

B1 APPLICATIONS

1 Code No: DER/12/06/01936

Type: Full

1. **Address:** 23 Horwood Avenue
2. **Proposal:** Demolition of dwelling and construction of dwelling with annex
3. **Description:** Planning permission is sought for the demolition of the existing dwelling house and replacement with a single 2.5 storey, 5 bedroomed dwelling house with a substantial single storey annex to contain a games room, swimming pool and associated changing rooms and plant room. Amended plans have been submitted after seven letters of objection were received to the original submission.

This description relates to the amended plans.

The application site is located on the eastern side of Horwood Avenue in a row of quite large detached dwelling houses with large rear gardens. Horwood Avenue lies on a hill with the higher land to the north at its junction with Burton Road and lower land to the south where the avenue meets Arlington Road. The houses therefore step down relative to each other. The application site currently contains a large detached dwelling house which is in very poor condition and has been vacant for a number of years. The house stands in a large plot and the rear garden, which is about 67 m deep, backs onto bungalows on The Close. The rear garden contains a number of mature trees which are protected by tree preservation order.

It is proposed to demolish the existing house and replace it with one of a larger footprint but the main footprint will remain almost in the same position and alignment as the existing dwelling.

The proposal would virtually extend across the whole width of the 16.8 metre wide plot, with a gap of about 0.5 m from the northern side boundary with 21 Horwood Avenue and about 0.9 m from the southern side boundary with 25 Horwood Avenue.

The footprint of the main house would be approximately 15.5 m by 8.6 m and the rear annex containing the swimming pool and games room would be approximately 18.5 m by 5.8 m.

The main house would be 3 storey with the second floor rooms contained in the roof space of a hipped roof. The overall height to the proposed roof ridge would be approximately 8.4 m, just a little higher than that of neighbouring dwellings. There would be three pitched roof dormer windows in the rear roof slope.

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The rear annex would be built parallel with and about 700mm from the boundary with the neighbouring property at 21 Horwood Avenue. It would have an eaves height of approximately 2.6 m and a roof ridge height of approximately 4 m.

The main entrance at the front of the building facing directly towards the highway would be a quite elaborate portico with columns supporting a flat roof.

Parking for three cars would be provided in the front garden area.

As the proposal would be very close to three existing trees that are protected by Tree Preservation Order it is proposed to completely remove a 6 m high Sycamore and a 6 m high Yew tree and to reduce the crown of a 15 m high Lime tree.

4. Relevant Planning History:

DER/202/205 - Demolition of existing house and garage and erection of dwelling house with detached double garage, refused 31/5/02.

DER/802/1097 - Erection of a dwelling house, granted with conditions 7/10/2002.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The design is acceptable and as the established neighbouring dwellings are predominantly large detached houses of individual designs the proposal should not result in any significant detriment to the existing character of the streetscene or the area in general.

5.3 Highways: It is noted that there is proposed to be parking provision for 3 vehicles and the existing access and gates are to be reused. These are satisfactory and there are no objections raised on Highways grounds.

5.4 Disabled People's Access: Disabled access requirement will be met through the Building Regulations.

5.5 Other Environmental: The removal of two trees and the works proposed to a third tree will have some impact on the visual amenity of the area however there are no objections to their removal from the Arboricultural Division.

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6. Publicity:

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

7. Representations: 7 letters of objection were received to the original proposal. These will be available in the Members Room. The grounds for objection were:

These will be available in the Members Room.

- The size and scale of the proposal would result in loss of amenity to neighbouring occupiers
- The proposal is higher than neighbouring properties
- The proposal is out of character with the established dwellings in the area
- The proposal looks like three storey apartments
- Roof dormers would make the proposal more imposing and give the house an unattractive side profile
- The height depth and proximity of the proposal to existing dwellings would result in loss of residential amenity to neighbours
- Overlooking of neighbouring properties to front and rear
- Over shadowing of lawns and courtyard
- Overly deep annex
- Retention of a frontage tree would screen an existing telegraph pole.

8. Consultations:

Arboriculture - No objections are raised to the felling of the trees as proposed in the tree survey. Details of tree protection measures to protect the remaining trees during the course of development and details of proposed service runs, hard surfacing and new landscaping should be required by condition.

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

- GD5 - Amenity
- G08 - Infrastructure
- H13 - Residential development – general criteria
- T4 - Parking
- E23 - Design

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- E9 - Trees
- E17 - Landscaping scheme

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

10. **Officer Opinion:** Planning permission has been previously granted on this site for the erection of a replacement dwelling house under planning reference DER/802/1097 the decision being made in October 2002.

The house approved at that time had the same footprint as the main part of the dwelling in the current application. Incidentally, the original plans (now superseded), submitted with this current proposal showed the main part of the dwelling to be the same in width, depth and height, as the dwelling approved in October 2002.

The amended plans that are now under consideration have reduced the overall height of the main dwelling to about 8.3 m to the roof ridge compared to the 9.0 metres for the dwelling previously approved. I consider that this reduction in roof height overcomes any concerns over the scale of the proposal.

The front roof slope has had the proposed dormer windows removed but the rear roof slope still retains three dormers. These will not be visible from the highway frontage and I am satisfied that the visual appearance of the dwelling, when seen from the front will be acceptable and fit well with the character of the established streetscene. I don't consider that massing, scale or proximity of the proposed 2.5 storey element is any more imposing than the dwelling approved in October 2002 and I have no objections to raise on these grounds. The addition of rooms in the roof space and the incorporation of three roof dormers on the rear roof slope would increase the level of overlooking of neighbouring gardens, but I consider this relationship to be quite satisfactory and an arrangement that could be repeated under permitted development rights for the large majority of dwellings.

The rear single storey annex which is to contain the games room and swimming pool would present a brick wall of 2.7 m in height along 18.5 m of the boundary with the neighbouring dwelling on the north side, (21 Horwood Road). Although this would result in a considerable amount of enclosure to that property I still consider the relationship to be acceptable. The higher garden and floor level of 21 Horwood Avenue would reduce the relative height of the annex, when seen from the higher level. Added to that is the fact that there is an existing dense

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evergreen Laurel hedge over 3 m high running along much of the boundary with number 21 which already encloses the outlook from that property and shades much of the garden. I consider that the proposal would have a similar affect to the hedge and that the impact on the neighbouring property would be comparable to that which currently exists.

The trees that are to be felled have been inspected by our Arboricultural Team and they have raised no objections to their removal.

In conclusion, I consider that although the rear annex is longer than most, its impact on the neighbouring property would not result in an unacceptable loss of amenity to that property, and that the amenity of other neighbours would not be so detrimentally affected as to warrant refusal. In design terms the proposal should fit well with the character and pattern of existing development and I see no substantial grounds to refuse planning permission in this case.

11. Recommended decision and summary of reasons:

11.1 A. Subject to no additional representations being received as a result of the neighbour re-notification relating to the submission of amended drawings, **to authorise** the Assistant Director – Regeneration to issue planning permission subject to the conditions as set out in 11.3 of the report.

B. In the case where additional representations are received, **to delegate** to the Assistant Director – Regeneration, **in consultation** with the Chair and Vice Chair, the consideration of those representations, and in view of those representations, the decision as to whether those further representations should be considered by the Planning Control Committee at a future Committee at a future meeting.

11.2 **Summary of reasons:** The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above and it is considered that that the proposal would result in an acceptable form of development in land-use, siting, design highways terms and in the context of the streetscene.

11.3 **Conditions**

1. This permission relates solely to the application as amended by the revised drawing received 2 March 2007, no. 06-105-03B.

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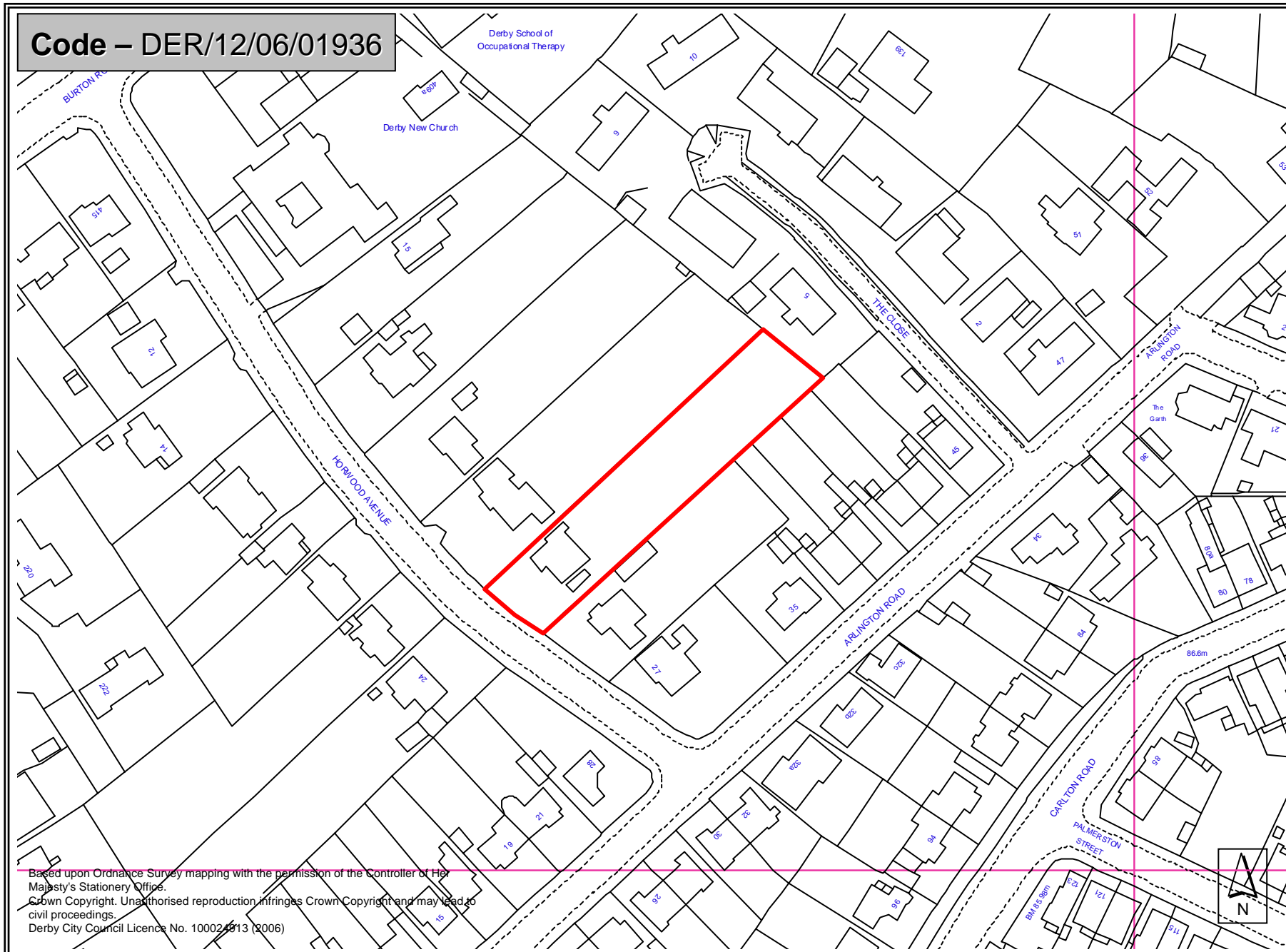
2. Standard condition 27 (external materials)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (maintenance of landscaping scheme)
5. Standard condition 24a (tree protection)
6. Standard condition 19 (means of enclosure)
7. Standard condition 30 (surfaces to be drained)
8. Standard condition 51 (service runs and trees)

