

Applications to be Considered

SUMMARY

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

RECOMMENDATION

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

REASONS FOR RECOMMENDATION

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

SUPPORTING INFORMATION

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

OTHER OPTIONS CONSIDERED

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

This report has been approved by the following officers:

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

Index
Planning Control Committee 15 February 2018

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 47	11/17/01481	Site of the Moorways Sports Centre, Moor Lane, Allenton	Demolition of store. Erection of a leisure centre (use class D2) including a 50m swimming pool, fitness suite, studios and other complementary uses with associated parking, access drainage and landscaping provisions	To grant planning permission with conditions
2	48 - 76	05/17/00567	Darley Park, Darley Abbey, Derby	Construction of a multi user path and ancillary works	To grant planning permission with conditions
3	77 - 88	05/16/00583	Land at the rear of 275 Chellaston Road, Derby	Erection of three dwelling houses and formation of access road	To grant planning permission with conditions
4	89 - 100	03/17/00333	Site of 50 Sitwell Street, Spondon	Demolition of office and workshop. Residential development (up to six dwellings)	To grant planning permission with conditions
5	101 - 116	04/17/00429	Site of former Cock N Bull PH, Sinfin Lane, Sinfin	Erection of an industrial unit with retail sales and car breaking (mixed use B2/A1/Sui Generis) and associated car parking	To grant planning permission with conditions
6	117 - 124	10/17/01366	11 Chevin Road, Derby	Demolition of bungalow. Erection of replacement dwelling house (use class C3)	To grant planning permission with conditions

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

1. Application Details

1.1. Address: Site of the Moorways Sports Centre, Moor Lane, Derby

1.2. Ward: Sinfen

1.3. Proposal:

Demolition of store. Erection of a leisure centre (use class D2) including a 50m swimming pool, fitness suite, studios and other complementary uses with associated parking, access drainage and landscaping provisions

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/11/17/01481>

Brief description

This full planning application seeks planning permission for the erection of a new leisure centre on the site of the former Moorways Leisure Centre along with the demolition of an existing store.

The former leisure centre comprised of two separate buildings; one accommodating two swimming pools and the other accommodating a sports hall, gym and studios with the car park being located between the two centres. The former Moorways Leisure Centre along with the athletics track is currently accessed by a single point of vehicular access, off Moor Lane. During the demolition of the former centres access to the athletics track has been retained. Demolition of the former facility has already commenced on site.

The application site covers an area of approximately 2.6 hectares. The application site is located on the southern side of Moor Lane, in close proximity to the Moor Lane and Osmaston Park Road signalised road junction. To the east of the application site are a number of two storey residential properties that front Osmaston Park Road and the athletics track, its stadium along with associated car parking and storage. The athletics track, associated stadium, storage, playing pitches and playing fields are within the ownership of the applicant, Derby City Council. To the south of the application site is Elm Wood, a protected ancient woodland with the newly re-aligned Victory Road sited directly behind along with the Moor Lane Rolls Royce Offices. To the west of the application site is Osmaston Park, a City Council park. The land levels are highest in the west, in the vicinity of Elm Wood and decline to east behind the residential properties.

In terms of the application sites city context, the application site is located approximately 5 kilometres south-east of the Derby City Centre. The site is located between the suburbs of Allenton and Osmaston which predominantly comprise of residential properties with associated amenity facilities. The site is also within close proximity to the Allenton District Centre.

The application proposes the erection of a new leisure centre with associated car parking and landscaping. The proposed leisure centre is to be located in the south-western end of the application site and is designed around a simple box concept which sees the overlapping of two boxes at right angles. A large box located on the base accommodates the 'wet' facilities and a smaller box above accommodates the

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

'dry' facilities. Due to the changing land levels the leisure centre will appear to be sunk into the ground, from certain advantage points. The change in land level and the setting of the proposal within these changing land levels is evident from the submitted site sections and elevations.

The proposed leisure centre will employ in the region of 78 full time staff. It is estimated that approximately 30 staff will be on site at any one time. The opening hours proposed is 05:00 – 23:59 seven days a week including Bank Holidays.

Internally, the proposed development is split over four floors (basement, ground (Level 00), first (Level 01) and second (Level 02) floor). Visitors to the leisure centre will enter on level 1. The different levels are linked by 3 staircases with lift access. Stairwell 1 provides access from the basement to all floors above including the roof level. Stairwell 2 is an emergency stairwell serving the 50 metre spectator seating on the first floor and an emergency exit door. Stair well 2 provides a link between the reception area, changing village and the gym.

The basement accommodates the plant for the facility along with three separate balancing tanks, one for each pool.

Level 00

The ground floor is split into four areas accommodating the following:

- 50 metre by 10 lane swimming pool
 - Competitor seating
 - Timing rooms
 - First aid station
 - Stores and plant
 - Spa area
 - Sauna
 - Steam room
 - Private changing space
 - Lobby area
- A learner/teaching pool with separate drop-off zone
 - Private group change
- Changing village comprising of:
 - Group changing areas
 - Individual changing
 - Toilets
 - Showers
 - Pre swim showers
 - Vanity areas
 - Cleaning stores
- Leisure water pool

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Level 01 (Entrance Level)

The first floor accommodates:

- Main entrance
- Reception/lobby
- Access to the 50 metre pool spectator seating (465 seats)
- Children's soft play
- Café and seating
- Two treatment rooms with lobby area
- 5 areas of multi-use space
- Toilets
- Staff facilities:
 - Managers office
 - Staff changing
 - Office space reception
 - CCTV room
 - Store Rooms

Level 02

The second floor is located in the smaller box only and accommodates the gym which comprises:

- 150 workout stations
- Three studios
- Male and female changing with toilets and showers
- Two assessment rooms
- Storage rooms

The roof level is accessed by a stairwell 1 and accommodates plant for the leisure centre. There are also three large rooflights, two over the 50 metre pool and a single rooflight above the leisure water. A further rooflight is positioned above stairwell 2.

Externally, the proposal is divided into two boxes, one smaller box located above a much larger box. This has provided a clean and simple external appearance. The base box has a footprint of some 43 metres by 101 metres with a height of 11.4 metres. The smaller box has a footprint of 20.5 metres x 83 metres with a height of 12.75 metres resulting in an overall facility height of some 17.4 metres. Please note that the heights may vary due to the change in land levels around the proposal.

At the end of each box along with the main entrance are large areas of glazing. These large glazing areas provide views into and out of the 50 metre pool, leisure water, gym and reception area, studio and multi-use area and the gym and multi-use area. These glazed elevations have been designed to frame the view through the recessing of the elevation and framing the window with different cladding to the main elevation.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

The elevations are simple in terms of fenestration and detail how the simple use of the same material in different ways will break up the mass of the leisure centre and provide interest. The material to be used on the elevations is a silver/grey aluminium cladding finished, treated and installed in different ways.

The car parking for the proposal is split over two car parks. The southern car park, adjacent to Elm Wood, is accessed by a single point of access and would accommodate 4 of the 12 accessible car parking bays, it has a circular layout. The northern car park, which is larger of the two car parks, is accessed by two points of access. At the northern end of the site is an 'in' only access which will allow buses to enter the site and exit towards the layby for drop off and pick up, this access can also be used by visitors. The main access to this car park will allow access and egress, this access has been widened to allow a right turn harbourage for vehicles turning right into the accessible car parking spaces and drop off/pick up zone which is located directly outside of the proposal. The northern car park accommodates the majority of the accessible bays along with a drop-off area, bicycle storage and motorcycle parking along with minibus bays and electric charge points. This car park will also provide access to the Moorways Stadium and car park along with route to the rear of the proposal required for servicing the facility and receiving deliveries.

The car parking provision at the proposed leisure centres is as follows:

- 329 standard bays (including 8 electric charging points)
- 12 accessible bays
- 3 mini-bus bays
- 4 motorcycle bays
- 17 bicycle bays

In respect of coach parking and coach access the scheme provides a 50 metre layby on Moor Lane, which will be controlled by double yellow lines, only. Those buses/coaches arriving from the north will pull directly off Moor Lane into the layby. Whereas those arriving from the south will utilise the northerly access, continue around the car park and exit from the main access point and immediately pulling left into the layby ensuing all visitors exit the buses/coaches directly onto the public realm area outside of the proposal which leads them to the main entrance.

The application is also accompanied by a lighting strategy which indicates the location of and type of proposed external lighting. The types of lighting proposed are:

- LED column mounted lights located within the two car parking areas
- LED wall mounted lights which are located in the rear elevation of the proposal illuminating the servicing area
- Bollard lights which are located along the pedestrian routes and within the public realm
- In-ground up lighting which is located along the two swimming pool windows

The submitted lighting plan also identifies the light spillage from the proposed lighting scheme along with identifying the location of fixed and PTZ (pan-tilt-zoom) cameras.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Amendments have been sought through the life of this application and the report is based on the amended scheme. In support of the application a suite of documents has been submitted including Design and Access Statement, Planning Statement, Air Quality Assessment, Noise Assessment, Transport Assessment, Ecological Appraisal, Arboricultural Assessment, Flood Risk Assessment and Phase 2 Site Investigation. A number of the submitted documents and plans have been updated to reflect amendments to the scheme. The following report is based on the amended documents and plans. The amendments include but are not exhaustive to the following:

- Changes to the layout to reflect amendments to the car parking arrangement and access points,
- Updated Transport Assessment,
- Updated Noise Assessment which considers the changes to the car parking layout,
- Updated Air Quality Assessment which reflects the most recent trip generation data.

Wider Context

The applicant has indicated within their submission that the delivery of the proposed swimming pool is Phase 1 of a wider two phase strategy for improving the facilities at Moorways and Osmaston Park.

The Council's Leisure Facilities Strategy (LFS) seeks to deliver the Council's vision of becoming a safe, strong and ambitious city and to be England's most active city. The strategy considers the need to provide facilities through the replacement of or refurbishment of existing facilities along with providing new facilities. The first phase of the LFS has already seen the successful opening in March 2015 of the Derby Area at Pride Park.

In respect of swimming the LFS identified a specific need for a swimming pool hub within the city to which this application and proposal are directly responding too. It is felt that the proposal would complement and enhance the wider facilities including the Moorways Stadium, sports pitches and the adjacent Osmaston Park. Furthermore, it is anticipated that as part of the longer term regeneration of this area there is scope for other leisure uses and complimentary activities in and around the locality of Moorways and Osmaston Park.

These opportunities are currently being explored by colleagues within Sport and Leisure who are currently preparing a masterplan for the wider area including Osmaston Park, Moorways and the adjacent playing pitches. The masterplan will identify other leisure and complementary activities along with demonstrating how this proposal would align with wider investment opportunities. The masterplan proposals are considered to be Phase 2 and will be considered by the Local Planning Authority against adopted Local Plan policy in due course.

Environmental Impact Assessment

The applicant has submitted a request for a screening opinion of the Local Planning Authority under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Local Planning Authority has formally responded to this

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

screening request following consultation with statutory consultees. The Local Planning Authority concluded within its letter that the proposed development does not constitute Schedule 1 development. However the proposed development does fall within Part 10(a) of Schedule 2 Development under 'Urban Development Projects'; which specifically identifies the erection of leisure centres. The development area of the proposal is given as 2.605 hectares and therefore exceeds the threshold provided within Schedule 2 of 1 hectare.

The Local Planning Authority has considered the Characteristics of the Development, the Location of the Development and Characteristics of Potential Development. In summary, the characteristics of the proposal are considered to integrate within those surrounding the development. There is unlikely to be any undue loss of natural resources as a result of this development and it is felt any impacts arising as a direct result of the proposal can be adequately mitigated.

Overall whilst the proposed development does exceed the threshold set out in Schedule 2 of the Regulations any impacts arising as a direct result of the proposed development would be at a local level and furthermore any impacts are unlikely to be significant.

Therefore, the Local Planning Authority has concluded that this proposed development does not constitute Environmental Impact Assessment development and an Environmental Statement is not required.

2. Relevant Planning History:

Application No:	05/17/00738	Type:	Demolition-Prior Notification
Decision:	Raise no objection	Date:	28/06/2017
Description:	Demolition of sports centre and swimming pool		

3. Publicity:

Initial Consultation

Neighbour Notification Letters sent to 14 local properties 23rd November 2017

Site Notice erected 24th November 2017

Statutory Press Advert 29th November 2017

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

Second Consultation

Neighbour Notification Letters sent to 14 local properties 2nd January 2018

Site Notice erected 3rd January 2018

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

Third Consultation

Neighbour Notification Letters sent to 14 local properties 30th January 2018

Site Notice erected 30th January 2018

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

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

Pre-Application Public Engagement

The applicant has submitted a summary document outlining the public engagement carried out by the applicant prior to the submission of the formal planning application. The public engagement took the form of a paper and online survey distributed by the applicant. In total 228 completed surveys were retained from all Derby Wards as well as outside of the City's administrative boundary. The survey sought responses on the use of the facility, its external appearance and parking, inside the facility as well as details of the participant. Overall the survey concluded that 84.2% of participants were either 'very likely' or 'fairly likely' to use the proposal. 78.8% of participants liked the look of the proposal and 72.3% of participants liked the size and design of the car park. There is also strong support for the facilities incorporated inside the proposal. Furthermore there is generally strong support for the concept proposal overall.

4. Representations:

The application has not attracted any third party representations following the statutory consultation period and additional publicity processes outlined above.

5. Consultations:

5.1. Highways Development Control:

The above proposal is seeking planning consent to replace the sports centre and swimming pool which have recently been demolished.

1) National Planning Policy Framework (NPPF)

The coalition government introduced the NPPF and set out below is the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used as the Secretary of State will use NPPF to test the suitability of the above proposal should the application go to appeal.

Paragraph 32 of the NPPF says:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost-effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Considering the above criteria I make the following comments:

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Traffic Modelling

Please refer to comments from my transport planning colleagues dated 12th December 2017. Included below are planning conditions suggested by transport planning colleagues for ease of reference.

- ***the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;***

The NPPF presumes in favour of sustainable development. This policy seeks to influence developers to put in place measures to provide opportunity and encouragement for people going to the development to choose to travel by non-car modes i.e. measures to encourage walking, cycling and travel on public transport. It is considered the above site is accessible by sustainable modes of transport. However in respect of cycling the attractiveness of any facility is reliant on the availability of secure cycle parking. This has been discussed with the applicant and whilst some cycle parking is to be provided it is considered that both the number and location of the cycle parking provision could be improved to ensure that the above development represents a good example of sustainable development, please see condition below.

- ***safe and suitable access to the site can be achieved for all people; and***

Section 4.2 of the revised Transport Assessment (TA) provided on the 30th January 2018 describes the proposed access strategy and says:

Vehicular Access

General vehicular access to the proposed development will be provided via two primary points of access leading east from Moor Lane. The development proposals include a further part-time, gated in-only access for general traffic from the north, and school buses arriving from the south; open only during term-time school hours.

The northern access will accommodate vehicular access for all vehicles into main large north car park, accommodating a conveniently located accessible parking-court including eight bays, a parent and child drop off layby and circulation area, four motorcycle parking spaces, eight electric vehicle charging bays and a large car park comprising six parking aisles, with three minibus spaces off the rear aisle.

The southern access, also a priority T-junction two-way vehicular traffic arrangement, provides access to the southern car park which includes a further four conveniently located accessible parking bays and 110 standard parking bays.

The Highway Authority offers the following comments in respect to the above:

It should be noted that Drg No L-1762-GAP-001 Rev n entitled the Landscape Master Plan shows the location of the accesses and includes a note saying “Access control to be developed”. This note does not refer to type of junction to be provided, but rather the method of control of the parking areas. It should be noted that the HA have already indicated that barrier control at these access points would not be acceptable, see suggested condition below.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Northern Access – the location of the proposed access on Moor Lane is considered acceptable. However, the orientation of the building dictates the location of the access into the area adjacent the main entrance to the pool which contains the majority of the disabled parking spaces and parent ‘drop off’, which is potentially problematic. Drivers entering this area have to turn right and may have to wait if their access is blocked, which could present a difficulty because of the very short distance from Moor Lane. Through discussions with the applicant, the Highway Authority (HA) have sought to minimise the potential for congestion at this access by requesting widened to allow at least one vehicle to wait to turn right without blocking access to the remainder of the northern car park. However this has resulted in a wide access which is not ideal for pedestrians using Moor Lane. It would be possible to provide a central refuge in the mouth of the junction, but this would require the junction to be further widened due to the need for HGVs and buses to utilise the access.

In determining the scale of this potential problem the parent parking area contains a number of parking spaces and a turning area. A well located layby is to be provided adjacent the access to the pool and it is considered this layby will be well used by drivers dropping off people going to the above site. The HA suggests that the design of this junction will require further refinement, see suggested condition below.

Southern Access – the design of the southern access is considered to be acceptable, see suggested condition below.

Gated ‘In only Access’- The TA describes the use of this access as follows:

“The lay-by is supported by a secondary in-only access into the north of the main car park, to allow school transport arriving from the south to turn, to circulate around the car park and leave via the main access road, and use the lay-by for the safe pupil drop-off and collection. This access is one-way and gated for use only during term-time school hours.

The gated one-way access, internal coach circulation route and the layby may also occasionally be used for coach and bus drop off for events, managed and controlled by the swimming pool event management team as and when required.”

The HA considers it unlikely that bus drivers will utilise this access to enter the site to circulate around the car park only to return to the highway to drop off in the proposed lay-by on Moor Lane. It is considered far more likely that the bus companies will arrange their routes to allow them to approach the lay-by from the A5111. It is suggested that this could be influenced by the terms of the contracts with bus operators who will deliver the school service.

The use of this access to provide additional capacity at major events is sensible but it should be noted that this access **is only** suitable for use as ‘in only’. The operation of this access should be controlled by a suitable condition, see suggested condition below.

Coach/Bus Drop Off – in developing the above scheme discussions have been held regarding the delivery of school children for swimming lessons. When considering dropping off arrangements for school children it is important to note a number of fairly obvious but important points;

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

1. the drop off facility should be designed to ensure there is no need for school children alighting from the bus to cross the road to get to the pool and;
2. the walking route between the bus stop and the entrance to the pool is not over long and safe.

A number of options have been discussed with the applicant including the provision of on-site dropping off facilities. The applicants have ultimately opted for the use of the proposed off-site lay-by on Moor lane. For the avoidance of doubt it should be reiterated that it cannot be guaranteed that the lay-by will not be being used by other road users when the bus arrives to drop off the school children. It is proposed to protect the lay-by by the use of a modified 'No waiting at any time traffic regulation order' (i.e. double yellow lines) which whilst it will prevent parking within the lay-by by all drivers it will allow drivers to wait whilst they drop people off within the lay-by as mentioned above.

Servicing – the operation of the site requires a range of vehicles to enter the site and the traffic consultant has looked at the swept paths of these vehicles in some detail. As the detailed access designs are developed further checking of HGV swept paths will be undertaken.

- ***improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.***

There are no off-site highway works associated with the above development.

5.2. Transport Planning:

1.0 Introduction

- 1.1 This technical note provides comment on the Transport Assessment submitted in support of the above application and prepared by Curtins Consulting.
- 1.2 The development site currently comprises a 3,989 sqm sports centre and swimming pool that occupies a gross internal area of 3,294 sqm. The Moorways Centre has been operating on the site since the 1970s. The sports centre closed in December 2015 followed by the swimming pool in April 2016, having reached the end of their operational life. The facilities will be demolished and replaced with a slightly larger, 8,330 sqm gross internal area, state of the art facility that will significantly improve the leisure offer for residents and visitors to Derby.
- 1.3 The proposed development will replace this facility with a bigger swimming pool and some additional auxiliary functions, such as a café and treatment rooms. It is estimated that the net change in trips will be minimal, around 32 vehicles during the PM (1700-1800) Peak. In addition, there will also be an element of bypass type trips that have not been taken into account. This is where people who normally are driving pass the site, for example from their place of work to home, stop to use the leisure facility and then continue their journey.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

- 1.4 DCC requested that the full trip generation of the proposed development was assessed in order to understand the operation of the immediate highway network around the site, and in particular, the new junction that is currently being constructed on Moor Lane as part of the re-alignment of Victory Road. This would also show the proportion of trips associated with the new leisure facility against background traffic and future traffic.

2.0 Accessibility

- 2.1 The site is located on the A5111 Outer Ring Road around 500 metres to the west of Allenton District Centre. In terms of Vehicular access it is in a prime location for routes to the strategic road network such as the A52, A38 and A50. However, the Ring Road junctions and A514 are frequently congested during the weekday AM (0800-0900) and PM (1700-1800) peaks. This congestion often spreads either side of the peak hour. However, there is more than one access route to the site and routes such as T12, Wilmore Road, Victory and Merrill Way offer local alternatives to the Outer Ring Road and A514.
- 2.2 There are bus stops on the Outer Ring Road providing 4 buses per hour and served by the City Centre, Allenton and Alvaston circular. In addition, there are also bus stops on Osmaston Road, within 500 metres, that provide access to 6 buses per hour between the City Centre and Chellaston.
- 2.3 There is a continuous pedestrian network of footpaths to the site and cycle crossing facilities at the Moor Lane/Outer Ring Road Junction. However, the site is not located near any of the National Cycle Routes and direct links to the site by segregated routes are limited. There are However, Derby City Council has a programme of cycle improvements that it is delivering, which will significantly benefit the site and provide better continuous links. For example, as part of the Victory Road Realignment off road cycle routes will be provided from Moor Lane linking up to Merrill Way and the routes provided by T12. In addition, Toucans will be provided on the Ascot Drive/A514 Junction and a new link from Ascot Drive via Thirsk Place to Route 66. New signals will also be provided on Wilmore Road/Sinfin Lane with provision for cyclists incorporated into the layout to assist cyclists to link up with the off road cycle route on Wilmore Road.
- 2.4 Overall, the site is accessible by all modes of transport. However, there is always room for improving the quality and connectivity of the cycle network, which some of the Derby City Council schemes will address.

3.0 Highway Safety

- 3.1 Personal Injury Collision Data has been collated for the immediate area around the development site. This covers the nodes and links that are likely to be used as the main access points and routes to the new leisure facility.
- 3.2 The conclusion from the TA is that there isn't a particular safety issue on the transport network around the development site and that the frequency of accidents compared to the total traffic levels of the network is relatively low.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

- 3.3 Statistically the data does not indicate that there is a particular safety issue on the transport network around the development site. Taking the Mitre Island as an example, 17 accidents occurred at the junction over the three year period 2014, 2015 and 2016. The expected frequency of accidents for this junction type, based on Table 5/1 of the 2004 COBA manual, is 31 accidents over three years based on an AADT flow through the junction of 75,000 vehicles.
- 3.4 On the basis of traffic flow the trip generation from the proposed leisure complex is not going to significantly increase traffic levels and the probability of accidents on the network. For example the total weekday PM traffic flow from the leisure complex is predicted to be 94 vehicles through the Mitre Junction. As a percentage of the total traffic through the junction, which is around 3,500 vehicles during the weekday peak hours, this is a relatively small number compared to the background traffic.
- 3.5 However, 43% of the total 69 accidents in the area involved cyclists or pedestrians. I would suggest to HDC colleagues that they check the location of these accidents to make sure that there isn't a particular spatial or temporal cluster.

4.0 Trip Generation and Distribution

- 4.1 Forecast trip generations for new developments are normally calculated using the industry standard TRICS database. This is based on surveyed trip generation information from hundreds of development sites such as employment, housing and retail.
- 4.2 The sample size of leisure centres, and in particular 50 metre swimming pool sites in TRICS, is not large because there are only a handful of sites located across the UK. In addition, leisure centres do not necessarily follow the same trip generation profile and their operation can differ depending on their leisure offer, location and the way that they are operated and promoted.
- 4.3 As such, calculating trip generation is not straight forward for a 50 metre swimming pool. However, TRICS offers the best method of calculating trip generation profile and the only pragmatic approach that could be applied in this case. The trip rate calculation was based on around ten sites that broadly represented non city centre sites that were between 3329 sqm to 6800 sqm in size.
- 4.4 The table below provides the trip generation profile from TRICS and shows that the main peak operation of swimming pools and leisure centres is between 17:00 and 20:00. During the PM Peak traffic period (17:00-18:00) the leisure complex is predicted to generate around 235 vehicle trips or 127 arrivals and 107 departures. During the AM Peak there is minimal activity and it is predicted that there will be 42 arrivals and 43 departures.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

TRICS Leisure Centres including 50m swimming pool		Proposed Development Traffic Flow					
		Trip Rate			Traffic Flow		
		Arrive	Depart	Total	Arrive	Depart	Total
Development	8330						
06:00-07:00		0.138	0.008	0.146	11	1	12
07:00-08:00		0.55	0.128	0.678	46	11	56
08:00-09:00		0.503	0.521	1.024	42	43	85
09:00-10:00		0.724	0.448	1.172	60	37	98
10:00-11:00		0.506	0.56	1.066	42	47	89
11:00-12:00		0.67	0.576	1.246	56	48	104
12:00-13:00		0.579	0.581	1.16	48	48	97
13:00-14:00		0.511	0.555	1.066	43	46	89
14:00-15:00		0.36	0.479	0.839	30	40	70
15:00-16:00		0.685	0.412	1.097	57	34	91
16:00-17:00		1.118	0.782	1.9	93	65	158
17:00-18:00		1.53	1.287	2.817	127	107	235
18:00-19:00		1.608	1.514	3.122	134	126	260
19:00-20:00		1.35	1.514	2.864	112	126	239
20:00-21:00		0.446	1.128	1.574	37	94	131
21:00-22:00		0.068	0.636	0.704	6	53	59
Daily Totals		11.346	11.129	22.475	945	927	1872

4.5 The existing swimming pool ceased operation in April 2016 and the sports centre in December 2015. As such, the existing trip generation from the site had to be estimated based on TRICS vehicle trip profile, and for 7,283 sqm during the PM Peak period generated 116 trip arrival and 109 departures. Compared to the proposed site the net difference in vehicle trips is 14 in and 17 out, or 31 two-way trips.

4.6 In addition, the consultants were asked to consider the trip generation of the leisure complex during the weekend peak. From traffic surveys and the TRICS trip profile, this was predicted to be between 13:00 and 14:00 on a Saturday. The trip rates for the Saturday peak and vehicle trip generation is presented below.

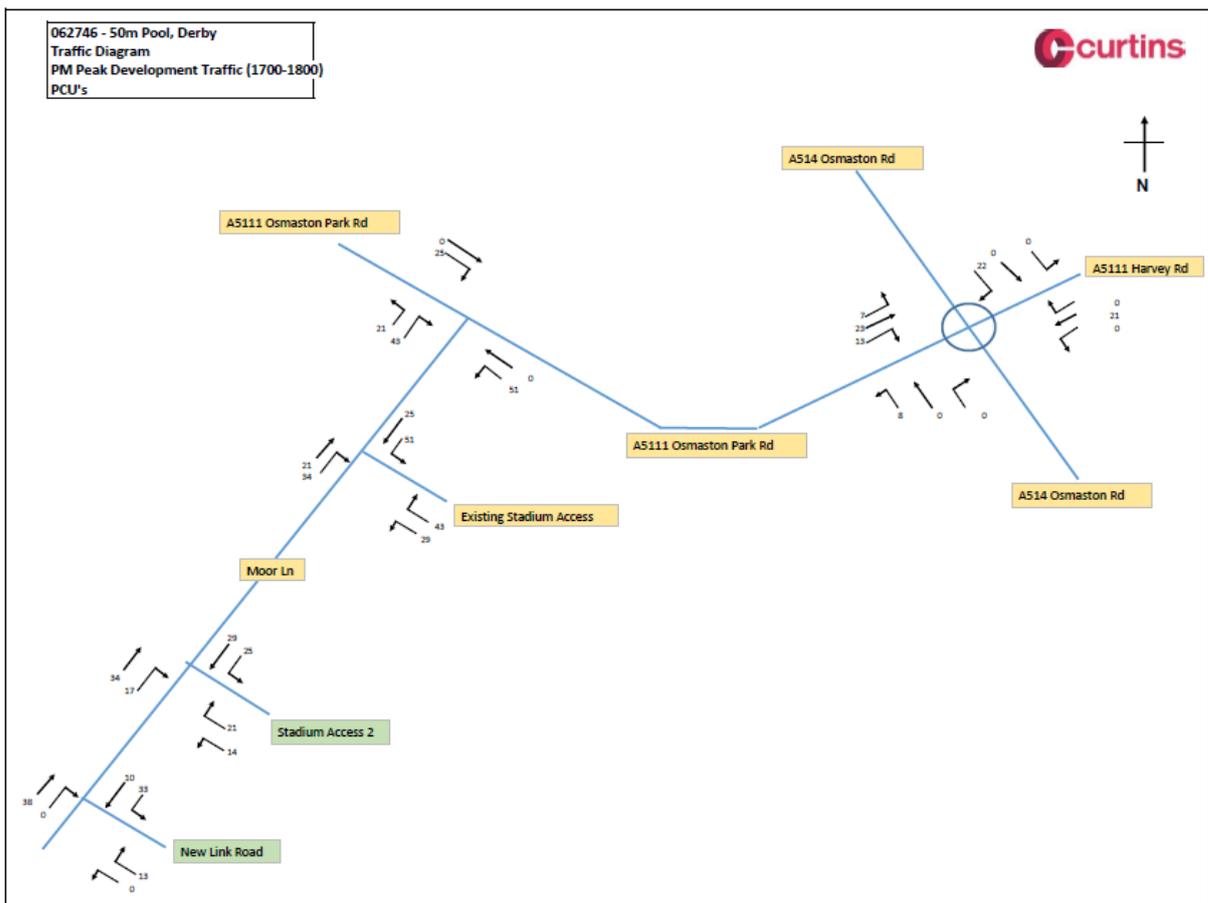
Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

	Weekday PM Peak (1700-1800)			Saturday (1300-1400)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Trip Rate (Leisure Centre including 50m swimming pool) / 100sqm	1.53	1.287	2.817	1.072	1.417	2.489
Development trips (8330sqm)	127	107	235	89	118	207

4.7 The distribution of development traffic has been calculated based upon the observed turning proportions from the 2017 traffic surveys. It has been assumed that 66% of development traffic will use the larger car park via the main site access junction from the Outer Ring Road, and 33% will use the second access point further to the west on Moor Lane. Using observed turning movements is an accepted distribution methodology, and it is likely that most vehicles to the site will use the Outer Ring Road because it provides the main collector road to the radial routes that feed Derby’s residential areas and the main link to the trunk road network.



4.8 For the PM Peak hour (1700-1800), 94 two-way vehicles are predicted to travel southbound to and from Victory Road and the New Link Road. A total of 89 two-way vehicles are predicted to travel to and from the Outer Ring Road west; and 94 two-way vehicles from the east via Mitre Island.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

5.0 Base data and Forecast Assessment Year

- 5.1 Traffic surveys were carried during the neutral months of June and October 2017 over a weekday and Saturday period. This is in accordance with DfT's recommended guidance on traffic surveys.
- 5.2 A forecast assessment year of 2020 was used, which fits the opening year of the leisure complex and three year forecast suggested by the National Planning Policy Framework. NPPF sets out that the scope of the transport assessment should consider all directly relevant committed development in the area, which has a reasonable degree of certainty, will proceed within the next 3 years. It was agreed that background traffic growth was represented by TEMPro growth rates.
- 5.3 The major committed development in the area is the Chellaston Business Park. However, this consent is being superseded by the South Derby Growth Zone and proposals for a new A50 Junction. As such, it is unlikely that the Chellaston Business Park proposal will come forward in its current form or start in the next three years. In addition, the construction of a new A50 junction would significantly change the trip patterns in the area.
- 5.4 Rolls Royce has outline permission to develop a campus complex on the existing Sinfin works site. However, this is subject to all matters reserved, excluding the Victory Road realignment, and subject to detailed planning permission. The overall scale of operations of the Sinfin works is unlikely to change. The Victory Road realignment and new link road is part of this consent and is currently under construction. Curtins were asked to test the impacts of the leisure complex on the new link road junction on Moor Lane. This was based on a manual re-assignment of traffic flows recorded in March 2017 after T12 had opened. The flows were also growthed to 2020 using TEMPro.

6.0 Junction Analysis

- 6.1 The scope of the junction analysis was based on the distribution of the two-way traffic, where the total development traffic was more than 50 vehicles. As a bench mark, Transport Assessment Guidance use to consider any development two-way trip generation below 5 percent as immaterial. In reality the impact depends on the level of background traffic and the congested nature of the existing highway network. However, for a road with 1000 vehicles per hour, this is around 50 vehicles, or 0.83 vehicles per minute. On the Outer Ring road, where the two-way weekday peak hour flow is around 2500 vehicles this represents around 2%.
- 6.2 The following junctions were assessed in the TA, for a weekday PM Peak (1700-1800) and Saturday Peak (1300-1400), and are discussed in detail in the following paragraphs. The junctions are all signal controlled and the comments made are based on those made by DCC's Signal Engineer.
- Moor Lane/Osmaston Park Road (Outer Ring Road).
 - Mitre Island (A5111/A514).
 - Re-aligned Victory Road (the new road)/Moor Lane.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

General Notes on Modelling

- 6.3 The 2020 base and 2020 scenario with development have both been optimised. However, the 2017 scenarios haven't and therefore the presentation of results between 2017 and 2020 scenarios is likely to be slightly pessimistic. In general, the same modelling techniques should be applied to all scenarios unless a specific reason exists why this should not be the case. The TA makes very few comparisons with 2017 scenarios generally comparing 2020 Base with 2020 Base plus Development but this discrepancy should be noted where 2017 figures are involved.
- 6.4 It should be noted that the modelling has followed the conventional route of using 1 hour periods of time. This means that any results represent an average situation over that entire hour. This is generally acceptable for most situations where flows remain fairly constant during the peak hour, however for event-type situations where large volumes of vehicles tend to leave a location in a relatively short time this will give an over-optimistic view.

