

B1 APPLICATIONS

1 Code No: DER/1204/2355

Type: Full

1. **Address:** Land to the rear of 8 Etwall Road, Mickleover
2. **Proposal:** Erection of garage
3. **Description:** This full application seeks permission for a single detached garage to the rear of No. 8 Etwall Road. Vehicular access to the site would be from an existing access between No. 8 and 10 Etwall Road. The proposed garage would be 6.7m x 6.2m and 4.8m in height with a pentangular shaped floor plan. The garage would be faced in brickwork with slate roof tiles and a traditional wooden door. A quite large mature tree is situated close to the proposed site of the garage and is to be retained.

Nos. 1-8 (consecutive) Etwall Road form an important frontage to the streetscene in the Mickleover Conservation Area but are not themselves listed buildings. An existing vehicular access at the side of No. 8 Etwall Road also serves No. 9, a detached house set back from the highway. The land to the east of that property and adjacent to this application site forms the subject of DER/1004/1908 which is also reported to this meeting. There is pedestrian access along the rear of the Etwall Road properties (Nos. 1-8 consecutive) and the proposed garage would be situated on an existing parking space.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** No objections subject to the use of acceptable external materials.
 - 5.3 **Highways:** No objection as the garage use would replace an existing vehicle standing space and therefore vehicle movements would not be increased.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** The proposal is close to an existing tree. The advice of the Arboricultural Officer has been sought.

B1 APPLICATIONS (cont'd)

1 Code No: DER/1204/2355

6. Publicity:

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

7. Representations: I have received five letters of objection and these ... are reproduced. The main points raised are:

- dispute over the boundary of the site
- the proposal would be out of keeping with the locality
- it would detract from the appearance of the Conservation Area.

8. Consultations:

CAAC – no objections subject to agreement on suitable external materials.

CS (Arboricultural Officer) – the proposal is likely to give rise to damage to the adjacent tree. This is however a poor individual, and the scheme presents an opportunity to secure a quality replacement. A heavy standard *Tilia euchlora* is suggested.

9. Summary of policies most relevant: CDLP Review:

H26 - Domestic extensions
E11 - Trees
E21 - Conservation Areas
T4 - Parking Standards
E26 - Design
E20 - Trees

10. Officer Opinion: Both this application and DER/1004/1908 for the erection of a bungalow and detached garage were submitted some time ago but are the subject of a major boundary dispute. I have encouraged the respective agents to resolve the boundary dispute, but without success. It is not the Local Planning Authority's role to resolve such a dispute, and it is my intention now to determine both applications as submitted, at this meeting on their own particular merits.

With regard to this application for the erection of a proposed garage, I have no objections to raise to the erection of a single garage in this location. Although it is of a slightly unusual design, I consider that if faced in appropriate traditional materials it would be quite acceptable in

B1 APPLICATIONS (cont'd)

1 Code No: DER/1204/2355

this Conservation Area location. I am satisfied that the proposal would not detract unreasonably from the amenities of the residents in the adjacent properties in Etwall Road. I have noted the views of the Arboricultural Officer, and would wish to condition the replacement of the existing tree with an appropriate Heavy Standard.

In the context of policies H26 and E21 I am satisfied that the proposal is an acceptable form of development and that there are no valid grounds to justify a refusal of planning permission.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as outlined in 9 above, and it is an acceptable form of development in this Conservation Area location.

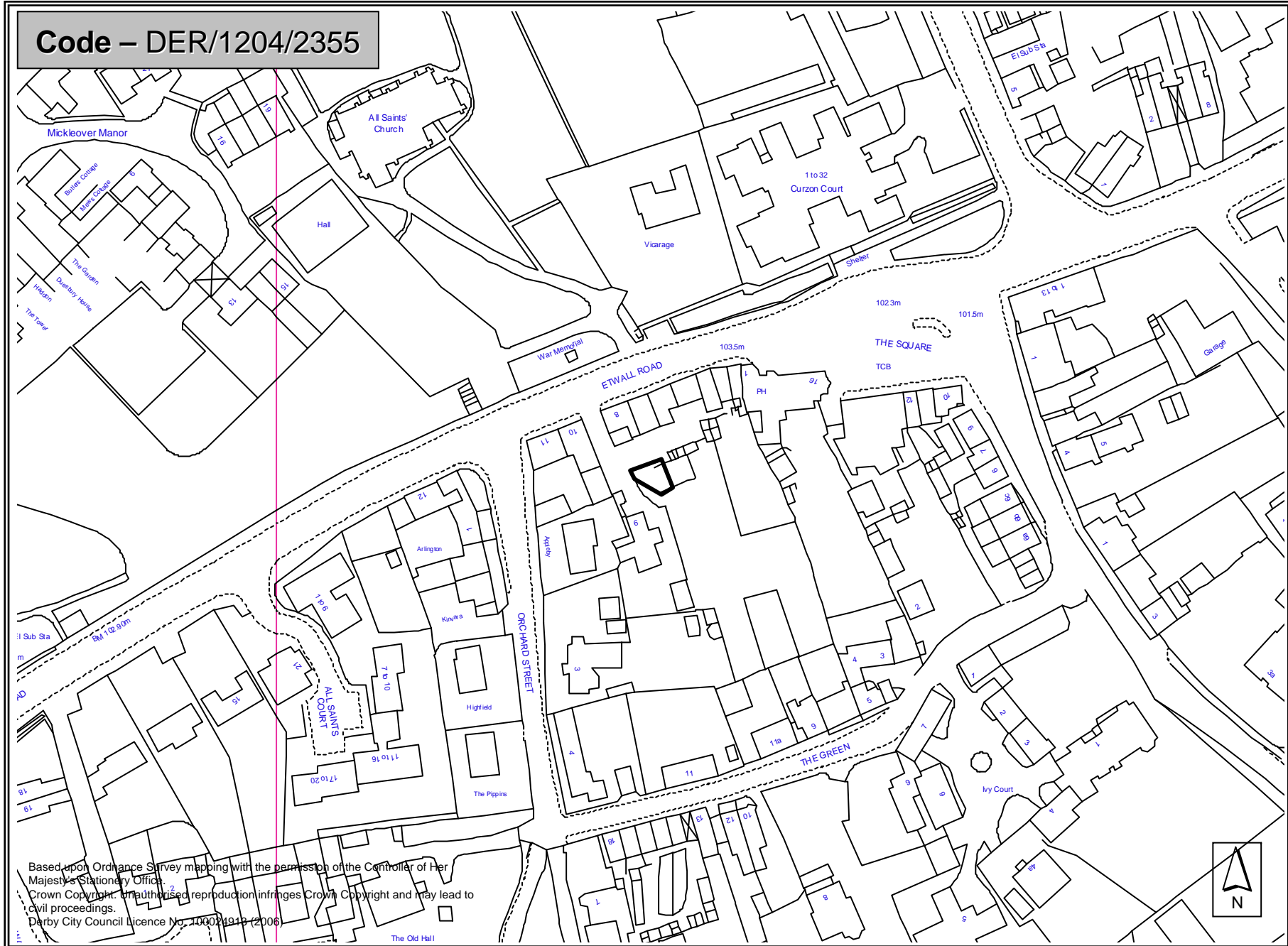
11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 30 (hard surfacing)
3. Standard condition 13 (domestic use of garage)
4. Standard condition 55 (replacement tree)

11.4 Reasons

1. Standard reason E14....policy E26
2. Standard reason E18....policy E26
3. Standard reason E07....policy H26
4. Standard reason E31....policy E20

Code – DER/1204/2355



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024919 (2006)

B1 APPLICATIONS (cont'd)

2 Code No: DER/1004/1908

Type: Full

1. **Address:** Land adjacent The Orchards, 9 Etwall Road, Mickleover
2. **Proposal:** Erection of bungalow and detached garage
3. **Description:** This full application seeks permission for the erection of a two bedroom bungalow and a double garage on this site to the south of Nos 2-7 (consecutive) Etwall Road. No. 9 Etwall Road is immediately to the west of this site, with further residential properties to the west and south. To the east is the curtilage of Masons Arms Public House. It is proposed to take vehicular access, from the existing access between Nos. 8 and 10 Etwall Road. The site contains three trees that are protected by a Tree Preservation Order, and these are all to be retained. At the present time, the site is badly overgrown and somewhat neglected.

The proposed bungalow would be of a traditional pitched roof design, faced in brick work and plain clay roof tiles. The primary fenestration would be to the front and rear, but some side elevation windows are also proposed. The proposed detached double garage would be situated close to the boundary with No. 9 Etwall Road, and would again be of a pitched roof design. Vehicular access would be from the existing access between Nos. 8 and 10 Etwall Road close to the curtilages of Nos 8 and 9 Etwall Road. There are protected trees within and to the north of the application site and these are all to be retained.

4. Relevant Planning History:

DER/1286/1334 – Erection of bungalow and garage, granted.
DER/1091/1294 – Erection of bungalow and garage, granted.
DER/696/597 – Erection of bungalow and garage, granted.
DER/502/758 – Erection of bungalow and detached garage. Refused on grounds of impact on TPO tree. The subsequent appeal was dismissed in October 2003.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: I have no objection to raise to the design of the bungalow and garage subject to the use of satisfactory external materials.

5.3 Highways: The acceptability of access to this site is long established by the granting of three previous planning permissions between 1991

B1 APPLICATIONS (cont'd)

2 Code No: DER/1004/1908

and 1996. Access to the highway involves the use of an existing access point onto Etwall Road by one further unit.

5.4 Disabled People's Access: Accessibility will be secured through the Building Regulations

5.5 Other Environmental: The site contains three trees protected by Tree Preservation Order. The guidance of the Arboricultural Officer has been sought. These trees form important physical features in the Mickelover Conservation Area.

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 seven letters in respect of this application and they will be available in the Members rooms. The main points raised are:

- there is a boundary dispute involving No. 8 Etwall Road
- current condition of the site
- threat to the TPO trees, and loss of any trees
- loss of privacy/residential amenity
- access onto the highway is already dangerous
- impact on local wildlife
- inappropriate form of building proposed.

8. Consultations:

CAAC – requests that permission be refused. This is undesirable backland development, in an important part of the Mickelover Conservation Area.

CS (Arboricultural Officer) – has noted that all TPO protected trees are to be retained. A minimum protection zone of 6.0m would be required from the Pine tree, and a method statement of construction be required.

9. Summary of policies most relevant: CDLP Review.

H21 - Residential Development, general criteria
E11 - Trees

B1 APPLICATIONS (cont'd)

2 Code No: DER/1004/1908

E21 - Conservation Areas
T4 - Parking Standards
E26 - Design

- 10. Officer Opinion:** Some Members will be aware of the planning history on this site, and may recall the relevant appeal decision in respect of DER/502/758. That outline application was **only** refused permission on the basis of the potential impact on the TPO protected Corsican Pine tree. The appeal decision supported this view. On this basis, it is therefore acknowledged that in principle the erection of a bungalow on this site is acceptable, and that the access situation from the site onto the highway (Etwall Road) is acceptable on the basis that only one further dwelling is proposed (ie. highway grounds were not considered reasonable in refusing permission for DER/502/758).

This application is therefore submitted for consideration as to its acceptability in design terms in this Conservation Area location, its acceptability in relation to existing surrounding properties, and in relation to the position of the Corsican Pine tree. I am satisfied that the design and appearance of the proposed building are acceptable subject to the use of decent quality external materials and the use of obscure glazing on the bathroom. It is proposed to use some form of red facing bricks with grey roof tiles, and these would be quite acceptable in this Conservation Area location. The relationship of the proposed building to the TPO protected trees is quite acceptable, subject to appropriate protection measures around the Corsican Pine tree. I would also wish to condition appropriate hard surfacing and boundary details. This is a small scale proposal set well back from the Etwall Road frontage, and I am fully satisfied that it would not detract from the amenities of third parties or from the overall appearance of the Mickleover Conservation Area. I have looked carefully at the issues raised by the objectors, but am satisfied that in the context of the relevant Local Plan Review policies, there are not sufficient grounds to justify a refusal of permission, particularly given that the principle was established at appeal.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as outlined in 9 above, and it is an acceptable form of development in this Conservation Area location.

B1 APPLICATIONS (cont'd)

2 Code No: DER/1004/1908

11.3 Conditions

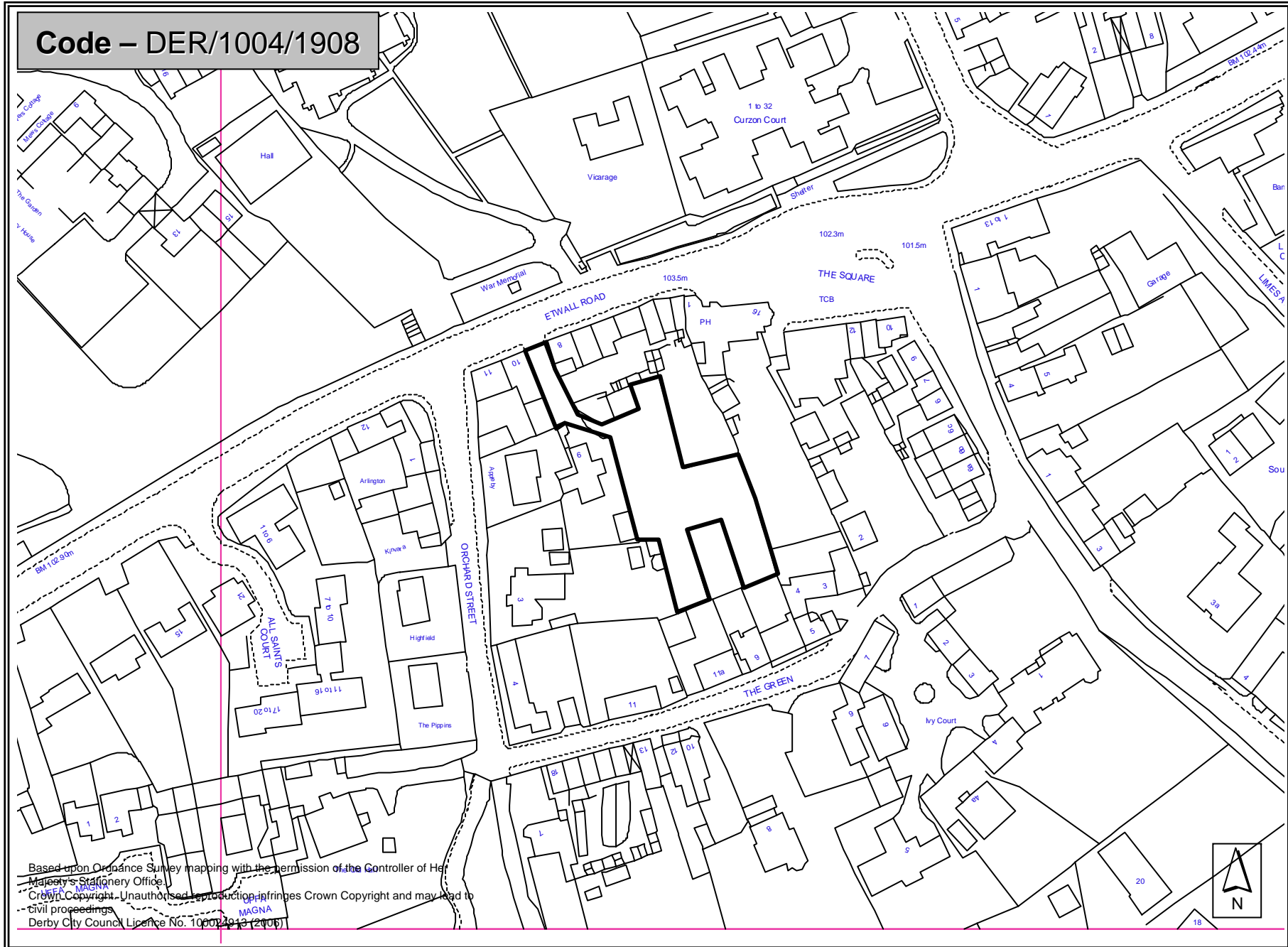
1. Standard condition 27 (external materials)
2. Standard condition 30 (hard surfaces)
3. Standard condition 19 (means of enclosure)
4. The window of the bathroom shall be obscure glazed at all times unless otherwise agreed in writing by the Local Planning Authority.
5. Standard condition 24A (Tree Protection)
6. Before any work commences, a method statement of construction details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full details of work to be carried out in close proximity to the protected Corsican Pine tree.
7. Standard condition 13 (garage)

11.4 Reasons

1. Standard reason E14...policy H21
2. Standard reason E18...policy H21
3. Standard reason E18...policy H21
4. Standard reason E04...policy H21
5. To prevent damage to trees or other vegetation...policy E11
6. In the interest of the continued health of the protected tree...policy E11.
7. Standard reason E16 and E28...policy H21

11.5 S106 requirements where appropriate: None.

Code – DER/1004/1908



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/330

Type: Full

1. **Address:** Land south of riding school, Old Canal Farm, Sinfin Moor Lane, Chellaston
2. **Proposal:** Erection of ménage in connection with livery
3. **Description:** Planning permission is sought for the construction of a ménage which is an enclosed area of land, used for the exercising of horses. Planning permission was granted in 2004 for a ménage at Old Canal Farm but the applicants have advised that a larger ménage is required to enable users to meet competition standard. The ménage is proposed to be used in connection with the livery which operates from this site.

The livery is accessed off Sinfin Moor Lane and it comprises a small group of agricultural buildings, stables and a temporary residential unit. To the north and east of the site are other farm and residential buildings. The surrounding area is predominantly open in its character as open fields stretch to the west and south of the site. The application site is located within the green wedge.

The ménage would cover a rectangular section of land measuring 20m in width and 40m in length. Drainage channels, drainage stone and two different types of membrane would form a base beneath the sand riding surface. The application indicates that post and rail fencing is to be used to enclose the area which would extend up to 1.2m in height above ground level. The ménage would be located to the south of the livery buildings on an area of land which is currently open field.

4. Relevant Planning History:

DER/506/901 – Residential development (outline) – granted 28/07/06.

DER/106/178 – Siting of temporary building for use as dwelling for a further period (variation of condition 3 of planning permission DER/302/316) – granted 30/03/06.

DER/106/167 – Residential development (outline) – withdrawn 05/05/06.

DER/1204/2403 – Erection of ménage in connection with livery – granted 01/03/05.

DER/302/316 – Siting of temporary building for use as dwelling – granted 06/03/03.

5. Implications of Proposal:

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/330

5.1 Economic: The ménage is proposed to be used in association with the existing livery business.

5.2 Design and Community Safety: I raise no overriding objections to the proposed materials to be used for the construction of the ménage. I also consider the type of fencing proposed to be acceptable given that it is characteristic of the surrounding green wedge.

I do not consider there to be any community safety implications associated with this proposal.

5.3 Highways: The proposal offers no change to access and parking provision on site.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: The ménage already approved at the premises is not of a sufficient size to enable users to meet competition standard. The extension of that ménage would require the removal of established hedgerow. The formation of a ménage of competition size on a different part of the site where hedgerows would not need to be removed is therefore considered preferable. No trees are to be felled as a result of this development and the implications of the development on the surrounding green wedge are considered in section 10 of the report.

