

Applications to be Considered

SUMMARY

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

RECOMMENDATION

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

REASONS FOR RECOMMENDATION

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

SUPPORTING INFORMATION

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

OTHER OPTIONS CONSIDERED

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

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead 24/06/2014
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

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Appendix 1

Development Control Report



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2	7 - 17	01/14/00044	East Midlands Nuffield Hospital, Rykneld Road, Littleover	Erection of two storey 74 bed care home (Use Class C2) including ancillary accommodation - variation of condition no.'s 2, 3, 4, 6, 7, 12, 15 and 17 of previously approved planning permission DER/11/11/01322.	A. To authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal and Democratic Services to enter into such an agreement. B. To authorise the Director of Planning and Property Services to grant permission upon conclusion of the above Section 106 Agreement.
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		12/13/01515	Long and West Mills, Darley Abbey Mills, Darley Abbey	Internal alterations in connection with change of use of mill buildings from light industrial use (Use Class B1) to hospitality venue within West Mill (Use Class D2) and office accommodation within Long Mill (Use Class B1)	To grant consent conditionally
10	82 - 113	08/13/00957	Land at corner of Harvey Road/Coleman Street, Derby	Erection of a retail foodstore (Use Class A1) and formation of car parking area and landscaping.	<p>A. To authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.</p> <p>B. To authorise the Director of Planning and Property Services to grant permission upon conclusion of the above Section 106 Agreement.</p>

Committee Report Item No:1

Application No: DER/04/14/00548

Type: Full

1. Application Details

Address: 17 Colwyn Avenue, Derby

Ward: Abbey

Proposal:

Two storey side extension and single storey rear extension to dwelling house (garage, shower room, kitchen/sitting/dining room, bedroom and en-suite) and formation of rooms in the roof space (bedroom and en-suite). Amendment to previously approved application, case no. DER/10/12/01167

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96334>

Planning permission was granted in 2013 for a two storey extension to the side and a single storey extension to the rear of this semi-detached property. This application seeks to make amendments to that permission as follows:

- Centralising the garage door (front elevation)
- Reduce the size of the ground floor shower room (side elevation facing boundary with 15 Colwyn Avenue)
- Reposition kitchen door to the side (side elevation facing 15 Colwyn Avenue)
- Sitting/dining room window /door measurements adjusted to as built (rear elevation)
- Brickwork to first floor gable in lieu of render (front elevation)
- Double door to front of the house (front elevation)
- Bedroom 5 omitted and replaced by en-suite, window therefore obscure glazed rather than clear. (Rear elevation)
- The boundary wall between 17 and 15 Colwyn Avenue is to be raised in height by the addition of 600mm of trellis

Work to implement planning permission DER/10/12/01167 is on-going and this application has been submitted to accommodate changes to the approved plans.

The applicant's property is located on the south western side of Colwyn Avenue. To the north west of the site, Colwyn Avenue accommodates a fairly regimented pattern of semi-detached dwellings along both sides of the street. The pair of semi-detached dwellings to the south east of the site are located on a tight bend in the road, hence are at an angle to the application property.

The attached semi is 19 Colwyn Avenue and the other immediately neighbouring property is 15 Colwyn Avenue which is set at an angle to the applicant's property. Land levels sharply drop to the south east of the applicant's property so that 15 Colwyn Avenue is built at a significantly lower level. The shared boundary with 15 Colwyn Avenue is marked by an existing boundary wall. A fence separates 17 Colwyn Avenue from 19 Colwyn Avenue.

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Type: Full

As part of the process of dealing with this application, concerns have been raised about the height of the single storey rear extension. Indeed, on measuring the extension, the side elevation near to 19 Colwyn Avenue is taller than approved whilst the rest of the rear elevation wall is built in accordance with approved plans. The agent and applicant have explained that the part of the side elevation wall that is taller than approved has been built in error. The intention is to remove the bricks that are higher than approved and build to the approved height.

2. Relevant Planning History:

DER/03/12/00379 – Demolition of conservatory/store. Two storey extension to dwelling house (garage, shower room, kitchen/sitting/dining room, 2 bedrooms and 2 en-suites) and formation of rooms in roof space (bedroom and en-suite)– *Refused due to impact of massing upon 15 Colwyn Avenue.*

DER/10/12/01167 -Two storey side extension and single storey rear extension to dwellinghouse (garage, shower room, kitchen/ sitting/dining room and 2bedrooms) and formation of rooms in roof space (bedroom and en-suite)– *Granted permission*

3. Publicity:

Neighbour Notification Letter

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

4. Representations:

5 letters of objections have been received making the following comments;

- The extension should not have been granted in the first place;
- The proposed door on the side elevation would unacceptably affect privacy at 15 Colwyn Avenue, exacerbated by land levels;
- The extension and proposed side door would set a precedent for similar, harmful development;
- The development should have been carried out in accordance with the approved plans;
- Any increase in height of the boundary wall would have harmful enclosing and massing effects at 15 Colwyn Avenue
- The roof of the single storey extension affects light into 15 Colwyn Avenue.

Neighbours have been further notified of proposed change to the boundary wall, with addition of trellis, between 17 and 15 Colwyn Avenue. Committee will be updated orally of any further objections received.

As part of the process of dealing with this application, concerns have been raised about the height of the single storey rear extension. Indeed, on measuring the extension, the side elevation near to 19 Colwyn Avenue is taller than approved whilst the rest of the rear elevation wall is built in accordance with approved plans. The agent and applicant have explained that the part of the side elevation wall that is taller than approved has been built in error. The intention is to remove the bricks that are higher than approved and build to the approved height.

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5. Consultations:

None.

6. Relevant Policies: *Saved CDLPR policies*

H16	Housing Extensions
GD4	Design and the Urban Environment
GD5	Amenity
T4	Parking and Servicing

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

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

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

7. Officer Opinion:

Key Issues:

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

- Impact upon residential amenities
- Impact upon visual amenities and design

Impact upon residential amenities

I consider that the following aspects of this application do not have an adverse impact upon residential amenities:

- Centralising the garage door (front elevation)
- Reduce the size of the ground floor shower room (side elevation facing boundary with 15 Colwyn Avenue)
- Sitting/dining room window /door measurements adjusted to as built (rear elevation)
- Brickwork to first floor gable in lieu of render (front elevation)
- Double door to front of the house (front elevation)
- Bedroom 5 omitted and replaced by en-suite, window therefore obscure glazed rather than clear. (Rear elevation)

The alterations to the approved plans would not change the mass of the building and I am satisfied that there would not be any additional significant adverse effects of massing or associated loss of light.

With regards to the repositioning of the kitchen door to the side elevation facing 15 Colwyn Avenue, because of the change in land levels, the door will be visible from the neighbouring property over the top of the shared boundary wall. Work on site shows where the door would be and photographs taken from 15 Colwyn Avenue demonstrate the extent of what would protrude over the wall. I note comments from

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objectors that the door would represent an unacceptable intrusion into privacy at 15 Colwyn Avenue but in view of the fact that the agent and applicant have confirmed that they would be happy to insert obscure glazing into the door (and this could be secured by condition) I do not feel that the relationship between the properties would be wholly unusual or unreasonable. Objectors have also commented verbally to me that the door could be left open, thus providing clear views between the properties. However, the door does not constitute a principle opening and the potential for it to be opened would not, result in a significant loss of privacy, which in my view does not represent sufficient justification for refusing this application.

The proposed increase in the boundary treatment between 17 and 15 Colwyn Avenue would involve addition of 600mm of trellis. Following discussions with the agent, in which I expressed concern about the massing implications of using breeze block to increase the height, the agent has suggested use of the trellis. This would provide safety for pedestrians, particularly children walking alongside the boundary whilst at the same time, reducing the massing and enclosing effects that a taller breeze block wall, right on the boundary, would have created for residents at 15 Colwyn Avenue. I consider that the trellis does provide a much less overbearing solution.

Visual amenities

None of the proposed amendments would, in my view, make a significant impact upon the character and appearance of the house, or cause any significant, adverse impact upon the character and appearance of the local street scene.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions. .

Summary of reasons:

The proposal is considered acceptable in Planning Policy terms in regards to design, visual amenity and residential amenity.

Conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1D and 2D and 4.
3. Any glazing within the kitchen door that faces 15 Colwyn Avenue shall be obscure glazed and permanently maintained as such.

Reasons:

1. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt
3. In the interests of residential amenities and in accordance with saved policy H16 of the adopted CDLPR

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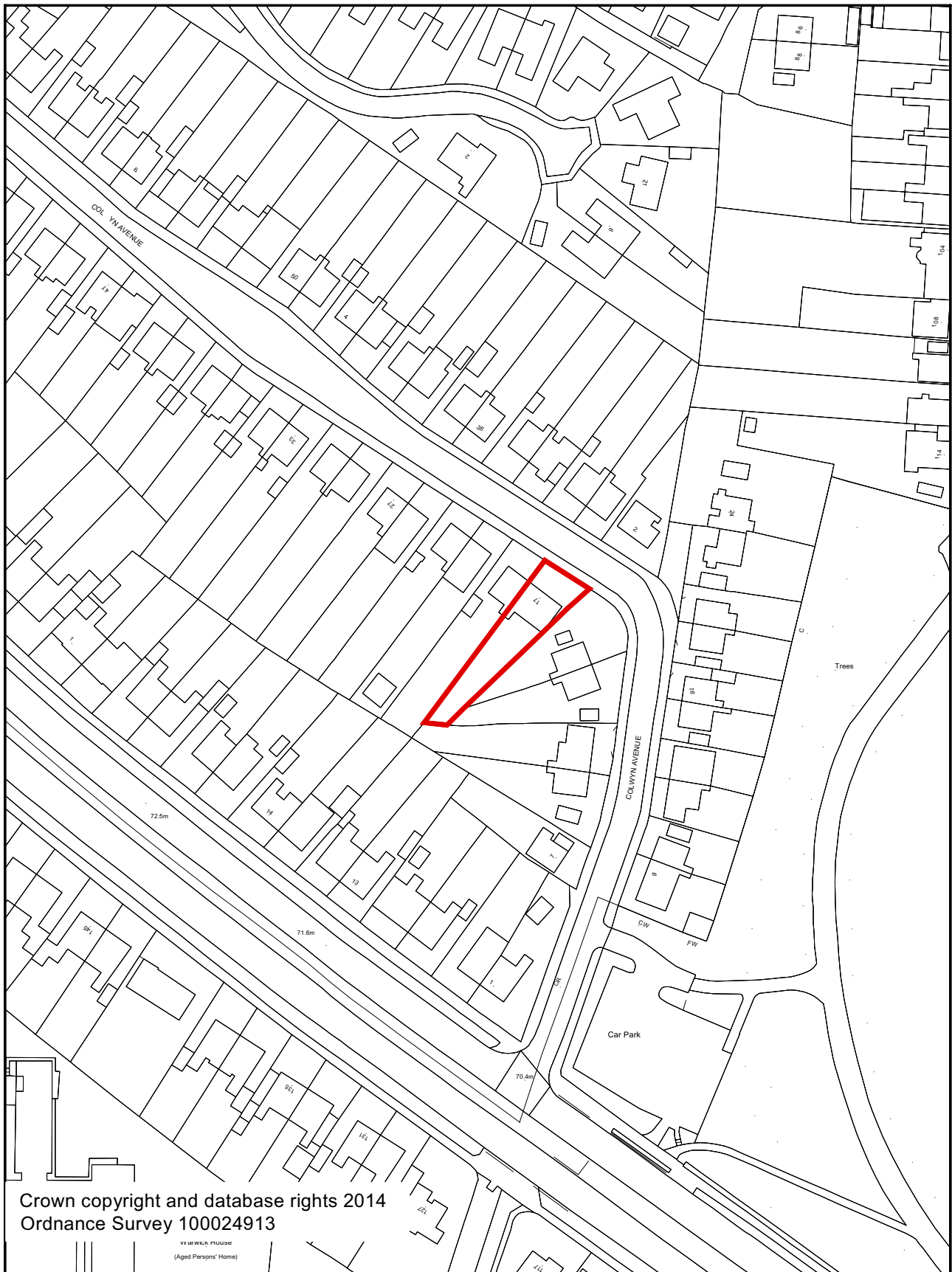
Type: Full

Informative Notes:

1. Attention is drawn to the need to build in accordance with approved plans. In particular the discrepancies in height of the single storey rear extension must be rectified so that this part of the extension matches the approved plans.

Application timescale:

The application target date expired on 18th June 2014.



Committee Report Item No:2

Application No: DER/01/14/00044

Type: S73 (Variation of condition)

1. Application Details

Address: East Midlands Nuffield Hospital, Rykneld Road, Littleover

Ward: Littleover

Proposal:

Erection of two storey 74 bed care home (Use Class C2) including ancillary accommodation - variation of condition nos. 2, 3, 4, 6, 7, 12, 15 and 17 of previously approved planning permission DER/11/11/01322.

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95794>

The application site is located within the suburb of Littleover to the south-west of Derby. It is accessed from Rykneld Road which runs along the western boundary. The northern portion of the wider site is occupied by Nuffield Hospital, a private medical facility which is set within fairly extensive grounds. The site is surrounded to the east and southeast by modern residential properties. The south-western boundary abuts Heatherton District Centre.

In July 2012 permission was granted for the erection of a two-storey 74 bed residential care home on the site (use class C2). A facility which will provide a combination of care services for the elderly and people with a variety of disabilities and dementia needs. Construction of the care home is underway, but the precise design of the building has been altered to avoid existing below ground water attenuation, make better use of the site and provide a much more functional layout. This Section 73 application seeks permission for amendments to the design and layout of the scheme and also includes additional supporting information to discharge conditions (numbers 3, 4, 6, 7, 12, 15 and 17) on the original permission.

The location of the care home building remains unchanged from the approved development. It would still be erected in the south-eastern corner of the Nuffield Hospital site, an area which had previously been landscaped grassland and contained several groups of trees. As per the earlier permission the development would still provide 74 bedrooms over two-storeys. Internally the care home would be split into wings of accommodation with associated ancillary facilities such as dayrooms and dining rooms. To the south of the building a garden/recreational area are proposed and first floor terrace.

The changes to the development include the precise footprint of the building, which has been subtly altered but occupies a very similar footprint to the approved scheme, and the overall height of building, which has increased slight to a maximum of approx. 10.2m (an increase from approx. 8.9m). The building would be slightly longer and wider, measuring approximately 108m in length, by 28m at its widest point. Externally, elevational treatment is a mixture of brick with rendered panels and concrete plain tiles are proposed on the roof. The main roof of the building would be hipped and the elevations would be broken up with the use of two-storey gables. The principle entrance on the northern elevation would be defined by a two-storey gable with a glazed entrance feature

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The development is to be served by the existing vehicle access into the Nuffield Hospital site from Rykneld Road. The revised proposal involves some widening of the existing internal service road and provision of a new access road to serve the development. An area of car parking is proposed to the east of the care home which would provide 28 car parking spaces, including 2 disabled spaces. Service facilities, such as kitchen, and laundry located are to be located adjacent to the car park. Bin storage facilities, a maintenance store and covered cycle shelter are proposed within the car park.

2. Relevant Planning History:

DER/11/11/01322 - Erection of two storey 74 bed care home (Use Class C2) including ancillary accommodation – conditionally granted – 13/02/2012

3. Publicity:

Neighbour Notification Letter - 37

Site Notice

Statutory Press Advert

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

4. Representations:

5 objections have been received which centre on the following:

- Loss of privacy
- Noise and time of works
- Reduction of property values
- Loss of green area
- Concerns about the height of boundary treatment and location of smoking shelters
- The tall building will intrude on views for residents of Rossington Drive
- Car parking will cause noise and disturbance, possibly at night
- This development, coupled with the proposed estate planning for further down Rykneld Road, will result in a continuous swathe of development virtually to the edge Derby

5. Consultations:

Highways DC:

No objections to the variation of conditions.

Natural Environment:

The loss of trees as identified on the revised Tree Removal and Protection plan is unfortunate, particularly as the original approved layout retained all these trees. As these trees, however, are located within the grounds of the Derby Nuffield Hospital they have limited public amenity value and as such I have no objections to their loss, subject to the usual standard tree conditions and mitigation for their loss in the

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landscaping proposals, which should reflect the advice given in the summary of the Habitat Survey and Protected Species Assessment, originally submitted with application 11/11/01322.

DCC Archaeologist:

With regard to archaeological condition 12, the applicant has submitted a WSI for archaeological evaluation of the site, and the fieldwork has been carried out with negative results. I therefore recommend that the applicant has discharged the pre-commencement part of the condition 12(a). The remaining parts 12(b) and 12(c) should be retained until the relevant reports are submitted.

Environment Agency:

I refer to the above variation of condition application received with your covering letter dated 23 January 2014; to the meeting held with Mark Craven of Cameron Darroch Associates on 28 March 2014; and to the additional drainage information received on 3 April 2014.

The Environment Agency has NO OBJECTIONS to the variation of conditions 15 (surface water drainage) and 17 (land contamination) of permission 11/11/01322 subject to information relating to intrusive investigative works being sent to the Environment Agency as they become available.

6. Relevant Policies: *Saved CDLPR policies*

GD2	<i>Protection of the Environment</i>
GD3	<i>Flood Protection</i>
GD4	<i>Design and the Urban Environment</i>
GD5	<i>Amenity</i>
H13	<i>Residential Development - General Criteria</i>
E5	<i>Biodiversity</i>
E9	<i>Trees</i>
E7	<i>Protection of Habitats</i>
E10	<i>Renewable Energy</i>
E13	<i>Contaminated Land</i>
E17	<i>Landscaping Schemes</i>
E21	<i>Archaeology</i>
E23	<i>Design</i>
E24	<i>Community Safety</i>
T4	<i>Access, Parking and Servicing</i>
T7	<i>Provision for Cyclists</i>
T10	<i>Access for Disabled People</i>
T1	<i>Transport Implications of New Development</i>

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

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

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

7. Officer Opinion:

Key Issues:

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

- Land use policy issues
- Design/layout/Impact on the streetscene
- Impact upon the amenity of neighbouring residents
- Highway safety, parking and transport
- Arboricultural Issues
- Drainage and Flood Risk

Land Use Policy

The site is not allocated for any specific use within the adopted Local Plan Review and, although situated close the edge of the City, it is still within a sustainable location which is easily accessible by car, public transport, bicycle and on foot. It is also considered to be previously developed land as defined within the NPPF.

The principle of the development on this site has already been established through the earlier permission on the site and there are considered to be no justifiable reasons to withhold permission based on land use policy issues alone.

Ultimately the provision of a new residential care home would help meet the City Council's aspirations of achieving this type of supported accommodation within the City and would complement the existing medical facilities provided by the Nuffield Hospital.

Design/layout/Impact on the streetscene

The proposed care home would be split into wings, with every wing and floor arranged as small independent living units specifically designed to optimise staffing levels and meet each of the resident's individual needs and demands. The internal spaces created are acceptable in terms of size, outlook and light and the proposal would clearly create a high quality living environment for future residents.

Whilst the external appearance of the care home is fairly simplistic and functional, the use of differing materials creates visual interest and help to break up the building's elevations. A variety of features such as table-top roofs, projecting gables and corner features have been included within the revised scheme, to break up the elevations and to reduce the height of building. The hipped design of the building's main roof would also assist in reducing its scale and mass, and the glazed, angled, two-storey lobby creates a legible entrance feature. Although the design of the building is not considered to be ground-breaking, it is of a style and form would not be out of context with surrounding built development in the area.

As the development site is set back from Rykneld Road there would be little impact upon the character of the streetscene here. The completed development is likely to be partially visible from Hollybrook Way and Cranhill Close, to the south, and Rossington Drive, to the east, however, it would not be unduly prominent and any long distance views should be softened by new and retained trees around the site

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boundaries. Overall, the proposed care home building is acceptable in terms of its design and would not be detrimental to the character and appearance of surrounding locality. Accordingly the proposal is considered to comply with saved policies GD4 and E23 of the CDLPR.

Impact upon the amenity of neighbouring residents

The nearest residential properties are those situated to the east on Rossington Drive, whose rear boundaries are approximately 15m away from the position of the care home building. Whilst the revised scheme takes the footprint of the building slightly closer to these houses, it would still provide a distance of approximately 27m between the first floor windows within the care home's eastern elevation and the rear elevations of properties along Rossington Drive.

The revised scheme would also provide approximately 47m between windows within the rear elevations of properties along Cranhill Close(to the south) and approximately 32m to the nearest garden boundary to the south. Although the revised scheme includes a first floor terrace within its southern elevation, given the distances involved, there should be no significant concerns with regards overlooking, or general loss of privacy. Moreover it is considered that the development would not result in any loss of amenity to neighbours through massing/overbearing impact, or loss of light.

A number of the neighbour letters object to the loss of the green space, the loss of trees and the loss of a view. Whilst the loss of a view is not a material planning consideration, in order to address concerns regarding loss of trees, an amended landscaping plan (drawing no: 920 rev: A) has been submitted which shows additional tree planting in the south-eastern corner of the site.

It should be noted that the trees within this area of the site are not protected and therefore could be removed without planning permission. The majority of tree/scrub removal which has already been completed within the development site thus far is required to ensure surface water can get into an existing culvert close to the site boundary.

It is acknowledged that the proposal would see the introduction of car parking close to the rear of dwellings on Rossington Drive and, although this is not ideal, a 2m wide grass buffer is to be provided together with additional planting along the boundary. Officers are satisfied that any impact upon the amenity of these dwellings would not cause significant harm. A bin store and maintenance store to be provided, but any additional structures, such as smoking shelters, within the curtilage of the care home building would require planning permission in their own right.

Overall, in terms of its impact upon neighbouring residents the revised scheme is considered to be acceptable and would comply with the general requirements of saved policy GD5 of the adopted CDLPR. The proposal would also reasonably comply with saved policy H13 in terms of providing a satisfactory living environment.

Highway safety, parking and transport

The development would provide a total of 28 off-street parking spaces including 2 disabled parking bays for residents, staff and visitors. A covered cycle shelter for 10 cycles is also proposed. This area of the site would be accessed via the existing vehicle entrance on Rykneld Road and the hospital's internal access road.

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The initial care home application on the site was accompanied by a Transport Assessment and a draft Travel Plan, which were fully assessed by the Transportation Team. No objections were raised in respect of the access, parking or turning associated with the proposal and a final Travel Plan is to be secured by condition. The level of car parking proposed is considered to be sufficient to serve the needs of the development, without causing unacceptable additional on-street car parking. In view of this the proposal is considered to comply with saved policies T1 and T4 of the CDLPR.

Arboricultural Issues

As discussed above, the development will result in the loss of some of the trees within the development site, but they are not considered to be of sufficient amenity value within the wider area to warrant formal protection. The updated landscaping plan includes additional compensatory planting. The bank of protected trees located either side of the site entrance on Rykneld Road (covered by G2 of TPO no: 18) will be unaffected by the development. The proposal is considered to reasonably comply with the requirements of saved policy E9.

Drainage and Flood Risk

The site is located outside of the 1 in 1000 year floodplain as indicated on the Environment Agency's floodmaps and, therefore, is defined as having a low risk of fluvial flooding by the Environment Agency. As this is a major development, the application is accompanied by a Flood Risk Assessment. During the course of the application additional drainage information has been submitted by the applicant. Following receipt of these details the Environment Agency has confirmed that it is happy with the surface water drainage details.

Other Issues

The original application was accompanied by an Ecological Survey. Derbyshire Wildlife Trust was consulted and was not aware of any substantive nature conservation interest at the site and raises no objections on the grounds of nature conservation/biodiversity. Officers are satisfied that the revisions to the scheme now proposed would not have an additional impact upon nature conservation interests.

Conclusion

It is considered that the proposed development would create a satisfactory living environment for future residents and would assist in fulfilling the City Council's aspirations of providing varied types of residential facilities within the City. The development is acceptable in terms of its scale, siting and form and would not unduly impact upon the amenity of neighbours, or the character of the surrounding area. Sufficient off-street car parking would be made available and there are no adverse highway safety issues resulting from the development. The proposal would not impact upon any of the protected trees on the site and would be acceptable in terms of drainage. Accordingly the revised scheme is considered to reasonably comply with the Local Plan Policies listed above and it is recommended that planning permission is granted.

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8. Recommended decision and summary of reasons:

- A.** Subject to there being no substantive adverse comments received during the extended neighbour notification period **to authorise** the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and **to authorise** the Director of Legal and Democratic Services to enter into such an agreement.
- B. To authorise** the Director of Planning and Property Services to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

It is considered that the proposed development would create a satisfactory living environment for future residents and would assist in fulfilling the City Council's aspirations of providing varied types of residential facilities within the City. The development is acceptable in terms of its scale, siting and form and would not unduly impact upon the amenity of neighbours, or the character of the surrounding area. Sufficient off-street car parking would be made available and there are no adverse highway safety issues resulting from the development. The proposal would not impact upon any of the protected trees on the site and would be acceptable in terms of drainage.

Conditions:

1. Standard 3 year time limit for implementation
2. Standard approved plans reference:
 - Site Location Plan (drawing no: 3885-01-EX01 A)
 - Proposed Site Plan (drawing no: AL(9) 901 rev: C) – excluding landscaping/external paving areas which are now superseded by landscape drawing no: AL(9) 926 rev: A
 - Proposed Site Location Plan Showing Road Widening (drawing no: AL(9) 995 rev: C) – excluding landscaping/external paving areas which are now superseded by landscape drawing no: AL(9) 926 rev: A
 - Proposed Elevations (drawing no: AL(0)020 rev:A)
 - Proposed Floor Plans (drawing no: AL(0)010 rev: C)
 - Detailed Landscaping Proposals (drawing no: 920 rev: C)
 - Tree Removal and Protection (drawing no: AL(9)926 rev:A)
 - Cycle Shelter & Bin Store (drawing no: AL(9) 905)
3. Condition controlling external materials
4. Condition controlling boundary treatment
5. Condition controlling surfacing and laying out of car parking
6. Condition controlling tree protection measures
7. Condition controlling service runs in relation to trees
8. Condition controlling disabled access
9. Condition controlling the provision of disabled parking
10. Standard travel plan condition

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11. Condition controlling the timescale for landscaping
12. Archaeological work condition
13. Condition controlling details of any external lighting
14. Condition requiring the implementation of the development in accordance with the approved Flood Risk Assessment
15. Condition controlling the provision of a surface water drainage scheme for the site
16. Condition requiring the development to be carried out in accordance with the submitted Habitat Survey and Protected Species Assessment
17. Contaminated land condition – Phase 1 survey
18. Contaminated land condition – Phase 11 site investigation
19. Contaminated land condition–remediation method statement
20. Contaminated land condition – implementation of approved remediation scheme
21. Condition controlling the provision of cycle store and bin store

Reasons:

1. To conform to Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To safeguard and enhance the visual amenities of the area and in accordance with saved policies GD4 and E23 of the adopted City of Derby Local Plan Review.
4. To safeguard and enhance the visual amenities of the area and in accordance with saved policies GD4 and E23 of the adopted City of Derby Local Plan Review.
5. To ensure the provision of satisfactory drainage arrangements and in accordance with saved policy GD3 of the adopted City of Derby Local Plan Review.
6. To protect trees and other vegetation on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area and in accordance with saved policy E9 of the adopted City of Derby Local Plan Review.
7. To protect trees and other vegetation on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area and in accordance with saved policy E9 of the adopted City of Derby Local Plan Review.
8. To ensure that the development is accessible to disabled people and in accordance with saved policy T10 of the adopted City of Derby Local Plan Review.

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Application No: DER/01/14/00044

Type: S73 (Variation of condition)

9. To ensure that the development is accessible to disabled people and in accordance with saved policy T10 of the adopted City of Derby Local Plan Review.
10. To encourage and provide for varied means of transport to the site and in accordance with saved Policy T1 and T4 of the adopted City of Derby Local Plan Review which seek to restrict the availability of commuter car park spaces and encourage the use of public transport.
11. To preserve the amenities of the area and in accordance with saved policy E17 of the adopted City of Derby Local Plan Review.
12. To ensure that no development takes place which may adversely affect any item of archaeological interest without adequate investigation and in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.
13. To preserve the amenities of adjacent residential properties and in accordance with saved policy GD5 of the adopted City of Derby Local Plan Review.
14. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with saved policy GD3 of the adopted City of Derby Local Plan Review.
15. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and future maintenance of the surface water drainage system in accordance with saved policy GD3 of the adopted City of Derby Local Plan Review.
16. In the interests of wildlife preservation and enhancement and in accordance with saved policies E5 and E7 of the adopted City of Derby Local Plan review.
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

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carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policy E13 of the adopted City of Derby Local Plan Review.

21. To provide a satisfactory development and promote sustainable transport in accordance with saved policy T7 of the adopted City of Derby Local Plan Review.

Informative Notes:

Given the proximity of residential properties, it is recommended that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours.

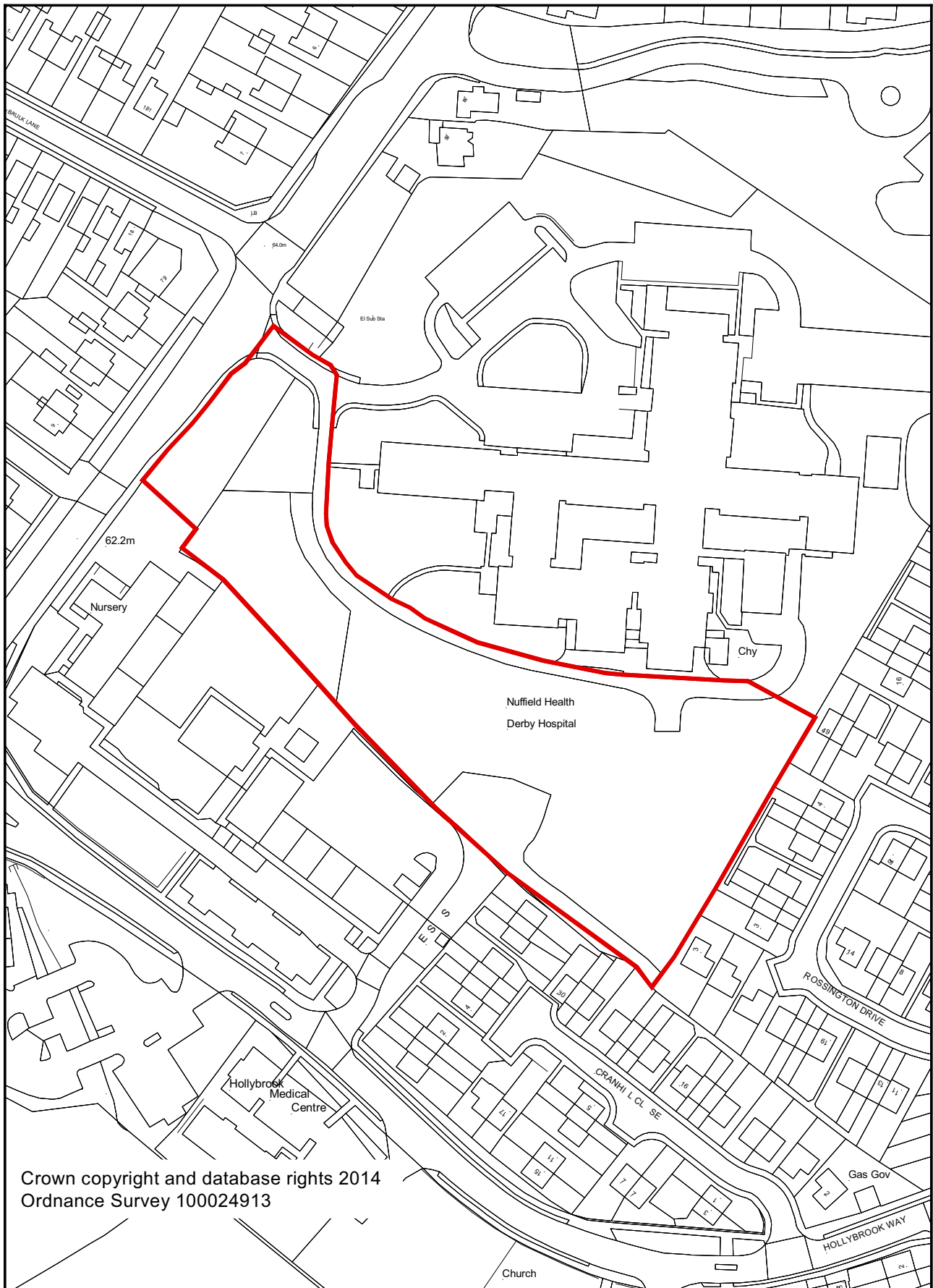
There should be no bonfires on site at any time.

S106 requirements where appropriate:

Highways contributions

Application timescale:

The 8 week target timescale for determination of the application expired on the 15th of April. However a formal extension of time has been agreed with the applicant. The application is brought before the committee because of the number of objections received.



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Committee Report Item No: 3

Application No: DER/02/14/00120

Type: Full

1. Application Details

Address: Land at 22 Hartshorne Road, Littleover.

Ward: Blagreaves

Proposal:

Erection of Dwelling House

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95878>

The application site currently forms part of the side garden area of the existing semi-detached property at 22 Hartshorne Road, which is located on the corner of Hartshorne Road and Bowbridge Avenue. Properties in the vicinity of the site are predominantly semi-detached dwellings however, there are a number of flats in close proximity to the site.

The proposal is for the erection of a 3 bedroom, two storey dwelling, adjoining the existing dwelling at 22 Hartshorne Road. The existing 2metre high boundary treatment currently in place is to be retained in part and replaced by a 600mm fence on the corner frontage.

A new vehicular access is to be provided off of Hartshorne Road and will consist of 2 car parking spaces. A further 2 spaces are to be provided for the occupiers of 22 Hartshorne Road, located to the front of 22.