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...Policy H 13
3. Standard reason E10...Policy H13 and E17
4. Standard reason E10...Policy H13 and E17.
5. Standard reason E24...Policy E9
6. Standard reason E08...Policy H13
7. Standard reason E21...Policy GD8
8. Standard reason E29...Policy E9

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

2 Code No: DER/11/07/00100

Type: Full

1. **Address:** 201 Slack Lane (Transcycle Ltd)
2. **Proposal:** Variation of condition on planning permission DER/1105/1830, to allow picking operations between 1930 and 0730 hours from Monday to Friday on a permanent basis.
3. **Description:** This full application refers to the existing Transcycle works on Slack Lane. The site abuts the south side of Slack Lane, and there are dwelling houses on the opposite side of the highway. Permission is sought to vary a condition on planning permission DER/1105/1830, to allow picking operations inside the building to be carried out between 19.30 and 07.30 hours from Monday to Friday. The previous permission (DER/1105/1830) was for a temporary period of twelve months (actual expiry date 28 February 2007) and this current proposal requests permission for the operation on a permanent basis.

The operation in question involves the sorting of waste material by up to nine members of staff within the existing building. The operation takes place from 19.30 until 07.30 behind closed doors and closed site gates. Staff vehicles arrive at the site at 23.30 (shift change) and there are no more than eight traffic movements at that time. There are no other vehicle movements during the existing extended times, and no additional movements during normal daytime hours.

4. **Relevant Planning History:**

DER/798/827 – variation of operational hours Monday to Friday (Lorries and Picking operations) 1800 to 1930 hours. Picking operations only behind closed doors and closed gates – granted conditionally.

DER/1105/1830 – variation of condition on planning permission. (DER/798/827) to allow picking operations between 1930 and 0730 hours from Monday to Friday – granted conditionally for a period of twelve months.

5. **Implications of Proposal:**

- 5.1 **Economic:** The proposal would provide local employment
- 5.2 **Design and Community Safety:** None.
- 5.3 **Highways:** None.
- 5.4 **Disabled People's Access:** None.

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2 Code No: DER/11/07/00100

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	33	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received two letter of objection and they are reproduced. They are mostly concerned with traffic noise, disturbance, and a consequent reduction in property values.

Any further representations will be reported at the meeting.

8. Consultations:

Env Services (Health) – to be reported.

9. Summary of policies most relevant: CDLPR policies:

EP11 - Development in existing business and industrial areas
EP14 - Employment with potential off-site effects
E12 - Pollution

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

10. Officer Opinion: The current use of this site as a major waste transfer operation has now been established for a number of years, and despite some initial problems is considered to be an overall improvement on the previous long established twenty-four hour use, as an intensive road haulage operation.

I have noted the points raised by the objectors, and the comments of the Environmental Health Officer will be reported at the meeting. Members will recall that a temporary permission (Ref 1105/1830) was granted for this specific night operation last year, and that it seems to have functioned reasonably well in relation to issues of residential amenity. I have considered all the relevant material considerations, and am inclined to support the proposal with one reservation. I am inclined to grant a further temporary permission for a period of three years and not a permanent permission. I acknowledge that this situation of a night operation so close to dwelling houses is a delicate one, and for the time being I would wish to see the Local Planning Authority retaining this

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level of control in the continued interest of residential amenity. As I indicated in my previous report in February 2006, the Transcycle works is an important provider of local employment in the locality, and continues to exist reasonably well in close proximity to residential properties. On the basis of the information before me, I support the proposal but only in the limited form outlined above. I acknowledge that this is a low key proposal only involving a small number of employees, but I wish to retain some control here in the interests of local residents, should circumstances change.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the provisions of the Adopted City of Derby Local Plan Review policies in 9 above and all other material considerations, and is an acceptable use for a temporary period.

11.3 Conditions

1. The use hereby permitted shall cease on 30 April 2010 unless prior to that date, the Council has, on application made to it for that purpose, approved the use for a further period.
2. The extension of hours hereby agreed does not include Bank or other Public Holidays and is in respect of Monday to Friday only.
3. There shall be no lorry access to the site between the hours of 19.30 and 7.30 hours.

11.4 Reasons

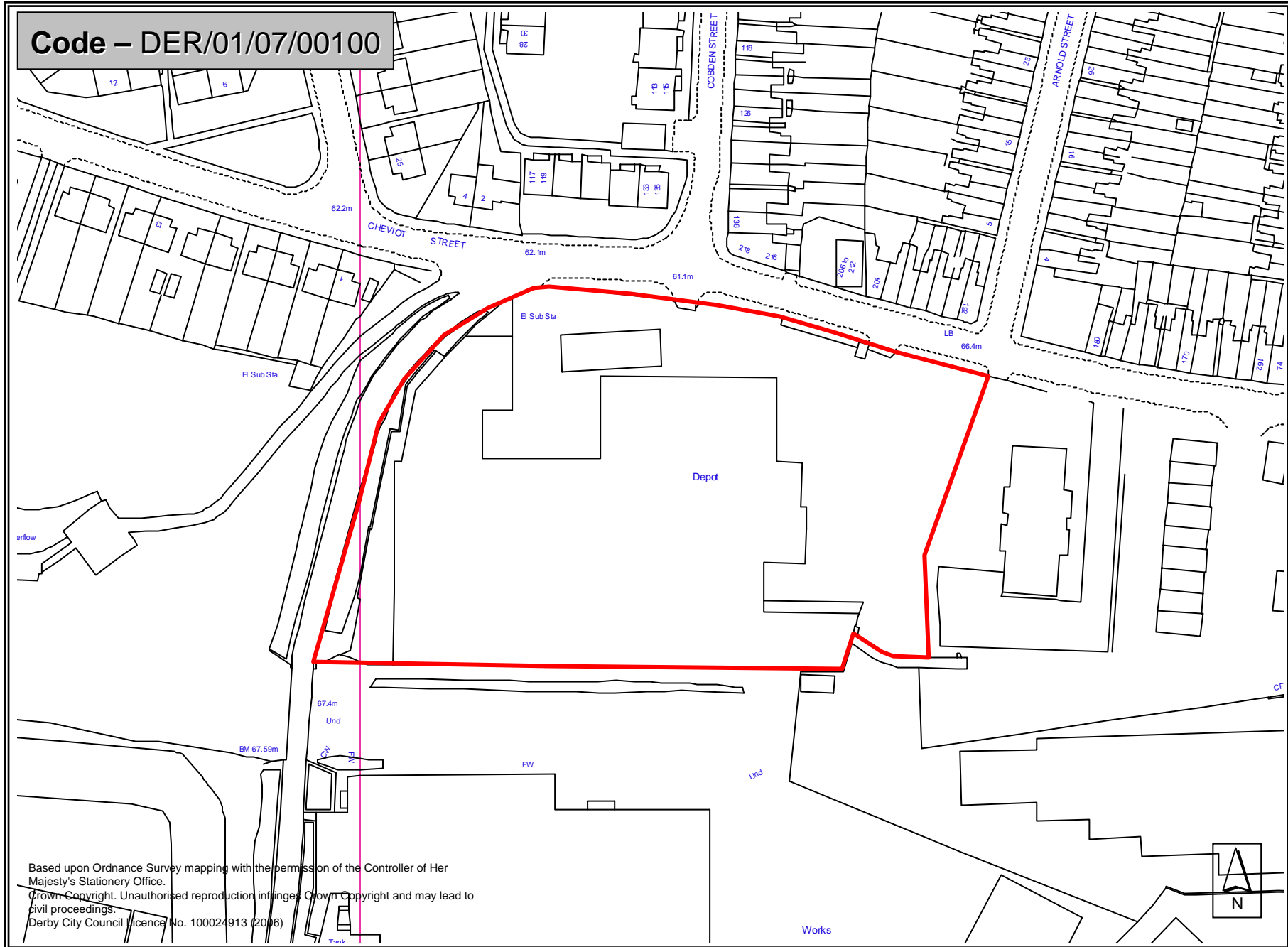
1. In order to enable the Local Planning Authority to monitor the impact if any, of the use on levels of residential amenity and in accordance with policy EP14 of the Adopted City of Derby Local Plan Review.
2. Standard reason E04 and in accordance with policy EP14 of the Adopted City of Derby Local Plan Review 2006.
3. For the avoidance of doubt and in the interests of residential amenity and in accordance with policy EP14 of the Adopted City of Derby Local Plan Review 2006.

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11.5 S106 requirements where appropriate: -

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3 Code No: DER/12/06/01992

Type: Full

1. **Address:** Penguin Hotel, Wollaton Road, Chaddesden
2. **Proposal:** Erection of 24 apartments
3. **Description:** This application relates to a vacant public house, The Penguin Hotel, on the corner of Wollaton Road and Mercaston Road in Chaddesden. The pub, which is currently boarded up, is surrounded on both road frontages by tarmac hardstanding space and it has a rundown appearance. The surrounding area is primarily characterised by post war Council housing and the pub is part of a Neighbourhood Centre, with a small shopping parade to the south and a doctors' surgery to the north. There are traditional two storey terraced dwellings to the east of the site, which abut the side boundary. The site also overlooks a large area of public open space on the opposite side of Wollaton Road.

The proposed residential development would involve erection of 24, 1 and 2 bedroom apartments in an L-shaped block, following the street frontage. The built form would be 2.5 and 3 storeys in height, with accommodation in the roofspace. The building would be broken up into sections of varying height and would have a shallow pitched roofline. The elevational treatment would involve full length openings with juliet balconies and pitched roof dormers and a mix of facing brick and render. Entrances to the apartments would mainly be directed off the street frontage, focussing pedestrian activity onto the public space. The car parking court would be located to the rear of the development, with access from Mercaston Road, through an arched entrance. 16 car parking spaces would be provided in the private courtyard, with cycle parking and bin store. A further 8 car spaces would be sited to the front of the building on the Mercaston Road frontage. They would be accessed directly off the highway on both sides of the vehicle access.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed apartments would be of domestic scale and appearance and would provide considerable visual interest in the local streetscene. The design of the development would fit in with the character and form of residential properties in the surrounding area. The layout and design of the scheme would enable good levels of natural surveillance and secure points of access for the residents. Community safety in the locality is likely to be enhanced as a

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result of removal of the current public house and replacement with a secure residential environment.