6. Publicity:

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

7. Representations: One letter of objection has been received in response to this application and a copy is attached.

Objections raised relate to the land being within the green wedge, that planning permission has already been granted for a ménage on the site and this proposal along with the recent application for a dwelling on this site would result in a loss of croppable agricultural land.

8. Consultations: None.

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

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/330

- E2 - Green wedges
- E26 - Design

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

- 10. Officer Opinion:** I have noted the objectors concerns relating to the loss of agricultural land as a result of this development. However, Local Plan policy E2 does allow for certain categories of development within the green wedge including outdoor sport and recreation. The principle of the proposed use as a form of outdoor leisure/'horsiculture' would therefore be acceptable and the form of development proposed is ancillary to the existing livery use on site.

Policy E2 requires that the scale and design of built development within the green wedge does not endanger its open character and in my opinion, the proposal would be acceptable in this respect. The projection of the ménage surface above ground level would be limited at only 0.2m and it is not a form of development that would appear overly imposing or dominant when viewed from the surrounding area. Although fencing is proposed to enclose the ménage, it is a feature characteristic of adjacent land within the green wedge. Some details submitted with the application indicate use of a post and rail type fence which I consider would be acceptable in this setting however, further details of the fencing can be secured by condition should planning permission be granted. In my opinion these factors along with the siting of the ménage within 15m of existing buildings on the site and in close proximity to a boundary hedge, would reduce its overall impact upon the openness of the green wedge to an acceptable level.

The amount of development taking place on this site is, I feel, a material consideration when determining this application as additional development could lead to the gradual erosion of the openness of the site in the long term. However, planning permission has very recently been granted for a permanent dwelling on the site in the same position that the existing temporary dwelling is sited, resulting in no additional development within the livery open fields. The applicants have also agreed that should planning permission be granted for the ménage proposed in this application, the recently approved ménage which was proposed to be sited on a different part of the site, would not be constructed. The applicants are prepared to enter into a legal agreement to formally revoke this previous permission and with such an agreement in place I am satisfied that the granting of planning permission for this proposal would not lead to an over concentration of development on this site.

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/330

Given the siting of the proposed ménage on open land, it would be a reasonable distance from any neighbouring residential property and I do not consider there to be any amenity implications to consider in this case. For the reasons outlined above I also consider it to be an acceptable form of development within the green wedge, consistent with the aims of policy E2. Subject to the completion of the legal agreement to secure the non implementation of the previous planning permission for a ménage, I see no reasonable grounds on which to refuse planning permission.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Assistant Director – Regeneration to negotiate the terms of a legal agreement to achieve the revocation of a previous grant of planning permission for the erection of a ménage on the applicant's land and **to authorise** the Director of Corporate Services to enter into such an agreement.

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

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review – 2006 and all other material considerations as indicated in 9 above and the design of the ménage and principle of its use are considered to have an acceptable impact upon the character of the green wedge.

11.3 Conditions

1. Before the development commences, precise details of the fencing at a scale of 1:50, shall have been submitted to and approved in writing by the Local Planning Authority.
2. This permission relates solely to the application as amended by the applicants e-mail received 29 July 2006.

11.4 Reasons

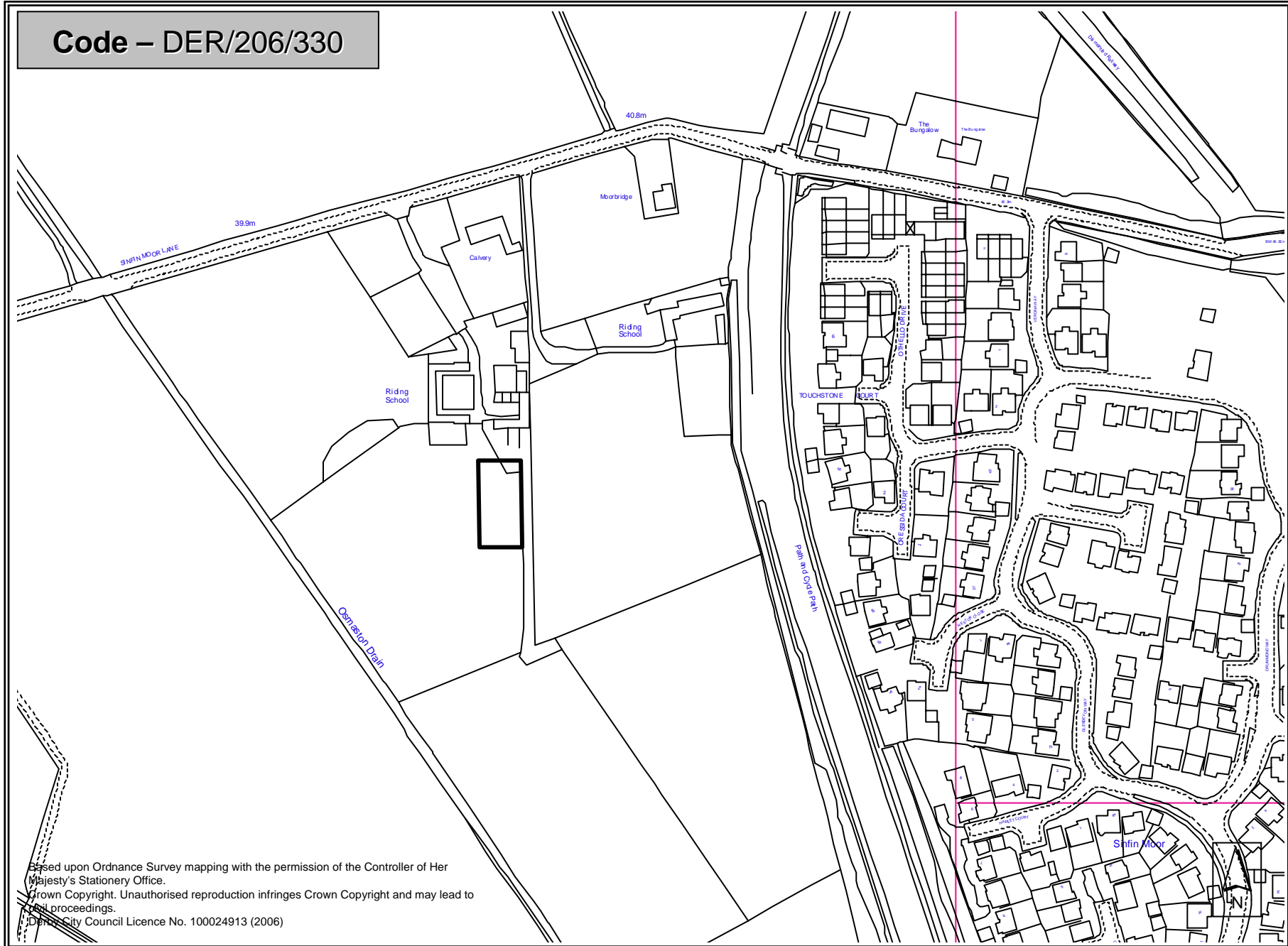
1. The information submitted with the application is not sufficiently detailed for the Local Planning Authority to be able to control adequately the appearance of the development in accordance with policy E2 of the adopted City of Derby Local Plan Review 2006.
2. Standard reason E04.

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/330

11.5 S106 requirements where appropriate: (A section 106 Agreement is not the appropriate type of planning obligation applicable to this application). A bi-lateral agreement is proposed to be entered into to seek the revocation of the previous planning permission code DER/1204/2403.

Code – DER/206/330



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)**4 Code No:** DER/606/937**Type:** Full - Article 4

1. **Address:** 4 Maplebeck Court
2. **Proposal:** Replacement windows to front elevation
3. **Description:** This application relates to a modern mid terraced dwelling on Maplebeck Court in Chester Green. It is one of a small group of similar two storey properties, which are located within the Little Chester Conservation Area. They are covered by an Article 4 Direction and permission is therefore required for the replacement of windows on the front elevation. The surrounding locality is characterised by a mix of post war housing of limited historic or architectural interest.

It is proposed to replace all four dark stained timber windows on the front of the dwelling, with Woodgrain UPVC windows. The timber windows appear to be the original openings. The design of the proposed windows would be of similar proportions and appearance to the existing.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed windows would appear similar to the existing openings and are considered to be in keeping with the period and design of the properties. There are no community safety issues arising.
 - 5.3 **Highways:** None applicable.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

Neighbour Notification letters	14	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** No representations have been received to date.

B1 **APPLICATIONS** (cont'd)

4 **Code No:** DER/606/937

8. **Consultations:**

CAAC – object on the grounds that the proposed UPVC windows would have a noticeably greater section-size than the existing timber frames and lead to an unacceptable change in the appearance of the terrace of dwellings to the detriment of the appearance and character of the Conservation Area.

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

E21 - Development in Conservation Areas
E26 - Design

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

10. **Officer Opinion:** This terrace of dwellings is located at the southern tip of the Conservation Area in an enclave of relatively modern housing. They are the only properties on this street, which are included in the Conservation Area. There is limited historic interest or traditional character in the built form of this locality and for this reason I consider that the use of UPVC would be appropriate in principle, in this location. The use of UPVC is not normally appropriate in a Conservation Area, particularly on traditional pre-war properties, although the dwellings in this area are relatively recent in date and of a contemporary design. The original window and door joinery on this terrace is dark stained timber and the windows are side opening casements. One other dwelling in the terrace, No. 2 Maplebeck Court has existing woodgrain UPVC joinery, with leaded lights. Despite the leaded lights, which do not tie in with the style of the original openings, these windows are similar in design, appearance and opening mechanism to those on the other dwellings in the row. They also appear to be similar to the original window, such that it is difficult to distinguish between them, except at relatively close proximity.

The proposed replacement windows would reflect the design and appearance of the existing openings, in terms of their proportions, glazing bars and depth of reveal and the colour would also be very similar. They would match in well with the appearance of the original window openings on the other dwellings in this terrace. Whilst the glazing bars of the UPVC windows may be slightly thicker than the timber, this would only be apparent on close inspection. There would be subtle differences in the design and material of the proposed windows, which would not amount to a significant alteration to the appearance of the dwelling. The main test of this type of development is whether it would preserve or enhance the character and appearance

B1 APPLICATIONS (cont'd)

4 Code No: DER/606/937

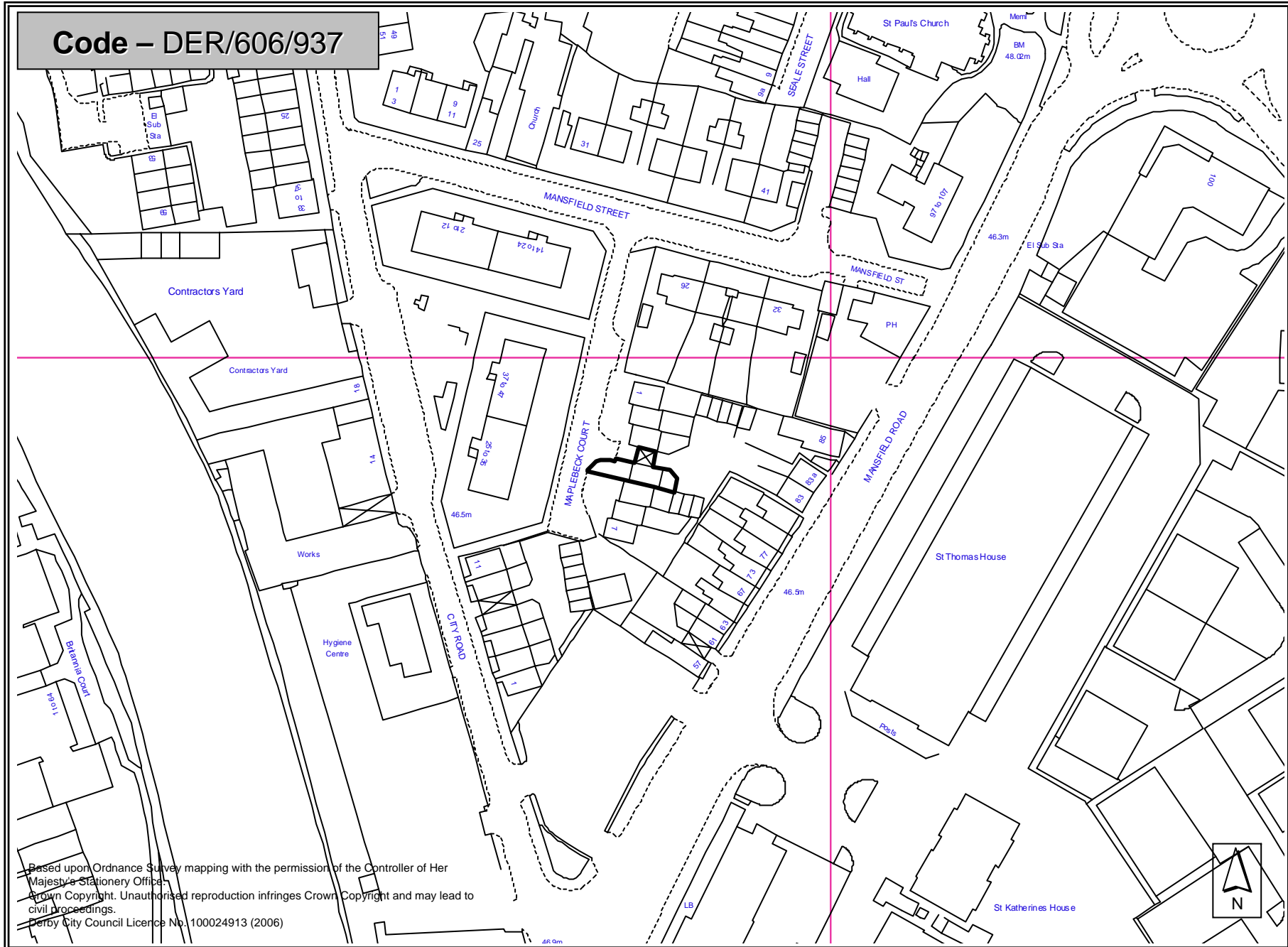
of the Conservation Area. This means that it can leave the character of the area unharmed. The character and integrity of the modern terrace dwelling would not be compromised by the proposed use of UPVC and the visual amenities of the streetscene would also be largely preserved. Overall I am satisfied that the replacement UPVC openings would not materially affect the appearance of the terrace and would not have a harmful impact on the character and appearance of the Conservation Area. The proposed windows would therefore be a satisfactory form of development in this location. In my opinion, a clear distinction can be made between the degree of difference in this case and the general unsuitability of UPVC material on new buildings in the Conservation Area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission.

11.2 Summary of reasons: The proposal has been considered against the policies of the adopted City of Derby Local Plan Review 2006 as summarised at 9 above and the proposed development would be appropriate, both in this impact on the local streetscene and on the character and appearance of the Little Chester Conservation Area.

Code – DER/606/937



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

Type: Full

1. **Address:** Site of 159 / 161 and land to the rear of 155, 157 and 163 Stenson Road and rear of 9-21 Ainsworth Drive.
2. **Proposal:** Erection of 13 dwelling houses.
3. **Description:** Full planning permission is sought for the erection of 13 dwelling houses. The site comprises two vacant dwellings, numbers 159 and 161 Stenson Road and parts of three other rear gardens of neighbouring properties at 157 and 163 Stenson Road and 15 Ainsworth Drive. The site lies on the eastern side of Stenson Road about 70 metres from the junction of Stenson Road and Ainsworth Drive. At this point Stenson Road is a steep hill running roughly north to south with the higher land being to the north. The area is predominantly residential in character with a wide mix of house types of detached and semi-detached, bungalows and two storey houses.

The larger part of the site comprises a house and a bungalow and their gardens, with frontages onto Stenson Road. I am advised that both properties have been vacant for over 18 months and that the house is suffering from structural problems. The plots, are very deep measuring almost 120 metres from Stenson Road. The balance of the site comprises the ends of neighbouring gardens either side, and a piece of land that forms the rear garden of 15 Ainsworth Drive which runs behind the adjoining properties at 15 -21 Ainsworth Drive. The long gardens at 159 and 161 have become very overgrown and virtually impenetrable but I understand they were well maintained when the dwellings were occupied. There are a number of trees throughout the land with a group of trees on the highway frontage and a larger group principally of orchard trees to the rear standing in the several gardens that make up that part of the site. Some of these fruit trees including two pear trees and a walnut tree are quite large but most are of conventional garden tree size.

The site measures some 0.43ha and with the thirteen dwellings proposed the site would be developed at a density of about 30 dwellings per hectare.

It is proposed to demolish the two vacant dwellings to prepare the site for redevelopment. The 13 proposed dwellings would include a detached, semi-detached, linked (by the garage) detached and a terrace of three dwellings.

These comprise 4 x 2 storey three bedroomed houses, 4 x 2.5 storey three bedroomed houses, 3 x 2 storey four bedroom houses and 2 x 2 storey two bedroomed houses.

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

Vehicular access would be taken off Stenson Road and would have a footway along one side. It would lead to a turning head from which private drives would service individual dwellings.

A design statement, transport assessment, protected species survey and tree survey accompany the application.

4. Relevant Planning History: None.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The designs include a variety of house types mainly detached or semi-detached houses, under pitched hipped and gable roofs, standing in individual gardens which reflects the character of the surrounding area. The house types are understandably of a more modern vernacular than the existing dwellings but generally retain the massing and scale characteristics of the locality and have borrowed from some of the design features and external materials mix that are used in the area.

The inclusion of 2.5 storey dwellings (two full stories plus rooms in a higher than normal roof space) add to the visual interest of the street scene without the being overly dominant and help to increase the density of development within the scheme.

There are no community safety concerns.

5.3 Highways: Revised plans have been received which show an acceptable junction with Stenson Road and an acceptable layout for an unadoptable access road and turning head. The level of parking provision is also acceptable.

5.4 Disabled People's Access: One mobility unit is being negotiated.

5.5 Other Environmental: The site contains a substantial number of trees many of which are fruit trees. Many of the trees will have to be removed in order to redevelop the site at the density proposed. None of the trees are protected by Tree Preservation Order and none are considered to be worthy of such protection. A protected wildlife species survey has been undertaken and no protected species were detected.

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

6. Publicity:

Neighbour Notification letters	28	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Three letters of objection have been received from ... neighbouring residents. Copies of these are attached. In summary the objections are to:

- housing density particularly when looking at certain parts of the proposal in isolation
- the affect on trees and wildlife
- traffic generation
- highway safety concerns
- effect on existing infra structure.

8. Consultations:

English Nature - have assessed the submitted Protected Species Survey and confirm that up to a point they accept the findings that there are no protected species on the site, however they have requested a further bat survey of all of the trees on the site. They are willing for the additional survey to be undertaken after determination of the planning application as a requirement by condition, on any planning permission which may be granted.

Police Architectural Liaison – any observations will be reported orally.
Arboricultural Officer – any observations will be reported orally.