2. Relevant Planning History:

None relevant to proposal.

3. Publicity:

Neighbour Notification Letters sent to 24 households

Site Notice

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

4. Representations:

2 objections and a Petition with 68 signatures received outlining the following concerns:

- Overshadowing
- Loss of light
- Overlooking
- Substandard garden areas to both the proposed and existing properties
- Noise and disruption resulting from building works
- Access to emergency services would be restricted during construction works

Committee Report Item No: 3

Application No: DER/02/14/00120

Type: Full

- Dirt and debris during building work
- Substandard parking provision proposed
- Occupier of property working on vehicles is a disruption
- Impact on house prices
- References to deeds

5. Consultations:

Highways DC:

As part of the application, the applicant wishes to create two off road parking spaces in front of No. 22 Hartshorne Road and a further two off road parking spaces to the front of the proposed dwelling house, accessed from Hartshorne Road. These are to be accessed via dropped vehicular footway crossings that will need to be constructed under Section 184 of the Highways Act 1980 (See Note to Applicant). Each parking space should be a minimum of 4.8 metres long x 2.4 metres wide.

The 2.0 metre x 2.0 metre driveway pedestrian visibility splays applicable to both the existing and proposed dwelling house parking spaces are acceptable, as the proposed site layout plan indicates a 600mm high boundary fence adjacent to the front of the development.

It's noted that the driveways will slope towards the public highway. The applicant will need to install drainage or use permeable paving to ensure that surface water from the development is not deposited on the public highway.

A refuse bin store area is shown on the plan for No. 22 Hartshorne Road, which is acceptable and it is assumed refuse bin storage for the new dwelling house will be located within 25 metres of the public highway.

No objections subject to conditions.

Relevant Policies: *Saved CDLPR policies*

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development - General Criteria
E10	Renewable Energy
E23	Design
T4	Access, Parking and Servicing

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

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

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

6. Officer Opinion:

Key Issues:

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

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In relation to visual amenity I am satisfied that the proposed design of the dwelling creates an attractive and simple appearance consistent with neighbouring properties on Hartshorne Road and its adjoining streets, Norbury Crescent and Bowbridge Avenue. There is a mix of semi-detached and terraced properties in the local area and I am satisfied that the 3 bedroomed end terrace dwelling of this size, scale and design will sufficiently integrate with the surrounding dwellings on Hartshorne Road and neighbouring streets. The size and design of the proposed property is considered consistent with those in the vicinity. Although the proposed garden depths of both the existing and proposed dwellings are lower than the 10 metre depth often requested at only 7m and 5m in length I am satisfied that the overall amenity space surrounding both the properties would be acceptable in order to create a satisfactory living environment for future occupiers of each of these properties. Taking this into consideration I am satisfied that the proposal would meet criteria in Policies GD4, E23 and H13 of the adopted City of Derby Local Plan Review.

In relation to residential amenity the proposed dwelling will cause no issues of massing or overshadowing of neighbouring surrounding properties. Objections have been raised in regards to overshadowing in relation to adjoining neighbouring 20 and 27 Bowbridge Avenue to the rear. In regards to 27 Bowbridge Avenue to the rear the proposed development will be approximately 10 metres from this property and there will be no issues of massing or overshadowing and furthermore, the existing garages serving 27 Bowbridge Avenue are located between the proposal and 22 Hartshorne Road further breaking up views and potential impact on amenity. In regards to overlooking of this property I am satisfied that obscure glazing has been proposed to the first floor window to the rear therefore having no material impact by way of overlooking. In regards to 20 Hartshorne road, this property adjoins 22 Hartshorne Road to the north, therefore would not be materially affected by the proposed additional dwelling by way of massing, overshadowing or overlooking due to the relationship between these dwellings. . Objections are also raised in regards to overlooking and overshadowing of neighbouring 24 Hartshorne Road, however, this property is across the highway from the proposal and would not be materially detrimentally affected by the proposal. I am satisfied that there will be no impact by way of overlooking of nearby properties on Hartshorne Road as all first floor habitable windows would be to the front and side (south and west) elevations of the dwelling, fronting the street scenes frontages and more than adequate distance from the principal elevations of neighbouring dwellings on Hartshorne Road and Bowbridge Avenue. Taking this into consideration I am satisfied that the proposal meets criteria set out in Policy GD5 of the adopted City of Derby Local Plan Review.

In regards to highway implications, the proposal aims to create two off road parking spaces in front of No. 22 Hartshorne Road and a further two off road parking spaces to the front of the proposed dwelling house, accessed from Hartshorne Road. These are to be accessed via dropped vehicular footway crossings that will need to be constructed under Section 184 of the Highways Act 1980, this information shall be relayed to the applicant by way of informative note. Each parking space meets the requirements at 4.8 metres long x 2.4 metres wide. Objections have been raised in regards to the level of parking provided however, I am satisfied that 2 parking spaces per dwelling would be sufficient. Objections have also been raised in regards to visibility when entering or leaving the site, however, the 2.0 metre x 2.0 metre

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Type: Full

driveway pedestrian visibility splays applicable to both the existing and proposed dwelling house parking spaces are acceptable, as the proposed site layout plan indicates a 600mm high boundary fence adjacent to the front of the development. It's noted that the driveways will slope towards the public highway therefore the applicant will be required to install drainage or use permeable paving to ensure that surface water from the development is not deposited on the public highway. A refuse bin store area is shown on the plan for No. 22 Hartshorne Road, which is acceptable and it is assumed refuse bin storage for the new dwelling house will be located within 25 metres of the public highway. Provided the above details are adhered to I am satisfied that the proposal meets Policy T4 of the adopted City of Derby Local Plan Review.

Overall it is felt that the proposal is acceptable by way of size, form, character and design, and residential amenity will not be unreasonably affected. Although a petition has been received as a result of the neighbour consultations I am satisfied that all objections have been adequately addressed in this report. The proposal reasonably satisfies the requirements of local plan policies GD4, GD5, H13, E23 and T4 set out in the adopted City of Derby Local Plan Review 2006 and as such a recommendation is that conditional planning permission should be granted.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
PD170/01A- Location Plan and Block Plan
PD170/02A- Existing and proposed site layout
PD170/03A- Existing and proposed elevations, proposed floor plans
Received- 04/02/2014
3. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority.
4. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.
5. No development shall be commenced until a landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.

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Type: Full

6. The landscaping scheme submitted pursuant to Condition 5 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner, and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
7. No part of the development hereby permitted shall be brought into use until the parking and turning area, as detailed on drawing no: 1000324/A01 rev: A) are (i) provided and (ii) surfaced in a bound material. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.
8. No part of the development hereby permitted shall be brought into use until the pedestrian paths and parking bays are surfaced in a hard bound material (not loose gravel) for the full length of the pedestrian paths and parking bays, behind the highway boundary. The surfaced pedestrian paths and parking bays shall then be maintained in such hard bound material for the life of the development.
9. No part of the development hereby permitted shall be brought into use until the pedestrian paths and driveways are constructed with provision to prevent the discharge of surface water on to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
10. No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reasons:

1. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory external appearance of the development in the interests of visual amenity and in accordance with saved policies GD4, E23 and H13 of the adopted City of Derby Local Plan Review.
4. In the interests of visual and residential amenity and in accordance with saved policies GD4, GD5, E23 and H13 of the adopted City of Derby Local Plan Review.
5. To safeguard and enhance the visual amenities of the area and in accordance with saved policies GD4 and E23 of the adopted City of Derby Local Plan Review.
6. To safeguard and enhance the visual amenities of the area and in accordance with saved policies GD4 and E23 of the adopted City of Derby Local Plan Review.

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Application No: DER/02/14/00120

Type: Full

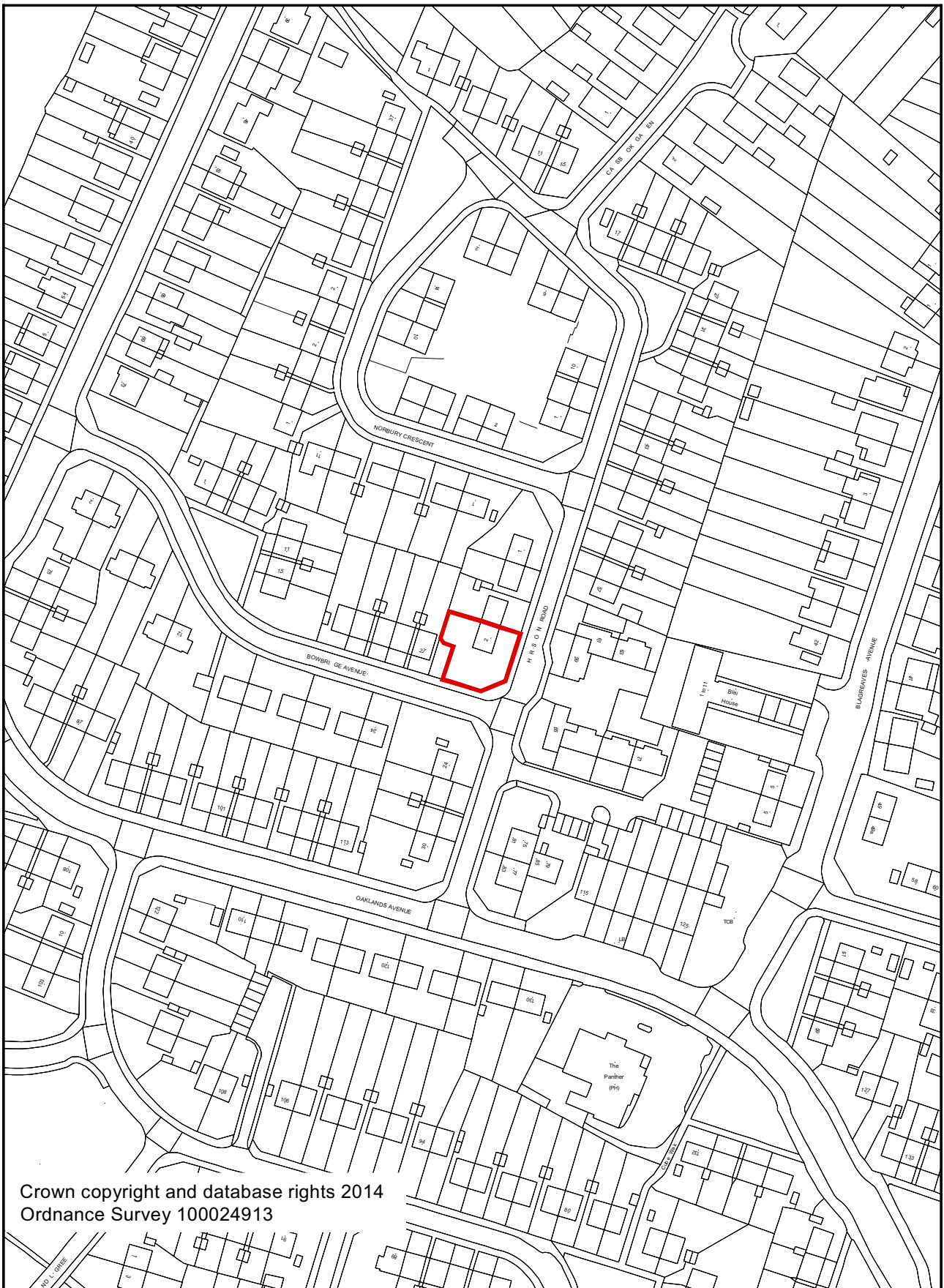
7. To ensure the provision of sufficient off-street parking and in the interests of highway safety, to reduce the possibility of deleterious material being deposited on the public highway. In accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
8. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review
9. To ensure surface water from the site is not deposited on the public highway causing dangers to road users and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review
10. In the interests of Highway safety and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.

Informative Note

Access to the parking bays will require a domestic vehicular crossing constructed. This will need to be constructed under Section 184 of the Highways Act 1980. It requires the formation of an access and footway to the highway, which is land subject to the provisions of the Highway Act 1980 (as amended) over which you have no control. Please contact Street Pride on 0333 2006981 or streetpride@derby.gov.uk for details of how this work can be undertaken.

Application timescale:

The application expired 31/03/2014



Committee Report Item No:4

Application No: DER/12/13/01489 & DER/07/13/00796

Type: Full &
Conservation area
consent

1. Application Details

Address: 107 Markeaton Street, Derby

Ward: Darley

Proposal:

Demolition of storage building and external wall and erection of 8 apartments

Further Details:

Web-link to application documents:

DER/12/13/01489:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95720>

DER/07/13/00796

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=94985>

This irregular shaped site extends to some 19m in width and 67m in depth. It is a long thin site that has a frontage with Markeaton Street. It sits on the southern side of Markeaton Street in between the Victorian terraced dwelling that line it. To the north of the site and on the opposite side of Markeaton Street is the Derby West End Bowls Club. Extending up to the sites eastern and western boundaries are modern blocks of apartments and to the south is a children's day nursery which fronts onto Ashbourne Road. The site is located in the Friar Gate Conservation Area.

The site is currently occupied by a two storey building which sits at the northern end and at the back edge of the footway in Markeaton Street. The building has a slate covered roof with chimneys at either end. It is quirky in its appearance. Its northern elevation is rendered with half timbering on the upper floor where a small number of windows are located. On the ground floor are a small doorway and an arched drive-through which provides access into the site. A historic building assessment that has been submitted with the application outlines the history of the building along with some of its past owners including Alfred Goodey. In the 1880's, Goodey rescued elements of the decoration and/or structure of buildings in Derby that were being demolished and some of those elements were incorporated into this building. That architectural salvage remains evident with various carvings being present on the front elevation of the building which clearly originated elsewhere. The historic building assessment advises that Goodey altered the building in the early 1900's to accommodate space for his motorcar, and to create space for the Derby Shakespeare Society to rehearse. He also created storage space within the building for his collection of paintings and created a 'snug' for himself. He called this 'The Loft' and this name is still legible on the Markeaton Street frontage of the building. Its rear elevation has large openings at ground floor level with modern garage doors in situ. External stairs provide access to doorways at both ends of the upper floors and three small dormer windows are located within the roof slope. A structural condition report has been provided with the application and it advises that the building is in a poor state of repair and the historic building assessment highlights a number of alterations that have been made to it over the years.

Committee Report Item No:4

Application No: DER/12/13/01489 & DER/07/13/00796

Type: Full &
Conservation area
consent

This building is evident in plans of 1883 where it appeared as part of a courtyard of buildings. The historic building assessment indicates that the building started out life as the stable range of a villa built on Ashbourne Road. It indicates that the carriageway arch which extends through the building originally provided access into a yard which had a hay store standing opposite. The hay store building has been removed from the site in the past although a section of its wall remains and forms a boundary across part of the site. The building and remaining section of the hay store wall are not locally or statutory listed.

At present the building fronting Markeaton Street continues to accommodate a drive-through, which provides access to a hard surfaced car park that sits within the site. The car park is currently used by the neighbouring children's nursery. In between the car park and the southern site boundary is a lawned area that is separated from the car park by the brick wall which is the remaining section of the original hay store. On the eastern and western boundaries of the site are a number of trees.

The comprehensive redevelopment of the site is proposed. Full planning permission is sought for the demolition of the existing building and boundary wall and their replacement with a development of 8 apartments. These would comprise 5 one bed apartments and 3 two bed apartments. They are proposed to be accommodated within two buildings, a two storey 'L' shaped section fronting Markeaton Street and a two storey building to the south that would be accessed through an undercroft / archway through the Markeaton Street building and accessed via an internal courtyard. Within the courtyard, nine parking spaces are proposed which would provide one space per apartment plus one visitor space. The existing car parking for the children's nursery is proposed to be replaced with a turning area and 3 dedicated parking spaces at the southern end of the development. This application has been submitted following the issue of a refusal of permission in October last year which was for the erection of 10 studio apartments on the site. The design of the elevations of the building fronting Markeaton Street has been amended during the course of the application. The building being proposed now has an eaves and pitch height which is the same as the neighbouring property at 95 Markeaton Street. String courses, stone cills and sliding sash windows have been incorporated which reflect the scale and detail of existing terraced properties in Markeaton Street.

A separate application for consent for relevant demolition has also been submitted for the demolition of the existing building and boundary wall given their location within the Friar Gate Conservation Area. A design, access and heritage statement, historic building assessment, ecological appraisal, arboricultural survey report and method statement along with a structural condition report have been provided in support of the applications.

2. Relevant Planning History:

DER/07/13/00795 – Demolition of storage building and external wall and erection of 10 studio apartments – refused 09/10/13 on the following grounds;

1. In the opinion of the Local Planning Authority, the layout of the development makes inadequate provision for the successful turning and manoeuvring of vehicles within the site. In the absence of appropriate means for all vehicles to enter and manoeuvre within the site, it is considered that the development will

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Application No: DER/12/13/01489 & DER/07/13/00796

Type: Full &
Conservation area
consent

increase the likelihood of conflict with drivers entering the car park of the adjacent children's nursery and lead to vehicles having to reverse into Markeaton Street which would compromise vehicle and pedestrian safety on the public highway. Accordingly, the proposal is contrary to saved policies T1 and T4 of the adopted City of Derby Local Plan Review.

2. In the opinion of the Local Planning Authority, the proposed access onto Markeaton Street is of a substandard width to accommodate the vehicle movements likely to be generated by the development. Accordingly, the Local Planning Authority cannot be satisfied that the development provides an appropriate means for vehicles to enter and exit the site in a manner which would not compromise vehicle and pedestrian safety on the public highway. The proposal is therefore considered contrary to saved policies T1 and T4 of the adopted City of Derby Local Plan Review.
3. In the opinion of the Local Planning Authority the existing building which fronts onto Markeaton Street is distinctive and contributes to the streetscape of the Friar Gate Conservation Area and insufficient justification has been provided in the application submission for its demolition. The design of the development proposed in the application is not considered to be of a sufficient quality, by reason of its roof form and elevational treatment and fenestration, such that it would be detrimental to the character and appearance of the conservation area. Accordingly, it is considered that the development would be contrary to saved policies GD4, E18 and E23 of the adopted City of Derby Local Plan Review.
4. In the opinion of the Local Planning Authority, by reason of its scale, mass and close proximity to the site boundary, the development would have an overbearing effect and obscure daylight to the rear elevation of the adjacent dwelling at 95 Markeaton Street and would result in an unacceptable loss of amenity for the occupiers of this neighbouring residential property. Accordingly, the proposal would be contrary to saved policies H13 and GD5 of the adopted City of Derby Local Plan Review.
5. The proposed development fails to provide satisfactory provision of public open space and public realm contributions and also fails to provide highway contributions necessary to mitigate the impact of the development on the wider highway network in terms of public transport, cycling and pedestrian facilities. Accordingly, the proposal is contrary to saved policies, L3, T1, GD8 and GD9 of the adopted City of Derby Local Plan Review.
6. The development hereby refused relates to the following plans:
Site layout plan - drawing no. 876/1 P-03 revision B
Existing elevations - drawing no. 876/1 P-04
Site layout plan and first floor plan - drawing no. 876/1 P-01
New housing unit's elevations - drawing no. 876/1 P-02
Topographical survey - drawing no. 18439_OGL revision 1

3. Publicity:

The application for planning permission was publicised as follows:

Neighbour Notification Letters sent to 79 neighbouring properties;

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Type: Full &
Conservation area
consent

Site Notice displayed on street furniture in Markeaton Street;

A press advert.

The application for consent for relevant demolition was publicised as follows:

Site Notice displayed on street furniture in Markeaton Street;

A press advert.

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

4. Representations:

No representations were received in response to the application for consent for demolition. Four individual objections have been received in response to the application for planning permission along with one representation in support of the scheme. The nature of the issues raised in objection to the application, as originally submitted, generally relate to the following;

- The previous grounds for planning permission having not been addressed
- The proposals being unsympathetic to existing development in the surrounding area
- The existing building offering potential for a restoration project and the renovation of the existing building should be pursued
- Traffic flows onto Markeaton Street being effected
- Concern over the provision of parking spaces for staff at the neighbouring children's nursery
- Concern regarding access and parking provision for the nursery whilst construction takes place
- Extra traffic flow resulting in pollution, noise and disturbance for neighbouring residents
- The overcrowding and 'cramming in' of development on the site being detrimental to residential amenity and the character of the wider area
- The development resulting in a loss of property value, view and light for neighbouring residents
- The development offering overlooking and a loss of privacy for neighbouring residents
- The gap between the development and 95 Markeaton Street offering safety concerns
- Concerns regarding the proximity of the development to the boundary with 95 Markeaton Street and the provision of a ground floor window close to this boundary
- The proximity of stench pipes and bins to neighbouring boundaries causing potential nuisance for neighbouring residents in terms of smells

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Type: Full &
Conservation area
consent

- The children's play area at the nursery being of lesser quality as a result of the development
- The level of vehicle activity within the site resulting in safety concerns for parents and children accessing the children's nursery

In response to the plans that have amended the elevations of the Markeaton Street building, a further three objections have been received which re-iterate concerns about the proposal and request the clarification of certain elements of detail. Any further comments will be reported orally at the meeting.

5. Consultations:

CAAC:

Resolved to recommend refusal of the application for planning permission on the grounds that the proposal is detrimental to the conservation area as the frontage is of historic interest. In response to the application for consent for demolition, the committee also resolved to recommend refusal and advised that consideration of retention of the original façade with new buildings incorporated behind it.

Highways DC:

The design of the turning head within the development is such that all vehicles would be able to leave the site in a forward gear reducing the potential risk of accidents occurring. The three spaces provided for the nursery area are sufficient enough to allow parents to drop off their child in a safe manner without causing any congestion within the site. During the periods of time that the nursery is closed less vehicular traffic will flow through the site. It is noted that provision has been made within the site for cyclists but it is not indicated whether the spaces are to be covered. The location of the refuse bins is adequate but it is not known if there would be sufficient room for them to be moved and emptied if all of the parking spaces are occupied given that the bin sizes are unknown. Overall, no highway objections are raised to the proposal subject to conditions being imposed which secure the provision of the parking and turning areas prior to the development being brought into use and details of the material to be used to surface those areas, being submitted and agreed. This is in the interests of highway safety and to reduce the possibility of loose material being deposited onto the public highway. It is also suggested that a condition be imposed which secures the provision of the cycle parking prior to the development being brought into use. A note to applicant is also recommended to ensure that the applicants are aware of the need for the development to meet Building Regulation requirements in respect of the headroom available for a fire appliance through the undercroft and into the courtyard.

Built Environment (Conservation Officer):

The Conservation Officer objects to the applications and it is recommend that the applications be refused on the grounds that they would be detrimental to the conservation area and are therefore contrary to policy and national government guidance. It is advised that the existing building is a good example of its type and makes a positive contribution to the Friar Gate Conservation Area. The historic building assessment adds to this in that it has associations with noted Derbyian A E Goodey and has a number of interesting historic features. As such this adds to the

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interest and importance of the building and its impact on the character of the conservation area. Given the importance of the street frontage and the historical associations the retention of this building would be beneficial to the conservation area and its demolition would not preserve or enhance the area. Having reviewed the interior of the building in conjunction with the structural report and read the addendum it is clear that there are a number of issues with the building. In particular in relation to the south wall as it would appear that the roof has spread and a section of the wall has moved. This has caused cracking in the brick cross walls. However as stated in the structural report, a number of these issues would appear to be historic movement rather than current issues. Clearly repairs are needed to the rainwater goods, some repointing and removal of a tree to the façade. Other works are noted that would be required for the foundations, the rear wall and to the roof. It would be hoped that the building could still therefore be retained and reused. It may be possible that there is some form of enabling development to allow this building to be repaired and brought back into use which could allow the project to become more viable.

Natural Environment (Tree Officer):

It is advised that provided the recommendations made in the Arboricultural Survey Report and Method Statement are followed, no further comments are made other than the suggestion that standard conditions should be imposed to ensure the protection of retained trees, such as tree protection fencing is in place before and during construction works and, where necessary, no dig solutions are implemented in their root protection area.

DCC Archaeologist:

In response to the previous application for planning permission, the County Archaeologist noted that the building on the site is not of great architectural or historic significance and that it was not considered necessary that the buildings appraisal or recording should take place in evidential terms. It was noted that it appeared unlikely that the remainder of the site contains any significant archaeological remains. Although the Archaeologist advised that the frontage building makes a distinctive contribution to the street scene within the Friar Gate Conservation Area, it was advised that there was no need to place any archaeological condition upon the application.

Derbyshire Wildlife Trust:

The Trust commented on the Ecological Appraisal provided with the application in response to the previous application for planning permission. They advised that all the survey work has been carried out by suitably qualified and, where appropriate, licensed ecologists using methodologies that conform to best practice standards. Due to the presence of bat access and roosting features, the building was classed as having low roosting potential. To accord with current guidance, the building was subject to a single dusk emergence bat survey during which no bats were observed entering or exiting the building. A number of common pipistrelle bats were observed commuting over the site and foraging within the courtyard. The Trust advised that the assessment that has been undertaken for bats meets government guidance within Circular 06/2005 and as such, sufficient information regarding these protected species have been provided. The Trust advises that no impacts upon bats are

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anticipated as a result of the proposed development and there are unlikely to be any other protected species issues arising. The recommendations and site enhancements outlined in the report are supported and it is recommended that these should be subject to a condition of planning permission.

6. Relevant Policies: *Saved CDLPR policies*

LE3	University district
GD2	Protection of the environment
GD3	Flood protection
GD4	Design and the urban environment
GD5	Amenity
H13	Residential development – general criteria
E7	Protection of habitats
E9	Trees
E17	Landscaping schemes
E18	Conservation areas
E21	Archaeology
E23	Design
E24	Community safety
T1	Transport implications of new development
T4	Access, parking and servicing
T10	Access for disabled people

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

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

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

7. Officer Opinion:

Key Issues:

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

- The principle of demolition and redevelopment of the site
- Residential amenity issues
- Highway issues / parking provision
- Other environmental issues

The principle of demolition and redevelopment of the site.

The existing building that occupies the site is not listed but it is quirky and it contributes to the character of the conservation area. In accordance with paragraph 132 of the NPPF when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Saved policy E18 also states that where demolition or

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substantial demolition of buildings is proposed that makes a positive contribution to the character and appearance of the conservation area, consent will not be approved. The retention and re-use of the existing building on this site should therefore be the preferred option for redevelopment and it is clear that some local residents, who have written in objection to this application, would support such an approach. This view is supported by the Conservation Officer and CAAC who have objected to the loss of the building. The structural condition report provided with the application highlights a number of issues concerning the current condition of the building including evidence of historic cracking which it is indicated is likely to have resulted from foundation settlement and failure. The failure of tie beam jointing is indicated as resulting in significant roof spread and out of plumb rear elevation is indicated as providing the potential for a risk of structural failure in some parts of the building. This issue is highlighted by the applicants who have raised health and safety concerns given the poor structural condition of the building and the current use of the undercroft by parents using the car park which serves the adjacent children's nursery. Overall, it is concluded in the structural condition report that the scope of the work which would be necessary to improve foundations, repair masonry and repair and improve the roof structure in order to bring the building back into use would not be economically viable. This has been supported by information provided by the applicants which indicates that the demand for such a storage building in this area is virtually non-existent and the values relating to the re-furbishment of the building in order to try and achieve a higher rental figure would not be viable as the cost of reconstruction of the building to make it safe and habitable would far exceed the value. This information has been considered by the Councils Conservation Officer who has advised that this information considers the value of the building as a storage building rather than as a converted building which could serve an alternative use and that it may be possible that some form of enabling development could allow this building to be repaired and brought back into viable use. The applicants have considered this and note that in order to achieve a suitable access to the rear part of the site, which meets with current highway standards, the existing archway within the building would need to be widened, compromising the structure and integrity of the building further.

The submitted historic building assessment indicates that historic alterations to change the original stable block into a motor house included works which have robbed it of any integrity as an exemplar of its original purpose. It goes on to suggest that none of the external embellishments are likely to last many more years at the most optimistic estimation and even expensive conservation would not extend that for much longer. It goes on to conclude that there would be little heritage gain in trying to preserve such a building as a monument to A E Goodey but it is suggested that the salvageable timber elements and other historic pieces could be offered to the Museum. The Conservation Officer advises that the building is a good example of its type, it has a number of interesting historic features and its historic association to A E Goodey adds to its interest and contribution to the character of the conservation area. These issues have been given careful consideration along with the views expressed by CAAC and it is clear that the retention of the building and its re-use would be beneficial to the conservation area.

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However, the applicants have stressed that the evidence provided in the documents supporting the applications indicate that the amount of works needed to be carried out to stabilise the property will result in an amount of replacement which defeats the conservation objective.

The application site is located in the University district but forms part of an established street scene that is dominated by residential development. It is in a sustainable location and, in principle, it is a suitable location for the new residential development being proposed. One of the grounds for the refusal of the previous application for planning permission for 10 apartments on this site related to the design of the replacement development being of an unacceptable design. During the course of this application for planning permission, the design of the development has been amended where it fronts onto Markeaton Street and the design of the development is now considered to be acceptable. It provides a strong frontage to Markeaton Street which is consistent with the built form of development along the street and the proposed blue string courses, natural stone sills, sliding sash tall windows and extended floor to ceiling heights, offer a high quality of development that reflects the scale and detailing of neighbouring terraced dwellings in Markeaton Street. The design is considered to be of sufficient quality that it would not be detrimental to the character of the wider street scene or surrounding conservation area.

In reaching a conclusion as to whether permission should be granted for the demolition of the existing building on this site, clear weight needs to be given to the aims of saved policy E18 which protects buildings against demolition where they make a positive contribution to the character of a Conservation Area. However, the information supporting this application highlights the poor structural condition of the building and it is clear that in order to secure an alternative use of the building, the viability of the scheme is brought into question, along with works that would further compromise its character and integrity. Given that a design of development has been secured for the site that is now considered to offer an appropriate form of development that would not be detrimental to this part of the Friar Gate Conservation Area it is considered that, on balance, a refusal of planning permission based on a desire to retain the existing building would be unreasonable and difficult to defend in any appeal situation. In reaching that conclusion, some weight must also be given to the small contribution that this scheme would make to the supply of housing within the City. The NPPF seeks to boost significantly the supply of housing and this proposal would accord with such aims.

The historic assessment provided with the application suggests that some salvageable architectural artefacts from the building should be re-used within the development or considered for donation to the Museum in Derby. The Councils Conservation Officer has highlighted the historic elements of the buildings fabric that could be considered. The Conservation Officer suggests that those elements may include, internal panelling, large coach doors which remain on the vehicle access to the building, the pedestrian front door, the carved corbels and timber embellishments on the buildings frontage and the fireplaces, surrounds and flagstones. It is advised that these should be removed by hand following an approved method statement. The applicant supports such proposals and has indicated that they would be happy to

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facilitate this and accept that this could be secured through a condition of planning permission. Given the buildings interesting historic associations, the re-use of some features within the development that could maintain those associations in the new development and the donation of artefacts to the museum's collections could enhance the Museum's holdings relative to A E Goodey.

Residential amenity issues.

The irregular 'L' shaped building that is proposed to front onto Markeaton Street, would sit in between the neighbouring houses at 109 Markeaton Street and 95 Markeaton Street. No. 95 has been extended in the past and a two storey extension that has been added to its western elevation (and appears as no. 97 Markeaton Street in the submitted plans) adjoins the eastern site boundary. The principle windows of the two dwellings that adjoin this site in Markeaton Street are located in the front and rear elevations of both dwellings and the proposed building would not encroach into a 45 degree line taken from any of those windows. The massing impact of this building for those neighbours is therefore considered to be reasonable. The building proposed at the back of the site would be located less than 1m from the eastern site boundary. A distance of approximately 12m would be maintained between the corner of this building and the principle windows in the main rear elevation of 95 Markeaton Street and such a relationship would be considered to be reasonable. One of the grounds for the refusal of the previous application for planning permission related to scale and mass of development overbearing and obscuring daylight to 95 Markeaton Street. The development being proposed in the application for planning permission has been reduced from 10 apartments to 8 and the amount of development being proposed on site has reduced. The submitted layout provides a gap in the built form of the development where it extends alongside the garden boundary shared with 95 Markeaton Street and it is considered that this has addressed those concerns.

The building proposed towards the rear of the site has been designed to accommodate an irregular pitched roofline, in order to limit the height of the side wall and proximity of the roof space to the eastern site boundary. This would assist in limiting the degree of enclosure that the building would offer alongside the boundary with 95 Markeaton Street and also reduce its massing impact in relation to the neighbouring apartments at Melton Court. Although a distance of only 9m would be maintained between the building at the rear of the site and Melton Court, the existing boundary and mature trees provide a mature and dominant screen between the two sites. Given its limited height and massing impact relative to this boundary, it is not considered that the proposal should result in a significant degree of enclosure sufficient to impact on the amenities of the occupiers of Melton Court significantly. The development would be sited to the west of this neighbouring apartment building and any loss of direct sunlight would be limited.

The position of the windows in the two buildings being proposed is considered to be reasonable. Those proposed in the western elevation of the building towards the rear of the site would be located over 10m from the common boundary shared with the apartments at 44 Ashbourne Road. Those in the western elevation of the building fronting Markeaton Street would extend between 9.2m and 9.8m from the common boundary shared with 109 Markeaton Street. Such distances are

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considered to be reasonable given the screening that is also offered by a mature tree that is located in the garden of 109 Markeaton Street. The windows proposed in the eastern elevations of the buildings would sit close to the site boundary. However, the apartments have been designed so that windows at first floor level would be limited and restricted to only a single roof light in the building towards the rear of the site. The block fronting Markeaton Street would accommodate two first floor windows and they would serve a bathroom and landing. The landing window would not be obscure glazed but would enjoy its principle views towards the flank side wall of 95 Markeaton Street. The owners of 95 Markeaton Street have raised concern with regards to a ground floor kitchen window that is proposed which would serve the same apartment. Like the landing window proposed on the first floor, this window would look over a small area of garden on the frontage of no. 95. This would clearly offer a marked change for the occupiers of no. 95 as the existing building does not accommodate any windows in this position. However, the area of garden concerned sits to the back of the footway in Markeaton Street and views into it are already achieved from the wider street scene. It is not an area of private garden and therefore the relationship of this window, to that garden, does not give a reasonable ground on which planning permission could be refused.

