

B1 APPLICATIONS

1 **Code Nos:** DER/905/1620 &
DER/905/ 1577

Type: Listed Building Consent
Full

1. **Address:** 4 North Parade
2. **Proposal:** Erection of detached garage, replacement of basement kitchen window, installation of decorative security railings at front elevation, replacement of fanlight above the front entrance door, replacement of existing rear entrance door at cellar level.
3. **Description:** Planning permission is sought for the erection of a garage in the rear garden area of this grade 2 listed property and erection of decorative metal railings along the front boundary of the property, to match those at other properties in the street. The proposed garage would be situated in the rear garden area, close to the rear boundary of the property. It would be accessed from a private road to the rear of the dwelling. It would have a gable end roof with the ridge running in an east-west direction. The access would be via a double width garage door. There would be a pedestrian door on the side elevation but no windows.

Listed building consent is sought for the items described above as well the other items listed in the Proposal section of this report. The proposed replacement of an existing basement kitchen window would involve removal of a top opening timber window that is decaying and replacement with a white painted timber window with casement lights. New security railings would be installed at an angle between the ground and front elevation of the building. These railings would be metal with finials to match the railings at the front of the property. The proposed fanlight would replace an obscure glazed light that was installed in the mid-1990s. The replacement would be a hand crafted leaded glass fanlight. Other properties in North Parade have fanlights that are similar to that proposed. At the rear of the dwelling, the cellar level door would be replaced with a white multi-panelled, single glazed timber door.

The property is within a terraced row of Grade 2 listed dwellings and within the Strutts Park Conservation Area.

4. **Relevant Planning History:** ER/21/04/02397 and DER/1204/2398 – Erection of garage and 2m high garden wall and installation of patio doors. This decision granted permission for a garage similar in footprint and design to that currently proposed. Significant changes are that the footprint is reduced in size and the gable end roof rotated 90 degrees.

Various applications for works to trees have also been considered and no objections raised.

B1 APPLICATIONS (cont'd)

1 Code Nos: DER/905/1620 &
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5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: I consider that the railings above the basement window should be simple with finials omitted. Subject to this I am satisfied that the various proposals would generally improve the character and appearance of this listed building and would not have any unacceptable effect upon the character and appearance of the property or the conservation area. Whilst the rear entrance door is not original in its character, the terrace already accommodates a variety of door styles on the rear elevation and in this context I do not raise objections to this particular element of the proposal.

5.3 Highways: No objections.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	6	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: To date, no letters of objection have been received.

8. Consultations:

CAAC - I previous consultations the committee have expressed concern about the proposed garage and railings over the basement window. All other items were acceptable subject to details. Since these comments were made amendments have been made to the garage and basement window railings.

The Advisory Committee now raises no objection to the construction of the garage and railings subject to the use of appropriate materials and omission of the decorative finial heads from the security railings.

B1 APPLICATIONS (cont'd)

1 Code Nos: DER/905/1620 &
DER/905/ 1577

9. Summary of policies most relevant: Adopted CDLPR:

E21 – Conservation Areas

E22 – Listed Buildings and Buildings of Local Importance

H26 – Housing Extensions

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

10. Officer Opinion: The key issue for consideration of the Listed Building application is the impact upon the character and appearance of the listed building and conservation area. This issue is also relevant for the planning application as well as the impact upon the amenities of the neighbouring dwellings.

My comments with respect to the design and appearance of the proposed alterations have been given in section 5.4 of this report. Subject to excluding the finials on the basement window railings, I am satisfied that the changes would respect and generally enhance the historic character and appearance of the dwelling. I note CAACs revised comments regarding the garage. Apart from the change to the roof and reduced footprint it would not be dissimilar to the design approved under DER/1204/2397 and I am satisfied that it would not have any unreasonable effects.

With regard to amenities, I am satisfied that none of the changes would unreasonably affect light or privacy at neighbouring dwellings and that there would not be unacceptable effects of massing.

In view of the above, I see no justification to refuse either of the applications.

11. Recommended decision and summary of reasons:

11.1 To grant Listed Building Consent and planning permission, both with the following conditions.

11.2 Summary of reasons: The proposals would satisfactorily respect the character and appearance of the listed building and conservation area and would not unreasonably affect amenities at neighbouring properties. The proposal has been considered against the Adopted City of Derby Local Plan Review policies as set out in 9. above and all other materials considerations.

11.3 Conditions

B1 APPLICATIONS (cont'd)

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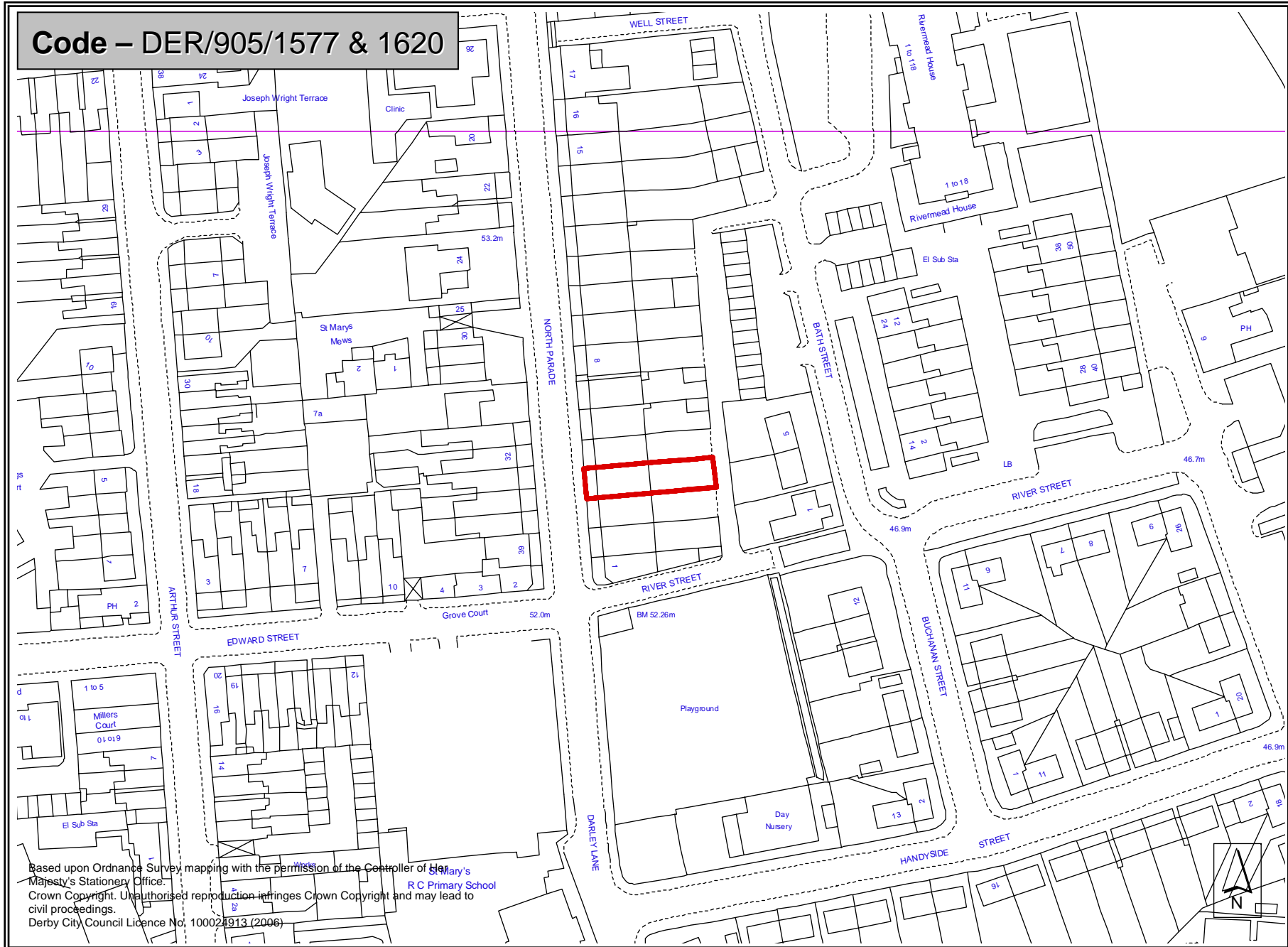
1. Standard condition 09A (plan of garage received on 9 May 2006)
2. Works on the security railings above the basement window shall not be commenced until a revised plan showing the railings without finials has been submitted to, and agreed in writing by the Local Planning Authority and works shall be carried out in accordance with the approved details unless otherwise agreed in writing.
3. Prior to commencement of works on the garage, further details of materials to be used in construction of the garage shall be submitted to, and approved in writing by the Local Planning Authority and the garage shall be constructed in accordance with the approved details unless otherwise agreed in writing.
4. No new windows or other openings shall be inserted into the garage without prior written consent of the Local Planning Authority.
5. Standard condition 13 (garage use)

11.4 Reasons

1. Standard reason E04
2. In the interests of protecting the historic character and appearance of the building, and in accordance with policy E22 of the adopted City of Derby Local Plan Review, the railings should be of simple design rather than incorporate the elaborate finials shown on the submitted plan.
3. Standard reason E14...policy H22
4. Standard reason E14...policy H22
5. Standard reason E28...policy H22

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

2 Code No: DER/206/317

Type: Full

1. **Address:** 48 Field Rise, Littleover
2. **Proposal:** Extension to dwelling house (kitchen/dining room, bedroom and en-suite) and pitched roof over garage.
3. **Description:** Full planning permission is sought to erect a side two-storey extension to this dwelling house. The site is located on the west side of Field Rise adjacent to the junction with Orchard Close. The site is located in a residential context and this part of Field Rise accommodates detached dwellings in modest sized plots. The existing dwelling is a gable fronted design and a mono-pitched roof porch occupies the left hand side of the front elevation.

This application is a re-submission following the refusal of planning permission for extensions and alterations to the dwelling, under code no. DER/505/764. The reasons for refusal were:

1. The proposed side two-storey extension would create, by virtue of its siting, scale and roof design, an unduly intensive form of development that would, in the opinion of the Local Planning Authority, visually overwhelm and detract from the existing design of this dwelling house. For this reason the proposed extension is contrary to policies H27 and E31 of the adopted City of Derby Local Plan.
2. The proposed front ground level porch/canopy extensions would create, by virtue of their siting and design, an unacceptable form of development that would, in the opinion of the Local Planning Authority, visually detract from the front elevation design of this dwelling house. For this reason the proposed extension is contrary to policies H27 and E31 of the adopted City of Derby Local Plan.

The proposed side two-storey extension under code no. DER/505/764 was sited flush with the front elevation of the dwelling and it included a gable end pitched roof. The pitched roof included roof lights in the front and rear roof planes. The proposed front elevation design also included ground level canopies on either side of the existing front porch to provide a continuous mono-pitched extension across the full breadth of the dwelling.

The currently proposed two-storey extension would be set-back 0.5m from the front elevation of the dwelling. The proposal would be flush with the existing rear elevation of the dwelling and it would accommodate a hipped roof. The proposed windows in the extension would be front and rear facing and a roof light is included in the side angled roof plane which indicates that additional accommodation may

B1 **APPLICATIONS** (cont'd)

2 **Code No:** DER/206/317

be planned in the roof space. The application also includes the erection of a pitched roof over the existing attached garage which stands on the other side elevation adjacent to the boundary with the neighbouring dwelling, no. 46 Field Rise.

4. **Relevant Planning History:** The relevant history is included above.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** I raise no objections to the external design of the proposal as it would accommodate features that are in keeping with the existing dwelling, for example; the bay window at ground level on the front elevation and the proportion of the first floor window above to serve bedroom No. 4. I raise no objections to the proposed development in community safety terms.

5.3 **Highways:** None.

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

5.5 **Other Environmental:** None.

6. **Publicity:**

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

7. **Representations:** A total of six letters of objection have been submitted in response to this application. Copies of the letters will be available in the Members' Rooms. The objectors raise strong concerns about the siting and detrimental impact of the development in relation to the existing design of the dwelling and the street-scene. Concerns about the proximity of the proposed extension to the highway boundary and the impact of the garage roof addition in relation to No. 46 are also included.

8. **Consultations:** None.

9. **Summary of policies most relevant:** The most relevant policies of the adopted CDLPR are:

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/317

H26 – Housing extensions
E26 – Design

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

- 10. Officer Opinion:** This planning application has generated a large amount of local objection. Concerns are primarily expressed about the siting, design and street-scene impact of the proposed two storey extension and the impact of the proposed garage roof addition on the amenities and access for the neighbouring residents at No. 46 Field Rise.

The key question with this application centres on whether a refusal of planning permission would be reasonable and could be successfully defended at appeal. In my opinion, a refusal would not be reasonable nor defensible at appeal. The siting of the proposed two storey extension would be set back from the front elevation to provide visual distinction from the existing front gable and the proposed roof ridge would be stepped down marginally from the existing main roof ridge. The siting of the proposed two-storey extension would not impact on adjoining neighbours in massing terms and there are no terracing implications with the siting of this proposal given the junction position of the dwelling. The proposal would be a prominent addition to the street-scene but, in my opinion, it would not be unduly detrimental to the character of the area. This application also excludes the front elevation ground level canopies which were included with the last application and, therefore, I raise no over-riding design objections.

The proposed pitched roof above the existing garage is, in my opinion, reasonable in design terms and the issue of access for the residents at No. 46 to their facing side elevation is a civil issue to be resolved.

The application has generated a large amount of local objection but, in my opinion, the proposed extension and additional garage roof are not unreasonable alterations to this dwelling and the proposals are, in my opinion, an improvement over the content of the last application.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with condition.

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

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/317

is considered an acceptable form of development in siting, design, street-scene and residential amenity terms.

11.3 Conditions

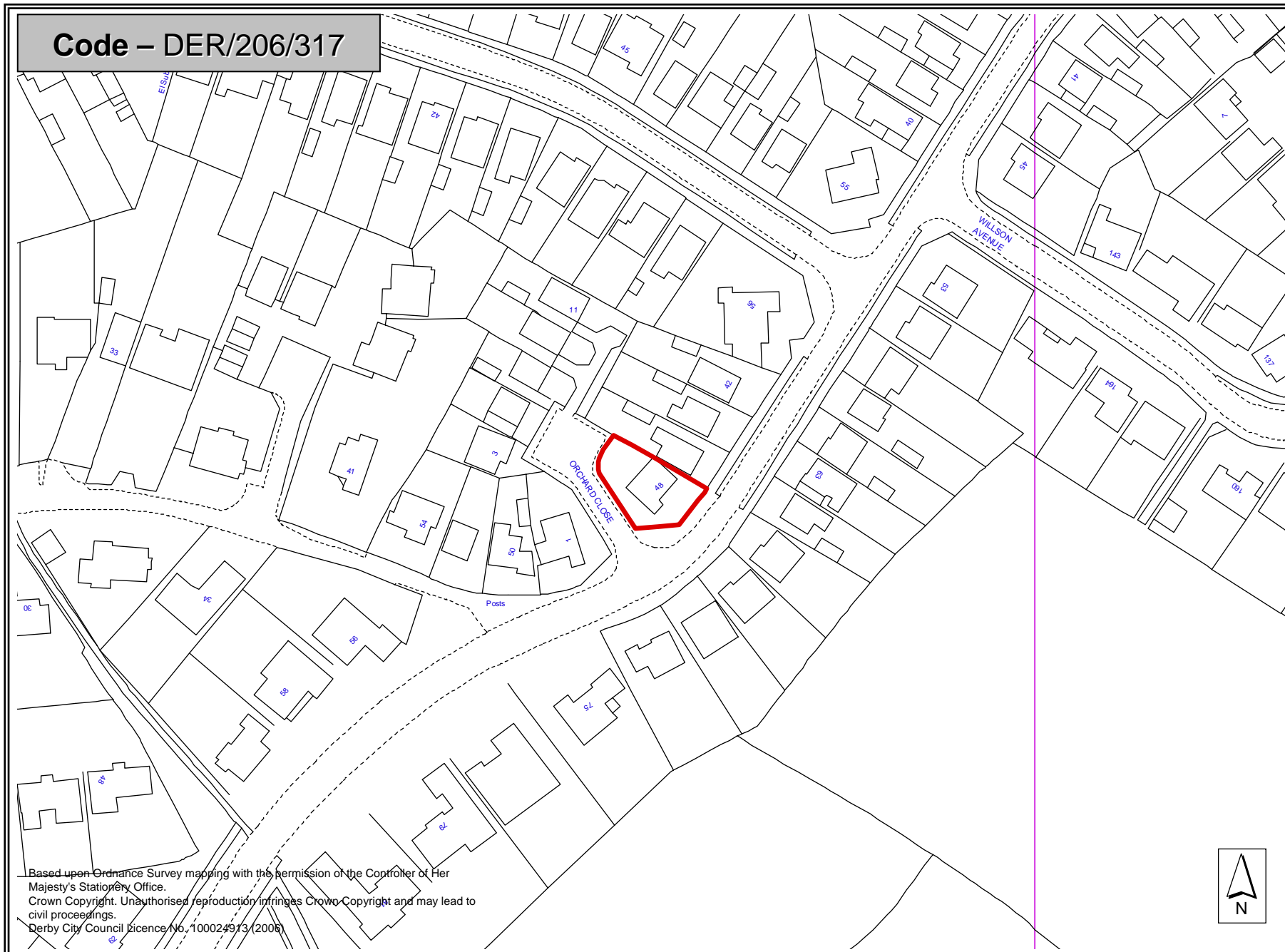
Standard condition 27 (external materials)

11.4 Reasons

Standard reason E14 and in accordance with policy H26 and E26.

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

3 Code No: DER/206/307

Type: Full

1. **Address:** Land adjacent 80 St Albans Road (access via St Swithins Close)
2. **Proposal:** Erection of two-storey dwelling house
3. **Description:** Planning permission is sought to erect a two-storey detached dwelling on this irregular shaped site which sits to the rear of No. 1 St Swithins Close. The site is overlooked by dwellings to the north on St Albans Road and to the south there are a number of lock-up garages which are accessed from St David's Close. The site accommodates a number of trees of which five are protected by a TPO. One of those trees is a young replacement for a Blue Atlantic Cedar which died. The other protected trees are two Horse Chestnuts and two Copper Beech trees.

The site would be accessed by a drive to the side of No. 1 St Swithins Close and the proposed dwelling would be sited approximately 5.5m from the north boundary of the site. The proposed dwelling would have a footprint that would cover approximately 81 sqm and it would have a hipped roof with a relatively low eaves height. The proposed roof design includes two pitched roof dormer windows in the rear roof plane overlooking St David's Close. The proposed front roof plane includes three roof lights that would be flush with the roof.

It is important to note that the application description was originally for the erection of a bungalow and neighbouring residents were notified accordingly. The proposed dwelling could be described as a chalet-style bungalow but, for the avoidance of doubt, my officer has amended the description and re-notified neighbours. Any representations as a result of this re-notification will be available at the meeting.