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

- ST12 - Amenity
- ST9 - Design and the Urban Environment
- H21 - Residential development
- H20 - Lifetime homes,
- Ex3 - Biodiversity
- E9 - Protection of habitats
- E11 - Trees
- E12 - Renewable energy
- E20 - Landscaping schemes
- E22 - Community safety
- E26 - Design
- L4 - Public Open Space requirements

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

- T1 - Transport implications of New Development
- T4 - Access, parking and Servicing

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

10. Officer Opinion:

Policy considerations

The application site has no specific Local Plan allocation. It comprises land that has been developed in the past as dwellings and their garden cutilages, so it can rightly be thought of as a brownfield site, and it lies in an area in which existing residential uses predominate. As such the redevelopment of land for residential purposes would be appropriate and in accordance with CDLP review policy H21. I am satisfied that in this suburban location which is already well served with basic infrastructural facilities with local schools and shops nearby and which lies close to major public transportation routes, the site is situated in a sustainable location where modes of transport other than the motor car are feasible alternatives for any future occupiers.

The proposed density of development at 30 dwellings per hectare would meet the lower density level advocated in Planning Policy Guidance Note 3 and can be said to represent a significantly more efficient use of the land than is the existing situation.

Subject to meeting other more specific criteria, there are no objections in principle to this proposal.

Design and Layout

The layout is a fairly conventional single sided cul-de-sac arrangement with dwellings along one side and ranged around a turning head. The house types are a mixture of detached and semi-detached with one small terrace of three. The foot prints and massing of the dwellings are in my view quite similar to the those of the established dwellings in this locality. Although the existing dwellings in the surrounding area are predominantly one or two storeys in height I don't consider that the inclusion of a small number of 2.5 -3 storey dwellings is significantly out of context. The third floor being contained in the roofspace of pitched roofs allows increased floor space and helps achieve the required site density and yet the modest extra height of these 2.5 storey types is not out of scale or intimidating and I believe that the street scene

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

appearance of the development will readily fit in with the surrounding area.

The use of design details borrowed from the locality and the used of sympathetic external materials should help the development to be easily assimilated into the area.

Highways

The connection of the development by a junction directly onto Stenson Road is considered to be acceptable and an acceptable access geometry has been agreed with the applicants sufficient to be accepted as an unadopted road.

Parking Provision

Two parking spaces per dwelling is considered to be acceptable in this suburban location and will help to keep on street parking to a minimum.

Residential amenity

There would inevitably be an affect on the amenity of neighbouring residents due the close proximity of dwellings to the boundaries of neighbouring properties which have in the past only adjoined the remote and secluded ends of neighbouring gardens. However the proposal meets all of the “space around dwellings” guidelines adopted by the Council, so I am satisfied that any detrimental affect to neighbouring amenity by massing, enclosure, overbearance, loss of privacy or loss of daylight, and noise and disturbance should all be within tolerable levels.

There would be greater movement of vehicles and pedestrians deeper into the private rear garden areas and an attendant increase of noise and disturbance into these areas. To a great extent these affects would be buffered by the siting of the proposed buildings and the distance, between the access road and neighbouring residential properties.

The neighbouring property to the north would be the most exposed to the additional traffic noise and activity. The owner of the property is a party to this proposal and has raised no objections. I am confident that an appropriate boundary treatment should be able to give sufficient protection to reduce any disturbance to acceptable levels.

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

Trees

There are quite a number of trees of various species sizes and condition on the site. These were assessed during pre-application discussions and none were considered to be suitable for the making of a Tree Preservation Order. In my view as the majority of trees to the far end of the site to the east are mainly fruit and ornamental, (Apple, Pear, Plum Damson, Walnut, etc) I do not believe that there are grounds to insist on their retention.

A pair of Ash trees towards the middle of the site would have made better specimens for retention had they not been heavily topped in the past which has left an ugly framework of branches

Towards the frontage of the site onto Stenson Road are a number of trees including Holly, Hawthorn Pine and Horse Chestnut. It is proposed to retain a number of these and a number of trees in the wider site. It is hoped that arboricultural advice when it is received will comment on the suitability of retention of some of these which don't appear to be in particularly good condition.

Wildlife

The long gardens have attracted a certain amount of wildlife which includes foxes and grey squirrels, garden and perhaps other birds. I believe this is fairly consistent with many gardens in suburban areas and I don't consider this to be in any way exceptional. The protected species survey undertaken found no bats or badgers or other protected species. In my view there are no grounds to consider this to be an area of land which should be preserved for its wildlife interest.

Public Open Space

It is not intended to provide public open space within the site. This requirement would be met by provision of a commuted sum to be provided through a section 106 agreement.

In conclusion the site is considered brownfield land in a residential area which is currently under utilised and as such is a prime candidate for redevelopment for residential purposes. Access to the existing highway network can be easily accommodated and the submitted designs and site layout would not be significantly detrimental to the amenity of neighbouring occupiers or to the character of the area. I can see no grounds for withholding planning permission in this case.

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

11. Recommended decision and summary of reasons:

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

B. To authorise the Assistant Director – Regeneration **to grant** planning permission on conclusion of the above Agreement subject to the conditions set out below. Should the Section 106 Agreement be not concluded within 13 weeks of the application's life (18 September) the Assistant Director – Regeneration to give consideration in consultation with the Chair, **to refusal** of the application.

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 considered at 9 above. The proposal involves residential and re-development of brown field land and would create an acceptable living environment without unreasonably affecting amenities of exiting properties or the character of the area.

11.3 Conditions

1. Standard condition 09A (amended plans ref 1005NDL/PL01-rev A received 24 July 2006 and 1005NDL-HTB-PD11, received 20 June 2006.
2. Standard condition 27 (external materials)
3. Standard condition 20 (landscaping)
4. Standard condition 22 (landscaping maintenance)
5. Standard condition 30 (hard surfacing)
6. Standard condition 19 (means of enclosure)
7. Standard condition 38 (drainage details)
8. Standard condition 13 (domestic use of garages)
9. Before any development is commenced, including demolition of the existing buildings and removal of any trees:
 - a. a survey of roosting bats in the trees and the potential for roosting bats shall be undertaken. This shall be in the form of a roost survey to determine the nature of any bat presence on site

B1 APPLICATIONS (cont'd)

5 Code No: DER/606/976

Depending on the results of the survey:

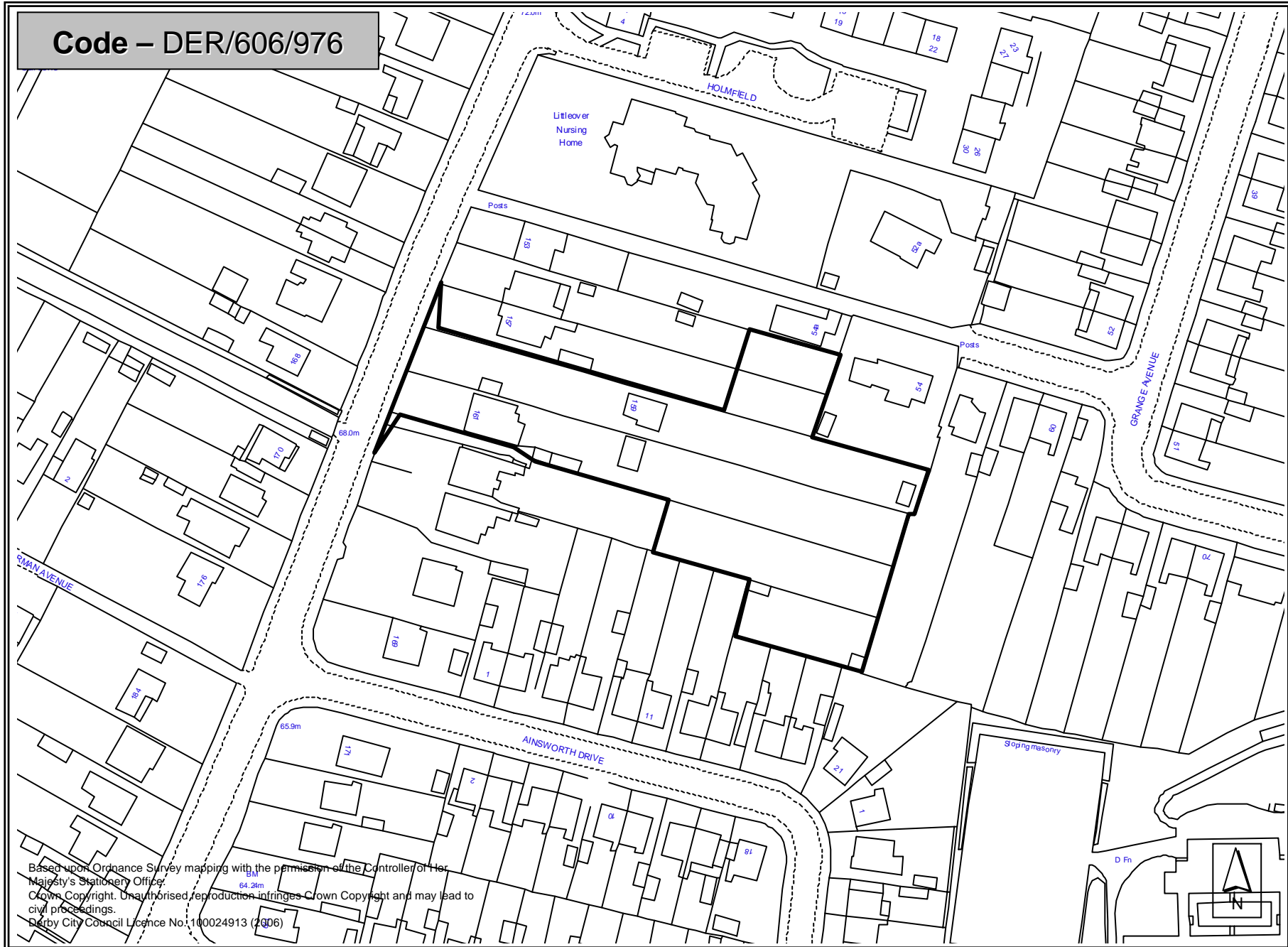
- b. necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority
 - c. all such agreed measures shall be implemented in their entirety
 - d. a DEFRA licence shall be secured to legitimise destruction of any bat roost.
10. The landing windows to plots 1 and 11 shall be obscure glazed and retained as such at all times thereafter.

11.4 Reasons

- 1. Standard reason E04
- 2. Standard reason E14...CDLPR policy E26
- 3. Standard reason E18...CDLPR policy E20
- 4. Standard reason E18...CDLPR policy E20
- 5. Standard reason E16...CDLPR policy T4
- 6. Standard reason E07 and E18...CDLPR policies E20 and ST12.
- 7. Standard reason E21
- 8. Standard reason E28...CDLPR policies H21 and ST12.
- 9. In the interests of wildlife preservation...policy E9
- 10. To preserve the amenities of adjoining residential property...policy H21

11.5 S106 requirements where appropriate: Mobility housing, improvements to public open space provision and or public realm, and highway works.

Code – DER/606/976



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

6 Code No: DER/506/789

Type: Full

1. **Address:** Land adjacent to 104/106 Drewry Lane
2. **Proposal:** Erection of two storey building to comprise two flats
3. **Description:** The application site is located on the northern side of Drewry Lane. Full planning permission is sought to erect a two storey building to form two flats. The street is predominantly terraced housing. The site is surrounded on all four sides by residential properties; however the large gardens to the rear of the application site creates a substantial distance between the properties on Uttoxeter New Road and the proposed development. The garages to be demolished are located within the curtilage of 104/106 Drewry Lane. There is a large brick building fronting the site which on the OS plan is labelled as 114 Drewry Lane which will be demolished to accommodate the proposal and there are garages to the rear of the site which will also be demolished. The footprint of the proposed ground floor flat is marginally smaller than the existing building fronting Drewry Lane. The existing vehicular access to the rear of the site would be retained between the new building that would front Drewry Lane and the dwelling on the application site. Six parking spaces are proposed to the rear with drying and bin storage areas.
4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** In my opinion the design and scale of the proposed development is acceptable as it replicates the design features of the existing dwelling on the application site, and would not cause unacceptable harm to the appearance of the streetscene generally.
 - 5.3 **Highways:** The car parking is satisfactory; however, there is no provision for safe, secure and lit cycle parking which is required. The existing vehicle crossing is a stepped and radius kerb. The developer will be required to re-construct the vehicle crossing using dropped and taper kerbs, thus giving pedestrian priority over the footpath which will assist children and the disabled. No objection subject to above requirements.
 - 5.4 **Disabled People's Access:** The flats would be accessible through building regulations.

B1 APPLICATIONS (cont'd)

6 Code No: DER/506/789

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	14	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Four letters of objection have been received in response to this application. The objections raised relate to:

- 1 Loss of privacy
- 2 Loss of garages – parking implications
- 3 Issue of right of access is questioned (but this is not a material planning consideration)
- 4 Concern over possible removal of rear boundary wall with properties on Uttoxeter New Road.

8. Consultations: None.

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

- ST12 - Amenity
- H21 - Residential Development – General Criteria
- E26 - Design
- T4 - Access, Parking and Servicing

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

10. Officer Opinion: Key policy issues are the provision of a good quality living environment and satisfactory car parking/access, design and impact on residential amenities.

The surrounding area is residential in character and this proposal to create two flats is therefore acceptable, in principle, in this location. The site constitutes brownfield land as defined by PPG3 and I consider the proposal offers an appropriate use of this site.

In my opinion the design detail compares favourably with the scale and architectural form of the existing dwellings on the site (nos. 104/106

B1 APPLICATIONS (cont'd)

6 Code No: DER/506/789

Drewry Lane) which will extend the built frontage along this part of Drewry Lane. Comments on design and parking/access are given in section 5.2 and 5.3 of this report, and I raise no objections to these points. In terms of impact on residential amenities, I do not consider that this proposal would have any unreasonable impact upon the amenities of the surrounding properties. I am also satisfied that there would be no unacceptable loss of privacy to neighbouring dwellings.

Overall, I am satisfied that this application proposes an appropriate use of this site that would not be out of place with the surrounding residential area. In view of the above, I see no justification for refusing this application.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review – 2006 and all other material considerations as indicated in 9 above. It is an acceptable form of development in this location in terms of providing a satisfactory living environment without causing any unacceptable impact upon residential and visual amenities.

11.3 Conditions

1. Standard condition 27 (materials)
2. Standard condition 19 (means of enclosure)
3. Details of cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced.
4. A dropped and taper kerb access shall be provided at the sites access before the new flats are brought into occupation, unless otherwise agreed in writing by the Local Planning Authority.
5. Standard condition 30 (hard surfacing)

11.4 Reasons

1. Standard reason E14...policy H21
2. Standard reason E08...policy H21
3. To meet the parking needs of the development, to encourage and provide a varied means of transport to the site and in the interests

B1 APPLICATIONS (cont'd)

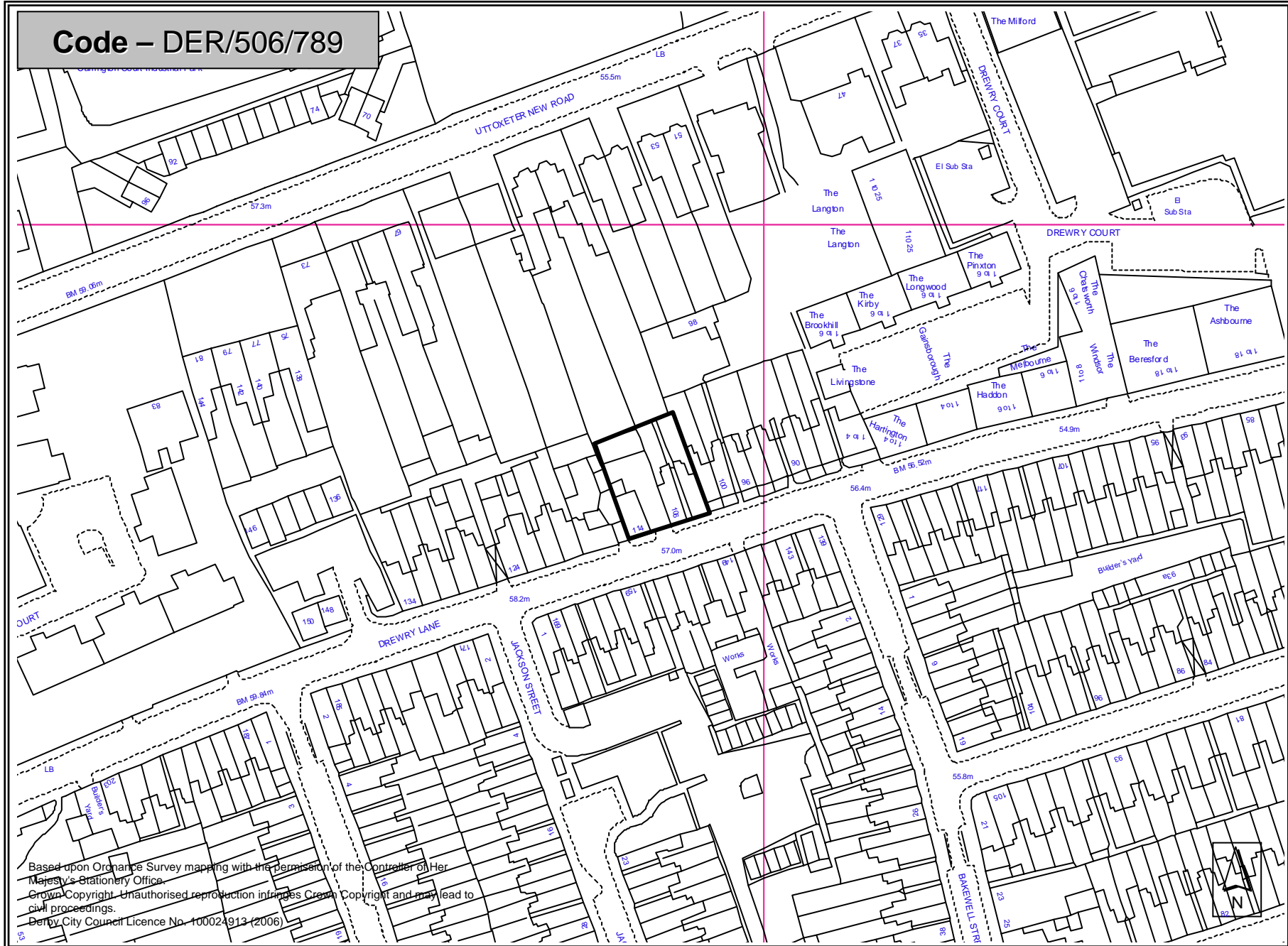
6 Code No: DER/506/789

of environmental amenity and in accordance with policy T4 of the adopted City of Derby Local Plan.

4. To facilitate safe vehicle turning into the relatively narrow access and in the interests of pedestrian safety in accordance with policy T4 of the adopted City of Derby Local Plan Review - 2006.
5. Standard reason E14...policy H21

11.5 S106 requirements where appropriate: None.

Code – DER/506/789



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

7 Code Nos: DER/606/939 &
DER/606/941

Type: Advert Consent and
Listed Building Consent

1. **Address:** The Old Post Office, Victoria Street (Coyote Wild)
2. **Proposal:** Listed Building Consent: display of one externally illuminated hanging sign, two internally illuminated fascia signs, two CCTV cameras, a neon strip and 12 uplighters. Advert Consent: display of one externally illuminated hanging sign and two internally illuminated fascia signs.
3. **Description:** The former Post Office is a Grade II listed early 20th Century building with stone façade on the corner of Victoria Street and St James Street. It is a prominent building in the City Centre Conservation Area.

