the road to the dwellings along West Bank Road and up toward the back of the gardens. No.8 West Bank Road is higher than 6 West Bank Road in relation to land levels.

4. **Relevant Planning History:** DER/10/08/01458 - Extension to dwelling house (utility room, cloaks, bedroom, bathroom and enlargement of kitchen) and erection of games room – Refused.

“The proposed extensions, by virtue of their design and lack of adequate set back from the front of the host house, would result in an incongruous form of development, detrimental to the prevailing character and visual amenity of the dwelling house and its adjoining semi and to the street scene of West Bank Road. Accordingly, the proposal is contrary to policies E23 and H16 of the adopted City of Derby Local Plan Review.”

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Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: the revised design of this proposal now meets with our design requirements regarding the unbalancing of a pair of semi detached properties and is becoming a common method of overcoming the design concerns.

5.3 Highways: No highway impact.

5.4 Disabled People's Access: would need to comply with building regulations.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	11	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Nine letters of objection have been received and are reproduced in the Members' rooms, however, five of these letters appear to be have been received from relations/family friends of the owners of 10 West Bank Road who do not live in Derby, and in one case not in this country. It is noted that these 5 objections do not raise any points that have not been raised by the remaining objectors.

The letters of objection relate to:

- The proposed extension results in an incongruous feature in the street scene
- Loss of amenity (light) to 10 West Bank Avenue
- Relationship and close proximity to the site boundary
- Excessive size
- The proposed games room would result in a loss of light and will result in overlooking issues
- Undesirable precedent
- Concerns regarding pre application advice given by the Authority
- Objectors refer to Policy E23 Design

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- Objectors also refer to policies E26 and H26; (however E26 is for Advertisements and H26 does not exist)
- Concerns regarding the loss of space between the properties and the resultant damage to the character of the property and street scene
- Reference is made to previous comments made regarding properties situated in the Darley Abbey Conservation Area
- Concerns regarding impact on neighbouring residents
Reference is made to properties in the locality (Allestree Lane) where the objector feels that extensions to semi detached properties have resulted in a terracing impact.

8. Consultations: -

9. Summary of policies most relevant:

GD4 - Design and the Urban Environment
GD5 - Amenity
H16 - Housing Extensions
E23 - Design

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

- 10. Officer Opinion:** In relation to visual amenity the proposed two storey extension is now shown with a 1m set back at both ground floor and first floor levels which is an improvement on the previously refused scheme. Especially taking into account the slope of the site. It is considered that with the incorporation of this further set back the proposed two storey extension will no longer result in a significant adverse impact on the character and appearance of the dwelling or the street scene in terms of design and visual prominence as it will be considerably less visible in the street scene and will now appear subservient to the original dwelling. The proposed two storey extension is considered to be in character with the surrounding area as it has been noted that other dwellings in the locality have been developed with two storey extensions of a similar design (for example numbers 22 and 35 West Bank Road). Although a 2m set back at first floor would frequently be requested it is felt that the 1m set back that has been proposed at both ground floor and first floor will overcome potential issues of terracing. Taking this into consideration it is felt that the proposal satisfactorily meets criteria set out in Policies E23 and H16 of the City of Derby Local Plan Review.

Conditional permission has previously been granted at 22 West Bank Road for a similar two storey extension with a 1m set back at both ground floor and first floor levels. Although each application must be

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determined on its own merits it is accepted that this previous proposal has set a precedent that in principle a 1m set back is sufficient on this style of semi detached property in order to achieve an acceptable appearance in the street scene.

In relation to massing and overshadowing, comments from the previous application are still considered to be relevant. In reference to the amenity of neighbouring properties, it is considered that the proposal will not account for any adverse impact upon the amenity of the occupants of these neighbouring dwelling houses. In relation to number 6 West Bank Road, it is considered that the double storey extension would be set in from the boundary and sited adjacent to an elevation containing windows that do not serve habitable rooms. The extension would not extend over the 45 degree guideline from the habitable room windows to this property and as such would not represent an extension that would be overbearing or result in an unacceptable massing effect. As such, there is no undue concern in respect to levels of access to natural day light and given the orientation of the 2 dwelling houses it is considered that there would be no material loss of access to sun light. The nature of the extension would be such that it would not account for any undue opportunity for overlooking of this property than that which currently exists and it is considered there would be no significant cause for concern regarding loss of privacy to the occupants of this property from within their rear garden. In reference to the outbuilding, it is considered that this would represent an extension which will have no material impact on the neighbouring properties.

In relation to number 10 West Bank Road, it is considered that whilst the extension will be sited adjacent to this boundary, the double storey element of this extension will be set in from the boundary and not project beyond 2.0m in which case would not extend over the 45 degree line from the habitable room windows to this property. As such the double storey element will not be overbearing and not result in a massing effect. The single storey extension would not unduly result in such implications either. It is a subservient form of extension to its host which, given the opportunity to erect a 2.0m high fence would only account for the upper 1.2m of the extension which relates predominantly to the roof which is sloping back towards the existing rear building line of the host dwelling house. Furthermore, it is considered that the proposed extensions would not result in any form of adverse impact in respect of levels of access to either natural day and/or sun light.

In relation to the outbuilding and No.6 it is considered that this would represent an extension which will have no impact on this neighbouring

B1 APPLICATIONS (cont'd)

1 Code No: DER/02/09/00124

property; taking this into consideration I am satisfied that the proposal meets criteria set out in Policy GD5 Amenity.

A number of issues have been raised by objectors. In particular one objector refers to applications refused in the Conservation Area, for example at No. 4 St. Edmunds Close where a two storey rear extension had been refused. This site at West Bank Avenue differs significantly from the site at 4 St. Edmunds Close as it is not located in a Conservation Area and that proposal related to the rear of the property where there is significant visibility from a public footpath. The proposal subject to this application is to the side of the dwelling, not the rear, with a completely different design. The objector also refers to proposals along Allestree Lane, however, once again these proposals do not sufficiently relate to the site subject to this application. Objectors also raised concern regarding pre application advice given prior to the submission of this revised scheme. It must be noted that this is informal advice and any decision would be subject to a formal planning application. As Members will be aware the applicant is entitled to seek advice prior to formally submitting a revised scheme.

Overall it is felt that the proposal is acceptable and amenity will not be unreasonably affected. Although a number of objections have been raised, it is considered that these issues have been substantially addressed above. The proposal reasonably satisfies the requirements of local plan policies set out in the City of Derby Local Plan Review 2006 and as such a recommendation of conditional planning permission should be granted.

11. Recommended decision and summary of reasons:

11.1 To Grant permission with conditions.

11.2 Summary of Reasons: The proposal has been considered against the City of Derby Local Plan Review policies as summarised at 9 above, and is considered to be an acceptable form of residential development that would not detract from the appearance of the street scene or the amenities of third parties.

11.3 Condition

Notwithstanding any submitted information, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced.

B1 APPLICATIONS (cont'd)

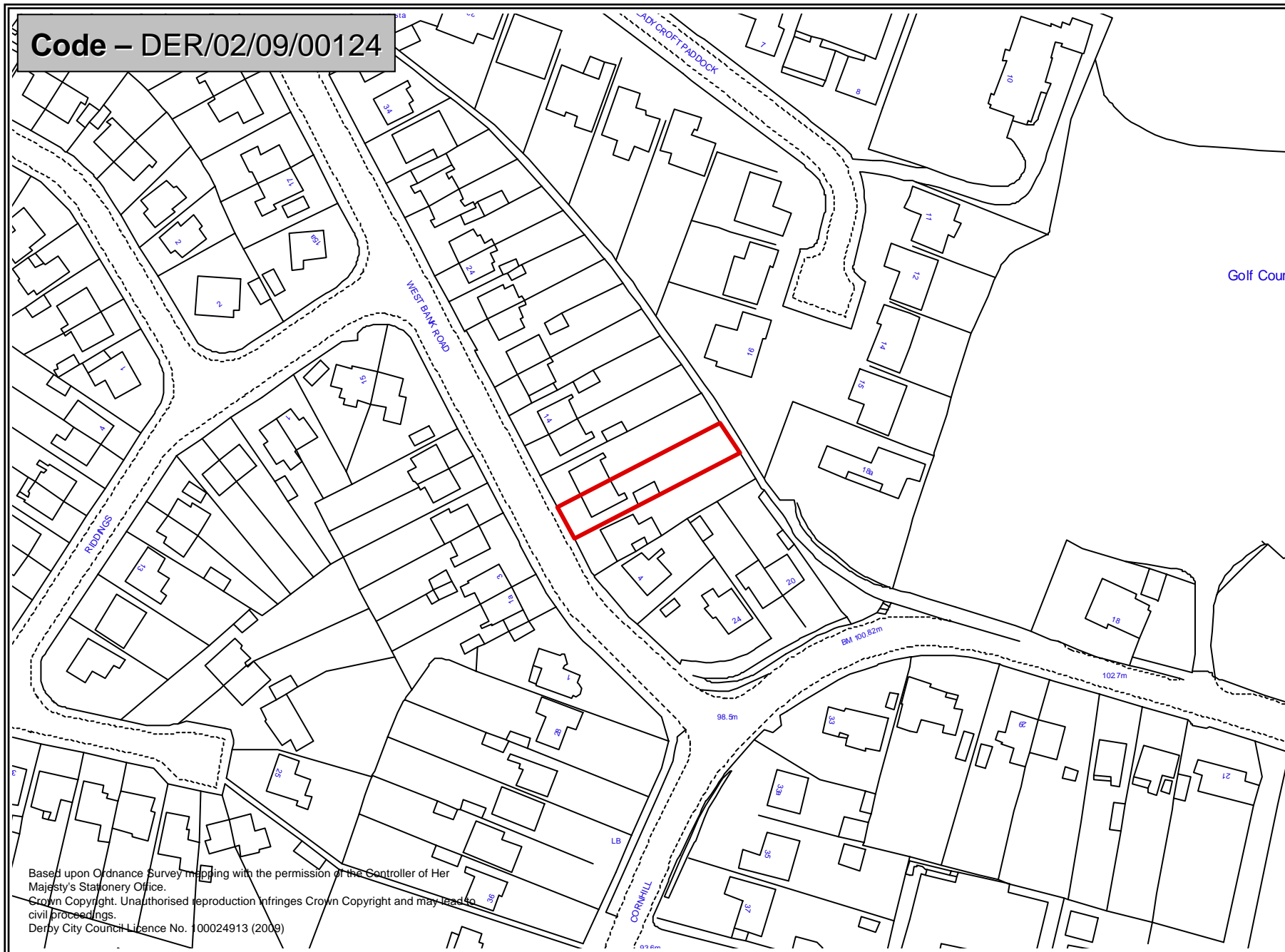
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11.4 Reason

