

B1 APPLICATIONS

1 Code No: DER/806/1355

Type: Full

1. **Address:** 45A Gravel Pit Lane, Spondon
2. **Proposal:** Retention of extensions to dwelling house, (conservatory and rear dormer)
3. **Description:** This application seeks planning permission for a conservatory and dormer window, both erected on the rear of this semi-detached dwelling. The proposed works require permission because the rear of the dwelling backs onto a public footpath.

The property is on the corner of Gravel Pit Lane and Goldstone Court, a small cul-de-sac. The rear garden of the property is separated from the cul-de-sac by a wall, some 2m in height and from 45 Gravel Pit Lane, the attached semi by a fence, also some 2m high.

A public footpath lies to the rear of the property with Hillside Crescent properties beyond.

The works have been carried out and therefore this application is retrospective. I understand that there was some confusion between the Local Planning Authority and the applicants about whether or not planning permission was required for the development, thus resulting in this retrospective application. Notwithstanding this, the application must be judged on its merits regardless of any pre-application history or the fact it is retrospective.

4. **Relevant Planning History:** DER/201/187 – 45 and 45A Gravel Pit Lane, Erection of 2 porches – Granted consent
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** : I am satisfied that the proposed extensions have no unacceptable impact on visual amenity.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** Not applicable
 - 5.5 **Other Environmental:** -
6. **Publicity:**

B1 APPLICATIONS (cont'd)

Code No: 806/1355

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

7. Representations:

To date, 5 letters of objection have been received. Members will be updated on this matter orally at the meeting. The objections can be summarised as follows:

- Impact on property value
- Fact that this is a retrospective application
- Dormer is much higher than surrounding windows and impacts on privacy at neighbouring dwellings
- No objections to conservatory.

8. Consultations: -

9. Summary of policies most relevant:

H16 - Housing extensions

E23 - Design

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:** It is relevant to note that the proposed works require permission, only by virtue of the presence of the public footpath that runs to the rear of the property. If this footpath did not exist and instead, the applicant's property backed directly onto Hillside Crescent properties, permission would **not** be required.

I am satisfied that the proposal would not have any unacceptable impact upon visual amenities. The dormer and part of the conservatory would be visible in the street scene and from neighbouring properties but I do not think that it unreasonably affects the overall appearance of the dwelling or has any unacceptable impact upon the street scene.

I am also satisfied that there would be no unacceptable impact upon residential amenities. With respect to the conservatory, there is a boundary fence that would help protect amenities at 45 Gravel Pit Lane and I do not consider that other dwellings would be adversely affected by this element of the proposal. With respect to the dormer, whilst it does introduce a window at roof level, I do not consider that it would

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Code No: 806/1355

unreasonably compromise privacy at any neighbouring dwellings. The relationship with Hillside Crescent is common throughout the city and as described above normally arises through use of permitted development. From Ordnance Survey plans I note that the distance between the rear of 45A Gravel Pit Lane and the nearest dwelling on Hillside Crescent is some 23m. The dormer window is set back from the rear elevation of the property and therefore the distance between this window and neighbouring dwellings is greater than 23m. This distance comfortably meets the City Council's guidelines for distances between properties, guidelines that were written to include consideration of 3 storey properties.

In view of the above, I am firmly of the opinion that there is no justification for refusing this planning application. Since the works are completed, I see no reason to add conditions to the permission.

11. Recommended decision and summary of reasons:

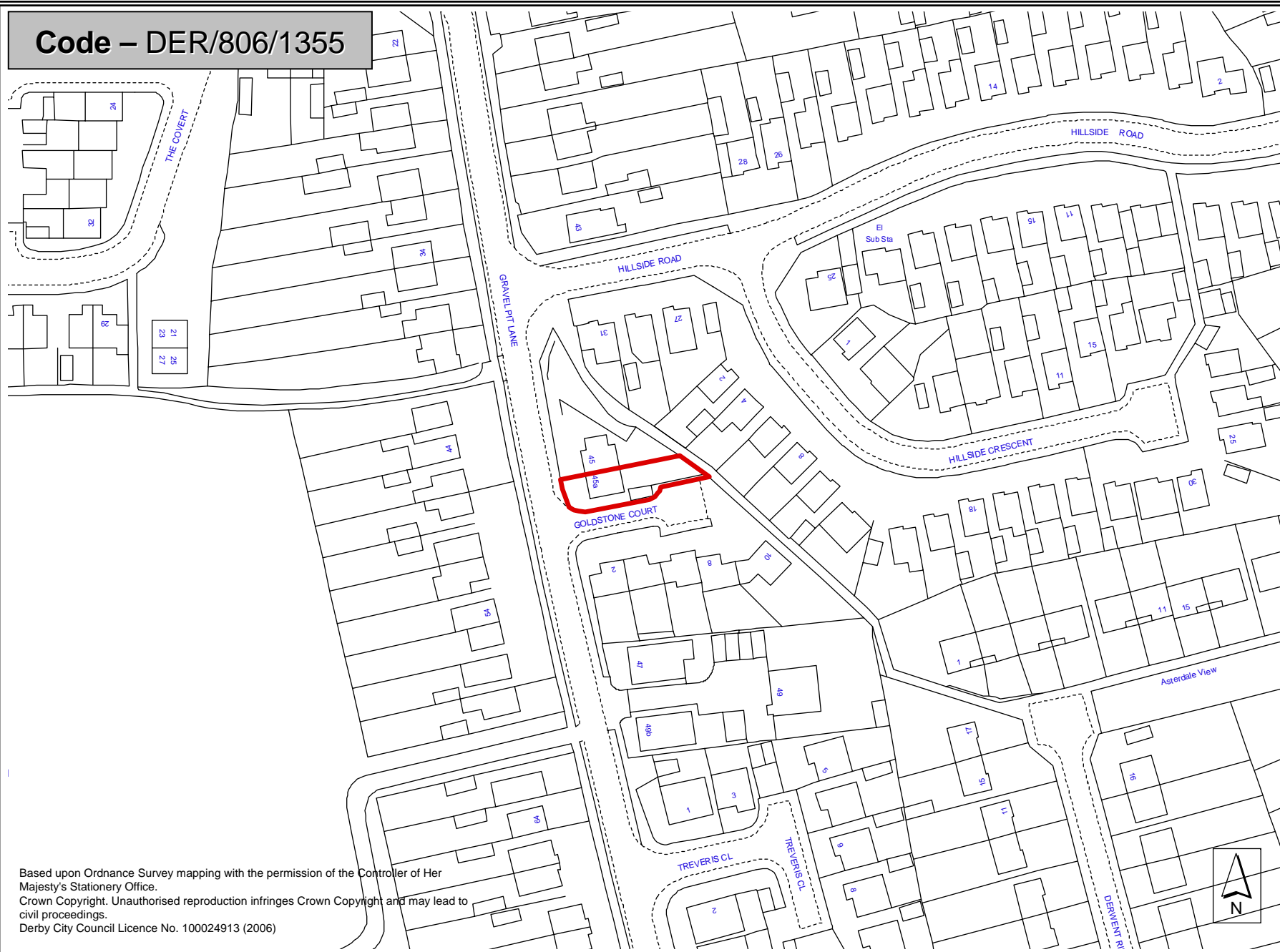
11.1 To grant permission unconditionally

11.2 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 and is acceptable in terms of its impact upon residential and visual amenities.

11.3 S106 requirements where appropriate:

Code – DER/806/1355



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B1 APPLICATIONS (cont'd)

2 Code No: DER/806/1352

Type: Full

1. **Address:** Land to the rear of 4 Grove Court, Edward Street
2. **Proposal:** Conversion of barn to residential use to form ancillary accommodation to 4 Grove Court
3. **Description:** Permission is sought to convert an existing barn, including a mezzanine floor area into living accommodation to be used in conjunction with 4 Grove Court and for alterations associated with the conversion. The barn was originally part of a brewery but more recently has been used as a domestic store/garage.

Grove Court is a small terraced group of residential dwellings that front onto Edward Street with a shared parking area behind. The barn lies at the rear of this shared parking area behind the allocated parking for 4 and 3 Grove Court.

The site is within the Strutts Park Conservation Area and the World Heritage Site Buffer Zone. It is within an area dominated by residential uses although 7a Edward Street, to the north west is in commercial use. Immediate neighbours are the other Grove Street dwellings, 10 Edward Street and 32-39 North Parade. Land levels are uneven such that the house and rear garden area at 10 Edward Street are about 1m higher than the site.

The proposed physical changes would not include introducing any new openings but would involve enlarging existing rooflights on both roof planes and replacement of existing doors and windows on the front elevation.