Moor Lane/Osmaston Park Road.

- 6.5 The table below summarises the change in performance of the Moor Lane junction. Of the three junctions tested this junction is predicted to experience the greatest impact during the PM Peak. This is not surprising considering it is the main connection to the proposed leisure complex from the Outer Ring Road. As a consequence the Moor Lane arm degree of saturation (DoS) increases by approximately 10% and the mean maximum queue (MMQ) by approximately 38% from 10.9 vehicles to 15 vehicles.

Lane	Arm	2020 Base				2020 Base + Development			
		Weekday PM (1700-1800)		Saturday (1315-1415)		Weekday PM (1700-1800)		Saturday (1315-1415)	
		DoS (%)	MMQ (pcu)	DoS (%)	MMQ (pcu)	DoS (%)	MMQ (pcu)	DoS (%)	MMQ (pcu)
1/1	Osmaston Park Road (North) – Ahead	89.0	22.2	65.4	12.6	89.0	22.2	68.8	13.9
1/2	Osmaston Park Road (North) – RT	59.5	2.8	53.3	2.4	76.6	4.2	65.7	3.2
2/1	Osmaston Park Road (South) – Ahead	96.9	19.5	60.2	10	103.0	28.3	67.7	11.4
2/2	Osmaston Park Road (South) – Ahead	92.9	16.6	60.0	10.2	98.0	21.3	67.6	11.7
3/1	Moor Lane - LT	30.2	10.9	23.6	2.4	32.5	15	28.2	3.5
3/2	Moor Lane – RT	91.3		55.5		101.0		62.7	

- 6.6 When evaluating the model it, DCC suggest that the cycle time could be adjusted with a longer time to improve the operation of the junction, than the modelled (90 seconds). This junction operates under MOVA control and is therefore well suited to operate much longer cycle times being capable of making intelligent decisions associated with the efficiency of operation. It is therefore reasonable to suggest that the mitigation required is the capability of running longer green times under MOVA control.
- 6.7 The junction works very well with the predicted Saturday flows. All queues are predicted to disperse within a single green time and no mitigation is considered necessary.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Mitre Island (A5111/A514)

6.8 The impact of the full trip generation of the leisure complex is relatively small on the Mitre, given that the junction is already predicted to be over-capacity in the 2020 PM Peak. However, like the A5111/Moor Lane junction the model shows that slightly longer cycle times would mitigate the impact of the development and this would also provide a better operation of the exit crossings, minimising the impact on the roundabout traffic.

6.9 This junction works very well with the predicted Saturday flows. All queues are predicted to disperse within a single green time and no mitigation is considered necessary.

Re-aligned Victory Road (the new road)/Moor Lane

6.10 This junction works satisfactorily with the predicted PM Peak flows. Overall junction PRC reduces from 11.1% in the 2020 Base case to 6.5% in the 2020 with development case. All queues are predicted to disperse within a single green time and no mitigation is considered necessary.

Arm	2020 Base				2020 Base + Development			
	Weekday PM (1700-1800)		Saturday (1315-1415)		Weekday PM (1700-1800)		Saturday (1315-1415)	
	DoS (%)	MMQ (pcu)	DoS (%)	MMQ (pcu)	DoS (%)	MMQ (pcu)	DoS (%)	MMQ (pcu)
Moor Lane East - Ahead + Lt	0.68	3.6	0.34	2.2	0.75	4.7	0.39	2.8
Link road - Lt + Right	0.81	9.6	0.32	2.3	0.85	10.3	0.36	2.5
Moor Lane West - Ahead + Right	0.46	3.2	0.11	0.7	0.48	3.7	0.13	0.8

6.11 This junction works very well with the predicted Saturday flows. All queues are predicted to disperse within a single green time and no mitigation is considered necessary.

Conclusion

6.12 The road network in this area is over capacity in the weekday PM Peak and queues form on the approaches to the signal junctions along the A5111. The additional traffic from this development is relatively small in number. Its main impact is on the Moor Lane approach to Osmaston Park Road where the average queue is predicted to increase by 38% but the impact is much less elsewhere.

6.13 The modelling shows that this impact can be managed by changes to traffic signal timings and the residual increase in delay for traffic is small. The models show that the impact of this development on the road network on a Saturday is small and no mitigation is required.

7.0 Parking

7.1 The parking guidance that is set out in Appendix C of the Derby Core strategy suggests that for a leisure centre 333 spaces should be provided, of which 7 are for disabled parking. The development proposes 329 parking spaces, which is slightly above the guidance. However, this is a public facility that will hold large events and attract visitors from a dispersed regional area. As such it

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

is expected that there will be times when more parking is required above and beyond the normal day to day activity.

- 7.2 The TA suggests that based on the guidance that a minimum of 17 cycle spaces are provided. Considering that this is a leisure centre is a public building and that the City Council promotes physical activity, it is expected that more than the bare minimum cycle spaces are provided. Further, any provision should be secure and sheltered and located in a position that provides cyclists with easy access to the entrance of the new complex.

8.0 Travel Plan and Events Management Plan

- 8.1 The obvious issue with the new leisure complex is that it will provide a 50 metre pool that will attract major swimming events and club meetings. There are only around forty-five 50 metre swimming pools across the UK, with the closest to Derby being Loughborough University, Nottingham Haddon Hall and Sheffield Ponds Forge.

- 8.2 It is likely that a major swimming event will attract higher levels of visitors than would be characterised by normal daily operation. The highway network around the site is congested during the normal weekday AM Peak 0800-0900 and PM Peak 1700-1800 periods. In addition, it also suffers from congestion at other peak times, such as on Saturdays and Sundays between 12:00 and 14:00 during seasonal retail spikes. However, it is the weekday commuter peaks that cause the major cost dis-benefit to users and the economy, and as such are the most sensitive time periods.

- 8.3 Key to managing peak travel demand to the new leisure complex will be a travel plan to provide staff and visitors with travel options. The objective of the travel plan will be to reduce travel by single occupancy vehicles and improve accessibility for those people who do not own a car. The travel plan needs to set out an action plan to promote travel by healthier sustainable modes of transport; and to promote cleaner low emission travel options. It is important that discussions about sustainable travel options and accessibility are undertaken during the detailed design of the site. This is because possible infrastructure such as secure cycle stands and EV charge points need to be included.

- 8.4 Aligned to the travel plan should be an events management plan. This needs to put in place a mechanism to control and manage events. Primarily to avoid generating travel demand to and from the leisure complex during the weekday traffic peak congestion periods. Secondly, to mitigate conflict by providing an access plan to the site.

- 8.5 No information was provided in the TA on the travel plan or events management. As such, both of these need to be conditioned to be submitted before the leisure complex becomes operational.

9.0 Conclusion

- 9.1 The proposed development will replace this facility with a bigger swimming pool and some additional auxiliary functions, such as a café and treatment rooms. It is estimated that the net change in trips will be minimal, around 32 vehicles

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

during the PM (1700-1800) Peak. In addition, there will also be an element of bypass type trips that has not been taken into account. This is where people who normally are driving pass the site, for example from their place of work to home, stop to use the leisure centre and then continue their journey.

- 9.2 However, DCC requested that the full trip generation of the proposed development be assessed in order to understand the operation of the immediate highway network around the site, and in particular, the new junction that is currently being constructed on Moor Lane as part of the re-alignment of Victory Road.
- 9.3 Overall, the site is accessible by all modes of transport. However, there is always room for improving the quality and connectivity of the cycle and pedestrian network, which some of the Derby City Council schemes will address.
- 9.4 Statistically personal Injury collision data does not indicate that there is a particular safety issue on the transport network around the proposed leisure complex site. Taking the Mitre Island as an example, 17 accidents occurred at the junction over the three year period 2014, 2015 and 2016. The expected frequency of accidents for this junction type, based on Table 5/1 of the 2004 COBA manual, is 31 accidents over three years based on an AADT flow through the junction of 75,000 vehicles.
- 9.5 The road network in this area is over capacity in the weekday PM Peak and queues to form on the approaches to the signal junctions along the A5111. The additional traffic from this development is relatively small in number. Its main impact is on the Moor Lane approach to Osmaston Park Road where the average queue is predicted to increase by 38% but the impact is much less elsewhere.
- 9.6 The signal junction modelling in LINSIG, shows that this impact can be managed by changes to traffic signal timings and the residual increase in delay for traffic is small. The models show that the impact of this development on the road network on a Saturday is small and no mitigation is required.
- 9.7 The development proposes 329 parking spaces, which is slightly above the guidance. However, this is a public facility that will hold large events and attract visitors from a dispersed regional area. As such it is expected that there will be times when more parking is required above and beyond the normal day to day activity. The TA suggests that based on the guidance that a minimum of 17 cycle spaces are provided. Considering that this is a leisure centre is a public building, it is expected that more than the bare minimum cycle spaces are provided. Further, any provision should be secure and sheltered and located in a position that provides cyclists with easy access to the entrance of the new complex.
- 9.8 No information was provided in the TA on the travel plan or events management. As such, both of these need to be conditioned to be submitted before the leisure complex becomes operational.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

5.3. Highways - Land Drainage

Further to the re-consultation on the above application. I can now confirm that the surface water drainage layout submitted and outlined on Drawing No. 062746 CUR 00 ZZ DR C 90001 P03 forms the basis of an acceptable surface water sustainable drainage strategy. I therefore can confirm that there are no objections subject to the compliance with a condition requiring the submission of the precise surface water drainage strategy.

5.4. Natural Environment (Tree Officer):

The provision of well-produced AIA is appreciated for which the recommendations should be adhered to.

As indicated within the AIA numerous 'B' category trees are shown for removal. I have no objection to their removal in order to facilitate the development. A well designed planting scheme will mitigate tree losses.

It is welcomed that T3 is now shown for retention.

I do have concerns about levels after non-dig construction within RPAs. In particular T3 RPA is within the exit of the proposed coach exit. It should be proved that the non-dig construction can be achieved and tie into the highway. Conditions should be applied for the implementation of a TPP for which the protective fencing should be constructed prior to ground works and for arboricultural supervision during key points (as per appendix 6 of the AIA).

The proposed tree planting must make provision for suitable soil volumes for the tree species and could incorporate root barriers and suds as appropriate.

5.5. Environmental Services (Landscape):

The Parks and Leisure team fully supports the proposals for the new leisure centre with 50m swimming pool and other complementary uses.

The team has been involved in comprehensive pre-application discussions with the wider project team which have help to inform the amended masterplan proposals submitted for the treatment of the external spaces, car parking and planting.

I am happy that any concerns that have been raised have been addressed and do not have any further comments to add at this time.

5.6. Environmental Services (Health – Pollution):

Further to my earlier comments of 13th November 2017, 8th December 2017 and 15th January 2018, I note that another updated version of the noise assessment has been submitted, namely:

- Derby 50m Pool, Derby, Planning Report, 30/1/2018 Revision 4, ACOUSTICS (Hoare Lea, Ref: REP-10-06931-HCSE-Rev 4- Derby Pool - Planning Report)

I have reviewed the updated report and I can comment as follows.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Noise Report

1. The latest version of the report includes consideration of a revised car park and access road layout.

Plant Noise

2. The assessment relating to plant noise is unchanged and therefore my comments of 15th January 2018 still stand, namely that the plant noise limits outlined in the report appear to be robust and if plant is designed to achieve those limits, then it is highly unlikely that noise nuisance would occur.

Noise Break-out from the Building

3. The assessment relating to noise break-out from the building remains unchanged and therefore my comments of 15th January 2018 are still current, namely that the assessment provides a useful indication that noise levels from the building are unlikely to be audible at the nearest residential dwellings along Osmaston Park Road.

Car Park Noise

4. This section of the report now considers a new car parking layout.
5. The report confirms that the nearest car parking bays to the residential dwellings along Osmaston Park Road are now located at a distance of 25m from the closest residential dwellings, compared with only 10m previously. According to the report, this translates into a calculated noise level of $L_{(A)eq,1hr}$ 36.2dB (previously 41.2dB), based on the same source data.
6. There is also now consideration of noise from talking, car door/boot slams and car stereos. Whilst the calculations are a useful guide, they are not in my view representative of 'worst-case' conditions. Furthermore, they fail to take into account subjective annoyance arising from such sources of noise, for example, low frequency sounds related to car door/boot slams and the bass/beats from music played on loud car stereos.
7. In my view, attempting to standardise noise levels from sources such as human voices or car stereos is incredibly difficult due to their high variability in real-world conditions.
8. I would also add that the use of BS8233 criteria for assessing noise in a situation such as this, is not an appropriate tool for this purpose and whilst BS4142:2014 may have been a more appropriate tool (as it takes into account some degree of subjective annoyance), in all circumstances, it is difficult to satisfactorily apply an 'objective' method of analysis to an inherently 'subjective' matter.

New Access Road

9. Section 7.4 now considers the new proposed access road at the north-east corner of the site, which will now cause vehicles to access the site at a distance of only 8m from the residential boundaries.
10. Some calculations are included in the report regarding coach and car movements and whilst these seem accurate, noise levels from individual vehicle passes have been averaged over an hour, which has the effect of 'flattening out'

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

the dB levels. I also note that the calculations have been separated for coaches and cars and not considered together.

11. Given the existing prevailing noise around the site being dominated by traffic along Osmaston Park Road and also Moor Lane, it is, however, unlikely that the vehicle movements on site will be especially discernible above the current ambient noise.

Construction Noise

12. Construction Noise is now discussed in Section 7.5, however this section does not include any amendments from the earlier version of the report. As suggested in my earlier comments, construction noise management should be included within a dedicated construction management plan.

Conclusions and Recommendations on Noise

13. This latest revision of the noise assessment does not affect my earlier overall conclusions on noise amenity impacts, which confirmed **that the Environmental Protection Team does not object to the application on noise amenity grounds.**
14. I would also maintain the Environmental Protection Team's recommendation for **a planning condition, requiring a detailed noise impact assessment in accordance with BS4142:2014 to demonstrate that any externally-mounted mechanical plant proposed as part of the development meets the BS4142:2014 rating level targets outlined in the acoustics report, namely 45dB for the day (7am to 11pm) and 38dB at night (11pm to 7am). Any mitigation measures required in order to ensure compliance with the agreed targets shall then be implemented in full before the development can be occupied.**
15. Although the nearest car parking spaces have now been moved a further 15m from the adjacent garden boundaries, I still have some concerns about noise from the car park affecting the amenity of neighbouring residential premises, with the enhancements afforded by the increase in distance, offset by the additional noise arising from cars and coaches using the new access road only 8m from residential garden boundaries.
16. **I would therefore maintain the recommendation to condition the installation of a close boarded fence at a minimum height of 1.8 metres along the boundary to the east/north-eastern perimeter of the proposed car park, or to the boundary of the gardens of the residential dwellings along Osmaston Park Road.**

Land Contamination

17. I refer to the two reports submitted in support of the application, providing an appraisal of land contamination implications for the development, namely:
 - Phase 1 Preliminary Site Assessment (Curtins, Ref: B062746.004/MH/8314, Dated: 17 February 2017); and
 - Phase 2 Site Investigations (Curtins, Ref: 062746-CUR-00-XX-RP-GE-001, Dated: 21 September 2017).

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

18. I can comment on the reports as follows, however please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigations, other than in a land contamination context. Furthermore, all comments relate to human health risks.
19. I would refer you to the Environment Agency for their comments on any conclusions made in the reports surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Phase 1 Preliminary Site Assessment

20. The report generally identifies the potential sources of contamination on site based on a search of historical records. I do note however that the existence of allotments were identified along the northern boundary of the site (1949 map), however this is not highlighted as a potential source of contamination. Given the known relationship between allotments and possible PAH, pesticide and/or herbicide contamination, this is an omission in my view.
21. The Conceptual Site Model follows relevant guidance and highlights varied risks from a number of potential contaminants on site.
22. Based on the CSM, the report recommends:
 - Undertake an intrusive ground investigation.
 - Undertake a GQRA as part of the ground investigation
 - Undertake Ground Gas Monitoring.
23. I would agree with the recommendations of the report and note that the recommended intrusive ground investigation has already been completed and additionally submitted with the planning application.

Phase 2 Site Investigation

24. The intrusive works included the installation of three cable percussive boreholes (up to 15m depth) and twenty-five window sample boreholes (maximum of 5m depth). A total of 24 soil samples were taken from these locations, generally at near surface (within 500mm depth).
25. Ground gas monitoring has been undertaken from 'selected boreholes' on a total of 2 occasions. The report confirms that a further 4 rounds of monitoring are to be undertaken before the ground gas risk assessment is complete. The proposals are considered to be robust and therefore **we await the results of the remaining monitoring before drawing any conclusions about ground gases on site.**
26. No groundwater monitoring has been undertaken as part of the assessment. **The report should be sent to the Groundwater Team at the Environment Agency for comment on this point.**
27. The tier-1 screening values used in the assessment are adopted in line with a 'commercial' end-use scenario. This is an appropriate choice of criteria.
28. Asbestos fibres were detected in 1 out of the 29 samples tested (location WS14 at a depth of 0.3m). One further exceedance of the Tier-1 screening values

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

was noted from the analysis and that related to a marginally elevated Dibenzo(ah)Anthracene sample (location WS25 at a depth of 0.4m).

29. No other soil samples revealed contamination at levels in excess of the screening criteria for a commercial land-use.
30. The report confirms that, as part of the development, topsoil will need to be imported to site to make-up new spectator bunds towards the eastern part of the site. The report recommends that all imported soils are subject to relevant environmental analysis (Paragraph 6.4.2), a recommendation that we would support.

Conclusions and Recommendations – Land Contamination

31. The recommendations highlighted in Section 10.2 appear sensible and should be followed in full as part of the development programme.
32. **I would recommend the following conditions are attached to the planning consent, should it be granted, requiring:**
 - **The ground gas monitoring regime detailed in the Phase 2 Site Investigation (Curtins, Ref: 062746-CUR-00-XX-RP-GE-001, Dated: 21 September 2017), shall be completed. A report of the conclusions and any additional remedial measures designed to render the site free from significant risks from ground gases, shall be submitted to the LPA for approval before the development commences.**
 - **In those cases where the Phase 2 Site Investigation has confirmed remediation works to address land contamination risks, a Remediation Method Statement will be required for approval before the development commences.**
 - **All of the respective elements of the agreed Remediation Strategy will need to be incorporated in full and suitably validated. A Validation Report, confirming that the remediation targets have been achieved, shall be submitted and approved by the LPA, prior to the development being occupied.**

Previous Comments

Further to my earlier comments of 8 December 2017, I note that updated versions of both acoustic and air quality assessments have been submitted, namely:

- Derby 50m Pool, Derby, Planning Report, 18/12/2017 Revision 1, ACOUSTICS (Hoare Lea, Ref: REP-10-06931-HCSE-20171214-Planning Report-Rev 1); and
- New Swimming Pool Complex, Moorways, Derby, Addendum Air Quality Assessment, 19/12/2017, Revision 3, AIR QUALITY (Hoare Lea, Ref: REP-AQA-Addendum-20171219-GG-New Swimming Pool Complex, Moorways-R3(f).docx)

I have reviewed the updated reports and I can comment as follows.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Noise Report

1. The report now focusses on relevant noise-related planning considerations, with the details on internal noise levels rather helpfully having been removed.
2. The assessment relies on the same noise measurement survey data as the previous reports.

Plant Noise

3. The assessment again highlights that final plant design is not known at this stage, so instead of trying to make predictions of the noise created by plant, the report uses BS4142:2014 guidance to set appropriate noise targets.
4. The threshold for 'low impact' utilised in the target setting is based on the future BS4142:2014 Rating Level from proposed plant being calculated to be equal to or below the existing background noise level.
5. The report proposes a BS4142 plant noise limit level of **45dB for the day** and **38dB at night**. These limits include a nominal 3dB noise character correction, albeit the potential tonality/intermittency of the plant is not currently known.
6. Nonetheless, the limits appear to be robust and if plant is designed to achieve those limits, then it is highly unlikely that noise nuisance would occur.

Noise Break-out from the Building

7. The report provides estimated internal noise levels for each room/activity within the development and includes a calculation of noise break-out based on what is currently known about the design of the building envelope.
8. Although the calculations are relatively simplistic (no account of the orientation/position of each activity within the building and assumes that noise will only propagate from a single façade, ignoring noise from other building elements, notably the roof), they are a useful indication that noise levels from the building are unlikely to be audible at the nearest residential dwellings along Osmaston Park Road.

Car Park Noise

9. This section is based on the assumption that the car parking will be located to the east of the building, close to the residential dwelling boundaries, and that the car park access will be as per the existing access from Moor Lane. I understand however that there is now a proposal to utilise a new access directly into the car park, close to the residential boundaries to the east.
10. This section of the assessment includes predictions of car park noise using measurements made at another car park in Birmingham and based on a number of assumptions about the use of the Moorways car park. The data and assumptions have then been used to predict an associated noise level as an $L_{(A)eq, 1hour}$.
11. The assessment also includes some discussion and associated noise level predictions for people talking in the car park and also for car door/boot slams.
12. There is no consideration of noise from loud car stereos, which is one of the most commonly complained about sources of noise relating to cars.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

13. Although the predictions themselves seem reasonable, it is inherently difficult to transpose data such as this into a conclusion about the subjective impact upon residents in their homes. A degree of professional judgement is therefore needed to interpret the levels with respect to effects upon amenity and there is little discussion on this in the report.

Construction Noise

14. Section 7.4 provides some assessment of construction noise. As suggested in my earlier comments, construction noise management should be included within a dedicated construction management plan.
15. Nonetheless, the proposed mitigation measures outlined in this section are a useful reference guide and should be considered within the development of any construction management plan.

Conclusions and Recommendations on Noise

16. The updated report now addresses the primary planning matters concerning noise impacts upon neighbouring residential amenity.
17. Overall, the assessments are robust and provide a useful basis to make judgments about amenity impacts.
18. Based on the predicted noise levels provided in the report and given the very similar historical use at this site compared to that being proposed, **the Environmental Protection Team would not object to the application on noise amenity grounds.**
19. I do note however that the report still fails to adequately demonstrate that mechanical plant proposed within the development are able to comply with the suggested noise rating targets, since the final design is still not yet known.
20. **I would therefore strongly recommend that a condition is attached to the consent, should it be granted, requiring a detailed noise impact assessment in accordance with BS4142:2014 to demonstrate that any externally-mounted mechanical plant proposed as part of the development meets the BS4142:2014 rating level targets outlined in the acoustics report, namely 45dB for the day (7am to 11pm) and 38dB at night (11pm to 7am). Any mitigation measures required in order to ensure compliance with the agreed targets shall then be implemented in full before the development can be occupied.**
21. Although the report provides some robust noise level predictions relating to the car park, some considerations are not considered/discussed in the report.
22. In particular, there is no mention of noise impacts from loud car stereos. Secondly, $L_{(A)max}$ levels have not been considered in terms of intermittent impact noise disturbance, but have instead been used to create hourly average levels, which potentially has the effect of lessening their true impact. Although there are no recognised guidance values for $L_{(A)max}$ values during the day, clearly loud car door/boot slams and or people shouting has the potential to create annoyance, especially during the summer months when residents may be expected to be in their gardens.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

23. **Consequently, I still have some concerns about noise from the car park affecting the amenity of neighbouring residential premises and I would therefore maintain the recommendation to condition the installation of a close boarded fence at a minimum height of 1.8 metres along the boundary to the east/north-eastern perimeter of the proposed car park, or to the boundary of the gardens of the residential dwellings along Osmaston Park Road.**

Air Quality Report

24. The earlier report did not include any assessment of operational AQ impacts due to an absence of appropriate traffic data and boiler/CHP design at the time of writing.
25. The updated assessment now includes detailed modelling of the proposed boilers/CHP and traffic emissions arising from the development, to enable a judgment regarding air quality impacts to be made.

Traffic Impacts

26. Traffic modelling has been completed using the ADMS-Roads dispersion model and has been completed for a base year of 2016 and a completed year of 2020.
27. In order to be robust, the modelling includes a 2020 scenario utilising 2016 emission factors (therefore assuming no traffic fleet improvements).
28. Based on the modelling results (using the more conservative estimates which assume no fleet emission improvements in 2020), the maximum contribution to existing local air pollutant concentrations arising from development-related traffic is an increase of 0.9% (NO₂ at Receptor 5, 290 Osmaston Park Road).
29. Based on the EPUK/IAQM impact descriptors, this concludes a 'negligible impact'.

Boilers/CHP Emissions

30. The proposed development also includes provision for an 'energy centre', which incorporates three gas-fired boilers and a CHP unit.
31. The impacts of emissions from the proposed energy centre have been modelled using the ADMS 5 (v5.2.1.0) dispersion model.
32. Based on the dispersion modelling results, there are a small number of residential dwellings along Osmaston Park Road that could experience an increase of up to 0.2µgm⁻³ of NO₂ (annual mean). Such an increase would be 0.5% (not 1% as stated in the report) of the National Objective Level of 40µgm⁻³, which is concluded as a 'negligible impact' under EPUK/IAQM criteria.
33. The modelling also includes consideration of short-term exposure (against the hourly average objectives) from the boiler/CHP emissions close the source.
34. The results of the short-term emissions modelling also conclude a negligible impact, with no predicted exceedances of the hourly objectives close to the energy centre.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Construction Emissions

35. The updated report does not add to, or amend, the earlier assessment of construction-related impacts, therefore those conclusions remain. I would therefore confirm that my earlier comments of 8th December 2017 are unchanged regarding construction-related emissions.

Combined Emissions

36. The report states that the combined impacts of road traffic and the proposed energy centre emissions on future users of the new swimming pool complex have also been assessed, however no calculations appear to have been provided to demonstrate this.
37. According to the report, the overall operational air quality effects of the development are judged to be not significant.

Conclusions and Recommendations on Air Quality

38. The report concludes an insignificant impact upon local air quality arising from the development. I can see no significant reason to dispute this conclusion.
39. **The small increases in pollutant concentrations predicted at local receptors would not be of sufficient concern to justify a refusal of planning permission on air quality grounds.**
40. Nonetheless, the development is predicted to create measurable increases in concentrations of NO₂ and PM_{2.5} within one of the Council's Air Quality Management Areas (AQMA), which has been declared due to high levels of NO₂. I note however, that no air quality mitigation is proposed in the report.
41. It is important to note that, any increases in air pollutant concentrations within the AQMA, however small, could hinder the Council's ability to ensure continued reductions in air pollution, thus protecting the health of Derby residents. This is particularly important following recent evidence from the Committee on the Medical Effects of Air Pollutants (COMEAP) and the World Health Organisation (WHO) which describes an annual mortality burden of around 40,000 people in the UK and suggests that there may be 'no safe level' where PM_{2.5} is concerned.
42. **I would therefore recommend that the development includes a strategy for air quality mitigation, to assist in the encouragement of sustainable modes of travel (walking/cycling) and/or encouraging the transition to the use of low emission vehicles, for example by providing a series of electric vehicle rapid charging points.**
43. **I would strongly recommend a condition requiring the above.**

Other Environmental Protection Issues

44. Please note that the above comments only relate to noise and air quality issues arising from the updated reports. My earlier comments on land contamination, construction noise/dust and lighting put forward in my comments of 8th December 2017 remain and I would refer you to those comments on these matters.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

5.7. Regeneration:

The Regeneration Projects department supports the proposed redevelopment of land at Moor Lane, Derby for a new leisure centre including a swimming pool, fitness suite, studios and other complementary uses. The proposed development responds to a need identified in Derby for new water, sports and leisure facilities and will enhance the existing provision within the City. It forms a key part of delivering the Council's vision of being a safe, strong and ambitious City and one of the most active cities in England.

The proposed development will complement other regeneration activities that the Council are currently involved with in the wider Osmaston area including redevelopment of the former Rolls Royce main works site. It will also link in with transport improvement works proposed as part of the Access Osmaston project including cycle link improvements on Campbell Road, which are located in close proximity to the proposed development.

The Regeneration Projects department will work closely with the team responsible for bringing this swimming pool project forward to ensure that the proposed development complements existing and future projects we are currently involved with in the wider Osmaston area.

5.8. Environment Agency:

The Environment Agency is not required to formally comment on this application as Flood Risk Standing Advice (FRSA) applies.

5.9. Derbyshire Wildlife Trust:

Thank you for re-consulting the Derbyshire Wildlife Trust with regard to the above planning application. I am now responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which Derby City Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

We responded to this application initially on 11th December 2017 and it is understood that new plans have been submitted which show some amendments to the landscaping provision. It is noted that many of the species that have been selected for ground cover and shrub planting within the landscaping strategy are non-native and it is recommended that consideration is given to the use of native species that are of benefit to pollinating insects to be of maximum biodiversity benefit.

It is considered that our previous comments are still relevant and these are set out again for ease of reference.

We have considered the following documents submitted in support of the application for the erection of a leisure centre with associated parking and landscaping provisions:

- Bat Survey report prepared by CRC Ecology Ltd dated 20/06/2016
- Additional Ecological Information letter prepared by CRC Ecology Ltd dated 16th November 2017

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

From our records we are aware that Elm Wood local nature reserve, an area of ancient semi-natural deciduous woodland, is located adjacent to the site.

We concur with the conclusion reached in the Bat Survey report that no habitats of ecological significance are present within the site boundary and, as such, we advise that the proposed development is unlikely to impact upon any valued habitats or protected species provided that measures are put in place to protect the adjacent Elm Wood LNR during the works.

We recommend that Elm Wood LNR is adequately protected from damage during site clearance, site preparation and construction activities by the erection of adequate temporary protective fencing in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of any activities on site as a condition of any permission.

We fully support the biodiversity enhancement opportunities recommended in the Bat Survey report including native broadleaf tree planting as part of the landscaping and the erection of 6 bat boxes within the woodland to the south-west (Elm Wood).

It is noted from the submitted Landscape Masterplan that native tree planting is proposed on the margin of Elm Wood which is fully supported and we would expect further specifications to be provided in a detailed landscaping plan required by condition. The location and specifications of the six bat boxes should also be included in the detailed landscaping plan.

We recommend that a condition to ensure no hedgerows, trees or shrubs along with demolition of any buildings takes place in the bird breeding season.

5.10. Police Liaison Officer:

The principle of combining the two former sports buildings into one central building is rational from my perspective.

The proposed internal layout is good, allowing the centrally located reception area at level 001 to supervised movement around the main entrance and facilities well.

The external layout is uncomplicated and the majority of key areas, perhaps with the exception of car parking zone 1, are well overlooked from internal sections of the building.

Longer exposed untreated elevations are provided with a landscape buffer.

Consequently I wouldn't take issue with any of the proposed detail submitted. However there are matters which are not addressed within the application plans and documents which I would recommend are taken into consideration.

The former swimming pool building had a history of nuisance, anti-social behaviour and damage originating from the area around Elm Wood, leading finally to a physical separation of the two and some unsympathetic retrospective physical security measures around the building shell. At present the wood is fenced on the Moor Lane and Rolls Royce car park boundaries, but there is no detail to define from the new building. I think it will be necessary to fence the east (rear) and south (side towards Elm Wood) grounds of the building to protect the concealed service area at least, possibly the lower level landscaped area sited between the retaining wall of car park

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

zone 1 and the glazed smaller pool elevation, which looks to have the potential for misuse when the building is not in use.

I accept that provision will need to tie in to existing fencing for the wood at some point, and also allow for gated access for maintenance.

At present the running track and associated buildings are gated and fenced from the original point of access on the main entrance drive. There is no detail of any proposed boundary treatment to restrict access into the extended Moorways recreation area on plans.

There is an aspiration expressed within the supporting design and access statement for connectivity beyond and through the stadium site and Elm Wood to Osmaston Park. With the Moorways site being primarily locked by residential curtilage, without a significant change in context and use this looks problematic. CCTV is noted on the landscape masterplan legend, but there is no detail of location on plans.

To bring the proposal in accordance with community safety policy I'd ask that the following points are either clarified by additional/amended plans or set as conditions of approval.

- A full boundary treatments plan addressing the points above.
- Plans to show the position of both external (to compliment the excellent lighting provision) and internal CCTV cameras, to cover all car parking areas, public walkways, building elevations and cycle storage facility externally, and the foyer, reception, café, circulation areas and lockers internally (accepting that some lockers are within changing areas at 002 level) A condition for the specification of the proposed cycle store.
- A condition for the specification of pedestrian barrier access control at 001 level.
- A condition for detail of the three vehicle access control points off Moor Lane.