Advertisement consent and Listed Building consent are sought for replacement signs and external lighting on both street elevations. The proposed signs would include a hanging sign on the St James Street elevation. It would measure 970mm x 500mm with neon uplighting and have brushed metal letters and a black background. The two fascia signs would have lettering heights of 280mm and 460mm would be with brushed steel rim and returns. The lettering would be fixed to a perforated black powder coated aluminium panel and have purple halo illumination. The letters would be attached to a lightweight black aluminium frame and fixing plate and fixed securely into mortar joints where possible. The sign would extend 800mm from the building and would not extend beyond the cornice canopies above the doors.

The twelve uplighters extend 200mm from the wall of the building and are 200mm in width. They would be positioned at intervals in between the first floor windows. The two security cameras are positioned overlooking the two main entrances and are 475mm in length. I am seeking to negotiate a reduction in the size of these cameras. A purple neon strip is proposed along the length of the cornice canopy on both street elevations.

4. Relevant Planning History:

DER/12/03/2192 – Listed Building Consent – Installation of uplighters, display of banners, 3 internally illuminated hanging signs and neon strip highlights, refused 13/12/04

DER/10/03/1939 – Advert Consent - Display of banners, 3 internally illuminated hanging signs and neon strip highlight, refused 13/12/04.

B1 APPLICATIONS (cont'd)

8 Code Nos: DER/606/939 &
DER/606/941 Consent

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: See Officer Opinion at 10.

5.3 Highways: None.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: None.

8. Consultations:

CAAC – object and recommend refusal on the grounds that the overall scheme of advertisement was too intensive and would detract from the historic character of the grade II listed building and the appearance of the Conservation Area. In particular it was considered that the neon strip light around the ground floor cornice was inappropriate and that the CCTV cameras appeared unnecessarily large and therefore visually intrusive.

9. Summary of policies most relevant:

E21 - Conservation Areas

E22 - Listed Buildings and Buildings of Local Importance

E29 - Advertisements

The listed building application should be determined in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advertisement applications should be determined in accordance with the material considerations of visual amenity and public safety.

B1 APPLICATIONS (cont'd)

8 Code Nos: DER/606/939 & DER/606/941 Consent

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

- 10. Officer Opinion:** This signage scheme is the result of extensive negotiations between the agent and Conservation Officer. The hanging sign is considered acceptable due to its size and external illumination. The uplighters are small in size and similar to those approved on the building opposite (Revolution). The fixings shall be in the mortar joints rather than the stonework to limit damage and this can be a condition of any consent. The two security cameras are required by the Police. I do not consider the overall appearance of the building is affected by these additions and architectural features are not obscured.

The proposed neon strip is not considered to be acceptable as it adds clutter to the building. A condition omitting this fixture from any permission shall be placed on any consent. The red window vinyls currently in place do not form part of the scheme and will be removed.

The two halo illuminated signs are attached to a see through mesh with lettering attached to a lightweight frame. The architectural features surrounding the fanlight would not be obscured by the signage. A condition requiring a sample of the black perforated mesh to be submitted for approval shall be placed on the any consent. The letters being Perspex will have the halo illumination shining through with the effect of internal illumination. However, the letters would have steel rims and returns so the area of illumination would be minimal. On balance, I consider that these signs are an improvement on the three large unauthorised circular signs currently on the building and feel that a delay for further negotiations would not be beneficial to the building or City Centre.

I conclude that the proposal would not have an adverse impact on the character and appearance of this prominent building and therefore recommended accordingly.

11. Recommended decision and summary of reasons:

- 11.1 To grant** Listed Building Consent and Advertisement Consent with conditions.
- 11.2 Summary of reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to have a detrimental effect on the special

B1 APPLICATIONS (cont'd)

8 Code Nos: DER/606/939 & DER/606/941 Consent

architectural or historic interest of this Listed Building or visual amenities.

11.3 Conditions

Listed Building Consent

1. The fixings of the uplighters and fascia signs shall be in the mortar joints.
2. The neon strip does not form part of this permission.
3. Prior to the erection of the fascia signs a sample of the black perforated mesh shall be submitted and approved in writing by the Local Planning Authority.

11.4 Reasons

1. To avoid damage to the stonework of the Listed Building
2. The proposed neon strip would add clutter to this prominent building and is considered to be a visually inappropriate addition to the Listed Building and detrimental to its special character.
3. To ensure it would not obscure special architectural features of the Listed Building.

11.3 Condition

Advert Consent

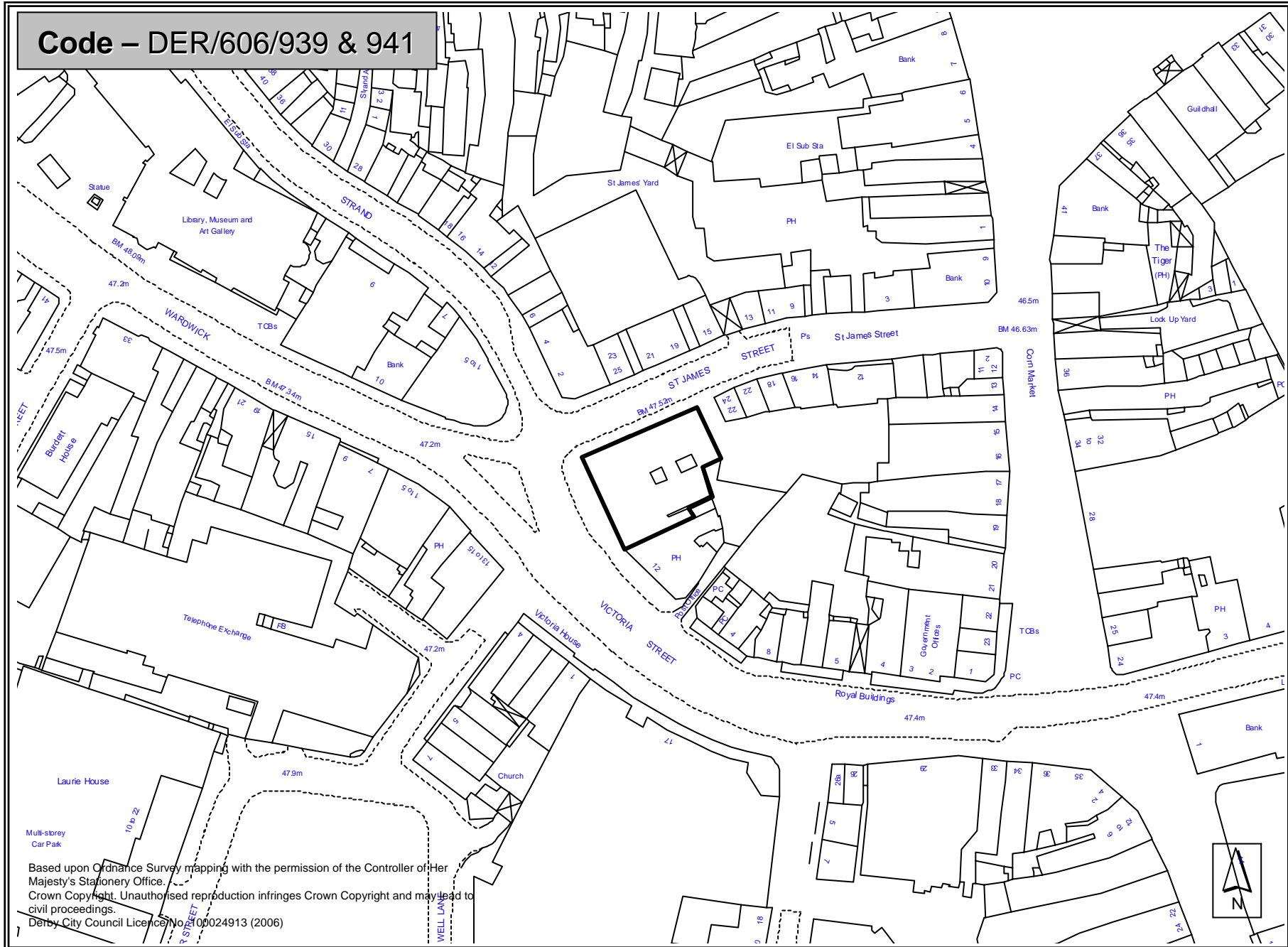
Standard condition 05D (advert consent – five years)

11.4 Reason

Standard reason E23

11.5 S106 requirements where appropriate: None.

Code – DER/606/939 & 941



B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/606/1085

Type: Full

1. **Address:** Land at the side of 68 Locko Road, Spondon
2. **Proposal:** Erection of a dwelling house and creation of vehicle access.
3. **Description:** The proposal relates to an area of land at the side of 68 Locko Road. This brownfield site is an existing residential garden area, located within a traditional streetscene. The streetscene is composed of detached and semi detached houses of various design. The site measures 49m in length x 10m in width. To the rear, east, boundary there is a wooden fence over 2m in height, which is also extended to the south boundary. To the north side of the plot there is currently no defined boundary as it is presently part of the residential garden of 68 Locko Road. The front west boundary is well screened from the road by a hedge with vegetation.

The neighbouring property to the south of the site (no. 62 Locko Road) is a detached two storey house, with a second storey obscured glazed window on the north elevation facing the proposed site. There is also a solid wooden entrance door and a window at ground floor level, with a canopy over the area between the side elevation and side boundary. The adjacent property, a detached two storey house (no. 68 Locko Road), has two windows including a bay window at ground floor level, and a window on the second floor on the south side elevation facing the proposal. The property to the rear, no. 2 Brecon Close, is a bungalow and is well screened by the boundary treatment. There are two trees located within the middle area of the site, which are to be retained.

The proposal is for an erection of a dwelling house. The plans show a gable fronted two storey detached dwelling house with a dormer to each side facing roof plane, allowing rooms in the roof. The proposal has a mock Georgian design, with cill and lintel details around the windows. On the north and south side elevations of the dwelling it is proposed that all windows be obscure glazed, to retain the privacy of neighbouring properties.

The house is positioned in the site with a setback from the highway of approximately 14.8m, creating a staggered building line with the adjacent properties. The vehicle access is proposed to the front west boundary with the existing shrubbery to be pruned back.

4. **Relevant Planning History:** DER/1078/1452 – Erection of a dwelling house or bungalow, granted.

B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/606/1085

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** In my view the design of the proposed dwelling relates well to the mixed streetscene, with dormer windows featuring on adjacent properties, and two storey properties neighbouring the development to the north and west. The appearance of all the adjacent properties varies, but the relationship to Locko Road is continued with the precise location of the development in the plot creating a staggered building line within the streetscene. The large trees and vegetation to the front west boundary will help to provide screening from Station Road.

5.3 **Highways:** Gateposts should be set in line with the existing posts for 68 Locko Road. Subject to this, no objections.

5.4 **Disabled People's Access:** Any new dwelling will have a degree of accessibility through compliance with Building Regulations guidance.

5.5 **Other Environmental:** None.

6. **Publicity:**

Neighbour Notification letters	8	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** To date five letters of objection have been received. These are reproduced in the report. Concerns are summarised below:

- The proposed dwelling would cause a loss of privacy to Brecon Close properties.
- Highway safety on Locko Road
- There is a flooding problem at the junction of Brecon Close and Locko Road.
- Loss of light
- Breach of the building line
- Development would not be in character with the road
- Development would be too close to the boundary
- Foundations and basement plans would affect the neighbouring dwelling

B1 APPLICATIONS (cont'd)

8 Code No: DER/606/1085

- Previous refusal of permission for 3 executive properties in Brecon Close in 1995 sets a precedent for refusing this application
- Noise and disturbance that would accompany building works
- Driveway access would create a hazard
- The principle of residential development within garden areas

8. Consultations

Commercial Services (Arboriculturalist) - comments to be reported

9. Summary of policies most relevant: CDLPR policies

ST12 - Amenity
H21 - Residential development
E12 - Renewable energy
E26 - Design
T4 - Access, car parking and servicing

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

10. Officer Opinion: I refer to my comments in section 5.2 in respect to the impact on visual amenities.

The impact on the residential amenities would not be significant in my opinion. The property to the rear, although a bungalow, is situated 25.7m from the proposal and therefore would have no significant impact in amenity, in terms of loss of light, privacy and effects of massing. The properties located either side will not be significantly overlooked due to the obscure glazing in the north and south side elevation windows.

I am also satisfied that there would not be unreasonable effects upon light or harmful effects of massing for nos. 62 or 68 Locko Road. I note that no. 68 has a large bay facing the plot but the staggered layout avoids there being unacceptable light loss to this habitable window.

I have requested that the position of the gatepost is aligned with the existing access to no. 68 Locko Road, for highway safety reasons. I have also requested that the windows in the dormers are omitted, and instead light gained through velux windows in the dormers roof to avoid overlooking neighbours from a high level. I have also suggested that the window in the south side elevation be reduced in width, to make it appear less dominant.

B1 APPLICATIONS (cont'd)

8 Code No: DER/606/1085

In my opinion, the impacts of this proposal are not unacceptable in the streetscene, or upon the amenities of the neighbouring properties.

I note that in 1995 there was a refusal for 4 bungalows to the rear of this plot, at Brecon Close. The refusal was on the grounds of over intensivity, and a similar proposal was subsequently approved. However, in this case the plot is more generous in size, and the location and design of the single dwelling is more appropriate and fits well into the streetscene. Policy has also changed since 1995, PPG3 housing was introduced in 2000 which encourages the efficient use of brownfield land.

The proposal creates a satisfactory living environment, with good private amenity area and satisfactory privacy. Within the plot, the proposal makes good use of natural sunlight.

The flooding matter at Brecon Close junction is not directly related to this development therefore I have passed the objection to land drainage to act upon.

Subject to the receipt of the requested amendments I see no justification in refusing this application.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review 2006 and all other material considerations as indicated in 9 above and it would be an acceptable form of infill development that would allow creation of a satisfactory living environment without unreasonably affecting the amenities of existing residential properties

11.3 Conditions

1. Standard condition 09A (permission – revised plans)
2. Standard condition 27 (details of external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 34 (loading/unloading).
5. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, the north and south facing side elevation windows shall be obscure glazed and retained as such, unless

B1 APPLICATIONS (cont'd)

8 Code No: DER/606/1085

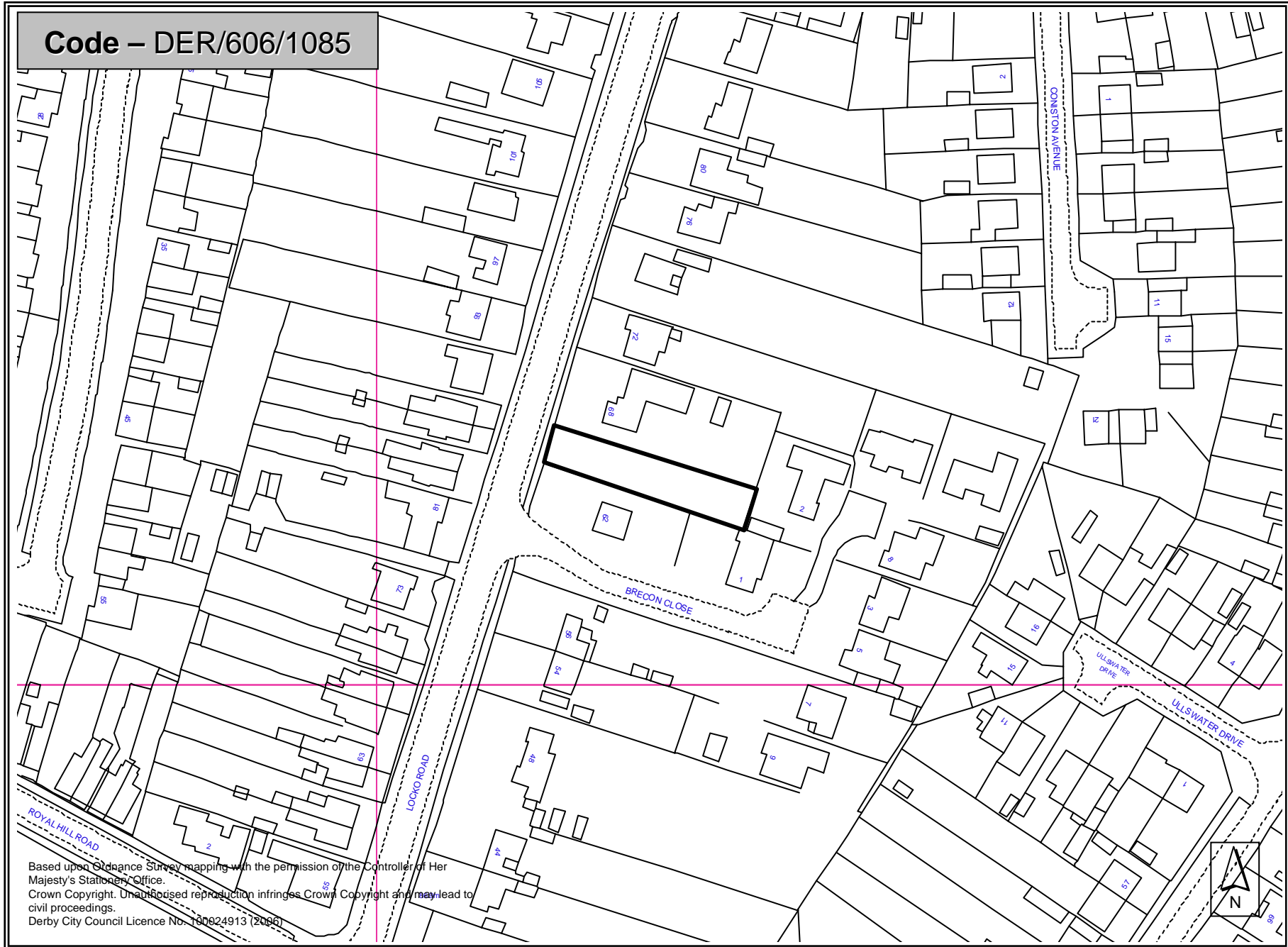
otherwise agreed in writing by the Local Planning Authority. No other windows shall be installed in the side elevations, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...policies H21/E26
3. Standard reason E07...policies H21/ST12
4. Standard reason E35...policy T4
5. Standard reason E07...policies H21/ST12

11.5 S106 requirements where appropriate: None.

Code – DER/606/1085



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100624913 (2006)

B1 APPLICATIONS (cont'd)

9 Code No: DER/606/1046

Type: Full

1. **Address:** 127 Station Road, Mickleover
2. **Proposal:** Change of use of first floor and one ground floor room from residential to nursery
3. **Description:** The property is currently used as a nursery at ground floor level. The previous owners kept the first floor in residential use, but the current owner does not. The property is located on Station Road, and there are residential dwellings on either side of the site, and a service road opposite.

The nursery is a large two storey red brick building which faces Station Road. There are 4 car parking spaces available on the forecourt, for the use of parents. The proposal involves a change of use of the first floor level of the building from residential (use class C3) to a nursery (use class D1), and does not involve any external alterations. The proposal would facilitate an increase in the numbers of children from 30 to 39. The ground floor layout is not shown on the submitted plans, so I have requested an amended plan to show the additional room to be included in the nursery. This is to regularise the use of the whole ground floor as day nursery.

