

A DEVELOPMENT BY THE CITY COUNCIL

1 Code No: DER/306/477

Type: Outline (Reg 3)
(All matters reserved)

1. **Address:** Arnhem Terrace, Craddock Avenue and Langley Road, Spondon
2. **Proposal:** Residential development
3. **Description:** Before dealing with this specific site I will give the general background to the four similar applications reported to this meeting. The others are:
 - DER/306/476 - Merrill College, Jubilee Road, Shelton Lock
 - DER/306/478 - Durley Close, Elvaston Lane, Alvaston
 - DER/306/479 - Normanton Junior and Infant Schools, Grange Avenue / Blackmore Street, Normanton.

A fifth application is on City Council owned land in the administrative area of South Derbyshire District Council and is being dealt with by that Authority.

The City Council, as Housing Authority, is seeking to use PFI, for non-Housing Revenue Account housing provision and improvement. This proposal has therefore been developed to meet its objectives to provide additional affordable housing, provide secure well managed housing, create sustainable and mixed communities, regenerate Inner City areas, accelerate efforts to address sub-standard accommodation in the private sector, reduce use of bed and breakfast, tackle blight from empty homes and generate employment.

The Council intends to contract with a private sector partner to achieve the delivery of approximately 95 new affordable rented homes and 80 refurbished homes. The exact balance between the two types is flexible. The Project may also deliver a small number of affordable shared ownership properties and properties for outright sale.

The new and refurbished affordable rented homes and refurbished properties will be provided by the Preferred Bidder to agreed output specification standards. These homes will be let to Council nominees with a Registered Social Landlord – RSL – as landlord, and subsequently managed and maintained to agreed standards.

Payment to the Preferred Bidder will be dependent upon the homes being available and meeting the output specification and performance standards being met. The PFI Contract will be for thirty years, with the homes remaining in the ownership of the Preferred Bidder at the end of the contract.

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The affordable rented homes will be across the City, located wherever possible in those areas experiencing the highest levels of aspirational housing need, consistent with priorities and policies at national, regional and local levels. The aim is that work on site will commence in April 2008 at the latest but this is dependent, for the Normanton School site, on closure procedures.

The size and nature of the homes will reflect current and projected local needs, in order to maximise opportunities for a representative cross-section of Derby residents in housing need, whilst the design, construction and configuration of the homes themselves will seek to incorporate the very highest standards and current guidance. The objective is to provide a balanced and mixed scheme with no noticeable difference in the quality of the residential environment between the private market housing and the affordable element. In that respect, the Council expects to designate a “design champion” for the Project.

This application and DER/306/478 relate to the redevelopment of existing housing using mainly existing services and highways. There are no basic policy issues in the sense that they comprise the replacement of outworn and unsatisfactory residential accommodation, but the replacement development will have to be assessed with regard to the qualitative criteria in several CDLP-R policies.

Applications DER/306/476 and DER/306/479 relate to the sites of redundant schools. These are more complex in that there are issues of being satisfied on redundancy, taking into account the nature and location of replacements, the future of school playing fields, the transport implications of changed traffic patterns, new access road alignments and flood risk implications from, possibly, increased impermeability. Neither of these sites is in a green wedge location so there is no question of a departure from the Local Plan.

Ordinarily applications for the redevelopment of the two sites currently in housing use would be made as full applications much later in the process. Although outline applications for the two school sites would be the appropriate way forward, again these would normally be presented to the planning system when there was rather more information than is currently available. However, for the schemes to progress through the PFI process, outline planning permissions must be established at this time.

Turning to this specific scheme, the site comprises five parcels separated by highways. They comprise eight five-storey blocks known as the “Derbyshire Blocks”, being named after Derbyshire towns. Their

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design is the same as those at Durley Close, Alvaston, in application DER/306/478. They were inherited from the former South-East Derbyshire Rural District Council when this area was incorporated into the former County Borough of Derby in 1968. At present they provide 88 flats but have become increasingly unpopular with tenants, are hard to let and have maintenance problems. They have not been re-let as tenants have left and there is now a high level of vacant units.

The land totals some 1.03ha and the outline application seeks permission for approximately 60 dwellings of which 30 would be affordable. The density would be just below 47/ha. The intervening highways are excluded except for a strip of land on Craddock Avenue which, although highway, effectively functions as parking for the flats. This is within the application site in order to give the option of it being closed as highway. There are trees on the site which date from the original development. They relate to the existing pattern of blocks and it is likely that there will be some tree loss unless the existing footprints are adhered to.

4. Relevant Planning History: None.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: Design is not an issue at outline stage. At reserved matters stage the details will be assessed in relation to CDLPR policy H21 which also covers privacy, security and density and E27 relating to security.

5.3 Highways: There is no objection in principle. As a reduction in density is envisaged there are no material traffic implications. The detail design would need to comply with current standards in relation to the way new or altered accesses were connected to the highway. It is unlikely that new highway construction would be involved. Parking would need to be on-site and meet CDLPR policy T4 standards.

5.4 Disabled People's Access: This will be dealt with at reserved matter stage having regard to policies H20 and T10.

5.5 Other Environmental: The retention of trees that make a substantial contribution to visual amenity would be achieved through the detailed layout and the landscaping scheme. The current units, because of their height, suffer from some noise impact from traffic on Brian Clough Way. This is being investigated but present indications are that, with

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conventional two-storey housing in between, there will be little implication for low-rise development.

6. Publicity:

Neighbour Notification letter	72	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

- 7. Representations:** None has been received. There has been some interest and my staff has explained the circumstances of these applications and the reason for the lack of any detail.

8. Consultations:

DofC&ASS (EH&TS) – draws attention to the need for a noise survey.

Police – details should meet *Secured by Design* objectives and Local Plan policies for community safety and security.

9. Summary of policies most relevant: Adopted CDLPR:

ST2 - Key planning objectives
ST4 - Regeneration
ST7 - Previously used land
ST12 - Amenity
ST15 - Implementation
H19 - Affordable housing
H20 - Lifetime homes
H21 - Residential development, general criteria
E11 - Trees
E12 - Renewable energy
E14 - Pollution
E20 - Landscaping schemes
E26 - Design
E27 - Community safety
L4 - POS in new developments
T4 - Parking and servicing
T6 - Pedestrians
T7 - Cyclists
T10 - Access for disabled people

The above is a summary of the policies that are relevant, although in practical terms several cannot come into play until the reserved matters

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stage is reached. Members should refer to their copy of the CDLP Review 2006 for the full version.

- 10. Officer Opinion:** As a rebuilding, within an established residential area, of existing residential units which no longer fulfil modern housing requirements, there is little in the way of issues of principle.

The rebuilding meets key planning objectives and other strategic policies. The proportion of affordable housing will exceed CDLPR targets. Mobility housing and lifetime homes will be provided in accordance with policy, possibly to a higher proportion but that will depend on the details that eventually emerge. The general criteria for residential development, design and community safety policies can be met at reserved matters stage, as can all highway-related matters such as access locations and facilities for pedestrians, cyclists and disabled persons.

As this is redevelopment to an envisaged lower density there are no traffic implications; similarly, a reduction in numbers does not require additional public open space or the enhancement of that already in the area.

I have not asked for a tree survey owing to the already-developed nature of the site. Any detailed scheme will have to take the trees into account. Some minor loss could be acceptable if it is in the interest of obtaining a better scheme and if replacement planting is undertaken.

Whilst all details can be reserved for approval as reserved matters, it is important to the applicant that the permission gives an indication of the acceptability of the numbers envisaged. Normally I would not wish to recommend that an outline permission relates to a certain number of units in the absence of material that illustrates that that number can be achieved realistically. In this case there are already more units on the site. Whatever the inadequacies of the existing units as housing accommodation, they sit perfectly well in the urban form of the area and I have every confidence that new development of some two-thirds the density can be accommodated. I consider that the outline permission can therefore make it clear that 60 units will be acceptable in principle.

As the permission is for the Council's own development, the matters normally obtained through a Section 106 Agreement will be achieved by other means. As replacement development to a lower density there would in any case be no requirement for public open space, transport or educational contributions.

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11. Recommended decision and summary of reasons:

11.1 Permission **be granted** under Regulation 3 of the Town and Country Planning (General) Regulations 1992, with the conditions as set out below.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is either in accordance with those policies or can be so made by the proper application of those policies at reserved matters stage.

11.3 Conditions

1. Standard condition 01 (outline)
2. Standard condition 02 (approval of reserved matters period)
3. Standard condition 21 (landscaping maintenance)
4. This permission shall relate to the construction of not less than 60 units unless the developer can demonstrate to the satisfaction of the Local Planning Authority that a lesser number would be appropriate.
5. Standard condition 24A (vegetation protection during construction)
6. Standard condition 99 (recycling facilities)
7. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy consumption.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E10 (add: "in accordance with the objectives of policy E20 of the adopted City of Derby Local Plan Review - 2006")
4. For the avoidance of doubt, and because the existence of a substantially greater number of dwellings on the site at the present time, in a manner that is consistent with current density and urban design policies, satisfies the Local Planning Authority that policies ST12, H21, E20, E26, E27, T4, T6, T7 and T10 of the adopted City of Derby Local Plan Review – 2006 can be met at reserved matters stage. A lower number may be acceptable provided that the density target in policy H21(e) is achieved.

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- 5. Standard reason E24
- 6. Standard reason E48
- 7. Dwellings that are south facing, having solar panels and, or wind turbines, help to reduce energy consumption reducing pollution and waste....policy E12.

11.5 S106 requirements where appropriate: None.

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2 Code No: DER/306/478

Type: Outline (Reg 3)
(All matters reserved)

1. **Address:** Durley Close, Alvaston
2. **Proposal:** Residential development
3. **Description:** Members should refer to the introduction to the report on DER/306/477 for the background to these Housing PFI schemes.

Turning to this specific scheme, the site comprises one parcel which includes the highway of Durley Close. They comprise five five-storey blocks known as the “Isle of Wight Blocks”, being named after towns on that island. Their design is the same as those at Arnhem Terrace and Craddock Avenue, Spondon, in application DER/306/477. They were inherited from the former South-East Derbyshire Rural District Council when this area was incorporated into the former County Borough of Derby in 1968. At present they provide 54 flats but have become increasing unpopular with tenants, are hard to let and have maintenance problems. They have not been re-let as tenants have left and there is now a high level of vacant units. There is a local shop in the ground floor of Yarmouth House.

The land totals some 0.79ha and the outline application seeks permission for approximately 50 dwellings of which 30 would be affordable. The density would be some 53/ha. There are trees on the site which date from the original development. They relate to the existing pattern of blocks and it is likely that there will be some tree loss unless the existing footprints are adhered to.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** Design is not an issue at outline stage. At reserved matters stage the details will be assessed in relation to CDLP-R policy H21 which also covers privacy, security and density and E27 relating to security.
 - 5.3 **Highways:** There is no objection in principle. As a reduction in density is envisaged there are no material traffic implications. The detail design would need to comply with current standards in relation to the way new or altered accesses were connected to the highway. It is unclear whether Durley Close itself would be altered. If so, a Closure Order under Section 247 of the Act may be required. Any new

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vehicular access to Elvaston Lane should be avoided. Parking would need to be on-site and meet CDLPR policy T4 standards.

Deleted: -

5.4 Disabled People's Access: This will be dealt with at reserved matter stage having regard to policies H20 and T10.

5.5 Other Environmental: The retention of trees that make a substantial contribution to visual amenity would be achieved through the detailed layout and the landscaping scheme. The site is within Flood Zone 3, as are substantial areas of the City, although there is no recorded instance of flooding. A Flood Risk assessment is being prepared.

6. Publicity:

Neighbour Notification letter	52	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representation: None has been received. There has been some interest and my staff have explained the circumstances of these applications and the reason for the lack of any detail.

8. Consultations:

EA – has made a holding objection pending the submission of a flood Risk Assessment in accordance with PPG25.

Police – details should meet *Secured by Design* objectives and Local Plan policies for community safety and security.

9. Summary of policies most relevant: Adopted CDLPR:

ST2 - Key planning objectives
ST4 - Regeneration
ST7 - Previously used land
ST12 - Amenity
ST15 - Implementation
STx2 - Flood protection
H19 - Affordable housing
H20 - Lifetime homes
H21 - Residential development, general criteria
S8 - Conversion of shops. (ie. loss)
E9 - Protection of habitats
E11 - Trees

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- E12 - Renewable energy
- E20 - Landscaping schemes
- E26 - Design
- E27 - Community safety
- L4 - POS in new developments
- T4 - Parking and servicing
- T6 - Pedestrians
- T7 - Cyclists
- T10 - Access for disabled people

The above is a summary of the policies that are relevant, although in practical terms several cannot come into play until the reserved matters stage is reached. Members should refer to their copy of the CDLP Review 2006 for the full version.