4. Relevant Planning History:

DER/794/982 – Erection of bungalow – refused October 1994

DER/1094/1417 – Erection of bungalow – granted January 1995

DER/899/1012 – Erection of bungalow (renewal of 1994 permission) – granted October 1999.

DER/904/1724 – Erection of bungalow (renewal of 1999 permission) – refused February 2005.

The last application was refused for the following reason:

B1 **APPLICATIONS** (cont'd)

3 **Code No:** DER/206/307

“...the siting of the proposed bungalow would create, by virtue of its unduly close proximity to trees protected by a Tree Preservation Order on the site, an unacceptable form of infill development that would be detrimental to the health of those affected trees. The siting of the proposed bungalow would not adhere to the British Standard protection zones that are required for the protection of the affected trees on site during the course of development. For these reasons the proposal is contrary to policy H22 of the adopted City of Derby Local Plan”.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** I raise no over-riding objections to the proposed design of the dwelling in this location.

5.3 **Highways:** I raise no objections to the proposal on highways grounds.

5.4 **Disabled People's Access:** Accessibility would be provided through the Building Regulations.

5.5 **Other Environmental:** Refer to the Officer Opinion section of the report.

6. **Publicity:**

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

7. **Representations:** Five separate objections have been received in response to the original notification for this application from 3 households. The representations are reproduced. Concerns are expressed about the design, massing and overlooking impact of the development and the impact on the protected trees. The objectors also consider that the siting of the proposed dwelling contravenes a restrictive covenant in place on this site although such an issue is a civil consideration and not a material planning consideration.

8. **Consultations:**

DCommS (Arboriculture) – no over-riding objections to the proposal in relation to the updated BS:5837 with regard to the protection zones required for the trees on site.

B1 **APPLICATIONS** (cont'd)

3 **Code No:** DER/206/307

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

- H21 - Residential development – general criteria
- E11 - Trees
- ST12 - Amenity
- T4 - Access, car parking and servicing
- E26 - Design

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

10. **Officer Opinion:** The site is not allocated for any particular purpose in the adopted CDLP Review and it is covered by a TPO. There are previous expired planning permissions on this site for infill residential development and, in my opinion, the principle of residential development is not in question.

Policy H21 of the adopted CDLP Review permits residential development provided that a satisfactory form of development can be created, a high quality living environment can be created and that a good standard of privacy and security can also be provided. The siting of the proposed dwellings accords with the former residential space standards of the Council with regard to its relationship to the surrounding dwellings. The proposed external design is also, in my opinion, acceptable in this backland position.

The key issue in this case is whether the proposed development is acceptable in terms of its effect on the protected trees. Policy E11 only permits development that would not seriously damage, destroy or compromise the long term retention of individual trees, groups of trees or areas of woodland which contribute to the amenity of an area. Specialist advice has been provided about this issue and I am advised that, in relation to British Standard BS:5837, there are no over-riding objections to the siting of the development in relation to the protected trees.

The concerns of residents about the contravention of a restrictive covenant on this site is not a material planning consideration. Overall, therefore, I am satisfied that planning permission should be granted with conditions.

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

11.1 **To grant** planning permission with conditions.

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/307

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

11.3 Conditions

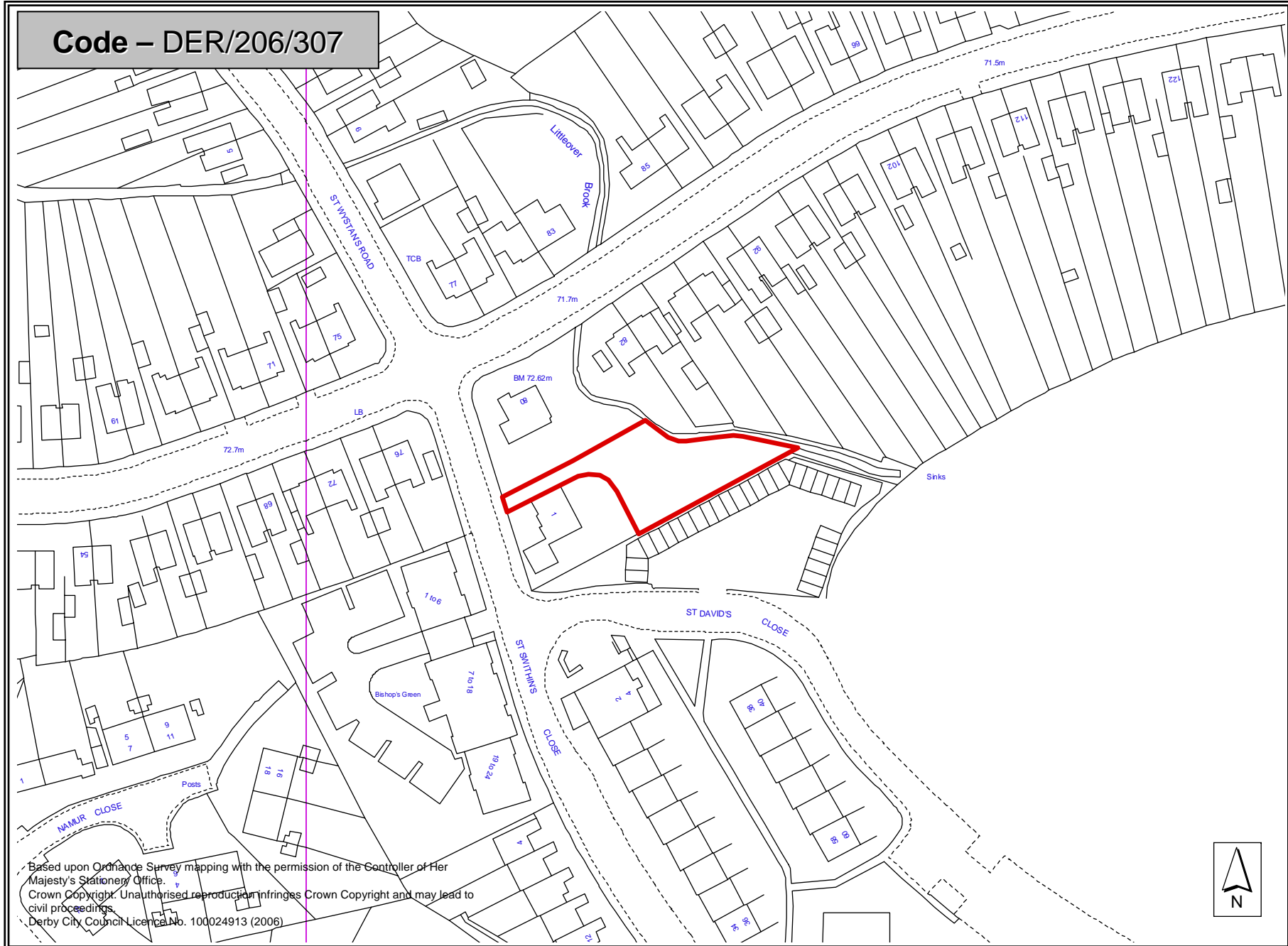
1. Standard condition 27 (details of external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 29 (approval of landscaping scheme)
4. Standard condition 22 (landscaping within 12 months – condition 3)
5. Standard condition 24A (vegetation – protection including overhanging)
6. Standard condition 34 (loading space kept free)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no dormer window extensions shall be installed in the front roof plane of the dwelling as approved, unless otherwise agreed in writing by the Local Planning Authority.
8. Standard condition 77 (further elevational drawings (B))

11.4 Reasons

1. Standard reason E18...policies ST9 and H21
2. Standard reason E14...policy H21
3. Standard reason E14...policy H21
4. Standard reason E14...policy H21
5. Standard reason E24...policy E11
6. Standard reason E17...policy H21 and T4
7. To enable the Local Planning Authority to control the siting and design of any roof space extensions to the dwelling as approved and to avoid any potential overlooking from the dwelling into the neighbouring residential properties, in accordance with policy H21 of the adopted City of Derby Local Plan Review – 2006.
8. For the avoidance of doubt and because the submitted elevational drawings are incorrectly labelled in directional terms.

11.5 S106 requirements where appropriate: None.

Code – DER/206/307



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B1 APPLICATIONS (cont'd)

4 Code No: DER/306/554

Type: Outline
(All matters reserved)

1. **Address:** Land between 151, 155 and 159 Vicarage Road, Mickleover
2. **Proposal:** Residential development
3. **Description:** This outline application seeks permission for the use of this site on Vicarage Road, for residential development. The site is situated to the west of Vicarage Road, and is bounded on the south by a footpath serving Nos. 145, 147, 149, 151 and 155 Vicarage Road. To the north of the site is the curtilage of No. 159 Vicarage Road, while to the west is a further vacant site. The frontage onto Vicarage Road is some 16.0m and the site has a depth of 22.0m. Vicarage Road is a busy non-classified road, and the surrounding uses are predominantly residential in character. Nos. 155 and 159 Vicarage Road are side-on to the application site, while Nos. 145, 147, 149 and 151 face directly onto it. The adjacent residential properties are two storeys in character, while No. 159 Vicarage Road is a bungalow. Access into the application site from the highway is likely to require the removal of a tree on highway land. In the south east corner of the application is a small concrete sectional garage, and a car standing space.
4. **Relevant Planning History:** None relevant.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The application is in outline only.
 - 5.3 **Highways:** Visibility onto Vicarage Road is good.
 - 5.4 **Disabled People's Access:** None at this stage.
 - 5.5 **Other Environmental:** The site contains some trees and shrubs. The views of the Arboricultural Officer have been sought.
6. **Publicity:**

Neighbour Notification letters	6	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received four letters of representation and

B1 APPLICATIONS (cont'd)

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... these are reproduced. The main points raised are:

- loss of privacy
- likely parking problems
- loss of trees and wildlife
- plans incorrect (this has now been resolved)
- site is not big enough for the proposal
- dangers to passing traffic.

8. Consultations:

DCS (Health) – no objections.

CS (Arboricultural Officer) – to be reported

9. Summary of policies most relevant: The relevant policies of the adopted CDLPR are:

- ST2 - Key planning objection
- ST7 - Previously used land
- ST12 - Amenity
- H21 - Residential development – general criteria
- E12 - Renewable energy
- E26 - Design
- E27 - Community safety
- T4 - Access, parking, safety

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: Given the predominantly residential surroundings of the application site, I see no policy objections to the principle of a residential use on the site. Nonetheless the applicant has indicated a desire to erect three units on the site, a view I do not necessarily support. While the site may well be suitable for some sort of residential use, considerable regard will be required at reserved matters stage to ensure that acceptable relationships can be achieved in respect of Nos. 145-151 Vicarage Road. These properties are two storey, and front directly onto the application site and are only separated from it by a footpath. Nos. 155 and 159 Vicarage Road are side-on to the site and an acceptable relationship with these properties should be achievable.

Acceptable vehicular access from Vicarage Road should be possible. This is a 30 mph area, and the visibility onto the highway is quite good. The creation of a vehicular access may require the removal of a tree in highway land, that is in the Council's ownership. There are a number

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of trees and shrubs within the site, and the views of the Arboricultural Officer have been sought and will be reported at the meeting.

Given the current guidance in PPG3 (Housing) and the Council's desire to encourage the economic use of vacant sites, I am inclined to support this outline application, but I do not necessarily support the view that the site could accommodate three units. Satisfactory details at reserved matters (all matters are reserved) will require considerable care given the position of the adjacent properties in Vicarage Road. However, I have to conclude that at this stage it would be unreasonable to refuse planning permission for the principle of residential development on the site.

11. Recommended decision and summary of reasons:

11.1 To grant outline planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the City of Derby Local Plan Review as summarised at 9 above, and is considered to be acceptable in principle in regard to the submission of acceptable reserved matters details.

11.3 Conditions

1. Standard condition 09A (amended plan 30 May 2006)
2. Standard condition 01 (outline)
3. Standard condition 02 (time limit)
4. Standard condition 19 (means and enclosure)
5. This permission does not indicate the acceptability of erecting three units on the site.
6. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy and water consumption.

11.4 Reasons

1. Standard reason E04
2. Standard reason E01
3. Standard reason E02
4. Standard reason E18....policy H21
5. Standard reason E04
6. Dwellings that are south facing or have a south facing roof, having solar panels and/or wind turbines, and include water conservation measures will help to reduce energy consumption reducing

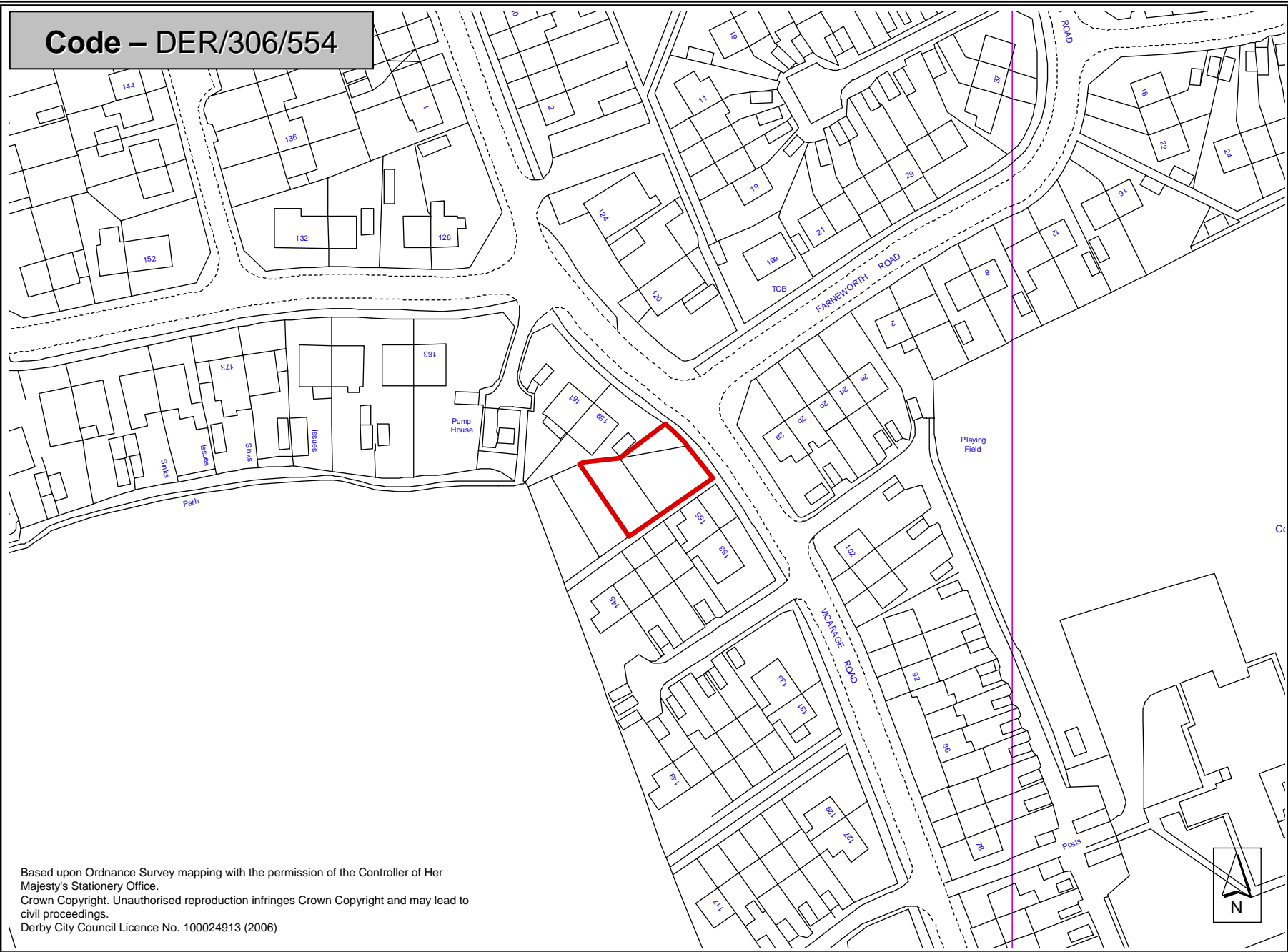
B1 APPLICATIONS (cont'd)

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pollution and waste and in accordance with policy E12, ST2e and ST7 of the adopted City of Derby Local Plan Review 2006.

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)**5 Code No:** DER/406/639**Type:** Full

1. **Address:** 12 Thames Close
2. **Proposal:** Erection of double garage
3. **Description:** Thames Close is a cul-de-sac which is lined with detached residential property. No. 12 is located at the southern end of the cul-de-sac. It is an irregular shaped plot and the detached dwelling sits towards the south-west boundary. To the north, east and west of the site are residential property and to the south is the Mackworth College site.

Planning permission is sought for the erection of a timber detached double garage on the site, alongside the northern boundary of the plot and forward of the dwelling, closer to Thames Close than the house itself. The garage, measuring approximately 6.1m in width and 6.1m in length, would have a pitched roof and extend up to a maximum height of 3.05m.

4. **Relevant Planning History:** DER/500/573 – Extension to bungalow (conservatory), granted July 2000.

5. Implications of Proposal:**5.1 Economic:** None.

5.2 Design and Community Safety: The design of the garage and its siting are considered acceptable in this residential location. There are no community safety implications to consider.

5.3 Highways: Adequate parking and vehicle manoeuvring space is maintained, therefore, there are no objections.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: None.

6. Publicity:

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

B1 **APPLICATIONS** (cont'd)

5 **Code No:** DER/406/639

7. **Representations:** No letters of representation have been received in response to this application. It is being reported to the Committee because the applicant is Councillor Gerrard.
8. **Consultations:** None.
9. **Summary of policies most relevant:** Adopted City of Derby Local Plan Review policies:

H26 - Extensions to dwellings

E26 - Design

T4 - Access, parking and servicing

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

10. **Officer Opinion:** This dwelling sits on a sizeable plot which can easily accommodate a garage of this size and continue to have ample garden space remaining. The garage would be sited approximately, 3m from the side elevation of 7 Thames Close but would not project substantially beyond its front elevation and I am satisfied that it would not offer significant massing or overshadowing implications for the principal windows in the front elevation of this neighbouring property. Given the garage's limited height and pitched roof design, it would also be screened by existing boundary treatments and should not appear an overly dominant addition in views from neighbouring dwellings and gardens.

The siting of the garage, forward of the house, would mean that the garage would be visible from some parts of Thames Close. However, its position, set back approximately 4m from the site's front boundary, should assist in reducing its prominence. From a design point of view, I consider it would appear a reasonable addition to the street scene and I do not feel that it would be a structure that appears out of place in this residential context.

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

11.1 **To grant** planning permission with conditions.

- 11.2 **Summary of reasons:** The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review – 2006 and all other material considerations as indicated in 9 above and the garage would be in keeping with the appearance and character of the local street scene and residential amenities in the local area would not be unreasonably harmed.