5.3 Highways: The proposed vehicular access is in an acceptable location, although the adjacent car parking bays facing Mercaston Road are unsatisfactory due to potential conflict between pedestrians and car drivers. The pedestrian route around the building should be a minimum width of 2 metres and continue through the access and around the parking court. Cycle parking provision should be sited closer to the access point and secure storage provided. The bin store access arrangements onto Wollaton Road should also be revised to meet the required standards.

5.4 Disabled People's Access: Two of the proposed dwellings would accord with Lifetime Homes guidelines. The remainder of the apartments would have a degree of accessibility through compliance with Building Regulations.

5.5 Other Environmental: None.

6. **Publicity:**

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

7. Representations: Nine letters of objection and comment have been received to the proposal, copies of which are available to view in the Members Room. These include e-mails from Cllrs Rawson and Redfern, Members for Derwent Ward. The main issues raised are as follows:

- Concerns about the 3 storey height of the development, which is considered to be excessive and out of keeping with the character of the residential area. It should be no more than 2 storeys
- A contribution towards a CCTV provision covering the local area should be sought from the developer
- The proposed development would amount to an overintensive use of the site
- The apartments would result in a loss of privacy and daylight for nearby residents.

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3 **Code No:** DER/12/06/01992

8. **Consultations:**

Police – The proposed development is well thought out and incorporates natural surveillance and defensible space. The servicing of the bin stores could compromise security if access to the private courtyard is gained by unsupervised access routes around the building.

Env Health – to be reported.

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

GD4	- Design and the urban environment
GD5	- Amenity
H12	- Lifetime Homes
H13	- Residential development – general criteria
S3	- District and Neighbourhood Centres
E10	- Renewable Energy
E23	- Design
E24	- Community Safety
L2 & L3	- Public open space requirements
T4	- Access and parking

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

10. **Officer Opinion:** The proposed redevelopment of this former public house for a residential use would be appropriate in principle, since the vacant site amounts to brownfield land and is suitable for a high density form of residential development. The proposal would be in line with the objectives of PPG 3 and the new PPS 3 (Housing) guidance in terms of location, quality of design and density. The site lies within an accessible suburban location, close to public transport routes and the surrounding urban context is made up of two storey terraced and semi-detached dwellings. The formation of 24 apartments would amount to an efficient use of the site and a good quality design would make a positive contribution to the appearance of the local streetscene.

The former public house on the site has a history of vacancy and various attempts to retain it in pub use have failed. It, therefore, does not provide a local function in the community and appears to be attracting anti-social behaviour problems, which undermine community safety. Its neglected appearance and large expanse of tarmac to the frontage also have a negative visual impact on the overall streetscene. Although in policy terms it is within the Neighbourhood Centre, under Policy S3, the proposed residential use is considered to be appropriate in this case. The public house could be viewed as being on the

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periphery of the centre, where residential use would be acceptable, since there is only a doctors surgery to the north. The retail units in this centre to the south of the site all appear to be in use and providing for a local shopping need. As such the residential re-development of the pub would not adversely affect the vitality and viability of the retail centre.

The design and form of the apartment scheme is considered to be of a quality, which would fit in successfully with the built form in the surrounding area. It would provide considerable visual interest in the local streetscene and extend the active street frontage of Wollaton Road. The building would be of varying height up to 3 storeys, which would not appear out of place in a locality largely comprising of 2 storey residential properties and opposite an area of open space. The land levels rise gradually up Wollaton Road and the development would utilise this gradient to maintain similar roof height along the road frontage and thereby reduce the massing effect. The development would form a satisfactory and secure living environment for the residents and should improve community safety in the overall locality by securing the boundaries of the site.

The residential amenities of nearby dwellings would not be unduly adversely affected by the proposal. The main impact would be on residential properties in the immediate area on Mercaston Road, although the potential loss of privacy and loss of light to these dwellings would be limited. The normal distance standards between habitable room windows would be adequately achieved. The nearby dwellings and shops on the south side of Mercaston Road would not be overdominated by the height and scale of the building, since there would be about 25 metres distance between the development and the existing properties and the apartments would not be significantly taller. The proposed built form would be stepped in height towards the eastern boundary to reflect that of the adjacent terraced dwellings on Mercaston Road. This would minimise undue massing impact on the neighbouring residential properties.

There are highways issues outstanding, which relate to the proposed parking arrangements, bin stores and pedestrian access around the development. These should be overcome by altering the internal car parking layout and parking on Mercaston Road frontage. A designated pedestrian route could be formed through the car park and the bin stores relocated. Discussions with the agent have been undertaken to resolve these issues and any amendments to the scheme will be reported at the meeting.

The proposed residential development would generate a requirement for contributions towards public open space and off-site highway

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improvements for public transport, cycling and pedestrian facilities. A commuted sum has been agreed in principle for both open space and highway provision. The development is also suitable for the provision of two lifetime homes. All these contributions would be secured by completion of a Section 106 Agreement. A request for contribution towards CCTV provision in the local area has been made by interested parties. However in this case such a contribution is not considered to be appropriate, since the proposed residential use is not likely to generate a need for additional surveillance. The proposal should in fact improve the sense of security for local residents, through its design and layout and remove a use, which is currently associated with social problems in the locality.

I have compared this scheme with that at Greenwood Avenue which Members refused at the 28 April 2004 meeting because of its scale and impact on neighbours. That scheme was for a single 'T shaped' 3 storey block of apartments facing 2 storey semi-detached dwellings at a 20.5 m distance. The application scheme does not face two storey dwellings, opposite are shops with apartments above at a 25 metre distance, and takes advantage of the sloping ground to create a more varied appearance with its 2½ to 3 storey proposal. Near the adjacent 2 storey terrace it reduces to a similar height. I consider there to be significant differences which made the current scheme acceptable.

Overall the proposed apartment scheme would accord with the provisions of Policy H13 and E23 of the Local Plan and be a satisfactory form of development, which would be in keeping with the character and appearance of the local streetscene.

11. Recommended decision and summary of reasons:

- 11.1 A.** To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate Services to enter into such an agreement.
- B.** To authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement with conditions.
- C.** If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (18 April) consideration be given, in consultation with the Chair, to refusing the application.

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11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal would be an appropriate form of residential development, which would be in keeping with the appearance and character of the streetscene and would not unreasonably harm residential amenities in the local area.

11.3 Conditions

1. Standard condition 09A (Amended plans received -)
2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping maintenance – Condition 4)
6. Standard condition 38 (foul and surface drainage)
7. Standard condition 30 (hardsurfacing)
8. Standard condition 94 (cycle/ motorcycle parking)

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

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...Policy H13 & E23
3. Standard reason E14...Policy H13 & E23
4. Standard reason E09...Policy E23
5. Standard reason E09...Policy E23
6. Standard reason E21
7. Standard reason E21
8. Standard reason E35...Policy T4

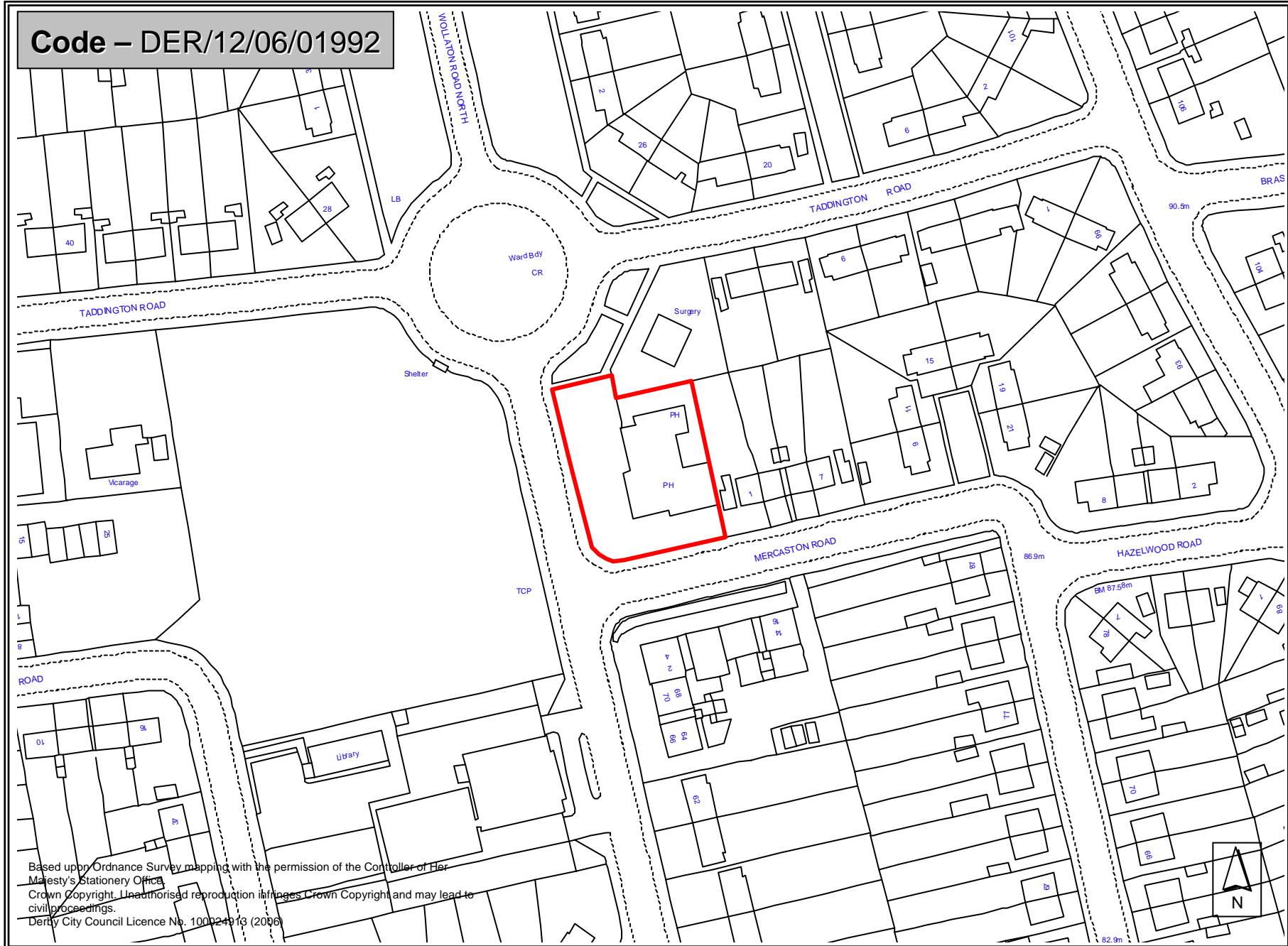
9. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with Policy E10 of the adopted City of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

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11.5 S106 requirements where appropriate: Public open space, off-site highway improvements for public transport, and pedestrians, cyclists, lifetime homes.