- 10. Officer Opinion:** As a rebuilding, within an established residential area, of existing residential units which no longer fulfil modern housing requirements, there is little in the way of issues of principle.

The rebuilding meets key planning objectives and other strategic policies. The proportion of affordable housing will exceed CDLPR targets. Mobility housing and lifetime homes will be provided in accordance with policy, possibly to a higher proportion but that will depend on the details that eventually emerge. The general criteria for residential development, design and community safety policies can be met at reserved matters stage, as can all highway-related matters such as access locations and facilities for pedestrians, cyclists and disabled persons.

As this is redevelopment to an envisaged lower density there are no traffic implications; similarly, a reduction in numbers does not require additional public open space or the enhancement of that already in the area.

I have not asked for a tree survey owing to the already-developed nature of the site. Any detailed scheme will have to take the trees into account. Some minor loss could be acceptable if is in the interest of obtaining a better scheme and if replacement planting is undertaken.

The flood risk issue could be difficult if the study indicates that a ground floor level substantially above that existing would be prudent. Apart from giving design complications such an outcome would be seen as an indication to the local community that the wider area had to be regarded as indefensible against flooding that could result in a future of substantial climate change. The flood risk issue will be reported on orally at the meeting.

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Whilst all details can be reserved for approval as reserved matters, it is important to the applicant that the permission gives an indication of the acceptability of the numbers envisaged. Normally I would not wish to recommend that an outline permission relates to a certain number of units in the absence of material that illustrates that that number can be achieved realistically. In this case there are already more units on the site. Whatever the inadequacies of the existing units as housing accommodation, they sit perfectly well in the urban form of the area and I have every confidence that new development of lower density can be accommodated. I consider that the outline permission can therefore make it clear that 50 units will be acceptable in principle.

As the permission is for the Council's own development, the matters normally obtained through a Section 106 Agreement will be achieved by other means. As replacement development to a lower density there would in any case be no requirement for public open space, transport or educational contributions.

11. Recommended decision and summary of reasons:

11.1 Subject to the submission of a Flood Risk Assessment indicating that any precautions can realistically be incorporated into an application for the approval of reserved matters, **to grant** permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992, with the conditions as set out below.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is either in accordance with those policies or can be so made by the proper application of those policies at reserved matters stage.

11.3 Conditions

1. Standard condition 01 (outline)
2. Standard condition 02 (approval of reserved matters period)
3. Standard condition 21 (landscaping maintenance)
4. This permission shall relate to the construction of not less than 50 units unless the developer can demonstrate to the satisfaction of the Local Planning Authority that a lesser number would be appropriate.
5. [Any conditions relating to the outcome of the Flood Risk Assessment]

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6. The details submitted under condition (1) shall be prepared following sustainable urban drainage principles unless it can be shown that such would be impractical in terms of engineering practicality.
7. Standard condition 24A (vegetation protection)
8. Standard condition 99 (recycling facilities)
9. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy consumption.

11.4 Reasons

1. Standard reason E01.
2. Standard reason E02
3. Standard reason E10 (add: "in accordance with the objectives of policy E20 of the adopted City of Derby Local Plan Review - 2006")
4. For the avoidance of doubt, and because the existence of a greater number of dwellings on the site at the present time, in a manner that is consistent with current density and urban design policies, satisfies the Local Planning Authority that policies ST12, H21, E20, E26, E27, T4, T6, T7 and T10 of the adopted City of Derby Local Plan Review – 2006 can be met at reserved matters stage. A lower number may be acceptable provided that the density target in policy H21(e) is achieved.
5. [As appropriate, related to CDLP-R policy STx2]
6. To ensure that surface water drainage is designed to meet the objectives of policies STx2 and L10 of the adopted City of Derby Local Plan Review 2006.
7. Standard reason E24
8. Standard reason E48
9. Dwellings that are south facing, having solar panels and/or wind turbines, help to reduce energy consumption reducing pollution and waste....policy E12.

11.5 S106 requirements where appropriate: None.

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3 Code No: DER/306/476

Type: Outline (Reg 3)
(All matters reserved)

1. **Address:** Site of Merrill College, Jubilee Road, Shelton Lock
2. **Proposal:** Residential development
3. **Description:** Members should refer to the introduction to the report on DER/306/477 for the background to these Housing PFI schemes.

Merrill College currently operates from two separate sites and this outline application relates to one of them. Jubilee Road accommodates the Upper School and a site a mile away on Brackens Lane accommodates the Lower school. Outline planning permission was granted in December 2003 for the erection of a new school on the Brackens Lane site with details of reserved matters approved, in June 2004. Construction of the new school is at an advanced stage, and it is anticipated that by the end of the year, both schools will operate from the new facility on the Brackens Lane site, leaving the Jubilee Road site, vacant. In this application outline planning permission is sought, with all matters reserved, to redevelop the Jubilee Road site for residential purpose.

The land totals some 3.3ha and comprises school buildings on the northern section with tennis courts and school playing fields to the south. Vehicle and pedestrian access to the site are currently via Jubilee Road, with which the site has a frontage of approximately, 270m in length. The site sits at a slightly lower level than the fronting highway and contains a number of mature trees. Residential property is located to the north, south and west with areas of public open space to the east. A cycle track and footpath extend along the sites eastern boundary which is the line of the former canal.

This outline application seeks permission for approximately, 62 residential units on the site, based on a minimum density of 35 units per hectare. It is envisaged that the units would be located on the previously developed northern section of the site which currently accommodates the school buildings. The school playing fields to the south would form an area of public open space.

4. Relevant Planning History:

DER/1003/1827 – Outline planning permission for erection of school and associated facilities – granted 19 December 2003.

DER/504/892 – Reserved matters application for erection of school and associated facilities – granted 2 June 2004.

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5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: Details of the design of the new residential buildings and layout of development upon the site are not an issue at this outline stage. At reserved matters stage, the detailed design of the scheme will be assessed in relation to CDLPR policy H21 which covers privacy, security and density. Policy E27 relating to security will also apply. The existing buildings on the school site are not of any significant architectural merit.

5.3 Highways: The frontage to Jubilee Road is adequate to facilitate adequate means of access to the site with appropriate visibility splays. The detailed design for the internal road layout would need to comply with current standards, including appropriate visibility splays, pedestrian links, car parking provision and maximum service man carry distances. Given the outline nature of the proposals, these aspects can be conditioned to be submitted at the reserved matters stage along with the submission of a Transport Assessment and a Travel Plan. The developer would be responsible for bearing the cost of any measures shown deemed necessary to mitigate any problems identified as a consequence of the transport assessment. It is anticipated that financial contributions will be required towards transport corridor improvements and improvements to public transport, pedestrian and cycle facilities.

5.4 Disabled People's Access: This will be dealt with at reserved matters stage, having regard to policies H20 and T10.

5.5 Other Environmental: The retention of any trees that make a substantial contribution to visual amenity would be achieved through the detailed layout and the landscaping scheme. A tree survey and ecological survey should be conditioned. There is the possibility of arranging surface water drainage to the canal, although much will depend on respective timescales.

6. Publicity:

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

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7. **Representations:** Six letters of representation have been received from local residents and copies are attached. Five of the respondents advise that they do not raise objections to residential development on the site at this stage but express a desire to offer further comment on the detailed proposals for the site that will need to be submitted at the reserved matters stage. Three of the letters of representation do raise concerns regarding the details that will be submitted at a later stage and its implications for the privacy, amenity and security of neighbouring residential properties and also tree loss on the site and traffic levels in the area.

8. **Consultations:**

DCorps (Housing) – no objections raised

EA – raises no objections in principle to the proposed development but recommends that conditions be imposed relating to further approval of schemes for the disposal of foul and surface water and drainage from parking areas and hard standings.

Police – details should meet *secured by Design* objectives and Local Plan policies for community safety and security.

Sport England – issue a holding objection to the proposal as the application boundary encompasses areas of playing field and some tennis courts. The objection remains in place pending consideration of further information submitted to them relating to the need for these existing facilities and replacement facilities proposed at the new Brackens Lane school site. Any additional comments made by Sport England in response to the submission of additional information, will be reported to Members at the meeting.

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

ST2 - Key planning objectives
ST4 - Regeneration
ST7 - Previously used land
ST12 - Amenity
ST15 - Implementation
STx2 - Flood risk
H19 - Affordable housing
H20 - Lifetime homes
H21 - Residential development, general criteria
E9 - Protection of habitats
E11 - Trees
E12 - Renewable energy

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- E20 - Landscaping schemes
- E26 - Design
- E27 - Community safety
- L3 - Public open space standards
- L4 - POS in new developments
- L7 - Sports pitches and playing fields
- L10 - Derby Canal restoration
- L13 - Protection of community facilities
- T4 - Parking and servicing
- T6 - Pedestrians
- T7 - Cyclists
- T10 - Access for disabled people

The above is a summary of the policies that are relevant, although in practical terms several cannot come into play until the reserved matters stage is reached. Members should refer to their copy of the CDLP Review – 2006 for the full version.

- 10. Officer Opinion:** Historically, this site has performed an important educational function and its loss is an important consideration when determining this application. Given that planning permission has been granted and development is close to completion for replacement educational facilities at the Brackens Lane site there is no uncertainty about the future redundancy of this site. What this means is that use of the site for residential purpose will not result in a net loss of educational facilities for the area. When complete, the new school on the Lower site at Brackens Lane will offer improved educational facilities for Merrill College generally.

Within the curtilage of the application site is the schools existing tennis courts and playing fields. These did provide sport and recreational provision for the school but improved facilities including football pitches, a multi use games area, an all weather pitch, grass cricket wicket and a six lane athletics track are to be provided at the new school site. I am therefore satisfied that the school will not suffer any net loss of sport and recreational facilities and as it will ultimately achieve better facilities on an alternative site, the criteria set out in Local Plan Policy L7 will clearly be met. In this case, it is also intended that the section of the site that contains the existing school buildings will accommodate the built form of any new development with the existing playing fields being laid open to public open space. This form of layout would be ideal for this site as the open aspect to the southern section of the site could be maintained. As this application is an outline proposal, the layout of the site is not to be approved at this stage and the siting of public open space at the southern end of the site would need to be secured at reserved matters stage.

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Given the nature of surrounding development, I consider a residential use to be the most appropriate for this site. It is soon to become redundant and given the brownfield status of the area where the existing school buildings are located, its use for residential development accords with the aims of PPG3. Whilst all details have been reserved for approval as reserved matters, it is important to the applicant that the permission gives an indication of the numbers envisaged. Normally, I would not wish to recommend that outline permission relates to a certain number of units in the absence of material that illustrates that the number can be achieved realistically. However, the 62 units indicated for this site would achieve a minimum density of 35 units per hectare. Given the extent of highway frontage that it accommodates and limited shared boundaries with neighbouring residential accommodation I am satisfied that 62 residential units upon it is not an unrealistic goal. Any reduction in the number of units would fail to meet density targets set out in Local Plan policy H21 therefore 62 units is a reasonable figure to set for this site at this stage. In light of this, I consider that outline permission can therefore make it clear that 62 units will be acceptable in principle, in the absence of detailed proposals for the site.

There is the opportunity to combine the sustainable urban drainage approach on this site with canal restoration by the use of the canal channel initially as a balancing facility. Much will depend on the progress of the expected canal reconstruction application relative to the redevelopment of this site. Therefore, whilst I bring this possibility to Members' attention, it has to be on the basis that it may not be attainable. The drainage condition will need to be flexible to cover this.

A residential use of this site will produce different traffic patterns than exist currently through use of the site by Merrill College. A Transport Impact Assessment will identify whether these changes are of a type and scale that have to be addressed by the developer bearing the cost of any measures to mitigate any identified problems. It may be that financial contributions will be required towards transport corridor improvements and improvements to public transport, pedestrian and cycle facilities. However, in view of the relatively small scale of the development and the substantial traffic associated with its current use, I would not wish to indicate that such an outcome was certain.

I am satisfied that all site-specific highway matters such as access locations, parking provision, visibility splays and facilities for pedestrian, cyclists and disabled persons can adequately be secured at the reserved matters stage.

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As the permission would be for the Council's own development, the matters normally obtained through a Section 106 Agreement will be achieved by other means. A development of this size would give rise to a need for affordable housing, mobility housing, public open space and transport contributions. The general criteria for residential development, design and community safety policies can be secured at the reserved matters stage and I am satisfied that achieving those aims would not be compromised by establishing the principle of 62 units on this site.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992, with the conditions as set out below.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is either in accordance with those policies or can be so made by the proper application of those policies at reserved matters stage.