To ensure a satisfactory external appearance of the development in the interest of visual amenity...Policies GD4 and E23.

11.5 S106 requirements where appropriate: -

Code – DER/02/09/00124



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B1 APPLICATIONS (cont'd)

2 Code No: DER/02/09/00167

Type: Full

1. **Address:** Block A, New Normanton Mills, Stanhope Street
2. **Proposal:** Change of Use of First Floor from Kitchen Showroom to Snooker Club
3. **Description:** The application does not propose any external alterations to the existing property Block A, New Normanton Mills. 8 car parking spaces can be provided adjacent to Block A and the Charlotte Street Public Car Park is located adjacent to the application site. The Snooker Club currently occupies Block D of New Normanton Mills and therefore the Snooker Club is an existing use within this location. There are two full time employees and the Snooker Club will open from 1200 to 2400 7 days a week; whereas the existing Snooker Club opens from 1300 to 2300. There are approximately 30 members, which according to the application are from the local community.

The Snooker Club is choosing to move premises due to Block A providing a larger accommodation space that can hold an increased number of both Snooker and Pool tables. In addition to the internal accommodation external parking provision is increased from 3 car parking spaces to 8.

4. **Relevant Planning History:**

DER/12/93/01538 – change of use in part to Gymnasium – permission granted.

DER/05/96/00511 – change of use to Gymnasium – permission granted.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** Comments have been received from the Police Architectural Liaison Officer and are provided within Section 8 of this Report.

5.3 **Highways:** The site is located in proximity to the linear centre and on a classified road which is restricted by double yellow line parking restrictions on street. There is a bus stop, traffic calming and a pedestrian refuge on Stanhope Street. Charlotte Street has double yellow lines and there is a public car park which is accessed via Charlotte Street, as well as parking provision within the site. The application proposes to relocate the existing snooker hall and remain

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/09/00167

within the site curtilage. There are no highway implications and in view of this no objections.

5.4 Disabled People's Access: No comments.

5.5 Other Environmental: No comments.

6. Publicity:

Neighbour Notification letter	30	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: 5 letters of objection have been received from neighbouring residents on Church Street, which is located to the North and North West of the application site, in response to this application. ... Copies are reproduced. Any further letters of representation received prior to this meeting will be made available for Members' consideration. The objectors are primarily concerned with stated problems associated with anti-social behaviour, increased crime, community safety and groups of young people gathering both on the street and in the Charlotte Street Public Car Park.

8. Consultations:

Police Architectural Liaison Officer – Only two reports can be located which are associated with the current Snooker Club. The recorded anti social behaviour on the Charlotte Street car park cannot be directly attributed to this function even though there is an existing access point to the current snooker club from the end of this street.

There is a long term issue in this immediate area, including the public car park, of congregation and noise from people and vehicles including nuisance from in car music systems, as the residents that back onto this area confirm in their objections.

It can be reasonably predicted that there is a potential for this problem to increase as the increased presence to the street of the re-located Snooker Club may provide an even greater honey pot attraction which is obviously a concern, especially with the application for extended hours until midnight.

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/09/00167

A possible further increase in nuisance, noise and anti-social behaviour can be considered to be an unreasonable risk to the amenity of the residents, with the change of use to this more prominent and accessible block, then either refusal of permission on these grounds or restricted hours of use should in the opinion of the Police, be considered to prevent any possible exacerbation of the current fear of crime and anti-social behaviour problems.

Environmental Health – Colleagues have visited the site and discussed the proposals with the applicant and have no objections to raise at this stage.

9. Summary of policies most relevant:

GD4 - Design and the Urban Environment
GD5 - Amenity
E23 - Design
E24 - Community Safety
L8 - Leisure and Entertainment facilities
S7 - Conversion of Shops
T4 - Parking Provision

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

- 10. Officer Opinion:** I have no objections to raise to this application. The Snooker Club is an existing use within this location, Block D, and is merely relocating to an adjacent premise, 16.5 metres to the East in block A. The Snooker club is an established facility with approximately 30 members who reside in the local community. Therefore this application should only consider the use of Block A for this Snooker Club and not the introduction of a new use within the New Normanton Mills complex. The application does not propose any internal or external alterations to Block A; but will provide a greater number of car parking spaces than that provided at Block D; an increase from 3 spaces to 8 spaces.

In terms of relevant established planning policies I do not have any concerns with regards to the proposed scheme having a detrimental impact on the appearance and industrial character of the New Normanton Mills complex due to the application not proposing any external or internal alterations. Policy L8 allows for leisure and entertainment facilities providing:

- There would be no unacceptable loss in quantitative or qualitative terms of land allocated for other purposes

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/09/00167

- Business activity in the area is not unduly inhibited
- The site is well served by public transport and is accessible to pedestrians and cyclists: and
- A sequential approach to site selection is demonstrated. In applying this test regard will be had to any special needs of the leisure activity.

In the case of this current application, although the sequential test approach appears limited, this location is considered to be suitable for previous leisure uses, albeit two gymnasium application (DER/12/93/01538 and DER/05/96/00511). Furthermore, the site is located adjacent to the boundary of a district centre which would be the preferred location for such a facility. When considering this case, it is important to bear in mind that there are likely to be few premises within this location that have a suitable floor area for this type of facility; this must therefore be regarded as a special need for this type of leisure activity and thus accords with point 4 of policy L8. The proposal is therefore, in my opinion, acceptable and adheres to the criteria of policy L8 of the CDLPR.

In terms of need for the use it could be said that the business has become established in this location and appears to be in a position where additional tables are required and a move of premises is now necessary.

The proposal is considered to be in a sustainable location when considering transport due to its close proximity to the Linear Centre of Normanton Road and Pear Tree and being within a walkable distance from the City Centre. There is a bus stop located on Stanhope Street which provides direct routes into the City Centre. There is also a public car park, located 15 metres to the north of the site, which is accessed from Charlotte Street as well as car parking provided within the curtilage of the application site. The Highways Officer has raised no objection. Therefore, I am of the opinion that the application is not contrary to policy T4 of the adopted CDLPR.

To date 5 letters of objection have been received from neighbouring residents on Church Street that have raised concerns and objections with regards to anti-social behaviour, crime and the fear of crime, drug use and the gathering of young people both on the street and within the Charlotte Street Public Car Park. However, as detailed in Section 3 of this report, the Snooker Club is an existing established entertainment facility within this location and is merely re-locating within the curtilage of the New Normanton Mills complex. Whilst there may be issues relating to anti-social behaviour taking place within the close proximity to the application site; there is no evidence, according to the Police, to

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/09/00167

suggest that the Snooker Club is the cause of such behaviour. Furthermore, the incidences detailed within the letters are related to behaviour both on the public car park and on Charlotte Street and Church Street which are not located within the curtilage of the application site and do not form part of the application that is under consideration.