The potential for noise nuisance has been raised as a concern by residents in response to this application and the main issue of concern relates to the vehicular activity within the site. However, there is currently vehicular access into a parking area within this site which serves the neighbouring children's nursery. Whilst the activities associated with the 8 apartments will add to those levels of activity, the residential nature of the use means that any activity would not be considered to be excessive or unusual given that there are many similar developments throughout the City that have a similar relationship to neighbouring residential properties. The site accommodates high brick walls along its eastern and western boundaries which provide a more significant screen to those boundary treatments that are found in many domestic contexts. These would assist in reducing any noise experienced by neighbours and the retention of those walls as a means of enclosure for the development can be secured through the conditions of planning permission. Such a condition would also ensure that the boundaries at the front of the site, where they extend alongside 95 Markeaton Street, are made suitably secure.

The issues raised by local residents in response to this application relative to a potential loss of privacy and amenity from the development have been given careful consideration. This includes issues relative to potential smells from bins and stench pipes. Whilst the site does have a close relationship with a number of residential properties that adjoin the site, it is considered that the scale of the development is reasonable and the nature of the residential use means that it should be a suitable neighbour for those existing residents. Given the detailed design and layout of the scheme it is not considered that the amenities of neighbouring residents would be unreasonably harmed. Accordingly, it is considered that the proposal meets with the aims of saved policies GD5 and H13.

It is considered that the proposed development would provide a satisfactory living environment for future occupiers. The internal layouts of each of the apartments are considered to be acceptable. Whilst the building height and position of windows in

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the building proposed at the rear of the site has been designed to limit its implications for the amenities of neighbours, the design is considered successful in securing reasonable internal layouts that will provide future occupiers with a good standard of privacy and amenity. The extent of outdoor amenity space being provided is limited but this is not unusual for an apartment style development of this nature. There are opportunities for small areas of soft landscaping and these can be secured through conditions of planning permission.

Highways Issues/Parking Provision.

Subject to the imposition of conditions, it is noted that no objections have been raised by the Highway Officer to the location, or dimensions of the vehicular access through the under croft into the site. The level of off street parking being provided for the development and for the children's day nursery is also considered to be acceptable in this location. It is noted that access and parking is one of the main issues raised by objectors to this application but a turning head is to be provided within the site and it is considered that this will offer a safe means for all vehicles to turn and exit the site in a forward gear. Overall, it is not considered that the development would result in a reduction in highway safety in the area. It is considered that a sufficient level of parking is being proposed to serve the proposed development which is located in a sustainable location with good access to public transport links. The inadequacies of the design of the access and manoeuvring within the site itself which were highlighted in the previous grounds for refusal of planning permission have been addressed. On this basis, the proposal is considered to comply with saved policy T4 and therefore planning permission should not be refused on this basis.

Other environmental issues.

The arboricultural survey report and method statement that has been provided with the application identifies 7 individual trees and one group of trees within the application site. The findings of the survey are that none of the trees are of any great arboricultural merit and have little in the way of public visual amenity. Although some trees are proposed to be removed as part of the works, others are to be retained and they include mature trees towards the southern end of the site. The retention of those trees will ensure that screening is maintained between the development and neighbouring sites and those trees will also add to the level of amenity provided within the site for future occupiers. It is noted that colleagues in our Natural Environment Team have no overriding objections to the proposals, but this is subject to conditions being imposed which ensure that any trees that are to be retained are protected during the course of construction and that no dig techniques are used where works within the root protection area of retained trees are proposed. The imposition of such conditions would be reasonable and with such controls in place, it is considered that the development should be able to proceed whilst successfully retaining those trees. Accordingly, it is considered that the proposal reasonably accords with the aims of saved policy E9.

In light of the advice provided by Derbyshire Wildlife Trust, it is clear that adequate consideration has been given to species protected by law and in particular, the implications of the proposed demolition works for bats and therefore the development meets with the aims of saved policy E7. Derbyshire Wildlife Trust has advised that

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the recommendations and site enhancements outlined in the ecological appraisal should be subject to a condition of planning permission.

Conclusion:

The loss of the existing building that occupies this site is regrettable but it is considered that clear weight needs to be given to the structural problems that the building has along with the viability concerns that are being highlighted by the applicant. Whilst the views of CAAC and the Conservation Officer are noted, the new development being proposed on this site is considered to accord with wider local and national planning policy aims. The development would create a satisfactory living environment for future occupiers without having a detrimental impact upon neighbouring occupiers. It is not considered that any adverse highway safety issues would arise and the revised plans are considered to provide a scheme design which is appropriate for the conservation area setting of the site. It is for these reasons that it is considered the issues raised in objection to the previous application for planning permission have suitably been addressed. Given the information that has been provided to support the application it is clear that refusing these applications may not secure the long term future of the Markeaton Street building and the case for demolition of the building and wall on site are deemed to be reasonable. Accordingly, it is not considered that there are any reasonable grounds on which a grant of planning permission and consent for relevant demolition should be withheld.

8. Recommended decision and summary of reasons:

DER/12/13/01489

To grant planning permission with conditions.

Conditions:

1. Standard condition03 - time limit
2. Standard condition 100 – lists the approved plans
3. Standard condition 27 – details of external materials (to include joinery details and finish)
4. Standard condition – means of enclosure
5. Standard condition20 – landscaping scheme
6. Standard condition22 – landscaping maintenance
7. Standard condition 30 – surfacing and drainage details for areas used by vehicles and the use of those areas only for the parking, turning, loading and unloading of vehicles
8. Development not being brought into use until the cycle parking has been provided and that area of the site not being used in the future for any other purpose
9. Standard condition 24A – tree protection during construction, and works to include no dig solutions, where necessary
10. The historic recording of the building shall be undertaken prior to demolition works commencing

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11. Salvage of architectural features shall be undertaken in accordance with approved method statements. Salvage to be re-used, donated or sold in accordance with details to be submitted and agreed with the Local Planning Authority
12. The recommendations and site enhancements outlined in section 7.1 of the submitted Ecological Survey to be implemented as part of the development

Reasons:

1. Standard reason E56 - standard time limit reason
2. Standard reason E04 – for the avoidance of doubt
3. Standard reason E14 – to ensure a satisfactory external appearance ...policies GD4 and E23.
4. To ensure a satisfactory external appearance of the development and in the interests of safeguarding the amenities of neighbouring residents ...policies GD5, H13 and E23.
5. Standard reason E10 – safeguard visual amenities of the area ...policies GD4 and E23
6. Standard reason E10 – safeguard visual amenities of the area – policies GD4 and E23
7. To ensure a satisfactory development of the site and to ensure that the parking needs of the development are met ...policies GD3 and T4
8. To promote sustainable travel ...policy T4
9. Standard reason E21 – protection of trees and other vegetation during construction ...policy E9
10. To ensure appropriate provision of building recording given its historic interest ...policy E18
11. To secure the retention of existing historic features, where possible, in the interests of assisting the new development in enhancing the conservation area ...policy E18
12. In accordance with the information provided in the application submission and to ensure appropriate protection of species protected by law ...policy E7.

DER/07/13/00796

To grant consent for relevant demolition in the conservation area

Conditions:

1. Standard condition 03 – time limit
2. Standard condition 100 – lists the approved plans
3. The demolition works shall not take place until the Local Planning Authority has been provided with evidence of a contract for the redevelopment of the site.
4. Standard condition 24a – tree protection during demolition

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Reasons:

1. Standard reason E56 – standard time limit reason
2. Standard reason E04 – avoidance of doubt
3. To avoid a premature gap in the local streetscene and conservation area ...policy E18
4. Standard reason E21 – protect trees and other vegetation during construction ...policy E9

Informative Notes:

None.

S106 requirements where appropriate:

None.

Application timescale:

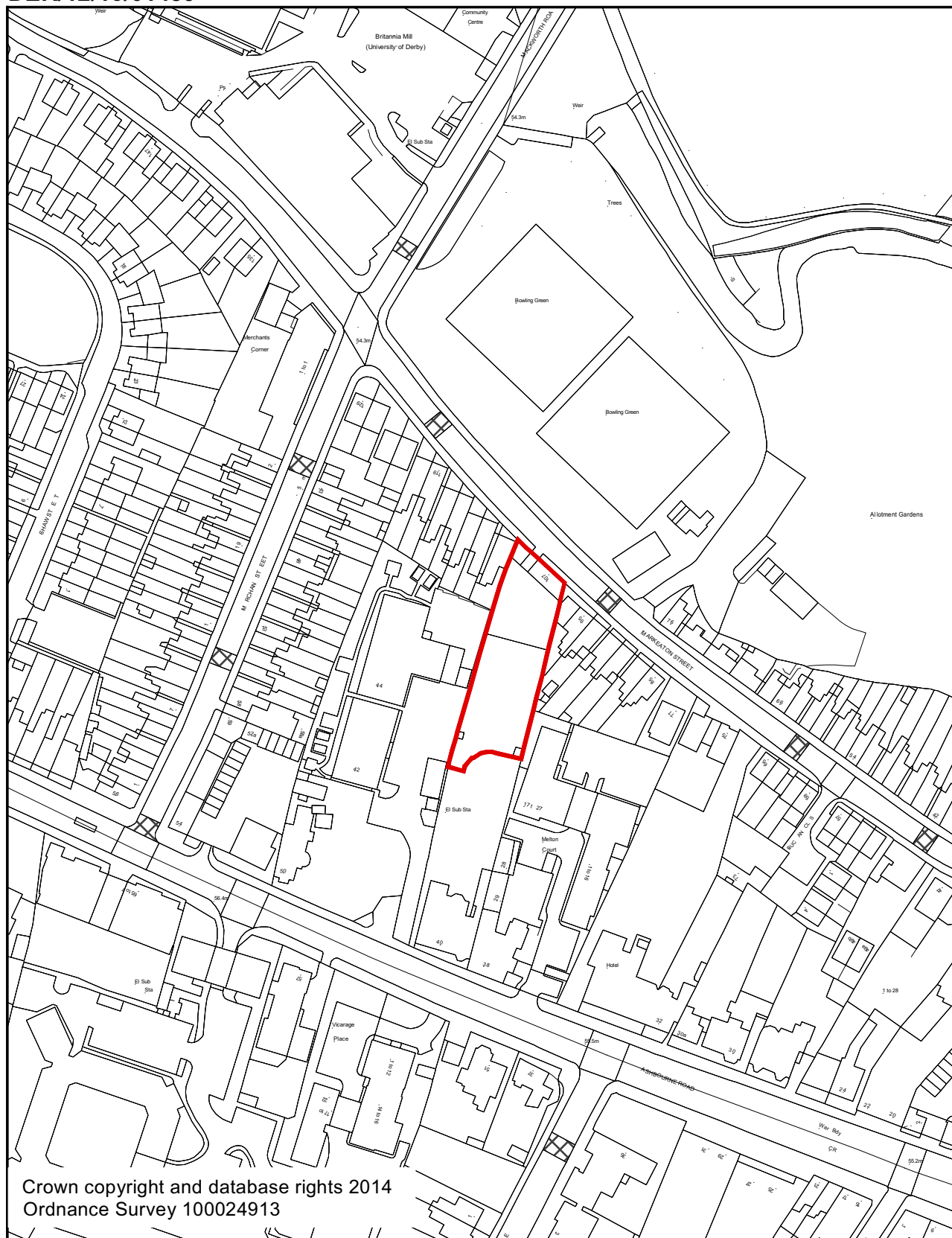
The deadline for the determination of these applications has already expired but the agent has agreed to an extension of time for determination until 10 July.

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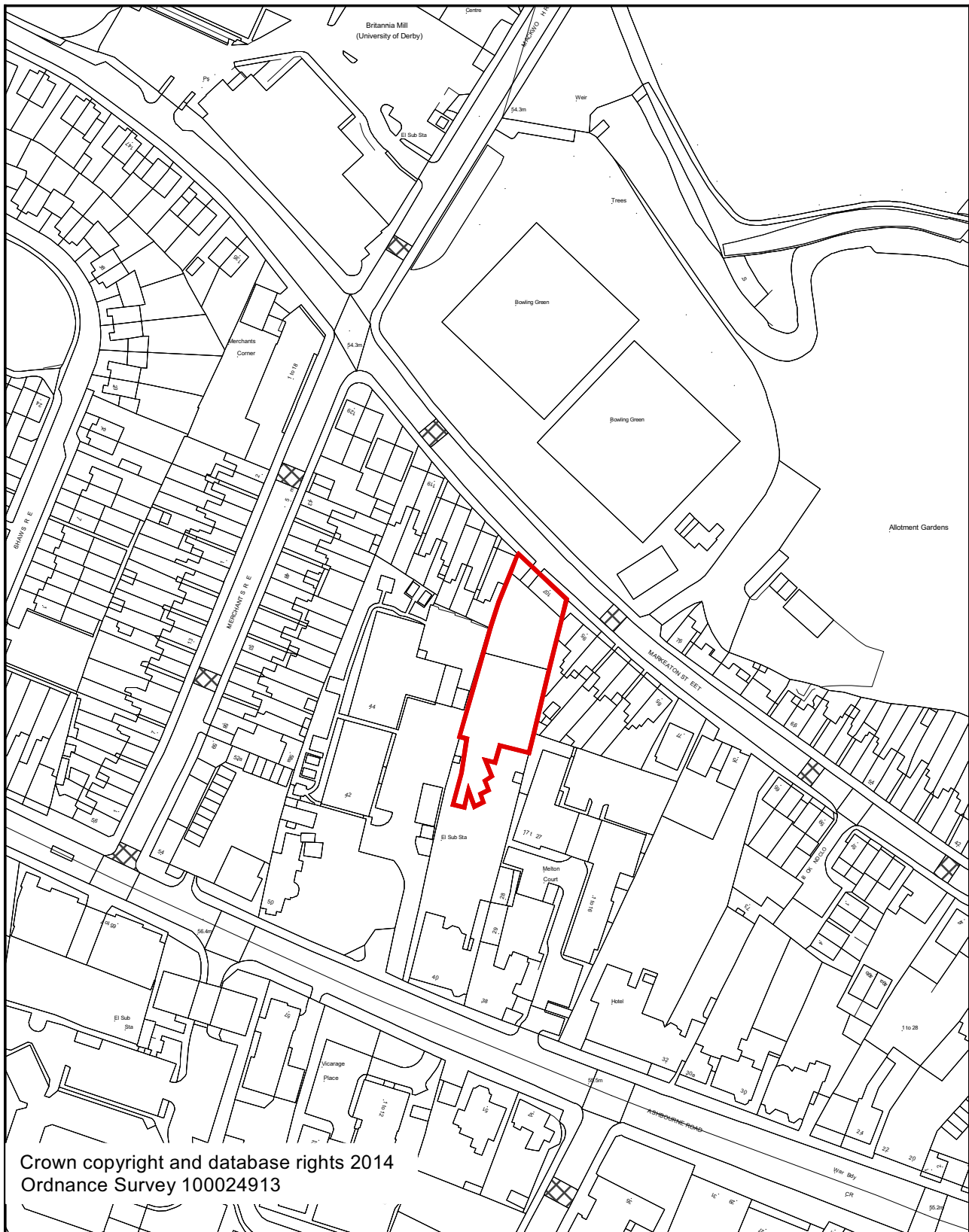


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Type: Full &
Conservation area
consent

DER/07/13/00796



Committee Report Item No: 5

Application No: DER/05/14/00682

**Type: Works to tree
under TPO**

1. Application Details

Address: 103 Whitaker Road, Derby

Ward: Abbey

Proposal:

Cutting back of overhanging branches of Copper Beech tree protected by Tree Preservation Order.

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96477>

Number 103 Whitaker Road is a semi-detached property that is situated on the south side of Whitaker Road. It runs through to Carlton Road to the south of the rear boundary of the property. The Copper Beech tree that is the subject of this application is located at the rear of the property adjacent to the boundary of the property with the highway on Carlton Road and also with the side boundary with number 24 Carlton Road to the west.

This Copper Beech tree overhangs the footpath and highway to the south and it also overhangs the residential property to the west on Carlton Road, the canopy of the tree extending over the driveway of number 24, up to the dwelling house beyond. The crown of the tree also hangs down to a height where it is below head height when walking on the footpath and the driveway adjacent.

2. Relevant Planning History:

None on this Copper Beech tree.

3. Publicity:

Site Notice

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

4. Representations:

None

5. Consultations:

None

6. Relevant Policies: Saved CDLPR policies

E9 Trees

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

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

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Application No: DER/05/14/00682

Type: Works to tree
under TPO

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

7. Officer Opinion:

Key Issues:

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

This Copper Beech tree is protected by Tree Preservation Order. This tree is in a prominent position in the street scene and has significant amenity value on Carlton Road and in the area generally.

It is indicated in the application that it is proposed to prune back lower branches of this tree to prevent an obstruction to pedestrians on the footpath, to prevent leaf fall onto 24 Carlton Road which is a slip hazard to the disabled occupant at that property.

The crown of this tree clearly overhangs the footpath and highway along Carlton Road and the residential property, 24 Carlton Road. I consider that some cutting back of lower branches of this tree is advisable and acceptable, in line with good arboricultural practice.

8. Recommended decision and summary of reasons:

To grant consent with conditions.

Conditions:

1. The proposed pruning shall be restricted to branches up to no more than 4 metres above ground level, unless agreed in writing by the Local Planning Authority.
2. Standard condition 65 (time limit of 3 years)
- 3 All tree works should be carried out in accordance with the guidance and recommendations detailed within British Standards 3998:2010 'Tree Work - Recommendations'.

Reasons:

1. For avoidance of doubt and in interests of tree health.
2. For avoidance of doubt.
3. For avoidance of doubt and in interests of tree health.

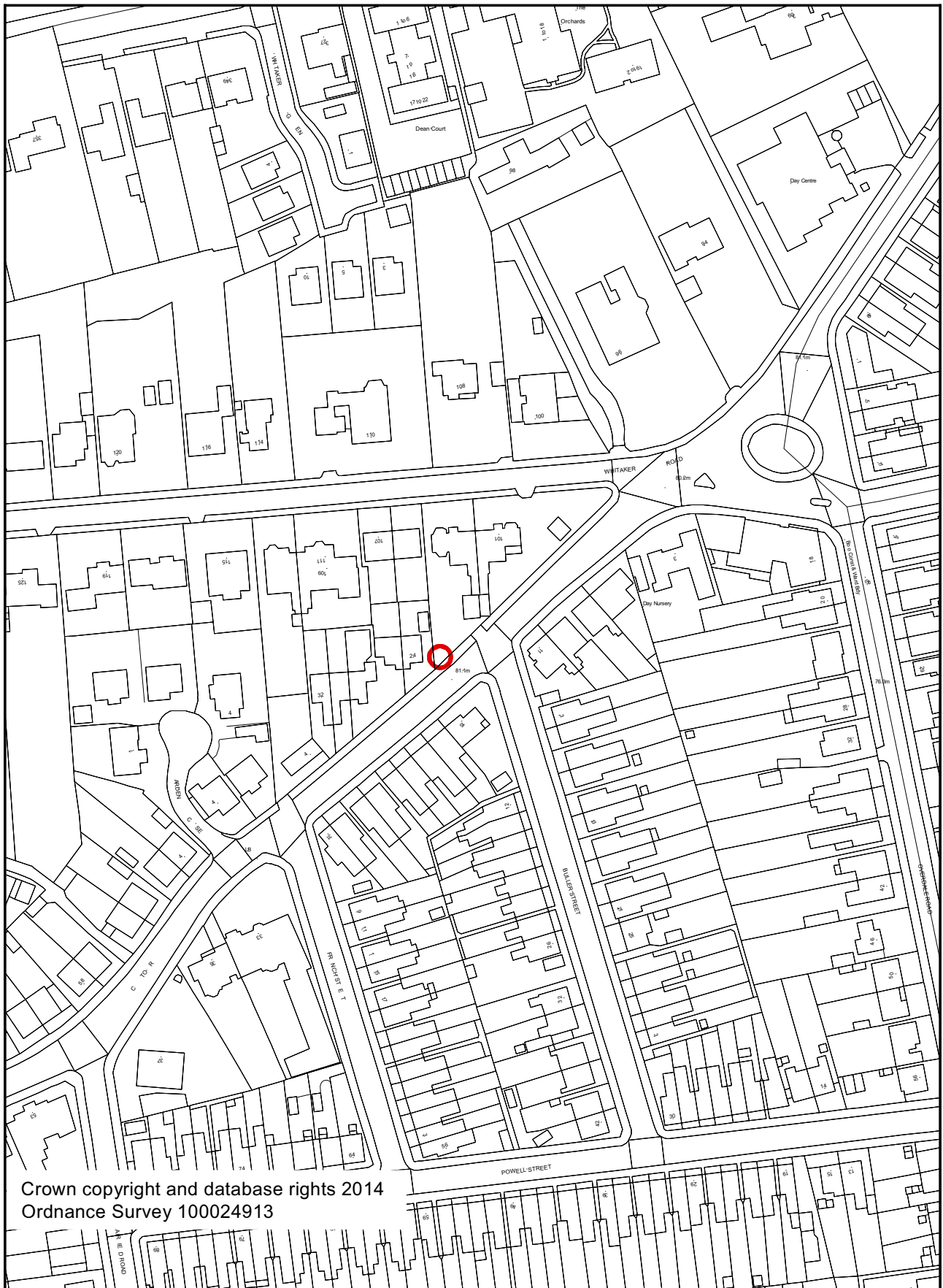
Application timescale:

The application has been reported to committee given that the applicant is an elected member.

Committee Report Item No: 5

Application No: DER/05/14/00682

**Type: Works to tree
under TPO**



Committee Report Item No: 6

Application No: DER/04/14/00442

Type: Full

1. Application Details

Address: 3 North Street, Derby

Ward: Darley

Proposal:

Retention of first floor window and installation of ground floor window to front elevation

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96220>

This application relates to the retention of a first floor window and the installation of a ground floor window in the front elevation of no. 3 North Street. The application property is a traditional two storey Victorian terraced slightly elevated above the public highway and situated within the Strutts Park Conservation Area.

The first floor window, which has been installed, consists of a top hung opening light constructed out of softwood painted in white. The proposed window in the ground floor would be of the same design, small top hung opening light constructed out of softwood painted in white.

The windows previously installed at this property were of the same design. The street scene in the immediate locality consists of a mix of window designs including casement, small top hung windows and sash.

2. Relevant Planning History:

No development control history

3. Publicity:

Neighbour Notification Letters were sent to 3 properties

Site Notice displayed 22/04/2014

Statutory Press Advert published 18/04/2014

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

4. Representations:

No representations have been received.

5. Consultations:

CAAC:

Resolved to recommend refusal of the application as the proposed design:

- i) Is not appropriate for the building,
- ii) Is not in keeping with the original design therefore it is detrimental to the conservation area

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Application No: DER/04/14/00442

Type: Full

The Conservation Area Advisory Committee has also requested that enforcement action be considered against no. 1 North Street who has changed their windows within obtaining permission.

Built Environment:

Ideally we would have recommended a more sympathetic and in keeping sash style window be installed to enhance the character and appearance of the conservation area. However we would not object to the proposals as they do not have a detrimental impact on the character and appearance of the building or the wider conservation area. The proposed windows are of a similar design to the existing given that they follow the pattern of the previous windows and are constructed in timber. The difference being that the windows are now double glazed having formally been single glazed. There would, in our view, therefore not be a detrimental impact on the character of the conservation area. As such the proposals comply with the guidance and appeal decisions following the act which state that we should preserve and enhance the character of the area and therefore we would not object to the proposals.

6. Relevant Policies: *Saved CDLPR policies*

GD4	Design and the Urban Environment
GD5	Amenity
E23	Design
E18	Conservation Areas
E29	World Heritage Site Buffer Zone

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

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

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

7. Officer Opinion:

Key Issues:

- Whether the proposed windows would preserve or enhance the character and appearance of the application property and the Strutts Park Conservation Area

The application is brought before committee because of the objection by the Conservation Area Advisory Committee (CAAC). In the opinion of CAAC the windows will neither preserve nor enhance the character of the conservation area and, as such, are inappropriate additions. It is felt that traditional sash windows would be more appropriate.

The Council's conservation officer consider that sash windows would be more appropriate however concludes that they do not object to the design of the windows as submitted. On this basis we have not sought to obtain amendments to the design of the windows.

The proposed windows are very similar to those already installed at the property and are of a timber construction. It is felt that the windows would preserve the character

Committee Report Item No: 6

Application No: DER/04/14/00442

Type: Full

of the wider conservation area and, therefore, the proposals align with policy and should be supported.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposal has been considered against The National Planning Policy Framework, the policies contained within the Adopted City of Derby Local Plan Review and all other material considerations as summarised above. The proposed works would preserve the character and appearance of the surrounding conservation area.

Conditions:

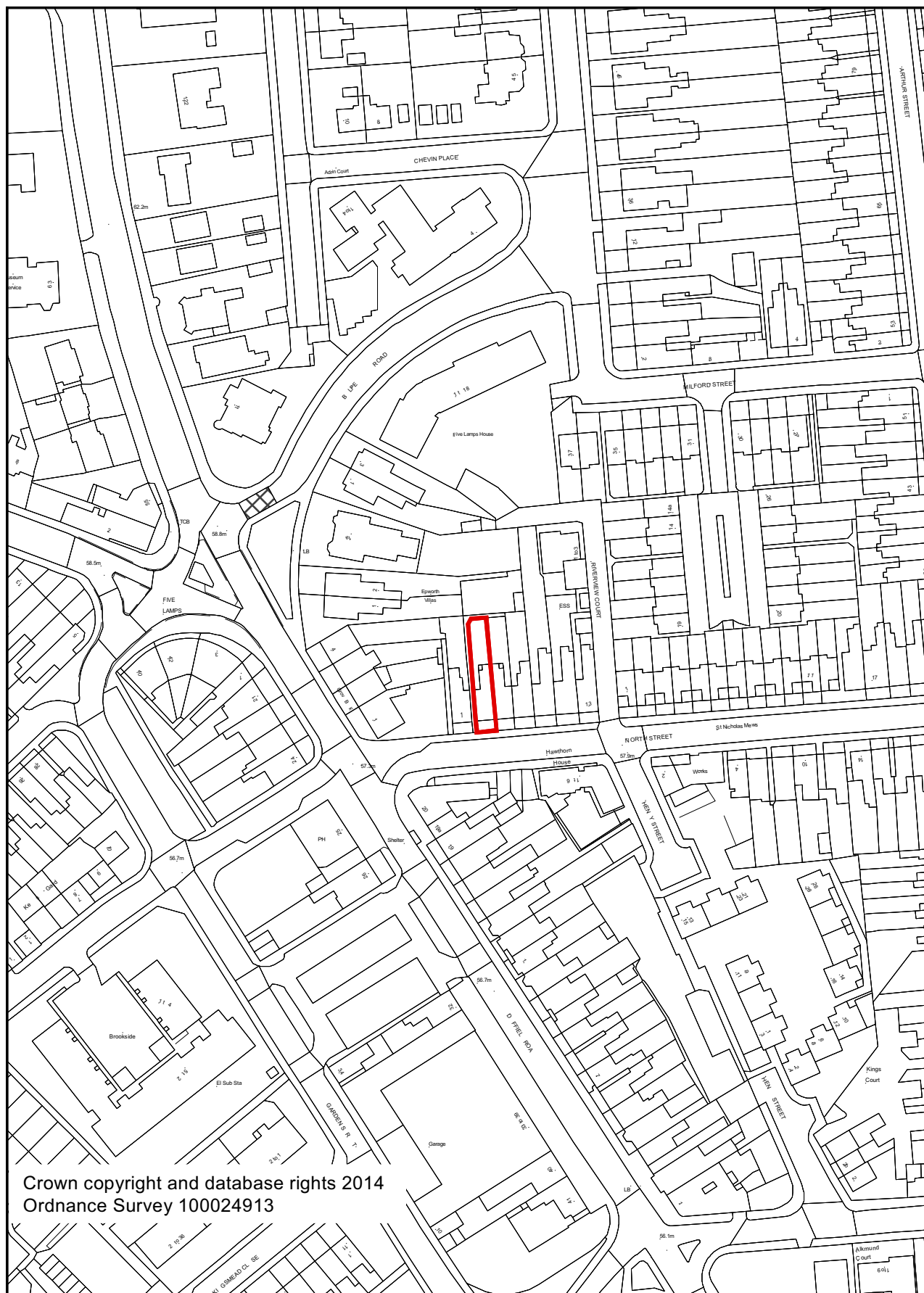
1. Standard condition 100
2. Standard condition 04

Reasons:

1. Standard reason E04
2. Standard reason E56

Application timescale:

The statutory determination period for the application expired on 29 May 2014 and the application is brought before Planning Control Committee due to the receipt of an objection from the Conservation Area Advisory Committee.



Committee Report Item No:7

Application No: DER/10/13/01182

Type: Listed Building
Consent

1. Application Details

Address: Burley Lodge, Burley Hill, Allestree

Ward: Allestree

Proposal:

Retention of conservatory and living room extensions

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95395>

Brief description

This application relates to one of the former lodges to the Grade II* listed Allestree Hall. It is therefore a curtilage building associated with the hall and listed by virtue of being part of the curtilage of the hall. Burley Lodge lies at the vehicular entrance to Allestree Park off Burley Hill, north of Allestree. It is a modest two storey, stone built dwelling of a distinctive design with a small curtilage, adjacent to the main drive into the park.

Listed Building Consent is sought for the retention of single storey conservatory and living room extensions on the dwelling. These extensions are understood to have been erected over 10 years ago. Further extensions to the dwelling were granted planning permission in October 2004, although they have not been implemented. Listed Building Consent is now being sought for the existing extensions, following clarification being given by the Council's Built Environment team that Burley Lodge is a listed curtilage building of Allestree Hall. There is no time limit on the requirement for Listed Building Consent for alterations to a listed building.

The conservatory extension lies to the rear of the dwelling and the living room addition to the side elevation. Both extensions have pitched gable rooflines, with glazed panels to roof and end elevations. They are constructed of stone and timber with slate tile rooflines.

2. Relevant Planning History:

DER/08/04/01586 – Extensions to dwelling (2 bedrooms, bathroom, lobby, store cupboard) and provision of parking space, Granted permission – October 2004

3. Publicity:

Site Notice

Statutory Press Advert

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

4. Representations:

None received to date.

Committee Report Item No:7

Application No: DER/10/13/01182

Type: Listed Building
Consent

5. Consultations:

CAAC:

Recommend refusal on grounds that 1) extension would not be appropriate for this lodge building in terms of size, scale, materials and design and 2) should listed building consent be granted it should not extend to the incongruous stainless steel flue.

English Heritage:

This application should be determined in accordance with national and local policy guidance and on the basis of expert conservation advice.

6. Relevant Policies: *Saved CDLPR policies*

E19 Listed buildings and buildings of Local importance

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

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

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

7. Officer Opinion:

Key Issues:

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

- The design and layout of the extensions and impact on the designated heritage asset.

Impact on listed building

This application is for retention of two single storey extensions to a former lodge to Allestree Hall. The lodge dwelling is Grade II* listed as part of the curtilage of the hall, although this only came to light relatively recently following an application for extensions to Quarn Lodge in 2010. This is another lodge of Allestree Hall located on Woodlands Lane and it is also a listed curtilage building. Listed Building Consent was granted for extensions to this dwelling in 2011.

The extensions to Burley Lodge, which are the subject of this application have been in place for over 10 years. There is no record of planning permission having been given for these structures. Listed Building Consent is now sought to retain the extensions, to regularise the alterations to the building.

In terms of their design and form and use of facing materials, both extensions are in general sympathetic to the architectural form and appearance of the building. They are constructed in similar stonework and with a slate tile roof, which tie in successfully with the main dwelling. The full glazed elements of the extensions are to the side and rear elevations of the building and do not impact on the principal elevation of the dwelling, which fronts the park entrance. The glazed and timber elements are more contemporary in appearance, although I am satisfied that they do complement the style and character of the original dwelling.

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Application No: DER/10/13/01182

**Type: Listed Building
Consent**

I note the concerns raised about the appropriateness of the extensions on this listed building. However, I am of the opinion that the structures would appear subordinate to the original dwelling and be in keeping with the form and materials of the main building. Overall, the extensions do not have a detrimental effect on the architectural and historic interest of the listed dwelling and are therefore considered acceptable for retention.

The stainless flue to the roof of the rear extension is to a log burner and issues have been raised about the retention of this element of the scheme. I am mindful that the flue is located on the rear of the dwelling and is part of the conservatory extension. It is not visible from outside the curtilage of the property and is below the overall height of the dwelling. Whilst the flue has limited design merit in itself it does not in my opinion cause significant harm to the special character of the listed building. It would be reasonable to soften the colour of the flue, by painting it in black or similar dark colour, to minimise the visual impact of the flue on the appearance of the building.

The extensions are considered to be acceptable alterations to the listed building in line with Policy E19 of the adopted Local Plan.

8. Recommended decision and summary of reasons:

To grant listed building consent with conditions.