4. **Relevant Planning History:** 05/83/576 - change of use to photographic studio & erection of extension – permission granted but does not appear to have been implemented.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: This is a large 19C outbuilding located within the conservation area that is not particularly prominent in the street scene. The use of appropriate materials, to include flush fitted conservation roof lights and planked, ledged shutters rather than the louvred shutters would be more appropriate on the first floor window. Other than these comments, I support the conversion of this historic building which will sensitively bring it back into use and improve its overall appearance.

B1 APPLICATIONS (cont'd)

2 Code No: 806/1352

5.3 Highways: No objections

5.4 Disabled People's Access: Not applicable to this conversion.

5.5 Other Environmental: None

6. Publicity

Neighbour Notification letter	15	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations:

... To date, 4 objections have been received and are reproduced in the report. Concerns can be summarised as follows:

- conversion to residential use is not appropriate
- Work will affect privacy and cause noise pollution
- property value impact
- Impact upon landscaping in adjacent gardens
- Construction works will inhibit access and amenity
- Land ownership issues
- Impact upon visual appearance of the barn
- Plans show an extension.

8. Consultations:

9. Summary of policies most relevant:

GD4 - Design and Urban Environment
GD5 - Amenity
CC18 - Central Area Parking
H13 - Residential Development
H14 - Reuse of underused buildings
E10 - renewable energy
E18 - Conservation Areas
E23 - Design
E29 - Protection of World Heritage Site and surroundings
T4 - Access, Parking and Servicing

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.

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2 Code No: 806/1352

- 10. Officer Opinion:** It is relevant to note that the most recent use of this building has been as a garage/store related to 4 Grove Court. On this basis, as with other residential properties, planning permission would not be required to use the garage/store as living accommodation. The implication of this is that if it were not for the proposed external changes, the building could be used in the proposed way without any planning permission. Therefore, it would not be reasonable to raise objections to the principle of the proposed change provided that the building is used as ancillary accommodation to 4 Grove Court, rather than as an independent unit. A condition can be imposed to secure this relationship.

The building is within the Strutts Park Conservation Area and World Heritage Site Buffer Zone and as such maintaining its historic external appearance is important. My views on the external changes are described in section 5.2 of this report and in summary, I am satisfied that the proposal is sympathetic to the character and appearance of the building and surrounding area. I, therefore, raise no objections on design grounds, subject to conditions to regulate materials.

I note objections that have been received with respect to the impact upon residential amenities. As stated above, residential use of the building could be achieved without planning permission. However there are some changes proposed which could affect amenities. I note the relationship between the building and Edward Street/North Parade properties and in view of the position that the building can already be used as living accommodation, I do not consider that, subject to obscuration of some window panes, the proposed changes would unreasonably undermine residential amenities. Specifically, I suggest that the west facing rooflight and left hand side of the first floor window on the front elevation be obscure glazed in order to ensure a satisfactory relationship with neighbouring properties. I feel that this restriction is justified as the proposed changes will improve the living accommodation and make use of the building far more likely than if left in its current state.

I also note concerns about access and land ownership but these are not material planning considerations and should not prejudice consideration of the proposal. Rather these matters would have to be resolved separately between the interested parties.

11. Recommended decision and summary of reasons:

11.1 To grant permission conditionally.

B1 APPLICATIONS (cont'd)

2 Code No: 806/1352

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above and is acceptable in terms of its impact upon the appearance of the building and surrounding area and upon residential amenities.

11.3 Conditions

1. Standard condition 80 (further details of windows/doors)
2. The accommodation hereby permitted shall be solely occupied in conjunction with the use of the main dwelling, 4 Grove Court or by dependent (s) of the occupants of the main dwelling and it shall not be separately let or disposed of.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the following windows shall be obscure glazed and permanently maintained as such.
 - a. The conservation rooflight in the west facing roof plane
 - b. The left hand pane of the first floor window in the front elevation.

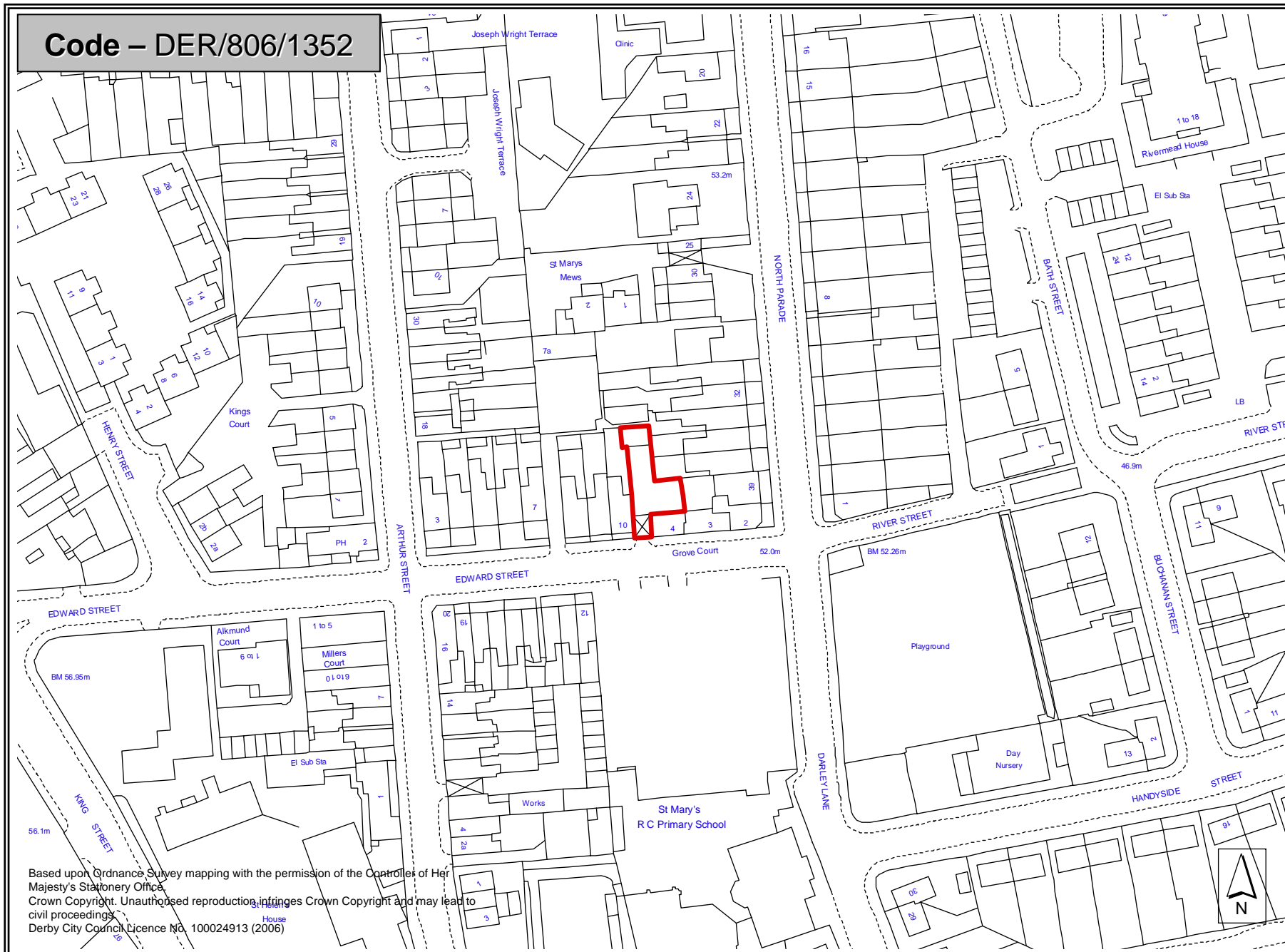
Furthermore, no new windows or other openings shall be inserted without first obtaining planning permission.

4. This permission does not imply consent for the type of shutters shown in the submitted drawings. Prior to development commencing, precise details of the shutters shall be submitted to and approved in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...Policy E18
2. Standard reason E07...Policy H13
3. Standard reason E07...Policy H13
4. Standard reason E14...Policy E18

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B1 APPLICATIONS (cont'd)

3 Code No: DER/906/1454

Type: Full

1. **Address:** Site of 25 Chapel Street
2. **Proposal:** Demolition of existing flats and erection of 9 apartments
3. **Description:** The site is occupied by a three storey building divided into 3 flats with a small yard to the rear. It is located on Chapel Street, within the Northern Quarter Policy Area of the City Centre and within the archaeological alert area. Adjacent uses are the Flower Pot Public House and Derby Dance Centre, a contemporary building with an all glass facade. The multi-storey Chapel Street car park lies opposite the site and the former Smith's Clock Yard site lies to the rear, beyond a footpath that runs to the rear of the property. The Smith's Clock Yard is currently a development site with planning permission for an 8 storey office/apartment scheme.

