

A DEVELOPMENT BY THE CITY COUNCIL

1 Code No: DER/206/345

Type: Advertisement
Consent

1. **Address:** 5 Queen Street
2. **Proposal:** Display of internally illuminated fascia sign and hanging sign
3. **Description:** Advertisement consent is sought to display an externally illuminated fascia sign and internally illuminated projecting sign at 5 Queen Street, Derby. The building is situated in the City Centre Conservation Area.

The fascia sign would measure 8.2m x 0.7m and would be powder coated black with a white company logo and white lettering up to 0.4m in height. The fascia sign would be externally illuminated by a downward facing trough light. The fascia sign would replace existing lettering, and would be located on the west elevation facing Queen Street, between the ground and first floor level windows.

The projecting sign would measure 0.6m x 0.75m and would be powder coated black with white and yellow lettering up to 0.1m in height. The projecting sign would be internally illuminated. The projecting sign would be located on the west elevation facing Queen Street, adjacent to the first floor windows.

The building is an older building with more recent alteration to provide segmental brick arches over the ground floor windows and doorway.

4. Relevant Planning History:

DER/1182/1228 – Alterations to form new office front. Granted 21 December 1982.

DER/782/796 – Change of use from shop/showroom to solicitors office. Granted conditionally 30 September 1982.

DER/705/1203 – Replacement of timber windows with UPVC windows. Refused permission 22 September 2005.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The property is located within the City Centre Conservation Area and near to several listed buildings, including the Grade 1 listed Cathedral and the Grade 2 Dolphin public house to which it is adjacent. It is on an older property which has been

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refaced at ground floor level and does not have a traditional shop front. The existing signage is composed of individual lettering which may be considered preferable on this particular building. The fascia sign is modern as is the projecting sign. Members will need to consider whether the proposed fascia and projecting sign detracts from the appearance, character or setting of the building in this historically sensitive area.

5.3 Highways: No objections subject to a condition controlling the level of illumination.

5.4 Disabled People's Access: None

5.5 Other Environmental: None

6. Publicity:

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

7. Representations: None

8. Consultations:

CAAC – Object and recommend refusal on the grounds that the proposed fascia sign is unrelated to the architectural features of the building and is an inappropriate form of shop signage to this brick-fronted ground floor elevation. It was considered that it would therefore appear discordant and harmful to the appearance and character of this sensitive part of the Conservation Area being adjacent to the grade II listed Dolphin Public House and within the environs of the Cathedral. It was similarly felt that the internally illuminated projecting box sign was inappropriate although it was considered that a non-illuminated sign of appropriate detail/design may be acceptable.

9. Summary of policies most relevant:

E29 – Advertisements – consent can be granted subject to consideration of impact of the local environment, appearance, character or setting of the building, particularly where listed or within a conservation area.

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

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- 10. Officer Opinion:** The existing signage is composed of individual lettering which has minimal impact on the appearance of the building. The proposal as amended comprises the fascia sign, now externally illuminated, and the proposed projecting sign which is still internally illuminated. Both signs would be dominantly black in colour, with white lettering and logos.

The proposed fascia sign would be slightly more visually prominent in the streetscene than the existing lettering, but would not interrupt any significant architectural features on the building. Although the elevation of the building is not a typical shopfront, it is reasonably open and modern in appearance at ground-floor level with a commercial use, and is in line with other premises which have similar fascia signs in the streetscene. I also consider that the simple nature and colour of the fascia sign complements to some extent the adjacent public house with its black beams. I do not consider the fascia to detract from the appearance, character or setting of the building.

In my opinion, the proposed fascia sign would not have a detrimental impact on the Conservation Area and is similar in nature to existing fascia signs in the vicinity. The proposed black colour of the fascia sign assists to allows it to remain visually acceptable in the streetscene. I do not believe that a full refusal of this proposal could be sustained at appeal.

On the basis that the fascia sign is considered to be in keeping with the character of the area and the building on which they would be displayed, I consider the proposed fascia sign accords with Policy E29 of the City of Derby Local Plan Review.

However, I do not consider that the proposed projecting sign, which is modern and located above the fascia at first floor level, is in keeping with the Conservation Area in its design and use of internal lighting. I therefore, believe that the proposed projecting sign would have a detrimental impact to the building and the streetscene and should be excluded from advertisement consent.

11. Recommended decision and summary of reasons:

11.1 To grant advertisement consent with conditions

- 11.2 Summary of reasons:** The proposal has been considered in relation to the provisions of the Adopted City of Derby Local Plan – Review and all other material considerations as indicated in 9 above. The proposed fascia sign is acceptable as it does not detract from the Conservation Area and would not appear dominant in the streetscene.

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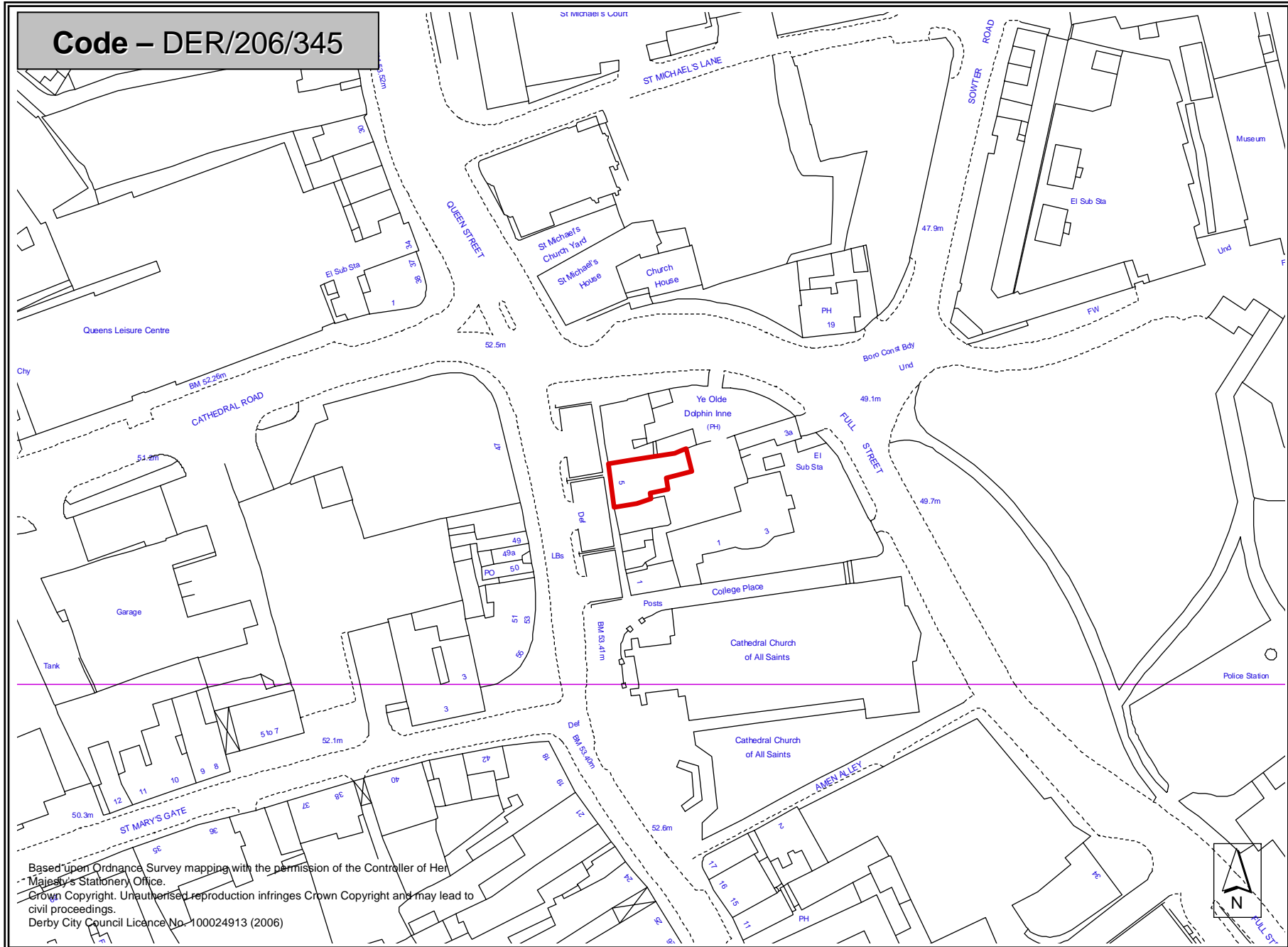
11.3 Conditions

1. Advertisement consent is granted for the fascia sign, but excludes the projecting sign.
2. The fascia sign should remain black powder coated with white letters, as stated in drawing no. 5913(20)03A.
3. The intensity of illumination of the fascia sign hereby approved shall not exceed 1200 candelas per metre square.

11.4 Reasons

1. The proposed internally illuminated projecting sign by reason of its design and location would be detrimental to the visual appearance of the building in this sensitive part of the Conservation Area and its display would be contrary to the provisions of Policy E29 of the Adopted City of Derby Local Plan Review.
2. For the avoidance of doubt and to preserve the visual amenity of the Conservation Area.
3. Standard reason E19 – Policy E35

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B1 APPLICATIONS

1 Code No: DER/1105/1917

Type: Outline (with siting and means of access)

1. **Address:** Land at south west junction of London Road and Ascot Drive
2. **Proposal:** Erection of retail unit including garden centre and two industrial units.
3. **Description:** This outline application relates to a large proportion of the site of the previous B&Q store proposal on the corner of London Road and Ascot Drive, which was withdrawn in November 2005. The site includes the HSS Hire Shop and includes the existing B&Q unit, Ascot Interiors and Horizons Windows premises and the industrial unit at the rear, occupied by Stirchley Technical Services. This forms an L-shaped site which is about 2.2 hectares in area, abutting Ascot Drive and the junction with London Road. The existing commercial premises and the DIY store are each served by a separate vehicle access onto Ascot Drive. The site lies at the north end of the Osmaston Park Industrial Estate, where there are a mix of employment/retail and sui generis uses. These include the HSS Hire Shop to the north and west of the site on London Road, Arriva Bus Depot and the Rail Technical College conference centre on the eastern side of Ascot Drive. The existing B&Q store has about 3000 square metres of gross retail floorspace with a relatively small customer car park. The nearest residential properties are on the opposite side of London Road, an area of traditional high density housing.

Outline permission is sought for redevelopment of the site to erect a retail unit and garden centre, with a combined gross floorspace of 5760 square metres. Two industrial units would also be included, comprising 1858 square metres of gross floorspace. Details of siting and means of access are to be determined under this application. Two new vehicle accesses are proposed onto Ascot Drive. One would be adjacent to the southern boundary to serve the industrial units and loading facility of the retail unit. The second access would serve the customer car park for the retail unit with a total of 247 spaces, including 12 disabled bays. A designated pedestrian/cycle route would also provide access direct onto London Road. Both industrial units would be sited at the rear of the retail unit and would have 36 parking spaces in total, including two disabled bays.

4. **Relevant Planning History:** DER/304/476 – Erection of Retail Warehouse, Resolution to grant permission prior to call-in. Subsequently withdrawn – November 2005.

B1 APPLICATIONS (cont'd)

1 Code No: DER/1105/1917

5. Implications of Proposal:

5.1 Economic: Since this is an outline proposal, precise details of potential employment are not available. However, the increase in retail floor space is likely to generate higher numbers of staff than the existing store. The overall level of employment across the whole site is expected to be approximately 150 jobs, which is a significant number for the size of the site.

5.2 Design and Community Safety: The proposed retail unit would be sited close to the highway frontage on Ascot Drive and as such it would have a significant visual impact on the local streetscene. There are no details of the proposed design or form of the development.

5.3 Highways: The proposed site layout has been revised to incorporate dedicated pedestrian access to London Road and an adequate level of disabled parking provision. The proposed accesses will impinge into a section of elevated and retained section of footway and verge. Regrading of the footway at a gradient of 1 in 14 would be required. Accesses should have radius curves to meet highway standards. Secure cycle parking is provided.

Overall the development and mitigation proposals in the submitted Transport Assessment are considered to be acceptable. The approach used is consistent with the TA for the larger previous retail scheme, which was also accepted. The current proposal provides for a more limited contribution towards highway improvements in the local area, which reflects the lower amount of floorspace to be provided. The amount of contribution towards mitigation measures offered would be reasonable.

5.4 Disabled People's Access: Two disabled parking bays are provided adjacent to the industrial units and 14 bays are provided in total.

5.5 Other Environmental: There is a group of large mature Poplar and Lime trees along the Ascot Drive frontage close to the boundary of the existing B&Q store. They are prominent in the streetscene, although there are not of sufficient quality to warrant protection by a TPO. It is likely that most, if not all of the trees would be removed, although replacement planting would be secured as part of an approved landscaping scheme.

B1 APPLICATIONS (cont'd)

1 Code No: DER/1105/1917

6. Publicity:

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

7. Representations: No letters of representation has been received to date.

8. Consultations:

DCorp (Env Health) – a preliminary site investigation report should be submitted before development commences, to include a desktop study at least. If potential contamination is found a site investigation and risk assessment should be carried out to determine levels of contaminants and a remediation report would be required.

EA – no objections in principle, subject to conditions to limit flood risk and to provide surface water drainage.

STW – no objection subject to condition.

DCommS (Arboricultural) – the development would significantly affect trees on the edge of the site, by encroaching on the root protection zone.

Police – the existing B&Q store has suffered from criminal activity on a frequent basis. Because of this and its prominent location a safe and secure design should be encouraged. Recommendations include a well defined and visually permeable fence around the customer car park with access controls to prevent anti-social use and indiscriminate parking. Secure cycle storage and a comprehensive CCTV system should be provided together with a white lighting scheme for the car park and industrial area.

9. Summary of policies most relevant: Adopted City of Derby Local Plan Review policies:

- S1 - Retail hierarchy
- S2 - Retail Location Criteria
- S9 - Out of centre retail parks and other locations
- S10 - Range of goods condition
- S11 - Trade and showroom type sales
- EP11 - Development in existing business and industrial areas

B1 APPLICATIONS (cont'd)

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- ST9 - Design and the Urban Environment
- ST12 - Amenity
- ST14 - Infrastructure
- ST15 - Implementation
- E12 - Renewable Energy
- E13 - Recycling Facilities
- E14 - Pollution
- E17 - Flood Risk
- E20 - Landscaping Schemes
- E26 - Design
- E27 - Community Safety
- E28 - Building security measure
- E30 - Environmental Art
- T4 - Access, Parking and Servicing
- T6 - Provision for pedestrians
- T7 - Provision for Cyclists
- T8 - Provision for Public Transport
- T10 - Access for Disabled People

Derby and Derbyshire Joint Structure Plan policies:

TCSP1 – Sustaining and enhancing existing centres

TCSP4 – New development in out-of-centre locations

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

- 10. Officer Opinion:** This proposal seeks outline approval for redevelopment of four existing retail and employment sites to form a new retail and industrial development off Ascot Drive. The previous application for retail development on a larger site area of 2.6 hectares, was intended for a DIY bulky goods operator, named as a B&Q Warehouse. That proposal, which was called – in by the Secretary of State would have provided up to 11500 square metres of gross retail floorspace and associated car parking with 480 spaces. The current scheme would comprise a much smaller retail unit for the sale of bulky comparison goods and would include a garden centre. There does not appear to be a retail operator on board at this stage and as such this is a speculative proposal. It would incorporate a total of 5760 square metres of gross retail floorspace with 247 parking spaces. Industrial development is also proposed to form two units, with a total floorspace of 1858 square metres.

The proposed retail unit would be sited close to the highway frontage with Ascot Drive, in a similar position and orientation to the previous scheme, for a larger retail unit. The car park for the retail unit would

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about the junction of London Road and Ascot Drive and as such it would have a significant impact on the visual amenities of the local area. The development would be prominent in the local street scene, although the proposed site layout is somewhat dictated by the shape and location of the site and I am satisfied that it would fit in with the built form and appearance of existing development in the surrounding industrial area. The level of parking provision proposed for the development would accord with the parking standards in Policy T4 of the Review and satisfactory access and facilities for pedestrians and cyclists would be provided with egress direct onto London Road.

The site lies within an established industrial and business area, allocated in the Local Plan Review under Policy EP11. This proposal should be considered under this policy in terms of the potential shortage of employment land, which may result. Clearly the industrial element of the scheme would be acceptable, since the policy allows for such uses, within B1, B2 and B8. Only about 3500 square metres of the 2.2 hectares of the site is currently in employment use, in B8 use, and taking into account the proposed industrial floorspace, the proposal would lead to an insignificant deficiency of land in employment use. The development is also likely to create approximately 150 jobs on the site, which would adequately compensate for this loss of supply.

The policy issues for the retail aspect of the development proposal are significant and a Retail Assessment has been submitted as a means of addressing these issues to accord with PPS6 (Planning for Town Centres) and the Local Plan Shopping Policies. Overall the applicant has put forward a reasonable case, which satisfactorily addresses the three tests of out-of-centre retail development.

A quantitative need for the development must be demonstrated outside the retail hierarchy. In this case the need amounts to capacity for additional retail floorspace rather than the whole proposal. A further 1977 square metres of floorspace over and above what is already there, is proposed and this compares with an extra 5500 square metres which was resolved to be granted under the previous warehouse application. There is considered to be sufficient capacity in the city for the additional bulky floor space and the proposal would represent a relatively small increase in provision.

There is certainly a case for arguing that the proposal would fulfil a qualitative need, since the existing DIY store appears to be somewhat dated and small compared to similar warehouse units elsewhere in the city. The impact of the proposal on existing retail centres would also be limited, subject to the provision of appropriate conditions, to restrict the range of goods and to control the level and nature of sales

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floorspace. The latter would ensure that the building is not subdivided into more than two units or altered internally to provide a mezzanine level.

The sequential approach is used to consider if there are other suitable sites for this type of retail development in or on the edge of existing centres. This is a key issue in assessing the merits of this proposal. The retail unit would be much smaller than the previous application, which was for a very large warehouse, with limited scope for siting on designated sites. The current proposal has been submitted on a more speculative basis and could be split into two or more small units, without adequate restrictions. The new adopted Local Plan policies give existing out-of-centre retail parks preference over other non-designated out-of-centre locations. The application site falls into the latter of these categories and so it is important to consider whether there are any sequentially preferable sites that could accommodate the proposal. The applicant has provided some evidence to this effect which I have accepted as being satisfactory to demonstrate a “sequential approach” to site selection. This has also been balanced against the high apparent capacity for new retail floorspace in the city and the fact that the proposal will replace two existing bulky goods retail premises on the site (B&Q and Ascot Interiors). The proposed increase in floorspace would therefore satisfy the policy considerations and requirements of PPS6, which seeks to protect the vitality of existing retail locations and city centre.

Overall the proposed development would satisfy the objectives of national and local planning policies. It would also have a satisfactory impact on the local highway network and would not unduly compromise traffic flows in the surrounding area. The proposed redevelopment would have a lesser impact on the highway network than the previous retail warehouse proposal and as such the mitigation measures required would be on reduced scale. A more limited contribution towards transport improvements has been agreed in principle, which would fund alterations to the Ascot Drive/London Road roundabout and provision of a Toucan crossing on Ascot Drive. This contribution would be secured through a Section 106 Agreement.

This proposal would be appropriate for the provision of a piece of public art, since the site is in a prominent location on a major junction and gateway into the city and Pride Park. The surrounding area currently has a poor physical environment and would benefit from some enhancement. The applicant has been advised about the Percent for Art scheme and a contribution towards public art has been agreed in principle, which would be secured by a Section 106 Agreement.

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This application must be referred to the Secretary of State for consideration as required under the Town and Country Planning (Shopping Development) Direction 1993. This is due to the extension to the Eagle Centre, currently under construction, which exceeded the threshold set out in the Direction, for provision of additional retail floorspace on any land within a ten mile radius.

11. Recommended decision and summary of reasons:

11.1 A. To refer the application to the Secretary of State under the Town and Country Planning (Shopping Development) Direction 1993 to enable consideration to whether the application should be called – in.

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

C. Subject to the Secretary of State not calling – in the application, **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 and all other material considerations as indicated in 9 above. The proposal would be an appropriate form of development which would maintain the visual amenities of the surrounding area.

11.3 Conditions

1. Standard reason 09A (amended plans received – 10 February 2006)
2. Standard condition 01 (Reserved Matters – excluded siting and details of access arrangements)
3. Standard condition 02 (Approval of Reserved Matters)
4. Development shall not commence until precise details of the junction of both proposed access roads with Ascot Drive, which include longitudinal and cross sections and indicates regrading of the existing footway at a gradient not exceeding 1 in 14, have been submitted and approved in writing by the Local Planning Authority.

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The junctions shall be constructed in accordance with the approved details.