The Police Architectural Liaison Officer has confirmed that the anti-social behaviour on the Charlotte Street Car Park cannot be directly linked to the Snooker Club and the granting of this application should not exacerbate an existing community safety issue. Therefore, whilst I consider the recommendation of refusing this application to be unjustified I am of the opinion that the opening hours of the proposed use should be retained to those already in operation at the existing Snooker Club - 1300 hours to 2300 hours 7 days a week. In my opinion, providing the opening hours of the Snooker Club are restricted the relocation of the Snooker Club from Block D to Block A will not detrimentally impact upon community safety or increase anti-social behaviour and is therefore not contrary to policy E24 of the CDLPR.

The change of use of the first floor of Block A New Normanton Mills from kitchen showroom to Snooker Club, in my opinion, is acceptable, and adheres to the relevant planning policies as set out in the adopted CDLPR. The proposal will be restricted by condition to ensure the development is satisfactory in terms of impact on neighbouring land uses.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission conditionally.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in Section 9 above and all material planning considerations and is considered an acceptable land use.

11.3 Condition

Opening hours and hours of operation shall be limited to 1300 to 2300 7 days a week.

11.4 Reason

To preserve the amenities of adjacent residential properties and the amenities of the area...Policy GD5

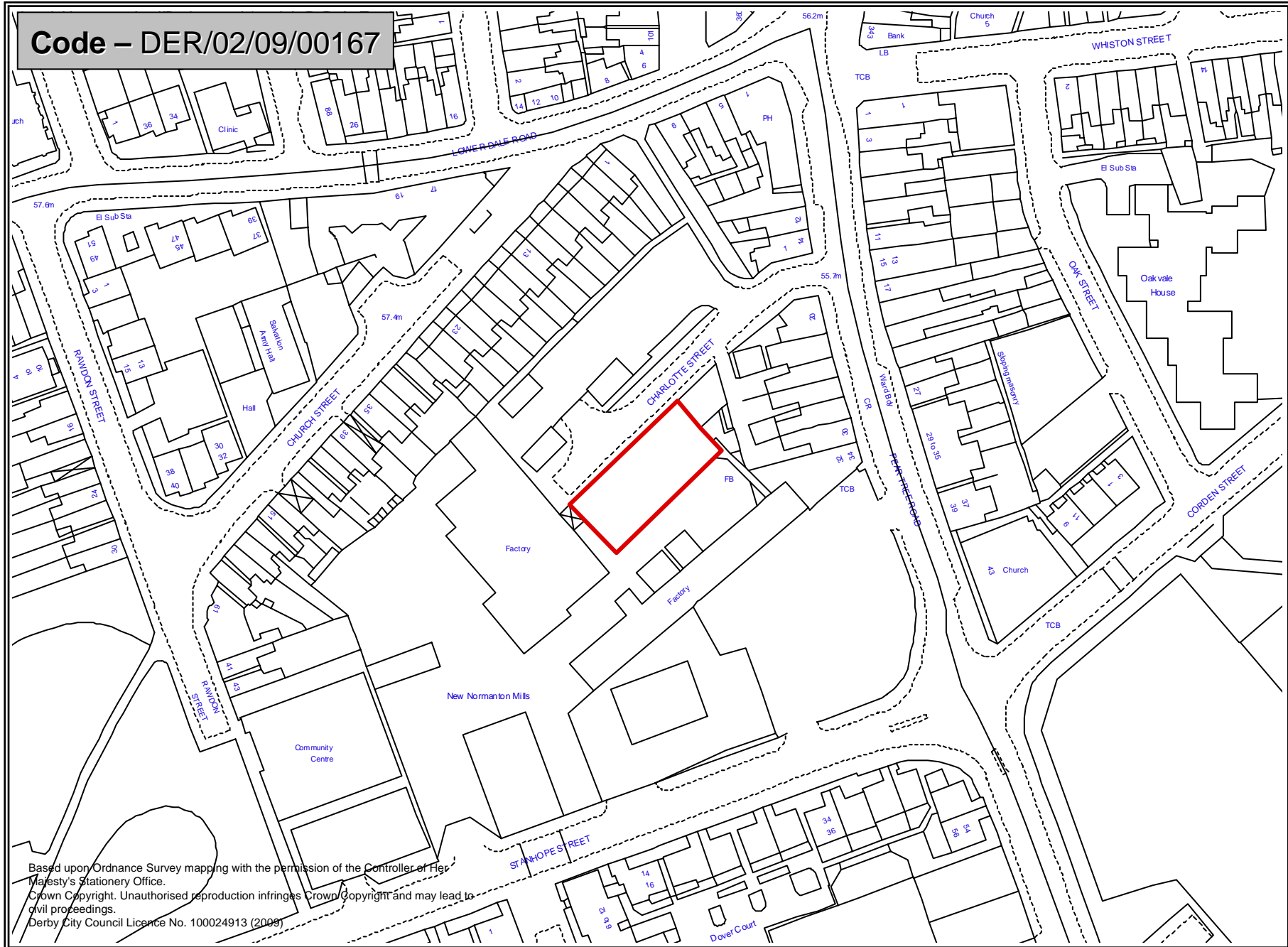
B1 APPLICATIONS (cont'd)

2 Code No: DER/02/09/00167

11.5 S106 requirements where appropriate: None.

11.6 Application timescale: The statutory determination period for this application expired on 14 April 2009. Given that 5 objections were received the application had to be reported to this meeting in accordance with the current constitution.

Code – DER/02/09/00167



B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

Type: Full

1. **Address:** 62 Blagreaves Lane, Littleover
2. **Proposal:** Extensions to care home (bedrooms, lounge, dining rooms and associated store rooms, offices and W.C. facilities)
3. **Description:** Members will recall this application which was reported to the Committee meeting on the 19 March and was deferred for a site visit. That visit took place on 3 April and Members had the opportunity to inspect the site and its relationship to neighbouring residential properties on Moorway Croft.

The application relates to Mulberry Court Residential Care home, which sits on the southwest side of Blagreaves Lane. It is a pre-war two-storey building, which sits on a substantial plot. The building sits some 30m back from its highway frontage and the area to the front of the home is used for parking. It accommodates a number of mature trees and a Tree Preservation Order covers some of the trees located on the sites frontage. To the rear, the site accommodates a large area of garden which steps down to a lower level than the ground floor of the home. Mulberry Court is a brick building, with steep hips and gables and some half timbering on its frontage. A more recent, flat roofed extension sits to the side of the care home on the buildings northern elevation.

Residential properties on Blagreaves Lane bound part of the northern boundary and the southern boundary of the site. The rear gardens of residential properties on Moorway Croft and Bannels Avenue abut the northern and western boundaries.

Planning permission is being sought for extensions to the home, which involve the removal of the existing flat roofed extension and the addition of a two-storey extension onto the northern elevation of the building. The two-storey extension would extend to some 12.1m in width and some 23.4m in depth. Extending to the rear of that two-storey addition, a single storey extension is proposed that would project into the rear garden, some 25m beyond the rear wall of the two-storey extension. This part of the proposal would take account of the changes in levels across the site and internal accommodation is proposed to be provided below ground level. Towards the southern part of the site, a small extension to an existing lounge is proposed measuring 3.1m in depth and 4.7m in width.

The two-storey addition has been designed to tie into the style and features of the main house with hips and gables being provided within a steep pitched roof. The rear extension is to accommodate a flat roof behind a surrounding parapet. The small extension to the existing

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

lounge would continue the flat roof of the existing lounge offering extension to an existing balcony at first floor level.

The proposals put forward in this application would offer an increase in the number of bed spaces available at the home from 14 to 31. The access into the site would be unchanged but the layout of the parking areas is altered and formalised to offer space for 17 cars.

4. Relevant Planning History: The most recent applications relating to this site include:

DER/12/95/01471 – Extensions to existing nursing home (26 bedroom annex) – refused February 1996 on the following grounds:

‘The proposed development by virtue of its excessive scale and extent of ground coverage and projection into the rear garden would be severely detrimental to the amenities of nearby residents and thereby contrary to policy C1 of the City of Derby Local Plan and of the adopted Local Plan for Southern Derby.’

This decision was overturned in a subsequent appeal where the Inspector concluded that the proposal's effects on the neighbouring properties would not be unduly detrimental.

DER/11/01/01501 – Extension to existing nursing home (26 bedroom Annex) – this application offered amendments to the scheme previously approved by the Planning Inspector. The application did not reach a formal determination, as issues relating to site drainage were not satisfactorily resolved.

5. Implications of Proposal:

5.1 Economic: The application indicates that the extensions will offer an increase in staff at the site consisting of 2 full-time positions and 2 part-time positions.

5.2 Design and Community Safety: Extensions of a substantial footprint are being offered in this application. However, this is a large plot and I am satisfied that the proposals are not too intensive for the site itself. A design and access statement supports the application and it is clear that consideration has been given to designing an extension that reflects the character and style of the existing home in views from the street. That style and form of building would change as the proposals extend into the rear of the site but it is indicated that this has been done in order to reduce the mass of the proposals and their implications for

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

the amenities of neighbouring occupiers. Overall, I am satisfied that the proposals would be acceptable in design terms.