The proposal is for 9 two bedroom apartments arranged in a part 5, part 4 storey building which would occupy a large area of the site and with a bin store and cycle racks to the rear. There would not be any allocated parking spaces.

The building is contemporary in its design. The front elevation of the building would be in line with the existing with the exception that the fifth storey would be set back. The main entrance would be on the elevation facing onto the path that runs to the side of the property, between the site and Derby Dance Centre.

A design and access statement accompanies the applicant and notes that the building is designed in a contemporary style. The elevations treatment is designed to give visual relief.

4. **Relevant Planning History:** DER/206/223 – Site of 25 Chapel Street, Erection of 8 apartments - withdrawn.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed development is a significant improvement on the design submitted in connection with DER/206/223. The site is visible from the ring road and does form part of a key view into the City Centre. The contemporary style continues that established by the adjoining Dance Centre whilst acknowledging the materials used on the public house.
 - 5.3 **Highways:** Further comments will be reported but the initial view is that the proposal would be acceptable in principle subject to adequate

B1 **APPLICATIONS** (cont'd)

3 **Code No:** DER/906/454

secure cycle parking together with adequate refuse disposal facilities. The existing footway on King Street Passage should also be safeguarded and any changes made to the City Council's satisfaction.

5.4 Disabled People's Access: - One of the first floor flats should be designed to Lifetime Homes standard. However, this can only be secured by agreement with the applicant as the number of units falls below the threshold at which the City Council can insist on one Lifetime Homes unit.

5.5 **Other Environmental:**

R&CS Environmental Health - Comments awaited

6. **Publicity:**

Neighbour Notification letter	3	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** To date, I have not received any objections. Members will be updated orally on this matter.

8. **Consultations:**

Archaeology - Comments awaited

Police - Comments awaited

Cityscape -Comments awaited

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

GD5 - Amenity
R1 - Regeneration Priorities
CC9 - Northern Quarter Policy Area,
H13 - Residential Development – General Criteria
E10 - Renewable Energy
E21 - Archaeology
E23 - Design
E24 - Building Security Measures
T4 - Access, Parking and Servicing

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.

B1 APPLICATIONS (cont'd)

3 Code No: DER/906/454

- 10. Officer Opinion:** In principle, the site is acceptable for residential use given its existing use. The key issues for consideration are the design, impact upon archaeology and neighbouring uses, in particular the adjacent public house and beer garden, provision of a high quality living environment and parking and servicing. Any Environmental Health concerns that are raised are likely to influence the method of construction and it would most likely be possible to deal with this matter as a condition of planning permission.

Design

My view on the design of the building are given in section 5.2 of this report.

Archaeology

To be reported at the meeting on receipt of comments from the archaeologist.

Impact upon neighbouring properties

The new building will have an impact upon neighbouring properties, most particularly the adjacent public house which lies to the east of the application site. The part of the proposed building closest to the boundary with the public house would be four storeys in height with a predominantly flat roof compared with the existing building which is three storey in height with a pitched roof. Whilst the mass of the building would be greater in height and in depth than the existing, I do not consider that the impact upon the public house and beer garden would be unacceptable. There would be some loss of light and additional massing effects but I do not think that the change would be so unreasonable to warrant refusal of permission. With regard to privacy, I note that the side elevation of the proposed building includes windows that would overlook the beer garden and public house but these are to be obscure glazed and in some cases high level and this would not, in my opinion cause any unreasonable level of overlooking.

I am also satisfied that the relationship between the proposed building and other neighbouring dwellings would be acceptable.

Provision of a high quality living environment

The proposal is for city centre apartments. Although there are no parking spaces or private amenity space proposed I am satisfied that in this central location, a satisfactory living environment could be achieved. The internal layout is arranged so that all habitable rooms

B1 APPLICATIONS (cont'd)

3 Code No: DER/906/454

enjoy a reasonable level of light and privacy and would not be unacceptably affected by the proximity or massing of nearby buildings.

I note that the planning permission for the Smith's Clock Yard building allows for a tall building that would be within 7m of the proposed site and this would affect light to the rear of the proposed building. Although this development appears to have stalled I am mindful that the principle of height and massing has been established and it is important to ensure that the proposed building would satisfactorily relate to the approved building. Lounges on the rear of the building have windows that would face the approved scheme but also on the side elevation facing the Dance Centre. On this basis I am satisfied that the rear elevation lounge windows could be obscure glazed without unreasonably compromising the living environment. Master bedrooms located at the rear of the building have windows on the rear elevation but given the angle between these and the approved Smith's Clock Yard building I do not think that there would be unreasonable overlooking.

Parking and servicing

Comments on these aspects of the proposal are awaited and will be reported at the meeting.

11. Recommended decision and summary of reasons:

11.1 Subject to consultation of all the outstanding consultee comments, within the required timescale **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 and is acceptable.

11.3 Conditions – To be completed and to include:

1. Standard condition 27 (external materials)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, the lounge windows on the north facing rear elevation and all windows on the west facing side elevation shall be obscure glazed and permanently maintained as such.

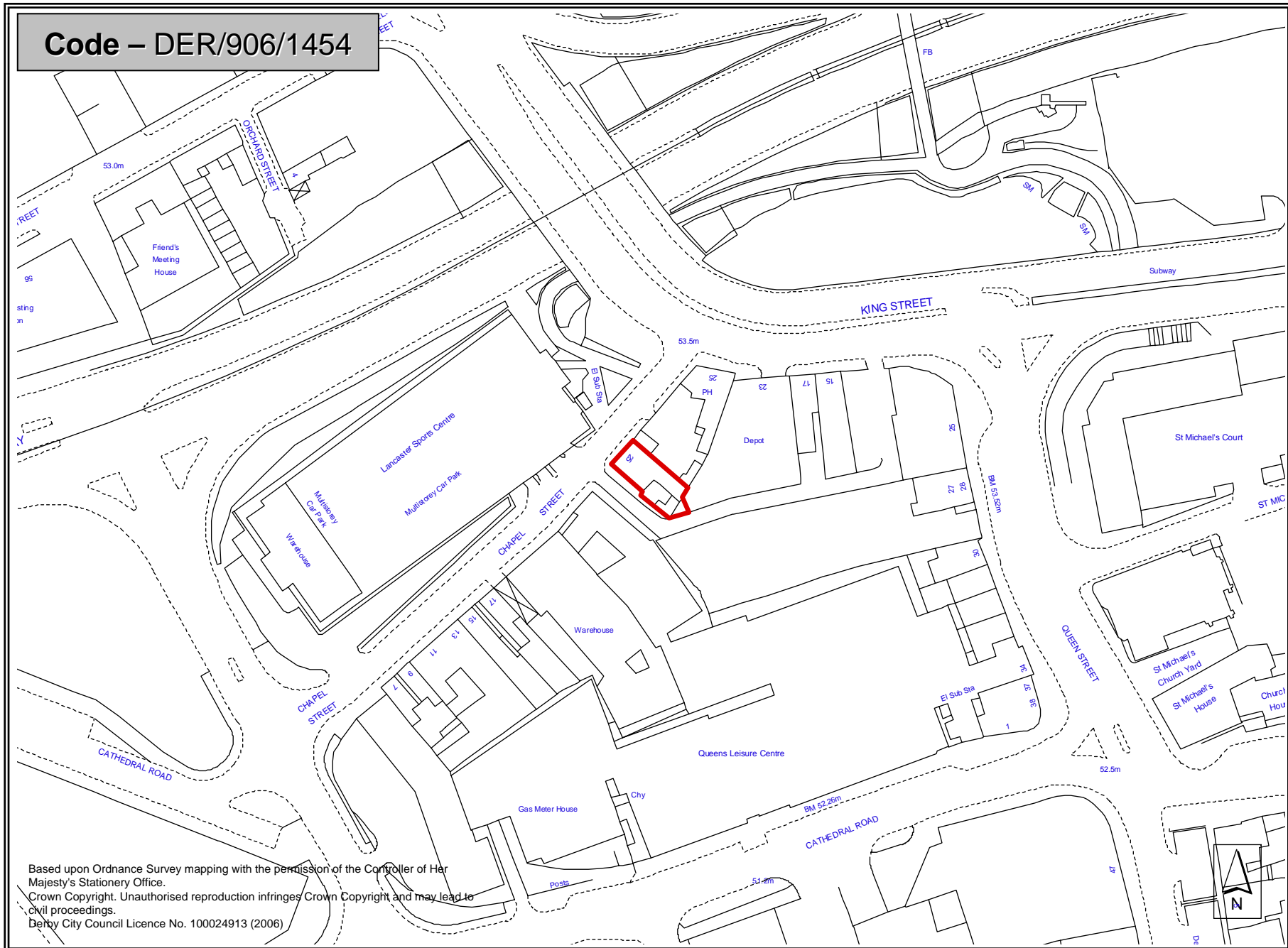
B1 APPLICATIONS (cont'd)

3 Code No: DER/906/454

11.4 Reasons

3. Standard reason E14...Policy H21
4. In the interests of amenities and provision of a high quality living environment...H21

Code – DER/906/1454



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B1 APPLICATIONS (cont'd)

4 Code No: DER/806/1237

Type: Full

1. **Address:** Land off Goodsmoor Road, Sinfin
2. **Proposal:** Erection of 42 dwelling houses and access road
3. **Description:** The application site is approximately 0.93 hectares in size and currently accommodates office, workshop and industrial buildings and their associated parking areas. The site sits to the south of Goodsmoor Road, approximately 40m to the east of the Burton to Derby railway line. Towards the western end of the site, Goodsmoor Road rises in level as it extends over the railway line and access over the bridge is narrow and signal controlled. An embankment of trees sit between the western site boundary and the railway line and a footpath alongside these trees provides a link between Goodsmoor Road and residential property to the south on Morlich Drive. To the south of the site is an open area of land which comprises a raised mound that is densely planted with mature trees. To the south of this land is residential property. Alongside the sites eastern boundary is an area of public open space which sits adjacent to residential property that back onto Goodsmoor Road. The land on the opposite side of Goodsmoor Road to the application site is occupied by a large warehouse unit.