5. The development shall be carried out in accordance with the recommendations in the submitted Flood Risk Assessment which accompanied the application and completed before any of the buildings are occupied.
6. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) or any Order revoking and re-enacting that Order, the premises shall not be used for the sale of:
 - Food (including snack food)
 - Clothing and footwear (unless directly related to permitted goods sold on the same premises)
 - Fibres and textiles for clothing
 - Ornaments, silverware, china, glassware and fancy goods
 - Music and musical instruments
 - Books and recorded material
 - Stationery, artwork supplies and greeting cards
 - Photographic equipment and services
 - Jewellery, watches, clocks
 - Sports goods and equipment
 - Pet food or pet-related goods
 - Optical goods or services
 - Luggage, travel goods, travel services and personal accessories
 - Pharmaceutical or cosmetic goods or services
 - Service of travel or ticket agency or a post office or an undertaker or a dry cleaner
 - Service as a hairdresser or for the sale of hair care products
7. The net sales floor area shall not exceed 5760 square metres as a whole. The floorspace shall be distributed as follows – garden centre 1115 square metres and retail warehouse 4645 square metres, as described in the submitted retail assessment. The retail warehouse element can be divided into no more than two separate units, with no single unit being smaller than 1858 square metres. No internal alterations shall take place to increase the sales floorspace of the store, including through the provision of a mezzanine level.
8. Standard condition 69 (cycle/motorcycle parking)
9. Standard condition 38 (foul and surface water drainage)
10. Standard condition 100 (site contamination survey)

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11.4 Reasons

1. Standard reason E04
2. Standard reason E01
3. Standard reason E02

4. The footway and verge are elevated and proposed accesses would involve alterations to existing levels and therefore have implications for highway safety on local roads....policy T6

5. To reduce flood risk and minimise impact on the local environment....policy E17

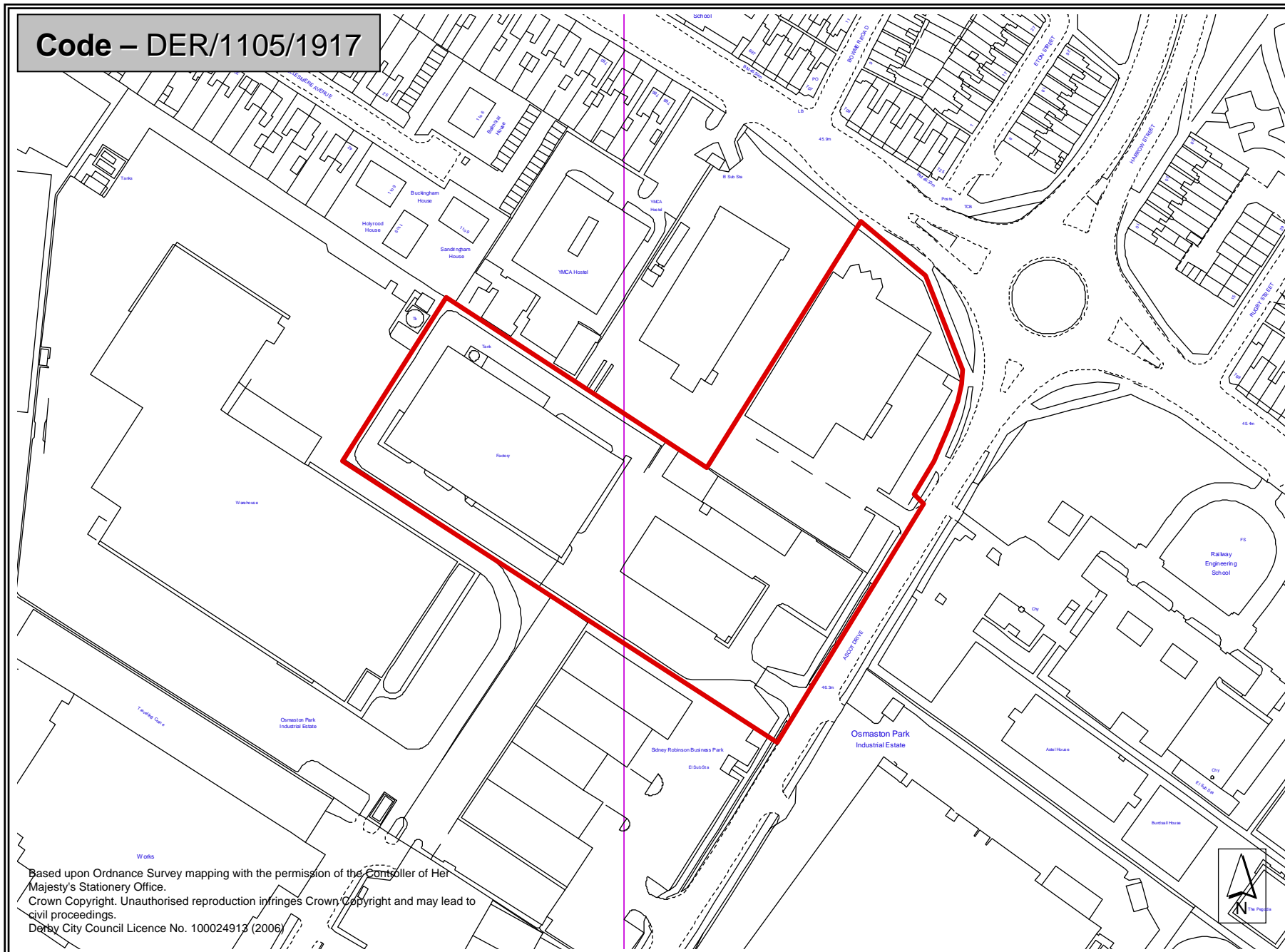
6. To protect the vitality and viability of existing defined centres within the shopping hierarchy in accordance with the objectives of Policy S10 of the Adopted City of Derby Local Plan Review.

7. To ensure that the characteristics of the store do not change in ways that would have resulted in the refusal of the application and in order to ensure that the retail strategy outlined in Adopted City of Derby Local Plan Review Policy S1 is not undermined and the vitality and viability of centres in the defined shopping hierarchy are not harmed.

8. Standard reason E35....policy T4
9. Standard reason E31
10. Standard reason E49....policy E14

11.5 S106 requirements where appropriate: Contributes to off-site highway improvements, and public art.

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B1 APPLICATIONS (cont'd)

2 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:

- a. An area of residential development to the west, to the rear of properties in Muswell Road, Thames Close and Prince Charles Avenue
- b. 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:**

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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.

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

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- Vagueness about the height of proposed buildings
- No indication given of where buildings will be.

... These letters are reproduced.

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 – to be reported

ENVA – to be reported

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):

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
E27	- Community Safety

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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 for the full version.

- 10. Officer Opinion:** 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 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

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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. Unsurprisingly the applicant has asked the Council to take into account the viability of the overall education provision they are trying to provide in the City in any negotiation, but have specifically asked for a reduction of affordable housing requirements for this windfall site. Planning and Housing Officers have examined carefully the financial case presented by the applicants and have concluded that the request may be justified; however the extent to which it could be reduced should also involve a

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/258

re-examination of the financial impact of other S106 requirements. We believe that should be the subject of further detailed officer negotiation with the applicants but clearly taking into account the public benefit of the community use of the Sports Academy and the retention and restoration of the Roundhouse complex or any alternative site.

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.

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

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/258

case, the nature and the timescale of traffic flows in 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.

C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period (17 May 2006) consideration be given **to refuse** planning permission with the Chair and Vice Chair.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. It is an acceptable form of development 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.

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/258

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.
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 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.

B1 APPLICATIONS (cont'd)

2 Code No: DER/206/258

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

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.

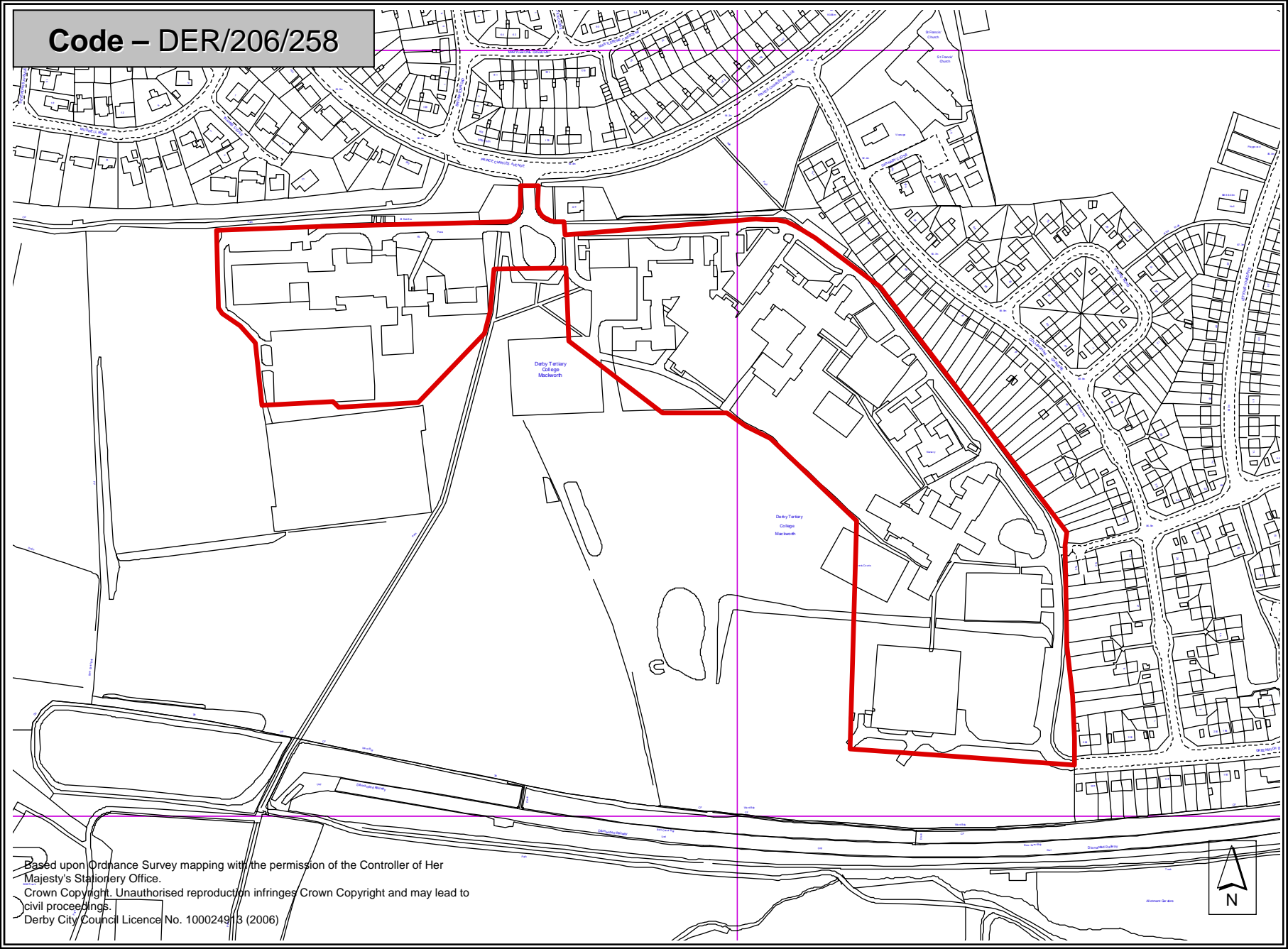
12. To meet the parking needs of the existing and proposed facilities ... policy T4.

13. Dwellings that are south facing, having solar panels and, or wind turbines, with help to reduce energy consumption reducing pollution and waste ... policy E12.

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

A detailed map of the Derby Ferry College Macdonald site, outlined in red. The map shows surrounding residential areas, roads, and a railway line. A north arrow is in the bottom right corner. The site is located in the center of the map, with residential areas to the north and east, and a railway line to the south. The site is labeled 'Derby Ferry College Macdonald' in blue text. The map is based on Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Derby City Council Licence No. 100024913 (2006).

A detailed map of the Derby Ferry College Macdonald site, outlined in red. The map shows surrounding residential areas, roads, and a railway line. A north arrow is in the bottom right corner. The site is located in the center of the map, with residential areas to the north and east, and a railway line to the south. The site is labeled 'Derby Ferry College Macdonald' in blue text. The map is based on Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Derby City Council Licence No. 100024913 (2006).



B1 APPLICATIONS (cont'd)

3 Code No: DER/206/316

Type: Full

1. **Address:** Land north side of 133 Chaddesden Lane, Chaddesden
2. **Proposal:** Erection of bungalow
3. **Description:** Permission is sought for a new bungalow to be built within the grounds of an existing vicarage. The site is set back from Chaddesden Lane, accessed via a narrow track. The original vicarage plot has already been sub-divided to create a new vicarage. Planning permission was granted for this in 2004 and the dwelling is currently under construction. The application site lies to the north of the original vicarage between the dwelling and the boundary with Reginald Road South properties.

The site is partly grassed and partly hard-standing. The boundary with neighbouring dwellings is defined by fencing with intermittent planting.

Immediately neighbouring properties are the existing vicarage, new vicarage (under construction), 138, 140, 142 and 130b Reginald Road South. 135 and 137 Chaddesden Lane face the site but are separated from it by a turning head and parking spaces that are intended for use by the new vicarage. The existing vicarage is unusual in its design and does have some windows facing the application site but these do not appear to be principle habitable room windows. The rear elevations of Reginald Road properties face the site. These properties have relatively shallow gardens. 130b Reginald Road lies to the west of the site.

The proposal is for a modest two bedroom bungalow with lounge, kitchen and bathroom. Windows would be confined to the front and rear elevations with none on the sides. There would be a parking space and turning head in front of the bungalow and a rear garden of some 9m depth. The dwelling is 4.5m in height at the highest point, dropping to 3.5m in height where it is closest to the boundaries of Reginald Road properties.

4. **Relevant Planning History:**

DER/1105/1906 – Erection of bungalow – withdrawn.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposed bungalow would not be prominent from Chaddesden Lane and would not, in my view cause unacceptable harm to the appearance of the street scene. I am also

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/316

satisfied that the simple design of this modest bungalow would be acceptable within the context of the site itself.

- 5.3 Highways:** Whilst the vehicle access is single vehicle width with limited visibility, I note that a vehicle turning area is already provided under the previous approval for the new vicarage and this will ensure that vehicles can enter and leave the site in a forward gear. I do not think that refusal of permission could be justified on highways grounds and therefore raise no objections to this proposal. Notwithstanding this, given the space constraints I note that the possibility of any further development at this site is unlikely and would express concern if any additional dwellings were proposed.

A bin standing area should be provided adjacent to the highway.

- 5.4 Disabled People's Access:** Building Regulations will deliver a degree of accessibility to this dwelling.

- 5.5 Other Environmental:** None.

6. Publicity:

Neighbour Notification letter	11	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

- 7. Representations:** I have received a letter of objection signed by seven people, a copy of which is reproduced. The objections express concern about the impact upon views tranquillity, light and privacy. One letter has been received from the property to the east with concerns that the width of the access driveway is not adequate.

- 8. Consultations:** -

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

H21 - Residential Development General Criteria
ST12 - Amenity
T4 - Access, Car Parking and Servicing
E26 - Design
E27 - Community Safety

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

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/316

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

Living environment

The proposed development overcomes my objections to the previous proposal. The footprint has been reduced in size, position of the house moved away from the boundary with 130b Reginald Road, internal layout reorganised and a reasonable and useable area of private garden area would be provided. I am satisfied that there would not be a conflict between boundary treatments and light to habitable rooms.

Parking and access

Comments on parking and access are given in section 5.3 of this report. In summary, I raise no objections on this point.

Design

Design comments raising no objections are given in section 5.2 of this report.

Impact upon residential amenities

I consider that the proposed bungalow would not have any unreasonable impact upon residential amenities. Although the proposed dwelling would be close to the boundaries with Reginald Road properties, it is designed with a lower height section where it is closest to the boundary with Reginald Road South properties and I am satisfied that the distance between the properties and the new dwelling would not cause unreasonable effects upon residential amenities. Although the dwelling would be visible from neighbouring properties, I am satisfied that there would not be any unreasonable loss of light or harmful effects of massing caused. I am also satisfied that there would not be an unacceptable loss of privacy to neighbouring dwellings.

I consider that the proposed development is acceptable in the proposed form but would be concerned to ensure that any future extensions would not undermine residential amenities. As such, I recommend that permitted development rights should be removed.

In view of the above, I see no justification for refusing this application.

B1 APPLICATIONS (cont'd)

3 Code No: DER/206/316

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

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

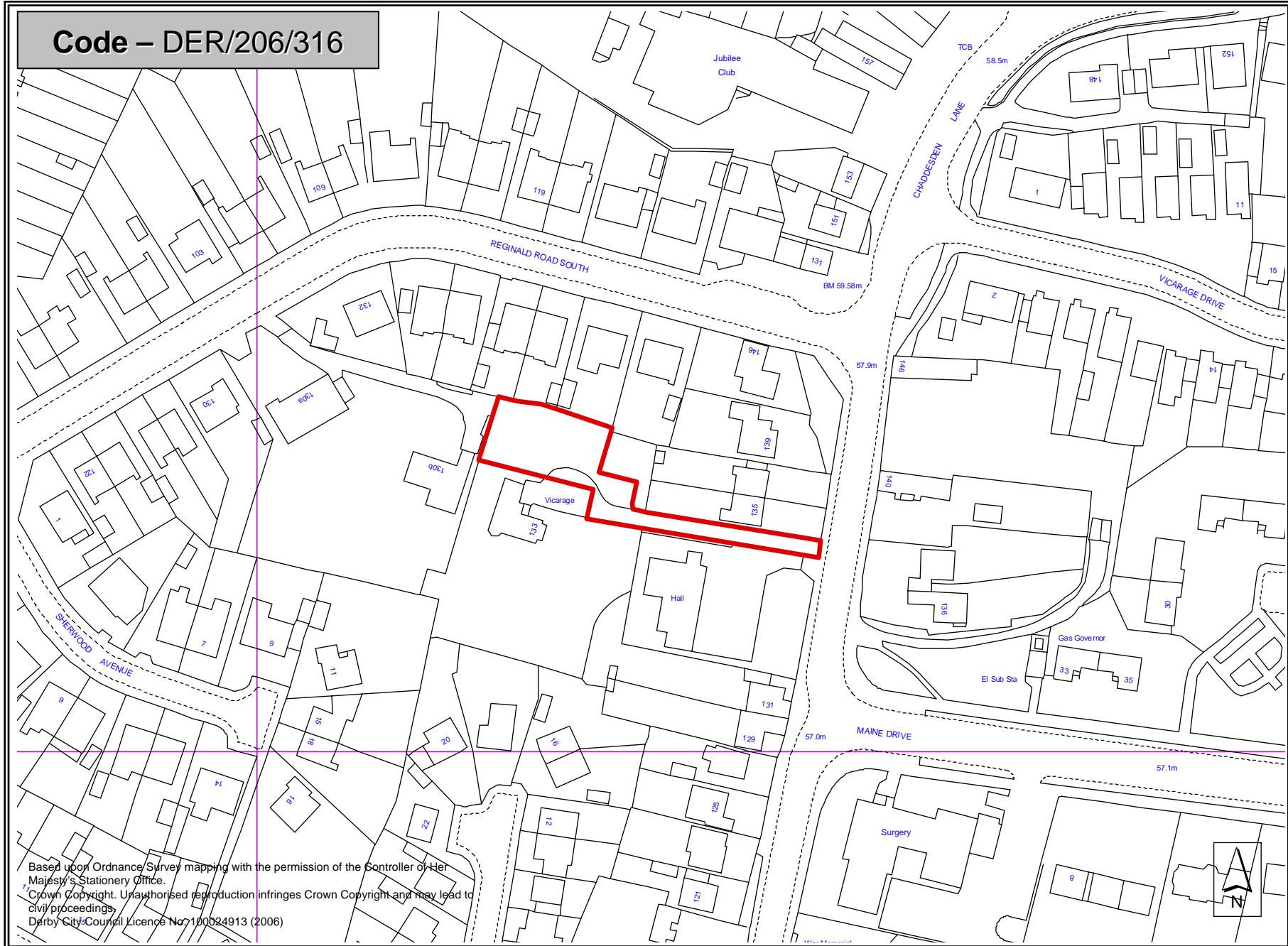
11.3 Conditions

1. Standard condition 27 (materials)
2. Standard condition 19 (means of enclosure)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the bungalow hereby approved shall not be extended in any way without first obtaining planning permission from the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no new windows or other openings, other than those shown in drawing number JMW/DD/1202/2 and received at this office 21 February 2006, without the prior written permission of the Local Planning Authority.
5. Prior to occupation of the dwelling, arrangements for a bin standing area shall be provided in a position to be agreed with the Local Planning Authority

11.4 Reasons

1. Standard reason E14....policy H21
2. Standard reason E08....policy H21
3. Standard reason E07....policy H21
4. Standard reason E07....policy H21
5. To ensure satisfactory arrangements for collection of refuse.

Code – DER/206/316



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B1 APPLICATIONS (cont'd)

4 Code No: DER/406/609

Type: Full

1. **Address:** Land at 81 Chestnut Avenue, Chellaston
2. **Proposal:** Erection of six dwelling houses and associated garages
3. **Description:** Members will be familiar with the content of this application. The application is a resubmission following the last application for the proposed development, under code no. DER/1205/1955, which was deemed invalid by virtue of incorrect ownership certification. The last application was presented to the meeting on 9 March and it was deferred for a Members' site inspection.

Full planning permission is sought to erect six detached dwelling houses and associated garages on this site which is located at the north end of Chestnut Avenue. Chestnut Avenue is a private road. The site is an irregular shape and it covers an area of approximately 4900 sqm. The site accommodates a detached bungalow No. 81, and outbuildings associated with a former small scale agricultural use. It bounds the route of the former canal to the north and Boulton Moor to the east. The site is not allocated for any specific purpose in the adopted City of Derby Local Plan Review (CDLPR).

The existing vehicle access to the site, between nos. 75 and 83 Chestnut Avenue, would be retained and an exit visibility splay would be provided to the front of No. 75. The proposed dwellings would be served by a private drive and the proposed dwellings, with the exception of the dwelling on plot no. 1, would face the drive. The siting of the proposed two storey dwellings has been devised to generally accord with the recognised residential space standards of the City Council, with regard to spacing on site and between existing bungalows which front Chestnut Avenue.

4. Relevant Planning History:

DER/888/1215 – Residential development – outline permission refused - 27 October 1988.

DER/103/67 – Residential development – outline permission refused - 2 May 2003.

DER/1003/1859 – Demolition of existing dwelling and erection of five dwelling houses – permission refused and appeal dismissed – 8 December 2003. As part of the planning appeal into this refusal the Inspector concluded that the principle of residential development on the site was acceptable. It was also concluded that an amenity argument put forward by the City Council, with regard to the perceived detrimental impact of vehicle movements on Nos. 75 and 83, was not a

B1 APPLICATIONS (cont'd)

4 Code No: DER/406/609

valid reason for refusal. The principal area of concern surrounded the absence of the required exit visibility from the site for vehicles. The appeal was, therefore, dismissed on highway safety grounds. The developer has sought to address that issue by securing land at the front of No. 75.

DER/605/927 – Erection of six dwellings – application withdrawn 29 July 2005. The application was withdrawn by the applicant after concerns were expressed by the City Council about the overall scale of the proposed dwellings.

DER/1205/1955 – Erection of six dwelling houses and associated garages – application deemed invalid. The application was deemed invalid after it was found that it was accompanied by an incorrect ownership certificate.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: I raise no objections to the external design of the proposed dwellings.

5.3 Highways: I raise no highways objections to this proposal given that the required exit visibility splay for the site has been provided. This was a requirement of the dismissed appeal against the refusal under Code No. DER/1003/1859. That appeal established the acceptability, in principle, of five dwellings on the site. I estimate that the additional daily vehicle movements to and from the site with one extra dwelling would be approximately six trips. I therefore, consider that, in view of the low vehicle speeds at this end of Chestnut Avenue, the proposal would not be unduly detrimental to highway safety. I can also advise that a refuse vehicle can safely manoeuvre into the existing vehicle access to the site from Chestnut Avenue.

5.4 Disabled People's Access: Accessibility would be delivered through compliance with the Building Regulations.

5.5 Other Environmental: The site is bounded by mature hedges which I consider should be protected by a condition on any permission. The applicant has indicated that the hedges will be retained as part of the development of the site.

B1 APPLICATIONS (cont'd)

4 Code No: DER/406/609

6. Publicity:

Neighbour Notification letter	64	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** A total of 45 letters of objections were received in response to the last application and I expect a similar response to this application. With the last application the objectors expressed concern about issues such as the impact of the proposed development on the character of the area and overlooking into existing neighbours. Concerns were expressed about the detrimental impact of the proposal on highway safety and the problems associated with additional traffic on Chestnut Avenue. Objections were expressed about this issue as Chestnut Avenue is a private road which is maintained by the residents. Copies of the representations to this application and the previous will be available in either the Members' rooms or the Council Chamber foyer.

8. Consultations:

STW – recommends the inclusion of a standard drainage condition. In addition it has been stated that a public sewer crosses the site of which no buildings should be erected or trees planted within 7.5m of it. From my calculations the nearest part of the proposed development – the dwelling and garage on plot 4 would be over 10m from the easement.

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

H21 - Residential development
L10 - Former Derby Canal
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 adopted CDLP Review for the full version.

9. **Officer Opinion:** The main planning issues with this application are, in my opinion, as follows:

B1 APPLICATIONS (cont'd)

4 Code No: DER/406/609

Policy

There are implications for the proposal with regards to PPG3 – Housing. The site is occupied by agricultural buildings and hence it is not defined as previously developed land. The PPG states that no allowance should be made for Greenfield windfall sites. It is, however, unlikely that a refusal could be sustained purely on these grounds. It is important to note that the appeal Inspector, for the appeal into the refusal under Code No. DER/1003/1859, considered that residential development on the site was acceptable in principle. The site is relatively small and the development of it would, in my opinion, be acceptable in policy terms in this residential context.

