

A DEVELOPMENT BY THE CITY COUNCIL

1 Code No: DER/01/07/00193

Type: Reg 3

1. **Address:** Derby Moor Community School, Moorway Lane, Littleover
2. **Proposal:** Erection of Special Needs School
3. **Description:** This Regulation 3 application seeks permission for the erection of a Special Needs School at Derby Moor Community School, Moorway Lane. Vehicular access would be from the existing school entrance to a circular driveway adjacent to a surface parking provision of 74 spaces. The existing school building would be retained, with the new access road around it. The proposed new school would be situated to the rear of that building, and to the north of the existing school buildings. To the north and west of the application site are extensive playing fields, and the proposed building would be more than 90 metres from the nearest houses that front Moorway Lane.

The proposed building is single storey in character, and would be fully accessible both externally and internally. It is essentially three sided, around a contained outdoor area. To the south it will virtually blend into the existing school building. The proposed building would provide extensive indoor and outdoor facilities for children with all forms of special needs, and would be a major education facility to serve the whole city. The site of the building is slightly elevated, but the relatively low height of it, and the distance from houses in Moorway Lane avoid any overlooking/noise issues.

This proposal has already been the subject of extensive discussions between officers and Members, and is proposed as a replacement facility for Ivy House Special School. Pupils attending would have profound learning difficulties and in some cases complex life limiting medical conditions.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The proposal will provide employment opportunities.
 - 5.2 **Design and Community Safety:** It is unfortunate that the entrance to this new facility is dominated by car parking – but this is an essential requirement given the specific needs of the students and the building has been laid out with their specific requirements in mind I therefore have no objections to raise.

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5.3 Highways: To be reported. The proposal may have traffic generation implications, and the Highways Officer will be present at the meeting to elaborate.

5.4 Disabled People's Access: As would be expected considering the end users, the proposed development is fully accessible, both internally and externally. This proposal can only enhance the educational needs of the students attending, many of which have complex needs.

5.5 Other Environmental: Trees adjacent to the site are likely to require a degree of protection, while building works take place.

6. Publicity:

Neighbour Notification letters	17	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	*
Other			

7. Representations: I have received three letters of objection, and these ... are reproduced. The primary concern would seem to be with traffic generation. Any further representations will be reported at the meeting.

8. Consultations:

Env.Services (trees)
Env Services (Health)
Police ALO
Sport England } to be reported.

9. Summary of policies most relevant: CDLP Review 2006

GD4 - Design and the urban environment
GD5 - Amenity
E10 - Renewable Energy
E23 - Design
E24 - Community Safety
T4 - Parking and Access
E17 - Landscaping Schemes
L6 - Sports Pitches and Playing Fields
E9 - Tree Protection

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

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- 10. Officer Opinion:** This is a very welcome proposal that has come about following extensive officer involvement plus pre application discussions with Sports England.

I am fully satisfied that the location of this proposal within the curtilage of the existing school is quite appropriate. The relatively low key nature of the proposed building is such that I am satisfied that the operation and position of the proposed special school would have no adverse effects on the amenities of nearby residents in Moorway Lane, West View Avenue and Harpur Avenue. There is an adequate provision for car parking proposed, and the two sports pitches that would be lost will be replaced elsewhere within the curtilage of the school. This matter has been discussed in full with Sport England, and their formal comments will be reported at the meeting.

The primary concern of the objectors is that of traffic generation, traffic movements and parking on the highway in and around Moorway Lane. There are no major highway objections, but the Highways Officer will be available at the meeting to respond to any concerns that Members may have. Increasingly in recent years, most schools have given rise to considerable traffic movements at certain times of the day, and this particular social shift is a nationwide phenomena. This current proposal is designed to allow for the easy movement of vehicles within the site, with a good provision of surface parking to meet the specific needs of the students.

To conclude, I welcome this proposal for this important facility that will be of great benefit to the community as whole.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission under Regulation 3, 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 2006 and all other material considerations in 9 above. The proposal has been considered in respect of the amenities of nearby residents and the impact on the locality of the increase (if any) of traffic generation. In principle the use is appropriate within the curtilage of an existing school.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 20 (landscaping)
3. Standard condition 22 (landscaping maintenance)

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4. Standard condition 19 (means of enclosure)
5. Standard condition 30 (hard surfaces)
6. Standard condition 38 (drainage)
7. Standard condition 94 (cycle/motorcycle parking)

8. The approved building shall not be occupied, until replacement sports facilities are in place and available elsewhere within the curtilage of Derby Moor Community School.

9. Standard condition 24A (tree protection)

10. The construction of the buildings shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved buildings are occupied.

11.4 Reasons

1. Standard reason E14....policy E23
2. Standard reason E18....policy E17
3. Standard reason E18....policy E17
4. Standard reason E14....policies E23 and GD5
5. Standard reason E14....policy T4
6. Standard reason E21
7. To encourage the use of alternative modes of transport....policy T4

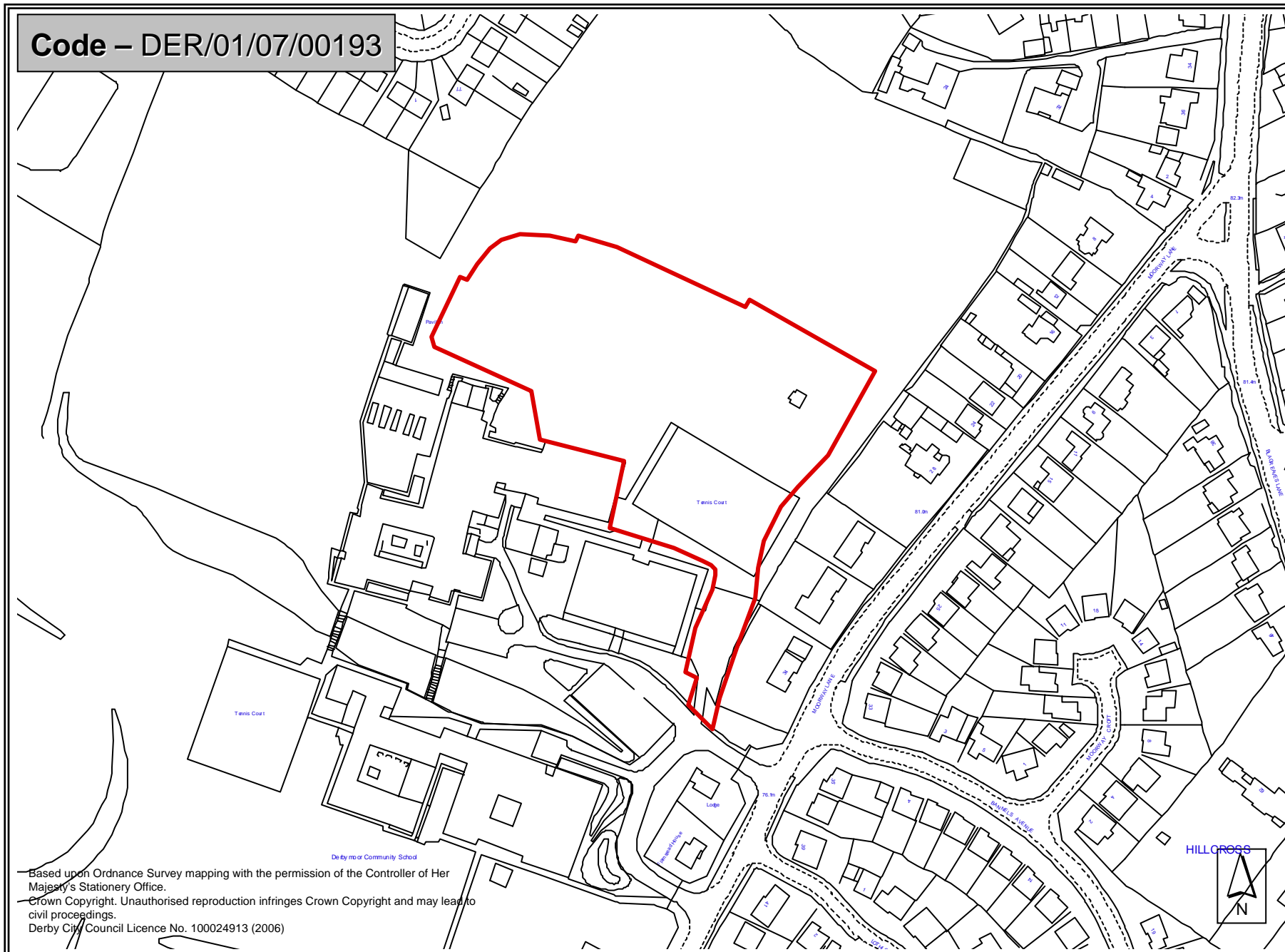
8. In order to retain the existing provision of sports pitches, within the overall curtilage of the school....policy L6

9. Standard reason E24....policy E9

10. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measure, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

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2 Code No: DER/12/06/01905

Type: Full (Reg 3)

1. **Address:** Sinfin Community School, Farmhouse Road, Sinfin
2. **Proposal:** Erection of school, vocational training centre, floodlighting, wind turbine, formation of pedestrian access and landscaping.
3. **Description:** This planning application is for the building of a replacement secondary school at the Sinfin Community School. Members will be all too aware of the catastrophic fire that took place on the 22 March 2006 that destroyed a large part of the original school's teaching facilities. These were replaced as a temporary measure by temporary buildings that were located on the school playing fields, granted planning permission last summer.

The school authorities originally intended that only the damaged buildings were to be replaced using the insurance monies. This would have seen the damaged parts of the building rebuilt in their former location but to modern building standards, the whole school remaining much as it did before the fire. However the school is part of a government nationwide initiative to completely replace aging schools as part of the Building Schools for the Future (BSF) programme. Sinfin School was not scheduled to become part of this initiative until 2010 at the earliest. However, as a result of the fire and the necessary rebuilding works required to replace the lost facilities, this had enabled Derby City Council, together with the Department for Education and Skills, to allow the Sinfin School to be treated as a priority to negotiate a rescheduling of the BSF funding. This gave approval for a complete replacement school to be built under the BSF programme with immediate effect.

The existing Sinfin Community School is an 11-16 year old 7 form entry secondary school of approximately 1050 pupils. There is a permanent teaching, administrative and support staff of approximately 90 people with a further 100 part time staff which includes catering and visiting staff. It intended to completely replace this school. This in itself should have a neutral impact on traffic generation. However, in addition, it is intended to add a Vocational Training Unit to the site using an existing building which is to be retained. This would serve up to 120 additional students and eight additional staff, which would have some impact on traffic generation.

The existing school occupies a site that lies close to the Sinfin District centre on a prominent corner site bounded by Arleston Lane to the west and Farmhouse Road to the south. The district centre, dominated by the Asda Superstore, lies immediately to the west, on the opposite side of Arleston Lane; a large housing estate lies to the south on the opposite side of Farmhouse Road. To the immediate north of the site

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lies Sinfin Moor Church and allotments with a footpath running through undeveloped land. To the east beyond a line of trees lies scrub and agricultural land. The scrub lands forms part of a locally designated wildlife site called Sinfin Moor Lane meadows, Sinfin Moor Stream and Sinfin Moor Park. There are no buildings that share a boundary with the site.

The site, which has a total area of approximately 9.6 hectares, has two distinct characters. The school buildings occupy an elevated plateau at the western part of the site with all of the permanent buildings and parking and circulation areas including the main pedestrian and vehicular access to the school onto Arleston Lane. Secondary pedestrian and vehicular access open out onto Farmhouse Road on the southern boundary of the site. This part of the site has a strong boundary defined by a tall hedge that runs along the highway frontages. These all occupy approximately 3.16 hectares of the site.

The eastern end of the site which is set on a lower plateau is dominated by playing fields and hard surfaced sports courts. The upper and lower levels are divided by a steep man made bank with a difference in levels of between 2-4 metres. The hard surfaced courts are currently in use as the base for the temporary teaching accommodation pending the rebuilding of the facilities lost in the fire. The playing fields are essentially a flat expanse of grass extending from Farmhouse Road in the south to the northern boundary of the site with the scrub land, and as far east as the eastern boundary of the site. These are bounded by metal railing fences. The playing fields occupy approximately 6.4 hectares of land.

The replacement school buildings would be built at the western side of the site on the raised plateau, where the existing school buildings now stand. It is intended that the school continues to operate during the course of redevelopment with the remaining buildings on the top plateau remaining in use whilst the new building takes shape.

It was considered, in consultation with council that there were distinct advantages to rebuilding on the upper plateau in the same location as the original school buildings these include:

- construction on the area of land least at risk from flooding
- retention of the existing relationship with surrounding development
- providing the best opportunity to re-use parts of the school that were undamaged by fire, where suitable. (This includes the sports

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hall and re-use of the existing library as a new vocational skills centre)

- retention of existing and shortest pedestrian links to pupils homes, bus stop, subway and pedestrian crossing to Arlestone Lane
- re-use of existing services infrastructure. Retention of existing vehicular access onto Arlestone Lane
- retention of and use of the existing playing field during redevelopment.