The existing buildings on the site are proposed to be demolished and full planning permission is sought for residential development upon the site. The application proposes the erection of 42, terraced, semi detached and detached dwellings ranging between two and two and a half storey in height. The dwellings are to be arranged around a single access road exiting onto Goodsmoor Road.

Accompanying the application is a sustainability Appraisal, Ground Condition Desk Study, a Tree Survey, Transport Statement, Noise Report and a Statement in support of the application.

4. Relevant Planning History: Most recent

DER/0184/103 - Construction of units 11, 12 & 13 to form extension to existing premises - granted 15/03/84.

DER/0983/1035 - Erection of boundary wall and formation of new access - granted 19/12/83.

DER/0483/371 - Formation of new access, erection of 2m security fence and extension to car park - granted 27/06/83.

B1 APPLICATIONS (cont'd)

4 Code No: DER/806/1237

5. Implications of Proposal:

5.1 Economic: The site of the proposal is currently identified in the CDLPR as an existing business and industrial area. Policy EP11 allows for alternative uses on such sites provided that a number of criteria are met. It is made clear in the supporting statement that was submitted with the application that much of the site has been vacant for some time and it is considered unlikely that the redevelopment of this site for residential use would cause a shortage of industrial land. It is also considered unlikely that the proposal would have a particularly adverse effect on employment land supply or nearby businesses and for these reasons it is considered that this proposal meets the criteria set out in policy EP11.

5.2 Design and Community Safety: The long narrow shape of this site and its ability to accommodate only one single point of access onto Goodsmoor Road, for highway safety reasons, does place limitations on the style of residential layout that can realistically be achieved upon it. The site does not directly adjoin any existing residential sites and there is not a defined pattern of development in this area with which any development on this site needs to strictly adhere to. Following negotiations with the applicants, amendments have been sought to the application and an acceptable internal residential layout has been achieved whilst ensuring that the development offers some interest to the site's Goodsmoor Road frontage.

The positions of dwellings have also been amended and additional windows added to improve natural surveillance of the open areas and footpaths that extend through and around the site. Any views of the Crime Prevention Design Advisor on the amended layout will be reported to Members at the meeting.

5.3 Highway: A transport assessment report was submitted with the application and it is considered that potentially, there will be no increase in the number of trips generated by the proposed development in comparison to the number of trips that could be generated by the permitted use when fully operational. However, as the proposed development is residential and it is essential that residents are able to access alternative transport to the private car, a contribution will be required for transport corridor improvements and improvements to public transport and cycling facilities.

5.4 Disabled People's Access: It is recommended that four lifetime home dwellings be secured. The remainder of the dwellings will have a

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4 Code No: DER/806/1237

degree of accessibility through compliance with building regulation guidance.

- 5.5 Other Environmental:** Along the site's northern and western boundaries are some mature trees a number of which would be lost in order to facilitate the form of development proposed. There are no trees on the site that are worthy of statutory protection.

6. Publicity:

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

7. Representations:

At the time of drafting this report, no letters of representation had been received. Should any be received prior to the meeting, they will be made available in the Members' rooms.

8. Consultations:

DCommS (Arboriculture) - To be reported.

DCorpS (Health) - The application was supported by a noise assessment and a desktop contaminated land / geotechnical study. Further noise surveys have been undertaken and the results were not available at the time of drafting this report. The conclusions of that survey and comments upon it will be reported to Members at the meeting. The site used to house a china and ball clay process and as such should have a medium-high environmental risk rating rather than a low rating as indicated in the submitted report and it is agreed that further works on site would be required. These have now been undertaken and an intrusive ground investigation report has been received. Comments upon this report will be reported to Members at the meeting.

Crime Prevention Design Advisor - Any Observations on the amended layout will be reported.

9. Summary of policies most relevant: Adopted CDLPR:

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4 Code No: DER/806/1237

- GD4 - Design and the urban environment
- GD5 - Amenity
- H11 - Affordable housing
- H12 - Lifetime homes
- H13 - Residential development, general criteria
- EP11 - Development in existing business and industrial areas
- E9 - Trees
- E10 - Renewable Energy
- E23 - Design
- E24 - Community safety
- L2 - Public open space standards
- L3 - Public open space requirements in new development
- T1 - Transport Implications of new development
- T4 - Access, parking and servicing
- E17 - Landscaping scheme

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:** As previously-developed land, within the existing urban area, use of this site for residential purpose accords with the guidance set out in PPG3 - Housing. I am also satisfied that the criteria set out in policy EP11 have been met and that a residential use upon this site is acceptable in policy terms, provided that it can offer a satisfactory living environment for future occupiers.

Land uses which extend along Goodsmoor Road vary and warehousing, residential and industrial sites do occupy land in close proximity to the site. One of the main considerations in allowing this site to be developed for residential purpose is the noise levels on site and its implications for future occupiers. The noise assessment submitted with the application recognises the sources of noise which affect this site to be traffic on Goodsmoor Road, passing trains and some periods of vehicle activity at the warehouse site opposite. Following consideration of the noise assessment results by colleagues in Environmental Health further noise assessments have been undertaken. Members will be updated on the results of those additional surveys but it is expected that using the noise exposure categories outlined in PPG24 - Planning and Noise, that it is acceptable for planning permission to be granted for residential development on the site. Provided the assessment identifies noise levels falling into the appropriate category and appropriate conditions are put in place to protect residents against noise, I consider that a comprehensive argument against a residential use on site based on noise grounds would be difficult to defend at appeal. Issues raised by the Environmental Health Officer in relation to possible site contamination

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has resulted in further survey works. I expect these will be resolved as indicated in section 8 of the report.

The proposed layout offers residential development at a density of 45 dwellings per hectare which accords with guidance in PPG3 Housing and CDLPR policy H13. Each dwelling has an appropriate amount of garden space and level of parking provision and I consider that the layout would offer satisfactory levels of privacy and amenity for future occupiers. As there are no existing residential property which abut the site, I am satisfied that the development should not reduce levels of privacy or amenity for any existing occupiers. This site is predominantly bounded by areas of open land and amendments to the layout have been sought to ensure these areas are overlooked and provided natural surveillance by the development, more than currently afforded to these adjoining public spaces.

Amendments that have been sought to the layout would result in the loss of some hedgerows and a number of mature trees on the site but they are not protected by tree preservation order. Additional tree planting would be secured as part of any landscaping scheme in positions where their long term retention is more feasible than if existing unprotected trees were retained on site. The Arboricultural Officers comments on the revised layout have been sought and will be reported to Members at the meeting. Should Members resolve to grant planning permission for this development, it is recommended that the applicants be reminded of the need to comply with the terms of the wildlife and countryside act to ensure that any wildlife is protected during tree/hedge removal.

A development of this size gives rise to a need for the provision of lifetime homes, affordable housing, transport corridor improvements and public open space. These are being secured as part of this development through the section 106 agreement. Subject to that agreement being finalised and outstanding matters relating to the noise assessment and ground investigation survey being resolved, I consider this application proposes an acceptable form of development for this site.

11. Recommended decision and summary of reasons:

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

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- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above Agreement, with conditions.
- C. To remind** the applicants of their responsibilities under the Wildlife and Countryside Act 1981 and the Conservation Regulations 1994 in respect of the presence on the site of any protected species such as bats.
- D.** If the applicants fail to sign the S106 Agreement by the expiry of the 13 week target period, (21 November 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 at 9. above and the layout of the development and the principle of its use is considered to be acceptable in this location.