In my view, there are unlikely to be any significant community safety issues likely to result from this proposal.

5.3 Highways: Raise no objections to the application subject to secure motorcycle and cycle parking being provided along with 2 disabled people's parking spaces.

5.4 Disabled People's Access: Accessibility within the extensions would be secured through compliance with Building Regulation guidance.

5.5 Other Environmental: The site contains a number of mature trees, some of which are protected by a Tree Preservation Order. In order to facilitate these proposals, seven trees would be removed from the site but none of those trees are protected by the Tree Preservation Order. The views of the Tree Preservation Order Officer have been sought and I can advise Members that no objections are raised to this application on the grounds of tree loss.

An existing drainage ditch runs along the sites northern boundary and the extensions have been sited at least 3m from the top of the ditch in order to allow access to the ditch for future maintenance. Surface water from the new roofs is to be collected and recycled using a harvesting tank that is proposed to be located under the existing lawned rear garden. This solution to site drainage is consistent with the aims of PPS25.

The application suggests that it is intended that the thermal mass of the building will be greater than would normally be required and the use of solar panels are being considered for the south facing slopes of the extension. It is hoped that these design features will assist in reducing levels of energy used within the building and reduce costs. Such design features would be consistent with the aims of CDLPR policy E10.

6. Publicity:

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

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

7. Representations: Six letters of objection have been received in response to this application from local residents and are available in the Members Rooms. The concerns raised mainly relate to:

- The proposals being too close to the boundary shared with properties on Moorway Croft offering overbearance of the boundary and massing problems for residents
- A loss of privacy, light and amenity resulting for the occupiers of properties on Moorway Croft
- Loss of trees which act as a screen and have amenity and wildlife value
- Loss of trees affecting the stability of the existing ditch
- The proposals not going far enough to resolve flooding problems in the area
- Future maintenance of the ditch and the potential for increased flooding
- Concern over increased levels of noise resulting from the expansion of the home and the underground rooms
- Bland elevations being visible from neighbouring properties and the design of the extensions being inappropriate for a residential area
- Light pollution
- Loss of TV reception due to extent of proposals.

Additional plans have been provided showing site levels and the relationship of the proposals to some of the neighbouring properties. Local residents have been invited to comment on this additional information and in response letters have been received from four residents who objected to the application originally. These are also available in the Members Rooms. The issues raised in addition to those cited previously concern:

- Trees having been removed from the site already, prior to the application being determined
- Questions as to why there is a need for the proposals to be built so close to the boundaries of properties on Moorway Croft
- The shadow lines detailed on the submitted plans being inadequate in demonstrating the full loss of sunlight that would result for neighbouring properties as a result of the proposals.

8. Consultations: -

9. Summary of policies most relevant: CDLPR policies:

- GD1 - Social Inclusion
- GD3 - Flood Protection

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

- GD4 - Design and the Urban Environment
- GD5 - Amenity
- H13 - Residential Development – General Criteria
- E9 - Trees
- E10 - Renewable Energy
- E23 - Design
- E24 - Community Safety
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People

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

- 10. Officer Opinion:** I am satisfied that the site of 62 Blagreaves Lane has sufficient capacity to accommodate the proposals put forward in this application and I would conclude that the proposals will allow the site to continue to offer a satisfactory living environment for the occupiers of Mulberry Court residential care home.

It is clear that consideration has been given to the character and style of the existing property and the sites' constraints. The two-storey extension would be a prominent addition to the home but I am satisfied that it would suitably tie into the form and style of the existing property. The proposed roof height of the extension appears greater than that of the existing property but this has resulted from the extension having greater depth than the house itself and a desire to accommodate the same degree of pitch to the roof to that accommodated on the existing residential home. The difference in height amounts to 1m and given that this change in level would be viewed at a high point set back from the frontage of the building, I do not consider that the resulting extension would be an unsympathetic addition to the home, in design terms. Overall, I do not consider that the two-storey extension would unreasonably compromise the character of this property in the context of the street scene.

The flat roofed extensions to the rear are offered much simpler elevations and they accommodate a more modern external appearance. Given their position towards the back of the property, I do not consider that I could sustain objections to them on design grounds. I have noted the concerns of residents on Moorway Croft that the elevations of the extensions that would be viewed from their properties would be bland. However, I do not consider the proposals to be particularly unattractive or unusual for a domestic context such as this. It needs to be recognised that the elevations facing those neighbouring property will have limited fenestration to ensure that existing levels of privacy and amenity are not unreasonably affected.

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

This application has generated a number of objections from residents on Moorway Croft who are concerned that the proposals will sit too close to their boundaries, offering them a reduction in privacy, light and amenity. These issues have been given careful consideration, and I am lead to conclude that the relationship between the proposals and those houses is not unreasonable. Both the two storey elements of the proposals and the single storey elements with the underground rooms, would sit over 10m from the principal windows located in the rear elevations of dwellings on Moorway Croft. Such a relationship would normally be deemed acceptable when considering the relationship between a principal elevation and a corresponding side wall. In a number of the cases here, the distance easily exceeds 10m. The relationship between 8 Moorway Croft and the proposal should be noted given that it is this dwelling that would have the most direct relationship with the two storey elements of the scheme. The side wall of the two-storey extension, would sit approximately 18.4m from the windows in the rear extension that has been added to this property. Land levels do drop slightly between the site and those neighbouring dwellings and these proposals will offer a change to the present open outlook enjoyed from those rear gardens. However I am lead to conclude that the relationship between those houses and the proposals are reasonable given that they are similar to those found in many domestic contexts as the achievement of such distances would normally deem a proposal to be acceptable on general massing grounds. Obscure glazing can be secured by condition in the windows at first floor level, which face towards Moorway Croft, and those to the corridor in the rear extension. Those at ground level in the two-storey extension would be offered screening by existing boundary treatments and with these conditions in place, I am satisfied that no loss of privacy should result.

The proposed extension to the lounge which is located towards the southern end of the building is acceptable on design grounds, in my view. Although it would sit close to the site boundary shared with 68 Blagreaves Lane, it should not offer unreasonable massing or overshadowing of this neighbouring property. The balcony at first floor level offers an extension to an existing balcony and I do not consider that it would offer an unreasonable degree of overlooking of the neighbouring property, beyond that already achieved from the existing balcony.

It is clear from the comments received from local residents that the land in this locality suffers from poor surface water drainage. The proposals put forward in this application, address that issue and a solution to the control of surface water rainfall collected from the new roofs of the development, are offered. This involves the collection of the surface

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

water into a rainwater-harvesting tank of 12,000-litre capacity which is to be stored underground, in the rear garden. The water collected by this system would be recycled and used in the toilets, sluices, laundry and garden. The system is capable of dealing with a 1 in 100 year flooding event plus 20% but systems would also be put in place in case this system were to overflow. That would involve the discharge of any excess water into a soakaway with the overflow from that soakaway discharging into the existing drainage ditch. In accordance with the recommendations of our Drainage Engineers, the applicant has also agreed to the provision of pumps in the lower ground floor areas. Local residents are concerned that such a system would not be sufficient to deal with the problems already experienced given that more of this site is to be built upon. This system would not resolve all surface water problems that may occur in the area and this application cannot be used to solve all existing drainage issues. However, this system has been considered by our Drainage Engineers and they are satisfied that it offers an appropriate solution for dealing with drainage associated with the development that is subject of this application and with it in place, existing surface water problems should not be exacerbated. It is proposed that a condition be attached, should planning permission be granted, to secure the installation of these drainage proposals on site. Concerns relating to the future maintenance of the existing drainage ditch would not give grounds on which to refuse planning permission for this development. A suitable distance would be maintained between the ditch and the extensions so the development being offered should not compromise the owner's ability to undertake regular maintenance.

None of the trees that are detailed for removal are subject of the Tree Preservation Order. I have consulted my Tree Preservation Order Officer and he has raised no objections to the removal of the trees identified on the plans given their condition and in some circumstances their low level of public amenity value. He has advised that a suitable replacement tree should be secured for the mature Ash which sits towards the front of the home and this could be secured by condition should planning permission be granted for the development. In these circumstances, I would raise no objections to the proposals based on tree loss. This site would continue to accommodate many mature trees and I do not consider the level of tree removal from the site to be excessive.

In accordance with the views expressed above, I am satisfied that the proposals offered in this application meet with the aims of the appropriate local plan policies. The concerns of local residents have been considered but I am lead to conclude that the proposals are acceptable in design and amenity terms and I do not consider that a refusal of planning permission can be justified in this case.