This approach has presented certain challenges of design and construction:

- restricting the land available for the new development whilst keeping the existing buildings in use as long as possible
- the ability to construct the new building with the existing buildings remaining occupied
- ensuring that the final design would be cohesive and meaningful once the old school buildings are removed.

This approach does mean that the rebuilding will have to be phased.

The Design

The buildings will be designed to provide a multi-hubbed arrangement to accommodate the school's main subject area of:

- Science
- Humanities
- Design and Technology
- Art
- Music
- PE
- Modern foreign languages
- Maths
- English

This hubbed arrangement will allow the school to reform the learning structure and environment within the school adopting a pastoral method of hierarchy in "house" type structures rather than by age. Each house occupying and taking ownership of one of the hubs.

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The hubs are created by similar shaped tapering units two storeys in height set either side of a central single storey circulation area. For the main part the hubs appear as two rectangular block set at an angle to each other creating a triangular space between class rooms overlooked by balconies at first floor level. This space is to be naturally ventilated and top lit via roof lights.

Externally the hubs have the appearance of rectangular blocks set at an angle to each other, constrained between rectangular block work walls giving a book-end appearance, with ribbon windows which are separated between ground and first floor levels by horizontal cladding. The roofs over the class rooms are generally of a low mono-pitch, almost flat roof construction, with a standing seam roof.

The orientation of the hubs has been arranged to face either north west to north east, or south east to allow good light levels deep into the classrooms but to prevent overheating. The arts hub is treated differently with south facing aspect that over-looks the outdoor “social area” which lies between the buildings and Farmhouse Road. A play ground is also proposed immediately adjacent to the boundary hedge fronting onto Farmhouse Road.

The existing sports hall is to be retained for that use and an extension added to form equipment storage areas.

The existing library which stands on its own on the Farmhouse Road frontage is to be retained and extended to be used as a new Vocational Training Centre. The school has specialist status in Design and Technology which has resulted in the school having closer links with the wider community, and with industry and manufacturers in the area. The Vocational Training Centre will allow more practical skills to be taught to 14-19 year olds both from the school and from the wider community. This would accommodate an estimated 120 additional students and eight full time staff.

Parking provision is to be situated close to the frontage with Arleston Lane taken from the existing vehicular access onto that lane. The submitted plans indicate parking for a total of 71 cars including four disabled persons parking places and 13 spaces associated with the Vocational centre.

An area would be set aside for motor cycle parking and existing school cycle parking sheds will be relocated close to the Arleston Lane highway frontage.

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The main vehicular and pedestrian accesses will be on Arleston Lane, supplemented with an additional pedestrian access constructed alongside the vehicular access. The vehicular access onto farmhouse Road is to be restricted to service and delivery vehicles. The existing Farmhouse Road pedestrian access is to be closed.

Sustainability

The Building Schools for the Future program requires a 10% target for renewable energy to be incorporated. The proposal has been designed with a bio-mass woodchip boiler and a wind turbine to meet this requirement.

The bio-mass boiler house will be located on the lower plateau at the edge of the playing fields partially built into the embankment. The wind turbine would be erected on the northern boundary of the playing fields. It would be 15 metre high with 9 metre diameter blades and about 240 metres from the nearest dwellings, which are on Farmhouse Road, with the playing field in between.

In addition the following features are to be incorporated within the scheme.

- natural ventilation where possible to all rooms and teaching spaces
- natural even daylight to teaching spaces
- grey water recycling
- porous external hard surfaces as part of a Sustainable Drainage Scheme
- the creation of an attenuation pond/swale as part of a drainage scheme.

The design and construction of the school is to be monitored under the Building Research Establishment Environmental Assessment Method aiming to achieve at least a “very good” rating.

Ecology

The ecological report submitted with the proposal found little of note within the application site itself but recommends additional bat survey work to be undertaken prior to any buildings being removed.

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The site proposals include the following features of an ecological nature:

- pond creation including marginal planting to the pond and planting of native shrubs to the edges of the pond
- variable grass cutting regimes to encourage wild flower species diversity
- general planting to British Native trees
- provision of bird and bat boxes.

A future landscape maintenance and management scheme is proposed. The added ecological features, particularly the pond are seen as a valuable teaching resource.

An area of land on the playing field measuring approximately 80m x 55m is identified as being designated as site compound for the duration of the construction works. Construction traffic is expected to use an existing access off Farmhouse Road utilising a temporary haul road constructed across the playing fields. These are to be reinstated as playing field once the building works are completed.

A further part of the playing field is to be turned into a temporary play ground surrounded by 2.4 metre high fencing and with flood lights, to be used during the building works. Once works are completed this may be converted to a permanent multi use games area. No constructional details or lighting details have been submitted for this part of the proposal.

4. Relevant Planning History: None.

5. Implications of Proposal:

5.1 Economic: The replacement school will be funded through the governments Building Schools for the Future, initiative and with insurance monies resulting from the fire.

5.2 Design and Community Safety: The school buildings will be a unique design based upon exemplar designs for schools that provide for flexible and adaptable buildings to suit variations in organisation and curriculum delivery including community use.

The proposal and design and access statement although extensive provides little detail on the analysis of what takes place beyond the site

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boundaries and the rationale for the design and how it relates and responds to the adjacent context. Impact of the proposed development to its surroundings in comparison to the existing situation is not discussed.

There is potential for the development to stretch beyond its boundaries and be a catalyst for improvement by positively improving the poorly designed public realm to which it relates.

The highly visible landmark to be created at the building entrance and meeting plaza at the approaches to the school will be lost behind the existing hedge and trees that form the boundary to the site. A sense of place could be created at the gateway of the school improving links and legibility and provide a strong design message of the status of the new school. This would however only be achieved by the loss of a length of the exist in hedge and pushing back the security boundary edge and entrance gates.

- 5.3 Highways:** The proposal would use the existing vehicular access. Initial comments were based on the information supplied with the application, which doesn't clearly set out in transport terms the difference between the existing and proposed development. Indeed, there appears to be inconsistencies between the covering application proforma, access statement and development plans. Hence, the request for a transport statement to clarify any changes in parking, student/staff movements with the Vocational Centre and other transport facilities that exist and will be incorporated into the new build.

However, if the new build basically replaces the existing school facilities and there is not a significant intensification of use or increase in parking provision, then I agree that there should not be any material increase in trips to and from the site. As such, a full Transport Assessment will not be necessary.

The inclusion of the school's Travel Plan with the application would assist in understanding current travel behaviour of both students and staff. It would also provide information on schemes that the school are currently promoting to manage travel demand to their site by single occupancy car trips.

- 5.4 Disabled People's Access:** The proposed disabled peoples parking is satisfactory. The new buildings and spaces between them are fully accessible to disabled people. The access ramp to the lower playing field is to be upgraded to be Part M/BS 8300 compliant.

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5.5 Other Environmental: The ecological survey for the site found little of ecological significance within the site itself but recommended caution over the demolition of certain buildings and the undertaking of additional bat surveys prior to demolition and a great crested newt survey if the works on the playing fields are likely to affect the nearby wildlife site. Forty-two trees on the site are to be removed to accommodate the new buildings. None of these is of any great landscape significance.

6. Publicity:

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

7. Representations: One e-mail letter of representation has been received raising the following issues:

- the noise levels generated by the wind turbine
- impact that the wind turbine would have on property values. (Not a planning consideration)
- visual impact
- concern that the location is inappropriate for a wind turbine: doubt that the wind conditions would be sufficient
- position of turbine close to a public footpath could encourage vandalism
- concerns over disruption that construction activities would have on neighbouring occupiers
- concern over construction traffic and the problems that this would cause through on street parking and mud on the roads
- concern over light pollution from the proposed flood lights
- concern that existing foot paths are encroach upon by new fencing and un-trimmed hedges.

8. Consultations:

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Arboricultural Officer – raises no objections to the removal of the trees proposed. This is a big scheme and none of the trees are significant in their own right as long as they leave the trees around the edge to screen the development.

Environmental Services (Pollution Control) – although the housing surrounding the development is quite distant from the development the Pollution Section is concerned that the construction of an all weather pitch including floodlights may lead to complaints of noise and light pollution. It is suggested that the hours of use of the pitch be restricted and a scheme demonstrating how the impact from lighting and noise will be mitigated, be submitted and approved before the development proceeds. Regarding the proposed wind turbine, no objections are raised.

Environment Agency – the Environment Agency raises no objections to the proposal subject to a number of detailed conditions regarding drainage and pollution.

Derbyshire Wildlife Trust – the Trust is satisfied with the preliminary Phase 1 Habitat Survey and supports the statement made in the recommendations statement with the following additional recommendations:

- further bat survey work to be completed prior to any demolition works being undertaken
- great crested newt survey works to be undertaken of nearby ponds if suitable great crested newt habitat are to be affected by the proposed works
- Sinfin Moor Meadows lies adjacent to the east of the site. This should be protected during any works to the playing field, by a minimum 5 metre wide buffer zone and protecting any nearby drains from pollution
- the trust supports the recommendations for the enhancement of site bio-diversity, the formation of a wildlife pond and tree and hedgerow planting
- notes that no assessment has been undertaken with regard to the impact of floodlights and the wind turbine on foraging bats and recommends that Natural England be consulted on the need for a survey

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- recommend that planning permission not be granted until all survey works on protected species as considered necessary by the consultant and Natural England has been completed.

STW – no objections are raised to this proposal subject to a condition requiring that the development not be commenced until drainage works for the disposal of surface and foul water are carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- GD1 - Social inclusion
- GD4 - Design and Urban Environment
- GD5 - Amenity
- E9 - Trees
- E10 - Renewable Energy
- E17 - Landscaping schemes
- E23 - Design
- E24 - Community Safety
- LE1 - Educational Uses
- T4 - Access parking and servicing
- T10 - Access for disabled people.

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

10. Officer Opinion:

Policy considerations

The site is already in educational use and has not been allocated for any other uses in the CDLPR. The proposal is for the replacement of the school building on the same site as the original. The principle of the development of educational purposes is therefore already clearly established and meets with the provisions of Policy LE1 which allows for educational facilities.

The proposal is, for the main part, a straight forward replacement for the existing school, so there should be little difference in the numbers of pupils or staff attending the school. The addition of a new and separate Vocational Training facility will however see an increase in the number of students of 120 and additional staff of 8. These students being slightly older may potentially be car users and so there could potentially be some increase in cars arriving on site.

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The presence of the existing school has already established a high level of activity in this location over many years. This replacement school is unlikely to result any significant increase in levels of activity, traffic or noise and disturbance but the relocation of the outdoor socialising areas and certain of the car parking areas closer to the highway frontage could result in some higher level of noticeable noise during the school day.

The closure of the Farmhouse Road pedestrian access and the limited use of this vehicular access could help to reduce some activity along the Farmhouse Road frontage opposite the houses once the redevelopment is completed.

Design

The design of the building is original and modern in concept albeit the disposition of the new building on the site is strongly constrained by the necessity to retain existing buildings on the site to continue the schooling of the pupils whilst the redevelopment is being carried out. Despite this constraint the school will have a strong and distinctive character once completed. The design is based on exemplar designs and is intended to complement totally the management system that the school intends to employ. The use of materials involves a wide variety of cladding, facing masonry blockwork, in a variety of colours, aluminium standing seam roofing, powder coated aluminium windows all in a modern idiom that should serve to create a striking building. Internally the main building can be secured to segregate the more public areas of the school from the main teaching areas so that the building can entertain community uses with some confidence.

Some concern has been expressed as to the lack of connection with the urban frame work outside of the site, and suggestions have been made to open up the site frontage onto Arleston Lane to create a 'gateway' to the school making a more positive statement of the schools presence and to integrate it more into the urban framework. I see no reason why this could not be achieved, but this suggestion has not been pursued and the school intends to secure itself behind the strong hedge and treed boundary that runs around the west and south western boundary of the site.

Highways

As the proposal only replaces an existing school most of the highways concerns have already been addressed by the operation of the original school. The 71 car parking spaces to be provided has however been questioned as has the proposed use of the single vehicular access,

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and a Transport Statement was requested. I do consider the number of parking spaces not to be excessive considering the number of staff at the school and Vocational centre and the additional further education students that will have to be accommodated.

Floodrisk

Although the wider site lies partly in a flood risk area this only applies to the lower, playing field parts of the site which are to remain undeveloped. I can see no reason to refuse this proposal on flood risk grounds when the redeveloped buildings would be well above the risk levels.

The Environment Agency, have commented that they have no objections to raise to the proposal subject to a number of conditions to protect the surrounding land from flood risk and to prevent pollution to the nearby watercourses.

Ecology

There are no significant effects of the proposal on the sites of wildlife interest adjacent to the application site nor is it evident that there are any protected species within the site that need special consideration. Nevertheless I consider that it may be prudent to require additional bat surveys and great crested newt surveys to be undertaken at the appropriate time of year, prior to development commencing. I have noted the comments to this proposal from Derbyshire Wildlife Trust and their advice not to determine the proposal until all survey work for protected species has been undertaken particularly with regard to the lack of assessment of the effects of the proposed wind turbine and floodlight may have on foraging bats. However suggest that a condition be attached to any permission that may be granted to ensure such a survey is undertaken prior to demolition commencing.