11.3 Conditions

1. Standard condition 01 (outline)
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 21 (landscaping maintenance)
4. This permission shall relate to the construction of not less than 62 units unless the developer can demonstrate to the satisfaction of the Local Planning Authority that a lesser number would be appropriate.
5. The details required to be submitted under condition 1 above shall include the following:
 - a. a Transport Impact Assessment including measures to encourage alternative forms of transport to the car and indicating any measures of mitigation to the surrounding road network
 - b. an accurate survey showing the positions, species, crown spreads, approximate heights and apparent condition of all the existing trees, shrubs and hedges on and directly adjacent to the site

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- c. an ecological survey of the site including trees and features of wildlife interest and protected species such as bats within buildings to be demolished, together with a strategy for safeguarding, maintaining or mitigating the impact of the development on those features
 - d. foul and surface water drainage.
- 6. The details submitted under condition (1) shall, in relation to condition 5(d), be prepared following sustainable urban drainage principles and shall incorporate the disposal of surface water to the canal to the east of the site, which is proposed for restoration, unless it can be shown that such would be impractical in terms of engineering practicality or timescale.
- 7. Standard condition 24A (vegetation protection during construction)
- 8. Standard condition 99 (recycling facilities)
- 9. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy consumption.
- 10. Details submitted pursuant to condition 1A shall be restricted to the existing built up parts of the site and shall not include development on the open playing fields.

11.4 Reasons

- 1. Standard reason E01
- 2. Standard reason E02
- 3. Standard reason E10....policy E20
- 4. For the avoidance of doubt, because the density sought is that set out as the normal minimum in the adopted Local Plan and because the existence of a comprehensive school on the site at the present time satisfies the Local Planning Authority that policies ST12, H21, E20, E26, E27, T4, T6, T7 and T10 of the adopted City of Derby Local Plan Review – 2006 can be met at reserved matters stage.
- 5. Such details are necessary to enable the Local Planning Authority to fully assess the detailed proposals for the site and in accordance with policies H21, T4, T6, T7, T10, E9 and E11 of the adopted City of Derby Local Plan Review – 2006.
- 6. To ensure that surface water drainage is designed to meet the objectives of policies STx2 and L10 of the adopted City of Derby Local Plan Review – 2006.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

3 Code No: DER/306/476

- 7. Standard reason E24....policy E11
- 8. Standard reason E48
- 9. Dwellings that are south facing, having solar panels and/or wind turbines, help to reduce energy consumption reducing pollution and waste....policy E12
- 10. In the interests of retaining the existing sporting functions on the site, for the avoidance of doubt and in accordance with adopted City of Derby Local Plan Review....policy L7

11.5 S106 requirements where appropriate: Not applicable to this application.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

Type: Outline (Reg 3)
(All matters reserved)

1. **Address:** Site of Sunnyhill Infant School, Blackmore Street and Normanton Junior School, Grange Street
2. **Proposal:** Residential development
3. **Description:** Members should refer to the introduction to the report on DER/306/477 for the background to these Housing PFI schemes.

These two schools operate from two sites separated by an area of grassed playing field. Both schools are currently in use, and generate a considerable flow of vehicular and pedestrian movements. Normanton Junior School occupies the north of the site, and takes access from Grange Avenue. To the southern end of the site is Sunnyhill Infant School which takes access from the western end of Blackmore Street. Physically the site slopes from north to south. The site is bounded on its east side by a road to the west of properties that front and are on the west side of Coleridge Street. The site is bounded on its other three sides by long established residential properties. A pedestrian access exists on the west side of the site, to Gaskell Avenue. The site totals 3.6 hectares.

Outline permission is sought for approximately 82 residential units, based on a minimum density of 35 units per hectares. It is envisaged that the units would be located on the previously developed part of the site which currently accommodates the school buildings. The central area, currently playing fields, would form an area of public open space.

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

5. **Implications of Proposal:**

- 5.1 **Economic:** None.

- 5.2 **Design and Community Safety:** Details of the design of the new residential buildings and layout of development upon the site are not an issue at this outline stage. At reserved matters stage, the detailed design of the scheme will be assessed in relation to CDLPR policy H21 which covers privacy, security and density. Policy E27 relating to security will also apply. The existing buildings on the school site are not of any significant architectural merit.

- 5.3 **Highways:** The schools lie within an area where the roads are all subject to speed suppression measures and the existing means of vehicular access are of standards significantly below modern day requirements. As a consequence it is likely that access will need to be

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

taken from Grange Avenue to ensure that 4.5m x 50m visibility splays can be achieved. Car parking shall be in accordance with the City Council's standards, and a maximum servicing mancarry distance of 30m from the public highway shall be observed. A transport Assessment and Travel plan must be submitted with the Reserved Matters application. A highway contribution towards corridor improvements is likely to be required and can be secured through a Section 106 Agreement.

5.4 Disabled People's Access: This will be dealt with at reserved matters stage, having regard to policies H20 and T10.

5.5 Other Environmental: The retention of any trees that make a substantial contribution to visual amenity would be achieved through the detailed layout. A tree survey should be conditioned, along with an ecological survey.

6. Publicity:

Neighbour Notification letters	36	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received five letters of objection and a petition of 74 names. The main points raised by the objectors are:

- access and traffic problems
- increased volume of through traffic
- loss of established trees
- likely loss of green open space
- drainage and subsidence problems
- need for good boundary treatments
- general increase in levels of disturbance.

8. Consultations:

DCorpS (Housing) – no objections.

EA – no objection in principle, but recommends that conditions be imposed relating to further approval of schemes for the disposal of foul and surface water and drainage from hard surfaced areas.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

Police – details should meet secured by Design objectives and Local Plan policies for community safety and security.

Sport England – objects to development that would lead to the loss of playing fields. The objection remains in place pending consideration of further information to be submitted relating to the need for these facilities, proof of an excess of provision in the area, that the equivalent or better replacement facilities will be provided elsewhere or that an alternative sports use is proposed outweighing the loss.

Natural Environment – to be reported.

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

- ST2 - Key planning objectives
- ST4 - Regeneration
- ST7 - Previously used land
- ST12 - Amenity
- ST15 - Implementation
- H19 - Affordable housing
- H20 - Lifetime homes
- H21 - Residential development, general criteria
- E9 - Protection of habitats
- E11 - Trees
- E12 - Renewable energy
- E20 - Landscaping schemes
- E26 - Design
- E27 - Community safety
- L3 - Public open space standards
- L4 - POS in new developments
- L7 - Sports pitches and playing fields
- L13 - Protection of community facilities
- T4 - Parking and servicing
- T6 - Pedestrians
- T7 - Cyclists
- T10 - Access for disabled people.

The above is a summary of the policies that are relevant, although in practical terms several cannot come into play until the reserved matters stage is reached. Members should refer to their copy of the CDLP Review – 2006 for the full version.

10. Officer Opinion: Historically, this site has performed an important educational function and its loss is an important consideration when determining this proposal. The existing school facilities are to be replaced on an alternative site, and consultations on this matter are already under way. What this means is that the use of the site for

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

residential purposes will not mean a net loss of educational facilities for the area.

It is intended that the part of the site that contains the existing school buildings will accommodate the built form of any new development with the existing playing fields being laid open to public open space. This would be a good situation, with public open space in the centre of the site.

Given the nature of surrounding development, I consider a residential use to be the most appropriate for this site. It is soon to become redundant and given the brownfield status of the area where the existing school buildings are located, its use for residential development accords with the aims of PPG3. Whilst all details have been reserved for approval as reserved matters, it is important to the applicant that the permission gives an indication of the numbers envisaged. Normally, I would not wish to recommend that outline permission relates to a certain number of units in the absence of material that illustrates that the number can be achieved realistically. However, the 82 units indicated for this site would achieve a minimum density of 35 units per hectare on this site. Given the extent of highway frontage that it accommodates and limited shared boundaries with neighbouring residential accommodation and I am satisfied that 82 residential units upon it is not an unrealistic goal. Any reduction in the number of units would fail to meet density targets set out in Local Plan policy H21 therefore 82 units is a reasonable figures to set for this site at this stage. In light of this, I consider that outline permission can therefore make it clear that 82 units will be acceptable in principle, in the absence of detailed proposals for the site.

A residential use of this type proposed, would produce different traffic patterns that exist with the current educational use. A Transport Impact Assessment will identify whether these changes are of a type and scale that have to be addressed by the developer bearing the cost of any measures to mitigate any identified problems. It may be that financial contributions will be required towards transport improvements and improvements to public transport, pedestrian and cycle facilities. However, in view of the relatively small scale of the development and the substantial traffic associated with its current use, I would not wish to indicate that such an outcome was certain.

I am satisfied that all site-specific highway matters such as access locations, parking provision, visibility splays and facilities for pedestrians, cyclists and disabled persons can adequately be secured at the reserved matters stage.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

As the permission would be for the Council's own development, the matters normally obtained through a Section 106 Agreement will be achieved by other means. A development of this size would give rise to a need for affordable housing, mobility housing, public open space and transport contributions. The general criteria for residential development, design and community safety policies can be secured at the reserved matters stage and I am satisfied that achieving those aims would not be compromised by establishing the principle of 82 units on this site.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992, with the conditions as set out below.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is either in accordance with those policies or can be so made by the proper application of those policies at reserved matters stage.

11.3 Conditions

1. Standard condition 01 (outline)
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 21 (landscaping maintenance)
4. This permission shall relate to the construction of not less than 82 units unless the developer can demonstrate to the satisfaction of the Local Planning Authority that a lesser number would be appropriate.
5. The details required to be submitted under condition 1 above shall include the following:
 - a. a Transport Impact Assessment including measures to encourage alternative forms of transport to the car and indicating any measures of mitigation to the surrounding road network
 - b. an accurate survey showing the positions, species, crown spreads, approximate heights and apparent condition of all the existing trees, shrubs and hedges on and directly adjacent to the site

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

- c. an ecological survey of the site including trees and features of wildlife interest and protected species such as bats within buildings to be demolished, together with a strategy for safeguarding, maintaining or mitigating the impact of the development on those features
- d. foul and surface water drainage.
- 6. The details submitted under condition (1) shall, in relation to condition 5(d), be prepared following sustainable urban drainage principles, unless it can be shown that such would be impractical in terms of engineering practicality.
- 7. Standard condition 24A (vegetation protection during construction)
- 8. Standard condition 99 (recycling facilities)
- 9. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy consumption.
- 10. Details submitted pursuant to condition 1a shall be restricted to the existing built upon parts of the site and shall not include development on the open playing fields.

11.4 Reasons

- 1. Standard reason E01
- 2. Standard reason E02
- 3. Standard reason E10....policy E20
- 4. For the avoidance of doubt, because the density sought is that set out as the normal minimum in the adopted Local Plan and because the existence of a comprehensive school on the site at the present time satisfies the Local Planning Authority that policies ST12, H21, E20, E26, E27, T4, T6, T7 and T10 of the adopted City of Derby Local Plan Review – 2006 can be met at reserved matters stage.
- 5. Such details are necessary to enable the Local Planning Authority to fully assess the detailed proposals for the site and in accordance with policies H21, T4, T6, T7, T10, E9 and E11 of the adopted City of Derby Local Plan Review – 2006.
- 6. To ensure that surface water drainage is designed to meet the objectives of policies STx2 and L10 of the adopted City of Derby Local Plan Review –2006.
- 7. Standard reason E24
- 8. Standard reason E48

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/306/479

9. Dwellings that are south facing, having solar panels and, or wind turbines, help to reduce energy consumption reducing pollution and waste....policy E12.

10. In the interests of retaining the existing sporting functions on the site, for the avoidance of doubt and in accordance with adopted City of Derby Local Plan Review policy L7

11.5 S106 requirements where appropriate: Not applicable to this application.

B1 APPLICATIONS

1 **Code No:** DER/106/140

Type: Full

1. **Address:** Land at 56 – 64 Radbourne Street

2. **Proposal:** Erection of two dwelling houses

3. **Description:** This full application seeks permission for the erection of two dwelling houses at the front of this site on the south side of Radbourne Street. The proposed houses are of a two storey terraced design (each with two bedrooms) and would be situated at back of pavement alongside No. 54 Radbourne Street. Each house would have a small rear curtilage, and surface parking to the rear within an area of parking already serving an apartment block to the west. The original planning application also proposed a bungalow to the rear of the site, but following discussions with the applicant that has been deleted from the proposal. The proposed houses are similar in character to the terraced properties along much of the eastern end of Radbourne Street. To the west of the site is an apartment block set back slightly from the highway. On the opposite (north) side of Radbourne Street are further terraced dwelling houses. To the rear of the site are residential curtilages of properties in Cobden Street.

4. **Relevant Planning History:** DER/805/1275 – Erection of six apartments. Refused November 2005.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** I have no objections to raise.

5.3 **Highways:** No objections.

5.4 **Disabled People's Access:** The Building Regulations will deliver a degree of accessibility of these dwellings.

5.5 **Other Environmental:** None.