11.3 Conditions

1. Standard condition 09A (revised plans received 5th October 2006)
2. Standard condition 27 (materials)
3. Standard condition 20 (approval of landscaping scheme)
4. Standard condition 22 (landscaping within 12 months (condition 3)
5. Standard condition 24A (vegetation – protection incl. overhanging)
6. Standard condition 19 (means of enclosure)
7. Standard condition 30 (surfaces to be drained, surface etc)
8. 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.
9. Standard condition 13 (garages)

11.4 Reasons

1. Standard reason E04.
2. Standard reason E14....policies H13/E23
3. Standard reason E09policies H13/E23/E17
4. Standard reason E09....policies H13/E23/E17
5. Standard reason E29....policy E9

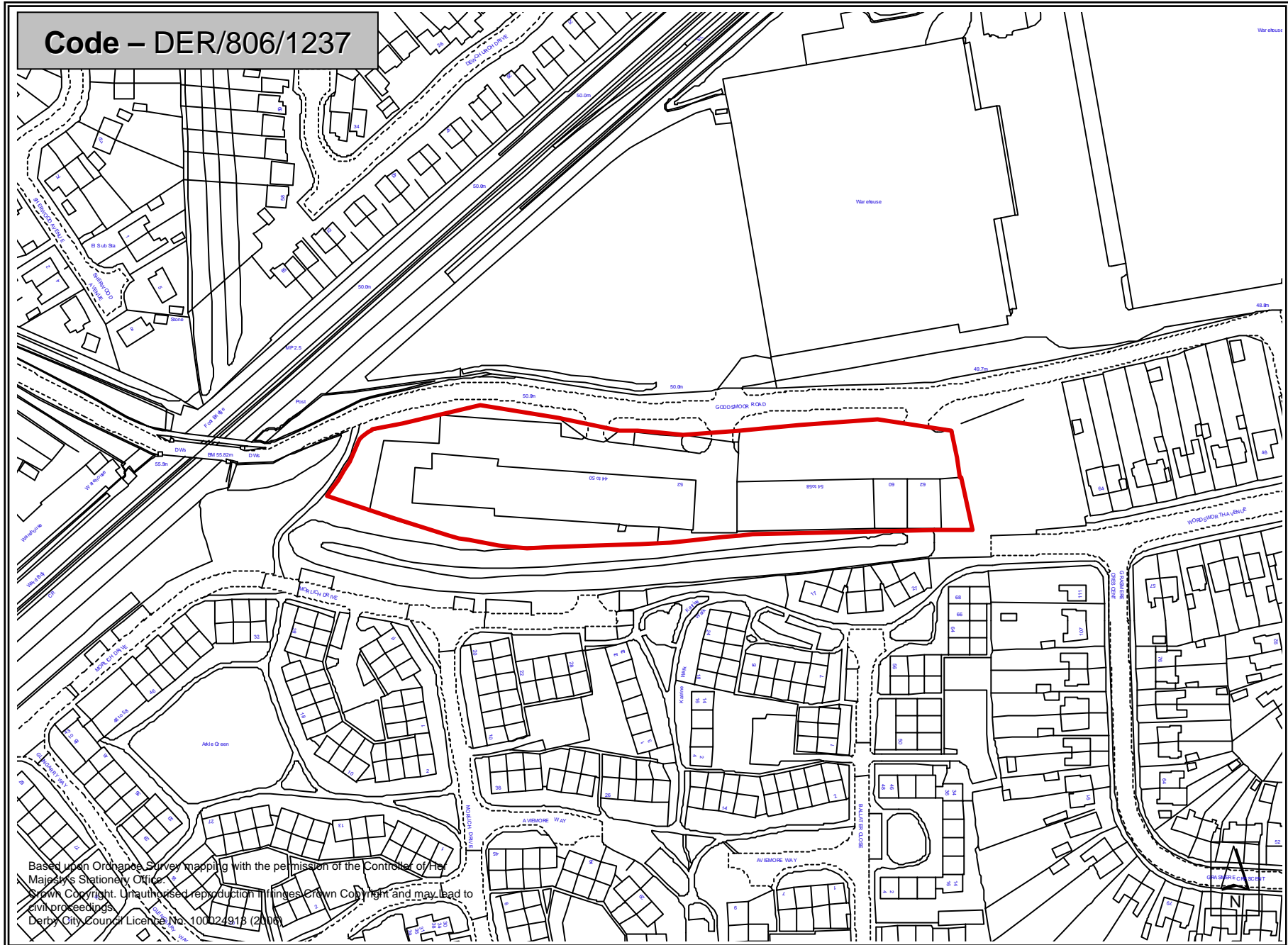
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- 6. Standard reason E14....policy H13
- 7. Standard reason E09 ...policy H13
- 8. Standard reason E21
- 9. Standard reasons E16 and E28 ..policy H13 and T4

11.5 S106 requirements where appropriate: Incidental open space, lifetime homes, affordable housing and highway contributions.

Code – DER/806/1237



B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

Type: Full

1. **Address:** Site of 141 Station Road, Mickleover
2. **Proposal:** Demolition of existing dwelling and erection of 8 apartments
3. **Description:** The application site is located on the eastern side of Station Road in Mickleover. It is rectangular in shape and measures approximately, 62m in depth. Its Station Road frontage measures approximately 26m. Three mature street trees are located within the footway which extends along the front of the application site. It currently accommodates a single detached bungalow which sits approximately 14m back from Station Road. The remainder of the site is laid open to mature garden and accommodates a number of mature trees. Vehicular access is currently off Station Road.

Residential property is located to the north, south and east of the application site and on the opposite side of Station Road. The form of development in this residential area is predominantly detached and semi detached dwellings on fairly substantial plots.

Planning permission is sought for the demolition of the existing dwelling and the erection of 8 apartments on the site in one single building. Extending up to two and a half storeys in height, the building would sit approximately 13m back from the sites frontage. Car parking would be accommodated at the front of the apartments. Access to the apartment building would be via a central doorway on the front elevation. Separate areas for bin storage and cycle parking are proposed to be located alongside the buildings southern elevation. The land to the rear of the apartment building would serve as garden space for use by the future occupiers.

The design statement submitted with the application refers to the development as an 'arts and crafts villa style property' and its elevations include features such as gables with exposed timbers, bay windows at ground and first floor level, balconies and feature chimneys on both side elevations. Both render and facing brickwork are proposed to be used on the buildings elevations.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.

B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

- 5.2 Design and Community Safety:** The design statement submitted with the application reflects on the character and style of dwellings in the surrounding residential area and it is clear that regard has been given to the various architectural features of nearby dwellings when designing this scheme. In my opinion, the building has balanced elevations with interesting architectural features that would provide an interesting building that would not appear out of character in this street context.
- 5.3 Highways:** A transport assessment report was submitted with the application and it is not considered that the additional traffic flow from this development will be of any significance in relation to existing traffic flows on Station Road. Amendments to the layout of the parking area have been made and any additional comments in response to these amendments will be reported to members at the meeting.
- 5.4 Disabled People's Access:** Recommend that one apartment be designed to the lifetime homes standard with associated disabled people's parking bay. Remainder of apartments will have a degree of accessibility through compliance with building regulation guidance.
- 5.5 Other Environmental:** Amendments to the proposal have been sought in order that the existing vehicle access to the site is utilised rather than a new access being formed under the canopy spread of two Norway maple street trees. The views of our Arboricultural Officer on these works have been requested and will be reported to members at the meeting.

An ecological survey and bat survey has been undertaken and no bats or bat roosts have been found to be present on site. The views of Derbyshire wildlife trust are detailed in section 8 of this report.

6. Publicity:

Neighbour Notification letter	9	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations:

22 letters of objection and 1 letter of support were received in response to this application and an additional 11 letters of objection have been received in response to amendments that have been made to the application. These will be available in the Foyer. Any additional letters which may be received in response to further amended plans that have

B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

been received will be reported orally and circulated. Objectors to the application express concerns about:

- The scale, design and height of the building and its impact upon the character of the area
- The impact of the development on highway congestion and safety
- The impact of the proposed development on trees, local wildlife noise and pollution levels in the area
- The impact of the development on the amenity and privacy of neighbouring properties
- The increased demand on existing facilities and infrastructure in Mickleover
- The cumulative impact of this proposal and other developments on the character of the area generally

The letter of support refers to the design of the building, provision of additional homes in the area and its positive implications for green field sites on the edge of Mickleover.

8. Consultations:

DCommS (Arboriculture) - To be reported.