Density

The guidance in PPG3 requires that housing sites should be within a density range of 30-50 dwellings per hectare. The density proposed with this application would equate to approximately 12 dwellings per hectare and so the proposal is at an appreciably lower density than the requirements of PPG3. However, in this case, consideration of the local residential character should be taken into account and, in my opinion, a high density development on this site would be distinctly out of character with the layout of the immediate area. I consider that this is a clear environmental reason for accepting a lower density on this site, in accordance with Policy H21 of the adopted CDLP Review.

Scale and Spacing of Development

The proposed two storey dwellings would be visible from Chestnut Avenue above the existing bungalows on this part of the street-scene. The objectors have concerns that the proposed development would be distinctly out of character with the existing street-scene. Chestnut Avenue is a contrasting mix of two storey dwellings and bungalows of varying types and scale and the proposed dwellings would be a modern addition to the street context. In my opinion, the existing street-scene is a piecemeal style of development and not a homogenous style and layout of residential development. I consider that the scale of the proposed dwellings is acceptable in this case and the spacing of the dwellings accord with the recognised space standards of the City Council.

Highways

I am satisfied that the proposed development is acceptable in visibility terms from the site and the proposed levels of vehicle movement to the

B1 APPLICATIONS (cont'd)

4 Code No: DER/406/609

site would be acceptable in traffic safety terms. Issues such as the use of Chestnut Avenue to access the site, given that it is a private road, is a civil matter for the developer to resolve with the other road owners.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 30 (hard surfacing)
3. Standard condition 39 (disposal of sewage – occupation of dwellings)
4. Standard condition 20 (approval of landscaping scheme)
5. Standard condition 22 (landscaping within 12 months – condition 4)
6. The landscaping scheme pursuant to condition 4 above shall include the retention and inclusion of the existing hedge which bounds the route of the former Derby Canal and Boulton Moor, unless otherwise agreed in writing by the Local Planning Authority.
7. Before any of the dwellings are occupied the visibility splay across the frontage of No. 75 Chestnut Avenue and the access road shall be provided in accordance with the approved drawings. There shall be no plants, wall, fence or other obstruction higher than 900mm above ground level within the visibility splay.
8. Standard condition 13 (garages) add “s” to garage).

11.4 Reasons

1. Standard reason E14 and in accordance with policy H21
2. Standard reason E14 and in accordance with policy H21
3. Standard reason E21
4. Standard reason E14 and in accordance with policy H21
5. Standard reason E14 and in accordance with policy H21

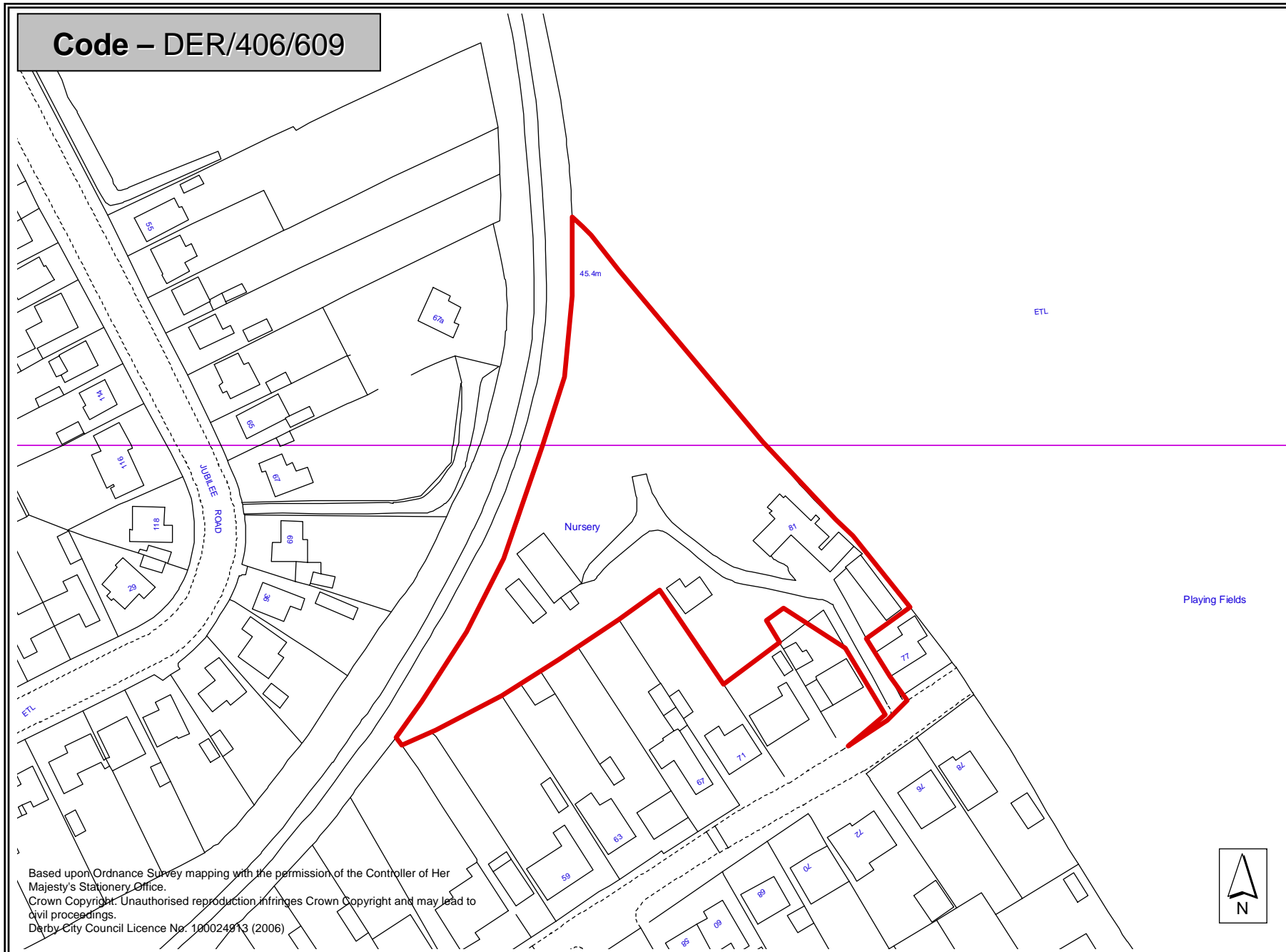
B1 APPLICATIONS (cont'd)

4 Code No: DER/406/609

6. Standard reason E14 and in accordance with policy H21
7. Standard reason E19 and in accordance with policy H21
8. Standard reason E28 and E16 and in accordance with policy H21

11.5 S106 requirements where appropriate: None.

Code – DER/406/609



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B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

Type: Full

1. **Address:** Site of 101 Burnaby Street, 113 and garage court adjacent 133 Brighton Road
2. **Proposal:** Erection of 11 Dwelling Houses and nine Apartments
3. **Description:**

Site Overview

Permission is sought for 11 houses and nine apartments at an irregular shaped site, some 0.15 ha in size. The proposed density is 133 units per hectare. The site is located on the corner of Burnaby Street and Brighton Road within an established residential area which includes a number of corner shops and other small commercial/non-residential uses. The site was formally occupied by housing, a shop and garages. The buildings on the site have been demolished.

Brighton Road is dominated by traditional terraced housing, generally two storey in height with occasional taller buildings on corner sites. Properties tend to have shallow front gardens with dwellings close to the highway. Burnaby Street dwellings are more modern in design and layout.

Proposed Layout

The proposed layout incorporates dwellings along the Brighton Road and Burnaby Road frontage with small front gardens. There is a shared parking area behind, accessed from Brighton Road under an archway formed beneath one of the housing units. There would be one space per unit and one visitor space in a parking court. Nineteen of the spaces would be provided in the parking court and two would be provided between Burnaby Road properties. The nine apartments are situated at the Brighton Road/Burnaby Road junction of the site with dwellings either side. They would comprise four floors utilising the roof space.

The proposal would incorporate a shared bin store for the apartments and outdoor cycle parking is shown to be provided near to the apartments.

Proposed Design Concept

The supporting letter submitted with the application explains the concept behind these modest dwelling units. Whilst they are three storey units with either two or three bedrooms, the space is relatively small and the supporting information describes the applicant's intention

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

to provide an innovative form of housing which is compact in size but unlike apartments arranged to include defensible garden space and a sense of being a separate and individual unit. The applicant's intention is to set up a management company to maintain the shared parking/amenity space.

4. Relevant Planning History:

DER/1205/2025 – Residential development (11 apartments and 11 dwelling houses) – refused for the following reasons:

1. The building height and detail of design does not relate well to the urban form of the surrounding area and as such would be an incongruous addition to the street scene that would appear to be overly intensive. As such the proposal is contrary to policies H21 and E26 of the City of Derby Local Plan Review – 2006.
2. By virtue of the building height and the relatively compact pattern of development, the 3 and 4 storey development on the Brighton Road frontage would be overbearing causing harmful effects of massing upon existing residential properties on the opposite side of Brighton Road. As such the proposal is contrary to policy H21 of the City of Derby Local Plan Review – 2006.
3. The proposed layout is overly intensive and appears to be contrived and cramped resulting in amenity conflicts between the proposed units that would cause a loss of light and privacy between units at the northern part of the site. The proximity of unit 1 to the boundary with 99 Burnaby Street would result in a loss of privacy at this property. As such the proposal is contrary to policy H21 of the City of Derby Local Plan Review – 2006.
4. The provision of amenity space is inadequate which unreasonably undermines the living environment at the proposed units. The quantity and quality of private garden space allocated for individual dwellings is unacceptable and there is no space allocated for apartments. As such the proposal is contrary to policy H21 of the City of Derby Local Plan Review – 2006.
5. The proposed parking provision is inadequate for this location and there is no evidence to justify this level of provision, no details of proposed mitigation measures such as improvements to public transport or a travel plan. As such the proposed development would result in a demand for on-street parking that would impede the safe and free flow of traffic, it would therefore be contrary to policies T1, T4 and T8 of the City of Derby Local Plan Review.

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

DER/1001/1270 – 14 flats – refused. This application related to the part of the application site that was formally a court of garages.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: I am satisfied that the proposal would be an acceptable form of development for this site.

In my view, the layout and form of the development relates well to surrounding properties. Efforts have been made to ensure that the height of the development steps up gradually from the neighbouring Brighton Road property and that the overall height is not out of scale with the surrounding buildings. The layout shows dwellings with a very short front garden which is typical of residential properties in this area. The internal layout has been much improved from the previous submission, providing modest but reasonable sized garden areas for the dwellings and a small amount of planting. In summary, I consider that the internal layout is logical and makes reasonably good use of the space available to provide amenity space and parking.

With respect to the overall design, I consider that it acceptably respects the character and appearance of the surrounding area. The Brighton Road section takes reference from the traditional features of the neighbouring terraced properties in the proposed banding and cill and head details whilst the two separate dwellings on Burnaby Road appropriately do not repeat this detail. The corner section of the development is distinct in its design and I consider that this is appropriate as it ties together the more traditional architecture found in Brighton Road and more recent designs in Burnaby Street.

In summary, I am satisfied that this proposal would be acceptable in design terms, providing a good design solution to this awkward shaped site. I consider that the design relates reasonably well to the mixed appearance of the surrounding area and as such complies with the relevant planning policy for achieving good design.

With respect to community safety, the layout is well designed providing a good level of defensible space. There are no objections on this point subject to insertion of windows to provide surveillance of the two parking spaces off Burnaby Street and good use of planting to allow surveillance within the parking area. Amended plans to show windows overlooking the Burnaby Street parking spaces have been requested.

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

5.3 Highways: The proposal is acceptable in terms of its impact upon the highway, providing adequate servicing arrangements and pedestrian visibility splays. The parking provision remains at 100% with one additional visitor space and is acceptable at this level. On this basis I feel that the application could not be refused on parking grounds. Sustainable internal cycle/motor cycle parking should be provided for the apartments. A Section 106 contribution towards transport corridor and public transport, pedestrian and cycle facilities is required.

5.4 Disabled People's Access: The two ground floor apartments to be designed to the mobility guidelines with one designated disabled people's parking bay. The remainder of the dwellings will have a degree of accessibility through compliance with Building Regulations.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	35	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received thirteen objections to this scheme and one letter of comment. These will be available in the Members Rooms. The letters express concern about the following:

- congestion on Brighton Road
- the development is out of character with the surrounding area
- parking problems
- loss of garages
- increased number of residents
- social issues
- impact upon local schools
- height of the buildings
- impact upon light
- density too high
- detailed issues with regard to the internal layouts of the houses and apartments
- lack of outside amenity space
- overlooking

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

Councillor Bayliss has also made the following comments:

- the massing effect will change the nature of the area
- overshadowing of neighbouring properties
- poor design
- car parking is inadequate

8. Consultations:

Police – windows should be inserted in the ground floor gables of plots adjacent external parking plots 3&4.

Environment Agency - no objections in principle subject to a condition ensuring satisfactory discharge of surface water drainage.

Severn Trent - no objections subject to conditions to ensure satisfactory drainage.

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

- H21 - Residential Development – General Criteria
- T1 - Transport Implications of New Development
- T4 - Access, Parking and Servicing
- T8 - Provision for public transport
- E12 - Renewable Energy
- E26 - Design
- E27 - Community Safety
- E20 - Landscaping Schemes

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

10. Officer Opinion:

This is a brownfield site and accordingly is acceptable in principle for residential development. As such the key issues for consideration are the design and layout, including consideration of renewable energy issues, impact upon amenities, provision of a satisfactory living environment and highways parking and access.

Design and Layout

The design and layout have been considered in section 5.2 of this report. In summary, I consider that the proposal meets policy criteria in this regard.

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

With regard to community safety, my comments are outlined in section 5.2 of this report. I note the Police ALO comments about ground floor security and use of CCTV and would urge the applicant to heed this advice.

With respect to energy efficiency, the Brighton Road dwellings would be orientated to face east – west and Burnaby Street dwellings would face north- south. This arrangement would allow the individual dwelling units to take reasonable advantage of natural sunlight in the interests of energy efficiency. Some of the apartments are less well orientated but on balance, I consider that the development would make good use of the site in terms of natural sunlight given the other constraints on the site layout.

Impact upon amenities

The proposed development would have some affect on amenities at neighbouring properties in terms of light, privacy and effects of massing. However I do not consider that the impact would be unusual or unreasonable. Whilst the proposed development would be taller than the surrounding development, I do not consider that it would cause unreasonable effects of massing or unacceptable loss of light. The impact would be most keenly felt on Brighton Road but even in this location, I do not consider that the mass of the building would be excessive. As shown in the elevation drawing the height differential between the new development and the adjacent Brighton Road dwelling is not excessive and the resulting relationship between properties across Brighton Road would not be out of keeping with that found elsewhere on Brighton Road.

The two units nearest to 99 Burnaby Street would abut the boundary and have some impact upon the amenities at 99 Burnaby Street due to its orientation. However any impact would be restricted mainly to the side garden area and overall, I do not consider that the loss of light or effects of massing at this property would be unacceptable.

Properties on Burnaby Street and 133 Brighton Road would be adjacent to the share parking area. Whilst this may bring some noise associated with car parking, it is important to remember the former use of part of this site was a garage court and as such, I do not consider that the change to amenities would be so unreasonable.

In summary whilst I acknowledge that this new development would have some impact upon the amenities of existing properties, I do not consider that the change would be so unreasonable to justify refusal of permission.

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

Provision of a satisfactory living environment

In general, I consider that the proposed units would provide a compact, but acceptable living environment that takes advantage of natural sunlight and provides a suitable level of privacy.

With respect to amenity space, the proposal includes modest garden areas that are smaller in size than would normally be acceptable. The reduced level of space would affect the quality of the living environment. In assessing this, I acknowledge the design concept and am mindful of the adopted local plan review that encourages innovative design concepts that facilitate higher densities and energy efficiency, provided that good standards of design and amenity are maintained. The applicant asserts that the modest gardens are in line with the design philosophy and whilst I consider that larger amenity space would improve the quality of living environment, in view of the justification for the scheme I am satisfied that in this case, the level of amenity would be acceptable and compatible with the proposed development. However, given the precise justification for the development, accepting this level of amenity space does not set a precedent for reduced garden depths at other sites.

Amended plans were received on the 26 April which include 2 hall windows on the ground floor gables of plots adjacent to external parking plots indicated as 3 & 4 as recommended by the Police.

Highways parking and access

Full comments on this matter are given in section 5.3 of this report. The proposal is acceptable in this regard subject to suitable contributions to improvements to public transport, cycling and pedestrian facilities. I note neighbour's concerns about parking but subject to agreement of a Section 106 contribution and in view of relevant planning policy that encourages reduced parking levels in the interests of sustainability, I do not think that refusal could be justified on these grounds

11. Recommended decision and summary of reasons:

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

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement with conditions.
- C.** If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (28 June 2006) consideration be given in consultation with the Chair, **to refusing** the application.

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

11.3 Conditions

1. Standard condition 27 (materials)
2. Standard condition 20 (landscaping)
3. Standard condition 22 (implementation of landscaping)
4. Standard condition 30 (surfaces to be drained)
5. Standard condition 19 (means of enclosure)
6. Standard condition 38 – (drainage)
7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
8. The development shall not be taken into use until details of secure cycle parking provision for residents and visitor of the apartment building have been submitted to and agreed in writing by the Local Planning Authority.
9. Standard condition 89 (landscape management plan)

11.4 Reasons

1. Standard reason E14...policy E26
2. Standard reason E18...policy E20
3. Standard reason E18...policy E20
4. Standard reason E14...policy H21
5. Standard reason E14...policy H21

B1 APPLICATIONS (cont'd)

5 Code No: DER/306/491

6. Standard reason E21...policy H21
7. To prevent pollution of the water environment
8. Standard reason E35...policy T4
9. Standard reason E14 ... policy H21

11.5 S106 requirements where appropriate: Contributions towards off site public open space and improvements to public transport, cycling and pedestrian facilities, mobility housing.

Code – DER/306/491



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B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

Type: Full

1. **Address:** Site of 181 and 185 Station Road, Mickleover
2. **Proposal:** Demolition of existing dwelling houses (bungalows) and erection of 12 apartments.
3. **Description:** Full planning permission is sought to redevelop this site which is located on the East side of Station Road. This is a reapplication following the withdrawal of a similar proposal in December of last year. That withdrawal was undertaken principally to permit the applicants to consult with the Council's Arboricultural staff, as the original proposal would have been unacceptably close to a group of trees some of which are protected by tree preservation order. This current proposal has addressed this area of concern.

The area is overwhelmingly residential in character. The site is located between the junctions of Micklecross Close and East Avenue and it covers an area of approximately 2050 sq m. The site currently accommodates a pair of detached bungalows and these would be demolished to accommodate the development. The site is currently accessed by 2 vehicle accesses, one on either side of the combined frontage. Only one of these would be retained.

The proposed development includes the erection of 2 buildings which would each accommodate 6 apartments. The proposed buildings would stand back approximately 19m from the site frontage behind the proposed shared parking area. This is about 4 metres further back than the existing bungalows and behind the notional, loosely defined building line, established by the other existing houses in this part of Station Road.

The proposed apartments are 3 storey buildings, of different design from one another but employing similar architectural characteristics with a number of period features that reflect the character of a number of late 19th or early 20th century dwellings in the immediate vicinity of the site. Although they are three stories in height, the third floor in both apartment blocks utilises part of the roof space which adds character to the architecture and helps to keep the overall height of the buildings down.

The apartments have foot prints measuring about 13.6 metres wide by 15.5 metres deep for one block and 15 metres wide by 15.2 metres deep for the other. Their height to ridge is almost 12 metres.

The officer opinion section addresses the proposed design in a little more detail.

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

4. Relevant Planning History: DER/905/1537 demolition of existing dwellings and erection of 12 apartments. Application withdrawn December 2005.

5. Implications of Proposal:

5.1 Economic: None

5.2 Design and Community Safety: I raise no objections to the elevation design of the proposed development in this residential context. The applicant will be submitting a street-scene drawing which I hope to present to the committee. It should illustrate the relationship of the proposed development to existing neighbours.

5.3 Highways: There are no highways objections in principle to the proposed development. The on-site parking provision has been increased from the original submission and is now shown at 150% to accommodate visitor parking. This meets with our currently adopted standards which incidentally, for apartments are the same standards that were applicable under the previous, now superseded, City of Derby Local Plan.

5.4 Disabled People's Access: The proposed apartments would be made accessible through the Building Regulations.

5.5 Other Environmental: The site and the surrounding gardens are covered by TPO No. 8. The Order includes frontage trees on the site and various trees in the gardens of the neighbours to the North and South, nos. 185a and 179. The application is accompanied by a Tree Survey and this has been scrutinised by the Council's Arboricultural Manager. The car parking area which is on the frontage of the buildings would be raised approximately 400 mm above existing ground level to accommodate a no dig method of construction for the vehicle circulation areas and parking bays to protect the nearby trees from damage.

A bat survey has been undertaken and no bats or bat roosts have been found to be present on site.

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

An ecological survey has been undertaken for the rest of the site which at the time of writing is ongoing in connection with a small metre square pond which has been found to contain smooth newts. No great crested newts have been detected so far but follow up inspections are required over a period of time to establish their presence or otherwise. I hope to be able to report the outcome of the follow up surveys at committee.

6. Publicity:

Neighbour Notification letter	70	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Eighteen letters of objection and one letter of comment have been received in response to this application. These are available in the Foyer. Concerns are expressed about:

- the siting, design and impact of the proposed development on the character of the area
- the impact of the proposed development on the surrounding protected trees and highway safety
- the existence of bats in the building and to the loss of daylight and sunlight that would be experienced by certain neighbouring properties.

8. Consultations:

DCommS (Arboriculture) – I have no objection to the proposal but we must ensure a method statement for the construction of the cycle store and bins store is obtained and is of a no dig construction.

DWT – to be reported.

STW – recommends the inclusion of a standard drainage condition.

English Nature- is satisfied by the bat survey report but requests that a condition be attached to any planning permission that may be granted requiring an approved methodology be employed during the demolition of the existing buildings to mitigate against disturbance to bats.

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

It further recommends that a survey be undertaken with relation to a small pond that occupies the site. (The first part of a four part survey has already been undertaken for this pond. I hope to be able to report the outcome of any follow up surveys that may have been carried out by the date of committee.)

It further advises that PPS9 states that the presence or otherwise of protected species is established before granting permission, otherwise the material consideration may not have been addressed. Leaving surveys to planning conditions should only be done in exceptional circumstances. Ultimately it is up to the planning authority to decide whether this is an exceptional circumstance or not.

(The ecological consultant involved is of the opinion that there is a low likelihood of finding Great Crested Newts due to the nature of the available aquatic and terrestrial habitat. On the information we have, I would be minded to agree with this.)

If this application is to be conditioned we would wish that a planning condition is set that: "Requires completion of the proposed survey work and requires a DEFRA license to be sought in the event that great crested newts are identified within the site."

Crime prevention Design Advisor: Raises no objections to the proposal and welcomes the alterations made to the original submission particularly the reduction to a single access which would improve security of the car parking area.

9. Summary of policies most relevant: Adopted CDLPR:

- H21 - Residential development – general criteria
- E9 - Development affecting sites potentially supporting wildlife species
- E11 - Trees
- E20 - Landscaping schemes
- E26 - Design
- E27 - Community Safety
- T4 - Parking standards

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

10. Officer Opinion: There are no objections in principle to the residential redevelopment of this site. The site is located in a residential area and the site forms part of the spacious residential context of Station Road.

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

As previously developed land it meets the criteria for brown field regeneration advocated in Central Government Guidance in PPG3.

The main planning issues are addressed below.

Siting and Design

The siting of the proposed buildings addresses the relationship of the development to the protected trees around the site. There are no objections to the proposed development on arboricultural grounds.