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5 Code No: DER/406/639

11.3 Conditions

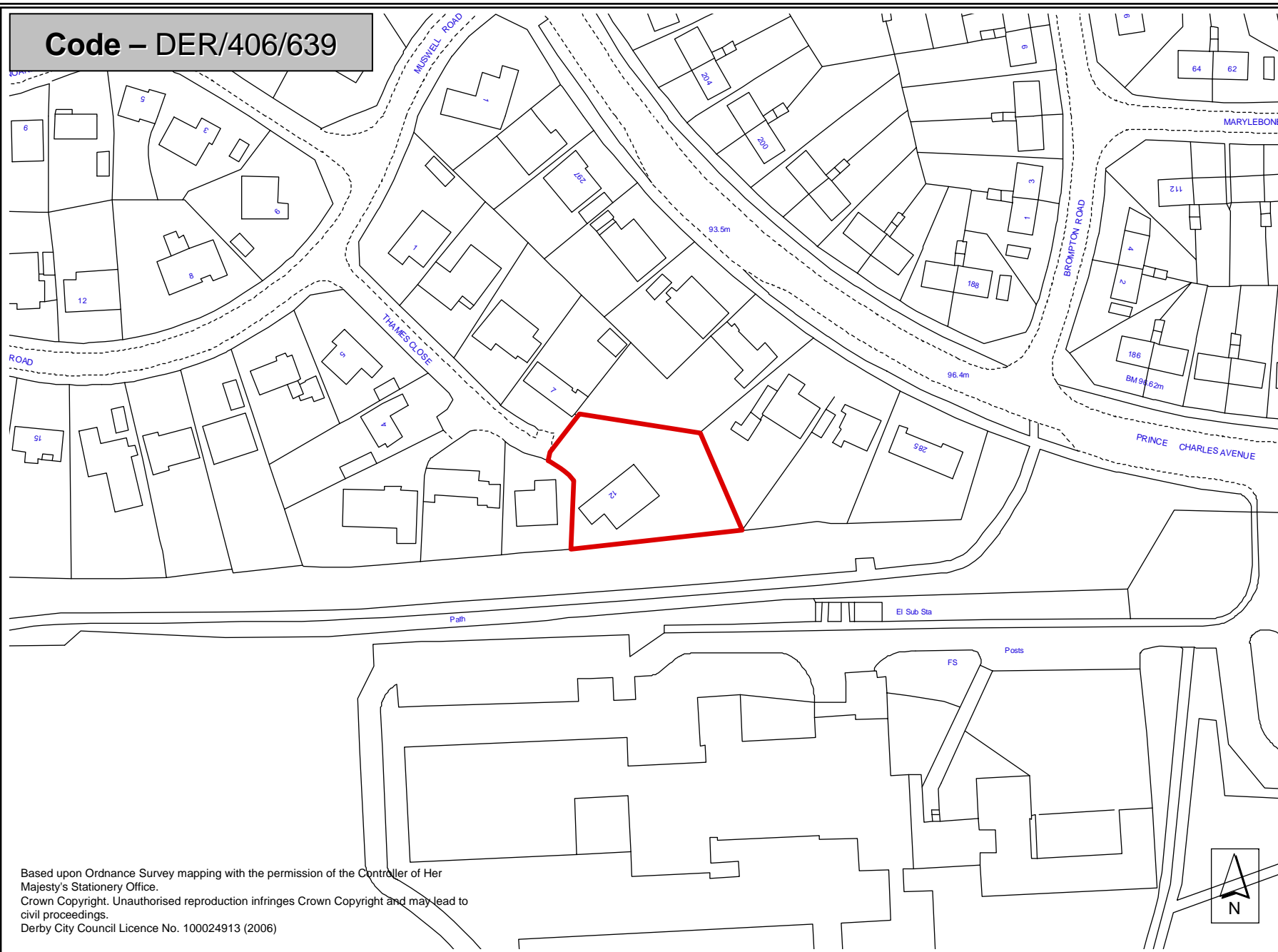
1. Standard condition 27 (external materials)
2. Standard condition 13 (garage – private use)

11.4 Reasons

1. Standard reason E14...(policy E26)
2. Standard reason E07...(policy H26)

11.5 S106 requirements where appropriate: None.

Code – DER/406/639



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B1 APPLICATIONS (cont'd)**6 Code No:** DER/306/550**Type:** Full

1. **Address:** Amber House, Railway Terrace
2. **Proposal:** Formation of two flats in roof space
3. **Description:** Amber House is an unlisted building formerly used as railway offices. Planning permission was granted under application DER/703/1237 for the conversion of it to eight apartments and conservation area consent was granted under application DER/1103/2090 for the removal of the redundant bridge link to the building to the south.

The current application seeks to add to the permission currently in existence by forming two more units in the roof space. The external changes are confined to a gabled dormer window on the north elevation and a number of rooflights parallel to the plane of the roof. The roof is to be re-covered but this does not, in itself, require permission.

4. **Relevant Planning History:** As above
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposals will introduce a pitched-roof gabled dormer on the north elevation and seven rooflights into the existing roof slopes. There are no community safety issues.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** An access statement has been submitted. Owing to site levels a route for wheelchair standards cannot be provided. A lift to all floors is proposed which will benefit ambulant disabled people. However, technical investigations are continuing as to whether it may be possible to serve the top floor without a lift shaft projection through the roof; a solution that I have discouraged.
 - 5.5 **Other Environmental:** The building is subject to high levels of intermittent railway noise.

6. Publicity:

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

B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/306/550

7. **Representations:** None.

8. **Consultations:**

CAAC - objects and recommends refusal on the grounds that the gabled dormer window would appear an inappropriate and discordant architectural element on this commercial building that stands as a landmark building close to the change in direction of Railway Terrace. Similarly, it was considered that the introduction of rooflights would interrupt the continuity of the highly visible roof slopes and that cumulatively, the proposals would erode the architectural integrity of the building to the detriment of the appearance and character of the Conservation Area.

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

- ST12 - Amenity
- CC7 - Residential Uses within the Central Area
- H21 - Residential Development – General Criteria
- H23 - Re-use of Underused Buildings
- E21 - Conservation Areas
- E22 - Listed Buildings and Buildings of Local Importance
- E26 - Design
- E27 - Community Safety
- T4 - Access, Car Parking and Servicing
- T10 - Access for Disabled People
- T7 - Provision for Cyclists

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 also has to be had to the requirement under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

10. **Officer Opinion:** The site of the proposal is currently not allocated for any particular use in the CDLP, but falls within the Railway Conservation Area and the defined Central Area.

Policy CC7 encourages residential development in the Central Area. It permits the conversion of existing buildings for C3 residential use provided that existing business activity is not unduly inhibited. Policy H23 also supports the re-use of underused buildings for residential uses provided that the scale and intensity of the use is sufficiently

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/550

similar to the surrounding area so that it would not detract from its general character or amenity. The previous permission for residential conversion on the remainder of the building took into account similar policies in the former CDLP.

Policy E21 goes further to support the need to protect the special character of the area surrounding the proposal site. Development proposals, including changes of use and conversions, should preserve or enhance the special character of the Conservation Area and encourage its physical and economic revitalisation.

Policy E22 protects the character and setting of listed buildings. I am satisfied that the setting of the nearby listed Brunswick Inn will not be adversely affected.

The site is also within the 'City Centre Eastern Fringes Area Action Plan' area. This is an emerging plan that is currently undergoing informal consultation. The proposal is in line with the latest draft, which allocates Amber House for retention and recommends re-use and refurbishment.

The current permission DER/703/1227 has lain unimplemented because the scheme is not viable. The incorporation of two more units would, I understand, make it so and would help to achieve the regeneration objectives for this area.

The views of the Conservation Area Advisory Committee would be reasonable if this were a listed building. However, I consider that a less rigorous approach to alterations to a non-listed building can be justified as part of the balance between preserving the character of the conservation area through strict retention of the original built form and the enhancement that can come from the restoration of buildings to economic use.

In view of the comments of CAAC I have discouraged the applicants from submitting details of a lift shaft projection above the roof. Whilst such could be done in a manner that would be acceptable for a building of this character outside a conservation area I feel that it would be a little too radical a change in this location for the minimal access benefits.

The dormer addition is well-designed and is in proportion to the roofscape. Whilst a new feature, I do not consider that it is out of character with the building. The roof comprises slates which were covered many years ago with a type of bitumastic film commonly applied to failing slated roofs. The agent has clarified by letter that it is

B1 APPLICATIONS (cont'd)

6 Code No: DER/306/550

intended to strip and relay in a synthetic slate, Thrutone blue / black, by Eternit. The insertion of the rooflights will be undertaken with this work and the “conservation type” rooflights will blend into the renewed roof covering.

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 policies set out in (9) above and all other material considerations. The proposal is consistent with the policies in the City of Derby Local Plan Review. The impact on the character and appearance of the conservation area is minimal and is outweighed by the regenerative benefits to that area and the wider City Centre.

11.3 Conditions

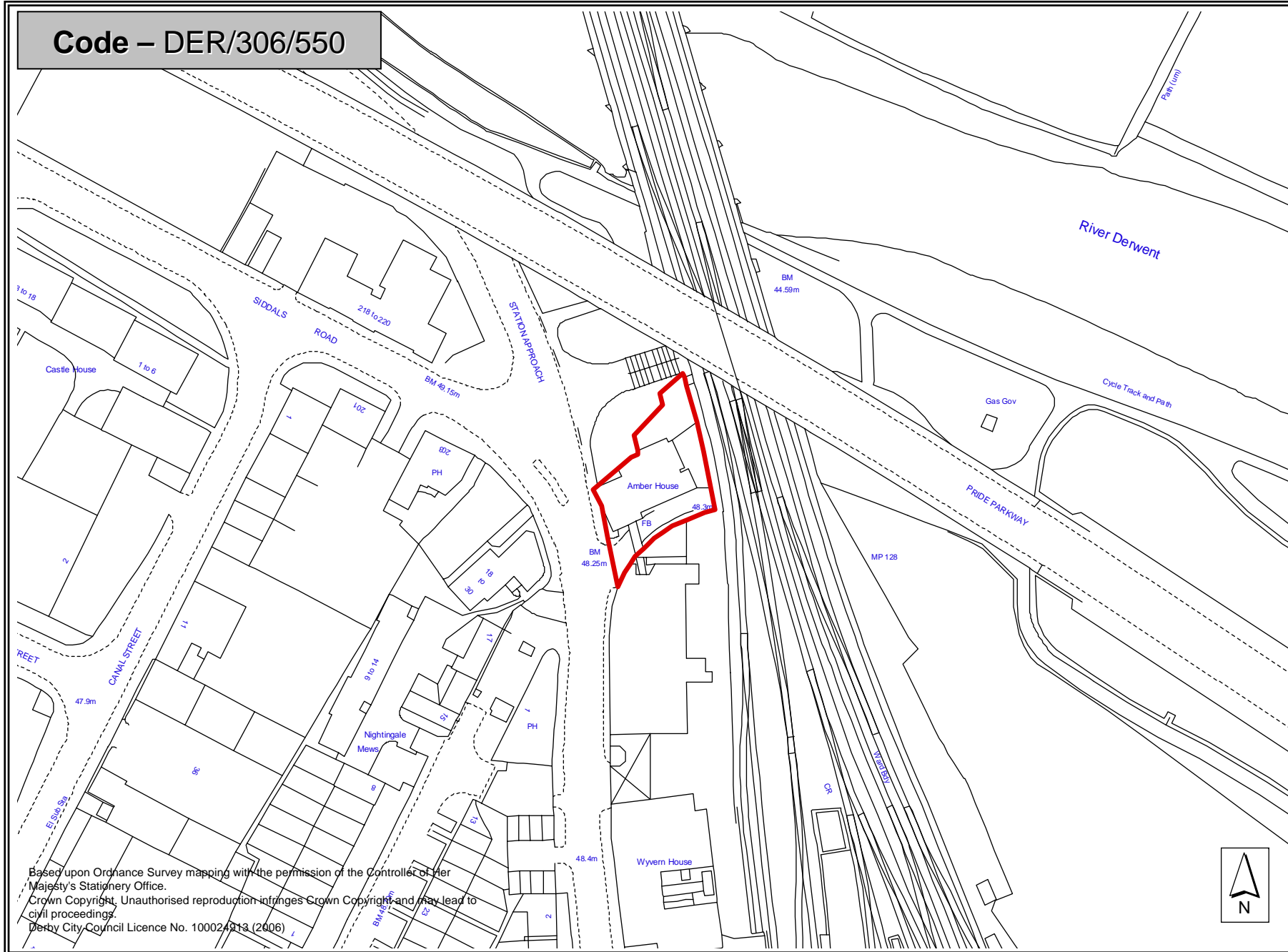
1. Standard condition 08a (agent's letter dated 30 May 2006)
2. Standard condition 84 (amended plans) (insert: 1343/111, 1343/112, 1343/113, 1343/114, 1343/115, 1343/116, 1343/117, and 1343/118A)

11.4 Reasons

1. Standard Reason E04
2. Standard Reason E04

11.5 S106 requirements where appropriate: None.

Code – DER/306/550



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B1 APPLICATIONS (cont'd)

7 Code No: DER/306/449

Type: Reserved Matters

1. **Address:** Land at 1 Spinney Close, Darley Abbey
2. **Proposal:** Erection of dwelling
3. **Description:** This application for approval of reserved matters follows the grant of outline permission in November 2005 for residential development on the curtilage of an existing bungalow. The site is a secluded residential property, with a large garden, which lies off Spinney Close to the rear of dwellings on Church Lane, Darley Abbey. The existing property is a bungalow, with a separate garage block. Spinney Close is a narrow unmade private drive off Church Lane. The land levels in this area slope significantly downhill from Church Lane towards Waterside Close. The existing bungalow is sited at a much lower level than the dwellings on Church Lane and dwellings to the east are even further down the slope. The latter are well screened from the site by a very tall Leylandii hedge, other mature trees and shrubs. The existing curtilage has some substantial mature trees and numerous tall Conifers, which currently screen the property from most nearby dwellings.

Approval is sought for demolition of the existing bungalow and garage block and replacement with a single dwelling and integral garage. The proposed three storey dwelling would be sited over the footprint of the existing, with a three car garage block. It would be set into the sloping site such that the west and north elevations would open onto a raised terrace and the garages would be at a lower floor level 1.5 metre below the main dwelling. The dwelling would be a substantial building, with five bedrooms, a conservatory on the west elevation and a games room over the garage block. The main three storey building would be aligned north to south, 22.8 metres in total length and 9.5 metres at its widest point. It would be of a traditional form and appearance, with a steeply pitched roofline and three projecting gables in the roof. Due to the site level differences when seen from the west it would have a ridge height below the ground floor window of properties on Church Lane. A single storey projection on the front elevation would be one and a half storeys in height, with full height vertical glazing to give a contemporary appearance. The dwelling would be accessed from the existing drive and a new turning area would be formed to the front of the dwelling.

4. Relevant Planning History:

DER/805/1281 – Outline permission for residential development (with access), granted November 2005.

DER/303/349 – Outline application for four dwellings, refused March 2003.

B1 APPLICATIONS (cont'd)

7 Code No: DER/306/449

5. Implications of Proposal:

5.1 **Economic:** None.

5.2 Design and Community Safety: The proposal would be a large traditional style dwelling, sited within an extensive curtilage. It would have a minimal impact on the appearance and character of the local streetscene, due the secluded nature of the site. There would be no adverse community safety implications.

5.3 Highways: Adequate vehicle turning area should be provided within the curtilage, to enable exit in a forward gear.

5.4 Disabled People's Access: The dwelling would be sited on a steeply sloping site, therefore accessibility would be difficult to achieve.

5.5 Other Environmental: The site is a mature garden with numerous ornamental trees, Conifers and other trees, primarily around the edge of the plot. The trees are all covered by an area Tree Preservation Order. The only trees, which are shown to be affected by the proposal are primarily Leylandii alongside the driveway. A group of 20 trees would be removed to enable widening of the driveway.

6. Publicity:

Neighbour Notification letters	21	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Six letters of objection have been received, copies of which will be available in the Members' Rooms. The main issues raised are as follows:

- the dwelling would be sited closer to the boundary with Church Lane properties and combined with the increased height, there would be an increase in loss of privacy for neighbouring residents
- the increase bulk and height of the dwelling would amount to an over intensive use of the land
- a large turning circle for delivery vehicles on the site is not desirable

B1 APPLICATIONS (cont'd)

7 Code No: DER/306/449

- a three storey dwelling would be out of keeping with the appearance and character of the surrounding area
- increased use of the narrow driveway would cause an undue traffic hazard
- concern that the other three dwellings approved under the outline permission would be erected, causing disturbance for the neighbouring residents.

8. Consultations:

DCS (Env Health) – no comment

DCommS (Arboricultural) – the development maybe too close to a protected tree in the curtilage, which has significant amenity value.

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

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

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 proposed dwelling would be a replacement for the existing bungalow and only one new dwelling is included in this application. The outline permission allowed up to four dwellings to be erected on the site, although these additional plots are not part of this proposal. The outline permission also included details of access from Spinney Close, which is via the existing driveway.

The proposed dwelling would be sited on a similar floor level to the existing bungalow and stepped into the steep slope on the western side of the plot. The land levels rise significantly towards the boundary with the Church Lane properties, such that the existing dwelling is about 4 metres lower than the boundary wall. The dense screen of various trees and mature shrubs along this side boundary would not be unduly harmed or affected by the development and would effectively screen the new dwelling from residential properties on Church Lane. The existing bungalow is virtually hidden from surrounding properties due to the density of existing vegetation. Although the proposed

B1 APPLICATIONS (cont'd)

7 Code No: DER/306/449

dwelling would be up to two storeys higher and large in massing than the existing, it would be no closer to the Church Lane properties and would be partially screened by the mature trees and shrubs. The conservatory would extend closer to the boundary, although it would not be visible from outside the site. The rear elevation of the dwelling, facing towards Church Lane would be two storeys high, except for a third storey projecting gable with a dressing room window. This opening would not be a principal window and can be obscure glazed although, at some 15 metres from the boundary, it exceeds our normal distance requirements between principle openings. Since the development would be at a substantially lower floor level than the nearby properties, the massing effect would also be negligible. The amenities and privacy of residents on Church Lane would, therefore, not be unduly affected by the proposal.

Other residential properties surrounding the site would see a minimal impact on their living conditions, because they would be over 30 metres from the development and at a significantly lower floor level. Properties to the north and east are also totally screened by a very tall Leylandii hedge along the perimeter, which would be retained. All the trees on the site, including the Leylandii are protected by the Tree Preservation Order and consent would be required to undertake works to them.

The proposal would be a substantial dwelling of a traditional form and design, which utilises the sloping land levels, to reduce the scale and bulk. In this secluded location, the development would have a limited visual impact on the surrounding streetscene, although it would be in keeping with the character of this urban residential area. Access and parking arrangements were dealt with under the outline application and a suitable parking and turning facility on the site would be secured by a condition under the outline permission.