5.11. Sport England:

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of part of a wider site that is currently being used as a playing field or that has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (please see following link):

www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

The Proposal and Assessment Against Sport England's Playing Fields Policy/NPPE

The land subject of this application (as identified on the 'red line' plan) forms part of the 'Moorways Complex' that incorporates playing fields including natural turf football pitches, an artificial grass football/hockey pitch, athletics track and field facilities as well as the site of the former swimming pool/sports centre.

The main components of the proposal are:

- 50 metre 10 lane Swimming Pool with two movable floors and two submersible booms
- Leisure Pool
- Learner Pool
- Changing provision, Sauna and Steam Room
- Spectator seating to 50m Pool Hall for 465 people;
- Open access café and Ancillary Accommodation including Kitchen, Servery and Offices;
- 150 Station Fitness Suite;
- 275sqm, 70 sqm and 155 sqm function rooms/flexible space
- 3 Studio Spaces
- Meeting Room
- Reconfigured carpark to provide 330 spaces.

The development largely re-uses that part of the site that has previously accommodated swimming pool and hall facilities along with ancillary car parking, and does not result in the loss of any usable playing field. The design of the scheme also takes account of the need to preserve and not prejudice the wider playing field and outdoor sports uses within the overall Moorways complex, along with potential opportunities to enhance the sport and physical activity benefits of the site and its surroundings as part of a wider masterplanning exercise that Sport England would be happy to provide further input to as this continues to evolve.

In view of this, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

This being the case, Sport England **does not wish to raise an objection** to this application.

From a non-statutory point of view, Sport England has had regular previous engagement with the City Council about the provision of water space within the City of Derby, implementation of the Council's Leisure Strategy and the location and format of facilities for achieving associated objectives. Given the absence of any

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

direct impact on playing field arising from the current scheme, and also noting the previous discussions that have taken place, I do not propose to provide detailed comments on the design, scale and arrangement of the planned facility as part of this response.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

AC14	Osmaston Regeneration Area
CP1(a)	Presumption in favour of Sustainable development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP13	Retail and Leisure Outside Defined Areas
CP14	Tourism, Culture and Leisure
CP16	Green Infrastructure
CP17	Public Green Space
CP19	Biodiversity
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
E12	Pollution
E17	Landscaping Schemes
E24	Community Safety
E25	Building Security Measures
T10	Access for Disabled People

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Highways and Traffic Implications

7.3. Design and Amenity

7.4. Environmental Impacts

7.1. Principle of Development

The applicant is seeking permission to construct a new swimming pool and sports facility at Moorways. The site covers an area of approximately 2.6 hectares and is located to the north west of the athletics track. The new facility will replace the former Moorways Leisure Centre. Permission for the demolition of the Moorways Leisure Centre was granted under a previous application, DER/05/17/00738. The site and its wider context include a mix of uses including residential properties, playing pitches and athletics track, employment and park land.

The Derby City Local Plan Part 1 Policies Map indicates that the application site is designated as a wildlife corridor and partly lies within an area allocated as a sports pitch and playing field. Elm Wood, which adjoins the application site, is designated as an area of nature conservation. The Council's Open Space Study reflects the Local Plan allocation by designating the land/area as playing pitches. Although the allocation does not cover the application site, it should be noted that the Osmaston Regeneration Area abuts the application site.

Given the nature of the development, the sensitivity of the area in terms of nature conservation and its location within existing open space, the acceptability of the principle of the proposed development will be focused upon Policies CP14: Tourism, Culture and Leisure, CP17: Public Open Space and CP19: Biodiversity. Albeit consideration will need to be given to all policies set out in Section 6 of this report.

A core objective of the DCLP is to create opportunities which will enhance Derby's attractiveness as a tourist and leisure destination and an environment which supports health and wellbeing.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Tourism and Leisure

Policy CP14: Tourism, Culture and Leisure sets out the Council's commitment to improving the City's cultural and leisure offer over the plan period by encouraging new development which will promote participation and visitor numbers. In this instance, criterion (a) is relevant as it supports the development of new swimming and/or leisure water facilities.

The most sustainable, and preferable location for leisure facilities is within the City's defined centres however, the Council recognises that, in certain cases, there are some forms of leisure development which cannot be accommodated within these locations. Policy CP13: Retail and Leisure outside Defined Centres requires the applicant to undertake a sequential test to determine if there are no preferable sites available.

The applicant, in the Planning Addendum dated 21 Dec 2017, has provided a detailed analysis to support the selection of Moorways as the preferred location of the leisure centre. Alternative sites were considered as part of the Council's Leisure Strategy which was published in 2010 and, at that time, Riverlights was considered to be the most suitable location. Other considered sites include the Market Hall, Eagle Market, Assembly Rooms, Becketwell, Sadler Square, Queen's Leisure Centre, and the Nightingale Quarter (former DRI). These sites were discounted for various reasons as set out in Appendix 1 of the submitted Planning Addendum.

The Planning Addendum highlights the work undertaken by the Council in considering Riverlights as the favoured location for the 50 metre pool. However the site came with constraints which meant compromises for the proposed facility. These compromises were considered too great which resulted in Riverlights later being discounted as a potential location.

It can be considered therefore, that the information provided by the applicant meets the requirements of the policy by showing that a variety of sites have been considered, and discounted, and that Moorways is the most sequentially acceptable location for a new pool in the City. The proposal therefore satisfies the requirements of Policy CP13.

Loss of Open Space

When comparing the application site boundary with the Council's Policies Map, it is clear that development will encroach into an area designated as a Sports Pitch and Playing Field. In addition, the Council's Open Space Study designates the whole site as playing pitches. As such Policy CP17: Public Green Space needs to be considered.

In determining this application, criterion (d) must be considered; it states that the Council will *only permit the loss or change of use of green space or playing pitches in circumstances where:*

- 1. an assessment has been undertaken which has clearly shown the public green space, buildings or land to be surplus to requirements; or*
- 2. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

3. *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or*
4. *the development will be ancillary and in scale to the public green space, sport or recreation facility and complement the use or character of the space*

The applicant only has to meet one of the criteria listed set out above. The Council has clearly demonstrated through work with Sport England and as set out in the Leisure Facilities Strategy there is a need for a new swimming pool in the City; a pool that will meet current and future demands. Consequently, I am satisfied that the application meets criterion 2.

As the application will result in the loss of part of a site considered to be a playing pitch, the views of Sport England are an important consideration in determining this application. In its response, they identify that the proposal re-used part of the site which accommodates the existing pool and recognise that the delivery of the new pool complex has the potential to enhance sport and physical activity opportunities. When considered against the National Planning Policy Framework (particularly Paragraph 74) and their own Playing Fields Policy (A Sporting Future for the Playing Fields of England), Sport England stated that they did not wish to raise an objection to the proposal. I therefore consider that the proposal meets and satisfies the criteria of Policy CP17 and has not received any objections from Sport England in respect of the impact on or loss of playing fields.

Community Facilities

Policy CP21 sets out the Council's aspirations to work with partner organisations to provide high quality community facilities. On the whole, the application meets the requirements of the policy. Criterion (d) states that the Council will deliver the aspirations of the Leisure Strategy by delivering a new leisure water facility in the City Centre. Whilst this facility is not located in the City Centre, the provision of a pool is in accordance with the policy. The policy includes three criteria which set out the requirements which new facilities will have to meet; these criteria deal with locations and the requirement to provide a choice of travel options, scale and character and delivery. Given the location of the application site is within an existing park and close to a defined district centre, plus it is replacing an existing pool, I consider that the first two criteria have been met. The third criterion is irrelevant in this instance as it seeks to ensure that community facilities are provided in a timely manner in new developments.

Osmaston Regeneration

Although not situated within the regeneration area it is worth noting that the application area abuts the Osmaston Regeneration Area. Policy AC14 sets out the Council's aspirations to help deliver a vibrant community and it could be considered that the construction of the pool will be beneficial, in social and economic terms, to the area and therefore should be a consideration in the planning balance of any negative impacts of the proposal.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

7.2. Highways and Traffic Implications

Policy CP23 seeks to ensure that people who live, work and travel in the City have a range of travel options and access to an efficient transport network. The Design and Access Statement indicates that the site benefits from good transport links and is well served by local bus routes, which can be accessed along Osmaston Park Road. At this point there are no bus routes along Moor Lane. However, it also highlights that, although the application site is in close proximity to National Cycle Route 66. Funding has also been secured to improve pedestrian and cycle facilities in this locality as part of the Infinity Park Derby Development. This will see the construction of a 3 metre shared use route (pedestrian and cycle) along the edge of Osmaston Park running parallel with Moor Lane linking with the newly aligned Victory Road. Improvements are also proposed to the signalised Moor Lane/Osmaston Park junction to improve facilities for cyclists linking into Campbell Street leading to Ascot Drive. These works are likely to commence in 2019 or 2020, although the programme has not yet been finalised. It is also worth highlighting that Osmaston Park Road lies within an AQMA and therefore any improvements that can be implemented to improve air quality should be welcomed.

Therefore, in determining this application members need to be satisfied that the transport solutions promoted in the application, and in particular the level of car parking, help to achieve the aims of the Local Plan, in particular is the amount of cycle parking provided deemed to be adequate and have the cycle links to the wider area been explored. At present 17 cycle parking spaces are proposed within a cycle store, the details of which will be secured by planning condition. Whilst the number of cycle parking spaces is considered to meet policy the recommended number is relatively low for a new public building and therefore any increases to the number of cycle bays, in the future, will be welcomed and encouraged through the determination of the cycle parking condition along with the installation of electric bike charging points.

I also welcome the inclusion of electric charging bays in the scheme given the Council's desire to improve air quality. The proposal, at present, seeks to install 8 electrical charge points within the larger car park. The applicant has indicated that in future years there is scope to increase the number of electrically charge points as the infrastructure to facilitate more charging points will be installed during the construction of the proposal.

In respect of the impacts of the proposal on the local highway network, the applicant has submitted a Transport Assessment which has been duly considered by colleagues in Transport Planning, their full comments are provided in Section 5.2 of this report.

Whilst the proposed development will replace an existing facility with a much larger pool with some amenity facilities such as the café, soft play and treatment rooms it is estimated that the change in vehicular trips would be minimal; approximately an additional 32 vehicles in the PM peak (17.00 – 18.00). Furthermore, there are likely to be a number of bypass trips which have not been taken into consideration as part of the Transport Assessment (TA); these are people already on the highway network diverting from an existing journey such as from work to home. That being said, a full assessment of the trip generation has been carried out in order to fully understand

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

the operation of the immediate highway network, and in particular, the new junction of Moor Lane and the re-alignment of Victory Road.

The location of the site is considered to be sustainable and accessible by various modes of transport including bus and cycles. The proposed improvements, as set out above, will also improve the sites connectivity for cyclists.

It is acknowledged that the highway network in this location is over capacity in the weekday PM peak and queues are already experienced on the approaches to the signalised junctions along the A5111 corridor. However the traffic generated by the proposed development is relatively limited and it is recommended that the impact of the additional traffic can be mitigated for through changes in the timings of the existing signals.

It is recommended that a Travel Plan is secured by condition. The Travel Plan will need to consider events management as well as daily usage of the facility. It is noted that the proposal seeks to provide 329 car parking spaces which slightly exceeds guidance. However given the proposal will serve the region and hold large events a greater number of car parking spaces will be needed. Therefore, the level of car parking is considered to be acceptable.

Officers have assessed very carefully the car parking layout and access details for all users of the proposed development. These details have evolved during the life of the application and the principal consideration surrounds the effective and safe operation of the facility at all times. With that in mind a site/events traffic management plan will be secured by condition. This plan should be in place once the site becomes operational and reviewed periodically to ensure that it remains effective, up-to-date and fit for purpose.

Overall, no objections have been received from colleagues in Highways Development Control or in Transport Planning subject to the compliance with the recommended conditions in Section 8 of this report. I therefore consider that the proposal satisfies the NPPF and policy CP23.

7.3. Design and Residential Amenity

Policy CP3 seeks to ensure high quality design in all new development. The impact of any proposal on the amenity of local residents is also of paramount importance in determining this application. In this instance 'saved' policy GD5: Amenity is relevant which seeks to protect nearby land, property or the occupants from any adverse harm created by development. The policy lists seven criteria and in determining this application you need to be satisfied that these are considered to ensure that the amenity of nearby properties is not adversely affected.

The proposed development is designed around a box concept resulting in a simple and exterior form which provides a strong and contemporary building. The simple design also provides clear legibility for the entrance. Concerns were raised during the preliminary application process in respect of the overall size and bulk of the development which are a direct result of its function and the scale of the facilities accommodated within the proposal. That being said, the developer/architect has worked with the topography of the land to 'sink' the development into the higher land levels thus visually reducing the scale of the proposal. Furthermore, the

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

developer/architect has considered the elevations and materials palette; the fenestration will be broken by large areas of glazing at the end of each box providing active frontages and interaction between the interior and exterior. The applicant has provided indicative details of the proposed materials at this stage which shows the use of one family of materials, externally, in different shades and with different perforations providing a break in the overall mass of the proposal whilst reflecting the natural landscaping. The material will be anodized aluminium which also gives a nod to Derby's industry including its neighbour, Rolls Royce. The submitted elevations indicatively demonstrate the change in colour, design and finish of the cladding. Whilst the proposed materials does not reflect the characteristics of the adjacent park or playing pitches there is a clear rationale behind the proposals design and finish.

In terms of the wider setting consideration has been given to the wider context and the need to integrate the proposal with Osmaston Park and the adjacent playing pitches. The application is accompanied by a Landscape Architecture Design and Access Statement which sets out the landscaping strategy for the proposal and provides a Landscape Masterplan. Due to the changing land levels there are a number of areas that need to be treated differently due to the topography.

The two car parking areas are to be peppered with planting in order to break up the potentially large areas of hard surfacing and a planted buffer will separate the site with Moor Lane. To the rear and south of the proposed development are larger areas of landscaping which will be finished with native planting. The slopes surrounding the development will also be planted up with ivy and grassed to assist the solution that the proposal is set into the ground. The pedestrian routes through the car park will also be tree lined providing clear and guided routes. Around the main entrance to the proposal there is a need to provide an area of public realm which assists in guiding visitors to the main entrance but will also provide a meeting point. This is also assisted by the proposed lighting strategy as described in Section 1 of this report. Overall the landscaping masterplan is well thought out and will assist in integrating this new development into the existing parkland.

The application also includes the demolition of a store, which is a stand-alone building akin to a two storey dwelling house. The store offers very little in terms of architectural merit and was largely screened from the public domain by the former leisure centre. I have no overarching concerns with regards to its demolition and consider its loss would facilitate the proposed car parking layout and should therefore not be resisted.

Overall I considered that the proposal is acceptable in terms of its design and external appearance and is therefore broadly compliant with policies CP3 and CP4.

The proposed development has been sited away from existing residents on Osmaston Park Road although the larger of the two car parks will sit between the proposal and the rear boundaries of those residential properties. In respect of noise the applicant has submitted a noise assessment along with addenda to consider the impact of noise arising from the proposed development including its plant, outside noise and noise associated with the car park along with construction noise. The closest property, when considering the rear boundary, is located some 100 metres from the proposed building but would be within approximately 10 metres of the proposed car parking. The full comments of the Council's Environmental Health

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Officer are set out in Section 5.6 of this report. It is felt that the updated noise assessments carry out a robust assessment of the impact of noise on the residential amenity of surrounding properties.

Overall it is felt that there is unlikely to be any noise arising from within the building that could be heard from the nearest residential properties along Osmaston Road. In respect of noise arising from the plant associated with the proposal a condition is recommended to ensure that the plant achieves the noise levels as tested and considered within the noise report to ensure there is no detrimental impact on those surrounding residential properties. Should the assessed noise levels not be achieved further mitigation will be required and this will be secured by way of condition.

In respect of noise associated with the car park which includes car stereos, talking/shouting, slamming doors and car boots; the submitted noise assessment, as amended, has carried out a BS4142 assessment of the impacts this type of noise on those neighbouring residential properties. The assessment concludes that the noises associated with the car park will have a '*low impact*' on the residential amenity of those neighbouring properties. The assessment further concludes that the '*Intermittent low speed car and coach movements along the new access drive would also be significantly below existing ambient and background sound levels and readily achieve a condition of 'low impact*'. Furthermore the submitted assessment *deems that as '...the new development is replacing a similar facility at the site, it is considered unlikely that the proposed new development will have any significant noise impact upon the nearest dwellings.'*

The Council's Environment Health Officer has considered the three acoustic assessments and disagrees with the overall conclusions of the assessment; their comments are set out above in Section 5.6. BS4142 sets out the methodology for assessing the impact of industrial and commercial development and is therefore relevant in assessing the noise associated with the inside uses and the plant. Whilst BS4142 provides a useful indication of potential noise impacts, it is merely an *objective* numerical assessment. It is therefore also necessary to apply *subjective* consideration in light of the results, taking into account locally specific factors and professional judgement. Therefore the impacts of these noises are deemed a judgement call for the decision maker.

The proposed layout sites the car parking in close proximity to neighbouring properties. I therefore consider that this is a material change and the impacts of the car park noise could have some impact on the amenity of those residential properties. I therefore recommend the details of an acoustic barrier to be secured by condition; the barrier should be at least 1.8 metres in height and run along the rear boundary of those properties fronting Osmaston Park Road.

I am therefore satisfied that the proposed development is acceptable in terms of amenity and has incorporated mitigation to address any concerns arising from the proposal in respect of noise. The proposal is therefore broadly compliant with policy GD5 Amenity which seeks to preserve the amenity of local properties.

It should also be noted that the application has not attracted any third party letters of representation following the three rounds of public consultation.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

7.4. Environmental Impacts

Ecology, Biodiversity and Landscaping

The application site is located within an area designated as a wildlife corridor and is situated adjacent to Elm Wood which is designated as an area of nature conservation. Consequently, Policy CP19: Biodiversity is an important policy consideration. The overarching aspiration of the policy is to protect, enhance, manage, strengthen and restore the City's biodiversity assets. Of relevance is criterion (a) which states that the Council will '*seek to avoid, minimise and mitigate the impacts on biodiversity and contribute to the City's ecological and geological resources resulting in a net gain in biodiversity over the plan period*'. The policy goes further and sets three criteria which any application which is likely to have an effect on an asset needs to take account of. The policy states that:

Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Locally Designated Site such as Local Nature Reserves, Local Wildlife Sites, Local Geological Sites and/ or ancient woodlands, veteran trees and hedgerows or wildlife corridors, priority habitats and species will only be exceptionally permitted where:

- 1. they cannot be located on alternative sites that would cause less or no harm;*
- 2. the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- 3. adequate mitigation or, as a last resort, compensation measures are provided.*

Where development proposals have the potential to impact on a natural heritage asset, including where sites are derelict, vacant or previously developed, the Council will require a supporting ecological site assessment to be submitted in conjunction with the planning application. The assessment should identify the nature and extent of any impact and mitigating measures that need to be taken.

The applicant has submitted an Arboricultural Impact Assessment which highlights the proximity of Elm Wood and that a number of trees will be lost as a result of this proposed development. The Council's Natural Environment Team have been involved in the assessment process and have submitted comments, raising no objections to the removal of certain trees and supporting the proposed planting scheme as set out within the submitted Landscape Design and Access Statement. In addition, DWT have recommended that Elm Wood is protected during development. In this instance, and based on the comments from the Natural Environment Team and DWT, there is no conflict with the aims and objectives of Policy CP19. Furthermore it is considered that there will be benefits when considering the previous scheme and the proposed development in respect of landscaping and tree planting across the site.

The applicant has also submitted an ecological assessment for bats and a subsequent ecological assessment which specifically considers the impacts of demolishing the store on bats. The submitted reports have failed to consider/assess the implications of the proposed development on the locality as the area is designated as a wildlife corridor on the Policies Map. However as DWT has not raised any concerns and the application has not attracted any objections from

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

colleagues in the Natural Environment Team I consider that these initial concerns have been addressed particularly as the application site has been previously developed and this site is not a greenfield site within a wildlife corridor.

Returning to the requirements of the policy, the applicant is required to meet three criteria. Criterion 1 seeks to ensure that the development cannot be located on an alternative site and, through policy CP14, it has already been determined that this site is the most sequentially preferable site in the City. Criterion 2 seeks to ensure that the benefits of the development clearly outweigh the impact. Work undertaken by Sport England in December 2015 highlighted that, based on current and expected future demand; there is a need for a new pool within the City. In addition the report highlighted that the current swimming pool stock will have reached the end of its active life without significant investment. It is therefore felt that the proposal meets Criterion 2 of this policy. Criterion 3 seeks to ensure that adequate mitigation measures are provided. Again, I refer to DWT's comments where they state their support of the measures proposed by the applicant.

In respect of landscaping the application is accompanied by an indicative landscaping masterplan. In principle there are no concerns with the indicative details however there are a number of features included on the masterplan that may not be delivered as part of this proposal. These include the concrete table tennis tables located at the eastern edge of the site, adjacent to the Athletics Stadium car park. The indicative plan also details on key a climbing wall however this isn't featured on the masterplan. That being said, I consider that suitable landscaping can be achieved on this site and this can be controlled by condition.

A boundary treatment condition is also recommended which should address matters such as the need for a barrier along the pedestrian walkway, towards the main entrance, due to the steep slope and change in land levels. I consider a boundary treatment condition to be necessary along the walkway to ensure pedestrians are aware of the land levels changes and the steep embankment.

Considering all of the information provided by the applicant, and the comments from Derbyshire Wildlife Trust along with those made by the Council's Natural Environment Team and Parks team, I consider that the requirements of Policy CP19 have been met. The submission of the Landscape Design and Access Statement along with indicative Masterplan also ensures compliance with policy E17 of the CDLPR.

Land Drainage and Flood Risk

The applicant is accompanied by a Drainage Strategy Report and a Flood Risk Assessment. Given the nature of the development within Flood Zone 1 the Environment Agency directs the Local Planning Authority to their standing advice. That being said the full comments of the Council's Land Drainage Team are set out in Section 5.3 of this report.

The amended drainage layout is considered to be acceptable and subject to the compliance with the recommended condition which seeks precise details of the surface water drainage solution to be submitted to and approved in writing. However amendments have been made to the layout which see the removal of large area of permeable paving; there is no justification for this removal and the drainage strategy

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

has not been updated to reflect this change. Therefore the overall impacts of its removal are unknown at this stage. That being said, I consider the submitted landscaping scheme to be indicative and feel that the recommended conditions, relating to landscaping and drainage, will allow the Local Planning Authority control over ensuring the implementation of an acceptable scheme for landscaping and drainage. As such I feel that the scheme would be compliant with policy CP2.

Air Quality

The application is accompanied by an Air Quality Assessment which has been updated. The updated assessment now includes detailed modelling of the traffic data and boiler/CHP facilities.

The application site is located in close proximity to the Air Quality Management Area (AQMA) which runs along the A5111 corridor and in particular covers the junction of Moor Lane with Osmaston Park Road. The air quality assessment, as updated, considers the traffic generated from the proposed development, as detailed within the Transport Assessment, to robustly consider the impact of the proposal on air quality. Given the limited increased number of trips generated by the proposed development the proposal is likely to have a negligible impact on air quality as a result of traffic impacts. In respect of emissions from the proposed Boiler/CHP impacts likely to arise as a direct result of the proposed development are likely to be negligible. Overall the combined emissions resulting from the proposed development and considering construction related impacts conclude that whilst there may be small increases in pollutant concentrations at local receptors, surrounding residential properties, these are not considered to be significant. That being said, any increase in pollutants, particularly increases within an AQMA, should be mitigated for and therefore an air quality mitigation strategy will be secured by way of condition. That being said it is noted that the applicant is seeking to encourage alternative modes of travel such as cycling and walking and electric car charging points have been included car parking layout.

Overall I consider that proposal is acceptable in terms of air quality and satisfies policies E12 and GD5 of the CDLPR.

In respect of the environmental impacts arising from this proposal I consider these to be negligible. Furthermore I consider that any impacts can be adequately mitigated for through compliance with recommended conditions.

7.5. Planning Balance

The provision of a new pool is supported in the Part 1 Local Plan as a means to improve the City's tourism and leisure offer. The applicant has provided detailed information which confirms that Moorways is the most sequentially preferable site in the City.

The proposal would provide a 21st century sport and leisure facility. The benefits of this modern facility for the city should not be understated in terms of the positive health outcomes associated with active sport. The competitive sports offer of the city would also be significantly improved and, in my opinion, this would place the city on a much stronger footing when bidding for regional / national events.

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

Concerns regarding the impact on a designated wildlife corridor, the proximity of Elm Wood and the loss of trees have been addressed to the satisfaction of Derbyshire Wildlife Trust and the Council's Natural Environment Team; both are also supportive of the mitigation measures proposed.

There is also considered to be planning gain through the implementation of the landscaping strategy.

Sport England has considered the application and raised no objections and, when considered against the requirements of Policy CP19, there was no conflict between the application and policy.

There are issues about the proximity of an Air Quality Management Area and the impact development will have on the AQMA. However it is considered that these can be adequately addressed through mitigation which will be secured by planning conditions.

The car parking and access strategy for the proposed development is considered to be acceptable and the proposal is not deemed to generate significant trips that would warrant physical mitigation on the highway network.

Overall the proposed development has been carefully and promptly assessed by colleagues and external consultees. In my opinion and judgement, the proposed significant improvements in sport and leisure facilities in this sustainable location would outweigh any adverse impacts of the development. A reasonable suite of conditions would ensure that all issues are properly addressed and, on balance, this application represents the right form of development, in the identified right place and at the right time to serve the city's growing population.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

Overall the proposed development has been carefully and promptly assessed. In the opinion of the Local Planning Authority, the proposed significant improvements in sport and leisure facilities in this sustainable location would outweigh any adverse impacts of the development. A reasonable suite of conditions would ensure that all issues are properly addressed and, on balance, this application represents the right form of development, in the identified right place and at the right time to serve the city's growing population.

8.3. Conditions:

1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 27 (external materials)
4. Condition requiring the submission of a demolition management plan

Committee Report Item No: 1

Application No: DER/11/17/01481

Type: Full Planning Application

5. Condition requiring the submission of a construction management plan
6. Standard condition 20 (landscaping plan)
7. Standard condition 22 (landscaping maintenance)
8. Standard condition 24 (protection of vegetation)
9. Condition ensuring no tree/shrub/hedge removal during bird breeding season (DWT condition)
10. Standard condition 13 (boundary treatment)
11. Condition requiring the precise details of an acoustic barrier including its location, height, and finish
12. Condition requiring the submission of a ground gas monitoring regime (EHO condition)
13. Condition requiring the submission of a remediation strategy
14. Condition requiring the submission of a validation report
15. Condition lighting mitigation should the light spillage not adhere to the submitted plan
16. Condition requiring the submission of a further acoustic report considering the external plan and making provision for any required mitigation
17. Condition requiring the submission of an air quality mitigation strategy
18. Condition requiring the submission of a surface water drainage strategy
19. Condition requiring the submission of details of the location and type of bat boxes to be installed
20. Condition requiring the submission of a travel plan and major events management plan, cycle parking including electric cycle charge points
21. Condition requiring the submission of details setting out the means of controlling the car park, design of the main access which minimises accidental blockages and the design of the 'in only' access
22. Condition requiring the stopping up of any redundant access

8.4. Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14
4. Standard reason E08
5. Standard reason E08
6. Standard reason E08
7. Standard reason E08
8. Standard reason E11

Committee Report Item No: 1

Application No: DER/11/17/01481

**Type: Full Planning
Application**

9. To ensure the protection of wildlife
10. Standard reason E08
11. Standard reason E07
12. Standard reason E49
13. Standard reason E49
14. Standard reason E49
15. Standard reason E07
16. Standard reason E07 and E49
17. Standard reason E49
18. Standard reason E21
19. To ensure the protection of wildlife
20. To encourage sustainable development and ensure free flow on the highway
21. To ensure free flow on the highway
22. In the interests of highway safety and to ensure a suitable level of parking is available to the users of the development.

8.5. Application timescale:

The application is a major with a target determination date of 22nd February 2018.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

1. Application Details

1.1. Address: Darley Park, Darley Abbey.

1.2. Ward: Darley

1.3. Proposal:

Construction of Multi-user path and ancillary works

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/05/17/00567>

Brief description

A full application has been submitted for the formation of a new multi-user path through Darley Park. The park is one of the main public open spaces in the city, which lies just north of the city centre and extends along the River Derwent to Darley Abbey village. It is a linear green space which narrows at its southern end and is characterised by groups of mature trees. The park is a historic landscaped parkland, which originally formed part of the grounds of Darley Hall (now demolished). For these reasons, Darley Park lies within the Darley Abbey Conservation Area and is also part of the Derwent Valley Mills World Heritage Site. The park is also a wildlife corridor associated with the river and is part of the Lower Derwent Valley Green Wedge.

The construction of a multi-user path through Darley Park has been a proposal for a number of years and the subject of two previous planning applications, which were refused permission. Both previous routes were proposed ran along a differing alignment through the park. The scheme is intended to address the need for an accessible, all weather route through the open space to enable access for all types of visitors to the park, including disabled people, buggy users and cyclists. The park is a very popular green space within the city but does not currently provide access for cycles or mobility impaired people through the parkland. A path would allow for cycling connections from the city to the Derwent Valley Cycleway, new cycle route currently being developed through the World Heritage Site.

The proposal is to construct a 3 metre wide surfaced path, which would follow a route from the tarmac road alongside the rowing clubs to the Deans Field car park in Darley Abbey village. The path would closely follow the river corridor to the stone balustrade towards the centre of the park. It would then cross the footbridge, which is to be replaced with a new more accessible bridge design. The final part of the route would run to the east of a woodland and alongside the meadow, partly on an elevated timber boardwalk, due the poor drainage conditions in this location. The path would cut through the existing play area and then adjacent to the cricket pitch before joining the existing surfaced path up to the public car park. The path is proposed to be surfaced in stone coloured resin bound gravel and no-dig sections are proposed for the areas of the route close to trees and in archaeologically sensitive locations.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

Various supporting technical documents have been submitted with the application and these include an Ecology Report, Flood Risk Assessment, Heritage Statement and Conservation Management Plan.

2. Relevant Planning History:

Application No:	08/10/00987	Type:	Full Planning Permission
Decision:	Refused	Date:	24/09/2010
Description:	Formation of footpath/cycle route and modification of existing paths		

Application No:	12/09/01440	Type:	Local Council Own Development Reg 3
Status:	Refused	Date:	01/03/2010
Description:	Formation of footpath/cycle route		

3. Publicity:

Site Notice

Statutory Press Advert

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

A public consultation exercise was carried out by the applicant prior to submission in August 2016. This took the form of a public exhibition and sought views of the public and local stakeholders by means of a short questionnaire, on use of the park and comments on the proposed path. The results of the consultation showed a majority in support of a multi user path.

4. Representations:

The application has attracted 82 supporting comments including, support from Ward Councillors Repton, Stanton and Eldret, the Derwent Valley Trust, Derby Cycling Groups and from Sustrans. There have also been 26 objections received to the proposal, including one from the Darley Abbey Society. The main issues/ comments made are as follows:

Support

- Allow access for all users all year round.
- Prevent excessive mud in the park
- Signage should reinforce that it is a shared path
- Width of path should be appropriate for shared use
- Improve accessibility to the public open space
- 3 metre width required to provide enough space for multi users without conflict
- Derwent Valley Cycleway important strategic element in providing access to the World Heritage Site

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

- Provide links to city and Darley Abbey and form a new circular route
- Encourage sustainable journeys bringing benefits for health, congestion and air quality
- Surfacing should be non-slip
- Encourage health and fitness
- Benefits for disabled people
- Safe route for children to cycle and develop confidence

Objections

- Mixing of pedestrians, cycles and children potentially hazardous to safety
- Width of path would be visually intrusive
- Cyclists should be directed to east side of river (along existing cycle routes)
- 3 metre path is not justified
- The path cannot be constructed for technical reasons.
- Path would harm the historic setting of the parkland
- Route of path runs through the play area and is harmful to child safety
- Path will encourage cycle commuting and long distance cycling conflicting with recreational users

5. Consultations:

5.1. Conservation Area Advisory Committee:

Revised Comments (January 2018):

Maintain concerns over width of path. Visually too intrusive. Cyclists should be directed to cycle path on other river bank. Although new bridge is of a better design it will not slow down cyclists, if width maintained will need to designate separate pedestrian/cycle lanes. For new edging, prefer metal or timber but proposal is of no great concern, as edging will soften over time. Colour of gravel is important. .

Original Comments (September 2017):

No objection but strongly feel that 2 metre wide path would be better and suggest encouraging cycling on the cycle path the other side of the river and materials should relate better to the country park setting.

5.2. Highways Development Control:

The following comments are made in reference to the Darley Park path Proposed Route options. The applicant wishes to construct a 3-metre wide path through Darley Park from Dean's Field Car Park to the southern end of the park near to Derby Rowing Club building. The route is proposed to be surfaced using bound gravel using a mixture of no dig - construction, boardwalk and construction along the distance of the path. This route is an important part of improvements to cycle infrastructure across the city. The intention is to provide better facilities both on and off road to encourage cycling with all the inherent benefits of this.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

In view of either end of the route having street lighting, it would be desirable for the route to have street lighting. This would enhance a feeling of personal security, reduce conflict between pedestrians and cyclists and importantly, encourage use.