The two proposed buildings are not identical in design but have similar architectural features which relate to other established buildings in the immediate locality.

On the southern block the proposed front elevations include 3 storey high gables one each end of the block with each front gable end having a two storey bay window extending from ground level. It would have pitched roofs and centralised dormer windows in the front roof plane.

The northern block has a single gable wall at its southern end linked to a hip-ended roof. It has a similar two storey bay on the front elevation.

In my opinion this design detail compares favourably with the scale and architectural form of the existing dwellings at nos. 177 and 179 Station Road and the use of two separate blocks with similar but different details, helps to limit the overall massing impacts of the buildings and avoids an overbearing conformity of design.

Amenity Considerations

The proposed buildings are, in my opinion, well spaced from the existing neighbours at no. 179 and 185A. The northern block would be 7.1 metres from the boundary of no. 185A and 13.1 metres from the house itself. Although extending some 10 metres further back in its plot than number 185a it would not intrude into the 45° zone projected for the nearest habitable room windows of that house. In my opinion this demonstrates that the siting of the proposed building is acceptable in general massing terms. The neighbour at no. 179 is sited approximately 9m from the South boundary of the site and would be about 13 metres from the proposed apartments, in view of that distance, the scale of no. 179 and the aspect of the site, I consider that no objections could be sustained on general massing grounds. In terms of overlooking from the proposed buildings the design includes only secondary windows on the side elevations facing towards

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

established properties and these are to be obscure glazed. The proposed design confines the habitable room windows to the front and rear elevations to avoid unreasonable overlooking into the neighbouring gardens to the North and South. To the rear the depth of the rear garden is about 15.5 metres and it is over 45 metres to the nearest dwelling to the rear.

The space between buildings guidelines that protect residential amenity from massing, overbearance, overlooking, loss of privacy, loss of daylight and loss of outlook, between the established and proposed buildings, are easily met by this proposal. This is not to say that there will be no affect on neighbouring properties through these various impacts, as there inevitably will, but I consider these to be within acceptable limits. Dwellings to the rear will feel overlooked significantly more than at present, and will experience a loss of late afternoon sunshine. Similarly number 185a the property to the immediate north will experience a loss of sunlight and daylight particularly around late morning and early afternoon. This is compounded for this property by the shading that is already experienced from the large trees that are growing in its own garden, some of which are protected by tree preservation order. Although I accept that there would be a cumulative loss of day light and sunlight, I don't believe this would be sufficient grounds to withhold planning permission in this instance.

Highways and Parking

The parking layout at the front of the site provides 1 space per unit and 6 spaces for visitor parking giving 18 in all. This level of provision is acceptable in this case. Sufficient manoeuvring space is available within the site to allow small delivery vehicles to turn within the site. The proposed single vehicular access point, which would be 5.0 meters wide would allow two vehicles to pass side by side and this is considered to be acceptable in highway terms.

Environmental Issues

The objectors raised concerns about the existence of bat roosts in the existing buildings and, in accordance with CDLPR policy E9, the City Council has a duty to address the issue. Separate legislation is also in place to address the issue of bat protection which the agent is fully aware of. On the basis of the submitted bat survey it is concluded that it is unlikely that either of the existing bungalows would support bat roosts. It is, however, recommended that emergence surveys are carried out for both properties and a thorough internal survey is conducted for no. 185 which was not accessible at the time the survey was carried out. The bat survey suggests that the potential for bat

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

roosting should not be considered a major planning constraint in this case. The submitted ecological survey concludes that no nature conservation constraints to the proposed development were observed during the survey period. Both reports have been sent to DWT for their scrutiny. English nature have commented over the possibility that a 1 metre square pond on the site could possibly be being used by great crested newts. Further surveys are to be undertaken as indicated in paragraph 5.5 above to ascertain the current position. Should great crested newts be found, then it is recommended that their protection and a mitigation scheme could be required by a condition on any planning application that may be granted. In the absence of a completed great crested newt survey, it is a matter for the Council to decide whether this case may be considered to be an exceptional circumstance where the completion of the survey and any mitigation strategy may be dealt with by a condition on the planning permission.

I consider that, subject to the protection of any protected species found and subject to any mitigation that may be required for protected wildlife species that may yet be found on site, the proposal would result in a satisfactory form of development that in view of the greater density of dwellings proposed would provide a significantly more efficient use of the site in accordance with Government advice.

11. Recommended decision and summary of reasons:

- 11.1 A. **To authorise** the Assistant Director – Regeneration to negotiate the terms of a Section 106 agreement to achieve the objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.
- B. **To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above Agreement, subject to conditions.
- C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period (24 May 2006), consideration be given, in consultation with the Chair, **to refuse** planning 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 at 9. above and the siting, design, street-scene and massing impact of the proposed development is acceptable in this location.

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

11.3 Conditions

1. Standard condition 27 (materials)
2. Standard condition 20 (approval of landscaping scheme)
3. Standard condition 22 (landscaping within 12 months (condition 2)
4. Standard condition 24A (vegetation – protection incl. overhanging)

5. The parking areas shall be constructed utilising a method of no dig construction as specified in David Brown, Landscape Design's letter dated 5 May 2005.

6. Before any work is commenced full details of the bicycle and waste bin stores shall be submitted and approved in writing with the Local Planning Authority. Those details shall include a no-dig method of construction for these buildings. Any details that may be agreed shall be implemented.

7. Standard condition 51 ...service runs and trees

8. Prior to the commencement of demolition of the two bungalows, a licensed bat worker shall undertake a thorough survey of the buildings. This will comprise external examination of the potential access points / roof voids for the presence of bats or evidence of a roost using an endoscope. A full internal examination of all potential roost sites shall also be undertaken prior to commencing operations. In the event that bat or the evidence of roosts is found, then demolition operations will be delayed and DEFRA licence sought prior to the completion of the operations.

Providing no bats or evidence of a roost is observed during this survey then demolition operations should proceed with the licence bat worker present for the following work:

- removal of the ridge/ hip tiles and roof tiles within one metre of these areas
- removal of roof tiles within 1 metre of soffit boxes
- removal of lead flashing
- removal of fascia boards.

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

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

9. The four-part aquatic survey of the pond in the rear garden area of 181 Station Road, which was commenced on 18 April 2006, shall be completed prior to any works commencing on site. The details of the survey shall be submitted to the Local Planning Authority. If the results of the survey indicate the presence of great crested newts a full scheme of mitigation shall be prepared and a DEFRA licence shall be sought to minimise disturbance to the newts and the habitat. The scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation details that may be approved shall be implemented before works commence on site unless otherwise agreed in writing with the Local Planning Authority.
10. Standard condition 19 (means of enclosure)
11. Standard condition 30 (surfaces to be drained, surface etc)
12. No development shall commence until a scheme including the timing for the provision of surface water drainage works and foul water drainage provision has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing.
13. All windows in the side facing elevations facing towards the north and to the south, in both blocks of apartments shall be obscure glazed and retained as such at all times.
14. The existing unused vehicular access adjacent to 185a Station Road shall be returned to footway specification in accordance with a scheme to be agreed with the Highway Authority. The agreed scheme shall be implemented in its entirety within 6 months of the development, hereby approved, being commenced.

11.4 Reasons

1. Standard reason E14....policies H21/E26
2. Standard reason E14policies H21/E26/E20
3. Standard reason E14....policies H21/E26/E20
4. Standard reason E29....policy E20
5. Standard reason E29....policy E20
6. Standard reason E29....policy E20
7. Standard reason E29....policy E20
8. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with policy E9 of the adopted

B1 APPLICATIONS (cont'd)

6 Code No: DER/206/299

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

9. To ensure that the existence of any great crested newts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with policy E9 of the adopted City of Derby Local Plan Review and the principles of Planning Policy Statement 9 –Nature Conservation.

10. Standard reason E14....policy H21

11. Standard reason E14....policy H21

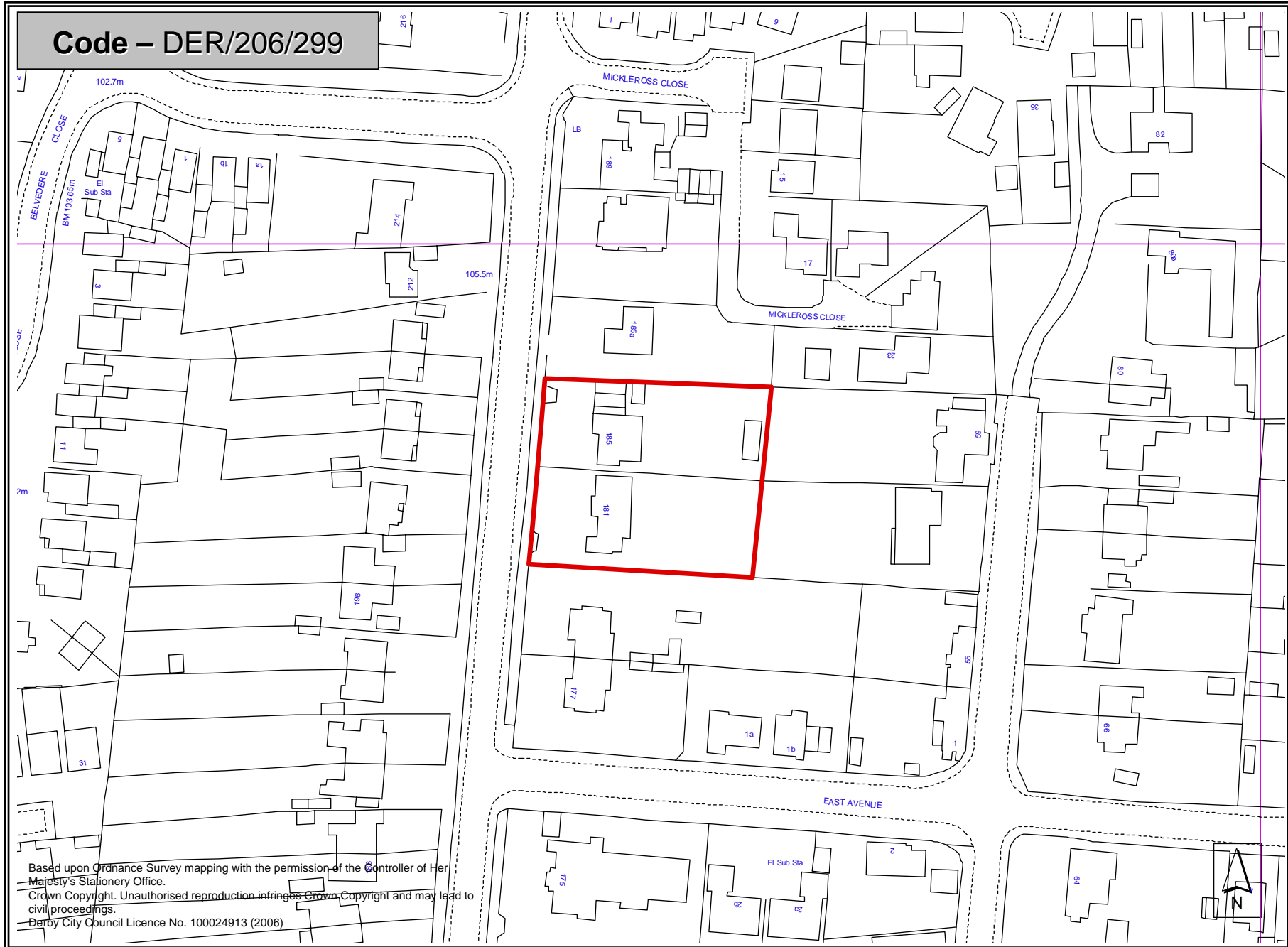
12. Standard reason E21

13. To protect the amenity and privacy of neighbouring occupiers....policy H21

14. In the interests of traffic and pedestrian safety ... policy T4

11.5 S106 requirements where appropriate: Incidental public open space, mobility housing and highways contributions.

Code – DER/206/299



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B1 APPLICATIONS (cont'd)

7 Code No: DER/106/74

Type: Full

1. **Address:** Land at Derby Grammar School for Boys, Rykneld Road, Littleover
2. **Proposal:** Retention of existing temporary art block and changing rooms for a further temporary period of two years and siting of an additional teaching block for a temporary period of two years.
3. **Description and Background:** The Boys Grammar School occupies a Grade 2 listed building which stands in extensive grounds. The school was first founded in the mid 1990s occupying the listed building formerly occupied by a school of nursing. Planning permission was granted for the erection a substantial scheme of additional classrooms, studios, assembly halls, dining halls and gymnasium under planning permission DER/594/662 in 1994. The fledgling school was unable to finance the building of all of these extensions at the outset so applied for permission for the siting of a number of temporary buildings on the site. Permissions have in the past been granted for the siting and use of temporary buildings for the above mentioned uses including the classrooms and changing rooms for which further temporary permissions are now sought. Temporary permission was granted initially for periods of two years, to allow the newly founded school an opportunity to establish itself and to accumulate the finance to build the permanent buildings which had already been granted planning permission in 1994. It is not considered to be acceptable for a permanent permission to be granted for these temporary buildings which, because of their appearance, are considered to be unacceptable in the long term in close proximity to the listed building and in its grounds.

Some of the permanent building extensions were constructed within the 5 year life of the original permission and thus the permission for all of the permanent buildings, even those that are not yet constructed, is protected in perpetuity.

This current proposal is to retain two temporary buildings for a further period these include a changing rooms and a teaching block currently used as an arts block. The temporary changing rooms were first approved in May 1997 for an initial period of 2 years. The arts block was first granted permission as a temporary assembly hall in February 2000 also for a period of two years.

It also proposed to erect a further temporary building 7 metres long by 5.5 metre wide and 3.3 metres high as an additional teaching block. The new teaching block would be sited under the canopy of a substantial oak tree and to slightly lesser extent beneath the canopy of a beech tree both of which are protected by tree preservation order. It

B1 APPLICATIONS (cont'd)

7 Code No: DER/106/74

would be about 11 metres from the boundary of the site beyond which are dwellings at 3 and 4 Cox Green Court. The proposed new building would have a small window in each end elevation and a door and two windows in its front elevation, a blank elevation would face towards the nearby houses. It would have cream coloured textured finish.

4. Relevant Planning History:

DER/397/297 - (Listed building consent) Erection of portable building for temporary period to provide accommodation for changing room showers and WC's. Granted conditionally May 1997.

DER/397/298 - Erection of a portable building for temporary period to provide accommodation for changing rooms, showers and WCs. Granted conditionally May 1997. Removal required by 31 August 1999.

DER/697/679 - (Listed building consent). Construction of temporary playground and erection of 3m high fence. Granted July 1997.

DER/697/685 - (Full planning permission) Construction of playground and erection of 3 metre high fence. Granted conditionally July 1997.

DER/699/656 - (Full planning permission) Erection of a portable building for temporary period to provide accommodation for changing rooms, showers and WCs (renewal of permission for a further two years). Granted conditionally July 1999. Removal required by 31 August 2001.

DER/699/657 - (Listed building consent) Erection of a portable building for temporary period to provide accommodation for changing rooms, showers and wc's (renewal of permission for a further two years). Granted conditionally July 1999. Removal required by 31 August 2001.

DER/699/672 - (Full Planning permission). Siting of a temporary building for use as a dining room. Granted conditionally July 1999.

DER/699/685 - (Listed building consent). Siting of a temporary building for use as a dining room. Granted conditionally 30 July 1999.

DER 100/5 - Erection of a temporary building for use as assembly hall (now serving as the arts block). Granted conditionally February 2002.

DER/100/6 - (Listed building consent) Erection of a temporary building for use as assembly hall (now serving as the arts block). Granted conditionally February 2002.

B1 APPLICATIONS (cont'd)

7 Code No: DER/106/74

DER/1101/1475 - Relocation of temporary accommodation to allow construction work for new school hall to take place. Granted conditionally December 2001.

DER/1101/1476 - (Listed building consent.) Relocation of temporary accommodation to allow construction work for new school hall to take place. Granted conditionally December 2001.

DER/202/188 - (Full planning permission) Erection of a temporary building for use as an assembly hall (renewal of permission). Granted conditionally May 2002.

DER/302/351 - (Listed building consent) Retention of temporary building.

DER/802/1190 - (Full planning permission) Retention of temporary playground and 3 metre high fence. Granted conditionally October 2002.

DER/802/1191 - (Listed building consent) Retention of temporary playground and 3 metre high fence. Granted conditionally October 2002.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The temporary buildings, both those existing and those proposed, are all of a functional appearance and cannot be considered acceptable for long term retention in close proximity to or the grounds of the Listed Building.

5.3 Highways: Raise no objections to the retention of facilities, but requests the submission of a Travel Plan is requested.

5.4 Disabled People's Access: If permitted the new temporary building would need to be made accessible to disabled people.

5.5 Other Environmental: The siting of the new temporary building would be beneath the canopy of two trees protected by tree preservation order and would involve disturbance to the rooting area of these trees.

B1 APPLICATIONS (cont'd)

7 Code No: DER/106/74

6. Publicity:

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

7. Representations: Four letters of objection have been received.
... Copies are reproduced. In summary the grounds for objection are:

- to felling of trees
- to the effect on views from neighbouring residential properties
- concerns over affect on wild life
- loss of privacy
- increased noise
- detriment to the visual appearance of the area
- affect on property values. (This is not a valid planning consideration).

8. Consultations:

DCC Archaeologist - the proposed development does fall within an area that retains some archaeological interest. Although the present proposal will require some construction work that will entail ground disturbance for new foundations/services the disturbance is likely to be very limited in depth and area. Any such disturbances are unlikely to expose or damage the buried archaeological evidence that probably survives in the area. On this basis he is satisfied that the works proposed will not pose a threat to the archaeological interest.

CAAC - raised no objections although the committee noted with concern the numerous requests for the renewal of the temporary planning permissions at this site and considered that in future, these should only be considered within the context of a long term development plan/business plan for the school.

Arboricultural Officer - recommends refusal on the grounds of disturbance of the tree's rooting environment.

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

- E22 - Listed buildings and Buildings of Local Importance
- E24 - Archaeology
- E26 - Design

B1 APPLICATIONS (cont'd)

7 Code No: DER/106/74

E11 - Trees

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

- 10. Officer Opinion:** The proposal to retain the existing temporary buildings for a further short period is in my opinion not particularly contentious. The very functional appearance of the temporary buildings and the visual impact of this on the setting of the listed building have been considered in the past. The imposition of temporary permission conditions on the previous applications were in recognition that the buildings were not acceptable for long term retention as they detrimentally affect the setting of the Listed Building. Committee may wish to consider how much longer a temporary building should be allowed to remain on site and advise the school authorities accordingly.

Extant planning permissions already exist for the erection of a permanent two storey teaching block to replace the temporary arts block and also for a permanent sports hall and changing rooms to replace the temporary buildings fulfilling that function. It is hoped that these will be built in the not too distant future but there is no indication from the school exactly when this will be. I raise no objections to the continued retention of the existing temporary buildings for a further two years but would seek guidance from committee as to how much longer the temporary buildings should be allowed to remain.

With regard to the proposed new temporary classroom I do have some concerns. The siting is immediately under the canopy of two trees protected by tree preservation order. The proposal would need some ground works including the digging and casting of pad foundations. Although there are no details of the precise position and extent of these ground works I consider that they would be detrimental to the long term survival of the trees. This view is supported by the Council's Arboricultural Officer.

I have taken into consideration the grounds for objection from the neighbouring residents with regard to the proposed new temporary building and with regard to the retention of the existing temporary buildings.

I do not consider that there would be any significant loss of amenity to neighbouring properties though noise, loss of privacy, or loss of outlook or to loss of wildlife were the existing temporary building to be retained for a further period.

B1 APPLICATIONS (cont'd)

7 Code No: DER/106/74

11. Recommended decision and summary of reasons:

11.1 A. Recommend that a split decision be issued in this case **to grant** planning permission for a further two years for the existing temporary buildings but with a condition excluding the proposed new temporary building from the permission.

B. A letter be sent to the school authorities, advising them that the Council would be reluctant to grant consent for a further period for the existing temporary buildings or for any new temporary buildings unless there is a clear indication of when the permanent buildings are intended to be built and that that is within the foreseeable future.

11.2 Summary of reasons: The proposals have been considered against the City of Derby Local Plan Review policies as summarised at 9 above and it is considered that the retention of the existing temporary buildings for a further two years would be acceptable but the siting of the new temporary building would not be acceptable as it would prejudice the survival of two trees protected by tree preservation order.

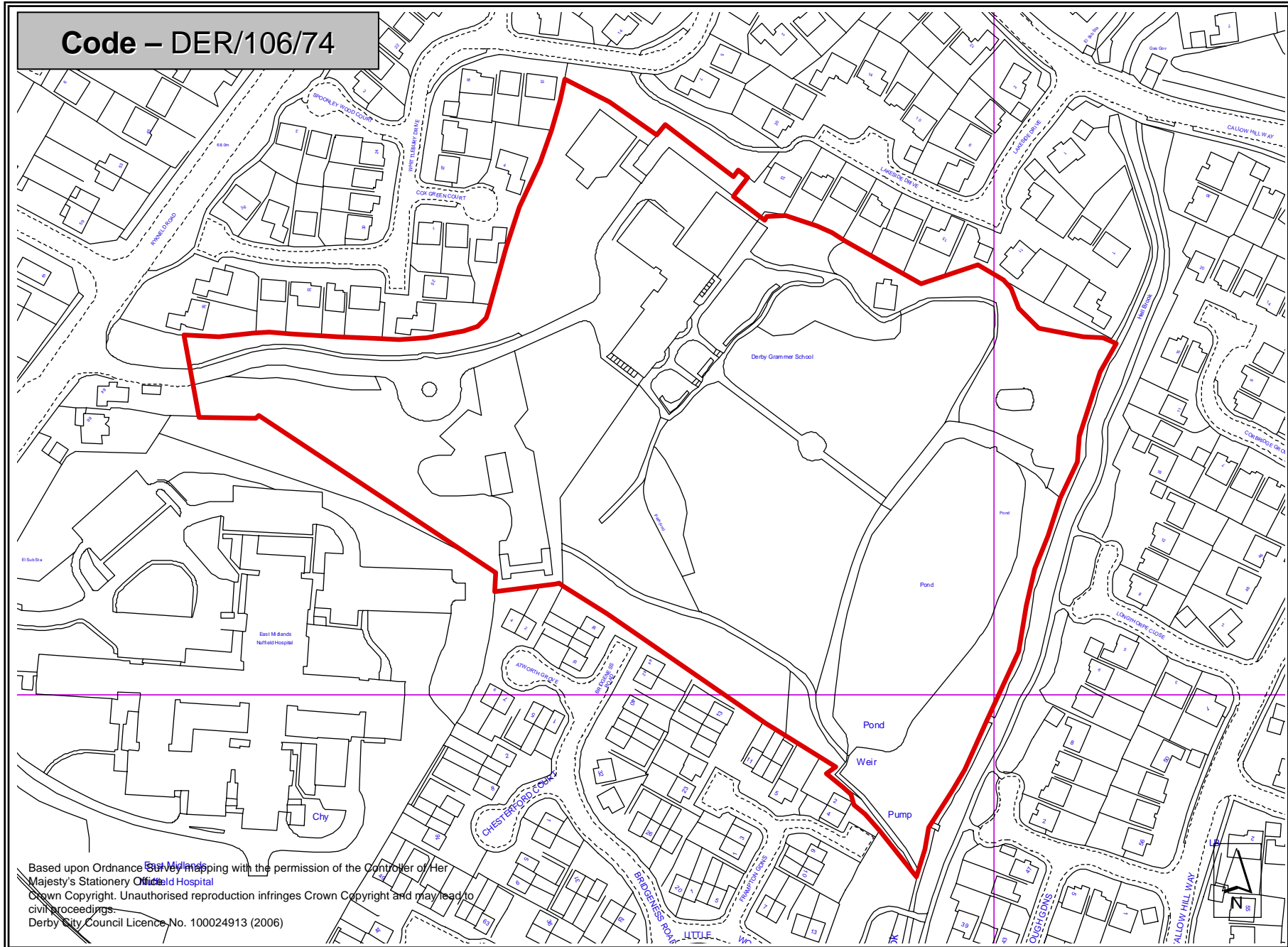
11.3 Conditions

1. Planning permission is specifically excluded for the proposed new temporary building intended to provide additional teaching space.
2. Planning permission is granted for the retention of the two existing temporary buildings comprising the changing rooms and the arts block, for a further period of two years. The buildings hereby permitted shall be removed on 11 May 2008 unless prior to that date the Council has, on an application made to it for that purpose approved the retention of the buildings for a further period.