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

11. Recommended decision and summary of reasons:

11.1 To grant planning permission, with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the Development Plan and all other material considerations as indicated in 9. above and the proposals are considered acceptable in siting, design, highway safety and amenity terms.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 24 (vegetation protection from construction)
3. Standard condition 55 (Replacement of ash tree)
4. Standard condition 58 (Maintenance of replacement tree)
5. The construction of the development shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the development is brought into use.
6. The first floor windows in the northern elevation of the extensions and the corridor windows in the northern elevation of the rear extension, shall be obscure glazed and shall be retained as such at all times, unless otherwise agreed in writing by the Local Planning Authority.
7. Standard condition 69 (cycle / motor cycle parking)
8. Two disabled people's parking spaces and their associated manoeuvring facilities shall be provided within the curtilage of the site, in accordance with the Council's current standards, before the development is brought into use.
9. The development shall not be brought into use until works for the disposal of foul and surface water have been provided on the site in accordance with drawing no. 12354-01 Rev A dated November 2008 and the recommendations outlined in the Agent's letter dated 12 March 2009, unless otherwise agreed in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01654

11.4 Reasons

1. Standard reason E14 ...policy E23
2. Standard reason E24 ...policy E9
3. Standard reason E18 ...policy E9
4. Standard reason E32 ...policy E9

5. To help reduce energy consumption, pollution and waste in accordance with policy E10 of the adopted City of Derby Local Plan Review.

6. To protect the privacy of neighbouring residential properties in accordance with policies GD5 and H13 of the adopted City of Derby Local Plan Review.

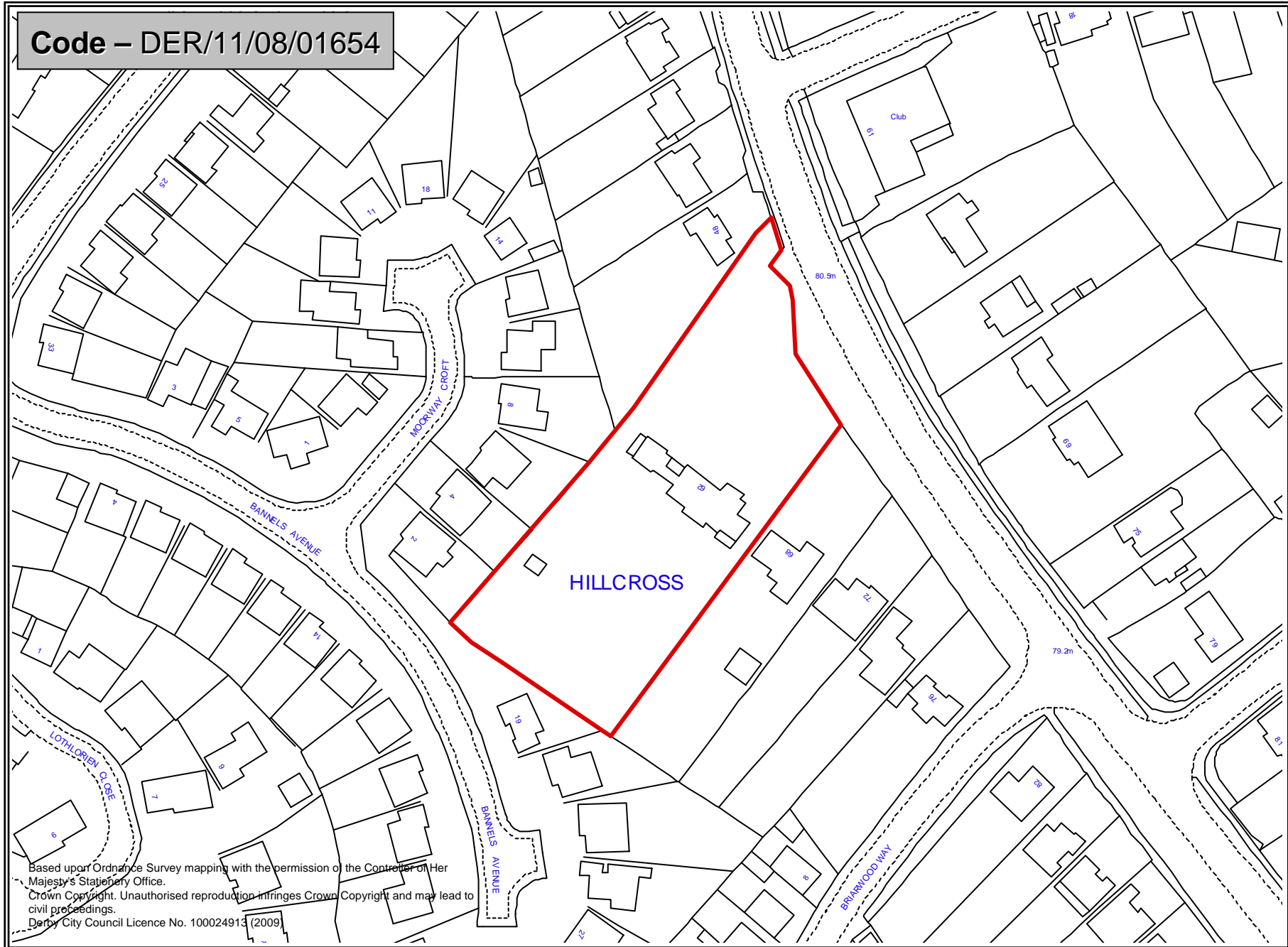
7. Standard reason E35...policy T4
8. Standard reason E34...policy T10

9. For the avoidance of doubt and to ensure the provision of satisfactory drainage arrangements in accordance with policy GD3 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

11.6 Application timescale: The statutory determination period for this application expired on 24 March 2009. Had the application been determined at the first meeting on 19 March, it would have been determined in time.

Code – DER/11/08/01654



B1 APPLICATIONS (cont'd)

4 Code No: DER/02/09/00098

Type: Full

1. **Address:** 45 Mount Carmel Street
2. **Proposal:** Alterations and change of use of dwelling house to form 3 apartments.
3. **Description:** The application site is located at the eastern end of the short cul-de-sac that is Mount Carmel Street which is in a primarily residential area. The street comprises residential properties that mainly date from the late Victorian or early Edwardian period and are a mix of terraced, detached or semi-detached dwellings. Some of these are fairly substantial properties and are two or three stories in height. Immediately opposite the application site is a small redevelopment scheme of about 12 flats that date from the late 1970s. This latter development is the only one along the street that provides off street parking provision. The application premises has no off-street car parking provision and there is no possibility of any being created on the application site as it has insufficient land on the frontage to achieve that aim.

The application property adjoins 43 Mount Carmel Street but the two dwellings are quite different in design and character. The main entrance of the application premises is on the front elevation. There is also a doorway that opens up onto an alleyway that runs beneath part of the first floor and gives external access to the rear garden. This access would be used to access a bicycle store and bin store that is proposed to be located in the rear garden. Full details of this are not provided but I anticipate receipt of additional drawings prior to the application being considered.

The existing dwelling is said to be a single dwelling, although it does have two doorbells on the front which may suggest multi –occupation at some time in the past. When viewed from the front it is two storeys in height with accommodation in the roof space. When viewed from the rear, the rear outshoot rises to three storeys in one section reducing to two storeys and finally one storey.

There are no external alterations proposed to the building just alterations internally to create 2 x two bedroomed flats and 1 x one bedroomed flat.

The abutting neighbouring property appears to be in single occupation. The property at 47 Mount Carmel Street appears to be in multi-occupation.

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

B1 APPLICATIONS (cont'd)

4 Code No: DER/02/09/00098

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: -

5.3 Highways: The proposal is situated at the end of a cul-de-sac on Mount Carmel Street and has no existing parking facilities within the site. There are no controls on streets adjacent to the site and our Parking Services Team are not aware of any parking issues. The applicant will not be providing any additional off street parking facilities, however, they are proposing secure and safe cycle storage for 5 bicycles. Details of this storage will need to be submitted to and approved in writing by the Local Planning Authority. The applicant also states that bin storage will be provided at the rear for all of the proposed new flats.

There are no highway objections subject to the provision of safe secure and covered cycle storage.

5.4 Disabled People's Access: No comment.

5.5 Other Environmental: -

6. Publicity:

Neighbour Notification letter	11	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: One third party response has been received. This objects to the proposal on the following grounds:

- Flats bring down the tone of the neighbourhood based on the occupants of certain other similar converted properties on the street
- The increase from 1 dwelling to 3 shall inevitably increase the numbers of vehicles parking on the street. There is no room for additional on-street parking. This property has no off-street parking
- This property development plans to destroy one of Derby's lower cost larger family sized city centre dwellings and propagate the trend for short term tenanted flat within the City Centre

B1 APPLICATIONS (cont'd)

4 Code No: DER/02/09/00098

The proposal was reported to the Chair of Planning Control Committee and the Ward Councillors through the current Chair's briefing note procedure. Councillor Hussain, requested that the application be placed before Committee. He raised concerns over increased traffic congestion and loss of the larger housing unit in an area where there are more extended families living together in overcrowded dwellings in this part of the ward, than anywhere else in the city.

... Copies of these two representations are attached.

