

B1 APPLICATIONS

1 Code No: DER/406/746

Type: Full

1. **Address:** Oaktree Day Nursery, Reginald Road South, Chaddesden
2. **Proposal:** Extension to existing day nursery (store room)
3. **Description:** Permission is sought of a two storey extension to the north eastern elevation of the building. The ground floor of the extension is open to provide parking for minibuses and the first floor would be used as a store room and includes stairs to the rear.

There is a semi detached property adjacent to the north eastern boundary. This property has a garage immediately adjacent to the boundary and the gable of the property has a landing window on the first floor. The boundary is screened up to 1.8m high and the extension would be 200mm from this boundary. The extension would measure 8.1m x 5m of a height of 6m, rising to 7.7m. The proposal would have a hipped roof and a large window on the elevation facing Reginald Road South to match existing windows on the building.

This application does not involve the creation of playspace and would only be used to store equipment. The number of children at the nursery is controlled by condition and an increase was proposed in 2003 which was refused and dismissed at appeal due to the impact on on-street parking.

4. Relevant Planning History:

903/1696 – Increase in numbers of nursery places from previously agreed 71 to 104, refused November 2003 – dismissed at appeal September 2004.

1098/1276 – Extension to nursery (playroom), erection of gates and increase in numbers of nursery places from previously agreed 60 to 71, granted December 1998.

998/1118 – Extension to nursery (playroom), withdrawn October 1998.

296/118 – Extensions and alterations to existing day care nursery, granted June 1996.

5. Implications of Proposal:

5.1 Economic: None.

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5.2 Design and Community Safety: The design is considered to be in keeping with the existing building. The Crime Prevention Design Advisor had no observations to make.

5.3 Highways: There are no highway implications as parking at the site will not be reduced.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	3	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** Five letters of objection have been received ... from neighbouring properties which are reproduced. Main concerns raised are:

- overshadowing of properties to the north east
- maintenance of boundary fence and erection of scaffolding
- extension may be used for other activities
- building is large enough already
- disruption during construction
- over development of business in a residential street.

8. Consultations:

Police CPTD Advisor – no observations

9. Summary of policies most relevant: CDLPR:

S12 – Amenity

L12 – New Community Facilities

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

10. **Officer Opinion:** The main issue with regard to this proposal is the impact on the amenity of the property to the north east. The neighbouring property has a garage adjacent to where the extension is proposed. This property has a landing window on the first floor side

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elevation which is 3m from the boundary. Overshadowing of this non-habitable room window is not considered to be materially detrimental. The proposal has a hipped roof and does not extend along the whole length of the boundary. It would be set forward a metre from the rear of the adjacent property and due to the angle overshadowing of the garden area of this property is not considered to be significant.

The stairs to the rear of the extension would be 4.5m from the north eastern boundary and would be adjacent to the bottom of the garden of the property to the north west. As the extension would be used as a store room I do not consider the amenity of neighbouring properties would be affected by these stairs.

A large window is proposed in the front elevation of the extension which does not cause an overlooking concern as there is not a property immediately opposite. No windows are proposed in the north western and north eastern elevations and this shall be controlled by condition.

The design and scale of the extension is considered to be in keeping with the existing building. The proposal has a hipped roof and window style to match that of the existing building.

The ground floor of the extension has been left open to retain the existing area for parking the minibuses. The parking on site would therefore not be affected by this proposal.

Due to the proximity of the extension and stairs to neighbouring properties I consider it necessary to control the use of the extension to storage only. Maintenance of the boundary, access for scaffolding and disruption during construction are not material planning concerns.

I conclude that the proposal would not have a significant impact on the amenity of neighbouring properties and is acceptable in terms of its design. The proposal, therefore, accords with policy L12 and I recommend accordingly.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to impact significantly on the amenities of neighbouring residential properties and is acceptable in design and streetscene terms.

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11.3 Conditions

1. Standard condition 27 (external materials)
2. The use of the extension shall be for storage only.

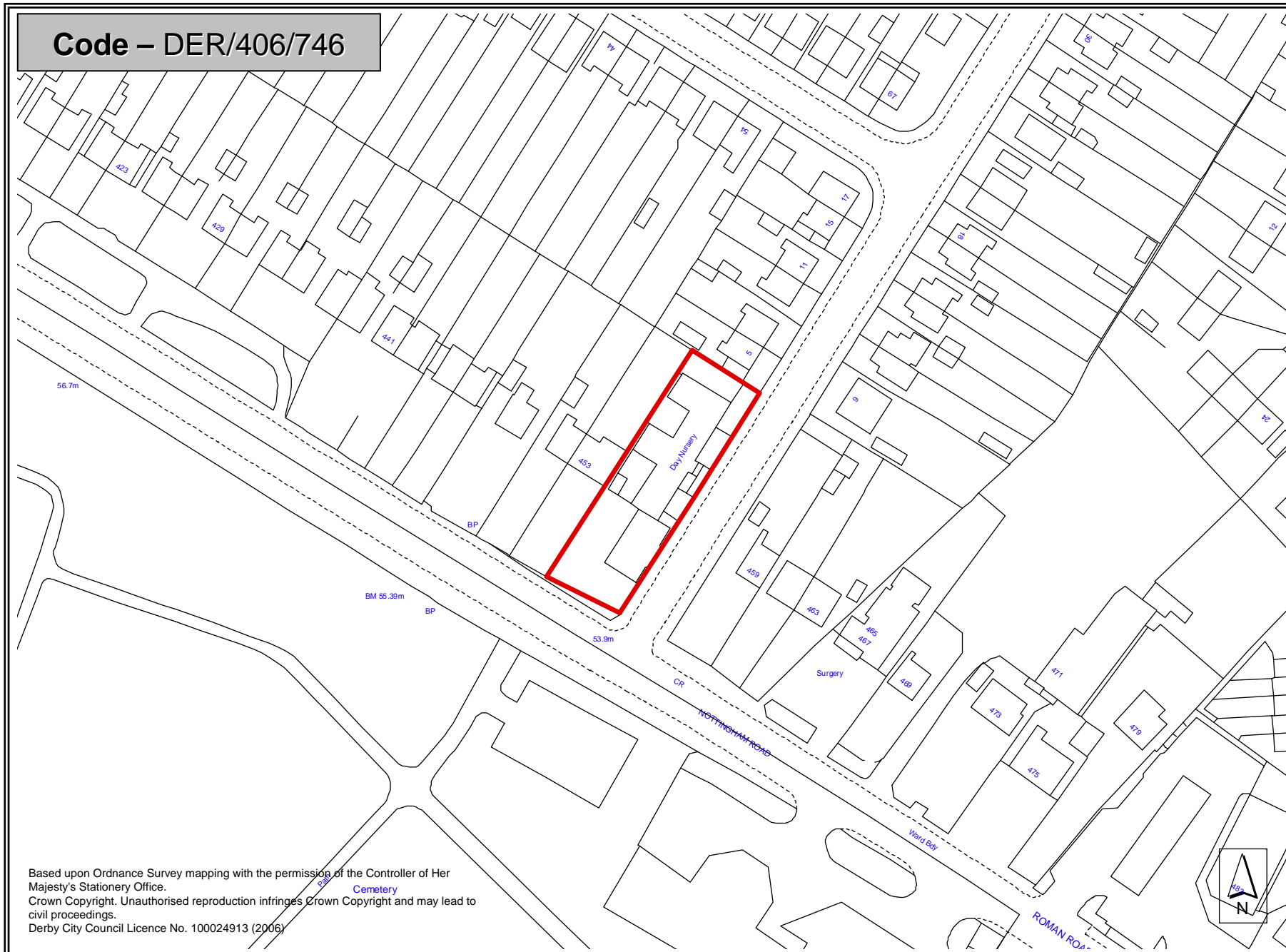
3. No windows or any other openings shall be created in the north eastern and north western elevations of the extension hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...policy S12
2. Standard reason E07...policy S12
3. Standard reason E07...policy S12

11.5 S106 requirements where appropriate: None.

Code – DER/406/746



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B1 APPLICATIONS (cont'd)

2 Code No: DER/306/538

Type: Full

1. **Address:** 59 South Avenue, Darley Abbey
2. **Proposal:** Extension to dwelling house (dining room) (amendment to DER/805/1369) – alteration to roof pitch)
3. **Description:** Permission is sought for the alteration to roof pitch from that granted permission for a single storey side extension (dining room) to a detached dwelling. The streetscene is composed of detached dwellings similar in design and appearance.

The proposed roof alteration would be located to the north side elevation of the property, to the roof of the single storey side extension. The existing permission granted for the dining room extension measures 4m x 5.1m with a pitched roof to a maximum height of 3.5m. The alteration to the roof pitch would increase the height of the extension by 1m, to a maximum height of 4.5m. It would increase the roof pitch by 22.5 degrees and allow the use of Mendip tiles to match the existing property. There are no additional windows or opening proposed.

This application is brought to Committee at Councillor Travis' request.

4. **Relevant Planning History:**

DER/805/1369 – Full planning permission for extension to dwelling house (dining room), granted conditionally 14 October 2005.

DER/705/1096 – Full planning permission for extension to dwelling house (conservatory), granted 30 August 2005.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** Design is assessed in the Officer Opinion. There are no community safety implications.

5.3 **Highways:** None.

5.4 **Disabled People's Access:** None.

5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

2 Code No: DER/306/538

6. Publicity:

Neighbour Notification letters	6	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Two letters of representation from one objector ... have been received and are reproduced.

On the letter received by Derby City Council on 8 May 2006 the objector repeated the objection made in relation to the original planning application, which was granted conditionally permission under delegated powers. I believe they make the point that the alteration has exaggerated previous concerns.

The objector also raised concerns related to the handling of the amendment of the roof pitch and the planning process itself. I have answered these concerns by separate letter indicating that it is not the Council's procedures which have failed.

Objections to the amendment have been raised on the following grounds:

- the French doors installed are not as shown on the original plans
- restriction of light to neighbouring property and domination in the streetscene
- privacy has been taken away
- entrance to neighbouring property can no longer be viewed from the main road creating a security problem, and the amendment has worsened the situation
- damage caused to adjacent driveway caused by builders. (This is not a valid planning consideration)
- street lighting now ineffective for access to neighbouring property. (This is not a valid planning consideration)
- concerns over extractor fan now facing neighbouring property and causing food smells. (This is not a valid planning consideration).

B1 APPLICATIONS (cont'd)

2 Code No: DER/306/538

8. Consultations: None.

9. Summary of policies most relevant: CDLPR policy:

H26 – Housing extensions

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

10. Officer Opinion: Matters relevant to this application include issues of light and privacy. The rear elevation of the extension faces the rear garden screened by vegetation, and is positioned 24m away from the nearest property to the rear (No. 57 South Avenue). There is a drop in levels from the proposed location of the extension to No. 57 South Avenue of approximately 2m over a distance of approximately 24m. There is also an additional brick wall to the height of approximately 2.2m providing additional screening to the rear east elevation. Considering the distance from the adjacent property of No. 57 South Avenue and the screening to the boundary, I am satisfied that there would not be a significant impact on light or privacy.

To the front west boundary there is a 2m high hedge and brick wall. The north side of the extension is close to the driveway to No. 57 but its front and rear elevations are well screened by vegetation. There is a driveway and a distance of approximately 9m between the proposed extension and No. 55 South Avenue.

The proposal has been carefully considered and I am satisfied that the proposed alteration to the roof pitch to the single storey extension will not significantly affect existing levels of light or privacy to neighbouring residents.

The French doors to the rear of the extension are of the same size and overall design, with only a slight difference from the original plans having one continuous pane of glass in the sections, rather than a number of small glass panes in each section. This, in planning terms, is an insignificant change and does not constitute a change requiring an amendment of plans.

The appearance, scale and massing of the alteration to the extension is considered to be in keeping with the existing property and surrounding area. Overlooking and overshadowing is not considered significant. The 2.2m high brick wall to the rear provides screening from No. 57 South Avenue, along with the distance from the single storey extension of approximately 24m. The alteration to the pitch does not affect views of the objector's property from the main road.