Recommendation

The Highway Authority has no objections to the proposals but strongly recommends lighting the route to encourage use and increase the safety of users.

5.3. Natural Environment (Tree Officer):

In principal I have no objection to the proposal.

The BS5837 survey has not been supplied.

On the Proposed Plan it states that non-dig construction through the tree canopy. It should read within RPA's. If we are minded to approve this application then further information and statements must be supplied and agreed prior to development starting. The data to support the Tree Constraints Plan (TCP) should be supplied (BS5837 Schedule).

A Tree Protection Plan (TPP) should be supplied which must be superimposed on the layout plans based on the topographical survey and show all hard surfacing and other structures within the RPAs.

An Arboricultural Method Statement (AMS) is required and must be appropriate to the proposals.

5.4. Parks:

Darley Park is one of Derby's premier parks and the current infrastructure is no longer suitable for present day use. When approaching the park from Derby City Centre, it soon becomes apparent from unsightly 'desire line paths that the park is heavily used all year around. The paths not only look unpleasant but during winter become impassable and are a safety concern. A new all-user path would allay any safety fears and enhance the landscape character of the park by removing the heavily scarred 'desire-lines."

The poor infrastructure was a major criticism when the Derby Disability Forum came to assess the park as part of our commitment to improvements for the Green Flag Award. Huge areas of the park were deemed inaccessible with visits to the river near impossible. The design has taken into account concerns about interrupting the grand vistas of the park by following the line of the river and diverting over the leat, behind the trees alongside the wildflower meadow. The proposed construction is made up of a suitable hard wearing surface with a no dig construction where underlying tree roots and archaeology are identified. The boardwalk is welcomed so as to lessen any impact on the meadow and allow for any puddled ground in winter. Due to the line of the path, the wildflower meadow will be extended which is valuable for nature conservation.

In 2015, jointly funded by Derwent WISE and Derby Parks, a Conservation Management Plan for Darley Park was commissioned to seek an independent experts view on all aspects of the park. Comments (from the Conservation

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

Management Plan) relevant to access and specifically a multi-user path can be found below:

Access

4.3.1 The Park at present is accessible at a number of points but poorly served internally through a complete absence of formal path provision other than the main paths which lead to the stable courtyard and café. This means that pedestrians, cyclists and disabled users have difficulty in navigating the Park safely especially in wet weather. As a result a series of unsightly desire lines have arisen which detract from the overall appearance of the Park. In part this is due to its origin as an 18th century parkland which, for a park of this size and significance, is strangely devoid of formal carriage drives or footpaths and also the sensitivity of its status as part of a World Heritage Site. However, the Park has been in continuous municipal stewardship for over 80 years and there is now clearly a need for properly surfaced layout and hierarchical network of paths that enable visitors and residents alike to access the Park in all seasons and in all weathers and to walk by the river. There is also no recognition of the status of Darley Park as a vital link in the chain between the city centre and the Darley Abbey Mills site through the provision of a formal path through the Park other than Darley Grove which is a largely enclosed ancient route way with little visual connection to the landscape it serves. There are, however, tarmaced paths on the east side of the river which lead to Darley Abbey Mills but not directly.

Access to the riverbank is also poor with no formal provision for anglers or safe access to the water's edge.

4.3.2 The gazetteer details the current state and condition of the paths that exist in the Park, the bulk of which are no more than muddy desire lines, in more detail. The exception to this, of course, are the well surfaced main access paths between Darley Park Drive and Mile Ash Lane which are in good condition.

4.3.3 Extensive consultation has revealed support for a multi-purpose formally surfaced path that runs alongside the western side of the river connecting Darley Abbey Mills, the northern car park to Handyside Bridge in the south. Although it should be pointed out that support for this facility is not universal and the Council has previously been unsuccessful in putting forward planning applications for such a facility on two separate occasions.

Repeated studies have shown though that people are attracted to water, whether still water or moving, and there is now an excellent opportunity to provide a well-designed facility that meets that need.

4.3.4 The opportunity to provide an adequate link in the Park is particularly accentuated in the case of cyclists. Two major cycling initiatives are currently being promoted in the area, namely Cycle Derby and Super Connected Cycleway. In the latter case Darley Park is an essential link on the Derwent Valley Cycleway project, planned to run from Derby to Matlock, and which has achieved first phase funding. Apart from anything else this facility would

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

encourage sustainability policy objectives by promoting safe commuting by bicycle.

It would also encourage and increase accessibility to the World Heritage Site by promoting access to it by a different user group. It could, for instance, encourage the formation of specific recreational, family based cycle trails with the historic components of Darley Park and Darley Abbey Mills as an integral, informed part of the trail. It should be noted however that both Route 66 and Route 54 already pass through the area. Route 66 is an orbital route around the city and links Darley to Derwent and Allestree. Route 54 passes alongside the River Derwent on the eastern side, and helps to link the west of the city to the north. Both routes are part of the National Cycle Network.

- 4.3.5 The issue of pedestrian paths within and linking to the Hall site also needs to be addressed. At present there is no path between the Dean's Field car park and the Hall site and café, the tree trail is poorly surfaced and small sections of path to, and within, the Butterfly Garden and Hydrangea Collection (both inside and outside the Walled Gardens) would benefit from being upgraded.
- 4.3.6 In terms of restoration of historic paths, the issue of restoring the original 18th century drive, which at present is a shallow terraced grassy earthwork for some of its length, would be of benefit and supported by historic and authentic evidence borne out of Conservation Management Plan research. This would allow visitors to the Park magnificent views out over the river valley.
- 4.3.7 Surfacing: At present all the existing paths including Darley Grove, Darley Park drive and Mile Ash drive are surfaced in standard bitmac which does little to differentiate them from the surrounding urban townscape. Instead, consideration should be given to additional surface treatments such as resin bonded gravel, tar spray and chip and, on flatter areas at least, Breedon gravel. This would clearly reinforce the identity of the Park as a special place, improve visual appeal by substituting the drab grey with a new golden-coloured surface and, in the case of the sloping routes, improve grip and surface texture markedly, making the paths safer and easier to use.
- 4.3.8 The southernmost part of the Park has, in recent years, become poorly drained and characterised by poor grass growth with bare patches. This is due to access by heavy machinery servicing concerts that take place in the Park each year. The remedy to this situation lies in improved drainage and either some kind of reinforced turf but not of the exposed grid kind or a more permanent solution linked to the development of multi-purpose path along the river.
- 4.3.9 Improved and safe access to the river was also cited as a desirable objective that had scope for improvement. At present this is limited to a few muddy slots in the bank. Only at a few locations can the water's edge be safely accessed. The desire for some form of formal, designed access point at safe points in the river was supported by most at the stakeholder workshop. Indeed the Environment Agency is now working with Derby City Council and the Earl of Harrington Angling Club to install a series of angling pegs on the eastern bank.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

The club expressed support for extending the scheme to the western bank and also providing some platforms which were DDA compliant.

Risks

4.3.10 Any new path must have no adverse visual impact, i.e. care must be taken to ensure that it does not intrude overtly in the principal view down the river valley from the Hall site, it does not impact adversely on any WHS designated view and/or conflict with any other historic path. However, by routing a major new north/south path in the trees close to the river, essentially following the route of the existing desire line but ensuring that it does not break out and follow the desire line in the extreme south of the Park, adverse visual impact should not be a significant issue. Any new path should also be capable of accommodating cyclists, pedestrians and be DDA compliant in all respects. Additional maintenance costs will also be required to ensure the paths are properly maintained.

Key points to address

Adequate signage should be placed at each end of the new path. Suggested wording could be 'All User Path, Keep Left and 'Cyclists Give Way to Pedestrians". This will instantaneously set a precedent for safe use. The boardwalk needs to be safe to use. An anti-slip surface is essential to ensuring pedestrians and cyclists can safely use the path in all weathers.

5.5. Environmental Services (Health – Pollution):

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection related issues:

Air Quality

1. I note that the application is for provision of a multi-user path which is likely to encourage greater cycling and walking in the area.
2. Given the known significant contribution to poor air quality arising from road transport, any development which causes a shift in transport choice from motor vehicles to active travel such as walking and cycling will have air quality benefits.
3. Consequently, the Environmental Protection Team would strongly support the application on air quality grounds.

I have no other comments to make on the application.

5.6. Derbyshire County Council Archaeologist:

Revised comments following revised archaeological assessment (January 2018):

Further to the submission of the revised archaeological desk based assessment and walkover survey we have the following comments on this proposal:

The desk-based assessment includes a consideration of the archaeological impact of the proposed methods of path construction for each section of the route, along with mitigation recommendations (report section 6.2). We would support these recommendations regarding the need for a pre-agreed access route(s) for construction traffic. In terms of archaeological mitigation however, whilst we would

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

agree that archaeological monitoring for sections 1, 2 and 4 would be appropriate and sections 7 and 9 should be archaeologically evaluated by means of limited trial trenching in advance of any construction works going ahead. This is because these sections are of significant lengths (125m and 70m respectively) within recognised archaeologically sensitive areas. If the trenching indicates that archaeological remains survive close to the ground surface a 'no dig' construction method should be adopted.

In order to facilitate that above requirements we would recommend that the following condition be added to any grant of planning permission for this scheme:

No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Whilst we would now consider that sufficient archaeological assessment has been undertaken to satisfy the requirements of paragraph 128 of NPPF (which requires developers to supply information on the impact of their scheme on the significance heritage assets), we note that the Derwent Valley Mills World Heritage Site team concludes that the design and quality of the scheme is such that it will have a negative visual impact on Darley Park which is an attribute of the World Heritage Site.

The Derby City Council's Conservation officer similarly expresses concerns about the design and width of the path (which is wider than two previous pathway proposals, following a similar route, which were both refused on heritage grounds). She considers also that the path will have a negative impact on the Outstanding Universal Value of the DVMWHS, and suggests that its width be reduced and the nature of the materials used be reconsidered in order to reduce the visual impact of the path. We would support both these views and those of the DVMWHS team.

Original comments (September 2017):

This scheme has archaeological implications.

The northern part of the route is within the Archaeological Alert Area corresponding to the site of the 12th century Augustinian Abbey at Darley Abbey (HER 4508). Also in this area is the postulated route of the Roman road from Buxton to Derby, known as 'The Street'. (HER 99030). Further to the south the pathway route runs within the Archaeological Alert Area corresponding to the area of Roman occupation in Derby (HER 32523). The route also crosses the known site of a Roman bridge (HER 32023) and the associated Roman road (HER 32054).

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

Recent archaeological investigations (2014) on land on the eastern side of the river c. 60m from the route of the path has investigated the western edge of Derventio Roman fort and identified the defensive rampart and ditch along with the site of the vicus settlement. Good evidence for industrial workings and activities were noted along with a metalled road surface to the north of the fort.

The current proposals involve a range of construction techniques, some of which will may impact on buried archaeological remains. The movement of construction vehicles around the route may also have implications for the conservation of both below and above ground remains.

Taking this into account we would recommend that an archaeological desk-based assessment and walkover survey of the route be conducted to inform this scheme (as has been prepared in relation to the ecological interest of the affected area). This should include an assessment of the possible impact of the proposed path construction techniques on below and above ground remains for each section of the route. These requirements are in line with NPPF Policies 128 and 129 which require developers to provide sufficient information about the significance of heritage assets which will be affected by their proposals.

The desk based assessment should be undertaken by suitably qualified archaeological consultants, to the Chartered Institute of Archaeologists Standard And Guidance For Historic Environment Desk based Assessments 2017.

We would advise that the current application should not be determined until the relevant archaeological assessments have been provided and further advice on the basis of this information has been given.

5.7. Environment Agency:

No objections to proposal.

5.8. Derbyshire Wildlife Trust:

The application seeking permission for the construction of a multi used path and ancillary works is supported by an Ecological Appraisal report prepared by WYG dated August 2017. The report presents the results of an Extended Phase 1 Habitat Survey carried out on 31st May 2017 and is informed by an appropriate desk study.

This response deals strictly with matters relating to biodiversity and does not deal with any landscape character or visual issues associated with the proposed scheme.

The proposed 3m wide multi user pathway is within the Darley Park Local Wildlife Site DE064 designated on account of its historic wood pasture and parkland habitat. The proposed route of the path is also adjacent to the River Derwent Local Wildlife Site DE007 with associated water vole, otter and white-clawed crayfish records.

The survey identified the majority of the site to comprise regularly mown amenity grassland. An area of created wildflower meadow is also present along with a variety of trees, a brook and a small copse.

It is understood that the proposed route of the pathway principally follows an existing informal pathway that in sections has worn away the vegetation to produce bare

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

ground and, as such, we concur that the proposed path will have a minimal impact upon the habitats present.

We concur with the conclusion reached in the report that none of the trees which are currently to be affected by the proposed pathway are suitable to support roosting bats due to their young age but the habitats present on the site are suitable for foraging and commuting bats. It is unclear if the proposal includes the installation of lighting alongside the new path. As a result, the ecological appraisal has not considered the effects of lighting on foraging or commuting bats. We advise that clarification is required in this respect and consideration of lighting needs to be included in the Ecological Appraisal along with recommendations for any proposed lighting to be sensitively designed to minimise impacts on foraging and commuting bats. Alternatively, the submission and approval of a sensitively designed lighting scheme could be covered by a planning condition.

We would recommend that a condition to secure the following is attached to any consent:

“The development shall be carried out in strict accordance with the mitigation measures recommended in section 6.0 of the Ecological Appraisal prepared by WYG dated August 2017.”

5.9. Police Liaison Officer:

Having toured the site I did have a concern that in the present context parts of the route would be visually isolated by tree growth, which might lead to anxiety for personal safety of some users.

However, having discussed proposals for landscaping with the applicant, most of the growth concerned is not considered significant enough to appear on planning documents, but there is an intention to clear self-seeded growth and weeds around the path to address this issue.

Consequently I'm happy for the application to progress as proposed on this basis.

5.10. Built Environment (Conservation Officer):

Revised comments (January 2018):

Background information

There have been two previous applications for a cycle/pedestrian path within Darley Park in recent years. These were both refused by Planning Committee on heritage grounds due to their negative impact on the park within the DVMWHS and Darley Park Conservation Area. Application DER/12/09/01440 which was for a 2.5m wide path along a similar route from the rowing club northwards to the balustrade but the route then proceeds to the west of the hedge to Dean's Field car park. Application DER/08/10/00987 was for a 2.5m wide path along a similar route from the rowing club northwards to the balustrade but the route then proceeds to the west of the hedge at 1.8m in width.

The proposed path is 3m in width of similar materials, to those previously proposed, is along a similar route from the rowing club in the south northwards to the balustrade and then proceeds, unlike the previous schemes, across a timber bridge then

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

northwards to the east of the hedge along a raised boardwalk then it joins the exiting path adjacent to the car park.

Designated Heritage Assets affected

The current proposed path is located within Darley Park within the Derwent Valley Mills World Heritage Site (DVMWHS). Darley Park is an attribute of the Derwent Valley Mills World Heritage Site as defined in the Statement of Universal Value (SOUV 2010); the reason why it was inscribed a World Heritage Site. The DVMWHS Management Plan (2014-2019) on page 14 highlights the importance of parks and gardens within the DVMWHS a cultural landscape.

The proposed path is also located within the Darley Abbey Conservation Area and the very southernmost part of the path, adjacent to the rowing club, is within the Strutt's Park Conservation Area. We therefore have to have regard to section 72 of the Planning (Listed building and conservation areas) Act 1990 which states that we have a duty to pay special attention to preserve or enhance the character or appearance of those conservation areas. Policy C20 of the Derby City Local Plan - Core strategy and E18 of the saved policies of the Local Plan Review is also relevant here.

There are also a number of listed buildings nearby so we have to also have regard to their setting, which is part of their significance in relation to section 66 of the Planning (Listed building and conservation areas) Act 1990 which states that we have a duty to have special regard to preserving the building or its setting. There are a number of listed buildings near to the proposed path. These include those grade II listed buildings at Poplar Row, Deans Field (Mill House), Darley Abbey Stables and service wing as well as Handyside Bridge to the south.

Heritage Statement and Heritage Impact Assessment

I note the additional heritage statement that has been submitted. I suggest that there isn't an analysis of the relevant policies within the statement of the policies I have listed above. I note that the suggested ICOMOS Heritage impact assessment information (2011) as mentioned in the National Planning Policy Guidance (2014) has not been used to assess the impact of the proposals. A copy of the Darley Park Conservation Management Plan (February 2015) is referred to and has been submitted as part of the application information. I refer to this in my comments below.

Alignment

The Darley Park Conservation Plan that has been submitted as part of the application suggests a different alignment to that proposed and to follow the river between Derwent Rowing Club up to Dean's Field Car park.

The current path proposal follows the previous routes up to the balustrade and then goes across the bridge and along to the east of the hedge line within the wildflower meadow which is different to previous proposals. In my view, the alignment is better than the two previous applications to the northern part when travelling north of the balustrade as it proceeds east of the hedge line, so hiding it from some views across the park, along a raised boardwalk within the wildflower meadow to the car park.

Width of the path

The current application is for a wider 3m wide continuous path. The two previous applications that were refused were 2.5 metre and then 2.5 and 1.8 respectively.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

The Darley Park Conservation Management Plan that has been submitted as part of the application talks about the possibility of a path along the western river bank (section 4.3) and highlights in its recommendations that the path should have no adverse visual impact (4.3.10) suggests a 2.5m wide path (recommended at 5.2.3). It also suggests a different alignment to that proposed and to follow the river between Derwent Rowing Club up to Dean's Field Car park.

The applicant within their statement mentions the minimum 'preferred' width of 3 metres that is highlighted in the Department for Transport Local (DTL) Transport Note 1/12 (Sept 2012) for 'Shared use routes for pedestrians and cyclists'. This guidance focuses predominantly on urban rather than rural paths. I would like to highlight section 7.34 states this is a '*preferred minimum width on an unsegregated route, although in areas with few cyclists or pedestrians a narrower route might suffice*'.

This DTL guidance also states in 7.32 that '*...there might be situations, particularly in rural areas, where flows are so light that the likelihood of two users encountering each other is very low. In this case, it says, the minimum widths... (below in 7.34 of 3 metres).. Might be far more than necessary or desirable from an environmental point of view*'. It goes on to say that '*the acceptability of width below the minimum recommended here is something for the designer to determine but, in any case, at the very least two wheel chair users should be able to pass one another, even if this involves the use of passing places*'.

This guidance shows that the width is suggested in this guidance is 'preferred' and not mandatory.

I note the examples of other park paths as submitted within the amended application information. I also note the new shared use rural paths at Calke Abbey Historic Park which are 2.5m in width rather than 3m.

The applicants were asked to reconsider the width of the path during the life of this application in the light of previous refusals and the harm, in terms of visual impact, the increased width would have on heritage assets. The applicants do not wish to amend their proposal and narrow the width. I suggest that cyclists are redirected to use the cycle path to the east of the river and I suggest consideration due to the visual impact the width of the path is reconsidered with carefully selected wider passing places as suggested within the DFT guidance.

Materials

The materials proposed are also very urban in character for example the proposed concrete edges with resin bound gravel materials along the majority of the length of the path (other than the boardwalk stretch in the northern part) rather than having softer more rural subdued materials e.g. timber edging or other surface material.

I previously suggested that the bridge is repaired or replaced with one of similar design. Amended bridge proposals have been submitted for a visually curved bridge albeit with a flat deck. This is an improvement.

Impact on Heritage Assets

My view is that the proposed path does have a negative impact, due to its visual impact, on the Outstanding Universal Value (the reasons why the area was designated) of the Derwent Valley Mills World Heritage Site. The park is an attribute

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

of the DVMWHS. The view from the terrace is an important view of the park and DVMWHS south of this point. The proposed path will be visible from the café terrace and within the park itself.

Using the ICOMOS guidance on Heritage Impact Assessment's (dated 2011 and referenced in the, NPPG 2014) and looking at the impact on the DVMWHS overall I suggest the following. In my view the value of the heritage asset as regards the DVMWHS is Very High (see appendix 3A), the magnitude of impact is, in my view Minor change (see Appendix 3B). It would be a minor change which has a negative impact. To achieve an overall impact (or 'significance of effect' which cross references the value of the heritage asset with the impact) using the table on page 9 and 10 this equates to Moderate/Large overall impact or significance of effect. This is adverse negative impact so the proposal is harmful. The impacts are direct, permanent, irreversible, visual physical and social.

I would also like to highlight that the impact and harm of the proposal on the park, and this part of the park, is obviously more than if you look at the impact of these proposals on the whole DVMWHS overall. However the incremental impact of small proposals that are harmful could set a precedent and build up overtime to have more of an impact on the DVMWHS overall.

In my view the proposals do not preserve or enhance the character or appearance of the Darley Abbey Conservation Area or the Strutt's Park Conservation Area. In heritage terms it is harmful to this character due to its intrusive visual impact.

In my view, having reviewed the impact on nearby listed buildings, the path proposals have a limited impact on the setting and therefore the significance of the nearby listed buildings mentioned above.

This is a historic landscape and the path has an impact on the historic integrity of the park. In terms of case law this proposal is harmful and is classed, within the National Planning Policy Framework, as less than substantial harm under para 134. This states that the amount of harm to the World Heritage Site and the Conservation Area, as defined above, has to be balanced against the public benefits of the scheme.

Recommendation: - There is clearly a need for an all-weather path and links between the city centre and Darley Abbey. Two previous applications for narrower paths were refused. However, on the basis that the proposal the new alignment looks improved but I still have concern about the visual impact of the width and the urban rather than more rural materials.

The current proposal is harmful to the designated heritage assets and therefore to mitigate this I would suggest that the width is reduced and materials are reconsidered to reduce the visual impact of path within the park, within the DVMWHS (in particular views from the Darley Hall café terrace) and upon the impact on the character and appearance of Darley Abbey Conservation Area and the Strutt's Park Conservation Area.

If you are minded to grant permission for this proposal I would like to voice concern about possible future works that might then be required which would urbanise further the path and make it even more visually intrusive (concern as highlighted in DFT guidance section 6.27 and 6.28 on shared paths within rural areas) e.g. a white line

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

to demarcate the centre, differences in materials between the two side, signs and lighting as these would have a great negative impact on the visual impact of the park path.

This is a historic landscape and the path has an impact on the historic integrity of the park. In terms of case law this proposal is harmful and is classed, within the National Planning Policy Framework, as less than substantial harm under para 134. This states that the amount of harm to designated heritage assets, as outlined above, has to be weighed up against the public benefits of the proposal.

5.11. Historic England:

Revised comments (November 2017):

Thank you for your letter of 20 October 2017 regarding further information on the above application for planning permission. On the basis of this information, which is noted, we do not wish to offer any additional comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant with regard to the concerns previously raised.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Original comments (September 2017):

Darley Abbey park lies within the Derwent Valley Mills World Heritage Site. The public park is the successor to the designed setting of the former Darley House (home of the Evan's family proprietors of Boar's Head Mills highly grade listed buildings), surviving as the teashop fragment and associated terrace, a monitored view in the World Heritage Site. That in turn was a successor to the park of the Augustinian monastery of Darley Abbey which survives in the scheduled and listed Abbey Public House. We welcome that the submitted materials note these issues and the potential for Roman remains in the park associated with the river crossing to Little Chester Roman Fort (scheduled), however we believe the importance and sensitivity of this landscape merits further work on the application.

Design and detailing of the new works should be of exemplary quality and the deliver the most sympathetic response to the landscape context in providing what we agree is a useful improvement to access. The submitted scheme does minimise impacts in the northern section in terms of the line taken but overall (and in particular as it passes the balustrade and proceeds south) the standard (non-context sensitive) width proposed is likely to feel heavy handed if executed to this specification. Likewise the renewal of the timber bridge presents an opportunity for high quality design which has been missed. We believe that a scheme which was slimmed down and more closely designed and detailed to context would in line with NPPF 129 minimise the conflict between new work and the conservation of the significance of designated heritage assets and thus better address the need under Para 132 for all harm to designated assets (including through setting) be both clearly and convincingly justified.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132 and 129 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

5.12 Derwent Valley Mills World Heritage Site Panel:

Revised comments (January 2018):

The additional/revised information submitted has been reviewed and the World Heritage Site Partnership has no additional comments on the proposed development in addition to those made on 25 September 2017.

Revised comments (October 2017):

Having reviewed the Amended Plans on Derby City's planning portal, the World Heritage Site Partnership does not consider that the scheme has altered significantly other than some additional information concerning the justification for the width of the multi-user path. Consequently, we have no further comments or objections to add in addition to those outlined in the previous consultation response provided by the Partnership on 25 September 2017.

Original comments:

A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: "protect, conserve and enhance the Outstanding Universal Value of the DVMWHS." In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have received the following updated advice from Derbyshire County Council's Conservation and Design Section.

Darley Park is within the DVMWHS and whilst it is not on the Register of Historic Parks and Gardens, it is clearly of considerable historic merit. Aside from being an attribute of the WHS it is within the Darley Abbey Conservation Area, and there are numerous Listed Buildings in the vicinity. The site is also known to be rich in archaeology which has been well versed in other consultation responses.

Its significance to the WHS largely derives from its association with the benevolence of the Evans family and its contribution to its setting as a designed landscape or park once associated with their family home. After the passing of many centuries and the land passed through many hands before reaching the Evans family by the early nineteenth century. A red brick mansion, known as Darley House, was constructed under Walter Evans on the site which was surrounded by gardens and plantations. Over the early part of the 20th century the Evans family donated the land to form the 80 acre park which opened in June 1931.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

The World Heritage Site Partnership does not object to an improved multi-user trail through the park. However, the Partnership does not believe that the current design is of a sufficient design quality to sit harmoniously in this Attribute of the WHS. In its current form the design will have a negative visual impact on this attribute and therefore it will impact adversely on the OUV of the WHS. However, any negative impact should be outweighed by the public benefit this brings and in facilitating improved access into the WHS.

5.13 Regeneration:

This project is one of many originally put forward by Regeneration Projects to the LEP in LFG 1, called Super Connected Cycling. The principle aim being to connect our 4 main programme areas, City Centre, South Derby, OCOR and Infinity Park Derby in a more sustainable way. This combined with the route being connected to the Derwent Valley World Heritage Site forming a commuter and leisure trail (Tissington/High Peak type) with the River Derwent at its core. Overall the project would bring increased activity into the Derwent Valley Mills World Heritage Site, improving the local economies on route, providing opportunities for job creation in the tourism sector, reduce congestion of the A6 and access to jobs at our flagship employment site IPD.

The route across Darley Park is part of this wider package of work, and it not being implemented would jeopardise the overall economic impact of the whole programme.

The whole project once in place is unique as it connects major urban areas like Belper and Cromford with Derby in a more sustainable way.

The Regeneration Projects team fully support the proposed development for the reasons set out above.

5.14 Highways (Land Drainage):

Although the Flood Risk Assessment submitted does not comply with the requirements of the NPPF in terms of scope or detail, I would not require the FRA to be revised and updated as this is a water compatible development and is suitable regardless of the high flood risk in the area. The development is unlikely to increase flood vulnerability to members of the public or significantly absorb flood plain capacity, especially if the surface and sub base are made porous.

However it is noted that there are three types of construction that will be used on this path; standard path construction, boardwalk and no dig construction. According to the plans submitted, assuming the resin bound gravel is of a permeable structure, the boardwalk and the no dig construction are permeable and porous. However it appears that the standard path structure is constructed with a compacted MOT Type 1 sub base, which would render the path impermeable even with a permeable resin

Bound gravel finish. Like illustrated on the no dig construction type, I would recommend that an MOT Type 3 sub base is used to allow the penetration of surface water to the ground. For all paved surface types, I would recommend a porous resin bound surfacing type. It is assumed that the boardwalk will be naturally permeable to surface water via the voids between boards.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

Therefore, in order to support the application I would recommend the following condition:

- 1) All new paved surfaces shall be constructed using permeable construction techniques to allow the infiltration of surface water to the ground. Otherwise, by written agreement of the Local Planning Authority, all paved surfaces shall be drained according to sustainable drainage principles.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

- CP1a) Presumption in favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP16 Green Infrastructure
- CP17 Public Green Space
- CP18 Green Wedges
- CP19 Biodiversity
- CP20 Historic Environment
- CP23 Delivering a Sustainable Transport Network
- CP24 Transport Infrastructure
- AC7 The River Derwent Corridor
- AC8 Our City Our River
- AC9 Derwent Valley Mills World Heritage Site

Saved CDLPR Policies

- GD5 Amenity
- E18 Conservation Areas
- E19 Listed Buildings and buildings of Local Historic Importance
- E24 Community Safety
- T10 Access for Disabled People

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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

7. Officer Opinion:

Key Issues:

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

7.1. Context & Background

7.2. Accessibility and Pedestrian Safety

7.3. Heritage Impacts

7.4. Green Infrastructure & Landscape

7.5. Flood Risk

7.1. Context & Background

This proposal is for a new multi-user surfaced path to be formed through Darley Park, to link up with existing pedestrian and cycle routes which run along the River Derwent corridor from the city centre and to Darley Abbey. The proposed route is also to be part of a long distance cycle path which is being developed from the city north along the river corridor to Matlock, known as the Derwent Valley Cycleway. This is part of a long term intention to provide a recreational route through the Derwent Valley Mills World Heritage Site.

It would be a 3 metre wide path and hard surfaced for use in all weathers which is proposed to be a fully accessible route for all users of the park, including the disabled, cyclists and pedestrians.

Darley Park is one of the city's largest and popular open spaces, which is located alongside the river. It is an historic landscaped parkland, with mature woodland and groups of trees and is also a designated Local Wildlife Site. The park is also an integral part of the Lower Derwent Valley Green Wedge which penetrates towards the city centre along the river corridor from the north.

The path is to be delivered as part of the Our City Our River (OCOR) project, which has as one its objectives, the creation of a high quality riverside experience linking the city centre with the river. The proposed path would improve linkages along the riverside from the city centre, to the north of the city and potentially beyond.

The proposed path is a long standing aspiration of the Council and more of the OCOR project and two previous planning applications were made and refused in 2009 and 2010 for a pedestrian/ cycle route through the park. Both proposals had differing routes within the parkland to the current proposal and were for paths of up to 2.5 metres in width. Following on from these applications, a new proposal for a path

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

has been worked up in negotiation with the various stakeholders to deliver an appropriate route which meets all of Council's objectives, whilst having regard to the sensitivity of the historic parkland.

7.2. Accessibility and Pedestrian Safety

One of the prime objectives of the proposed multi user footpath/cycle route is to provide improved accessibility through Darley Park, for pedestrians and cyclists and to provide a continuous all weather route from the city centre to Darley Abbey. The path is also intended to improve access for disabled and mobility impaired people through the park, by providing a continuous and safe route connecting to existing pathways at each end of the park. The proposal would provide a safe and pleasant environment and convenient routes for pedestrians, cyclists and disabled people who use this popular area of public open space.

Policy CP23 seeks to improve opportunities for pedestrians and cyclists by promoting travel choice and the delivery of high quality walking and cycling routes. Policy CP24 is also relevant to this proposal through the implementation of a strategic cycle network for the city. The proposed path would be link to the wider cycle network and to the proposed Derwent Valley Cycle way north of the city.

The proposed path is to be a shared use route for all users of the park and is required to improve accessibility to the open space, which currently excludes cycles, mobility impaired people and people with pushchairs/ prams, due to the absence of any surfaced paths within the main area of parkland. A width of 3 metres for the whole length of the route is proposed to allow for the various groups of people who will use the path to share with each other safely and without significant conflict. This is a particular concern with pedestrians, about cyclists. The path would accord with the Department for Transport's minimum recommended shared path width, which is 3 metres (Local Transport Note 2/08 Cycle Infrastructure Design). This width is designed to enable pedestrians, cyclists and wheelchair users to pass each other safely and in comfort on the path. It allows for the large numbers of visitors who use the park on a regular basis and for all the different user groups to use the path.

There have been comments from third parties and some consultees that cyclists should not be allowed to use the path, so that a narrower width can be justified. This is a concern which stems from fears about pedestrians sharing with cycles, although it is contrary to one of the primary objectives of the path, which is to deliver a fully accessible leisure and commuter off-road route through Darley Park. It is also considered reasonable for cycles to be able to access the park as is the case in some other major parks and open spaces in the city.

The new path would also address the current absence of accessible routes within Darley Park for disabled and mobility impaired people. The Council's Parks Officer sets out the existing problems for disabled groups in accessing the park, as follows: *"The poor infrastructure was a major criticism when the Derby Disability Forum came to assess the park as part of our commitment to improvements for the Green Flag Award. Huge areas of the park were deemed inaccessible with visits to the river near impossible."* The proposal would resolve this issue, by providing a fully accessible route, which is largely level, hard surfaced in a robust and durable resin bound gravel and of sufficient width to form a safe and comfortable environment for those mobility impaired user groups. The arched foot bridge would also be replaced with a flat and

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

level deck. The path would meet the requirements of saved Policy T10 to provide suitable access for disabled people.

The Council's Highways Officer is supportive of the proposed path, both in terms of pedestrian safety and its design. The route would promote both walking and cycling for recreation and commuting and provide an additional link to the strategic cycle network, which are all benefits in accordance with the intentions of Policies CP23 and CP24.