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4 Code No: DER/11/06/01841

Type: Full

1. **Address:** Site of 59 Blagreaves Lane, Littleover
2. **Proposal:** Demolition of dwelling house and erection of residential care home
3. **Description:** Members will be familiar with this application which was deferred at the meeting on 22 February. The application was deferred to enable neighbour re-notification in response to amended drawings which were received on the day of the meeting. Neighbours have been re-notified about the amended drawings which include the re-positioning of ground and first floor level windows, to serve bedroom nos. 9 and 32, from the eastern end of the proposed south elevation to the east elevation. The amended site layout also includes an additional parking space situated to the eastern side of the proposed building. This report is also up-dated from the previous meeting to embody the comments of my colleagues in the Arboricultural Team and DWT.

Full planning permission is sought to demolish the existing property on this site and erect a residential care home with associated car parking. The site is located on the eastern side of Blagreaves Lane between Hill Cross Avenue and Rowley Lane. The site is almost rectangular and it covers an area of approximately 1,960 sqm. It is located opposite the Royal British Legion Club which sits on the south side of Hill Cross Avenue at its junction with Blagreaves Lane. This part of Blagreaves Lane is wholly residential in character.

The front elevation of the existing dwelling sits at a slight angle to Blagreaves Lane and it is set back approx 13.5m from the front site boundary. The 2 storey property is described as a speculative Edwardian Villa. The main front elevation of the property has original symmetrical proportions, including canted bay windows at ground floor level on either side of the front door, and a pavilion style slate roof. Although the property maintains a number of original architectural features it has been unsympathetically extended on the rear and side elevations. It is important for Members to note that the property has been forwarded for inclusion in the City Council's Local List as part of the current review of the List. The expert Review Panel has met to discuss the merits of this property. The Panel did not consider it appropriate to recommend inclusion of this building on the Local List because it was felt that it was of insufficient historic/architectural quality and could not be considered special by virtue of the rarity of this particular building type/age. Members have also had an opportunity to visit the site.

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4 Code No: DER/11/06/01841

The original application has been amended at my officer's request. The architect has reduced the height of the proposed roof by approximately 2m and part of the on-site parking area has been redesigned to address the concerns of the Highways officer. The proposed layout has also been amended to respect a protected Cedar tree that sits in the north-eastern corner of the site. The amended application includes the following component parts:

- The proposed care home would front Rowley Lane and the footprint would include forward projecting hipped roof gables at either end of the building. The main part of the front elevation would be set back approximately 10.8m from the end gables and vehicle access to the front of the building is proposed.
- The proposed building would accommodate 47 bedrooms together with offices, day rooms and other support facilities over the ground, first and second floors. The internal layout would include a central corridor that would run across the main body of the building and the upper levels would be served by stairs and lifts within the gable arms of the building.
- The proposed side, east, elevation would be sited a minimum of approximately 15m from the side boundary of no. 23 Hillcross Avenue. The area adjacent to that side of the building would be sub-divided to provide a total of 6 parking spaces with vehicle access onto Rowley Lane. A separate garden area adjacent to the boundary with no. 23 Hillcross Avenue is also proposed.
- The proposed front elevation is characterised by the hipped peak gables at either end of the building. The main front elevation is set back from the gables and the architect has arrived at the design solution to break the form and mass of the building in this residential context. The proposed gables include timber detailing and this feature is apparent on existing residential properties in the immediate locality. The proposed front elevation includes a centralised pitched roof gable with dormer windows on either side to serve the rooms in the roof space. Those features would also include timber detailing. The proposed rear elevation would front Hillcross Avenue and it would be set back approximately 2.4m from the end gables. The main part of the rear elevation would include a consistent fenestration of French doors and windows with dormers at second floor level. Both side elevations would accommodate doors and windows at ground and first floor level only.

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/06/01841

- The proposed eaves height of the main front and rear elevations of the building would be approximately 6.8m from ground level. The existing property has an eaves height of approximately 6.3m from ground level. The proposed hipped roof would be approximately 11.8m in height from ground to roof ridge level.

The architect has submitted a photographic impression of how the building would appear in the street context and this accompanies the Design and Access statement.

4. Relevant Planning History:

DER/902/1386 – erection of 3 dwellings (outline) – granted conditionally 12 November 2002.

DER/1006/1676 - residential development - decision pending.

5. Implications of Proposal:

- 5.1 Economic:** The architect has indicated that 12 staff would be employed at the proposed care home.
- 5.2 Design and Community Safety:** My comments in relation to design and contextual issues are included in the 'officer opinion' section. I raise no objections to the proposed development in community safety terms.
- 5.3 Highways:** The amended layout includes the provision of 5 parking spaces to the front of the main front elevation which would be served by separate ingress and egress points to Rowley Lane. The proposed area to the east side of the building, as amended, would include a further 6 spaces with access from Rowley Lane and a mini-bus space is included. The architect has indicated that staff would benefit from a minibus service to and from work as part of the management of the proposed care home. The original layout included a total of 13 spaces on-site and that included a vehicle access from Blagreaves Lane to serve 2 spaces adjacent to the west elevation of the building. The on-site parking area on the opposite side of the building was also combined with a Grasscrete garden area to serve residents. This layout was disjointed and, in my opinion, it would have increased pedestrian and vehicle conflict on-site. The amended scheme is a more practical solution and the Highways Development Control Team is satisfied with the layout. It is accepted that a S106 request for the provision of a new bus shelter on Blagreaves Lane has not been pursued in this case given that residential care homes are historically low traffic generators and a bus shelter could not be reasonably

B1 **APPLICATIONS** (cont'd)

4 **Code No:** DER/11/06/01841

sought. The existing narrow footway on the south side of the Rowley Lane frontage would be enlarged from a minimum existing breadth of 0.9m to 1.8m across the Rowley Lane site frontage. This is acceptable in highways terms.

5.4 Disabled People's Access: The accessibility of the building is controllable through the Building Regulations.

5.5 Other Environmental: The site layout adjacent to the protected Cedar tree has been amended and there are no over-riding objections to the proposal subject to the imposition of a safeguarding condition which is detailed in part 8 of the report. The application involves demolition of the existing property and detached garage on-site and a Phase 1 Ecological Survey has been commissioned by the architect as a result of the formal comments of DWT. The response of DWT to the Ecological Survey is included in part 8 of the report. The site currently accommodates a large garden area and, therefore, it is inevitable that the proposed redevelopment of the site will result in a net-loss of biodiversity.

6. **Publicity:**

Neighbour Notification letter	46	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: A total of 45 households have submitted letters of objection in response to the amended application and have maintained their objections to the subsequent revisions. The objectors principally raise strong concerns about the siting, design and detrimental massing impact of the development in relation to the residential street context. Concerns about the impact of the development in traffic safety terms are also expressed. Copies of the letters will be available in the Council Chamber Foyer and any late representations will be reported orally at the meeting. I understand that the application has been discussed at Area Panel 4 and concerns have been raised by Local Members about the principle and form of the proposed redevelopment in this location. I understand that Councillor Marshall has elected to speak at the meeting in objection to the application.

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/06/01841

8. Consultations:

DCommS (Arboriculture) – recommends a condition on any permission to embody the following requirements:

1. A fence erected on the edge of the trees' canopy before any site clearance starts to create a Root Protection Area (RPA).
2. No digging, storage or vehicles within the RPA.
3. No pruning of the tree.
4. Any grass to be removed within the RPA to be removed by hand, no chemicals used, mulch to be applied to a depth of 25-50mms.

DWT – The following comments of DWT have been submitted in relation to the submitted Phase 1 Ecological Survey.

“From the report we would advise you that the buildings proposed for demolition have been surveyed sufficiently for the presence of bats. The report correctly acknowledges that the survey was not undertaken at an optimum time of year. However, the report text and photographs show that the surveyor was able to obtain good access to the roof space of the buildings and, as the report suggests, if there was a bat roost in the roof space the surveyor would most likely have found signs.

There is always a possibility that bats might be encountered during demolition work and the survey has identified one old apple tree as having low potential as a bat roost. The survey report therefore provides guidance (Appendix 3) for procedures which should be followed if a bat is encountered. We would recommend that this guidance should be highlighted to the applicant in any approval of the application.

In addition to bats, we would advise you that, in our opinion, sufficient survey work for protected species has been undertaken for the Council to determine the application and meet Government guidance regarding protected species and development as detailed within Planning Policy Statement 9 and its associated circular.

The survey has recorded old swallow nests in the garage. As this is an Amber list species a recommendation for the incorporation of artificial nests in the proposed new development has been made. However, it is important to note that for this species it will be necessary to provide flight access to any building where artificial nests are provided. In many

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/06/01841

situations buildings, such as garages, need to be kept closed and locked for security reasons. Therefore, unless the building is a shed or outhouse storing low value items, where the door can be left open, it may not be easy to implement this recommendation.

Section 5.2 of the report highlights the potential for disturbance to nesting birds if site vegetation work takes place during the bird breeding season (March to September inclusive). We would advise the Council that the recommendations made within the report regarding this matter are appropriate and should be adopted if approval is given”.

The recommendations of DWT with regard to bat activity on-site can be addressed by condition and the issue regarding work during the bird nesting season should be included on any decision as notes to the applicant.

9. Summary of policies most relevant: Adopted CDLPR:

GD4 - design and the urban environment
GD5 - amenity
GD8 - infrastructure
H13 - residential development – general criteria
E9 - trees
E7 - protection of habitats
E10 - renewable energy
E23 - design
E24 - community safety
T4 - provision for pedestrians
T7 - provision for cyclists
T10 - access for disabled people
E17 - landscaping schemes

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

10. Officer Opinion: The planning application has generated a large number of objections. The objections surround the principle of redevelopment and detailed factors relating to the siting, design, scale, street-scene and residential amenity impact of the proposed development in this residential context. There are also concerns about the impact of the development in terms of traffic generation and highways safety in the immediate area. My comments about the application are as follows:

B1 APPLICATIONS (cont'd)

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Principle

The site of the proposal is not allocated for any particular use in the adopted CDLPR. The proposed redevelopment of the site is, therefore, considered in relation to the city-wide policies of the adopted CDLPR. Policies GD4, H13 and E23 are particularly relevant. Outline planning permission has been granted for residential development in the recent past and, in my opinion, I consider that the proposal is acceptable in principle. The architectural merits of the existing property on-site have been carefully scrutinised as part of the current review into the Local List. The Review Panel considers that the property is not worthy of inclusion on the Local List and, therefore, the demolition of the property is not objectionable in planning terms. I consider that the main development control issue surrounds the creation of an acceptable form of development in siting, design and street-scene terms in this context. My Urban Design officer in our Built Environment Team has carried out a design appraisal of the original submission and the main results are included below together with my update where it relates to the revised scheme.