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2 Code No: DER/306/538

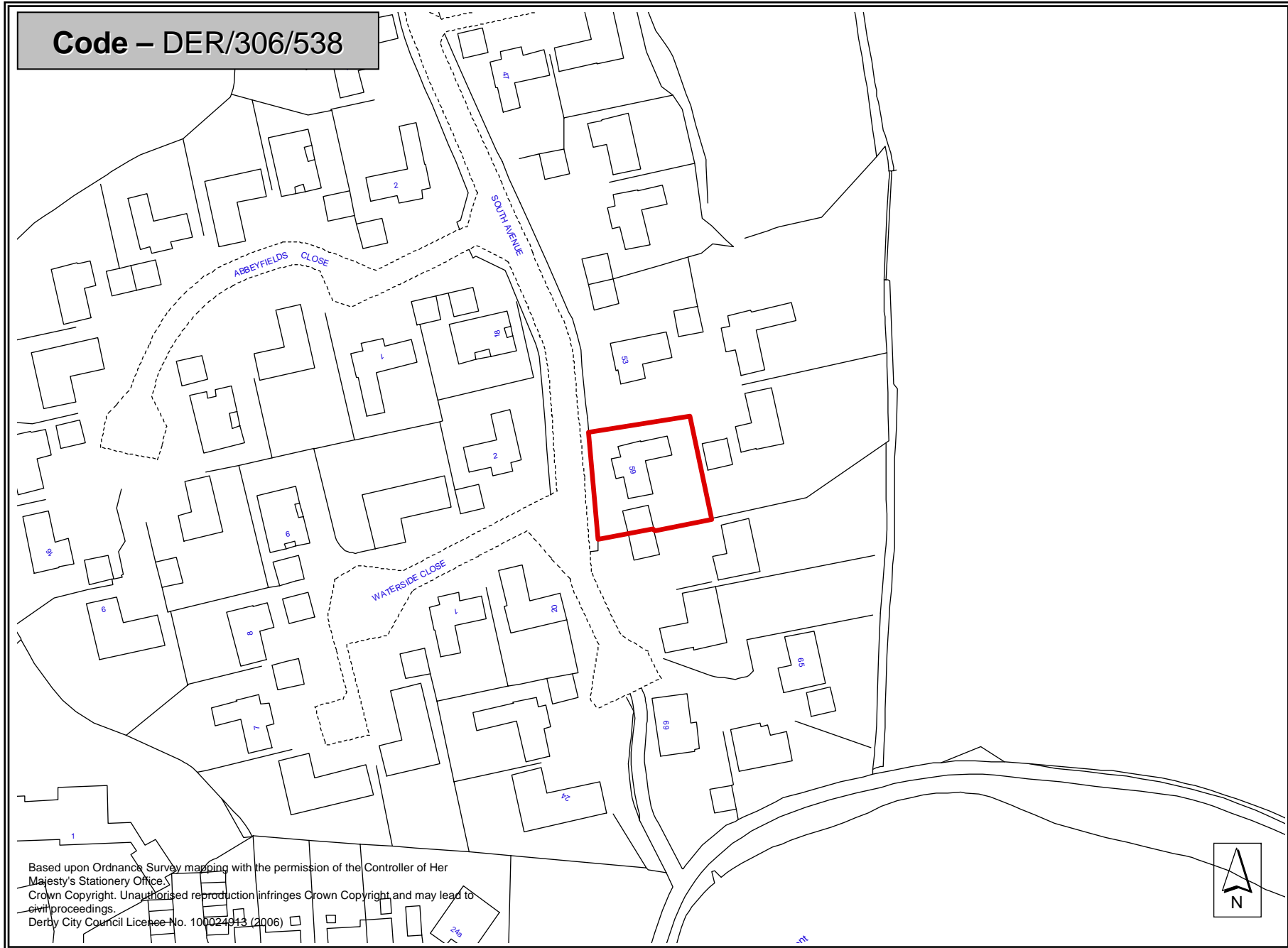
The design and appearance of the roof pitch alteration is within context to the original dwelling and the streetscene and I am recommending accordingly.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to significantly impact upon the amenities of neighbouring residential properties.

Code – DER/306/538



B1 APPLICATIONS (cont'd)

3 Code Nos: DER/306/422 &
DER/306/564

Type: Full

1. **Address:** DER/306/422 - 22 Fairfax Road
DER/306/564 - 20 Fairfax Road
2. **Proposal:** 22 Fairfax Road - Extensions to dwelling house, garage, 2 x WCS, three bedrooms and enlargement of kitchen/dining room, and family room.

20 Fairfax Road – Extensions to dwelling house, garage, 2 x WCS, three bedrooms and enlargement of kitchen/dining room, and family room.

3. **Description:** Two applications have been submitted for almost identical but mirror image extensions to two semi-detached dwelling houses that are adjacent but not attached to each other, and separated by two driveways. The applicant is the same in both cases and says the buildings are to be occupied by his own family, although when visited one of these was being rented out.

The existing dwelling houses are of conventional inter-war semi-detached design and lie in a row of similarly designed dwellings on Fairfax Road. The area is overwhelmingly residential in character. Many of the houses on Fairfax Road and nearby streets have had large two storey extensions in recent years.

The extensions are substantial with a two storey wrap around design around the full depth of the side elevation and a substantial portion of the rear elevation. The sideways width of the two storey extension is 4.2 metres which extends up to the boundary with the neighbouring unattached property. The rearwards depth of the two storey element extension is 3.26 metres beyond the original main rear wall of the dwellings. The two storey element of the extension terminates about 2.8 metres from the boundary with the attached neighbouring semi. At ground floor level, single storey extensions are proposed at the rear adjoining the boundary with the attached neighbour and 3.26 metre deep. On the side of the unattached neighbour, the single storey extension would extend a further 2.5 metres beyond the end of the two storey extension giving a rearward extension of 5.6 metres altogether.

At the front there would be a small forward single storey projection 0.6 metre deep with a canopy extending the full width of the existing semi and the width of the proposed extension. The first floor element of the extension at the front would be set back about 1 metre. The main extensions would have a hipped roof to match the design of the existing roof.

B1 APPLICATIONS (cont'd)

3 Code Nos: DER/306/422 &
DER/306/564

4. Relevant Planning History: None.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: See Officers report for design comments. There are no community safety implications.

5.3 Highways: The increase in bedroom numbers from 3 to 5 is noted but the existing parking provision within the garage remains the same. There are congested on-street parking conditions on Fairfax Road reflecting the lack of parking in the area. However, it is not considered that highway objections could be sustained because of the increase in bedroom numbers, therefore, there are no highway objections.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: No. 20 Fairfax Road – A petition of ten names from eight addresses has been received along with five letters from neighbours all objecting to the proposals.

No. 20 Fairfax Road – A petition of ten names from eight addresses has been received along with six letters from neighbours all objecting to the proposals.

Copies of these will be available in the Members' Rooms.

The letters and petition are the same for both applications. The grounds for objection are as follows:

- the houses have very small gardens and the greenery is vanishing with the extensions

B1 APPLICATIONS (cont'd)

3 Code Nos: DER/306/422 & DER/306/564

- extensions are close to neighbouring properties and would result in loss of privacy
- the proposal would turn the existing semi detached properties into terraces, the existing architecture of the houses should be maintained
- building materials are inconsistent with the architecture
- large extensions mean more people living in the houses and would result in increased noise pollution, car pollution traffic pollution and car parking pressure.

8. Consultations: None.

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

ST12 - Amenity
H26 - House extensions
T4 - Parking

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

10. Officer Opinion: The proposals are almost identical although a mirror image of each other, and the considerations will be similar in both cases.

Amenity considerations

The extensions are quite large giving an increase in floor area from the existing 108 square metres to 233 square metres which is more than double the original floor area. This would result in a massing impact on neighbouring residents, however, the two storey extensions have been designed to avoid intrusion into the 45 degree zone of habitable room windows of neighbouring properties and thus meet the guidelines set down.

Even though the distance between the proposed first floor extensions and the habitable room windows of properties to the rear on Hamilton Road would be reduced by 3.2 metres, the distances remaining will easily meet the space between buildings guidelines.

B1 APPLICATIONS (cont'd)

3 Code Nos: DER/306/422 & DER/306/564

There are two small side facing windows to toilets proposed which will be opposite those in the proposed extension adjacent. These would be obstructed by the extensions up to their own boundaries. This is a matter that the applicant must be aware of, and would not require the removal of these windows from the proposal. However, I would suggest that a condition be attached to any permission requiring that these windows be obscure glazed with fixed and non-opening lights to avoid problems of privacy loss.

Design

The design reproduces the hipped roof detail of the original dwellings. It also incorporates a set back of one metre at first floor level on the front elevation and a small reduction of the ridge height. The set back is intended to help retain visual balance and some element of symmetry for the semi-detached pair of which it forms one half. It also helps retain some semblance of visual separation between the proposal and the adjoining detached dwelling to counteract visual terracing between the two.

The design of the front elevation will be similar to many others granted in recent years in this locality and I see no grounds to object.

External materials may be controlled by condition on any planning permission that may be granted but it is specified that the roof tiles will line through with the existing roof tiles and match the existing material in texture and colour. New brick work is intended to match the existing brickwork.

Traffic generation

I accept that there will be a tendency for the level of car ownership to rise with an increase from three to five bedrooms, even without any reciprocal increase in the level of parking provision within the application sites. Along with an increase in car ownership would be increase in car borne trips, increase in traffic pollution and pressure on on-street parking. However, as Committee is aware current parking policy is intended to ensure that on average only 1.5 parking spaces are provided for each dwelling across the city as a whole. This proposal would see only one parking space being provided for each of the two dwellings. Advice from the Highways division does mention these concerns but does not object to the proposal as it would be difficult to sustain an objection to these proposals on these grounds.

B1 APPLICATIONS (cont'd)

3 Code Nos: DER/306/422 & DER/306/564

Loss of green space

The loss of green space referred to by the objectors is not significant in either case. Members are also reminded that permitted development rights exist for dwelling houses, that would permit the development of 50% of the garden area with buildings and other permitted development rights would allow the laying down of hard surface on the whole of the land. The whole of the green garden areas could, therefore, be lost without planning permission being required. I do not, therefore, consider the loss of green space to be a major consideration.

Conclusion

Although the size of these extensions will more than double the floor space of the original dwellings and will have an impact on the neighbouring dwellings, the extensions conform to the guidelines that are used to assess the acceptability of domestic extensions and I believe it would be difficult to sustain a refusal of planning permission at appeal. I have, therefore, no objections to raise to this proposal.

11. Recommended decision and summary of reasons:

11.1 DER/306/422 – **To grant planning permission with conditions**

DER/306/564 – **To grant** planning permission with conditions.

11.2 **Summary of reasons:** The proposal has been considered in relation to the approved City of Derby Local Plan Review and all other material considerations as indicated at 9 above. It is considered that the proposed extension would result in an acceptable form of development which would not result in significant loss of amenity to neighbouring residents, and would not detract significantly from the character of the existing dwelling or the character of the wider area.

11.3 **Conditions**

DER/306/422

1. Standard condition 27 (external materials)
2. The side facing windows facing towards the neighbouring property shall be obscure glazed with fixed non-opening lights.

B1 APPLICATIONS (cont'd)

**3 Code Nos: DER/306/422 &
 DER/306/564**

11.4 Reasons

DER/306/422

1. Standard reason E14 (visual amenity)....policy H26
2. To protect the amenity of neighbouring properties....policy H26

11.3 Conditions

DER/306/564

1. Standard condition 27 (external materials)
2. The side facing windows facing towards the neighbouring property shall be obscure glazed and with fixed non-opening lights.