Renewable Energy and Sustainability

The proposal has a number of significant sustainable features including use of natural daylight and ventilation within the building, the reuse of grey water, a partial sustainable drainage scheme and creation of an attenuation pond/swale as part of the drainage scheme. Perhaps more interestingly is the use of a wind turbine to generate energy for the school's use and the use of a bio mass boiler to use locally sourced wood chips. The wind turbine has resulted in one letter of concern because of possible noise generation that may affect neighbouring residents. However, with a distance of about 240 metres to the nearest dwelling it seems unlikely that any noise would significantly affect

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residents. The nearest noise sensitive neighbour would be the church approximately 170 metres from the location of the turbine. The pollution control division have raised no objection to this proposal on amenity grounds.

I consider that the sustainability measures proposed are to be welcomed and meet with the requirements of CDLP policy E10.

Other Amenity considerations

Provision of the temporary floodlight play ground and its possible subsequent permanent retention as a multi-purpose play surface has raised some concern with regard to the possible affects of noise disturbance and light pollution on nearby residential properties, the nearest of which is 140 metre away. I consider it to be appropriate to limit the hours of use and require a mitigation strategy for light spillage and noise generation.

In conclusion I can see no over riding reason why the proposal should not be granted planning permission and the new school would be a satisfactory modern replacement to existing school.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission under Regulation 3 with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the City of Derby Local Plan Review as summarised at 9 above. The proposal is considered to be acceptable in principle and in detail and should result in a striking new school that employs the most up to date ideas for sustainable development whilst respecting the biodiversity of the immediate surroundings.

11.3 Conditions

1. Standard condition 09a (amended plans)(3112-2 (PL) 05A received 2 March 2007, 3112 – 2 (PL) 20A received 27 March 07 and 3112 – 2 (PL) 29 received 2 March 2007)
2. Before any development is commenced including the demolition of any buildings:
 - a. a full bat survey shall be undertaken of buildings identified as TN1, TN2 and TN3 on the Smeeton, Foreman Partnership Ecology report submitted as part of the application Depending on the results of the survey:

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- b. necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority.
- c. all such agreed measures shall be implemented in their entirety.
- d. a DEFRA licence shall be secure to legitimise destruction of any bat roost.

Furthermore an impact assessment and mitigation strategy shall be submitted of the possible impact of the proposed wind turbine and floodlights on any foraging bats.

- 3. The development hereby permitted shall not commence until drainage works for the disposal of both surface and foul water have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall be designed to meet the following criteria required by the Environment Agency:
 - a. the drainage scheme shall utilise sustainable drainage techniques or SuDS;
 - b. any outflow from the site must be limited to the maximum allowable rate, ie no increase in the rate and /or volume of run-off.
 - c. a design statement for the proposed drainage scheme to include:
 - descriptive summary of the overall drainage scheme.
 - an assessment of the effects of blockages and storms that exceed the design event.
 - for infiltration devices designed for the 10 year event an assessment of effects due to an 100 year event is required.
 - d. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or one in a 100-year flood) event, including a 20% allowance for climate change (ie. for the lifetime of the development). Drainage calculations must be included to demonstrate this (eg. MicroDrainage or volume). If there is any surcharge, overland flood flow routes and

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- “collection” areas on site (eg. car parks, landscaping) must be shown on a drawing.
- e. adoption and maintenance of the drainage system must be addressed and stated.
4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details.
5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
6. Before the use is commenced for the temporary play ground:
- a. full details of the proposed lighting columns and luminaries shall be submitted and approved in writing by the Local Planning Authority together with a statement of mitigation of any light pollution that may result that would be detrimental to the occupiers of nearby residential properties.
- b. a sound mitigation strategy shall be submitted to the Local Planning Authority detailing measure that will be undertaken to reduce the affects of noise generated during use of the play ground and in the future when it may be used as a multi use games area shall not be used between the hours 9:00 pm and 8:00 am at any time unless otherwise agreed in writing with the Local Planning Authority.
7. Notwithstanding the details of materials that accompany the planning application, details of all external materials shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.
8. Notwithstanding the details of the landscaping scheme incorporated with the application (then standard condition 20).
9. Standard condition 22 (amended to refer to condition 8).

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

2 Code No: DER/12/06/01905

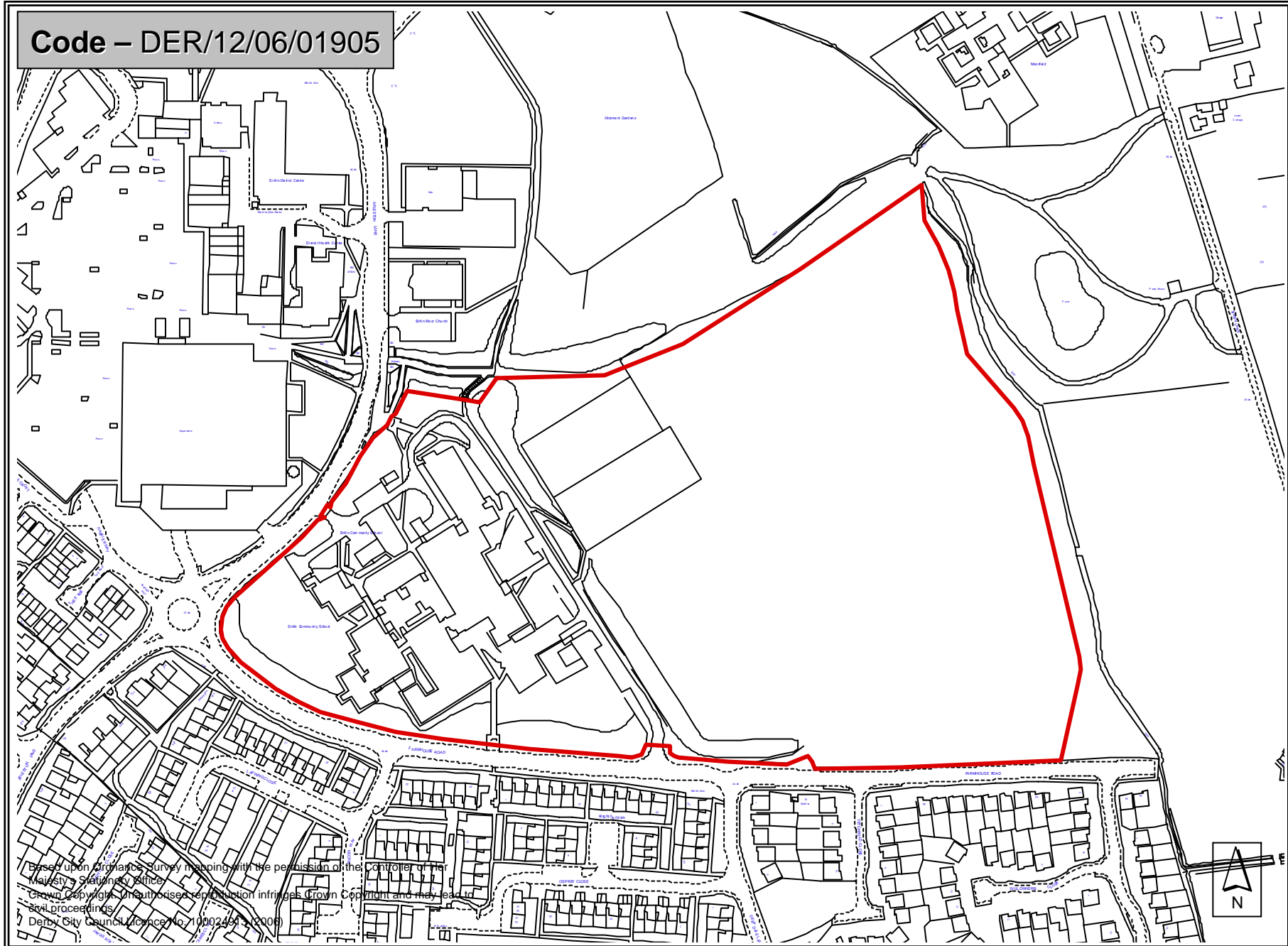
10. Before the use of the new school buildings are commenced a landscape management plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of management of a buffer zone around the edges of the playing fields adjacent to the neighbouring wildlife sites.
11. Before the new school buildings are taken into use, further sheltered bicycle parking provision shall be made available to serve the needs of the Vocational Training Unit in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.
12. Standard condition 98 (travel plan)
13. Standard condition 24 (vegetation protection)

11.4 Reasons

1. For the avoidance of doubt.
2. To ensure the protection of protected species of wildlife....policy E7
3. To prevent the increased risk of flooding
4. To prevent the increased risk of flooding
5. To prevent pollution of the water environment
6. To prevent loss of residential amenity to nearby resident properties through noise and light pollution....policy GD5
7. Standard reason E18....policy E23
8. In the interest of visual and environmental amenity....policy E17
9. In the interest of visual and environmental amenity....policy E17
10. In the interests of visual amenity and wildlife habitat enhancement...policy E7
11. Standard reason E35...policy T4
12. Standard reason E47
13. Standard reason E24...policy E9

11.5 S106 requirements where appropriate: None

Code – DER/12/06/01905



B1 APPLICATIONS

1 Code No: DER/02/07/00291

Type: Full

1. **Address:** 53 Carlton Road
2. **Proposal:** Raise roof height of dwelling house by 900mm.
3. **Description:** This full application seeks permission to increase the roofheight by 900mm, of this detached dwellinghouse on the south side of Carlton Road at its junction with Fairfield Road. The existing house has a hipped roof, some 6.6m in height to the ridge. Planning permission was granted in August 2006 for extensions to the property, including a two storey side extension to the property, on the east (Fairfield Road) side of the building. Complications with the construction of the roof of the side extension, have resulted in the applicant seeking permission for the construction of a new hipped roof over both the existing house and the side extension, but 900mm, higher than that existing. Work on the side extension (on the basis of the 2006 permission) has stopped at eaves level pending the determination of this application. It is proposed to use similar tile types to those on the existing roof. Photographs will be available at the meeting.
4. **Relevant Planning History:** DER/706/1189 - Extension to dwelling house - Granted Conditionally August 2006.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** I have no design objections to raise. I do not consider that the proposal would be detrimental to the appearance of the streetscene. The proposal may affect an overhead telephone line, and the applicant has been advised accordingly.
 - 5.3 **Highways:** Not applicable.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

Neighbour Notification letter	9	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			
7. **Representations:** I have received eight letters of objection, and these

B1 APPLICATIONS (cont'd)

1 Code No: DER/02/07/00291

... will be available in the members rooms. The main issues raised are:

- the increase in roof height will affect a telephone line
- affect on streetscene
- roof will be too high and affect views
- this seems to be piecemeal overdevelopment
- house is overbearing in the streetscene.

Any further representations will be repeated at the meeting.

8. Consultations: -

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

H16 - Housing Extensions
E23 - Design
GD5 - Amenity

The above is a summary of the policies that are relevant Members should refer to their copy of the Adopted City of Derby Local Plan Review 2006, for the full version.

- 10. Officer Opinion:** In August 2006 planning permission was granted (DER/706/1189) for the erection of extensions to this detached dwelling house, and work is quite well advanced. It has improved the appearance of a building that was in quite poor condition, and photographs will be available at the meeting. Difficulties with the construction of the roof to the extension have resulted in the applicant wishing to increase the height of the roof both to the original house and the extension by 900mm. The roof space achieved, would be used for storage. This is a detached property, and the increase in overall roof height would be some 11%. The eaves height would remain the same. Because the building is detached, I feel that this degree of roof height increase would not result in the visual proportions of the building being unacceptable. Similarly, I do not consider that a valid argument can be made that the proposal would detract from the appearance of the streetscene to an unacceptable degree, subject to the use of suitable materials.

My primary concern, is with the impact the proposal would have on third parties. I do not feel that any unreasonable loss of amenity would occur for the residents of 20 Fairfield Road or 55 Carlton Road. These properties are well detached from No 53 Carlton Road and sideways on to it. The proposal would be very readily visible from Nos 60-66 (even) Carlton Road and in the streetscene in general. The pattern of the

B1 APPLICATIONS (cont'd)

1 Code No: DER/02/07/00291

streetscene in this locality is of a mixture of detached and semi-detached houses of various heights.

Provided that a suitable and traditional type of roof tile were to be used, I am satisfied that the appearance of the overall building would be acceptable. There would be some loss of view to residents on the opposite side of Carlton Road, but as members are aware this is not sufficient grounds to justify a refusal of planning permission. There would be some impact on Nos 60 – 66 (even) Carlton Road, but I do not consider that impact to be unreasonable, and certainly do not feel that a refusal of permission would be supported at appeal. The erection of a new higher roof, could result in additional pressure for roof lights or dormers at some future stage. I propose to take this right away by condition to preserve residential amenity in the area.

The requirements of Local Plan policy H16 are reasonably met, and I support the proposal.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the City of Derby Local Plan Review as summarised at 9 above, and is considered to be acceptable in terms of its design, appearance in the streetscent and impact on residential amenity.