Conditions:

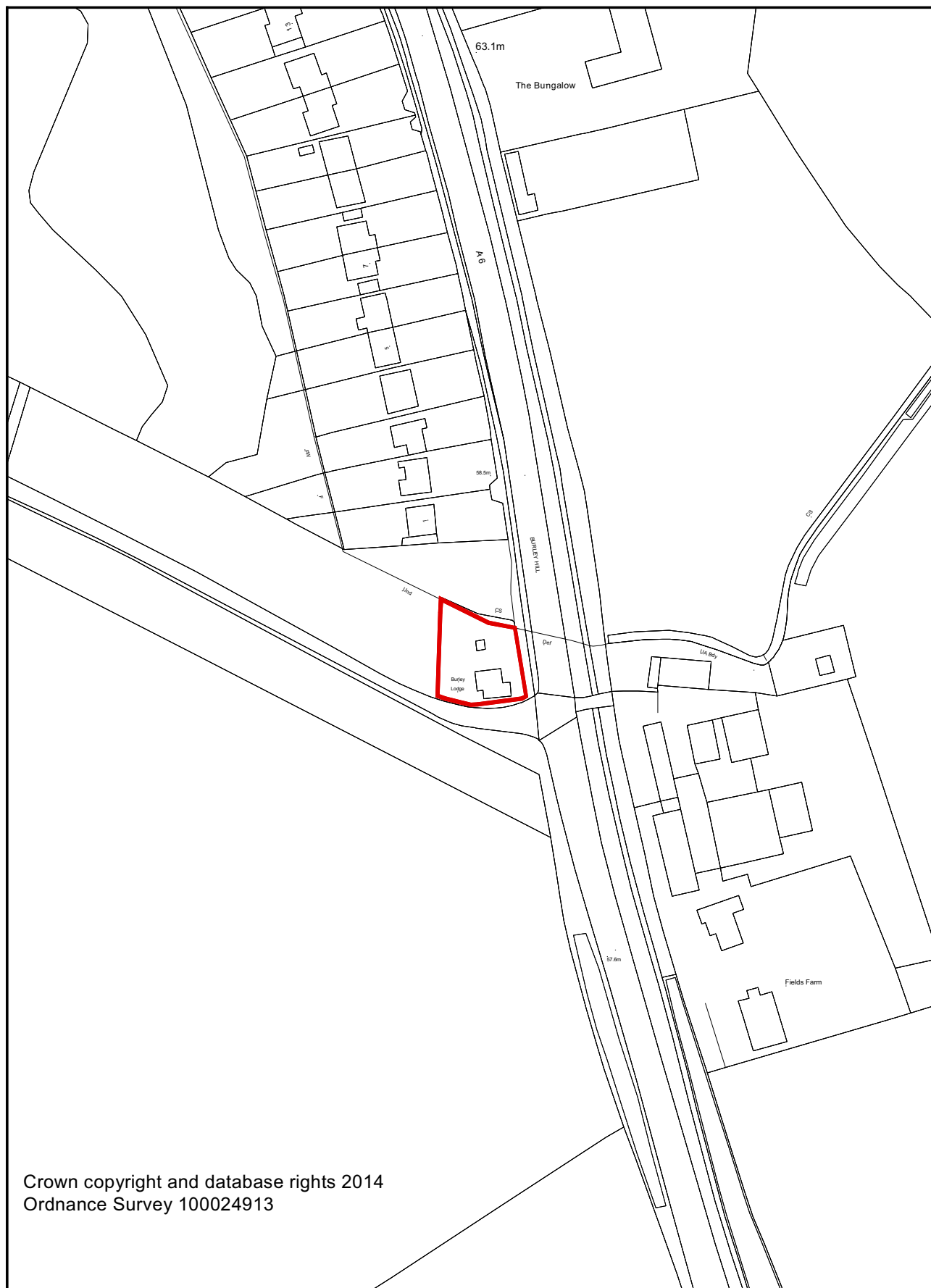
1. Approval of specified plans.
2. To require stainless steel flue to rear extension to be painted in dark colour in accordance with details to be agreed.

Reasons:

1. For avoidance of doubt.
2. To safeguard the special character and integrity of the listed building – Policy E19

Application timescale:

The target date for determination of the application was 11 June 2014 and is brought to committee due to objection by CAAC.



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Committee Report Item No: 8

Application No: DER/03/14/00390

Type: Householder

1. Application Details

Address: 42 and 44 Otter Street, Derby

Ward: Darley Abbey

Proposal:

Erection of two garages

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=96164>

The full planning application seeks permission for the erection of two garages; one garage within the curtilage of no. 42 and one garage within the curtilage of no. 44 Otter Street. The proposed garages will be built as one providing a joint pedestrian access that then separates into each garage. Each garage will have an independent vehicular access. Vehicular access will be provided from Darley Grove which runs parallel to Darley Park and provides rear access to properties on the eastern side of Otter Street.

The application site is located within the Strutts Park Conservation Area. The properties, their gardens and the site of the proposed garages also sit within the World Heritage Site Buffer Zone. It is important to note that Darley Grove is within the World Heritage Site.

The gardens of properties on the eastern side of Otter Street have steep gardens which decline from the rear of the properties in an easterly direction to Darley Grove and the park. The boundary treatment along this edge is varied consisting of some stonewalls, garages of which seem to have been in situ for a considerable period of time and hedgerows with various gates and doors inserted throughout.

The proposed garages have a footprint of 6.8 metres by 12.3 metres in area. The garages are to be constructed with a flat roof enabling the use of the space above with timber post and panel fencing for safety and a boundary treatment. The applicant has confirmed that the pedestrian door, fronting Darley Grove, will be of a timber construction and finished in black. The garages will be constructed using block work and be of a sandstone finish; these materials are to be re-used from the previous walls which have collapsed. The sandstone will also provide a screen to the roller shutter door mechanisms which are located on the front elevation.

Both properties previously benefited from a stone wall along this boundary however the wall at no. 44 Otter Street collapsed in 2012. The wall was repaired and built with steel reinforcement and the adjacent wall at no. 42 was re-pointed. However both walls have since collapsed creating land retaining issues at the properties. The proposed garages will create a more sound retaining structure and will re-use materials from the former walls.

2. Relevant Planning History:

No related planning control history

Committee Report Item No: 8

Application No: DER/03/14/00390

Type: Householder

3. Publicity:

Neighbour Notification Letters sent to 3 properties

Site Notice erected 14th April 2014

Statutory Press Advert 1st April 2014

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

4. Representations:

None Received

5. Consultations:

CAAC:

Recommend refusal of the application as the proposal is detrimental to the conservation area and world heritage site due to the importance of the walls and their prominent location. The existing walls should be fully reinstated.

Structures:

We have now looked through the new proposed plans for the erection of 2 new garages, and at this stage from a building design point of view we have no comments. We will assume that a building regulation consultation will follow, and that a full design showing the principles of how the new retaining wall/garages will satisfy current regulations will be submitted. With reference to highway design, highways design division of derby city council will need to comment on their behalf as to what impact these proposes will have with the existing highway.

Archaeologist:

The rear of the gardens to the east of Otter Street is retained by a substantial sandstone wall, representing an episode of terracing creating a steep drop between the garden levels and Darley Grove to the east. Darley Grove – and the sandstone retaining wall to its west – pre-date the houses on Otter Street, and the sandstone wall may have formed a boundary to the 18th century parkland of St Helen's House.

Because the proposal site contains made ground material to the rear of this post-medieval retaining wall, it seems unlikely to be of much archaeological potential in the context of the Roman activity around Strutt's Park. In addition, the sandstone wall has suffered collapse in the last two years, and has been rebuilt on at least one occasion: this will have substantially disturbed the stratigraphy of the site, further lessening the archaeological potential.

In view of the above considerations, I recommend that there is little archaeological potential within the site, and that there is no need to place an archaeological requirement upon the applicant.

Highways Development Control:

Darley Grove is an adopted highway maintainable at public expense. It is quite constrained in width, especially for manoeuvring a vehicle into and out of a garage with very little visibility for users of the Grove, however, as stated there are a number of other historic garages along the frontage and therefore it would be difficult to refuse. It is recommended that the garage door is not the type that opens out, a roller shutter would be preferred, so that the space on Darley Grove is maximised

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and there is no overhang or encroachment that could cause obstruction to other users.

6. Relevant Policies: *Saved CDLPR policies*

GD4	Design and the Urban Environment
GD5	Amenity
H16	Housing Extensions
E18	Conservation Areas
E21	Archaeology
T4	Access, Car Parking and Servicing
E29	World Heritage Site

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

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

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

7. Officer Opinion:

Key Issues:

- Design
- Impact on the setting of the World Heritage Site and Strutts Park Conservation Area

The application properties have previously benefited from stonewalls along their rear boundaries however these walls have since collapsed even with steel reinforcement throughout; this collapse in structures has also resulted in land movement at the properties. The application seeks to re-use the stone and coping stones in the construction of the proposed garages which is welcomed by colleagues in the Built Environment Team as it will ensure integration with the existing walls and boundary treatments.

The overall design of the garages is considered to be acceptable with the re-use of materials limiting the visual impact of the proposal on the location, Conservation Area and World Heritage Site. Conditions are recommended in relation to mortar details and any additional materials that may be required during construction. The specification of the proposed roller shutter doors and their finish in black is also considered to be acceptable. The overall external appearance will integrate within this locality. The development overall, would preserve the character and appearance of the Conservation Area and protect the setting and character of the World Heritage Site, in line with Local Plan Policies E18, GD4 and E29.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposed two garages to the rear of 42 and 44 Otter Street are considered to be acceptable in terms of relevant planning policies as set out in the City of Derby Local

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Application No: DER/03/14/00390

Type: Householder

Plan Review and the National Planning Policy Framework. The design and external appearance of the garages is considered to be of a modest scale which incorporates the re-use of existing material ensuring the integration of the proposed in this location. The proposals do not have a detrimental impact on the character and or setting of the Strutts Park Conservation Area and World Heritage Site.

Conditions:

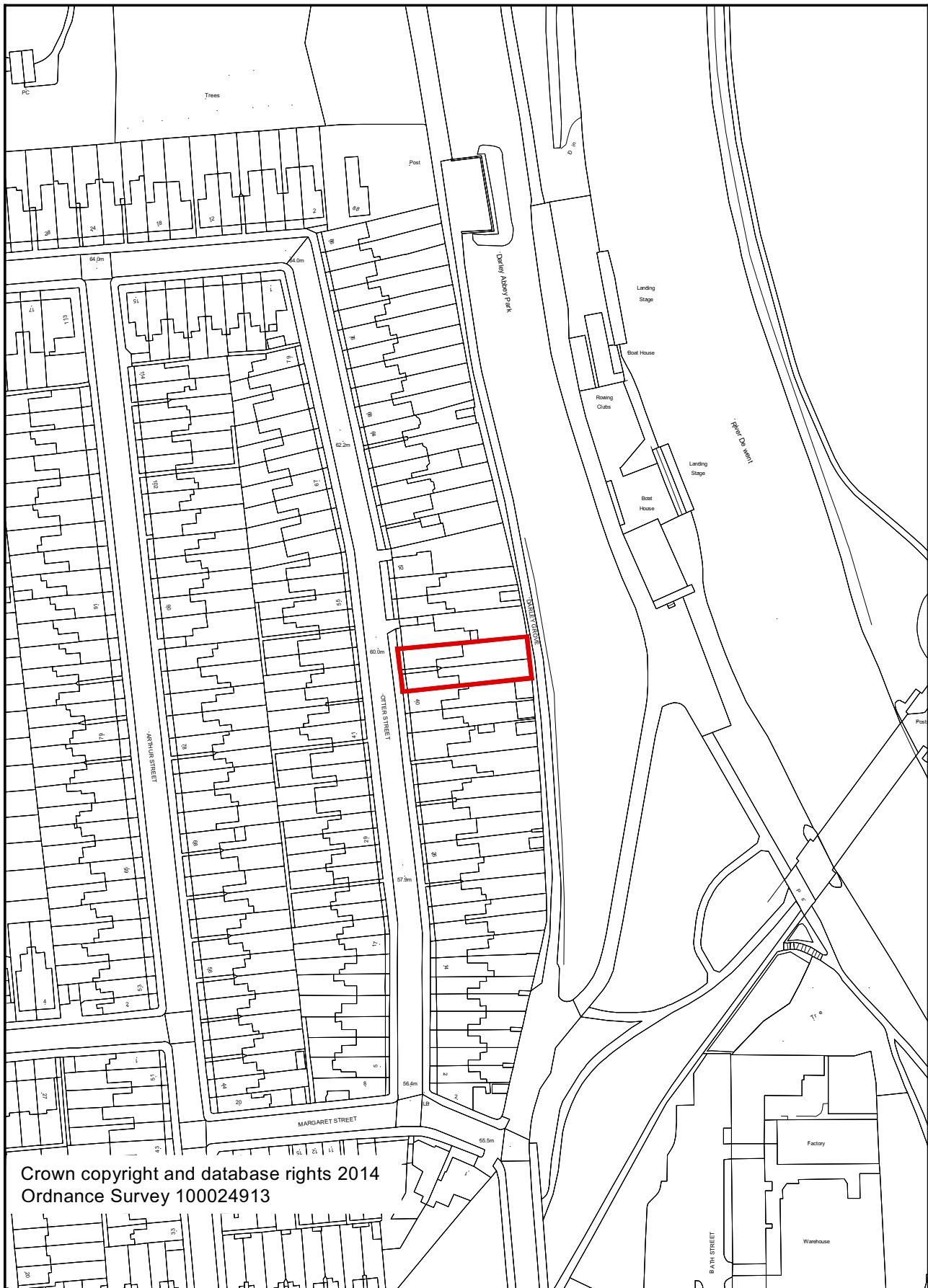
1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 27 (materials condition that shall include a request for mortar details)
4. Standard condition 13 (garage for private use)
5. The roller shutter doors shall be retained in perpetuity.

Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14 ... policies E18 , GD4 and GD5
4. Standard reason E14 ... policies GD5
5. In the interests of highway safety... T4

Application timescale:

The statutory expiry date for this application was 22 May 2014 and the application is brought before committee due to a recommendation for planning permission to be refused by Conservation Area Advisory Committee.



Committee Report Item No:9

Application No: DER/12/13/01514 & DER/12/13/01515

Type: Planning & Listed Building

1. Application Details

Address: Long and West Mills, Darley Abbey Mills, Haslams Lane, Darley Abbey

Ward: Darley

Proposal:

Change of use of mill buildings from light industrial use (B1 Use Class) to a function/ wedding venue (D2 Use Class) in West Mill and office accommodation in Long Mill (B1 Use Class), formation of car parking and external landscaping works and internal alterations to buildings associated with proposed uses.

Further Details:

Web-link to application documents:

DER/12/13/01514:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95750>

DER/12/13/01515:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95751>

Brief description:

Listed Building and Planning applications have been submitted for change of use and alterations to Long Mill and West Mill, which are part of the Darley Abbey Mills complex, to the east of the River Derwent on Haslams Lane, Darley Abbey. Both mill buildings are Grade 1 listed and are of key importance within the Derwent Valley Mills World Heritage Site and the Darley Abbey Conservation Area. The mills were built in the late 18th and early 19th Century for cotton spinning and form part of a complete group of early industrial mill buildings in Darley Abbey and are of international historical and architectural significance within the World Heritage Site. They are also an important part of the city's architectural and industrial history. The mill buildings are primarily four and five storey brick structures, with some later extensions and additions. They are attached to Middle Mill to the east and Darleys Restaurant to the west, the latter being a single storey structure. There is currently a modern loading bay structure and stairwell extension to the south elevation of West Mill, although these would be demolished under a recent Listed Building consent (ref:DER/03/14/00318).

The proposal is for change the use of both buildings from light industrial (B1) use to a mix of office accommodation and wedding/ function venue (D2 use). West Mill is proposed to be converted to the venue for hosting events and functions, able to accommodate up to 165 people and employing approximately 33 permanent staff. The supporting statement indicates that one function would be held in the building at any one time with an estimated 3 – 4 functions per week. A function would have use of the venue between 10:30am and 12:30am. The ground floor of the venue is also to be used for conferences and training events, for up to 75 people. The upper floors of West Mill are to be reserved for weddings/ events. Long Mill would be subdivided into office units over the five floors of the building. The area of West Mill where it links with Long Mill would become the central access core for occupiers of both buildings, with the insertion of a lift and new staircase. Kitchen facilities would also be created

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Application No: DER/12/13/01514 & DER/12/13/01515

Type: Planning & Listed Building

in this location on ground, first and second floors with ventilation and extraction ducts being installed internally. A second lift would be installed within the former water tower annexe on the east elevation of Long Mill, to serve the office units. The two existing staircases in Long and West Mills would be retained for access to the buildings.

Internal alterations to form the new uses would mainly take place in the central core and in Long Mill to form the office suites. The interior of West Mill would be largely maintained as open spaces to hold the proposed weddings and events. There would be minimal external alterations to the buildings, other than the proposed re-facing of the former Mechanics Shop to the south elevation of West Mill, with external materials to be agreed by planning condition.

There is currently limited car parking to the north of the buildings alongside Darleys Restaurant. The main access and servicing for the site is at the rear of the buildings served by a narrow access road onto Haslams Lane. It is proposed that the main entrance to the function venue, would be from the south of West Mill via new stepped and ramped approach which would be landscaped and extend to the end of the Mechanics Shop annexe. The existing servicing yard and parking area is to be reconfigured to provide 16 car parking spaces, including 3 disabled bays. A car park with a further 25 parking spaces would be located to the south, behind residential properties on Haslams Lane. A one way entrance and exit route to these car parks for visitors to the venue at weekends is proposed to access and egress onto Haslams Lane. Entry would be via access adjacent to 1b Haslams Lane with exit through the yard around the chimney stack, when businesses are not operating. The small area to the north of West Mill is to be allocated for taxi drop off and caterers vehicles only. An additional car park with 74 spaces for office staff and overflow provision for the function venue is identified in the north east corner of the mills complex, where there are a number of modern industrial buildings. This comprises the revised car parking strategy for the proposed uses to minimise parking congestion within the Darley mills complex.

The landscaping proposals for the scheme also indicates a new footpath to be formed over the flood defences into open area alongside the river bank. A hydro power turbine also shown the site plan does not form part of the current applications.

2. Relevant Planning History:

DER/03/14/00318 – Listed Building application for demolition of loading bay, two storey stairwell extension to former ‘Mechanics Shop’ together with repairs to mills, Granted consent – 11 June 2014

3. Publicity:

Neighbour Notification Letter

Site Notice

Statutory Press Advert

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

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Application No: DER/12/13/01514 & DER/12/13/01515

Type: Planning & Listed Building

4. Representations:

Twenty seven objections and comments have been received to both applications, including comments from Cllr Repton and the Darley Abbey Society, which raise the following issues:

- The proposed uses would result in a significant increase in traffic generation on Haslams Lane which is an unadopted highway. The road is in poor state of repair. The road would not cope with the increase in traffic.
- Proposed parking provision is inadequate for the new uses.
- The increase in traffic using the access would cause hazard for users of Haslams Lane.
- There is already significant traffic in the mills complex during the week.
- The proposed entrance to the venue off Haslams Lane is not suitable for the proposed level of traffic.
- Parking in the Green Wedge is unacceptable.
- Use of the open area alongside river by the proposed wedding guests is unacceptable in terms of impact on residents amenity, natural environment, security and pollution.
- Use of the building and vehicular movements late at night will cause disturbance for neighbouring residential and business properties.
- Already drinking and social premises in the local area.
- Steps over the flood defence would impact on the flood risk.
- The proposed venue use would result in increased noise disturbance to the neighbouring properties, particularly in the evening.
- There are current high volumes of traffic using Haslams Lane which would increase as a result of the proposed uses.
- There would be a danger to pedestrians using the mills complex route as result of proposed uses.
- The venue would be operating for long periods and late at night causing disturbance to local residents.

A supporting comment has also been received, which welcomes the restoration and reuse of the buildings, although suggests alternative residential or community uses.

5. Consultations:

CAAC:

Support the proposals. Concerns raised about the car parking scheme which should be resolved and question whether a D2 use is appropriate in this location. Officers to negotiate these issues.

Highways DC:

Following submission of revised car parking arrangement, it is noted that the maximum number of delegates to attend conference events is to be limited to 75.

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Type: Planning & Listed Building

The highway around the mill complex is not adopted highway and is not maintained at public expense. There is a private toll route through the complex across the river Derwent. From the information provided the main route to the venue will be along Haslam's Lane from Alfretton Rd. Haslams Lane is not adopted highway.

The proposed car parking provision is acceptable for the proposed use as a venue and office complex.

No objections raised.

Environmental Services (Health – Pollution):

Noise

The tests consisted of reconstructing similar noise levels to those likely to be produced during functions. We then observed the levels from adjacent to all nearby sensitive receptors i.e. residential dwellings.

Generally, the music being played was inaudible at the receptor locations.

Where music noise was audible, it is expected that noise management practices should be able to adequately mitigate against potential nuisance without the need for additional insulation.

Conclusions on Noise

Based on my observations during the tests I have no objections to the application on noise amenity grounds. Whilst some noise from functions may occur once the development is complete, this should be able to be adequately mitigated through licensing/statutory nuisance legislative controls

Noise from mechanical plant: Based on the information in submitted Noise Assessment report, I accept conclusions of the BS4142 assessment for mechanical plant, namely that noise from plant is *"predicted to have no impact on the neighbouring residences during the quietest periods of operation"* and that *"anticipated noise levels will be inaudible inside residences (at night) such that the specified scheme is extremely unlikely to cause negative effects on sleep"*.

Agree that mechanical plant noise is unlikely to be an issue.

Internal insulation proposals: The report considers improvements to internal insulation with respect to noise transmission between the hospitality venue floors and also between the hospitality venue and the adjoining proposed offices.

The report concludes that no insulation improvements are required between the floors of the hospitality venue due to the proposal for a single party to occupy the building at any one time. Based on this assumption, I would accept this proposal.

The proposals set out within section 8 for the adjoining partition between the West Mill and Long Mill appear to be reasonable. I would note however, that some degree of noise disturbance is likely to be experienced within the offices during functions in the West Mill. It may however be possible to minimise the risk of this by staggering the two uses, for example by prohibiting music from being played during normal office hours e.g. no music allowed until after 6pm. Such a condition could easily be applied via the licensing regime, which the venue will inevitably have to make an application under.

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DCC Archaeologist:

In the case of a historic industrial building it is difficult to maintain a separation between 'built heritage' and 'archaeology', because many archaeological elements below-ground (leats, culverts, soughs, wheel pits etc.) are structural in nature and contribute clearly towards the built heritage significance of the historic building. Such structures are best recorded and interpreted in the context of the historic building. The nature of 'historic building recording' during a conversion process overlaps seamlessly with 'archaeological watching brief' on those elements of conversion with below-ground impacts.

I recommend that this historic building recording be secured using appropriate conditions, in line with NPPF para 141, and following the advice of the relevant consultees.

In addition to recording of the built heritage, there are elements of the proposed works where the impacts are archaeological in character, both internally – where excavation below-ground and through jack-arch structures is proposed for the insertion of lift pits, shafts and stairwells, with other impacts from insertion of a new floor, exposure of cast iron beams and columns to carry out strengthening and possibly also from plumbing works - and externally, where an extensive landscaping scheme is proposed.

The internal works are best addressed through a programme of archaeological monitoring (active watching brief) during the relevant works. In areas which prove archaeologically sensitive it may be necessary for the archaeologists to carry out elements of excavation by hand, and provision should be made for this. This work would be best carried as an element of the in-conversion historic building recording work, to allow above- and below-ground structural elements to be recorded and interpreted as part of the same asset.

The proposed external works include new hard landscaping over a fairly extensive area and a 'water feature' making reference to the (now-infilled) historic mill leat. Although the introduction of a reference to the historic leat is broadly to be welcomed in terms of heritage interpretation, the feature as shown on the proposed plan is perhaps a little too straight, regular and 'tame', and does not sit easily with the utilitarian, industrial character of the mill buildings. I would suggest perhaps that the landscaping plan is re-thought, within the obvious practical constraints, to better reflect the asymmetric nature of the historic leat closer to its actual position – this would better address the requirement to 'sustain and enhance' the heritage asset at NPPF para 131.

The proposed landscaping and 'water feature' may also impact upon below-ground archaeology associated with the designated mill buildings – most importantly on the surviving retaining walls and other structures of the infilled leat, but also potentially on surviving historic yard surfaces. This below-ground archaeology – and in particular the remains of the leat – might be considered nationally important where it contributes substantially towards the significance of the Grade I Listed Buildings and the Outstanding Universal Value of the World Heritage Site.

I recommend therefore that it is necessary to understand the nature of the external below-ground archaeology before designing a final landscaping scheme. This could

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Type: Planning & Listed Building

be achieved by a programme of test pits, with at least one trial trench to examine the remains of the infilled mill leat. This process should be used as an opportunity to better orientate the landscaping scheme with the significance and setting of the mill complex. Possibilities might include:

- Opportunities to expose, consolidate and re-use historic features and yard surfaces where they are sufficiently well-preserved;
- Consolidating and incorporating elements of the historic mill leat into the proposed 'water feature', or alternatively ensuring their continued preservation *in situ* below ground;
- Where consolidation and re-use is not an option because features are insufficiently preserved or of insufficient significance, the historic structures, surfaces and materials could be used to inform and guide the final landscaping proposals.
- Opportunities to record further remains during the implementation of the landscaping scheme.

These archaeological requirements are best secured using a series of conditions, in line with NPPF para 141. Pre-commencement conditions will require the archaeological evaluation of the exterior areas, leading to an improved landscaping proposal better addressing and conserving the setting and significance of the designated assets, and also the formulation and submission of a written scheme of investigation for the in-conversion and in-landscaping monitoring and recording. Operational and pre-occupation conditions will then secure the archaeological scheme as per the approved proposals, and ensure proper attention to the post-excavation stages of the archaeological process.

Environment Agency:

We have no objection, in principle, to the proposed development. However, it should be noted that we have been afforded very few details with regards to the steps and their integration with the flood defence. The proposed steps will require the prior written consent of the Environment Agency in addition to planning permission.

Derbyshire Wildlife Trust:

The report confirms that the mill structures support a bat roost. Recommend a condition to protect bats from disturbance during the works and provision for access to roosting space.

In addition:

- A condition to ensure that a suitable lighting design is implemented to the exterior spaces of the proposals in line with the suggestions in the bat survey report
- DWT would advise that the river banks be temporarily fenced with high visibility fencing to ensure that there is no accidental spillage of stored materials or spoil during the construction of the new steps and riverside path. We would advise that this be implemented via a condition attached to any permission if granted.

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Type: Planning & Listed Building

- Any proposals for management of the river banks, which are not shown on the landscape plan, should include measures for biodiversity and DWT would be willing to advise in more detail on this issue.

Police Liaison Officer:

No objections to the change in principle but some areas of concern in respect of the site location, crime history and proposed uses being introduced will warrant mitigating measures.

The isolated situation and enclosed form of most space at the mills leaves it vulnerable to burglary, thefts and criminal damage. The site has the natural boundary of the river and partial enclosure by the existing access gate and security fencing separating West and Long Mills from the neighbouring industrial buildings, although it is incomplete and easily passable on foot. Would not wish to see any weakening of site boundaries as result of proposal.

Most distant car parking to rear of dwelling restricts any control which would be exercised from owners of cars who would be in mills for majority of time.

The pedestrian routes shown across the levees would suggest some wider use of the flood plain beyond and up to the rivers edge. Some risk with children and adults in close proximity to fast flowing river which require consideration.

To address these, approval should be subject to conditions for:

- Intruder alarm provision for both mill buildings
- Completion of site enclosure
- Submission of an agreed lighting plan for the site.
- Provision of CCTV coverage for external areas including rear landscaped area and car parking bays.
- Acceptable form of enclosure to rivers edge to prevent more vulnerable pedestrians falling into the river.

English Heritage:

English Heritage remains very supportive of finding a new use for Long Mill and West Mill which are on the National Heritage At Risk register. In determining this application, your authority will need to be assured that the application clearly demonstrates that the proposed level of accommodation and internal alterations is the minimum necessary to allow for the building's sustainability whilst safeguarding the special interest.

The impact of any proposed alterations is assessed in accordance with the Principal Act Planning (Listed Buildings and Conservation Areas) Act, 1990 and Government policy contained within the NPPF and the Planning Practice Guide. We have advised that elements of the proposal to enable this change of use will result in a degree of harm to significance. This harm is considered to have varying degrees of seriousness from loss of historic fabric and archaeology to loss of character and special interest through subdivision. Cumulatively, the harmful impact on the significance of both buildings is considered less than substantial. Therefore we would draw your attention specifically to paragraphs 128-132 and 134 of the NPPF.

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English Heritage recommends both the planning and listed building applications are determined in line with the Principal Act, and the NPPF (paragraphs 128, 129, 131, 132, 134, and 137 refer) We recommend your authority will need to be assured that the applications clearly demonstrate and justify, that the proposed level of accommodation and internal alterations are the minimum necessary to allow for the building's sustainability whilst safeguarding the special interest of the Grade I listed Long Mill and West Mill, the character and appearance of Darley Abbey Conservation Area and the outstanding universal value of the Darley Abbey Mills World Heritage Site. We recommend further consideration is given to the proposed landscaping and public realm in the context of the whole site. If minded to approve, we recommend outstanding matters of detail are considered with the benefit of advice from your inhouse conservation officer and all matters of archaeology with your authority's archaeological adviser.

Impact on Long Mill & West Mill

The proposal for Long Mill requires the subdivision of the mill floors into office accommodation of varying sizes retaining the existing stairs and providing a lift within the existing shaft. Whilst a number of floors would remain in single office use, floor 2 requires separation to form units four and five, with all floors requiring separate meeting space, office, toilet facilities and where necessary, an enclosed lobby area for the lift. By the nature of the surviving character of the open plan form, these proposed changes will impact on the significance of this Grade I listed building and will result in a degree of harm, which under in the NPPF, is considered less than substantial. To mitigate this, the detail of how the meeting/office rooms, lift access corridors, remains critical - in particular, the proposed materials and retaining the ability to read the space through the junction of any new partition with the existing fenestration and ceilings.

We previously recommended a mock-up to show the impact of the proposed partitions on the historic spaces and interface with existing fabric, and still consider this a useful exercise beyond the submitted computer generated illustrations. We also recommend section details of all partitions with samples of materials and finishes, which could be conditioned. The subdivision on the second floor is likely to have the most impact on significance as the nature of the subdivision would need to achieve the appropriate level of separation between different users. We note the different options considered for the partitions and in comparison to the proposed glass partition with steel hangers in a non fire rated situation, the alternative for unit 4 with stud bulkhead, is less satisfactory in terms of mitigating the loss of the historic open plan arrangement.

Within West Mill, a new circulation core is proposed from ground to third floor. This will include a new lift, stairs and kitchen/bridal accommodation. In finding a sustainable use for this building which will not conflict with other existing and long term aspirational uses for the mill complex, we believe there is a compelling case for both a new lift and stairs within the building. The insertion of these requirements, with the other facilities on each floor (kitchens, toilet, bridal suite) will result in a degree of harm to significance through the loss of historic fabric, alteration to the historic plan form, and loss of the direct, historic link between Long Mill and West (though a link through will remain). It is recognised that whilst this central core will truncate the open

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plan arrangement, this has intentionally restricted the major intervention to one area and should negate further subdivision within the remainder of each floor.

As previously advised, the quality of materials and detail is critical and we would encourage a well designed, robust stair which is not apologetic within its former industrial surrounding. We recommend the proposed lift does not impact negatively on the roof form, and below ground archaeology is fully considered. If minded to approve, all aspects of this detailed design should be appropriately conditioned.

Mechanics Shop External Remodelling

The view towards West Mill forms one of the World Heritage Site monitoring views and is highly sensitive. Therefore, any alteration to this facade in our view, should be restrained and follow a more traditional form. This has been discussed with colleagues and there is reservation with the use of timber boarding in this location. We are not convinced this is the appropriate material for the location nor do we consider this an opportunity for *architectural expression*.

Proposed strengthening works

We consider the structural engineering report as submitted and amended, well thought through and the loading that has been taken for both mills to be reasonable for the change of use proposed. The report refers to alternative methods of support which have been considered and discounted. Whilst we believe the structural assumptions and conclusions are correct, the choice of repair solution will come down to aesthetic and conservation philosophical considerations. The use of carbon fibre is a practical method of strengthening though is permanent and non reversible - despite the suggestion within the submitted information that it would be reversible. The report also suggested there may be the opportunity to combine different techniques following the principle that not one solution may be appropriate for all areas of ground and first floor.

We are now in receipt of further information dated 10 March 2014 and note the reduction in the proposed carbon strengthening to eight columns. There are no further comments on this at this stage.

Fire Safety Issues

Our Fire Safety Adviser, attended a site meeting with your authority and the applicant/architect before Christmas and provided advice. Having reviewed the current submission we have no further comments to make.

Archaeology / public realm

The submitted information includes a landscape plan for the area immediately around Long Mill and West Mill and includes car parking provision. We strongly recommend any proposals form part of a public realm plan for the whole site, which is based on a thorough understanding and appreciation of the heritage significance of the site. We do not believe this has been achieved to date and would encourage the benefits of relating any proposed scheme to existing archaeology, historic surfaces and so forth.

As eloquently expressed by the County Development Control Archaeologist in his comments the above and below ground fabric of the Mills complex should be seen as part of one large and complex asset of the highest national importance itself

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forming a key part of the World Heritage Site of outstanding universal value. It is therefore evident that change should only be considered by your authority in ways which better sustain, reveal and protect the characteristics, material and evidence that support the site's significance.