6. **Publicity:**

Neighbour Notification letter	31	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received six letters of objection and these ... are reproduced. The main issues raised are:

B1 APPLICATIONS (cont'd)

1 Code No: DER/106/140

- the proposed bungalow at the rear of the site
- loss of amenity/view caused by the bungalow
- existing parking difficulties
- adverse effect on wildlife
- general peace and amenity would be lost
- impact of building works on trees
- conflict with car parking for the flats.

8. Consultations: None.

9. Summary of policies most relevant: The relevant policies of the adopted CDLPR are:

- H21 - Residential development – general criteria
- E26 - Design
- E27 - Community safety
- T4 - Access parking and servicing

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

10. Officer Opinion: The major objections regarding this application concerned the proposed bungalow to the rear of the site. Discussions with the applicant have resulted in that aspect of the application being deleted.

I have no objections to raise to the two proposed terraced houses alongside No. 54 Radbourne Street. It would be a form of development in keeping with the character of the surrounding locality, and I am satisfied that there would be no adverse effect on either the streetscene or on the amenities of third parties. An adequate provision of car parking can be provided to the rear of the site, and there are no highway objections. On the basis of the requirements of policies H21, E26 and E27 I now see no valid reason to refuse planning permission in this case. The removal of the bungalow removes the bulk of the objectors' concerns, and the proposal is now to my mind quite acceptable in this location.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. It is an

B1 APPLICATIONS (cont'd)

1 Code No: DER/106/140

acceptable form of infill development in land use, siting, design and highway terms and in the context of the streetscene.

11.3 Conditions

1. Standard condition 09A (amended plans 20 March 2006)
2. Standard condition 27 (external materials)
3. Standard condition 19 (boundary treatment)
4. Standard condition 30 (hard surfacing)

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policy E26
3. Standard reason E18....policy H21
4. Standard reason E18....policy H21

11.5 S106 requirements where appropriate: None.

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/364

Type: Full

1. **Address:** Site of 8 Louvain Road
2. **Proposal:** Raising of ridge of previously approved building
3. **Description:** This full application refers to an apartment building in the eastern corner of the site of 8 Louvain Road. The building is of a hipped roof design, and was originally granted planning permission (ref. DER/804/1526) in December 2004. The construction of the building is virtually completed, but permission is now sought for an increase in the roof height of 1.2m brought about by internal construction problems. The applicant was advised some time ago that the increase in height would require permission, but the roof has been constructed to the increased height.

The location of the site is predominantly residential in character, composed mainly of large detached properties. To the south of the site is No. 6 Louvain Road, a two storey house and the other apartment block constructed on the site of 8 Louvain Road. Four storey apartments lie to the north east of the application site. The site slopes very steeply to the east (rear) and contains a number of trees. To the south of the site are the rear gardens of Nos. 4 and 6 Louvain Road and Nos. 24-28 (even) Farley Road. These latter houses are situated a considerable distance away from the application site.

4. Relevant Planning History:

DER/104/44 – Erection of 20 apartments. Refused May 2004.

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

DER/205/265 – Formation of three apartments within roof space of previously approved building. Approved April 2005.

5. Implications of Proposal:

- 5.1 **Economic:** None.
- 5.2 **Design and Community Safety:** I have no design objections to raise to the proposed increase in height.
- 5.3 **Highways:** Not applicable.
- 5.4 **Disabled People's Access:** Not applicable.

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/364

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	70	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received seven letters of objection, which are available for inspection in the Members' room. The main points raised by the objectors are:

- the proposed works have already been carried out
- the existing works are unauthorised
- general concern at the scale of the overall development
- annoyance at the gradual changes in the scheme
- the appearance of the apartments is not acceptable
- the block over dominates No. 6 Louvain Road.

8. Consultations: None.

9. Summary of policies most relevant: CDLPR:

E26 - Design
H26 - House extensions

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

10. Officer Opinion: The situation leading up to the submission of this application, came about when the applicants encountered construction problems with the roof while implementing the permissions DER/804/1526 and DER/205/265. They were advised that any increase in the height of the approved building could not be dealt with as a working amendment, and a full application was subsequently submitted.

The work to the roof has been largely completed, resulting in it being 1.2m higher than approved under DER/804/1526. In determining an application of this type I am aware of the considerable misgivings expressed by third parties, particularly in light of the incremental nature in which this proposal has been amended. However, the key factor in situations of this type is to determine the degree to which the increase

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/364

in height becomes unacceptable or otherwise in relation to surrounding properties.

The existing height of the building, with the increased roof height, is 11.4m. The key relationships are:

1. Nos. 26, 28 and 30 Farley Road. These houses are more than 55.0 metres away from the application building. I have to conclude that the increase in roof height cannot be considered unreasonable at that distance particularly as there are only two small rooflights (previously approved) that face the Farley Road properties.
2. No. 6 Louvain Road. The nearest part of this property is more than 22.0m from the application building, and is at a **substantially** higher ground level. While the impact of the increased roof height will be greater in respect of No. 6 Louvain Road, the relationship between the two buildings, particularly given the difference in ground levels, is comfortably within the Council's normal requirements.

While I do sympathise with the issues raised by the objectors, I am obliged to advise Members that I do not consider that a refusal of permission would be sustained at appeal. While the proposal has aroused quite strong feelings locally, the increased height of the building has not resulted in relationships with the adjoining properties that are contrary to policy or that could be considered to be so unreasonable to warrant a refusal. It is not the role of the Local Planning Authority to punish developers where circumstances of this type occur, and any attempt to do so would not be well received by the Planning Inspectorate. I find that I cannot demonstrate the material harm resulting from the proposal and I therefore support the application on the basis of the reasons outlined above. External materials have already been agreed with the applicant and the works are virtually completed.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission.

11.2 Summary of reasons: The proposal has been considered against the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above, and it is an acceptable form of development in the overall context of the street-scene.

B1 APPLICATIONS (cont'd)

3 Code No: DER/306/419

Type: Full

1. **Address:** 23 Evans Avenue, Allestree
2. **Proposal:** Extensions to dwelling (Sun Lounge, breakfast room, hall, study, cloak room, bedroom and formation of rooms in roofspace)
3. **Description:** This is a revised application which relates to a detached dwelling on Evans Avenue, Allestree. It is within a long established residential area, which has a mix of detached dwellings of differing scale and design. Construction has already commenced on extensions to the dwelling, which were granted planning permission in September 2005. The current application seeks an increase in the scale of the rear extensions to the dwelling, which comprise a two storey hipped roof extension and single storey sun lounge. The two storey extension and the sun lounge have been extended in depth by 300mm further than the approved development and these measurements have been confirmed on site.

The current proposals would involve a two storey rear extension, forming breakfast room and bedroom, 4.1 metres in depth and 4.2 metres wide, with a hipped roofline. A single storey extension to form sun lounge would be 4.3 metres in depth and 4 metres wide, with a glazed roofline 3.5 metres high. The other extensions to the side and front of the dwelling would be similar to the approved scheme. They include a projection to the garage and dining room by 800mm, with a lean-to roofline. A two storey side extension would also be erected to form hall, cloakroom and study, which would measure 3.3 metres x 4.4 metres in area. It would have a hipped roofline to tie in with the main roof. The roof space would also be converted into further accommodation, which would involve the insertion of rooflights and a small flat roof section on the side valley of the main roof.

4. **Relevant Planning History:** DER/505/906 – Extensions to dwelling (breakfast room, sun lounge, bedroom, hall, study and formation of bay windows and rooms in roofspace), granted – September 2005.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The design and form of the extensions would be in keeping with the character of the original dwelling. They would not over dominate the main building. There are no community safety implications.
 - 5.3 **Highways:** None.

B1 APPLICATIONS (cont'd)

3 Code No: DER/306/419

5.4 Disabled People's Access: No applicable.

5.5 Other Environmental: None.

6. Publicity:

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

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

- the extension is much larger than the approved development, which is unacceptable and should be enforced against
- the increase in size of the extension would have a more negative impact on the neighbouring property in terms of height, mass, overshadowing and proximity
- rooflights have been inserted in the front of the roof which are out of character with nearby properties
- the extension is constructed in contrasting brick which adversely affects the character and appearance of the original dwelling.

8. Consultations: Adopted City of Derby Local Plan Review policies:

H26 – Extensions to dwellings

E26 – Design

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

9. Summary of policies most relevant: None.

10. Officer Opinion: This application for larger extensions to a detached dwelling is the result of a complaint, during construction of the development. The increase in depth and therefore volume of the rear extensions would have a greater impact on the amenities of neighbouring residential properties, due to the additional massing and scale. The main issue to consider with the current proposal is the degree of harm to residents amenities in the surrounding area. The

B1 APPLICATIONS (cont'd)

3 Code No: DER/306/419

proposed extensions to the side and front of the dwelling would not be altered from the approved scheme and do not raise any fresh issues in terms of design or scale. They would be in keeping with the appearance and character of the dwelling and the local streetscene. The alterations to the roof to form accommodation in the roof space, would also be limited and would not detract from the traditional character and form of the main dwelling. These alterations are considered to be relatively inobtrusive and would therefore be acceptable in this location.

The main impact of the amended rear extensions would be on the adjacent dwelling at No. 21 Evans Avenue. The rear elevation of this property is close to the side elevation of the two storey extension, currently under construction and the side and rear ground and first floor window openings would see some reduction in daylight as a result. The principle windows on this property are to the rear bedroom and living room. The latter comprises a large bay with patio doors on the rear and a window on the side elevation, facing the extension. The approved development involved a two storey extension 3.8 metres deep, whilst the current proposal would be a further 300mm in depth, at 4.1 metres. The additional bulk and scale of the extension would impact on the adjacent dwelling, although the effect on the resident's amenities would not be overbearing and the obstruction to daylight would not be excessive. The normal standards for daylight to habitable room windows would continue to be more than adequately satisfied, by the increased scale of the development. This includes light to the living room bay and first floor bedroom. The massing impact would also be softened by the established hedge along the boundary, which is over 2 metres high and rises towards the rear of the property. The side window to breakfast room which faces the side boundary, would not be visible to the adjacent residents, due to the height of the hedge. As such there would be a limited potential for overlooking of the neighbouring dwelling. The additional depth of the single storey sun lounge would have a minimal effect on the amenities of this adjacent dwelling, since it is sited over 6 metres from the boundary hedge. Overall the proposed rear extensions would not unduly undermine the living conditions of the neighbouring dwelling at No. 21, despite the increased size and scale of the development.

The amenities and privacy of the other neighbouring dwelling at No. 25 would not be unduly affected by the larger rear extension, since the nearest windows on this dwelling are about 7 metres from the side boundary and at least 9 metres from the proposed sun lounge. The extended sun lounge would not result in undue loss of privacy or excessive massing impact for the adjacent dwelling, since it would be largely screened by the boundary hedge and rising land levels.

B1 APPLICATIONS (cont'd)

3 Code No: DER/306/419

Overall I am satisfied that the increase in scale of the rear extensions would not have a significantly worse effect on the amenities and privacy of the neighbouring properties, than the approved scheme. The further loss of light and massing impact on the nearby dwellings would accord with the normal planning requirements and the current proposals are therefore considered to be acceptable.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan and all other material considerations as indicated in 9 above and the extension would be in keeping with the appearance and character of the local streetscene and residential amenities in the local area would not be unreasonably harmed.

11.3 Conditions

1. Standard condition 09A (amended elevational drawings – 18 April 2006)
2. Standard condition 27 (external materials)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking or re-enacting that order) no windows or door openings shall be created in the north elevation of the extension hereby approved directly facing No. 21 Evans Avenue, without prior permission in writing of the Local Planning Authority.

11.3 Reasons

1. Standard reason E04
2. Standard reason E14....policy H26
3. Standard reason E07....policy H26

B1 APPLICATIONS (cont'd)

4 **Code No:** DER/306/384

Type: Full

1. **Address:** 63 South Avenue, Darley Abbey
2. **Proposal:** Extension to bungalow, (porch, four bedrooms, en-suite, bathroom and dormers)
3. **Description:** This is a revised application for extensions to a bungalow on South Avenue, Darley Abbey. The bungalow is relatively modern and is located in a residential area, which has a mix of two storey dwellings and bungalows of a similar age. The property lies towards the end of the cul-de-sac, adjacent to the turning head. The residential locality is within the World Heritage buffer zone.

The proposal would involve extensions to form first floor accommodation to the bungalow, which would create a one and a half storey building. The proposed first floor would include four bedrooms, en-suite and bathroom above the existing ground floor. The extension would primarily involve raising the eaves level of the main bungalow by 1.2 metres. The roof pitch would remain as existing and a half hip would be added to the roof at either end of the dwelling. An existing gable on the rear elevation would also be raised by the same amount. Four small pitched roof dormers and two rooflights would be inserted in the roof space. A modest porch extension would also be erected on the front elevation, 1.6 metres x 1.4 metres in area, incorporating an extension to the main roofline. The existing integral garage to the front of the dwelling would not be altered.