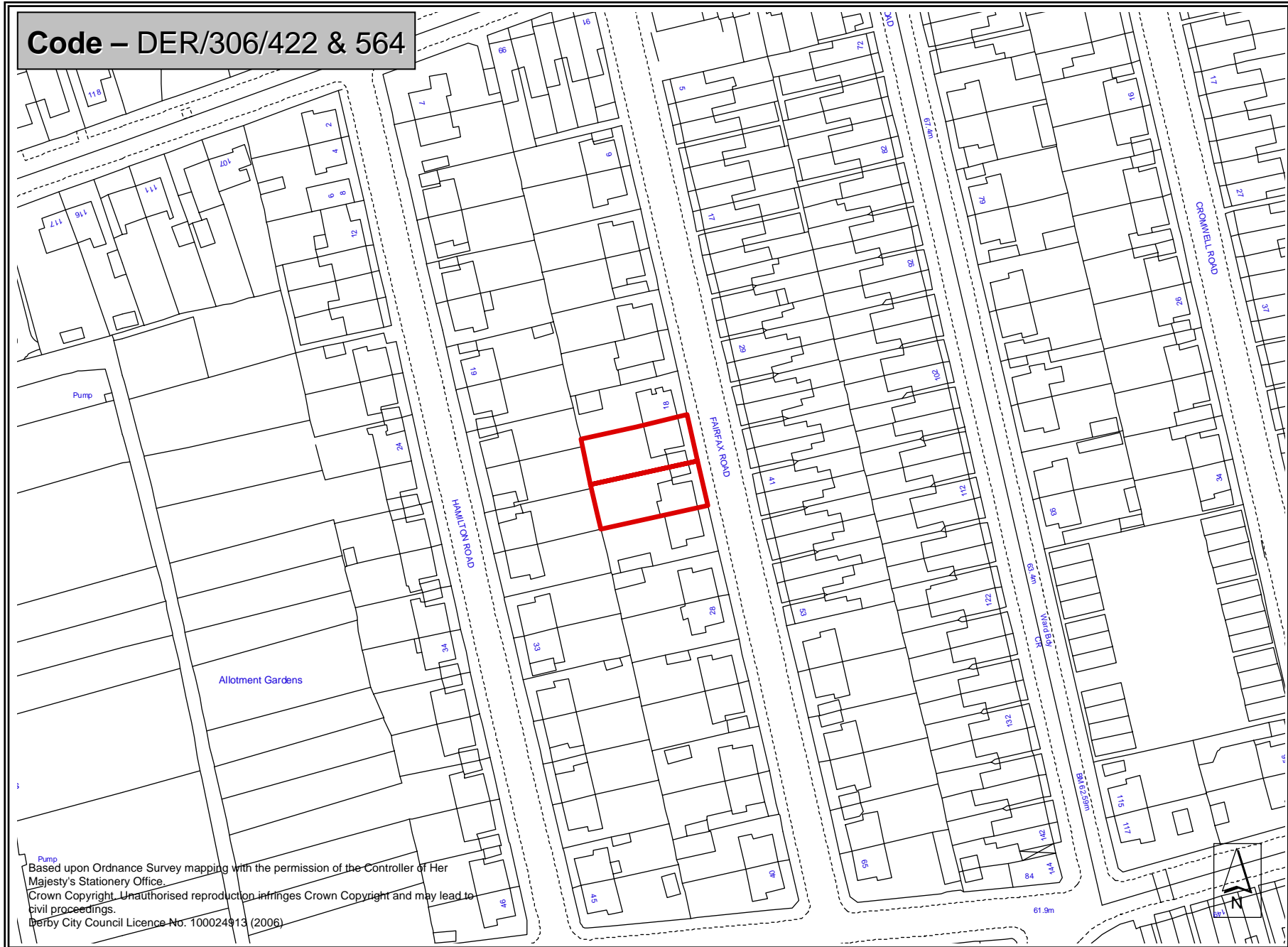
11.4 Reasons

DER/306/564

1. Standard reason E14 (visual amenity)....policy H26
2. To protect the amenity of neighbouring occupiers....policy H26

11.5 S106 requirements where appropriate: None.

Code – DER/306/422 & 564



B1 APPLICATIONS (cont'd)

4 Code No: DER/306/510

Type: Full

1. **Address:** 30 Albany Road
2. **Proposal:** Extension to dwelling house (garage, bathroom, sitting room, 3 bedrooms, shower room, wc, en-suite and enlargement of dining room and kitchen)
3. **Description:** This is a revised application that relates to a detached dwelling located on the northern side of Albany Road. It is within an established residential area which has a mix of detached and semi detached dwellings of differing style and design.

This proposal involves, a 2 storey side extension to the dwelling incorporating a garage and sitting room at ground floor with two bedrooms and a shower room at first floor. It would measure, 2.8m in width and 9.4m in depth at ground floor level. The first floor is not as deep at 8m as it has been set back, from the front elevation of the house. This side extension would accommodate a hipped roofline. To the rear of this extension, a 6m deep, single storey extension is proposed which would accommodate a cloak room, bathroom and wc. These extensions should sit approximately 0.8m from the sites western boundary which it shares with 32 Albany Road.

At the rear of the dwelling a two storey extension is also proposed which would accommodate dining room and kitchen extensions on the ground floor with a bedroom and en-suite at first floor. This extension would project 3.1m beyond the rear of the dwelling and would also accommodate a hipped roofline.

4. Relevant Planning History:

DER/1205/2027 Extension to dwelling house (garage, bathroom, cloaks, 2 bedrooms, en-suite and shower room and enlargement of sitting room) refused 14/02/06. Reasons for refusal were:

- “1. The proposed two storey rear extension, by reason of its height, mass and close proximity to the boundary, would have an overbearing effect and intrusive appearance on the windows in the rear elevation of 28 Albany Road. This would result in an unacceptable loss of amenity for residents of that property and would accordingly be contrary to policy H26 of the adopted City of Derby Local Plan Review - 2006.
2. The proposed two storey side extension would, by reason of its size and design, significantly reduce the gap between dwellings at first floor level detracting from the setting of this and adjacent properties contrary to policy H26 of the adopted City of Derby

B1 APPLICATIONS (cont'd)

4 Code No: DER/306/510

Local Plan Review - 2006. Furthermore, the development if approved would set an undesirable precedent whereby it would be difficult for the Local Planning Authority to resist similar extensions to nearby dwellings. If repeated, this would offer an unacceptable change in the character and appearance of the street."

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The design and form of the extensions would not dominate the main dwelling and I do not consider that they would compromise the character of the original house. There are no community safety implications to consider.

5.3 Highways: Adequate parking is maintained throughout and there are no objections to this application.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: None.

6. Publicity:

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

8. Representations:

Eight letters of objection have been received in response to this application and will be available in the member's rooms. Concerns expressed by objectors relate to:

- loss of spaciousness between the dwelling and neighbouring properties resulting in a development that is out of character with development in the area
- concerns over the creation of a terracing effect between dwellings as a result of the loss of the gap between the houses
- the extensions would result in a loss of privacy, outlook and light for neighbouring properties

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4 Code No: DER/306/510

- the extensions would overshadow neighbouring property and cause detriment to their gardens by virtue of loss of light
- the extensions are overly dominant and would set an undesirable precedent for future development in the street
- loss of value to neighbouring property
- concerns over site drainage and implications for foundations of adjacent houses
- concerns over damage to neighbouring property during construction works
- loss of gap between houses resulting in future maintenance problems for neighbouring dwelling
- the developments implications for the number of people living in the property and the number of cars that may be required by the occupiers
- limited changes have been made to the proposals from what was previously refused planning permission.

8. Consultations: None

9. Summary of policies most relevant:

Adopted City of Derby Local Plan Review policies:

- H26 - Extensions to dwellings
- 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 CDLPR for the full version.

- 10. Officer Opinion:** This application has generated a large amount of local objection and concerns are expressed about the design and street-scene impact of the proposals as well as their implications for neighbouring dwellings. As indicated in section 4 of this report, planning permission was refused earlier this year, for extensions to this dwelling. Reasons for refusal related to the massing implications of the two storey rear extension on the windows in the rear elevation of 28 Albany Road and the two storey side extension offering a significant reduction in the spacious setting of the application property and neighbouring dwellings.

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In this revised proposal, the depth of the two storey rear extension has been reduced from 4.2m to 3.1m. This has helped to reduce its bulk and dominance when viewed from neighbouring property and it no longer cuts through a 45 degree line taken from the principal windows in the rear elevation of no. 28. It would also offer no encroachment of the 45 degree line taken from the rear facing windows of 32 Albany Road and although concerns have been raised with regards to implications for a side facing bay window on the rear elevation of no 32, the 45 degree guidance is not applicable in this case, given that the pane of window concerned faces towards the application site. I am satisfied that these proposals meet with guidelines that we would normally apply when considering the addition of two storey high extensions to dwellings and do not feel that planning permission could be refused on grounds of unreasonable massing or overshadowing of neighbouring property. The siting of a sitting room window in the side elevation of the side extension is not ideal given that it would face towards 32 Albany Road. However, given that this is a ground floor window which could have its view obscured by a 2m high boundary treatment I do not consider that overlooking can be given as reason for refusal of the application.

I have noted concerns raised by local residents relating to the implications of this development on existing drains and footings, of neighbours ability to gain access to the site to maintain their own property and the possible problems associated with siting scaffolding on the site. However, these concerns do not offer valid planning grounds on which to refuse permission for development on this site.

In this revised proposal, the two storey side extension has been set back so that it sits approximately 1m back from the front of the dwelling. This set back would provide a void a first floor level and maintain visual distinction between the dwellings existing frontage and the extension. It would also set the front of the extension back from the frontage of 32 Albany Road at first floor level and I feel that this change to the design of the scheme along with the small gap that would be maintained between the two houses would ensure that the detached appearance of the individual dwellings is maintained. The scale of the side extension is not excessive and its features do fit in reasonably well with those of the existing dwelling. Overall, I do not consider that the proposal would compromise the character of the existing dwelling or that of neighbouring dwellings in this street context so unreasonably as to offer grounds for refusal of planning permission.

I have given careful consideration to the concerns raised by local residents in relation to this proposal. However, in my opinion, the extensions proposed in this application would not be unreasonable additions to the dwelling in street scene and amenity terms. I consider

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that the previous grounds for refusal of planning permission have been overcome and I do not feel that a refusal of planning permission would be reasonable in this case.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

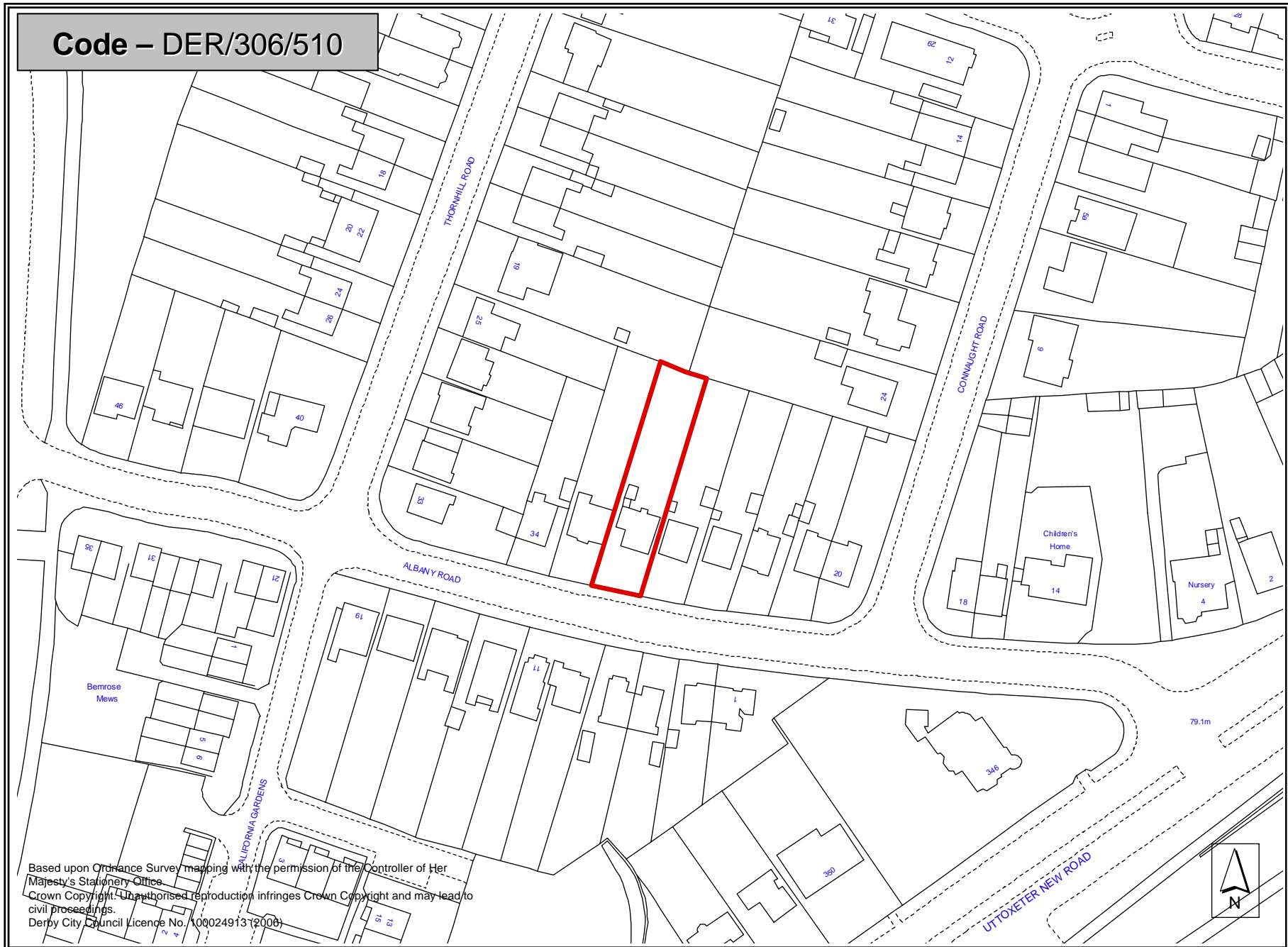
1. Standard condition 27 (external materials)
2. Standard condition 13 (private use of garage)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows other than those detailed on the approved plans shall be inserted into the extensions at first floor level.

11.4 Reasons

1. Standard reason E14...policy E26
2. Standard reason E07...policy H26
3. Standard reason E07...policy H26

11.5 S106 requirements where appropriate: None

Code – DER/306/510



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B1 APPLICATIONS (cont'd)

5 Code No: DER/506/807

Type: Full

1. **Address:** 1238-1242 London Road, Alvaston
2. **Proposal:** Erection of two retail units
3. **Description:** Permission is sought for two retail units on a site within the Alvaston District Shopping Centre. The rectangular shaped site is currently empty, most recently having been used as a tyre depot. It is adjacent to the Harrington pub to the east and small shop units to the west. Residential properties lie to the south and south west and London Road lies to the north.