Overall the development would have a limited effect on the tree cover on the plot. The Swamp Cypress close to the eastern boundary is of considerable merit and would be adjacent to the front elevation. It would be retained, along with the groups of conifers and Birch tree along the western boundary, which have significant group value. The trees to be felled alongside the driveway are primarily Leylandii and of limited visual merit. Their removal would allow the driveway to be widened and, thereby, improve vehicle access.

There are no overriding considerations arising from the site's location in the World Heritage Site buffer zone.

B1 APPLICATIONS (cont'd)

7 Code No: DER/306/449

11. Recommended decision and summary of reasons:

11.1 A. To grant permission with conditions.

B. To authorise the Assistant Director – Regeneration to write to the applicant to remind the applicant of the outstanding conditions on the outline permission.

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 would be an appropriate form of residential development, which would create a satisfactory living environment without detriment to interests of acknowledged importance.

11.3 Conditions

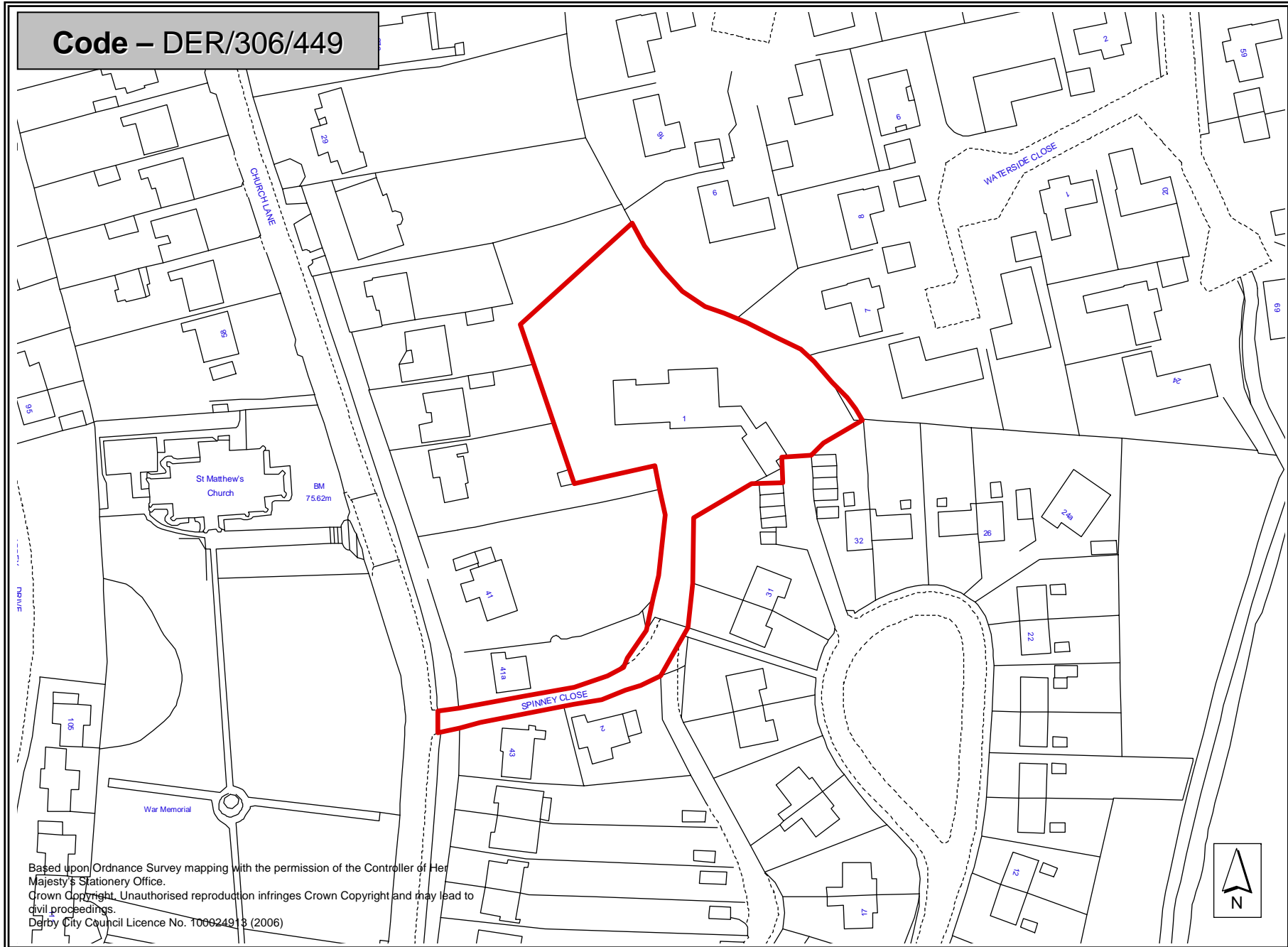
1. Standard condition 27 (external materials)
2. Standard condition 13 (garage – private use)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscaping maintenance – condition 3)
5. All glazing on the second floor dressing window of the west elevation shall be of obscure glass and retained as such at all times.
6. The finished floor levels of the dwelling and garage shall be carried out in accordance with the site plan hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...policy H2
2. Standard reason E28...policy H21
3. Standard reason E10...policy E26
4. Standard reason E10...policy E26
5. Standard reason E07...policy H21
6. Standard reason E10...policy E26

11.5 S106 requirements where appropriate: None.

Code – DER/306/449



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B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

Type: Reserved Matters

1. **Address:** Land corner of George Street/Cavendish Street
2. **Proposal:** Erection of 15 apartments
3. **Description:** This application for reserved matters relates to a rectangular site at the corner of George Street and Cavendish Street within the City Centre. The site has been disused for many years and is currently in a derelict state although it was previously used as a builders yard. The buildings on the site which include a former early 19th Century workshop have been granted Conservation Area consent for demolition. The site lies to the rear of grade II listed properties on Friar Gate and is within the Friar Gate Conservation Area. To the west of the site, the Creative Industries building is under construction and to the north are housing association flats on Cavendish Court. The locality is primarily commercial in nature, comprising restaurants and offices but with residential flats to the north.

In December 2004, outline planning permission was granted for residential development on the site. Details of siting and access were approved for an 'L' shaped residential block on the site, fronting the two streets. Access was approved via George Street, through an archway in the building.

In this reserved matters application, full details relating to the design and external appearance of the development have been submitted for consideration and 15 apartments are proposed to be accommodated within the building which varies between 3 and 4 storey in height. The development would comprise 14 two-bed apartments and 1 three-bed maisonette. The three storey sections are proposed at both ends of the building with the four storeys sitting on the corner of the two streets. The main entrances to the building are proposed to be located on the George Street frontage with a further single access to the maisonette at the rear. Red facing brickwork is proposed for the building with some facing stonework at ground floor level on the Cavendish Street elevation and on the corner with George Street. Plain tiles are proposed on the gabled roofs that would be punched by chimneys. Architectural detailing on the building includes pilasters alongside the doorways, stone string courses extending vertically across the building and corbels on the chimneys and eaves. The development would accommodate 15 parking spaces, four underneath the building at ground floor level, two in single garages accessed off Cavendish Street and the remaining nine in a parking court, to the rear of the development.

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

4. Relevant Planning History:

DER/604/1247 - Outline planning permission with siting and access applied for - granted December 2004.

DER/203/186 - Demolition of vacant workshop and store, Conservation Area Consent - granted April 2003.

DER/203/257 - Notification for felling of 2 Sycamore Tree - raise objection - March 2003.

DER/403/657 - Refusal for the erection of 15 flats, June 2003, for the following reasons:

"The proposed development would appear unduly incongruous and over complex in this location, by reason of its roof design and built form, window treatment and materials. The building's design and appearance would severely detract from the special character of the Friar Gate Conservation Area and the appearance of the local street scene, thereby contrary to policies H22 and E24 of the adopted City of Derby Local Plan. Moreover, the proposal as submitted would not justify the felling of the sycamore tree subject to a tree preservation order."

DER/1103/2071 - Refusal for the erection of 16 flats, June 2004, for the following reasons:

"The proposed development would appear incongruous and over complex in this location, by reason of its detailed elevational treatment, particularly the fenestration, gable ends and built form, window treatment and materials. The building's design and appearance would severely detract from the special character of the Friar Gate Conservation Area and the appearance of the local street scene, thereby contrary to policies H22, E24 and E31 of the adopted City of Derby Local Plan. Moreover, the proposal as submitted would not justify the felling of the sycamore tree subject of a tree preservation order which in itself would be contrary to adopted Local Plan policy E6.

The proposed development fails to provide satisfactory provision of public open space or provision of mobility units on the site. Accordingly the proposal is contrary to policies H20 and L4 of the adopted City of Derby Local Plan."

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: A character study was submitted with the application and it is clear that regard has been given to the historic character of the surrounding area and the architectural features of neighbouring buildings, when designing this scheme. The footprint of the building offers a continuous built-up frontage for the site, which is appropriately broken up by the varying heights of the building and its architectural detailing. In my opinion, this development would offer an attractive development for this sensitive site.

The apartment windows would offer increased natural surveillance of an under-supervised corner of George Street and Cavendish Street and would offer improvements for the area from a community safety point of view.

5.3 Highways: Parking provision is considered acceptable in this location which has good pedestrian links with the City Centre. A condition is, however, necessary to the effect that the garage doors to units 14 and 15 must not open into/over the highway in the interests of pedestrian safety. A similar condition is required that no steps or balconies should project over or into the public highway. Adequate secure, internal cycle/motor cycle parking should be provided and a maximum man carry distance of 30m from the public highway should be observed. A section 106 contribution should be sought towards transport corridor improvements for public transport, pedestrian and cycle facilities. Access to the flats will involve access through an existing block paved home zone section of carriageway. A note should be added to any permission granted advising the applicant to liaise with the Highway Maintenance section as to how this work is undertaken as the removal of the block paved area and its replacement with conventional kerbing and carriageway construction may be viewed favourably.

5.4 Disabled People's Access: Proposed disabled people's parking is satisfactory. Two mobility dwellings will be required at ground floor level and the remainder of the units will have a degree of accessibility through compliance with building regulation guidance. Ramped, not stepped approaches will be required into the stairwells. Disappointing that a passenger lift has not been included in the scheme.

5.5 Other Environmental: Two sycamore trees did affect the site because of their location and spread. Their loss was considered and accepted at the outline application stage.

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

6. Publicity:

Neighbour Notification letters	22	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: Two letters of objection have been received in response to this application and both are reproduced. The objectors express concerns about;

- the design of the building being poor and uninspired
- a four storey building being too high and detrimental to the nearby grade II listed properties
- the development is over intensive for the site
- shared front doors do not create a sense of community
- as Connecting Derby will block the entrance to Cavendish Street , additional traffic using George Street will increase traffic levels on both Friar Gate and Curzon Street
- the development proposes insufficient off street parking provision and will lead to further on street parking
- Conservation area consent that has already been granted for the demolition of the workshops on the site should not have been granted.

8. Consultations:

DCorpS (Health) - raises concerns about the location of the site due to its close proximity to Ford Street and the site is also identified as being contaminated. Suggest that the developers should undertake an assessment of air quality, undertake a comprehensive noise survey and a site investigation report to identify potential contamination on the site.

Severn Trent Water - no objections subject to details relating to the disposal of surface water and foul sewage being submitted for approval prior to development commencing.

CAAC - no objections raised in principle to the proposal but requested that Officers negotiate amendments to the scheme to reduce the height of the development along a greater length of the George Street frontage and also to close the gap between this development and the Creative Industries centre currently under construction on the adjacent site. The Advisory Committee also requested that confirmation be

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

sought over the use of natural materials and detailing throughout the development. Additionally, requested that appropriate conditions be added including a requirement to undertake the recording of the workshop building prior to its demolition.

9. Summary of policies most relevant: Adopted CDLPR:

- ST4 - Regeneration
- ST7 - Previously used land
- ST9 - Design and the urban environment
- ST12 - Amenity
- H20 - Lifetime Homes
- H21 - Residential development, general criteria
- E21 - Conservation areas
- E24 - Archaeology
- E26 - Design
- E27 - Community safety
- L4 - POS in new developments
- T4 - Access, parking and servicing
- T10 - Access for disabled people

The above is a summary of the policies that are relevant, although in practical terms several cannot come into play until the reserved matters stage is reached. Members should refer to their copy of the CDLP Review 2006 for the full version.

- 10. Officer Opinion:** The principle of residential development on this site is firmly established by the recent grant of outline planning permission. The siting of the building is also established as is the access to the site and are not therefore, the subject of this reserved matters application. Conservation area consent has already been granted for the demolition of the existing buildings on the site. Although the Conservation Area Advisory Committee has requested that conditions be added to any permission to seek the recording of the workshop building prior to its demolition, such a requirement was not a condition of the Conservation area consent or the outline planning permission granted for residential development on this site and, therefore, cannot be secured at this reserved matters stage.

As indicated in the planning history section of this report, there has been some difficulty in achieving an acceptable development for this corner site in the Conservation Area. What is proposed in this application is a scheme that has been submitted following detailed negotiation between the applicants and the City Council and I feel that what is now proposed is a development that would offer a positive contribution to the Friar Gate Conservation Area. The roof design,

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

window treatments, proposed materials and architectural detailing identify with some of the architectural characteristics of buildings in the surrounding conservation area, without attempting to compete with them. The elevations have clear proportion with simple architectural features giving the elevations an interesting yet uncluttered appearance. The varying heights of the building help to carry the building around the corner, add interest to its frontages and blend the building into the built form of the two adjacent street scenes. Surrounding buildings do vary between 2 - 3 storeys in height, and the Creative Industries building on Cavendish Street which extend in parts up to 4 storeys; I do not consider this building would be out of character in this context. I feel that the four storey section will help to add some interest to this sensitive corner site. A reduction in the height of the George Street frontage sought by the Conservation Area Advisory Committee, has not been achieved, but in my opinion, the three storey section of the building fronting George Street is sufficient to help integrate the building into the built form of development fronting George Street and I do not consider the mass of this building, to be overly dominant in this setting.

In considering the layout of this development, its relationship to adjacent properties and its level of parking provision, I am satisfied that it would offer a satisfactory living environment for future occupiers. In the outline application which granted permission for the siting of the building, clear consideration was given to the relationship of the building to adjacent properties and I am satisfied that the occupiers would achieve satisfactory levels of amenity and privacy. Activity and noise implications associated with nearby businesses should not be unreasonable and some activity and noise implications are a feature that is to be expected with mixed use, city centre schemes. I have noted issues raised by Environmental Health relating to noise and air quality management. However, as these were concerns that were not raised at the outline stage or subject to conditions of the outline planning permission, they cannot now be added at the reserved matters stage.

A development of this size gives rise to a need for the provision of two. mobility dwellings and some public open space provision. These have already been secured as part of this development through a section 106 agreement at the outline stage. As financial contributions towards transport corridor improvements were not raised during the course of the outline application, it is not possible to address them through this reserved matters application.

As this site lies in close proximity to listed properties on Friar Gate and is situated in the Friar Gate Conservation Area, it is in a sensitive

B1 APPLICATIONS (cont'd)

8 Code No: DER/206/257

location. However, I feel that the development proposed now is of a good quality design. I feel that it would offer the site an attractive development that would make a positive contribution to the street scene without compromising the character, setting or quality of the surrounding Conservation Area or nearby listed buildings.

11. Recommended decision and summary of reasons:

11.1 A. To approve the reserved matters with conditions.

B. To authorise the Assistant Director – Regeneration to remind the applicants of the need to discharge all other outstanding conditions imposed on planning permission DER/604/1247

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan Review 2006 policies set out in (9) above and all other material considerations and is an acceptable form of development in design, street scene and amenity terms.

11.3 Conditions

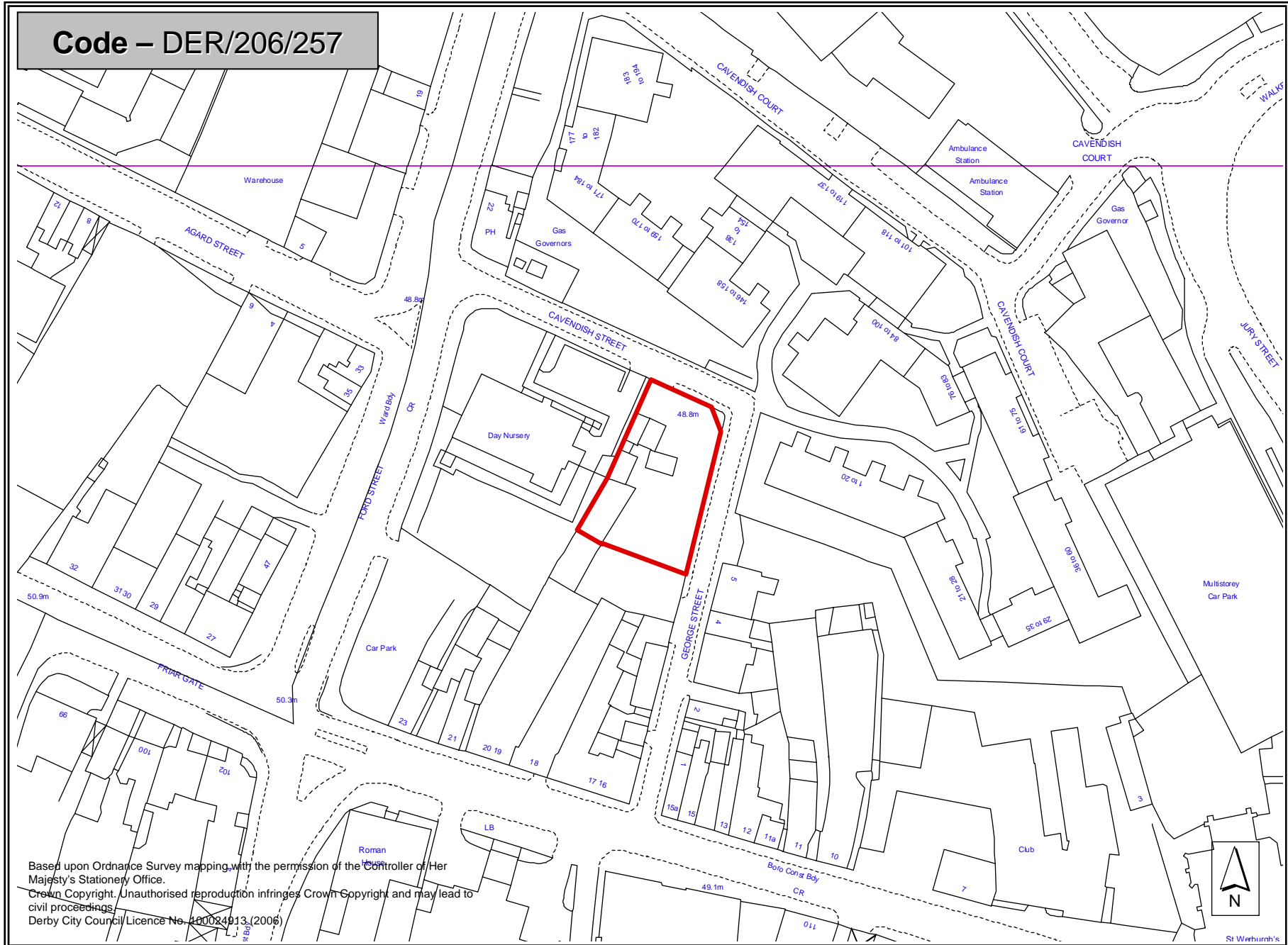
1. Standard condition 27 (external materials)
2. Standard condition 30 (Surfacing)
3. Standard condition 38 (drainage)
4. Notwithstanding the details on the submitted plans, the proposed garage doors steps and balconies shall be designed so as not to protrude onto or over the adjacent highway, unless otherwise agreed in writing with by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...policies E26 and E21
2. Standard reason E09...policy H21
3. Standard reason E21
4. To minimise the danger, obstruction and inconvenience to users of the highway and in accordance with policy T4 of the adopted City of Derby Local Plan Review - 2006

11.5 S106 requirements where appropriate: None.

Code – DER/206/257



B1 APPLICATIONS (cont'd)

9 Code No: DER/206/320

Type: Full

1. **Address:** Land off Hoult Street
2. **Proposal:** Erection of dwelling house
3. **Description:** The application site formerly comprised the rear section of garden belonging to 205 Uttoxeter New Road which is a property in use as flats. It measures approximately 6m in width and 20m in length and has a frontage with Hoult Street which extends to the south of the site. It currently accommodates a flat roofed detached garage, and vehicular access to the site is currently via Hoult Street. To the west is a detached outbuilding in the rear garden of 207 Uttoxeter New Road, which is also accessed off Hoult Street. To the east, is the rear garden of 203 Uttoxeter New Road and beyond that is a row of four modern terraced dwellings that have recently been built on land that did form part of the rear gardens of 193-199 Uttoxeter New Road. Hoult Street is residential in character and dwellings which sit on the southern side of the street, opposite the application site are terraced.