11.3 Conditions

1. Standard condition 27 (materials)
2. No dormers or rooflights shall be constructed in the roof hereby approved unless agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...policy H16
2. This permission removes the permitted development rights as defined in the Town and Country Planning (General Permitted Development) Order 1995 in the interest of amenity of neighbouring occupiers and the streetscene in general...policy H16.

11.5 S106 requirements where appropriate: None.

Code – DER/02/07/00291



B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00178

Type: Full

1. **Address:** 53 Arthur Street
2. **Proposal:** Extension to dwelling (enlarged kitchen and bathroom)
3. **Description:** This application relates to a Victorian, 2 storey mid-terraced dwelling on Arthur Street, which is within the Strutts Park Conservation Area. It is currently occupied as 2 flats. The property lies close to the Milford Street frontage and the rear elevation is visible from this street. It is surrounded by similar 2 storey terraced properties, with modest curtilages.

This is a revised proposal for erection of a two storey rear extension onto the original projecting gable of the terrace. It is reduced in scale and massing, following refusal of the previous extension on the grounds of loss of amenity and privacy of the adjoining dwelling at No.2 Milford Street, due to an oppressive massing effect and significant overlooking. The current scheme would involve a two storey extension to form bathroom at ground floor and extended kitchen above. It would extend the existing mono-pitch projecting gable by 1.2 metres, with a roofline to tie in with the existing. Beyond this a small single storey lean- to extension would be formed on the rear, 1.6 metres in depth. The footprint of the extension would be 2.8 metres deep and 3 metres in width.

4. **Relevant Planning History:** DER/1006/1646 – Extension to dwelling (2 bathrooms), Refused – December 2006
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** proposed extension would be modest in scale and tie in with the design and form of the existing terrace. There would be no adverse 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/01/07/00178

6. Publicity:

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

7. Representations: One letter of objection has been received and a copy is reproduced. The main issues raised are as follows:

- The proposal would be clearly visible from Milford Street and would disrupt the uniform line of rear projections to terraces in this row
- It will overshadow the adjacent garden for much of the day
- The design and materials in the extension should be in keeping with architecture in the local area
- The proposed window openings are poor, since they are of the wrong proportions.

8. Consultations:

CAAC - object on the grounds that the 2 storey extension to the rear out-rigger would disturb the rhythm of the rear elevation of this terrace of dwellings that is highly visible from the adjacent Milford Street. This forms an important element to the character of the Conservation Area. The first floor extension appears to be for the purposes of enabling a second bedroom in the upper floor flat, which is considered to be an unwarranted justification for harm to the Conservation Area.

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

H16 – Extensions to dwellings
E23 – Design
E18 – Conservation Areas

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

9. Officer Opinion: The proposed rear extension has been reduced in overall size and scale in an attempt to minimise the undue massing effect on the neighbouring dwelling and to lessen its visual impact on the Conservation Area. The alterations to the extension primarily relate to the first floor element and involve a reduction in the floor area and

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00178

rearrangement of the layout, such that the side window facing the adjacent dwelling would be to a bathroom rather than a kitchen. This means that it would be obscured glazed and therefore minimise loss of privacy.

The rear of this property is clearly visible from the Milford Street frontage and the proposed extension would be a prominent feature in the local streetscene. The two storey element of the extension would be very modest in depth and proportionate to the scale and bulk of the original gable. It would tie in with the design and form of the existing dwelling and reflect the various types of projecting gable along this row of terraces. From the Milford Street frontage, the line of projecting gables along Arthur Street, does not in my opinion appear uniform in terms of form or scale. I consider that this proposal would not appear disruptive or out of keeping with the general pattern of development in the locality. It would fit in successfully with the general appearance and character of the local streetscene and the Conservation Area.

The applicant's intentions for this proposal are to improve bathroom facilities for both ground and first floor flats. The floor layout at first floor would be altered to provide separate kitchen and bathroom, to enhance living conditions for the occupants. The submitted drawings do not indicate the formation of additional bedrooms as claimed by the Conservation Area Advisory Committee. The stated reasons for the proposed development are considered to be reasonable and the issue of need should not be used as a means of determining the proposal.

The amenities and privacy of the neighbouring terrace at No.2 Milford Street would not be unduly harmed by the current proposal. The two storey element would have some additional massing impact on the rear elevation of the adjacent dwelling, although it would amount to a minor increase in the corridor effect to the rear habitable room windows. The potential loss of light and overshadowing would not be significant and would not undermine the living conditions of the local residents. The proposal would also have a minimal adverse impact on privacy. Overall the residential amenities of nearby dwellings would not be unreasonably harmed.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/07/00178

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 at 9. above. The proposal would be an appropriate form of development, which would not unreasonably harm the amenities of nearby dwellings and would preserve the appearance and character of the Strutts Park Conservation Area.

11.3 Condition

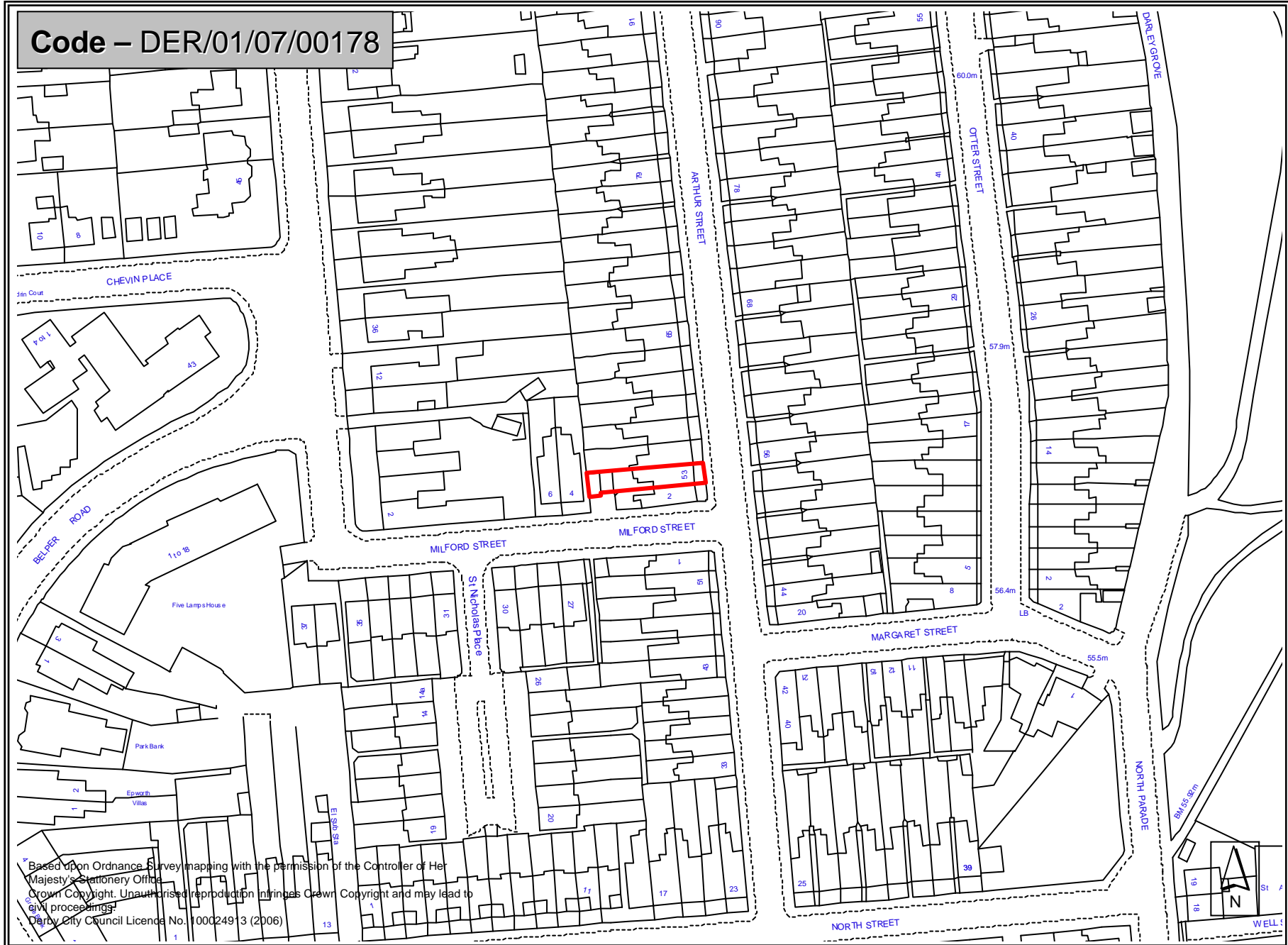
Standard condition 27 (external materials)

11.4 Reason

Standard reason E14 ... Policy H16 & E23

11.5 S106 requirements where appropriate: None.

Code – DER/01/07/00178



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B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

Type: Full

1. **Address:** Land between Kedleston Road and Markeaton Street
2. **Proposal:** Construction of link route from Kedleston Road to Markeaton Street
3. **Description:** Planning permission is sought for the construction of a route suitable to carry pedestrians, cyclists and a small number of motor vehicles, principally for a hopper/shuttle bus, across land between the north-western end of Markeaton Street and Kedleston Road to link Derby University's main Kedleston Road site with its new, shortly to be opened Pybus Street site. The proposal under consideration is an amended proposal following consultations between the University, who are the applicants, and the Council. The amended proposals show a reduced scheme over that which was originally submitted in October of last year.

The application has been submitted by Derby University on land that is entirely within its ownership. The overall site is bounded by the A38 to the west, and a Markeaton Brook tributary to the east. To the South west it is bounded by a mill pond and to the north east a further stream also part of the complex Markeaton Brook tributary system that runs through this land. The land is in two parts that are separated by a further small tributary of the Markeaton Brook that crosses the middle of the site from west to east.

The southern part of the land was at one time occupied by the extensive buildings, roadways and playgrounds associated with the Sturgess Secondary School. The school was closed many years ago and all of the school buildings removed in the mid 1980s leaving only a car parking area and the remnants of a roadway into the site from Markeaton Street. The majority of the land is now rough grassland with the remains of the school buildings foundations lying beneath.

The northern part of the site was at one time used as the playing fields belonging to the former Bishops Lonsdale College. More recently these have been used as playing field by the University. A raised area of land to the north of the playing fields rises steeply towards the embankment that carries the slip road of the A38 and is made up land having been raised through tipping of inert materials, in the early 1980s. This side of the site is accessible to vehicular traffic over a recently constructed bridge over Markeaton Brook.

A permissive footpath that at one time gave pedestrian access from Kedleston Road to the Sturgess School runs into the site from the north. This has however been closed for many years because of a dangerous wall and more recently as a footbridge that used to cross the brook, has been removed for safety considerations. The footpath is on land held by the Education Department.

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

The brook courses that run to the north, south, east and through the middle of the site are all part of the Markeaton Brook complex, and have been designated as a wildlife site. There are a large number of trees growing along the brook courses, around the mill pond to the south of the site and in a wooded area at the north east of the site. All of the trees have the protection of a Tree Preservation Order

As members may be aware the University has been consolidating its campus close to its main Kedleston Road site by the erection of a new arts, design and technology block at Pybus Street/Markeaton Street, that is now nearing completion. It is also possible that the current use of Britannia Works at the eastern end of Markeaton Street will also be retained in University use. Part of the University's philosophy in consolidating the previously dispersed educational facilities onto a twin-hub site, given when the planning application for the Pybus Street site was under consideration, was that diverse and separated campuses are a barrier to social inclusion and accessibility to services. These barriers are addressed through the consolidation of sites onto the twin hub campus into a location that is accessible and serviced by subsidised public transport and supported by a comprehensive travel plan to deliver benefits to all stakeholders involved in education in Derby.

The proposal itself is for a route running approximately south west to north east across the site to provide a shared surface for use as a footpath, cycleway and 29 seater hopper bus link, dedicated to the use of the University, to form a stronger transportation connection between the University's Kedleston Road site and the new Pybus Street site. The University see the formation of this link as an essential element in creating a unified twin hub campus with physical and perceptual links between the sites emphasising their cohesiveness and minimising their separation. The link would also fit well with the University's Travel Plan aspirations discouraging trips between sites by private motor vehicles by staff and students by providing a reliable alternative that would cut down on transfer times between sites and providing sheltered transport during periods of inclement weather.

Roadways already access both ends of the site, with a 75 metre length of roadway into the site from the south, remaining from the Sturgess School development and 20 metre length of road from the northern end across the newest bridge across the Markeaton Brook. The proposed route would link these existing access points into either end of the site, with a connecting length of road, about 240 metres in length by 4.5 metres in width. It would be almost flush with existing ground level for most of its length but would rise by about 1.4 metres along part of its length to permit a bridge crossing over one of the

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

tributaries to the Markeaton brook. An earth embankment would be created to accommodate the ramping of the route up to the deck level of the bridge. At its widest point the embankment would be 14.5metre wide. Drainage swales would be constructed on the south eastern side of the route to accept surface water run off into a sustainable drainage scheme.

At the Markeaton Street end there would be a bus turn around provided within the new University site.

The route construction would be substantial in nature with a depth from capping at the base to the surface course of 625mm. The surface course is shown as being a close graded bitumen surface. Concrete kerbs would run along the edges of the route. Where it crosses the tributary and where the embankment rises, it would be essential to remove one tree and it is considered to be appropriate to remove 5 other trees that would eventually succumb to the effects of the construction works, and a further 6 trees are considered to be at risk.

