

B1 APPLICATIONS

1 Code No: DER/706/1126

Type: Outline
(all matters
reserved)

1. **Address:** Land at 46 Moor End, Spondon
2. **Proposal:** Residential development
3. **Description:** Members will recall deferring this application at Planning Control Committee on 7 September 2006 pending a site visit. This report updates Members on matters outstanding on 7 September, specifically with comments from the Council's officer responsible for arboriculture and additional representations. All other sections of the report remain unchanged.

See previous report for description.

4. **Relevant Planning History:** See previous report (reproduced).
5. **Implications of Proposal:**
 - 5.1 **Economic:** See previous report.
 - 5.2 **Design and Community Safety:** See previous report.
 - 5.3 **Highways:** See previous report.
 - 5.4 **Disabled People's Access:** See previous report.
 - 5.5 **Other Environmental:** See previous report.
6. **Publicity:**

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

7. **Representations:** In addition to previous report, a petition with 22 signatures has been received objecting to the proposal based on increased traffic and noise, loss of privacy, increased risk of burglary, loss of natural light and increased pollution. This was reported orally at the last meeting.
8. **Consultations:**

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Environmental Services (Arboriculture) – The trees are of low visual amenity value and, therefore, do not warrant a Tree Preservation Order. Retention of the trees within any scheme would be desirable but not essential. This can be investigated at detail stage.

9. Summary of policies most relevant: See previous report.

10. Officer Opinion: See previous report.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal represents redevelopment of a brownfield site that could be achieved without unreasonably affecting visual or residential amenities of the surrounding area or the natural features of the site. It would be possible to provide suitable access and parking arrangements and would be possible to build in a way that incorporates renewable energy objectives.

11.3 Conditions

1. Standard condition 01 (Reserved Matters) amended as follows:
 - a. layout, scale and appearance of the building
 - b. details of access arrangements
 - c. landscaping of the site, to include retention of the existing boundary hedge and a tree survey accurately showing all trees on site and describing the impact of the development.
2. Standard condition 02 (time limit)
3. The proposed layout shall include a suitable garden area for the existing property at 46 Moor End.
4. This permission does not indicate the acceptability of any specific number of residential units but specifically it shall be for no more than 9 dwellings.
5. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy consumption and shall be

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accompanied by a statement explaining how the development has taken in to account the principles of renewable energy.

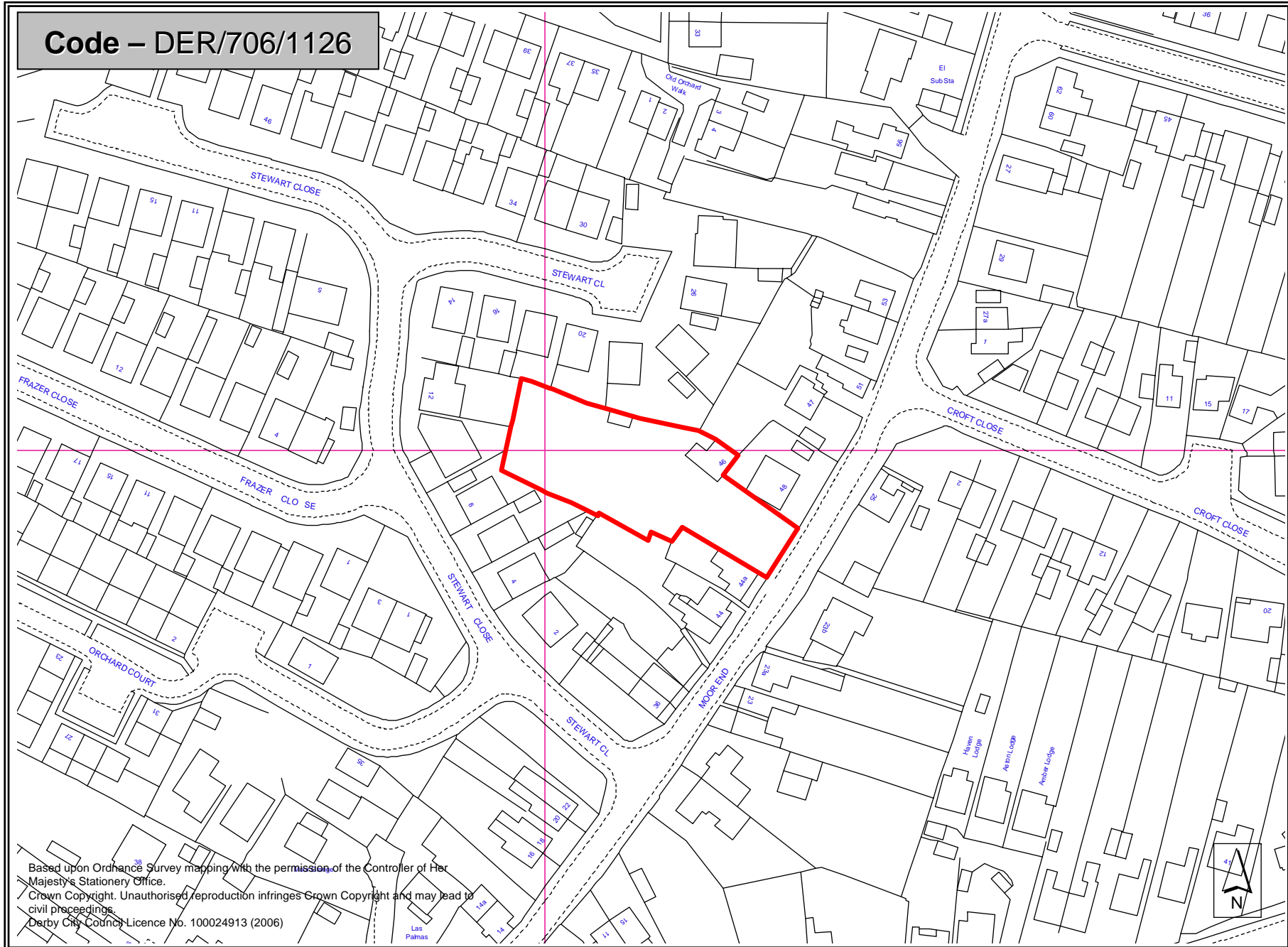
6. The existing access shall be closed and returned to a footway specification in accordance with a scheme to be approved by the Local Planning Authority before any of the dwellings are approved.
7. Standard condition 38 (drainage)

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. This detail was not shown on the submitted site location plan and in the interests of providing a satisfactory living environment at the existing property...Policy H21.
4. This restriction does not imply the approval to any specific number but beyond 9 the development would need to make provision for facilities such as open space, mobility and affordable housing, transport and education.
5. Dwellings that are south facing or have south facing roofs, have solar panels and/or wind turbines, and water conservation measures, help to reduce energy consumption, pollution and waste in accordance with Policy E12 of the adopted City of Derby Local Plan Review 2006.
6. In the interests of pedestrian and traffic safety...Policy T4
7. Standard reason E21.

11.5 S106 requirements where appropriate: None.

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Las Palmas

B1 APPLICATIONS (cont'd)

2 Code No: DER/706/1099

Type: Full

1. **Address:** 26-31 Handel Street – corner of Abingdon Street
2. **Proposal:** Erection of 6 apartments
3. **Description:** This application, as amended, seeks permission for the erection of a two storey building on this site at the corner of Handel Street and Abingdon Street, to provide six two bedroom apartments. The proposed building is of a traditional pitched roof design, with a broadly T shaped footprint. The main frontage would be on to Abingdon Street, with a secondary one to Handel Street. Fenestration would be to the front and rear, with no windows in the end gable adjacent to No. 70 Abingdon Street, or the gable adjacent to the proposed vehicular access on the Handel Street frontage. The proposed access would serve a surface parking area to the rear of the building, of 8 spaces. One entrance door would be on the Abingdon Street frontage, the other to the rear adjacent to the car park.

The site is at present occupied by a storage building somewhat higher than the surrounding residential properties. Otherwise, the site is surrounded by traditional two storey red brick dwelling houses in both Handel Street and Abingdon Street. A small amount of planting and landscaping is proposed within the car parking area.

4. **Relevant Planning History:**

DER/106/148 – erection of nine apartments. Refused March 2006. The reason for refusal was:

The proposed development on this prominent corner site, by reason of its height and massing in close proximity to the site boundary, would be over dominant in the streetscene and would therefore seriously detract from the amenities of nearby residents and from the overall appearance of the streetscene both in Handel Street and in Abingdon Street. In addition the contemporary design and fenestration of the proposal would be out of keeping with the established character of the locality. for these reasons, the proposal would be contrary to the provisions of policies ST12, H21, E26 and E27 in the adopted City of Derby Local Plan Review – 2006.

5. **Implications of Proposal:**

- 5.1 **Economic:** The proposal represents the loss of a commercial operation, in what is otherwise a residential locality. There are no objections to the proposed loss of this commercial floorspace on either a qualitative or quantitative basis.

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5.2 Design and Community Safety: The amended details propose a traditional pitched roof two-storey building which would continue the Abingdon Street frontage. This would relate reasonably well to the character of the locality and there are no design or community safety objections.

5.3 Highways: Eight parking spaces would be provided on-site with vehicle access from Handel Street. Technical amendments to the layout have been requested in writing and these should be available by the meeting. Subject to these improvements there are no highways objections.

5.4 Disabled People's Access: I have requested one Lifetime Homes apartment on the ground floor. The remainder of the units will have a degree of accessibility through compliance with Building Regulations guidance.