In particular the surfacing of yards and route ways within the complex is both key to the character and connectivity of the parts of the complex and also represents an important record and visual guide to the changing disposition and use of the space. Changes in surfacing, levels and slopes can be crucial to understanding former structures and water channels the remains of which lie beneath. Scars and joints on the standing walls can be 'read' against patterns in the ground to form a three-dimensional understanding of how the site has evolved.

The introduction of novel water features which does not directly reveal or preserve genuine historic arrangements is highly unlikely to sustain the significance of the site and would moreover represent harm to the site's significance. Any plans for water features if viable at all would need to be closely informed by professional archaeological investigation and analysis.

With regard to recording work to inform the assessment, design detailing and mitigation of change at the mills site we have the following advice. Areas where change is proposed should be recorded in detail by metric / photo-metric survey and archaeological investigation and recording of above and below ground fabric all to a Written Scheme of Investigation approved by the Local Planning Authority. In particular the WSI should set out how the new investigations will be integrated with existing survey and analysis that has been undertaken in the site such that an holistic understanding of its development and use is derived to support a sustainable planning and conservation outcome. It is likely that survey and textual work will need to extend beyond the area where intervention is proposed such that this integrated understanding can be delivered.

World Heritage Site Conservation & Planning Panel:

The alterations proposed comprise a package of works, which involve both positive enhancement to the interior of the mills and also a degree of loss of historic fabric to accommodate access to the upper floors, which the applicant acknowledges but considers to be unavoidable.

These and minimal external changes have been carefully considered by the applicant in consultation with conservation specialists from the City Council and English Heritage. The mill's construction is as important a component of the development of the textile industry as the exterior appearance of the building and setting and therefore a significant contributor to the WHS's Outstanding Universal Value.

The comprehensive Heritage Statement demonstrates that this significance has been understood and has informed the proposals within the application, acknowledging that a degree of harm will result from the alterations, but that these have been minimised and aimed at addressing previous damaging interventions.

The proposed use re-establishes the open floor-plate character of the original mill use and where sub-division is necessary has been carefully considered, through options appraisals, to current best practice methodology. The confidence in the viability of the new use offers a positive future for the building's continued survival

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and beneficial use. The proposed use is therefore considered to be a good option as it retains the open character of the mills with minimal sub-division and changes to the building's fabric.

The impact of vehicle access and parking on the character of the site has been considered in some depth with mitigation that involves locating the car park away from the immediate setting of the mill buildings which appears to be an acceptable proposal.

In summary, the proposals are welcomed in terms of the investment and security it aims to bring to the buildings. Without such a commitment to the overall business proposition for the buildings, long term lack of use and uncertainty can only be damaging to the building. The contrast between the effect on the building's character, fabric and setting of the proposed use and any conversion to residential use is significantly different and therefore represents an opportunity worth accepting.

Highways (Land Drainage):

The Flood Risk Assessment (FRA) accompanying this application provides a comprehensive analysis of the risks which face the proposed development.

Darley Abbey Mills are identified in the Our City Our River (OCOR) Masterplan as Opportunity Site 01 and their significance in this strategy must be appreciated in any consideration of the merits of this application.

Currently the site cannot guarantee a safe means of access / egress in a flood event which exceeds the 1 in 100 year level. If the application is to be approved then an acceptable Evacuation Plan must be put in place. Due regard must also be taken to the integrity of the existing flood defences. Current flood defences only provide a 1 in 50 year level of protection to the site. The FRA proposes that, therefore, ground floor use should be restricted. However, it is obvious that the occupants of the upper floors would remain at risk and there would still be uncertainty about safe egress in the event of flood.

The FRA also proposes that the ground floors should be designed in such a manner that they incorporate flood resilience, and this should certainly be incorporated into the final design.

Although the planned small increase in impermeable area may have only a slight impact on the surface water run-off from the site, this development affords the possibility of using sustainable drainage techniques (SUDs) to restrict and reduce run-off. The FRA makes some suggestions as to how these could be employed – in any event, the use of SUDs must be a requirement of the drainage strategy to be employed on site.

6. Relevant Policies: *Saved CDLPR policies*

GD2	Protection of the Environment
GD3	Flood Protection
GD5	Amenity
R1	Regeneration Priorities
R6	Darley Abbey Mills
EP13	Business and Industrial Development in other areas
E2	Green Wedges

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E4	Nature Conservation
E7	Protection of habitats
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E20	Uses within buildings of Architectural or Historic importance
E29	Protection of World Heritage Site and its surroundings
L8	Leisure and Entertainment facilities
T1	Transport implications of new development
T4	Access, parking and servicing
T10	Access for disabled people

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

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

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

7. Officer Opinion:

Key Issues:

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

- Policy and heritage background
- Impact of the proposal on designated heritage assets
- Impact on Green Wedge
- Traffic implications and parking
- Other environmental implications, including noise, nature conservation and flood risk

Policy and Heritage background

Long and West Mills form part of the Darley Abbey mills complex of early industrial buildings. They are Grade I listed, due to their exceptional historical and architectural interest and are both nationally and internationally important buildings. The mills complex are a key part of the Derwent Valley Mills World Heritage Site. Darley Abbey Mills are the most complete of the historical mill complexes along the Derwent Valley and Long and West Mills are a significant element of the Outstanding Universal Value of the World Heritage Site. The Darley Abbey Mills is significant, because of its uniform design and construction and displays important aspects of the development of fire-proofing technology for textile factories. The mills complex is also an important part of the Darley Abbey Conservation Area,

Long Mill is the earliest mill building on the former textile manufacturing site at Darley Abbey, dating from the late 18th Century. The building contains cast iron columns in the internal spaces which are some of the earliest in the country to have survived. The attic of the building was used as a school room in the late 18th Century, which is of great historical significance. Both mill buildings retain evidence of the later phases of their power transmission systems including rope slots, shaft hatches, bearing

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boxes, etc. There is also evidence for former water wheels in both mills. The interior of the mill buildings have an open plan mill arrangement characteristic of former textile mills, with enclosed staircases at each end of the building. Overall, the buildings retain a strong industrial character, by evidence of their layout and historic fabric.

The Darley Abbey Mills complex is designated under adopted Local Plan policies R1 and R6 as a mixed use regeneration area. R6 identifies Darley Abbey Mills as a site of significant architectural and historical value that presents a major opportunity for mixed use regeneration. It allows for the conversion of the existing buildings for a number of uses, including business (B1) use to secure the retention, restoration, maintenance and continued use of the listed buildings, provided that the uses are compatible with their existing character.

Policy EP13 allows for business uses outside allocated sites provided that it would not conflict with other policies, would not lead to a gross over-supply of business and industrial land, restrict to B1 uses, where other business uses would be likely to adversely affect residential amenity and that the proposal is well integrated with the existing pattern of development.

The proposed office element of the proposed would accord with the provisions of Policies R6 and EP13, subject to the proposals safeguarding the designated heritage assets.

In regard to the proposed D2 use, the conference and function venue, is considered under Policy L8 as well as R1 and R6. L8 allows for D2 uses provided that there would be no unacceptable loss of land allocated for other uses, business activity in the area would not be 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. Regard will be had to any special needs of certain activities. The requirement for a sequential approach to site selection for a main town centre use, is also in the NPPF, para 24, which indicates that the absence of such an assessment could be a reason for refusal.

In this case a sequential test to site selection for the proposed venue has not been demonstrated, although there are other significant mitigating factors in favour of the proposed use. These are concerned with achieving a viable and sympathetic reuse for these very important and vacant Grade I listed buildings in the World Heritage Site. As such, there are considered to be other material considerations which outweigh the need for a sequential approach in this instance. Other similar leisure uses have also been accepted in other out of centre locations in the city, where they have particular requirements not easily met in centres, such as a historical setting and space for wedding ceremonies and functions on one site, for example.

In terms of the other tests of L8, the proposal would not lead to an unacceptable loss of otherwise allocated land. The mills complex is reasonable accessible to pedestrians and cyclists particularly. Public transport is more limited to services along Alfreton Road and Duffield Road, which are within walking distance of the site. Overall, the proposed D2 use is considered to meet the provisions of Policy L8.

The proposed B1 and D2 uses on this site would support the maintenance and reuse of the historic mill buildings, which have significant heritage value, but also make a

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major contribution to the character and value of the Conservation Area and the World Heritage Site. The uses are therefore considered to meet the tests of the relevant policies including R1 and R6.

Impact of the proposal on designated heritage assets

As discussed above, Long Mill and West Mill are key element of the Darley Abbey Mills complex and are of great historical significance, to the story of early industrial scale cotton production and its evolution. The mill buildings have been adapted over a period of 200 years to suit the changes in industrial processes and uses and these are evident in the fabric of the buildings. These changes include evidence of how fire protection measures have evolved over time. The mill buildings, along with others in the mill complex are currently on the national and local “at risk” registers for historic buildings, due to their poor condition.

In policy terms, the NPPF contains various policies for the protection of and development affecting designated heritage assets, which include listed buildings, Conservation Areas and in this case also World Heritage Sites. Local Plan Policies E19 and E20 relate to the protection and reuse of listed buildings. Policy E18 requires developments to preserve the character and appearance of Conservation Areas, whilst Policy E29 is specifically related to the protection of the World Heritage Site.

Aspirations for the regeneration of the Darley Mills complex are included in the Darley Abbey Regeneration Strategy (2010) and accompanying Planning Statement (January 2012). This strategy supports the sensitive adaption and reuse of the mill buildings to enable the buildings to be occupied and thereby fund the necessary repairs to those buildings at risk.

The applications are supported by a comprehensive set of detailed drawings illustrating the proposed alterations and works required to both mill buildings, to form the proposed office accommodation and conference/ function venue, including ceremonial facilities for weddings. There is also a full assessment of the significance of the listed buildings and their setting and precise details of the proposed works to the buildings, accompanying the proposals, which aid understanding of the building’s significance and explain the proposals to a high degree of detail. The quality of the supporting information is welcomed by both English Heritage and the World Heritage Site Planning Panel, as well as our own Built Environment team.

In terms of the appropriateness of the proposed uses for the mill buildings, it is important to sensitively adapt them to a new economically viable use to enable the repair and future maintenance of the buildings. The proposal conforms to the aspirations of the Darley Abbey Regeneration Strategy and Planning Statement, in terms of being suitable in principle. The main issue which needs to be demonstrated is that the proposed uses and alterations are the minimum necessary to allow the buildings to sensitively adapted and brought back to a viable use.

Long Mill is to be converted to self-contained office units, with the former school room in the attic being retained untouched as a “time capsule”. Some public access to this room would be supported, although the proposal to retain it in situ is an acceptable one.

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The proposed reuse of West Mill as a conference/ function venue is also acceptable in principle.

With such re-uses of a large mill building, there is inevitably going to be a degree of intrusion and alteration to the historic fabric. In line with the policies of the NPPF, the degree of harm to the fabric, is assessed as having less than substantial harm, which means that this has to be justified and weighed against the public benefit of the proposed scheme. I am satisfied that there is public benefit to these proposed uses, since they would represent sensitive and viable re-use of the buildings and provide for the cost of the substantial repairs, which are necessary to bring the buildings back into use and ensure their long term survival.

In terms of the proposed office uses in Long Mill, the level of intrusion is being kept to a minimum and the principle of the use of glazing panels to sub-divide the internal spaces helps to enable the extensive floor space to be visually read and appreciated. However, so that the doors and glazing remain as light weight and visually transparent as possible, the door fittings would also be better in glazing, rather than timber as shown in the visuals. The details of door design and material can be appropriately dealt with by a suitable condition.

The impact of the proposed uses on the mill buildings, as is likely to be the case with any other use in my view, means that there is structural strengthening required to internal parts of the building. The possible options have been assessed and the proposed method of strengthening of the cast iron columns is the minimum, which is required to allow conversion. I note that English Heritage and the Conservation Officer have accepted the revised and reduced proposals for strengthening the internal spaces.

Some alterations are also necessary to the buildings to provide fire protection measures and means of escape to enable their reuse. These proposals include the upgrading of doors to fire doors, the provision of a new staircase (required due to the large floor plates and the travel distance to an exit) and two lifts. I support the proposed location of the access and service core with the staircase and one of the lifts, located to serve both buildings within West Mill. There is an additional platform lift proposed to the existing water tower.

The supporting documents with the applications, includes an options appraisal for different lift options and a heritage impact assessment which demonstrates the preferred locations for the two lifts. Due to the two very differing uses needing to operate separately within the buildings, it is accepted as necessary to have two lifts rather than one. The proposed fire protection measures to both buildings are also accepted as necessary. Various options have been looked at and those that have the least impact have been chosen.

The proposed external alterations to the mills are minimal. The main changes would include the removal of modern loading bay and stair well to the south elevation of West Mill, (which have been granted consent under a recent listed building application ref:DER/03/14/00318) and the proposed cladding of the former Mechanics Shop building which lies to the south end gable of West Mill. This building is within one of the UNESCO monitored views in the World Heritage Site. This two storey building has been substantially altered over time and the river facing elevation is constructed of later modern brickwork which when viewed close up, looks to be of

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poor quality. The proposed use of timber cladding on this building, is not supported by English Heritage and the Conservation Officer, on the grounds that it would be out of character with the immediate environment of this building. The applicant is open to the use of alternative means of cladding the elevations. The use of render has been discussed and is used in the immediate surroundings, within the mill complex and would be a more appropriate material to fit in with the other buildings on the site. Whilst an alternative material has not yet been confirmed for use on the Mechanics Shop building, I am satisfied that details can be agreed by means of a planning condition since the applicant is amenable to looking at more suitable options.

In terms of the general proposed layout of the site and car parking provision, the approach taken does reflect the general recommendations contained within the Darley Abbey Regeneration Strategy. However, the alignment of the proposed water feature to the main entrance area, does not seem to thoroughly reflect the historical map for the mill complex, where the original mill leat was, whilst the form and shape of the hard landscaping does not reflect the original layout of the leat, which ran under West Mill from the River Derwent. I note that the heritage consultees have highlighted that the landscaping of the external areas should take more reference from the historic and archaeological elements of the site. I agree with this assessment, although the layout of design of the external works can be reasonably secured by planning condition, potentially guided by the results of an archaeological excavation which would be required pre-implementation.

Overall, the proposed alterations to these highly significant listed buildings are considered to be the minimum that are required to enable the proposed re-uses of the buildings, which are sensitive to the special character of buildings. The proposals would allow the industrial history and working spaces of the former mills to be read and appreciated. The level of intrusion to the historic fabric is accepted as necessary and would generally be limited. An economically viable re-use of the buildings is also essential to ensure funding for the repairs and long term maintenance of the historic buildings.

The proposals would therefore be appropriate and sensitive to the historic significance of these important listed buildings, preserve the special character and appearance of the Conservation Area and the protect the significance and setting of the World Heritage Site, in accordance with the relevant policies of the NPPF and Policies E18, E19, E20 and E29 of the Local Plan.

Impact on Green Wedge

The land along the river bank, including flood defences and to rear of residential properties on Haslams Lane is within the Green Wedge, identified under Policy E2. The proposed car parking area to the rear of Haslams Lane properties is to be located in the Green Wedge. The policy only allows for development in Green Wedge in certain circumstances and parking is not included as an acceptable use and this aspect is therefore contrary to the policy. The purpose of the Green Wedge is to maintain openness and undeveloped character. Having said that, there is a need for additional car parking on the site to serve the proposed uses, particularly the conference/ function venue. There is little scope to incorporate the parking elsewhere in the mill complex, where there is limited parking available for other businesses and no availability of on-street provision. I am also mindful that the land in question is

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currently surfaced in hard core and used informally for the parking of vehicles including HGVs. I therefore consider that these are material considerations in this case, to justify the provision of car parking in this part of the Green Wedge. It is also worth noting that the overall impact of the car parking on the Green Wedge would be very small and the applicant intends to include some landscape planting in the car park to soften the visual impact and reduce the impact on the neighbouring dwellings.

The Green Wedge area along the river bank alongside the site is intended to be accessed by the formation of a footpath over the flood defences, for visitors to the conference/function venue, particularly for wedding guests. This area is currently not very accessible and the proposed path would allow greater use of this open space. The creation of a path into this area would maintain the openness and undeveloped nature of the land and therefore is compatible with Policy E2. The surfacing and construction of the path would need to be in keeping with the natural character of the space and this could be controlled by planning condition.

Traffic implications and parking

The mill complex in the area around Long and West Mills currently has a limited amount of parking and constrained access for vehicles. The main access to Long Mill and West Mill is via Haslams Lane to the south of the site, from Alfreton Road. The road is private and there is a toll for vehicles using the road through the complex.

The parking and access strategy for the proposed reuse of Long and West Mills has been amended during the course of the application, following concerns raised by third parties and the Council's Highways Officers. The scheme now includes the provision of 41 parking spaces to the south of the mill buildings, which is described as the main car park for the function/ conference venue in West Mill and a 74 space car park to the north east area of the mills complex, which will provide overflow parking for the venue and 44 spaces for the proposed office units in Long Mill. The main car park would be accessed via a one way system, entering via the existing access off Haslams Lane and leaving through chimney courtyard back onto Haslams Lane. The applicant has confirmed that the access into this car park would be closed at 6pm, so that late visitors to the venue are directed to the overflow car park.

The revised parking and access arrangements are largely in line with the proposed vision for the mills, outlined in the 2010 Darley Abbey Mills Regeneration Strategy. It should be borne in mind that the Regeneration Strategy, put forward a recommendation for a 60 space car park to the south of the mills, although having regard for concerns of local residents and businesses this has been reduced to 41 spaces. The revised parking and access proposals and Transport Statement have also been accepted by the Highways Officers, who consider that the proposed uses would not give rise to significant highway implications.

Overall, I am satisfied that the parking and access proposals would not result in an undue impact on highway safety or excessive traffic generation through the mill complex and is therefore acceptable under Policies T1, T4 and T10.

Other environmental implications

The mills complex is located in a bend in the River Derwent and is at a high flood risk in a 1 in 100 year flood event. The site is therefore located in Flood Zone 3. There is

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an existing flood bund defence along the river bank to the south of the mill buildings, which gives up to 1 in 50 flood protection. The Our City Our River (OCOR) flood management strategy for the Darley Abbey section of the river corridor, does not propose to alter or upgrade the flood defences alongside the mills complex, due to potential harm to the historical significance of the World Heritage Site. The OCOR masterplan focuses on other measures to improve flood management in Darley Abbey, which include upgrade of the Darley Abbey bridge to the mills.

The existing flood bund would be retained in situ, within the application site. It is proposed to provide footpath access over the bund to the area of adjacent river bank for visitors to the function / conference venue. I note that the Environment Agency have no objections to the proposed works to the bund in principle, although construction of the path would be subject to agreement to ensure maintenance of flood protection.

It is acknowledged in the revised Flood Risk Assessment that the buildings do not have safe access and egress in the event of a 1 in 100 year flood. I note that the Land Drainage team have requested a flood evacuation plan for the proposed uses of the buildings to address this issue and this would be controlled by a suitable condition.

Subject to an appropriate surface water drainage strategy and other details described above, being controlled by suitable conditions, the proposal is not considered to increase flood risk to users of the site, or elsewhere and is therefore in accordance with the relevant policies in the NPPF and Local Plan Policy GD3.

Some concerns have been raised about potential noise disturbance to nearby residential properties in the area, from the use of the function/ conference venue in West Mill. The Environmental Health Officer had advised that some form of noise mitigation within the building may be required to minimise the impact of noise on local residents, from music being played at the venue. In order to clarify the possible level of noise which would be audible to nearby dwellings, live testing of a music system in the proposed venue was recently carried out. The Environmental Health Officer was present at the testing and has since revised his comments on the noise issue. These conclude that noise from music playing at the venue would not cause unreasonable disturbance to local residents and any specific issues with noise could be dealt with under the normal regulatory system. As a result there is no requirement for additional sound insulation measures to be formed in West Mill, which safeguards the historic fabric and integrity of the listed building. The proposed uses of the buildings would not therefore result in undue harm to residential amenity as a result of noise disturbance and the proposal would adequately satisfy the requirements of Policy GD5.

In terms of impacts on nature conservation the banks and river corridor of the River Derwent are identified as a Local Wildlife Site under Policy E4 (7), which includes the area of river bank alongside the flood defence bund. This area includes groups of trees fronting the river, some scrub and grassland. An Ecological Survey has been provided in support of the application, which assessed the habitat of the river bank and includes a survey of bat activity in and around the site.

The proposed use of West Mill for a function/ conference venue, includes works to form a footpath through part of the river bank area for the use of guests during

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venues. This would impact on the wildlife site, although the formation of the path is likely to have a relatively minor impact on the conservation value of the site. The use of natural surfacing materials would be sought via condition to limit intrusion. I note that Derbyshire Wildlife Trust have not raised concerns about forming access to the river bank as proposed, although proposals for the management of this sensitive area are recommended as put forward in the results of the survey. This is a reasonable approach to safeguard biodiversity on the river bank, whilst enabling visitors to access the riverside, which forms part of the historic mill complex. A management plan for the wildlife site can be appropriately secured by planning condition.

The bat survey undertaken revealed that both mill buildings support bat roosts in their roof spaces. As with other protected species, the roosting areas of the bats cannot be disturbed, without a licence from Natural England. The applicant's agent has confirmed that the attic spaces in the roofs of both Long and West Mills are not proposed to be altered or used for the new uses and would remain in situ. The potential impacts of the scheme on the bat roosts in the buildings would therefore be limited and no further mitigation is required under these applications, to safeguard the bat's habitat.

Overall, I am satisfied that the habitat value of the site, both within the buildings and along the river bank would not be detrimentally affected by the proposals, subject to recommended conditions and the scheme therefore meets the requirements of Policies E4 and E7.

8. Recommended decision and summary of reasons:

DER/12/13/01514

To grant planning permission with conditions.

Summary of reasons:

The proposed business and leisure uses would be appropriate in this location, which is an identified regeneration area and would protect the historic fabric and special character of the Grade I listed buildings, maintain the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site and the preserve the character and appearance of the Darley Abbey Conservation Area. The proposed uses would provide adequate parking and servicing provision and have acceptable traffic implications for the local road network.

Conditions:

1. Three year time limit
2. To approve specified plans.
3. To remove permitted development rights to change use of approved conference/ function and wedding venue to other uses within D2 Use Class.
4. Notwithstanding submitted details of hard landscaping proposals to the external areas to south of West Mill and Long Mill, including main entrance, precise details of layout, design and surfacing materials, water feature and any planting areas, shall take reference from historical and archaeological evidence of former mill leat and other related structures, to be submitted and agreed.

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5. Precise design and construction details, to include surfacing materials of the proposed footpath over the flood defences to be submitted and agreed.
6. Parking and access management of the site to accord with drawing no. and applicants letter dated 14 April 2014, unless alternative arrangement agreed in writing.
7. Before commencement of works to form steps and footpath into river side area, trees and other vegetation to be protected in accordance with a protection plan to be submitted and agreed.
8. Flood evacuation plan for Long and West mills to be submitted and agreed before brought into use.
9. Surface Water Drainage strategy, to include details of SUDs measures to be submitted and agreed.
10. Details of external lighting scheme for the area to the south of West Mill and Long Mill, including car parks to be submitted and agreed before works to form external landscaping and parking are undertaken.
11. Before the venue is brought into use, a management plan for the use and protection of biodiversity in the river bank area, adjacent to flood defence bund, to be submitted and agreed.
12. Before commencement of works to form external landscaping and parking, details of proposed boundary treatment to be submitted and agreed.

Reasons:

1. To accord with relevant legislation.
2. For avoidance of doubt.
3. To ensure proper control over changes to other uses within the same use class, in the interests of amenity, highway safety and to protect the character of the designated heritage assets – Policies GD4, GD5, E18, E19, E20, E29 and T4
4. To safeguard visual amenities and protect character of Conservation Area, setting of listed buildings and World Heritage Site – Policies GD4, E18, E19 and E29
5. To safeguard visual amenities, minimise flood risk and protect nature conservation value of the wildlife site – Policies GD2, GD3, GD4, E23 and E4
6. For avoidance of doubt and in the interests of highway safety and amenity – Policies GD5, T1 and T4
7. To protect nature conservation and habitat value of the wildlife site during the construction works – Policies GD2, E4 and E7
8. To minimise flood risk for users of the proposal – Policy GD3
9. To ensure satisfactory drainage arrangements for the development and minimise flood risk – Policy GD3
10. To safeguard habitat for protected species and provide a safe environment for users of the site in the interests of amenity – Policies E7 and GD5

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12. To safeguard visual amenities and protect character of Conservation Area, setting of listed buildings and World Heritage Site – Policies GD4, E18, E19 and E29

Informative Notes:

In addition to planning permission, the Environment Agency's prior written consent is required for the proposed steps in accordance with the Section 109 of the Water Resources Act 1991 and the Midlands Region Land Drainage Byelaws. There is a statutory two month period in which to determine an application for consent and a fee of £50 may be charged subject to the legislation applicable.

As part of the consent application, we will require full details of the development proposals to demonstrate that the function of the defence will not be compromised, nor our ability to access and maintain the defence. As a minimum, we will expect the following information with an application for consent:

- Cross sections and engineering drawings of the steps
- Method Statements relating to the construction of the steps.

Applicants are advised to engage in early discussion with the Environment Agency to discuss the proposals prior to the submission of the consent application.

Please contact Mr. David Turnbull in our Partnerships & Strategic overview Team on 0115 846 2632 and / or Mr Nick Le Mare in our Asset Performance Team on 0115 846 3717.

Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on roosting bats unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof or report containing the same information has been submitted to the local planning authority to subsequently be implemented in full.

S106 requirements where appropriate:

None.

DER/12/13/01515

To grant Listed Building Consent with conditions.

Conditions:

1. Three year time limit.
2. To approved specified plans.
3. The appearance and finish of the doors and glazing panels for use in the office units in Long Mill, including samples, to be submitted and agreed before they are installed.
4. Details of the design and appearance of the screens and partitions for West Mill, to be submitted and agreed before they are installed.

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5. Details, sections and method of fixing for both non-fire rated and fire rated partitions in the buildings to be submitted and agreed before they are installed.
6. The revised details of structural strengthening of columns to West Mill dated 10 March 2014 shall be implemented, unless an alternative method of strengthening is agreed in writing before the works are undertaken.
7. Full details of lift construction and structure for both lifts to be submitted and agreed before they are installed.
8. Full details of new staircase to West Mill, to include method of making good to the structure of the floors, walls, etc. to be submitted and agreed before they are installed.
9. Any further fire protection measures which are required to both mill buildings, shall be submitted to and agreed before they are installed.
10. A Method statement for upgrading and repair of existing stone staircases in both mill buildings to be submitted and agreed before those works are undertaken.
11. Notwithstanding the details of re-facing the former Mechanics Shop, details of the proposed cladding material to be submitted and agreed before the works are undertaken.
12. Before works to the external space are undertaken an archaeological investigation to be carried out, in line with a written specification to be submitted and agreed. The landscaping proposals to draw on results of the investigation and include landscape method statement.
13. Notwithstanding details of a free-standing sign, submitted with the application, precise details of the design and siting of sign to be submitted and agreed before works are undertaken.
14. Details of the appearance of the kitchen extraction flue to the roof of the mill building to be submitted and agreed before the flue is installed.
15. Before works commence a Written Scheme of Investigation for archaeological recording of the buildings to be submitted and agreed and implemented in line with approved WSI.

Reasons:

1. To accord with relevant legislation.
2. For avoidance of doubt
3. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
4. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
5. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
6. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29

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7. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
8. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
9. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
10. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
11. To safeguard the historic fabric and integrity of the listed buildings, preserve the character and appearance of the conservation area, protect the special character of the World Heritage Site – Policies E18, E19, E20 & E29
12. To safeguard the archaeological interest of the site and protect the special character of the World Heritage Site – Policies E19, E20 & E29
13. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
14. To safeguard the historic fabric and integrity of the listed buildings, protect the special character of the World Heritage Site – Policies E19, E20 & E29
15. To safeguard the archaeological interest of the site and protect the special character of the World Heritage Site – Policies E19, E20 & E29

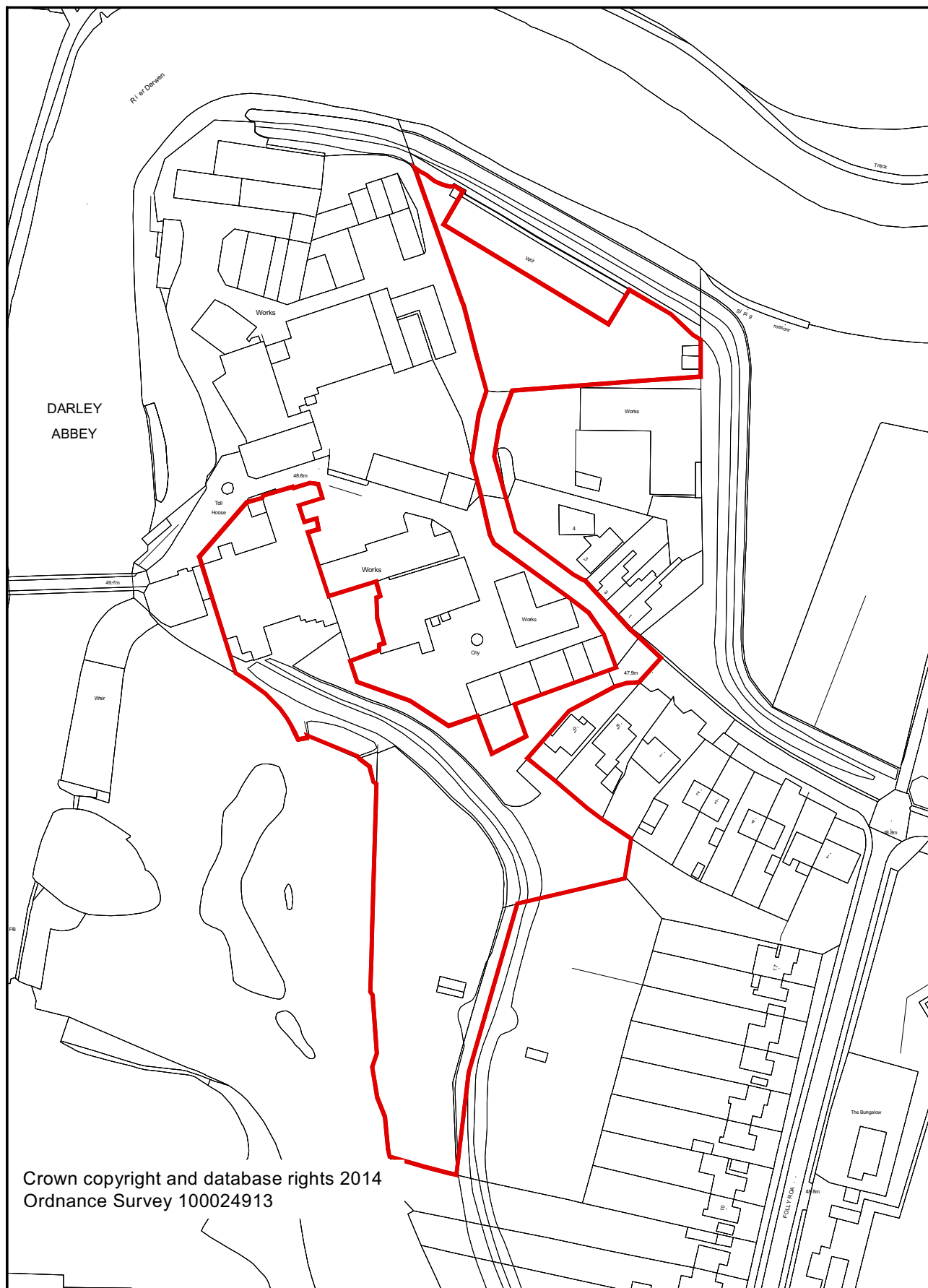
Application timescale:

The target date for determination of both applications expired on the 7 April 2014 and is brought to committee due to the number of objections.

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Type: Planning & Listed Building



Committee Report Item No:10

Application No: DER/08/13/00957

Type: Full

1. Application Details

Address: Land at corner of Harvey Road/Coleman Street, Derby

Ward: Alvaston

Proposal:

Erection of a retail foodstore (Use Class A1) and formation of car parking area and landscaping.

Further Details:

Web-link to application documents:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95157>

This application relates to an irregular L-shaped piece of land covering an area of approximately 0.6ha. It has been vacant for a number of years and is fairly scruffy and overgrown. The land in question wraps around the site of an existing petrol filling station at the junction of Harvey Road and Coleman Street, Alvaston.

Directly to the north of the site is a timber merchant's yard beyond which there is a medical centre. On the opposite side of Harvey Road (the A5111) is a building occupied by the City Council's Children and Young People's Services. The remainder of the surrounding area is residential in character, generally comprising semi-detached post war housing.

The site is situated approx. 1.2km to the west of the Alvaston District shopping Centre and approx. 400m to the east of the Allenton District Centre. The Harvey Road Neighbourhood Shopping Centre is located approximately 200m further along the A5111, to the east of the application site.

The site is allocated for the development of employment uses in the adopted City of Derby Local Plan Review. The safeguarded route of the former Derby and Sandiacre Canal (which now forms part of National Cycle Route 7) runs north to south along the western site boundary, and the proposed route of a new cycle/pedestrian link between Coleman Street and the former Canal route runs across the site.

The Proposal:

The application seeks planning permission for the construction of a new retail unit covering approx. 1,579sqm (gross) with a proposed sales area of approx. 1,125sqm (net). The applicant is the deep discount retailer Aldi Stores Ltd (Aldi).

Aldi are a mainstream convenience foodstore operator, although they generally sell non-food comparison goods in an ancillary manner from up to 15% of the floorspace. The applicant is seeking permission to sell comparison goods from 15% of the net floorspace in this specific case in order to sell special purchases on a 'when it's gone, it's gone' (WIGIG) basis. This means that comparison goods will be sold on a seasonal basis with no particular type of comparison good predominating.