Full planning permission is sought for a two storey detached, one bedroomed dwelling on the site. It is proposed to sit approximately 4.3m back from the Hoult Street frontage and accommodate a rear garden of approximately 8.1m in depth. The area to the front of the dwelling would accommodate two parking spaces. The dwelling is of a simple gabled roof design with the majority of its windows proposed in the front and rear elevations. Its western elevation would be blank and only an en-suite bathroom window is proposed to be located in its eastern elevation. The land levels on the application site are higher than those of the properties to the north which front onto Uttoxeter New Road.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The footprint of the proposed dwelling is not excessive and the proposal would offer a property of similar size to other dwellings in Hoult Street. Its two storey height and simple, gabled roof design would provide a development that fits in this street context which is characterised by residential property of a terraced nature.

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/320

5.3 Highways: Although the existing vehicle access has substandard visibility, in view of the existing use for a double garage, highway objections could not be sustained.

5.4 Disabled People's Access: The Building Regulations will require a ramped approach into this dwelling, not a step as detailed on the elevation.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	23	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: One letter of objection to this application has been received and is reproduced. This application is being reported to the Committee in anticipation of further representations being received and any that are, will be made available in the Members' rooms. The objector expresses concerns with regards to:

- access to the site is on a dangerous corner in Hoult Street
- it would lead to further parking problems on a street where parking is already limited
- local residents would experience disruption and parking problems during construction works
- it would result in a loss of light and view for dwellings on the south side of the street
- problems have already been experienced with selling four houses that have recently been built on the northern side of Hoult Street.

8. Consultations:

DCorpS (Health) - does not wish to object to planning permission being granted but has concerns about the location of the site due to the close proximity of the Uttoxeter Road Air Quality Management Area. An assessment of air quality at the site should be undertaken.

9. Summary of policies most relevant: Adopted CDLPR:

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/320

- ST7 - Previously used land
- ST12 - Amenity
- H21 - Residential development, general criteria
- E26 - Design
- T4 - 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 proposal is for residential development in an area that is residential in character, and accordingly the type of development is acceptable. The site does constitute brownfield land and does not encroach onto any undeveloped, greenfield land or open countryside, therefore, PPG3 would encourage its use for residential purpose. Construction of a row of four terraced dwellings on land to the east of the site is close to completion, therefore, the precedent for development on this side of Hoult Street is already established. For these reasons, I consider that this proposal is acceptable in principle.

The proposed dwelling is two storey with a gabled roof and simple frontage and I consider that it would fit in with the style of housing in this terraced residential street. I consider the layout of the dwelling and its amount of rear garden space is adequate to provide future occupiers with a satisfactory living environment. Although the site does enjoy an elevated position in relation to the properties to the north, space standards would be reasonably be met in terms of the distance between principal windows. Windows in the rear elevation would also be at a fairly oblique angle in relation to those in the rear of properties fronting Uttoxeter New Road and I am satisfied that the development should not result in a significant loss of privacy or amenity for neighbouring residents. The relationship to dwellings on the southern side of Hoult Street would be tighter but this is characteristic of dwellings fronting terraced streets in many areas throughout the city. The application site also sits on the northern side of the street and it should not offer houses on the southern side any significant overshadowing or loss of light. Only one window is proposed in the side elevation of the dwelling and as this is to an en-suite bathroom; I do not consider that this development would limit the future development potential of any neighbouring sites.

I have noted the objector's concerns relating to the access and parking provision on this site. There are no highway objections raised to this application given that the site already accommodates vehicular access to a double garage and as proposed, the development does not offer a

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/320

significant intensification of this use and proposes adequate parking provision for the development.

I am satisfied that this proposal offers residential development that meets the criteria set out in Local Plan Policy H21. I do, however, recognise that the site is limited in size and further alteration or extension to the dwelling in the future could comprise the amenity of neighbouring residents. I do not feel that planning permission for the development should be refused, but that any further extension to the dwelling should be restricted by condition, to enable the City Council to control the implications of any further expansion of the dwelling in the future.

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 indicated at 9 above. The proposal is considered to be an acceptable form of infill development in siting, design, street scene, residential amenity and highway terms in this location.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 30 (surfaces to be drained)
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping maintenance)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows beyond that indicated on the approved plans to an ensuite, shall be inserted into the side elevations of the dwelling unless otherwise agreed in writing by the Local Planning Authority.
7. Notwithstanding the provisions of Part 1, Class A and Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no enlargement or addition to the dwelling including any alteration to the roof shall be undertaken without the prior permission in writing of the Local Planning Authority.

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/320

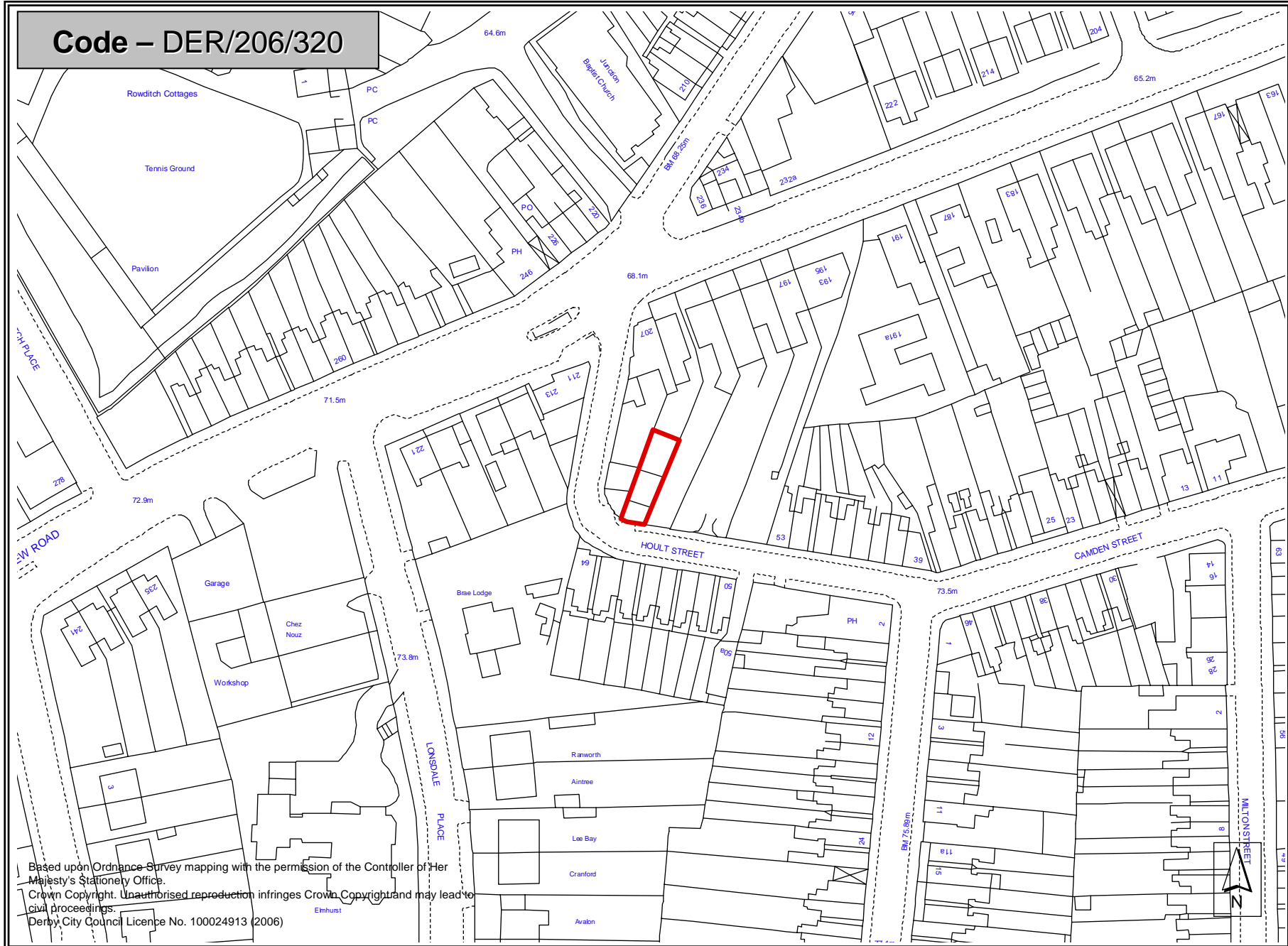
11.4 Reasons

1. Standard reason E14...policy E26
2. Standard reason E07...policy H21
3. Standard reason E09...policy H21
4. Standard reason E10...policy H21
5. Standard reason E10...policy H21
6. Standard reason E07...policy H21

7. To enable the Local Planning Authority to exercise control in the interests of the amenities of neighbouring residential properties...policy H21.

11.5 S106 requirements where appropriate: None.

Code – DER/206/320



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B1 APPLICATIONS (cont'd)**10 Code No:** DER/306/527**Type:** Full

1. **Address:** 1198 London Road, Alvaston
2. **Proposal:** Change of use from retail (Use Class A1) to hot food shop (Use Class A5) and erection of store and WC.
3. **Description:** This mid terrace premises is currently vacant and there are two established takeaways either side with, to the east, a Nail Bar and then on the corner a sandwich bar with party catering. Alvaston District Centre is within walking distance and the proposal is on a main road. Hall Street is to the west, which is predominantly terraced properties, and includes a shop on the corner.

The store and WC would be a detached flat roof building to the rear of the premises. It would measure 3.7m x 6.1m of a height of 2.8m.

4. Relevant Planning History:

DER/491/514 – Display of internally illuminated projecting sign, granted July 1991.

783/803 – Display of illuminated fascia sign, granted August 1983.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: None relevant.

5.3 Highways: No provision of on-site parking, however, the site is located close to the existing District Centre, where public parking is available for customer use. Therefore, there are no objections.

5.4 Disabled People's Access: If it does not exist, the applicant should consider the construction of an accessible approach into the premises. Level approach required into the new store, controllable by Building Regulations.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	24	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

10 Code No: DER/306/527

7. **Representations** Three letters of objection have been received and are reproduced. Concerns raised are the number of take-aways in the area which is high already to the detriment of the area. One letter mentioned that it would increase competition.

Councillor Graves and former Councillor Bayliss have raised similar concerns with regard the existing number of take-aways and the noise and rubbish they generate

8. **Consultations:** None.

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

ST12 - Amenity
S1 - Retail hierarch
S3 - District and Neighbourhood Centres
S14 - Financial and Professional Services and Food and Drink Uses
E26 - Design
E27 - Community Safety
T4 - Access, Parking and Servicing
T10 - Access for Disabled People

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

10. **Officer Opinion:** The proposal is for an A5 use (hot food take-away) within a Neighbourhood Centre. There are two existing take-aways either side. The premises on the corner adjacent to Peter's Court was granted permission in 2005 for use as a sandwich bar with party catering, which is restricted to daytime use by condition.

The site of the proposal is located within an existing Neighbourhood Centre and close to the Alvaston District Centre. Policy S14 allows for food and drink uses within Centres in the shopping centre hierarchy provided that it does not lead to a concentration of such uses likely to undermine the vitality and viability of Centre. Policy S3 allows for A1 uses and other complementary uses serving a local need provided that the proposal is compatible with the general scale, nature and function of the Centre. The proposal must not detract from centre's vitality and viability by means of reducing the proportion of existing or committed ground floor frontage in A1 usage.

The Neighbourhood Centre is within 50m of Alvaston District Centre, therefore, the loss of a retail use in this location is not a major concern as local residents would still have good access to shopping facilities. Although the proposal would lead to a concentration of A5 uses, it is

B1 APPLICATIONS (cont'd)

10 Code No: DER/306/527

unlikely that the proposal would undermine the vitality and viability of the Centre. The site is also close to other Neighbourhood Centres and local “corner” shops. I, therefore, consider that refusal on the basis of its impact on the centre would not be sustained at appeal.

There is the blank gable of a residential property 7m from the rear of the premises. This property increases to three storeys to the rear and has a two storey extension to the rear which is blank adjacent to the boundary. Environmental Health do not raise concerns with regard the impact on the amenity of this property, however, the installation of a ventilation system is considered essential.

The erection of the store and WC would result in the loss of an 8m high tree and arboricultural advice is being sought. The majority of this building would be screened by the 2m high boundary wall facing Hall Street and I do not consider that it would appear dominant in the street. An existing single storey extension to the adjacent premises would screen the building from the east.

As the proposal is within walking distance of the District Centre car parks, the proposal is considered to be acceptable in this location in highway terms. The assessment of refuse bins is controlled under Environmental Health Legislation and a condition requiring ventilation systems to be installed, to prevent loss of amenity of neighbouring properties, is recommended. An accessible approach to the premises is required to comply with Policy T10 and this can be controlled by condition.

An objection due to increased competition is not a material planning matter.

In view of the above, I consider the proposal to accord with policy and recommend accordingly. The proposed change of use is not considered to affect the vitality or visibility of the centres and is acceptable in relation to amenity subject to the recommended 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 in relation to the provisions of the City of Derby Local Plan Review 2006 and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to significantly impact upon the

B1 APPLICATIONS (cont'd)

10 Code No: DER/306/527

amenities of neighbouring residential properties and does not affect vitality or viability of local centres.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 47 (details of fume extraction/ventilation)
3. Standard condition 50 (opening hours for hot food shops)
4. Standard condition 66 (disabled people's provision)

11.4 Reasons

1. Standard reason E14...policy E26
2. Standard reason E07...policy S14
3. Standard reason E07...policy S14
4. Standard reason E34...policy T10

11.5 S106 requirements where appropriate: None.

Code – DER/306/527

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B1 APPLICATIONS (cont'd)

11 Code Nos: DER/1004/2080
DER/1004/2081

Type: Full and Conservation
Area Consent

1. **Address:** The site of 55 Ashbourne Road
2. **Proposal:** Demolition of existing building and the erection of 21 apartments
3. **Description:** Members may recall my report to the Planning Control
... Committee on 25 January 2005. I am attaching a copy of that report for information. The site lies within the Friar Gate Conservation Area and the proposal involves the demolition of the existing buildings on the site which are currently standing vacant. They were originally built as the Vicarage of St Werbergh's Church in the 1850s. They have over more recently been used as offices by Derbyshire County Council Social Services Department. Although they stand within the Friar Gate Conservation Area they are not statutorily listed nor are they included on the Council's own Local List.

Members may recall that when reported in January 2005 strong objections were raised to the demolition of the building by Conservation Area Advisory Committee and my recommendation was to refuse both the application for Conservation Area Consent for the demolition of the existing building and the application for full planning permission to erect apartments. The decision was deferred pending a site visit by Members and following that site visit the item was reported back to Committee on 24 February 2005. Committee resolved to defer a decision on both applications but agreed in principle to the demolition of the existing buildings subject to further negotiations on the design of the replacement apartments, which would include the retention of the façade of the original buildings.

Negotiations have taken place and amended plans have been submitted. These now show that the existing building will be demolished but that the front façade is to be carefully dismantled and rebuilt towards the front of the site forming the principal feature of the replacement apartments. It is intended that there would be a total of 21 apartments, which is a reduction of three from the originally submitted scheme. These now include 2 x 1 bedroom, 17 x 2 bedroom and 2 x 3 bedroom apartments. They would, for the most part, be three storeys in height. The front element, comprising the retained façade, would be a conventional two storeys in height but with additional rooms contained within the hipped roof slope. Immediately behind this, the majority of the apartments are a conventional three storeys under hipped roofs with one element rising to four storeys, affording apartment 17 two floors and a high level balcony.

B1 **APPLICATIONS** (cont'd)

12 **Code Nos:** DER/1004/2080
DER/1004/2081

The asymmetrical footprint takes advantage of the depth of the site with development on the east side of the site closer to the plot frontage, and development closer to west side of the plot towards the rear of the site. The two sides are linked by a flyover link over a vehicular access that leads to a parking area towards the rear of the site.

In view of the demolition of the original buildings I requested a bat survey from the applicants. English Nature has commented on the proposal.

4. **Relevant Planning History:** see previous report.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** See Officer Opinion.
 - 5.3 **Highways:** The amended plans have addressed the concerns raised in my report of 27 January 2005. The width of the access has been accepted at 5 metres where it joins Ashbourne Road. The internal layout now incorporates a delivery vehicle turning area; a bicycle parking facility has been incorporated within the main buildings which is accessible from within the building and also directly for the outside. The requirements for the provision of a bus shelter on Ashbourne Road and to pay a contribution towards general funding of public transport facilities in the area remain unchanged.
 - 5.4 **Disabled People's Access:** See previous report.
 - 5.5 **Other Environmental:** The proposal now includes the removal of two mature trees as opposed to the three that were shown to be removed on the original proposal. These two were shown for removal on the earlier set of proposals. No objection has been raised to their removal. I am awaiting arboricultural comments with regard to the provision of a vehicular turning bay under the canopy of one of the trees to be retained.