A series of 24 1 metre high bollard style lights are proposed along the length of the road at approximately 10 meter centres

Automatic barriers or gates are intended to control access for motor vehicles onto the route at each end. It is suggested that these would use an automatic number plate recognition system or similar to restrict the route to only a very limited number of vehicles over all and to ensure that only one motor vehicle has use of the route at a time. General delivery vehicles and the vehicles of staff and students or other third parties will not be admitted.

In addition to providing a link between the Kedleston Road and Pybus Street sites the link route would allow direct access between the Pybus Street site and the existing university playing field which are currently cut off from Pybus Street

Section 106 agreement

When planning permission was granted for the erection of the Pybus Street/Markeaton Street annex the section 106 agreement that was entered into required the following:

- The provision of a segregated cycle and pedestrian link between the Northern end of Markeaton Street through to Kedleston Road and the A38 to include tactile paving, lining, additional signage,

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

and new /replacement street lighting, to a minimum width of 3 metres. No actual route was specified.

- To make provision of a dedicated bus service linking the development to the Kedleston Road campus, the provision of free bus travel for students and the introduction of Real Time information on Uni Bus routes.

Vehicular access to the Pybus Street annex is via a one way system, in off Pybus Street to a 75 space car park with an internal access road leading out onto Markeaton Street

The University's statement of need sees it important to unify the separate major elements of the university buildings into one campus and the proposal to link these by use of a dedicated link route to act as a combined footway, cycle way and hopper bus link would do this. Furthermore the University's Travel Plan seeks to minimise the use of private motor cars used by staff and students and to discourage their use both from home to the University and between the individually separated university buildings. As a large number of students are likely to need to move between the separate sites during the course of each day the University believes that a route dedicated to University use, and which is away from the existing highway system, would give staff and students an incentive to walk, cycle or take the dedicated hopper bus.

4. Relevant Planning History:

DER/194/80 - Construction of road extension and bridge over Markeaton Brook - Outline planning permission granted on appeal in January 1995.

This proposal involved the felling of three sycamore trees (two small scrubby specimens and a third large multi-stemmed tree.

The inspector did not consider that the proposed development would have a serious impact on the character and appearance of the area in spite of loss of the 3 trees out of 222 originally covered by the TPO, and considered that the degree of harm which would be caused to the local environment by their removal would not be sufficient for the appeal to be refused on this issue alone. Furthermore although he acknowledged that the bridge would inevitably have some effect on the wildlife site, other bridges already crossed the brook and in his view it would have been unreasonable to reject a well designed relatively modest development which would not destroy those qualities which were so valued by the local

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

community. Finally he considered that with careful attention to the details of size, design, alignment and construction, use of materials and restrictions on the use of the land to be accessed it should be possible to construct a bridge which would not look incongruous or physically obstruct the continuity of the wildlife corridor.

DER/1295/1445 - Construction of road extension and bridge over Markeaton brook - Details approved March 1996.

DER/397/293 - Outline planning application for the formation of artificial turf area, erection of floodlights, erection of a two storey sports pavilion and associated car parking - granted planning permission with conditions, 30 May 1997.

This application was on land that was at one time the playing fields of the Bishops Lonsdale College and more recently playing field for Derby University. Although only submitted in outline, siting and access were applied for. It sought planning permission for the formation of an artificial turf area for hockey and five-a-side football, the erection of floodlighting, a notional layout for a two storey sports pavilion formed part of the application showing a facility comprising changing rooms, meeting room, leisure/conditioning room, social area, storage rooms and ancillary office, and a car parking area for 74 cars, and 4 coaches. The pavilion would have had a total floor space of 1190 sq metres. No approval of details has ever been submitted following the outline planning approval and the outline permission will have expired on 30 May 2002. I would draw attention to the fact that the land was at that time designated as Green wedge in the City of Derby Local Plan which was not adopted at that time but was on deposit with proposed changes.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The design of the bridge has taken into consideration the need to leave a wide bank-side clearance of the Markeaton Brook tributary, to allow unimpeded water flows during periods of spate and to minimise the disruption to aquatic wildlife and the wildlife corridor provided by the brook course.

5.3 Highways: I refer to the re-submission on amended plans and revised Statement of Need and Support Information for the above application and offer the following comments:

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

Although any traffic impact of vehicles and visitors to the Markeaton Campus has not been quantified the creation of a route between Kedleston Road and Markeaton Campus for Bus/Cyclists/Pedestrians/Maintenance and Emergency vehicles only on a single width vehicular route which will incorporate Cyclists/Pedestrians and vehicles all in one corridor is supported.

The route should allow easier inter site travel between the two campus (Kedleston Road and Markeaton Street) and reduce the need for vehicles to travel between the two sites via the already congested highway network. Minimal Car Parking facilities are being provided on the Markeaton Campus to discourage vehicle use to and from this site. A 'Restricted Zone' is proposed for Markeaton Street to prevent parking in the area and Parking Surveys are being undertaken in the Pybus Street Area to ascertain possible future parking issues.

The University have stated that the link will be constructed to provide Pedestrians/Cyclists with a good route between the two sites together with a controlled vehicular link by means of a barrier/gate system that will only allow access for one vehicle to use the route at any one time.

This single width realigned route which has been redesigned together with a more sensitive Sustainable Urban Drainage System should reduce the scale and visual impact of the link whilst still maintaining an acceptable sustainable facility.

There are no highway objections to the link but it should be finally approved and completed prior to the development being brought into use.

Land Drainage: There are no land drainage objections although porous surfacing would be desirable.

5.4 Disabled People's Access: The proposal would help to facilitate communications between the two sites for certain disabled people.

5.5 Other Environmental: The proposal involves the crossing of land that is an integral part of the Markeaton green wedge, the felling of a number of trees that are protected by tree preservation order, construction works in an area of recognised high wildlife value and the inevitable disturbance that would result to wildlife, and will have impact on the water holding capacity of the land which lies in a area of recognised flood risk.

B1 APPLICATIONS (cont'd)**3 Code No:** DER/10/06/01590**6. Publicity:**

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

7. Representations: A total of 52 letters of objection were received to the original set of proposals.

Following discussions with the Council an amended scheme was submitted. 46 letters of objection have been received to this amended scheme.

In summary the objections are as follows:

- Potential pollution of the water quality of Markeaton Brook from rubber and oil drips
- Salting of the road in icy weather running off into and polluting the brook
- More trees than necessary would have to be felled resulting in loss of fungi, birds, bats and insects
- Street lighting would affect the feeding patterns of nocturnal creatures
- Affect on protected species (such a white clawed crayfish)
- Local Authorities should take steps to maintain, enhance, restore or add to biodiversity
- Access roads are not permitted across Green Wedges
- The link route is unnecessary as alternative arrangements to teaching practices could ensure minimal need to move between University site
- Students could walk the short distance
- Construction of an alternative extra lane onto the A38 could resolve the problem
- The site is within Green Wedge and these green areas should be protected and not lost to future generations
- Proposals are contrary to the Derby City Local Plan, contrary to policy E2
- It would set a dangerous precedent for roads in green wedges
- The provision of a cycle track and footpath across these field is unnecessary as alternatives exist nearby alongside the A38
- A new road is unnecessary
- Damage to amenity, wildlife and the normal drainage system of the fields

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

- Affect of trees would be greater than stated as pruning for vehicle clearance is likely to be greater than stated
- It is unacceptable to make a decision based upon an out of date Ecological Survey
- The weight of traffic will not be lessened by this proposal
- Further green spaces in Derby will be lost. We need all the green spaces that we have
- If this were to be approved it will be easier to obtain permission for further development
- The site could be opened up to travellers, boy racers, stolen car drivers etc
- Loss of a Local recreation area
- The proposal is a Trojan Horse leading to a motor route between the Kedleston Road site and Britannia Mills
- The land was left to the people of Derby on condition that it was never to be developed
- The City's Local Plan does not contain provisions for a bus route across this site
- The University has not demonstrated a convincing need for the proposal
- If permitted it would set a precedent for building roads across other green wedges
- The size of the vehicle to be used seems to be greater than suggested
- The suggested 7.5 minute trip each way seems unrealistic during rush hours and unnecessary outside of these.
- The route conflicts with woodland, a number of trees would be lost or adversely affected
- The route would conflict with the use of the sports pitches
- The City of Derby Local Plan review policy E7 requires that planning applications need to be accompanied by proposals to minimise disturbance to protected wildlife species
- The route is likely to be abused over time with other traffic using it other than that which it is intended to serve
- The proposal would be contrary to policies E2, 9.5, E4, E5, E6, E7, E8 and E9 of the City of Derby Local Plan
- The distance between the two university sites is not great and walking and cycling between them should be encouraged
- The construction would introduce a harsh urban element into a natural environment
- Congestion on the main roads mainly occurs during the morning and evening rush hours so trips between the two sites could be timed to avoid these periods
- The road requires an Environmental Impact Assessment

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

- The proposals would form a barrier to floodwaters which may result in chemicals for the construction materials polluting the ecology of the site.

8. Consultations:

Development and Tourism - No comments.

Natural England - Natural England require the following:

- that an update survey for crayfish is undertaken before any works commence on site to be enforced by planning condition. They ask to be consulted on the results of the update.
- that an update survey for water voles is undertaken before any works commence on site, to be enforced by planning condition. They ask to be consulted on the results of the update and if water vole activity found a report of mitigation measures submitted and approved, to be enforced by planning condition
- that any future surveys for water voles also pay regard to any possible signs of otter activity... to be enforced by planning condition
- that a badger survey before any works commence on site and possible mitigation... to be enforced by planning condition
- that a bat survey be undertaken before planning permission be granted and object to the proposal pending the submission of a report into the status of any bats that may be in the trees affected by the proposal
- point out it is an offence to kill injure to take any wild bird, nest or eggs and recommend no works for site clearance be undertaken during the bird breeding season... to be enforced by planning condition or a bird nesting survey to be undertaken prior to any site preparation works being undertaken
- that Japanese Knott weed treatment to be enforced by condition.

Environmental Health (Pollution Control) - No comment.

Arboricultural Officer - I would have to recommend a refusal, though some of the trees that would require removal are in poor condition, the implementation would mean the removal of some healthy trees.

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Though the revised scheme appears to be possible, it would also still have some detrimental effect on retained trees, and the best option would be to ensure that the route was outside the root protection area for retained trees should the proposal be granted.

Crime reduction and Architectural Liaison Officer - carries forward comments made on the earlier application that was withdrawn. There are no objections to a foot path but there are some concerns over the possible impact that this construction could have with personal safety with regard to misuse of this facility. Either with types of mechanically propelled or electric vehicles and possible injury that this may cause to pedestrians.

Environment Agency Comments relating to original submission.
Comments on the revised proposals are awaited

Ecology

They emphasise the importance of a sound bridge design that will have minimal impact on the stream environment. Ideally the bridge should be of a wide open span design, leaving the bank-sides free as a corridor for feeding, burrowing and migrating mammals.

Require a working method statement for prior approval prior to works commencing.

Further water vole survey required if works penetrate into the 5 metre stand off zone, from the bank tops

Crayfish rescue may be necessary.

Support mitigation measures contained within the ecology survey report.

Recommend use of rip rap rough cut boulders rather than stone gabions in the bridge construction to provide crevices for crayfish and water voles.

EA Development Control Comment pre Amendment -The proposals are not currently acceptable or the following reasons:

There is concern that the proposals would impede flood flows and adversely affect flood risk in the vicinity. There is slight increase in the flood levels predicted but no additional flood flow routing or flood plain compensatory works.

B1 APPLICATIONS (cont'd)

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The Environment Agency therefore objects to the proposal on the ground that a full assessment of the flood risk has not been undertaken as required by PPS 25

Derbyshire Wild Life Trust

Point out that the Ecological Survey is out of date being carried out in 2004 however don't consider that additional survey work to be necessary with regard to crayfish, water vole, otter, badger bats or slow worm to allow an informed decision to be made.

- Seek reassurance that any resurvey work should include slow worms
- Are satisfied that the bridge design should ensure that there is no disturbance to the banks or stream bed
- Request that a working method statement be provided
- Request that a Management Plan be provided for the adjacent ground.

The reduction in road width is a positive amendment.

The introduction of swales is likely to be a positive amendment to the original proposal.

The original route (as followed by the amended scheme) is considered to be most appropriate with regard to its affect on the trees within the site.

No objections are raised.

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

- | | |
|----------|--|
| GD2 | - Protection of the Environment |
| GD3 | - Flood Protection |
| L5(4) | - Outdoor recreation |
| T15 (12) | - Protection of footpath, cycleway and routes for horse riders |
| E2 | - Green Wedges |
| E4 | - Nature conservation |
| E5 | - Biodiversity |
| E7 | - Protection of Habitats |
| E9 | - Trees |
| T1 | - Transport Implications of New Development |
| T6 | - Provision for Pedestrians |
| T7 | - Provision for Cyclists |
| T8 | - Provision for Public Transport |

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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:

There are several main policy considerations in respect of this proposal and each one is visited in turn as follows:

Green Wedge Policy E2

The green wedge policy states that only development within specified categories should be permitted. Cycle ways and walkways are not identified in these categories but as they tend to be small in scale and enable relatively quiet, non-motorised movements they are considered to be compatible with the open character of green wedges. They also enhance the outdoor recreational use of the green wedge in terms of improving public access across it.