The retail store itself would be positioned to the north of the site with its main elevation fronting onto a car parking area to the south. The building would have a footprint of approx. 56m by approx. 30.5m, including the end loading bay on the east elevation. The overall height of the building would be approx. 5.5m above finished

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floor level. The delivery bay, plant compound and delivery vehicle turning area would be located adjacent to the eastern boundary, close to the site entrance.

The building would be a single storey flat roofed structure and elevations would be predominantly finished in white painted render, and the pedestrian entrance located towards the western side of the site would have a large glazed shop front and feature canopy which would wrap around the south-western corner of the building. A long strip window is proposed along the south elevation.

A new vehicle access into the site from Coleman Street would serve the development. The proposal would also include upgrading of the existing Harvey Road/Coleman Street priority junction into a signal junction. This would involve the provision of a signalised crossing on the eastern arm. The development would provide 66 car parking spaces in total, including 6 disabled spaces.

The applicant has indicated within the submitted documents that they seek to operate the building between the hours of 08.00-21.00 Monday to Friday; 08.00-21.00 on Saturdays; and 10.00-16.00 on Sundays and bank holidays. The development would employ 12 full time and 17 part time staff members.

The application is accompanied by the following documents:

Design and Access Statement;

Planning Statement, including Retail Impact Assessment;

Land Contamination Assessment;

Phase I Habitat Survey;

Preliminary Ecological Survey;

Protected Species and Reptile Survey;

Statement of Community Involvement;

Transport Assessment;

Travel Plan.

2. Relevant Planning History:

DER/01/93/00036 - Erection of retail food store – refused – 30/03/93

Reasons for refusal:

The proposal would, by increasing substantially pedestrian and conflicting vehicle movements at the Harvey Road/Coleman Street/Stanley Road junction, exacerbate traffic safety problem at a location which has a bad accident record.

The proposal would conflict with Structure Plan Shopping Policy 4, Local Plan for Southern Derby Proposal S8 and the City Council's policies for local shopping provision in that it lies outside a district or neighbourhood centre and fails to satisfy the stated criteria for shopping development in such a location.

The proposal would involve the loss of scarce, immediately developable industrial/business land to off-centre retailing and would thereby conflict with Structure Plan Economy Policy 1 and shopping Policy 4, and Local Plan for Southern Derby Proposal S8.

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Type: Full

The proposal, as presently designed, would (i) lead to additional disturbance and an inferior outlook for dwellings on Coleman Street, (ii) create an inconvenient and hazardous pedestrian connection direct to Harvey Road and (iii) be inconsistent with the existing filling station access.

An appeal against the refusal was subsequently dismissed on 13th January 1994 (ref: E1020/A/93/2223669). The Inspector did not find the shopping impact to be grounds for dismissal. However, it was concluded that the loss of the site would lead to a shortage of readily available employment land.

DER/03/94/00329 – Construction of buildings and use of land for sale of motor vehicles – granted conditionally – 23/05/94

DER/09/94/01293 – Erection of offices and showroom/reception to car sales area – granted conditionally – 01/05/95

DER/05/95/00620 - Erection of retail food store – refused – 01/09/95

Reasons for refusal:

The proposal would, by increasing substantially pedestrian and conflicting vehicle movements at the Harvey Road/Coleman Street/Stanley Road junction exacerbate traffic safety problems at a location which has a bad accident record.

The proposal would be contrary to the following policies: i) Derbyshire Structure Plan Policies GDSP1 and 3; Economy Policies 2 and 3 and Shopping Policy 4. ii) Local Plan for Southern Derby policy S8. iii) Deposit Version (as amended) City of Derby Local Plan policies S1, S2, S3 and EMP23. iv) Advice in Planning Policy Guidance Note 13 and the draft revision of Planning Policy Guidance Note 6. In that it would: a) involve the loss of immediately available employment allocated land b) be likely to have a detrimental effect on the nearby Harvey Road neighbourhood centre sufficiently serious to be likely to render this vulnerable centre unviable and lead to a cumulative under- mining of the vitality and viability of nearby district centres c) Involve the development of a site for retailing in an off-centre location when suitable sites are available both within and immediately adjacent to centres identified in Derby's shopping hierarchy. d) be likely to be a less sustainable form of development by reason of increasing car-borne shopping trips owing to the substantial parking provision and the restricted public transport options compared with nearby district centres.

An appeal against the refusal was dismissed in November 1996 ref: E1020/A/95/258465). The Inspector found there was insufficient convincing evidence to demonstrate the need for additional retail capacity in the Allenton area. He also concluded that the scheme would fail to have proper regard to the 'sequential test' and be likely to jeopardise the neighbourhood function of the Harvey Road shops and undermine the planned efforts to sustain and enhance Derby's district centres. Again the appeal was dismissed due to the loss of employment land.

DER/04/98/00455 – Erection of restaurant and construction of car park – granted conditionally – 23/10/98

DER/01/01/00118 - Erection of retail building and construction of car park, access and landscaping – refused – 01/06/2001

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Reasons for refusal:

The proposal would be contrary to the City Council's shopping strategy as set out in the adopted City of Derby Local Plan policies S1, S2 and S3, to Joint Structure Plan Town Centre and Shopping Policy 4 and to Government guidance in PPG6, particularly on the grounds that: a. there is no proven need which would justify the use of an off-centre site b. a sequential approach to site selection has not been demonstrated, there being no evidence that the proposal cannot be accommodated in or on the edge of one of Derby's shopping centres c. the site is allocated for employment purposes in the adopted Local Plan under Policy EMP16.

The proposal would be contrary to Policy EMP24 of the adopted City of Derby Local Plan in that it would involve the loss of immediately available employment allocated land.

DER/02/02/00167 - Use of land as a wholesale and part retail nursery garden for sale of trees, shrubs and plants, siting of 2 temporary buildings and construction of car park – refused – 31/05/02

Reason for refusal:

The proposal would be contrary to Policy EMP24 of the adopted City of Derby Local Plan in that it would involve the loss of immediately available land allocated for employment generating purposes, to the detriment of the overall City-wide supply.

3. Publicity:

Neighbour Notification Letters -17

Site Notice

Statutory Press Advert

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

The applicant carried out an independent public exhibition and consultation event on 22nd May 2013. A summary of the feedback received has been provided within the application submission.

4. Representations:

In total 7 objections have been raised to this application, which includes representations on behalf of Lidl UK and Morrison Supermarkets. The issues raised are summarised below:

- The proposal will result in yet another set of traffic lights being installed on Harvey Road adding to the considerable number already present over a mile in distance.
- Traffic flow around this junction will increase drastically as will traffic along Coleman Street which is an urban street. With the proposed Tesco development it will create a significant impact on the area that cannot be reduced by public transport.
- The area is already well served by its proximity to Sainsbury's, Co-operative, Heron, Farmfoods etc.

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- The store would be better located in the Alvaston precinct possibly by building on the site of the derelict Harrington Public house (if it can be obtained) thus bringing the area back into use.
- Detrimental long-term impact on the transport system, traffic flow and the environment of the area.
- The proposal would result in the loss of employment land – the case presented does not justify the loss of employment land and does not address the requirements of Development Plan policy or the NPPF. A qualitative and quantitative assessment of the supply of employment land has not been provided and there is no evidence to confirm that the site has been openly marketed for employment use at any time. The site has been the subject of two refusals and subsequently unsuccessful appeals, which were dismissed on the grounds that the site contributes to land identified for business development and its loss was likely to lead to a shortage of supply of readily available employment land.
- Sequential assessment - The submitted assessment fails to thoroughly assess all potential opportunities to deliver the proposed food store, and it is likely that there may be at least one opportunity that could accommodate the proposed development in a sequentially preferable location. All defined centres within the Primary Catchment Area should be considered. Planning permission should, therefore, be refused in accordance with paragraph 27 of the NPPF.
- Impact - There is clear potential for the Aldi store to draw more trade from several in-centre stores, which would result in significant adverse impacts upon those stores and upon the town centre as a whole. It is questioned whether the trade diversion from out-of-centre Sainsbury's at Osmaston Park Road would be as great as estimated. The Council cannot be confident that the levels of impact assumed by WYG are realistic and robust and, therefore, the proposal fails the impact test and should be refused planning permission.
- Impact upon local residents in terms of traffic blocking the street and people parking everywhere.
- The store will detrimentally divert trade away from the Harvey Road Neighbourhood shops.

An objection to the development has been received from Councillor Bayliss. The grounds for the objection are as follows:

- The application at this location will have a detrimental impact on the continuing viability of the two local district shopping centres. It is half way between the two, but its most detrimental impact would be on Alvaston district centre. There is of course an existing planning application for a Tesco store at the Allenton market location on Osmaston Road.
- The reasons behind the challenge to the change of planning use for this land is rather thin and seems to revolve around the land owner receiving a better offer from the applicant.

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- The issue of additional traffic generated at this point is in my view both understated and poorly managed. The idea of putting in a fully signalised junction to break up the traffic flow on the 40mph ring road is not very soundly argued. The impacts on traffic queuing and blocking Coleman Street is not really considered in any depth also the matter of the health centre at the end of Coleman Street is ignored.

128 support cards have been received. The responses are summarised below:

- The site has been an eyesore for years and sometimes the target of fly tippers - the proposal would regenerate it.
- The proposal will be a great asset to Alvaston/Allenton which people could walk to.
- The proposal would improve the retail offer in the area.
- It will generate employment in the area and provide a low cost store.
- A much needed community facility.
- Reduction in the journey to shops.
- The proposal may attract other business to the area.

5. Consultations:

Highways DC:

The development proposes a new vehicular access on Coleman Street and additional pedestrian/cycle accesses on Harvey Road and from the National Cycle Route No 6, which runs to the west of the site as see Drg No V09A40- P003 Rev A. Currently there is no footway on the western side of Coleman Street across the site frontage and a new section of 2m wide footway linking back to the existing footway on Coleman Street /Harvey Road will be required. A pedestrian dropped crossing will also have to be provided at the junction of Coleman Street/Booth Street to enable pedestrian to access the new store from the residential development to the east. There is a redundant vehicular access on Coleman Street that will need to be amended/reinstated.

The junction of Coleman Street and Harvey Road is to be improved by the provision of traffic signals, see Drg No A1 – 11056 – 010 Rev E. Controlling this junction with traffic signals will improve safety for drivers turning right into and out of Coleman Street and for drivers wishing to go straight across Harvey Road to access Stanley Road. The new junction will also include additional pedestrian crossing facilities for people wishing to access the store on foot or by cycle.

Parking for cars and servicing are considered acceptable. The level of cycle parking meets minimum standards but it is considered that in order to promote sustainable travel to the store the site would benefit from additional cycle stands.

Transportation colleagues suggest that a generic contribution of £164,058 should be sought.

Conditions requiring the following to be provided prior to the development coming operational:

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- vehicular/pedestrian access onto Coleman Street
- the footway between the proposed access and the existing footway on western side on Coleman Street
- a pedestrian dropped crossing on the southern radius of the junction of Coleman Street/Booth Street and corresponding footway on the development side of Coleman Street.
- the existing access into the site off Coleman Street has been amended/reinstated as necessary;
- the proposed pedestrian/cycle accesses off Harvey Road and from National Cycle route No 6 as shown on Drg No V09A40 - P003 Rev A
- the proposed vehicular parking and servicing areas have been metalled, drained and lit and are available to customers;
- the proposed traffic signal junction as shown for indicative purposes only on Drg No A1 – 11056 – 010 Rev E is fully operational;
- the proposed cycle stands are available to customers;
- An operational travel plan based on the framework travel plan submitted in support of the application is in place.

In respect of saved policy T15 (8), which relates to the provision of a new cycle/pedestrian link across the site between Coleman Street and the former Canal route to the west. The Highways Officer advises that the proposed layout does not formally satisfy the above policy. However, it is likely the only way of satisfying the policy and not split the site would be to place a formal path on the southern boundary of the site. This would create a route sandwiched between the back of the proposed Aldi store and Harlow's timber yard, which would provide a route which would be intimidating and therefore uninviting. Such a route would also need to be lit and drained thereby placing a maintenance burden of the City Council. It is suggested that the informal route across the front of the proposed store will be well lit and under surveillance for the majority of the day offering a practical alternative, albeit the route will not be secured in perpetuity as it runs across private land.

Highways Land Drainage:

The present undeveloped site affords more permeability than the planned development which, unless appropriate measures are taken, is therefore likely to increase flood risk. The submitted drainage strategy is, at this stage, incomplete pending calculations to decide the amount of attenuation to be provided for the development. Furthermore, there is no evidence that any form of sustainable drainage is being considered and therefore we believe that the application is contrary to National Planning Policy Framework (NPPF) and its associated guidance which calls for the appropriate use of sustainable drainage systems.

Before building starts, the developer needs to submit a drainage strategy which demonstrates that any flood flow generated by a 1 in 100 year (plus climate change) rainfall event is either retained on site or that flood risk is not increased to third party property. This strategy should include sustainable drainage features.

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Environmental Services (Health – Pollution):

Land Contamination:The Phase I Assessment utilises appropriate methodology and proposes an adequate Conceptual Site Model. The site was used historically as a textile/dye works. As a result, the potential for harmful contamination to exist within the ground on site is significant. Due to the potential risks to future site users, the report recommends that an intrusive investigation is conducted for the site. I would agree with this recommendation. Should planning consent be given, it is recommended that conditions requiring a Phase II intrusive site investigation to be undertaken should be attached and, where the investigation report confirms that contamination exists, a remediation method statement should be submitted for approval.

Noise:It is noted that the development will introduce a commercial noise source into the area. Given the close proximity of residential properties, it is recommended that a condition be applied restricting delivery times to between 7.00 hours and 21:00 hours to prevent an issue of noise to neighbours.

Derbyshire Wildlife Trust:

The Derbyshire Wildlife Trust provided comments to Derby City Council in respect of the above planning application in correspondence dated 25th March 2014. In this earlier consultation response the Trust advised that a specific reptile survey was required in line with the recommendation provided in the Preliminary Ecological Appraisal prepared by DGL Environment Ltd dated 17th March 2014.

The Trust has now considered the Reptile Survey report ref: C046-03 prepared by DGL Environment Ltd dated 21st May 2014 submitted in support of the application which presents the details of a specific reptile survey carried out during the optimal survey months.

It notes and welcomes the comprehensive nature of the survey that adheres to best practice comprising refugia inspections on six visits between 24th April and 16th May 2014. No evidence of reptiles was found during the survey and, as such, the Trust would advise that no impact on protected species is anticipated as a result of the proposed development. The submission of the Reptile Survey report now gives the Council confidence that an informed planning decision can be made having taken the potential presence of protected species fully into consideration.

The Trust maintains the advice provided in our earlier response that a condition should be attached to any permission to ensure that breeding birds are protected from harm during site clearance/construction works.

Police Liaison Officer (PLO):

It is considered that the addition of a store here would be a good use of the area and no issues are raised with the principle of the store, its siting or the layout of parking and services proposed. However it is recommended that the applicants move towards their aim of designing out crime and taking reference from the Secured by Design Scheme.

The PLO considers that the most problematic design feature, and also probably the most difficult to alter, is the indicated footpath link from the adjacent cycle path. In general such links between areas where the environment and hierarchy of space are very different tend to be problem generators. They are used as gathering points which can lead to intimidation. Users are often nervous of emerging from a safe and

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controlled open space into a less inviting environment where there are shifts in lighting levels and restricted sight lines bringing about an apprehension of the unknown.

The link onto the cycle track to the west provides an easy escape route for cycle thieves, shoplifters and those committing offences customers entering the store. The other two routes have long, open and well viewed approach routes which are by attribute safer and a deterrent to potential offenders. It is considered that these two routes would serve the store better than the link indicated, which I'd advise be removed. Concerns are raised about the proximity of the footpath links to vehicle parking spaces, which could leave them at a greater risk from damage by pedestrians, either deliberate or accidental.

It is recommended that the 1.2m hoop topped rail which runs along the Harvey Road boundary is continued into the site at 90 degrees, and that the planting buffer here also runs into the site. There is no indication of site boundary treatment for the two inner boundaries i.e. to the neighbouring business premises and cycle track. But it is assumed that the former is to be a secure boundary.

Concerns are raised about the orientation of the store and the amount of glazing so close to the public footpath and its susceptibility to damage. It is recommended that the 2.4m paladin fencing shown on fencing plans is continued. It is recommended that CCTV to cover the car park public, staff entrances, pedestrian routes and the cycle area is conditioned.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD4	Design and the Urban Environment
GD5	Amenity
EP9	General Business and Industrial Opportunity Sites
EP12	Alternative Uses of Proposed Business and Industrial Areas
S1	Shopping Hierarchy
S2	Retail Location Criteria
S9	Range of Goods Conditions
E5	Biodiversity
E6	Wildlife Corridor
E7	Protection of habitats
E10	Renewable Energy
E13	Contaminated Land
E17	Landscaping Schemes
E23	Design
E24	Community Safety
L1	Existing Public Open Space
L9	Safeguarded Route for Derby and Sandiacre Canal
T1	Transport Implications of New Development
T4	Access, Car Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
T10	Access for Disabled People
T15 (8)	Protection of Footpaths, Cycleways and Routes for Horse riders

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

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

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

7. Officer Opinion:

Key Issues:

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

- Loss of Employment Land
- Retail Policy Issues
- Site Accessibility, parking and Highway Safety Issues
- Design and Layout
- Ecology

Loss of Employment Land:

The site is allocated for business purposes under Local Plan Policy EP9 (a). It has been allocated for new employment uses since 2006 and prior to this the 1998 Local Plan identified the area as existing employment land. Policy EP12 does however allow for proposed employment sites to be used for alternative uses, provided that the proposal (a) would not lead to a deficiency in the employment land supply; (b) would not be incompatible with existing business uses and; (c) would not decrease the development potential of nearby land identified for business and industrial use. EP12 goes on to state that regard will be had to the employment generating potential of the alternative use.

In recent years, Derby has traditionally had a projected oversupply of employment land, due to the history of engineering and manufacturing which has tended to have large industrial land requirements. Economic restructuring in the national and local economy has meant that land requirements have generally reduced with the advent of new technologies and moves towards more office based activities. This has left the city with large swathes of industrial land. Consolidation and intensification of these sites has made a major contribution in soaking up industrial demand in recent years.

The city also has a healthy supply of proposed employment sites that are yet to be developed. These include Infinity Park Derby (formally Chellaston Business Park), the Derwent Triangle and Derby Commercial Park. These sites have been in the pipeline for a number of years and until recently have been significantly constrained by issues such as infrastructure requirements. On this basis there have been some concerns about the developability of the future land supply.

Many of these concerns are now starting to recede as infrastructure and environmental mitigation works have been implemented at Raynesway, a 'development partner' has been appointed for the Derwent Triangle and funding has been secured for the construction of the T12 link road providing access into Infinity

Park Derby. This recent progress gives officers reasonable confidence that the future employment land supply is developable and deliverable and capable of soaking up future demand. This in turn helps to reduce some of the pressure on the existing supply in terms of meeting future needs.

It is estimated that the three strategic employment sites mentioned above will make a significant contribution to meeting future needs and therefore gives a level of comfort about releasing a small site such as this from a purely quantitative perspective. From a qualitative point of view, the Employment Land Review (ELR) assessed the site as being of an 'average / below average' quality. On this basis, the ELR goes further to suggest that the site may be appropriate for redevelopment for other uses. The NPPF states that the planning system should do everything it can to support economic growth. More specifically, it states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.

Whilst the application does include a statement from the current owners (Harlow Bros), which suggests that there have been no firm offers from industrial developers since 1997, this statement can only be given very little weight. The fact that there have been no further offers for the site in the intervening period may of course be due to the owner placing an unrealistic valuation on the site, based on the hope of retail. However, officers are still generally satisfied that the site is not of particularly good quality. It is located in a relatively constrained residential area, where other areas of employment land have been redeveloped for other uses (such as the health centre to the north), which may give an indication of industrial demand in this area of the City.

In summary, the loss of 0.6ha of land is a relatively small loss in the context of the future supply and is unlikely to have a significant impact upon the supply from a quantitative point of view. Taking account of the employment generating potential of the proposal (up to 30 full time jobs), the general thrust of the NPPF and the conclusion that the Council's ELR comes to, it is also considered that there is not a strong enough qualitative argument to justify the retention of this land for employment purposes. The proposal would not be incompatible with other business uses, particularly as the nearest business that could be affected is Harlows, who have agreed to sell the land to the applicant and the proposal is unlikely to decrease the employment generating of other land in the vicinity. Accordingly, officers are satisfied that the proposal would reasonably comply with the provisions of saved policy EP12.

It is worth noting at this point that the Council has previously refused planning permission for retail development on this site in 1993 and 1995. Both refusals were supported by Planning Inspectors at appeals. The refusals were generally based on a lack of need for the proposal and the impact upon the employment land supply. The need test has now been removed, although the understanding of need is still relevant to the sequential and impact tests, which are discussed further in the following section of the report.

Retail Policy Issues:

i) Sequential Test:

The NPPF and Policy S2 of the CDLPR require proposals for out-of-centre retail development to demonstrate a sequential approach to site selection, giving preference to in-centre and edge-of-centre sites. The site of the proposal is considered to be out-of-centre and therefore the applicant is required to consider all in-centre and edge-of-centre locations falling within the agreed Primary Catchment Area (PCA). Policy S2 also highlights a number of identified out-of-centre retail parks which the Council regard as sequentially preferable to new standalone retail locations due to the potential for linked trips.

The PCA identified by the applicant is based on a 5 minute drive time of the proposal site and stretches from Warwick Avenue in the west, the A6 in the east, Chellaston in the south and the area around Barlow Street / Pride Park in the north. The general approach of firstly identifying the site and then the catchment area seems somewhat perverse in terms of retail planning. It is more logical to firstly identify where the retail deficiencies or 'need' is located within the city and then find appropriate sites to fulfil the deficiency, following a sequential approach to site selection. Ultimately, the successful implementation of the sequential test relies on this methodology. Notwithstanding this, reality dictates that the majority of retailers are led by site availability. The applicant has provided very little information to justify this location in terms of need and deficiency, other than noting that there are no 'deep discount' retailers in this area of the city. Whilst this is true, the proposal cannot be satisfactorily conditioned to only permit 'deep discount' retailers and therefore the site should be justified in terms of more generic convenience retail provision within the PCA.

As previously noted, the 'need' for a retail development is no longer a policy test, although the identification of where 'need' is being generated from helps to identify the extent of the PCA. Without a basic understanding of 'need' it is very difficult to know whether the proposed PCA provides a robust basis for the application of the sequential test. Therefore, it could be argued that the PCA should be extended to sites beyond the PCA identified by the applicant in order to take account of the limited justification for a 5 minute drive time. However, it should be noted that a 5 minute drive time PCA for a store of this size and nature is widely accepted by other LPAs. It is also noted that numerous letters of support that have been submitted which may indicate some level of need for a convenience retailer in this location.

The identified PCA does not include the city centre and therefore the applicant needs to have considered alternative sites within and on the edge of district centres, neighbourhood centres and identified out-of-centre retail parks.

It is accepted that the constrained and historic nature of neighbourhood centres within Derby mean that there are unlikely to be any appropriate alternative sites within neighbourhood centres for a retail development of this scale. It is also acknowledged that the only identified out-of-centre retail park within the PCA is the one on Osmaston Park Road / Peak Drive which does not currently have any appropriate vacancies or spare land to accommodate the proposed development. Therefore, officers agree that the only potential source of alternative sites within the PCA is district centres.

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There are four identified district centres within the PCA, including the Cavendish, Normanton Road Linear Centre, Allenton and Alvaston. The applicant originally only considered alternative sites within Alvaston, but has now submitted additional information giving consideration to potential sites in Allenton and Normanton Road. Officers are confident that there are no potential alternative sites within the Cavendish district centre and that this centre can be discounted. The remaining centres are considered below:

Alvaston District Centre: The only site within Alvaston district centre that has been considered by the applicant is the site of the Harrington Arms PH. The site of the pub and associated garden cover approximately 500sqm which is not large enough to accommodate the proposed store. A larger site could potentially be assembled, including the site of the PH, the parade of shops and the parking area to the rear, which could potentially provide a sequentially preferable location. However, this would involve relocation of the library, loss of parking and land assembly involving City Council owned land. On this basis, it would be difficult to consider the site as available at the current time. Further work is needed to overcome some of these issues if the site is to be regarded as a sequentially preferable location. Whilst it would be hugely beneficial to locate the proposed development within Alvaston district centre, helping to boost its vitality and viability of the centre, there is general agreement with the applicant that the only available site is too small to accommodate the proposed use.

A site on the edge of the Alvaston district centre has also been looked at by the applicant. In terms of pure proximity, the site could be described as edge-of-centre; however the nature of the link between the site and the centre means that the site can only really be described as out-of-centre. Therefore, the former highways depot site on Raynesway is no more sequentially preferable than the site of the proposal.

Allenton District Centre: The applicant has also considered an alternative site within Allenton district centre. There is land at the northern end of the centre some of which is vacant and some of which is currently used as a market. The land is in mixed ownership including Derby City Council and representatives of Tesco. Planning permission exists on this site for a new Tesco store and a replacement market and the applicant (Aldi) was asked to look at the potential of co-locating a new Aldi store alongside a revised Tesco scheme, enabling both schemes to be located within Allenton district centre.

Following further investigation by applicant, the response has been that Tesco do not generally enter into joint venture agreements with other operators and therefore Tesco's ownership / control over the majority of the site means that it is not available to Aldi. The level of uncertainty regarding the development also makes the site unsuitable and unviable. It is agreed that the area of land owned by Derby City Council would not be large enough to accommodate a new Aldi store and a replacement market.

It is worth investigating all potential options to locate the proposed use in more sustainable locations and in this regard the applicant has carried out additional work to consider other sites including the potential for co-location with Tesco in Allenton. However, in light of current case law regarding the sequential test and the purported

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unwillingness of Tesco to consider a joint development approach, officers accept that the site is currently unavailable.

Normanton Road Linear District Centre: The applicant has considered a range of potential alternative sites within Normanton Road Linear Centre. All of these sites have been assessed as being too small to accommodate the proposed development. The only potential sites within this identified centre are at the northern end and include the former Mackworth College site and the site of Southgate Retail Park. The applicant has concluded that these sites are not within the PCA of the proposed store and has therefore not considered them.

Southgate Retail Park has planning permission for the redevelopment of the existing units and the construction of a new supermarket in the region of 4000sqm (gross). The applicant has not considered this site, but it can be reasonably discounted on the basis that it is too large for an Aldi store.

The former Mackworth College site is also within the boundaries of this centre. On the basis that the applicant has confirmed that they are in the process of purchasing the site in order to build another Aldi store, it could potentially provide a suitable, available and viable alternative site for the proposed use on Coleman Street. However, if it is accepted that there is a need for the proposed store in the Alvaston / Allenton area and that 5 minute drive time PCAs are generally appropriate for such a store, it is considered that a store in this location would not adequately serve the intended catchment. It could be argued that, whilst the former Mackworth College Site is located within a centre it has few sustainability benefits over and above the Coleman Street site. In fact, it has less potential to reverse some of the unsustainable travel patterns originating from Alvaston / Allenton area. Therefore, officers are inclined to accept the defined PCA and rule out the former Mackworth College site.

Other Locations: In terms of the other sites that have been considered, the former Rolls-Royce works on Nightingale Road is not within an identified centre and is therefore no more sequentially preferable than the site of the proposal. The site is identified for potential regeneration in the Council's draft Core Strategy which is a consultation document at the current time. Whilst there may be some sustainability benefits in providing some retail provision as part of the regeneration of this area, it is not currently classed as a sequentially preferable site. The only other site that has been considered is the site of 247 Chellaston Road which forms part of a neighbourhood centre. The applicant has concluded that the site is too small to accommodate the proposed use, which officers are in agreement with.

In summary, it would be preferable if this use was located within an existing centre, providing opportunities for linked trips. It would have also been beneficial if the applicant had provided more justification for the suggested PCA. However, the fact that there are no 'deep discount' retailers in the Alvaston and Allenton area cannot be escaped and there would appear to be local support for the proposal, possibly suggesting some level of need in this area of the city. Taking all of this into account and the fact that most other LPAs accept the 5 minute drive time argument, officers are inclined to accept the extent of the PCA suggested by the applicant. On this basis, it is considered that there are no alternative sites within the accepted PCA that are available, suitable and viable and therefore the application has passed the sequential test.

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ii) Impact:

The NPPF requires proposals such as this to demonstrate whether the proposal will have a significant adverse impact on:

- existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- town centre vitality and viability, including local consumer choice and trade in the town centre and wider area;

Proposals of in excess of 2,500sqm are required to submit a full impact assessment in order to demonstrate compliance with this requirement. Whilst this development falls below this threshold, the applicant has submitted a quantitative impact assessment to aid the consideration of this issue. They have also included an assessment of cumulative impact taking account of the committed Tesco scheme within Allenton district centre. It is important to remember that quantitative impact assessments are merely indicators of potential trade diversion and cannot ever fully represent the complexities of shopper behaviour and retail dynamics. They are generally based on a huge number of assumptions and therefore can only ever provide a guide and are not a decision making tool.

The proposed Aldi store is predicted to turnover in the region of £4.7m (based on company averages). £4m of the expected turnover is likely to be derived from convenience sales whilst the remaining £0.7m is likely to be derived from comparison sales. £3.6m of the convenience sales are expected to be derived from the PCA whilst £0.6m of the comparison sales are expected to be derived from the PCA. This equates to approximately 90% of the turnover being derived from PCA based residents. An objection raised by Peacock and Smith (on behalf of Morrison's) has queried the validity of these figures and have suggested that the PCA derived turnover is actually closer to £6.2m. This is £2m more than what the applicant has submitted. The figures used by the applicant are based upon company averages. The likelihood is that the store will trade at a level above the company average; otherwise the applicant would be unlikely to be pursuing the opportunity. Clearly, additional turnover could lead to additional trade diversion and impacts upon in centre stores. Whilst the objection from Peacock and Smith adds another aspect of potential risk attached to this application and provides further justification for using the impact figures purely as a broad brush indicator of the magnitude of potential impacts, there is no robust evidence to refute the figures provided by the applicant. It is worth noting that the City Council have previously accepted the turnover figures submitted by Aldi in consideration of their new store at Meteor. Therefore it is logical to accept them in this case, whilst bearing in mind the potential for underestimation and the implications of this.

Expenditure within the PCA:

Before considering potential impacts it is worth looking at the potential for growth in expenditure within the PCA, as this can create some 'headroom' and help to limit potential impacts on existing stores. According to the applicant, convenience expenditure within the PCA is predicted to grow by 11.33% between 2013 and 2018, whilst comparison expenditure is predicted to grow by 17.79% in the same period. These figures theoretically suggest uplift in convenience expenditure in the PCA in this period of £10.97m and £20.24m for comparison expenditure. These increases

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seem quite high in light of current trends in household income levels; however the applicant has stated that the growth rates are derived from Experian who are generally a reputable source for information of this nature. The predicted increases in expenditure suggest that the turnover of the proposed store could be absorbed by the increases in convenience and comparison expenditure within the PCA in the next 5 years. This would suggest that the proposed store could viably operate purely based on the uplift in expenditure in the PCA, rather than through the diversion of trade from other stores, thus limiting any impact. However, it should be noted that the committed Tesco store has already 'claimed' some of this uplift.

Comparison Goods:

The estimated comparison turnover of the new store is relatively limited (£0.7m). In fact, the comparison turnover would represent around 3% of the estimated growth in comparison turnover within the PCA up to 2018. Limiting comparison sales to 15% of the sales floorspace will ensure that comparison goods are sold in an ancillary manner and will ensure that the new store does not become a comparison destination in its own right. This can be controlled through a suitably worded condition.

Comparison goods are generally purchased from an Aldi in an impulse manner due to the seasonal / WIGIG way in which they are sold. Taking these issues into account, officers are satisfied that quantitative assessment of impact is not required for comparison goods in this specific case. It is recommended that comparison goods are conditioned to 169sqm (15%) of the sales floorspace, to ensure that the comparison element of the proposal will not lead to significant adverse impacts on any centres of the hierarchy.

Convenience Goods:

The applicant's consideration of trade diversion / impact is underpinned by the principle that 'like competes with like'. This means that the new store is most likely to compete with similar operations. The applicant has suggested that this means that the new store is most likely to compete with large out-of-centre food stores. The City Council has accepted the 'like with like' argument in the past when considering the impact of large supermarkets, however, as the applicant points out at paragraph 2.5.3 of their Planning and Retail Statement, 'Aldi stores are different to those operated by the mainstream grocery retailers in the UK'. Aldi would be expected to primarily compete with other deep discount operations within the city, notably other Aldi stores and those operated by Lidl. Some of these stores are located within district centres. In fact, it could be argued that the smaller floor plate and limited product ranges of an Aldi store make it more likely to compete with other smaller in-centre operators such as local Co-operative stores for example. However officers do not accept the argument that because Aldi sell food products in a slightly different way to in-centre operators (i.e. fruit and veg. is packaged rather than loose and pre-packed meat rather than a deli counter) that trade diversion is likely to be less. Ultimately, they are selling food, the same as in-centre operators. Nonetheless, a new Aldi store will compete with the big 4 operators which are generally found in out-of-centre locations, but not to the extent to which the applicant would like us to believe. Taking all of this into account, it should be noted that the level of trade diversion from the out-of-centre locations may have been overplayed, whilst the level

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of diversion from in-centre locations could have been underplayed. It is worth keeping this in mind when considering the levels of trade diversion and subsequent impact.