The site is bounded by temporary wire fencing and is covered in overgrown grass and weeds. It represents a gap in the shopping frontage.

The proposed building would be single storey with a pitched roof.

Staff parking, including motorcycle and cycle parking, access to the site would be via a right of access through the Harrington Pub car park. Details of this access agreement have been supplied. Servicing would take place at the front of the site involving an alteration to the kerb to provide a greater turning area at the front of the store. Two disabled persons' parking spaces would be provided in front of the units. Waste and refuse storage would be to the side of the units, with controlled access via locked gates.

4. **Relevant Planning History:** This site has been the subject of various planning applications; most recently DER/1105/1832 – two retail units and ten apartments, refused.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The proposal would bring the site back into beneficial use, filling in a 'gap' in the shopping frontage.
 - 5.2 **Design and Community Safety:** The basic design of the building is acceptable but the use of cladding indicated on the submitted plans is not. Materials can be controlled by condition.
 - 5.3 **Highways:** No objections subject to S106 contribution for improvements to public transport provision and a condition to regulate improved turning area.
 - 5.4 **Disabled People's Access:** Disabled people's parking is satisfactory.

B1 APPLICATIONS (cont'd)

5 Code No: DER/506/807

5.5 **Other Environmental:** Severn Trent Water: no objections subject to condition to regulate surface and foul water drainage.

6. Publicity:

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

7. **Representations:** I have received three letters of representation to this application. The letters are reproduced. Concerns centre on security, use of cladding and noise implications of the proposal.

8. Consultations:

DCHealth – no objections

Police ALO – no objections but shutters should be resisted.

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

- ST12 - Amenity
- S1 - Shopping hierarchy
- S2 - Retail Location Criteria
- S3 - District and Neighbourhood centres
- E26 - Design
- E27 - Community Safety
- T4 - Access, Parking and Servicing
- T10 - Access for disabled people

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:** In principle, the retail use of this site is acceptable and should be encouraged as a means of improving the shopping facilities within this designated centre. On this basis, I consider that the main issues for consideration are the design, impact upon neighbouring properties, including the flat above the adjacent pub, and access and parking.

In design terms I consider the proposal to be basic. It is simple in its design but subject to the use of appropriate materials could, in my view be acceptable. I note the proposed use of cladding but do not consider that this would be acceptable. The long side elevations will be visible in the street scene and in my view would have an overly industrial

B1 APPLICATIONS (cont'd)

5 Code No: DER/506/807

appearance that would not enhance the street scene. It may be appropriate to use panels of cladding between brickwork but certainly I consider that some higher quality materials should be introduced. I would also prefer to see a more traditional roofing material.

The proposed development would have some impact upon neighbouring properties. However, I do not think that the impact would be unacceptable. The single storey building would be some 6.6m high to ridge height and 3m to eaves height. I do not think that this form of building would have any unreasonable impact upon residential amenities at the adjacent pub or unduly inhibit business activity at the shops/offices to the other side. With regard to the residential properties to the south and south east, I am satisfied that the layout and form of the building would not create an unsatisfactory relationship with these properties. The site is within a district centre and some commercial activity can be expected to take place adjacent to these residential properties. In my view, the proposal would generate a reasonable level of activity and associated intrusion on amenities and that this would most likely have less impact than former tyre depot. I note comments about the security of the site and consider that it will be important to ensure a robust and restricted access boundary treatment. This can be achieved by condition.

Access and parking

I note that the staff parking access is unusual in that it relies on a right of way through the adjacent car park but since the documents have been produced to prove rights to this access, I raise no objections on this point. The controlled access to the car park and refuse area can be ensured by condition. I am satisfied that there are sufficient car parking spaces for staff and disabled people. Car parking within the district centre is also provided to the rear of the adjacent pub as well as some on-street spaces. I concur with the highway view that provision of the turning space should be controlled by condition.

In view of the above, I see no justification for refusing this application.

11. Recommended decision and summary of reasons:

- 11.1 A. **To authorise** the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.

B1 APPLICATIONS (cont'd)

5 Code No: DER/506/807

- B. To authorise** the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. It is acceptable in providing a retail use within an established shopping centre without unreasonably affecting the amenities of neighbouring properties or the appearance of the district centre and would have adequate parking and access arrangements and would satisfactorily address building security and community safety issues.

11.3 Conditions

1. This permission does not extend to include the materials indicated on submitted drawings.
2. Standard condition 27 (materials)
3. The development hereby permitted shall not commence until drainage works for the disposal of surface and foul sewage have been carried out in accordance with the details to be submitted and approved by the LPA in writing.
4. Prior to the development being brought into use, the turning area in front of the building shall be constructed and finished in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
5. Prior to the development being brought into use, details of the security gates shall be submitted to and approved in writing by the Local Planning Authority and these details shall be implemented.
6. Whilst the retail units are in operation, the right of access for vehicles to the rear of the site shall be retained.
7. Prior to the retail unit coming into beneficial use, the disabled persons parking shall be constructed and clearly marked as disabled persons parking.
8. Prior to the retail unit coming into beneficial use, the motorcycle and cycle parking shown on the approved plans shall be constructed.

B1 APPLICATIONS (cont'd)

5 Code No: DER/506/807

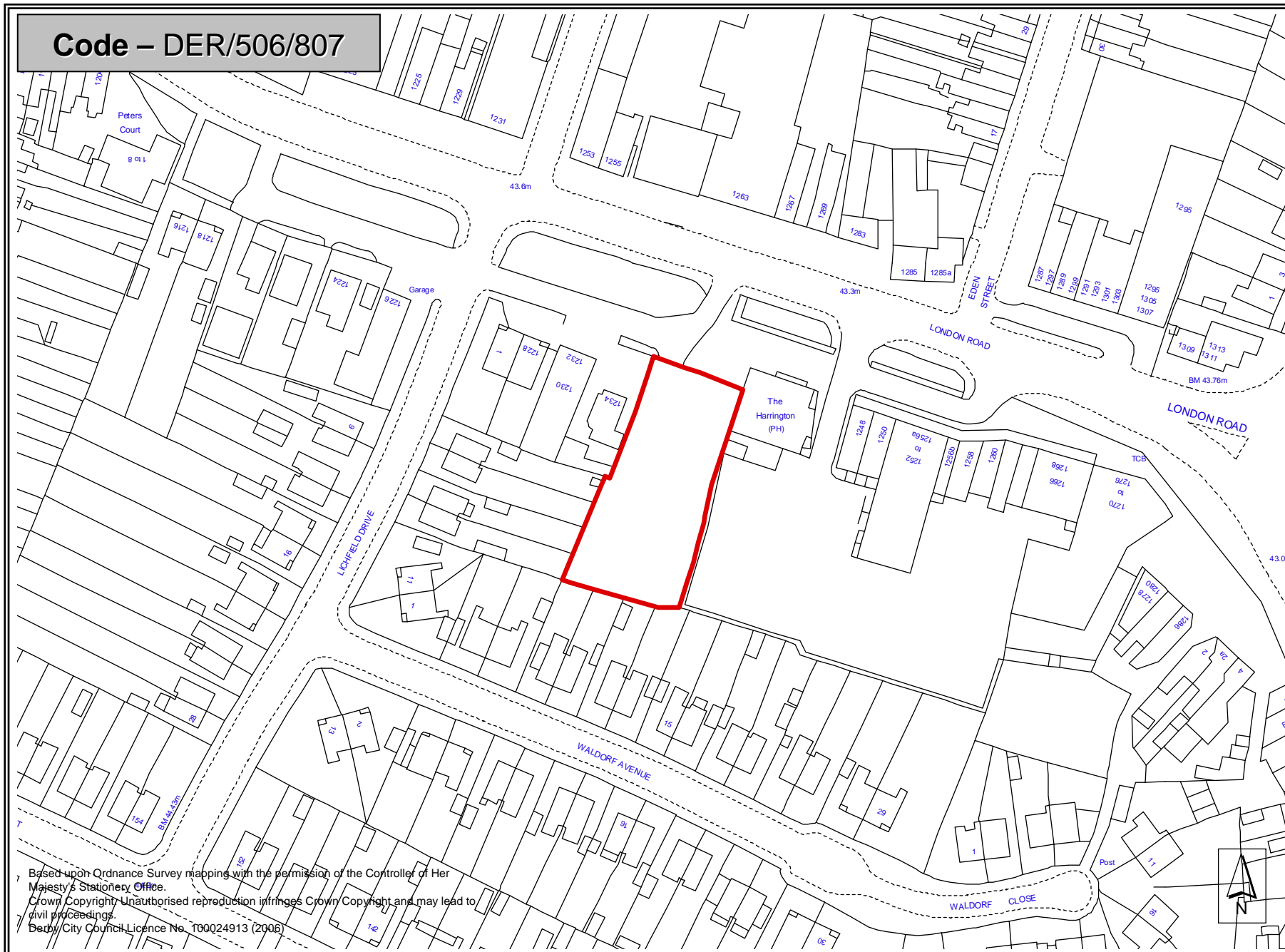
9. Standard condition 30 (boundary treatment)...Details shall include boundary treatment that effectively restricts access to the rear of the site to authorised personnel and a suitable boundary treatment that protects privacy and restricts noise at the boundary with adjacent residential properties.

11.4 Reasons

1. The proposed use of cladding along the side elevations and roof as shown in the submitted drawings would not create a satisfactory appearance....policy E26
2. Standard reason E14....policy E26
3. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
4. In the interests of ensuring that vehicles can access and exit the servicing area without impeding the safe and free flow of traffic....policy T4
5. In the interest of visual amenities and security ...policies E26 and E27
6. To ensure satisfactory vehicle access to the site....policy T4
7. To ensure satisfactory parking...policy T4
8. To ensure satisfactory parking...policy T4
9. To address security and residential amenity concerns....policy E26

11.5 S106 requirements where appropriate: Highway contributions.

Code – DER/506/807



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B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

Type: Full

1. **Address:** Site of Clarion Works, Webster Street
2. **Proposal:** The demolition of the existing printing works and erection of 21 x 2 bedroomed apartments.
3. **Description:** Members will be familiar with the content of this application. The application is a resubmission following the last application for the proposed development, under code no. DER/1005/1712 which was refused at Planning Control Committee on 23 March 2006. The reasons for refusal are shown at 4 below.

The application site lies to the east of Webster Street directly adjacent to properties 18 and 29 Webster Street. At present the access to the existing works is via Webster Street. There is a gentle incline along Webster Street increasing from junction with Gerard Street to the printing works at the top of the cul de sac. The nature of the surrounding locality is predominantly residential in character. The site lies directly to the rear of properties on Harcourt Street and Rosengrave Street. Properties which directly adjoin the site are 12, 14, 26 and 27 Rosengrave Street and 32, 34 Harcourt Street. Part of the eastern boundary of the application site lies adjacent to a number of garages which are accessed via Harcourt Street. This is located between a number of properties along Rosengrave Street and Harcourt Street.

The proposed buildings are principally in two apartment blocks which are three storeys in height and would be of a hipped and clipped gable roof design. Nine apartments are to be accommodated in Block A and Block B is to accommodate 12 apartments. This would result in a density of some 140 units per hectare. Block A is to be sited 1m away from the gable wall of 18 Webster Street and Block B sits some 3m forward of the front elevations of the properties on the southern side of Webster Street and broadly aligns with the rear elevations of the Webster Street properties.

A further forward projecting wing some 8m in front of the Webster Street building line, but 15m into the site helps to interrupt the view along Webster Street.

Twenty-three car parking spaces are proposed on site; 21 spaces for residents (which includes two disabled car parking spaces) plus two visitor spaces. Vehicular Access would be from Rosengrave Street and egress onto Webster Street. Pedestrian access is provided onto Rosengrave Street and Webster Street.

B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

A secure cycle storage enclosure with lockable doors has been proposed for ten cycles within the site located near to the proposed ornamental gates at the top of Webster Street. Bin storage is proposed to the eastern boundary of the site.

One tree on site is covered by Tree Preservation Order No. 125. The tree is located to the northern part of the site alongside the boundary treatment with 26 Rosengrave Street. The plans indicate that this tree is dead and is to be felled. A letter from the Council's Tree Preservation Officer submitted by the applicant confirms that the tree is dead or dying and therefore exempt from the TPO and can be removed without further notice. It is proposed that two trees are to be planted on the southern boundary of the site adjacent to 32 and 34 Harcourt Street and two trees to the rear of 12 and 14 Rosengrave Street and to the side of 18 Webster Street.

4. **Relevant Planning History:** DER/1005/1712 – Demolition of existing printing works and erection of 21 x 2 bedroomed apartments, planning permission was refused on 29 March 2006 for the following reason:

“By virtue of the constraints on the site and its location abutting residential properties it is considered that the proposal would result in an over-intensive development of the site, having unsatisfactory massing impacts on the neighbouring properties. The proposed buildings by virtue of their design would be out of character with the appearance of the local area. Accordingly the development is considered contrary to policies ST12, E26 and H21 of the adopted City of Derby Local Plan Review 2006.”