In principle it could be argued that the proposal is for a similar communications route across the wedge but it needs to be considered within the context of its scale and impact on the openness and undeveloped character of the green wedge.

The amended plans show that the width of the road has been significantly narrowed to 4.5m throughout its length. When considered against criterion a) of Policy E2, the reduced link route should not endanger the open and undeveloped character of the green wedge and its links with open countryside.

There are other examples in the City where communications routes have been considered acceptable in green wedges. These are as follows:

- Racecourse Park cycle path. The cycle path is 3 metres wide, it has a tarmac surface and lighting columns on the section of the route between the Pentagon to the subway at Cut Lane
- Mickleover cycle path (part of National Cycle Network Route 54 to Burton). The cycle path is 3 metres wide, it has a tarmac surface but is unlit.
- West Park School to Acorn Way cycle path, Spondon. The width of the path is approximately 3 metres, it has a tarmac surface but is unlit.

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- The principle of a guided bus route through the green wedge between Mackworth and Mickleover, for the Mickleover/Mackworth Express busway was considered by the Inspector at the Local Plan Review in 2004. The Inspector saw no reason why the use of the former railway route, with careful design, should have a material impact on the open function of the green wedge.
- The long standing Local Plan proposal for a link road between Sinfyn and Chellaston, identified as T12 in the City of Derby Local Plan Review to link Wilmore Road with the A50.

The “Statement of Need and Support Information” submitted with the amended application states that the proposed lighting on the Sturgess link route will be low level and of a low enough intensity to maintain the openness of the land. The lights will be turned off when the route is not in use.

Both the reduction of the scale of the link route and the design of the lighting seem consistent with criterion a) of Policy E2. The bus link now appears to be constructed to a less intrusive design.

Criterion c) of Policy E2, seeks to prevent development that will lead to an “excessive increase” in numbers of people, traffic or noise in the green wedge. The maximum number of vehicle trips on the link route is a little over 100 – per working day (50 return trips). However, the applicant states in the Statement of Need that general delivery vehicles, students, staff and any other third party will not be able to use the link route for motorised vehicles due to the proposed barrier system.

Given that the overall scale of the link route has been significantly reduced from the original proposal the outstanding concern under criterion c) has to be weighed against other policies of the local plan review, namely Policies T1, T6, T7 and T8 and Policy LE3 University District.

Policies T1, T6, T7 and T8

The applicant has provided information regarding the advantages of routing the bus along the proposed route as opposed to the existing roads. The Statement of Need states that the Sturgess School link route will provide a major incentive for people to walk and cycle between the sites by providing a virtually traffic free direct route. This will meet the requirements of Policy T1 which promotes the use of Travel Plans and it is consistent with the objectives of the policies T6

B1 APPLICATIONS (cont'd)

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and T7 which seek to provide safe and attractive routes for pedestrians and cyclists. It is also accepted that in order to encourage students and staff to use the bus, a more direct route will offer greater advantages over bus services on the existing roads which are subject to delays. The provision of the link route for the dedicated bus service is consistent with the objectives of Policy T8. It has to be considered whether the benefits that can be gained from these sustainable forms of transport can be balanced with the impact of the link route on the openness of the wedge.

University District Policy LE3

Policy LE3 supports development associated with the University provided it meets criteria relating to its impact on the surrounding area. Criteria a) and c) apply to the link route. The scale and intensity of the proposal and its impact on the character of the green wedge have been considered under the green wedge policy above. The scaling down of the proposal should help to reduce this impact. Criterion c) permits development provided it does not lead to major traffic management implications or adversely affect the environment in the area. The Statement of Need states that the Sturgess Link Route will not generate any new trips as these would take place anyway only utilising the existing highway system, and “should discourage a notable volume of inter-site travel by private car to neighbouring streets,” as staff and students may use their own cars to move from the main car park at Kedleston Road, and try to park in the streets around the Markeaton Street site.

Policy LE3 recognises the importance of the University to Derby and the major role it plays in achieving regeneration objectives. It is considered that consolidation of further development in the University District, as identified on the Proposals Map, will meet sustainability objectives. It would be well related to the University Campus and the city centre and there are frequent bus services and the area is accessible by foot and cycle.

The current impact of traffic generation from the university buildings on the amenity to local residents has to also be taken into consideration. By seeking to encourage a greater number of trips to be taken by the bus, on foot or cycle, through the proposed link route, the proposed development should help to reduce the parking problems currently experienced on residential roads in this area, (most notably on Pybus Street, Markeaton Street, Merchant Street and Cowley Street), reduce the impact of the noise and disturbance created by a shuttle bus and other motorised transport, on residents who live on the streets on the approaches to the University sites

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The additional information submitted with the revised plans and the scaled down design of the proposed link route set out the advantages of the proposal over operating a bus link around the existing roads. The original concerns over the impact on the wedge in terms of the width of the driveway and lighting seem to have been addressed. There should be sustainability benefits from a more direct public transport link between the two sites. The proposal is also consistent with supporting the University's consolidation of its activities in the University District.

In light of criterion c) of Policy E2 there is still an outstanding concern over the impact of the number of vehicles using the route on the character of the green wedge. It would seem appropriate therefore to condition the planning permission to ensure that the usage of the link route is strictly limited to the bus, postal, security and service vehicles by requiring the installation of measures that will restrict access to unauthorised vehicles.

Nature Conservation and Protected species, policies E4, E5, E7, E9 GD3

The proposed link runs close to and crosses part of the Markeaton Brook System wildlife site. The route includes drainage swales from the driveway and a new bridge over a tributary that joins the main Markeaton Brook. The construction of the route would involve the removal of a number of trees. The existing former Sturgess school roadway onto Markeaton Street also crosses over an existing culvert between the Mill Ponds although this is not included in the application site boundary.

The Derbyshire Wildlife Sites Register describes the Markeaton Brook System as a "very clean brook lined with mature alder and willow trees." It states that there are 3 protected species associated with the site one of which, the white clawed crayfish is uncommon in this country.

Under Policy E4, "development will not be permitted which does not take proper account of the need to protect from adverse impact wildlife sites identified in Appendix B of the Adopted Local Plan, taking into account their relative significance." The applicant has submitted an analysis of the likely effects of the proposal on the nature conservation value of the Markeaton Brook System in accordance with the policy. Derbyshire Wildlife Trust , English Nature and the Environment Agency have all commented on the impact on wild life. Although they are concerned that new and additional ecological surveys are undertaken prior to any development taking place and there is some

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disagreement as to whether a bat survey is necessary prior to determination of the application, they are agreed on the need for working method statements to be submitted and approved prior to work being commenced, and a management plan for the land within the applicants control, adjacent to the proposed route, for nature conservation. Natural England have objected to the proposal being determined before an up to date bat survey has been carried out. Other than this no overriding objections have been made on wildlife conservation grounds.

Policy E7 applies as there are signs that statutorily protected species inhabit the affected wildlife site. The policy states that development which would materially affect sites supporting wildlife species protected by law will only be permitted where proposals are made to minimise the disturbance to and facilitate the survival of the affected species on the site. Alternatively permission will only be permitted by an offer of the creation of an alternative habitat, supported by a planning obligation, which would sustain the current levels of the species population. Derbyshire Wildlife Trust and English Nature have raised no objections subject to effective mitigation measures being employed .

Trees Policy E9

The proposal will involve the loss of a number of trees principally where the roadway crosses the central tributary of the Markeaton Brook . Only one tree would definitely have to be removed as it lies directly in the path of the link route, but others are likely to succumb to the affects of the engineering works that would severely alter their living conditions and these are recommended to be removed also.

The Council's Arboricultural Manager has objected to the removal of the trees. Policy E9 states that planning permission will not be granted for development which would seriously damage, destroy or compromise the long term retention of individual trees, groups of trees or area of woodland which contribute to the amenity of an area. The wooded area affected by the route also contributes to the character and amenity of the green wedge.

In my view however the removal of the trees would only cut a narrow swathe through the continuous line of brook side trees and as the site is fairly well screened by other trees within the site and on the site boundary, all of which are unaffected by this proposal I don't consider the loss of the trees to be a significant loss in visual amenity terms. In ecological terms Derbyshire Wildlife Trust has not raise any objection with regard to loss of habitat.

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Protection of Footpaths and Cycle ways Policy T15

There are some well established paths that run in an east/ west direction from Markeaton Street to Markeaton Park in this part of the green wedge. Policy T15 (12) identifies a route for an extension of the Markeaton Brook Walkway towards Markeaton Park that runs in a broadly north/ south direction across the green wedge. The cycleway/ walkway elements of the proposal for the link route would partly implement Policy T15 (12). It should be noted however that the indicative route on the Proposals Map for T15 (12) also connects with the end of Watson Street which this proposed link does not do.

Transport Policies T1, T6, T7 and T8

Under Policy T1 the Council will seek to ensure that proposed developments will not result in increased traffic congestion or have a detrimental effect on the local environment. Policies T6, T7 and T8 promote the development of facilities that will enable walking, cycling and using public transport. Policy T1 also supports the application of travel plans. This proposal could enable the full implementation of the University's travel plan and this needs to be carefully considered and appropriate weight applied.

The University is under obligation to provide the cycle and pedestrian link between Markeaton Street and Kedleston Road through the Section 106 on the development at Pybus Street (Application No. DER/09/04/01782/PRI). There is also an obligation to provide a dedicated bus service in the same agreement which links the development to the Kedleston Road campus. However, this agreement does not prescribe the route for the bus service. This proposal embraces those two obligations into one solution.

The benefits that could potentially flow from the bus link are:

- discouraging car travel between the sites and hence reduce congestion on surrounding roads
- discouraging on-street parking in local street around Pybus Street which could otherwise cause problems for local residents
- it could provide a faster link and therefore be more attractive to potential users than if the bus service ran along the A38/ A52 instead; the bus could experience delays from congestion on these roads.

It should be highlighted that the Statement of Need does not qualify what is meant when it states that the route along the A38 and A52 is "frequently congested." There does not seem to be any evidence in

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the application which shows how much of a time difference there would be if the shuttle bus ran along the A38 and Ashbourne Road (A52) to the new development at Pybus Street although the Statement of Need suggest that at peak times a 1 minute trip between the Kedleston Road site and Markeaton Island can take as long as 10 minutes. I have asked the applicant to quantify the delays that would be avoided to show if delays from congestion are experienced throughout the day or only at peak times. This information is important because the application needs to demonstrate that the new bus link between Kedleston and Markeaton Street will offer significant advantages over operating the bus link around the existing roads and thus provide justification for the impact on the openness of the green wedge. This information has only recently been requested from the university, but was not available at the time of writing. The University has also been asked to provide estimate of numbers of individuals who are likely to make use of the link route to estimate its levels of usage. I expect that this will available to be reported orally at the meeting.

Outdoor Recreation Policy L5

The land to the west of the proposal is also designated in the adopted local plan under Policy L5 for leisure and recreational used of an open nature. The siting of the link route appears to make allowance for the use of this land for such uses.

Flood Risk Policy GD3

The site falls within a floodplain with a 1% risk of flooding as indicated by the Environment Agency's flood maps. Policy GD3 flood protection states that planning permission will not be granted for development which lies within undefended areas at risk of flooding; create or exacerbate flooding elsewhere; results in the loss of natural floodplain; would impede access to a watercourse for maintenance or flood defence purposes or does not provide for the adequate management of surface run-off using sustainable drainage principles.

The Flood Risk Assessment statements indicate that some work has already been done in consultation with the Council's Flood Defence/Land Drainage Officers. No objections have been received to the proposal from the Council's Land Drainage Officers who are satisfied with the sustainable drainage elements of the Suds Scheme, although still feel that a porous surfaced construction would be desirable

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The Environment Agency have yet to comment on the revised proposals but it is hoped that they will be able to return their comments in time to be reported orally to the meeting. They made an objection to the original proposal but have been in consultation with the applicant's consultants and it remains to be seen if the consultants have been able to satisfy the concerns expressed by the Environment Agency.

I would like to respond to the suggestion raised by a number of objectors that the land has some form of restrictive covenant limiting the uses of the land. This has been looked into by one of our solicitors. He has confirmed that there are no restrictions or provisions in the title to the application land that would prevent this being used as a roadway. Land to the south east of this, known as the Mundy Pleasure ground does have restrictions in its title but this has no relevance to the proposed route.

Conclusion

There is a balance to be struck between the policy issues raised by this application. On the one hand, there are the sustainability benefits of a more direct transport link between the two sites. On the other hand there is the impact on the green wedge in terms of width of driveway, lighting, intensity of use etc and the potential affect on wildlife.

The proposal seems to have raised no over riding objections from our consultees (although internally the arboricultural division have objected to the loss of protected trees) regarding its affect on matters of wildlife protection and conservation, and it is considered likely that effective mitigation measure can be employed that will maintain or even enhance bio-diversity, particularly with the use of drainage swales.