The previous application for extensions was similar in scale and design to the current proposal, although the proposed roof line was gabled, rather than hipped. It raised concerns over loss of amenity for nearby residents, although the application was subsequently withdrawn.

4. **Relevant Planning History:**

DER/1205/2039 – Extensions to bungalow (four bedrooms, porch, en-suite, bathroom and four dormers), withdrawn – February 2006.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposal would be in keeping with the design and appearance of the existing bungalow and other dwellings in the surrounding area. There are no community safety implications.

B1 APPLICATIONS (cont'd)

4 Code No: DER/306/384

5.3 Highways: None.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: Nine letters have been received in response to the application and copies will be available in the Members' Room. Six of these are in objection to the proposal and the main issues raised are as follows:

- the proposed first floor windows would result in overlooking and loss of privacy for nearby properties
- the proposal would have a detrimental effect on the character and variety of housing in the local area.

8. Consultations: None.

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

H26 - Extensions to dwellings
E26 - Design

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

10. Officer Opinion: The proposed extensions to this modern bungalow would result in a significant increase in the level of floor space and a substantial alteration to the appearance and scale of the dwelling. The proposal would primarily involve an increase in the height of the dwelling, including alterations to the roofline. Overall, the design and form of the proposal would not have an adverse effect on the character or proportions of the existing dwelling. The resulting changes to the bungalow would also fit in with the character and appearance of the surrounding residential area, which has a varied mix of house types, including bungalows. Nearby dwellings are of differing styles and materials and are arranged in an irregular pattern in the street frontage.

B1 APPLICATIONS (cont'd)

4 Code No: DER/306/384

As such the proposed alterations would not appear unduly out of place in this location. Although the site is within the World Heritage buffer zone, the scale and size of the development would be modest and would have a minimal visual impact on this area.

The residential amenities of nearby properties would not be unduly adversely affected by this proposal. The concerns raised by the previous application about loss of amenity have been satisfactorily addressed by the current scheme, through alterations to the proposed roofline. The front windows of the adjacent dwelling at No. 61 South Avenue currently experience some obscuring of daylight due to its relationship with the existing bungalow. The bungalow is to the front of this dwelling and the proposed increase in roof height would result in some further loss of light. However, the proposed roofline would be half hipped, which would reduce the massing impact and limit the loss of daylight to front windows, to a reasonable level. It would therefore have a limited adverse affect on the living conditions of the adjacent residents. The proposal would not result in an excessive level of overlooking of nearby residential properties. The extensions would not be sited any closer to adjacent dwellings than existing and the proposed first floor windows would not undermine privacy for nearby local residents. The amenities and privacy of dwellings in the surrounding area would therefore not be unreasonably harmed by the extensions.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with condition.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposed development would be in keeping with the character and appearance of the local streetscene and residential amenities would be unreasonably harmed.

11.3 Condition

Standard condition 27 (external materials)

11.5 Reason

Standard reason E14....policy H26

B1 APPLICATIONS (cont'd)

5 Code Nos: DER/206/218
DER/206/219

Type: Full
Listed Building Consent

1. **Address:** 34 and 35 Sadler Gate
2. **Proposal:** Change of use from retail and offices to restaurant (Class A3) with extension and alterations to listed building
3. **Description:** 34 and 35 Sadler Gate is a three storey Grade II Listed building in the city centre, which dates from the early 19th Century. It is a red brick building with sliding sash windows on the upper floors, which is subdivided into 2 small shop units on the ground floor with traditional shop fronts. Both shops are vacant and the whole building is currently empty. The rear yard of the building faces towards the Strand. The property is located within the City Centre Conservation Area in the pedestrianised precinct, surrounded by other retail uses, bars and cafes. The adjacent building at No. 36, Bar Lisi is also Grade II Listed.

Full permission is sought to change the use of the whole building to a restaurant in the A3 Use Class. The proposal would also include a single storey extension at the rear of the building, which would enclose the existing open yard. The extension would abut the boundary of the yard, be constructed in brick and include a flat roof with parapet wall, 3.3 metres high. The extension would serve as a dining area and include a disabled toilet.

Listed Building Consent is sought for various alterations to the building and the rear extension. The proposed alterations would include changes to the shop front, to form a ramped access and removal of entrance door to No. 35. Internal alterations would involve part removal of walls at ground and first floor between the two existing units, to accommodate dining areas and kitchen. A rear window and external door would be removed at ground floor to provide access to the rear extension. Existing staircases would be removed and a replacement installed to all floors. A dumb waiter would be installed to ground and first floors and an existing opening at first floor between the existing units would be blocked up. A ventilation flu would be erected onto the side elevation towards the rear of the building. An opening would be formed in the internal wall of the cellar and new timber staircase installed.

4. **Relevant Planning History:** DER/1101/1492 - Conversion of the upper floors to self-contained flats and alterations and conversion of rear annex to No. 36 to self-contained residential accommodation. Restoration of building including demolition of outbuilding, 34, 35 and 36 Sadler Gate, Granted – March 2002

B1 APPLICATIONS (cont'd)

5 **Code Nos:** DER/206/218
DER/206/219

5. **Implications of Proposal:**

5.1 **Economic:** The building would be converted solely to a restaurant and would employ up to 10 staff. It would bring a vacant building into an economically viable re-use.

5.2 **Design and Community Safety:** The proposed alterations and extensions would be largely sympathetic to the character of the period building and in keeping with the appearance of the street frontage. There are no adverse community safety implications.

5.3 **Highways:** This is a city centre location with good public car parking and public transport links, therefore no objections.

5.4 **Disabled People's Access:** The amendments have been designed in consultation with the Access Officer.

5.5 **Other Environmental:** None.

6. **Publicity:**

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

7. **Representations:** One letter of comment has been received and a copy is reproduced. This suggests there were properties on Sadler Gate from the 13th Century and a building on this site since 16th Century and there are therefore archaeological implications. It also suggests that the existing building would have been let as two separate retail units from the early 19th Century, when it was originally built and the shop fronts may also date from this period. Objection is therefore raised to any alteration to the external appearance of the building.

8. **Consultations:**

CAAC – object on the grounds that the proposed rear extension and level of internal alteration would cause loss of historic fabric and be harmful to the character of the listed building, for which there is no justification. The proposed alterations to the shop front involving removal of the entrance door to No. 35 would also be harmful, since the building historically was used as two separate units.

B1 APPLICATIONS (cont'd)

5 Code Nos: DER/206/218
DER/206/219

County Archaeologist – It is possible that deposits relating to the medieval and post-medieval periods may survive below the small rear yard. Due to the small scale of the extension and the potential for a high degree of disturbance below ground an archaeological assessment is not considered necessary in this case. The development should however be subject to a condition requiring a watching brief.

DCS (Env Health) – no objections to change of use, subject to compliance with Food Safety legislation.

EA – no objections.

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

- ST9 - Design and the urban environment
- ST10 - Protection of the environment
- ST12 - Amenity
- CC1 - City Centre Strategy
- CC2 - City Centre Shopping Area
- CC12 - Sadler Gate/Strand Arcade Special Shopping Area
- S14 - Financial and Professional Services and Food and Drink uses
- E21 - Conservation Areas
- E22 - Listed Buildings and Buildings of local importance
- E23 - Uses within buildings of architectural and historic importance
- E24 - Archaeology
- E26 - Design
- E27 - Community Safety
- T4 - Access, parking and servicing
- T10 - Access for disabled people

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

10. Officer Opinion: The proposed use of this vacant listed building for an A3 restaurant use would be appropriate in policy terms in the city centre shopping area. The property lies on Sadler Gate, which is a Special Shopping Area under Policy CC12 and this allows for food and drink uses, for consumption on the premises only, provided that the special character and vitality of the locality is not unduly harmed. The policy enables the proposed restaurant use to operate on all floors of the building, subject to the restrictions imposed by the historic importance of the building and the special character and appearance of the Conservation Area. The building also lies within the Archaeological Alert Area, which has implications for the proposed extension, due to

B1 APPLICATIONS (cont'd)

5 Code Nos: DER/206/218
 DER/206/219

the likely presence of archaeological remains under this part of the city centre. In general Sadler Gate appears to be in a relatively vibrant state, with a mix of specialist retail uses, cafes and bars. This building which is currently vacant was occupied as two small shop units and it is acknowledged that due to the constrained internal floor area, it may not be particularly suited to modern retail operations. The proposed conversion to a restaurant would therefore enable a long term economic re-use of the building in accordance with Policy E23, which seeks the retention and continued use of listed buildings. The proposed use would therefore be appropriate for this building, without adversely affecting the vitality and viability of the shopping area. A previous permission in 2002 for conversion and alterations to this property to form residential accommodation in the upper floors, would have involved limited intrusion to the internal fabric. However the approved residential use has not been implemented.

Conversion of the listed building to form a restaurant would require various works to the internal fabric and an extension over the existing rear yard. There would also be minor alterations to the existing shop front. The level of proposed alterations has been reduced as part of an amended scheme to address concerns about the amount of intrusion and harm to the character of the historic building. A degree of structural alteration would inevitably be required to form a usable dining space, kitchen and toilet facilities and the proposed extension is intended to provide sufficient dining area to make the proposal economically viable. Overall the extent of internal alterations proposed would be limited to those deemed necessary to accommodate the use. This would involve widening of wall openings to ground and first floor to link the former shop units together. This aspect of the proposal would alter the character and integrity of the building, although it would not be unduly detrimental to its historic or architectural interest and would allow the property to be re-used for an appropriate commercial use. The other alterations to the internal fabric would be relatively minor in nature and would amount to essential modernisation. This includes installation of a replacement staircase and provision of facilities for disabled people. The traditional shopfronts on the front elevation would undergo modest changes to remove the entrance door to No. 35 and provide ramped access to No. 34. In response to concerns raised about external alterations, the existing shopfronts would largely be retained, to preserve the traditional appearance of two separate units.

The proposed single storey extension to the rear of the building would be modest in scale and size and enclose the existing yard, which comprises a small outside toilet. I am satisfied that a suitable case has been made to justify the need for the additional floorspace, which would

B1 APPLICATIONS (cont'd)

5 Code Nos: DER/206/218
DER/206/219

be sited in a relatively secluded location off the Strand. The extension would have a parapet wall above a flat roofline, which would have the appearance of a high boundary wall around part of the yard. The other elevation would abut the side wall of 38 & 40 Strand. Subject to the use of a suitable matching red brick, the development would not detract from the setting of the listed building or from the character and appearance of the Conservation Area.

Overall, the proposed extension and alterations to this three storey listed building would not result in a detrimental impact on its historic interest or special character. The external appearance of the building from Sadler Gate would be largely unchanged and the modest rear extension would be discretely sited, which would limit the effect on the setting and appearance of the main building. The proposed alterations to the historic fabric of the building would be acceptable due to their limited extent and as such the historic interest of the building would be preserved.

11. Recommended decision and summary of reasons:

11.1 DER/206/218 – **To grant** permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated at 9. above. The proposed conversion and extension scheme would be appropriate in the city centre and would not detract from the historic and architectural interest of the Grade II Listed building and would preserve the appearance and character of the City Centre Conservation Area.

11.3 Conditions

1. Standard condition 09A (amended elevations, ground and first floor plans received on 24 April 2006).
2. Standard condition 27 (external materials).
3. The principal entrance shall have a ramped access as shown on the ground floor plan and installed in accordance with precise details, to include a cross section and surfacing material, to be submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place within the area indicated until the applicant has secured the implementation of an archaeological

B1 APPLICATIONS (cont'd)

5 Code Nos: DER/206/218 DER/206/219

watching brief in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

5. Standard condition 47 (details of ventilation/ extraction system)
6. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order (Amendment) Order) 2005 the premises shall not be used for the purposes of financial or professional services and no hot food shall be sold for consumption off the premises, without prior approval in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policies E26 and E21
3. Standard reason E34....policies T10 and E22
4. To protect any archaeological interest on the site – Policy E24
5. To protect environmental amenities and safeguard the character of the listed building.
6. Standard reason E04....policy CC12

11.1 DER/206/219 – To grant consent with conditions.

11.2 Summary of Reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated at 9. above. The proposed alterations and extension would not detract from the historic and architectural interest of the Grade II Listed building and would preserve the appearance and character of the City Centre Conservation Area.