5. **Implications of Proposal:**

- 5.1 **Economic:** The proposal involves the long term loss of currently vacant industrial land.

- 5.2 **Design and Community Safety:** In an attempt to address the reasons given in the previous refusal the applicant has made the elevations more traditional in appearance by the use of stone heads and cills, a stone course and blue brick plinth. Given the bulk of the two buildings this simplification has lost some of the interest, punctuation and relief provided by the earlier scheme. The elevations are now much simpler in appearance with less articulation. We have lost the cedar weather boarding, railings and blue brick soldier course and quoins to try to take note of the simple fenestration of the neighbouring properties. The unfortunate result is, I feel, large modern blocks with rhythmical fenestration that has little interest or articulation. The Webster Street properties are a traditionally built terrace of small

B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/406/743

dwellings with their own small-scale rhythm of windows and doors. Whilst the proposal seeks to replicate the window and door features it does fail to break up the bulk and massing of the two large blocks into the smaller domestic scale of Webster Street.

5.3 Highways: Access and egress arrangements are satisfactory. The proposed parking provision is acceptable. A cycle pool is to be provided on site and has been accepted as a highway contribution.

5.4 Disabled People's Access: Two mobility units have been agreed (one in each of the apartment blocks) which should be designed to our mobility guidelines to be secured by a Section 106 Agreement. Generally, disabled access should be secured through the Building Regulations.

5.5 Other Environmental: None.

6. **Publicity:**

Neighbour Notification letter	40 properties notified	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Five individual letters of objection and a 63 signature petition have been received; copies of these will be available in the Members' Rooms.

The grounds for objection are summarised as follows:

- overlooking
- development is over intensive for the site
- loss of sunlight and overshadowing from the development
- security affected and loss of privacy
- insufficient space for the development to be accommodated on the site
- inadequate car parking provisions especially as car parking problems already
- increase in traffic
- reduced amenity
- the development being three storeys high will be out of character with the surrounding area
- increased noise

B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

- loss of boundary treatments
- removal of factory walls exposing residents gardens
- proximity of the development to surrounding properties
- height of proposed buildings
- affect property values.

8. Consultations:

Police – in context with the restrictions of the narrow site the proposal is generally well laid out with regard to safety and security of future occupants. The Crime Prevention Officer has given detailed guidance to the developer regarding the layout and has encouraged compliance with the “Secured by Design” award scheme.

Severn Trent Water – no objection to the proposal subject to the inclusion of a condition preventing the commencement of development until drainage works for the disposal of both surface water and foul sewage have been carried out.

9. Summary of policies most relevant: CDLP Review 2006 policies:

- ST12 - Amenity
- H20 - Lifetime homes
- H21 - Residential development – general criteria
- E12 - Renewable energy
- E15 - Contaminated land
- E26 - Design
- E27 - Community safety
- L3 - Public open space standards
- L4 - Public open space requirements in new development
- 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 principle of residential development on this site is acceptable given the surrounding residential land use. I am satisfied that a satisfactory living environment can be created in this location. The site is located within the city centre area which is convenient for regular bus services into the city centre along Abbey Street and Burton Road. The site is within easy walking and cycling distance of the city centre. The proposal indicates parking provision which is in excess of 100% and as the site lies within the city centre area and has good transportation links, this parking is considered adequate albeit somewhat tightly constrained. Bin storage is provided on site which falls within the requirement of the maximum man carry distance of 30

B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

metres from the public highway. The location of this bin store is acceptable but the size will need to be discussed with Waste Management. Access and egress arrangements for the site appear to be satisfactory. Activity would be shared between vehicles entering the site off Rosengrave Street and exiting onto Webster Street.

The heights of the buildings are proposed to be three storey. In the immediate vicinity there are mixed housing styles; terraced housing, semi-detached housing and three storey blocks of flats along Rosengrave Street. As such, I do not feel that a development of this scale and nature would be out of character in this location.

The rear elevation of Block B broadly aligns with the rear elevations of the properties on the southern side of Webster Street. This provides an acceptable distance of a minimum of 18.5 metres between principal windows with the properties on Harcourt Street. In addition, shrubbery and trees are to be planted along the rear parts of the site.

This resubmission includes amendments to the elevational detail on all elevations of both apartment blocks which I consider to be in keeping with the general design of the surrounding properties, especially those on Webster Street. A one metre gap between 18 Webster Street and the apartment block A is now proposed and the overall ridge height of block B has been reduced by 200mm.

The proposal involves the demolition of the existing printing works which will be relocated and the redevelopment of a brownfield site for residential purposes. Overall, the removal of industrial buildings from such close proximity to residential properties would be of great benefit to the locality. I have considered the points raised by the objectors, particularly in relation to the effect on the Harcourt Street properties (Nos 32 and 34) but have concluded that this revised scheme has no unreasonable overlooking issues into other residential properties and therefore on those grounds there are not sufficient grounds to justify a refusal of planning permission. This is an acceptable proposal in principle but I am somewhat uncomfortable with the design of the elevations. The previously reported application was refused at Committee for reasons that included the design being out of character with the appearance of the area. I am concerned that by trying to replicate "traditional" window and door details from the adjoining properties and putting them onto a much larger building mass simply is not the answer. The previous scheme had relief to its fenestration but was considered unacceptable. I do have my reservations about the design of this proposal but on balance, bearing in mind the existing use of the site and that the elevations are our to general public view, I would not wish to recommend refusal purely on design grounds.

B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

Accordingly I recommend approval subject to the conclusion of Section 106 Agreement to secure mobility housing and contributions to public open space provision and highway provisions.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.

B. To authorise the Assistant Director – Regeneration **to grant** planning permission upon the conclusion of the above S106 Agreement.

C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period, (5 August) consideration be given, in consultation with the Chair, **to refuse** planning permission).

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review 2006, and all other considerations indicated in 9 above. The proposal involves the redevelopment of a brownfield site for residential purposes. It is considered that the proposal would provide an acceptable living environment without detracting significantly from the residential amenity of neighbouring residents nor the character of the surrounding area.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 26 (exclude materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 20 (approval of landscaping scheme)
5. Standard condition 69 (cycle and motorcycle parking)
6. Full details of the proposed demolition of the printing works to be removed shall be submitted to and approved in writing by the Local Planning Authority before demolition commences.
7. Precise details of the control mechanism of the vehicular one-way system through the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved scheme shall be implemented in its entirety before any of the units are occupied.

B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

8. Elevational detail of the proposed gates shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
9. Standard condition 30 (hardsurfacing)
10. Details of the bin store shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
11. The development shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
12. Standard condition 22 (landscaping) (condition 4)
13. Standard condition 100 (contamination)

11.4 Reasons

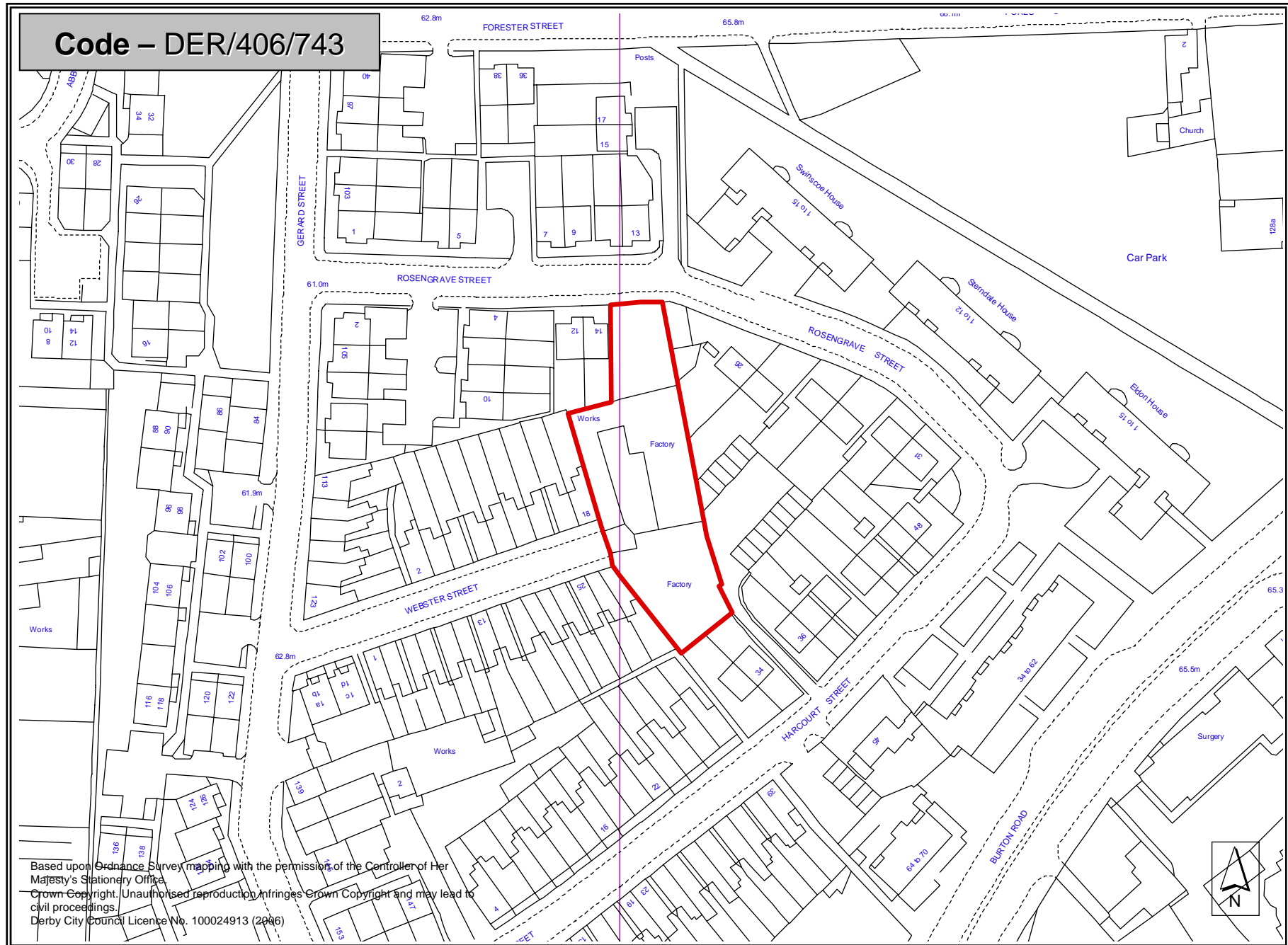
1. Standard reason E14...policy E26
2. The information supplied with the application is insufficiently detailed to approve materials...policy E26.
3. Standard reason E18...policy H21
4. Standard reason E18...policy H21
5. To encourage the use of alternative forms of transport...policy T4
6. Standard reason E07...policy H21
7. Standard reason E19...policy T4
8. Standard reason E14...policy E26
9. Standard reason E21...policy H21
10. No such details were submitted and to ensure that appropriate facilities are provided. (Note: The Council's Waste Management Unit will assist applicants with advice on compliance with the condition).
11. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
12. Standard reason E18...policy H21
13. Standard reason E49...policy E15

B1 APPLICATIONS (cont'd)

6 Code No: DER/406/743

11.5 S106 requirements where appropriate: Contributions are required for the provision of off-site public open space, highway provision to public transport and to the provision of mobility housing.

Code – DER/406/743



B1 APPLICATIONS (cont'd)

7 Code No: DER/206/315

Type: Outline (all
Matters reserved)

1. **Address:** Site of 142 Radbourne Street
2. **Proposal:** Residential development
3. **Description:** The application site is long and narrow, almost rectangular in shape. It covers an area of approximately 717 square metres and currently accommodates a single detached dwelling which sits to the north of the plot, close to the Radbourne Street frontage. The southern section of the site is laid out as mature garden and contains a number of mature trees. It is a relatively flat site that has fencing along its side and rear boundaries. To the south and east of the site are the gardens of semi detached dwellings fronting Westleigh Avenue and Radbourne Street. A public footpath extends along the site's western boundary and residential property sit beyond.

Although detailed drawings have been submitted with this application illustrating the siting of 10 apartments on this site, it is purely the principle of outline planning permission that is being sought to redevelop the site for residential purpose, with all matters reserved.

4. **Relevant Planning History:**

DER/390/419 – Extensions to dwelling house (garage, bedroom and en-suite bathroom), granted 11 June 1990.

DER/188/33 – Extensions to dwelling (study), granted 15 February 1982.

DER/182/32 – Two storey extension to dwelling (sun lounge and bedroom), refused 15 April 1982.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** Siting and design details are reserved for future approval, should outline planning permission be granted. Community safety issues would be considered as part of any detailed proposal.

5.3 **Highways:** To be reported.

5.4 **Disabled People's Access:** Would be addressed at reserved matters stage.