5.5 Other Environmental: None.

6. **Publicity:**

Neighbour Notification letter	26	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received a petition of 86 names, and four letters objecting to the proposal. These are reproduced with this report. The main points raised are:

- this type of development is inappropriate on this site
- too intensive a proposal for a small site
- it will 'lower the tone' of the area and reduce property values
- traditional houses would look better on the site
- the proposal will upset the stability of the area

Any further representations will be reported at the meeting.

8. **Consultations:**

Police ALO – to be reported.

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

ST9 - Design and the Urban Environment

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ST12 - Amenity
H20 - Lifetime Homes
H21 - Residential development – General Criteria
E12 - Renewable Energy
E26 - Design
E27 - Community Safety
T4 - Access, parking and servicing
T7 - Provision for cyclists

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

10. **Officer Opinion:** The proposal in its amended form (for just six apartments) is a huge improvement on the original submission (Code No. DER/106/148) and is now in the form of a simple two storey traditional pitched roof building with no dormers. In streetscene terms this will relate in an acceptable way to the existing surrounding pattern of development (predominantly traditional two storey housing) and the proposed building is no greater in height than two storey houses would be.

By current standards, six units on this site is not over-intensive, and adequate car parking can be provided. I therefore have no architectural design or highway objections to raise in this case. The current condition of the application site detracts from the visual amenities of the area, and this form of design will redress that situation. I have looked carefully at the points raised by the objectors, but am of the view that a refusal of permission could not be justified for the proposal in its amended form. I do not consider that a loss of amenity would be caused to third parties, and have to stress to members that the type of occupancy (ie private sale or public sector) is not within the control of the Local Planning Authority. The recommendation is to grant permission with conditions.

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 adopted City of Derby Local Plan Review 2006 policies as summarised in 9 above, and the scheme would be in keeping with the character and appearance of the streetscene and would not be unduly detrimental to the amenities of surrounding residents.

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11.3 Conditions

1. Standard condition 09A (amended plans 17 August 2006 and still awaited)
2. Standard condition 27 (external materials)
3. Standard condition 30 (hard surfacing)
4. Standard condition 19 (boundary treatments)
5. Standard condition 20 (landscaping)
6. Standard condition 22 (landscaping maintenance)

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

8. Standard condition 100 (contamination)

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

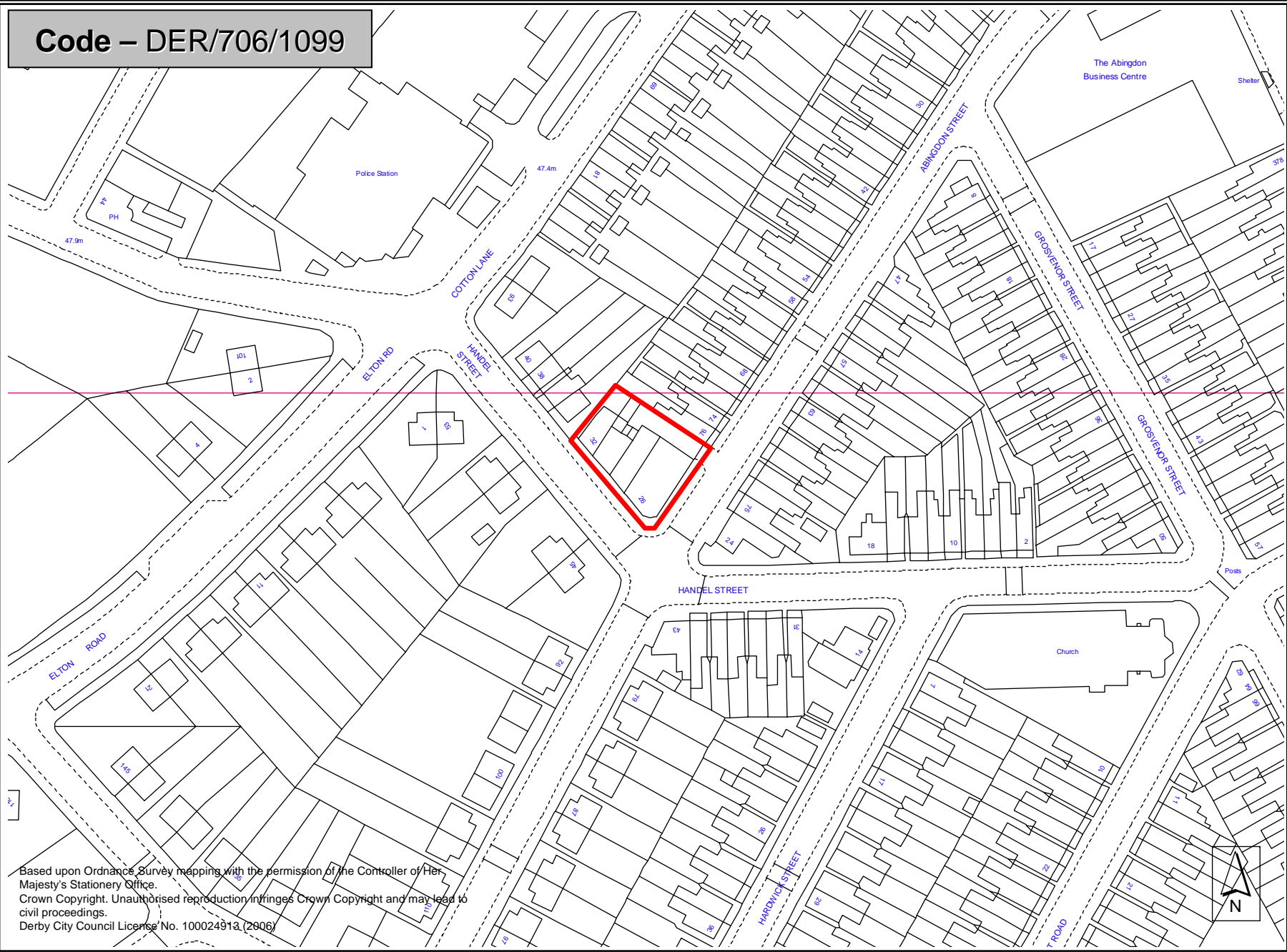
10. The existing vehicular access points to the site made redundant as a result of the development shall be returned to footway specification in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in its entirety within six months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

11.4 Reasons

1. Standard reason E04
2. Standard reason E14 ...Policies H21 and E26
3. Standard reason E09 ...Policies H21, E26 and T4
4. Standard reason E09 ...Policies H21, E26 and H21
5. Standard reason E09 ...Policies H21, E26 and H21
6. Standard reason E14 ...Policies H21, E26 and H21
7. Standard reason E35 ...Policy T7
8. Standard reason E49 ...Policy ST12
9. Standard reason E16 ...Policy T4
10. Standard reason E17 ...Policy T4

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

3 Code No: DER/506/868

Type: Full

1. **Address:** 9 The Hollow, Mickleover
2. **Proposal:** Formation of vehicular access
3. **Description:** Planning permission is sought for the formation of a vehicular access at 9 The Hollow, Mickleover. The Hollow is an unclassified road which runs southwards from the Old Mickleover Village centre. Although historically it was a through road it now terminates in a cul de sac about 100 metres south of the point where the access is sought.

The Hollow is in the form of a sunken road lying between raised banking. This is most pronounced on the western side of the Hollow which, for the majority of its frontage, is undeveloped and well covered by trees and bushes giving The Hollow a very rural atmosphere. The raised bank is supported by stone walling along part of its length. A pedestrian access and an existing vehicular access already exist into the banking, to the north and to the south of the application site.

On the eastern side, The Hollow is much more developed with period cottages along the northern end but with a large modern primary school at its southern end almost opposite the application site. This school site is bounded by palisade fencing on its frontage which forms quite an obvious intrusion into the street context.

The application site lies within the Mickleover Conservation area which extends as a broad tongue along The Hollow and includes the land to the west of the highway. The conservation area does not extend to land to the east of the highway opposite the application site.

9 The Hollow is a Locally Listed, period, 2 storey cottage with its side elevation facing onto the highway frontage. It already has an existing pedestrian access and a separate narrow, and largely unused cart track onto The Hollow. Its main vehicular access has been through a housing estate to the rear since this land was developed in the late 1970's to early 1980's.

The proposal is to widen the narrow cart track to obtain principle vehicular access directly onto the Hollow.

4. **Relevant Planning History:** DER/896/855 – formation of vehicular access at 8A The Hollow, (variation of condition 6 pursuant to planning permission DER/782/817) Granted with a condition.
5. **Implications of Proposal:**

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3 Code No: DER/506/868

5.1 Economic: None

5.2 Design and Community Safety: Although the proposal seeks to blend with the existing appearance of The Hollow by only being widened to a maximum of 2.5 metres and incorporating a retaining wall to be built from stone to match an existing retaining wall it would nevertheless, constitute an alteration to the visual appearance and character of the streetscene, within the conservation area.

5.3 Highways: The location of the proposed access is overgrown and will require clearing to achieve satisfactory visibility. Subject to overgrowth being cleared to a height below 1 metre in height to the south of the access there are no objections to the application.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: It is intended to remove 3 plum trees that are growing in the overgrown rear garden area of 9 The Hollow. No other substantial trees are shown to be removed.

6. Publicity:

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

7. Representations: None

8. Consultations:

CAAC – object and recommend refusal on the grounds that the engineering operations necessary to construct the access across the sloping bank together with the associated loss of trees and vegetation cover, would have a serious impact on the wooded character/appearance of this section of The Hollow and, failing to preserve or enhance the Conservation Area, the proposal would be seriously detrimental to the appearance and character of the Conservation Area.