I sought a bat survey in view of the demolition of the established buildings on site and one has now been provided. English Nature has commented that an appropriate survey has been undertaken given access restrictions and the time of year that the survey was undertaken and that no bats or evidence of their presence was found. However, they do not consider that the results of this survey are conclusive and suggest a further, emergence survey be undertaken in June and that a

B1 APPLICATIONS (cont'd)

12 Code Nos: DER/1004/2080
DER/1004/2081

decision on this application be deferred until this survey is submitted to English Nature for comment.

6. **Publicity:** Twenty neighbouring addresses have been notified of amended plans received 8 May 2005.

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

7. **Representations:** So far no further letters of objection have been received – any that are shall be reported to committee orally.
8. **Consultations:** Objections to the original proposal are contained within the previous report which is attached.

CAAC – reconsulted on the amended plans received in December 2005. They have not been consulted on the most recently submitted amended plans as they are not significantly different from those submitted last December. Their comments regarding the earlier amended plans were as follows:

They regret the Planning Control Committee's indication that it was minded to agree to the demolition of the existing building at the earlier meeting. Notwithstanding this decision they consider that the rebuild of the front façade, should be more faithful to the original building reusing all the original materials where possible including a replication of the existing chimneys and roof height and a matching brick bond. It was considered essential that the front boundary wall and trees be retained to provide a mature frontage to the site and to screen the new development from the streetscene. Conditions should be imposed to any permission which may be granted requiring a full and detailed survey of the existing building to facilitate the rebuilding of the façade.

DCS (Health) – not reconsulted; see previous report.

Arboricultural Officer – comments that the revised position of the building is closer than is recommended to a Sycamore tree that stands on adjoining land. The proposed distance is 5.3 metres when the recommended distance is 7 metres.

The proposed siting of a parking bay beneath the canopy of the same tree raises concerns as does the formation of a turning bay beneath the

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One of two trees indicated for removal for tree maintenance/management purposes and to which no objections were raised previously is now considered to be worth retaining.

Cityscape – not reconsulted but raised no objections to the earlier proposal.

- ST12 - Amenity
- E9 - Protected habitats
- E21 - Conservation Areas
- E26 - Design
- E27 - Community Safety
- H21 - Residential development
- L3 - Public open space standards
- L4 - Public open space requirements
- T4 - Access parking and servicing

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

10. **Officer Opinion:** Members will see that from my report to the 25 January 2005, I recommended refusal for the proposal submitted as I was primarily concerned about the loss of an existing building from the Friar Gate Conservation Area and the affect that its removal and the redevelopment of the site would have on the character and appearance of the Conservation Area. I also had some specific concerns about the scale, height, massing, and siting of the proposed replacement building as it affected the appearance of the conservation area.

I had further concerns about the siting in that the proximity of windows to neighbouring boundaries had the potential to affect privacy and outlook should neighbouring premises be redeveloped in the future.

There was also considered to be insufficient delivery vehicle manoeuvring space within the site, pedestrian access was considered

B1 APPLICATIONS (cont'd)

**12 Code Nos: DER/1004/2080
DER/1004/2081**

to be substandard and there was an objection to the felling of one of the trees. As my main concern to the original proposals was over the loss of the original building, and Committee made it clear that it had no overriding objection to this, my basic objection to this proposal is now removed.

Policy considerations

The application site has no specific Local Plan allocation. It is on land which is quite close to the city centre and, as it has been developed in the past, is considered to be a brownfield site. It lies in an area of mixed uses, predominantly residential and offices that occupy former residential premises. As such, redevelopment of the land for residential purposes would be appropriate in accordance with CDLP Review Policy 21.

The site area of 0.2 hectare would be developed at a density of approximately 105 dwellings per hectare which exceeds the minimum density requirements and can be said to use the land efficiently.

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

Design

The reuse of the façade of the original building is an important feature of this proposal and although the existing building will be removed, the essence of this will be retained and placed more prominently in the streetscene closer to the public highway. In using this approach the applicants have acceded to the suggestions made by committee and, although rebuilt, this will retain in part, the character of the conservation area.

The retained element of façade will be about one metre deep, and incorporate the main elements of entrance portico, stone bay window, stone window surrounds, angle of pitch and style of roof and a pair of chimney stacks and pots.

The design of the new elements is similar in foot print to the original proposal but the overall mass has been reduced bringing much of the four storey structure of the original proposal down to principally three storeys. Each elevation is heavily articulated so that the appearance of the massing of the building is broken up reducing the bulk of the building. Its positioning within the site, 13 metres from the highway frontage and further back than the two flanking buildings avoids the

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DER/1004/2081

Materials for the new build elements of the proposal have not been specified on the most recent drawings but it is the intention of the applicants to use similar materials to those specified on the original proposal. These were facing brickwork to harmonise with the nearby buildings, a plinth, string course frieze, window heads and cills in either natural or reconstituted stone, natural or high quality artificial slates for the roof, softwood framed windows and cast aluminium rainwater goods.

The site layout continues to retain most of the existing trees, particularly those on the front elevation, and the character of this part the conservation area will be preserved.

The reduction in the number of apartments from 24 to 21, reduces the parking requirement on the site which has been provided at one for each apartment which is considered to be adequate in this location close to the city centre and on major public transport routes into and out of the city. A bicycle store has been provided within the main building but no provision has been made for motorcycle parking.

The existing vehicular access is to be widened slightly but the entrance piers reused and front boundary wall retained to maintain the character of the site frontage. Vehicular access to the parking areas will be controlled by retractable bollards within the site which should also help to maintain the local character and security of the site.

Living environment

As described in my report in January 2005, the site is located between two office buildings both occupying former dwellings and to the rear are student halls of residence and car parks. Immediately opposite is a site currently being redeveloped for apartments by the same company that are the applicants in this case. To the south east of the site are semi detached dwellings that share a boundary with the site but which front onto the nearby Slater Avenue. Fifty metres to the west a further site is currently being redeveloped for 24 apartments. In view of the current mix of uses, I consider that the location will be a suitable living environment for residents.

My earlier report did raise some concerns over the noise generated by traffic and the potential for privacy of future occupiers to be compromised if neighbouring properties were to redevelop. However,

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Arboricultural concerns

There is some concern over the proposed removal of a mature Lime tree (for tree maintenance/management purposes not to facilitate the development) as the neighbouring tree now appears to be in a poorer condition than the Lime. I have asked for a further arboricultural report from our own officers. I would suggest that the removal of the tree is excluded from the permission by condition and this could be applied for separately at a later date when the trees' conditions have been more accurately assessed.

English Nature has received a report on the likelihood of bats occupying the existing buildings which are to be demolished. Although the report shows no evidence of bats, English Nature requires a second survey in June to ensure that the first survey is accurate as June is the recommended month for such a survey to take place. I suggest that a

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I am satisfied that in the absence of an objection on Conservation grounds the proposal would result in a satisfactory form of redevelopment that will help to preserve the character of the conservation area and which will result in an improvement in the efficiency of use of the land.

11.1 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.

DER/1004/2080 – **To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement subject to conditions.

DER/1004/2081 – **To authorise** the Assistant Director – Regeneration **to grant** Conservation Area Consent to demolish subject to a condition, on the conclusion of the above agreement.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations considered at 9 above. It is considered that the proposed demolition of the existing buildings within the conservation area and the re-development of the site in the form proposed would not detract from the character and appearance of the Friar Gate Conservation Area but would preserve and enhance it.

DER/1004/280

1. This permission relates solely to the applications as amended by the revised plans, drawing numbers 1751-02C, 03C, 04C 30B and 31A received on 8 May 2006.
2. Before any works commence including any works of demolition, full details of the main front façade of the existing building at 55 Ashbourne Road and full roof and chimney details shall be accurately recorded in the form of a measured drawing and submitted to the Local Planning Authority. The drawings shall be

B1 APPLICATIONS (cont'd)

**12 Code Nos: DER/1004/2080
 DER/1004/2081**

used to aid the accurate and faithful reconstruction of the front façade, roof and chimneys.

3. The demolition of the existing main building shall take place in a manner that will facilitate the careful reclamation of existing materials for reuse in the reconstruction of the façade, roof and chimneys of the original main building. Where possible this will include the reuse of facing bricks, roof slates, stone plinth, stone string course, stone window dressings and portico. Original materials shall be used in the reconstruction unless otherwise agreed in writing with the Local Planning Authority.
4. The reconstruction of the façade shall be carried out to reproduce as faithfully as possible the details of the original main façade including brick bond and mortar joint size.
5. Before any work is commenced further elevational drawings, including detail sections of the windows at a scale of 1:50, shall be submitted to and approved in writing by the Local Planning Authority. Particular attention shall be given to reproducing the character of the original window openings including details of the window reveals. The windows shall be of timber sliding sash construction.
6. Before any works are commenced detailed drawings of the proposed rainwater goods at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority.
7. Standard condition 27 (external materials)
8. Standard condition 20 (landscaping scheme)
9. Standard condition 21 (landscaping scheme)
10. Standard condition 19 (means of enclosure)
11. Vehicle parking and manoeuvring facilities shall be provided within the curtilage of the site in accordance with the submitted plans, before the development is brought into use. Those parts of the site to be hard surfaced or used by vehicles shall be properly laid out and surfaced in a manner to be approved by the Local Planning Authority and such areas shall not thereafter be used for any other propose.
12. No external flues or ventilation outlets shall be permitted in the front elevation of the development unless otherwise agreed in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

**12 Code Nos: DER/1004/2080
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13. Before any development is commenced, a scheme for protecting the proposed apartments from noise from Ashbourne Road, shall be submitted to and approved in writing by the Local Planning Authority. Any works that form part of the scheme shall be completed before any of the permitted apartments are occupied.
14. Standard condition 24A (vegetation protection including overhanging)
15. No works shall commence until a detailed arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include full details for the creation of the turning head under the Horse Chestnut tree, identified as T3 on plan No. 1751-02a received 2 November 2004, and of the creation of the parking bay 10 beneath the crown of the Sycamores in the adjoining site. The statement shall include details of a non dig method of construction in these areas. The existing hard areas of the site shall be retained during the course of construction to facilitate protection of the trees and shall only be removed by hand under the canopy spread of existing trees after the main construction works are complete, to facilitate the formation of the parking, turning and landscaped areas.
16. Details of the siting, depth, width and method of construction of any underground service runs shall be submitted to and agreed in writing by the Local Planning Authority before any development is commenced.
17. Those windows that are shown as being obscure glazed on the amended plans shall be obscure glazed and retained as such at all times.
18. The existing gate piers at the main site entrance onto Ashbourne Road shall be reinstated in their new positions once the site entrance has been widened, and the front boundary wall of the site shall be retained.
19. Before any development is commenced, including demolition of the existing building:
 - a. a survey of roosting bats and the potential for roosting bats in existing buildings shall be undertaken during June 2006 or soon after. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site

B1 APPLICATIONS (cont'd)

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Depending on the results of the survey:

- b. necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority
 - c. all such agreed measures shall be implemented in their entirety
 - d. a DEFRA licence shall be secured to legitimise destruction of any bat roost.
20. The Lime tree identified as T10 on plan 1751-02A received 2 November 2004, shall be retained. Its removal shall be specifically excluded from this permission.

11.4 Reasons

- 1. Standard reason E04
- 2. To ensure that the existing building is carefully recorded to provide an historical record and to aid the reconstruction of the section of building to be rebuilt in the interests of the conservation area and in accordance with policies E21 and E26.
- 3&4 To ensure that the reconstruction of the section of building to be reconstructed can be executed in a manner which faithfully reproduces the existing building in order to preserve and enhance the character and appearance of the conservation area and in accordance with policies E21 and E26
- 5,6&7 To ensure that the character and appearance of the conservation area is safeguarded and enhanced and in accordance with policies E21 and E26.
- 8. Standard reason E14 (within the Friar Gate Conservation Area)...policy E20
- 9. Standard reason E14 (within the Friar Gate Conservation Area)...policy E20
- 10. Standard reason E14 (within the Friar Gate Conservation Area)...policies 21 and E26
- 11. Standard reason E16...policy T4

B1 APPLICATIONS (cont'd)

12 Code Nos: DER/1004/2080 DER/1004/2081

12. Standard reason E14 (within the Friar Gate Conservation Area)...policies 21 and E26
13. To protect future residents from unacceptable levels of noise that may be generated along the highway frontage in accordance with policies ST12 and H21 of the adopted City of Derby Local Plan Review.
14. Standard reason E24...policy E20
15. To protect the trees from damage in order to preserve the character and amenity of the area in accordance with policy E20 of the City of Derby Local Plan Review.
16. To protect the trees from damage in order to preserve the character and amenity of the area in accordance with policy E20 of the City of Derby Local Plan Review.
17. To protect the amenity and privacy of adjoining neighbours in accordance with policies ST12 and H21 of the adopted City of Derby Local Plan Review.
18. Standard reason E14 (within the Friar Gate Conservation Area)...policies E21 and E26
19. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 – Nature Conservation and policy E9 of the adopted City of Derby Local Plan Review 2006.
20. The precise condition of the tree is not certain and its removal would be premature until its existing condition can be ascertained.

11.3 Condition

DER/1004/2081

The building shall not be demolished until the Local Planning Authority has been provided with evidence of a contract for the redevelopment of the site subsequent to any grant of planning permission for such development and demolition should not commence before a date six months before the redevelopment is commence.

B1 APPLICATIONS (cont'd)

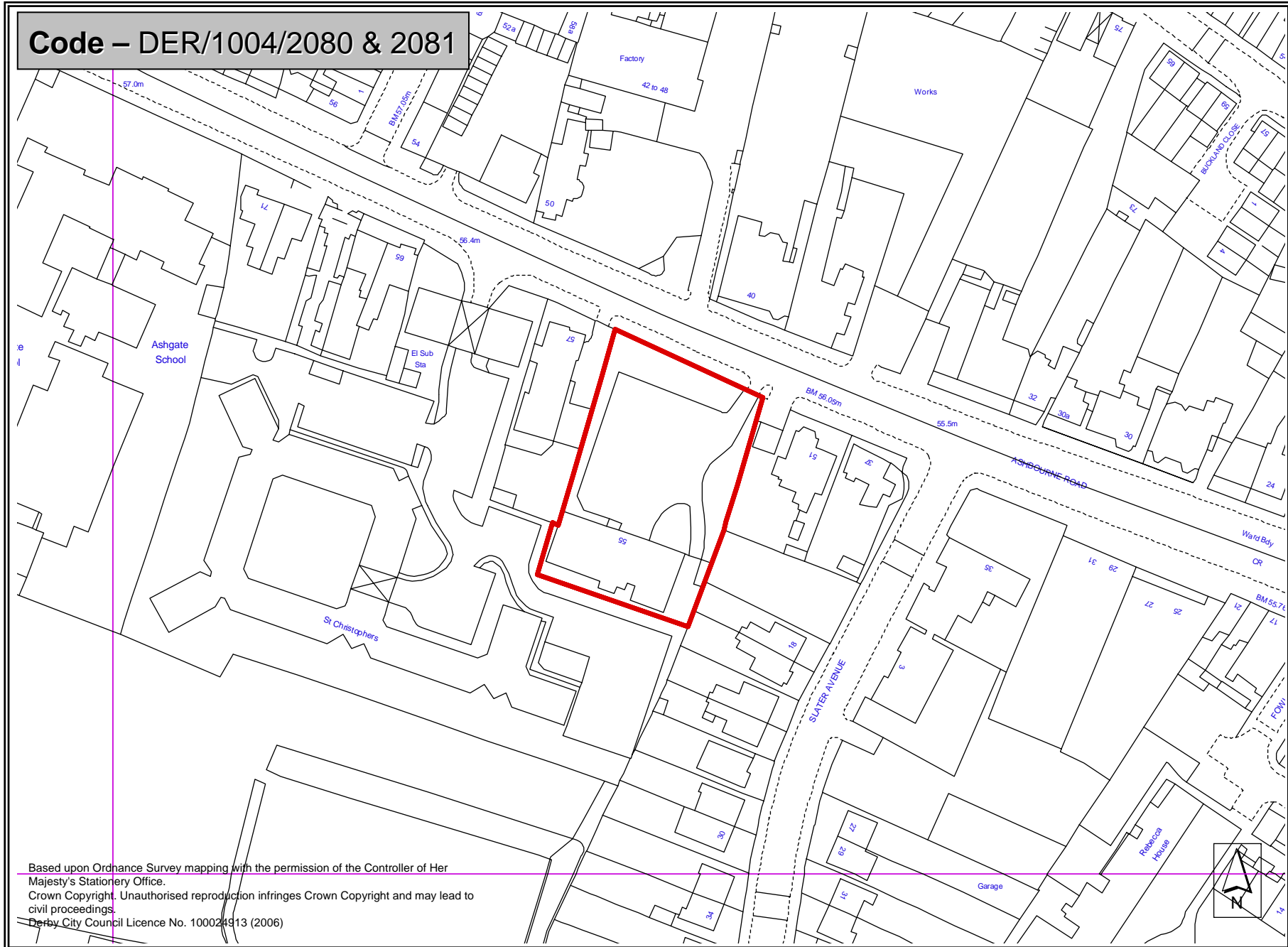
12 Code Nos: DER/1004/2080
DER/1004/2081

11.4 Reason

To avoid the creation of a premature gap in the local streetscene.

11.5 S106 requirements where appropriate: Incidental public open space; mobility housing; highways contribution to public transport, cycling and pedestrian facilities.

Code – DER/1004/2080 & 2081



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B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

Type: Full

1. **Address:** Site at 4 Orchard Street on corner of King Street, land and buildings on St Helens Street
2. **Proposal:** Erection of 165 Apartments
3. **Description:** This application relates to two sites which are located on both sides of St. Helens Street, close to the junction with King Street. They are currently disused land which comprise a former garage/ bus depot and various industrial premises on the north side of the street and a vacant site to the south, abutting the corner of King Street. The Inner Ring Road lies in a cutting adjacent to the southern boundary of the site, which is just north of the city centre. The immediate locality is primarily commercial in character, with a limited amount of residential use in existing properties at 10-14 St. Helens Street. The site lies close to a number of listed and locally listed buildings, which include the Grade I listed St. Helens House and Grade II listed Seven Stars Public House and Friends Meeting House. Nos. 10-14 St Helens Street are locally listed and are adjacent to the development site. They are the subject of a separate planning application for conversion which is currently under consideration. The Strutts Park Conservation Area and World Heritage Site buffer zone are also nearby, to the east of King Street.

A previous application relating to the part of the site on the south side of St. Helens Street, was submitted in 2004, for the erection of 23 apartments and it is still awaiting the completion of a Section 106 Agreement.

The current proposal is for a significantly larger scheme for the redevelopment of both sites, to erect 165 one and two bedroom apartments. On the south side of St. Helens Street, there would be 38 apartments, comprising a 3 and 4 storey development, with 35 parking spaces at ground floor level. The main building would follow the street frontage, with a glazed corner feature facing the junction with King Street. It would be primarily 3 storeys with a four storey section facing towards King Street. A further three storey block would project towards the Ring Road, close to the western boundary. The frontage buildings would be of traditional form and design with pitched roofline and regular window arrangement, whilst the courtyard elevations viewed from the Ring Road would have a more contemporary appearance, with some mono-pitched roof sections. The parking court would be accessed off St. Helens Street and some spaces would be undercroft.