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

DWT - Considers that it would appear from the bat survey report that the property proposed for demolition was surveyed in February 2005 but does not report the results of this earlier work, only that of a survey during 2006. The result of the survey was that there was no evidence of current or historical occupancy by bats. The 2006 survey was undertaken at a time when bats would not have been actively flying. Ideally, the 2006 survey work would have been undertaken at a more appropriate time of the year when bats would have been active – this would have assisted with an assessment of those areas of the roof void which were inaccessible. However, DWT consider the survey methodology and effort would have been appropriate to have reached the conclusion that the building was not occupied by bats during the time of the survey, or beforehand. Therefore, subject to English

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Nature's opinion being the same, they advise that sufficient survey work for bats has been undertaken to meet the recommendations within PPS9.

DWT advise that if the Authority is minded to grant approval of this application the recommendations within Section 5 (5.5 – 5.7) of the Bat Survey Report should be made conditions of that approval. Similarly, they also suggest the recommendations regarding tree protection during development which are outlined in Section 7 of the Tree Survey Report should be also be made a condition of any approval.

Crime Prevention Design Advisor - The dense foliage and tress situated along the street frontage remove passing surveillance opportunities of the front car parking area. There is only one main habitable room on the ground floor and only two in total that can offer any surveillance capacity to the front. In this scenario a secure front boundary is essential with gated entry. If this is not achievable due to highway and access restrictions then a CCTV system will be required as well as a white lighting scheme to maintain image quality. Gates to each side of the block will be required to prevent unrestricted entry. The ground floor apartments must also have privacy space demarcation under each bedroom window by defensive planting or enclosed private patio areas.

9. Summary of policies most relevant:

Adopted CDLPR:

- GD4 - Design and the urban environment
- GD5 - Amenity
- H13 - Residential development, general criteria
- E17 - Protection of Habitates
- E10 - Renewable energy
- E19 - Trees
- E7 - Landscaping Schemes
- E23 - Design
- E24 - Community safety
- T4 - Access, 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:** 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 residential context of Station Road. As previously developed land it meets the criteria for brown field regeneration advocated in Central Government Guidance in PPG3.

B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

Siting and Design

The siting of the proposed building is in line with the existing pattern of development along Station Road. A number of local residents who have objected to this application have questioned statements made in the design statement that has been submitted with the application and it is clear that they feel that the design of the building is out of character with other dwellings in the immediate locality. I agree with comments made in the design statement that the local area does contain a mixture of dwelling sizes and styles. I do not feel that there is a clear uniform style with which any new development could strictly adhere to and I feel that what is being proposed contains features and detail which offer a building with elevations that are of interest. Both 139 and 145 have bay windows on the frontage, as does the proposed apartment block. Particularly attractive features of 139 Station Road are its chimneys on both side elevations of the dwelling. Chimneys are proposed on both side elevations of the proposed building and I feel that they offer architectural detailing that has some relationship to surrounding development and provides the building with interesting elevations. Overall, I feel that the balance, choice of fenestration and architectural detailing of this building's elevations are acceptable in this residential context as they do offer some relationship to other established buildings in the immediate locality.

The scale of the building would exceed that of those immediately adjacent in terms of its width and height. However, given that Station Road does contain dwellings and buildings of various sizes, I do not consider the building to be unacceptable in this context. In my opinion, the 21m width of the building is not excessive as the architectural detailing sufficiently breaks up the mass of the buildings elevations. Although the adjacent dwellings extend to only two storey's in height, Station Road contains both bungalows and dwellings. In my opinion, there is no uniform height of the existing buildings in this street context and I do not consider a building of two and a half storey to be excessive in this context. I do not feel that its height would make it appear so out of character in this street context, to offer reasonable grounds on which to refuse planning permission.

Amenity Considerations

This building would offer a development of significant bulk in comparison to the existing bungalow which currently occupies the site. The proposed building would also extend some 10 metres further back in its plot than the neighbouring dwellings to the north and south. However, it would not intrude into the 45° zone projected for the nearest habitable room windows in the rear elevations of those houses

B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

and in my opinion this demonstrates that the siting of the proposed building is acceptable in general massing terms. Both of the neighbouring dwellings do have windows in their side elevations but given that they face towards the application site their amenity cannot be strictly protected. Those in the side of no. 145 are approximately, 4m from the boundary and those in the side of no. 139, 5.5m from the boundary and given these distances, I do not consider those windows would suffer unreasonable enclosure to an extent that offers grounds for refusal of this application.

In terms of overlooking from the proposed building, the design includes windows on the side elevations facing towards established properties but these are to be obscure glazed and of a non-opening design. Retention of that style of window can be secured by condition of planning permission, to ensure that the privacy of those neighbouring dwellings is protected in the future. To the rear of the building, the depth of the rear garden is about 33m and the distance between the development and the dwellings on Moorland Road exceeds our normal space standards.

This is not to say that there will be no affect at all on neighbouring properties through these various impacts, but I consider these to be within acceptable limits. Dwellings to the rear on Moorland Road may feel more overlooked than at present given that the two and a half storey building is to replace a bungalow. No. 145 Station Road will experience some loss of sunshine given that the new building is to be of greater height than what it is proposed to replace. However, in my opinion, 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. Overall, I do not consider there would be sufficient grounds to withhold planning permission in this instance.

Highways and Parking

In the letters of objection that have been received in response to this application, it is clear that local residents are very concerned about the possible implications of this development on levels of traffic and highway safety along Station Road. There is however no highway objections to the intensification of use proposed on this site. The Highway Officers views on the revised access and parking layout within the site have been sought and their views will be reported directly to Members at the meeting. The parking layout at the front of the site provides 1 space per unit and 2 spaces for visitor parking giving 10 in total. An area has been allocated on the site for cycle parking

B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

provision and further details relating to the cycle parking can be secured by condition, should planning permission be granted.

Environmental Issues

On the basis of the submitted bat survey it is concluded that it is unlikely that the existing bungalow would support a bat roost. In accordance with CDLPR policy E7, the City Council has a duty to consider the implications of development on wildlife species. In accordance with the advice given by Derbyshire Wildlife Trust I do consider it appropriate to add a condition to any planning permission to require further survey of the building to be undertaken at the point of demolition of the existing bungalow.

The trees which are located to the front of the site, on Station Road are mature and in my opinion, have high amenity value. They are proposed to be retained although some works are proposed to take place underneath them, in order to widen the access into the site. The Arboricultural Officers views on the proposals have been sought and will be reported directly to members, at the meeting.

Subject to the views of the Arboricultural Officer being considered and the views of the Highway Officer on amendments to the parking layout, I consider that this proposal offers a satisfactory form of development for this site. In view of the greater density of residential units it is proposed to provide, the application offers a more efficient use of the site in accordance with Government advice.

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 at 9. above and the siting, design, street-scene and massing impact of the proposed development is considered to be acceptable in this location.

11.3 Conditions

1. Standard condition 09A (revised plans received 3 August 2006 and 7 September 2006)
2. Standard condition 27 (materials)
3. Standard condition 20 (approval of landscaping scheme)
4. Standard condition 22 (landscaping within 12 months (condition 2)
5. Standard condition 24A (vegetation – protection incl. overhanging)

B1 APPLICATIONS (cont'd)

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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.
7. Standard condition 51 ...service runs and trees
8. Prior to the commencement of the demolition of the bungalow, a licensed bat worker shall undertake a thorough survey of the building. 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.

9. Standard condition 19 (means of enclosure)
10. Standard condition 30 (surfaces to be drained, surface etc)
11. 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.
12. All windows in the side facing elevations of the apartment block which face towards the north and to the south, shall be fixed and obscure glazed and retained as such at all times.

B1 APPLICATIONS (cont'd)

5 Code No: DER/406/696

11.4 Reasons

1. Standard reason E04
2. Standard reason E14....policies H13/E23
3. Standard reason E14policies H13/E23/E17
4. Standard reason E14....policies H13/E23/E17
5. Standard reason E29....policy E9
6. Standard reasons E04 and E35 ... policies E23 and T4
7. Standard reason E29....policy E9