Design Context

Layout

Rowley Lane and the site boundary to the North benefit from a development fronting the street as currently back garden fencing face one side of the street. The line of the façade frontage to Blagreaves Lane and the west elevation is in line with the adjacent club building rather than the existing residential street frontage, which is stepped back. Given the proposed 'non residential' use of the development this is acceptable. However, the line of the façade frontage to the south elevation on Hill Cross Avenue is significantly closer to the site boundary, albeit stepped back to form the patio areas, than the existing frontage line of the residential properties and the street. This is a principal concern and will give the proposed development a significant impact on the street which is further reinforced by the removal of the soft landscaping currently in place on the southern edge of the site. The architect has assessed this comment. He has surveyed the site to align the main part of the proposed rear elevation of the building with the existing front elevation of no. 23 Hillcross Avenue. This relationship is now considered acceptable in street-scene terms.

Height

The ridge height would be above the adjacent properties and ambient heights. However, the heights are in keeping with other properties in

B1 APPLICATIONS (cont'd)

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the wider area. Notwithstanding these comments, I requested that the overall height of the proposed roof be reduced by approximately 2m across the main part of the building to reduce its overall visual impact in the street context. The amended design has a total roof ridge height of approximately 11.8m from ground level.

Massing

The south west corner viewed from Blagreaves Lane is significant given the closeness of the development to the site boundaries. The treatment of the corner is weak given its prominence but the detail of the gable and bay does provide a significant element to 'landmark' the development.

External Appearance

The surrounding context includes a variety of roof types some of which are reflected in the proposed development. High roof ridge levels are evident with accommodation within the roof space. A reasonably recent development in Rowley Lane is of 3 storey composed of gables and dormers - this is the newest development to the area. The composition of the proposed development is in keeping with the context. The elevational treatment to the south elevation does not reflect the rhythm of Hillcross Avenue with its 'pairs' of semi-detached properties. However, as the site ends the street this is not unreasonable.

Spacing

From my calculations the former residential space standards of the Council are met in relation to the habitable windows in the north side of the proposed building and the facing residential properties on Rowley Lane. The amended elevation drawings were submitted to address the partial transgression of the former 21m space standard which existed on the eastern end of the proposed south elevation gable in relation to the residential dwelling opposite, no. 18 Hillcross Avenue. This transgression related to a pair of ground and first floor level French Doors to serve bedroom nos. 9 and 32. These have been re-sited on the east elevation at the request of my Officer and neighbours have been re-notified. In light of the amended drawings, I consider that there is no over-riding reason to object to the proposed development on spacing grounds.

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/06/01841

Highways

There are no over-riding objections to the amended proposal in highway terms. Secure bin storage is provided in the proposed building. I consider that cycle parking could also be provided in the building and this can be conditioned.

Environment

A condition is required on any permission with regard to the proposed means of construction of the parking area adjacent to the protected tree and tree protection measures to be used during the course of development. Details of the Phase 1 Ecological Survey have been assessed by DWT and there are no over-riding objections to the proposal subject to safeguarding measures that can be addressed by either condition or an advisory note to the applicant in relation to the requirements of associated legislation. In terms of environmental build features, I consider that it would be feasible to include solar panels on the proposed south facing roof plane of the main rear elevation. This can be secured by condition.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 24 (vegetation protection)
3. Standard condition 84 (drawing nos. 06 108 05 C, 06 108 06C)
also omit 'solely' from condition
4. Standard condition 30 (surfaces to be drained etc)
5. The construction of the care home shall have full regard to the need to reduce energy consumption and a scheme shall be submitted to, and approved by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/06/01841

the care home is occupied, unless otherwise agreed in writing by the Local Planning Authority.

6. Standard condition 69 – cycle/motor cycle parking.
7. Standard condition 19 – means of enclosure.
8. Before any development is commenced, precise details of the type and location of fence to be erected on the edge of the trees' canopy to create a Root Protection Area (RPA), shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented before any development is commenced. Any grass to be removed within the RPA to be removed by hand, no chemicals shall be used and mulch to be applied to a depth of 25-50mm, unless otherwise agreed in writing by the Local Planning Authority.
9. Standard condition 20 – approval of landscaping scheme.
10. Standard condition 22 – landscaping within 12 months (condition 10).
11. The Phase 1 Ecological Survey compiled by BJ Collins provides guidance (Appendix 3) for procedures which shall be followed if a bat is encountered on-site during the whole period of demolition and redevelopment, unless otherwise agreed in writing by the Local Planning Authority. A DEFRA licence shall be secured to legitimise destruction of any bat roost.

11.4 Reasons

1. Standard reason E14 (H13 and E23)
2. Standard reason E11 (E9)
3. Standard reason E04
4. Standard reason E09 (GD8 and H13)
5. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.
6. Standard reason E16 (T4)
7. Standard reason E09 (GD5 and H13)

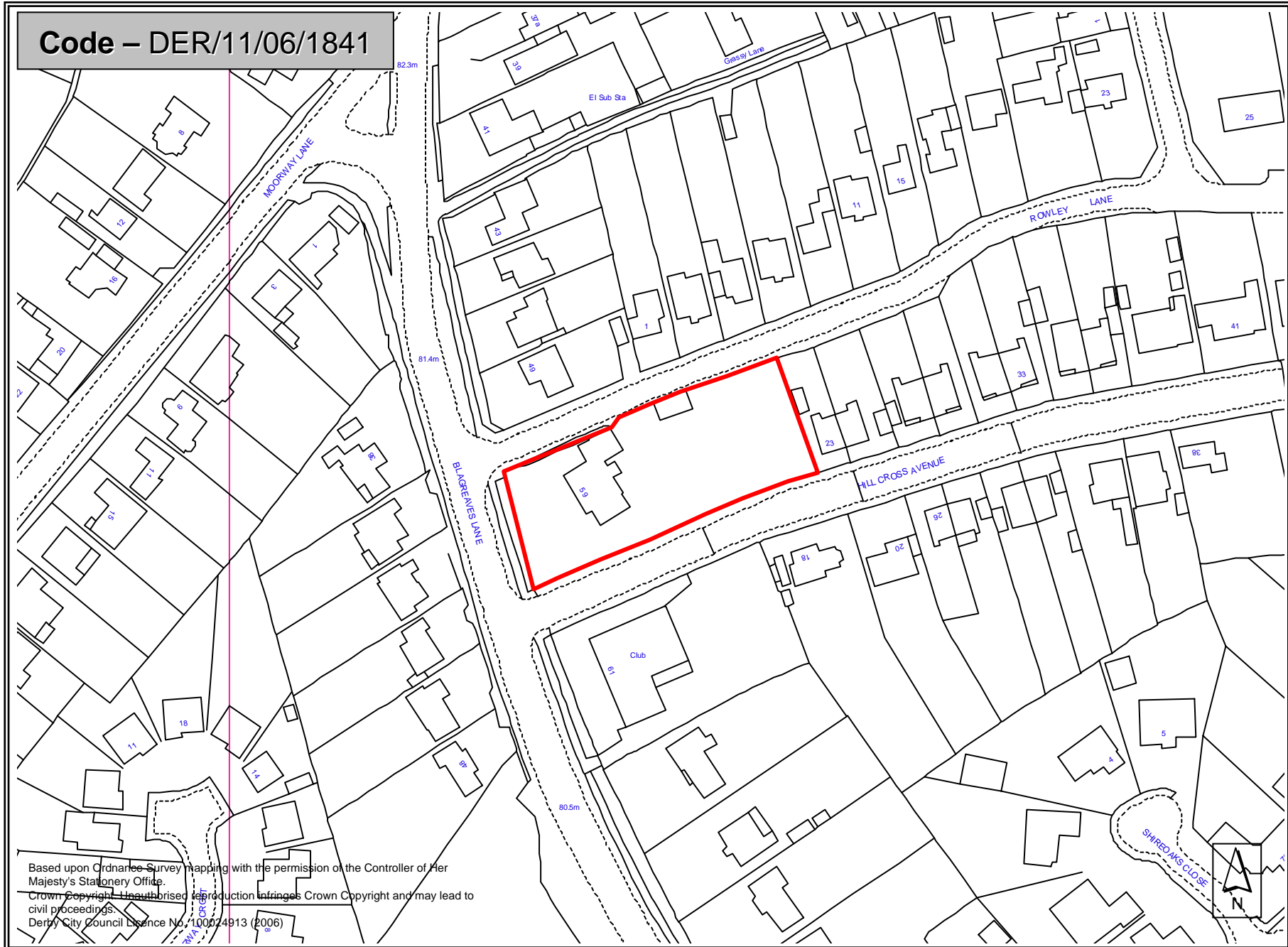
B1 APPLICATIONS (cont'd)

4 Code No: DER/11/06/01841

- 8. To prevent damage to the protected Cedar tree on-site and in accordance with policy E9 of the adopted CDLPR
- 9. Standard reason E09 (GD4, GD5, H13, E17 and E23)
- 10. Standard reason E08 (GD4, GD5 and H13 and E17)
- 11. To ensure that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 - Biodiversity and Geological Conservation and Policy E7 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/11/06/1841



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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal

Code No	Proposal	Location	Decision
DER/03/06/00461	Extension to dwelling house (breakfast bar, utility room, bedroom, en-suite and enlargement of kitchen)	212 Clarence Road	Part dismissed / part allowed
<p>Comments: The Inspector noted that the principle issue in this case was the effect of the proposed first floor extension on the amenities of the neighbouring occupiers in terms of their outlook. He stated that due to its height and proximity to the neighbouring site, the gap between the 2 dwellings would be physically enclosed by the extension. He considered that the restricted outlook already offered by the side windows of 210 Clarence Road would be further reduced and the first floor extensions visual impact on the adjacent rear garden would be overbearing, thereby compounding the harm. Consequently, he concluded that the proposal would conflict with Local Plan policy H16 and the appeal in respect of the first floor side extension was dismissed.</p> <p>The Inspector noted that the City Council had raised no objection to the single storey rear extension and allowed this element of the proposal as it could be constructed independently from the first floor element of the proposal.</p>			

Code No	Proposal	Location	Decision
DER/01/06/00175	Extension to dwelling house (garage, study, conservatory, store, dressing room, en-suite and enlargement of bedroom)	21 Heath Avenue, Littleover	Part dismissed / part allowed
<p>Comments: The Inspector considered the main issue in this case was the effect of the development on the character and appearance of the area and the dwelling itself.</p> <p>The Inspector stated that the new windows in the two storey element of the proposal would appear poorly proportioned in relation to each other and the overall pattern of fenestration. He also stated that the twin hipped roofs appear clumsy, overcomplicated and poorly related to the existing roof. He considered the projection of part of the integral garage forward of the front wall of no. 21 would cause the extension to appear dominant rather than subservient to the existing dwelling. The Inspector concluded that this element of the proposal would materially harm the character and appearance of the area and the host dwelling. Accordingly, the appeal relating to the two</p>			

D2 SPECIAL ITEMS (cont'd)

1 APPEALS DECISIONS

storey extension was dismissed.