On the north side of the road, 127 apartments would be erected, with 91 parking spaces sited behind the frontage buildings; 24 of the parking spaces would be on a lower ground deck. The frontage

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

buildings facing St. Helens Street would be of varying scale from 3 to 6 storeys in height, with a stepped roofline and dormer windows. There would be two 5 and 6 storey blocks projecting towards the northern boundary of the site. This part of the development would have a traditional form and design, with a pitched roofline and regular window arrangement, similar to the building on the opposite side of the street. It would also incorporate timber boarding panels on the elevations and some balcony sections. The floor levels of the building would vary to take account of the gradual slope of the land along St. Helens Street, such that the frontage building would be set into the ground at the eastern end of the site. The parking court would be accessed off a single vehicle access from St. Helens Street and a limited amount of amenity space would also be provided.

4. Relevant Planning History:

DER/804/1379 – Erection of 23 apartments, land at corner of King Street and St Helens Street, Awaiting completion of Section 106 Agreement.

DER/506/787 – Conversion of Nos. 10 – 14 St Helens Street and rebuilding of No. 16 to form 18 apartments, not yet determined.

5. Implications of Proposal:

5.1 Economic: The development will regenerate this currently underused area.

5.2 Design and Community Safety: The development would form a high density residential scheme, which would have a traditional appearance and form, to reflect a terraced street with buildings of varying scale and height. This takes reference from the built form of the surrounding area. The elevational treatment would also take elements from the nearby period buildings, in terms of fenestration, materials and roof design.

Both apartment blocks would be served by secure pedestrian access direct onto the street frontage as well as a single point of vehicle entry, therefore, no significant adverse community safety implications would arise.

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

- 5.3 Highways:** The proposed layout of the development, access and egress to parking areas would be acceptable. The level of parking, which amounts to about 75 % provision over the whole development, would be appropriate in this edge of centre location and adequate cycle and motorcycle parking facilities should be integral to the units.

The development would have a significant traffic impact on the Five Lamps junction, particularly the junction of Garden Street with Duffield Road and Kedleston Road. The junction is already over capacity and any increase in vehicle movements has the potential to impact on congestion on both Duffield Road and Kedleston Road. The Connecting Derby road improvements will provide a solution to the difficulties at the Five Lamps junction and would mitigate the traffic impact of the development. Given that improvements are proposed as part of Connecting Derby which would resolve existing difficulties, it is accepted that the development could proceed subject to a contribution towards the cost of improvements to the junction. This would be secured through a Section 106 Agreement.

- 5.4 Disabled People's Access:** Seventeen mobility units would be required and should be integrated into the development at different levels. Five disabled parking bays would be provided which is considered to be satisfactory.
- 5.5 Other Environmental:** The development would incorporate energy efficiency measures for each apartment to minimise carbon emissions and would secure an EcoHomes very good rating.

6. Publicity:

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

- 7. Representations:** Four letters of objection have been received and a letter of comment from the Derbyshire Archaeological Society, copies of which are reproduced. The main issues raised are as follows:

- ...
- the Friends Meeting House has inadequate parking for users, which is actively used during the week. Current parking is on the highway only and additional parking is sought on adjacent land. The proposed development would prevent any extension of the Meeting House curtilage to allow for extra parking

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

- the development would not protect the setting of the Grade II Listed Meeting House. The height of the buildings opposite would have an oppressive impact on the listed building and reduce light to the interior
- the proposed buildings would have ridge heights taller than St. Helens House and therefore unacceptably dominate the setting of this and other nearby listed buildings, as well as the Strutts Park Conservation Area
- The noise and air quality assessments submitted are inadequate and should be dismissed.
- an archaeological investigation should be undertaken on Site B before the application is determined, due to evidence of medieval activity in the local area.

8. Consultations:

CAAC – object on the grounds that the proposed redevelopment is of an inappropriate height, scale and design for this area of high townscape value, which includes the setting of the listed Friends Meeting House and St. Helens House. The proposal would have an over-bearing impact on the line of the road to be constructed as part of Connecting Derby, if it proceeds. The recommendations of the archaeological assessment should be implemented in full, in accordance with PPG 16. The absence of any assessment of the impact of the development on the wider historic environment was noted with concern.

Police (CPTD) – in general the scheme layout is good and offers a degree of crime resistance.

DCS (EnvHealth) – the levels of noise and air pollution close to the site cause concern due to its location next to St. Alkmunds Way. The noise control measures may attenuate noise sufficiently for residents and details of the measures should be sought by condition. The recommendations of the land contamination report appear to be satisfactory. The air quality assessment predicts that Nitrogen Oxide levels will exceed the standard for the façade of the building nearest to the ring road. Mitigation measures would be required for air quality for the building nearest to the road and these should be sought by condition.

DCS (Housing) – the city centre is identified on the Housing Needs Study as one of the most desirable areas to live with the highest levels

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

of need. There is a significant proportion of single households and smaller properties are in demand. The proposed development would address these needs, providing a mix of homes for rent and market sale. The scheme would achieve 40% affordable housing for rent and low cost home ownership which would meet local, regional and national strategic objectives. The site is in close proximity to the city centre and has good transport links, with convenient access to a wide range of local facilities.

County Archaeologist – site is within Archaeological Alert Area and as such where development may affect potential remains of significance, an evaluation should be undertaken prior to determination of the application. A previous evaluation of Site A, south of St. Helens Street established that the land had been severely truncated and levelled and consequently the only remains related to some 19th Century buildings. Site B, north of St. Helens Street has the potential for significant remains from the early medieval period, due to proximity to a known medieval hospital and chantry. A field evaluation has been undertaken on Site B and the interim report of the findings, received. This has found that much of the site had been truncated, although a number of post- medieval features were identified. These included 2 lime kilns and an earlier ditch/pit. Medieval pottery was also present and there is the potential for medieval features to have survived on the site, which would be of significance in the broader context. Overall the site is unlikely to have archaeological evidence of national importance which must be preserved in situ and as such any remains of interest could be recorded as part of a programme of archaeological works. This programme would be secured by a condition on any permission.

EA - no objections in principle, subject to a risk assessment to identify levels of ground contamination and a full site investigation and conditions relating to surface water drainage.

STW – no objection subject to inclusion of drainage condition.

Cityscape - supports the proposed development, which won the “Two Million Reasons to Design for Derby” Competition. The scheme was highly regarded by the judging panel and would include a mix of tenures, with a balance between affordable and market provision. It would relate well to its context and complement the surrounding townscape and would make a significant contribution to the regeneration of the city centre.

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

ST6 – Social Inclusion

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

- ST9 - Design and the Urban Environment
- ST12 - Amenity
- ST14 - Infrastructure
- R7 - Markeaton Brook Mixed use area
- CC7 - Residential uses within the Central Area
- CC29 - Transport
- H19 - Affordable Housing
- H20 - Lifetime Homes
- H21 - Residential development on unallocated sites
- E12 - Renewable energy
- E13 - Recycling facilities
- E21 - Development in Conservation Areas
- E24 - Archaeology
- E26 - Design
- E27 - Community Safety
- E30 - Environmental Art
- L3 - Public Open space standards
- L4 - Public Open Space in new developments
- T2a - Connecting Derby Scheme
- T4 - Access, parking and servicing
- T6 - Provision for pedestrians
- T7 - Provision for cyclists
- T8 - Provision for public transport

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:** Residential development is sought on a substantial brownfield site, just north of the city centre, centred around St. Helens Street. It comprises a mix of vacant land and disused industrial buildings and lies close to the Inner Ring Road. The surrounding area is primarily commercial in nature, with a very limited amount of residential occupancy. The locality is also characterised by historic buildings and a considerable level of heritage interest, although the site is outside the nearby Strutts Park Conservation Area and World Heritage buffer zone. The development relates to sites on both sides of St. Helens Street, referred to in this report as Site A, on the south side of the street and Site B, on the north side. Both sites are suitable in principle for residential development and in this central location a relatively high density scheme would be appropriate. The proposal would provide “city centre living” in accordance with Policy CC7, which encourages more residential development in the central area, reducing the need to travel and creating a better mix of land uses. The current proposal would fulfil the objectives of PPG 3 (Housing), particularly in terms of efficient use of land and accessibility to public transport routes and the city centre. The site is within walking distance of the centre and

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

main public transport facilities and as such a lower than normal level of car parking provision for the apartments is considered to be reasonable. Good quality design and layout are also key objectives, which would be achieved by this scheme. In policy terms, this residential proposal would be appropriate on this site, although there are other important constraints arising from the built heritage and the Connecting Derby scheme, which would impact on the development. The site is also within the Archaeological Alert Area and adjacent to an Air Quality Management Area, which stretches along St. Alkmunds Way.

The development is within a relatively sensitive location in close proximity to various listed and locally listed buildings and overall their setting would not be undermined by the scale, form and design of the proposal. The scheme would also impact visually on the nearby Conservation Area and the World Heritage Buffer Zone, particularly Site A, which is prominent from King Street and St. Helens House. In general the scheme would respond positively to the Conservation Area to the east of the site, because its design and form takes reference from nearby historic buildings and the traditional urban context in this area. The built form facing the street frontage on both sites would have the appearance of a continuous terraced street of varying scale and height. The new buildings would be of traditional appearance, positioned close to the highway frontage, reflecting the general character and architecture of the period townscape in this locality. The streetscene in this area has been somewhat disrupted by the route of the existing Inner Ring Road and St. Helens Street lacks a traditional pattern of building. This scheme would help to rebuild the streetscape of St. Helens Street and improve the urban context of this edge of centre location, which is one of the gateways to the city centre.

The apartment building on Site A, facing onto King Street would be prominent from the surrounding area, being viewed from the approaches to the south and east. This proposal would be marginally greater in scale and massing than the previous scheme for 23 apartments, although it would be more restrained in style and form and similar in overall height to the St. Helens House, on the opposite side of King Street. Site A is separated from the Grade I listed building by four lanes of traffic and over 40 metres distance. Its setting is sufficiently isolated from the site to be largely preserved by the scale and design of the new building. In design the new building would respect the 19th Century terrace on the north side of St. Helens Street and complement the other historic buildings nearby. The proposed building would also be of a high quality individual design, providing considerable visual interest in the streetscene. I am satisfied therefore that it would be an appropriate solution to this difficult corner site.

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

Most of the residential development would be focussed on Site B with high density apartment up to 6 storeys in height. Much of the building's massing and scale would be within the site, behind the frontage buildings on St. Helens Street. Two blocks would project towards the northern boundary and would not be clearly apparent from the street frontage. They would tie in with the design of the rest of the scheme and fit in with the urban context of the surrounding townscape. The larger 6 storey block would be prominent from the proposed King Street link, part of the Connecting Derby scheme, although set back over 15 metres from the new road, it would not be an overdominant feature in this location. The setting of the nearby Seven Stars public house and locally listed marble works would also not be adversely affected by this part of the development. The new buildings along St. Helens Street would have varying rooflines in keeping with the traditional urban form and they would relate successfully to the scale and appearance of the existing streetscene. The taller five storey section would not appear out of place in the street frontage, due to the gradual stepping of each block and the fall in road level towards the west. The listed Friends Meeting House would be opposite the tallest 5 storey block, although its setting would not be particularly undermined by the overall development. The Meeting House is a unique single storey building, sited about 10 metres back from the street, which would inevitably be affected by any substantial new development, since it is currently isolated, facing vacant land to the north and east. The design, scale and layout of the built form, which would affect the Meeting House would be sympathetic to its setting and in keeping with the traditional street pattern.

The layout and design of the apartment scheme would provide a satisfactory living environment for residents and secure points of access to building entrances and car park. The development would create residential accommodation in a primarily commercial area, which currently has a relatively limited supply of housing. The provision of additional affordable housing would also be welcome in this highly accessible location, where there is a substantial need for accommodation. This scheme proposes that 40% of the 165 units would be affordable, comprising a mix of rented and shared ownership. The Council's policy normally requires up to 30% of the units to be affordable. The higher proportion of affordable housing would be secured by a Section 106 Agreement. Significant regeneration of the local area would also be achieved by the proposed redevelopment of this relatively rundown part of St. Helens Street. The site lies adjacent to one of the main approaches into the city centre, which has particular heritage value, largely overshadowed by existing underused buildings and vacant land. The benefit of the proposed residential development

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

would be to bring increased domestic activity and economic vitality to this edge of centre location.

The Connecting Derby scheme would impact indirectly on the proposed development due to the relative proximity of the King Street link to the east of the site. Although this section of the road scheme has not yet obtained full permission, its effect on the residential proposal has been taken into account, in the event that the new highway is implemented. The road link would open up views of the northern part of Site B, which would currently be largely hidden from the public street frontage. However, I am satisfied that the scale, height and design of the apartment buildings would have a more positive impact than the existing industrial premises and complement the new streetscene. The traffic generation resulting from the proposed residential scheme would impact significantly on King Street and the Five Lamps junction. If the Connecting Derby works are undertaken at Five Lamps, then this would mitigate the effects of the new housing and in order to ensure that the necessary improvements are undertaken a contribution towards the highway works has been agreed in principle with the applicant. This would be secured by means of a Section 106 Agreement.

Other contributions to be secured by a Section 106 Agreement, which have been agreed with the applicant would be towards off- site major and incidental public open space and public art and the provision of mobility housing within the development.

The development would lie just outside the designated Air Quality Management Area, which extends along the Inner Ring Road. Site A is closest to the Ring Road and exposed to higher than normal pollution levels and noise from traffic on St. Alkmunds Way. This site is raised about 4 to 5 metres above the road level and is hidden behind dense tree and vegetation cover. The previous application for 23 apartments, submitted in 2004 was similar in layout and in scale to the current proposal for Site A and was subject to Assessments for Air Quality and Noise. The assessments submitted for the current proposal, show similar impacts, which are that the apartments on Site A nearest to the line of the road, would require some built in mitigation measures to minimise the impact of traffic noise and poor air quality on the future occupants of the site. The conclusions of the submitted air quality and noise assessments have been accepted, which indicate that a satisfactory living environment can be achieved on the development sites, provided that control measures, such as suitable sound insulation and ventilation within the building are incorporated. These would be secured by condition attached to the permission.

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

In conclusion, this residential scheme would fulfil national and local planning policy objectives and is considered to achieve a high quality of design and layout in this historically sensitive location. It would enable urban design led regeneration of this central area and provide a significant provision of affordable housing in an area of need. It is therefore recommended that full permission be granted.

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 below and **to authorise** the Director of Corporate Services to enter into such an agreement.

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

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated at 9. above. The proposed residential scheme would be an appropriate development and would fulfil the objectives of PPG3 (Housing), would preserve the appearance and character of the nearby Strutts Park Conservation Area and would not detract unduly from the setting of nearby listed and locally listed buildings.

11.3 Conditions

1. Standard condition 09A (amended plans- received 23 February and 25 April 2006)
2. Standard condition 27 (external materials)
3. Standard condition 20(landscaping scheme)
4. Standard condition 22 (landscaping maintenance – condition 3)
5. Standard condition 18 (means of enclosure)
6. Standard condition 30 (hard surfacing)
7. Standard condition 69 (cycle and motorcycle parking)
8. Standard condition 38 (disposal of sewage & drainage)
9. Development shall not begin until:

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

- a. details of an investigative survey of the site have been submitted to and approved in writing by the Local Planning Authority. This investigative survey shall have regard for ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment
 - b. the investigative survey has been carried out and a report submitted, to include details of remedial measures to be taken to address any contamination or other problems; and both the report and the remedial measures have been approved in writing by the Local Planning Authority
 - c. all the necessary remedial measures have been completed in accordance with the approved details, and
 - d. the applicants have certified to the Local Planning Authority that the measures taken have rendered the site free from risk to human health from the contaminants identified.
10. The development shall not be taken into use until noise control measures are implemented in the buildings on Site A in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
11. The development shall not be taken into use until control measures to mitigate the effect of poor air quality adjacent to Site A are implemented in the buildings in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
12. No development shall take place until the applicant or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.
13. Finished floor levels for the apartments and associated car parking shall be formed in accordance with proposed section drawings, received on 7 April 2006, unless otherwise agreed in writing by the Local Planning Authority.
13. Standard condition 99 (recycling facilities).

B1 APPLICATIONS (cont'd)

12 Code No: DER/206/335

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...policies H21 and E21
3. Standard reason E10...policies E21 and E26
4. Standard reason E10...policies E21 and E26
5. Standard reason E14...policies E21 and E26
6. Standard reason E17
7. Standard reason E35...policy T4
8. Standard reason E21
9. To prevent pollution of the local environment

10. To protect the amenities of local residents from excess noise disturbance in the surrounding area.

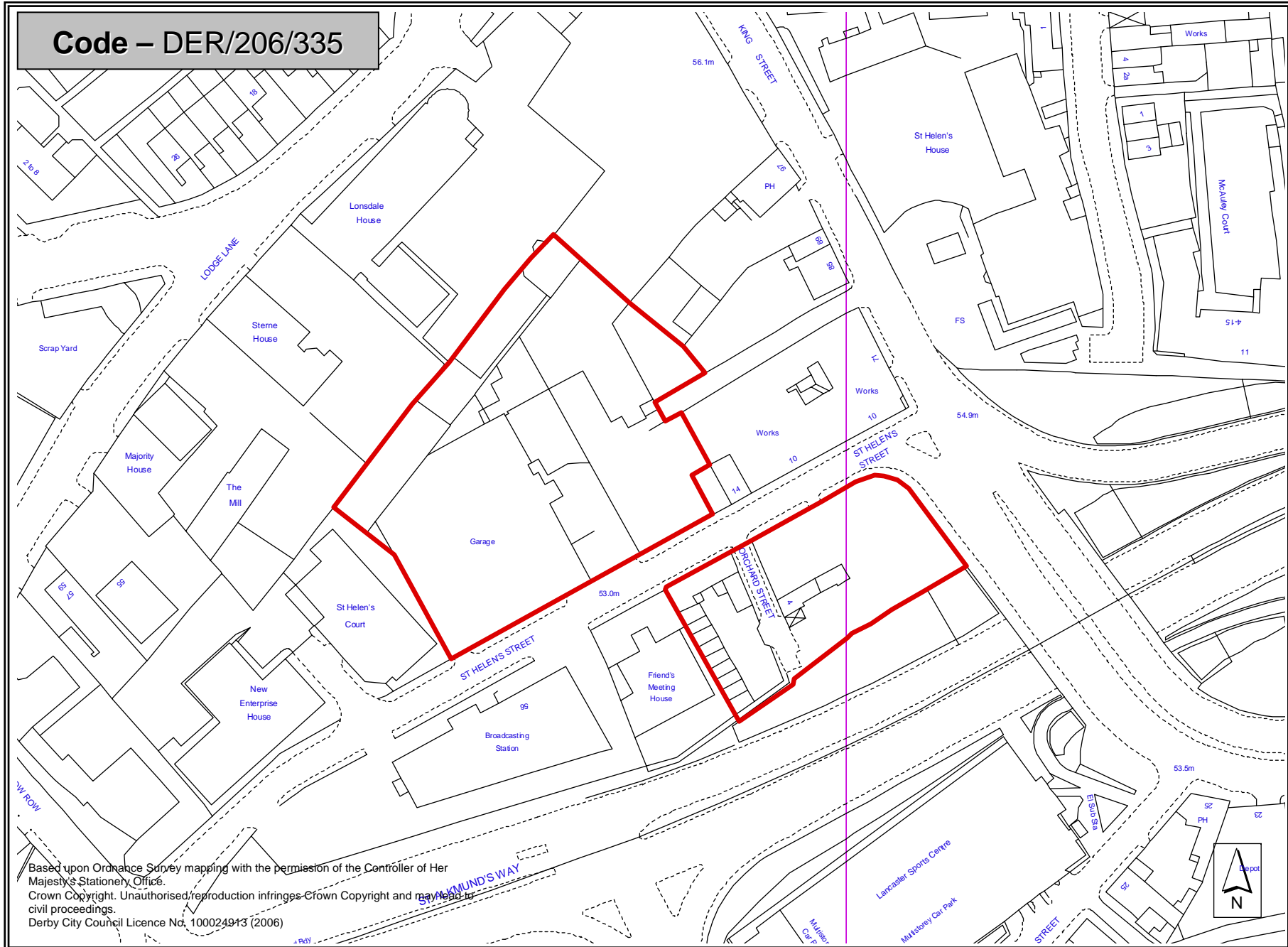
11. To protect the amenities of local residents from poor air quality associated with the Inner Ring Road.