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

E21 Conservation Areas. This policy includes the following:

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‘Within Conservation Areas, development proposals, including changes of use and conversions, should meet the following objectives:

- a. Preserve or enhance the special character of the Conservation Area.....

Planning permission will not be granted for development which would be detrimental to the special character of Conservation Areas, including views into and out of them.’

T4 – Access, car parking and servicing.

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

- 10. Officer Opinion:** The formation of a vehicular access to serve a dwelling house, onto a non-classified road, does not normally require planning permission. In this case however it was considered that the works required to create the access amounted to an engineering operation which did require planning permission.

There is already a track in the position of the proposed vehicular access which, at the highway frontage, is flanked by a brick wall on one side and a low stone wall on the other. It has a small wooden gate at the junction with The Hollow and a wooden guardrail along part of its length. The applicant recalls it being used as a cart track in years gone by. Although this access does not appear to have been regularly used in recent years I don’t consider that it could be thought to have been abandoned. I take the view therefore that at the very least a pedestrian access already exists onto the highway.

From the point of view of the impact on the highway, no objections have been raised subject to visibility being maintained by removing vegetation over 1 metre in height above carriage way level. The only consideration therefore is the visual impact of the alterations on the character of the conservation area.

There is precedent for the formation of accesses onto the Hollow in the past. Most recently one has been constructed to serve a dwelling constructed in the early 1980’s. Planning permission was granted to retain a vehicular access onto the Hollow that had been constructed without the benefit of planning permission where an access had been specifically excluded by condition on the original planning permission granted for the erection of a new bungalow (code no. DER/782/817). Condition 6 of that permission required that no vehicular access be created between the site and The Hollow in the interests of traffic and pedestrian safety. At the time The Hollow was a through road and a

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classified road. When the Hollow was turned into a cul-de-sac and declassified the County Council as the Highway Authority raised no objections to the formation of a vehicular access, which was considered at that time to be permitted development. The access was constructed but was technically in breach of the condition on the planning permission prohibiting the formation of a vehicular access on highway safety grounds. As the road was now a cul de sac there were no highway objections on safety grounds and as there had been no reason for refusal on the grounds of the affect on the character of the conservation area in the original planning permission, permission was granted to retain the access.

I am inclined to take the same view with this proposal. The widening of the existing track would not be great and the majority of it would be screened by existing trees. There is an existing stone wall on one side of the proposed entrance and an existing brick wall on the other side. The proposal would maintain these materials on the highway frontage and use random stone walling for the extended retaining wall along about 7 metres of the proposed access.

I accept that the angle of the access will result in it being more visible when approaching from the north but the greatest change is likely to be the appearance of the surface of the access from its over grown and leaf strewn appearance to a hard surface sufficient to bear the weight of motor vehicles. This would inevitably have some affect on the character of the conservation area but not, in my view, sufficient to withhold permission in this case. The few trees that are to be removed to permit the creation of a turning head are all small fruit trees in the garden of 9 The Hollow and although they currently add to the wooded appearance of the bank side are not significant in their own right and I don't consider their removal would impact greatly on the character of the area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the City of Derby Local Plan Review as summarised at 9 above and it is considered that it would be acceptable and that there would be no significant detrimental impact on the character and appearance. of the Conservation Area.

11.3 Conditions

1. Full details of the materials to be used in the construction of the retaining walls and the surfacing of the access way, shall be

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submitted to and approved in writing by the Local Planning Authority before any work is commenced. Any materials that may be agreed shall be used in implementation of the development.

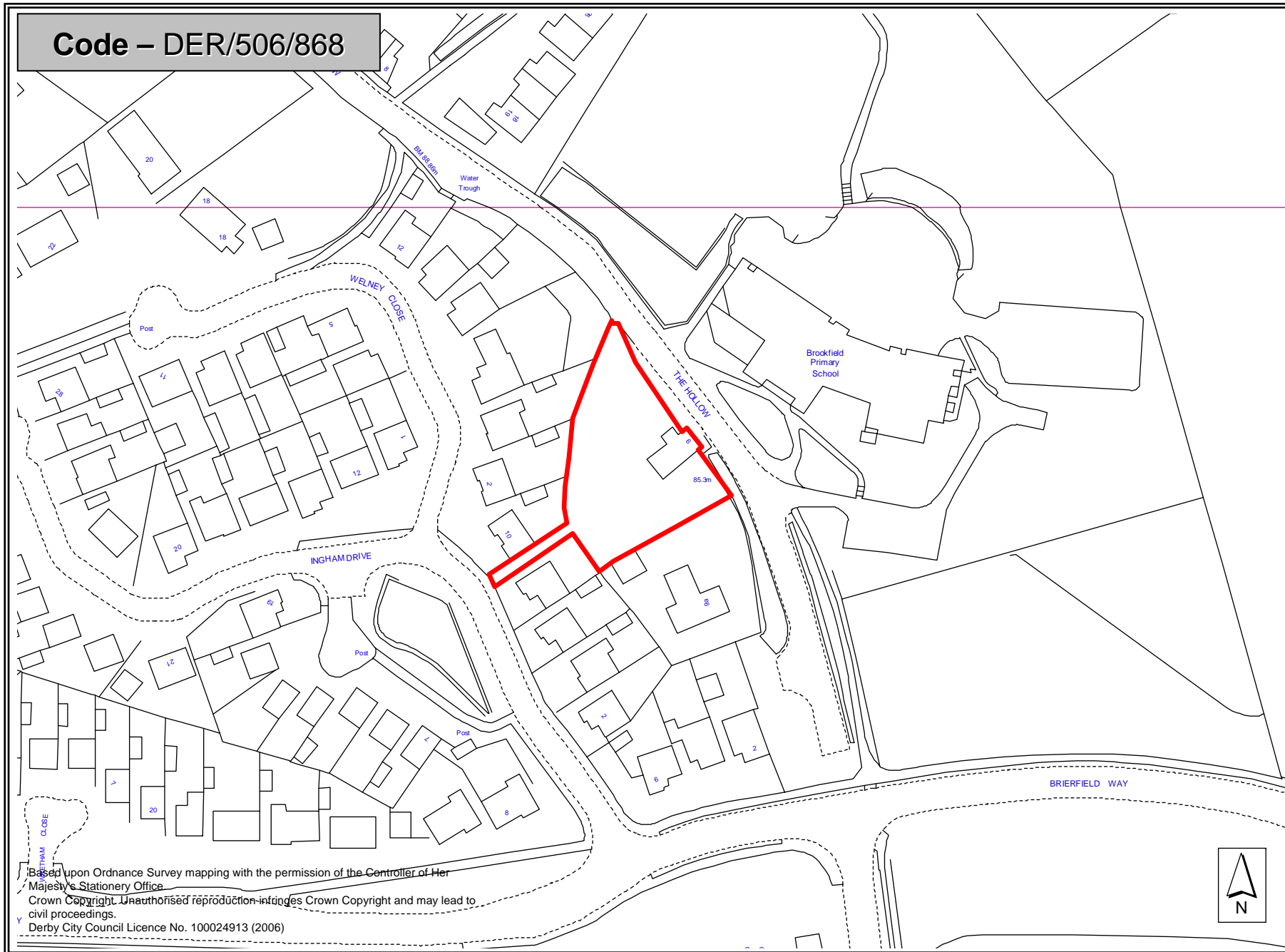
2. The point of access to The Hollow shall be kept clear of any obstruction including vegetation, trees or bushes, higher than 1 metre above carriageway level, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. To protect the character and appearance of the Mickelover Conservation Area... policy E21
2. In the interests of traffic and pedestrian safety...policy T4

11.5 S106 requirements where appropriate: None

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4 Code No: DER/506/859

Type: Outline

1. Address: Roundhouse Road, Hudson Way and Locomotive Way, Derby
2. Proposal: Erection of Offices, Residential Units, Retail Units, Hotel and National Rail Centre. (NRC)
3. Description: This item was reported, in preliminary form, to the meeting held on 21 July 2006, when Members resolved to note the situation. Since then further consultation replies have been received, an offer on transport-related contributions has been received and internal assessment of the implications of the scheme have been completed.

The application covers the whole of the last surviving section of the former Midland Railway locomotive works, latterly in use as a specialist bogie manufacturing unit by Bombardier. It seeks outline permission for the uses set out above with all details reserved for later approval except for access, which is in any case fixed by the position of the roads serving the site.

In support of the application is a notional layout plan, a Planning Policy Statement, a Transport Impact Assessment, a Noise Assessment (a review of that done previously for DER/703/1382), a Design Statement, a Retail Statement, an Infrastructure, Utilities and Flood Risk Report and the Draft Terms of a Section 106 Agreement.

The individual components are set out below, although the plot areas and floorspaces quoted are not intended to be rigid:

a. National Rail Centre	– 1.07ha,	(notionally)	4,190 sq m.
b. Pre-let office site	– 0.58ha,		3,000 sq m.
c. Other office sites	– 1.52ha,		7,000 sq m.
d. Hotel	– 0.49ha,	100 bedrooms.	
e. Residential area	– 1.2ha,	168 flats	
f. Retail site	- 0.32ha,		<u>950 sq m.</u>
Totals	5.18ha		15,140 sq m.

4. Relevant Planning History:

DER/703/1382 – Erection of 96 flats. Granted conditionally with Section 106 Agreement 25 February 2005. (Committee 23 October 2003.)