The Inspector considered that the single storey rear extension, which did not form part of the reasons for refusal of planning permission, were acceptable and easily divisible from all other elements of the proposed development. He therefore concluded that they should be granted planning permission.

RECOMMENDATION: To note the report.

D3 **PRIOR NOTIFICATIONS**

1 **Code No:** DER/02/07/00317

Type: Prior Notification

1. **Address:** Land at front of car park adjacent Liberal Club, Moor Street, Spondon
2. **Proposal:** Erection of 11.7 m monopole with 3 antennas, associated equipment cabinets and ancillary development.
3. **Description of Location:** The proposed site location is within close proximity to the main local district centre for Spondon. The location is within the site of the Spondon Liberal Club on Moor Street adjacent to the public footpath which is approximately 2.1 m wide.

The monopole would replace an existing flagpole on the site, but this function will be utilised within the telecommunications mast to reduce any visual impact of the proposal, since it will be visually evident within the streetscene.

The equipment will be located close to the rear edge of the footpath which forms the boundary line with the application site.

The monopole would be sited within close proximity to residential properties on Moor Street and Gladstone Road. Those on Gladstone Road are at a higher level than the site. It is required to provide both enhanced 2G and 3G telecommunications coverage in this eastern area of the City.

4. **Description of Equipment:** The monopole would have a total height of 11.7 m, with the transmitter antennae in a cylindrical plastic shroud occupying the highest 1.7 m. This will result in the main part of the steel column being some 200 mm in diameter with the higher transmitter-carrying part being some 150 mm in diameter. The flagpole to be removed is 8.0 m high and the existing street lighting columns are 8.0 m high. There will be no significant difference between the heights of the street furniture but the dual functionality of the monopole will help reduce the visual impact of the mast.

The associated ground level equipment would be in the form of two cabinets, one 1000 mm x 1400 mm x 1600 mm high and a second 700 mm x 1400 mm x 1400 mm high.

5. **Alternative sites considered by Applicant:** A schedule of 6 alternatives has been provided. Reasons for their rejection cover:
 - Too close to existing sites (2)
 - Technically unsatisfactory (4)

D3 **PRIOR NOTIFICATIONS** (cont'd)

1 **Code No:** DER/02/07/00317

There is some overlap of reasons in most cases. It is significant that the list includes four refusals under planning legislation in respect of location and design.

6. **Relevant Planning History:** None.

7. **Implications of Proposal:**

7.1 **Economic:** None directly arising. The extension of 2G and 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

7.2 **Design:** This monopole is designed to house both 2G and 3G antennae in a single cylindrical shroud. The proposed monopole design has been chosen in relation to the application site, and is proposed to have a dual function for use as a flag pole as well as a telecommunications mast. This will replace the existing flag pole. In terms of the streetscene implications this dual functionality will reduce any impact. The cabinets will be open to view, but these could be designed to be screened which could be conditioned should the notification be granted.

7.3 **Community Safety:** There is frequently concern that the steel cabinets can be climbed on. A secure compound is not proposed to be created. However, at present the hazard is no greater than that from other street furniture.

7.4 **Highways:** To be reported.

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

7.6 **Other Environmental:** The site is within a residential area. The mast has been designed so as to blend in with the surrounding environment so as not to be visually intrusive within the streetscene.

D3 **PRIOR NOTIFICATIONS** (cont'd)

1 **Code No:** DER/02/07/00317

8. **Publicity:**

Neighbour Notification letter	120	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

9. **Representations:** I have received 5 objections and a petition which can be summarised as follows:

- de-value house prices
- health
- appearance of the mast

I have to report the notification to this meeting as the 56-day period expires before the next meeting. Any further objections that are received by the date of the meeting will be reported orally, circulated or placed in the Members' rooms.

10. **Consultations:**

DCorpS (EH) – to be reported

DC (Highways) – to be reported

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

Policy E28 (telecommunications) of the adopted CDLPR states that planning permission will be granted subject to assessment against the following criteria:

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

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

D3 **PRIOR NOTIFICATIONS** (cont'd)

1 **Code No:** DER/02/07/00317

The main policy guidance is that a PPG8 (Telecommunications). Members will be aware of this from previous reports on prior notifications and on telecommunications

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

Health Considerations

Further to the comments under 7.5 above, a notable case (Harrogate) before the Court of Appeal expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where the judge had found a Planning Inspector at fault in his determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

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

D3 PRIOR NOTIFICATIONS (cont'd)

1 Code No: DER/02/07/00317

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

There is one sensitive receptor within 200m of the proposed site location. There is a day nursery at 38 Chapel Street which is approximately 170m away from the site. This site is considered to be a sufficient distance from the mast and so any adverse effect is considered to be minimal. In addition the beam of greatest intensity could be manipulated so that it avoids the sensitive receptor.

Visual Amenities and the Environment

I am satisfied that the proposal would not have any unreasonable impact upon visual amenities or the surrounding environment. The proposed dual function monopole will be a similar structure but the main difference will be the height.

The proposed ancillary equipment will be noticeable within the streetscene but any impact could be reduced further should an enclosure be placed in front of the cabinets to screen it from the streetscene. This has been requested previously in pre-application advice, however, at present this has not been implemented. A condition could be placed on this. Should an enclosure/screen be implemented any impact to the streetscene would be potentially minimal.

In my view, the telecommunications industry has listened to past criticism of the ugliness of its early equipment, has developed and continues to develop types which are more sympathetic to conventional street furniture in visual impact, for urban residential locations.

Mast-Sharing and erection upon Existing Buildings

The applicant has submitted supporting information which states that alternative site options have been explored as set out in Section 5 above. I am satisfied that there is none available within the limits that will give coverage to the cell that have any material advantages over this one.

In relation to site-sharing, I feel that this is one area where technological development has overtaken the advice in PPG8. I consider that a number of monopoles, of the type now available and

D3 PRIOR NOTIFICATIONS (cont'd)

1 Code No: DER/02/07/00317

proposed here, in a locality, is arguably better than site-sharing as this inevitably still requires heavy engineering structures.

Highway Considerations

The proposed monopole would be sited on private land but significantly located close to the edge of the highway. Access to the equipment would be achievable by a pedestrian operative.

Pre-application advice has been given on the proposal for the siting and appearance of the equipment.

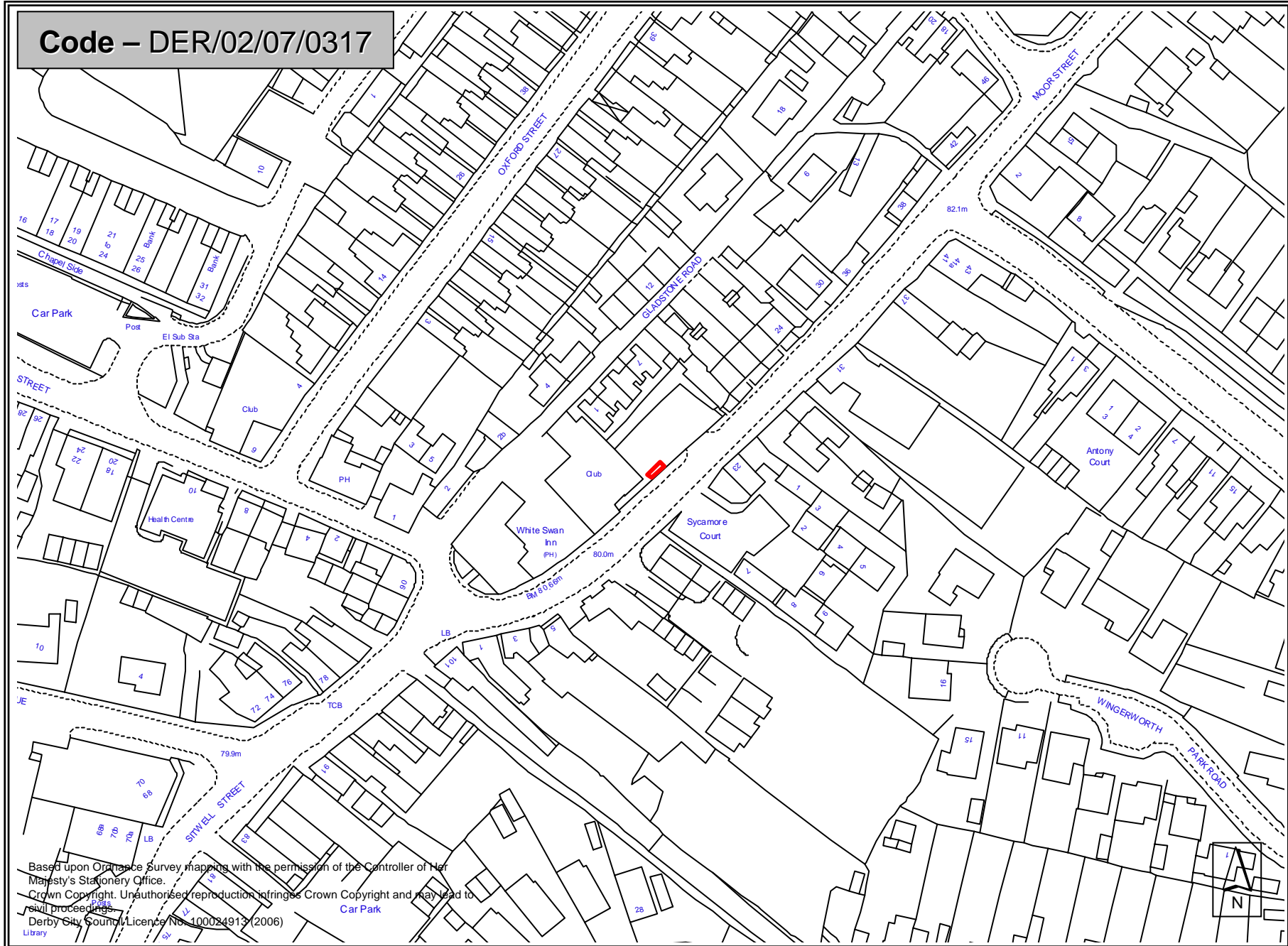
13. Recommended decision and summary of reasons:

- 13.1** That the City Council does not wish to object to the telecommunications telephone mast. However, a condition based on suitable screening of the ancillary equipment to the mast should be added.