12. To protect remains of archaeological interest which may be present on the site...policy E24

13. Standard reason E14...policies H21 and E26
14. Standard reason E48...policy E13

11.5 S106 requirements where appropriate: Contributions towards incidental and major public open space, public art, highway improvements to Five Lamps junction, provision of affordable housing and mobility units

Code – DER/206/335



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B1 APPLICATIONS (cont'd)

13 Code No: DER/206/258

Type: Outline
(means of access)

1. **Address:** Site of Mackworth College buildings, Prince Charles Avenue, Mackworth
2. **Proposal:** Residential development and erection of Sports Academy
3. **Description:** This is an outline application for residential development and the erection of a Sports Academy on land at Mackworth College south of Prince Charles Avenue. It is proposed that the only details to be submitted at this stage is means of access to the highway. At the present time, this site is occupied by buildings and car parking in educational use.

It is proposed to take access from the highway in the same position as the current access onto Prince Charles Avenue. It is intended to create a roundabout south of that access that would give access to:

an area of residential development to the west, to the rear of properties in Muswell Road, Thames Close and Prince Charles Avenue

- a. a newly created sports college with extensive car parking to the east of the roundabout, and to further extensive residential development to the rear of properties in Collingham Gardens. The Sports Academy building would be in the existing Design Centre Building as extended.

Much of the proposal will abut long established residential areas to the north and east of the application site. To the south and west of the application site, would remain an extensive grassed area containing several sports pitches. The only vehicular access to the site would be that from Prince Charles Avenue in the north, but an emergency access would be created in the south east corner of the site from Greenwich Drive South, and this could provide a pedestrian access.

A notional layout of the application site has been submitted for information only at this stage. Prince Charles Avenue is a busy non-classified road, and already carries considerable traffic flows.

4. **Relevant Planning History:** None of direct relevance.
5. **Implications of Proposal:**
 - 5.1 **Economic:** Employment opportunities are likely to be created at the Sports College proposal, and in the erection of such an extensive housing scheme.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/258

5.2 Design and Community Safety: This is an outline application only, with the principle of the overall use and form of vehicular access for consideration now. The submitted site layout is enclosed for information only, and is not for detailed consideration at this stage.

5.3 Highways: It is thought that while traffic generation may be no greater than that of the existing education use, it will be of a considerably different time scale. Discussions have taken place with the applicant, and further information has been requested to cover:

1. The impact on the Slack Lane/Uttoxeter Road junction
2. While the existing access onto Prince Charles Avenue is acceptable, the roundabout immediately south of it is not, and an alternative design will be required.

It is anticipated that these matters will be resolved before the meeting.

5.4 Disabled People's Access: This is an application in outline only at this stage. The issue is likely to be addressed at Reserved Matters stage, but a degree of mobility housing would be secured via a Section 106 Agreement.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	89	Site Notice	*
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: I have received two letters in respect of this proposal, and a letter contained a petition of twenty names, raising the following points:

- Many residents do not object to the proposal, but wish to see the provision of an access/service road that would serve the rear of properties in Collingham Gardens
- Vagueness about the height of proposed buildings
- No indication given of where buildings will be.

... These letters are reproduced.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/258

A full supporting statement from the applicant, is also available for members attention. A copy will be placed in the Chamber Foyer.

8. Consultations:

EDU City Dev and Tourism – no objections

Natural Environment - a full tree survey is required. Request that significant trees are retained and incorporated into the scheme. Ideally Tree Preservation Orders should be made where appropriate.

ENVA – no objection, subject to the provision of surface water drainage works. This is in order to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

DWT – has requested that consultation take place with English Nature regarding the potential for buildings to be demolished containing bats. Not to determine the application until sufficient survey work is undertaken. Require some form of Ecological Assessment of the site. Seek some form of biodiversity gain within the development site (ie the creation of a buffer zone between the proposed development and the adjacent wildlife site).

Sports England – fully supports the proposal both for the provision of a sports hall, and for the programme of community use.

STW – no objection, subject to adequate provision for surface water and foul sewage.

9. Summary of policies most relevant: City of Derby Local Plan review (adopted 2006):

- ST2e - Key Planning Objectives
- ST7 - Waste Reduction
- ST9 - Design and the Urban Environment
- ST12 - Amenity
- ST14 - Infrastructure
- H19 - Affordable Housing
- H20 - Lifetime Homes
- H21 - Residential Development – General Criteria
- E2 - Green Wedges
- E12 - Renewable Energy
- E13 - Recycling Schemes
- E20 - Landscaping Schemes
- E26 - Design

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/258

E27	-	Community Safety
E30	-	Environmental Art
L3	-	Public Open Space Standards
L4	-	Public Open Space Requirements in New Development
L12	-	New Community Facilities
LE1	-	Education Uses
T4	-	Access, Parking and Servicing
T6	-	Provision for Pedestrians
T7	-	Provision for Cyclists
T8	-	Provision for Public Transport
T10	-	Access for Disabled People
T15(4)	-	Protection of Footpaths, Cycleways and Routes for Horse Riders

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:** This application was deferred at the 11 May meeting, pending further discussions regarding the composition of the Section 106 Agreement with the applicant.

This application for outline permission has been the subject of considerable pre-application discussions with the applicant both regarding the proposed use and the transportation issues.

The application site lies within the Mackworth-Mickleover Green Wedge Area and as such, policy E2 is particularly relevant. The extent of the proposal is broadly in line with the pre-application discussion with the applicant. This proposal has come about as a result of the college's aspiration to fund a redevelopment scheme elsewhere in the city. Disposal of the site being required to fund that project as indicated previously outline permission only is sought at this stage, together with approval of highway/access details. I have considered the proposal under three key criteria:

1. Residential proposal
2. Sports Academy proposal
3. Highways aspects

Residential development is not usually appropriate in green wedge areas. However, in some cases policy E2 allows for the redevelopment of buildings other than dwellings for residential development and supporting facilities. This is subject to the original buildings being genuinely redundant and surplus to requirements and that the site adjoins nearby residential areas. It can be argued that the proposal

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meets both these requirements. In addition, the following criteria area also required:

- That the proposal would not have a greater impact on the openness of the green wedge and the purpose of including land within it than the existing buildings
- The proposal would not exceed the height of the existing buildings
- The proposal would not occupy a materially larger area of the site than the existing buildings, unless this would result in a reduction in height that would benefit visual amenity.

With regard to the issue of redundancy, the application is, of course, related to other negotiations with the Council on the Roundhouse site, which need to be taken into account because of the wider education and heritage policies of the City of Derby Local Plan. These favour development for educational and training purposes where it is related to the public transport network and the continued economic viability of uses to secure the retention, restoration and long-term viability of historic buildings. In other words, redundancy would in this case result from, and help to support, other projects of the applicant public body within a supportive Local Plan Framework. The S106 Agreement would naturally need to be tied to delivery of the alternative site before any permission was implemented. It has also been made clear to the applicant that new College buildings further into the Green Wedge would not be permitted.

Another Green Wedge concern, is the need for the proposal to meet the “openness” tests set out in the policy. The residential proposal is generally sited within the footprint of the buildings/hard surfaces of the existing college use. This issue had been reasonably addressed by the applicant, but one area of concern does remain, and would need to be tackled adequately at Reserved Matters stage. This is the degree of prominence of two of the parts of the residential proposal, from the open parts of the Green Wedge. The resolution of this issue is likely to require great care at Reserved Matters stage and has already been taken up with the applicant. It is likely to require particular care with building design and with skilful landscaping.

Within the Section 106 Agreement there will be a requirement for Affordable Housing (the site is in an area of housing need). There has been considerable discussion with the applicants and among officers concerning the structure of a S106 Agreement. Initially the applicant wished to provide a reduced level of affordable housing, but the

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application was deferred at the 11 May meeting as that was considered to be unacceptable.

Further discussions have resulted in an agreement providing 30% affordable housing, and contributions for education, transport and public open space provision. Should the existing college relocate to the Roundhouse this would be reduced 17.5% affordable housing with reduced contributions for education, and no contribution for public open space.

Other requirements of the Reserved Matters details are likely to be sufficient parking spaces to cater for the remaining playing pitches and other educational uses. Public Open Space to meet the needs of the development in terms of policies L3 and L4 will need to be provided, although some form of dual use of the pitches may form some part of this requirement. A contribution via a Section 106 Agreement, will be required for public open space provision, but incidental open space will be required within the scheme itself. This may be one way of dealing with the prominence of two parts of the site from within the remainder of the Green Wedge.

The applicants attention will be drawn to the requirements of policy E12, whereby the detailed proposal should have full regard to reducing the generation and use of energy. Similarly, the applicants attention needs to be drawn to the requirements of policies E13 (recycling facilities) and E30 (Environmental Act) in any detailed scheme. Clearly, I would wish to see the provision of good access into, out of and within the two housing areas and the proposed sports facility for pedestrians, cyclists, and public transport. Similarly, I wish to see good pedestrian/cycle links with the surrounding established residential areas to help integrate the new development. I have deliberately excluded the submitted residential layout by condition. I have concluded that residential development on the site is acceptable in principle, but a number of points need to be resolved with the applicant before a Reserved Matters application is submitted.

The Sports Academy proposal is a welcome one, and particularly so in this location. Policy E2 allows for the provision of such a facility on this site, and the building would generally be viewed as an existing building in relation to the existing college use. Similarly the ancillary sports pitches would be in accordance with policy E2. There are therefore no policy objections to the principle of the sports academy, and it can reasonably be argued that it fulfils the requirement of policy E2 to be essential and ancillary to the location. Adequate car parking can be provided for the facility, and there are therefore no policy issues created by this aspect of the proposal.

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With regard to highway issues, the key issue is the degree to which the proposal is likely to generate a greater level of traffic movements than the existing college use. While that in itself is unlikely to be the case, the nature and the timescale of traffic flows is likely to be very different. Discussions are still underway with the applicants but should be resolved before the time of the meeting.

Subject to the satisfactory resolution of the highway factors, I see no reasonable grounds to withhold outline permission at this stage. I do feel however, that discussions are required with the applicant to secure satisfactory details at Reserved Matters stage. I am certainly not willing to support the tentative layout submitted with this application, but intend to take up with the applicants the residents' request for rear access to the properties in Collingham Gardens.

11. Recommended decision and summary of reasons: Subject to the satisfactory receipt of the outstanding highway details.

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

B. To authorise the Assistant Director – Regeneration **to grant** planning permission, subject to the receipt of satisfactory amended plans, upon the conclusion of the above S106 Agreement.

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

11.3 Conditions

1. Standard condition 01 (outline)(delete (b) access arrangements)
2. Standard condition 02 (time Limit)
3. Standard condition 21 (landscaping)
4. This outline permission does not indicate the acceptability of the detailed layout shown on the applicants drawing No. 1235 (sk) 005D.
5. Before the development commences, an Ecological Assessment including a bat survey shall be submitted to and be approved in writing by the Local Planning Authority.

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6. Standard condition 38 (drainage details)
7. Standard condition 54 (tree survey)
8. Standard condition 99 (recycling facilities)

9. The first phase of the development of the site shall be the construction of the access road into the site. This access shall be available for use at all times for access to the site, including for construction traffic, before construction of any dwelling unit is commenced. The existing site access to Greenwich Drive South, shall be permanently closed to all but emergency traffic in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

10. Details submitted pursuant to condition 1a above shall include a study of the existing height of the buildings on the site. This shall then be used to ensure that the height of the proposed buildings is no greater than the existing ones in the same location.

11. Details submitted pursuant to condition 1b above shall include a landscaped buffer along the perimeter of the site where it adjoins the existing Green Wedge. The buffer zone shall be at least 10 metres in depth, unless otherwise agreed in writing with the Local Planning Authority, and can comprise earth mounding together with woodland planting.

12. The layout submitted to condition 1a shall include sufficient car parking provision to meet the needs of the remaining playing fields, pitches and the sports academy.

13. The siting, design, layout and orientation of buildings shall have full regard to the need to reduce energy and water consumption.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E10...policy E20
4. Standard reason E04

5. In order to determine the impact of the proposal upon wildlife on the site.

6. Standard reason E21
7. Standard reason E31
8. Standard reason E48

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9. In the interests of residential amenity and highway safety as Greenwich Drive South is not suitable for unrestricted access by construction traffic and in accordance with policy T4 of the adopted City of Derby Local Plan Review 2006.
10. To reduce the impact of the development on the openness of the Green Wedge ... policy E2 and E3
11. To reduce the impact of the development on the openness of the Green Wedge ... policy E2, E3, E8, E19 and E20.
12. To meet the parking needs of the existing and proposed facilities ... policy T4.
13. Dwellings that are south facing or have south facing roofs, having solar panels and/or wind turbines, and include water conservation measures will help to reduce energy consumption reducing pollution and waste ... policy E12, ST2e and ST7.

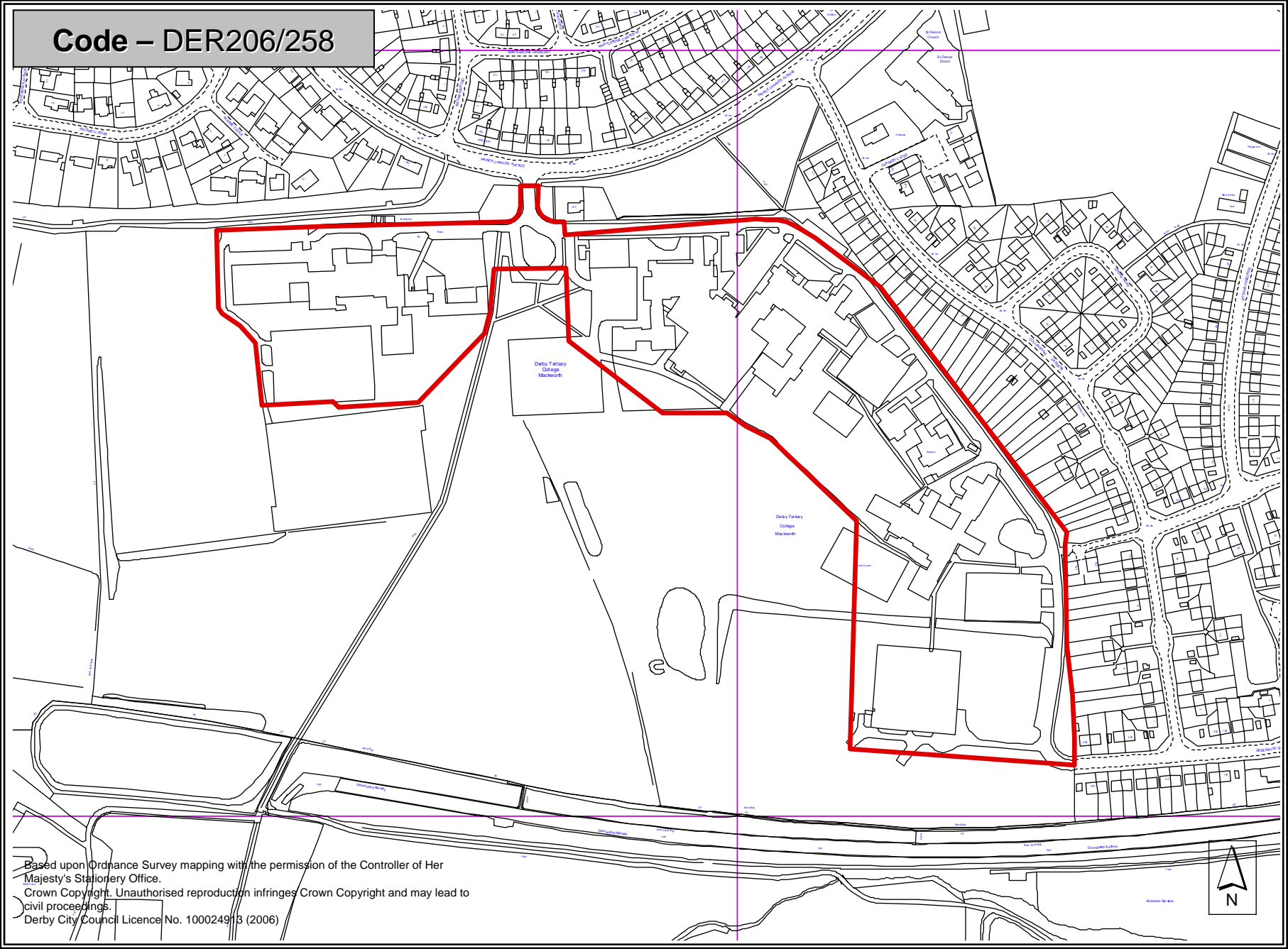
11.5 S106 requirements where appropriate: Affordable Housing, public open space provision, mobility units, education, highways works, community use of sports facilities, completion of sports facilities, to agree a replacement site before the part of the Mackworth College site subject to the application is made redundant and development implemented.

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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal:

Code No	Proposal	Location	Decision
DER/605/1004	Erection of three terraced houses	Land adjacent to 43 Redshaw Street	Dismissed
Comments: The Inspector concluded that while the proposal was acceptable in streetscene terms, this benefit was outweighed by the overall cramped feel of the development, the detrimental effect on privacy and the likely parking congestion and highway safety problems.			

RECOMMENDATION: To note the report.