11.3 Conditions

1. Standard condition 09B (amended elevations, ground and first floor plans received on 24 April 2006)
2. Standard condition 27 (external materials)
3. The principal entrance shall have a ramped access as shown on the ground floor plan and installed in accordance with precise details, to include a cross section and surfacing material, to be submitted to and approved in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

5 Code Nos: DER/206/218
DER/206/219

4. No development shall take place within the area indicated until the applicant has secured the implementation of an archaeological watching brief in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
5. Before works commence precise details of the new glazing panel and glazing bar for the shop front shall be submitted to and agreed in writing by the Local Planning Authority.
6. Before works commence precise details of the new internal wall openings shall be submitted to and approved in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policies E21 and E22
3. Standard reason E34....policies T10 and E22
4. To protect any archaeological interest on the site....policy E24
5. Standard reason E04 and to protect the character and special interest of the listed building....policies E22 and E23
6. Standard reason E04 and to protect the character and special interest of the listed building....policies E22 and E23

11.5 S106 requirements where appropriate: None.

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/380

Type: Outline permission
(All matters reserved)

1. **Address:** Land at rear of 29 Penny Long Lane

2. **Proposal:** Residential development

3. **Description:** This application relates to a residential property on Penny Long Lane, with a long rear curtilage, extending up to Broadway. It has a large detached dwelling sited close to Penny Long Lane, with a gently sloping garden. The property is within a long established residential area, where most of the dwellings have narrow gardens, which abut Broadway.

Outline permission is sought to erect a single dwelling on part of the rear garden of the property. All matters are reserved for a future application. The plot is rectangular, up to 37 metres long and 15 metres wide. It would be about 1.5 metres lower than the floor level of the existing dwelling. Access would be served directly off Broadway, although the access shown on the layout plan is only indicative.

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

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** No details of design or layout have been submitted. There would be no adverse community safety implications.

5.3 **Highways:** A vehicle access onto Broadway should avoid conflict with existing highway trees and should be positioned to the western end of the frontage. The maximum gradient of the access should be one in ten and may involve reducing the level of the adjoining footpath. This can be secured by condition.

5.4 **Disabled People's Access:** Not applicable at this stage.

5.5 **Other Environmental:** The site is a mature garden with various small fruit trees and conifers, which have limited quality and amenity value. There are mature trees around the plot, protected by a Tree Preservation Order, including a Swamp Cypress, which is adjacent to the site on 27 Penny Long Lane. There is also a continuous row of mature trees on the Broadway road frontage, which make a significant contribution to the appearance of the local area.

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/380

6. Publicity:

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

7. Representations: Ten letters of objection have been received from four nearby properties, copies of which will be available in the Members' room. The main issues raised are as follows:

- there are significant traffic issues on Broadway, including parked cars from the university, which would be worsened by the proposal. This causes hazards for local residents and children at the school
- a number of trees would be removed, which would detract from the character of the local area
- the character of the area would be spoilt by driveways exiting onto Broadway and this would set a precedent for others to do the same
- no need for more dwellings in the area, with current residential development under construction on Highfield, Broadway.

8. Consultations:

STW – no objection subject to drainage condition

DCommS (Arboricultural) – a vehicle access would be achievable depending on the width. The trees on Broadway would require a root protection area of 5 to 5.5 metres and the distance between trees is 14 metres, therefore a single driveway width could be achieved.

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

ST12 - Amenity
H21 - Residential development on unallocated land
E11 - Trees
E26 - Design
T4 - Access and parking
E12 - Renewable energy

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

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/380

- 10. Officer Opinion:** This plot is part of an existing residential curtilage, which is of generous proportions and constitutes a brownfield site suitable for a more intensive form of residential development. The proposal would meet the objectives of PPG3 (Housing) and Policy H21 of the Local Plan Review, which encourage a more efficient use of land and high quality development in keeping with the character of the surrounding area. In principle this site would be appropriate for the erection of a single dwelling, with access served directly off Broadway. It is in a relatively accessible location, close to public transport and cycle routes and is within a traditional residential area, comprising detached and semi-detached dwellings with large curtilages. The main constraint with this proposal is related to the potential impact on protected trees around the site.

A vehicle access serving the plot would be best achieved onto Broadway, although details of the access arrangements would be a reserved matter. A single driveway width could be accommodated between the existing mature trees on the highway verge, without undue damage to their roots. The street trees form a continuous row along this stretch of Broadway and are an important feature of the streetscene. The loss of one of these trees to form an access would not be acceptable and as such a single width access, up to 3 metres wide should be formed. This means that the proposed development on the plot should be limited in density to one residential unit. This issue could be satisfactorily controlled by use of appropriate conditions attached to any permission.

The trees of quality in the locality are located on neighbouring properties and they do not impact significantly on the development site. A form of residential development could be accommodated on the plot without undue detriment to nearby trees in the surrounding area. A satisfactory living environment would be provided for future occupants and the residential amenities of nearby dwellings would not be particularly adversely affected. The normal distance between dwellings standards would be achieved adequately in this location. Overall, the erection of a new dwelling on this site would fit in with the character of the surrounding residential area and be in keeping with the appearance of the local streetscene.

There are existing issues relating to traffic and parking on Broadway, which have raised concerns among local residents. The level of parking on the highway is substantial, although it does not impact unduly on the proposed development site. The proposal would form an additional residential unit and would generate a limited amount of traffic on Broadway. It is likely to result in a maximum of three extra vehicles using the highway, which would have a negligible effect on traffic flows

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/380

and parking. The Council's Highways Officer has not raised any objections to additional residential development and overall I am satisfied that highway safety in the local area would not be compromised.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 01 (outline permission)
2. Standard condition 02 (reserved matters)
3. Standard condition 24A (protection of vegetation)
4. Standard condition 38 (disposal of sewage)
5. This permission shall only imply approval for the erection of a single dwelling, which shall be accessed solely from Broadway.
6. The dwelling shall not be occupied until a single vehicle width access has been constructed in accordance with details, to include siting outside the root protection areas of existing trees and hard surfacing treatment, to be submitted and approved in writing by the Local Planning Authority.
7. The siting, design, layout and orientation of the building shall have full regard to the need to reduce energy consumption.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E24....policy E11
4. Standard reason E21
5. For the avoidance of doubt due to constraints in providing vehicle access to the site....policy T4

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/380

6. To prevent undue damage to existing trees on the highway in the interests of visual amenity....policy E11
7. Dwellings that are south facing, having solar panels and/or wind turbines will help to reduce energy consumption reducing pollution and waste....policy E12

11.5 S106 requirements where appropriate: None.

B1 APPLICATIONS (cont'd)

7 Code No: DER/206/363

Type: Full

1. **Address:** Site of 16 Highfield Gardens
2. **Proposal:** Erection of dwelling house
3. **Description and Recent History:** Planning permission is sought to substantially re-build this detached residential dwelling which is located in the north-east corner of Highfield Gardens. The dwelling is located in a rectangular site and the side (north) and rear (east) boundaries abut the boundary of the Strutts Park Conservation Area. The existing street-scene comprises a homogenous layout and architectural style of dwellings which were constructed in the mid 1970s.

The proposed development would involve building around the existing ground floor layout of the dwelling to create a modern two storey dwelling. The proposed dwelling is a bespoke design which includes features such as an arc shaped balcony at first floor level on the front elevation and a "saw-tooth" roof to enhance light intake to the dwelling. The application is a re-submission following the refusal of planning permission for a similar proposal last year, code no. DER/1105/1907, for the following reason.

"The proposed dwelling would create, by virtue of the proposed first floor level bedroom windows on the rear elevation, an unacceptable degree of overlooking into the private rear garden of the adjacent residential dwelling, no. 133 Duffield Road. In the opinion of the Local Planning Authority the proposed development would be injurious to the amenities of the residents at no. 133 Duffield Road and the proposal is, therefore, contrary to Policy H28 of the adopted City of Derby Local Plan."

The rear elevation design of the proposal has been amended to include a ground level element, with a mono-pitched roof, to avoid the inclusion of first floor level windows. The amended design also includes a restricted outlook window at first floor level to serve bedroom 4 on the side, south, elevation of the dwelling. The restricted outlook window is built out from the dwelling and it includes small side windows for light intake.

4. **Relevant Planning History:** As included above.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** I consider that the proposed design of the dwelling is interesting and innovative. The existing street context

B1 APPLICATIONS (cont'd)

7 Code No: DER/206/363

comprises a fairly homogeneous arrangement of dwellings constructed in the mid 1970s. In my opinion the proposal would be an interesting modern addition to the street context.

5.3 Highways: None.

5.4 Disabled People's Access: Accessibility would be addressed through the Building Regulations.

5.5 Other Environmental: The proposed design includes the use of solar tiles on the south facing roof plane. I am advised that the applicant intends to use other environmental features in the proposed dwelling.

6. Publicity:

Neighbour Notification letters	10	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Four letters of objection have been received in response to this application and are reproduced for Member's attention. Concerns are expressed about the detrimental impact of the proposal in siting, design, overlooking and massing terms in this context. Concerns about the improvements over the previously refused application are also raised.

8. Consultations: None.

9. Summary of policies most relevant: The most relevant policies of the adopted CDLPR are:

ST9 - Design and the urban environment
ST12 - Amenity
H21 - Residential development
E26 - Design
T4 - Access, parking and servicing
E12 - Renewable energy

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

10. Officer Opinion: The proposed dwelling would be a modern addition to the street context. The proposed front of the dwelling includes a full height vertical element which would project 90° from the front elevation

B1 APPLICATIONS (cont'd)

7 Code No: DER/206/363

and it would have three glazed circular “windows”. The vertical emphasis is continued by the choice of windows on the front elevation and, in my opinion, the proposal makes a positive contribution to good urban design in accordance with policy ST9 of the adopted CDLPR. The site adjoins the boundary of the Strutts Park Conservation Area and I am satisfied that the proposed development would not detrimentally impact on the character of the Conservation Area.

The proposed re-submission has sought to address the reason for refusal of the previous application. The re-design does not include first floor windows on the rear elevation overlooking no. 133 Duffield Road. The proposed first floor layout includes side facing first floor windows, to serve bedroom nos. 3 and 4, and the window serving bedroom no. 4 would have restricted outlook by including built out side windows only.

The proposed single storey kitchen/dining room element on the rear elevation would be served by French doors which would be a maximum height of approximately 2.2m from ground level. The submitted layout includes a 1.8m hurdle woven fence on the boundary with no. 133 Duffield Road to address the issue of overlooking from those ground level doors. This type of boundary treatment is required in view of the relationship of the proposed development to no. 133 Duffield Road, which has a relatively short rear garden and which stands at a lower ground level. The proposed mass of the dwelling would not, from my calculations, transgress the Council’s 45⁰ rule and, in terms of spacing, I am satisfied with the relationship of the proposed dwelling to the surrounding neighbours.

To conclude, I am satisfied that the proposed development addresses the previous reason for refusal and the proposal would be an acceptable scale and design solution in this street context.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 27 (details of external materials)
2. Standard condition 19 (means of enclosure)

B1 APPLICATIONS (cont'd)

7 Code No: DER/206/363

3. Precise details of the means of restricting outlook from the side elevation first floor window, to serve bedroom 4, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed means of restricting outlook from that window shall be implemented and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14....policies ST9 and H21
2. Standard reason E14....policies ST12 and H21
3. Standard reason E27....policies ST12 and H21

11.5 S106 requirements where appropriate: None.

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/322

Type: Works to trees
under TPO

1. **Address:** 161 Blenheim Drive, Allestree
2. **Proposal:** Felling of Alder and Rowan trees, pruning of branches close to street light and dwelling of Larch and crown lifting of Rowan and Ash trees.
3. **Description:** Consent is sought for works to trees covered by a Tree Preservation Order, relating to five trees on the former Woodlands School playing fields on Blenheim Drive, Allestree. They are a mix of semi-mature trees along the road frontage, which are now within the curtilage of a residential property on the new development under construction by David Wilson Homes. The trees are in a closely planted row alongside the highway verge.

The proposal would involve pruning works to three trees and felling of two trees, adjacent to the road frontage. The supporting statement indicates that the works are required due to defects in the trees, which were planted too close together. The Larch would be pruned to remove branches nearest to the dwelling and street light. A Rowan and Ash tree would be crown lifted and Alder and Rowan trees in the middle of the group would be removed.

This application is brought to Committee due to concerns raised by Councillor Hickson, as Ward Member.

4. Relevant Planning History:

DER/101/93 – Erection of 68 dwellings, granted – March 2001
DER/1902 – Erection of 27 dwellings, granted – October 2003

5. Implications of Proposal:

- 5.1 **Economic:** None.
- 5.2 **Design and Community Safety:** None.
- 5.3 **Highways:** None.
- 5.4 **Disabled People's Access:** None.

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/322

- 5.5 Other Environmental:** The group of trees along the Blenheim Drive frontage are on the front of the former playing fields and protected by a Tree Preservation Order. There is a mix of young and mature trees, which have been retained as part of the new residential development on the site.