DER/606/970 – Current application on part of this site, officers authorised to grant at the 21 July meeting, but currently awaiting

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agreement on the transport contribution of the overall scheme as the contribution for it is a proportion of that for the larger scheme.

5. Implications of Proposal:

5.1 Economic: The office development would be likely to accommodate between 800 and 1000 people, the other uses adding between 40 and 100. Apart from the estimated direct job creation, the development has the potential for a high level of indirect economic benefit through the National Rail Centre. At present I understand that there will be a small permanent staff with casuals taken on for special events. The more significant economic development impact will arise indirectly from raising further the City's profile in the railway industry and what might be termed semi-directly by people coming to exhibitions and working here, with input to the local economy, for short periods.

5.2 Design and Community Safety: Design can be assessed only to a very limited extent in an outline application where it is important to take the notional layout as just that. The basic concept of three or four stories will be compatible in massing terms with the surroundings. Clearly the NRC will offer the opportunity for innovative design and it is I feel unfortunate that it is to go on a site with limited visibility.

Community safety will need to be considered at reserved matters stage. In principle I see not incompatibility in community safety terms in having residential development within the particular types of commercial development proposed.

5.3 Highways: The Transport Assessment submitted as part of the outline planning application for the entire site indicates that vehicle flows to and from this site will change dramatically if the proposals go ahead. Although there is some debate about what traffic could be generated by the existing permissions in place for the site, it is clear that the proposals will increase current vehicle flows by between 366 and 454 in the morning peak period and by between 299 and 358 in the evening period.

Within the Transport Assessment the developer's agents have modelled the impact of these additional vehicle movements on the key junctions leading into Pride Park. At the Cock Pitt Island junction some modelling work has been undertaken which assumes that the Riverlights scheme is implemented. Modelling the junction without Riverlights is difficult and we perhaps need to assume that the impacts will be largely similar both with and without the Riverlights junction. We have disagreed with some aspects of the work undertaken by the developer's agent. However, the impact at this junction is expected to

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increase vehicle queues on Station Approach by over 100 vehicles in the morning peak and by almost 200 vehicles in the evening peak. This scale of impact would have a significant affect both within Pride Park and throughout much of the highway network. The developer's agent suggested some changes to the Riverlights scheme to address these queues but they were considered to be of doubtful benefit and had the substantial disadvantage of introducing further doubt and procedural complications into a settled scheme.

At the "Toys Я Us" Island, where Pride Park joins The Wyvern, the impact is also significant. Queue lengths are again likely to increase with the morning peak being the most significant. It is suggested that the existing vehicle queue here is 150 vehicles and this would rise to 215 with the development in place. The current queue already extends into the A52 Brian Clough Way and any worsening of the situation would be extremely detrimental. Proposals have been tabled to improve this junction. While theoretically minor changes to lane widths and reducing the size of the roundabout seem to enable queue lengths to be brought back to the "without development" position, your officers are sceptical that such improvements would in reality make so much difference.

At the third entrance to Pride Park, the junction of London Road, officers are concerned that the modelling work undertaken does not accurately reflect the current situation. Members will recall considerable work was undertaken in establishing the capacity of this junction to accommodate the housing development at the former Wilmorton College site and work so far undertaken by this developer does not show an accurate picture here. Although we could ask for additional modelling to be undertaken, officers do not believe this will necessarily achieve much. It is clear that the reality will be that the true impact of this proposed development will be additional congestion and delay to the travelling public at this junction also.

While the transport impacts are significant, we must recognise that the site needs to be developed. It would be possible to suggest that the transport impacts could be mitigated in ways, which the developer has not proposed, but on which the Council could take the lead. To do this we must ensure that significant actions are available to us to change the behaviour of other road users and hence reduce the background traffic flows. In order to allow the development to proceed as proposed, we would need to convince other road users to adopt a different travel pattern in order to ensure that delays and congestion do not in reality get worse. To achieve this is not a simple task. Should the developer be willing to contribute significant funds to allow the Council to take forward other solutions it may be that we could accept

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the development knowing that we will strive to achieve changes in travel behaviour. These alternative measures should include, but not be limited to:

Relocation of the existing Pride Park Park and Ride site. This has been suggested on several occasions and would reduce the number of vehicles entering Pride Park. The Council would need to ensure that a suitable alternative site is identified and acquired

Physical alterations to the highway to include possible works at the "Toys Я Us" roundabout and works which may assist with issues emerging from the Eastern Fringes Action Plan which could otherwise be more difficult to deal with should this development proceed. These works could facilitate public transport improvements and may, for example, include improved public transport access to the dedicated bus route adjacent to Costco. The minimum contribution would have to cover the alterations to the roundabout but further funds could assist in public transport facilities.

The promotion and subsidy to alternative travel modes, essentially promotion of public transport together with walking and cycle infrastructure to assist access to and from Pride Park, would require long term revenue support.

Developer's transport contribution offer

The developer has now offered a contribution figure of £203,373, based on the following text in italics which I have extracted from the agent's letter with some minor editing.

- *"Toys Я Us Roundabout: A contribution figure of £32,673 to undertake modifications (Plan Ref: CHI/536/004 Rev P1)*
- *London Road Roundabout: A contribution figure of £10,700 to undertake mitigation measures*
- *Cockpitt Gyratory: A contribution figure of £160,000 is proposed to assist in the Council's objectives of funding a new and improved Park & Ride facility which will benefit all users of Pride Park.*

The total contribution figure of £203,373 would be apportioned as £52,876.98 (26%) being attributed to the Emtec application. (DER/606/970) and £150,496.02 being attributed to the outline application. This contribution is based upon immediate works that will improve existing traffic flow and also assist in delivering long term

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modal shift. This figure is a significant highways contribution when assessed on the basis of a per hectare figure. It amounts to circa £40k per hectare. It also amounts to a significant contribution when compared with the Longbridge Lane development where a figure of £10,000 was agreed as recently as December 2005. The site measure 3.9 hectares and equates to £2.5k per hectare

In light of the discussions held we would be grateful if you would consider the above offer as reasoned and justified and a contribution that will assist the Council in improving traffic movement in and around the City.

The above delivers a comprehensive package of financial benefits to the City and we would hope that Planning Committee members consider that the overall impact of delivering a mixed use scheme in this sustainable location will deliver much needed training for young people and attract inward investment through the siting of a new National Rail Centre.

Please be aware that a levy above this amount cannot be sustained by my client and would financially unbalance the scheme rendering it unviable."

5.4 Disabled People's Access: All commercial parts of the development would be accessible. It is not known whether lifts would be incorporated into the residential blocks to make the upper floor accessible. The normal 10% mobility ratio would be obtained by the Section 106 Agreement.

5.5 Other Environmental: There is ground contamination from its previous use and noise impact from nearby railway activities. Specialist reports on these have been evaluated and are satisfactory. In relation to noise, this was fully investigated in relation to application DER/703/1382; the part of the site now envisaged is further from the noise sources and the problem is less as a result.

6. Publicity:

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

7. Representations: None has been received.

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8. Consultations:

EA – has now withdrawn its holding objection which related to ground contamination.

EMDA – supports proposals.

DofC&ASS (EH&TS) – accepts the noise survey and the ground condition survey; confirms that further detailed investigation will be required including a remediation report and validation statement.

Chief Exec (Housing policy) – concludes that the site is suitable for affordable housing but with qualifications and an acknowledgement that there are competing planning objectives. I deal with this in more detail in the residential sub-section of “Officer Opinion”.

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

EP3d	- B1, D2, C1, C2 and C3 in and around the Roundhouse.*
EP11	- B1, B2 and B8 development in existing business and Industrial areas*
EP10	- Major Office Development
EP12	- Alternative Uses in Business and Industrial Areas
EP16	- Visitor Accommodation
H21	- Residential Development General Criteria
ST3	- Sustainability.
ST9	- Design & the Urban Environment
ST12	- Amenity
ST14	- Infrastructure
STx2	- Flood Protection
L3	- Public Open Space Standards
L4	- POS Requirements in New Developments
S2	- Retail Location Criteria
S6	- Small Shops
S10	- Range of goods and alterations to retail units
E12	- Renewable Energy
E15	- Contaminated Land
E20	- Landscaping Schemes
E26	- Design
E30	- Environmental Art
T1	- Transport Implications of New Development
T4	- Access, Parking and Servicing
T6	- Pedestrians
T7	- Cyclists
T8	- Public Transport
T10	- Access for Disabled People

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T15(9)x - Footpaths, Cycle Ways and Routes for Horse Riders

* In relation to policies EP3d and EP11, only a small part of the site is covered by EP3d. Most of site is under EP11 as, at the time of preparation of the Local Plan, it was existing industry. In practice account should be had to policy EP3 generally which would have been applied to the site had it been identified as a redevelopment opportunity rather than a continuation of existing industry situation.

(Some of the above policies cannot practically be taken into account until reserved matters applications are made).

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

Account should also be taken of:

- PPS1 (Delivering Sustainable Development)
- PPG3 (Housing)
- PPG4 (Industrial, Commercial and Small Firms)
- PPS6 (Planning for Town Centres).

The strategic objectives of the Derby and Derbyshire Joint Structure Plan are effectively incorporated into the CDLP-R. I comment at length in "Officer Opinion" on the applicability and interpretation of policies.

10. **Officer Opinion:** This is a significant and complex mixed use application. It must be appreciated however that not all of the individual components set out in the application will necessarily come through to reserved matters stage. I do not think that restriction should be placed on the ability of the developer to omit elements or to vary the proportions. For example a major variation will arise from implementation of any permission for the full planning application (DER606/970) for the training school on part of the outline application site. There would be Section 106-related implications from the omission of residential units and I deal with these later in this opinion section.