8. Consultations: No external consultations were undertaken.

9. Summary of policies most relevant: The following adopted City of Derby Local Plan Review policies apply:

GD5 - Amenity
H13 - Residential development – general criteria
H14 - Reuse of underused buildings
T4 - Access, parking and servicing
T7 - Provision for cyclists

10. Officer Opinion: Although there are a number of dwellings along the street that appear to be in some form of multi-occupation use including one large property that seems to be some form of hostel, I don't consider there to be an over preponderance of such multi-occupational uses in the immediate locality.

The internal arrangements appear to be satisfactory and I believe that the proposals would be capable of forming 3 flats that would provide high quality living accommodation.

It is clear that there is no possibility of providing any on-site, off-street car parking spaces. The existing dwelling has no off-street car parking space available and the built up frontage does not allow any to be created. The site is located close to the City Centre, and is within easy walking distance of the centre, as well as being close to major bus routes. My Highways Officer has raised no objections to the proposal even though no additional car parking provision can be provided. The Parking Services Team are not aware of any parking concerns in the area. The provision of bicycle storage is welcomed and should encourage use of bicycles rather than cars.

In situations such as these where houses adjoin or abut other dwellings and are converted into flats there is an intensification of use that may give rise to some additional noise and disturbance to immediate neighbours as rooms at all levels are used as main living areas and

B1 APPLICATIONS (cont'd)

4 Code No: DER/02/09/00098

noise can affect all levels of the neighbouring property. In this case the two neighbouring buildings appear to be independent constructions and are not fully attached but are abutting each other, so I would expect there to be a greater degree of sound attenuation through the two adjoining walls than one might expect of a semi-detached dwelling. I don't consider that there would be reasonable grounds to refuse planning permission in this case on amenity grounds as a house of this size could quite easily be occupied by a large family that would have the same potential to create noise and disturbance as a multi-occupied dwelling.

I note the objectors' comments with regard to the nature of the occupants living in other properties in the street and the concern that this proposal would "bring down the tone" of the area. I don't consider that we are able to prejudge the nature of any future occupants of the development, and I don't consider that it would be appropriate to discriminate through the planning system against those people who through choice or by circumstance, seek to live in flats or apartments.

Indeed I believe that the increase in the household formation rate is, to a large extent, being driven by the needs of single people, as a result of changes to patterns of living, family break up etc.

Added to these considerations is the fact that there are no policies in the adopted City of Derby Local Plan Review that would support a refusal of planning permission based upon the "nature" of prospective occupants, nor is there any policy to retain large houses for single family accommodation. I therefore raise no objection to the proposal on policy grounds.

The objectors' comments with regard to parking provision have been addressed through the comment made by my Highways Officer who raises no objections to this proposal.

I do not consider that there is any justification to refuse planning permission on the grounds raised in the objector's letter and I recommend that planning permission be granted.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9 above. The proposal would be an acceptable form of development and use in this residential

B1 APPLICATIONS (cont'd)

4 Code No: DER/02/09/00098

area and should not result in any significant loss of amenity to neighbouring occupiers.

11.3 Condition

Before the use hereby approved is commenced, full details of bicycle parking and bin storage provision shall be submitted to and approved in writing by the Local Planning Authority. Any such details that may be agreed shall be implemented prior the use being commenced.

11.4 Reason

Standard reason E35 CDLPR ...Policy T7

11.5 S106 requirements where appropriate: None.

11.6 Application timescale: The statutory application period expired on 6 April, as a result of a late objection being received and a subsequent request being made by Councillor Hussain, to report this item to Committee.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

Type: Full

1. **Address:** 1 The Green, Mickleover (Ivy House Residential Home).
2. **Proposal:** Extensions and alterations to residential care home.
3. **Description:** Planning permission is sought to refurbish and extend this building which is included on the local list. The building dates from the early 19th Century with an earlier core and it has an L-shaped plan. The building enjoys a private rear garden which is enclosed by residential neighbours on two sides and a naturally screened boundary to the Hollow. To the south-western side of the building is an extension, of 1.5 storeys, which fronts the southern part of Ivy Court. The extension is rendered and includes dormer windows in the front and rear roof planes. It currently forms part of the residential care home but the internal floor levels, door thresholds and access arrangements are to a poor standard for a modern facility. I am advised by my officers in the Built Environment Team that the extension is evident on the 1901 Ordnance Survey map. It has been greatly altered and extended on the rear elevation, adding to the footprint and lowering the eaves, with the addition of dormers. The existing front elevation, which is visible from Ivy Court, has had a catslide extension and render applied but is otherwise identifiable as an historic ancillary building, which would originally have had horizontal sliding sash windows. It is estimated that the alterations to the extension would have been executed when permission was granted for the nursing home use in the early 1980s. The issue of built context for the extension is something which the agent has addressed in his submission and I will address in more detail in the 'officer opinion' section.

The proposals seek to upgrade the extension by extending the footprint and raising the pitched roof height to create an eaves fronted building to Ivy Court. The new ridge height of the extension would be stepped down from the main building and a single dormer is proposed for the rear roof plane. The proposal also includes the erection of a single storey extension which would be linked to the refurbished side extension and sited away from the characterful rear elevation of Ivy House. The proposed extension is sited off the boundary with the neighbour at no. 4A and it wraps around the south-eastern and south-western boundaries. The proposal accommodates a shallow mono-pitched roof and it includes principal windows to serve the new accommodation facing into the site. The rationale for the development is to enclose the private rear garden to enhance the quality of outdoor space for residents. The design of the extension is a contemporary idiom and it accommodates thermally efficient features. A protected Atlas Cedar currently dominates the rear garden space. Unfortunately, the tree will be removed as it is diseased. Ongoing discussions with one of the Council's Arborists have arrived at a suitable replacement for

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

that tree. The work is the subject of a separate TPO application and it is important to note that the tree is not being removed as a result of the siting of the proposed rear extension. A replacement Cedar with a 200mm root diameter would be replanted on the recommendation of our Arborist. A separate notification for works to fell a Beech tree at the front of the site has also been submitted. That tree is also diseased and needs to be removed for health and safety reasons. A member of the Council's Arboricultural Team will be present at the meeting to answer any questions about the health of these trees and the replacement planting options.

Minor modifications to the layout of the parking area to the front of Ivy House are also proposed.

4. Relevant Planning History:

As discussed in section 3 above:

DER/04/09/00353 – felling of Cedar tree (TPO application) – decision pending.

DER/04/09/00354 – felling of Beech tree (Notification of works to tree in a Conservation Area) – decision pending.

5. Implications of Proposal:

5.1 Economic: The proposed extensions and refurbishment would improve the care standards for residents and enhance the ongoing viability of this care home.

5.2 Design and Community Safety: The siting, alignment and scale of the proposed rear extension are considered appropriate for its context and would not result in the loss of character of the garden space as it would wrap around in an L-shape and allow for open garden space between it and the main building. The established use as a care home is also a considerable justification for the provision of accommodation that meets current healthcare standards and which if provided within the main building may result in appropriate alterations. The agent selected this approach to avoid intrusion into the main building itself. With these considerations in mind there are no over-riding objections to the form and scale of the proposed rear extension subject to the careful control of external materials. This can be achieved by condition. With regards to the alterations to the existing extension there is a debate about the nature of the proposal, the relationship of the extension to the main building and the context in which it sits. This issue is a concern of CAAC and is expanded upon in the 'officer opinion' section.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

From a community safety perspective the proposed rear extension would be sited in the rear garden and the orientation of the proposal would enclose and surveil the garden space. Obviously the applicant has a duty of care to ensure that residents live in safe and secure conditions and, in my opinion, the proposed layout of the new accommodation throughout the extended building would provide safe and secure surroundings.

5.3 Highways: The proposed site layout, as amended, is generally acceptable to my colleagues in Highways Development Control in terms of access arrangements and parking levels. Further minor modifications are required to the layout and these should be available by the meeting.

5.4 Disabled People's Access: The Building Regulations will secure accessible facilities. The provision of improved access throughout the building is a central component of this application to achieve DDA compliance. Access improvements within this application are included in part 4 of the submitted Design and Access statement.

5.5 Other Environmental: The issue of tree removal has been addressed previously in this report. The proposed extension includes a number of features to improve thermal efficiency and the recycling of rainwater is also proposed to serve toilets and laundry facilities. These features are environmentally sound and make good business sense.

6. Publicity:

Neighbour Notification letter	16	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: The original publicity process attracted seven letters of comment and objection. Two letters from residents on The Hollow concentrate primarily on the Beech tree which is causing those residents concern, given its age and health. The case officer discussed the issue of the Beech tree with the residents of no. 2 The Hollow at the start of the application process and this prompted closer investigations into the state and health of that particular tree. Residents on Ivy Court express concerns about drainage issues, the design components for the alterations to the extension which fronts Ivy Court, parking issues and civil issues relative to vehicle movements through Ivy Court during construction times. A letter of objection from 20 Welney Close

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

principally centres on the siting and perceived massing impact of the proposed rear extension.