Solus/Individual Impact:

The applicant notes at Paragraph 7.4.22 of the submitted Planning and Retail Statement, that the PPS4 Practice Guidance states that impacts should be considered on the vitality and viability of the whole of a centre or centres, not simply on individual facilities which may be similar to the proposed development. Whilst this may be the case, it should be considered that a significant adverse impact that could lead to the closure of a single facility that anchors a centre and underpins its vitality and viability would impact upon the centre as a whole.

Revised trade draw tables submitted by the applicant indicate that 30% of the new store's turnover will be diverted from Sainsbury's on Osmaston Park Road whilst 24% will be diverted from the Asda at Spondon, both of which are out-of-centre stores and receive no policy protection. The remaining turnover is derived from trade diversion from a range of other stores within and outside of the PCA. 8% of the new store's turnover will be derived from the Co-op in Allenton, 3.5% from Lidl at Southgate Retail Park, 3% from both existing Aldi's in Chaddesden and Mickleover, 2.5% from Iceland, the Co-op and Tesco Express in Alvaston and 2% from Lidl in Chaddesden.

In terms of the estimated trade draw from the big out-of-centre supermarkets, it is understood that a significant amount of diversion will occur from the Sainsbury's on Osmaston Park Road as it is within the PCA and provides for shoppers who may be less mobile. Officers are less convinced by the assumption that 24% of turnover will be diverted from the Asda at Spondon. People residing within the PCA, who wish to shop at a 'deep discount' operator and are mobile enough to shop at Asda in Spondon are clearly able to shop at existing 'deep discount' retailers in Chaddesden, Mickleover or Normanton. This reinforces feelings that the level of trade diversion from the out-of-centre operators has been overplayed, while the diversion from in-centre stores has been underplayed.

The remaining 9% of diversion from within the PCA is spread amongst a range of smaller stores within district centres and neighbourhood centres in the area. Whilst trade diversion from smaller operators in district and neighbourhood centres is relatively small in terms of contribution towards Aldi's turnover, it can still have a significant impact on smaller operators due to their smaller turnover. For example, 0.5% of the new store's turnover is expected to be diverted from Harvey Road neighbourhood centre. This would equate to a 3.34% impact on Man's Mini Mart which anchors the centre (once uplift in expenditure rates have been applied). Similar levels of impact would appear to apply to the neighbourhood centres at Wordsworth Avenue, Brackens Lane and Keldholme Lane.

Officers are satisfied that the estimated levels of impact on neighbourhood centres are logical, particularly as Aldi do not sell many of the goods that are generally sold from small shops located in neighbourhood centres, such as newspapers, magazines and cigarettes. Whilst Aldi do not specifically sell these goods, any planning permission would not be related to a specific occupier. Restricting the sale of goods such as newspapers, magazines and cigarettes, would help to lessen impact on neighbourhood centres and, accordingly, it is recommended that this is done through condition. Impacts on neighbourhood centres are not a desirable outcome from this

proposal but are a reality. However officers do not think that such impacts can be described as 'significantly adverse', which would be required to justify refusal of the proposed development.

Allenton District Centre - In terms of trade diversion from district centres, it is estimated that Allenton will take the biggest hit, with 9% of the new store's turnover being derived from it. This would equate to approximately 6.91% impact on the centre by 2018 once increases in expenditure have been accounted for. More specifically it equates to 7.71% impact on the Co-op which is a concern, particularly as the Co-op is an anchor store within the centre. The 9% impact figure assumes that only £20,000 will be diverted from Heron Foods. Whilst it is accept that Heron Foods are predominantly a frozen foods supplier, officers do think that the level of competition between Heron and Aldi will be greater than what is assumed in the impact assessment, particularly as Aldi also sell frozen food. Therefore the level of impact on this centre is likely to be more than what is estimated by the applicant.

Alvaston District Centre - In terms of trade diversion from Alvaston district centre, it is estimated that 7.5% of the new store's turnover will be derived from Alvaston including diversion from Iceland, the Co-op and Tesco Express. This would equate to approximately 5.41% impact on the centre by 2018 once increases in expenditure have been accounted for. More specifically, this would equate to an impact of 7.69% on the Co-op. This is another concern as the Co-op is an anchor store within this centre as well.

Chaddesden DC - In terms of trade diversion from Chaddesden district centre, it is estimated that 5.5% of the new store's turnover will be derived from Chaddesden including diversion from Lidl and the existing Aldi store. This would equate to approximately 3.13% impact on the centre by 2018 once increases in expenditure have been accounted for. More specifically, this would equate to an impact on 2.91% on the Lidl and 3.16% on the existing Aldi store. On the basis that 'like competes with like' the levels of impact on these stores would be expected to be higher than the figures provided. This is backed up by the fact that a number of the supporting responses have suggested that they will no longer need to travel across town to Chaddesden to visit the existing Aldi. Whilst this proposal provides an opportunity to address leakage of deep discount expenditure from the PCA and create more sustainable travel patterns, potential impacts upon Chaddesden are clearly a concern and likely to be greater than the level of impact suggested by the applicant. Aldi and Lidl bookend Chaddesden district centre and are anchor stores providing a significant level of vitality and viability. The presence of the two 'deep discount' retailers within the centre and the potential for like with like diversion means that Chaddesden could be disproportionately impacted by this proposal, even though it is outside of the PCA. However, officers are anecdotally aware that the Aldi store in Chaddesden may be overtrading which would obviously help to offset potential impacts caused by trade diversion.

Normanton Road Linear Centre - In terms of trade diversion from Normanton Road, it is estimated that 4.5% of the new store's turnover will be derived from Normanton Road including diversion from the Lidl at Southgate Retail Park. This would equate to approximately 3.14% impact on the centre by 2018 once increases in expenditure have been accounted for. More specifically, this would equate to an impact of 4.75% on the Lidl. Again, on the basis of the 'like with like' argument, the anticipated level of

trade diversion from the Lidl store may be greater than the level estimated by the applicant.

In summary, the solus impact assessment highlights that the proposal has the potential to impact upon Allenton, Alvaston, Chaddesden and Normanton Road district centres by diverting trade away from these locations. It is considered that the level of diversion from these locations has been underplayed and therefore impacts could potentially be greater than the level indicated by the applicant. It is worth noting that concerns have already been specifically raised about the on-going health of Alvaston district centre particularly the proliferation of A5 uses and vacant units. This makes the centre more sensitive to additional impacts. It should also be considered that the Co-op stores in Allenton and Alvaston are both anchor tenants that are major contributors to the vitality and viability of these centres. Impacts on these stores have the potential to have a disproportionate impact upon the centre as a whole due to their role within each respective centre. There will undoubtedly be adverse impacts related to this proposal in terms of trade diversion from centres. Whilst this leads to a number of concerns in relation to solus impact, the extent to which any impacts can be regarded as 'significantly adverse' is key.

Working on the principle that diversion from in-centre locations has been underplayed; the potential impact on Allenton, Alvaston, Normanton Road and Chaddesden district centres is likely to be higher than that estimated by the applicant. Taking this into account, it would not be unreasonable to assume that actual diversion from anchor stores such the two Co-op stores could be nearer 10% of their respective turnovers. It could be argued that the loss of 10% of convenience trade could undermine the business model of the Co-op stores and lead to their closure.

It is important to also examine these concerns about impact in light of the potential cumulative impacts caused by the committed Tesco scheme within Allenton district centre, in order to see whether our concerns gain any further weight, which is considered below:

Cumulative Impact:

The applicant has also considered cumulative impact, specifically taking account of the committed Tesco scheme permitted within Allenton district centre. Whilst officers are aware that Tesco are currently revising their plans for the site, the consideration of the committed scheme provides the most robust approach. The applicant's consideration of cumulative impact does not take account of the permitted redevelopment scheme at Southgate Retail Park. Officers are not too concerned about this omission as the net increase in floorspace provided by the redevelopment proposal would not be overly significant. Ultimately the Southgate proposal replaces a number of shops with a single shop unit.

The introduction of the new Tesco store will mean that the extent to which the new Aldi store will divert trade from some of the existing big 4 supermarkets and other high street operators will be reduced. For example, diversion from Asda at Spondon will reduce from 24% of turnover to 11% whilst diversion from Sainsbury's at Osmaston Park Road will be reduced from 30% to 18%. Trade will instead be diverted from the new Tesco store (which of course will have already diverted trade from Sainsbury's and Asda etc.). It is estimated that 40% of Aldi's turnover will be diverted from the new in-centre Tesco store in this scenario equating to

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approximately £1.61m. Whilst this would normally be regarded as a significant level of diversion from an in-centre store, it represents a small proportion of the turnover of the new Tesco. Therefore officers do not think that the proposal will lead to a significant adverse impact in terms of this committed investment within the centre.

A committed scheme of this scale clearly has a significant impact upon the overall retail dynamics and consumer behaviour within the PCA. The introduction of an in-centre Tesco store will clearly make the centre as a whole a more attractive retail location and significantly bolster the overall vitality and viability of Allenton. Expenditure within the centre as a whole is likely to increase, which in turn could help to offset potential impacts caused by the Aldi proposal. However, it is important to reiterate once again that the estimated cumulative impacts are purely an indicator and are not absolute figures.

In terms of cumulative impacts on district centres, the headline figures from the revised trade diversion tables which are relevant to the areas of concern identified in officer's assessment of solus impact are provided below:

Allenton District Centre:

- 2018 impact on the Co-op estimated to be 12.4%
- 2018 impact on Heron Foods estimated to be 14.29%
- Overall impact on centre as whole reduced to 4.77% (due to increase in turnover from Tesco)

Alvaston District Centre:

- 2018 impact on Iceland estimated to be 4.23%
- 2018 impact on the Co-op estimated to be 8.8%
- 2018 impact on Tesco estimated to be 2.66%
- Overall impact on centre as a whole reduced to 4.75%

Chaddesden District Centre:

- 2018 impact on Lidl estimated to be 2.91%
- 2018 impact on Aldi estimated to be 3.16%
- Overall impact on centre as a whole marginally increased to 3.14%

Normanton Road Linear Centre:

- 2018 impact on Lidl estimated to be 6.98%
- Overall impact on centre as a whole increased to 4.65%

Consideration of cumulative impacts underline the concerns raised in relation to the solus impact of the proposal. It is clear that the greatest impacts will be felt by the Co-op stores located in Allenton and Alvaston and by Heron Foods also located in Allenton, once the cumulative impact of the new Tesco store is taken into account. However, the 'like with like' argument would also suggest that the impacts on Chaddesden and Normanton are also likely to be greater than the level estimated by the applicant. Therefore, officers have concerns about the impact on all four centres listed above.

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The consideration of the impact assessment raises two key questions:

- Could trade diversion derived from the proposal lead to the closure of anchor stores within the affected centres listed above?
- Could the closure of an anchor store(s) constitute a 'significant adverse impact' on the vitality and viability of the centre as a whole?

If the potential impacts on vitality and viability of a centre are deemed to be 'significantly adverse' it would create a direct conflict with the provisions of the NPPF, providing a sound reason for the Council to refuse the application.

The figures provided in the retail impact assessment give an indication of the potential magnitude of impact on specific stores and centres, but there is no proportional threshold at which point impact becomes 'significantly adverse'. Every case needs to be judged on its own merits based on the indications provided by the retail impact assessment and more qualitative considerations based on the specific nature and context of local retailing in the area.

On the basis that the level of trade diversion from in-centre locations may have been underplayed to an extent, there is a risk that anchor stores particularly within Alvaston could be undermined specifically by this proposal, but more likely by the cumulative impact of the Aldi and Tesco schemes in this area of the city. This leaves the question as to whether potential closure of an anchor store(s) within Alvaston would constitute a 'significant adverse impact' on the vitality and viability of the centre as a whole.

As previously noted, concerns have been raised about the on-going vitality and viability of Alvaston District Centre. The Centre suffers from poor environmental quality and has witnessed a general trend of loss of A1 in favour of food and drink uses, particularly A5 uses. The reduction of vitality and viability within this centre over recent years highlights the need to ensure that remaining A1 anchor tenants such as the Co-op and Iceland are maintained. The loss of either of these operators from the centre would be particularly detrimental to the vitality and viability of the centre as a whole.

The subjective nature of impact consideration means that the bar has been set very high in terms of what has been accepted as 'significant adverse impact' by the Planning Inspectorate. Generally, refusals have only been upheld in relation to large superstores where impacts are pronounced and demonstrable. Whilst officers have concerns about the potential impact of the proposal, particularly in relation to Alvaston District Centre, it is considered that there is not enough evidence or certainty about the nature and scale of the impacts to be able to describe them as 'significantly adverse' and this is the crux of the matter.

In summary, the proposal is not ideal and will undoubtedly lead to trade diversion from existing centres in the retail hierarchy which is not a desirable outcome. There are concerns that the level trade diversion from defined centres could theoretically lead to the closure of specific anchor stores. However, due to the complexities of retail dynamics, it is considered that there is not enough evidence or certainty to demonstrate that the cumulative impact of the proposal will lead to the closure of anchor stores within identified centres. This makes it difficult to conclude that the proposal is in conflict with the provisions of the impact test as set out in the NPPF

and interpreted by the Planning Inspectorate. However, concerns about impact represent a risk attached to this application that will clearly still need to be weighed against the positive aspects of the proposal.

Site Accessibility, Parking and Highway Safety Issues:

The site's close proximity to Harvey Road means it benefits from good connectivity to surrounding residential areas. It lies adjacent to a shared footway/cycleway and there is an existing toucan crossing close to site, allowing access from wider residential areas on the opposite side of Harvey Road. Accordingly the site is readily accessible to both pedestrians and cyclists. The site is also easily accessed by public transport due to its close proximity to bus stops located along Harvey Road, with regular bus services (no. 44 and 45) operating throughout the day and evening.

The proposals include the upgrading of the existing A5111 Harvey Road/Coleman Street priority junction into a signal junction including a signalised crossing on the eastern arm. An assessment of the development's potential traffic effect has been undertaken and those junctions where a material traffic effect has been calculated to potentially occur have been assessed. These capacity assessments show the proposed site access junction functioning within capacity during all the assessed scenarios and the proposed A5111 Harvey Road/ Coleman Street signal junction functioning within or broadly at capacity during all assessed scenarios. This information has been presented within the submitted Transport Assessment.

Other off-site highways works include the provision of additional pedestrian/cycle accesses on Harvey Road, improvements to the pedestrian footway on the western side of Coleman Street across the site frontage and a pedestrian dropped crossing at the junction of Coleman Street/Booth Street. The proposed development will be served by 96 car parking spaces including 6 Disabled spaces and 7 Parent & Child spaces. The scheme also includes 4 cycle hoops (8 cycle capacity) which will be situated under the illuminated entrance canopy. The loading bay would be located to the north of the site entrance. The application is accompanied by a draft Travel Plan which outlines measures to encourage staff to use alternative means of transport.

It is clear that the development will add to the number of vehicles turning into and out of Coleman Street as well as increasing the number of people wishing to cross Harvey Road. But, subject to conditions, the Development Control Highways Officer is satisfied that the proposal is acceptable in terms of the impact upon on the highway network and highway safety. Controlling the junction of Coleman Street and Harvey Road with traffic signals will improve safety for drivers turning right into and out of Coleman Street, and for drivers wishing to go straight across Harvey Road to access Stanley Road. It is also considered that the proposed traffic signals should not significantly impede traffic on Harvey Road and should address the existing accident problems by controlling traffic movements at the various arms of the junction as well as providing additional controlled crossing opportunities for pedestrians and cyclists.

The site of the development is adjacent to the safeguarded route of the former Derby and Sandiacre Canal which passes alongside the western edge of the proposal site. The route is currently used as a multi-user path and is allocated as linear public open space and a wildlife corridor. It is considered that the development would not preclude the future restoration of the former canal route, or conflict with the

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requirements of saved policy L9. The CDLPR also identifies a protected route for a cycleway / walkway linking Coleman Street to the route of the former Derby and Sandiacre Canal. Whilst the development does not deliver a formalised pedestrian/cycle route through the site, links are provided from both the west and east. These access points are not intended to be gated, which would ensure permeability into and through the site which would allow pedestrians and cyclists to travel through the site. The benefits of providing a formalised pedestrian/cycle route through the site, required under saved policy T15(8) have been weighed up against the likely impacts on the layout of the site, the Highways Officer's comments, and the Police Liaison Officer's comments regarding access points into the site. It is likely the only way of satisfying the policy and not split the site would be to place a formal path on the southern boundary of the site. This would create a route sandwiched between the back of the proposed Aldi store and Harlow's timber yard, which would provide a route which would be intimidating and therefore uninviting. Such a route it would also need to be lit and drained thereby placing a maintenance burden of the City Council. It is suggested that the informal route across the front of the proposed store would be well lit and under surveillance for the majority of the day offering a practical alternative, albeit the route would not be secured in perpetuity as it runs across private land. Therefore, whilst policy T15 (8) would not be fully complied with, there are material considerations in terms of layout, and safety issues which justify this.

In summary, subject to compliance with the attached conditions and taking into account the off-site highway improvement works, it is considered that the proposal would be acceptable in terms of its impact upon on the efficiency of the highway network and highway safety. The level of car parking complies with Local Plan standards and parking/servicing arrangements are acceptable. The level of cycle parking proposed meets minimum standards, but it is considered that in order to promote sustainable travel to the store, the site would benefit from additional cycle stands, which can be controlled through condition. Accordingly the proposal would comply with saved policies T1, T4, T7 of the Local Plan Review.

Design and Layout:

It would be preferable for the development to provide enclosure and more of a presence along one of the street frontages. However, given the unusual shape of the site and the limited frontage, particularly along Harvey Road, it would be difficult to site the building elsewhere.

The retail store is designed to the applicant's standard model, being flat roofed and primarily rendered, but the provision of large amounts of glazing on the south-western corner adds interest and provides a legible entrance feature. It is considered that the overall scale of the building would be appropriate given the surrounding context and the contemporary style of the building would be an enhancement to the visual appearance of the site.

Although the development would be fairly dominated by the on-site car parking, the provision of good quality surfacing, boundary treatment and planting would enhance the site and soften the appearance of the car parking area. A number of surface treatments are proposed to demarcate different areas, together with structured landscaping on borders and tree and shrub planting within the car park boundaries.

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The applicant has responded to the Police Liaison Officer's (PLO) comments, which raise concerns about the proposed pedestrian/cycle link into the site from the existing cycle route to the west. Officers are satisfied that this element of the scheme would not result in any unduly detrimental community safety issues. The openness of the site provides for satisfactory nature surveillance and permeability of the site is encourage, particularly the provision of pedestrian/cycle access through the site from the west to Coleman Street. The provision of suitable boundary treatment, taking into account the PLO comments, can be controlled through condition.

Overall, it considered that the proposed would provide a satisfactory layout, would enhance what is currently and fairly scruffy site and, accordingly, would provide visual enhancements for the character and appearance of the surrounding area without resulting in any detrimental community safety issues. The proposal would reasonably comply with saved policies E23, E24, GD4 and E17 of the adopted CDLPR.

Ecology:

A Phase I Habitat Survey Report initially accompanied the application. The Report concluded that the habitats identified within the site are of limited nature conservation importance in their own right. No rare, notable or endangered plant species were observed during the survey, and the vegetation consisted of a restricted mix of common plant species typical of the habitats observed.

Based on the recommendations of the Phase I Report and an initial consultation response from Derbyshire Wildlife Trust (DWT), the applicant has provided a further Preliminary Ecological Appraisal and a Reptile Survey. This additional survey work found no evidence of reptile activity on the site and DWT advises that no impact upon protected species is anticipated as a result of the proposed development.

Subject to the provision of a condition to ensure that breeding birds are protected from harm during site clearance/construction works, as recommended by the Trust, it is considered that the proposed development would not have a detrimental impact upon any legally protected species or nature conservation interests within the locality, including the adjacent wildlife corridor. Accordingly the proposal is considered to comply with saved policies E5, E6 and E7 of the adopted CDLPR.

Other Issues:

The retail building itself would be located some distance from the nearest residential properties to the east and west. In view of this, it is considered that there would be no detrimental impact to residents though, loss of light, massing, or loss of privacy. Whilst the proposal would introduce a commercial noise source into the area, given the nature of the commercial development to the north and the proximity to the busy A5111, it is considered that the development would not be unduly detrimental. The Environmental Health Officer (EHO) recommends that delivery times should be restricted to between 7.00hours and 21.00hours, to avoid antisocial hours. Subject to the conditions suggested by the EHO, the proposal is deemed acceptable in terms of its impact upon residential amenity. The proposal would reasonably comply with the requirements of saved policy GD5 in this respect.

The site is located within flood risk zone 1, which is deemed as having a low probability of river flooding (a less than 1 in 1,000 annual probability). The Land Drainage Officer's comments have been noted, however, it is considered that the

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provision of surface water suitable drainage measures, including sustainable drainage features, such as permeable surfacing can be controlled through a suitably worded condition. This will ensure the development complies with saved policy GD3.

The retailer utilises a range of energy reduction measures which are designed to reduce the company's carbon footprint and mitigate the impact of climate change. This includes low energy lighting and the provision of a heat recovery system which provides the majority of the store's heating using wasted machinery heat from freezer condensers. Regional distribution centres are used to minimise the amount of road travel for delivery vehicles. This is in line with the requirements of saved policy E10.

Historically the site was used as a textile/dye works and as a result there is a potential for ground contamination. The application is accompanied by a Land Contamination Phase 1 Environmental Site Assessment, which has been fully assessed by the Environmental Health Officer. Subject to the submission/approval of a Phase II Intrusive Site Investigation and Remediation Statement (if required), it is considered that the development would be in accordance with the requirements saved policy E13 of the adopted CDLPR.

The path to the store entrance and disabled car parking spaces has a shallow gradient of no more than 1:60 with flush transitions between roadway and path to allow customers who walk with buggies, and people who use mobility scooters / wheelchairs, unhindered access into the store. Accordingly regard has been given to accessibility for disabled people during the design of the building, as required by saved Local Plan policy T10.

Concluding Comments:

The site of the proposal is an out-of-centre location that is more than 400 metres from the nearest district centre, but is only 250 metres from the nearest neighbourhood centre. It is located within a densely populated area of the city which is well served by public transport along the ring road making the site sustainable.

The siting, design and relationship between the application building and nearest residential properties is considered to respect the surrounding built form and as such it is felt to be an appropriate form of development for this location. Subject to conditions, it is considered that the proposal would not result in any significant adverse effect to neighbouring amenity through noise or general disturbance.

Whilst it is acknowledged that the development will result in an increase in vehicles on the local highway network in this area, it is considered that there is sufficient capacity within the existing network and, subject to the proposed highway improvement works, the proposed development would provide improvements in highway safety at the junctions of Coleman Street/Harvey Road. The development would also improve pedestrian and cycle links within the locality.

Officers are satisfied that the site of the proposal is no longer required for employment purposes and that redevelopment will provide an opportunity to make physical improvements to the site and will create up to 30 permanent jobs. There would appear to be a level of community support for this application as it will introduce a 'deep discount' retailer into an area that is not currently well served by this type of retail. The proposal may also help to prevent some leakage of

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expenditure generated within the Primary Catchment Area (PCA) to stores outside of the PCA, potentially helping to create more sustainable travel patterns. However, assessment of this application has identified a number of issues / risks associated with it.

Firstly, the applicant has not provided evidence to justify why the proposed use needs to be located in the proposed location. It would appear that the site has been selected on the basis of availability and then a 5minute drive time isochrone has been drawn from the site to justify the extent of the PCA. This approach does not enable the sequential test to be applied in the most robust manner although it is an approach that the majority of retailers adopt and one that the majority of LPAs accept.

Having assessed the submitted sequential test, it could be argued that without further justification for the PCA, the applicant should have also considered sites that fall just outside of their PCA boundary, such as the former Mackworth College site. However, it is accepted that there is some qualitative evidence to suggest that there may be a need for the proposal in the Allenton / Alvaston area and that the former Mackworth College site would not adequately serve the Allenton / Alvaston area. Therefore officers have accepted the PCA defined by the applicant and subsequently accepted that the proposal is compliant with the provisions of the sequential test.

Officers are not overly concerned about the impact of the comparison sales element of the proposal providing that comparison sales are restricted to 169sqm of the net sales area of the new store. It would also be beneficial to impose a condition to restrict the sale of goods such as newspapers, magazines and cigarettes. These goods are not traditionally sold by Aldi and restricting the sale of these goods will help to limit potential impacts on the type of stores generally found in neighbourhood centres within the PCA. The potential for impacts on nearby neighbourhood centres could also be limited by restricting subdivision of the new unit, which is recommended as a condition.

There are clearly a number of concerns relating to the potential for trade diversion of convenience expenditure and the impact that this could have on identified centres. The turnover of the new store will be generated from the diversion of trade from a range of stores, including a significant level from existing out-of-centre operators. The proportion of turnover assumed to be derived from out-of-centre stores appears to have been overestimated, whilst concerns about the underestimation of the turnover of the new store have also been raised by an objector.

Trade diversion from in-centre stores is the main concern, particularly from stores that underpin the vitality and viability of district centres. The overestimation of trade diversion from out-of-centre stores means that the potential diversion from in-centre stores may be greater than the level estimated by the applicant. Even at the level suggested by the applicant, there is potential for adverse impacts upon some in-centre stores particularly in Alvaston, Allenton, Normanton and Chaddesden. Allenton and Alvaston will, probably, be hit the hardest due to their proximity to the new store, whilst Chaddesden and Normanton will also suffer due to diversion from similar stores (i.e. Aldi and Lidl).

Officers do not believe that the proposal will lead to the closure of other Aldi and Lidl stores and believe that the overall vitality and viability of Allenton will be significantly

bolstered once the new Tesco store is constructed. Therefore the main concern is about the on-going vitality and viability of Alvaston district centre. The centre already suffers from poor environmental quality and a reduction in vitality and viability. The health of this centre would therefore be disproportionately affected by the loss of an anchor store such as the Co-op. Ultimately, there is a risk that this application could lead to the closure of the Co-op store in Alvaston which would be an adverse impact.

The question is whether the potential closure of the Co-op would constitute a 'significant adverse impact' and therefore justify a policy objection to the proposal. Whilst, closure of the Co-op would be detrimental and is a risk, officers are not convinced that we can justifiably say that the proposal will clearly lead to the closure of an anchor store such as the Co-op. Thus, in the absence of any clear evidence of 'significant adverse' impacts, it is considered that there is no ground to resist the application on the basis of its impact upon defined centres within the shopping hierarchy.

There are clearly risks associated with this application, but these need to be weighed against the positive aspects of the proposal such as increasing consumer choice, good public transport access and a sustainable location fronting the ring road. There is also a significant amount of local support for this proposal and it has the potential to reverse some unsustainable travel patterns that currently see people travel from Alvaston and Allenton to Chaddesden and Mickleover in order to access a 'deep discount' retailer.

The determination of this application is, in my opinion, finely balanced in relation to the range of retail policy issues. However, having considered all the submitted information and wider considerations such as the presumption in favour of sustainable development as set out in the NPPF, your officers recommended that planning permission is granted.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

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

Summary of reasons:

It is considered that the proposal would result in a satisfactory form of development that would enhance the character of the streetscene and, subject to conditions, would preserve the amenity of neighbouring residents. In terms of retail policy, it is accepted that there are no alternative sites within the defined Primary Catchment Area that are available, suitable, and viable and therefore the sequential test to site selection has been passed. Moreover, in the absence of any clear evidence of 'significant adverse' impact on the health of centres within the shopping hierarchy, it is considered that there are no grounds to resist the application on the basis of impact. The development is also considered to be acceptable in terms of flood risk, biodiversity and ground contamination and would not prejudice future restoration of the former

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canal route located to the west. The proposal would be suitably served by public transport and provide appropriate means of access/egress to and from the site. Parking levels are considered acceptable and the development would not result in adverse highway safety issues.

Conditions:

1. Standard 3 year time limit for implementation of the development
2. Approved plan reference condition:
 - Site Location Plan (drawing no: V09A40-P001)
 - Proposed Site Plan (drawing no: V09A40-P003)
 - Proposed Floor Plan (drawing no: V09A40-P200)
 - Proposed Roof Plan (drawing no: V09A40-P203)
 - Proposed Sections (drawing no: V09A40-P300)
 - Site Sections (drawing no: V09A40-P303)
 - Proposed Elevations (drawing no: V09A40-P201)
3. Condition controlling precise details of external materials
4. Condition requiring submission of a landscaping scheme
5. Standard timescale of the implementation of planting and on-going maintenance
6. Condition requiring the submission of hard surfacing materials
7. Condition requiring the submission of boundary treatment details
8. Condition requiring the submission of a surface water drainage scheme
9. Condition controlling the location of and external plant/machinery
10. Condition requiring a detailed scheme for external lighting
11. Condition controlling store opening hours
12. Condition controlling the hours for deliveries
13. Condition controlling security measures (CCTV)
14. Condition restricting vegetation clearing during bird breeding season
15. Phase II assessment – remediation strategy and final validation report.
16. Condition requiring the parking/servicing areas to be implemented
17. Condition requiring the implementation of cycle parking/cycle parking available for customers
18. Condition requiring details of the following to be submitted for approval and implemented prior to occupation of the development:
 - Vehicular/pedestrian access onto Coleman Street
 - the footway between the proposed access and the existing footway on western side on Coleman Street
 - a pedestrian dropped crossing on the southern radius of the junction of Coleman Street/Booth Street and corresponding footway on the development side of Coleman Street.

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- the existing access into the site off Coleman Street has been amended/reinstated as necessary;
 - the proposed pedestrian/cycle accesses off Harvey Road and from National Cycle route No 6 as shown on Drg No V09A40 - P003 Rev A
 - the proposed vehicular parking and servicing areas have been metalled, drained and lit and are available to customers;
 - the proposed traffic signal junction as shown for indicative purposes only on Drg No A1 – 11056 – 010 Rev E is fully operational;
 - the proposed cycle stands are available to customers;
19. Condition requiring an operational travel plan based on the framework travel plan submitted in support of the application
 20. Restriction on goods – limit sale of newspapers, cigarettes, magazines and any other goods likely to be sold from in-centre locations, but not sold by Aldi
 21. Condition limiting the extent of comparison sales to 169sqm of the net sales area
 22. Condition restricting subdivision of the unit
 23. Construction management condition

Reasons:

1. Standard time limit reason
2. For the avoidance of doubt
3. To provide a satisfactory external appearance and in the interests of visual amenity....policies E23 and GD4
4. In the interests of visual amenity....policy E17
5. In the interests of visual amenity....policy E17
6. To ensure satisfactory drainage...policy GD3
7. To provide a satisfactory external appearance and in the interests of visual amenity....policies E23 and GD4
8. To ensure satisfactory drainage...policy GD3
9. To protect the amenity of nearby residents...policy GD5
10. To protect the amenity of nearby residents and in the interests of highway safety...policies GD5 and T4
11. To protect the amenity of nearby residents...policy GD5
12. To protect the amenity of nearby residents...policy GD5
13. On security/community safety grounds...policy E24
14. In the interests of wildlife preservation...policy E7
15. To bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment...policy E13

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16. In the interests of highway safety...policy T4
17. To promote sustainable transport....policy T7
18. In the interests of highway safety...policy T4
19. To promote sustainable transport....policy T7
20. To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy...policies S1, S2, S9
21. To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy...policies S1, S2, S9
22. To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy...policies S1, S2, S9
23. To preserve the amenity of neighbouring properties....policy GD5

Informative Notes:

- 1) The development requires works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel: 01332 641876 for details.
- 2) The proposal includes a new traffic signal junction. You should be aware that the Traffic Management Act places a duty on Derby City Council as the Local Transport Authority to secure the expeditious movement of traffic on our road network. Please note that to ensure we meet this duty the movement of traffic on the main road network will always be given preference to traffic emerging from a private development.
- 3) The applicant is advised that the use of reversing beepers on delivery vehicles should be restricted on the site, in order to reduce noise disturbance for nearby residential properties.
- 4) It is noted that the proposal will involve building works. Given the proximity of residential properties, it is recommended that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. The City Council's Environmental Health Team also wish to see a traffic management plan and a dust management plan for the construction process, so as to prevent an issue of vehicle noise and dust nuisance to existing domestic and commercial properties. There should also be no bonfires on site at any time.
- 5) It is recommended that the advice of a specialist contractor is sought to ensure that the Japanese knotweed is appropriately dealt with to ensure that it is not spread as part of the development work.
- 6) Policy T15(8) of the local plan requires the provision of a cycle/pedestrian route linking the route of the safeguarded Derby and Sandiacre Canal to the west of the site and Coleman Street, to the east. This route should not be gated.