The Police Liaison Officer is also satisfied with the design and layout of the route in respect to pedestrian safety in the park, which is line with saved Policy E24. The Council's Environmental Protection team have also made comments in support of the scheme, in respect to the benefits of a sustainable transport route in reducing poor air quality by promoting more walking and cycling.

7.3. Heritage Impacts

In considering the merits of this application decision makers must engage Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires Local Planning Authorities to:

- Have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;

Harm to the significance of designated heritage assets is a matter to which considerable importance and weight should be given in any planning balance. Policy AC9 seeks to protect, preserve and enhance the Derwent Valley Mills World Heritage Site. The Policy requires that proposals will only be approved if they do not adversely affect the Outstanding Universal Value (OUV) of the World Heritage Site or its setting. Saved Policies E18 and E19 of the City of Derby Local Plan Review, seek to preserve and enhance the character and appearance of the Conservation Area and protect the historic significance of listed buildings from development which would be harmful to their significance.

Policy CP20 of the new Local Plan – Part 1 carries forward the intentions of E18 and E19 and requires proposals which impact on heritage assets to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale and taking account of best practice guidance.

The NPPF advised planning authorities in paragraph 129, to identify and assess the particular significance of any heritage asset that may be affected by a proposal and when considering the impact, seek to avoid or minimise conflict between the asset and any aspect of the proposal.

Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (which includes Conservations and World Heritage Sites) that:

- Great weight should be given to the assets conservation
- The more important the asset the greater weight that should be given

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

- The significance of an asset can be harmed through alteration, destruction or development within its setting
- Harm or loss requires clear and convincing justification.

Guidance in the NPPF provides that where the harm to the designated heritage asset is “less than substantial”, paragraph 134 requires that “this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”. Causing less than substantial harm is not to be equated a less than substantial objection to the grant of planning permission. Even less than substantial harm should be given considerable importance and weight.

The application site, which is within Darley Park is an historic landscaped parkland, originally associated with Darley Hall. It is been a public park for a period of about 80 years. The park is part of the Derwent Valley Mills World Heritage Site (DVMWHS) and is also in Darley Abbey Conservation Area. Strutts Park Conservation Area is outside the site to the south of the park and there are various listed buildings in Darley Abbey village and buildings associated with the former hall, which are close to the route. The wider setting of these buildings may also be affected by the proposal. The northern part of the park is also within an Archaeological Alert Area due to potential Medieval and Roman evidence being present below ground.

The proposed hard surfaced path would extend the full length of the park from the rowing clubs to the south up to the Darley Abbey car park. It is to be 3 metres in width and surfaced in resin bound gravel, in a natural stone colour and with a concrete edging. The texture and colour of the materials would be controlled through a suitable planning condition. Part of the route is to be a timber boardwalk over a poorly drained area of the meadow and a replacement timber footbridge is also proposed to be provided to replace the existing arched bridge. The new bridge would have a level deck but an arched timber structure and balustrade. The design of the footbridge has been amended during the course of the application, in response to comments made by the heritage consultees, seeking a higher quality bridge design.

The application is accompanied by a Heritage Statement and an addendum, which identifies the designated heritage assets potentially affected by the proposal and assesses the likely impacts on their significance. I note the Conservation Officer’s comments about the processes for assessment of the DVMWHS which have not been followed and absence of policy context. However, given that the proposal is for a path and is minor development, I am satisfied that the statement has properly recognised the high degree of sensitivity of the World Heritage Site and Conservation Area and the Grade II listed buildings in Darley Abbey, which are affected by the scheme. It also identifies the potential for archaeological remains from the Roman period being present within the park. The statement considers that the significance of the heritage assets will be protected by:

- Protecting the fabric of the park from further erosion and mud damage
- Enhancing public access to and appreciation of the World Heritage Site and its setting
- Use of high quality materials and improved bridge design which will preserve character.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

The heritage consultees are all broadly supportive of the principle of a surfaced path being formed through the parkland and no particular concerns have been raised to its alignment and route. The proposed replacement bridge and timber boardwalk are also generally accepted as being appropriate. The principal issues which have been raised during the course of the application are concerned with the width of the path and the design of the new footbridge. The Council's Conservation Officer also has some concerns about the proposed surfacing and edging materials for the path.

The World Heritage Site Conservation and Planning Panel have identified the significance of Darley Park to the Outstanding Universal Value (OUV) of the World Heritage Site as being the following: "*Its significance to the WHS largely derives from its association with the benevolence of the Evans family and its contribution to its setting as a designed landscape or park once associated with their family home.*" The Panel and Historic England both advise that there should be a high design quality to the bridge and the path, to protect the significance of the parkland. The Conservation Area Advisory Committee also has objections to the width of the path and the flat deck of the new footbridge.

Both the Panel and the Council's Conservation Officer are of the opinion that the design of the path would have a negative impact on the OUV of the World Heritage Site. Using the ICOMOS guidance for assessing impacts on the World Heritage Site, the Conservation Officer considers the impact to be a minor change and this equates to a Moderate/Large significance of effect on the World Heritage Site. The WHS Panel also advises that the negative impacts "*should be outweighed by the public benefit this brings and in facilitating improved access into the WHS.*"

In response to the comments of the various heritage consultees, the applicant has provided a revised heritage statement and supporting information to explain the design and materials proposed for the path. Examples of similar types of surfaced path used in Kew Gardens and Highgate Cemetery have been provided to support the proposal. The proposed resin bound gravel surface is to be natural stone colour, which needs to be in preserve the special character of the historic parkland. Details of the colour would be subject to agreement under a planning condition. As set out in Section 7.2 the width and design of the path is required to be accessible for all types of users, having regard for the popularity of the park and to be relatively low maintenance for use all year round. I note that the Conservation Officer refers to examples of rural paths, which are appropriate to this location in terms of the width and use of materials. However, Darley park is an urban park, close to the city centre and close to the densely populated residential areas of Strutts Park, Darley Abbey and Chester Green. Taking into account of the popularity of the park, the visitor numbers are significant and therefore the design and construction of the path should be fit for purpose.

Parts of Darley Park are archaeologically sensitive and as a result an archaeological desk based assessment and walkover survey has been submitted in support of the application to consider the potential impacts of the path on any below ground remains. The County Archaeologist is satisfied with the recommendations of the assessment which are to undertake trial trenching in some areas and monitoring in others, prior to the path being constructed. An archaeological brief for the works can

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

be secured by a suitable planning condition and accordingly the development would meet the intentions of archaeology saved Policy E21.

Revisions have also been made to the design of the footbridge, to give the appearance of an arched bridge with timber balustrade. A flat deck is maintained due to the need to be accessible for cycles and mobility impaired people. Further consultation has been undertaken to seek heritage consultee comments on the revised bridge design. Whilst there have been comments made about the quality of the bridge design, it should be borne in mind that it is a replacement for an existing footbridge, which is a more functional timber structure and has limited design merit. The revised proposal would in my view be an enhanced bridge feature which would make a more positive contribution to the character of the park.

The width and design of the proposed path through the historic parkland would have a degree of harm to the significance and setting of the designated heritage assets within Darley Park and have an adverse impact on the OUV of the World Heritage Site. The Conservation Officer has identified the harm to be minor, equating to a moderate/ large effect on the significance of the World Heritage Site. Accordingly, there is acknowledged to be a harmful overall impact on the heritage assets, which in policy terms is contrary to the intentions of Local Plan – Part 1 Policies AC9, CP20 and saved Policies E18 and E19.

In the context of paragraph 134 of the NPPF the public benefits of the proposal need to be weighed against the less than substantial harm to the World Heritage Site, Conservation Area and the setting of nearby listed buildings, to determine if the proposal meets the NPPF tests. The public benefits of the new multi user path through the park are considered to be substantial and they are as follows:

- The provision of a fully accessible, all weather and robust route through the public open space for use by all pedestrians and cyclists, which will have linkages to the city centre and Darley Abbey and allow a continuous circular route along the river corridor
- Providing access to and through the parkland for disabled and mobility impaired people to address to deliver full accessibility to one of the city's largest public open spaces and to the river corridor
- Improvements to the condition of the parkland by removing erosion and muddy scars created by informal desire lines through the park and to allow habitat improvements to the park and river corridor
- Formation of a continuous recreational and commuter route for pedestrians and cyclists to link with the routes in Derwent Valley and the Peak District to the north of the city
- Enabling improved access to and appreciation of the Derwent Valley Mills World Heritage Site for all visitors, with the associated increase in tourism investment and visitor numbers to the city.

In my opinion these are significant benefits which would result from the proposed path and constitute wider public benefits for the use of the park, for all members of the public. These public benefits when weighed against the harm to the heritage

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

assets are considered to outweigh the less than substantial harm to the significance of those assets, which would result from the proposal.

Therefore in heritage policy terms I am satisfied that with regard to heritage considerations and the issues of impact/ harm to the heritage assets, the application has been properly considered in line with the local planning authorities statutory duty and the framework of local and national planning policy. In reaching these judgements I have kept in mind the statutory, policy and common law duties set out above.

7.4. Green Infrastructure and Landscape

Darley Park is part of the Green Wedge which extends along the River Derwent into the city. Under Policy CP18, public open space is appropriate in Green Wedges, as it falls into the categories of green space, recreational use and green infrastructure which are some of the 7 acceptable uses in Wedges. The provision of a new multi user path would meet the objectives of b) and c) and maintain the function, open and undeveloped character of the Wedge in this location. The path also constitutes ancillary development to the use of the land which is parkland.

The park falls under the provisions of both; Policies CP16 for Green Infrastructure and CP17 for Public Green Space. It is one of the most popular and well used open spaces in the city and includes river corridor as well as mature woodland and historic parkland. However, the park currently lacks a hard surfaced and accessible path through the open space, which restricts access for some user groups, as discussed in Section 7.2. CP16 seeks to improve public access and linkages to green infrastructure and specifically k) supports improvements through implementation of OCOR and the DVMWHS Management Plan. Both of these programmes aim to enhance access to Darley Park. CP17 reinforces these intentions in relation to public open spaces by seek to ensure that everyone has access to multi-functional public green spaces.

The Council's Parks Officer in her comments sets out the need for the proposed path and gives commentary from the Conservation Management Plan for Darley Park which provides the case for a multi user path within the park, taking account of the historic sensitivity of the parkland. It advises that the visual impact of the route should be minimised and states the following: *"by routing a major new north/south path in the trees close to the river, essentially following the route of the existing desire line but ensuring that it does not break out and follow the desire line in the extreme south of the Park, adverse visual impact should not be a significant issue. Any new path should also be capable of accommodating cyclists, pedestrians and be DDA compliant in all respects."*

The parkland currently has desire lines in the grass which are heavily eroded or have become mud damaged, due to regular use. This will require continual maintenance and adversely affects the appearance and condition of the park. The Parks Officer confirms that this is an issue as follows: *"The paths not only look unpleasant but during winter become impassable and are a safety concern. A new all-user path would allay any safety fears and enhance the landscape character of the park by removing the heavily scarred 'desire-lines."* The proposed route would follow the alignment of some of these desire lines, to the southern part of the park and also is

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

intended to minimise the visual impact on the historic parkland from key views within the park, particularly the World Heritage Site monitored view from the café terrace to the northern end of the park. To the southern parkland the path would stay close to the river side and run through open groups of trees, which would provide some screening of the path. The northern section of the route would be screened from the wider parkland by a row of mature trees and hedge. This part of the route would be a boardwalk over the meadow which is subject to poor drainage.

The applicant undertook a public consultation exercise before the application in 2016 to seek the views of the public and local stakeholders on the formation of a multi user path through the park. A large majority of respondents were in support of the proposal and for a resin bound gravel surfacing material. There was also support for an accessible route, for the benefit of disabled people.

It is broadly accepted that there is a need for a multi user path through Darley Park, to provide improved accessibility to the open space and linkages with communities around the park. The path would address a long standing issue relating to poor access to the park for various groups of people, including cyclists. The design and route of the path would also respect the sensitive landscape character of the parkland and allow for improvements to the conditions of the open space. The proposal is therefore considered to accord with the intentions of both Policies CP16 and CP17.

Trees

The park includes significant areas of mature woodland, groups of trees along the river bank and a former hedge with trees in the northern section of the park, which separates the landscaped parkland from the meadow. The proposal does not set out a schedule works for any of the trees along the route of the path, with the exception of the removal of dead trees as recommended in the Tree Constraints Plans submitted with the application. Any further works to trees which are necessary would be undertaken by the Council's Parks team under their normal maintenance regime. No trees are therefore proposed to be removed to accommodate the construction of the path. The alignment of the path would run alongside and between groups of trees for a large part of the route, using no-dig construction methods to prevent damage to the root protection areas (RPA) of the affected trees. Accordingly, I am satisfied that the protection and retention of trees is in line with the intentions of Policy CP16.

The Council's Tree Officer has not raised any objections to the proposal in terms of its impacts on the parkland trees. However, the Tree Survey is yet to be submitted and further comments on the survey, from the Tree Officer will be reported to the meeting. Details of the no-dig construction methods and tree protection measures will need to be agreed before works commence and these can be secured by suitable planning conditions.

Ecology

The woodland and parkland in Darley Park and the river corridor are designated Local Wildlife Sites, comprising meadow, grassland, woodland and riverside habitat. The route would not impact adversely on the riverside habitat, although some enhancement works are proposed to specific areas of embankment which have been eroded. The path would mainly impact on the amenity grassland and meadow areas,

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application

although the nature of the works are such that the impacts on habitat and protected species are likely to be minimal.

The application is accompanied by an Ecology Report for the park to assess the impacts on any ecological features. The report recommends mitigation measures to protect the parkland and protected species from the impacts of construction works. However, it does not raise any concerns about potential adverse impacts on protected species. Derbyshire Wildlife Trust concurs with the conclusions of the report and supports the mitigation measures which are proposed. There is no external lighting proposed to be installed along the route of the path, such that there be no adverse effects on bat activity within the park. The implementation of the recommended mitigation measures to protect habitat and protected species within the park can be secured through a suitable planning condition and subject to compliance with that condition the proposal would not be in conflict with the Biodiversity Policy CP19.

7.5. Flood Risk

The route of the proposed path within the park lies wholly within Flood Zone 3 and is therefore at high risk of flooding from the River Derwent in a 1 in 100 year event, plus climate change. The proposal is classed as “water compatible development” as defined in the NPPF Technical Guidance for uses in flood risk areas. It is therefore an appropriate form of development in an area of high flood risk and constitutes minor works which would not result in an increase in flooding in the wider area.

The park is part of the OCOR area, which is the flood management and defences programme for the River Derwent to protect people and property in the city from flooding. The proposed path is in accordance with the broad intentions of Policy AC7 (River Derwent Corridor) and AC8 (Our City Our River), which seek to encourage leisure and tourism opportunities along the river corridor by providing sustainable transport routes to improve access to the river. The proposal also fulfils a key aim of the OCOR project which is to re-establishing a positive relationship between Derby and its river. The path would assist in delivering in key objectives of the project by; enhancing significant heritage assets including the DVMWHS and promoting tourism in the city and maximising sustainable development opportunities on river frontage.

A Flood Risk Assessment has been submitted in support of the application, which concludes that there would be minimal flooding impacts arising from the construction and design of the path.

The Environment Agency has not raised objection to the scheme on flood risk grounds. The Council’s Land Drainage team are in support of the application, subject to conditions being attached to control the type of surfacing and construction, so that sustainable drainage methods are used. Overall I am satisfied that the proposed path would not increase flood risk to users of the open space and is in accordance with the intentions of Policy CP2.

Committee Report Item No: 2

Application No: DER/05/17/00567

**Type: Full Planning
Application**

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed multi user path in Darley Park would provide an accessible and all weather route for use by pedestrians and cyclists to and through the public open space which would enhance linkages to the city centre and communities along the route. The path is considered acceptable in terms of its heritage impacts, the impacts on visual amenity and on highway safety. There would be no significant adverse environmental impacts on residential amenity, flood risk, significant trees or on features of ecological value.

8.3. Conditions:

1. Condition to secure 3 year time limit
2. Condition to approve specified plans.
3. Details of surfacing and construction materials, including colour of surfacing to be submitted and agreed.
4. Details of materials and finishes for the footbridge, including width of balustrade timbers and surfacing treatment to be submitted and agreed.
5. Details of Arboricultural Method Statement, to include no-dig method of construction within root protection areas of affected trees, in line with BS 5837:2012 for the construction and protection around trees of trees to be submitted and agreed.
6. Details of Tree Protection for the retained trees and vegetation to be submitted and agreed and secured for the duration of construction works.
7. Details of an archaeological specification for works to the site to require a programme and post investigation assessment.
8. Details of any anti-slip surfacing to be used on the boardwalk to be submitted and agreed.
9. In the event that any external lighting is to be installed along the path within the park then details to be submitted and agreed.
10. The paved surface of the path to be constructed in permeable construction or be drained according to sustainable drainage principles.
11. Mitigation measures recommended in the submitted Ecology Report to be implemented in their entirety.

8.4. Reasons:

1. In accordance with Town and Country Planning legislation.
2. For the avoidance of doubt.

Committee Report Item No: 2

Application No: DER/05/17/00567

**Type: Full Planning
Application**

3. To ensure satisfactory appearance in the interests of visual amenity and protect the special character of the Conservation Area and World Heritage Site.
4. To ensure satisfactory appearance in the interests of visual amenity and protect the special character of the Conservation Area and World Heritage Site.
5. To protect trees and vegetation from the impacts of construction.
6. To protect trees and vegetation from the impacts of construction.
7. To safeguard archaeological interest on or under the site.
8. To ensure satisfactory appearance of the path in the interests of visual amenity and to protect special character of the Conservation Area and World Heritage Site.
9. To ensure that any lighting would safeguard the ecological significance and habitat value of the open space.
10. To ensure use of sustainable drainage and to avoid increase in flood risk
11. To safeguard and protect habitat and protected species in the park in interests of maintaining its ecological importance.

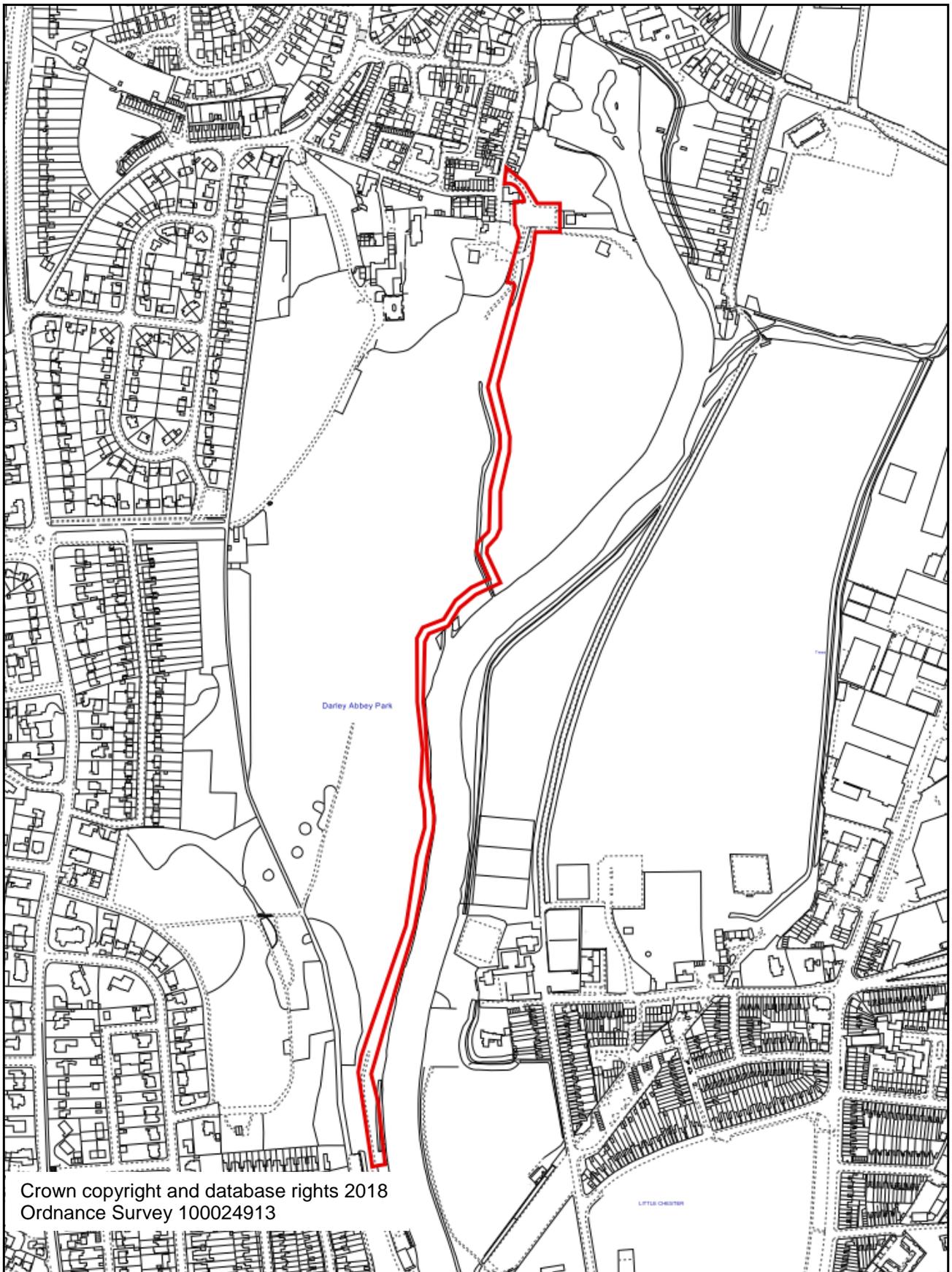
8.5. Application timescale:

An extension of time has been agreed for determination of this application following the committee meeting, by the 23 February and is brought to committee due to CAAC comments and number of objections.

Committee Report Item No: 2

Application No: DER/05/17/00567

Type: Full Planning Application



Crown copyright and database rights 2018
Ordnance Survey 100024913

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

1. Application Details

1.1. Address: Land to the rear of 275 Chellaston Road, Derby

1.2. Ward: Chellaston

1.3. Proposal:

Erection of three dwelling houses and formation of access road.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/05/16/00583>

Brief description

Full planning permission is sought for the construction of three dwellings on land to the rear of 275 Chellaston Road. An access road would be formed off Chellaston Road, running the full depth of the site with a turning head. The application site is currently the rear curtilage garden area of No.275, a large detached bungalow, with semi-mature vegetation and trees throughout this large plot. The area of land to the rear of No.275 measures some 46m in length and the width tapers from 35m to 23m. Land levels are relatively flat. To the immediate north are the rear gardens to properties along Shelton Drive; to the east is open land and the former Derby/Sandiacre Canal; to the west are the rear aspects of 4 dwellings, No's 267 – 273.

The proposed units would be sited to the rear of No.275 and orientated with plot 1 side on to plots 2 and 3. Each dwelling would contain a hardstand for 2 vehicles and rear garden areas of approximately 12m width by 10m depth. The three units would be identical in design and appearance – incorporating two storey bay window features, part hipped/pitched roof profiles and chimney features. The proposed dwellings would measure approximately: 9.4m (width), by 8.4m (depth) and 8m height.

2. Relevant Planning History:

No planning history on this application site.

3. Publicity:

Neighbour Notification Letter sent initially to 26 local residents

Site Notice displayed 4th April 2016

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

4. Representations:

Nine letters of representation have been received from local residents on Shelton Drive, Derby Road, Carlton Drive and The Derby and Sandiacre Canal Trust. A letter of objection has also been received from Councillor Ingall and the application is brought before committee at his request.

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

- Three dwellings would be at odds with the bungalows in this locality,
- The proposal will be out of character with this locality,
- Loss of privacy and impact on residential amenity including increased noise, overlooking etc.
- Impact on car parking and loss of car parking,
- Increase congestion and impact on highway safety,
- Impact on pedestrian safety at the point of access,
- Impact on wildlife and loss of established vegetation,
- Concerns relating to the construction phase of the development and its impact on local residents,
- Impact on the existing public access to the canal path,
- Concerns over land ownership,
- The additional car parking for properties on Chellaston Road is unnecessary, particularly when there is a public car park in close proximity to the application site,
- Potential to impact on the reinstatement of the Derby and Sandiacre Canal,
- The proposal conflicts with clauses within the deeds of no. 18 Shelton Drive.

5. Consultations:

5.1. Highways Development Control:

These observations are primarily based upon application drawings "14215-001 RevE", "14215-002 RevC" and other documentation and information available on the Planning Portal. Chellaston Road (A514) is subject to a 30mph speed restriction across the site access frontage; is approximately 8.6 metres wide, and has a footway (on the development side) fronting the existing dwellings of approximate width 1.5 metres. There is an existing bus stop to the southeast of the site.

The proposals are to utilise (and improve) a private access to serve the existing bungalow at number 275, some residential parking (in order to serve the existing dwellings), and three further plots. This driveway has a turning head (some 60 metres away from the highway boundary), and is 5.0 metres wide with a 0.5m wide maintenance strip on its northern side. Speed surveys have been carried out which found that the 85th percentile speed of vehicles approaching the site from the north (southbound) (to the right on egress) is between 27 and 29.3mph.

According to traffic data, approximately 3% of approaching vehicles are HGV's or uses; therefore Table DG4 of the 6C's Design Guide (6C's) advises that for an approach speed of 26-30mph, with a 3% HGV level, that a 43m visibility splay is appropriate. At pre-application stage (30 June 2014); the Highway Authority advised that due to the low volume of emerging vehicles, that a 2.0m x 43m visibility splay would be appropriate.

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

The applicant/developer seeks to achieve this by localised widening of the footway across the access by approximately 1.4m, which will narrow Chellaston Road down to 7.2m (two 3.6m wide lanes). At the request of the Highway Authority, the applicant has provided vehicular tracking information to show that the site is accessible by Fire Tenders and Council Refuse vehicles; albeit that the Council will not collect refuse from within the site itself (a refuse collection point is provided 25m away from the carriageway); and that such vehicles may be forced to swing out into the on-coming lane in order to make the appropriate manoeuvre.

The Highway Authority retains the recommendation that the LPA consult further with Derbyshire Fire & Rescue in respect of the suitability of the access and turning within the site. The proposed access is 5.0m wide (as shown on plan 001/E). 6C's (fig DG20) advises that for an access serving 8 dwellings on to a classified street requires a dropped kerb width of 10 kerbs (9.2m); this will improve the ability of most vehicles to "swing" into the access without entering the on-coming lane.

The site serves 8 dwellings (3 proposed, 1 existing and provides off-highway parking for numbers 267-273 Chellaston Road). In the last three years, there are no recorded injury accidents in the immediate vicinity of the site access, although to the north (at the junction of Sinfin Avenue there is a recorded "Severe" accident (October 2016) involving a vehicle right-turning off Chellaston Road; and to the south (at the junction of Chestnut Avenue) recorded as "Slight" involving a cyclist and a car.

As a "rule of thumb"; a dwelling creates 0.7 vehicular trips in the peak hours. The access serves 8 dwellings (as previously detailed), which equates to 5-6 vehicular trips in the peak hour (or roughly 1 per 10 minutes). The proposals to alter the bus stop location are acceptable to the Highway Authority although the applicant/developer should note that the process to relocate the bus stop fall outside of the planning process and cannot therefore be relied upon at this stage. The applicant/developer will be required to meet the full cost of the process together with the physical construction works. The Highway Authority is of the view that on balance; the proposed development will not have a significant impact upon the surrounding highway.

Should the LPA be minded to approve the application, various conditions are requested.

5.2. Natural Environment:

There are no Tree Preservation Orders (TPOs) within the curtilage of the application site and the site is not in a conservation area where trees are automatically protected. The contents of the submitted Arboricultural Reports are noted, in particular the conclusion that there are no individual trees that should be considered as valuable to the landscape, or that should inhibit or prevent the development of the site. Having visited the site with our Environment and Climate Change Manager this conclusion is agreed with, although the loss of trees 1 (cherry) and 12 (hawthorn) is unfortunate, but it is accepted that a good planting scheme could quickly replace the amenity these and other trees provide. There is, however, a concern that by developing this site for three dwelling houses, that the trees / hedgerow along the whole boundary to the former canal, which is now an important route for pedestrians, cyclists and horse riders, will be compromised. This route forms part of the National

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

Cycle Network; regional route numbers 6 and 66. It is felt that there will be pressure from plot 3 to keep the hedgerow well cut back, which could ultimately lead to there being just another wooden boundary fence alongside the route at this point and nothing else, rather than the green wildlife corridor at present. It is therefore recommended that consideration be given, if development of this site is acceptable, to either re-aligning plots 2 and 3, or reducing the number of plots, to ensure that the integrity of the trees / hedgerow along the whole boundary to the former canal is retained, sensitively managed and enhanced as part of this development to strengthen this 'green' boundary. Otherwise, as long as the advice given / recommendations made in the submitted Arboricultural Reports are followed, no further comment to make other than the usual standard conditions to ensure tree protection measures, such as protective fencing is in place before and during construction works and, where necessary, no dig solutions, as detailed in the submitted Arboricultural Reports, are implemented in the root protection area of trees / hedgerow to be retained.

As well as the normal tree protection condition an Arboricultural Method Statement (details below) must be supplied and approved prior to construction.

Arboricultural Method Statement: An Arboricultural Method Statement (AMS) is required and should be appropriate to the proposals. The AMS could address some or all of the following:

- Removal of existing structures and hard surfaces.
- Installation of temporary ground protection.
- Excavations and the requirement for specialized trenchless techniques.
- Installation of new hard surfacing – materials, design constraints and implications for levels.
- Specialist foundations – installation techniques and effect on finished floor levels and overall height.
- Installation of non-dig paths and surfacing including edging and treatment to original ground levels.
- Retaining structures to facilitate changes in ground levels.
- Preparatory works for new landscaping.
- Auditable system of Arboricultural site monitoring, including a specific site events requiring input or supervision

The AMS should also include a list of contact details for the relevant parties.

5.3. Derbyshire Wildlife Trust:

The application is supported by a Protected Species Scoping Report prepared by RammSanderson issued September 2017 which presents the results of a site survey conducted on 11th August 2017 and was informed by an appropriate desk study.

We would advise that sufficient ecological information has been submitted to enable the local planning authority to determine the application and that no further surveys

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

or mitigation is considered necessary for protected species. We are aware of the presence of a hedgerow with trees along the southern site boundary alongside the route of the former canal. It is important that this feature is retained and enhanced as part of the development to avoid harm to the existing green corridor. The southern boundary hedgerow should also be protected from damage during site preparation/ground works and construction in accordance with a scheme to be submitted to and approved by the local planning authority prior to the commencement of any works on site as a condition of any permission.

We support the proposed precautionary measures for badgers and other mammals detailed in the ecology report and, as such, recommend that the development is carried out in strict accordance with the precautionary measures for mammals set out in section 5.14 of the Protected Species Scoping Report prepared by Ramm Sanderson issued September 2017 as a condition of consent. We would also recommend that a condition to secure the following is attached to any consent to avoid harm to nesting birds:

“No removal of hedgerows, trees or brambles or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

We are of the view that the development provides opportunities to enhance the local bat population through the incorporation of bat boxes, ideally within the exterior fabric of the new dwellings. We would therefore advise that in the interests of biodiversity and to accord with the National Planning Policy Framework the following condition should be attached to any consent; “Prior to the commencement of the development, a scheme of biodiversity enhancement (namely the incorporation of bat roost features within the development) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and retained thereafter.”

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining ‘saved’ policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP23	Delivering a Sustainable Transport Network

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

Saved CDLPR Policies

GD5. Amenity
H13 Residential Development – general criteria
L9 Former Derby Canal

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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

7. Officer Opinion:

Key Issues:

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

- 7.1. Principle of development**
- 7.2. Scheme Layout and Design**
- 7.3. Highway Impacts**
- 7.4. Residential amenity**
- 7.5. Trees and Ecology**
- 7.6. Other Matters**

7.1. Principle of development

This is a greenfield site currently in residential use within an established residential area and, as such, it meets the general criteria of policy H13 of the City of Derby Local Plan Review (CDLPR). In principle, it is therefore a suitable location for residential development. This is a windfall site for which the CDLPR makes no land allocation preferences. The main policy considerations are whether the site has the ability to create or accommodate a satisfactory form and design of development and provide a high quality living environment. Given the varied character of detached two storey and bungalow properties in this locality, the inclusion of three detached dwellings in the layout proposed would respect the character of the locality. The site is well related to the surrounding built up area and offers the potential for sustainable

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

residential development, due to its proximity to services, amenities and public transport.

The National Planning Policy Framework (NPPF) is relevant to this application, since it relates to the delivery of new housing, which is a key objective of the Framework. Paragraph 14 of the NPPF provides for a “presumption in favour of sustainable development” and paragraph 47 sets out the government’s objective to “boost significantly the supply of housing”. Sustainable development should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” or where policies in the NPPF “indicate development should be restricted.

It is also relevant that the NPPF requires local authorities to maintain enough deliverable housing sites, for five years. In this case, the site constitutes a windfall site, which would deliver a small number of 3 residential units. It is arguably, a deliverable site, which would contribute towards the city’s housing need. This is a material consideration, which should be taken into account in the decision making on this proposal.