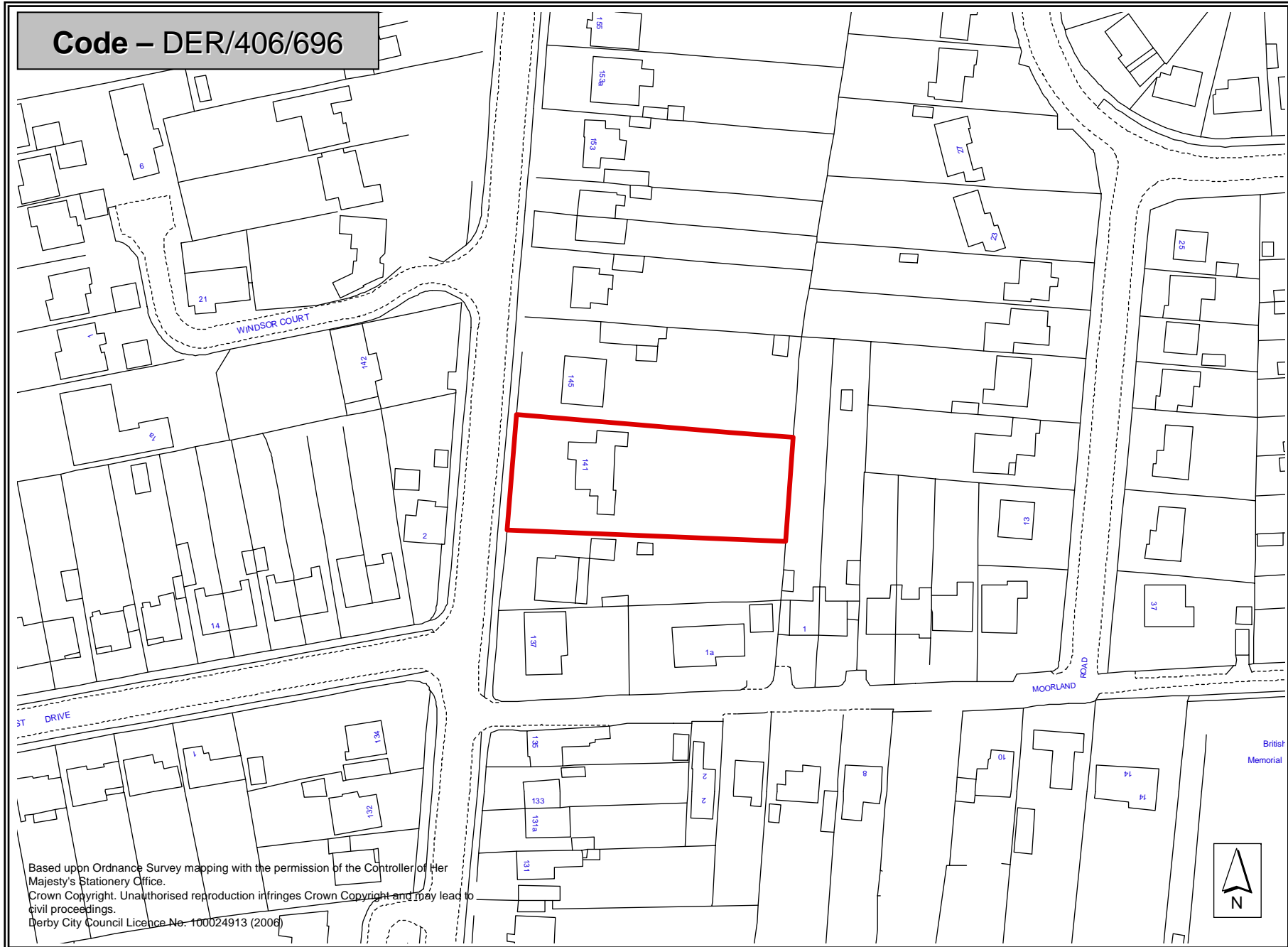
8. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with policy E9 of the adopted City of Derby Local Plan Review and the principles of Planning Policy Statement 9 – Nature Conservation.

9. Standard reason E14....policy H13
10. Standard reason E14....policy H13
11. Standard reason E21

12. To protect the amenity and privacy of neighbouring occupiers....policy H13

11.5 S106 requirements where appropriate: None

Code – DER/406/696



B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

Type: Full

1. **Address:** Site of Elmhurst, Lonsdale Place
2. **Proposal:** Residential Development together with associated works
3. **Description:** This full application seeks permission for the erection of 24 apartments, together with the provision of 34 car parking spaces and secure cycle parking. By taking account of the fall in land levels the proposed building would be four and five storeys in height. Much of the site contains trees covered by Tree Preservation Order, most of which would be retained. Vehicular and pedestrian access to the site would be from Lonsdale Place only, using the existing access to the rear of the premises of Aston Engineering, and a new access directly opposite Lee Bay and Cranford on Lonsdale Place.

On the opposite side of Lonsdale Place, are two storey dwelling houses, while at the end of that street are University Halls of Residence. Within that curtilage is a Grade II listed building (a two storey building) that abuts the southern end of the application site. To the north of the application site are workshops (Aston Engineering) while to the east are the rear gardens of 3-17 (odd) Rowditch Avenue, again these are two storey dwelling houses. The site slopes quite sharply from south to north, and contains many mature trees along the south, west and eastern boundaries. The existing building on the site is vacant, and was used as a residential home for children. Along the boundary at back of pavement along Lonsdale Place is a fine stone wall.

A design and access statement accompanies the application, together with the necessary tree survey. The statement notes that this bespoke design is intended to display a sympathetic relationship with the nearby listed building. The vertical emphasis echoes the tower feature of the listed building and the overall mass of the building is designed to relate to the slope to the north of the site. The proposed building is in two parts, to the north and south of the site, linked by a glazed section at first-third floor level. The building has a mixture of pitched and hipped roof features, and the main fenestration is on the eastern and western sides. The bulk of the surface car parking is along the western boundary with the Rowditch Avenue properties. On the Lonsdale Place frontage most of the existing stone boundary wall is to be retained, and car parking is likely to remain on the highway there.

4. **Relevant Planning History:**

DER/1205/2036 – Residential Development and associated works.
Application withdrawn.

B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

5. Implications of Proposal:

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposed design follows a considerable degree of officer discussion and, as the design statement notes, the new building occupies a central strip of the site well away from the rear boundaries of the site with the distances from nearby houses much more than the existing property and greater than usually accepted for back to back standards. The scale takes note of the University Halls of Residence at Lonsdale Hall which is up to four stories in a quadrangle arrangement. The design and layout, provides rear car parking which is visually controlled through an archway in the building and overlooked from the apartments. As such the layout is self policing taking note of relevant community safety initiatives in its design.

5.3 **Highways:** No major objections 2m x 2m by 45° pedestrian visibility splays should be provided on both sides of the existing and proposed accesses. The gradient of the two accesses should not be steeper than 1 in 14 for the first 4.5m from the highway. Secure cycle and motorcycle parking should be provided. The proposed parking of 100% desirable in this location.

5.4 **Disabled People's Access:** Would wish to secure two lifetime homes apartments, and the inclusion of lifting device is welcome. Building Regulations will deliver a degree of accessibility to the remaining dwellings.

5.5 **Other Environmental:** The site contains many trees, protected by Tree Preservation Order, most of which would be retained. This group of trees has a considerable impact on residential properties both in Lonsdale Place and Rowditch Avenue. The guidance of the Arboricultural Officer has been sought.

6. Publicity:

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

7. **Representations:** I have received two letters of objection to the proposal, one of which is signed by nine people, and these are reproduced. The main points raised are:

B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

- the proposal is too high, and over dominant
- the proposal is over intensive for the site
- existing road cannot deal with increased demand
- concern for the future of protected trees on site.

Any further representations will be reported at the meeting.

8. Consultations:

DCS – to be reported.

DCS (Housing) – to be reported.

CS (Arboricultural Officer) – tree survey is acceptable. Requests that a method statement be prepared, explaining how trees will be protected during construction and nature of landscaping proposals. Details are also required, of where protective fencing will be placed, before any development commences.

Police ALO – no objections. Attention is drawn to the relative isolation of five parking spaces to the north of the site and this has been taken up with the applicant. Some concern expressed about the degree of tree/vegetation cover on the site, in respect of visibility from Lonsdale Place.

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

- ST12 - Amenity
- H20 - Lifetime Homes
- H21 - Residential development – general Criteria
- E11 - Trees
- E12 - Renewable Energy
- E20 - Landscaping Schemes
- E22 - Listed Buildings and Buildings of Local Importance
- E26 - Design
- E27 - Community Safety
- L3 - public Open Space Standards
- L4 - Public Open Space Requirements in New Development
- T4 - Access, Parking and Servicing

The advice of PPG3 (Housing) is also relevant in this case.

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

B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

10. Officer Opinion: Following the previous withdrawal of application DER/1205/2036 this current proposal has been the subject of quite extensive discussions with officers to attempt to address the previous reasons for the unacceptability of the initial scheme. While the principle of residential development is clearly acceptable on this site, there are major factors that have required care in the overall design of the proposal. These are:

1. The design and scale of the proposed buildings.
2. The relationship to the existing residential properties in Lonsdale Place and Rowditch Avenue.
3. The relationship to the Listed Building to the south of the application site.
4. The degree of tree removal proposed, within a group of trees covered by a Tree Preservation Order, and the issue of tree protection while work is carried out.

The design of the proposed building is fairly coteremporary in nature, and would be situated along the spine of the site. It has a larger footprint, and is higher than the existing building on the site. Following the withdrawal of the original application, the design of the building was amended to relate better with the physical topography of the site. This resulted in some reduction in the height of the building and a better physical relationship with the site itself. In addition, the building was reduced to three storeys at its southern end, and this substantially improved the relationship with the adjacent listed building.