11.4 Reasons

1. The siting of the building under the canopy of neighbouring protected trees, over the rooting area of those trees, and the ground works that would be required to accommodate the building , would be detrimental to the health, welfare and future survival of those trees. The proposal would accordingly be contrary to adopted City of Derby Local Plan Policy E11.
2. The buildings are a temporary expedient to meet a short term need and are unsuitable for permanent retention in the grounds of this Grade II listed building. CDLPR Policy E22.

Code – DER/106/74



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B1 APPLICATIONS (cont'd)**8 Code No:** DER/106/176**Type:** Full

1. **Address:** 135 City Road
2. **Proposal:** Extension to dwelling house (alteration to roof)
3. **Description:** Planning permission is sought for the raising the roof height by 220mm and re-tiling the property with the existing slates. The property is a mid-terraced property within the Little Chester Conservation area. The proposed ridge height would match that of the terrace property to the south and would be 220mm higher than the property to the north. The existing roof is apparently in a poor state of repair and leaks in places. Renewing the roof covering, raising its height would allow the roof space to be better utilised.
4. **Relevant Planning History:** DER/1199/1367 – Article 4 Direction – Replacement of windows and doors to front elevation of dwelling house, granted March 2000.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The design would match that of the adjoining property to the south.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** None.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

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

7. **Representations:** None received.
8. **Consultations:**

CAAC – object and recommend refusal on the grounds that the proposed alterations at eaves level would erode the subtle differences in the constitution of this terrace of dwellings that is an intrinsic part of the character of the Conservation Area. In the absence of any

B1 APPLICATIONS (cont'd)

8 Code No: DER/106/176

justification for the proposed alterations or potential benefits, it was felt that the loss of character to the Conservation was unjustified and in the further absence of appropriate detailing on the submitted plan, it was not apparent how the new eaves would be created and how it would relate to its neighbours.

9. Summary of policies most relevant: CDLP policy:

E21 – Conservation Areas.

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

- 10. Officer Opinion:** The proposed change would have a minimal impact on the appearance of the property and conservation area. The proposal would mean that the ridge height would match that of one adjacent property and would be slightly higher than the other adjacent neighbour, which appears to be a characteristic of these terraced properties. I do not consider a refusal on the basis that it would have a significant impact on the character of the street and conservation area would be sustained at appeal. The justification of a proposal of this nature is not relevant and in this case is not a planning concern. However, the slight increase in height would enable the roof space to be better utilised.

I conclude that the proposal would not have an adverse impact on the appearance of the property or row of terraces as a whole. The proposal therefore accords with policy E21 of the Adopted City of Derby Local Plan Review 2006.

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 City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to significantly impact upon the appearance and character of the property and Conservation Area.

11.3 Conditions

1. Standard condition 27 (materials)
2. Prior to development commencing further detailed plans at a Scale of 1:20 or 1:10 to demonstrate how the brickwork is to be vertically extended and how the new eaves details are to be formed shall be

B1 APPLICATIONS (cont'd)

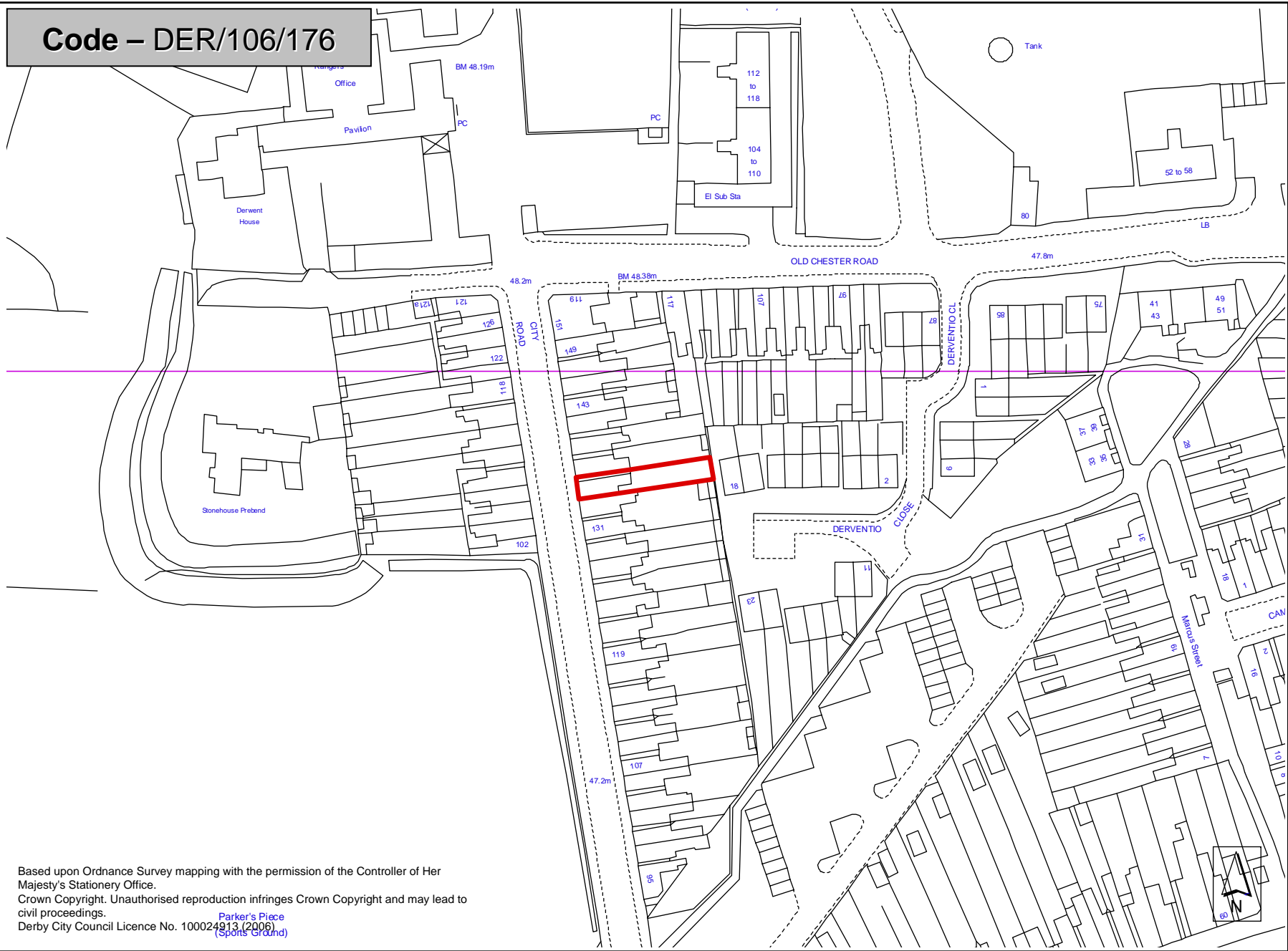
8 Code No: DER/106/176

submitted to and approved in writing by the Local Planning Authority. Any approved details shall be implemented in their entirety.

11.4 Reasons

1. Standard reason E14....policy E21
2. In the interests of visual amenity in this Conservation Area location
... policy E21

Code – DER/106/176



B1 APPLICATIONS (cont'd)

9 Code No: DER/206/354

Type: Full

1. **Address:** Site of 34-36 Brook Street, Derwent Crystal Factory, Little Bridge Street and Carlier Garage, Bridge Street
2. **Proposal:** Erection of 28 apartments and car parking
3. **Description:** Members may recall that in August 2005, the Committee resolved to grant planning permission for the erection of 24 apartments on this corner site. Permission is now being sought for 28 apartments, an additional four, one bedroomed apartments being proposed within the roof space of the previously approved building.

The previous approval granted permission for one building on this site, broadly L-shaped in footprint with frontages to Bridge Street and Little Bridge Street. It ranged between three and five storey in height with the three storey section fronting Bridge Street, the four storey on the corner and fronting Little Bridge Street and the five storey element at the southern end of the site nearest to Little Bridge Street. The footprint and overall design of the building proposed in this application remains the same. As in the previous approval, traditional windows are proposed throughout the building with some balconies on the Little Bridge Street frontage. Work on the previous permission is well underway. Both front and rear elevations of the building would accommodate entrance doors and the building would be of a hipped and pitched roof design, faced in brickwork with roof slates. Changes to the roof of the building are all that differs from the previous approval which are needed in order to accommodate the four additional apartments within the roof space. Those changes include an increase in the overall height of the building by approximately 0.6m and the incorporation of a gable, instead of a hip on the three storey section of the building fronting Bridge Street. Rooflights are also proposed within the buildings roof slope on both the front and rear elevations.

Vehicular access to the site would remain unchanged from the previous approval and would be from Brook Street. 24 car parking spaces are proposed to be provided in a courtyard at the rear of the building.

To the south and west of the site fronting Bridge Street and Little Bridge Street are commercial and industrial premises, while on the opposite side of Bridge Street are University halls of residence. On the opposite side of Brook Street is a four storey apartment development, while to the south east of the site is an extensive builder's yard. On the corner of Brook Street and Bridge Street are two public houses that abut the application site.

4. **Relevant Planning History:** DER/605/949 – Erection of 24 apartments – Granted 27 September 2005.

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/354

5. Implications of Proposal:

5.1 **Economic:** Development of this site involves the loss of industrial premises.

5.2 **Design and Community Safety:** The previous approval for development on this site has firmly established the principle of a building up to five storeys high in this location. This application proposes a building approximately 0.6m higher. In my opinion, such an increase is not excessive and I do not consider a building of this height to be out of character in this location. Although the addition of roof lights will offer the building additional clutter, I am satisfied that they would not compromise the overall design and external appearance of the building.

I do not consider that there are any community safety implications to address in association with this proposal.

5.3 **Highways:** No objection in principle. The proposed parking provision is acceptable. Further details are required of cycle and motorcycle parking facilities and refuse facilities. A contribution to highway works will be sought in a Section 106 Agreement.

5.4 **Disabled People's Access:** Three mobility apartments would be secured by a section 106 agreement. The building regulations will deliver a degree of accessibility to the apartments. It is disappointing that a five storey development does not have lift access.

5.5 **Other Environmental:** None.

6. Publicity:

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

7. **Representations:** I have received only one letter of comment in response to this planning application with no objections raised.

8. Consultations:

DCorpS (Health) – the developers will need to submit a site investigation report which identifies any potential contamination on site.

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/354

If it is found that contamination exists on the site, a remediation report and validation statement will need to be submitted to and approved in writing by the City Council prior to any development commencing.

DCC - (Archaeologist) – in response to the previous application on this site, it was recommended that a programme of archaeological works be undertaken and submitted. This was required by condition of the planning permission that was issued. I am aware that a brief for the work was issued and some fieldwork undertaken in accordance with an agreed method statement.

DWT- to be reported.

EA – requested that the developers provide additional information to ascertain whether the remedial strategy that the developers have put forward, is adequate enough to prevent the development from posing a significant risk to controlled waters. Although the site is in a relatively low sensitivity area, it is very close to Markeaton Brook which may have the potential to be impacted by any significant contamination present on site. The applicants have submitted further information to the Environment Agency whose views on that additional information will be reported to Members at the meeting.

9. Summary of policies most relevant: CDLPR policies:

- ST12 - Amenity
- STx2 - Flood protection
- R7 - Markeaton Brook Mixed Use Area
- H19 - Affordable housing
- H20 - Lifetime homes
- H21 - Residential development – general criteria
- E12 - Renewable energy
- E15 - Contaminated land
- E26 - Design
- E27 - Community safety
- L3 - Public open space standards
- L4 - Public open space requirements in new development
- 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.

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/354

- 10. Officer Opinion:** The principle of residential development on this site is in accordance with Local Plan policy R7 and has been firmly established by the recent grant of planning permission for 24 apartments upon it.

Adding another four apartments to the scheme would offer minor alterations to the external appearance of the building from that previously approved but I consider that the scale and nature of the development would continue to relate well to the surrounding mixed pattern of uses in the area. In my opinion, the changes proposed to the roof of the building and the insertion of rooflights into the roofslope, would in no way compromise the positive contribution that a building of this design would offer to this street context. I am also satisfied that these changes should not offer harm to the amenities enjoyed by nearby residents.

Although this application proposes an additional four apartments to what has been approved previously, no additional parking provision is proposed. The applicant has advised that the 24 parking spaces proposed in the courtyard, would be made available for the twenty four two bedroomed units with no off street parking provision being provided for the four one bedroomed units. This is acceptable given the sites City Centre location and close links to good public transport routes and no objections to the proposed access to the site or level of parking provision on site are raised from a Highways point of view. Further details relating to the provision of cycle and motorcycle parking on site can be secured by condition of planning permission.

A development of this size and type gives rise to a requirement for public open space and affordable housing units. As these cannot be accommodated on site, contributions would be secured through the Section 106 Agreement as would contributions to highway and Markeaton Brook improvements.

Overall, I am satisfied that the design and layout of the development demonstrates that the site can provide a satisfactory living environment for 28 apartments with sufficient parking provision, without detriment being caused to the amenity of neighbouring properties and the area generally. Subject to the satisfactory conclusion of a Section 106 Agreement, I consider the scheme offers an attractive development for this site.

- 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

B1 APPLICATIONS (cont'd)

9 Code No: DER/206/354

objectives set out in 11.5 below and **to authorise** the Director of Corporate Services to enter into such an agreement.

- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission, on the conclusion of the above agreement, with conditions.
- C.** If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (2 June 2006), consideration be given, in consultation with the Chair, **to refusing** the application.

11.2 Summary of reasons: The proposal has been considered against the provisions of the City of Derby Local Plan Review -2006 and all other material considerations as indicated in 9. above and is an acceptable form of development, in siting, design, residential amenity and highway terms.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 30 (hard surfacing)
3. Standard condition 19 (means of enclosure)
4. Standard condition 99 (recycling)
5. Standard condition 20 (landscaping)
6. Standard condition 22 (landscape maintenance)
7. The development shall not be occupied until cycle and motorcycle parking have been provided in accordance with the details to be submitted to and approved in writing by the Local Planning Authority before development commences.
8. Disabled people's parking spaces shall be provided before the development is occupied, in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.
9. No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing.

11.4 Reasons

1. Standard reason E14...policy E26
2. Standard reason E18...policy H21

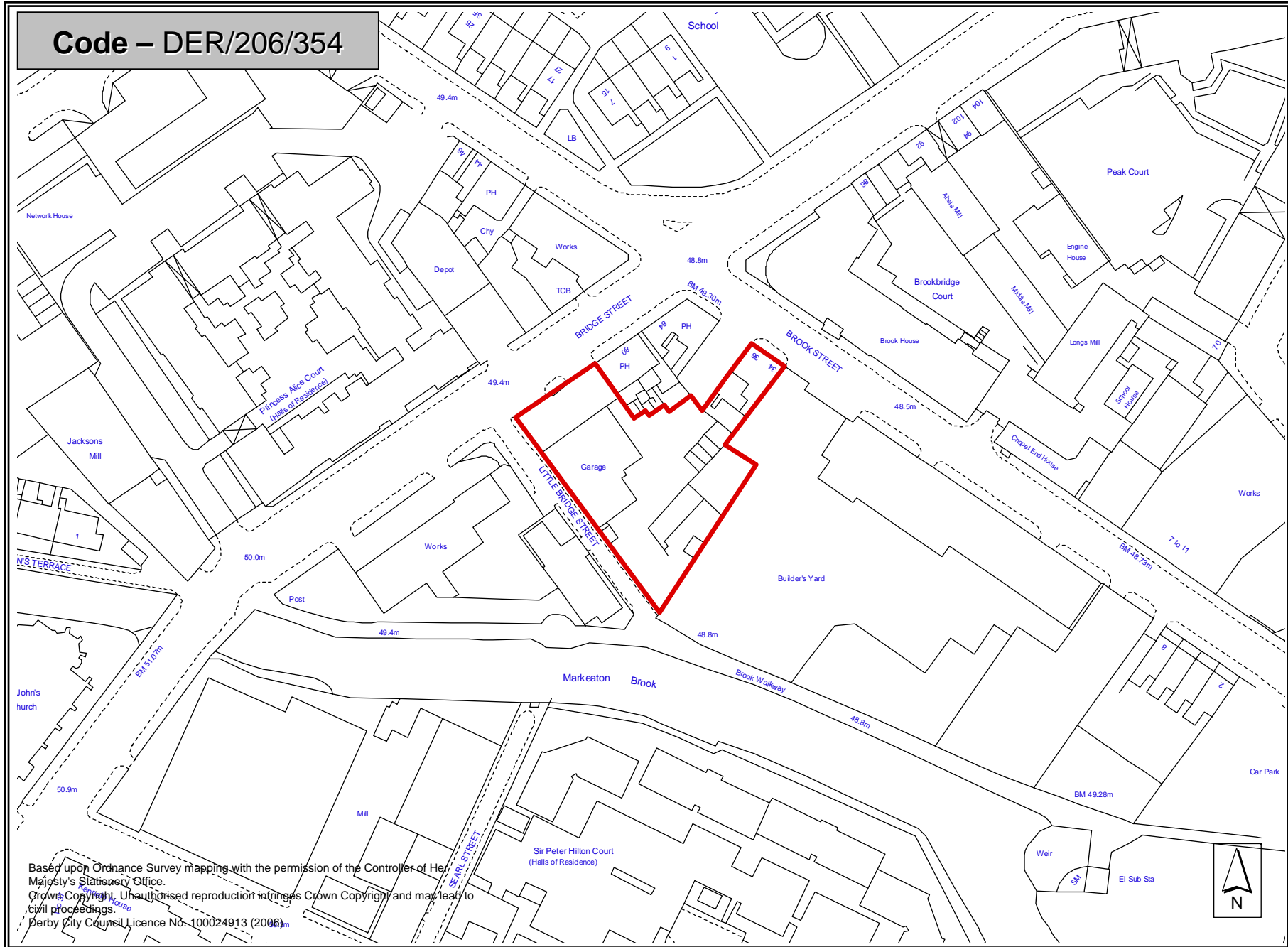
B1 APPLICATIONS (cont'd)

9 Code No: DER/206/354

3. Standard reason E18...policy H21
4. Standard reason E48...policy H21
5. Standard reason E18...policy H21
6. Standard reason E18...policy H21
7. Standard reason E35...policy T7
8. Standard reason E34...policy T4
9. Standard reason E21...policy H21

11.5 S106 requirements where appropriate: Affordable housing contribution, mobility housing, public open space, highway works and improvements to Markeaton Brook.

Code – DER/206/354



B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

Type: Full

1. **Address:** Site of the former Baseball Ground and adjoining land, Shaftesbury Crescent.
2. **Proposal:** Erection of 147 dwelling houses, garages, formation of public open space and ancillary works.
3. **Description:** Full planning permission is sought to redevelop this site for residential purposes with associated on-site open space provision. The site covers an area of approximately 6.1ha and it constitutes the site of the former Baseball Ground and vacant land which includes the cleared areas of Shaftesbury Crescent, Vulcan Street and Harrington Street. The Baseball Ground was demolished in December 2003. The site has an irregular form and it bounds the existing terraced properties on Holcombe Street and Reeves Road. The north-east site boundary abuts Shaftesbury Park and the east site boundary adjoins the various commercial properties which are accessed from Shaftesbury Street, Cottonbrook Road and Harrington Street.

The proposed development of this site is the result of extensive pre-application discussions between the developer, project consultants and the City Council. The proposed development of the site has also been open to public consultation in view of the recognised historical importance of the former Baseball Ground. The planning application is accompanied by a Masterplan and Design Statement which provides a comprehensive appraisal of the site and the proposed development. The Masterplan includes information such as an historical appraisal of the site, an assessment of the logistics of the site and an assessment of the socio-economic composition of the surrounding populace. The Masterplan centres on the design philosophy of the proposed development with reference to the proposed urban design solution, the chosen architecture, the subordination of the private car within the overall layout and the importance of ease of movement and open space provision. I would recommend that Member's refer to this document for an understanding of the methodology behind the proposed development.

It is important to note that the original Masterplan layout for the site, which is included with the architectural details of the application, differs slightly from the submitted layout plan. The proposed development includes the following components:

- Vehicle access into the site would be provided from Cambridge Street and the realigned arm of Shaftesbury Crescent off Holcombe Street. Harrington Street would only serve the proposed dwellings on its west side and the existing commercial properties opposite. A new turning head would be provided on Harrington Street to

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

improve vehicle manoeuvring and access. Pedestrian and cycle access would be provided from Harrington Street into the site. The proposed dwellings on Harrington Street would be served by individual rear parking areas which would be accessed through connecting 'bridge units'. The use of rear parking areas is a consistent feature of the overall development to ensure that cars are not dominant features on street frontages. Limited on-street parking is provided on Harrington Street within built-out parking bays. Pedestrian and cycle access into the site would be provided from the head of Colombo Street.

- The focal point of the proposed development is provided by a central core of public open space. The individual accesses from the four corners of the site would feed into this central core and a mix of terraced dwellings would be formally arranged around it on all sides. The proposed open space has been informally titled 'Vulcan Square' and the proposed development at the four corners would accommodate 3 storey apartment blocks. The proposed development overlooking Vulcan Square would accommodate dominant 3/3.5 storey dwellings in the central parts of the individual frontages. The use of Vulcan Square would be governed by 'home zone' principles with shared pedestrian and vehicle surfaces existing at footway level.
- The north part of the site would accommodate open space between the proposed development and the boundary with Shaftesbury Park. The proposed open space has been informally titled 'Baseball Square' and this area would accommodate a piece of public art on the site of the former north-west floodlight tower. The piece of public art has yet to be commissioned and I understand that it will be open to public consultation. Access across the bottom edge of Baseball Square is provided to link the arms of development on opposing sides of the site.
- The proposed development includes a mix of terraced dwellings ranging from 2.5 to 3.5 storeys and 2/3 storey apartments and bridge units. A single 2 storey dwelling is included. The proposed dwellings would have relatively narrow frontages and, therefore, the overall development would have a fine urban 'grain'. The proposed dwellings would have varying roof heights and pitches to provide interest and distinctiveness in the street frontages. The proposed scheme includes 92 dwellings which would individually accommodate a minimum of 3 bedrooms. The Masterplan indicates that the provision of large dwellings is partly aimed at the surrounding population which would benefit from an increased supply of family housing.

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

- Car parking is generally provided to the rear of the proposed dwellings/apartments in parking courts. These courts are secure and spaces would be allocated to individual dwellings. The proposed courts are intended to serve between 6-8 properties.