4. **Relevant Planning History:**

DER/07/75/00804 – Extension to form new playroom for use in conjunction with registered playgroup, granted 30/09/1975.

DER/05/85/00560 – Extension to create (kitchen and utility room), granted 15/07/1985.

DER/08/90/01234 – Alteration and extension to nursery school & living accommodation, granted 23/11/1990.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** None.

5.3 **Highways:** Although the proposal will potentially generate a small increase in traffic, the existing forecourt is large enough to accommodate four vehicles and maintain a turning area. In view of the location, and Station Road being a classified road, there is a concern that any future increase in numbers of children may cause highway problems. It should be made clear that this is regarded as the maximum increase of places (9) that the site can accommodate and

B1 APPLICATIONS (cont'd)

9 Code No: DER/606/1046

any future requests for increase in numbers would be opposed on highways grounds. Therefore there are no highway objections to this proposal.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	8	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Six letters of objection have been received from neighbouring properties, from a total of nine objectors. The main concerns raised are:

- Existing congestion on the road
- Increase of cars parked on both sides of Station Road and the service road opposite, with the on site car parking space not fully used by nursery staff or parents
- Intrusive noise generated by children in the garden
- Nursery staff parking in side streets
- Cars parking on pavements creating hazardous situations for pedestrians, including children and visitors
- Maintenance of the grass verge and collection of refuse from residential homes affected by on street parking, and potential access issues for emergency vehicles in particular to properties next to the service road
- Residents unable to get out of their drives due to on street parking
- Increase of nursery opening hours will increase noise and is not welcome, as it will increase disturbance to local residents

8. Consultations:

DCS (Health) – no objections to the proposal on Environmental Health grounds.

9. Summary of policies most relevant: CDLPR policies:

ST6 - Social inclusion
ST12 - Amenity

B1 APPLICATIONS (cont'd)

9 Code No: DER/606/1046

- L12 - New Community Facilities
- T4 - Access, parking and servicing
- T10 - Access for disabled people

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

- 10. Officer Opinion:** The proposed extension of use is to an established children's day nursery. Therefore, the main concerns in regard to this application is the effect the increased use may have on the amenity of neighbouring properties, and highways issues with the increase in potential visitors and parking issues.

I believe that the amenity issues of noise and privacy on neighbouring residents should not be significantly affected by the increased use at the nursery. The additional 9 places represents a 30% increase and I do not believe that such an increase would generate an unreasonable increase in impact on residential amenity.

Within the existing nursery car park there are 4 spaces currently allocated for staff. The applicant has indicated that this car parking will be set aside for parents only, and that the staff may park elsewhere in nearby side streets. Given the numbers involved here. I am advised there are no over-riding highways objection to this issue. It is acknowledged that Station Road can be a congested road, however, it cannot be concluded that all the traffic and on street parking on the road in this location is associated with the nursery.

In view of the location, and Station Road being a classified road, there is a concern that any future increase in numbers of children may cause highway problems. It should be made clear that this extension to the nursery in terms of numbers of children is regarded as the maximum increase of places that the site can accommodate. For the avoidance of doubt I therefore recommend a condition restricting the number of children the nursery can accommodate be attached to any permission.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

- 11.2 Summary of reasons:** The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review 2006 and all other material considerations as indicated in 9 above. The proposal is considered acceptable as it would not significantly impact upon the amenities of neighbouring residential properties nor would it impact detrimentally on the surrounding road network.

B1 APPLICATIONS (cont'd)

9 Code No: DER/606/1046

11.3 Conditions

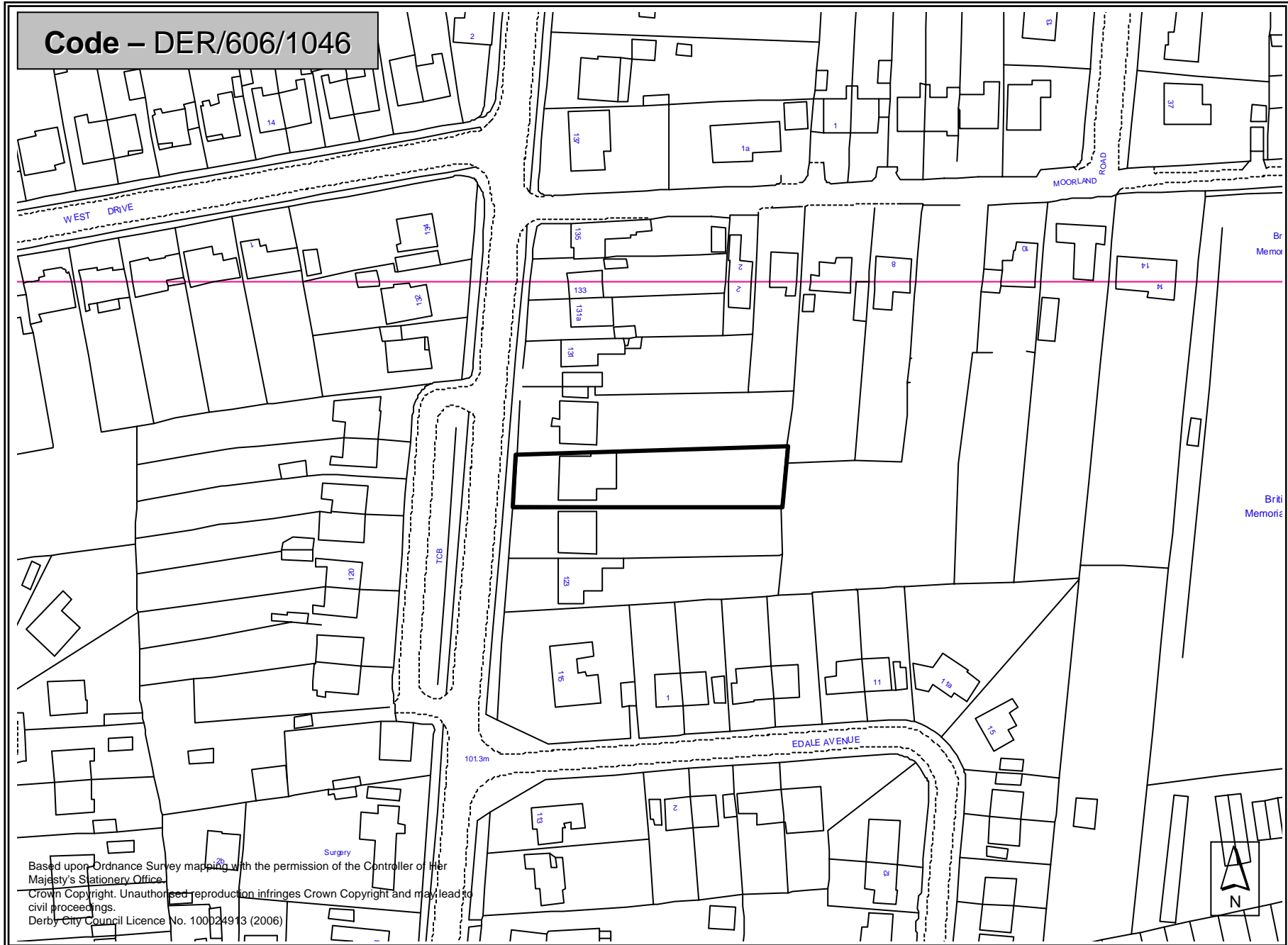
1. The use shall not be implemented until a revised ground floor layout plan has been submitted to and agreed in writing by the Local Planning Authority. The use shall be implemented in accordance with the agreed details.
2. Standard condition 81 (nurseries (A)) 39 children
3. The parking area at the front of the site shall be retained as such, and kept free of obstruction at all times, for the parking and manoeuvring of vehicles.

11.4 Reasons

1. Such a plan has not yet been received and is requested for the avoidance of doubt.
2. Standard reason E14...policy L12
3. Standard reason E17...policies T4 and ST12

11.5 S106 requirements where appropriate: None.

Code – DER/606/1046



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/1068

Type: Outline (with
means of access)

1. **Address:** 20 Medway Drive, Allestree
2. **Proposal:** Erection of a dwelling house
3. **Description:** This application relates to a residential property on Medway Drive, Allestree, which has a generous side curtilage, and abuts the Spenbeck Drive frontage. There is a detached dwelling and double garage on the property, which lies within a post-war housing estate. The curtilages of the neighbouring dwellings on Medway Drive, also back onto Spenbeck Drive.

Outline permission is sought for the erection of one dwelling on part of the garden of the existing property. It would incorporate the curtilage to the side of the dwelling, which would form a triangular shaped plot, facing onto Spenbeck Drive. It would be a modest plot, which is at a slightly lower ground level than the adjacent highway and currently has a substantial hedgerow and small trees along the highway boundary. Means of access is to be determined at this stage and a new vehicular access would be formed onto Spenbeck Drive. A 5m wide access is proposed at the southern end of the site and parking and turning facilities would be provided on the plot. A possible siting for a dwelling and garage is shown on the submitted site layout plan, which illustrates how a new residential development could be accommodated. This is purely indicative and siting is a reserved matter, which would be determined at a later date.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** In principle the proposal would be an appropriate form of development in keeping with the context of the surrounding residential area. There are no adverse community safety implications.
 - 5.3 **Highways:** There is adequate space for vehicles to turn within the site and exit in forward gear. The access should be created using dropped and taper kerbs and subject to this recommendation there are no objections.
 - 5.4 **Disabled People's Access:** Not applicable at this outline stage.

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/1068

5.5 Other Environmental: There is mature vegetation and various small trees on the site, which is characteristic of a long established garden. There are no individual trees of particular merit.

6. Publicity:

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

7. Representations: Thirty four letters of objection have been received to the proposal and copies will be available in the Council Foyer. The main issues are as follows:

- the property is not large enough for an additional dwelling
- the hedgerow along the boundary is long established and should be conserved and if taken out, this may affect drainage in the area
- the new dwelling would detract from the character of the residential area
- the removal of the hedge and Rowan tree would have a detrimental impact on local wildlife
- the nearby streets would be further cluttered with parked cars, as well as the new access causing a traffic danger for local residents
- the type of residential development is not specified
- the proposal would set a precedent for other similar developments in the locality.

8. Consultations: None.

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

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

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

10. Officer Opinion: This proposed plot is part of an existing residential curtilage and constitutes a brownfield site, suitable in principle for a

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/1068

more intensive form of residential development. The property has a more generous garden than most other neighbouring dwellings, although the site itself is of modest proportions. It is a relatively shallow plot, which faces onto Spenbeck Drive and access would be served off this highway frontage. The proposal would therefore be wholly separate from the existing property, which faces towards Medway Drive. The proposed residential development would meet the objectives of PPG3 (Housing) which encourages a more efficient use of land and high quality development in keeping with the character of the surrounding area. It should also accord with Policy H21 of the Local Plan Review, which relates to the general layout and design of new dwellings.

The proposed residential plot is on a gentle slope and is of adequate scale and orientation to allow a satisfactory layout to be created. The submitted indicative layout shows how a single detached dwelling and garage could be sited. Although siting and layout is not for determination at outline stage, the suggested layout plan confirms that a new dwelling of similar size to the existing, could be sited in line with the objectives of Local Plan Review policies. A dwelling and garage sited close to the boundary with the existing dwelling would not unduly adversely affect the amenities or privacy of the residents of this property, since its habitable room windows are on the north and south facing elevations and do not therefore overlook the site. The living conditions of other nearby dwellings surrounding the site should also not be unreasonably undermined by the proposal. The habitable room windows of the adjacent dwelling at No. 22 are east and west facing and do not overlook the proposed plot, whilst the neighbouring dwelling to the north of the plot, similarly does not face towards the plot. These properties are unlikely to suffer excessive massing or loss of privacy from an additional dwelling on this site. Properties on the opposite side of Spenbeck Drive, which face towards the plot are at least 23 metres distant from the site boundary and consequently the normal requirements for distances between dwellings could more than satisfactorily be met. A suitable living environment could be created, which would enable provision of adequate private amenity space and on-site parking and turning provision. A satisfactory relationship with nearby dwellings could therefore be achieved.

The irregular arrangement of residential plots in this locality and mix of house types means that the proposed additional dwelling on this site would fit in satisfactorily into the local streetscene. There is no definite building line along the Spenbeck Drive frontage and this would allow for a new development fairly close to the highway boundary, without appearing unduly incongruous. The fall in land levels from Spenbeck Drive is likely also to result in the new dwelling being at a lower floor

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/1068

level than the highway and therefore less prominent. A new vehicle access onto Spenbeck Drive would not be unduly intrusive in this location, since there are numerous existing driveways on other nearby properties. Overall I am satisfied that a high quality layout and design could be achieved, which would not detract from the character or appearance of the surrounding residential area.

The mature hedgerow which forms the highway boundary of the site appears to be part of a short stretch of established hedge along the road frontage of Spenbeck Drive. The hedge alongside this site is overgrown and enclosed by a recent close boarded fence. Whilst it may have some local wildlife and flora interest, it is an isolated feature, which is not afforded any protection in the Local Plan or under another designation. The hedge could be removed by the applicants at any time, although only a small section would need to be removed to develop the site, to form the access. I consider that it would be appropriate to secure retention of part of the hedge as a boundary feature, by means of a condition.

The development of an additional dwelling in this location would lead to limited traffic generation onto Spenbeck Drive and the proposed access has not raised any significant concerns in respect to highway safety. There is not likely to be undue congestion or obstruction of the highway arising from this proposal, since parking and turning provision is proposed on the site. There would therefore be a minimal increase in highway danger as a result.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 01 (outline permission – except for means of access)
2. Standard condition 02 (reserved matters)

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/1068

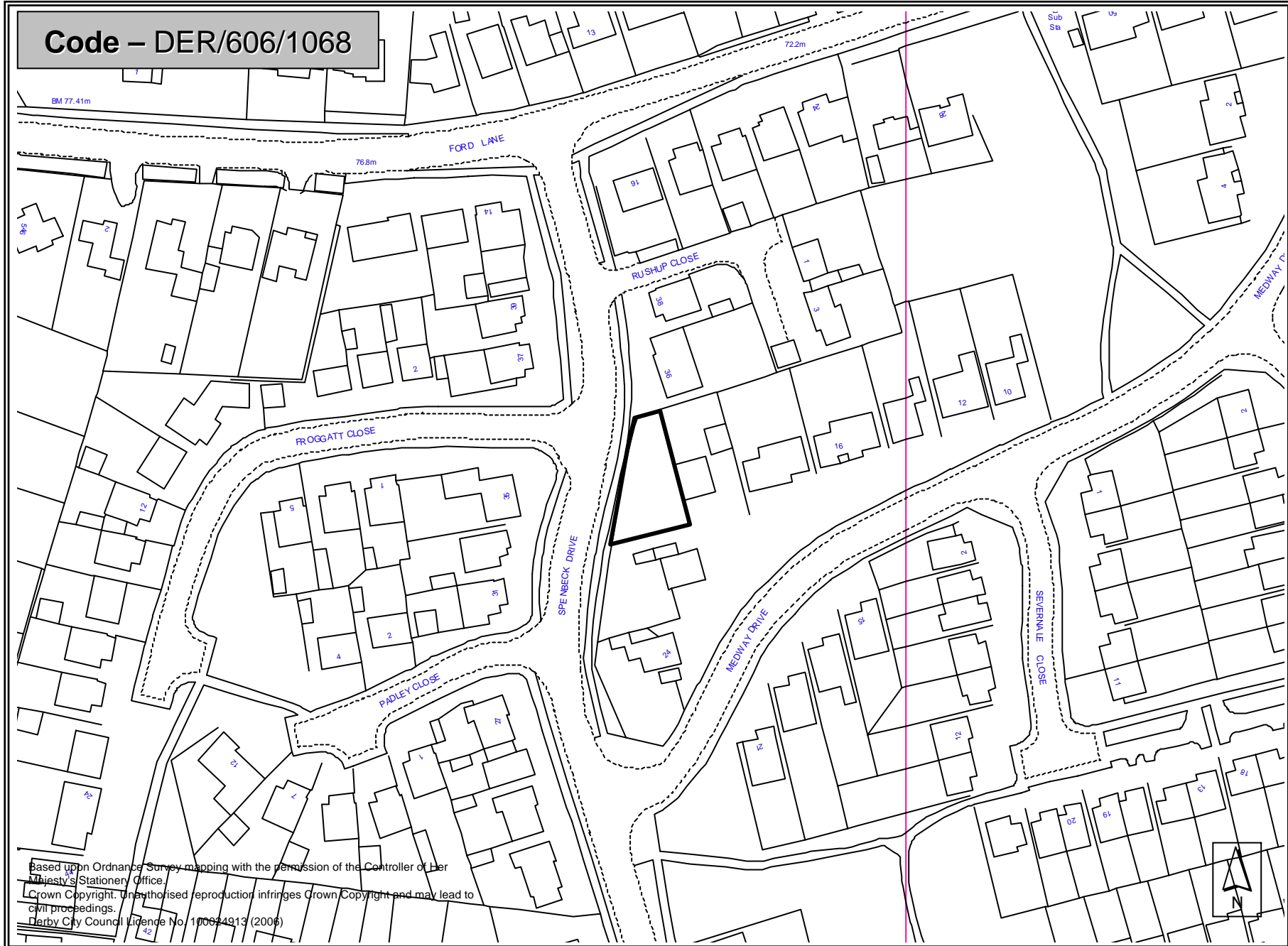
3. Standard condition 04 (exclude plans – details of siting and layout as shown on the plans)
4. Standard condition 24A (protection of vegetation)
5. Standard condition 38 (disposal of sewage)
6. This permission shall only imply approval for the erection of a single dwelling, which shall be accessed solely from Spenbeck Drive.
7. The existing hedge along the western boundary of the site shall be retained, except for the section to be removed to form the approved vehicular access. The landscaping scheme to be submitted and approved shall include details of management and maintenance of the hedge.
8. The siting, design, layout and orientation of the building shall have full regard to the need to reduce energy consumption.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E04
4. Standard reason E24...policy E11
5. Standard reason E21
6. For the avoidance of doubt due to the physical constraints of the site and to preserve the character and appearance of the surrounding area...policy H21.
7. To ensure retention of a feature of potential wildlife interest in the interests of the visual amenities of the local area...policy H21.
8. Dwellings that are south facing, having solar panels and/or wind turbines will help to reduce energy consumption reducing pollution and waste...policy E12.

11.5 S106 requirements where appropriate: None.

Code – DER/606/1068



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100624913 (2006)

B1 APPLICATIONS (cont'd)

11 Code No: DER/606/1060

Type: Full

1. **Address:** Site of builders yard and part of former Parliament Street Mills, Parliament Street
2. **Proposal:** Erection of 14 Apartments
3. **Description:** This full application seeks permission for the erection of a three and four storey block on the north side of Parliament Street to provide 14 apartments. The proposed building is of a hipped roof design, with the primary fenestration on the front and rear elevations. Surface car parking (13 spaces) would be provided in a "Home Zone" courtyard area to the rear, where planning permission already exists (DER/1003/1810) for the erection of 24 apartments.