It is considered to be still premature to determine this proposal in the absence of comments on flood risk implications from the Environment Agency. I would therefore ask the committee for guidance as to whether to continue with negotiations with the applicants until this further information is available or whether to determine the application today.

Additional information has been received from the University in answer to my request for further supporting justification/information and this is attached as an annex to this report. This includes an estimate of numbers of students and staff who will move between the Kedleston Road and Markeaton Street sites.

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11. Recommended decision and summary of reasons:

11.1 To endorse that the proposed is, in principle, welcomed, and to instruct officers to continue to negotiate with the applicants in the light of the Environment Agency concerns, to enable an amended version of the proposal to be reported back to a future meeting.

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Annex – Additional Information provided by Derby University

1. What are the numbers of students and staff that you anticipate would be moving between the Kedleston Road site and The Pybus Street site in each direction?

Answer:

The University sees the new Markeaton site and Kedleston Road site functioning as 'one campus'. Therefore, facilities at each site need to be available to all students. Accordingly this will generate inter-building movements by both staff and students.

We will have approximately 125 staff at the Markeaton site and we expect to accommodate circ: 1200 students.

Accordingly, we forecast movements as detailed below.

2. Is it possible to give some breakdown as to how many would be moving between sites on a daily basis and could such a figure be broken down into hourly rates so that committee will have an idea of the likely demand and necessity for the route?

Answer:

Based on 60% peak occupancy by both staff and students and the transport timings extrapolated from the original Transport Assessment prepared in support of the Planning Approval for the Markeaton site, we anticipate the following movements:

	Staff	Students
8am to 9am	8	55
9am to 10am	15	80
10am to 11am	6	15
11am to 12 noon	3	12
12 noon to 1pm	12	110
1pm to 2pm	12	50
2pm to 3pm	5	10
3pm to 4pm	6	12
4pm to 5pm	18	115
5pm to 6pm	5	30

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Note: It must be appreciated that there is no direct link between the total number of staff and students on site, to the number of movements during the day. i.e. one member of staff may move two or three times a day.

Similarly are you able to provide any empirical evidence based on actual survey work of the nature of the highway congestion that you refer to along the A38, the Markeaton round-about and Ashbourne Road.

Answer:

This is in the Highways Agency A38 study. Specifically in relation to congestion from the executive summary:

EXISTING PROBLEMS

The early assessment work identified the following major problems associated with the current operation of the A38 junctions:

- High volumes of 'through' A38 north-south traffic conflicting with local traffic movements in and around the western sections of Derby
- High levels of peak period congestion and delay at all three junctions
- High levels of personal injury accidents.

Page 6 of the report states:

"The A38 through Derby currently carries daily traffic volumes in excess of 40,000 vehicles per day (vpd). Many of the vehicle movements are A38 through traffic journeys which pass through all three junctions. These strategic movements conflict with local traffic generated in the predominantly residential suburbs of Derby, such as Markeaton, Allestree and Mackworth, lying to the west of the A38 route".

"Traffic congestion regularly occurs during peak periods at all three junctions".

"At Markeaton Roundabout peak period delays on the A38 approaches regularly exceed five minutes per vehicle. At the same location the A52 approaches are even more severely congested with delays regularly exceeding 10 minutes per vehicle".

3. Can we demonstrate through actual survey that there is significant congestion of these routes over long periods throughout the day?

See independent Highways Agency report above.

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4. Britannia Mill site:

- Can the University confirm the future plans for the Britannia Mill site? -Is it to be retained in use by the University for Student Education?

- If so how many students and staff are intended to be accommodated on the site and how long is this intended to stay in use?

Answer:

I can confirm that it is the University's intention to retain Britannia Mill as a location for our Faculty of Education, Health & Science for the short to medium term.

There will be approximately 980 students and 50 staff on site. (This is approximately 30% lower than the present use)

Note: Once again at peak only approx 60% will be site at any one time.

5. Is there any need for staff and students to move between the main Kedleston Road site and the Britannia Mill site? If so can you provide any figures for the numbers of staff and students based upon actual experience, that have to move between the two sites on a daily basis?

Answer:

Due to the nature of our academic teaching on the Britannia Mill site, i.e. mainly classroom based and retaining its own Learning Resource Centre, which is completely different from the Markeaton site, we anticipate extremely limited movement between this site and Kedleston Road site.

6. How do people currently move between the two sites and have you any figures to indicate how many opt for each mode of transport to make these trips (walking, cycling, motor bike, car, bus or public transport or car borne?

Answer:

At present there is no alternative but to use the car, cycle or walk, onto Ashbourne Road and use the Unibus service, to get to the Kedleston Road site and back again.

From a recent transport survey, we do know that 83% of staff uses their own car to get to work, so we can only assume that they use it, as the main means of transport during the day.

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7. When the Pybus Street site comes into use will there be any necessary staff and student movement between the Britannia Mills site and the Pybus Street site?

Answer:

Yes, although limited and predominately via the use of pedestrian and cycle.

8. Is it the intention for staff and students for the Britannia Mill site to make use of the proposed hopper bus facility? If so how was that intended to be achieved? Was it intended that the hopper bus travel between The Pybus Street site and the Britannia Mill site?

Answer:

Yes, but unless disabled, the service will be accessed from Markeaton site.

9. Student numbers:

Can you provide estimates of the numbers of staff and students that will normally be based at each of the three sites, Kedleston Road, Pybus Street and Britannia Mills?

<u>Answer:</u>	<u>Staff</u>	<u>Students</u>
Kedleston Road Site	1120	12000
Markeaton site	125	1200
Britannia Mill site	50	980

Note:

6.5% of total students have disabilities including.

30.5% of total students are over 30 years old.

58.8% of total students are female.

10. The Vehicle:

Is the proposed vehicle accessible to wheel chair users?

Answer: Yes.

Is it environmentally friendly with low carbon emissions?

Answer: It will be a modern Low Emission vehicle.

B1 APPLICATIONS (cont'd)

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Can you confirm its capacity for seated and standing passengers?

Answer: Maximum 29 seater (short wheel base).

11. Statement of need and Support information:

In this, under "Further Advantages of the Sturgess Link Route over Alternatives" you state that the A38/A52 route could at best drop passengers at the end of Pybus Street, leaving a time consuming problem of turning a vehicle around and then manoeuvring back onto Ashbourne Road.

Could you explain which end of Pybus Street you are referring to as being the drop off point?

Answer: Top end of Pybus Street off Ashbourne Road

Would you envisage the bus turning in to Pybus Street or just stopping at the Ashbourne Road end?

Answer: As above, stopping at the Ashbourne Road end

I understand that the Pybus Street site is intended to operate a one way system in off Pybus Street with an internal access road leading out onto Markeaton Street.

Answer: Correct, all as detailed in the Planning approval

What are the University's hours of working including any evening use?

Answer:

Derby Campus	Monday to Thursday	Friday	Saturday	Sunday
Kedleston site:				
• Controlled opening	06.00	06.00	09.00	09.00
• Learning Centre *	08.30 - 22.30	08.30 - 21.00	10.00 -17.00	10.00 - 17.00
• Atrium (Open access)	07.00 - 22.45	07.00 - 21.15	08.00 - 17.15	09.30 - 1715
• Absolute shutdown	23.00	21.30	17.30	17.30

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Markeaton site:				
• Controlled opening	06.00	06.00	09.00	12.00
• Open Access	07.00 - 22.30	07.00 -19.00	09.00 -17.00	12.30 -17.00
• Absolute shutdown	23.00	20.00	17.30	17.30
Britannia site:				
• Controlled opening	06.00	06.00	09.00	12.00
• Learning Centre*	08.30 - 21.00	08.30 -18.00	10.00 -17.00	13.00 -17.00
• Open access	07.00 - 22.45	07.00 - 21.15	09.00 -17.15	09.30 - 7.15
• Formal shutdown	23.00	21.30	17.30	17.30
Buxton Campus	Monday to Thursday	Friday	Saturday	Sunday
Devonshire Campus:				
• Controlled opening	06.00	06.00	09.00	11.00
• Learning Centre	08.30 - 21.00	08.30 -17.00	10.00 -17.00	12.00 -16.00
• Dome (Open access)	07.00 - 22.15	07.00 -18.15	09.00 -17.15	12.00 -17.15
• Formal shutdown	22.30	18.30	17.30	17.30
Northwood:				
• Controlled opening	07.00	07.00	Closed	Closed
• Open access	08.00 - 17.00	08.00 - 17.00	Closed	Closed
• Formal shutdown	17.30	17.30	Closed	Closed

***Possible longer opening during exams and assignment periods.**

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Will the link route be freely accessible to members of the general public as a pedestrian and cycle way link?

Answer:

Yes, we will permit members of the public to use the route for pedestrian and cycling use only (No cars) but only during our normal hours of opening. Outside which the route and site will be secured, to maintain the University's rights.

How is it intended to secure the route from unauthorised usage particularly outside the university's normal working hours?

Answer:

We intend to secure both ends of the route by use of an electronic control system, this will either be via a barrier system and /or automatic gates.

Out of hours will be secured by use of the existing gates.

Will it be open for public use during the university's holiday periods?

Answer:

With the exception of a few days at Christmas and Easter university vacation periods the route will be open.

12. The proposed bridge:

The Environment Agency have advised that they do not agree to the use of stone gabions in the construction of the bridge but that in an effort to blend the work more readily into the natural surroundings the recommend the use of "rip rap" roughly cut boulders that provide crevices for crayfish and water voles.

Are your consulting engineers able to incorporate this feature into the design and if so could this be shown on amended plans?

Answer:

Our revised application drawing ref: SK20 Rev D has removed the stone gabions.

Additional Information:

1. Planning Policy Guidance Note 1 – General Policy and Principles

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01590

With reference to land use and transport, PPG1 states in paragraph 23:

“In Order to achieve sustainable patterns of development and to help reduce the environmental impacts of transport, local authorities should integrate their transport programmes and land-use policies in ways which, helps to:

- Reduce growth in the length and number of motorised journeys
- encourage alternative means of travel which have less environmental impact; and hence
- Reduce reliance on the private car.

The key objectives for the planning system are to:

- Influence the location of different types of development relative to transport (and vice versa); and
- Foster forms of development which encourage walking, cycling and public transport use”

2. Planning Policy Guidance Note 13 – Transport

The objectives of PPG13 are to integrate planning and transport at the national, regional, strategic and local level to:

- Promote more sustainable transport choices for both people and for moving freight
- Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- Reduce the need to travel, especially by car.

Paragraph 6 of PPG 13 provides guidance to Local Authorities when preparing development plans and considering planning applications:

- Ensure that strategies in the development and local transport plan complement each other and that consideration of development plan allocations and local transport investment and priorities are closely linked
- Use parking policies along side other planning and transport measures to promote sustainable transport choices and reduce reliance on the car for work and other journeys

B1 APPLICATIONS (cont'd)

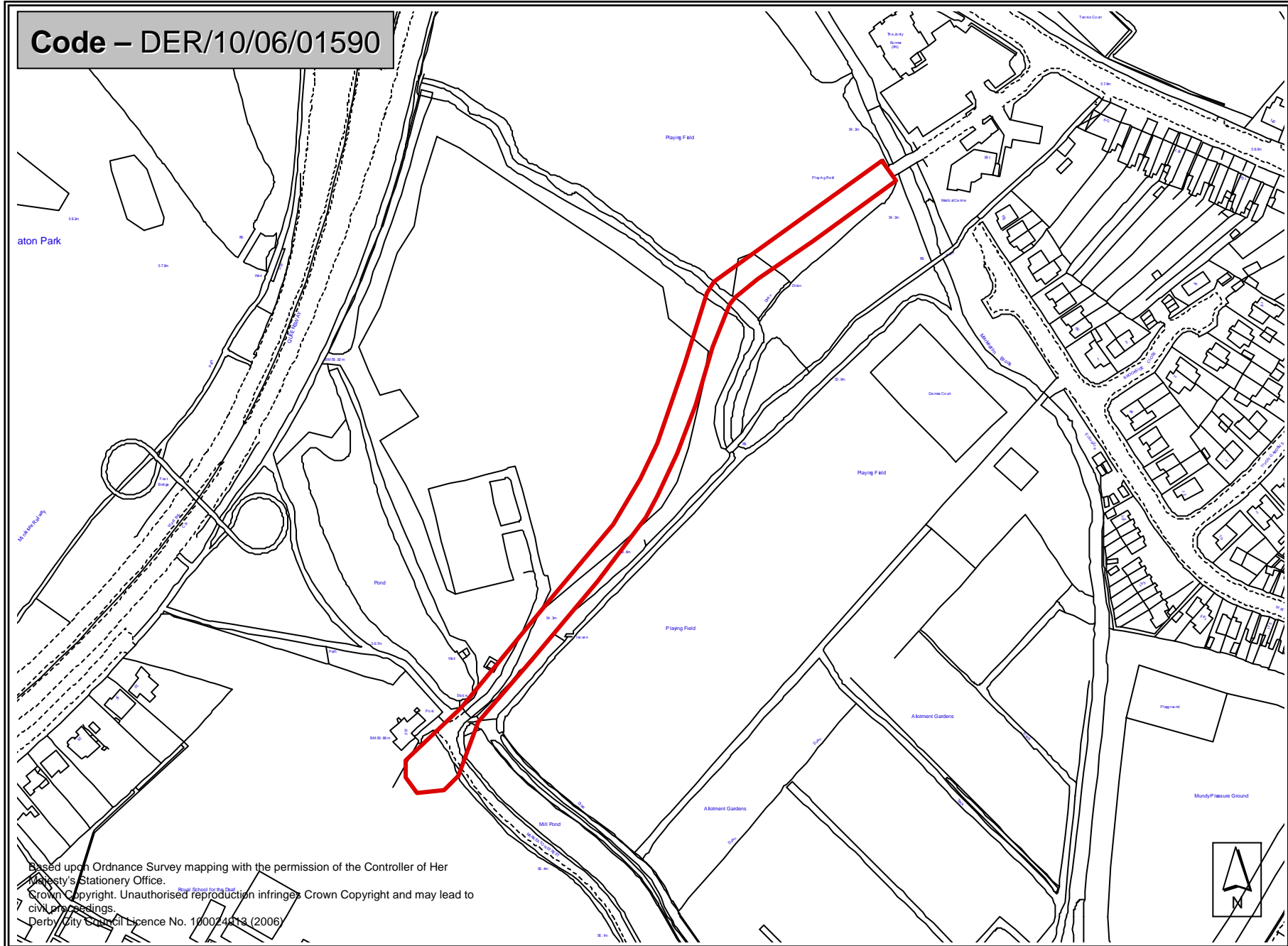
3 Code No: DER/10/06/01590

- Give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cycling and public transport in town centres, local neighbourhoods and other areas with a mixtures of land uses;
- Ensure that the needs of disabled people – as pedestrians, public transport users and motorists – are taken into account in the implementation of planning policies and traffic management schemes and in the design of individual developments.