Assessment of the specialist studies set out in section 3 above has revealed no technical obstacles to development. My comments below mainly concern the policy implications of the proposals although I do comment on the merit of individual components where appropriate.

As set out in section 9 above, this site is partially allocated under Policy EP11 and partially under EP3d in the Adopted CDLP-R. The still undetermined application DER/606/970 for a training centre on the

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eastern part of the site, on land identified for office space in this application, does not, of course, have any influence on the consideration of this application.

This outline application for a mixed-use development includes a range of uses, some of which are entirely in line with policy and a number that are not. EP11 only permits B1, B2 or B8 development. However, it does contain criteria for considering alternative proposals, the main ones for this application being:

- that it would not lead to a quantitative or qualitative deficiency in the supply of employment land
- that it would not be incompatible with established employment activity, and
- that it would not prejudice the development potential of other sites identified for business and industrial use.

EP3d is more relaxed. This allows B1, D2, D1, C2 and C1. C3 and A3 are only permitted in the Roundhouse building itself.

I will go through each of the uses in turn to assess their policy implications:

B1 Offices

Clearly the office element of this proposal is acceptable in principle. Although in total the amount of B1 floorspace provided exceeds 2,500 sq m (the threshold that triggers Policy EP10 – Major Office Development) it was accepted that Pride Park in general was a sustainable location, suitable for major offices, and so it was never subject to EP10. Within Pride Park, the station end is also clearly more sustainable than the outer areas.

I am aware that the total office floorspace would add a substantial amount to office availability and, unless a major single user were found, could take some time to let. On balance I would be happier if the training school went ahead (quite apart from its own substantial merits) as the remaining floorspace would be achievable within a shorter timescale. There is however no objection to permission being given for the whole 10 000 sq m.

National Rail Centre

The NRC is clearly a *sui generis* use although it seems to most closely relate to D1 uses with some B1. The indicative location of the facility is

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entirely within the EP11 allocation and so D1 uses would not normally be acceptable.

Derby Cityscape has expressed some concern on the aspect of loss of employment land. However, the last survey identified 327.17 hectares of employment land, still 12 hectares above the Structure Plan requirement. Although this figure does not take into account the recent losses of existing employment land for housing development, it would still be argued that this is a healthy amount of land. Added to this is the fact that certain of our larger allocations – which have been unavailable for long periods of time – are now beginning to see signs of coming forward (e.g. Raynesway). This means that the amount of ‘readily available’ land is actually likely to increase in the short to medium term, thus undermining any quantitative loss of supply issues.

Also, I doubt whether there are many more suitable locations in the City, or indeed nationally, for a National Rail Centre to be located. Whilst permanent on-site employment is limited, the potential importance to the City’s status and economy of such a facility justifies the “loss of employment land” in the direct sense.

The applicant’s agent refers to the National Rail Centre as a “show-case development” and, for once, this cliché is used literally as it is intended to be a place where rail-related technology and consultancy services can be shown in a dedicated setting rather than in general general-purpose exhibition centres. It will bring some limited direct employment but its benefit is more in the extent to which it will reinforce the City’s position as the UK’s principal centre for railway technology. As an exhibition and conference centre it could be used for non-railway related activities for the promotion of local commerce generally.

Freed from the constraints of conventional industrial or office development it offers the opportunity for an innovative and exciting architectural form but we shall not see what is on offer until the stage of a reserved matters application is reached. The TIA examines alternative means of accessing the activities at the centre; there will be a need for a substantial level of car parking and the way in which this is used and managed outside the short periods of intensive use of the premises require careful assessment.

C1 Hotel

The consideration of a hotel is slightly complicated in that on the EP3d part of the site a hotel is in line with policy, but on the EP11 part it is not. The indicative plan locates the hotel on EP11, and, whilst it is not inconceivable that the reserved matters application could see the hotel

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in a different part of the site, I believe that it is unlikely to move. With this in mind, it would hardly be rational to refuse the hotel on the basis that it is “on the wrong side of the road”.

As with the NRC, I do not think that a loss of employment land objection would be justifiable. Hotels are covered by EP16 (Visitor Accommodation). This policy requires new hotels to be located in the City Centre (particularly in areas well related to the railway station) and areas that are well related to new visitor attractions. The application meets both these criteria.

PPS6 identifies hotels as a ‘key town centre use’ which should be justified through the tests of need and sequential approach although such a procedure adds little when the proposal so clearly meets the criteria of EP16. In the planning statement the applicant’s agent argues that *“the outline application proposes further hotel accommodation which will provide much needed bed spaces for the new NRC”*.

Whilst not been backed up by any hard facts or figures, at least a clear link has been made between the two developments. As the NRC will indeed create a need for more bed spaces, then logically the most sequentially preferable site would be adjacent, as this is. In lieu of any Government guidance explaining exactly how one demonstrates a need for a hotel, I am comfortable with the assertion that a facility of the size and function of the NRC will demand additional hotel accommodation. As such, I see no reason to object on the grounds of PPS6.

There are other hotels nearby, most obviously the Holiday Inn at Roundhouse Road and the various hotels in the Midland Road area. It will of course add to the City’s scale and range of hotel facilities and that is essential to bring to the City conferences and other events of a sessional nature.

Retail

This is part of the application raises complex retail policy issues. As requested, the applicant has submitted a statement that aims to justify the retail floorspace. These comments appear to be based on the premise that the unit would be occupied by an “Express Convenience Store”. However, the description of the proposal is for retail units and the indicative plan actually indicates 3 separate units. I have pursued the precise nature of the intended split.

In general, the case made can be summarised as saying that:

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- The limited size of the proposal (950 sq m) and its limited catchment area would not have any significant impact on the retail hierarchy of the City
- The retail element is a small ancillary element, supplemental to the other major proposals of the mixed use development
- The 'need' arises from the proposed apartments (168) and the existing working population within Pride Park, and the 'population' created by the hotel, offices, which they argue may employ up to 530 people, (my floorspace-based estimates suggest more) and the NRC
- Pride Park as a whole employs 6,400 people and that there are very few convenience facilities within walking distance that cater for the needs of workers on Pride Park
- Those convenience facilities that do exist in the area (at the Station, at the Wyvern and on London Road) are not within a reasonable walking distance - or of an appropriate nature - and are actually likely to encourage unsustainable car trips from people living and working in Pride Park (for example, people driving to the Wyvern at lunchtime) and that the catchment is constrained by physical barriers
- As the 'need' is firmly and squarely located in this part of the City, then the sequential approach is superfluous.

I am now satisfied that there is a case for some level of retail, particularly in terms of very basic lunchtime or top-up needs. Pride Park has a large and contained daily 'population' of around 7,000 people – not including visitors to the leisure facilities, car showrooms and potentially the college. I am aware that many go out at lunchtime by car to the Wyvern and other off-site locations which is not a particularly sustainable practice. Whilst the retail floorspace is of a size that, for example, exceeds that at West Chellaston, where there is a maximum of 750 sq m in 4 units, the large daytime population can justify the space indicated.

Demonstrating a general 'need' does not justify *any* level of floorspace. I now consider that of a 950sq m limit, not more than 400sq m should be in one "convenience" unit and that the remaining 550sq m should be split into at least three units of which no one unit should exceed 200sq m. In this way I believe that a facility adequate for the special needs of the locality can be provided without creating a retail attraction that would draw shoppers from outside. I also consider that a restriction on the range of goods should be imposed, although, given the special

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circumstances of the location, this could be slightly different from the normal restrictions. Details are set out in the recommended condition.

C3 – Residential

The principle of residential development on Pride Park has already been established with the permission granted on Hudson Way a little while ago for 96 apartments. This application is for 168 apartments, though the considerations are much the same; employment land, satisfactory living environment and S106 contributions.

It is not intended to be family housing and it would be surrounded by offices and hotels with one corner close to an existing industrial unit. The standard of residential amenity that can be provided in this mixed-use area is not what would obtain in an exclusively residential area but it can, I believe, be made adequate. To a great extent this point was argued through in relation to the 96-unit scheme at Hudson Way and, compared to that, the area now proposed for residential development would be much less affected by noise from the active railway. Residential development of the type and scale proposed will not have any great impact on traffic matters.

I have covered the employment land issue above and although the cumulative 'loss' is building with all of these "non-B" proposals I am not convinced there would be justification for objecting on employment land supply issues, particularly considering paragraph 42(a) of PPG3, which suggests that Local Planning Authorities should look favourably at this type of application, unless it would undermine regional & local housing, regeneration or economic development strategies.

Affordable Housing – options

Policy H19 of the Approved City of Derby Local Plan Review states that the Council will seek to secure between 20% and 30% affordable housing on sites without a specific target. Owing to the level of housing need within the City the starting point for negotiating affordable housing is 30% of the number proposed. The Policy also states that the following considerations will be material in considering the amount of affordable housing to be secured from a development:

- a. evidence of local need for affordable housing
- b. site size, suitability and the economics of provision
- c. the need to achieve a successful housing development
- d. the presence of competing planning objectives.

The above considerations are considered below in the context of the Roundhouse Road site, the comments in quotation marks being those

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of the Housing Policy Unit. My own round-up of these is at the end of the Officer Opinion section.

a. evidence of local need for affordable housing.

The site falls within the Central Housing Market Area, which the Housing Needs and Market Study 2001 shows as having the highest percentage of households in housing need. Information from the Joint Housing Register shows a significant proportion of applicants on the housing waiting list are single households and therefore smaller properties are needed. It is felt that the provision of 30% affordable housing on this site could help to meet this need.

b. site size, suitability and the economics of provision.