7.2. Scheme Layout and Design

The proposal layout would be configured with plot 1 side onto plots 2 and 3, essentially creating a tandem form of development. Plot 1 (12m by 18m) would be situated to the rear of No.275 with the dwelling principal elevation facing the interior of the site. The layout and orientation of the dwelling could be accepted given the built relationship to the adjoining plots and established dwellings.

Plots 2 (22m by 13m) and 3 (17m by 14m) would be located to the far east of the site arranged as a pair side by side, with their principal elevations face the site interior. Both of these plots would offer reasonable and proportionate dwelling positions with good spacing between each other and the surrounding common boundaries. The proposed design of the dwellings would be acceptable given the relatively isolated position of the site hidden from the street scene of Chellaston Road. Moreover, the architectural design of bay window features, fenestration proportions and part hipped roof profile would be reasonable. Given the size, shape and orientation of the application site, it is clear that the site has the potential to accommodate a form of residential development for three dwellings in the layout arrangement proposed.

7.3. Highway Impacts

The proposed development will utilise (and improve) a private access to serve the existing bungalow at number 275, some residential parking (in order to serve the existing dwellings), and proposed three dwellings. This driveway has a turning head (some 60 metres away from the highway boundary), and is 5.0 metres wide with a 0.5m wide maintenance strip on its northern side. The width of the proposed vehicle access into the development site (5metres) is sufficient to allow for safe entry/exit of passing vehicles into and out of the site. It is considered that the proposed linear design of the private access road, including the geometry of the turning head is practicable, given the proposed layout of dwellings and availability of land within the application site.

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

The applicant/developer seeks to achieve this by localised widening of the footway across the access by approximately 1.4m, which will narrow Chellaston Road down to 7.2m (two 3.6m wide lanes). At the request of the Highway Authority, the applicant has provided vehicular tracking information to show that the site is accessible by Fire Tenders and Council refuse vehicles. While the proposed scheme would intensify the use of the enlarged access road, the Highways Officer concludes an appropriate visibility splay could be achieved from the access.

A scheme of this size and density would not generate significant increases in traffic movement along Chellaston Road and the access layout into the site, including driveway and turning head configuration would be acceptable. A number of conditions are suggested in order to ensure a satisfactory form of development in highway terms. The Highway Authority is of the view that on balance; the proposed development will not have a significant impact upon the surrounding highway.

7.4. Residential amenity

With regard to potential impacts on the amenities of neighbouring residents, the immediate surrounding dwellings most likely to be effected are No's 10-16 Shelton Drive, beyond the northern boundary. As shown on the site layout plan, the rear gardens to the above properties are situated beyond the northern boundary, separated by semi-mature hedging, trees and vegetation. The layout plan shows a reasonable built relationship between plots 1 and 2 to the rear aspects of No's 10-16 Shelton Drive, with a building to building distance of approximately 30-35metres at their closest point. This is more than sufficient to prevent any unacceptable loss of light or privacy, or overbearing impacts. Moreover, the existing semi-mature landscaping along the northern boundary would certainly provide some natural screening and a suitably worded condition requiring its retention and protection.

The existing bungalow at No.275 and the 3 plots would not be overlooked due to the orientation of the plots and proximity of windows. The issues raised in objection to this application by local residents are noted. However, it is considered that the site can accommodate some form of residential development and the principle of the use of the site for this purpose is acceptable.

7.5. Trees and Ecology

The scheme involves the removal of some trees and vegetation and because it has the potential ecological impacts, hence the prerequisite and submission of an ecological survey. In line with procedure, Derbyshire Wildlife Trust were consulted. Their assessment concludes that there are unlikely to be any protected species issues associated with this application and that bats should not pose a constraint to the proposed development. There is unlikely to be a change in ecological conditions, even though the survey is dated September 2017. Nevertheless, an appropriate condition is necessary.

The scheme would result in the loss of some trees within the site, including a Cherry and Hawthorn. The public amenity value of the individual trees is low, yet the presence of a hedgerow with trees along the southern site boundary alongside the route of the former canal is of greater importance in both ecological and visual amenity terms. It is important that this feature is retained and enhanced as part of

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

the development to avoid harm to the existing green corridor. There are no individual trees that should be considered as valuable to the landscape, or that should inhibit or prevent the development of the site.

7.6. Other Matters

The applicant has declared that all the land within the red edge site boundary is all in their ownership and the planning permission for the former Derby and Sandiacre canal restoration does not include this site within its boundaries. Both could sit adjacent to each other.

A resident has objected stating the applicant has no legal right of way to form the proposed access road, however matters concerning 'lands tribunal' or 'legally binding covenants' are not material planning considerations and should not form part of the decision making process. The applicant and agent have double checked the validity and accuracy of the curtilage boundary red edge and it is deemed that all the land subject of this application is within their ownership.

Matters relating to the incorporation of suitable sustainable drainage for the site would be secured through a suitably worded condition. While the proposed built infrastructure would undoubtedly alter the flows of surface water run-off and filtration capacities of the land, there is no reason why an appropriate drainage engineering solution could not be achieved here.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed development at the rear of 275 Chellaston Road for three dwellings would be acceptable in terms of the principle of residential development, the scheme layout and access arrangement. The proposed layout would achieve a satisfactory low density form of development that would integrate reasonably well in this mature residential setting. In terms of the implications for residential amenity, highways and trees as considered in section 7 of the report, the proposed development would not result in significant adverse effects.

8.3. Conditions:

1. Standard condition 3 (time limit)
2. Standard condition 100 (approved plans)
3. Standard condition 19 (means of enclosure)
4. Condition relating to the Submission of arboricultural method statement / tree constraints plan
5. Standard condition 24 (trees and vegetation protection during construction)

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

6. Condition relating to the submission of details of sustainable drainage measures.
7. Standard condition (landscaping)
8. Condition relating to the removal of hedgerows, trees or brambles or demolition of buildings or structures.
9. Standard condition 27 (details of external materials)
10. Condition relating to tree protection plan and arboricultural method statement
11. Condition relating to the provision of parking spaces shown to the rear of numbers 267-273
12. Condition relating to the shared private driveway shall be laid out to in accordance with approved plan "14215-001 Rev E"
13. Condition relating to the visibility splays shown on drawing no. "14215-001 Rev E"

8.4. Reasons:

1. Standard reason E56 (in line with statutory provisions)
2. Standard reason E04 (avoidance of doubt)
3. Standard reason E08 (satisfactory form of development)
4. Standard reason E24
5. Standard reason E25
6. Standard reason E21 (satisfactory drainage)
7. Standard reason E10 (visual amenity)
8. To ensure that existing vegetation and other features of nature conservation interest are properly addressed
9. Standard reason E14 (external appearance)
10. Standard reason E19 (traffic safety)
11. Standard reason E19 (traffic safety)
12. Standard reason E19 (traffic safety)
13. Standard reason E19 (traffic safety)

8.5. Informative Notes:

- N1. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk
- N2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Committee Report Item No: 3

Application No: DER/05/16/00583

Type: Full Planning Application

N3. The proposal relies on alterations to the adjacent bus stop location. It should be noted that this process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. If you proceed with the development prior to ensuring that the alterations can be made you have been formally confirmed you will be doing so at your own risk. You are required to fund all costs associated with the new works and any amended Traffic Regulation Orders that are implemented. In the first instance the applicant/developer should contact zoe.jones@derby.gov.uk

8.6. S106 requirements where appropriate:

Type here or delete heading

8.7. Application timescale:

The application target date expired August 2016, an extension of time has been agreed until 20 February 2018.

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

1. Application Details

1.1. Address: 50 Sitwell Street, Spondon.

1.2. Ward: Spondon

1.3. Proposal:

Outline application for demolition of buildings and residential development with all matters reserved (for up to 6 dwellings).

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/03/17/00333>

Brief description

The application site is located on the north-west side of Sitwell Street just outside the Spondon District Centre and close to the Spondon Conservation Area. The site is currently used as a car repair business. To the immediate north of the site is the Spondon village hall and library and public toilets, a group of trees including a tree protected by a TPO. To the east side of Sitwell Street is a car sales garage. To the immediate south are post-war residential dwellings comprising No.46 and 48 Sitwell Street. To the west are residential properties at the head of the Ingle Close cul-de-sac. The site is bounded on its north and east perimeter by a 2.5m brick wall. The southern part of the site comprises a large single storey building with a hipped roof profile and a flat roof attached section which runs parallel to Sitwell Street. To the rear of the site is a slightly taller building. All these buildings appear to be former stables and workshops, which are now in use as a vehicle repair garage.

The proposed development seeks outline permission for demolition of the buildings on the site and residential development for up to 6 dwellings. The site measures approx. 23m width and 18m depth. ALL matters are reserved. A number of 'indicative' plan drawings have been submitted showing a possible residential layout, however these drawings are not being considered for determination under this application and will be excluded by planning condition. The application form proposes up to 6 dwellings/ flats, although again the scheme is purely seeking in principle permission, so the number of units is not to be considered as part of this application.

The application is accompanied by a Bat Survey and a Heritage Statement was submitted during the course of the application, to assess the significance of the existing buildings and wall on the site.

2. Relevant Planning History:

Application No:	DER/06/86/00643	Type:	Full
Decision:	Granted	Date:	07/07/1986
Description:	Erection of office building and W.C. block		

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

3. Publicity:

Neighbour Notification Letters sent to 3 nearby properties

Site Notice displayed on nearby street light column

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

4. Representations:

A total of nine objections have been received. The main points raised include:

- Invasion of privacy / direct overlooking to Ingle Close dwellings
- Noise impacts
- Building not in keeping with village
- 3 storey development inappropriate
- Not enough parking within the site
- Impacts on No.48 Sitwell Street -security and privacy
- Demolition concerns with structural stability of adjoining property #
- Reliance on parking on the site of village hall unacceptable
- Character and context not appropriate
- Impact on mature Beech tree adjacent to site
- Conditions to be applied to restrict development
- No archaeological assessment

Councillor Poulter

Highways

Access and egress to the site does not have required splay for view.

(As per Highways officers report). Vehicle parking. 6 apartments would require provision for nine vehicles which the site could not possibly accommodate. Proposed plan with the location of the building as shown appears to not provide for any vehicular access to the site.

Proposal out of character with the street scene.

The proposal at three stories is too large for the site. Out of character in terms of the area street scene and the buildings position in relation to the highway and building line. The size and design of the proposed development is over intensive and would not provide for acceptable amenity to potential residents.

5. Consultations:

5.1. Highways Development Control:

Sitwell Street is subject to a 30mph speed limit, and has a "no waiting at any time" (double yellow lines) parking restriction fronting the site; the footway fronting the site is approximately 1.6 metres wide.

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

The site has an existing access approximately 3.4 metres wide, with a 4.5m wide dropped crossing. The site is surfaced in a paved material, and falls to the highway with no form of water trap. Visibility (at 2.4m set-back) is approximately 18m to the left on egress, and 25m to the right on egress. Manual for Streets (table 7.1) gives advice on visibility splays required for an access onto a road with a 30mph speed limit, and advises that a minimum visibility splay of 43 metres is required.

Thus available visibility fails to comply with current standards.

The 6C's Design Guide (fig DG20) gives advice upon access standards for residential dwellings and states that the minimum effective access width for 2 to 5 dwellings is 4.25m, and for 6 to 25 dwellings is 4.8m. Accordingly therefore, the existing access is not suitable for shared access. The Design & Access Agreement (section 5) states that "*The access point should be designed to conform with Codes of Practice relative to Highway requirements relating to road and pedestrian access dimensions.*" Further, the 6C's Design Guide also gives advice on pedestrian visibility splays (fig DG22) to ensure pedestrian safety.

The Design & Access Statement (v – Landscaping) states that "*The existing walls to the boundary of the site has been maintained save for the highway requirements for visibility splays at the potential site entrance*" In this particular case therefore it appears that the Highway Authority requirements for a shared access to serve the residential units are at odds with the intent of the applicant to retain the site frontage.

Whilst it is also recognised that the plan is indicative, assuming that the intent is to utilise the existing access location, it would not be possible to access the parking area shown assuming the dwellings are erected in the footprint shown.

In order that the suitability of the site for the purpose shown can be determined, the Highway Authority recommends that the applicant provide plans which demonstrate that a suitable access can be accommodated within the site. Such an access should be a minimum width of 4.25m, and have visibility splays of 2.4m x 43m (measured to a point 1m offset of the nearside kerbline), and have appropriate pedestrian visibility splays. It is likely that if such an access is achievable, that it would be centralised within the site frontage. Alternatively, in order to utilise the existing access, the applicant could demonstrate that the proposals will result in a reduction in vehicular trips against those which currently exist; given the current use of the site I suspect this would not be achievable.

5.2. Natural Environment (Tree Officer):

The key to the development and its impact on the tree is whether tree roots have trespassed into the site. It is noted that there is a difference of levels between the tree and the site; whether the difference in levels has acted as an effective barrier to tree root trespass is unknown. Even if tree roots have entered the site in theory development is still achievable subject to developing out of the RPA or employing engineering solutions within the RPA. Sensitive site investigations could be carried out to ascertain whether the wall and difference in levels has acted as an effective barrier to tree root trespass. 4.6.3 is the relevant section in BS5832:2012 Trees in relation to design, demolition and construction - Recommendations

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

I would suggest that we condition that a tree survey, Arboricultural Impact Assessment (AIA), Tree Constraints Plan (TCP), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) are submitted and approved prior to development. These should be used to influence the final design and should be supplied and approved prior to any ground works. If tree roots have not trespassed the site due to the wall and difference of levels then the AIA, TCP, TPP and AMS will be fairly simple; obviously if roots have trespassed then greater detail will be required. Contrary to what the agents email states the tree can be assessed from public land and its RPA could be calculated. Permission could be granted if required.

5.3. Derbyshire Wildlife Trust:

The application is supported by a Protected Species Appraisal Report undertaken by ARC Ecology and dated May 2017. A desk study has not been undertaken as part of study which would normally be expected as part of this work. I have reviewed the ecological records that we hold and we are not aware of any features of ecological interest relating to the site or land immediately adjacent. The field survey was undertaken on 29th March 2017 by a licensed bat worker. No evidence of the presence of bats was recorded internally or externally and the whole building appears to have been possible to access. The survey work has not revealed any particularly suitable bat roosting features and no further survey work is recommended within the report. No evidence of nesting birds has been identified and the report states that nesting birds are not considered to be a constraint to development. Ivy has been identified on one elevation; however, and the suitability of this to support nesting birds has not been considered. It is possible during the bird nesting season for the ivy to be used by nesting birds.

It is considered that adequate survey work has been undertaken in support of this planning application for it to be determined. If the Council are minded to grant planning permission for the proposed development it is recommended that the following conditions are attached to ensure that nesting birds are not harmed during the work and that biodiversity enhancement measures are secured. No removal of vegetation or demolition of buildings shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Paragraph 109 of the NPPF states that “The planning system should contribute to and enhance the natural and local environment byminimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity”. The construction of six new residential dwellings provides the opportunity to incorporate bat roosting and bird nesting opportunities into the dwellings which would be of biodiversity benefit.

Prior to the commencement of development, a bat and bird enhancement strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter. It is also recommended that

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

an informative note is placed on any planning permission to in reaction to bats. This should state: In the unlikely event that a bat is discovered during the works, all work must stop and advice should be sought from Natural England and Derbyshire Wildlife Trust.

5.4 Built Environment (Conservation Officer):

Heritage conservation comments: These comments are made in the light of the Planning (Listed buildings and conservation areas) Act 1990, and the relevant National and Local Planning Policies and Guidance (including the National Planning Policy Framework, Historic England guidance, the Derby City Local Plan Part 1 (2017), the saved policies in the Local Plan Review (January 2006) and other relevant guidance.

Background information

The current proposal is for the demolition of the office and workshop on the site and then for the redevelopment of the site with residential development (up to six dwellings).

The existing structures, the wall and stone gate piers to the street frontage the boundary walls, the single storey outbuilding range that runs back at right angles from Sitwell Street, the brick two storey range that runs parallel to Sitwell Street on the site are heritage assets as defined by the NPPF. The flat roofed modern extension is not of historic interest.

The site is not within the Spondon Conservation Area nor is the buildings upon it a locally listed building.

There are a number of listed buildings nearby including the grade I listed The Homestead at number 36 (which includes it's wall and outbuildings) and its grade II listed Coach House of the Homestead and grade II listed 44 Sitwell Street to which we have to have regard to their setting (under section 66 of the Planning (Listed building and conservation areas) Act 1990.

As well as the above Act the NPPF and CP20 of the Derby City Local Plan 2017 – core strategy - Part 1 are particularly relevant here.

Comments

Heritage Statement

A basic Heritage Statement has been submitted recently for this application. Paragraph 128 of the National Planning Policy Framework (NPPF) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. However in my view the information submitted on the significance of this heritage asset is not sufficient.

I note the following: -

- The NPPF (para 128) states that heritage assets should be assessed using appropriate expertise where necessary, which the agent/applicant does not seem to have been done.

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

-
- There is only one historic map within the statement and this does not clearly mark the site and a basic analysis of map regression is needed (to include 1901 and later OS maps) to show how the site has changed over time.
 - The significance of this heritage asset has not clearly been explained (please see NPPF para 135).
 - There are very limited photos and it is not clear where all the photos are taken from and of.
 - The statement just states that the building is in poor condition. I have visited the site and the buildings look to need some repair. However there is no assessment on whether there has been consideration into whether the buildings could be repaired and converted. Neither is the application is not accompanied by a structural engineers report.

Due to the shortcomings of the heritage statement submitted I have visited the site and had a look at historic maps and photographs of the area. Looking at historic maps the buildings were former outbuildings, probably dating from the 1850's, and were likely to be used in association with Spondon Old Hall which, I understand, was demolished in the 1970's to make way for the modern village hall and library.

The existing structures, the rendered wall and stone gate piers to the street frontage the brick boundary walls, the single storey outbuilding range (possibly a cart and storage shed) that runs back at right angles from Sitwell Street, which is constructed of brick some of which is rendered to the south facing elevations, then the brick two storey storage range that runs parallel to Sitwell Street back within the site are of heritage interest. The gabled and hipped plain tiled roof form are also of interest as are the historic stone flags in part of the yard area and the red and blue brick on edge used as historic path paving both outside in the yard and within the part of the buildings.

The current buildings also make a positive contribution in the streetscape, and in townscape terms, along Sitwell Street. They have a strong boundary, at back of footpath, and one hipped roofed building is located gable end onto the street and running back into the plot. This is found to be the case along this part of Spondon, in relation to grade II listed Coach House of the Homestead and grade II listed 44 Sitwell Street and other development and the historic photographs show this.

As these buildings are heritage assets the NPPF para 135 and 136 is relevant as is Policy CP20 of the Derby City Local Plan - Core strategy. Para 135 states that the 'effect of an application on the significance of a non- heritage asset should be taken into account in determining the application. In weighing applications that affect directly and indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset'.

Recommendation: - Strongly suggest that the retention and conversion of the heritage assets are investigated by the Agent/applicant as part of the residential scheme.

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP3 Placemaking Principles
CP4 Character and Context
CP6 Housing Delivery
CP20 Historic Environment
CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5 Amenity
H13 Residential Development – General Criteria
E19 Listed Buildings and Buildings of Local Importance

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of development

7.2. Demolition of non-designated heritage asset

7.3. Other matters

7.4. Highways and Access

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

7.1. Principle of development

The proposed development is outline only with all matters reserved. That means issues of access, layout, appearance, landscaping and scale are to be determined under a separate reserved matters application. As such, we must exclude those layout plan drawings showing notional 'indicative layout' information, by way of a suitably worded planning condition. In essence, the proposal is concerned with the principle of residential development only within the red edge line on the site location plan.

This is a brownfield site currently in commercial use within an established residential and commercial area adjacent to the Spondon District Centre and, as such, must be considered against the general criteria of saved policy H13 of the City of Derby Local Plan Review and Policy CP6 of the Local Plan – Part 1 (Core Strategy). In principle, the site is a suitable location for residential development. It is a windfall site for which the current Local Plan makes no land allocation preferences and the main policy considerations are whether the site has the ability to accommodate a satisfactory form of residential development having regard for the normal design, amenity and highway safety requirements.

The site is located in a sustainable location within Spondon, on a main road through the retail centre and well related to existing residential areas to the south and west of the site. It is highly accessible to the public transport network which runs through the District Centre and is considered to be capable of creating a sustainable form of residential development.

In this case, the site constitutes a suitable site for residential development. The form and number of residential units which may be delivered is not a matter for consideration at this stage, since these matters are all reserved for a future application. Taking account of the physical constraints of the site and highways issues it is likely that only a small scale housing scheme is achievable, perhaps only one or two units. However, it is considered to be a deliverable site, which can make a modest contribution towards the city's housing need. The principle of residential development is therefore considered acceptable on this site, in line with saved Policy H13 subject to a high quality design and layout being formed as required by Policies CP3 and CP4 of the Local Plan – Part 1.

7.2. Demolition of non-designated heritage asset

The application includes the demolition of all existing buildings on the site, none of which are covered by any statutory protection through Listing or Conservation Area designation. The site has also not been included on the Council's Local List and is therefore the lowest level of non-designated heritage asset, as defined by the NPPF.

The applicant has submitted a brief Heritage Statement for the site, to assess the historical significance of the buildings on the site, at the request of the Council's Conservation Officer. The statement has limited content as noted by the Conservation Officer and she has made a site visit to assess the merit of the buildings. Part of the building to the southern boundary of the site dates from the 1800's and there is evidence of original door and window openings which suggest that they were originally stables or workshops. The gable elevation of the building projects some way beyond the frontages of the pair of semi-detached properties on

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

Sitwell Street and consequently this part of the building is prominent from the Sitwell Street frontage. Attached to the older structure is a modest flat roof section (1950's construction), which is positioned behind the curtilage boundary wall and has limited architectural merit. As for the boundary wall it is some 2.5m in height, whitewash rendered and is attached to the gable wall of the main building.

I note that the Conservation Officer considers the buildings have some merit and recommends that they should be considered for conversion. It is acknowledged that part of the buildings have some interesting historic elements and may be in a reasonable condition. However, the buildings are classed as non-designated heritage assets which have no designation or protection and are therefore afforded a low degree of historical significance in the overall assessment of impacts required under para 132 of the NPPF. Paragraph 135 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in the decision making process and requires a balanced judgement having regard to the scale of any harm or loss against the significance of the asset.

The demolition of the buildings would amount to a significant degree of harm and this must be weighed against their historic significance in the planning balance. The proposed demolition is strictly contrary to the provisions of heritage Policy CP20 and saved Policy E19. As the significance of this non-designated heritage asset is very limited and has lost much of its original setting, in my opinion, the proposal to deliver new housing on the site would outweigh the loss of the buildings and boundary wall on this occasion. Whilst the Conservation Officer recommends potential reuse of some of the buildings, this is not part of the current proposal, which must be judged on its own merits. I am therefore of the view that the proposed demolition of the buildings on site, is acceptable in the planning balance.

7.3. Other matters

In ecological terms, the submitted habitat survey work has not revealed any evidence of bat roosting features and no further survey work is recommended within the report. No evidence of nesting birds has been identified and the report states that nesting birds are not considered to be a constraint to development. Derbyshire Wildlife Trust provided consultee comments and consider that adequate survey work has been undertaken in support of this planning application for it to be determined without further survey work being required.

A TPO protected Beech tree is located immediately north-west of the application site. The tree is mature and of good visual form and condition. It is visible from many vantage points along Sitwell Street. While part of the canopy spread hangs over the application site, it is marginally over hanging just the very corner of the application site. Certainly, the extent of the root protection area and canopy spread and proximity to any future building would be fully assessed once the proposed layout is submitted, under a reserved matters application. The submission of tree survey and tree protection documents which are recommended by the Council's Tree Officer should be submitted with the reserved matters and this can be secured by a planning condition.

The impacts of any development scheme on residential amenity of nearby dwellings would be fully considered once the layout is known through a reserved matters

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

application. Importantly, the built relationship and amenity impacts upon the adjoining neighbouring properties must be satisfactory in terms of any massing or overlooking matters. For the purposes of the outline I am satisfied that the site can accommodate a residential development which would not significantly harm the amenities and privacy of neighbouring dwellings. It is expected that the site could accommodate a form of residential development (appropriate scale and layout) which respects the amenities of those nearby dwellings on Ingle Close and Sitwell Street in line with saved Policies H13 and GD5.

7.4. Highways and Access

Means of access is not being considered as part of the determination. Policy CP23 of the Core Strategy states that the City Council will only grant planning permission for development that make safe and appropriate provision for access to and egress to from the development by pedestrians, cyclists, public transport users and the private car. Given, the highly sustainable location of the site, the proposal is appropriate in terms of accessibility and traffic generation is not likely be any greater than the current repair garage use.

I note the concerns of the Highways Officer in relation to the site access and visibility for a shared means of access. There is currently a substantial boundary wall which clearly obscures visibility onto the highway, although there would be scope to alter or form new access to the site to serve a residential scheme. Full details for the precise configuration of a new or altered access, and whether the required vehicular visibility splays could be achieved at the proposed access point in both directions and parking layout would be submitted and determined under a reserved matters application. I am satisfied that a suitable form of access could be formed for the proposed development and that this matter can be appropriately dealt with through the reserved matters process, in line with the intentions of Policy CP23.

Summary

The issues raised in objection to this application by local residents are noted. However, it is considered that the site can accommodate some form of residential development and the principle of the use of the site for this purpose is acceptable. The detailed design of any development on the site would be considered as part of any future reserved matters application and there are not considered to be any overriding grounds on which to withhold a grant of outline planning permission. It should be noted that at this stage the precise scale, layout and design of proposed dwellings is yet to be finalised. These matters, together with the access and landscaping of the site, are reserved for subsequent approval.

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed outline application at the site of 50 Sitwell Street for the demolition of the building and re-development for up to six dwellings would be acceptable in terms of the principle of residential development only. In terms of the implications for residential amenity, highways and trees as considered in section 7 of the report, the proposed development would not result in significant adverse effects.

8.3. Conditions:

1. Standard condition 01 (Reserved matters – landscaping, appearance, layout, access, scale)
2. Standard condition 02 (Approval of reserved matters time limit)
3. Exclude plans - This permission shall not imply the approval by the Local Planning Authority of the layout details as shown on the plans submitted in support of the application)
4. Details of bird and bat enhancement strategy to be submitted before development commences.
5. Submission of Tree survey, Arboricultural Impact Assessment (AIA), Tree Constraints Plan (TCP) with reserved matters application.
6. Submission of Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prior to development commencing.
7. Permission does not imply approval for the number of dwellings proposed in the application.

8.4. Reasons:

1. Outline reason
2. Outline time limit
3. For avoidance of doubt.
4. In interests of nature conservation.
5. To protect trees from impacts of development
6. To protect trees during construction.
7. For avoidance of doubt.

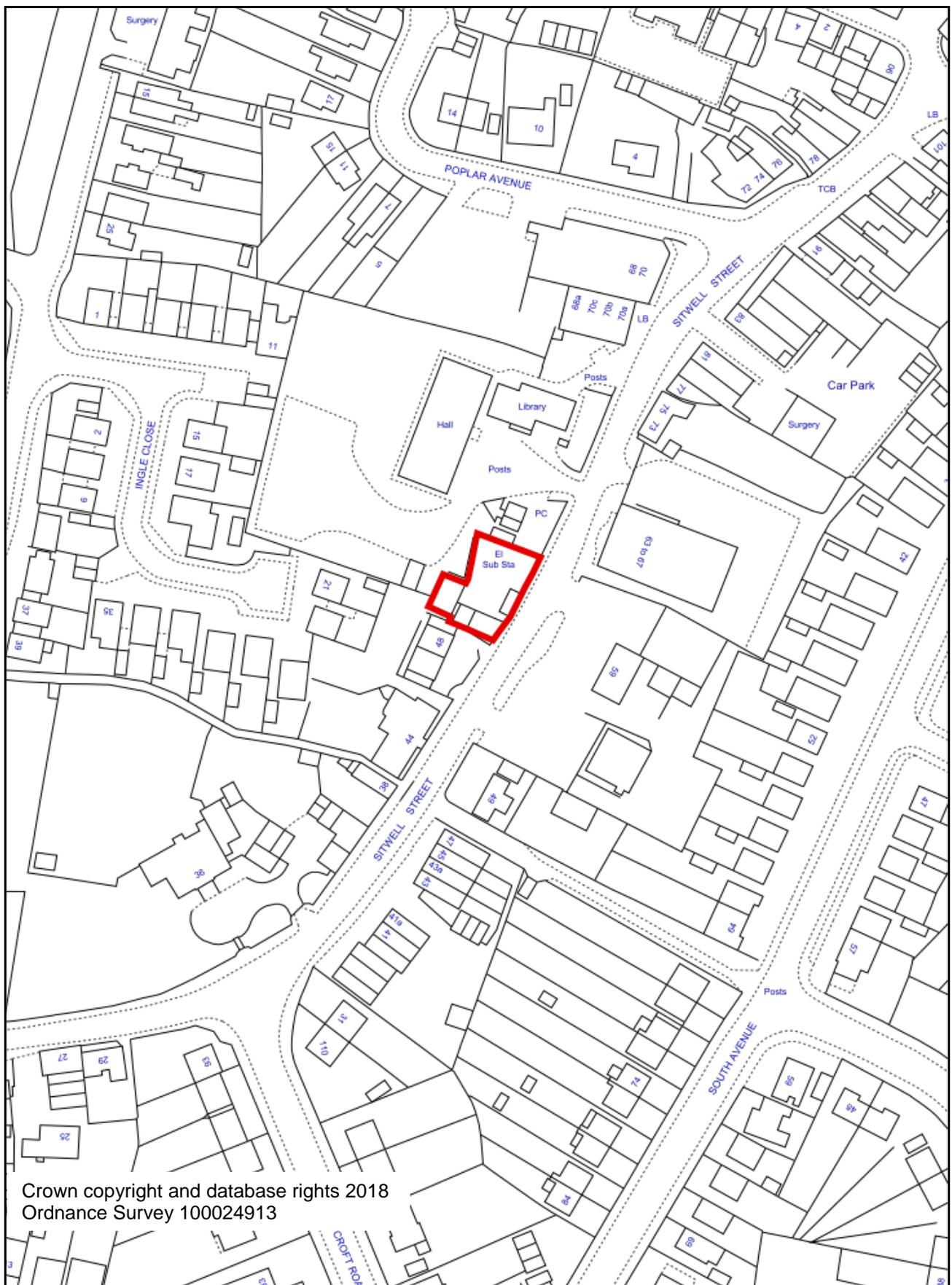
8.5. Application timescale:

The 8 week target expired in July 2017 and is brought before committee due to a Councillor objection. An extension of time has been agreed.

Committee Report Item No: 4

Application No: DER/03/17/00333

Type: Outline (all matters reserved)



Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

1. Application Details

1.1. Address: Site of former Cock N Bull PH, Sinfin Lane, Sinfin.

1.2. Ward: Sinfin

1.3. Proposal:

Erection of an industrial unit with retail sales and car breaking (mixed use B2 / A1 / Sui Generis) and associated car parking.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/04/17/00429>

Brief description

This rectangular shaped site fronts onto Sinfin Lane and extends back approximately 80 metres from the highway, towards existing industrial units off neighbouring Amberley Drive and the adjacent Sinfin Commercial Park Industrial estate.

The site is currently vacant, as demolition of the previous Cock n Bull Public House has taken place. The site is closely bordered to the south by four properties, used for retail and residential purposes.

This stretch of Sinfin Lane is typically to the east side, made up of a mixture of two storey semi-detached and terraced properties and to the west side, a significant number of commercial units in close proximity.

The proposal would include the erection of one commercial/retail unit with associated car parking provided. The unit would be positioned to the rear at the west end of the site with parking and turning facilities to the front of the site. Approximate dimensions of the unit are as follows: length- 40m, width-24.5m, height-8m. The building would have a shallow curved roofline and be two storeys in height. The unit itself would consist of: reception area, staff room, storage area, toilets and a large open warehouse space where works will be carried out.

The proposed use would differ from the previously refused scheme as the use would also consist of the breaking of vehicles within the building. In the supporting statement accompanying the application the applicant states that the methods used are very specialised, catering to a specific clientele. They state that this is not a typical car breaking operation since customers are not allowed in the area where operations are carried out and would only come to reception, within the retail area of the unit. The applicant states that the business has been operating from the current site on Cotton Lane for approximately 15 years, processing on average 1-2 vehicles per week. The reason for submitting the application is due to the need to carry out works in an indoor environment. The applicant states that they do not envisage an increase in the number of vehicles processed and vehicles they tend to dismantle are typically less than 5 years old, costing anything up to 4K per unit. The annual tonnage would be approximately 250 tonnes.

A Noise Assessment and addendum have been provided in response to concerns raised by the Council's Environmental Protection team during the life of the

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

application, which confirm that the proposed commercial use would now be carried out internally only.