Details of the screening/enclosure shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any work.

- 13.2 Summary of reasons:** The proposal has been considered against the City of Derby Local Plan policy as summarised in 11 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development in the most suitable of several identified locations, and would improve the network in this part of the city without having a detrimental effect upon local amenities.

Code – DER/02/07/0317



D3 **PRIOR NOTIFICATIONS**

2 **Code No:** DER/02/07/00246

Type: Prior Notification

1. **Address:** Highway Land at junction of Barrett Street and Harvey Road, Alvaston
2. **Proposal:** Installation of a 12.0 m telecommunications monopole, 3 antennae and 2 equipment cabinets
3. **Description of Location:** Highway verge on the southern side of Harvey Road, close to the junction with Barrett Street. It is located within the public realm of the open space, 1m in from the back edge of the footpath on a small wedge of grass with 10 trees forming a screen to the residential area of Barrett Street. Notification has been received to install a steel column-type monopole on the existing highway verge adjacent to a 3m wide cycle and pedestrian footpath which itself is separated from Harvey Road by a 4 m wide grass verge. In total it would be some 8m back from the carriageway.
4. **Description of Equipment:** The monopole, designed as a telegraph pole, would be sited approximately 30.0m from the nearest dwellings which are semi-detached properties on Barrett Street and also Harvey Road. It is required to provide both enhanced 2G and 3G telecommunications coverage in this south-eastern area of the City.

The monopole would be 12.0m high in total with the transmitter antennae in a cylindrical plastic shroud occupying the top 1.5m. This will result in the main part of the column being some 200mm in diameter with the higher transmitter-carrying part also 200mm in diameter. It would be immediately set against the trees surrounding the mast which are approximately 9.0 – 9.5m in height. The existing street lighting columns are 10.0m high.

The associated ground level equipment would be in the form of three cabinets, one 1200mm x 600mm x 1400mm high, a second 500mm x 800mm x 1200mm high and a third 1400mm x 800mm x 1600mm high.

5. **Alternative sites considered by Applicant:** A schedule of 7 alternatives has been provided. Reasons for their rejection cover:
 - site owner unwilling to provide facilities (3)
 - technically unsatisfactory, (4)

There is some overlap of reasons in most cases.

D3 **PRIOR NOTIFICATIONS** (cont'd)

2 **Code No:** DER/02/07/00246

6. **Relevant Planning History:** None.

7. **Implications of Proposal:**

7.1 **Economic:** None directly arising. The extension of 2G and 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

7.2 **Design:** This monopole is designed to house both 2G and 3G antennae in a single cylindrical shroud. The proposed telegraph pole design has been chosen in relation to the application site to help blend in with the streetscene in which it will be sited. Harvey road has many telegraph poles and streetlamps. The trees nearby provide a screen from the residential area and so a telegraph pole design could blend in with the surrounding vegetation so as to reduce the visual impact of the proposal.

7.3 **Community Safety:** There is frequently concern that the steel cabinets can be climbed on. On a streetworks installation, that is one where a secure compound is not created, this cannot be avoided but the hazard is no greater than that from other street furniture.

7.4 **Highways:** To be reported.

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

7.6 **Other Environmental:** The site has a dense tree cover which will provide a significant canopy to help in the screening of the mast to the residential area of Harvey Road and Barrett Street. The top quarter of the pole will be evident due to the height in relation to the tree heights. The mast has been designed so as to blend in with the surrounding environment so as not to be visually intrusive within the streetscene.

8. **Publicity:**

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

D3 **PRIOR NOTIFICATIONS** (cont'd)

2 **Code No:** DER/02/07/00246

9. **Representations:** At the time of preparation of this report I have received one objection. That is from a resident in the immediate vicinity and is reproduced. I have to report the notification to this meeting as the 56-day period expires before the next meeting. Any further letters that are received will be reported orally, circulated or placed in the Members' rooms.

10. **Consultations:**

DCorpS (EH and ES) – to be reported.

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

Policy E28 (telecommunications) of the adopted CDLPR states that planning permission will be granted subject to assessment against the following criteria:

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

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

The main policy guidance is that in PPG8 (Telecommunications). Members will be aware of this from previous reports on prior notifications and on telecommunications in general.

12. **Officer Opinion:** The expiry date of this application is 4 April 2007. As with all applications for 'Prior Notification' we must resolve to make a comment before that date otherwise it is deemed that we have no objections.

Policy E28 of the adopted CDLPR is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and appearance grounds.

D3 PRIOR NOTIFICATIONS (cont'd)

2 Code No: DER/02/07/00246

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

Health Considerations

Further to the comments under 7.5 above, a recent case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where the judge had found a Planning Inspector at fault in his determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

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

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

There are no sensitive receptors within 200m of the proposed site location.

Visual Amenities and the Environment

I am satisfied that the proposal would not have any unreasonable impact upon visual amenities or the surrounding environment. The monopole would be sited on a wedge of essentially Highway land alongside a very busy road of substantial width. The proposed mast will be located approximately 8.0m in from the edge of the highway and so

D3 PRIOR NOTIFICATIONS (cont'd)

2 Code No: DER/02/07/00246

will not be as evident as it could be if placed on the grass verge beside the highway.

The site has a dense canopy, as noticeable from the photograph as a result of the 10 trees located as a collective group. The proposed mast will be close to the canopy of the trees and so they will help provide a backdrop for the mast and so it will not be so evident within the streetscene. The proposed telegraph pole design will approximately extend 2.5m – 3m above the canopy height but the main extent of the mast will be potentially screened by the canopy. The mast will appear to be a telegraph pole so as to attempt to blend in with the nearby telegraph poles within the streetscene.

In my view, the telecommunications industry has listened to past criticism of the ugliness of its early equipment, has developed and continues to develop types which are more sympathetic to conventional street furniture in visual impact, for urban residential locations. This road is lined with tall lighting columns and telegraph poles and trees throughout a lot of its length.

Mast-Sharing and erection upon Existing Buildings

As indicated in section 5 above, the applicant has submitted supporting information which states that alternative site options have been explored as set out in Section 5 above. I am satisfied that there is none available within the limits that will give coverage to the cell that have any material advantages over this one.

In relation to site-sharing, I feel that this is one area where technological development has overtaken the advice in PPG8. I consider that a number of monopoles, of the type now available and proposed here, in a locality, is arguably better than site-sharing as this inevitably still requires heavy engineering structures.

Highway Considerations

The proposed monopole would be sited on highway land but significantly located away from the edge of the highway. Access to the equipment would be achievable by a pedestrian operative.

Pre-application advice has been given on the proposal for the siting and appearance of the equipment and this is considered the least harmful visually in this area.

13. Recommended decision and summary of reasons:

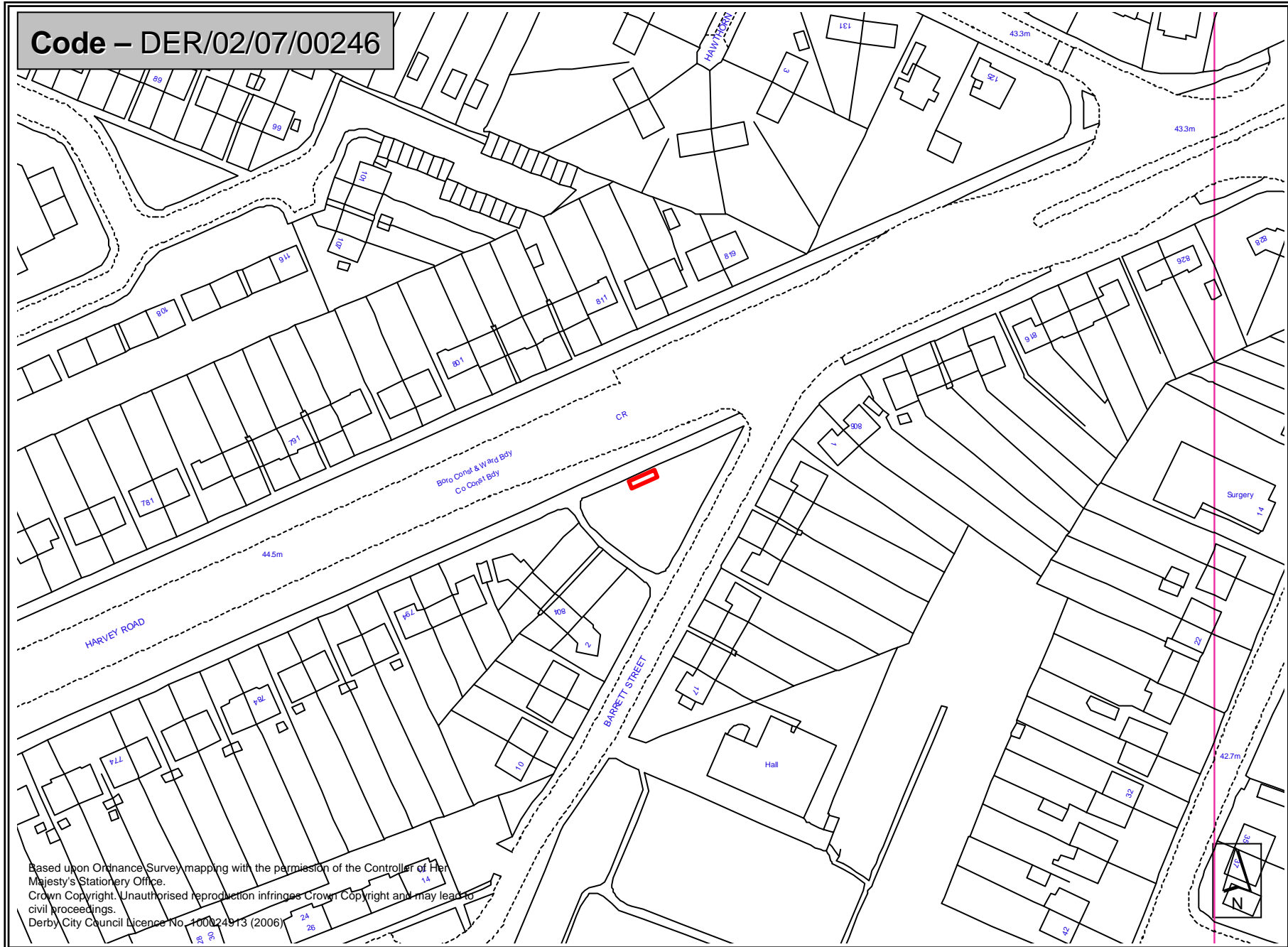
D3 PRIOR NOTIFICATIONS (cont'd)