Generally 1 parking space is provided per dwelling although in some locations larger properties are provided with an additional space. There are only 6 dwellings in the proposed scheme which would include integral garages.

- The proposed development is accompanied by a landscape plan and the details of this plan are addressed in section 5.5.

4. Relevant Planning History: None of any relevance.

5. Implications of Proposal:

5.1 Economic: The proposed development would regenerate this site in a socially disadvantaged part of the city.

5.2 Design and Community Safety: The Police has stated that, with regard to on-site security and surveillance measures, the layout is one of the best seen in Derby. The Police has also indicated that the developer will be encouraged to include physical security standards to enhance the overall quality of the layout. This would include using features such as robust steel lockable gates in the layout. The comments of Derby Cityscape are included in section 8.

5.3 Highways: A number of issues have been raised during the assessment of the on-site highways requirements for this development which should be resolved before the meeting. With regard to traffic generation issues, my officers are in dialogue with the developer's transport consultants to address details relating to the impact of the proposed development on the surrounding highway network. This work includes remodelling the assessment of the Douglas Street/Osmaston Road junction and clarification of the queues at the Portland Street/St Thomas Road junction. I expect that the information will have been resubmitted and assessed before the meeting.

5.4 Disabled People's Access: The proposed development does not include any bungalows which is unfortunate in view of certain needs of the local population identified in the Masterplan. 15 dwellings are required to be designed to mobility standards and this would be addressed in a S106 Agreement. The remainder of the proposed

B1 **APPLICATIONS** (cont'd)

10 **Code No:** DER/206/244

dwellings would have a degree of accessibility through compliance with the Building Regulations.

5.5 Other Environmental: The Director of Corporate Services (Health) has raised no over-riding health/trading standards objections to the grant of planning permission for the proposed development. However, concerns are expressed about the location of the site due to levels of noise and odour from the industrial units on Harrington Street. The site is also on land indicated as being potentially contaminated. I have raised the former issue directly with the developer with particular regard to the juxtaposition of the 'Meat Centre' on Harrington Street to the proposed apartments located to the side and the proposed dwellings located opposite. The developer has agreed to commission a noise survey for this part of the proposed development in line with parameters laid down by my colleagues in the Environmental Services division. The developer also agreed to reassess building details such as the need for triple glazing and improved ventilation for the apartments/dwellings which would be located closest to the Meat Centre. The issue of land contaminants can be addressed by condition. The City Council normally applies such conditions on brownfield sites.

The proposed development would involve the loss of trees on-site. However, the proposed development would include substantial tree planting and the landscape plan includes details such as the use of standard trees in locations where immediate visual interest is required. The Masterplan indicates that none of the trees on site are older than 30 years and the timing of the felling work would be undertaken to accord with separate legislation in the Wildlife & Countryside Act (1981) and the Countryside & Rights of Way Act (2000). It is regrettable that tree loss would form part of the initial development but, in the long term, trees and prominent open spaces would form an integral part of the overall development.

I am advised that adequate sewerage to accommodate surface water drainage is not available. SUDS (Sustainable Urban Drainage Systems) should be the first priority in this case and this is an important issue that is supported by the Environment Agency.

6. **Publicity:**

Neighbour Notification letter	103	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

7. Representations: 1 letters of objection and 3 letters of comment have been received. Copies of the letters are reproduced for Member's attention. The objections principally surround the impact of the proposed development on the activities of the existing businesses on Harrington Street and Shaftesbury Street. (I expect that the requested noise survey will provide the required information about levels of existing noise in the area and the potential impact on the proposed development.) Comments are also expressed about the potential loss of on-street parking for existing residents are Shaftesbury Crescent.

8. Consultations:

DCS (Health) – refer to section 5.5.

DCS (Housing) – to be reported.

EA – raises objections to the proposed development on the grounds that the 'application may present a significant flood risk from the generation of surface water run-off but is not accompanied by a flood risk assessment as required by PPG 25'. The agent is aware of this issue and the drainage consultant for the proposed development will liaise with the EA to address the SUDS options in this case.

Police – refer to section 5.2.

Derby Cityscape – state...'considerable work appears to have gone into the Masterplan and layout for this major residential development but the detailed design of the homes needs to be improved to achieve a coherent sense of place'.

STW – recommends the inclusion of a standard condition to address the drainage details to serve the proposed development.

9. Summary of policies most relevant:

The most relevant policies of the adopted CDLPR are:

- STx2 - Flood Protection
- ST6 - Social Inclusion
- ST9 - Design and the Urban Environment
- ST10 - Protection of the Environment
- ST12 - Amenity
- R1 - Regeneration Priorities
- R5 - Baseball Ground
- H1 - City Centre and Mixed Use Regeneration Sites
- H19 - Affordable Housing
- H20 - Lifetime Homes

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

- H21 - Residential Development – General Criteria
- E12 - Renewable Energy
- E13 - Recycling Facilities
- E15 - Contaminated land
- E20 - Landscaping Schemes
- E26 - Design
- E27 - Community Safety

- E30 - Environmental Art
- L3 - Public Open Space Standards
- L4 - Public Open Space Requirements in New Development
- T4 - Access, Parking and Servicing
- T6 - Provision for Pedestrians
- T7 - Provision for Cyclists
- T8 - Provision for Public Transport
- T10 - Access for Disabled People

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

- 10. Officer Opinion:** The issues associated with the proposed development are:

Policy

The former Baseball Ground is identified as a major mixed use regeneration opportunity by policy R5. The policy requires that any scheme should include a minimum of 150 dwellings, a target of 30% affordable housing and an additional 25% incidental public open space is provided over and above the usual standards.

The principle of the proposal is in accordance with policy and government guidance in PPG3. Therefore, the main concerns in this case will be regarding details of the proposal. Policy R5 refers to a minimum of 150 dwellings and the proposal is for 147 dwellings. The original total for the proposal was 149 dwellings but 2 units were lost to accommodate the turning head on Harrington Street. The proposed number of units is, therefore, fractionally below the target level in policy R5. However, the original dwelling numbers were reduced to accommodate highways improvements to the layout and I consider that the small reduction in numbers does not have any profound effect on the intentions of policy R5. The density of the proposed development equates to approximately 24 dwellings per ha. This falls short of the brownfield site thresholds in PPG 3 and policy H21 but I consider that

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

the specific requirements of policy R5, which requires greater open space provision, assume priority in this case.

I am advised that the proposed development would accommodate a total of 20% affordable housing provision in the form of rented and shared ownership accommodation. This provision would be secured through a S106 Agreement and it falls short of the required 30% total in policy R5. Members need to be satisfied that the proposed total is acceptable in this part of the city. The proposed development would also provide an area of 6405 sq m for public open space. The required open space provision, using the open space calculations adopted by the City Council in 1998 and including the additional 25% required by policy R5, is approximately 6431 sq m. I am satisfied with the level of public open space provided in the proposed development particularly as the areas provided would be cohesively linked and centred on home zone principles. The Masterplan also devotes particular attention to the use of the proposed open space and the ideas for Vulcan Square centre on the selection of materials, vegetation and geometry for maximising the public use of the space.

Recycling facilities and public art are proposed as part of the development. The Masterplan indicates that, in the short term, recycling facilities would be located in the car park of the Shaftesbury Centre. I have requested information about areas on-site for such provision should the Shaftesbury Centre car park become unavailable. The issue of public art is an important component of the proposed development and a site is allocated for a monument to commemorate the history of the area. The provision and timing of the public art feature could be secured in the required s106 Agreement.

Design Philosophy & Layout

The Masterplan for the proposed development concentrates on the urban design and public open space principles that have guided the formulation of the scheme. The Masterplan states that development satisfies the main principles, which are:

- The proposed development is composed of a coherent and legible pattern of blocks, plots and streets.
- The proposed development forms a clear boundary between the public realm and private space by creating continuous terraces of development built to a consistent building line.
- The proposed development provides a fine grain with plots generally 5m in width.

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

- The proposed development locates all primary frontages so that they are accessed from the street.
- The proposed development provides active frontages – entrances and habitable rooms – lining all public routes and spaces.
- The proposed development ensures that, with gable ends, windows and doors ensure that active frontages are provided.
- The proposed development minimises visual intrusion of car parking by locating much of it within parking courts which are internal to the block.
- The proposed development provides access to car parking courts through terraces so that the continuous built form of the terrace is maintained. Courts provide car parking for 6 to 8 properties and are secured by lockable gates.
- The proposed development only includes a limited number of dwellings with integral garages in chosen locations. For example, a number of these dwellings overlook Baseball Square to ensure that active frontages are maintained in the main public part of the layout.
- The proposed development provides access to rear gardens either from car parking courts or via alleyways at ground floor level through the terrace of properties. The proposed alleyways are secured by lockable gates.

The on-site security components of the layout have received praise from the Architectural Liaison Officer of the Police. The proposed layout of the development has been designed to accord with the former residential space standards of the City Council which were included in the Deposit CDLP (1994). For example, these standards require a minimum distance of approximately 21m to be achieved between facing habitable room elevations of residential dwellings. A distance of approximately 10m should be achieved between blank and secondary elevations of facing dwellings. The main 21m distance is, from my calculations, generally achieved between the facing elevations of the dwellings on-site and with neighbouring dwellings. For example, the 21m distance is exceeded between the proposed development and the existing dwellings on Reeves Road and I am satisfied that overlooking from the proposed development would not unduly impact on the amenities of existing residents. The layout does have a small number of anomalies and these include the distances between the 'flats over garage' blocks to the rear of the proposed development on Harrington

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

Street. However, the facing distances between these blocks is approximately 19m and I am satisfied that such anomalies do not render the proposed layout unacceptable in siting or overlooking terms. It is important to note that the former space standards of the Council do not distinguish between 2 storey developments and higher levels of development. My officers are currently working on a Supplementary Planning Document to address the contemporary issues associated

with increased development densities, unconventional building forms and building heights on brownfield sites such as this. However, at present, the former space standards prevail. Derby Cityscape has recommended that the proposed elevation details be improved to provide a 'more coherent sense of place'. The proposed development includes dwellings with a strong vertical emphasis and, in my opinion, the submitted scheme is acceptable in terms of layout, scale and design detail. I consider that, in the absence of amendments in line with the comments of Derby Cityscape, the application is not worthy of refusal on design grounds. Overall I am satisfied that the proposed development accords with the strategic aspirations of policy ST9 which seeks to create 'high quality urban design' as a catalyst for achieving an 'urban renaissance'.

Traffic & Highways Details

The proposed development would include a minimum of 1 car parking per dwelling and a number of dwellings would have more. The agent has been liaising directly with officers in the Highways Division to ensure that small on-site technical details are resolved. I anticipate that the proposed layout should be acceptable in highways terms by the meeting. With regard to the wider issue of the traffic generation impact of the proposed development on the existing highway network, officers in the Traffic Division have requested more robust data from the applicant's transport consultants about certain junction details in the surrounding area. I also anticipate that the required data will be assessed before the meeting and any mitigation measures will be addressed in the S106 Agreement. It is important to note that the agent insisted that the application be registered before all the required Traffic details had been assessed. This is the agent's prerogative even though it is against the spirit of the Council's protocol for determining major applications within the government's 13 week deadline. In the light of this members could consider refusing the application should those necessary details be unavailable.

B1 APPLICATIONS (cont'd)

**10 Code No: DER/206/244
 Environmental Issues**

I refer to the comments in section 5.5. The agent is aware of the EAs objection to the proposal and I have advised him to liaise directly with the EA to resolve the issue of increased surface water run-off and SUDS options. I anticipate that this issue will be addressed by the meeting. The issue of noise nuisance from existing businesses adjacent to the site has been raised by some of the businesses. I have requested a noise survey to assess the noise impact of the existing businesses in accordance with the comments of the Director of Housing & Environmental Services and in line with PPG 24. This is a

material consideration and has generated a lengthy objection on behalf of the Meat Centre on Harrington Street. I advised the agent to provide a noise assessment to address the requirements of PPG 24 before the meeting. I anticipate that the findings will be available together with any required mitigation measures.

11. Recommended decision and summary of reasons:

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

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

C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week target period (17 May 2006) consideration be given, in consultation with the Chair, to refusing the application.

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

11.3 Conditions

1. Standard condition 83 (drawing nos. ****)
2. Standard condition 27 (details of external materials)

B1 APPLICATIONS (cont'd)

10 Code No: DER/206/244

3. Standard condition 44 (landscaping scheme – submitted drawings)
4. Standard condition 34 (loading/unloading space kept free)
5. Standard condition 30 (surfaces to be drained, surfaced etc)
6. Standard condition 19 (means of enclosure)
7. Standard condition 99 (recycling)
8. Before any development is commenced a scheme for protecting the proposed dwellings from noise from the adjacent commercial buildings shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
9. No development shall commence until a scheme including the timing for the provision of surface water drainage works and foul water drainage provision has been submitted to and approved in writing by the Local Planning Authority. This scheme shall

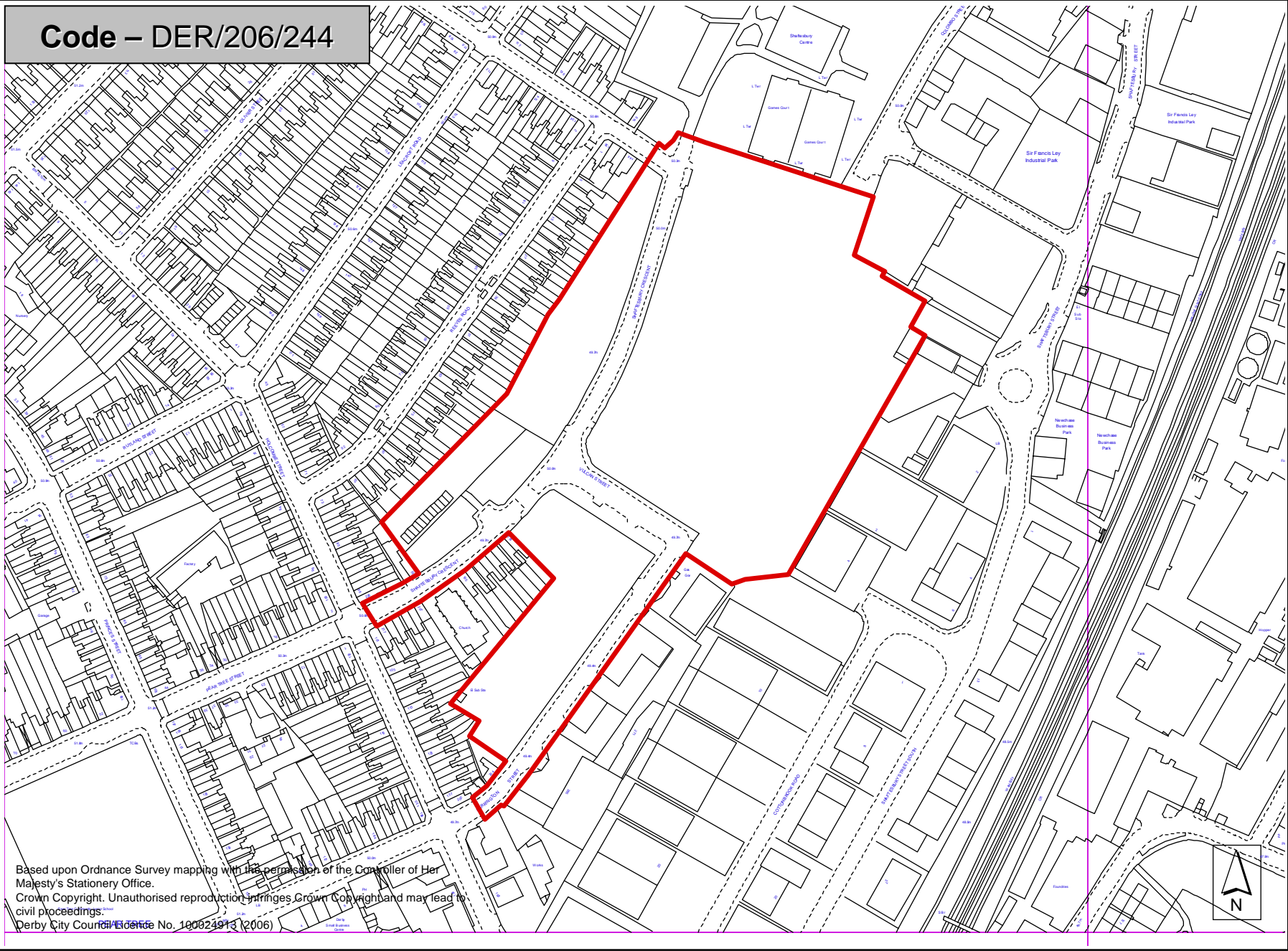
include details of Sustainable Drainage Features, unless otherwise agreed in writing.
10. Standard condition 100 (contamination).
11. Standard condition 89 (landscape management plan)

11.4 Reasons

1. Standard reason E04
2. Standard reason E14 (CDLPR H21 and E26)
3. Standard reason E14 (CDLPR E20 and E26)
4. Standard reason E17
5. Standard reason E09 (CDLPR H21)
6. Standard reason E14 (CDLPR H21 and E27)
7. Standard reason E48 (CDLPR E13)
8. In the interests of residential and environmental amenity and in accordance with policy ST12 of the CDLPR.
9. Standard reason E21
10. Standard reason E49 (CDLPR ST12 and E15)
11. Standard reason E14 (CDLPR policy H21)

11.5 S106 requirements where appropriate: Affordable housing, mobility housing, incidental public open space provision, public art and possibly highways.

Code – DER/206/244



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B1 APPLICATIONS (cont'd)

11 Code No: DER/206/217

Type: Full

1. **Address:** 89-91 Upper Dale Road
2. **Proposal:** Retrospective application for change of use to coffee shop/recreational centre on ground floor.
3. **Description:** This proposal seeks to obtain retrospective planning permission to retain the use of the premises as a combined recreation centre and coffee shop.

The premises comprise the ground floor of two units that have in the past been shops with living accommodation above. They lie in a small terraced row of shops that are included in a neighbourhood centre as defined on the City of Derby Local Plan Review. They are also attached to a terrace of houses to the immediate north of the application premises which are not included in the neighbourhood centre. To the rear of the premises are workshops and a shared yard used for parking.

The ground floor of the premises have now been taken into use as a recreation centre and coffee shop used principally by members of the local community. I am advised that this use was commenced several weeks prior to the planning application being submitted.

The two units are knocked through into one. There are a number of pool tables and a table football table as well as dining table and chairs. Games of dominoes are also played. A small counter serves cold food and hot and cold drinks and there are some small sales of footwear and compact discs. There is one television.

It is open from 11:00 am to 7: 00 pm seven days a week; but I am told that its does not have many customers until after 5:00pm. The customers are said mainly to live within walking distance of the premises.

4. **Relevant Planning History:** DER/1004/1898. Change of use to advice centre and office. Granted conditionally, 2 December 2004.

I am informed that the building was taken into use as a place of worship and religious education and was used as such until recently. If this is correct then the use as a place of worship would have been without planning permission and in breach of planning control.

In November 2000 permission was refused to change the use of the ground floor of 113 Upper Dale Road to a hot food shop for the following reasons:

B1 APPLICATIONS (cont'd)

11 Code No: DER/206/217

1. The proposed hot food shop would be likely to result in an unacceptable loss of amenity for adjoining residents by reason of increased noise, cooking odours and general disturbance which would extend into hours when occupiers of nearby residential property could reasonably expect to benefit from the peaceful enjoyment of their homes.
2. The proposal is likely to lead to an increase in on street parking, which would be detrimental to pedestrian and vehicular safety and the free flow of traffic. The effects would be particularly noticeable as bus-friendly traffic calming measures have been introduced in Upper Dale Road, and parked cars will force buses further into the highway over the traffic humps.

The subsequent appeal was also dismissed. This site lies in a similar location to the south of St Augustine's Church adjacent to residential property.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: None.

5.3 Highways: It is presumed that the main use will be for the local community visiting on foot and not car borne therefore there are no objections.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	18	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Four letters of representation have been received and are reproduced.

Objections have been raised on the following grounds:

B1 APPLICATIONS (cont'd)

11 Code No: DER/206/217

- parking is already a problem and this would become a greater problem
- additional parking would increase highway dangers to traffic and pedestrians
- additional parking would restrict access to neighbouring properties
- loss of property value (This is not a valid planning consideration)
- loss of residential amenity as a result of noise.

8. Consultations:

Environmental Health (Food Health and Safety) - raise no objection but make comment regarding the following:

- details of a fume ventilation system should be submitted to and approved in writing with the Local Planning Authority.
- occupation of the second floor if used for residential accommodation should have adequate noise insulation between the two floors
- the hours of operation should be restricted to cause minimal amount of disturbance to neighbouring residents

9. Summary of policies most relevant: CDLPR policies:

ST12 - Amenity
L13 - Protection of Community facilities.
S1 - Shopping hierarchy.
S3 - District and neighbourhood centres.
S14 - Financial and professional services and food and Drink Uses.
E27 - Community Safety.
T4 - Access parking and Servicing,
T10 - Access for disabled people.

10. Officer Opinion: The use would be acceptable in principle as the mixture of A1 (retailing uses) A3 (restaurants, snack bars and cafes) and D2 (Sports and leisure uses), would meet with the requirement of policy S3 as a use complementary to the shopping function of the neighbourhood centre.

The café food and drink function is at present fairly low key providing only hot and cold drinks and cold food for consumption on the premises. The leisure functions are also fairly low key with table football, pool and dominoes and watching television appearing to be the main activities. However if planning permission were to be granted for the use applied for there would be no restriction on the types of food

B1 APPLICATIONS (cont'd)

11 Code No: DER/206/217

that could be prepared and offered for sale for consumption on the premises, nor any restriction on the leisure activities that could be engaged in unless these were to be controlled by condition. In my opinion it would be difficult to frame and enforce a condition to successfully control these uses.

Irrespective of the principle being acceptable I do have some specific concerns as to the acceptability of the relationship between the proposed use and the residential uses that lie adjacent and over the premises.

I am told that the flats over the premises are occupied by people who are associated with the café leisure use who have no objection to the proposal. The neighbouring property to the north is however occupied by an unrelated third party and it is reported that the noise generated by the use penetrates the walls and is a source of great disturbance. I can confirm that the noise generated by large numbers of people talking and laughing engaged in the activities and games referred to above would easily become a nuisance to properties attached to the use. I can therefore believe that an objection raised on these grounds does carry a significant amount of weight. The proposal would therefore be similar to the dismissed appeal at 113 Upper Dale Road.

On the other hand the use seems to be provided specifically to serve the local community that has settled in the area and I am sure that it provides a valuable function giving that community a place to congregate together.

There is some comment from local residents that the use has lead to more traffic parking on the highway frontage and forecourt area thereby inhibiting access to land to the rear and making it difficult for pedestrians although the Highways Officer has raised no objections as it is assumed that most people will come on foot from within the local area.

I consider this to be a finely balanced set of competing needs with those of the existing long term residents for a reasonably peaceful and quite living environment balanced against the needs of the local community for a place to meet and spend leisure time.

I have arrived at the conclusion however that rights of the residents to enjoy a peaceful environment within her own home should in this case outweigh the desires of the local community to use these particular premises.

B1 APPLICATIONS (cont'd)

11 Code No: DER/206/217

I therefore recommend that planning permission be refused in this case. Should members agree with my recommendation then it naturally follows that the existing use would be unauthorised and enforcement action would be necessary.