S106 requirements where appropriate:

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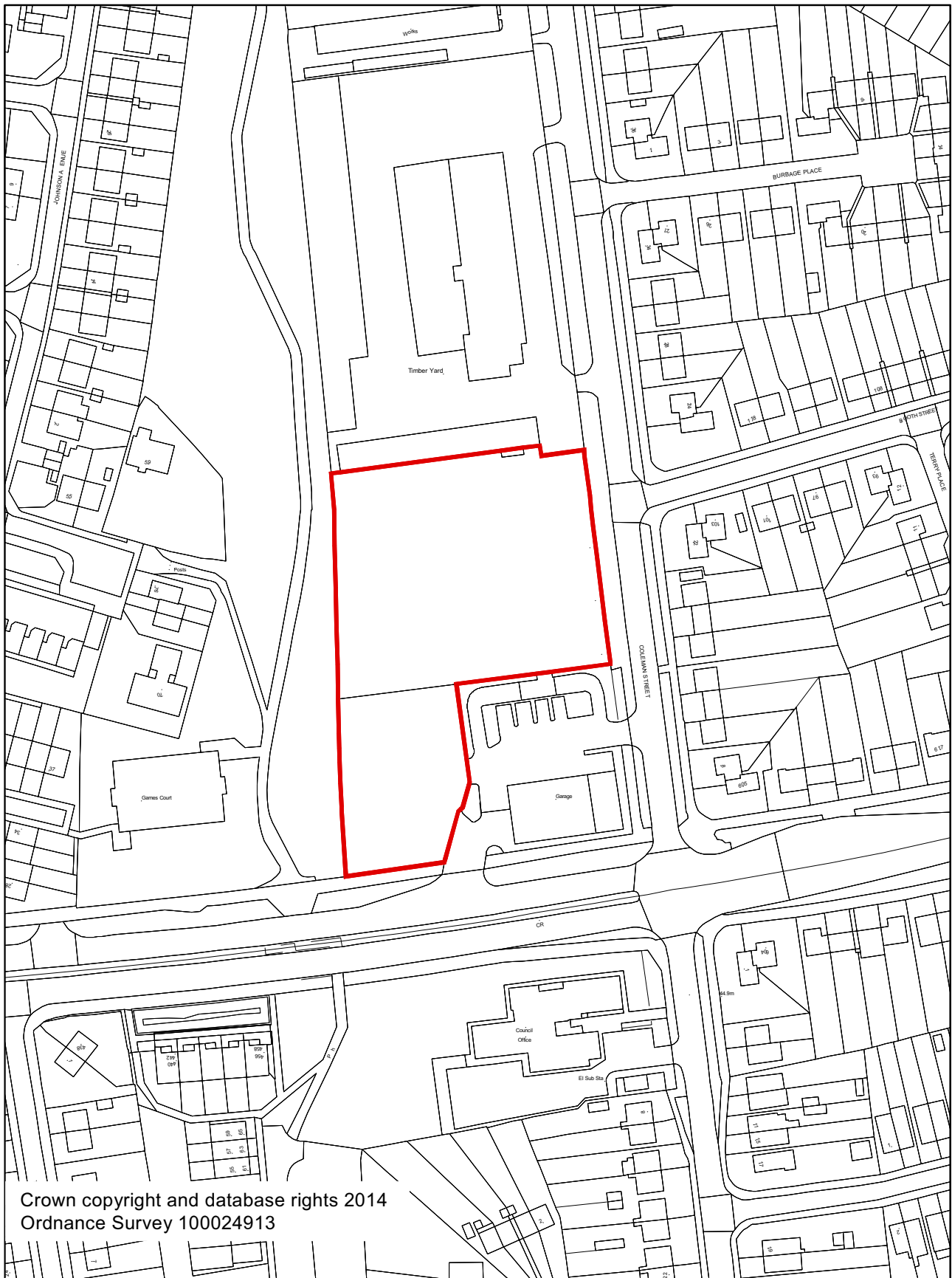
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Public art and highways contributions

Application timescale:

The 13 week target timescale for determination of the application expired on the 18th of November 2013. However a formal extension of time has been agreed with the applicant. The application is brought before the committee because of the number of objections received.





DERBY CITY COUNCIL

Derby City Council

Delegated Decisions Made Between 01/05/14 and 31/05/14

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/13/00248/PRI	Advertisement consent	McDonalds Restaurant, Kingsway, Derby, DE22 4AA	Display of various internally illuminated and non illuminated signage	Granted Conditionally	01/05/2014
05/13/00482/PRI	Full Planning Permission	Land at corner of Hillcrest Road and Wiltshire Road, Chaddesden, Derby	Erection of 3 bungalows	Granted Conditionally	13/05/2014
06/13/00696/PRI	Advertisement consent	The Guildhall, Market Place, Derby, DE1 3AE	Display of various illuminated and non illuminated signage	Granted Conditionally	14/05/2014
07/13/00766/PRI	Listed Building Consent -alterations	The Guildhall, Market Place, Derby, DE1 3AE	Display of various illuminated and non illuminated signage	Granted Conditionally	14/05/2014
09/13/01058/PRI	Full Planning Permission	Unit A3, Cranmer Road, West Meadows Industrial Estate, Derby, DE21 6JL	Change of use of from workshop/warehouse (Use Class B1) to activity centre (Use Class D2)	Granted Conditionally	09/05/2014
10/13/01165/DCC	Local Council own development Reg 3	St. James C Of E Junior School, Reginald Street, Derby, DE23 8FQ	Installation of play equipment and multi use games equipment	Granted Conditionally	09/05/2014
10/13/01251/PRI	Full Planning Permission	Site of 46 East Avenue, Mickleover, Derby, DE3 5HN	Demolition of bungalow, erection of two dwelling houses and alterations to vehicular access	Granted Conditionally	01/05/2014
11/13/01327/PRI	Full Planning Permission	116 Jubilee Road, Shelton Lock, Derby, DE24 9FD	Extensions to bungalow (utility room, family room and enlargement of bedroom)	Granted Conditionally	27/05/2014
11/13/01346/PRI	Full Planning Permission	143 Osmaston Park Road, Derby, DE23 8WL	Two storey and single storey rear extension to dwelling house (kitchen/dining room, bathroom and bedroom)	Refuse Planning Permission	20/05/2014
11/13/01379/PRI	Full Planning Permission	Markeaton Garden Centre, Markeaton Lane, Derby, DE22 4NH	Erection of cafe	Granted Conditionally	16/05/2014
12/13/01407/PRI	Full Planning Permission	5-7 Uttoxeter Road, Mickleover, Derby, DE3 5DA	Installation of new entrances to front and rear, blocking up of existing entrance and windows and installation of air conditioning unit	Granted Conditionally	16/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
12/13/01408/PRI	Advertisement consent	5-7 Uttoxeter Road, Mickleover, Derby, DE3 5DA	Display of 2 externally illuminated fascia signs and 1 externally illuminated projecting sign	Granted Conditionally	20/05/2014
12/13/01424/PRI	Full Planning Permission	Land at rear of 37 Brackensdale Avenue, Derby, DE22 4AF (access from Greenwich Drive South)	Erection of dwelling house and formation of parking spaces	Refuse Planning Permission	01/05/2014
12/13/01446/PRI	Full Planning Permission	410 Burton Road, Derby, DE23 6AJ (Burton Lodge Nursing Home)	Extensions and alterations to nursing home (two day rooms, lift shaft, raised decking and access ramp)	Granted Conditionally	07/05/2014
12/13/01454/PRI	Full Planning Permission	Site of 9 Owlers Lane, Littleover, Derby, DE23 6DE	Demolition of dwelling and erection of replacement single storey dwelling	Granted Conditionally	06/05/2014
12/13/01488/PRI	Full Planning Permission	7 West Avenue South, Chellaston, Derby, DE73 1SH	Single storey side extension to dwelling house (lounge and shower room)	Granted Conditionally	09/05/2014
01/14/00002/PRI	Full Planning Permission	Queens Hall, 121- 125 London Road, Derby, DE1 2QQ	Change of use of Queens Hall from Church/ Church Hall (Use Class D1) to Conference and Banqueting Centre (Use Class D2) and change of use of 123 London Road from Cafe (Use Class A3) to Hot food take-away (Use Class A5)	Granted Conditionally	13/05/2014
01/14/00018/DCC	Local Council own development Reg 3	Land at Winslow Green, Chaddesden, Derby	Formation of 8 parking bays	Granted Conditionally	07/05/2014
01/14/00023/PRI	Full Planning Permission	20 Mill Moor Close, Chellaston, Derby, DE73 1QL	Two storey side and single storey rear extension to dwelling house (bedroom and enlargement of kitchen and dining room)	Granted Conditionally	06/05/2014
01/14/00024/PRI	Full Planning Permission	32 Albany Road, Derby, DE22 3LW	Two storey side and single storey front extension to dwelling house (porch, garage, utility, w.c., 2 bedrooms and shower room)	Granted Conditionally	09/05/2014
01/14/00043/PRI	Full Planning Permission	116 Osmaston Road, Derby, DE1 2RD	Change of use of ground floor from dwelling house (Use class C3) to pre-school (Use Class D1) for a temporary period	Granted Conditionally	07/05/2014
01/14/00046/PRI	Full Planning Permission	16a Stenson Road, Derby, DE23 7JA	Change of use of first floor from residential (Use Class C3) to hair and beauty salon (Sui Generis Use)	Granted Conditionally	16/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
01/14/00054/PRI	Full Planning Permission	Friar Gate Unitarian Chapel, Stafford Street, Derby, DE1 1JG	Erection of railings	Granted Conditionally	28/05/2014
01/14/00055/PRI	Full Planning Permission	1 Birch Close, Spondon, Derby, DE21 7DT	Single storey extension to dwelling house (porch)	Granted Conditionally	16/05/2014
01/14/00062/PRI	Full Planning Permission	839 London Road, Derby, DE24 8UZ	Formation of 12 parking bays	Granted Conditionally	15/05/2014
01/14/00063/PRI	Variation/Waive of condition(s)	Toys R Us, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Variation of condition 7 of previously approved planning permission Code No. DER/02/89/000286 to permit the sale of a wider range of goods	Granted Conditionally	28/05/2014
01/14/00095/PRI	Full Planning Permission	10 Cloverdale Drive, Sinfin, Derby, DE24 3JP	Single storey extensions to dwelling house (garage, workshop and porch)	Granted Conditionally	07/05/2014
01/14/00097/PRI	Full Planning Permission	1 St. Peters Way, Derby, DE1 2NR	Change of use from Shop (Use Class A1) to Restaurant and Cafe (Use Class A3).	Granted Conditionally	16/05/2014
02/14/00123/PRI	Full Planning Permission	1 Kintyre Drive, Sinfin, Derby, DE24 3JZ	Single storey rear extension to dwelling house (kitchen)	Granted Conditionally	23/05/2014
02/14/00125/PRI	Full Planning Permission	21 Iron Gate, Derby, DE1 3GP (Square Group Ltd)	Change of use from retail (Use class A1) to mixed use retail (Use class A1) and/or financial and professional services (Use Class A2) (ground floor and part of first floor)	Granted Conditionally	01/05/2014
02/14/00137/PRI	Outline Planning Permission	Land at 57 Maine Drive, Chaddesden, DE21 6JZ	Residential development (one dwelling)	Granted Conditionally	13/05/2014
02/14/00138/PRI	Full Planning Permission	64 Stenson Road, Derby, DE23 7JE	Single storey front extension to dwelling house (porch)	Granted Conditionally	16/05/2014
02/14/00142/PRI	Full Planning Permission	17 Albany Road, Derby, DE22 3LW	Change of use from dwelling house (Use Class C3) to house in multiple occupation (Sui Generis Use)	Granted Conditionally	13/05/2014
02/14/00147/PRI	Full Planning Permission	68 Westbourne Park, Derby, DE22 4GZ	Two storey side extension to dwelling house (kitchen/diner, bedroom and en-suite)	Refuse Planning Permission	28/05/2014
02/14/00157/PRI	Full Planning Permission	7 Cherry Close, Mickleover, Derby, DE3 9DD	Single storey rear and first floor side extension to dwelling house (dining room, bedroom and 2 en-suites)	Granted Conditionally	16/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/14/00159/PRI	Full Application - disabled People	16 Denstone Drive, Alvaston, Derby, DE24 0HY	Single storey front extension to dwelling house (hall and lounge) and erection of detached garage/store	Granted Conditionally	15/05/2014
02/14/00164/PRI	Full Planning Permission	11 Clifton Road, Allestree, Derby, DE22 2PJ	Single storey rear extension to dwelling house (family area)	Granted Conditionally	13/05/2014
02/14/00166/PRI	Advertisement consent	5-7 Uttoxeter Road, Mickleover, Derby, DE3 5DA	Display of 2 illuminated fascia signs, 1 non-illuminated fascia sign and 1 double sided illuminated projecting sign	Granted Conditionally	21/05/2014
02/14/00171/PRI	Works to Trees under TPO	132 Smalley Drive, Oakwood, Derby, DE21 2SQ	Branch reduction by 2 metres to give 2.5 - 3 metre clearance of 134 Smalley Drive and re-balancing of south side of Oak tree protected by Tree Preservation Order No 247	Granted Conditionally	07/05/2014
02/14/00179/PRI	Full Planning Permission	58 Station Road, Chellaston, Derby, DE73 1SU	Formation of rooms in roof space together with installation of 3 dormer windows	Granted Conditionally	22/05/2014
02/14/00193/PRI	Full Planning Permission	N C S Fabrications Ltd, Ascot Drive, Derby, DE24 8ST	Erection of industrial unit and extension to industrial units 2 and 4	Granted Conditionally	21/05/2014
02/14/00228/PRI	Full Planning Permission	1 Curzon Close, Allestree, Derby, DE22 2SX	First floor and single storey extensions to dwelling house (bedroom, shower room and enlargement of study)	Granted Conditionally	23/05/2014
02/14/00236/PRI	Full Planning Permission	9 The Spot, Osmaston Road, Derby, DE1 2JA	Change of use from retail (Use Class A1) on the ground floor and associated Storage and Distribution (Use Class B8) on the first floor to mixed use restaurant/cafe and hot food takeaway (use Class A3/A5) including installation of extraction flue	Refuse Planning Permission	01/05/2014
02/14/00242/	Full Planning Permission	41 Strathmore Avenue, Alvaston, Derby, DE24 0FW	Two storey side extension to dwelling house (car port, w.c. and two bedrooms)	Granted Conditionally	28/05/2014
02/14/00243/	Full Planning Permission	461 Kedleston Road, Derby, DE22 2NE	Single storey front and rear extensions to dwelling (living area and enlargement of garage)	Granted Conditionally	09/05/2014
02/14/00251/PRI	Full Planning Permission	Unit 2, Stoney Gate Road, Spondon, Derby, DE21 7RY	Two storey extension to industrial unit (staff facilities and meeting rooms)	Granted Conditionally	23/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/14/00257/PRI	Full Planning Permission	31 Scarsdale Avenue, Allestree, Derby, DE22 2LA	Side and rear extension to bungalow (additional living space) together with erection of detached single garage to the front.	Granted Conditionally	05/05/2014
02/14/00263/PRI	Full Planning Permission	Whitecross House, Leyland Gardens, Derby, DE1 3PL	Installation of entrance canopy	Granted Conditionally	01/05/2014
02/14/00265/PRI	Full Planning Permission	14 Muirfield Drive, Mickleover, Derby, DE3 9YA	Erection of boundary fence	Granted Conditionally	21/05/2014
02/14/00277/PRI	Full Planning Permission	2 Gisborne Close, Mickleover, Derby, DE3 5LU	Single storey side extension to dwelling house (conservatory)	Granted Conditionally	29/05/2014
02/14/00280/PRI	Works to Trees under TPO	Friary Hotel, Friar Gate, Derby, DE1 1FG	Crown raise to 2.6m of London Plane tree protected by Tree Preservation Order No. 197	Granted Conditionally	01/05/2014
02/14/00282/PRI	Local Council own development Reg 3	105 Grasmere Crescent, Sinfyn, Derby, DE24 9HT	Single storey rear extension to dwelling house (bedroom and shower room) - amendments to previously approved planning permission DER/03/13/00287/PRI	Granted Conditionally	05/05/2014
03/14/00321/DCC	Advertisement consent	Highway verge adjacent to Derby Racecourse Park, Hampshire Road, Derby (opposite Beaufort Community Primary School)	Display of free standing advertising event board.	Granted Conditionally	01/05/2014
03/14/00323/PRI	Full Planning Permission	Land to the rear of 270-272 Burton Road, adjacent to Argyle Street, with access off Warner Street Derby	Erection of nine apartments	Granted Conditionally	02/05/2014
03/14/00324/DCC	Advertisement consent	Highway verge, Kedleston Road, Allestree, Derby (adjacent Markeaton Park, allotments)	Display of free standing advertising event board.	Granted Conditionally	01/05/2014
03/14/00325/DCC	Advertisement consent	Land at Oakwood Park, Springwood Drive, Oakwood, Derby	Display of free standing advertising event board.	Granted Conditionally	01/05/2014
03/14/00326/DCC	Advertisement consent	Highway verge adjacent to Normanton Park, Warwick Avenue, Derby	Display of free standing advertising event board.	Granted Conditionally	01/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/14/00327/DCC	Advertisement consent	Osmaston Park, Moor Lane, Allenton, Derby	Display of free standing advertising event board.	Granted Conditionally	01/05/2014
03/14/00328/DCC	Advertisement consent	Land at Normanton Park, Warwick Avenue, Derby (adjacent to entrance)	Display of free standing advertising event board.	Granted Conditionally	02/05/2014
03/14/00329/DCC	Advertisement consent	Highway Verge, Spondon Island, Derby Road, Spondon, Derby	Display of free standing advertising event board.	Granted Conditionally	02/05/2014
03/14/00330/DCC	Advertisement consent	Land adjacent Assembly Rooms Car Park, Full Street, Derby	Display of non illuminated post sign	Granted Conditionally	05/05/2014
03/14/00331/PRI	Full Planning Permission	57 Birchover Way, Allestree, Derby, DE22 2QG	Erection of part two storey, part single storey rear extension and alterations to front elevation including the installation of a pitched roof	Granted Conditionally	02/05/2014
03/14/00332/PRI	Full Planning Permission	10 Morley Gardens, Oakwood, Derby, DE21 4QQ	Retention of detached garage	Granted Conditionally	21/05/2014
03/14/00336/PRI	Full Planning Permission	86 Littleover Lane, Derby, DE23 6JG	Single storey side extension to dwelling house (games room/garden room)	Granted Conditionally	01/05/2014
03/14/00337/PRI	Full Planning Permission	The Master Locksmith PH, Meteor Centre, Derby, DE21 4SY	Demolition of public house and erection of restaurant with drive through facility, associated car park and outdoor seating area	Granted Conditionally	29/05/2014
03/14/00339/PRI	Full Application - Article 4	74 Belper Road, Derby, DE1 3EN	Demolition of front boundary wall and erection of replacement one metre high wall	Granted Conditionally	08/05/2014
03/14/00342/PRI	Full Planning Permission	60 Babington Lane, Derby, DE1 1SX	Change of use from retail (Use Class A1) to Estate Agency (Use Class A2)	Granted Conditionally	01/05/2014
03/14/00343/PRI	Full Planning Permission	167 Swarkestone Road, Chellaston, Derby, DE73 1UD	Erection of summer house	Granted Conditionally	16/05/2014
03/14/00344/PRI	Full Planning Permission	The Florence Nightingale, 110 London Road, Derby, DE1 2QZ	Change of use from Public House (Use Class A4) to House in Multiple Occupation (Sui Generis Use)	Granted Conditionally	22/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/14/00345/PRI	Full Planning Permission	144 Stonehill Road, Derby, DE23 6TL	Extensions to dwelling house (shower room/lobby and garage)	Granted Conditionally	07/05/2014
03/14/00346/PRI	Full Planning Permission	490 Nottingham Road, Chaddesden, Derby, DE21	Erection of single storey side extension (cold room)	Granted Conditionally	08/05/2014
03/14/00348/PRI	Full Planning Permission	490 Nottingham Road, Chaddesden, Derby,	Installation of shopfronts and entrance doors	Granted Conditionally	07/05/2014
03/14/00349/DCC	Advertisement consent	Lighting columns on Sir Frank Whittle Road, Derby. (From The Pentagon to Croft Avenue)	Display of banners on various lighting columns	Granted Conditionally	08/05/2014
03/14/00350/PRI	Full Planning Permission	55 Alvaston Street, Alvaston, Derby, DE24 0NX	Installation of additional window to first floor side elevation	Granted Conditionally	07/05/2014
03/14/00351/PRI	Full Planning Permission	490 Nottingham Road, Chaddesden, Derby	Erection of plant compound, installation of air conditioning plant and hand railing to roof, erection of external ladder between the 2 flat roof levels and formation accesses in rear elevation	Granted Conditionally	22/05/2014
03/14/00355/PRI	Works to Trees under TPO	Lansdown, The Close, Derby	Deadwooding, crown lifting to 6m, crown thinning by 30% and cut back overhanging branches by 4m of Sycamore tree protected by Tree Preservation Order No 418	Refuse Planning Permission	01/05/2014
03/14/00357/PRI	Full Planning Permission	Arbor Close, Woods Lane, Derby, DE22 3UA	Erection of 2.4m high fence	Granted Conditionally	15/05/2014
03/14/00363/PRI	Full Planning Permission	15 Markham Court, Oakwood, Derby, DE21 2US	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	14/05/2014
03/14/00366/PRI	Works to Trees under TPO	2 Swanmore Road, Littleover, Derby, DE23 7SD	Crown reduction by 2m and crown lift by 6m to Lime tree protected by Tree Preservation Order No.30	Granted Conditionally	01/05/2014
03/14/00376/PRI	Full Planning Permission	1 Edale Avenue, Derby, DE23 6PD	Two storey rear extension to dwelling house (dining room, 3 bedrooms, bathroom and enlargement of bathroom)	Granted Conditionally	08/05/2014
03/14/00377/PRI	Full Planning Permission	181 Stenson Road, Derby, DE23 7JN	Two storey side and rear extensions to dwelling house (extension to kitchen and living accommodation and additional bedrooms)	Granted Conditionally	28/05/2014
03/14/00378/PRI	Full Planning Permission	64 Underhill Avenue, Derby, DE23 8WE	Retention of extensions to dwelling house (garage and hot tub room)	Granted Conditionally	14/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/14/00379/PRI	Listed Building Consent -alterations	Eborn House, Broadway, Derby, DE22 1AY	Rendering of external walls, repairs to the roof together with rebuilding of chimney, painting of external stonework, internal repairs, repainting and repairs to sash windows, installation of metal handrails to front entrance steps and formation of raised crossing.	Granted Conditionally	23/05/2014
03/14/00383/PRI	Full Planning Permission	63 Scarborough Rise, Derby, DE21 4DH	Single storey front extension to dwelling house (enlargement of lounge and porch)	Granted Conditionally	16/05/2014
03/14/00385/PRI	Full Planning Permission	406 Burton Road, Derby, DE23 6AJ	Two storey side and rear extensions to dwelling house (sitting room, utility room, dining room, w.c, bedroom, 2 en-suites, bathroom, landing, juliet balcony and enlargement of kitchen and 2 bedrooms), erection of double detached garage, boundary wall and entrance gates - amendments to previously approved planning permission - Code No. DER/04/12/00404/PRI	Granted Conditionally	01/05/2014
03/14/00388/PRI	Full Planning Permission	118 Green Lane, Derby, DE1 1RY	Change of use from offices to dwelling house (Use Class C3)	Granted Conditionally	22/05/2014
03/14/00391/PRI	Full Planning Permission	55 Cadgwith Drive, Derby, DE22 2AF	Two storey side extension to dwelling house, single storey front extension and single storey rear extension	Granted Conditionally	15/05/2014
03/14/00393/PRI	Local Council own development Reg 3	68 Grove Street, Derby, DE23 8EL	Single storey rear extension to dwelling house (lobby and bedroom)	Granted Conditionally	08/05/2014
03/14/00396/PRI	Full Planning Permission	66 Penzance Road, Alvaston, Derby, DE24 0NH	Two storey side extension to dwelling house (dining room and bedroom)	Granted Conditionally	28/05/2014
03/14/00398/PRI	Full Planning Permission	49 Lindon Drive, Alvaston, Derby, DE24 0LP	Single storey extension to side and rear of dwelling house	Granted Conditionally	23/05/2014
03/14/00410/PRI	Full Planning Permission	371 Duffield Road, Derby, DE22 2DN	Two storey side and single storey rear extensions (kitchen, utility room, w.c., garage, bedroom and enlargement of bedroom)	Granted Conditionally	20/05/2014
03/14/00411/PRI	Full Planning Permission	27 Birchover Way, Allestree, Derby, DE22 2QG	Two storey rear and single storey side extensions (bedroom, en-suite, utility room and enlargement of kitchen and lounge)	Granted Conditionally	23/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/14/00417/PRI	Advertisement consent	Ramada Encore Hotel, Locomotive Way, Pride Park, Derby, DE24 8PU	Display of 3 internally illuminated fascia signs and 3 non illuminated flag signs	Granted Conditionally	22/05/2014
03/14/00422/PRI	Full Planning Permission	Ramada Encore Hotel, Locomotive Way, Pride Park, Derby, DE24 8PU	Erection of marquee and mini kitchen for a temporary period of six weeks to house the hotel restaurant	Granted Conditionally	30/05/2014
03/14/00423/PRI	Full Planning Permission	32 Acrefield Way, Chellaston, Derby, DE73 1PN	Erection of 1.8 m high boundary fence	Granted Conditionally	22/05/2014
03/14/00428/PRI	Full Planning Permission	Land adjacent to 58 Worcester Crescent, Chaddesden, Derby, DE21 4EQ	Erection of detached dwelling house	Refuse Planning Permission	30/05/2014
03/14/00429/PRI	Full Planning Permission	26 Robincroft Road, Allestree, Derby, DE22 2FR	Two storey side and rear extension to dwelling house (garage, utility room, w.c. family room, two bedrooms, and enlargement of kitchen and bathroom)	Granted Conditionally	22/05/2014
03/14/00433/PRI	Demolition-Prior Notification	839 London Road, Derby, DE24 8UZ	Demolition of 12 garages	Raise No Objection	27/05/2014
03/14/00435/PRI	Certificate of Lawfulness Proposed Use	24 Foxdell Way, Chellaston, Derby, DE73 1PU	Single storey rear extension to dwelling house	Granted	23/05/2014
03/14/00436/PRI	Full Planning Permission	21 Woodthorpe Avenue, Chaddesden, Derby, DE21 6NQ	Two storey side extension to dwelling house (lounge, utility room, w.c, bedroom, en-suite bathroom, Juliet balcony, attached garage and enlargement of kitchen) - amendments to previously approved planning permission Code No. DER/11/11/01325/PRI	Granted Conditionally	23/05/2014
04/14/00444/PRI	Full Planning Permission	472 Kedleston Road, Derby, DE22 2NE	Extension to dwelling house (detached garage)	Refuse Planning Permission	27/05/2014
04/14/00445/PRI	Full Planning Permission	25 Valley Road, Littleover, Derby, DE23 6HR	Single storey extension to side and front of dwelling house (porch, garage, utility room and w.c.)	Granted Conditionally	23/05/2014
04/14/00446/PRI	Full Application - Article 4	86 Belper Road, Derby, DE1 3EN	Installation of two replacement windows to first floor	Granted Conditionally	27/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/14/00450/PRI	Full Planning Permission	43 Duncan Road, Derby, DE23 8TS	First floor rear extension to dwelling house (bedroom and bathroom)	Granted Conditionally	23/05/2014
04/14/00454/PRI	Works to Trees under TPO	5 Courtland Gardens, Alvaston, Derby, DE24 0LJ	Felling of Cedar tree protected by Tree Preservation Order No 282	Granted Conditionally	01/05/2014
03/14/00458/	Works to Trees in a Conservation Area	48 Kedleston Road, Derby, DE22 1GW	Pollarding and removal of epicormic growth of four Lime trees, removal of bough and reshaping of Prunus tree, removal of 2 metres of top growth from Sycamore tree and removal of Hawthorn within Strutts Park Conservation Area	Raise No Objection	13/05/2014
04/14/00461/PRI	Full Planning Permission	Site of former Caretakers Cottage, 277 Prince Charles Avenue, Mackworth, Derby, DE22 4LP	Erection of four dwelling houses and associated car parking	Granted Conditionally	27/05/2014
04/14/00463/PRI	Full Planning Permission	64 Carsington Crescent, Allestree, Derby, DE22 2QZ	Side and rear extensions to dwelling house (garage, shower room, kitchen/family room and bedroom)	Granted Conditionally	23/05/2014
04/14/00464/PRI	Full Planning Permission	34 East Avenue, Mickleover, Derby, DE3 5HN	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	27/05/2014
04/14/00466/PRI	Advertisement consent	490 Nottingham Road, Derby, DE21 6PF	Display of various internally illuminated signage	Granted Conditionally	23/05/2014
04/14/00467/PRI	Full Planning Permission	2 Keats Avenue, Littleover, Derby, DE23 7ED	Two storey and single storey extensions to dwelling house (entrance hall, kitchen, bedroom and en-suite)	Granted Conditionally	08/05/2014
04/14/00472/PRI	Works to Trees under TPO	20 Radbourne Gate, Mickleover, Derby, DE3 5DW	Removal of one limb of a Sycamore tree and two limbs of an Oak tree protected by Tree Preservation Order No 221	Granted Conditionally	01/05/2014
04/14/00475/PRI	Full Planning Permission	2 Wakami Crescent, Chellaston, Derby, DE73 1XN	Single storey side and rear extensions to dwelling (two bedrooms, bathroom and dining room)	Granted Conditionally	22/05/2014
04/14/00477/PRI	Local Council own development Reg 3	12 Millbank Close, Derby, DE22 4HJ	Single storey extension to dwelling house (bedroom) and formation of ramp	Granted Conditionally	08/05/2014
04/14/00479/PRI	Full Planning Permission	43 Woodford Road, Derby, DE22 4EG	Single storey rear and two storey side extensions to dwelling house (play room, kitchen and bedroom)	Granted Conditionally	27/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/14/00483/PRI	Full Planning Permission	Dovedale House, London Road, Derby, DE24 8UP	Alterations to elevations to include installation of door and access ramp	Granted Conditionally	21/05/2014
04/14/00484/PRI	Works to Trees in a Conservation Area	22 Otter Street, Derby, DE1 3FB	Felling of Juniper tree, crown reduction by 1.5m of Holly and formative pruning of Apple tree within Strutts Park Conservation Area	Raise No Objection	08/05/2014
04/14/00485/PRI	Works to Trees under TPO	20 Otter Street, Derby, DE1 3FB	Crown thinning by 20% and lifting to 2-3 metres above wall height of Silver Birch tree protected by Tree Preservation Order No 307	Granted Conditionally	30/05/2014
04/14/00486/PRI	Works to Trees under TPO	22 Otter Street, Derby, DE1 3FB	Felling of Cherry tree protected by Tree Preservation Order No. 307	Granted Conditionally	30/05/2014
04/14/00499/PRI	Advertisement consent	Unit 1 Sinfin District Centre, Arleston Lane, DE24 3DS (Co-op Funeral Care)	Display of two externally illuminated fascia signs and one externally illuminated projecting sign	Granted Conditionally	29/05/2014
04/14/00500/PRI	Full Planning Permission	7 Princes Drive, Littleover, Derby, DE23 6DX	Two storey side and single storey rear extensions to dwelling house together with formation of rooms in roof space and installation of side and rear dormer windows	Granted Conditionally	23/05/2014
04/14/00501/PRI	Full Planning Permission	16 Stanstead Road, Mickleover, Derby, DE3 5PP	Single storey side and rear extension to dwelling house (conservatory)	Granted Conditionally	23/05/2014
04/14/00507/PRI	Full Planning Permission	7 Marchington Close, Allestree, Derby, DE22 2XE	Single storey extension to dwelling (enlargement of kitchen/dining room)	Granted Conditionally	27/05/2014
04/14/00509/PRI	Full Planning Permission	4 St. Mellion Close, Mickleover, Derby, DE3 5YL	First floor extension to dwelling house (bedroom and enlargement of bedroom)	Granted Conditionally	23/05/2014
04/14/00511/PRI	Prior Notification	14 Hampton Close, Spondon, Derby, DE21 7QD	Single storey rear extension (projecting beyond the rear wall of the original house by 3.71m, maximum height 3.63m, height to eaves 2.59m) to dwelling house	Approval Not required	23/05/2014
04/14/00516/PRI	Full Planning Permission	54 Jackson Avenue, Mickleover, Derby, DE3 5AT	First floor rear extension to dwelling house (bedroom)	Granted Conditionally	23/05/2014
04/14/00533/PRI	Prior Notification	47 Hollowood Avenue, Littleover, Derby, DE23 6JD	Single storey rear extension (projecting beyond the rear wall of the original house by 8m, maximum height 3.5m, height to eaves 2.2m) to dwelling house	Approval Not required	27/05/2014

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/14/00549/PRI	Prior Notification	23 Fairfax Road, Derby, DE23 6RX	Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3.5m, height to eaves 3.06m) to dwelling house	Approval Not required	30/05/2014
04/14/00552/PRI	Prior Notification	22 West Bank Road, Allestree, Derby, DE22 2FX	Single storey rear extension (projecting beyond the rear wall of the original house by 4.7m, maximum height 3.8m, height to eaves 2m) to dwelling house	Approval Not required	30/05/2014
04/14/00558/PRI	Prior Notification	80 Foremark Avenue, Derby, DE23 6JR	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 2.75m, height to eaves 2.75m) to dwelling house	Approval Not required	30/05/2014
04/14/00561/	Works to Trees in a Conservation Area	42 Kedleston Road, Derby, DE22 1GU	Felling of Scots Pine, 2 Leylandii, Sycamore, Holly and Laurel trees, Reduction to fence height of Holly and Elder, Reduction by 4m to Silver Birch tree and reduction in height by 2-3m and felling of four trees on east side of garden within the Strutts Park Conservation Area	Raise No Objection	21/05/2014
04/14/00567/PRI	Works to Trees in a Conservation Area	49 Belper Road, Derby, DE1 3EP	Removal of Cherry, Conifer and Sorbus trees within Strutts Park Conservation Area	Raise No Objection	21/05/2014
04/14/00583/PRI	Full Planning Permission	203 Derby Road, Chellaston, Derby, DE73 5SE	Single storey side extension to dwelling house (w.c. and utility room)	Granted Conditionally	29/05/2014
05/14/00619/PRI	Certificate of Lawfulness Proposed Use	1 Gayton Thorpe Close, Littleover, Derby, DE23 3HR	Erection of outbuilding	Granted	27/05/2014

Total Number of Delegated Decisions made during this period: 134