Following the previous refusal of permission, this re-submission has made amendments to the Parliament Street elevation in that the central part of that elevation is reduced to three storeys and set back from the highway. Black steel railings are proposed at the back of footway. The elevation to Parliament Street would also feature four entrance doors. It is proposed that the proposed block be similar in character to those already approved under DER/1003/1810 and DER/605/941, but the amendments to the front elevation acknowledge the location of St Luke's Church, a Grade II* listed building on the opposite side of Parliament Street. To the east of the church is a surface parking area.

The application site, and those covered by DER/1003/1810 and DER/605/941, are at present vacant and are partly occupied by the derelict three storey Parliament Street Mill and a vacant builders yard. The remainder of the locality is residential in character.

A design statement accompanies the application.

4. **Relevant Planning History:** DER/1105/1798 – Erection of 14 apartments, refused February 2006 for the following reason:

In the opinion of the Local Planning Authority the proposed four storey apartment block, located at the back edge of the pavement, fails to satisfactorily acknowledge the presence of the adjacent grade II* listed Church of St Luke. By virtue of its prominent and unsympathetic form and massing the proposal would seriously detract from the character, appearance and setting of the listed building. Accordingly the proposal is contrary to policies ST12, H21, E22, E26 and E27 of the adopted City of Derby Local Plan Review 2006 which seeks to preserve the architectural character of such Listed Buildings.

B1 APPLICATIONS (cont'd)

11 Code No: DER/606/1060

5. Implications of Proposal:

5.1 **Economic:** None.

5.2 **Design and Community Safety:** This submission follows a previous refusal of permission on design grounds, and the site is directly opposite St Luke's Church, a Grade II* listed building. A design statement has been submitted by the applicant, and follows pre-application discussions with officers. The applicant has attempted to address the reasons for refusal in the case of DER/1105/1798, and produce a design more sympathetic to the overall streetscene and the setting of St Luke's Church immediately opposite the site. The central part of the building has been reduced in height, and set back from the highway boundary.

5.3 **Highways:** Parking is adequate. Railings need to be omitted close to parking space 3, to allow access to footway. Radius kerbs at the access should be omitted and replaced with taper and drop kerbs.

5.4 **Disabled People's Access:** Recommend the securing of one lifetime homes unit, with the remainder of dwellings having a degree of accessibility through compliance with Building Regulation guidance.

5.5 **Other Environmental:** None.

6. Publicity:

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

7. **Representations:** I have received one letter of representation, and that is reproduced. It is from the Vicar of St Luke's church, and the current submission is considered to be more sympathetic to the setting of St Luke's Church, although some concern is raised about traffic generation grounds.

8. **Consultations:**

CAAC – the Committee noted the improvements that had been made to the previous scheme for the redevelopment of this site but requested further improvements to the design including hipped roof relief details. It was suggested that this feature should project further from the main roof than is indicated on the plans.

B1 APPLICATIONS (cont'd)

11 Code No: DER/606/1060

DCS (Health) – no objections in principle. Site may have some contamination, and a preliminary site inspection in the form of a desktop study will be required. Should contamination be found, a remediation report and validation statement will be required.

Police (ALO) – to be reported.

Cityscape – to be reported.

Seven Trent Water – no objections subject to adequate provision for disposal of both surface water and foul sewage.

9. Summary of policies most relevant: CDLPR policies:

- ST12 - Amenity
- H20 - Lifetime Homes
- H21 - Residential development – General Criteria
- E12 - Renewable Energy
- E26 - Design
- E27 - Community safety
- L3 - Public Open Space standards
- L4 - Public open space requirements in new development
- T4 - Access, parking and servicing

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

9. Officer Opinion: Members may recall the two previous permissions (DER/1003/1810 and DER/605/9410) for apartment schemes on the Parliament Street Mill site. This current application covers the remaining land on the Parliament Street frontage. The principle of residential development is acceptable in this location, and an adequate level of car parking can be provided on site. The key issues with this application are:

1. Its character in relation to the details approved under DER/1003/1810 and DER/605/941, on the land to the side and rear.
2. The impact on the streetscene, and on the setting of St Luke's Church, a Grade II* listed building.

The overall design of the proposal is of a similar character to the apartment schemes approved under DER/1003/1810 and DER/605/941, and would feature similar external materials to give an overall appearance of cohesion. What this current submission sets out to achieve is a more sympathetic relationship in the streetscene with St Luke's Church, which dominates the south side of Parliament Street.

B1 APPLICATIONS (cont'd)

11 Code No: DER/606/1060

The submitted elevation on the Parliament Street frontage is four storeys high at the eastern and western ends of the site, but the central section directly opposite is reduced to only three storeys and set back from the back of highway to allow for some extensive planting behind 1.0m high railings. I have concluded that this relationship to the listed building is a reasonably acceptable one and I particularly welcome the four entrance doors on the front elevation. The current situation on Parliament Street is that the three storey, and derelict, mill building at present detracts from the overall setting of St Luke's Church. The submitted proposal would in my opinion serve to enhance the setting of the listed building and provide a neat, well designed streetscene. At the time of the previous application (DER/1105/1798) great concern was expressed as to the impact on the setting of the listed building and I have concluded that this issue has now been reasonably addressed by the nature and position of this proposal. On this basis, I am satisfied that the relevant policy guidelines are satisfied, and that there are no grounds to justify a refusal of planning permission. I have noted the comments raised in the letter of representation received, but have concluded that an apartment development of this scale is appropriate on this site.

A Section 106 Agreement will secure one lifetime home unit, and contributions to public open space provision.

11. Recommended decision and summary of reasons:

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

B. **To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement, with conditions. Should the Section 106 Agreement be not concluded within 13 weeks of the application's life (28 September) the Assistant Director – Regeneration to give consideration, in consultation with the Chair, **to refusal** of the application.

11.2 **Summary of reasons:** The proposal has been considered against the adopted City of Derby Local Plan policies as summarised in 9 above and the scheme would be reasonably in keeping with the appearance and character of the streetscene, and would not unduly affect residential amenities or the setting of the Listed Building.

B1 APPLICATIONS (cont'd)

11 Code No: DER/606/1060

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 30 (hard surfacing)
4. Standard condition 20 (landscaping)
5. Standard condition 22 (landscaping maintenance)

6. Before any development commences, details of secure cycle parking shall be submitted to and be agreed in writing by the Local Planning Authority, and such details shall be implemented before the development is taken into use.

7. Standard condition 100 (contamination)

8. Before the development commences full details of the vehicular access incorporating dropped and taper kerbs, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety before the apartments are first brought into use.

9. The existing vehicular access points to the site made redundant as a result of the development shall be returned to footway specification in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in its entirety within six months of the development, hereby approved, being commenced.

11.4 Reasons

1. Standard reason E14...policies H21 and E26
2. Standard reason E18...policies H21 and E26
3. Standard reason E18...policies H21 and E26
4. Standard reason E14...policies H21 and E26
5. Standard reason E14...policies H21 and E26
6. Standard reason E22...policy T4
7. Standard reason E49...policy ST12
8. In the interests of traffic and pedestrian safety...policy T4
9. In the interests of traffic and pedestrian safety...policy T4

11.5 S106 requirements where appropriate: Public open space provision, mobility units.

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

Type: Full

1. **Address:** 180 Ashbourne Road, (Royal School for the Deaf)
2. **Proposal:** Erection of 18 Town Houses and six Apartments
3. **Description:** Planning permission is sought to re-develop part of the site of the Royal School for the Deaf (RSD) for residential purposes. The application site is located in the south-east corner of the main school site and it currently accommodates the former college building and ancillary buildings. These buildings would be demolished. The application site would be served by the existing access off Ashbourne Road it would be modified to accommodate the proposed development. The vehicle access would also be retained to serve the car park/servicing area which sits at the front of the existing Sports Hall.

The application site covers an irregular area of approximately 0.62 ha and the proposed development comprises the following:

- the erection of 14 x 3 bedroom three storey town house with integral garages
- the erection of 4 x 3 bedroom three storey town houses with detached garages
- the erection of 6 x 2 bedroom three storey apartments to be located in a single block in the front western corner of the site.

The proposed buildings have been arranged along two shared surface driveways. One row of the proposed terraced town house would have a south-east facing aspect and the other set would form a staggered row, orientated with a south-west facing aspect, with the relationship to the proposed apartment building forming a courtyard. The proposed town houses that enjoy the south-west aspect would look beyond the existing trees that front onto Ashbourne Road. The proposed layout includes a pair of semi-detached dwellings which would sit on the opposite side of the vehicle access facing Ashbourne Road. The architect has stated that the layout has been designed to reduce overlooking of other properties within the development and to reduce overlooking the remaining school buildings. The architect has drawn reference from the surrounding built context on Ashbourne Road and it is indicated that the proposed buildings have been influenced by the larger Georgian and Victorian on Ashbourne Road together with the pair of three storey dwellings located opposite on the site.

4. **Relevant Planning History:** None of any relevance.

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

5. Implications of Proposal:

5.1 Economic: It is important for Members to be aware that this proposal would constitute enabling development to provide the RSD with the necessary finance to erect new school buildings within their remaining site. I am advised that the operation of the RSD has been affected by the removal of certain external funding sources and the proposed development would generate the required finance. Officers have been engaged in pre-application discussions about the provision of the replacement facilities.

5.2 Design and Community Safety: I consider the proposal is a reasonable layout and that the height/massing/aspect is in keeping with adjacent uses and well worked into the existing landscaped site. The proposed buildings would provide visual interest with the use of consistent architecture. The proposed front elevations of the town houses include gable features and fragmented pitched roof designs.

5.3 Highways: In traffic generation terms I am advised that the proposed development is not likely to cause any significant off-site traffic problems in itself but it will add a small amount of traffic to the already congested Ashbourne Road corridor. On this basis it is recommended that a small contribution towards corridor transport improvements is justified. The S106 Agreement will address that requirement. I am advised that the access into the site would adequately serve the proposed development and the school but it may not be acceptable to serve any future residential development on or adjacent to this site.

In terms of on-site highways details the vehicle access should have 4.5m x 70m visibility splays and 10m radius kerbs on each side. The submitted plan includes inadequate splays on either side of the access and I have requested amendments. The amended plans have been submitted and will be available at the meeting. On-site parking is required at 150% and that provision is exceeded on site. Secure internal cycle storage is to be made available with the proposed development. A condition is required to address the siting of bin storage areas.

5.4 Disabled People's Access: Two lifetime dwellings will be secured through the S106 Agreement and a degree of accessibility would be provided through the Building Regulations.

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

5.5 Other Environmental:

Noise

There are no objections in principle to this proposal. It is recommended that a PPG24 noise assessment be carried out and that a scheme to mitigate against the impact of traffic noise is agreed before any development commences. This requirement is particularly concerned with the siting of the proposed dwellings close to Ashbourne Road. A noise assessment has been requested and the findings should be available by the meeting.

Trees

An arboricultural survey of the site accompanied the application. Members will be aware of the recent confirmation of an area TPO for this site (No. 456) which was essentially compiled as a safeguarding measure against the felling of trees. The survey was compiled in accordance with BS:5837 and it has been scrutinised by officers in the Arboricultural Team. The trees of particular interest stand on the frontage of Ashbourne Road as they possess the greatest public visual amenity value. The RSD would appear to have maintained a responsible tree management programme on this site and substantial tree planting is proposed as part of the development.

Bats

A bat survey report accompanied the application in view of the demolition involved and the felling of trees on-site. No evidence of bats was recorded at the time of the survey. However, one of the college buildings may have the potential to accommodate roosting bats under raised fascia boards and under the roof tiles of the three pitched roof sections of the building. It is, therefore, recommended that a nocturnal survey at either dusk or dawn should be undertaken to determine if roosting bats are utilising that particular building. Such a survey would need to be undertaken during the optimal survey period of late April to August. That requirement can be addressed by condition. The trees surveyed offered limited potential for roosting bats. It is, therefore, considered that they can be removed without any statutory constraints related to bats being inadvertently infringed. The comments of DWT in relation to the bat survey are as follows. "The survey work was undertaken during February. This is not a good time to survey for bats which will be hibernating in their winter roost at this time of year. Where there is good access to bat occupied roof voids, accumulated droppings can demonstrate the presence of bats irrespective of the timing of the survey. In addition, no emergence survey work is possible

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

during the winter period. Therefore, in summary, a survey date of February restricts opportunities for accurately detecting the presence of bats. We would advise that this additional survey work should be undertaken and the results submitted to the Authority, prior to determination of this application. If the application is determined with additional survey work left as a condition of approval this would not meet current government recommendations. We would recommend that if the Council are minded to determine the application prior to receipt of any additional bat survey results that they should consult English Nature before doing so". My officer consulted English Nature about the Council's proposed use of a condition to secure a further bat survey. This is a procedure that has been used on other applications in the city that have been endorsed by Committee. These sites include 181-185 Station Road, Mickleover, (DER/206/299) and the former Chest Clinic at 93 Green Lane (DER/1105/1901).

6. Publicity:

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

7. Representations: Any written representations will be reported at the meeting.

8. Consultations:

DCommS (Arboriculture) – to be reported at the meeting

DCS (Health) – refer to section 5.5 of the report

DWT – refer to section 5.5 of the report

Police – to be reported at the meeting

9. Summary of policies most relevant: Adopted CDLPR 2006

- ST9 - Design and the Urban Environment
- ST12 - Amenity
- ST14 - Infrastructure
- H20 - Lifetime Homes
- H21 - Residential development – general criteria
- E9 - Protection of habitats
- E11 - Trees
- E12 - Renewable Energy
- E20 - Landscaping Schemes
- E26 - Design

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

- E27 - Community Safety
- T4 - Access, car parking and servicing

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

- 10. Officer Opinion:** I refer to my comments in part 5 of this part. The main issues are as follows:

Policy

The site is not allocated for any particular purpose in the adopted CDLPR and it is covered by a TPO. The site would be classified as “brownfield” and hence its redevelopment would be in accordance with government guidance in PPG3. The proposed development would equate to approximately 39 dwellings per ha which compares favourably with the requirement of policy H21 for a minimum of 35 per ha. The application is for 24 units and, therefore, an affordable housing provision is not required. It is important for Members to note that the S106 Agreement for this application would require a specific affordable housing contribution for this development should any additional land on the site be proposed for residential development. The agent has sought to assure the City Council that the main purpose of this application is to finance the redevelopment of the remaining school.

Design

Policy H21 of the adopted CDLPR permits residential development provided that a satisfactory form of development can be created, a high quality living environment can be created and that a good standard of privacy and security can also be provided. The siting of the proposed dwellings has sought to minimise overlooking within the site and the Council’s former space residential standards are met in this case. The proposed design solution is, in my opinion, acceptable in this context. The application includes good design features such as high level dentil detailing and roof parapets concealing rain water goods. The proposed doors and windows would be timber and windows would also have stone cills and lintels.

Trees

The key issue in this case is whether the proposed development is acceptable in terms of its effect on the protected trees. My officer has met the architect on site with a colleague from the Council’s Arboricultural Team. This site meeting mainly centred on the impact of

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

the siting of the proposed apartments on a Corsican Pine, a Silver Birch and two Lime trees on that part of the site. The Silver Birch and Lime trees are highlighted for removal. The Corsican Pine was shown for retention although the required root protection area for the tree could not be provided. These trees and the other trees on the Ashbourne Road frontage have good public amenity value and the Council's Arboricultural Officer advised that their retention would be preferable. The architect was advised that the re-siting of the proposed apartments could help to retain the Limes and the Silver Birch which form part of the frontage tree screen. The only way of retaining all the trees shown for removal on that part of the site would involve removal of the apartment building from the layout. I am advised that such an amendment is unfeasible as it would undermine the economic viability of the proposed development. The architect has attempted to raise the siting of the proposed apartment building but the RSD wishes the application to be determined as submitted. However, since the site meeting the architect has confirmed that the RSD intend to plant 61 new trees on-site to provide screening between the proposed housing, provide trees within the front gardens of the new housing and to replace low category trees with better specimens and enhance the frontage trees. The RSD has made this commitment and the species of these replacement trees can be agreed to the satisfaction of the City Council and safeguarded by condition.

Bats

The issue of bat roosting activity on this site has been addressed by the applicant and there was no identified bat activity recorded at the time of the survey. It is recommended that a further survey is undertaken at this time of year which is at the end of the optimal survey period. I consider that the issue of a further study can be addressed by condition and this is a procedure that has been endorsed by Committee on applications in other parts in the city. I consider that, in this case, there is no reason to deviate from this course of action.

Conclusion

Members will be aware that the weight attached to the issue of tree loss needs to be balanced with the need to secure a well devised and economically viable scheme to enable future development to take place at the school. The proposed development would involve additional tree planting on-site and negotiations through the application process have secured the retention of trees which were originally shown for removal. I am satisfied that, the proposed development would be an acceptable addition to the area in design, layout and

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

density terms. I consider that this is reflected by the absence of any third party objections to the proposal.

11. Recommended decision and summary of reasons:

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

B. To authorise the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above Agreement, subject to conditions.

C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period (13 September 2006) consideration be given, in consultation with the Chair, **to refusing** the permission.

11.2 Summary of reasons: The proposal has been considered against the adopted City of Derby Local Plan Review 2006 policies as summarised in point 9 above and the proposal is an acceptable form of residential development in siting, design, massing, streetscene and vehicle access terms and in relation to the protected trees on site.

11.3 Conditions

1. Standard condition 27 (details of external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 29 (approval of landscaping scheme)
4. Standard condition 22 (landscaping within 12 months - condition 3)
5. Standard condition 24A (vegetation, protection including overhanging)
6. Standard condition 34 (loading space kept free)
7. Before any work is commenced full details of the bicycle and waste bin stores shall be submitted to and approved in writing with the Local Planning Authority. Any details that may be agreed shall be implemented.
8. Prior to the commencement of demolition of the existing college buildings, a licensed bat worker shall undertake a thorough survey of the buildings. This will comprise external examination of the potential access points/roof voids for the presence of bats or evidence of a roost using an endoscope. A full internal examination of all potential roost sites shall also be undertaken

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

prior to commencing operations. In the event that bats or the evidence of roosts is found then demolition operations will be delayed and DEFRA licence sought prior to the completion of the operations. Providing no bats or evidence of a roost is observed during this survey then demolition operations should proceed with the licensed bat worker present for the following work:

- removal of roof tiles within one metre of these areas
- removal of roof tiles within 1 metre of soffit boxes
- removal of lead flashing
- removal of fascia boards

in the event that a bat or evidence of a roost is observed during these works then all demolition operations will be stopped immediately until a DEFRA licence is obtained to legitimise demolition.

9. Details of the siting, depth, width and method of construction of any underground service runs shall be submitted to and agreed in writing by the Local Planning Authority before any development is commenced.
10. Standard condition 84 (drawing Nos)
11. Standard condition 39 (disposal of sewage—occupation of dwellings)
12. Standard condition 30 (surfaces to be drained, surfaced etc)

11.4 Reasons

1. Standard reason E18...policies ST9 and H21
2. Standard reason E14...policy H21
3. Standard reason E14...policy H21
4. Standard reason E14...policy H21
5. Standard reason E24...policy E11
6. Standard reason E17...policies H21 and T4
7. To prevent damage to trees or other vegetation and in accordance with policies T4, E11 and E20 of the adopted City of Derby Local Plan Review 2006.
8. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with policy E9 of the adopted

B1 APPLICATIONS (cont'd)

12 Code No: DER/406/594

City of Derby Local Plan Review 2006 and the principles of Planning Policy Statement 9, Nature Conservation.