11. Recommended decision:

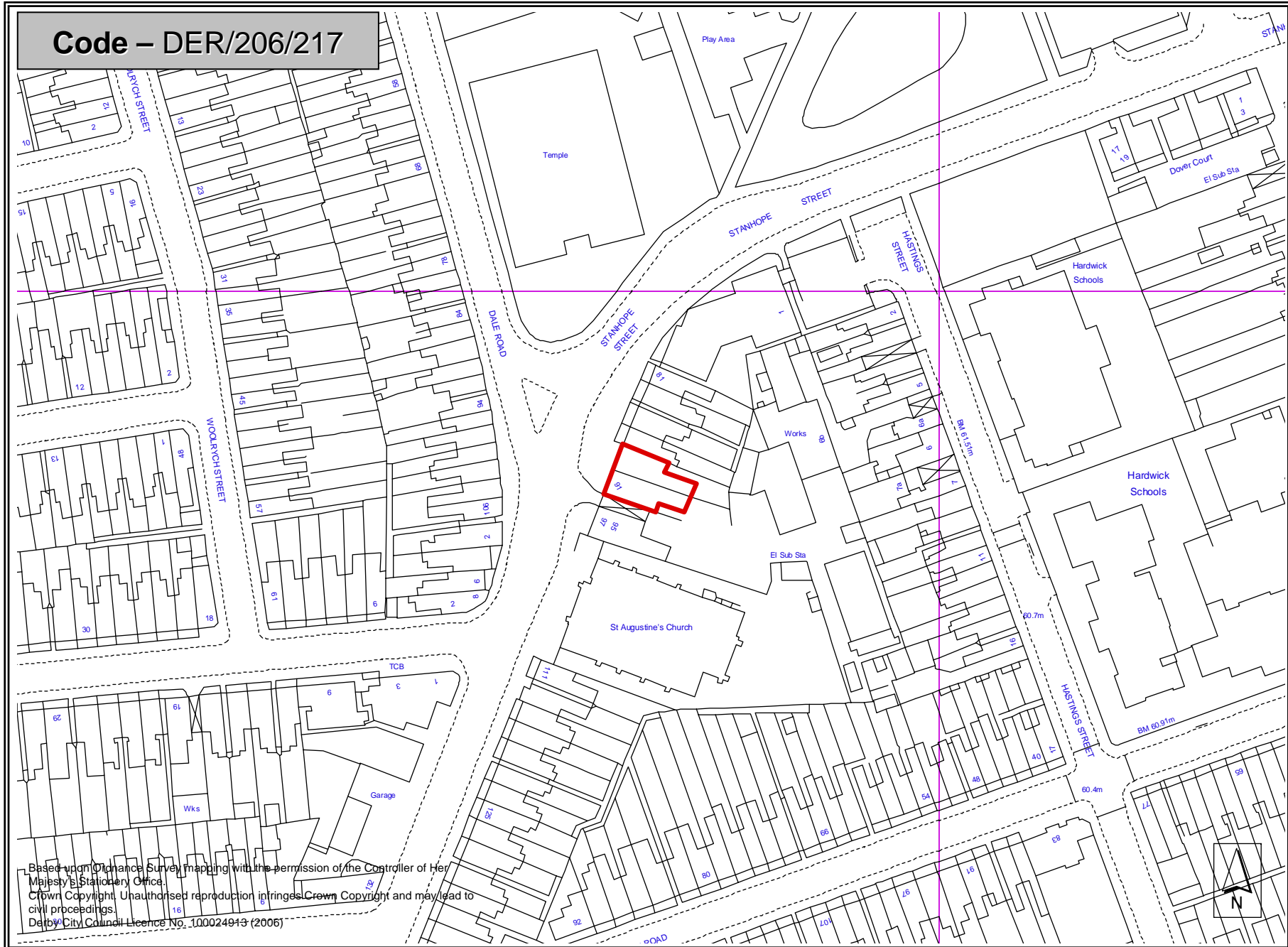
11.1 A. To refuse planning permission.

B. To authorise all necessary enforcement proceedings, subject to the Director of Corporate Services being satisfied as to the evidence, to secure the cessation of the unauthorised use.

11.2 Reason:

The continued use of the premises as a café and leisure centre would result in significant loss of residential amenity of the neighbouring residential properties by reason of noise and disturbance created by those uses which would extend into hours when occupiers of nearby residential property could reasonably expect to benefit from the peaceful enjoyment of their homes. The proposal would therefore be contrary to policy ST12 and S14, of the adopted CDLPR.

Code – DER/206/217



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B1 APPLICATIONS (cont'd)**12 Code No:** DER/306/370**Type:** Full

1. **Address:** Epworth Villas, Duffield Road
2. **Proposal:** Extension to apartments (two kitchens) and formation of four additional apartments
3. **Description:** Planning permission is sought for a single storey extension with rooms in the roof space to the rear of the existing building. The extension would create two additional apartments and a further two apartments would be created in the existing extension due to internal alterations. The alterations within the existing building and existing extension would not alter the external appearance of the building. The rear extension would measure 13m x 7.4m of a height of 4m, rising to 6.6m. The extension would have a pitched roof and roof lights in the side elevations.
4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** Design is assessed in the Officer Opinion. There are no community safety implications.
 - 5.3 **Highways:** Parking is adequate but recommend provision of 2 no. cycle parking hoops at a secure location within the application site.
 - 5.4 **Disabled People's Access:** The Building Regulations will deliver a degree of flexibility to the new build apartments.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

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

7. **Representations:** None received.
8. **Consultations:**

CAAC - object and recommend refusal on the grounds that the proposal seems ill-conceived being of poor massing/proportions and

B1 APPLICATIONS (cont'd)

12 Code No: DER/306/370

inappropriate detailing, particularly the door and window opening and would therefore be harmful to the appearance/character of the Conservation Area.

9. Summary of policies most relevant: Adopted CDLPR:

ST12 - Amenity
E21 – Conservation Area
E26 – Design
T4 – Access, Parking and Servicing

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

- 10. Officer Opinion:** The main issue with regard this proposal is the impact on the amenity of the terraced properties to the south. The line of four terraced properties are at a slight angle with boundary of the site and thus all rear elevations face the site. These properties have an approximately 0.8m lower land level than the site. The proposed extension would be 13m in length and would be at angle with the southern boundary. A gap of 3.4 - 2.2m would be left between the extension and this boundary. There is a 1.4m high brick wall along the southern boundary which due to the land level of the adjacent terraced properties is 1m in height rising to 1.4m to the end of No. 4 Grove Bank's rear garden.

Two patio doors serving living rooms and a kitchen door and window are proposed on the ground floor of the southern elevation. Due to a potential overlooking issue with regard the terraced properties to the south a 2m high timber fence is proposed along the southern boundary at the same land level as the site. This would screen the majority of the doors and windows and prevent overlooking of the rear elevations and rear private gardens of the terraced properties. Six roof lights are proposed on the southern roof slope which due to the pitch of the roof would not cause a significant overlooking concern. Overshadowing of the terraced properties is not considered to be a major issue as the extension is to the north and the properties face east.

To the north there is a similar sized detached building which has a residential use and is divided into flats. This building has a 1m higher land level and there is a 2m high wall on the boundary, which is 1m high at the land level of this neighbouring site. There are four windows on the ground floor and three on the first floor of the elevation that faces the application site. Three kitchen windows are proposed on the northern elevation which would be 1.3m from the boundary wall. Overlooking is not considered to be significant as the application site

B1 APPLICATIONS (cont'd)

12 Code No: DER/306/370

has a 1m lower land level and there is a 2m high boundary wall. The extension would also not be immediately opposite the part of the building with the windows. Five roof lights are proposed on this elevation which would not cause a significant overlooking concern due to the pitch of the roof. The land level of the extension would match that of the existing building.

The appearance of the extension is considered to be in keeping with the existing building and surrounding area. The rear of the building is enclosed by dwellings and on the corner of North Street and Duffield Road there is a 2.5m high boundary wall and 5 m high trees inside the boundary. Therefore the impact on the appearance and character of the Conservation Area would be minimal as it is not visible from any road frontage. In my opinion I do not consider the massing of proposal to be detrimental to the amenity of neighbouring properties due to the change in land levels, the existence of boundary walls and the fact it is not adjacent to the boundaries. The door and window detailing and roof lights have been located with regard to the constraints of the development due to overlooking of neighbouring properties. These side elevations would not be viewed from any road frontage and partially screened from neighbouring buildings by the boundary walls. I do however consider that the extension should be better finished to complement the existing building. The windows should have more vertical emphasis, being better proportioned with flat stone lintels or segmental brick relieving arches and the roof lights should be smaller conservation style. These details can be secured by condition.

Seven parking spaces are proposed to the rear of the extension and the existing access to the rear of these buildings from North Street would be used. There are no highway objections to the proposal.

To conclude, I consider the proposal will accord with the above mentioned policies as there would not be an adverse impact on the amenity of neighbouring residential properties or the character and appearance of the Conservation Area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to significantly impact upon the amenities of neighbouring residential properties or the character of the Conservation Area.

B1 APPLICATIONS (cont'd)

12 Code No: DER/306/370

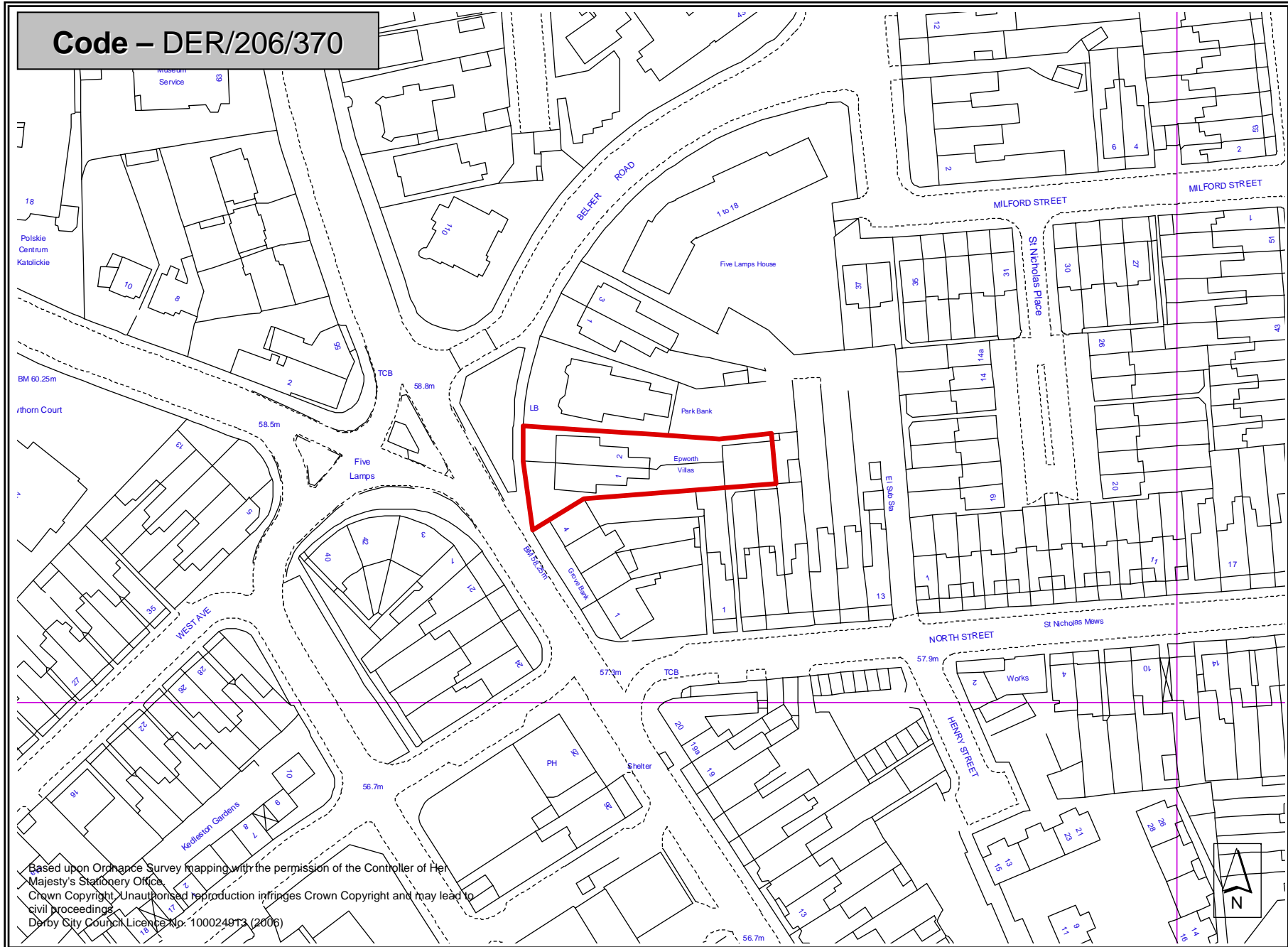
11.3 Conditions

1. Standard condition 27
2. Standard condition 30
3. The extension shall not be occupied until a 2m high fence has been erected along the southern boundary of the site.
4. Notwithstanding the details of the fenestration shown on the side elevations of the extension the windows should be designed to complement the existing fenestration. The windows should be vertically proportioned with brick arches or flat stone lintels. The roof lights should be smaller conservation style roof lights. These details should be incorporated into revised plans to be submitted to and agreed in writing by the Local Planning Authority before the development commences.
5. The development shall not be taken into use until the provision of 2 no. cycle parking hoops at a secure location within the application site has been submitted to and agreed in writing by the Local Planning Authority and until such provision has been implemented.

11.4 Reasons

1. Standard reason E14...policy E21
2. Standard reason E21...policy T4
3. Standard reason E07...policy ST12
4. Standard reason E14...policy E21
5. Standard reason E35...policy T4

Code – DER/206/370



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B1 APPLICATIONS (cont'd)

13 **Code No:** DER/206/333 and
DER/206/334

Type: Conservation
Area Consent
and Full
Permission

1. **Address:** Churnet House and 112 Carrington Street, corner of Nelson Street
2. **Proposal:** Demolition of buildings, change of use, alterations and extension to form 53 apartments, with associated parking
3. **Description:** This application relates to Churnet House, a former 19th Century office building and an adjacent public house and row of cottages, both vacant. The site includes an entire block on Carrington Street, between Midland Road and Nelson Street which are all vacant buildings. It lies on the edge of the Railway Conservation Area. The area boundary is on Carrington Street. Churnet House is a distinctive two storey, red brick building, with an interesting corner feature on the Midland Road frontage. It is a tall building with very high ceilings. The adjacent public house and cottages which are believed to date from the early to mid 19th Century are two storey buildings of domestic scale. They are thought to have been associated with the railway industry in this area of the city, although they have been vacant for a long period of time. As a result they currently have a run down appearance.

The site is adjacent to the Grade II Listed War Memorial and Midland Hotel, which are on Midland Road. A locally listed office building and former laundry are located to the south and east of the site on Nelson Street. The surrounding area is characterised by mixed uses, primarily commercial in nature including hotels and various food and drink uses. The site is dominated by the Post Office depot, which is a large box like building six storeys in height. The railway station is in close proximity and the city centre is within walking distance.

A scheme for 24 apartments on part of the application site has already been granted, which included the conversion of Churnet House. This involved an extension of similar design and form to the current proposal, although it would be a smaller building up to five storeys in height.

This application would involve the conversion of Churnet House and a large extension to form 53 one and two bedroom apartments. It is proposed that 80% of the apartments would be affordable housing, which equates to 43 of the units. They would be managed by a designated Housing Association and the remaining 10 units would be for private sale. The former public house and cottages on the corner of Carrington Street and Nelson Street would be demolished to accommodate the extension. A modern three storey extension to the

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/333 and DER/206/334

rear of Churnet House would also be removed. The existing building would be converted into 17 apartments, by the insertion of two mezzanine level floors. There would be minimal external alterations, which would involve new timber sliding sash windows and conservation rooflights. The new development would be 5 and 6 storeys high and linked to Churnet House by a small recessed glazed section. The lower height sections would be sited at each end of the building, adjacent to Churnet House and the former laundry. The footprint of the building would abut the road frontage along Carrington Street and Nelson Street. It would comprise 36 apartments with undercroft parking for 20 vehicles, to be accessed from Carrington Street. The parking area would also have secure cycle parking and 1 disabled space, with lift access to the apartments above. The design and form of the new building would be contemporary to contrast with the traditional appearance of Churnet House. The top floor of the building would be recessed to enable provision of roof terraces for the apartments and it would be faced with metallic cladding. The main elevations would be coloured render with facing brick to the ground floor. The window treatment would involve fully glazed aluminium patio openings with metal railings and a curved glazed feature on the corner elevation facing Nelson Street. A new pedestrian access to the development would be formed along the rear of Churnet House to be enclosed by a 2 metre high brick wall. It would enable alternative secure access for residents from Midland Road.

4. Relevant Planning History:

DER/405/637 – Change of use of former offices and extension to form 24 apartments, Granted subject to Section 106 Agreement – January 2006.

DER/603/1080 – Demolition of buildings, 5 Nelson Street, Consent refused August 2003 for the following reason:

The demolition of these buildings, which are deemed to be listed and are within a conservation area, would in the absence of any approved redevelopment scheme, be contrary to the duties in Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the approach set out in paragraphs 3.16 to 3.19 and 4.26 to 4.29 of Planning Policy Guidance 15.

5. Implications of Proposal:

5.1 Economic: None.

B1 APPLICATIONS (cont'd)

13 Code No: DER/206/333 and
 DER/206/334

5.2 Design and Community Safety: The proposed extension to Churnet House would be in contrast to the design and materials of the traditional 19th Century office building, which is of distinctive appearance. The new building would be contemporary in form and appearance and use modern materials. It would provide considerable visual interest in the street frontage, which is currently characterised by a mix of commercial premises of varying quality and scale. The development would improve community safety in the local area by bringing a vacant building into residential use and by affording secure access for residents.

5.3 Highways: A full detailed Travel Plan will be needed due to the reduced level of car parking to be provided. There are no objections to the design of the proposed vehicle access and means of waste disposal. The parking provision is considered to be acceptable on the basis of the good accessibility to public transport and reasonable pedestrian links to the city centre. There is also minimal opportunity for on-street parking due to local parking restrictions. The provision of secure cycle parking in the development is welcomed.

5.4 Disabled People's Access: Disabled peoples parking provision will be satisfactory and 5 apartments to mobility standards are required. 5% of the units would be suitable for lifetime living for disabled people.

5.5 Other Environmental: None.

6. Publicity: -

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

7. Representations: No representations received to date.

8. Consultations:

DCS (EnvHealth) – No objections, subject to investigation of potential contamination on the site.

DCS (Housing) – No objections to development subject to adequate fire safety measures. Further comments to be reported.

STW – No objections subject to drainage condition.

B1 APPLICATIONS (cont'd)

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CAAC – Object on the grounds that the existing buildings standing on part of the site represent an intrinsic part of the character of the Conservation Area and that their demolition has not been justified in terms of PPG 15. This relates to both the viability of retention / reuse of the buildings and the quality of the proposed replacement development, which is considered to have a poor relationship with the adjacent building and to the character of the Conservation Area.

Police – This is a well designed self contained development with a good level of crime resistance built in. This includes an open perforated roller shutter and gated side entrance.

Cityscape – Supports this planning application and recommends that it be granted. It is considered that the proposed development would:

- Enhance the appearance of the Railway Conservation Area and the setting of the rear of the Grade II listed Midland Hotel
- Respect the setting of and include the refurbishment of Churnet House, a significant late nineteenth century building which makes a positive contribution to the appearance of the Railway Conservation Area
- Redevelop damaged and redundant buildings that detract from the appearance of the Railway Conservation Area along Nelson Street and the corner of Carrington Street
- Secure delivery of a well-designed development with a layout that conforms with the Derby Cityscape Masterplan
- Secure a substantial amount additional affordable housing units and over £1 million of additional social housing grant into Derby.

It should also be noted that this development proposal was runner up in the design competition recently run by Derby Cityscape in conjunction with the Housing Corporation and Derby City Council. In the preliminary judging session the judges (including representatives from English Heritage, Cabe, Opun, Derby Cityscape and Derby City Council) required further evidence from the applicants to satisfy the sequential tests required under Planning Policy Guidance Number 15 for demolitions within a conservation area. Further evidence was submitted that efforts had been made to find alternative uses for the buildings over several years but without success and to demonstrate that the structural stability and architectural integrity of the buildings was damaged. The only design issues raised, related to the

B1 APPLICATIONS (cont'd)

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appearance of the ground floor grills and provision of pedestrian access to emphasise the entrance to the new building.

9. Summary of policies most relevant: Adopted City of Derby Local Plan Review policies:

ST12	- Amenity
E21	- Development in Conservation Areas
E22	- Listed Buildings and Conservation Areas
E26	- Design
E27	- Community Safety
H19	- Affordable housing
H21	- Residential development – General Criteria
H23	- Re-use of underused buildings
L3 & L4	- Provision of Public Open Space
T4	- Access, car parking and servicing

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

- 10. Officer Opinion:** This application is for a larger, more intensive residential apartment scheme, relating to Churnet House on Carrington Street, following approval of a scheme for 24 apartments, earlier this year. The current proposal would involve an increased use of the former office building, by insertion of mezzanine floors, to create 8 additional flats. The proposed conversion would form 17 apartments over four floors. The adjacent extension would involve a taller building, up to 6 storeys high and a much larger footprint, which would extend around the corner onto Nelson Street. It would comprise 36 apartments, with associated parking facilities on the ground floor. The previous scheme did not involve demolition and replacement of a former public house and cottages on Nelson Street, which is a major part of the current proposal.

In policy terms a high density residential development would be appropriate in this area, since the vacant buildings amount to a brownfield site as defined in central government guidance. PPG3 (Housing) promotes an intensive form of accommodation in central urban locations, which are highly accessible to alternative forms of transport and the city centre. This site is close to the main rail and bus stations and walking distance from the centre. It is also within the Cityscape Masterplan area of Castle Ward and the proposal would meet its aspirations for “city living”. The proposed development would be an acceptable scheme in principle, subject to accordance with the Local Plan Policies. An important constraint on this site is the presence

B1 APPLICATIONS (cont'd)

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of period buildings of interest, proposed for demolition, which contribute to the character of the Conservation Area. The proposed conversion and redevelopment of this site, to be acceptable, should, therefore, preserve and enhance the character and appearance of the Railway Conservation Area and the setting of nearby listed buildings.

The whole site is in the Railway Conservation Area and is surrounded by Grade II listed and locally listed buildings. The listed War Memorial and Midland Hotel are both located to the east of the site, off Midland Road. The 19th Century office building on the south side of Nelson Street, is on the local list. None of the buildings on the site is on the statutory or local list, although they are recognised as having historic and architectural interest in the local area. The draft Conservation Area Appraisal for the area describes the 19th Century buildings in this area generally having historic associations with the city's railway history and development. Those on the site are considered to have direct links, through their age and function. The cottages on Nelson Street would probably have been occupied by railway workers and the former pub would have served the local community. The location is therefore a sensitive one, despite the area currently being somewhat rundown. Churnet House, a vacant former office building, has a striking Victorian façade on the corner elevation. It would be suitable for a conversion to residential use, without the need for extensive alterations to the external fabric of the building.