6. Publicity:

Neighbour Notification letters	4	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

- 7. Representations:** One letter of objection has been received, a copy of which is reproduced. The main issue raised is that works should not be carried out on the trees if they are too close to the houses. If permitted it would set a precedent for other residents, who wish to do similar works to other protected trees.

8. Consultations:

DCommS (Arboricultural) – recommends crown lifting of Larch to 4 metres and to give clearance of 1.5 metres from the dwelling and street light and recommends removal of Alder and Rowan and crown lifting of Rowan and Ash to 3 metres.

- 9. Summary of policies most relevant:** Adopted Local Plan Review policies:

E11 – Trees and woodland.

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

- 10. Officer Opinion:** The trees are sited close together in a group adjacent to the road frontage and are relatively young trees, which have the potential for substantial growth. The proposed removal of two of the trees would allow more space for the remaining three trees to spread. The two trees would be felled because they are cramping the neighbouring trees and are considered to be poor specimens. The Council's Arboricultural Officer has raised no objections to the proposed works on the basis that they would be appropriate on arboricultural grounds. I am satisfied that the works to trees would therefore be justified in the interests of tree maintenance and management.

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/322

This group of trees contributes significantly to the appearance of the local streetscene and they also partially screen the new dwellings on the former playing fields site. The proposed removal of two of the trees would not unduly diminish their group amenity value and with future growth they would continue to screen the new residential properties from the street frontage. Overall the proposed works to the trees would not have an unduly harmful impact on the visual amenities of the surrounding residential area.

It is therefore considered that the proposed works to the trees are reasonable in this case and they do not set a precedent for similar works to be carried out elsewhere to other protected groups of trees. It is therefore recommended that TPO Consent should be granted.

11. Recommended decision and summary of reasons:

11.1 To grant consent with conditions.

11.2 Summary of reasons: None.

11.3 Conditions

1. Standard condition 59 (Bough Removal)
2. Standard condition 62 (crown lifting of Larch tree –maximum height of 4 metres)
3. Standard condition 62 (crown lifting of Rowan and Ash – maximum height of 3 metres)
4. Any branches to be removed on the Larch tree shall provide a clearance of 1.5 metres from the existing street light and nearby dwelling.
5. Standard condition 65 (time limit)

11.4 Reasons

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

11.5 S106 requirements where appropriate: None.

B1 APPLICATIONS (cont'd)

9 Code No: DER/306/475

Type: Full

1. **Address:** Land adjacent to 14 Beechwood Crescent, Littleover
2. **Proposal:** Erection of a dwelling
3. **Description:** The application site comprises part of the far end of rear gardens of two neighbouring dwellings numbered 44 and 46 Normanton Lane. Although the frontages of these properties face Normanton Road the site would be accessed off Beechwood Crescent which is a looped cul-de-sac system that links with the rear of 44 Normanton Lane. It has an existing vehicular access off Beechwood Crescent leading to a garage in the rear garden. The proposed dwelling would face towards a short leg off the main looped cul-de-sac.

Beechwood Crescent comprises a mix of houses types predominantly single storey bungalows but with a number of two storey semi-detached dwellings. One pair of these stand immediately opposite the application site.

The site has already been cleared, with soil scraped clear of vegetation and left in mounds around the site.

The proposed dwelling is a two storey chalet type bungalow with an "L" shaped footprint. It would measure 14 metres long by 6 metre wide along the long leg of the "L" increasing to 9.5 metres wide along the short leg of the "L". Although 2 stories in height the first floor rooms are contained within the roof slope. The height to eaves level would be 2.7 metre above ground level and the overall height to the ridge would be 6.7 metres. The roof would be of a gable ended design with gables at either end and a further fable projecting rearward. There would be two dormer windows and three roof lights on the front elevation, a side facing dormer and two roof lights on the rear elevation. It would incorporate an integral double garage. A paved forecourt would provide space for at least 2 cars.

The site area measures approximately 18 metres x 22 metre which is slightly more than half of the depth of the two gardens of the two houses that form the application site. The land is slightly higher than the level of the houses and slightly higher than the level of the adjacent bungalow at 14 Beechwood Crescent.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.

B1 APPLICATIONS (cont'd)

9 Code No: DER/306/475

5.2 Design and Community Safety: The two storey chalet design of the proposal would be a departure from the existing mix of 1930's style bungalows and two storey semi-detached dwellings that form the established character of Beechwood Crescent. The design is however quite acceptable and is seen against the juxtaposition of two storey dwellings that front onto Normanton lane, the two storey semi-detached dwellings immediately opposite and the bungalow alongside.

5.3 Highways: The proposed new access off Beechwood Crescent is to be widened as shown on the application plan and should be converted to a dropped and tapered kerb access, the forecourt area, is adequate for a vehicle standing area. Recommend a limit of 1 metre height on the existing hedge/boundary for a distance of 2 metres from the vehicle access to give better pedestrian intervisibility with emerging vehicles on this pedestrian route that links with Normanton Lane. I note No. 44 Normanton Lane retains vehicular access off Normanton Lane with increased hardstanding area within the front garden.

5.4 Disabled People's Access: Accessibility would be achieved through compliance with the Building Regulations.

5.5 Other Environmental: it is reported that a mature tree has been removed from the site prior to the application being submitted. The part of the site that formed the garden of 44 Normanton Lane is now clear of all vegetation with the exception of boundary hedges.

6. Publicity:

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

7. Representations: Six letters of objection have been received. In summary the objections are:

- there is no room on Beechwood Crescent for such a property
- the proposal is too large for the site
- the scale and height would be obtrusive to neighbouring occupiers
- there is no room for more cars in this corner
- visual aspect from 12 and 13 Beechwood Crescent would be spoiled
- the established leafy aspect would be spoiled
- overlooking

B1 APPLICATIONS (cont'd)

9 Code No: DER/306/475

- loss of privacy
- loss of neighbouring property values
- increased cars would make parking and access to neighbouring properties near impossible and restrict pedestrian access to Normanton Lane
- the central green area will be churned up
- a mature Ash tree has already been cut down
- if permission were to be granted, retention of the front hedge is sought
- higher than adjoining bungalow
- concerns over ambiguous proposal for vehicular access
- concerns over dormer proposals being out of character with area.

8. Consultations: No other responses received.

9. Summary of policies most relevant: The most relevant policies of the adopted CDLP Review are:

H21 -Residential development
E26 -Design
T4 - Access, parking and servicing

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

10. Officer Opinion: The main planning issues with this application are in my opinion.

Policy

The proposal is for residential development in an area wholly residential in character so the type of development is acceptable. It is proposed on land that has been previously developed and does not encroach onto any undeveloped, greenfield land or open countryside. I therefore meets with the requirements of PPG3. It would increase the density of development in the locality also meeting the advice given in PPG3. I conclude therefore that the proposal is acceptable in principle.

Scale and spacing

The proposal for a two storey dwelling of a chalet bungalow design with the first floor contained within the roof slope does in my view reach an acceptable compromise between the height of the bungalows and the height of the two storey houses that are ranged around the site. Although taller than the adjoining bungalow at 14 Beechwood Crescent

B1 APPLICATIONS (cont'd)

9 Code No: DER/306/475

I consider that the angle and degree of separation between the two and the intervening garage and side garden of that bungalow should result in a reduced visual and massing impact on that property. I do consider however that in view of the higher natural level of the application site relative to its immediate neighbours that the floor level of the proposal should be reduced to that of the neighbouring bungalow. The width of the proposal at 14 metres would be greater than the width of neighbouring detached bungalows and even wider than the pairs of semi-detached houses taken together. Nevertheless as it is within a more secluded corner of the Beechwood Crescent, I do not consider that the mass or scale of the dwelling is detrimental to the visual amenity of the streetscene.

The space between the proposal and the existing dwellings opposite fully meet with the space between buildings guidelines and I do not consider there would be any significant loss of privacy or massing impact on these dwellings.

The proposed rear garden is between 7.5 and 10 metres deep which compares reasonable with some of the smaller gardens of other properties in Beechwood Crescent. Any tendency for direct overlooking of neighbouring properties to the rear is controlled by the small number windows in the first floor roof slope and the adequate distance between them and the boundary. Similarly the side facing window looking back towards the neighbouring property and objected to by the occupier of 46 Normanton Lane is sufficient distance from the boundary to meet with the spacing guidelines and consequently I believe that there will not be significant loss of privacy to neighbouring properties.

Parking and traffic

No objections have been raised to the proposal on highway grounds. The parking provision is adequate to serve a four bedroomed dwelling and the proposal easily meets the current requirement of an average of 1.5 parking spaces per dwelling. Although there may already be congestion due to existing residents and their visitors parking on the highway I do not believe that the erection of one additional dwelling with adequate off street parking could be considered to be unacceptable from this point of view.

I can advise that there is an existing access to 44 Normanton Lane directly onto the Normanton Lane frontage. Its front garden area is currently being converted to an area of hardstanding. The impact of this on a TPOed tree is being investigated.

B1 APPLICATIONS (cont'd)

9 Code No: DER/306/475

Conclusion

I have no objections to the proposal.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 27 (external materials)
2. The dwelling shall not be occupied until works for the disposal of foul and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by Local Planning Authority.
3. Before the development is brought into use those parts of the site to be hard surfaced or used by vehicles shall be properly laid out, drained and surfaced and such areas shall not thereafter be used for any other purpose.
4. The finished floor level of the dwelling shall be made to match that of the neighbouring bungalow at 14 Beechwood Avenue unless otherwise agreed in writing with the Local Planning Authority.
5. Vehicular access shall be provided in the form of a dropped and tapered kerbs.
6. The hedge along the Beechwood Crescent frontage shall be retained and maintained at a height of no more than 1 metre in height for a distance of 2 metres from the vehicular access.
7. Standard condition 19 (amended to read...notwithstanding the details of boundary fencing included on the application plan detailed plans showing etc. boundary treatments).
8. No development shall be commenced until a landscaping scheme indicating the types and position of trees and shrubs and treatment

B1 APPLICATIONS (cont'd)

9 Code No: DER/306/475

of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.

9. The landscaping scheme submitted pursuant to condition 8 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 seasons with other of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14....policy E26
2. To ensure that the property is adequately drained....policy H21
3. Standard reason E21....policy H1
4. To reduce the massing impact of the proposal on established neighbouring properties in the interests of residential amenity....policy H21
5. To maintain pedestrian priority along the established footway....policy T4.
6. To improve pedestrian/vehicle intervisibility in the interests of highway safety and in the interests of the visual amenity of the streetscene....policies T4 and H21.
7. Standard reason E08....policy H21
8. standard reason E14....policy H21
9. Standard reason E14....policy H21

D3 TELECOMMUNICATIONS NOTIFICATION

1 **Code No:** DER/306/492

Type: Full

1. **Address:** Land at the rear of 29-31 Ashbourne Road
2. **Proposal:** Installation of 15m high monopole with three antennae, one dish and equipment cabinet
3. **Description:** Members may recall that a prior notification application was reported to the Committee on the 23 February of this year which proposed the siting of telecommunications equipment on this site. The Committee resolved that the City Council did not wish to control details of the siting and appearance of the equipment. However, given that the proposed siting for the equipment is within a conservation area, it was established that the equipment did not enjoy permitted development rights and so could not be erected without full planning permission being obtained, and that application was withdrawn.

Planning permission is therefore sought for telecommunications apparatus of the same design and siting as that previously reported to the Committee. It comprises a galvanized steel monopole of 15m in height with three antennas mounted on the top, taking it to a total height of 17.7m. A dish is also proposed to be located on the pole, 14.4m above ground level. The monopole would be sited 1.3m from the rear elevation of 29-31 Ashbourne Road. The equipment cabinet would sit closer to the building but within 1m of the monopole. Measuring, 1.6m in width, 0.4m in depth and 1.6m in height, the cabinet is proposed to be painted green. 7 No. 1m high bollards are proposed to be used, to offer some enclosure of the area around the pole and cabinet.

29-31 Ashbourne Road is located within the Friar Gate conservation area. It has two shop fronts on its Ashbourne Road frontage and it accommodates a video shop and a car repair centre on its ground floor. The section of the building that fronts Ashbourne Road is two storey and has a flat roof. As the building extends southwards, the rear section drops down to a pitched roof of 8m in height. Access can be gained to the rear of the building via a large roller shutter door and it is alongside this rear entrance to the building that the proposed monopole and associated equipment are to be sited. The area to the rear of the building is used as a small car park and the equipment would be located within it.

Retail premises are located to the south of the car park and offices sit to the west. Access into the car park is via Slater Avenue and views into the car park from Slater Avenue are restricted by 2m high fencing and a row of three mature trees which sit alongside the pavement edge. The nearest residential property to the site are located approximately 30m away on Slater Avenue and Uttoxeter Old Road.