B1 APPLICATIONS (cont'd)

7 Code No: DER/206/315

5.5 Other Environmental: See section 8 for Arboricultural Officer's comments relating to the mature trees on the site.

6. Publicity:

Neighbour Notification letters	23	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Ten letters of objection and one letter of comment have been received in response to this planning application and they will be available in the Members' Rooms. The objectors express concern with regards to a number of issues but many relate to the detailed drawings that were submitted for illustrative purposes only. Objections raised make reference to:

- insufficient parking on the site leading to congestion and compromised highway safety on a road that is already busy
- the development would increase local traffic and lacks sufficient access for emergency services
- loss of security, privacy, light, view and open character of area for neighbouring properties
- lack of bin storage and private amenity space for future residents.
- it represents an overcrowded form of development which is out of character with the local area
- the buildings are of poor design
- inconvenience to local residents during construction and through an increase of vehicles accessing the site
- loss of trees resulting in a loss of wildlife
- insufficient information relating to site drainage

8. Consultations:

DCorpS (Health) - no comments

B1 **APPLICATIONS** (cont'd)

7 **Code No:** DER/206/315

DCommS (Arboriculture) - the trees on site are not of any particular merit and their removal and replacement within the landscaping may be a preferred option.

Severn Trent Water - no objection subject to a condition being attached to any permission being granted which requires the prior approval of drainage works for the disposal of foul sewage and surface water.

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

- T7 - Provision for cyclists (strategic cycle network)
- ST2e - Key planning objectives
- ST12 - Amenity
- ST7 - Waste reduction
- ST14 - Infrastructure
- H21 - Residential development - general criteria
- E26 - Design
- T4 - Access, parking and servicing
- E27 - Community safety
- H20 - Lifetime homes
- L4 - Public open space requirements in new development
- E12 - Renewable energy

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:** Given that the area surrounding this site is residential in character and the site currently accommodates a single dwelling, I raise no objections to the principle of residential use of this site. It is a large plot which I feel could accommodate a more dense form of development than it currently accommodates and continue to provide adequate parking provision and meet our space standards. However, given that this application has been submitted in outline only, I do not consider that any permission granted should establish the amount of units which are likely to be achieved on the site. Illustrative drawings have been submitted with the application which indicates the provision of 10 apartments in two separate blocks. It is these drawings which I feel has in part, raised concerns from local residents whose feelings appear to be that ten apartments would be too intensive for the site and out of character in this location. These are issues that are to be determined at the detailed reserved matters stage and are not for consideration as part of this application. The granting of outline planning permission on this site does not imply that the proposals

B1 APPLICATIONS (cont'd)

7 Code No: DER/206/315

detailed in those drawings would be acceptable in any subsequent submissions.

In these circumstances where no details are being approved, I feel that it is appropriate that any permission be restricted to a maximum of nine dwellings as there is no certainty that a greater number of units can adequately be accommodated on the site. This does not mean that 9 residential units should be accommodated upon it; it would merely set a maximum which can be achieved without a section 106 agreement needing to be secured as any more than 9 units would need to make additional provision for possible public open space, mobility and affordable housing and education and transport contributions. Any developer who would wish to contest this would have the opportunity to demonstrate that the site could accommodate a more dense form of development by applying for full planning permission.

11. Recommended decision and summary of reasons:

11.1 To grant outline 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 – 2006 and all other material considerations as indicated in 9 above and is an acceptable form of development in principle, in this location.

11.3 Conditions

1. Standard condition 01 (reserved matters)
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 21 (landscaping)
4. Standard condition 19 (means of enclosure)
5. Standard condition 38 (drainage)
6. This permission shall be for no more than nine dwellings, unless otherwise agreed in writing by the Local Planning Authority.
7. The siting design, layout and orientation of buildings shall have full regard to the need to reduce energy and water consumption.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E14...policy H21
4. Standard reason E09...policy H21
5. Standard reason E21...policy ST14

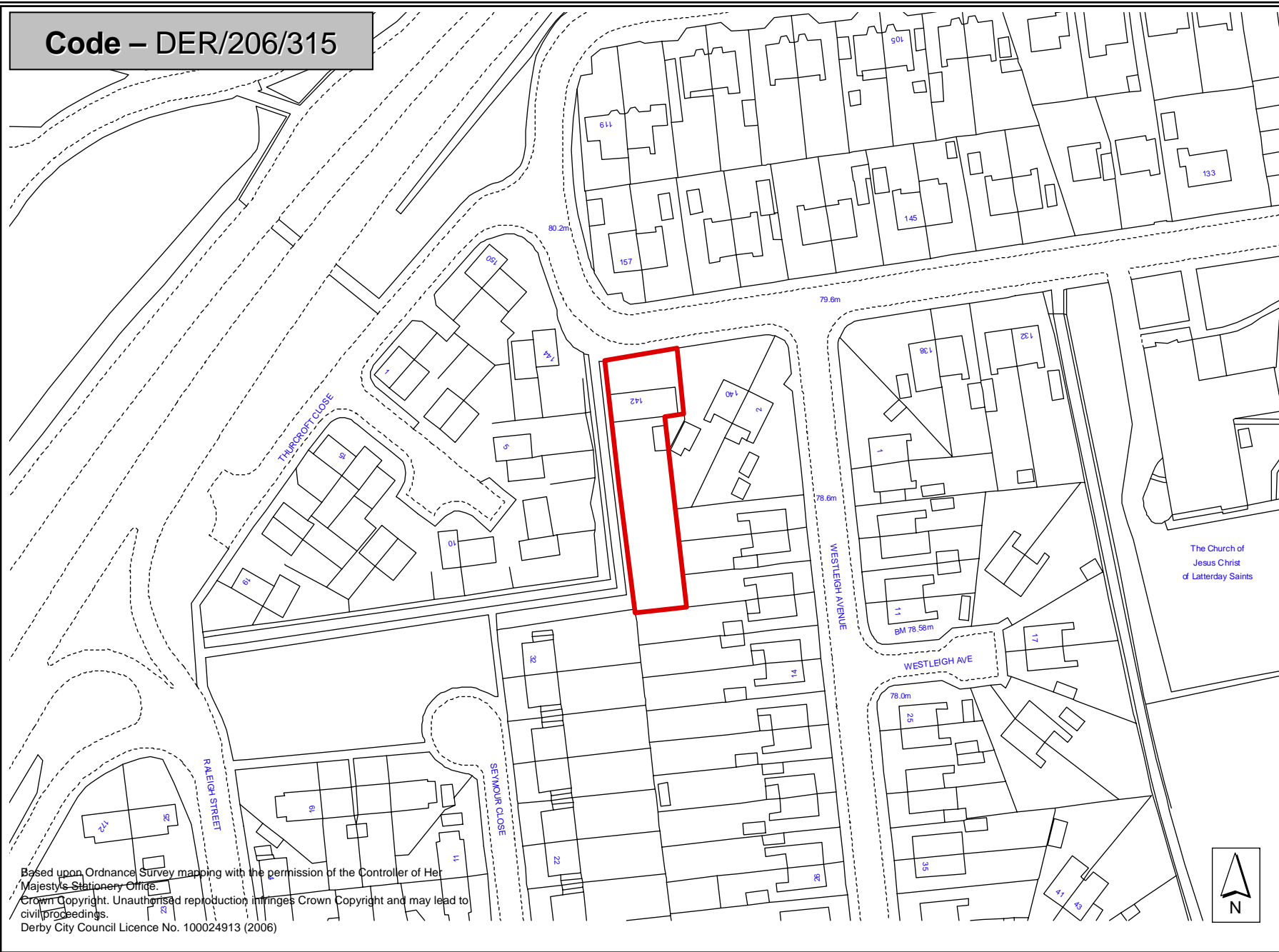
B1 APPLICATIONS (cont'd)

7 Code No: DER/206/315

6. The restriction does not imply the approval to any specific number, but beyond nine dwellings the development would need to make provision for facilities such as open space, mobility and affordable housing, transport and education in accordance with policies ST14, H20 and L4 of the adopted City of Derby Local Plan Review – 2006.
7. Dwellings that are south facing or have south facing roofs, having solar panels and/or wind turbines, and include water conservation measures will help to reduce energy consumption reducing pollution and waste....policy E12, ST2e and ST7.

11.5 S106 requirements where appropriate: Not applicable in this case

Code – DER/206/315



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B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/506/765

Type: Full

1. **Address:** 1st, 2nd and 3rd Floor, 15/16 Market Place
2. **Proposal:** Change of use of offices to form 12 apartments
3. **Description:** This application relates to the upper floors of the former Derbyshire Building Society building at Market Place in the City Centre Conservation Area and also within the city's archaeological alert area. The ground floor would remain as it is, currently used by BetFred and Nando's Chicken Restaurant.

The curved stone building is an attractive and prominent feature of the Market Place is visible from Cornmarket and Sadler Gate beyond. In particular it provides a visual end point to the view down Sadler Gate. Large scale windows are repeated around the building in a regular pattern, separate at intervals by imposing stone columns. At the 3rd floor, there are three balcony areas with windows set in behind. The name of the former occupant is fixed above the upper floor windows and is part of the character of this building.

The rear of the building is accessed via shared yard area servicing properties that back onto the yard. The Assembly Rooms car par is immediately beyond the yard.

The proposal would involve dividing each of the upper floors into four apartments, with habitable rooms positioned around the perimeter to take advantage of the large front elevation windows. The application does not propose any external changes.

4. **Relevant Planning History:** This building has a lengthy planning history including many minor proposals for small alterations. More recently a change of use for the current ground floor uses was approved in 2004 and advertisement consent applications for Nandos was granted in 2005. Unfortunately, the garish BetFred sign does not require advertisement consent.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The upper floors are currently vacant. They were most recently used as offices but I am satisfied that the proposed change of use would not unreasonably inhibit business opportunities in the area and it would bring residential use into a city centre location.
 - 5.2 **Design and Community Safety:** The proposal does not include any external changes. On this basis, I am satisfied that the change of use would not unreasonably affect the appearance and character of the building or Conservation Area. However, it will be very important to

B1 APPLICATIONS (cont'd)

8 Code No: DER/506/765

ensure that any changes in appearance are carefully considered. Because the development is for flats, there are no permitted development rights to alter the building and notes on any planning permission can stress this point.

5.3 Highways: No objections. It is accepted that in this city centre location a car-free development is acceptable although it is important that the applicant understands that there will be no option for on-street residents' parking in this area. Some secure cycle parking would be beneficial.

5.4 Disabled People's Access: The adjustments detailed in the access statement are welcomed. One apartment should be secured to the Lifetime Homes standard.

5.5 Other Environmental: The site lies within the flood zone 2 area and a flood risk statement is submitted. The Environment Agency has been consulted and raises no objection but recommends that Severn Trent Water be consulted so that drainage capacity can be considered.

6. Publicity:

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

7. **Representations:** I have not received any representations to this scheme.

8. **Consultations:**

DCC Archaeologist – awaited

Cityscape – awaited

DCS (Health – no objection but a noise survey should be required to assess the site against criteria of PPG24 (noise) and BS 8233:1999 so that noise mitigation measures can be recommended.

CAAC – no objections, but as implied approval to any future external alterations.

Police (CPTD) – there are concerns about non-provision of parking and the use of the rear yard which is already subject to anti-social

B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/506/765

behaviour. It would be desirable to gate this yard and to seek assistance to improve security of the Assembly Rooms car park.

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

- ST12 - Amenity
- STx2 - Flood protection
- ST9 - Design and the urban environment
- CC1 - City Centre Strategy
- CC2 - City Centre Shopping Area
- CC7 - Residential uses within the central area
- CC31 - Central Area Parking
- H20 - Lifetime homes
- H21 - Residential development
- E21 - Conservation areas
- E12 Renewable energy
- E24 - Archaeology
- E26 - Design
- T4 - Access, parking and servicing

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

10. **Officer Opinion:** This proposal is consistent with the key planning objectives to promote sustainable patterns and mixes of land use which reduce the need to travel. It complies with planning policy for the use of city centre buildings and as such is acceptable in principle. On this basis it is relevant to consider the proposal in terms of its impact upon amenities, including the impact upon the conservation area, an archaeological alert area, as well as provision of a satisfactory living environment.

Impact upon visual amenities, the conservation area and archaeological alert area

The application does not propose any changes to the prominent front elevation of the building and on this basis there are no significant design issues to consider. If planning permission is granted and subsequently changes are proposed to the exterior of the building, these would require planning permission and would need to be judged in terms of impact upon the special architectural historic interest of the City Centre Conservation Area.

With respect to the archaeological alert area, I await comments from the County Council's archaeologist, however, since the proposal does

B1 APPLICATIONS (cont'd)

8 Code No: DER/506/765

not include any new buildings or hard-surfacing, I do not anticipate any problems in this regard.