9. To prevent damage to trees or other vegetation and in accordance with policies E11 and E20 of the adopted City of Derby Local Plan Review 2006.

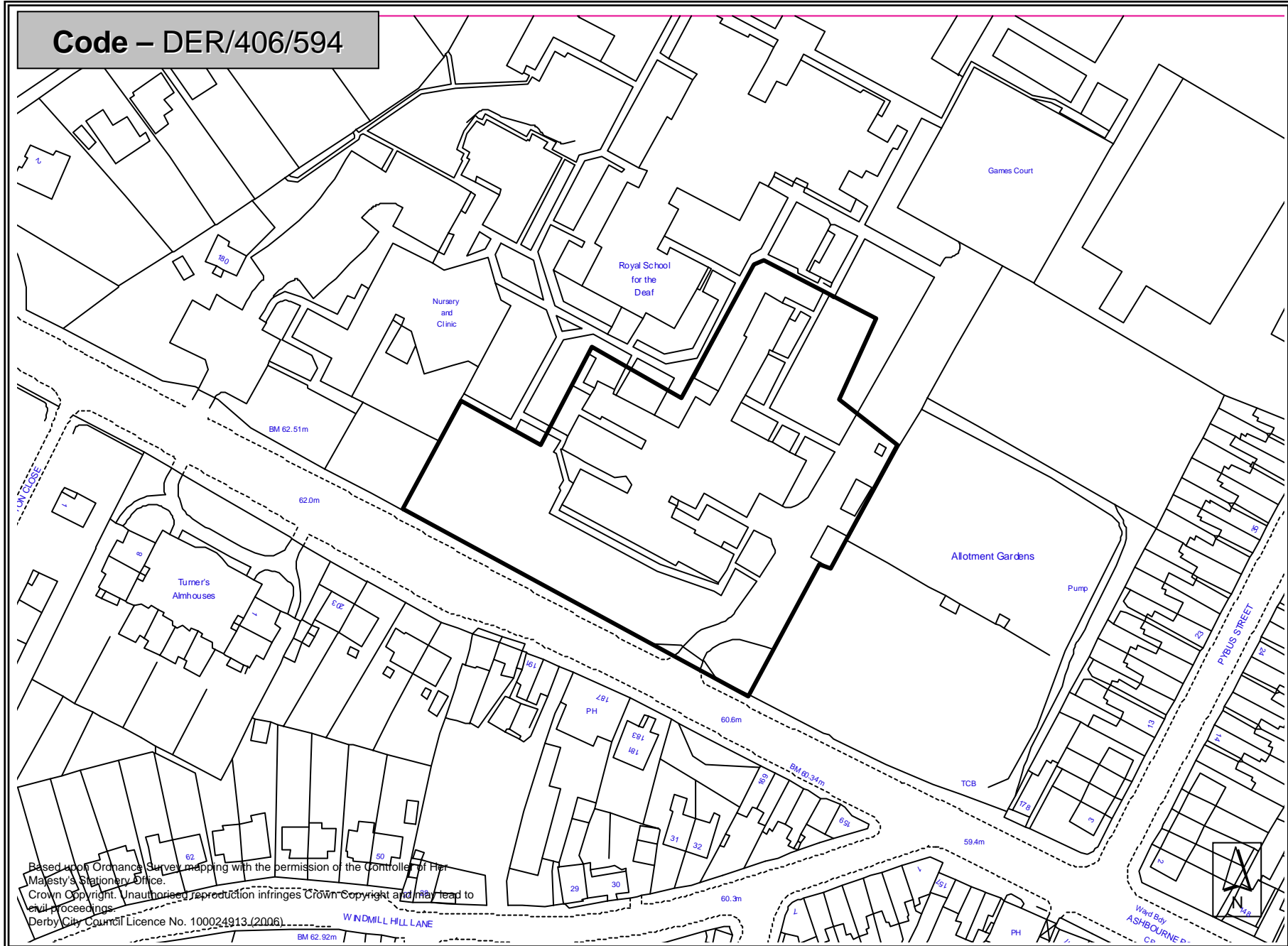
10. Standard reason E04

11. Standard reason E21...policy ST14

12. Standard reason E09...policies H21 and T4

11.5 S106 requirements where appropriate: Lifetime homes, incidental public open space, transport corridor improvements and affordable housing.

Code – DER/406/594



B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

Type: Full

1. **Address:** Site of the former Baseball Ground and adjoining land, Shaftesbury Crescent
2. **Proposal:** Erection of 147 dwelling houses, garages and formation of public open space and ancillary works.
3. **Description:** Members will be familiar with this application which was reported to the meetings on 11 May and 20 July 2006. The application was deferred by Members at the first meeting to pursue an improved level of affordable housing provision and at the second meeting to seek greater certainty about the provision of affordable housing in this case. At the July meeting Members also resolved to seek greater clarity about the issue of noise from the neighbouring commercial properties and the potential relationship of the proposed dwellings to the existing commercial uses. Members also requested that specialist advisors from the Council's Resources and Housing Section and Environmental Services Section be present at the meeting to address the material considerations of affordable housing and noise. The May and July reports are both reproduced for Member's reference. Since the July meeting the application has been amended by revised drawings for the proposed house type on plots 17, 18, 19, 21 and 22 of the site. These plots face the Meat Centre and the first floor bedrooms have been switched to the back side of the dwelling away from Harrington Street. The issues of affordable housing and noise are addressed in turn.

Affordable Housing

I can confirm that colleagues have been in discussion with the Housing Corporation to secure commitment to the provision of the 20.4% total (30 units) of affordable housing provision for this development. The formal comments of the Housing Corporation are as follows:

"The proposal for the further 15 affordable dwellings (to give 30 affordable dwellings in total) is viewed by the Housing Corporation as integral to the Baseball Ground project as it will help to deliver a sustainable mixed tenure development for the area. The scheme as a whole is also specifically identified as a priority for funding in the regional investment priorities prepared by the Regional Housing Board. Unfortunately, at present the Housing Corporation is unable to make pre-allocations for the 08/10 programme. However, once the Minister confirms they are able to allocate to this programme, the proposal will be brought forward as a **top priority** for inclusion in the programme".

I am advised that these are the definitive comments of the Housing Corporation in relation to this proposed development.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

It is important to note that all partners to this development recognise the need to achieve a successful housing development, both in terms of the development itself and the wider potentially beneficial impact on the surrounding area. Discussions concerning affordable housing have recognised this in terms of the amount of affordable housing to be secured, the tenure mix and the property type and size, so as to ensure the development is sustainable.

The proposed development is a major commercially driven regeneration scheme designed to pump prime the failing housing market in the area, as well as providing additional, high quality, public open space, together with a range of design and planning objectives. In the opinion of the City Council, the benefits of this development will be felt in the wider area in the future as the housing market grows stronger, when further residential development, including the provision of affordable housing, may become economically viable.

It is recognised that a pragmatic approach needs to be taken to the securing of affordable housing from this development. In line with Policy H19 a flexible approach can be taken and it is considered to be justified in this case, bearing in mind the regeneration benefits and the economics of the development.

I can confirm that the applicant has indicated that, with the external funding to secure the 20.4% provision of affordable housing, the proposed development is right on the margin of being financially viable. The proposed development is based on a thorough masterplan exercise which has involved public participation and, in view of the scale of the proposal, the application has generated a very low level of objection. I am also advised that the Leader of the Council and the Ward Members welcome the proposed development of this site.

Noise

Members should refer to part 5.5 of the July report. It is important to note the noise report has been supplemented by a desk study assessment for HGV movements to the site, which is based on recorded HGV movements to and from a site in Greater Manchester. Both documents have been scrutinised by the Noise and Pollution Section.

The Council's opinion is that the whole of the development site should be designated in NEC B as defined in PPG24 and all properties provided with noise mitigation to achieve BS:8233 as a result. My colleagues have advised that they understand the Meat Centre's concerns should future residents complain to the Council about

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

nuisance. Whilst it's theoretically possible that the Council's Noise and Pollution Section could be involved in potential enforcement action against businesses in the future (should complaints be received), it is unlikely to happen in practice. Any judgement made about noise nuisance would be made in the context of the prevailing noise climate in the locality and, therefore, what was reasonable in that context. Clearly the noise climate is very different in this locality compared to, for example, a back street residential area. In practice, therefore, the Noise and Pollution Section would only be likely to consider action against a company if it becomes responsible for a substantial change in the noise climate through some kind of act or default on its part. The required noise mitigation measures for the new dwellings are as follows:

1. 4/12/4 double glazing and non-acoustic vents (not exceeding 8000mm² in area) to all habitable rooms
2. acoustic fencing (specification and location to be agreed prior to construction) – 1.8m high close boarded would be sufficient, although 1.8m brick would be preferable.
3. if substitute house types are now being considered, we suggest habitable rooms be located on the far side from the industrial units. Members will note that amended floor plans for plots 17, 18, 19, 21 and 22 have been submitted which reverse the first floor bedroom accommodation to the back of each dwelling. These units face the Meat Centre and this is a welcome amendment.
4. **Relevant Planning History:** None of any relevance.
5. **Implications of Proposal:**
 - 5.1 **Economic:** Refer to the May report.
 - 5.2 **Design and Community Safety:** Refer to the May report.
 - 5.3 **Highways:** Refer to the July report. I am advised that negotiations are ongoing with regard to the mitigation measures to address the traffic impact at the Douglas Street/Osmaston Road junction. This issue can be resolved as part of the ongoing S106 negotiations which is standard practice.
 - 5.4 **Disabled People's Access:** Refer to the May report.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

5.5 Other Environmental: Refer to the previous reports. Other relevant environmental issues include:

Drainage

A drainage appraisal has been undertaken by STW to assess the impact of the proposed development on combined foul and surface water flows from the site. I am advised that the existing sewers could not accommodate the proposed flows but that Cotton Brook could be used. This would involve the developer negotiating with the City Council as a riparian land owner of the Brook.

Flood Risk

A FRA has been submitted to satisfy the requirements of the EA. The EA has removed their objection to the proposed development, subject to the inclusion of conditions regarding flood protection and surface water run-off limitation.

6. Publicity:

Neighbour Notification letters	103	Site Notice	4
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: The May report indicated that one letter of objection and three letters of comment had been received. To clarify, the application has attracted four objections and one letter of comment. The objections principally surround the impact of the proposed development on the activities of the existing businesses in the immediate vicinity. Concerns are also expressed about the potential loss of on-street parking for existing residents on Shaftesbury Crescent. Members will recall that the owners of the Meat Centre in particular have had their concerns orally re-iterated at Committee at both the May and July meetings.

8. Consultations: See the May report. The comments of the Corporate Director – Resources and Housing and the final comments of the Housing Corporation are included in Section 3 of this report.

9. Summary of policies most relevant: Refer to the May report. Policy ST14 – Infrastructure is also applicable.

10. Officer Opinion: Refer to the previous report.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

I fully appreciate Members aspirations to secure 30% affordable housing provision for this site. I hope the comments in Section 3 of this report highlight that, in this particular case, there are key economic reasons why this target cannot be achieved. There is evidence of low demand/high turnover for affordable housing in the area, while the Housing Needs Survey 2001 indicated that the property type where there was unmet need was four bedroom accommodation. Consequently, the affordable housing provided will be four bed houses for rent and shared ownership properties, which will fill in the gaps in the current supply. In my opinion there are clear planning objectives and immense planning gain for redeveloping the site which would, in my opinion, re-vitalise this part of the city.

Our specialist advisors in the Noise and Pollution section raise no objections to the proposed development on noise grounds, subject to the inclusion of the stated mitigation measures mentioned in this report. The applicant has also addressed the issue of noise by revising the first floor layout of the house type on plots facing the Meat Centre. They have also agreed to the required noise mitigation measures.

In conclusion there are, in my opinion, no reasonable or defensible planning grounds for refusing planning permission in this case. I would urge Members to back this important application.

11. Recommended decision and summary of reasons:

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

B. To authorise the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above Agreement, subject to conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review 2006 and all other material considerations as indicated in 9 above and it is an acceptable form of development in overall layout, siting, design, residential amenity, highways and open space terms in this location.

11.3 Conditions

1. Standard condition 83 (drawing nos. 2005-76-04.C, 2005-76-01. E and the revised plans/elevation drawings received on 3 August 2006)

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

2. Standard condition 27 (details of external materials)
3. Standard condition 44 (landscaping scheme – submitted drawings)
4. Standard condition 34 (loading/unloading space kept free)
5. Standard condition 30 (surface to be drained, surfaced etc)
6. Standard condition 19 (means of enclosure)
7. Standard condition 99 (recycling)

8. Before any development is commenced a scheme for protecting the proposed dwellings from noise from the adjacent commercial buildings shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

9. No development shall commence until a scheme including the timing for the provision of surface water drainage works and foul water drainage provision has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage Features, unless otherwise agreed in writing.

10. Standard condition 100 (contamination)
11. Standard condition 89 (landscape management plan)

12. The development shall not be commenced until formal stopping up of highways which cross the site, including Vulcan Street, a section of Shaftesbury Crescent and Columbo Passage, have been approved under Section 247 of the Town and Country Planning Act 1990, or an equivalent agreed in writing with the Local Planning Authority.

13. No development approved by this permission shall be commenced until a scheme for the flood protection for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.

14. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/244

11.4 Reasons

1. Standard reason E04...policy ST14
2. Standard reason E14...policies H21 and E26
3. Standard reason E14...policies E20 and E26
4. Standard reason E17
5. Standard reason E09...policy H21
6. Standard reason E14...policies H21 and E27
7. Standard reason E48...policy E13

8. In the interests of residential and environmental amenity and in accordance with policy ST12 of the CDLPR.

9. Standard reason E21...policy ST14
10. Standard reason E49...policies ST12 and E15
11. Standard reason E14...policy H21

12. Closure of the highways is essential to accommodate the proposed development of this site in accordance with policies R1, R5, H21 and T4 of the adopted City of Derby Local Plan Review 2006.

13. To mitigate against flood risk on site for the lifetime of the development...policies STx2 and ST14.

14. To prevent the increased risk of flooding...policies STx2 and ST14

11.5 S106 requirements where appropriate: Refer to the May report. The S106 will also accommodate major off-site open space provision. The other Heads of Terms remain the same.

Code – DER/206/244

Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)



B1 APPLICATIONS (cont'd)

14 Code No: DER/606/964

Type: Full

1. **Address:** The Crest Development (Michael Goodall Homes), Pastures Hill, Littleover.
2. **Proposal:** Erection of 16 apartments on plots 68 and 69.
3. **Description:** This full application seeks permission for the erection of two apartment blocks to create 16 units, on two plots that previously had permission for the erection of two large detached houses. The site is situated in the south west corner of the existing Crest Development, and is bounded on the Pastures Hill and south west boundaries by extensive tree cover. To the south west of the site is a vacant area of land in the applicant's ownership. To the west are residential curtilages in Greenway Drive, while to the north within the existing development are to be detached dwelling houses.

The application site would have access onto Pastures Hill, and 24 surface parking spaces would be provided. The westerly of the two proposed blocks would be three storeys high, while the other would be three storeys, with a further unit in the roof space using roof lights. Fenestration is on all four sides, but predominantly on the north and south elevations. The westerly block would provide six units (two on each floor) while the other would provide ten (three on each floor plus one in the roofspace). The proposed buildings are of a traditional pitched roof design, and would be faced in brickwork and grey roof tiles. Pre-application discussions have taken place with both the Highways and Arboricultural Officers. The remainder of the Crest Development (apartments and houses) is now quite well advanced.

4. **Relevant Planning History:** DER/306/546 – Erection of 20 apartments on plots 68 and 68 withdrawn.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed buildings are of a simple pitched roof design, and smaller in scale than the apartments currently being erected to the north east.
 - 5.3 **Highways:** No objections in principle. A parking provision of 24 spaces is requested. Attention is drawn to the 30m maximum man carry distance.

B1 APPLICATIONS (cont'd)

14 Code No: DER/606/964

5.4 **Disabled People's Access:** Request for two lifetime houses. The remainder of the dwellings will have a degree of accessibility through compliance with Building Regulation guidance.

5.5 **Other Environmental:** The proposal is close to several trees, and the whole site is covered by a large group Tree Preservation Order. An Atlas Cedar, previously approved for removal is to be retained, and a Beech tree is to be removed. The guidance of the Arboricultural Officer has been sought.

6. Publicity:

Neighbour Notification letter	32	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received one letter of objection and that is reproduced. The main objections are highways issues, impact on trees and over intensification of the whole site.

8. Consultations:

DCS (Housing) – no objections.

DS (Arboricultural Officer) – to be reported.

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

- ST12 - Amenity
- H20 - Lifetime Homes
- H21 - Residential development (general criteria)
- E8 - Wildlife corridors
- E11 - Trees
- E12 - Renewable Energy
- E26 - Design
- E27 - Community Safety
- L3 - Public Open Space standards
- L4 - Public Open Space in new developments
- T4 - Access, Parking and Servicing

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

10. **Officer Opinion:** The principle of residential development was established for this site with the original granting of planning permission

B1 APPLICATIONS (cont'd)

14 Code No: DER/606/964

in 2004. It was originally intended that this part of the overall scheme be occupied by two large detached dwelling houses.

I have no objection to raise to the increased density of the use of the site, and am satisfied that satisfactory access can be made from the highway, together with an adequate provision of car parking. My primary concerns in dealing with this application are the appearance and scale of the proposed buildings, and their impact (if any) on the surrounding protected trees and on the nearby residential properties in Greenway Drive. The pitched roof design is rather plain, but relates reasonably well to the existing apartment blocks being constructed on the site. I would wish to condition the use of good quality external materials likely to reflect the nature of the proposed large detached units nearby, and good quality red brick types and grey roof tiles are suggested as appropriate. I would wish to condition obscure glazing in the side elevation (west of block 2) but otherwise I am satisfied with the relationship with Nos 25, 27 Greenway Drive and with the detached units being built to the north and west within the Crest development site. Quite large trees are to be retained around the two proposed buildings, and the guidance of the Arboricultural Officer was sought pre-application. He has indicated that the principle of these two apartment blocks are acceptable in relation to the surrounding trees protected by TPO, and his further views if any will be reported at the meeting.

On the basis of confirmation of the Arboricultural Officer's views, the acceptable level of parking, and the reasonable impact on third parties, I am inclined to support the proposal subject to the conditions outlined in 11.3. An amendment to the existing Section 106 Agreement will secure contributions to public open space provision, highways works and the provision of two mobility units.

11. Recommended decision and summary of reasons:

- 11.1 A. To authorise** the Assistant Director – Regeneration **to negotiate** the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.
- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission, subject to the receipt of satisfactory amended plans, upon the conclusion of the above S106 Agreement.

B1 APPLICATIONS (cont'd)

14 Code No: DER/606/964

- C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period (15 September 2006) consideration be given **to refuse** planning permission with Chair and Vice Chair.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. It is an acceptable form of development for this residential location, and there are no highway objections.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 20 (landscaping)
3. Standard condition 22 (landscaping maintenance)
4. Standard condition 19 (means of enclosure)
5. Standard condition 30 (hard surfaces)
6. Standard condition 24 (protection of trees)

7. The windows in the side elevation (west) of block 2 as shown on drawing CREST/750 Rev. D, shall be obscure glazed at all times unless otherwise agreed in writing by the Local Planning Authority.