When considering the suitability of sites for the provision of affordable housing we seek to ensure that properties are built in a sustainable location, with access to a range of services. There is not currently a full range of facilities in the immediate vicinity, and this was raised with the developer during initial negotiations.

However, the site has good transport links and lies on a main bus route, in close proximity to the city centre. The full range of city centre services and infrastructure are easily accessible, therefore on balance, we are satisfied that the site is suitable for the provision of affordable housing.

During negotiations the applicant was advised that a financial viability was required to ascertain the impact of providing affordable housing. This has not been provided.

c. the need to achieve a successful housing development.

The discussions regarding the provision of affordable housing have been based upon a tenure split of 60% of properties for affordable rent and 40% for new build HomeBuy. Along with the properties for outright sale, this mixed tenure approach will help promote social cohesion and provide a range of housing options for applicants.

d. the presence of competing planning objectives.

There are clearly competing planning objectives relating to this development which Member's may want to take into account when considering the appropriate level of affordable housing to be provided, including measures mitigating the impact of the proposed development on traffic flow and the road network.

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Conclusions on affordable housing

Whilst it is felt that this site is suitable and could provide affordable housing to help meet housing need in the city, it is recognised that, in this particular case, there are competing planning objectives which Members may want to take into account.

If Members are prepared to accept a reduced level of affordable housing, it is recommended that a full financial appraisal be obtained from the applicant, to enable the financial impact of the reduction in affordable housing to be assessed, and to ensure that, as appropriate, this is made available to meet other S106 requirements.”

Traffic and Transport Implications

Whilst the internal road system of Pride Park is adequate it was always recognised that connections at the three entrances would be very tight in terms of capacity but the available budget allowed for no more. The system was designed in 1993 and the success of the development, combined with general traffic growth since then and specific developments that impact on the connection points, has led to traffic congestion at peak periods. There is no easy way to relieve this; certain junction enhancements will give some alleviation but there is simply insufficient space to do much. Relief could be achieved by a radical change in people's journey habits but this would need substantial investment in public transport.

As set out in 5.3 above, the development will have substantial traffic impacts. The offer set out in italics at the end of 5.3 represents the developer's view of a reasonable contribution to mitigate the impact of the proposals.

In policy terms most of the application area is covered by CDLP-R policy E11 and is therefore outside the original designated Pride Park development area. The small area of the site covered by policy EP3d is part of the original development area where any contributions related to transport-related matters were deemed to have been accounted for in the price of the land. I think that a transport-related contribution cannot be sought for traffic attributable to the EP3d area. As there is an extant permission for 96 flats within this area the simplest way of treating the matter is to exclude from the levels for which mitigation is sought the traffic attributable to this number of units.

Highways officers are of the view that the sum offered can be made use of but will go nowhere near mitigating the full impacts of the development. Without much more extensive mitigation, the

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development will add to traffic queues at the exits to Pride Park. This will lead to alternative, less suitable routes being sought, most obviously the reversion to London Road of that traffic that has used Pride Parkway as a radial route since its completion. I agree with that assessment.

Other issues

The route of a proposed cycleway / walkway (T15(9)) runs along the boundary of the site and I am considering how this can be protected and implemented as part of the development. This would enhance access to the site by foot and cycling, which would meet a number of policies' objectives.

Although only outline I will draw to the developer's attention that final designs will satisfy the requirements of policies ST9, E26 and, particularly, E12 which requires that development proposals will have full regard to the need to reduce the net use of energy by:

- ensuring that the siting, design and layout and orientation of buildings have full regard to the need to reduce energy consumption and will facilitate the use of renewable energy sources
- minimising the emission of greenhouse gases.

The scale and prominence of the scheme as a whole ought to be able to justify a higher than normal quality design which can accommodate the principles of E12. In relation to the other aspects of design and layout, the reserved matters application should include landscaping schemes that fit in with the requirements of E20 and should only provide sufficient parking to serve the proposal in line with the standards set out in Policy T4. The provision of 'environmental art' may also be appropriate for a scheme of this nature.

Traffic Conclusions

The most difficult aspect of this application is the traffic impact. At least two elements of the proposals, the National Rail Centre and the Training School, will have a particularly beneficial economic benefit for the City and a decision that Derby is unable to host these developments because of traffic difficulties at specific junctions would give a very unfortunate message for inward investment generally.

However, should congestion, to which this development would add, become acute, it could have a similarly damaging effect on investment if

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Derby acquired a reputation for gridlock beyond what obtains in similar cities and people perceive to be normal.

The blunt truth is that the City has transport infrastructure and public transport needs beyond both what the City Council can hope to address from its normal funding sources and what any development can viably bear. The stark choice is therefore either to turn away this development or accept it and live with the consequences of limited mitigation.

Affordable Housing implications

What Members will probably be unaware of is that one reason for the tight viability situation on traffic contributions is that there is a far larger contribution through the Section 106 Agreement arising from the residential content. This is in the form of the subsidy for the 30% affordable units and the contributions in lieu of public open space.

The City Council's policy in respect of affordable housing has had an unfortunate and unintended effect on the overall viability of this site. It is the developer who has proposed housing in this area, not the City Council who has not asked for it, but, if it is prepared to grant permission for such, the policy objective of 30% affordable has to be secured if at all possible. The Housing Policy Unit sees this site as essential for non-family housing and acknowledges that there may be competing planning objectives that make achievement of the normal targets not realistic, but realisable only at the expense of other public benefits. Because of this, I have suggested omission of some or all of this obligation to divert funding to transport but the developer prefers to provide the affordable housing.

We have therefore two laudable City Council objectives pulling in opposite directions. If Members are consistent in their policy approach the affordable housing element will be insisted upon. In those circumstances I would have to advise that the total Section 106 burden would be such that the proffered £203 373 for transport works should be accepted and the likely congestion consequences accepted.

If Members are prepared to forego some or all affordable housing, the Section 106 Agreement should allow for that, subject to a payment, (which would be less than the true subsidy element of the affordable housing to provide an incentive), in respect of each affordable unit below the 30% target (50 units if 168 total provided). Similarly, if the total number of units of all types were reduced, a payment could be made in relation to the saving in POS contributions. There is no reason why this mechanism could not operate right down to a nil provision.

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The sums involved would be subject to negotiation but I believe that they could, whilst giving the applicant an outline permission substantially in the terms they anticipate, offer the alternatives of a different tenure pattern, a reduced number of residential units or none at all. I would suggest relaxation in the affordable housing aspirations solely for the purposes of generating essential transport funding, not the payment of sums for it to be provided elsewhere, as I consider that that would give us the worst of all worlds in the circumstances of this particular case.

Approach to decision

I would advise that Members approach the decision in the following order:

1. To accept the offer of £203, 373 for the simple purpose of apportioning 26% of it to the application for the training centre. This will enable the relatively simple Section 106 Agreement for that application to be concluded and the decision issued.
2. To consider whether they wish to achieve affordable housing on the site. If they do, the Agreement will, unlike those attached to outline permissions for housing only, have to require the performance of the provision of 30% (ie 50 units if 168 is the total provided) with penalties that would make failure to so provide commercially unattractive.
3. If Members do not so require, and the provision of affordable, or indeed any, housing becomes a matter for the developer's discretion, the Agreement should include the mechanism set out above to ensure that a proper proportion of the burden that would thereby be released was recycled to transport objectives.

My conclusion is that (1) above is vital to enable this decision to be issued. In relation to the outline application, my preference between the others is for (3) because I feel that there will be other opportunities to achieve affordable housing on sites that are probably more suitable whereas the opportunities for finding funding for traffic alleviation in Pride Park are very limited.

I do not think that we should attempt to prescribe, in the outline permission, a specific number of residential units, that is somewhere between zero and 168, with the intention of creating headroom for an enhanced transport contribution, as that would be taking away one of the core components of the application, that is the ability of the developer to tailor numbers to what the market will bear. The

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mechanisms I suggest would merely give a degree of claw back if the developer elects to produce fewer units than the permission provides for.

11. Recommended decision and summary of reasons:

11.1 To authorise the Director of Corporate and Adult Social Services to negotiate a Section 106 Agreement with the requirement set out in 11.5 below **and to authorise** the Assistant Director – Regeneration to issue an outline planning permission on the completion of that Agreement subject to the conditions set out in 11.3 below.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is substantially in conformity with those policies and, where full compliance is not achieved, the decision can be justified on the basis of the substantial economic benefits which will accrue from the development.