2 Code No: DER/02/07/00246

13.1 That the City Council does not wish to object to the telecommunications telephone mast.

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

Code – DER/02/07/00246



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D3 **PRIOR NOTIFICATIONS**

3 **Code No:** DER/02/07/00247

Type: Prior Notification

1. **Address:** Land at rear of TA Centre, Windmill Hill Lane
2. **Proposal:** Installation of 15m high monopole and 3 antenna, 1 x 0.6 metre diameter dish and 3 equipment cabinets
3. **Description of Location:** The TA Centre is located on the northern side of Windmill Hill Lane. It comprises a cluster of buildings of various heights that are accessed via Windmill Hill Lane. The site sits adjacent to Kingsway which extends alongside the sites northern boundary. The monopole and equipment cabinets are proposed to be sited on a grassed area of land to the north of the TA centre buildings. The pole would be sited approximately 2.5m south of a belt of mature trees which sit on the TA site boundary with Kingsway. Land levels on the TA site are at a higher level in relation to Kingsway. Surrounding development is predominantly residential and properties adjacent to the TA centre on Windmill Hill Lane and on the opposite side of Kingsway are in residential use.
4. **Description of Equipment:** The equipment would comprise a 15m high telecommunications tower with three antenna and one transmission dish measuring 0.6m in diameter located on the top. The monopole would be sited approximately 10m to the north of the TA Centre building which fronts Windmill Hill Lane. The associated ground level equipment would comprise three steel equipment cabinets, the largest extending up to 1.62m in height. All three cabinets are proposed to be painted green.
5. **Alternatives considered by Applicant:** A schedule of 6 alternative sites has been provided. Reasons for their rejection cover:
 - site owner unwilling to provide facilities (5 sites)
 - redevelopment not possible due to structures not being shareable (1 site)
6. **Relevant Planning History:** None on this particular site.
7. **Implications of Proposal:**
 - 7.1 **Economic:** None directly arising. The extension of 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

D3 **PRIOR NOTIFICATIONS** (cont'd)

3 **Code No:** DER/02/07/00317

- 7.2 Design:** Amendments to the design of the tower have been sought and the amount of equipment that is proposed to be attached to it, reduced. Those amendments have provided a structure with a more slim line and less cluttered appearance.
- 7.3 Community Safety:** The equipment is to be located within the secure grounds of the TA centre.
- 7.4 Highways:** Both the City Council's Highway Engineers and the Highways Agency have confirmed that they raise no objections to the installation.
- 7.5 Health:** The proposal is certified as being in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-IONISING Radiation Protection (ICNIRP) and as a result of this and the advice in Planning Policy Guidance Note on Telecommunications (PPG8) the Local Planning Authority should not consider further the health implications of the proposal.
- 7.6 Other Environmental:** Existing trees adjacent Kingsway will help to reduce the visual impact of the proposal.

8. **Publicity:**

Neighbour Notification letter	41 properties within 90 m	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

- 9. Representations:** At the time of the preparation of this report 4 letters of objection had been received in response to this prior notification. Local residents have been consulted on the changes that have been made to the design of the tower and any additional letters that are received will be made available in the Members rooms.

- The equipment will be an eyesore
- It will be dominant in views from nearby residential property
- The equipment may be a health risk as current information is not conclusive
- The development would affect local property prices
- A more appropriate location should be sought for the equipment

D3 **PRIOR NOTIFICATIONS** (cont'd)

3 **Code No:** DER/02/07/00317

- It will have an overbearing visual impact on surrounding dwellings
- The dimensions and information provided on the plans is inaccurate and does not provide enough detail for local residents to fully consider the implications of the installation
- The intended site coverage of the equipment indicates that residents of Windmill Hill Lane will receive no benefit from the installation
- Concerns that the equipment will effect the TV reception for some neighbouring occupiers
- Existing trees would not offer adequate screening of the equipment

10. **Consultations:**

DCorpS (Health) – no issues raised.

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

Policy E28 (telecommunications) of the adopted CDLPR states that planning permission will be granted subject to assessment against the following criteria:

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

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

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

- #### 12. **Officer Opinion:**
- Policy E28 of the adopted CDLPR is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and

D3 PRIOR NOTIFICATIONS (cont'd)

3 Code No: DER/02/07/00317

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

Health considerations

The health implications of the proposed development are clearly an issue of concern raised by local residents in their letters of objection. Further to the comments under 7.5 above, a legal case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where a judge had found a Planning Inspector at fault in determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

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

Visual Amenities and the Environment

The monopole would be visible in views when travelling along Kingsway given the TA centre site's elevated position in relation to this adjacent highway. The monopole would also extend above the height of the buildings on the TA Centre site which it is indicated vary between 3m and 6.5m in height. The telecommunications industry has however developed equipment which is slim line with limited overall mass and amendments to the proposed installation for this site have improved the installations design and the amount of equipment proposed to be attached to it. The slim line designs of these installations helps reduce its visual impact so that developments of this type are less imposing within street scenes and offer some resemblance to existing street furniture.

D3 PRIOR NOTIFICATIONS (cont'd)

3 Code No: DER/02/07/00317

Some screening of the equipment would be provided on this site by the existing TA Centre buildings and the group of trees which extend along the site's northern boundary. These features would not provide a total screen of the full extent of the monopole and from certain areas of Windmill Hill Lane and Kingsway complete views of the monopole would be achieved. However, given its slim line design I do not consider it could be suggested that the installation would appear overly imposing on the skyline. The occupiers of some of the dwellings on Windmill Hill Lane would have clear views of the monopole as, given its siting, it would not be offered screening by the TA Centre buildings. However, the distance of some 40m between those dwellings and the equipment should help to reduce its visual impact, which again, should be limited given its slim line design.

This site is situated within an area that is surrounded by dwellings, but there is a need for telecommunications equipment to be sited in urban residential locations to ensure appropriate coverage. Given the slim line design of the equipment proposed alongside existing buildings and vegetation, I do not consider it could be argued that it would unreasonably impact upon visual amenities or the surrounding environment.

Mast sharing and erection upon existing buildings

The applicant has submitted supporting information which states that alternative site options have been explored as set out in Section 5 above. I consider that a number of monopoles, of the type now available and proposed here, in a locality, are arguably better than site sharing as this inevitably requires heavy engineering structures.

It is clear that local residents have strong objections to this equipment and its siting on the TA Centre site. However, for the reasons given above, I consider that the siting and design of the equipment are consistent with local and national planning policy and do not feel that a comprehensive case could be put forward to offer grounds on which to object to the prior notification. I, therefore, conclude that the Local Planning Authority should not seek to control the siting and appearance of the equipment.

13. Recommended decision:

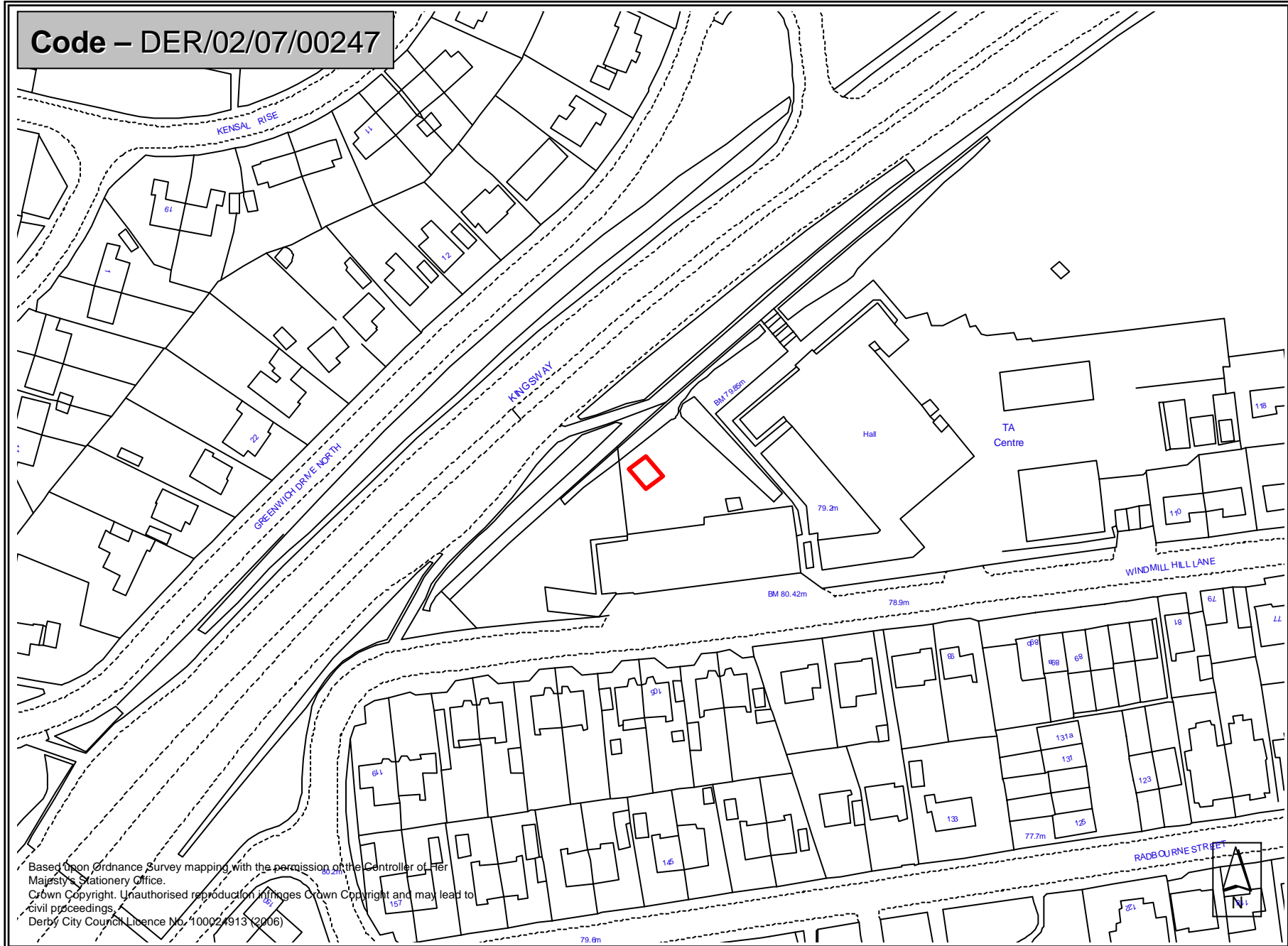
- 13.1** That the City Council does not wish to control the details of siting and appearance.

D3 PRIOR NOTIFICATIONS (cont'd)

3 Code No: DER/02/07/00317

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

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