2. Relevant Planning History:

Application No:	DER/05/11/00503	Type:	Full Planning Permission
Decision:	Refused	Date:	15/06/2012
Description:	Change of use from public house (Use Class A4) to car sales/storage, car spares and treatment facility for end of life vehicles (Sui Generis Use), installation of roller shutters to the rear elevation and erection of boundary fence		

Reason for refusal:

Located adjacent to the Sinfin Industrial Park the site is also in close proximity to a substantial residential area. Saved policy EP14 (Employment with Potential Off-site

Effects) requires demonstration that there would be no significant risk or detriment to the health, environment or amenity of nearby residents, employees or others in the area. The proposed development would involve processing work and storage of end of life motor vehicles in the open. In this respect, no noise risk assessment of the operation or mitigation measures required to protect the residential amenity of nearby dwellings has submitted in support of this application. As such the proposal would be contrary to the requirements of saved Policies GD5 and E14 in respect of failing to demonstrate that the proposed development would have no significant risk or detriment to the health, environment or amenity of nearby residential areas .

Application No:	DER/03/10/00310	Type:	Full Planning Permission
Decision:	Granted	Date:	07/05/2010
Description:	Change of Use from Public House (use class A4) to Assembly and Leisure (use class D2)		

Application No:	DER/09/95/01154	Type:	Advertisement Consent
Decision:	Granted conditionally	Date:	31/10/1995
Description:	Display of externally illuminated fascia sign		

Application No:	DER/06/82/00637	Type:	Advertisement Consent
Decision:	Granted	Date:	12/07/1982
Description:	Display of 1 free standing pictorial post sign and individual fascial letters.		

3. Publicity:

Neighbour Notification Letter – 5 Letters

Site Notice

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

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

4. Representations:

One letter of objection received and 92 signature petition in objection to the application have been received to date. The objections raised include:

- Car breaking element resulting in 'broken down cars piled high'
- Noise
- Vandalism/drug taking
- Environmental impact- oil chemical and acid pollution of water table
- Trees to rear, impact upon wildlife
- Suggest that the site is used for residential purposes.

5. Consultations:

5.1. Highways Development Control:

These observations are based upon application plan "A100"; and other information downloaded from the Planning Portal.

As existing the site (demolished public house) has dual access; which the applicant intends to make "in" and "out", with the "in" being the most southerly entrance.

Visibility in either direction from either access exceeds advised standards due to the adjacent 3m wide footway.

The site falls towards the highway, and has no apparent form of water trap; I note that the application drawing shows "soakaways"; however the profiling of the site is such that these will not necessarily be sufficient to prevent surface water egress; further details can be supplied in response to conditions which will be requested.

The applicant/developer should note that any proposed soakaway should be located at least 5.0m to the rear of the highway boundary.

The Design & Access Statement (section 4.2) states that "No delivery trucks will enter the site". Whilst this may be the case in respect of the applicants' envisaged use, it is difficult to see how in practice this could be guaranteed and conditioned in respect of both the applicant and any future occupiers of the site.

However, within the layout shown, there is ample opportunity for larger vehicles to be able to turn such that they can enter and exit the site in a forward gear.

Section 4.2 also states that 9 parking spaces have been provided (including 3 disabled); although according to drawing A100, only 8 (including two disabled) have been provided. There is however ample space within the site for this to be increased should it be necessary.

The applicant has followed the (pre-application) advice of the Highway Authority and provided a number of cycle parking spaces within the premises for use by staff.

Sinfin Lane already serves a number of industrial/commercial premises and (in highway terms) the proposals will not have a significant impact on the highway.

It will however be necessary to set the gates to the site back a suitable distance in order to ensure that arriving vehicles do not extend out into the highway whilst the

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

gates are opened closed (it is envisaged that the proposed use of the site will require more security at the access points than the previous use). This will entail further alterations to the existing fencing/gate arrangement.

Recommendation:

The Highway Authority has No Objection, subject to suggested conditions.

Condition

No part of the development hereby permitted shall be brought into use until the hardstanding is constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason

To ensure surface water from the site is not deposited on the public highway causing a danger to highway users.

Condition

No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided with the parking spaces clearly delineated in accordance with the approved plan. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Reason

To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Condition

The gates at the access point shall open inwards only, be set back a minimum of 5.5 metres from the highway boundary, and constructed in accordance with details which have been first submitted to and approved in writing by the LPA. The approved gates shall then be retained for the life of the development.

Reason

In the interest of highway safety.

Condition

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing A100 has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason

To promote sustainable travel.

Notes To Applicant

N1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud and deleterious matter on the public highway, and as such you should undertake every effort to prevent it occurring.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

N2. The consent granted will result in the construction of a new building which needs naming and numbering. To ensure that the new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary access.

5.2. Natural Environment (Tree Officer):

There are 2 group type TPOs protected trees immediately to the north of the site.

The TPOs are:

TPO 441: G2 - 5 x Lime located adjacent to Sinfin Lane.

TPO 441: G3 – 10 x Poplar located on the south boundary of the business park with the former Cock and Bull PH.

In order to assess the impact of the proposed development they must supply a BS5837: 2012 survey and supporting documents (including an arboricultural impact assessment).

(A Tree Survey has been requested from the applicant and further comments of the Tree Officer will be reported at the meeting).

5.3. Environmental Services (Health – Pollution):

Initial comments:

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection related issues:

Land Contamination:

Due to the site's historical use, it has been identified as 'potentially contaminated'. I would recommend that conditions are attached to any consent requiring:

- Before commencement of the development, a Phase I desktop study shall be completed for the site, documenting the site's previous history and identifying all potential sources of contamination and the impacts on land and controlled waters, relevant to the site. A conceptual model for the site should be established, which should identify all plausible pollutant linkages. A report will be required for submission to the Council for approval.
- Where the desktop study identifies potential contamination, a Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater. A detailed report of the investigation will be required for submission to the Council for written approval.
- In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will also be required for approval.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

- Finally, all of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.

Noise

I note that as part of the planning application a noise impact assessment has been submitted. We will review this Report in detail in due course and respond accordingly. In the meantime, I would recommend that the following conditions be attached to any planning consent, should it be granted:

- The submitted noise impact assessment shall be agreed in writing with the Local Planning Authority.
- Where the submitted acoustic report has indicated that noise mitigation is required, a scheme must be submitted by the developer for approval by Derby City Council before the Development commences. All agreed recommendations for noise mitigation must be incorporated into the Development before it is occupied.

Demolition/Building Works:

I note that the proposal will involve some demolition and building works. Given the proximity of residential properties, I advise that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours.

There should also be no bonfires on site at any time.

I would suggest an advisory note on any planning consent regarding these matters.

I have no other comments to make on the application.

Revised comments (December 2017):

Following my previous comments (9th October 2017) on the Noise Assessment Report (Report ref: 3785-R1 Workshop facility, Sinfin Lane, Derby by Clover Acoustics, dated 4th August 2017), a further submission has been made in support of the above planning application:

Letter Report, re: Proposed Sinfin Lane Unit – Clover Report 3785-R1. From Steve Clow, Clover Acoustics. 25th October 2017.

The submission addresses concerns made in previous comments:

Traffic (delivery of vehicles): The letter report refers to information from the client that 1-2 vehicles per week will be delivered to the site, and therefore be not significant in terms of noise impact. With the information provided relating to the scale of the operation, I am in agreement.

To ensure no loss of amenity to nearby receptors caused by noise from delivery vehicles, it is proposed that such deliveries should only take place during business hours, with an upper limit of 3 per week.

Hours of opening: it is noted in the application form that the proposed hours of activity at the unit are 8am to 6pm (Monday to Friday), and 9am to 3pm (Saturday), with no working Sundays or bank holidays.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

Outdoor working: Agreement that car breaking/maintenance activities will only take place within the unit. Although the letter mentions 'all activities to take place internally', it is assumed that vehicles will be stored in the front yard for display.

Acoustic performance of unit roller doors: I am pleased to see modelling and calculation with regards to unit proximity, door area, and required acoustic performance. This concludes that the unit doors require a minimum sound reduction performance of 30dB Rw. Acoustic performance for walls and roof are also specified within the letter, and these should also not be diverged from without justification that it is not detrimental from an acoustic perspective.

The comments concerning the impact driver are noted, as are those relating to L_{Amax} (comparison with background), and the corresponding effect on the BS4142 assessment and WHO assessment.

Recommendations and conclusions:

With the additional information, the proposed development is predicted to have a rating level equal to the recorded typical background sound level, and will therefore not have an adverse impact on nearby sensitive receptors. However, this is based on several considerations, and therefore the following conditions are recommended:

ACOUSTIC PERFORMANCE: Given the proximity to residential properties, and the potential for noise disturbance, measures designed to control and/or minimise breakout noise from the proposed development shall be incorporated into the construction. These measures shall be based upon the findings and recommendations of the submitted noise assessment report (Report ref: 3785-R1 Workshop facility, Sinfin Lane, Derby by Clover Acoustics, dated 4th August 2017) and subsequent letter report (Letter Report, re: Proposed Sinfin Lane Unit – Clover Report 3785-R1. From Steve Clow, Clover Acoustics. 25th October 2017).

The required Rw values for doors, walls and roof, presented in the letter report shall be achieved by selection of appropriate materials, products and installation.

Once products have been selected, a detailed design scheme specifying these noise measures shall be submitted for approval prior to commencement of construction. A post-installation verification report shall be submitted for approval prior to occupation of the development.

OPENING HOURS: Hours of activity at the unit shall be 8am to 6pm (Monday to Friday), and 9am to 3pm (Saturday), with no working Sundays or bank holidays.

VEHICLE DELIVERY: To ensure no loss of amenity to nearby receptors caused by noise from delivery of vehicles, such deliveries shall only take place during business hours, with an upper limit of 3 per week (Monday to Saturday).

OUTDOOR WORKING: No car breaking or maintenance activities shall take place outside the unit. Any such activities taking place shall be within the unit, and with roller doors closed throughout the duration of those activities to ensure adequate control of noise.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP13	Retail and Leisure Outside Defined Centres
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
S10	Trade and Showroom Type Sales
E12	Pollution
T10	Access for Disabled People

Derby And Derbyshire Waste Local Plan (Adopted March 2005)

W1b	Need for the development
W2	Transport principles
W6	Pollution and related nuisances
W7	Landscape and other visual impacts

National Planning Policy for Waste (NPPW)

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

7. Officer Opinion:

Key Issues:

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

7.1. Ability for facility to meet all relevant policies

7.2. Amenity and environmental impacts

7.3. Design/layout

7.4. Highway implications

7.1. Ability for facility to meet all relevant policies

The site of the proposal is not allocated for any particular use in the Local Plan – Part 1. The proposal includes an element of waste management and so falls to be considered under the Waste Local Plan in addition to the CDLPR saved policies and the Local Plan – Part 1.

Policy S10 allows for trade and showroom type sales outside the defined shopping centre hierarchy provided that the surrounding area is predominantly commercial or industrial in character, and, where appropriate, is accessible by a choice of means of transport. The proposed retail element, for the sale of parts recovered from vehicles, is not an activity that would normally be found within a retail centre and therefore can be considered in the same vein as trade/showroom type sales. The allowance for retail activity in this location is based on the particular type of business therefore a condition restricting sales to vehicle parts recovered from the vehicles broken on site only should be applied to prevent uncontrolled retail activity. The western side of Sinfyn Lane is largely industrial in character and so the proposal complies with this part of the policy.

The treatment facility for end of life vehicles is relatively small at 250 tonnes per annum and appears to be an integral part of the overall scheme. Policy W1b allows for waste development if it would help to cater for the needs of the local area. The proposal would be assumed, to serve the Derby area, which could be described as the local area in relation to a waste treatment facility. Policy W2 seeks to prevent an overall significant increase in the distance and number of waste related journeys for people, materials or waste. The proposal is to allow the relocation of an existing business without an increase in throughput; the proposal would therefore meet the intentions of Policy W2.

Policies W6 and W7 of the Waste Local Plan are similar in intent to policies in the CDLPR and Local Plan – Part 1 in that they seek to protect the environment. The proposal would assist in moving waste up the Waste Hierarchy in line with the requirements of the guidance contained in the NPPW.

Policy CP10 allows for new business and industrial development in areas not specifically allocated for those uses provided that it does not conflict with the objectives of the Plan; would not adversely impact on the amenity of nearby residents; is well integrated into the urban area; would not lead to a significant

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

oversupply of employment land and; would contribute to the aims and objectives of Policy CP9.

7.2. Amenity and environmental impacts

There are no undue amenity impacts associated with the proposed development. Although significantly larger in footprint than the previous building, the new industrial unit has been designed at a relatively low height level for this type of building, at approximately 8m. As a result the proposed massing of the building will not have significant adverse impact on the residential amenities of surrounding residential properties. The location of the proposed new building would not give rise to any significant overshadowing or overlooking of neighbouring properties on Sinfin Lane, taking into consideration the orientation and distance between the proposed new building and surrounding neighbouring units.

The application site is located in close proximity to existing industrial uses, at the adjacent Amberley Drive and the existing industrial estate to the rear at Sinfin Business Park. There are two residential properties to the south of the application site located to the rear of retail units fronting Sinfin Lane. These residential units are non-conforming uses in the context of the predominantly employment sites to the west of Sinfin Lane. Residents have objected to the noise that would be created by the proposal. Noise concerns relating to demolition and building works can be dealt with by condition. Concerns have been raised by neighbouring residents in regards to noise and general disturbance caused by collection and drop off of vehicles however, I am satisfied that such issues can also be controlled through conditions being imposed. Restricting the hours of operation would avoid adverse impact of the proposal on neighbouring properties at unsociable hours and on Sundays. It is also considered prudent to impose conditions to restrict potential noisy activities such as the use of power tools to inside the building and to require roller shutters to be closed when work is being undertaken. This along with hours of operation restrictions would protect the residential amenity of residents nearby from any excessive noise disturbance. The proposal reasonably satisfies the requirements of adopted policies CP3 and CP4 of the Derby City Local Plan Part 1: (Core Strategy) and saved policy GD5 of the adopted City of Derby Local Plan Review.

Possible ground contamination issues can be dealt with by way of condition.

The site is bounded to the north by the following:

- TPO 441: G2 - 5 x Lime located adjacent to Sinfin Lane.
- TPO 441: G3 – 10 x Poplar located on the south boundary of the business park with the former Cock and Bull PH.

In order to assess the impact of the proposed development on these protected trees, which are close to the northern boundary of the site, the applicant has been requested to supply a BS5837: 2012 Tree Survey as requested by the Council's Tree Officer. Further comments will be sought from the Tree Officer on the submitted survey document and shall be presented verbally at the committee meeting.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

7.3. Design/layout

The design and layout of the proposed industrial unit would be acceptable given the general surrounding context. The proposed external elevations for the unit have been designed to reflect and complement the context of the surrounding industrial units and existing mature groups of trees. The proposed elevation treatment draws on the existing range of materials and architectural language seen throughout the units in close proximity to the site in order to create a simple but attractive image. The final details of material types are to be conditioned and agreed.

The proposal reasonably satisfies the requirements of adopted policies CP3 and CP4 of the Derby City Local Plan Part 1: (Core Strategy) and the saved policy GD5 of the adopted City of Derby Local Plan Review.

7.4. Highway implications

The application details state that delivery vehicles would not be entering the site, although Highways Officers are satisfied that the parking and access layout shown, provides ample opportunity for larger vehicles to be able to access and manoeuvre in the site, such that they can enter and exit the site in a forward gear.

It is noted that the submitted layout drawing A100, shows 8 parking spaces (including two disabled) being provided. There is however ample space within the site for this to be increased should it be necessary. The applicant has followed the advice of the Highway Authority and provided a number of cycle parking spaces within the premises for use by staff. Sinfin Lane already serves a number of industrial/commercial premises and the proposals would not have a significant impact on highway safety on the local road network.

It will however be necessary to set the gates into the site back a suitable distance in order to ensure that arriving vehicles do not extend out into the highway whilst the gates are opened/closed. This will entail further alterations to the existing fencing/gate arrangement and can be secured by a suitable planning condition. Further to relevant conditions being met the proposal reasonably satisfies the requirements of adopted policy CP23 of the Derby City Local Plan Part 1: (Core Strategy) and the saved policy T10 of the adopted City of Derby Local Plan Review.

Conclusion

This use is considered acceptable within a predominant employment area to the west of Sinfin lane, in line with local plan policies subject to the imposition of relevant conditions and therefore planning permission should be granted.

Overall it is felt that the proposal is acceptable and residential amenity would not be unreasonably affected. Although one objection and a petition, have been received officers are satisfied that all relevant planning matters have been adequately addressed within the officers report. The proposal reasonably satisfies the requirements of the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed industrial development is appropriate in principle in this location and is considered acceptable in terms of impacts on residential amenity, highway safety, protected trees and character of the streetscene, subject to compliance with recommended conditions.

8.3. Conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans:
3. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority.
4. No development shall be commenced until an on-site landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.
5. The landscaping scheme submitted pursuant to Condition 4 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner, and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to commencement of works a arboriculture impact assessment and arboriculture method statement shall be submitted to and agreed in writing by the Local Planning Authority, demonstrating full protection for trees on land adjacent to the application site. The method statement must include details of protective fencing to be in place before and during construction works and the date of construction of such protection and of its completion. 'No dig' solutions are to be implemented in the root protection area of trees on adjacent land. During the period of construction works all trees, hedgerows and other

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

vegetation on adjoining land shall be protected in accordance with BS:5837:2012 ("Trees in relation to design, demolition and construction").

7. No part of the development hereby permitted shall be brought into use until the hardstanding is constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
8. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided with the parking spaces clearly delineated in accordance with the approved plan. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.
9. The gates at the access point shall open inwards only, be set back a minimum of 5.5 metres from the highway boundary, and constructed in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The approved gates shall then be retained for the life of the development.
10. No part of the development hereby permitted shall be brought into use until the cycle parking layout, as indicated on drawing A100, has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
11. Retail activity is restricted to sale of vehicle parts recovered from the vehicles broken on site only.
12. Prior to commencement of works, a Phase I desktop study shall be completed for the site, documenting the site's previous history and identifying all potential sources of contamination and the impacts on land and controlled waters, relevant to the site. A conceptual model for the site should be established, which should identify all plausible pollutant linkages. Where the desktop study identifies potential contamination, a Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater. A detailed report of the investigation will be required for submission to the Council for written approval. In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will also be required for approval. All of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.
13. Prior to commencement of the use hereby permitted a detailed noise impact assessment shall be submitted to the Local Planning Authority. Where the submitted acoustic report has indicated that noise mitigation is required, a scheme must be submitted by the developer for approval by the Local Planning Authority and implemented in full before the use of the site commences. Given

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

the proximity to residential properties, and the potential for noise disturbance, measures designed to control and/or minimise breakout noise from the proposed development shall be incorporated into the construction. These measures shall be based upon the findings and recommendations of the submitted noise assessment report (Report ref: 3785-R1 Workshop facility, Sinfin Lane, Derby by Clover Acoustics, dated 4th August 2017) and subsequent letter report (Letter Report, re: Proposed Sinfin Lane Unit – Clover Report 3785-R1. From Steve Clow, Clover Acoustics. 25th October 2017). The required R_w values for doors, walls and roof, presented in the latter report shall be achieved by selection of appropriate materials, products and installation. Once products have been selected, a detailed design scheme specifying these noise measures shall be submitted for approval prior to commencement of construction. A post-installation verification report shall be submitted for approval prior to occupation of the development.

14. Hours of activity at the unit shall be 8am to 6pm (Monday to Friday), and 9am to 3pm (Saturday), with no working Sundays or bank holidays. Delivery of vehicles shall only take place during these business hours, and shall be limited to no more than 3 deliveries per week (Monday to Saturday).
15. No car breaking or maintenance activities shall take place outside the building hereby approved. Any such activities taking place shall be within the building, and with roller doors closed throughout the duration of those activities to ensure adequate control of noise.

8.4. Reasons:

1. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory external appearance of the development in the interests of visual amenity.
4. To ensure a satisfactory external appearance of the development in the interests of visual amenity.
5. To ensure a satisfactory external appearance of the development in the interests of visual.
6. To protect trees and other vegetation on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area.
7. To ensure surface water from the site is not deposited on the public highway causing a danger to highway users.
8. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
9. In the interest of highway safety.
10. To promote sustainable travel.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application

11. and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.
12. To protect residential and environmental amenity.
13. To protect residential and environmental amenity.
14. To protect residential and environmental amenity.
15. To protect residential and environmental amenity.

8.5. Informative Notes:

- a) It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud and deleterious matter on the public highway, and as such you should undertake every effort to prevent it occurring.
- b) The consent granted will result in the construction of a new building which needs naming and numbering. To ensure that the new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary access
- c) I advise that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours.
- d) There should also be no bonfires on site at any time.

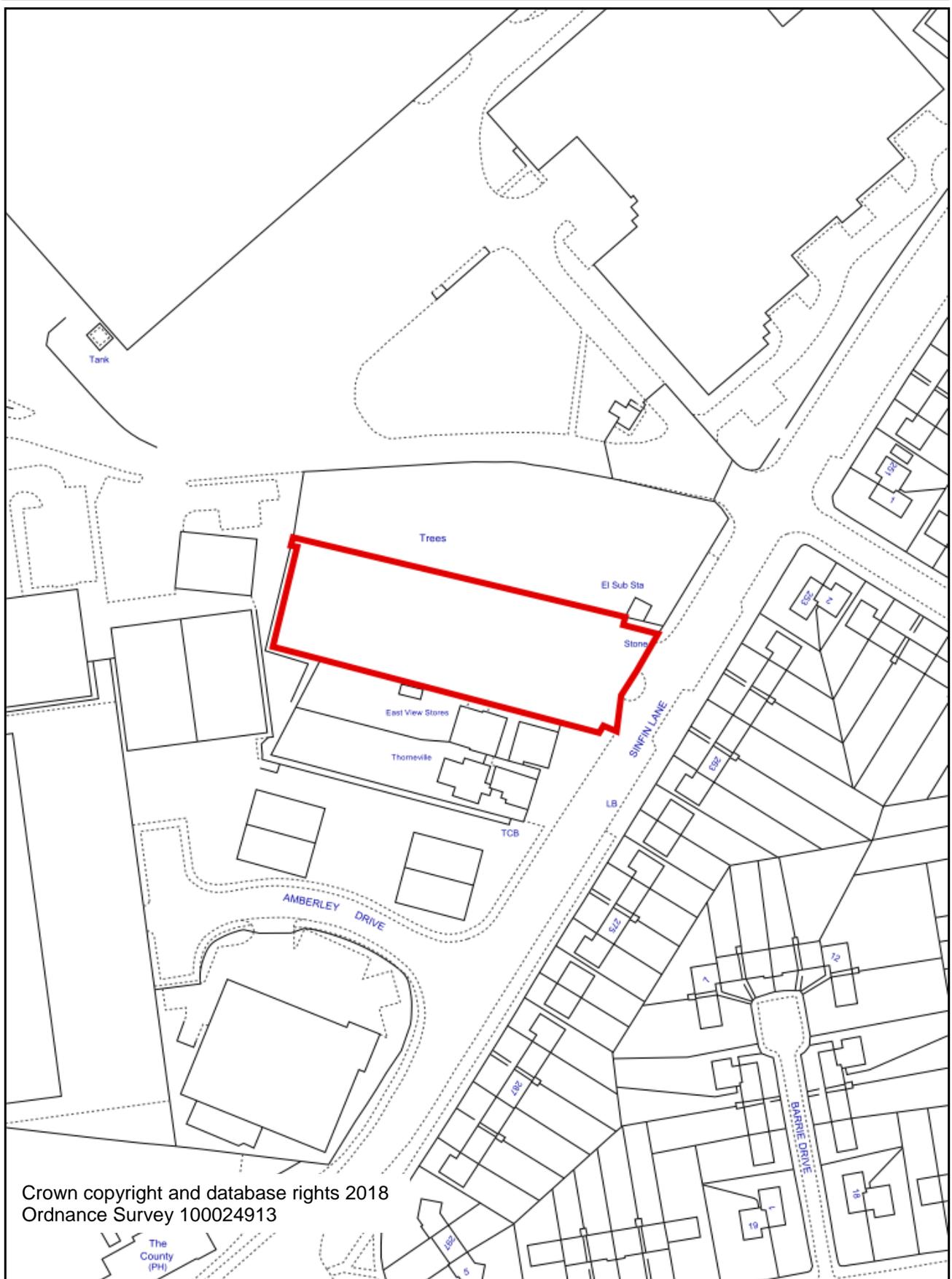
8.6. Application timescale:

The application target date expired August 2016, it has been delayed due to requirement of further information relating to both Environmental Health (noise report) and arboricultural report (TPO trees adjacent to the site)... still awaiting arboricultural report. An Extension of Time has been agreed until 19 February 2018.

Committee Report Item No: 5

Application No: DER/04/17/00429

Type: Full Planning Application



Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

1. Application Details

1.1. Address: 11 Chevin Road, Derby.

1.2. Ward: Darley

1.3. Proposal:

Demolition of bungalow. Erection of replacement dwelling house (Use Class C3)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/10/17/01366>

Brief description

This full application seeks permission to partly demolish the existing 1950/60s, stone-clad, bungalow and to alter and extend it to form a bespoke, contemporary, two storey dwelling.

The site represents a large plot fronting Chevin Road but with a rear elevation facing Duffield Road, which is at a lower level. There is a retaining wall and hedge on the Duffield Road frontage. The site lies within the Strutts Park Conservation Area. The immediately adjoining properties include "Glendair" (a substantial Victorian 2 ½ - storey villa to the north) and No.120 Duffield Road (a 1950s detached house, to the south). Other properties in the vicinity include other bungalows and a 3 storey, flat-roofed, apartment block. The properties opposite the site in Chevin Road are Inter war semi-detached dwellings.

The proposed two storey dwelling would be sited in a similar position on the plot, with the footprint extended by a further 1 metre to the rear. The existing garage and in-out parking arrangement on the front, accessed from Chevin Road, would be retained. The design of the proposed dwelling has been amended and now comprises an H-shaped footprint, with 2 prominent gables to front and rear. The proposed 8.4m roof height would be consistent with that of the adjacent dwellings. The proposed materials include coursed natural stone, render, natural slate roofs and grey aluminium doors and windows.

2. Relevant Planning History:

No relevant previous planning applications

3. Publicity:

Neighbour Notification Letter – 2 Letters

Site Notice

Statutory Press Advert

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

Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

4. Representations:

No representations received

5. Consultations:

5.1. Conservation Area Advisory Committee:

Initial Comments (December 2017):

Object and recommend refusal on the grounds of the style and materials of the proposal. The scale, mass and footprint of the proposal are deemed acceptable but the style / choice of materials are unacceptable in this Conservation Area context.

Comments on Amended Proposal (January 2018):

Scale and massing are acceptable and amendments to materials/windows improve the visual appearance. However, maintain concerns over proportions of the windows. This is an important gap in the Duffield Road frontage and needs an outstanding modern design, with an elegant solution to reflect the proportions of the adjoining Edwardian property. Overall design is not good enough quality to enhance Conservation Area. Maintain objection on heritage grounds and recommend refusal.

5.2. Highways Development Control:

The applicant proposes to alter, extend and raise the existing dwelling with the bungalow being replaced with a two storey detached house. The new property will retain the existing driveway which has space for multiple vehicles as well as having an integral garage in the same location as the existing one.

The proposed block plan drawing 1442CR 001 shows that the access to the driveway and garage will be via the 2 existing access points.

Recommendation:

No significant highway implications, and in view of this, no objections.

5.3. DCC Conservation Officer:

Initial Comments:

This building is within the Strutt's Park Conservation Area which is a designated heritage asset. The bungalow looks to be of mid twentieth century construction and is of limited heritage value. I have no objection, therefore, of the principle of the demolition of the bungalow and for it's replacement with a new dwelling. The area and existing bungalow (part of it) can be viewed from Chevin Road and Duffield Road. The new dwellings proposed position on the site, layout, site, height, scale and massing look acceptable. However I have concern over the proposed materials, the use of so much glazing (and the glazing/void to solid ratio) and that the material choice does not relate it to its surrounding context. I strongly suggest that the applicant/agent revisits the detailed design and materials so that it relates to it's context.

Conservation recommendation:

I have concern about the material choices and suggest that the application is revised. I object to the detailed design and material choice as proposed as the proposal does

Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

not preserve or enhance the character of the conservation area but has a negative as well as a harmful impact.

Comments on amended proposal (January 2018):

- The proposal has no impact on the immediate setting of the Derwent Valley World Heritage Site as defined by the buffer zone.
- the Planning (Listed Buildings and Conservation Areas) Act 1990 section 72 states that we have a general duty as regards conservation areas in the exercise of planning functions and need to pay special attention to the desirability of preserving or enhancing the desirability of preserving or enhancing the character or appearance of the conservation area. In my view the proposals, as amended, have a neutral impact as regards the character and appearance of the conservation area when considering the current bungalow on this site. Careful control of the materials is needed to ensure this is the case.
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 states that we need to have regard to the preserving the building or it's setting. I note the listed wall and railings along Duffield Road (grade II) and the grade two listed building 'Austwick' to the south of the site. In my view the proposals have a very limited impact on the setting of these buildings (as part of the listed building's significance).
- In my view there is no harm to the conservation area as a designated heritage asset as a result of the proposals so NPPF 132-134 does not apply.
- The proposals, in my view, align with Policy C20 of the Derby City Local Plan part 1 – core strategy.

Recommendation:

No objection to proposals (subject to conditions).

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

- CP1(a) Presumption in favour of Sustainable Development
- CP3 Place-making Principles
- CP4 Character and Context
- CP23 Delivering a Sustainable Transport Network
- CP20 Historic Environment
- CP19 Biodiversity

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Amenity (general criteria)

Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

- E18 Conservation Areas
- E25 Building Security Measures

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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

7. Officer Opinion:

Key Issues:

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

- 7.1. The principle of the development**
- 7.2. The impact of the proposal on heritage assets**
- 7.3. Design / Visual appearance**
- 7.4. Residential Amenity**
- 7.5. Highways issues**
- 7.6. Other environmental and ecological issues**

7.1. The principle of the development

The proposal represents a replacement dwelling within an established residential area. Other than heritage issues, there are no site-specific policy constraints, such that the proposal is considered to be acceptable in principle in this location.

7.2. The impact of the proposal on heritage assets

This is the key issue to be considered for this proposal. The site lies within the Strutts Park Conservation Area and within the World Heritage Site Buffer Zone. The Duffield Road wall and railings to the west of the site are a Grade II Listed structure. There are no other listed or locally listed buildings in the vicinity, although it may be held that the adjoining Victorian house (Glendair) constitutes a non-designated heritage asset.

Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

The applicant has submitted a Heritage Statement, which concludes:

“The proposed replacement house may be seen as part of a thread of gradual and continuous development in the area, which is characterised by the late Victorian street works and houses of its most formative period up to World War I, but nevertheless includes houses of a great variety of ages and styles.

Many of the existing houses are quite bold in their massing and architectural expression, and there seems no good reason to make a new house self-effacing or retiring, provided that the prevailing character of Duffield Road is not unbalanced.

The lack of visibility of the current bungalow creates a gap in the street scene to Duffield Road, where a larger and more visible house would appear entirely natural. “Glendair”, no. 126 Duffield Road, might be considered a “non-designated heritage asset” but I believe that the proposal has adequate regard to its setting and will not harm its significance”.

The existing bungalow is a 1960’s design and at best would be considered to be a neutral feature, which preserves but does not enhance the appearance of the Conservation Area. Its demolition offers an opportunity to fill a gap in the frontage with an appropriate building which would make a positive contribution to the Conservation Area and the setting of the Listed wall and railings. The main visual impact of the proposal would be on the Duffield Road elevation, as the bungalow is currently largely obscured by the retaining wall and boundary hedge. Therefore, the first floor and roof of the proposed dwelling would fill the empty gap on this frontage.

The proposed mass, scale, height and plot position are all considered to be acceptable. The footprint and height are consistent with the adjoining properties and would not have a harmful impact on the character or significance of the heritage asset. The key concern, raised by the CAAC and endorsed by the Conservation officer, relates to the proposed design and the external materials.

It is acknowledged that a more elegant, outstanding design would be preferable, helping to both preserve and enhance the Conservation Area. The design improvements that have been made to the original scheme are significant. Importantly, the elevational changes improve the proposed window proportions and the revised choice of materials also improve the appearance of the original design. Therefore, on balance, it is considered that the revised scheme would preserve the character and appearance of the Conservation Area and would have a minimal impact on the setting of the listed wall and railings in line with the intentions of Policy CP20 and saved Policies E18 and E19.

7.3. Design / Visual appearance

The locality has a variety of dwelling ages and styles and many are partially screened from the street scene by high walls and hedges. Other than the heritage impact, which is discussed above, it is considered that the proposed design is of a contemporary style, which is of a mass and scale to be consistent with other dwellings in the street scene. The proposed choice of a largely rendered finish would be compatible with the houses on the east side of Chevin Road. The proposed materials reflect those of the existing stone-clad bungalow, using coursed stone on the ground floor. The extent of the plot is adequate to accommodate the proposed

Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

footprint, such that it would not be an overbearing feature from the nearby streetscene. It is considered that the proposed design would not be out of keeping with the character and appearance of the surrounding area in line with the design requirements of Policies CP3 and CP4.