Proposed redevelopment of this site would require the demolition of two 19th Century buildings, which have both been vacant for a long period of time. Consent to demolish the cottages was refused in 2003, due to the absence of any suitable redevelopment scheme or justification which was contrary to PPG 15. The current application for demolition is supported by a statement and structural report as required by PPG 15. The structural report concludes that the buildings appear to be in a satisfactory structural condition, although they have been subject to significant internal alteration and re-modelling. It considers that further major alterations would be needed to bring them back into a viable re-use. The supporting statement indicates that they have been empty since 1997 and that the cottages had most recently been occupied in commercial use. The statement also suggests that there has been a lack of interest from third parties in occupying the buildings, since the pub closed. This group of buildings is considered to make an important contribution to the character of the area, due to their associations with the evolution of the railway. However, their original context has been significantly eroded since the erection of the Post Office building probably removed original rail workers housing, which characterised this area. The vacant buildings now appear dwarfed by surrounding

B1 APPLICATIONS (cont'd)

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commercial and other buildings, which are substantially larger in scale and height. In addition, nearby Victorian buildings, including Midland House, Old Laundry and also Churnet House have a grander and more distinctive character and form in comparison with the former public house and cottages, which are more humble in scale and appearance. The conversion and re-use of Churnet House, which is also an important building to the local rail history, would be achieved with an intensive residential scheme, preserving the building's character and integrity. I accept that the other buildings would be suitable for residential or commercial re-use but only with substantial alterations to their internal fabric.

Although these issues alone do not provide adequate grounds for demolition, they illustrate that these buildings now appear out of place in their current setting and with their history of vacancy and neglect I am satisfied that the opportunities for an economic retention and reuse are likely to be limited. The case for demolition and redevelopment is also supported by the regeneration and community benefits which would be gained by the overall residential scheme. The proposed development would revitalise the whole of the Carrington Street block and part of Nelson Street, which currently have a rundown appearance. It would also introduce new residential development into an edge of centre location, which is part of the Cityscape area and the proposal fulfils one of the aspirations for this locality. This scheme has also been assessed by a representative of English Heritage, via Cityscape's Design Competition judging panel. The panel gave support to the general form and design of the scheme with two provisions. This scheme would also include a high proportion of affordable housing, fulfilling a substantial housing need in this part of the city, as part of a high density residential development sited close to public transport facilities. I consider that the design and form of the proposed new building would be of a good quality, which would provide considerable visual interest in the local streetscene. The overall development would be of significant merit, in terms of its design, layout and use of materials and this issue is considered to carry substantial weight in assessing whether the existing buildings should be removed. On balance, I therefore consider that a satisfactory case has been made for demolition of the 19th Century buildings and replacement with the proposed residential development.

The design of proposed new development would contrast significantly with the Victorian façade of Churnet House and in this case it is successful because the existing building is a very tall 2 storey structure, raised above street level. Similarly, Midland House on Nelson Street, which has 3 floors, is also very tall in overall height and scale. It would

B1 APPLICATIONS (cont'd)

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be impossible for a modern extension to reflect the character and form of the nearby Victorian buildings due to their unusually high ceilings. The contemporary approach in design and materials, which has been taken is therefore considered to be appropriate. This allows for the new building to be up to 6 storeys in height, without appearing over dominant, in relation to the existing 19th Century buildings. The extension would be similar in scale or massing to the Old Laundry and Midland House and it would not detract from the setting of Churnet House. The existing building would be separated from the new development by a lightweight glazed link section, which would enable both to maintain a distinct identity. The ground floor grills to the undercroft car park, allow for natural surveillance onto the street and break up an otherwise dead frontage. Further details of their design and appearance can be sought by condition. The request for a pedestrian access into the corner of the new building made by the judging panel, cannot easily be achieved due to the layout of the ground floor. To enable ease of movement around the building, the stairwell and lift should be sited in a central position close to the main entrance and minimising the distance residents are required to walk or cycle, which in most cases would be from Midland Road. I am satisfied that the design, scale and form of the proposed development would overall preserve the character and appearance of the Conservation Area. It contributes to the appearance of the local streetscene and would not detract unduly from the setting and character of nearby historic buildings.

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. The limited site area would result in a reduced level of car parking provision for the development, amounting to just less than 50% parking. This is considered to be acceptable in this location, due to the accessibility of public transport options and proximity to the city centre. Secure cycle parking for all residents would be provided within the development, to encourage use of alternative modes of transport.

This residential scheme would provide 80% affordable housing, which amounts to 43 of the 53 units. The Council's policy normally requires up 30% of the units to be affordable. The proposal would therefore provide a high proportion of social housing in an accessible location, which is welcomed. The applicant has secured a partnership with a

B1 APPLICATIONS (cont'd)

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local housing association, who would manage the units. The amount of affordable provision proposed would be secured by means of a Section 106 Agreement, as well as a financial contribution towards off- site public open space and improvements to public transport, cycling and pedestrian facilities. These have been agreed in principle with the applicant. The increased provision of affordable housing in the development would be secured, at the expense of a full financial contribution towards highways improvements and public open space.

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.

C. If the applicant fails to sign the S106 Agreement by the expiry of the 13 week deadline (31 May 2006), consideration be given, in consultation with the Chair, to refusing the application.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated 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 Railway Conservation Area and not detract unduly from the setting of nearby listed and locally listed buildings.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 30 (hard surfacing)
4. Standard condition 94 (cycle/ motorcycle parking)
5. Standard condition 39 (disposal of sewage)

6. Before development commences, further precise details of the replacement windows for Churnet House, at a scale of 1:10 or 1:20, to include cross sections, depth of reveal and joinery shall have been submitted to and approved in writing by the Local Planning

B1 APPLICATIONS (cont'd)

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Authority.

7. The roller shutter to the vehicle access shall be permeable and installed in accordance with details of external materials to be submitted and approved in writing by the Local Planning Authority.
8. Before development commences, a scheme of community safety measures to include external lighting of the vehicle and pedestrian access points, shall be submitted to and approved in writing by the Local Planning Authority. Such measures as may be agreed shall be implemented before the development is taken into use.
9. Standard condition 100 (site contamination)
10. Before any of the apartments are occupied a Green Travel Plan shall be submitted to and approved by the Local Planning Authority, which shall include details of parking management, landlord responsibilities, means of encouraging residents to use transport modes other than private car and financial provisions should the objectives of the Plan not be met. The Plan shall be implemented in accordance with the agreed details and a monitoring review carried out and agreed with the Local Planning Authority, no later than 12 months after completion of the development, the date of which shall be notified.
11. In the event that the requirements of condition 10 are not complied with, and/or that the approved targets are not being achieved to the satisfaction of the Local Planning Authority, an action plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of measures to reduce car use and increase travel by alternative modes of transport.
12. Before development commences, precise details of the design of materials to be used in the ground floor openings to the undercroft car park, shall be submitted to and approved in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14 ...Policies H21 & E21.
2. Standard reason E14 ...Policy E26 & E21.
3. Standard reason E21.
4. Standard reason E35 ... Policy T4.

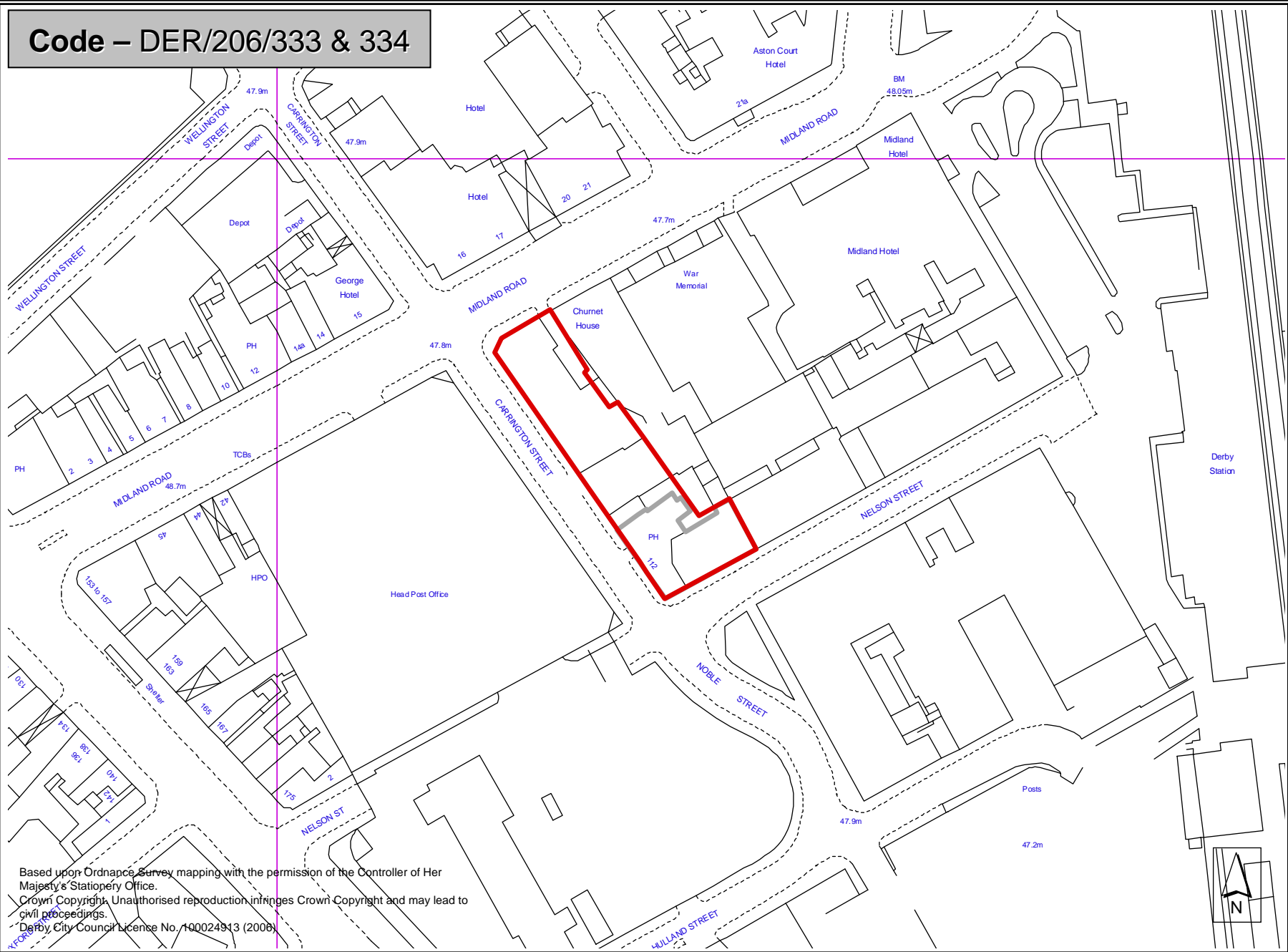
B1 APPLICATIONS (cont'd)

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5. Standard reason E21.
6. To safeguard the appearance of the building and character and appearance of the Conservation Area ... Policy E26 & E21.
7. To provide natural surveillance and in the interests of the visual amenities of the area ... Policy E26 & E27.
8. In the interests of community safety ... Policy E27.
9. Standard reason E49.
10. Standard reason E47 ... Policy T4.
11. To ensure compliance with the objectives of the Travel Plan and implementation of measures to reduce vehicle trips by residents ... Policy T4.
12. To provide natural surveillance and in the interests of visual amenities of the area.

11.5 S106 requirements where appropriate: To set minimum threshold for affordable housing, public transport, cycling and pedestrian facilities, off-site public open space and mobility units.

Code – DER/206/333 & 334



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B1 APPLICATIONS (cont'd)

14 Code No: DER/206/329

Type: Variation of condition

1. **Address:** Derby City General Hospital, Uttoxeter New Road
2. **Proposal:** Vary condition 6 on approval DER/1002/1513 to allow permanent unrestricted retention of vehicular access, Entrance C
3. **Description:** The main details for the hospital redevelopment at the City Hospital were approved in December 2002. Condition 6 on the approval stated:

“This approval shall not extend to include the use, other than for construction traffic, of the access road off Uttoxeter Road, identified as Entrance C on the submitted plans unless, on an application made to it for that purpose, the Local Planning Authority has approved such a further use”. The reason for the condition was stated as:

“A more general public use of this access could lead to unacceptable dangers and difficulties to users of the footpath/cycle routes within the Highway”

Whilst I considered that a case could be made for keeping construction traffic separate from the hospital traffic and for it to use Access C, there were highway concerns about a more general use especially with regard to the major pedestrian/cycle crossing point and the potential conflict at this point. It was anticipated that the applicant would submit a further application at the appropriate time, which would allow initial assessment of the use for construction traffic.

Access C is located on Uttoxeter Road close to the junction with Kings Drive, and permits entry to but not exit from the site.

The applicant had based original assumptions on the use of this access in addition to the other two agreed access points and is now keen to pursue a general use of the access.

As approved the access arrangements at the hospital are for a new main access (Entrance A) in and out off the roundabout, ultimately, an in-only (Entrance B) at the existing access off Uttoxeter New Road, and an in-only and currently restricted to construction traffic (Entrance C) off Uttoxeter Road, near Kings Drive. The existing access points off Kings Drive have been closed, except for an occasional emergency access use of the most northerly (Entrance D). There would also be the facility for occasional emergency exit from the existing access (Entrance B).

Internally, the internal road system will be completed to form a circulatory road around the perimeter; with some routes within the site

B1 APPLICATIONS (cont'd)

14 Code No: DER/206/329

comprising generally segregated "blue light routes" to A & E and the other emergency village entrances.

The current stage of the development is that the main bulk of the Phase 1 building works are nearing construction completion; the next phases include decanting into the new buildings once completed, the demolition of the older buildings and their replacement by the phase 2 buildings, with completion expected in 2008.

- 4. Relevant Planning History:** DER/1299/1498, outline planning permission granted in January 2002 to demolish the older parts of the existing hospital and to rebuild a new hospital at the City.

DER/1201/1567 - Medical School, granted 2002.

DER/1002/1513 - reserved matters for the new hospital, approved 20 December 2002.

5. Implications of Proposal:

5.1 Economic: None

5.2 Design and Community Safety: None

5.3 Highways: Discussions have taken place with the applicant and it was suggested that a temporary consent be granted for an 18 month period. This would enable the applicants to monitor the use and for their surveys to be assessed by the Council. A further application for a permanent consent could then be considered and with any necessary measures incorporated to rectify or mitigate any problems that arose. A permanent unrestricted use of the access would not be appropriate at present without the further consideration of the assessment period.

5.4 Disabled People's Access: None

5.5 Other Environmental: None

6. Publicity:

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

B1 APPLICATIONS (cont'd)

14 Code No: DER/206/329

7. **Representations:** One representation has been received at the time of preparing this report; any further representations received within the publicity period will be reported at the meeting. The one letter from a resident of Uttoxeter Road raises safety concerns about the access.
... This letter is reproduced.

8. **Consultations:** None

9. **Summary of policies most relevant:** LE7 City Hospital, Mickleover
Allocates the site for the relocation of acute services.

ST5 - Transport
T4 - Access, parking and servicing
T6 - Pedestrian
T7 - Cyclists

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

10. **Officer Opinion:** The applicant has submitted a transport statement which describes the existing and proposed situation, the planning background to the access and assesses accident history, capacity, and road safety. The report will be available in the Members' Rooms. The conclusions of the report are that:

"9. Conclusions

- 9.1 The provision of permanent public access from the B5020 via Entrance C forms an integral part of the hospital access proposals and allows the Hospital Trust to realise their Access Strategy and provide a clear and coherent hierarchy of users of accesses to the Hospital site.
- 9.2 The users identified to access the site at Entrance C will clearly benefit from this access point being away from the majority of the public and red route vehicles that access and egress the hospital site at Entrance A.
- 9.3 The internal road network is designed so that all access points offer minimised trip distances. In addition to this, a clear way finding strategy will produce a complete system to ensure that all users can find their destination as quickly and easily as possible.
- 9.4 Entrance C improves the internal flow of traffic throughout the hospital, and specifically promotes a minimal level of possible

B1 APPLICATIONS (cont'd)

14 Code No: DER/206/329

conflict with the internal red route for emergency vehicles and general public access and egress at Entrance A.

9.5 Entrance C has been working well since it's opening to Construction Traffic in September 2003 with no highway problems identified to date.

9.6 In discussion with DCC; a further period of monitoring and survey is seen to be beneficial. This would involve opening Entrance C to general public access for an initial 18-month period during which further monitoring and survey work would be undertaken."

Whilst the use for construction traffic has had little impact, I am not convinced on highway grounds that a wider different use of the access would not have safety implications. Accordingly, I have suggested that the applicant agrees to a temporary period during which time the safety aspects of the access can be further monitored. At the end of the period the applicant can reapply for a permanent use which can be better assessed having had monitoring carried out.

My recommendation is framed accordingly.

11. Recommended decision and summary of reasons:

11.1 To grant variation of condition 6 subject to the following condition.

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. Whilst in accordance with Policy LE7, the extent to which the use of the access meets the objectives of Policy ST5 and the criteria in policies T4, T6 and T7 is best assessed by monitoring during a period of a temporary permission.

11.3 Condition

This permission varies condition 6 on the permission DER/1002/1513 and dated 20 December 2002 to allow the use of the access road off Uttoxeter Road, identified as Access C on the approved plans, for use by any traffic to the site for a temporary period of 18 months. During that period monitoring shall be carried out in accordance with agreed details and submitted to the Local Planning Authority should a further application for permanent use be submitted. The date of commencement of the use of the access by traffic other than construction traffic shall be notified to the Local Planning Authority.

B1 APPLICATIONS (cont'd)

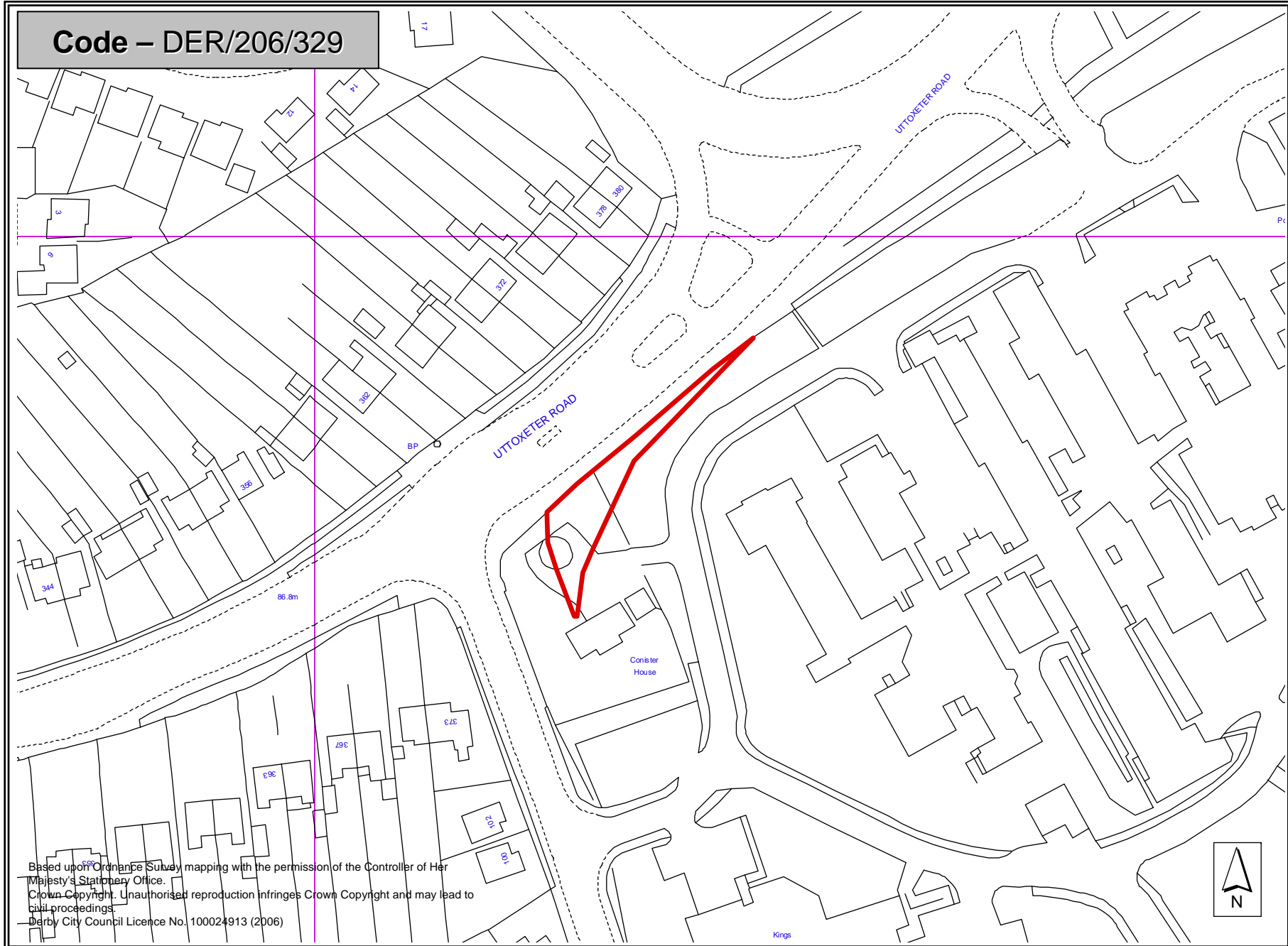
14 Code No: DER/206/329

11.4 Reason

To allow monitoring of an unrestricted use to be carried as a more general use of this access could lead to unacceptable dangers and difficulties to users of the footpath/cycle routes within the Highway.

11.5 S106 requirements where appropriate: None.

Code – DER/206/329



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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal:

Code No	Proposal	Location	Decision
DER/605/1055	Felling of Ash tree protected by Tree Preservation Order 2000 No. 247 (trees at Oakwood)	5 Amesbury Lane, Oakwood	Dismissed
<p>Comments: The Inspector agreed with the City Council's view that the appeal tree is a healthy mature tree, which continues to make a positive contribution to the amenities of the surrounding area and as such does not justify felling. The Secretary of State accepted the Inspecting Officer's conclusion that pruning the tree would reduce shading and branches falling on to the property, and adjacent properties and felt that the appellant may wish to make a further application for such works.</p>			

Code No	Proposal	Location	Decision
DER/605/1060	Erection of wall and decking	The Woodlands Hotel, Blenheim Parade, Allestree	Dismissed
<p>Comments: The Inspector considered that the proposed terrace and planting is clearly intended to attract more custom and have wider appeal to passers by and for them to remain outside. These customers would undoubtedly add to noise and disturbance already experienced by local residents. Especially opposite the site. This would cause particular disturbance in the evenings when ambient noise levels are expected to be lower. The living conditions of local residents are considered to be of paramount importance in this case, where the public house is in a predominantly residential context. As such the proposal would have an unduly harmful effect on the amenities of local residents contrary to the objectives of Policy S20 of the previous Local Plan. The Inspector accordingly dismissed the appeal.</p>			

D2 **SPECIAL ITEMS** (cont'd)

1 **APPEALS DECISIONS**

Appeal against refusal of advertisement consent

Code No	Proposal	Location	Decision
DER/1005/1717	Display of 1 x 48 Sheet	Land adjacent Railway Bridge, Mansfield Road	Allowed
<p>Comments: This appeal dealt with an application to erect an advert hoarding within a car park of commercial premises to the east of the Mansfield Road railway bridge. The hoarding would be positioned directly in front of established trees that screen the railway line.</p> <p>The application was refused based on its impact upon the visual amenities of the area, in particular the fact that it would screen the trees that make a positive contribution to the street scene.</p> <p>The appeal was allowed based on the Inspector's view that the appeal panel would fit in with this commercial landscape of large shed like buildings with substantial tarmac curtilages. The impact upon the view of the trees would not be so great that it would justify withholding consent.</p>			

RECOMMENDATION: To note the report.