D3 TELECOMMUNICATIONS NOTIFICATION

1 **Code No:** DER/306/492

4. **Relevant Planning History:**

DER/106/55 – Prior notification application for the installation of 15m high monopole and three antennae, one dish and equipment cabinet. The application was withdrawn prior to a decision being issued on the application.

DER/804/1508 – Planning permission was granted 29 September 2004 for change of use of the first floor of 29-31 Ashbourne Road from offices to leisure.

5. **Implications of Proposal:**

5.1 **Economic:** None directly arising. The extension of 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

5.2 **Design and Community Safety:** This type of monopole has been developed to replicate, in terms of general impact, the design of lighting columns and street furniture found in urban locations. As the equipment is proposed to be within a car park which is privately owned, it should not be susceptible to vandalism which can sometimes be a problem when equipment of this kind is sited upon open highway land.

5.3 **Highways:** No objections raised.

5.4 **Disabled People's Access:** Not applicable.

5.5 **Other Environmental:** None.

6. **Publicity:**

Neighbour Notification letter	106 households/ individuals 2 schools/nurseries within 200m	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other	Ward Member notification		

7. **Representations:** Three letters of objection to this application have been received and copies are attached. Objections raised relate to:.

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1 Code No: DER/306/492

- the siting of the equipment is too close to residential property and people's place of work
- the mast would be an intrusion on the local area and imposing in views from nearby residential property
- the application contains insufficient detail relating to predicted radiation levels
- concerns over health implications

Should any additional objections be received, they will be reported orally.

8. Consultations:

CAAC – to be reported.

DCorpS (Health) – no objections to the proposal.

9. Summary of policies most relevant:

Policy E31 (telecommunications) of the adopted CDLP Review states that planning permission will be granted subject to assessment against the following criteria:

- a. the development is sited and designed to minimise visual impact on residential areas and other sensitive areas protected by the Plan
- b. new ground based installations will only be permitted where it can be shown that there is no reasonable prospect of erecting antennae on existing buildings or structures or of sharing mast facilities
- c. there is no clear evidence that significant electrical interference will arise for which no practical remedy is available.

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

The main policy guidance is that in PPG8 (Telecommunications).

- 10. Officer Opinion:** Policy E31 of the adopted CDLP Review makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for planning permission for the installation of telecommunications equipment such as that proposed in this

D3 TELECOMMUNICATIONS NOTIFICATION

1 Code No: DER/306/492

application. This is consistent with Government advice in PPG8 which seeks to encourage development of the telecommunications network.

The applicants have submitted details of alternative sites that they have considered in order to provide the appropriate network coverage needed in this area. A schedule of four alternatives are detailed and the reason for not choosing those sites. Those reasons include uncertainty over future land ownership, the proximity of mature trees and a rooftop option along Ashbourne Road was discounted given its imposing implications for the Conservation Area.

The chosen site is close to a number of buildings and given the height of the equipment, it will be viewed from a number of nearby buildings and street scenes. The pole would be viewed from residential property on Uttoxeter Old Road and Slater Avenue but the distance between the siting for the pole and these properties would help to reduce its scale and prominence and should not appear an overly dominant feature in those views. The siting of the pole at the rear of existing buildings means that it would be offered considerable screening from neighbouring office and retail buildings as well as boundary treatments. 29-31 Ashbourne Road would offer the equipment significant screening in views along Ashbourne Road and I am satisfied that the equipment should not become an overly dominant feature of the surrounding conservation area. In my view, the telecommunications industry has listened to past criticism of the ugliness of its early equipment, has developed and continues to develop types which are more sympathetic to conventional street furniture in urban residential locations. Overall, I am satisfied that the views of the equipment that will be achieved would not have unreasonable implications for the visual amenity of the surrounding area and conservation area.

I am satisfied that in the alternative site options considered by the applicant, clear consideration has been given to siting this equipment in a location that would offer limited visual implications for the Friar Gate Conservation Area. The siting of the equipment upon the roof of an existing building would offer an overly dominant form of development and I consider it is appropriate that the applicants discounted this as an option. In considering the need to offer coverage within this cell area, I do not feel that an alternative site could be sought that would offer clear material advantages over this one.

In relation to site sharing, I consider that a number of monopoles, of the type now available and proposed here, in a locality, is arguably better than site-sharing as this inevitably still requires heavy engineering structures.

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1 Code No: DER/306/492

Policy E31 does not specify health considerations as one of the principal criteria for assessing applications of this kind, but as this is an issue of concern raised by residents in relation to this application, I feel it is appropriate to consider it. The proposal is certified as being in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). As a result of this and the advice in Planning Policy Guidance Note on Telecommunications (PPG8) the planning authority should not consider further the health implications of the proposal. A recent case (Harrogate) before the Court of Appeal has also expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where a judge had found a Planning Inspector at fault in determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

This is on the basis that, whilst impact on health can be a material consideration for any planning application, it is only in exceptional circumstance that the planning process should conclude that health concerns are an overriding consideration. The health advice in PPG8 is very clear indeed; if an application (or notification) is certified to meet ICNIRP guidelines the Local Planning Authority should not seek to challenge this as health impact is, primarily, a matter for Central Government. I have no doubt that a Local Planning Authority that refused an ICNIRP – certified proposal on health grounds would find itself stranded, unable to produce any credible professional witness, on appeal.

For the reasons given above, I consider that the equipment proposed in this planning application is consistent with local and national planning policy. I do not consider that a comprehensive case could be put forward to offer grounds on which to refuse the application.

11. Recommended decision and summary of reasons:

11.1 Subject to the Chair and Vice Chair being consulted in respect of any representations received by the end of the publicity period, **to grant** permission.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policy as summarised in 11 above and against

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1 Code No: DER/306/492

Planning Policy Guidance Note 8. It constitutes a telecommunications development that would improve the network in this part of the city without having a detrimental effect upon local amenities.

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

2 **Code No:** DER/406/630

Type: Prior Notification

1. **Address:** Land at parkland, accessed between 302 and 324 Sinfin Avenue, Shelton Lock
2. **Proposal:** Erection of 15m high cypress tree telecommunications mast, three antennae, two dishes and equipment cabinet
3. **Description of Location:** The equipment is proposed to be sited on an area of parkland that sits to the south of residential property on Sinfin Avenue. It is a raised area of land which extends up to a higher level than the dwellings on both Sinfin Avenue and those currently under construction as part of the comprehensive west Chellaston development, to the south. It is an open area of parkland that contains many mature trees.

The siting for the equipment is approximately 80m from the nearest residential property which are those situated on Sinfin Avenue. It would sit alongside a small copse containing trees of various species, the tallest extending up to a height of approximately 12m. Located within the park, approximately 50m to the south-east of the site is a children's play area.

4. **Description of Equipment:** The equipment would comprise a 15m high telecommunications tower, designed to replicate a cypress tree. The tower and its replica branches would extend out to a diameter of approximately 2.4m and would be painted green. Mounted on the tower would be three antennae and two dishes with a diameter of 0.6m. A steel equipment cabinet, 1.3m in height and a smaller link cabinet, both painted green, would sit alongside the tower. They would be sited on a concrete foundation, measuring 5m in width and 5m in length. The whole area is proposed to be enclosed by 2.4m high palisade fencing painted green.
5. **Alternatives considered by Applicant:** A schedule of 9 alternatives has been provided. Reasons for their rejection cover:
 - site owner unlikely to be willing to provide facilities (1)
 - adverse planning assessment, due to proximity to mature trees in the area (2)
 - site unable to accommodate another operator (1)
 - site incapable of accommodating necessary equipment (2)
 - site too close to pylons and overhead power lines (1)
 - site out of area required to provide chosen coverage (2)
6. **Relevant Planning History:** None.

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

2 **Code No:** DER/406/630

7. Implications of Proposal:

7.1 **Economic:** None directly arising. The extension of 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

7.2 **Design:** Due to the siting of the equipment in an area of open parkland the type of tower that is proposed has been designed to replicate a Cypress tree in order that it will fit in with the surrounding landscape.

7.3 **Community Safety:** The area surrounding the site is not directly overlooked by any residential property and a secure means of enclosure is necessary to ensure that the equipment is not open to vandalism.

7.4 **Highways:** Not applicable.

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

7.6 **Other Environmental:** None.

7.7 Publicity:

Neighbour Notification letter	Six properties within 90m	Site Notice	2
Statutory press advert and site notice		Discretionary press advert and site notice	
Other	Ward Member notification		

7.8 **Representations:** At the time of the preparation of this report, only one letter of objection had been received in response to this prior notification and a copy is attached. The objector suggests that the height of the land on which the equipment is to be sited together with the height of the equipment will make it an eyesore in views from surrounding areas. Objections are also raised to the siting of the equipment in a green area of Derby and within 100m of the objectors rear garden.

D3 **TELECOMMUNICATIONS NOTIFICATION (cont'd)**

2 **Code No:** DER/406/630

In anticipation of more objections being raised, I have to report this notification to this meeting as the 56 day period expires before the next meeting. Should any further objections be received, they will be placed in the Members rooms.

8. **Consultations:**

DCommS (Arboricultural Officer) - to be reported.

DCorpS (Estates) – to be reported.

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

Policy E31 (telecommunications) of the adopted CDLP Review-2006 states that planning permission will be granted subject to assessment against the following criteria:

- a. The development is sited and designed to minimise visual impact on residential areas and other sensitive areas protected by the Plan
- b. New ground based installations will only be permitted where it can be shown that there is no reasonable prospect of erecting antennae on existing buildings or structures or of sharing mast facilities
- c. There is no clear evidence that significant electrical interference will arise for which no practical remedy is available.

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

The main policy guidance is that in PPG8 (Telecommunications).

10. **Officer Opinion:** Policy E31 of the adopted CDLP Review is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and appearance grounds. This is consistent with Government advice in PPG8 which seeks to encourage development of the telecommunications network.

The parkland that is proposed to be used to accommodate this installation is at a raised ground level in relation to neighbouring residential areas. This equipment would have an elevated setting and although would be offered some screening from surrounding trees

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

2 Code No: DER/406/630

within the park, would still be viewed above them. The bulk that has been added to the tower through its design as a replica tree, will also, I feel, make it a more dominant feature in surrounding views than would possibility have been achieved through the use of a slimline galvanised telecommunications pole like which has been used in many streetworks installations throughout the City. However, given that the equipment is proposed to be sited within a public park where a 15m high steel structure would appear overly imposing on the natural landscape, I feel that some disguise of its functionality is necessary.

The cabinets and fencing needed in association with this installation would offer additional features and clutter to the park and the siting of the equipment in an area enjoyed because of its openness and natural surroundings, in my opinion, is not ideal. However, the applicant has submitted supporting information which states that alternative site options have been explored as set out in Section 5 above including some that would have offered mast sharing or the possibility of erecting equipment upon existing structures. I understand that this site has been chosen in response to problems with finding an appropriate siting for the equipment in this cell area and in response to consultation undertaken with Ward members and local residents. The operator has clearly been unsuccessful in finding an alternative site. They have also taken reasonable steps to help reduce the visual impact of the equipment on the surrounding parkland and residential areas. The painting of the equipment cabinets and fencing in appropriate colours can also help to lessen their impact and it has been agreed with the operators that should Members consider the siting and external appearance of this installation to be acceptable that they will be painted green.

Health considerations are usually raised as a concern in a response to installations of this kind. Although no objections on health grounds had been raised to this notification at the time of drafting this report, I feel it is appropriate to refer to health concerns given that it is an issue raised in response to most proposals of this nature. Further to the comments under 7.5 above, a recent case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where a judge had found a Planning Inspector at fault in determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

2 Code No: DER/406/630

This is on the basis that, whilst impact on health can be a material consideration for any planning application, it is only in exceptional circumstance that the planning process should conclude that health concerns are an overriding consideration. The health advice in PPG8 is very clear indeed; if an application (or notification) is certified to meet ICNIRP guidelines the Local Planning Authority should not seek to challenge this as health impact is, primarily, a matter for Central Government. I have no doubt that a Local Planning Authority that refused an ICNIRP certified proposal on health grounds would find itself stranded, unable to produce any credible professional witness, on appeal.

For the reasons given above, it is clear that finding an appropriate siting for this equipment in this cell area has been problematic. I consider that it is only in situations such as this, where open areas such as parkland should be considered for installations of this kind. I am satisfied that the operator has in this case, taken reasonable steps to minimise the impact of the equipment on the surrounding area and therefore conclude that the Local Planning Authority should not seek to control the siting and appearance of the equipment.

11. Recommended decision:

- 11.1** That the City Council does not wish to control the details of siting but requires that the equipment cabinets and palisade fencing is colour coated green before they are installed.
- 11.2 Summary of reasons:** The proposal has been considered against the City of Derby Local Plan policy as summarised in 11 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development that would improve the network in this part of the city without having a detrimental effect upon local amenities.