Impact upon amenities of neighbouring properties and creation of suitable living environment

Neighbouring properties are business premises including a betting shop, restaurant, retail unit and the Assembly Rooms and its car park. Although the proposed use would introduce a living environment into this area, I do not think that it would unreasonably affect or inhibit local business activity. Residents in this city centre location would be aware of the proximity of accommodation to local business. With respect to the office/shop based uses, I consider that any potential conflict would be avoided as the apartments will tend to be occupied at the beginning and end of the day in contrast with the businesses which would operate during normal working hours. The restaurant at the ground floor level of the building is an exception to this and the two uses could potentially conflict. However, I do not think that the relationship would be unacceptable. The restaurant has an extraction flue at the rear of the building that should deal with cooking smells. There would be some noise from this and other food, drink and entertainment venues nearby but a degree of noise would be expected within this city centre location and I am satisfied that the resulting living environment would not be unreasonable, particularly since residents would be buying into a situation where neighbouring uses are already in operation and evident to prospective purchases/tenants.

The proposal would not include, or have the potential to include any dedicated off street parking. The Assembly Rooms car park is nearby and residents who choose to could utilise this public facility. Comments on the parking and access elements of this scheme are given in section 5.3 of this report and I am satisfied that in this location, the proposal is acceptable.

I have considered Police concerns about the security of the rear access yard and whilst I accept it would be desirable to improve security of the area, I do not think it would be reasonable to require the applicant to gate an area that is shared with other commercial users. Residents are not compelled to use the rear yard access with the main front door access being from Iron Gate and I would anticipate this being the most regularly used access/exit. Should there be a need to improve security in the rear yard area, the Council as part owner and operator of the Assembly Rooms and car park would be more appropriately placed to pursue these objectives.

B1 APPLICATIONS (cont'd)

8 Code No: DER/506/765

In view of the above, I am satisfied that the proposal would create a satisfactory living environment without unreasonably hindering the amenities of neighbouring properties.

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 is an acceptable use in this city centre location that can be implemented to provide an adequate living environment without unreasonably affecting the visual amenities or business activity of the area.

11.3 Conditions

1. This permission relates solely to the change of use and does not include any alterations to the exterior of the building
2. Development shall not be brought into use until details of secure cycle parking have been submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing.
3. No development shall take place; until a noise survey has been carried out assessing the site against criteria contained in PPG24 and BS 8233:1999 and making recommendations for noise mitigation measures. This survey and recommendations shall be submitted to, and agreed in writing by the Local Planning Authority and the scheme shall be implemented in accordance with the agreed details.

11.4 Reasons

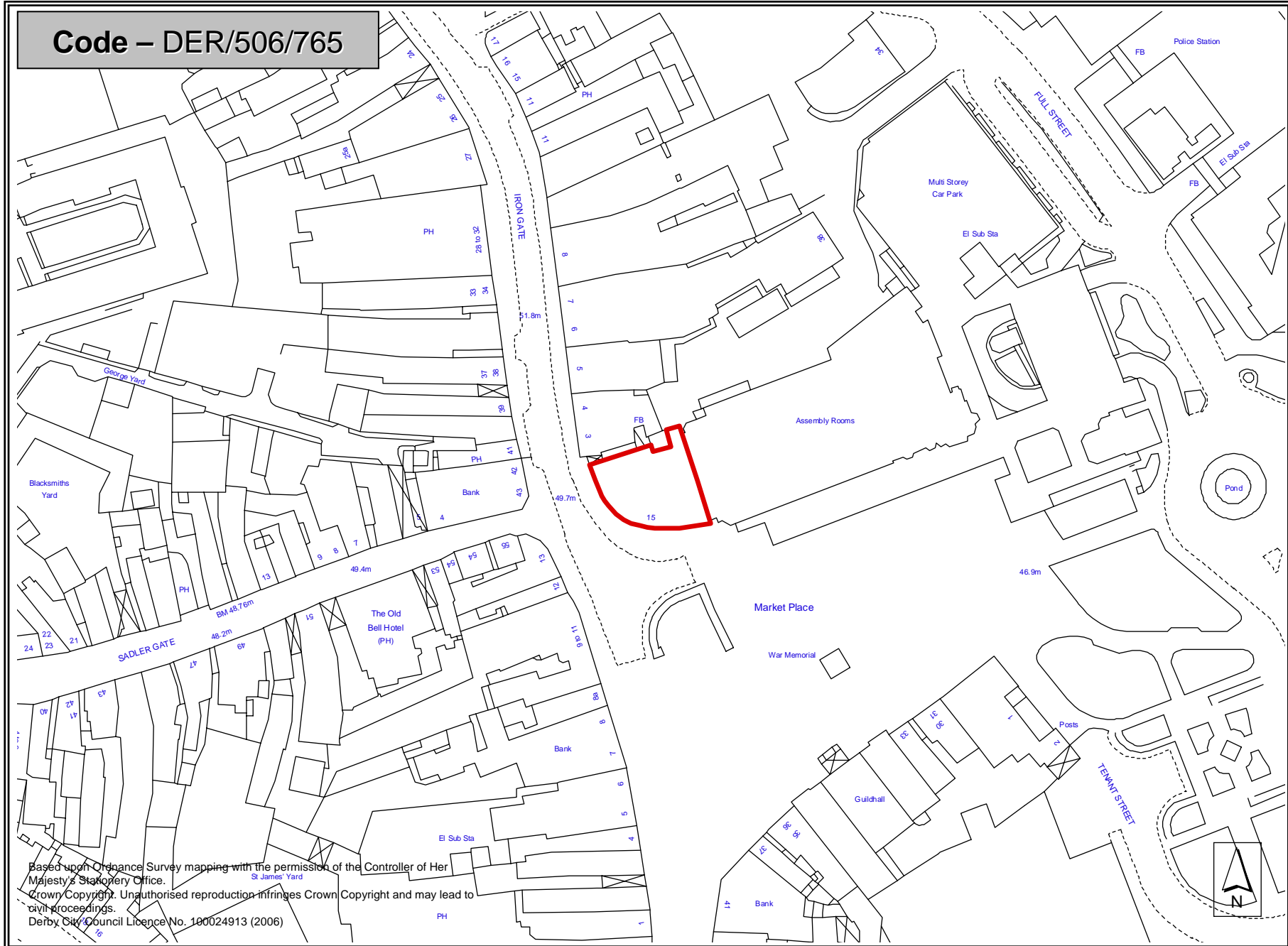
1. To ensure that the visual appearance of the building, the front elevation of which is visually important and a critical part of the character and appearance of the conservation area at this point, is not adversely affected and in accordance with policy E21 of the adopted City of Derby Local Plan.
2. Cycle parking would be beneficial in the in the interests of encouraging travel other than by the private car....policy T4.
3. In order to ensure that an acceptable living environment is created....policy H21.

B1 APPLICATIONS (cont'd)

8 Code No: DER/506/765

11.5 S106 requirements where appropriate: Lifetime Homes, incidental open space/public realm.

Code – DER/506/765



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B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

Type: Full

1. **Address:** Sinfin Community School Farm House Road, Sinfin
2. **Proposal:** Erection of replacement classroom buildings together with ancillary accommodation. (Retrospective application)
3. **Description:** Members of the Committee will be aware of the severe fire that badly damaged a large portion of the teaching accommodation at Sinfin Community School a number of weeks ago. This application is for replacement of the damaged buildings with temporary emergency accommodation to enable the school to re-open as quickly as possible. Members may also be aware that the school authorities have already put into place most of the accommodation that is applied for in this application and the school has now reopened for use with pupils retuning to class a week or so ago. This work has gone on ahead of planning permission being granted for the proposal, but in the circumstances, with the disruption to the children's education to be born in mind and the approaching examination season imminent, the need to implement a temporary fix as quickly as possible was seen to be expedient in this exceptional case.

The proposals include the provision of 3,800 square meters of teaching and ancillary accommodation to replace that lost in the fire. In detail the temporary accommodation includes the following:

- the major element comprising a two storey portacabin complex with a U shaped footprint sited on the existing hard court area located on the playing fields. This will provide approximately 1443 square meters of teaching space on the ground floor providing 16 classrooms, main entrance foyer and deputy heads office. At first floor level they will provide a further 16 class rooms together with some ancillary accommodation. I understand that the complex has already been used in Nottinghamshire to fulfil a similar role to that which it is now fulfilling at Sinfin Community School
- a combined drama room and male and female changing rooms contained in a single, single storey unit with a footprint measuring 29 meters by 10 metres located close to the existing gymnasium, which was undamaged by the fire
- a combined administration block and dining room in a single storey unit with a footprint measuring 30 metres by 10 metres. This is placed on land that has been vacated by the removal of a previous temporary building, specifically to accommodate the proposal building

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

- five toilet blocks including a disabled persons toilet, two male and two female toilets
- with the exception of main teaching block which is set on the lower level of the playing fields all of the other buildings are located close to the original main complex that remains
- there is a proposal to provide 6 new parking spaces to replace some that are being used as the site of one of the toilet complexes
- it is also planned to reposition the existing bicycle shelter which was only recently installed
- a wooden compound has also been installed on the playing field area close to the main teaching complex with four metre high wooden fencing enclosing a temporary generator which is intended to supply the necessary power required to operate the main temporary teaching block
- finally it is intended to provide a replacement hard surface play area on the playing field measuring approximately 74m by 77m, to provide replacement sports facilities sufficient for 10 tennis courts.

4. Relevant Planning History: None relevant to this proposal.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: As members will understand the design of all of the temporary buildings is of secondary consideration in this emergency and all the buildings are essentially functional rather than of architectural merit, nevertheless they are bland rather than obtrusive.

5.3 Highways: There are no highways implications therefore there are no objections.

5.4 Disabled People's Access: The Disabled Access Officer has agreed somewhat reluctantly to accept an Access Statement for a school management procedure to be adopted in the event that the school has any disabled pupils or staff or disabled visitors.

5.5 Other Environmental: The proposal has required the removal of a number of small trees within the site close to the existing buildings.

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

These trees were relatively small and not readily visible from the surrounding highways.

Land Drainage – Raise no objections to the proposal provided that surface water does not discharge into a watercourse.

6. Publicity:

Neighbour Notification letter	66	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: None.

8. Consultations:

Arboriculture - the loss of a few small trees within the courtyard area of the school has been accepted as being regrettable but expedient in the circumstances where priority has been given to returning the school to some degree of normality in very difficult circumstances. In relation to the formation of six new car parking spaces, it is advised that the nearby willow tree should be pollarded to ensure its stability.

Police liaison - it is very difficult to design out crime on 2 storey Portacabins with their basic square layout and permeability despite the containment fencing. There are many vulnerable but essential fire escapes and thus entry points from the first floor. There is very little to say about planning issues, but if a room is to be used for Information Technology and high value equipment is to be installed then it would be better suited to the first floor to reduce the risk and ease of removal of the equipment.

Disabled Access Officer - has agreed somewhat reluctantly not to insist on having fully compliant disabled access provision for the main teaching block on the lower playing field level. He has agreed to accept an access statement which sets out the policy that the school intends to adopt, in the event that disabled staff or pupils join the school or if disabled visitors need to access the lower site. The cost of providing fully compliant disabled access ramps is considered to be prohibitive for the relatively short period of use that the temporary classrooms are likely to be needed.

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

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

- LE1 - Educational Uses,
- L1 - Protection of Parks and Public Open Space.
- L3 - Public Open Space Standards

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

- 10. Officer Opinion:** Committee will be aware of the serious fire that occurred at the school in spring of this year and I am sure that they will understand the urgency with which the school authorities have had to act to secure replacement facilities to get the school back up and running to ensure continuity of education and minimum disruption to the pupils. To that end the proposals have, to a great extent, been superseded by events on the ground. All of the proposed temporary buildings are now in place and I have recently received revised plans that are an accurate portrayal of the precise siting of each of the buildings to account for minor differences from the positioning shown on the originally submitted plans. Certain elements of the proposal do still remain to be implemented and other elements have been added to the original set of proposals which have not undergone full scrutiny of the consultation procedure.

The items that remain to be implemented are:

- the construction of the new hard court play area. The position for this has been revised in the amended plans
- the provision of six new car parking spaces
- the relocation of the bicycle shelter.

The item added late is the provision of a generator and fuel tank and enclosure.

The formation of a compound by the erection of a 4 metre high fence to accommodate and secure an electricity generator and diesel fuel tank was not part of the original proposals. As this is a recent addition to the set of proposals and has not been subjected to scrutiny by consultees I have not considered this to form part of the application. I advise that this is to be considered under a completely separate application in the near future. It is sited 7 metres to the west of the main replacement classroom complex on the playing field. The generator has been hired for a period of 12 months in anticipation of the provision of a new substation for the proposed rebuilt school. The generator and fuel tank sit on a concrete raft and are unbunded.

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

I have two concerns over the compound. Firstly, there is a fuel storage tank within the compound. This has not been assessed for safety or environmental acceptability. Secondly the generator may make a significant level of noise which could be distracting to pupils being so close to the class rooms. I will address these matters when the anticipated future application is received.