As a result of these comments the agent and applicant hosted a meeting with residents of Ivy Court to allay certain fears. The agent also amended the site location plan red line as a result of confusion over the alignment of the boundary on Ivy Court and the position of a car parking space which serves no. 3 Ivy Court. As a result of the meeting three further letters have been received which welcome details about drainage arrangements but re-affirm concerns about certain access and design issues. Copies of all of these letters have been placed in the Members Rooms.

Any further representations will be reported orally at the meeting.

8. Consultations:

Arboriculture – the tree removal, subject of the separate applications, is necessary for health and safety reasons. The following conditions should be attached to any permission:

- a detailed landscape scheme showing species of trees to be planted and size
- a condition on thrust boring the drain through the root protection of the Beech tree (no. 6 on the submitted Arboricultural Survey Report)
- protective fencing to be erected prior to any work commencing on-site.

CAAC – The Committee objected to the proposal on the grounds that the design of both the modified extension and the new building are of an insufficient standard. The further alterations to the existing extension, including the large roof span, were considered to be too great a contrast in relation to character of the main building, with its historic arrangement of hipped roofs. No objection in principle was raised to the footprint of the proposed new building, but it was suggested that the design and materials should be amended to include robust materials that reflect the character of the area and do not starkly contrast.

STW – no objections subject to the imposition of a standard drainage condition.

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

GD2 - Protection of the environment

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

- GD3 - Flood protection
- GD4 - Design and the urban environment
- GD5 - Amenity
- H13 - Residential development – general criteria
- E9 - Trees
- E10 - Renewable energy
- E17 - Landscaping schemes
- E18 - Conservation areas
- E19 - Listed buildings and buildings of local importance
- E21 - Archaeology
- E23 - Design
- T4 - Access, parking and servicing

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

- 10. Officer Opinion:** I raise no objections in principle to the redevelopment of this site. Ivy House is an established residential care home which sits within the Mickleover Conservation Area. There are no land use policies which prevent the redevelopment of the site but there is a statutory duty to ensure that all development proposals preserve or enhance the special character of the Conservation Area. Ivy House is also locally listed and whilst this designation has no statutory protection there is a duty to ensure that development proposals respect the local historic interest of the building. The impact of the proposals on surrounding residential neighbours is also an important consideration.

The application essentially contains two component parts; namely the proposed single storey extension which is largely situated in the private zone at the rear of the site and the enlargement and refurbishment of the existing side extension which sits within the context of the Ivy Court residential development. The issue relative to tree felling and replacement planting has been addressed earlier in the report and I am satisfied that these issues can be reasonably addressed by conditions.

Single storey rear extension

I refer to my comments in part 5.2 of the report and to avoid repetition I will now look solely at siting and massing issues of the proposal. The proposed L-shaped extension would be sited approximately 1.2m from the side boundary of no. 4A Ivy Court and the side boundary of no. 20 Welney Close. The existing land levels on the site fall from the raised level at the rear of the main building to the side boundary with no. 20 Welney Close by approximately 2m. The side boundary with no. 20 Welney Close currently accommodates a 2m high brick wall and the proposed extension would stand approximately 2.5m above that wall at

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

its highest point. Given that the interior of the proposed extension would accommodate a corridor facing the boundary with no. 20 Welney Close the residents of that neighbouring property would view the upper sections of 4 vertical windows. Those windows do not serve habitable accommodation and could be obscure glazed to prevent overlooking. No. 20 Welney Close stands perpendicular to its side boundary and when considering the perceived massing impact of the proposed extension there needs to be regard to the aspect of the site. No. 20 Welney Close is situated to the south-east of the application site and the property has a sizeable rectangular rear garden which is east / north-east facing. That rear garden is approximately 36m in depth at its longest point from the rear elevation of the property. Given the nature of the proposal, it's siting from the side boundary with no. 20 Welney Close and the characteristics of that neighbouring property; I am satisfied that, whilst the proposal would be readily visible above the existing boundary wall, it would not be excessively overbearing so as to cause the residents of no. 20 Welney Close undue harm. No. 4A Ivy Court is situated to the south-west of the application site and the property benefits from a south facing rear garden which is approximately 18m in depth at its longest point. The proposed rear extension would sit a maximum of 2.7m above the existing 1.8m side boundary fence at the bottom south-west corner of the application site. In overlooking terms the rear garden of no. 4A Ivy Court would only be affected by the top section of 2 vertical windows located at the bottom south-west corner of the application site. Those windows serve a corridor and could be obscure glazed. I consider that a certain amount of enclosure of the rear garden of no. 4A Ivy Court would be created by the proposal. However, I am satisfied that such an enclosure would not be to an unreasonable degree and there are no overall massing or overlooking concerns to address in this case. Aside from these 2 neighbouring properties the single storey rear extension does not, in my opinion, impact on any other neighbours in terms of siting and massing considerations. I, therefore, consider that the siting, mass and design rationale for the proposed single storey extension are acceptable in this context.

Alterations and refurbishment of the side extension

The existing extension on the south-west side of the building presents itself primarily to Ivy Court. The footprint of the extension sits at an angle to the main building and the front elevation of the extension is set back from that of the main building. Reference to the submitted OS plan and site layout drawing show the relationship. The existing extension has an asymmetric roof and the front roof plane accommodates 2 dormer windows. It is currently not in the best state of repair and the internal accommodation does not serve the modern

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

standards of a care home by virtue of inadequate door thresholds and level changes. The proposal seeks permission to enlarge the footprint of the extension at the front and increase the eaves height by approximately 0.65m to create an eaves fronted building. It is also proposed to raise the roof ridge height by approximately 0.5m. The resultant building would have a modest front elevation design with a single cottage style door and 2 small windows at ground level. It is proposed to accommodate 4 roof lights in the front roof plane and a single mono-pitch dormer would be included in the rear roof plane to accommodate the head room for 3 bedrooms. The rear dormer would replace 3 existing smaller dormer windows. The proposal would be finished with rendered walls and a grey slate roof. In my opinion, the alterations to the principal front elevation of the extension are acceptable in the context of Ivy Court, in view of its relatively simple form, scale and materials. The agent has supplemented his Design and Access statement following the report to CAAC and, in this case, I largely agree with his sentiments. He states that... 'the elevation to Ivy Court cannot be read with Ivy House as contextually it forms part of the Court, not the house. The Court consists of converted barns with simple elevations and all are rendered apart from no. 5 which is a more recent addition'. The proposed extension would, in my opinion, remain subservient to the main building and visually it would be commensurate with the Ivy Court context. I am satisfied that the additional mass of the extension relative to no. 4A Ivy Court is acceptable given the form of the existing relationship with that neighbour and there are no overlooking problems to address, particularly at the rear, in view of the existing form of the extension. I am satisfied that, with control over external materials, the alterations to the extension would generally enhance this part of the Conservation Area. The proposed development would not, in my opinion, detract from the setting and character of the main building which principally presents itself as a component part of The Hollow.

Access issues

The proposed car parking arrangements at the front of the main building are acceptable subject to minor changes to the layout which should be secured by the meeting. Some of the objectors have raised concerns about rights of access across Ivy Court to implement any development and disruption to residential amenities that may occur during construction works. The former issue is a civil matter that would need to be addressed between the applicant and his neighbours and the latter is something Members could control by condition if they felt it appropriate in this location.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

Drainage issues

In accordance with the principles outlined in PPS 25 the development should effectively accommodate sustainable surface water drainage solutions. This could include permeable ground surfaces and roof treatments and / or grey water harvesting systems – which are proposed in this submission. The standard condition is recommended to achieve this objective. The objectors have highlighted drainage problems in this area which the agent has sought to address during the life of the application. Members are, however, aware that the proposed development should seek to address its own drainage requirements and this application is not the opportunity to address wider drainage problems that may already exist in the area. Nonetheless, should Members be minded to grant permission, an advisory note could be included on the decision notice to focus the developer's attention on the drainage condition and the requirements of PPS 25.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 and the proposal is an acceptable form of development in siting, design and access terms in this Conservation Area context.

11.3 Conditions

1. Standard condition 27 (details of external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 20 (landscaping within 12 months)
4. Standard condition 22 (protection of landscaping)
5. Standard condition 24A (vegetation – protection incl. overhanging)
6. Standard condition 51 (service runs and trees)
7. Standard condition 30 (surfaces to be drained, surfaced etc)
8. Standard condition 38 (disposal of sewage – details)
9. Before any development is commenced the following details shall be submitted to and agreed in writing by the Local Planning Authority:
 - a) the nature of 'thrust boring' the drain through the root protection of the Beech tree (no. 6 on the submitted Arboricultural Survey Report); and,

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00004

- b) the precise location and type of protective fencing to be erected and retained during the period of construction works.

The agreed details shall be implemented in the execution of the development hereby approved.