8. The development shall not be taken into use until details of secure cycle parking have been submitted to and agreed in writing by the Local Planning Authority and until such provision has been implemented.

11.4 Reasons

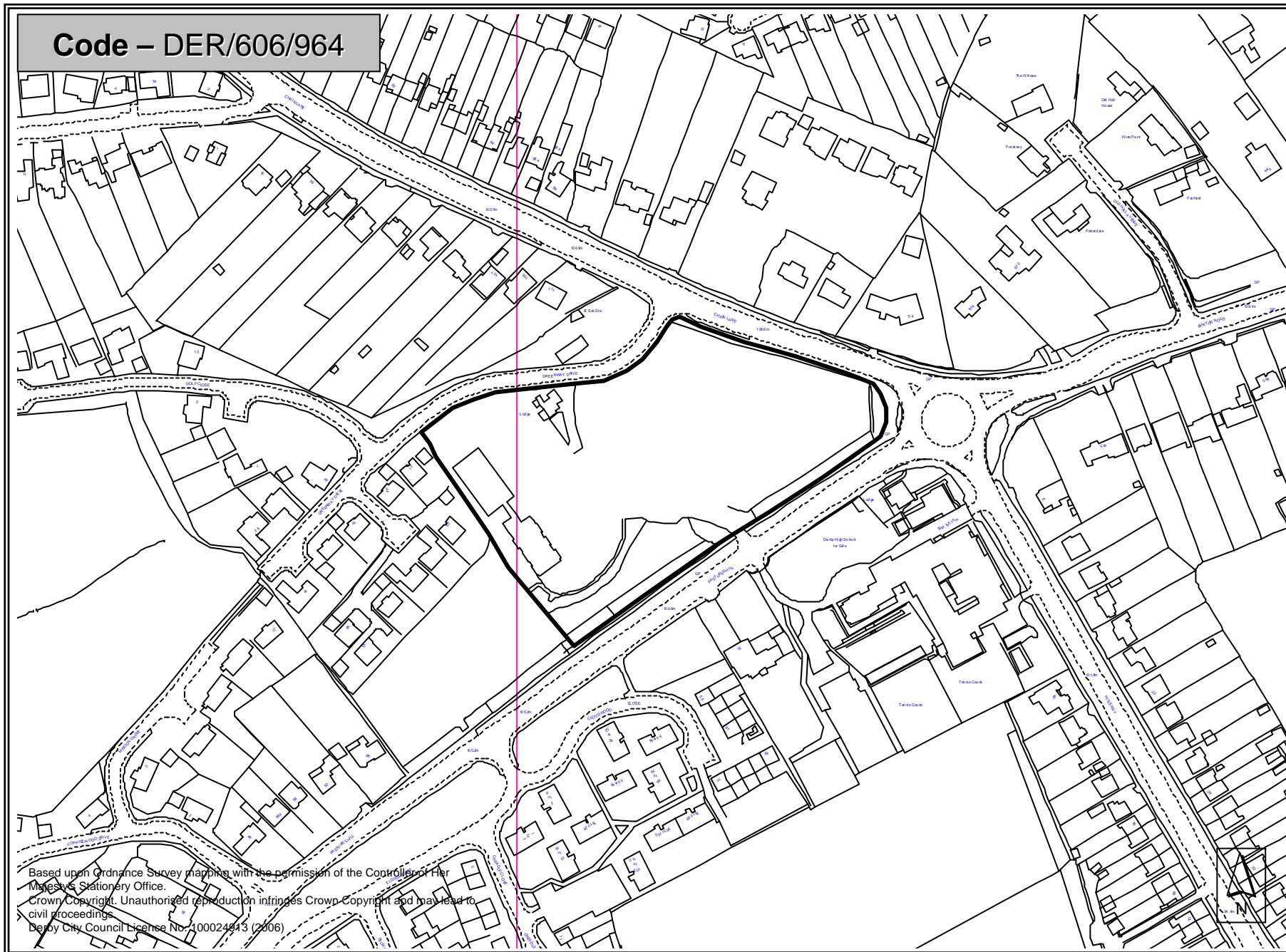
1. Standard reason E14...policy H21
2. Standard reason E10...policy H21
3. Standard reason E24...policy H21
4. Standard reason E14...policy H21
5. Standard reason E14...policy H21

6. In order to protect trees on the site protected by a Tree Preservation Order, and to ensure that no damage is caused to the roots of those trees...policy E11.

7. To preserve the amenities of nearby residents...policy H21
8. Standard reason E22...policy T4

11.5 S106 requirements where appropriate: Contribution to public open space provision, highways works, and the provision of two mobility units.

Code – DER/606/964



Based upon Ordnance Survey mapping with the permission of the Controller of Her
Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to
civil proceedings.
Derby City Council License No. 100024943 (2006)

D1 SPECIAL ITEMS

1 ENFORCEMENT REPORT

“Entrance C” at Derby City General Hospital, Uttoxeter Road

At the meeting on 20 July 2006, Members requested an update on the current situation at the above address.

In 2002 a Reserved Matters application was granted by Members of this Committee, under code DER/1002/1513, for the major redevelopment of the hospital site that included the construction of on-site roads and new accesses off Uttoxeter Road. Condition 6 of the planning permission restricted the use of the access, identified by the developer as “Entrance C”, to the ingress of construction traffic only.

“Entrance C” itself is a single lane slip road that leaves Uttoxeter Road almost immediately after the nearby roundabout and provides an easy sweep into the hospital site close to the recently constructed Kings Treatment Centre.

Members will recall that at their meeting on 12 May 2006, planning permission was refused, under code DER/206/329, to vary the terms of Condition 6 of the Reserved Matters approval to allow permanent, unrestricted use of “Entrance C” as an ingress only access. The reasons for the refusal were that a more general public use of the access could lead to unacceptable dangers and difficulties to users of the footpath/cycle routes within the Highway.

Notwithstanding this refusal of planning permission, it was brought to Officers attention, towards the end of May 2006 that “Entrance C” had started to be used as an access for non-constriction traffic including taxis, delivery vehicles, the hospital shuttle bus and the general public. In addition, there were reports that some traffic had used the access to egress the site by driving back down the first part of the slip road and illegally crossing over the footway onto Uttoxeter Road.

On 30 June 2006, a Council Planning Officer, Highway Engineer and Enforcement Officer attended a meeting at the site with representatives from both the City Hospital and the Developer. During the meeting Officers reminded the Developer of the recent refusal of planning permission and advised that the use of “Entrance C” for non-construction traffic was unauthorised and should be stopped.

Officers were advised during the meeting that due to the constraints of carrying out the redevelopment of the hospital whilst at the same time maintaining its operational capacity means that there is currently a need for the access at “Entrance C” to be used by non-construction traffic. Furthermore, that within the hospital site there is a need to minimise general access traffic on blue light routes.

D1 SPECIAL ITEMS (cont'd)

2 ENFORCEMENT REPORT

In that context, the Developer advised that at present the need to use "Entrance C" has been made more acute by the fact that a 60 metre length of the internal road, that runs parallel with Uttoxeter Road between the main entrance and "Entrance C", is currently closed whilst development in that area is undertaken. The Developer advised that this work was due to be completed between September and December 2006. This work includes a new section of road designed largely for blue light traffic.

The reported use of "Entrance C" as a means of egress was raised by Officers and the Developer was advised that immediate action was required to prevent this activity occurring. It was noted that there was insufficient signage within the hospital site directing drivers to the correct exit. This was resulting in drivers leaving the Kings Treatment Centre being confused as to the correct means of exit and attempting to egress the wrong way down "Entrance C". The Developer agreed to erect a series of "No Entry" signs along the internal road that runs parallel to Kings Drive and a "No Right Turn" sign opposite the exit of the Kings Treatment Centre.

The Developer was advised that complaints had been received from local residents via one of the Ward Members. In light of this it was decided that representatives of both the Hospital and Developer should meet with the all of the three Ward Councillors so that the concerns raised by residents could be expressed in more detail and the Developer could explain why the use of "Entrance C" was considered by them to be vital to the continued functioning of the Hospital.

On 19 July 2006, the Littleover Ward Members and Council Officers attended a second meeting at the site with representatives from both the City Hospital and the Developer.

As a result of this meeting the Hospital and their Developer agreed to undertake the following:

- install temporary road barriers across half of the internal road carriageway at the bottom of the exit to the Kings Treatment Centre
- resubmit a planning application to vary Condition 6 of DER/1002/1513 for a temporary period
- consider erecting signage along "Entrance C" slip road stating "Emergency Access for Maternity Unit Only"
- discuss the possibility of painting hatching on the adopted "Entrance C" slip road with Council Highway Engineer

D1 SPECIAL ITEMS (cont'd)

2 ENFORCEMENT REPORT

- consider alternative schemes should Entrance C not get further approval.

Some of these measures have already been implemented.

RECOMMENDATION:

To note the report.

D2 **SPECIAL ITEMS**

1 **APPEALS DECISIONS**

Appeals against planning refusal:

Code No	Proposal	Location	Decision
DER/705/1114	The Crown reduction by 25% of one purple plum tree protected by Tree Preservation Order	131 Whitaker Road, Littleover	Dismissed

Comments: The Secretary of State concluded that the appeal tree is a healthy specimen, which contributes to the amenity of the surrounding area and that the proposed 25% crown reduction would be excessive and without sufficient justification.

However, the Inspecting Officer did advise on a level of pruning works which would improve the situation should the applicant wish to make a further application to the Local Planning Authority for such work.

Code No	Proposal	Location	Decision
DER/905/1517	To crown reduce two Horse Chestnut trees	18 Park Lane	Allowed

Comments: The Secretary of State accept the Inspecting Officer's conclusions that the trees are healthy, late mature trees contributing significantly to the amenity of Glebe Rise. However, the proposed lateral crown reduction by 1.2 metres and the reduction of the height of the upper canopies to 18 metres would have no impact on the tree's health or amenity value and is considered to be an appropriate treatment.

Code No	Proposal	Location	Decision
DER/805/1353	The felling of two Lime trees, protected by Tree Preservation Order	2 Old Vicarage Close, Littleover	Dismissed

Comments: The Secretary of State concluded that the appeal trees contribute significantly to the amenity of the area and whereas it is likely that they may have caused some damage to the two adjacent driveways remedial steps could be taken to prevent further harm without resorting to felling. Furthermore although the applicant expressed concerns about the extent of maintenance require in the summer months, the removal of the tree's detritus is part of the normal maintenance involved in living with trees and on its own does not justify felling.

RECOMMENDATION: To note the report.

D3 **TELECOMMUNICATIONS NOTIFICATION**

1 **Code No:** DER/706/1140

Type: Full

1. **Address:** Land at the rear of 29-31 Ashbourne Road
2. **Proposal:** Installation of 15m high monopole with three antennae, one dish and equipment cabinet
3. **Description:** Members may recall that full planning permission was granted for the siting of telecommunications equipment on this site in June this year. Planning permission is now being sought for telecommunications apparatus in a similar position on the site as that which was previously approved but with a monopole of a different design. The equipment again comprises a galvanized steel monopole of 15m in height but in this application, the pole is to be of a more slimline design. Three antennas are to be mounted on the top of the pole, taking it to a total height of 16.5m. A dish is also proposed to be located on the pole, 14.4m above ground level.

The monopole would be sited 1.6m from the rear elevation of 29-31 Ashbourne Road. The equipment cabinet would sit close to the building but within 1m of the monopole. Measuring, 1.6m in width, 0.4m in depth and 1.6m in height, the cabinet is proposed to be painted green. 7 No. 1m high bollards are proposed to be used, to offer some enclosure of the area around the pole and cabinet.

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

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

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

1 **Code No:** DER/706/1140

4. **Relevant Planning History:**

DER/306/492 – Planning permission granted 6 June 2006 for installation of 15m high monopole with three antennae, one dish and equipment cabinet.

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

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

5. **Implications of Proposal:**

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

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

5.3 **Highways:** No objections raised.

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

5.5 **Other Environmental:** None.

6. **Publicity:**

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

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

1 **Code No:** DER/706/1140

7. **Representations:** At the time of drafting this report, one letter of objection had been received in response to this application and a copy is attached. The objections raised relate to:

- the siting of the equipment being too close to schools, nurseries, residential property and people's place of work
- the proposal should be rejected on the grounds of health and safety.

Should any additional objections be received, they will be made available in the Members' rooms and reported orally.

8. **Consultations:**

CAAC – to be reported

DCorpS (Heath) – no objections to the proposal

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

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

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

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

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

10. **Officer Opinion:** Policy E31 of the adopted CDLP Review makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for planning permission for the installation of telecommunications equipment such as that proposed in this application. This is consistent with Government advice in PPG8 which seeks to encourage development of the telecommunications network.

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

1 Code No: DER/706/1140

Members will be aware that a clear precedent has already been set on this site with the recent granting of planning permission for telecommunications equipment of similar design and siting to what is being proposed in this application. However, the applicants have submitted details of alternative sites that they have considered in order to provide the appropriate network coverage needed in this area and a schedule of four alternatives are detailed and the reason for not choosing those sites. Those reasons include uncertainty over future land ownership, the proximity of mature trees and a rooftop option along Ashbourne Road was discounted given its imposing implications for the Conservation Area.

The chosen site is close to a number of buildings and given the height of the equipment, it will be viewed from a number of nearby buildings and streetscenes. However, the design of the pole is slimmer than the pole recently approved on this site. At 300mm in diameter at the base of the column, the pole would be 200mm thinner than that previously approved which was 500mm at its base. The three antennas at the top are also proposed to be located within a shroud extending to a diameter of only 200mm as opposed to the 800mm diameter of the antennas that were approved in the previous submission. Although the pole would be viewed from residential property on Uttoxeter Old Road and Slater Avenue its slimmer design should help to reduce its scale and prominence and I consider that it should not appear an overly dominant feature in those views. The siting of the pole at the rear of existing buildings is considered appropriate given that it would be offered considerable screening from neighbouring office and retail buildings. 29-31 Ashbourne Road would offer the equipment significant screening in views along Ashbourne Road and given the poles slimline design, I do not consider it should become an overly dominant feature of the surrounding conservation area.

I am satisfied that in the alternative sites options considered by the applicant, clear consideration has been given to siting this equipment in a location that would offer limited visual implications for the Friar Gate Conservation Area. The operator already has approval for the installation of equipment on this site. In submitting this application, which proposes a pole which would have less visual implications for the amenity of the surrounding area, it is clear that the operator intends to limit the equipment's visual impact as far as is possible, and I consider this is a welcome proposal in this respect.

Policy E31 does not specify health considerations as one of the principal criteria for assessing applications of this kind, but as this is an issue of concern raised by the objector to this application, I feel it is appropriate to consider it. The proposal is certified as being in full

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

1 **Code No:** DER/706/1140

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

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

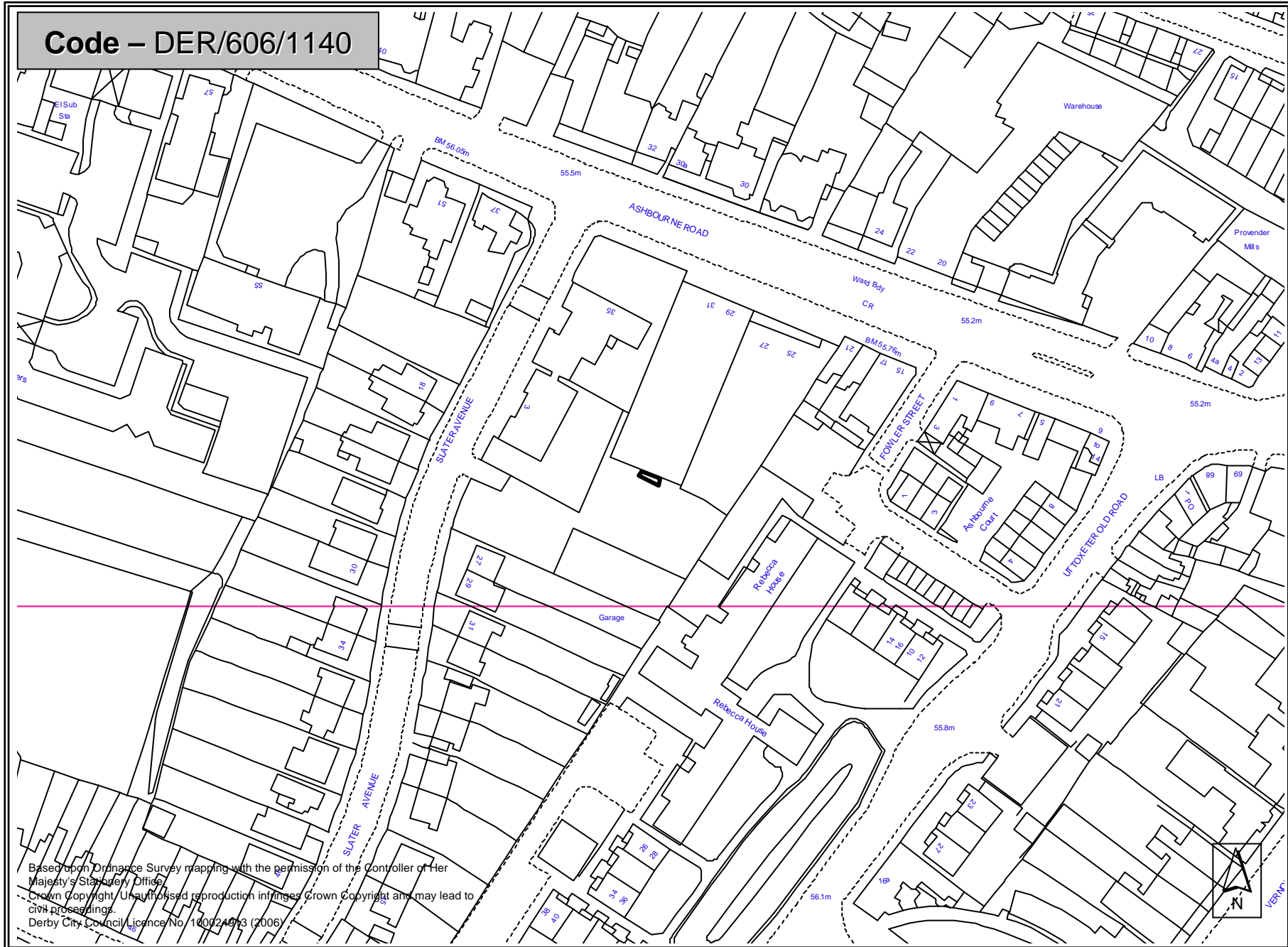
For the reasons given above, I consider that the equipment proposed in this planning application is consistent with local and national planning policy and offers visual benefits for the surrounding area to that which has been approved previously.

11. **Recommended decision and summary of reasons:**

11.1 **To grant** planning permission.

11.2 **Summary of reasons:** The proposal has been considered against the City of Derby Local Plan policy as summarised in 9 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development that would improve the network in this part of the city without having a detrimental effect upon local amenities.

Code – DER/606/1140



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No 1000249/3 (2006)