7.4. Residential Amenity

This is a substantial plot, with a good degree of existing separation to the adjoining neighbours. The existing bungalow has a number of ground floor side facing windows. There are no proposed first floor side facing windows to any habitable room of the new dwelling. There is a boundary hedge and a driveway to Glendair to the north. The proposed plot would be set further forward in the plot than No. 120 (to the south) but again has a good separation. The neighbour is also set at a lower level. The degree of separation, boundary treatment and changes in levels all contribute towards mitigating any potential overlooking or loss of amenity in accordance with saved Policy GD5.

7.5. Highways issues

Adequate parking and the in-out access from Chevin Road would be retained and no highways objections have been received. The proposal is a replacement for an existing bungalow so the traffic generation would be no more than the current situation. The development would therefore accord with requirements of transport Policy CP23.

7.6. Other environmental and ecological issues

The partial demolition of the bungalow may have an impact on bat roosts. A bat survey has been undertaken, which has found no evidence of bats in the building. However, the survey does recommend further activity surveys prior to any demolition taking place. As further detailed design information would be the subject of conditions, it is considered that the additional surveys can also be conditioned.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposal represents a replacement dwelling within an established residential area and would be acceptable in principle. On balance, the revised design and materials would preserve the character of the Conservation Area and would have a minimal impact on the setting of the other nearby heritage assets. It would not have an adverse impact on residential amenities, highway safety or other ecological issues.

Committee Report Item No: 6

Application No: DER/10/17/01366

Type: Full Planning permission

8.3. Conditions:

1. Standard condition (time limits)
2. Standard condition (approved plans)
3. Standard condition (details of external materials/construction to be agreed)
4. Window and door details/ sections to be agreed.
5. Requirement for further bat emergence surveys prior to any demolition.

8.4. Reasons:

1. Statutory time limit.
2. For avoidance of doubt.
3. To ensure the satisfactory appearance of the development in the interests of visual amenity
4. To ensure the satisfactory appearance of the development in interests of visual amenity
5. To safeguard protected species at the site.

8.5. Application timescale:

An extension of time has been agreed with the applicant until the 22 February 2018



Derby City Council

Delegated decisions made between 01/01/2018 and 31/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/16/00697/PRI	Listed Building Consent - alterations	Derby Conference Centre, London Road, Derby	Erection of smoking shelter, formation of additional car parking areas, access road, landscaping and associated works	Granted Conditionally	24/01/2018
08/16/01004/PRI	Full Planning Permission	Prize Farm, Oaklands Avenue, Littleover, Derby, DE23 7QG	Demolition of dwelling house and outbuildings and erection of two dwelling houses (Use Class C3)	Granted Conditionally	26/01/2018
04/17/00435/PRI	Listed Building Consent - alterations	38 Corn Market, Derby, DE1 2DG (Derbyshire Community Bank)	Retention of the installation of various signage	Refuse Planning Permission	22/01/2018
04/17/00465/PRI	Prior Approval - Telecommunications	Land adjacent to 39 East Street, Derby	Installation of a replacement telephone kiosk	Prior Approval Approved	25/01/2018
04/17/00466/PRI	Prior Approval - Telecommunications	Land adjacent to 14 East Street, Derby	Installation of a replacement telephone kiosk	Prior Approval Approved	25/01/2018
04/17/00486/PRI	Full Planning Permission	169 Balfour Road, Derby, DE23 8UR	Single storey rear extension to dwelling (kitchen/living/dining room) together with formation of rooms in roof space (three bedrooms)	Granted Conditionally	18/01/2018
04/17/00488/PRI	Full Planning Permission	52 Sinfin Moor Lane, Chellaston, Derby, DE73 1SQ	Two storey front, side and rear extensions and single storey rear extensions to dwelling house (hall, w.c., study, lounge, three bedrooms and enlargement of kitchen, lounge and bedroom), raising of the roof height to form rooms in the roof space and erection of a front boundary wall and a detached double garage	Granted Conditionally	24/01/2018
04/17/00551/PRI	Advertisement consent	29 Sadler Gate, Derby, DE1 3NL	Display of one non-illuminated fascia sign and one non-illuminated projecting sign	Granted Conditionally	25/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/17/00603/PRI	Full Planning Permission	Public Path through Alvaston Park, Derby (from London Road to the Riverside Path, Part of National Cycle Network Route 6)	Widening of the existing multi user path	Granted Conditionally	24/01/2018
06/17/00825/PRI	Full Planning Permission	60 Bank View Road, Derby, DE22 1EJ	Two-storey side and two storey and single storey rear extensions to dwelling house (store, w.c., utility room, kitchen/dining area, wardrobe, bathroom, bedroom and en-suite)	Granted Conditionally	08/01/2018
06/17/00868/PRI	Full Planning Permission	2 Swanmore Road, Littleover, Derby	Single storey side extension to dwelling house (garage, hall, bedroom and en-suite)	Granted Conditionally	24/01/2018
07/17/00926/PRI	Prior Approval - Telecommunications	Unit C, Ascot Drive, Derby, DE24 8UT	Installation of a 25m high mast, three antennas, two transmission dishes, equipment cabinets and ancillary development	Raise No Objection	25/01/2018
07/17/00945/PRI	Full Planning Permission	Land on former Derwent Power Station, Holme Lane, Spondon, Derby	Erection of gas-fired electricity generating facility together with ancillary infrastructure including transformer compound, DNO metering room, gas kiosk, switch room, control room, workshop and lubrication oil tanks.	Granted Conditionally	05/01/2018
07/17/00992/PRI	Full Planning Permission	Site of 41 Rykneld Road, Littleover, Derby	Demolition of dwelling house. Erection of a replacement dwelling house (use class C3) and detached garage	Granted Conditionally	12/01/2018
08/17/01017/PRI	Full Planning Permission	Land at the side of 74 Oregon Way, Chaddesden, Derby	Erection of a dwelling house (use class C3)	Refuse Planning Permission	15/01/2018
08/17/01044/PRI	Full Planning Permission	6 Hartington Street, Derby	Formation of an additional flat in the roof space (use class C3) including installation of rooflights and demolition of lean-to.	Granted Conditionally	24/01/2018
08/17/01053/PRI	Outline Planning Permission	47 Trent Street, Alvaston, Derby	Extension of the existing dwelling and a residential development on land at the side (up to two dwellings)	Granted Conditionally	19/01/2018
08/17/01063/PRI	Full Planning Permission	47 Crown Way, Chellaston, Derby	Infill canopy over front door to form extended hallway, enlargement of hardstanding and dropped kerb	Granted Conditionally	29/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01081/PRI	Full Planning Permission	1 Chelwood Road, Chellaston, Derby	Two storey and single storey side and rear extensions to dwelling house (store, w.c., utility room, en-suite and enlargement of kitchen/living area and bedroom)	Granted Conditionally	18/01/2018
08/17/01090/PRI	Full Planning Permission	2 Duffield Road, Derby	Change of use of ground floor from retail (use class A1) and first and second floors from a house in multiple occupation (use class C4) to a ten bedroom house in multiple occupation (Sui Generis use) including bricking up of the shop front and installation of two new windows and entrance door	Granted Conditionally	18/01/2018
08/17/01091/PRI	Full Planning Permission	12 Oak Close, Allestree, Derby	Two storey front and side and single storey rear extensions to dwelling house (porch, garage, utility, bathroom, bedroom, en-suite and enlargement of kitchen/dining area and lounge)	Granted Conditionally	26/01/2018
08/17/01108/PRI	Full Planning Permission	Land adjacent to 25A Keats Avenue, Littleover, Derby	Erection of a detached dwelling house (use class C3) and associated ground level works to accommodate the development.	Granted Conditionally	26/01/2018
08/17/01119/PRI	Full Planning Permission	51 Rupert Road, Chaddesden, Derby, DE21 4NE	Two storey and first floor front and side extension to dwelling house (garage, study and family room)and alterations to roof	Granted Conditionally	29/01/2018
08/17/01123/PRI	Full Planning Permission	451 Stenson Road, Derby, DE23 7LJ	Retention of conservatory to rear and single storey front extension.	Granted Conditionally	29/01/2018
09/17/01143/PRI	Full Planning Permission	Land adjacent to 17 Avondale Road, Normanton, Derby	Demolition of existing industrial buildings (Use Class B1) and erection of replacement structures, for use for vehicle repair workshop, vehicle storage and ancillary offices.	Granted Conditionally	30/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/17/01148/PRI	Full Planning Permission	8 Shamrock Street, Derby	Two storey side and rear and single storey rear extensions to dwelling house (garage, utility, wetroom, two bedrooms, en-suite and enlargement of living/dining area)	Granted Conditionally	23/01/2018
09/17/01170/PRI	Reserved Matters	Plot N, Derby Commercial Park, Fernhook Avenue, Derby, DE21 7HZ	Erection of unit for storage and distribution (Use Class B8) and ancillary business (Use Class B1), garage, gatehouse, bike shelters, bin store, condenser compound and other associated development-Reserved Matters application under Outline application Code No.DER/10/14/01377	Granted Conditionally	04/01/2018
09/17/01218/PRI	Full Planning Permission	20 Hillside Crescent, Spondon, Derby	Two storey front extension to dwelling house (w.c., and enlargement of hall and bedroom) and installation of a pitched roof to the existing rear extension	Granted Conditionally	18/01/2018
09/17/01236/PRI	Full Planning Permission	6 Gayton Avenue, Littleover, Derby	Two storey side extension and single storey rear extension to dwelling house (utility room, workshop, garage, bedroom and en-suite) with formation of rooms in the roof space (bedroom and bathroom)	Granted Conditionally	21/01/2018
09/17/01237/PRI	Full Planning Permission	Garage Block adjacent to 200 Porter Road, Derby	Demolition of garages. Erection of three dwelling houses (use class C3)	Granted	11/01/2018
09/17/01239/PRI	Full Planning Permission	39 Woodthorne Avenue, Shelton Lock, Derby	Two storey side and single storey side and rear extensions to dwelling house (shower room, bedroom and enlargement of kitchen)	Granted Conditionally	24/01/2018
09/17/01246/PRI	Full Planning Permission	2 Kirkstead Close, Oakwood, Derby	Retention of a boundary fence and gates	Granted Conditionally	18/01/2018
09/17/01251/PRI	Full Planning Permission	Ground Floor, Norman House, Friar Gate, Derby	Change of use from non-residential institution (use class D1) to business (use class B1) including alterations to the front elevation	Granted Conditionally	24/01/2018
10/17/01267/PRI	Full Planning Permission	320 Station Road, Mickleover, Derby, DE3 5FE	Single storey rear extension to dwelling house (lounge) and erection of two outbuildings (shed and summer house)	Granted Conditionally	21/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/17/01273/PRI	Works to Trees under TPO	Lonsdale Hall, Lonsdale Place, Derby	Cutting back of branches by 2.5m (approx) of trees protected by Tree Preservation Order no. 424	Granted Conditionally	11/01/2018
10/17/01274/PRI	Full Planning Permission	34 Suffolk Avenue, Derby	Single storey rear extension to dwelling (living room)	Granted Conditionally	15/01/2018
10/17/01279/PRI	Full Planning Permission	44 Devonshire Avenue, Allestree, Derby	Side and rear extensions to dwelling (garage and enlargement of kitchen/diner) together with formation of rooms in roof space (study/landing, two bedrooms, bathroom and en-suite)	Granted Conditionally	21/01/2018
10/17/01289/PRI	Full Planning Permission	3 Lawnside, Spondon, Derby	Single storey side and rear extensions to dwelling house (garage, utility room, wet room and enlargement of kitchen/dining area)	Granted Conditionally	18/01/2018
10/17/01293/PRI	Full Planning Permission	123 Littleover Lane, Derby	First floor side and rear extensions to dwelling house (master bedroom)	Granted Conditionally	16/01/2018
10/17/01300/PRI	Full Planning Permission	30 Stoney Lane, Spondon, Derby	Single storey side extension to dwelling house (lounge, kitchen, utility room and pantry)	Granted Conditionally	29/01/2018
10/17/01313/PRI	Prior Approval - Offices to Resi	Eastmead, 107 Duffield Road, Derby	Change of use from offices (use class B1) to dwelling house (use class C3)	Prior Approval Approved	23/01/2018
10/17/01321/PRI	Full Planning Permission	2 Vicarwood Avenue, Darley Abbey, Derby	Two storey and first floor side extensions to dwelling house (bedroom, en-suite and enlargement of bathroom and kitchen)	Granted Conditionally	16/01/2018
10/17/01335/PRI	Full Planning Permission	43 Shardlow Road, Alvaston, Derby	Single storey front, side and rear extensions to dwelling house (porch, covered passageway, utility, bathroom and lounge), erection of an outbuilding (workshop, gym and office) and formation of a vehicular access	Granted Conditionally	17/01/2018
10/17/01337/PRI	Full Planning Permission	Aerodynamics Test Facility, RTC Business Park, London Road, Derby	Extension to rail research test rig (cross wind facility and additional storage)	Granted Conditionally	25/01/2018
10/17/01339/PRI	Certificate of Lawfulness Proposed Use	47 Bretton Avenue, Littleover, Derby	Single storey front and rear extensions to dwelling house (porch and conservatory)	Granted	30/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/17/01342/PRI	Full Planning Permission	1A George Street, Derby	Change of use from watch repairs and sale shop (use class A1) to a taxi office (sui generis use)	Granted Conditionally	30/01/2018
10/17/01344/DCC	Full Planning Permission	Alvaston Infant School, Alvaston Lane, Alvaston, Derby	Erection of a nursery building with an adjoining canopy and formation of a path	Granted Conditionally	25/01/2018
10/17/01350/PRI	Full Planning Permission	44 Moulton Avenue, Spondon, Derby	Two storey and single storey rear extensions to dwelling house (kitchen, sitting room, bathroom and bedroom) and formation of rooms in roof space (two bedrooms and rear dormer)	Granted Conditionally	21/01/2018
10/17/01360/PRI	Full Planning Permission	36 Westgreen Avenue, Allenton, Derby	First floor side and rear extension to dwelling house (bedroom with en-suite and bathroom) including roof space (dormer) extension	Granted Conditionally	22/01/2018
10/17/01369/PRI	Full Planning Permission	34 Gisborne Crescent, Allestree, Derby	Single storey rear extension to dwelling house (dining room) and installation of a dormer to form rooms in the roof space (bedroom and en-suite)	Granted Conditionally	09/01/2018
10/17/01376/PRI	Full Planning Permission	80 Uttoxeter Road, Mickleover, Derby	Two storey side and two storey and single storey rear extensions to dwelling house (w.c., utility room, kitchen/dining area, two bedrooms, en-suite and w.c.) with rooms in the roof space (storage, bedroom and en-suite)	Refuse Planning Permission	11/01/2018
10/17/01379/PRI	Full Planning Permission	141 Shardlow Road, Alvaston, Derby	Single storey rear extension to dwelling house (dining room, covered area and lounge)	Granted Conditionally	03/01/2018
10/17/01384/PRI	Full Planning Permission	57 Jubilee Road, Shelton Lock, Derby	Retention of a single storey side extension to dwelling house (covered way)	Granted Conditionally	25/01/2018
10/17/01385/PRI	Full Planning Permission	16 Poplar Close, Alvaston, Derby	Erection of a detached garage	Granted Conditionally	09/01/2018
10/17/01390/PRI	Works to Trees under TPO	19 Gisborne Crescent, Allestree, Derby	Removal of the two lowest branches and crown reduction by 1m south side only of a Blue Cedar tree and reduction in height by 2m and canopy radius by 1m of Leylandii tree protected by Tree Preservation Order no. 541	Granted Conditionally	05/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/17/01391/PRI	Full Planning Permission	14 Goldcrest Drive, Spondon, Derby	Single storey rear extension to dwelling house (sitting area)	Granted Conditionally	22/01/2018
10/17/01398/PRI	Full Planning Permission	197-199 Upper Dale Road, Derby	Change of use from retail (use class A1) to mixed use restaurant and hot food takeaway (use classes A3 and A5)	Withdrawn Application	23/01/2018
10/17/01400/PRI	Works to Trees under TPO	175 Station Road, Mickleover, Derby	Crown reduction by 1 metre of a Lime trees protected by Tree Preservation Order No.126	Granted Conditionally	11/01/2018
10/17/01403/PRI	Works to Trees under TPO	Westside Park, Belmore Way, Alvaston, Derby	Removal of a lower limb of a Balsam Poplar tree protected by Tree Preservation Order No. 576	Granted Conditionally	04/01/2018
10/17/01411/PRI	Works to Trees in a Conservation Area	2 St. Johns Terrace, Derby	Reduction by 5m of a Lawsons Cypress within the Friar Gate Conservation Area	Raise No Objection	11/01/2018
10/17/01415/PRI	Works to Trees under TPO	161 Morley Road, Oakwood, Derby	Felling of a Sycamore tree protected by Tree Preservation Order No.42	Granted Conditionally	04/01/2018
11/17/01425/PRI	Full Planning Permission	137 London Road, Derby	Extension to existing external covered space forming seating and smoking area and re-location of fencing	Granted Conditionally	18/01/2018
11/17/01431/PRI	Works to Trees under TPO	Windmill House, 117 Ashbourne Road, Derby	Crown lift to 4-5m the branches overhanging the parking area, crown clean and deadwood of a Chestnut tree protected by Tree Preservation Order no. 207	Granted Conditionally	08/01/2018
11/17/01434/PRI	Works to Trees under TPO	Land at the rear of 23 Hallgate Close, Oakwood, Derby	Cutting back of branches of an Oak Tree to the fence line by 4.5m (approx) - protected by Tree Preservation Order No.31	Granted Conditionally	08/01/2018
11/17/01436/PRI	Full Planning Permission	6 Curzon Lane, Alvaston, Derby	Two storey side extension to dwelling house (dining area and enlargement of kitchen, bedroom and bathroom) and the installation of a new window to the first floor side elevation	Granted Conditionally	22/01/2018
11/17/01440/PRI	Full Planning Permission	20 Jedburgh Close, Sinfin, Derby	Retention of single storey extension to dwelling house to form dog grooming parlour (sui generis use)	Granted Conditionally	05/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01442/PRI	Outline Planning Permission	Land at the side of 187 Warwick Avenue, Derby	Residential development (two dwellings) and formation of a vehicular access	Granted Conditionally	22/01/2018
11/17/01448/PRI	Full Planning Permission	146 Burton Road, Derby	Change of use from retail (use class A1) to office (use class B1)	Granted Conditionally	17/01/2018
11/17/01452/PRI	Full Planning Permission	2 Sycamore Avenue, Allestree, Derby	Two storey side and rear and first floor rear extensions to dwelling house (garage, bedroom, two en-suites, dressing room and enlargement of kitchen and bedroom) and installation of a new window to the side elevation	Granted Conditionally	18/01/2018
11/17/01453/PRI	Full Planning Permission	301 Keldholme Lane, Alvaston, Derby	Two storey side and single storey rear extensions to dwelling house (living room, w.c., utility, kitchen, bedroom and en-suite)	Granted Conditionally	21/01/2018
11/17/01455/PRI	Certificate of Lawfulness Proposed Use	19 Statham Street, Derby	Installation of a dormer to the rear elevation	Granted	11/01/2018
11/17/01457/PRI	Works to Trees in a Conservation Area	13 North Parade, Derby	Felling of a Cypress tree within the Strutts Park Conservation Area	Raise No Objection	08/01/2018
11/17/01459/PRI	Advertisement consent	Aldi, Normanton Road, Derby	Display of various signage	Granted Conditionally	04/01/2018
11/17/01463/PRI	Certificate of Lawfulness Proposed Use	Unit 7 Park Farm Centre, Park Farm Drive, Allestree, Derby	Change of use of first floor from storage/office space to residential (use class C3)	Granted	04/01/2018
11/17/01465/PRI	Works to Trees under TPO	Woodland adjacent to 4 Aston Lane, Chellaston, Derby	Cutting back of branches overhanging the fence line of trees protected by Tree Preservation Order no. 198	Granted Conditionally	09/01/2018
11/17/01466/PRI	Works to Trees in a Conservation Area	23-25, King Street, Derby (The Flower Pot PH)	Reduction of two Prunus trees, a Sycamore tree and a Silver Birch tree by 1m (approx) using reduction via thinning techniques within the City Centre Conservation Area	Raise No Objection	04/01/2018
11/17/01471/PRI	Works to Trees in a Conservation Area	Hawthorn Court, 27 Kedleston Road, Derby	Removal of one limb of a Beech tree and height reduction by 1.5m of a row of Birch trees within the Strutts Park Conservation Area	Raise No Objection	04/01/2018
11/17/01474/PRI	Full Planning Permission	38 Charnwood Street, Derby	Sub-division of the ground floor flat to form two flats (use class C3)	Granted Conditionally	31/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01475/PRI	Certificate of Lawfulness Proposed Use	30 Cavendish Way, Mickleover, Derby	Single rear storey extension to dwelling (enlargement of kitchen/dining room)	Granted	22/01/2018
11/17/01477/PRI	Works to Trees in a Conservation Area	31 Church Hill, Spondon, Derby	Felling of an Apple tree within the Spondon Conservation Area	Raise No Objection	04/01/2018
11/17/01478/PRI	Full Planning Permission	23 Brookfield Avenue, Chaddesden, Derby	Front, side and rear extensions to dwelling (porch and enlargement of kitchen, dining room, bedroom and en-suite) together with formation of rooms in roof space (bedroom and en-suite)	Granted Conditionally	29/01/2018
11/17/01479/PRI	Certificate of Lawfulness Proposed Use	1142 London Road, Derby	Change of use from dwelling house (use class C3) to a six bedroom house in multiple occupation (use class C4)	Granted	09/01/2018
11/17/01488/PRI	Full Planning Permission	9 Poppyfields Drive, Mickleover, Derby	First floor front extension to dwelling house (enlargement of bedroom)	Granted Conditionally	09/01/2018
11/17/01489/PRI	Full Planning Permission	13 Church Lane, Darley Abbey, Derby	Demolition of existing garage. Two storey front extension to dwelling house (living space and garage)	Granted Conditionally	08/01/2018
11/17/01494/PRI	Full Planning Permission	14 Vicarage Road, Mickleover, Derby	Installation of two dormer windows to the front elevation	Granted Conditionally	12/01/2018
11/17/01495/PRI	Full Planning Permission	Precision Casting Facility, Rolls Royce Plc, Wilmore Road, Derby	External alterations including the installation of new cladding, roof handrails, an air conditioning unit, CCTV cameras together with the erection of a 2.4m high fence, eight 6m high CCTV towers and two pairs of 1m high beam towers	Granted Conditionally	11/01/2018
11/17/01496/PRI	Advertisement consent	Precision Casting Facility, Rolls Royce Plc, Wilmore Road, Derby	Display of one non-illuminated fascia sign	Granted Conditionally	11/01/2018
11/17/01497/PRI	Certificate of Lawfulness Proposed Use	84 Laburnum Crescent, Allestree, Derby	Single storey front, side and rear extensions to dwelling (porch, living room, kitchen, utility and garage)	Granted	11/01/2018
11/17/01498/PRI	Full Planning Permission	6-8 Stenson Road, Derby	Retention of the installation of an ATM and wall panel	Granted Conditionally	22/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01499/PRI	Advertisement consent	6-8 Stenson Road, Derby	Retention of the installation of two internally illuminated ATM signs	Granted Conditionally	22/01/2018
11/17/01500/PRI	Full Planning Permission	Land at the side and rear of 13 Church Lane, Darley Abbey, Derby	Erection of a dwelling house (use class C3) and garage	Granted Conditionally	23/01/2018
11/17/01504/PRI	Non-material amendment	8 Birches Road, Allestree, Derby	Two storey side extension to dwelling house (office, store, bedroom and cupboard) and erection of outbuilding (shed and log store) - non material amendments to previously approved permission DER/07/16/00901 to amend the south elevation and ground floor plans, including removal of porch and the addition of a shower room, re-positioning of a side access door and installation of an additional window to south elevation	Granted	14/01/2018
11/17/01506/PRI	Full Planning Permission	21 Curzon Street, Derby (Polski Mini Market)	Retention of the installation of an ATM with alterations to the shop front including a security panel, mullion and shutter guide	Granted Conditionally	22/01/2018
11/17/01507/PRI	Advertisement consent	21 Curzon Street, Derby (Polski Mini Market)	Retention of the installation of an internally illuminated ATM surround and sign	Granted Conditionally	22/01/2018
11/17/01508/PRI	Full Planning Permission	63 Osmaston Road, Derby	Installation of an external fire escape staircase	Granted Conditionally	12/01/2018
11/17/01511/PRI	Full Planning Permission	44 Fiskerton Way, Oakwood, Derby	Single storey extension to dwelling (link corridor) and alterations to the existing garage roof to form living space	Granted Conditionally	15/01/2018
11/17/01516/PRI	Full Planning Permission	7 Breedon Avenue, Littleover, Derby	Two storey side and single storey rear extensions to dwelling house (kitchen/dining room, utility room, bathroom and two bedrooms), formation of rooms in roof space (bedroom and bathroom) together with installation of a rear dormer and erection of outbuilding (garden store)	Refuse Planning Permission	12/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01518/PRI	Full Application - Article 4	26 Arthur Street, Derby	Retention of the installation of replacement windows and a door to the front elevation	Refuse Planning Permission	15/01/2018
11/17/01521/PRI	Full Planning Permission	Highgates, Wilmot Street, Derby	Erection of two scooter stores and external alterations including the formation of a new car parking area, installation of new boundary walls and gates	Granted Conditionally	18/01/2018
11/17/01526/PRI	Full Planning Permission	101 Grange Road, Alvaston, Derby	Erection of a detached garage	Granted Conditionally	19/01/2018
11/17/01527/PRI	Works to Trees under TPO	132 Smalley Drive, Oakwood, Derby	Crown raise to 4m when required for a ten year period of an Oak tree protected by Tree Preservation Order No 247	Granted Conditionally	16/01/2018
11/17/01528/PRI	Works to Trees under TPO	131 Morley Road, Oakwood, Derby	Felling of a Willow tree protected by Tree Preservation Order No 507	Refuse Planning Permission	17/01/2018
11/17/01530/PRI	Works to Trees in a Conservation Area	59A & 61 Mileash Lane, Darley Abbey, Derby	Felling of a Sycamore tree to 3m in height, two Cypress trees and crown reduction by 2m and removal of the lowest limb of a False Acacia tree within the Darley Abbey Conservation Area	Raise No Objection	04/01/2018
11/17/01533/PRI	Full Planning Permission	65 Uttoxeter Road, Mickleover, Derby	Two storey side and two storey and single storey rear extensions to dwelling house (cloaks, w.c., utility, kitchen, two bedrooms and en-suite)	Granted Conditionally	22/01/2018
11/17/01534/PRI	Full Planning Permission	Littleover Dental Practice, 106 Littleover Lane, Derby	Two storey and single storey extensions to dental practice, external alterations and formation of a car parking area	Granted Conditionally	15/01/2018
11/17/01541/PRI	Full Planning Permission	3 Harrington Street, Derby	First floor rear extension to dwelling house (bedroom and dressing room)	Granted Conditionally	22/01/2018
11/17/01542/PRI	Prior Approval - Householder	10 Oak Crescent, Littleover, Derby, DE23 7BR	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.2m, height to eaves 2.5m) to dwelling house	Prior Approval Not required	05/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01544/PRI	Reserved Matters	Land at the side of 2 Vine Close, Littleover, Derby	Residential development (one dwelling) - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no. DER/10/16/01282	Granted Conditionally	19/01/2018
11/17/01545/PRI	Advertisement consent	727 Osmaston Road, Derby	Display of three internally illuminated fascia signs and one externally illuminated fascia sign	Granted Conditionally	17/01/2018
11/17/01552/PRI	Full Planning Permission	4 West Bank Close, Derby	Two storey rear dormer extension to dwelling (two bedrooms, bathroom and enlargement of lounge/kitchen and family room)	Granted Conditionally	24/01/2018
11/17/01554/PRI	Full Planning Permission	151 Swarkestone Road, Chellaston, Derby	Erection of a front boundary fence	Refuse Planning Permission	23/01/2018
11/17/01556/PRI	Full Planning Permission	20 Acacia Avenue, Mickleover, Derby	Single storey side and rear extensions to dwelling house (w.c., utility room and enlargement of kitchen/family space) and re-modelling of rear garden	Granted Conditionally	22/01/2018
11/17/01557/PRI	Works to Trees under TPO	101 The Hollow, Littleover, Derby	Felling of a Lime tree protected by Tree Preservation Order No. 37	Refuse Planning Permission	31/01/2018
11/17/01561/PRI	Full Planning Permission	29-31 Ashbourne Road, Derby	Change of use of the ground floor from retail (use class A1) to gymnasium (use class D2)	Granted Conditionally	25/01/2018
12/17/01564/PRI	Full Planning Permission	103 Shardlow Road, Alvaston, Derby	First floor rear and single storey side extensions to dwelling house - use class C3b (staff area and en-suite)	Granted Conditionally	22/01/2018
12/17/01565/PRI	Full Planning Permission	75 Shardlow Road, Alvaston, Derby	Two storey rear extension to dwelling house (kitchen and bedroom)	Granted Conditionally	22/01/2018
12/17/01568/PRI	Full Planning Permission	19 Woodford Road, Derby	Installation of two dormer windows to the front elevation	Granted Conditionally	29/01/2018
12/17/01569/PRI	Full Planning Permission	16 Hardwick Avenue, Allestree, Derby	Single storey rear extension to dwelling house (dining room, utility room and enlargement of sitting room)	Granted Conditionally	30/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/17/01570/PRI	Full Planning Permission	9 Haddon Drive, Mickleover, Derby	Single storey side extension to dwelling (enlargement of kitchen, bedroom and bathroom)	Granted Conditionally	22/01/2018
12/17/01571/PRI	Variation/Waive of condition(s)	Land between Stuart Street and Phoenix Street, Derby	Use of land for coach parking for a temporary period of 3 years - Variation of condition 2 of previously approved planning permission Code No. DER/05/15/00617/PRI to extend the temporary use until July 2021	Granted Conditionally	26/01/2018
12/17/01575/PRI	Prior Approval - Householder	1 Crich Avenue, Littleover, Derby, DE23 6ET	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3.8m, height to eaves 2.7m) to dwelling house	Prior Approval Not required	09/01/2018
12/17/01584/PRI	Full Planning Permission	215 Porter Road, Derby	Two storey side and rear and single storey rear extensions to dwelling house (dining room, kitchen, store, washroom, two bedrooms and bathroom) and formation of rooms in roof space including installation of a rear dormer (bedroom and bathroom)	Granted Conditionally	22/01/2018
12/17/01591/PRI	Full Planning Permission	30 Bradwell Close, Mickleover, Derby	Single storey front extension to dwelling house (porch)	Granted Conditionally	30/01/2018
12/17/01593/PRI	Full Planning Permission	43 Corbel Close, Oakwood, Derby	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	23/01/2018
12/17/01595/PRI	Full Planning Permission	Divisional Police Headquarters, Prime Park Way, Derby	Formation of two additional parking areas and valet area	Granted Conditionally	24/01/2018
12/17/01598/PRI	Works to Trees in a Conservation Area	58 Etruria Gardens, Derby	Felling of an Alder tree within the Little Chester Conservation Area	Raise No Objection	29/01/2018
12/17/01601/PRI	Full Planning Permission	16 Whittlebury Drive, Littleover, Derby	Single storey front, side and rear extensions to dwelling house (living room and dining room) to link the dwelling house to the existing garage space	Granted Conditionally	24/01/2018
12/17/01602/PRI	Full Planning Permission	66 Valley Road, Littleover, Derby	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	30/01/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/17/01606/PRI	Full Planning Permission	14 Rykneld Way, Littleover, Derby	Two storey side and first floor rear extensions to dwelling house (shower room, bedroom, bathroom, en-suite and enlargement of kitchen and bedroom)	Granted Conditionally	24/01/2018
12/17/01607/PRI	Full Planning Permission	150 Vicarage Road, Mickleover, Derby	Single storey side and rear extensions to dwelling house (kitchen/dining area, study and wet room)	Granted Conditionally	31/01/2018
12/17/01614/PRI	Outline Planning Permission	Land adjacent to 8 Wellesley Avenue, Sunnyhill, Derby	Residential development (one dwelling)	Invalid - Finally Disposed of	17/01/2018
12/17/01621/PRI	Prior Approval - Householder	27 Falcon Way, Sinfin, Derby, DE24 3DF	Single storey rear extension (projecting beyond the rear wall of the original house by 4.35m, maximum height 3.5m, height to eaves 2.7m) to dwelling house	Prior Approval Not required	21/01/2018
12/17/01622/PRI	Full Planning Permission	15 Richmond Avenue, Littleover, Derby	Two-storey side and single storey front and rear extensions to dwelling house (kitchen, utility room, wet room, garage, two bedrooms, store room and enlargement of lounge and hall)	Granted Conditionally	31/01/2018
12/17/01641/PRI	Prior Approval - Householder	42 Harrington Street, Pear Tree, Derby, DE23 8PG	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not required	22/01/2018
01/18/00072/PRI	Full Planning Permission	1 Barden Drive, Allestree, Derby	Erection of a cattery building (Sui Generis Use)	Invalid - Finally Disposed of	31/01/2018