11.3 Conditions

1. Standard condition 01 (outline)
2. Standard condition 02 (standard period for reserved matters)
3. Standard 04 (exclude submitted plans)
4. Standard condition 21 (landscaping maintenance)

The details under (1) above shall include:

- a. phasing details
 - b. residential units designed other than for occupation by families with young children
 - c. a remediation report detailing treatment of contaminants
 - d. The connection of the development to the proposed cycle network
 - e. A study of, and strategy for, the prospective travel to work needs of either the whole development or the part within the relevant reserved matters application, to be regarded as an interim document pending more detailed proposals related to specific uses and occupiers.
5. The retail floor space hereby permitted shall be restricted to the following gross floor areas:

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- a. 950 square metres overall
 - b. One unit not exceeding 400 sq m for food and convenience goods
 - c. The remaining floor space divided into not less than three units with no one unit exceeding 200 sq m
 - d. There shall be no merging of units without planning permission having been granted, either by way of an application for variation of this condition or for operational development.
6. None of the retail units shall be used for the sale of the following goods:
- a. Clothes, Footwear or Fibres and Textiles for clothing
 - b. Toys, Sports Goods and Sportswear
 - c. Ornaments, Silverware, China, Glassware and Giftware
 - d. Musical Instruments, books and recorded material, unless ancillary to the main purpose of the store
 - e. Artwork supplies and greetings cards, unless ancillary to the main purpose of the store
 - f. Jewellery, watches and clocks
 - g. DIY Goods
 - h. Electrical or telecommunications goods
 - i. Carpets, furniture and soft furnishings

11.4 Reasons

- 1. Standard Reason E04.
- 2. Standard Reason E02.
- 3. Whilst there is no objection to the notional layout indicated, layout is more appropriately dealt with as part of the reserved matters, especially in circumstances where it is known that a significant part of the site may be developed under an alternative application.
- 4. Standard Reason E10 (add: "in accordance with the objectives of policy E20 of the adopted City of Derby Local Plan Review - 2006")
- 5. To ensure that these details, which are required by the type and size of the development and the nature of the site, are available to enable the reserved matters to be assessed adequately, particularly with regard to the objectives of policy ST3, E14, E15, T4, T6, T7, T8 and T15 of the

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adopted City of Derby Local Plan Review – 2006. Family housing is not appropriate in an area remote from schools and where the creation of incidental open space is impractical.

6. To ensure that the scale of the proposal and the sub-division of the retail space only provides local convenience services to the working and future resident population of Pride Park and does not impact or undermine any nearby shopping centres or the Council's retail hierarchy, in line with policies S1, S2 and S10 of the adopted City of Derby Local Plan Review – 2006.
7. To ensure that the range of goods available only provides local convenience services to the working and future resident population of Pride Park and does not impact or undermine any nearby shopping centres or the Council's retail hierarchy, in line with policies S1, S2 and S10 of the adopted City of Derby Local Plan Review – 2006.

11.5 S106 requirements where appropriate:

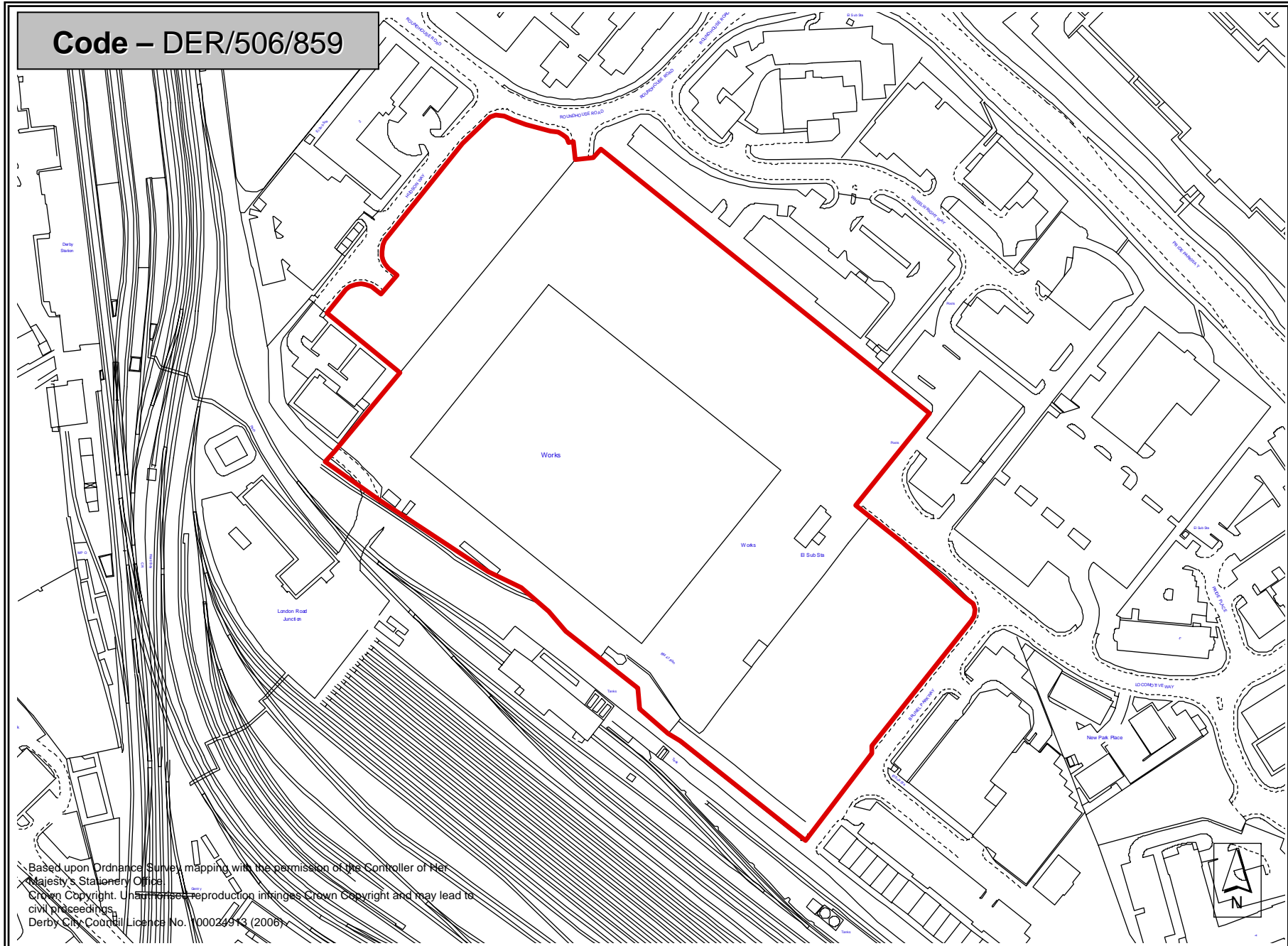
1. The provision of affordable housing units at 30% (50 if 168 provided), or such level as Members may decide is appropriate, subject to (2) below.
2. In the event of the developer electing to provide less than 50 affordable units, the developer shall pay a sum, (which would be less than the true subsidy element of the affordable housing to provide an incentive), in respect of each affordable unit below the 30% target (50 = 30% of 168), the revenue so generated to be added to the transport improvements fund.
3. A payment in lieu of public open space in respect of each unit. In the event of there being less than 168 units the developer shall pay a sum, (which would be less than the full public open space contribution to provide an incentive), in respect of each unit below the total of 168, the revenue so generated to be added to the transport improvements fund.
4. A payment of £203 373, which may be partially in the form of work in lieu, in respect of contributions to highway, traffic and public transport objectives. Such sum to be reduced by the sum paid in respect of the Section 106 Agreement linked to planning application DER/606/970 and enhanced by any sums arising from (2) and (3) above. The Agreement should provide for certain works being completed in line with a phasing scheme to be submitted under condition 4(a).

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- 5. 10% mobility housing.
- 6. On-site public art.

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D3 **TELECOMMUNICATIONS NOTIFICATION**

1 **Code No:** DER/806/1391

1. **Address:** Highway verge west of junction with Brierfield Way and Uttoxeter Road, Mickleover
2. **Proposal:** Installation of a 15 metre monopole mast including 3 telecommunications antennae together with 4 associated equipment cabinets and electrical pillar.
3. **Description of Location:** The site is an area of grass verge lying on the highway frontage of Uttoxeter Road, just to the west of the junction with Brierfield Way and about 700 metres east of the Mickleover Village Centre. The nearest property is 2 Brierfield Way, a dwelling house which stands some 11 metres to the south east of the proposed location of the mast with its side elevation facing the mast. There are no windows in this property looking towards the mast. Other properties to the south of Uttoxeter Road would have windows looking obliquely toward the mast at distances of a little over 35 metres and 43 metres. Houses on the north west side of the road lie well below road level and should have little view of the mast.

The highway verge is backed by a footway of about 2 metres width and the tapering area of grass verge is about 6 metres wide at the point where the mast would be located. The mast and equipment cabinets would be set 1 metre into the grass verge away from the footpath. There is a dense tree cover either side of Uttoxeter Road on the rising hillside to the west of the application site, towards Mickleover Village Centre. There are existing lamp posts about 10 metres tall either side of Uttoxeter Road one almost immediately opposite the proposed mast/antenna site.

4. **Description of Equipment:** The equipment is required to provide 3G coverage to this area of Derby and also to cover any deficiency in analogue and 2G coverage that will result from the removal of the mast currently located at the Derby University Mickleover site which is due for demolition and redevelopment. It would comprise a slim line monopole mast, which has the basic characteristics of a tall streetlamp except does not bend over towards the top. The tapering mast has a diameter of 273 mm just above ground level, reducing to 194 mm at a height of 7.5 metres. The antenna array is contained in a shroud 168 mm in diameter. There are four equipment cabinets to be installed alongside the mast, each about 890mm wide and 1.4 metres high and placed side by side to form a continuous length of 3.6 metres wide. A smaller electrical pillar is placed along side these. An area of land in front of the cabinets would be paved

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

1 **Code No:** DER/806/1391

to provide a surface from which to carry out maintenance of the equipment within the cabinets.

The mast would be about 13.2m high with the antenna array a further 1.8 metres on top of this giving an overall height of 15 metres in total. This compares with the existing street lighting columns shown on the submitted plans as being 10 metres high.

5. **Alternatives considered by Applicant:** A schedule of ten alternative sites has been provided. Reasons for their rejection cover:

- site owner unwilling to provide facilities
- poorly positioned to provide adequate coverage
- on advice of Local Planning Authority,
- proximity of schools.