- 10. Standard condition 09A (revised plans received on 19 February 2009 and ****)
- 11. The windows to serve the corridor in the side elevations of the proposed single storey rear extension, which face no. 4A Ivy Court and no. 20 Welney Close, shall be obscure glazed and retained as such thereafter. The degree of obscuration shall be agreed in writing by the Local Planning Authority before these windows are installed.

11.4 Reasons

- 1. Standard reason E14...policies E19, E23 and H13
- 2. Standard reason E09...policies GD5, H13 and E23
- 3. Standard reason E09...policies E17 and H13
- 4. Standard reason E09...policies E17 and H13
- 5. Standard reason E32...policy E9
- 6. Standard reason E32...policy E9
- 7. Standard reason E21...policies GD3 and H13
- 8. Standard reason E21...policies GD3 and H13
- 9. Standard reason E32...policy E9
- 10. Standard reason E04
- 11. Standard reason E07...policy GD5

11.5 S106 requirements where appropriate: None.

11.6 Application timescale: If the application is determined at the meeting it will be determined and dispatched within the statutory period which expires on 6 May.

Code – DER/01/09/00004



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B1 APPLICATIONS (cont'd)

6 Code No: DER/309/00317

Type: Full

1. **Address:** 220 Chellaston Road
2. **Proposal:** Extension to dwelling house (breakfast kitchen, and bedroom.)
3. **Description:** This application is being reported to committee as a matter of propriety as the applicant is employed in my department and it would be inappropriate for the decision to be made under my delegated powers.

The application is for the erection of part single storey and part double storey extension at the rear of an existing two storey semi-detached dwelling house. The house stands on the western side of Chellaston Road just south of its junction with Carlton Avenue. It would appear to date from around the mid 1930s and is a fairly typical inter-war semi-detached dwelling. The area is principally residential in character with houses of mixed types, both detached and semi-detached in the immediate vicinity. Across the road stands The Golden Pheasant Public House and restaurant.

The house is semi-detached with 218 Chellaston Road on its northern side. To the immediate south is another semi-detached dwelling at 222 Chellaston Road. There were originally driveways to both houses lying between the application premises and 222 Chellaston Road, but a single storey lean to extension has been added to the side of 222, which appears to be a car port.

At the rear of the application premises is a small outbuilding (possibly an original fuel store) that stands on the boundary with its attached neighbour. This is duplicated on the neighbour's side and both fuel stores are attached to each other.

The proposal is for an extension across almost the full width of the rear of the existing dwelling which would require the removal of the fuel store. Where the extension is closest to the boundary with its adjoined neighbour, the extension would be single storey with a low angle mono-pitched roof. Where the extension is further from the boundary the extension becomes two storey in height with a hipped roof.

The overall foot print of the extension would be about 3.3 metres rearward projection and a width of about 5.6 metres. The external materials are intended to be matching red brickwork for the walls and matching plain red clay tile for the main roof. The lean to roof would be glazed.

B1 APPLICATIONS (cont'd)

6 Code No: DER/03/09/00317

A new window opening would be formed on the first floor side elevation to serve the existing bath room. This is being shown as obscure glazed.

4. Relevant Planning History: None.

5. Implications of Proposal: -

5.1 Economic: -

5.2 Design and Community Safety: The proposed extension is in keeping with the design of the existing dwelling.

5.3 Highways: -

5.4 Disabled People's Access: -

5.5 Other Environmental: -

6. Publicity:

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

7. Representations: None.

8. Consultations: -

9. Summary of policies most relevant: Adopted City of Derby Local Plan Review policies:

GD4 - Design and urban environment
GD - Amenity
H16 - House extensions
T4 - Access, car parking and servicing.

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

10. Officer Opinion: This proposal is for a quite modest rearward extension to this established dwelling house. The extensions are wholly at the rear of the existing dwelling so will hardly be visible from the publicly accessible areas of the fronting highway and so will have little visual impact on the wider area. Design wise it is a very conventional

B1 APPLICATIONS (cont'd)

6 Code No: DER/03/09/00317

design solution to the problem of extending a semi-detached dwelling in a way that does not impact significantly on the amenity of its attached neighbour through massing, overbearance or enclosure. The two storey element of the extension has been positioned so that it does not intrude into the 45 degree zone of the outlook of habitable rooms of either neighbouring dwelling.

The proposal will involve the removal of one half of the co-joined fuel stores that straddle the boundary between the two halves of the semi detached pair, which will have some impact on the neighbours half although this is not a planning consideration but one of individual owners property rights. The proposal seems to deal with that matter in a reasonable manner.

The new side facing window would be obscure glazed so there should be no significant loss of privacy to neighbouring properties from this.

I consider that the proposal is acceptable and can see no grounds to withhold planning permission in this case.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with a condition.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations and is considered acceptable on design and amenity grounds subject to the condition imposed.

11.3 Condition

The materials to be used on the external surfaces of the development shall match as closely as possible those materials used on the original dwelling.

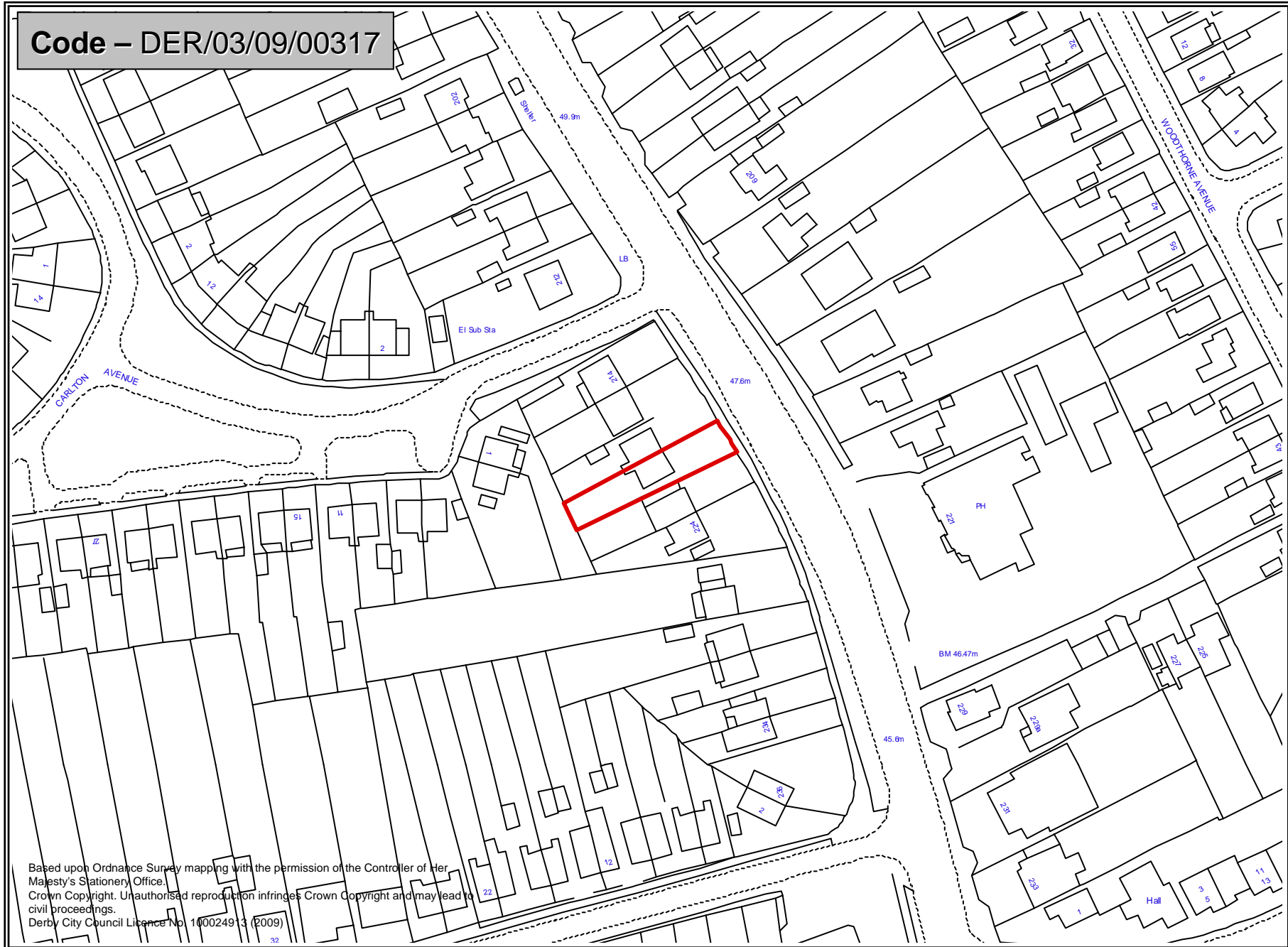
11.4 Reason

In the interests of visual amenity....policies H16/E25

11.5 S106 requirements where appropriate: None.

11.6 Application timescale: If the application is determined at the meeting it will be determined within the statutory period, which expires on 25 May 2009.

Code – DER/03/09/00317



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