The principle planning considerations in this case are

- The impact of the proposal on neighbouring amenity
- The loss of playing field
- Loss of trees

The principle of the use

It is self evident that the principle of the use of the land for a major educational facility is clearly established by the history of the site and the historic and continuing existence of the school on the site. The proposal clearly complies with policy LE1 for Educational Uses.

Highways implications

The temporary replacement of the destroyed buildings will not result in any increase to the numbers of pupils attending the school or the numbers of staff required as it is a straight forward replacement. The proposal should not therefore have any significant impact on traffic generation or any of the detrimental affects that accompany an increase in traffic. There are therefore no long term traffic impacts to consider. Construction traffic has accessed the site from an existing access on Farmhouse Road across a temporary roadway laid across the lower playing fields. Construction traffic for the temporary buildings can be expected to reduce to nothing once the site returns to function as a school.

Siting and design

The siting of the main teaching block on the existing hard surface play area on the lower playing fields, is in my view the most appropriate position for the temporary buildings. In this position it has negligible impact on other neighbouring occupiers, has no impact on the privacy and outlook from neighbouring residents and will not increase the levels of noise and disturbance previously experienced by the nearby residents. This siting leaves the main site relatively clear for future rebuilding with minimal disturbance to classrooms within the replacement teaching block during the course of construction. The siting of the smaller units; office/dining room, changing facilities and

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

drama room as well as the toilet blocks, are principally within the confines of the remaining permanent buildings on the site and away from residential areas so will have little off site impact.

The design and external appearance of the buildings is inevitably functional rather than visually interesting or attractive. Nevertheless the buildings are acceptable for a temporary period and the silver-grey exterior helps to reduce their visual impact. The siting on the lower playing field of the main two storey block and its 150 metre distance from the nearest public highway of Farmhouse Road significantly reduce the impact of the buildings on the streetscene.

The smaller units have a similar exterior appearance to the main block but most are well screened from public view. As the proposal is only intended as a temporary expedient for two years I consider that the visual appearance and design of the buildings would be acceptable.

Affect on the playing fields

The siting of the development on the hard surfaced play area initially gave rise to an objection from Sport England, however once they were made aware of the special circumstances involved and the emergency nature of the proposal, they withdrew their objection subject to the imposition of conditions requiring the removal of the temporary buildings once the temporary use is no longer required and the land being restored to playing field use.

Trees

The siting of the main building on the lower playing field has avoided the need to affect many of the trees on the site. Unfortunately the siting of some of the other buildings has had to be at the expense of a few small trees close to the sports hall and dining room. Although this is regrettable the trees were relatively small in stature and were not particularly significant features in the wider area.

The proposed location of six replacement parking spaces at the end of the internal road system would possibly conflict with the location of two more substantial trees closer to the highway boundary. I am advised by my arboricultural colleagues that it would be prudent to pollard the willow tree closest to the parking area, to ensure its stability and to reduce the risk of branches being shed and resulting in damage.

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

Disabled Access

It should be necessary for all of the main buildings to be made accessible to disabled people and I believe that this would be achievable for the single storey buildings on the upper level. On the lower playing field level however there is the problem of the change in levels to be contended with. The original proposal to provide a ramped access would be very costly and if it were only to be required for a two year period this would not be cost effective. An alternative proposal to install bridges would also be costly, and would possibly result in a problem of emergency escape for wheelchair users on the first floor. The school authorities tell me that at present there are no wheel chair users in the school and that any expenditure to make the lower site accessible may result in an expensive but unused facility. They have therefore suggested that we accept an undertaking in the form of an Access Statement with a number of alternative strategies should a future pupil or staff member be a wheelchair user. These include use of existing but substandard pathways with the assistance of class mates, construction of a new compliant ramp or bridge should the need arise or the provision of external stair lift to the newly constructed stairs. Visitors in wheel chairs will be accommodated in alternative venues in the existing building which are already accessible to wheelchair users. I have discussed this with the disabled access officer and building control division who in the circumstances are willing although reluctantly to accept this statement and the assurances.

Conclusion

Although the proposals do not result in ideal circumstances in which to deliver education to the pupils nor an ideal place in which to work I am sure committee will agree that in view of the exceptional circumstances the proposals are acceptable. Despite the proposal being implemented in advance of planning permission I have no overriding objections to these proposals

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 considerations indicated at 9 above. In the emergency circumstances of this case it is considered that the proposal would provide an acceptable form of development for a temporary period in terms of siting, design, residential amenity, highway impact affect on trees and impact, on sports grounds provision.

B1 APPLICATIONS (cont'd)

9 Code No: DER/406/701

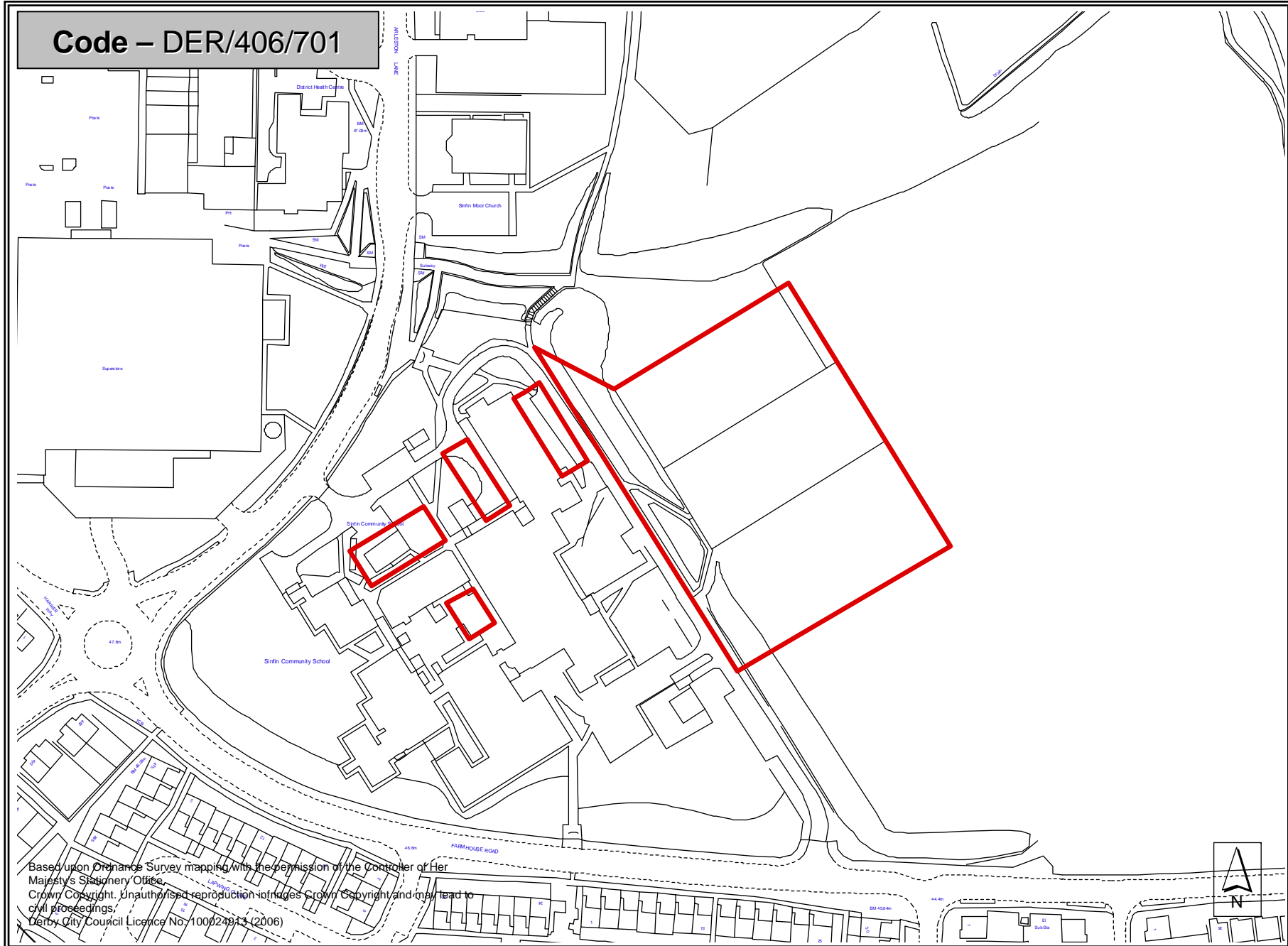
11.3 Conditions

1. Standard condition 09A (revised plans No. 155/P1 Revision C) received 21 June 2006.
2. All the temporary buildings that form part of this proposal shall be removed from the site and the site restored to its former condition by the commencement of the Autumn Term in September 2008. Specifically, the hard court area that is being used for the siting of main class room block shall be restored to sports playing surface unless otherwise agreed in writing with the Local Planning Authority.
3. The siting of the generator and fuel tank and the provision of the concrete base and security compound are specifically excluded from this permission.
4. Disabled access arrangement to the main teaching block shall be carried out in accordance with the Access Statement submitted by the School Authorities on 8 June 2006. This would include the provision of Building Regulation compliant ramps or provision of a stair lift if a wheel chair user is employed or admitted as a pupil over the period that the lower site class rooms are in use as part of the main school accommodation.
5. The willow tree standing immediately to the east of the proposed six car parking spaces shall be pollarded in accordance with good arboricultural practice prior to the formation of the car parking spaces.

11.4 Reasons

1. Standard reason E04.
2. The proposals are a temporary expedient only considered to be acceptable because of the exceptional circumstances of this case and the retention of the temporary buildings should only be permitted until permanent and well designed replacement buildings are in place and available for use.
3. The siting of the generator and fuel tank and the provision of the concrete base and security compound did not form part of the original proposals and have not been properly scrutinised for their acceptability.
4. Standard reason E34
5. In the interests of safety and tree health

Code – DER/406/701



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B1 APPLICATIONS (cont'd)

10 Code No: DER/606/928

Type: Full

1. **Address:** Da Vinci College, St Andrews View
2. **Proposal:** Erection of 20 m high telecommunications mast and equipment cabinet
3. **Description:** At the 24 November 2005 meeting planning permission was granted for a 20m telecommunications mast and equipment cabinet for 02 to replace the existing installation on top of the school buildings which are to be demolished. That submission also indicated a second mast to replace the other existing installation on the school roof top for Orange. This current application now seeks planning permission to erect the second mast. My report to that Committee is reproduced for Members information.

This current proposal is in the location indicated in the previous submission and with a similar mast but with details of the cabinets. The mast has three antennae at the top with 2 dish antennae below. The 6 cabinets are located next to the 02 compound as an extension to it and they and the mast are enclosed by a 1.8 metre high palisade fence identical to that at the 02 compound. The cabinets have a length of 8.2m, width of 3.5m and height to match the fence. The mast and cabinets are coloured light aircraft grey.

4. **Relevant Planning History:** The current redevelopment of the school was granted permission under DER/504/889 and DER/1003/1828.

Various notifications for the installation of roof-mounted telecommunications equipment and alterations to the equipment have been submitted between 1996 and 2001. No objections were raised to these notifications.

Residential development of part of the school grounds was most recently granted under DER/200/145.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The mast is designed to be capable of accommodating floodlights and is slightly thicker than would otherwise be necessary. Whilst it will be visible, the mast is a sufficient distance from nearby properties and will not, in my view, unreasonably affect visual amenities.

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/923

5.3 Highways: No comment.

5.4 Disabled People's Access: None.

5.5 Other Environmental: The applicant has confirmed that the installation will meet ICNIRP guidelines.

6. Publicity:

Neighbour Notification letter	102	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received two representations on the following grounds:

- Mast sharing – should share the 02 mast
- Coverage
- Lack of alternatives considered – reference is made to a similar installation at Springwood Leisure Centre
- Visual impact of a tall mast on this environmentally interesting area
- Health issues
- Loss of property value

The letters/emails are reproduced.

8. Consultations:

DCorp S (Health) – to be reported

9. Summary of policies most relevant: E31 – Telecommunications

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

10. Officer Opinion: This apparatus is a replacement for that on top of one of the college buildings. Unless the installations can be replaced, the old college buildings will be retained and the installations will continue to function. The main difference between the roof top and ground installations is of course the precise location and visual impact. The previous decision established the principle of replacing the existing roof top installation on the ground, and alternative provision is not in this case so relevant. The main consideration now is the intended presence of the two masts together on the ground.

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/923

In this case site sharing has occurred and I consider that two masts are more easily visually acceptable than one taller mast in this location. As indicated previously, the nearest residential properties are some 60m away.

The applicant has declared conformity with the ICNIRP guidelines and PPG8 advises that whilst health considerations can be a material consideration, local authorities should not pursue this aspect when such certificate is submitted.

Property values are not relevant considerations.

As indicated, the principle of replacement was accepted with the previous application and I see no valid reason not to grant permission.

11. Recommended decision and summary of reasons:

11.1 To grant permission.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies, and other material considerations as summarised in 9 and it is considered that the replacement masts will comply with the criteria in policy E38 of the adopted local plan and national policy guidance contained in PPG8.

Code – DER/606/923



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