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

7. **Implications of Proposal:**

7.1 **Economic:** None arising directly. The existence of 3G coverage is intended to generally equip the United Kingdom with improved forms of radio communication technology and in addition this proposal will help to avoid any disruption in existing services that would result from the removal of the antenna at the University's Mickleover site.

7.2 **Design:** This type of monopole has been designed to replicate, in terms of appearance and general impact, the design of lamp posts typically found in residential areas and urban locations. It is acknowledged that it does not bear all of the features of streetlamps

7.3 **Community Safety:** The equipment cabinets and mast would be situated a sufficient distance away from the neighbouring footpath so that they should have no significant impact on pedestrian or wheelchair use past the site. I see no reason to suspect the installation would be any more susceptible to vandalism than any other element of 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

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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: None.

8. Publicity:

Neighbour Notification letter	47 properties within 90 m	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

9. Representations: The expiry date for objections to this proposal is 27 September 2006, which is the day before the Committee at which this item is to be reported.

To date two letters of objection have been received from neighbouring occupiers, and one from Councillor Jones.

The objections in summary are:

- The health risk to patients at a nearby doctors surgery
- The mast will be visible above any surrounding vegetation and an eyesore
- The mast will be visible from rear windows and side windows from houses numbers 2 and 4 Carnforth Close, and from the front windows of houses number 90 and 122 Uttoxeter Road
- Concerns about the affect on visibility along the highway
- Siting
- Potential for vandalism and graffiti
- Affect on house prices

Any other objections that may be received shall be reported orally.

10. Consultations:

Highways – The proposal lies outside the visibility splay and as such there are no objections on highways grounds. Any landscape planting that may

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be agreed should be maintained at a height no higher than 1 metre above carriageway level.

D(Corp)S (Health) - comments to be reported.

11. Summary of policies most relevant:

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

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

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

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

- 12. Officer Opinion:** Policy E31 of the adopted CDLP Review is applicable, even though this application seeks prior notification approval for the proposed development and is not an application for planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, 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 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

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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

I am satisfied that the proposed equipment would not have unreasonable implications for the visual amenity of the surrounding area. The equipment cabinets would be visible to motorists and pedestrians using the highway but are located in the highway similar to many other items of street furniture associated with the provision of utilities, such as electricity and gas substations, telephone boxes etc. With respect to the nearest dwelling houses, the proposed pole would not be in direct view from the primary front or rear elevations of these but would be slightly off-set and about 35 metres from the closest dwelling and be screened by trees. As such, I consider that the impact upon visual amenities at these properties would be minimal.

It may be possible, subject to highway safety considerations, to require by condition some low level planting to landscape and screen the equipment cabinets if that is felt to be necessary.

The appearance of the monopole mast would be similar to many types of streetlight that are commonly used in urban and residential areas but without the bend towards the top usually necessary with a lamp post. There are two types of lamp post used in this locality – one with concrete columns and galvanised steel upper parts, the other a more slimline steel design. The proposal will be similar in design and materials to the latter

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type of lamppost. I believe that it will only be the extra 5 metres in height above the height of the existing lamp posts that will draw attention to it. I don't consider that the extra height alone would render the proposal visually intrusive. Its position with respect to the road, and in the verge is similar to the positioning of existing street lamps and I consider that if the

mast were to be erected it would be quickly accepted as just another piece of essential street furniture along with the existing street lamps in the area.

The presence of tall trees close to the site and higher up the hill closer to Mickleover village centre, would act as a backdrop to the mast when approaching the village from the east. This should help to soften the visual impact of the mast when seen from this direction.

Alternative sites

The applicant has submitted supporting information which states that alternative site options have been explored, and discounted as set out in Section 5, above. I am satisfied that clear consideration has been given to siting this equipment in a location that would offer limited visual implications to the local area in considering the need to offer coverage within this cell area, I do not feel that an alternative site could be sought that would offer clear material advantages over this one.

In relation to site sharing, I feel that this is one area of policy where technological development has overtaken the advice in PPG8. I consider that a number of monopoles, of the type and design now available and proposed here, is arguably better than site-sharing that would result in more bulky, visually intrusive structure.

For the reasons given above, I consider that the siting and design of the equipment detailed in this prior notification are consistent with local and national planning policy. I do not consider 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 of the equipment. I do however consider that it would be visually beneficial to require that the mast, antenna array and equipment housings are all colour coated in accordance with the Council's own agreed colour scheme for street furniture. Furthermore, I consider that it would be appropriate to require a landscaping scheme to be implemented to screen the equipment housings and to help assimilate the proposal more readily into the streetscene.

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13. Recommended decision:

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

13.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan Review 2006 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 any significant detrimental effect upon local amenities.

13.3 Conditions

1. This approval relates to the prior notification submission as amended by the raised plans received on 13 September 2006.
2. The monopole and equipment cabinets shall be colour coated in a colour to match the Council's approved colour scheme for street lighting and cabinets, before they are installed.
3. Before any works on the installation of the mast and control equipment are commenced, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, with the intention of visually screening the equipment cabinets. Any landscaping scheme that is agreed shall be implemented within six months of the equipment being installed or within the first planting season whichever is the sooner. Any landscape planting that is implemented shall be maintained at a maximum height of no higher than 1 metre above carriageway level.

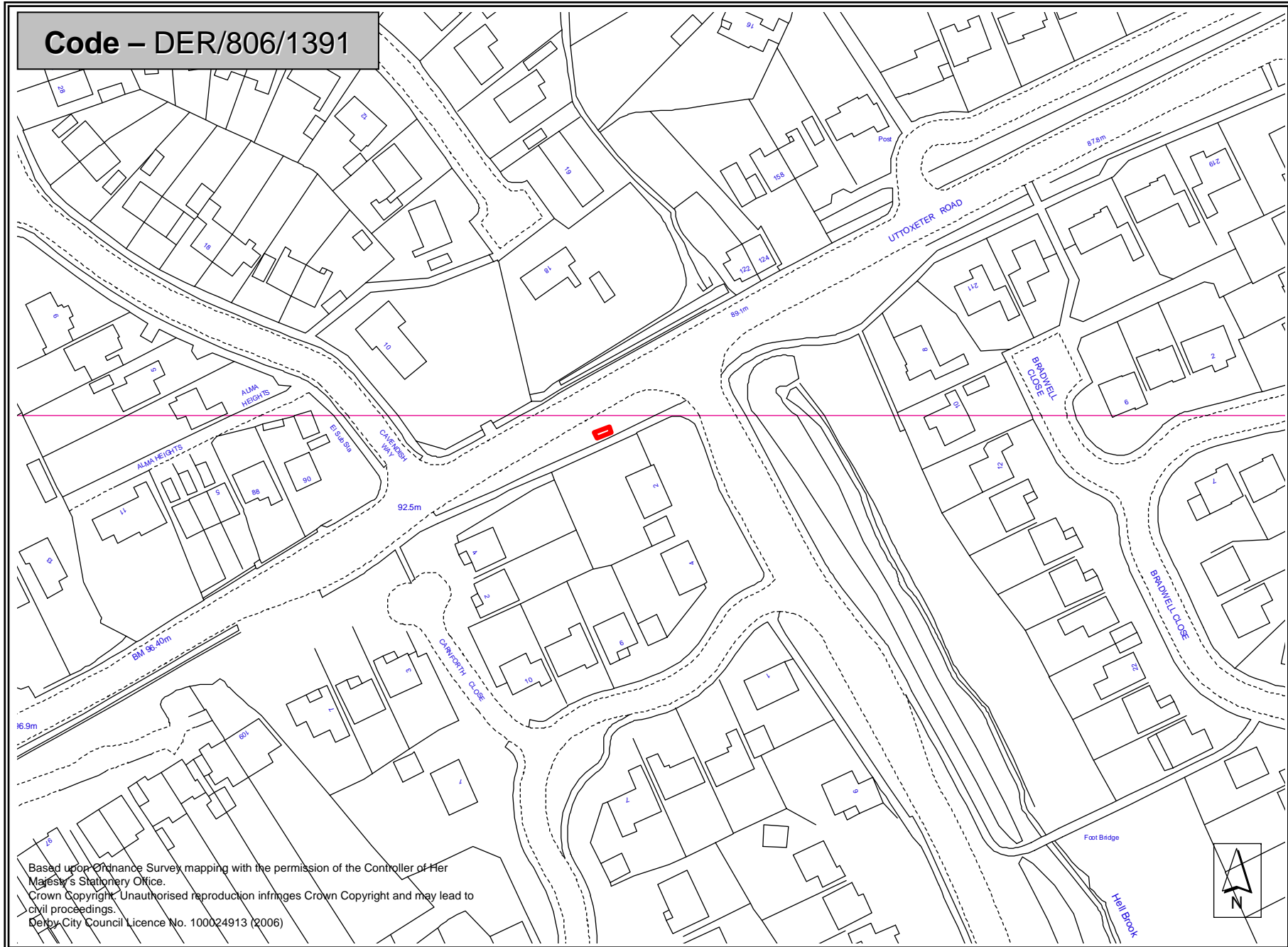
13.4 Reasons

1. Standard reason E04 (avoidance of doubt)
2. To assist with the assimilation of the mast and control equipment cabinets into the streetscene, in the interests of visual amenity. CDLPR Policy E31
3. To screen the equipment cabinets and to assist their assimilation into the streetscene, in the interests of visual amenity and to maintain

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visibility along the highway in the interests of highway safety. CDLPR
Policy E31.

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