3. Markeaton site planning approval

You will recall that under the planning approval for the Markeaton site the university were restricted in the number of car parking spaces which could be provided on site, accordingly, we currently have no alternative but to proceed with the development of an additional 233 space car park at our Kedleston Road site (as previously approved) and move students and staff around via the new Hopper service, as the Markeaton site will not accommodate student parking.

Code – DER/10/06/01590



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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal

Code No	Proposal	Location	Decision
DER/01/06/00096	Residential Development	Land to the rear of 397-399 Burton Road (Access via Whitaker Road)	Dismissed
<p>Comments: A Public Inquiry was held on the 6 March 2007 to consider the appeal against the refusal of outline planning permission for a single dwelling on the site. The Inspector considered that the main issue in the appeal was whether or not any loss of public amenity that would result from the proposed felling of a protected Corsican Pine tree in order to facilitate access to the site would be outweighed by the benefits of the proposed residential development and the proposed replanting.</p> <p>The Inspector considered that the Corsican Pine was a healthy mature tree contributing significant public amenity value. He also stated that he did not consider its amenity value to be significantly diminished by its bifurcated form nor non native species and had no reason to doubt that it is capable of lasting many years to come.</p> <p>The Inspector concluded that new planting would fall well short of making up for the loss of the Corsican Pine even when taking into account the long term benefits of replacement planting. He also stated that the appeal scheme would not have a significant role to play in meeting the City's housing requirement and it was not evident that it had any clear overall 'sustainability' advantage over other land likely to come forward for housing development. The Inspector considered the proposal failed to avoid conflict with Local Plan policy E9 and found no substantial support for the scheme sufficient to outweigh this conflict. Accordingly, he dismissed the appeal.</p>			

D2 **SPECIAL ITEMS** (cont'd)

1 **APPEALS DECISIONS**

Code No	Proposal	Location	Decision
DER/06/06/01018	Felling of Cedar tree, protected by a TPO	111 Duffield Road	Dismissed

Comments: The inspector agreed with the Council's case that the tree plays an important role in sustaining the character and appearance of the Strutt's Park Conservation area.

He also agreed that the case was not made for felling the tree as the significant or sole contributor to the cracking in the house at 113 Duffield Road. The submitted monitoring was limited to a few months and a more comprehensive study would be required, if felling is realistically to be considered an option, together with an investigation into the possible wider ground and structural movements that appear to have affected the retaining wall between numbers 111 and 113.

He also concluded that there was a need for a clearer understanding of the scope for remediation by a technical viable root barrier and / or underpinning so that the tree might be retained if the roots were eventually confirmed as the culprit.

Effectively, the Inspector agreed with the Council that the tree has amenity value and the case for felling was not justified. A further application for remediation works or felling would need to be justified by more comprehensive studies.

Code No	Proposal	Location	Decision
DER/05/06/00864	Side extension to dwelling (study and enlargement of lounge) and formation of rooms in roofspace	174 Allestree Lane, Allestree	Appeal allowed

Comments: The main issue to consider with this appeal for a side extension was in relation to the design, massing and scale of the roof line, which was considered to be an overdominant feature on the side of the dwelling with an unbalancing effect on the existing bungalow. The roof of the extension would have a gable onto a hipped roof bungalow and a pitched roof dormer would be inserted into the front elevation. The Inspector acknowledged that the symmetrical appearance of the bungalow would be lost, although considered that the design of the dwelling is not typical of the area and of no particular architectural merit. She thereby concluded that the proposal would not unduly

D2 SPECIAL ITEMS (cont'd)

1 APPEALS DECISIONS

detract from the character of the existing bungalow. It was also noted that the bungalow is set back over 20 metres from the highway frontage and that there is a detached garage to the front of the dwelling. On the basis that it is a substantial distance from the road and partially obscured by the garage, she determined that the proposed extension would not have an undue adverse effect on the appearance and character of the local streetscene. She therefore considered that Policies H16 and E23 would be satisfactorily met.

RECOMMENDATION: To note the report.

D3 **TELECOMMUNICATIONS NOTIFICATION**

1 **Code No:** DER/03/07/00481

Type: Prior Notification

1. **Address:** Land at junction of Bracknell Drive and Boulton Lane, Allenton
2. **Proposal:** Erection of one 12 metre high replica telegraph pole including three shrouded antennae, one 0.3 metre dish and two equipment cabinets.
3. **Description of Location:** This is a 56 day prior notification for the erection of a telecommunications monopole on highway land at the junction of Boulton Lane and Bracknell Drive. The land is a small green space surrounded by highway. It is relatively level and has a single semi-mature tree. The land is part of an elongated, tree lined open space, running alongside Boulton Lane. There are traditional two storey residential properties on either side of the open space and they face towards it and the application site. The pole and equipment cabinets would be sited to the east of the tree a minimum of 2 metres from the footway. The monopole would be about 2.5 metres from the footway.
4. **Description of Equipment:** It is proposed to erect a 12 metre high telecommunication mast, designed to appear as a telegraph pole. It would have three antenna enclosed in a shroud and a 0.3 metre transmission dish at the top of the pole. There would be two associated equipment cabinets sited on either side of the pole, 1.6 metres and 1.3 metres in height. They are both to be painted grey.
5. **Alternatives considered by applicant:** Various alternative sites were considered by applicant and a schedule has been provided. There are considered to be limited opportunities for telecommunications development in this area due to its residential nature and lack of commercial properties. Other sites were discounted on the grounds that:
 - the site owner is unwilling to accommodate the development
 - rooftop of building too low
 - building unsuitable and insufficient room for green field installation
 - use of school building would raise objections from the local community.
6. **Relevant Planning History:** None on this particular site.
7. **Implications of Proposal:**
 - 7.1 **Economic:** None directly arising. The development is intended to provide both 2G and 3G coverage for the Allenton area.

D3 **TELECOMMUNICATIONS NOTIFICATION**

1 **Code No:** DER/03/07/00481

7.2 Design: The proposed monopole would be a slimline design with the appear once of a telegraph pole. The equipment cabinets at the base would be relatively modest in size and would not have an unduly cluttered appearance.

7.3 Community Safety: The proposal would be sited on public highway land, with good surveillance from nearby dwellings. It is therefore unlikely to attract a significant level of anti-social or criminal activity.

7.4 Highways: The development would not have detrimental highway effects and there are no objections raised.

7.5 Health: A Declaration of Conformity with the International Commission on Non-ionising Radiation Protection (ICNIRP) has been submitted with the application. This certifies that the development is in full compliance with the requirements of these radio frequency (RF) public exposure guidelines. On the basis of the above and the advice in Planning Policy Guidance (PPG) Note 8 on Telecommunications, Local Planning Authorities are guided not to consider any further the health implications of the proposal.

7.6 Other Environmental: The proposal would be sited adjacent to an existing tree on the open space and this would help to partially screen the equipment and reduce its visual impact in the streetscene. There are numerous other trees in the highway and the surrounding open space.

8. **Publicity:**

Neighbour Notification letter	62 properties within 90m	Site Notice	8
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

9. Representations: At the time of preparation of the report 3 objections to the proposal had been received. One of them is from ward ... Councillor Leeming. Copies of the objections are reproduced and the main issues raised are as follows:

- there are four existing masts in the immediate locality and a further mast should not be permitted
- there are health concerns over the impact on future health of children.

D3 **TELECOMMUNICATIONS NOTIFICATION**

1 **Code No:** DER/03/07/00481

10. **Consultations:**

DCorpS (Health) – to be reported.

11. **Summary of policies most relevant:** Adopted CDLPR policy:

Policy E28 – Telecommunications.

This policy states that permission will be granted subject to assessment against the following criteria:

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

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

The main policy guidance is in PPG8 (Telecommunications).

12. **Officer Opinion:** Policy E28 of the adopted Local Plan is applicable to this prior notification, even though it is not an application for planning permission. The policy makes it clear that unless there are conflicting material considerations relating to criteria a, b and c above, permission should be granted or prior notifications should not be refused on the grounds of siting or appearance. This is consistent with central government advice in PPG8 which seeks to encourage development of the telecommunications network.

Health considerations

The health implications of the proposed development are clearly an issue of concern locally. Further to the comments made in 7.5 above, a legal case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow up to that in the Divisional Court, where a judge had found a

D3 TELECOMMUNICATIONS NOTIFICATION

1 Code No: DER/03/07/00481

Planning Inspector to be at fault in determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of Conformity is provided with the application.

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

Visual amenities and the environment

The monopole would be visible from the immediate area around Boulton Lane, since it would be centrally located within the highway. However, it would be partially screened by the adjacent tree and this would soften the visual impact from the surrounding area. The pole would appear slightly taller than the nearby lamp post, although its slimline design would minimise the overall mass and bulk in its appearance. It would appear similar to a telegraph pole and would not be much greater in diameter than a lamp post. Overall I consider that the monopole would not be unduly imposing on the local streetscene and it would have some resemblance to existing street furniture.

The pole and equipment would be seen against the back drop of the existing tree and nearby street furniture. Residential properties on either side of Boulton Lane would have clear views of the development, although they would be at least 25 metres from the proposal on the opposite side of the highway. This would be sufficiently distant to reduce the impact on the amenities of nearby dwellings. The proposal would therefore not be unreasonably oppressive or dominant on the nearest residential properties.

There are other similar types of telecommunication masts in the locality. Two existing monopoles on open space near the junction of Boulton Lane and Crayford Road have been identified by objectors. These are sited in a setting, which resembles the current proposal and that is close to the highway adjacent to groups of trees. There is a need

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for further telecommunications equipment to be sited in residential areas, such as this one, to ensure appropriate coverage. This proposal is reflective of others in the locality in both siting and design and as such I am satisfied that it would not unreasonably impact on visual amenities in the surrounding area.

Mast sharing and erection upon existing building

The applicant has submitted supporting information, which states that alternative site options have been explored and discounted as set out in Section 5 above. I consider that a 12 metre high monopole of the type proposed would be preferable to a mast sharing option, which would inevitably involve a taller and more engineered structure, significantly more prominent in the streetscene. Whilst there are other similar types of monopole in the local area, these provide coverage for separate localised areas of Boulton and Allenton wards. This proposal is required to fill a gap in the overall cover age for Boulton Lane and is therefore necessary to allow for the expansion of the telecommunications network.

Despite objections from local residents and Ward Councillor to the siting of this proposal, I consider that the siting and design of the proposed telecommunications equipment are consistent with local and national planning policy. There are insufficient material grounds in this case to object to the prior notification. In conclusion, the Local Planning Authority should not seek to control the siting and appearance of this proposal.

13. Recommended decision and summary of reasons:

13.1 That the City Council does not wish to control the details of siting and appearance.

13.2 Summary of reasons: The proposal has been considered against the adopted City of Derby Local Plan Review policy as summarised in 11 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development that would improve the network in this part of the city without having a detrimental effect on local amenities.

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The map shows a residential area with several streets. A red rectangle highlights a specific plot of land located between Langdown Avenue and Bracknell Drive. The map includes various street names such as DAKKETT HAVENUE, LANGDOWN AVENUE, BOULTON LANE, BRACKNELL DRIVE, WHITE D ROAD, and BASILDON CLOSE. House numbers are visible throughout the area. A north arrow is present in the bottom right corner.

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