Much of the southern, western, and eastern boundaries of the site contain extensive tree cover, and this will serve to substantially reduce the impact of the scale of the proposed building on the curtilages of the adjacent residential properties in both Lonsdale Place and Rowditch avenue. The houses in Rowditch Avenue would be between 31.0m and 38.0m from the proposed building. Those in Lonsdale Place would be between 26.0m and 29.0m distant from it. My main concern is this relationship between a proposed 4-5 storey building (up to 18.0m in height) and these existing two storey dwelling houses. While it could be argued that the Council's space standards are reasonably met, I have concluded that without the influence of the very considerable mature tree cover, the impact of the proposed building would be over dominant. I have attempted to balance the current situation with the existing building on the site (itself much closer to both the houses in Lonsdale Place and Rowditch Avenue), with the likely impact of the proposed building given the distances from existing houses, and the

B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

scale of the mature trees. I am forced to conclude, and the arguments are finely balanced, that the proposal in this form is just about acceptable given the current climate of guidance from Central Government.

A key factor in the success of this proposal is the continued care of and overall health of the many good quality trees around the perimeter of the site, and this is reflected in the suggested conditions. Because of the great significance of the proposal, given its scale, and the proximity of the listed building I will wish to see the use of very good quality external materials throughout the scheme, together with the use of appropriate hard and soft landscaping works. I acknowledge that the proposal will increase traffic flows along Lonsdale Place but this would be the case whatever use the site was put to. It is likely that parking on the highway will continue as at the present time. There are no major highways objections raised, and adequate provision will be made for secure cycle and motorcycle parking.

I have duly noted the comments raised by third parties, and Members have visited the site. This type of proposal clearly demonstrates the issues raised by the need to utilise brownfield sites in an economic manner as encouraged by PPG3. This is quite an intensive scheme, but the height of the building can be accommodated by the physical nature of the site, and is offset to a reasonable degree by the degree of tree cover. I have concluded that it would be very difficult to sustain a refusal of permission at appeal for the reasons outlined, and recommend that permission be granted conditionally subject to a Section 106 Agreement to secure mobility housing and contributions to public open space provision. The 24 units proposed falls below the threshold for the provision of affordable housing.

11. Recommended decision and summary of reasons:

- 11.1 A. **To authorise** the Assistant Director – Regeneration to negotiate a Section 106 Agreement to secure the contribution set out in 11.5 below, and **to authorise** the Director of Corporate and Adult 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 the conditions set out below.
- C. Should the Section 106 Agreement be not concluded within the 13 weeks of the application's life (9 November 2006) the Assistant Director – Regeneration to give consideration in consultation with the Chair, **to refusal** of the application.

B1 APPLICATIONS (cont'd)

6 Code No: DER/806/1288

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan Review policies set out in (9) above and all other material considerations and is in conformity with them or can be made so by the conditions imposed and the terms of the Section 106 Agreement.

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 20 (landscaping)
5. Standard condition 22 (landscaping maintenance)
6. Standard condition 24A (protection of trees)
7. Standard condition 38 (drainage)

8. Before any work is carried out, further precise details of all external doors and windows at a scale of 1:20 or 1:50, shall have been submitted to and approved in writing by the Local Planning Authority.

9. Standard condition 99 (recycling)

10. Before any work is carried out, a method statement for all tree work proposed shall be submitted to and be approved in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...policy H21
2. Standard reason E18...policies H21 and E26
3. Standard reason E18...policies H21 and E26
4. Standard reason E14...policies H21, E26 and E20
5. Standard reason E14...policies H21, E26 and E20
6. Standard reason E11...policy E11
7. Standard reason E21...policy H21
8. Standard reason E39...policy E26
9. Standard reason E48

10. To safeguard the trees on the site protected by Tree Preservation Order, and in the interests of visual amenity.

11.5 S106 requirements where appropriate: Lifetime Homes, Public Open Space provision, transport corridor improvements.

B1 APPLICATIONS (cont'd)

7 Code No: DER/906/1438

Type: variation of
condition

1. **Address:** Land off Northmead Drive, site of disused allotments
2. **Proposal:** Variation of condition 2 of planning permission no. DER/703/1250 to extend the use of the recycling plant to August 2010
3. **Description:** Planning permission was granted in 2004 for the use of disused allotments off Northmead Drive for a recycling plant until August 2006. The applicant now wishes to extend the period to August 2010 in connection with the construction of the new hospital at the City Hospital site.

The site is 1.6 hectares and is part of a larger area previously used for allotments with a smaller eastern section last used for agricultural purposes. It is also part of the much larger NHS Estates holdings at the Kingsway/former Manor Hospital site.

The application site falls gently to the north and extends over the haul road which gave access for construction of the balancing pond. This pond has been formed to take drainage from the constructed staff and park and ride car park.

The pond lies to the north of the application site, in between which is former agricultural land.

To the east, beyond the application site and separated by agricultural land, is a ditch which originally drained northwards towards Bramble Brook but is to be diverted to the balancing pond.

To the west is a dense hedgerow beyond which is the A38 trunk road and to the south west is the slip road leading from the A38 to the major roundabout outside the City Hospital.

South of the application site is the rest of the allotments site.

Once construction is completed the plant will be removed and the site re-instated to a better standard than previously existed.

Hours of working are intended to be 7.00am to 7.00pm on Mondays to Fridays and 7.00am to 2.00pm Saturdays. Security fencing is erected around the perimeter of the site.

To my knowledge the site has operated without causing any problems.

B1 APPLICATIONS (cont'd)

7 Code No: DER/906/1438

4. Relevant Planning History:

DER/ 703/1250 - Erection of temporary recycling plant – granted conditionally on 8 March 2004.

DER/102/086 - Formation of balancing pond north of the car park off Northmead Drive, granted on 15 February 2002.

DER403/1085 - Temporary contractors compound, offices, car park and storage area on a site off Northmead Drive to the east of this application site, granted in 2004.

5. Implications of Proposal:

5.1 Economic: A site close to the hospital construction site has obvious benefits.

5.2 Design and Community Safety: None.

5.3 Highways: I am not aware of any issues arising from the existing use.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None arising from the continued temporary use.

6. Publicity:

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

None received but any representations will be reported at the meeting.

7. Representations:

8. Consultations:

EA - to be reported orally

DWT - no comments

DCS - (Health) – to be reported orally

9. Summary of policies most relevant: Adopted CDLP review policies:

B1 APPLICATIONS (cont'd)

7 Code No: DER/906/1438

- E2 - Green wedge protection
- E16 - Landscaping near green wedges
- E17 - Landscaping schemes – for assimilation, screening, retention of natural features and to provide visual and ecological links
- L10 - Protection of Allotments
- L5 - New or extended public open space
- EP13 - Employment proposals elsewhere
- EP14 - Development with potential off site effects – to be sited away from residential or other environmentally sensitive areas.
- T10 - Disabled access

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:** Whilst the original application needed to be tested against local plan policy, there has been no significant change in policy and on a temporary basis I have no objection to the temporary use for the period specified.

As a permanent use, the proposal could set a precedent for similar uses in this green wedge and I consider that the proposal would not comply sufficiently with policy tests and a refusal would be justified.

As a temporary use the consideration of the effects is time limited and greater weight can be given to mitigating circumstances and other policy requirements, provided these are considered sufficient to outweigh the main policy objections and to avoid a precedent being set.

The uses cannot take place on the hospital development site because of limited room and because such uses in close proximity to residential properties could lead to even greater loss of amenity. I have considered some other areas within the wider Manor-Kingsway site but none is without problems of impact on residential property, prejudicing the larger development potential or availability.

Sustainability policies would encourage the recycling of demolished materials close to their source and the production of concrete close to where it is required in order to achieve a sustainable development. The proposed location would reduce vehicle movements over the wider area. The nearest residential properties are some 200m away off Northmead Drive and off Rough Heanor Road.

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

B1 APPLICATIONS (cont'd)

7 Code No: DER/906/1438

11.1 To grant permission for the temporary period to August 2010 subject to the same conditions as previously imposed.

11.2 Summary of reasons: The proposal has been considered in relation to the policies in 9 above and on a temporary basis the merits outweigh any disadvantages.

11.3 Conditions

1. The use hereby approved shall be carried out solely in conjunction with the construction of the hospital development on the Uttoxeter New Road/Kings Drive City Hospital site, unless otherwise agreed in writing by the Local Planning Authority.
2. The use hereby permitted shall cease and any buildings, structures or plant removed by 31 August 2010 and the land restored within 28 days in accordance with a restoration scheme to be agreed in writing 28 days before that date, unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the submitted information, detailed plans of any buildings, structures, plant, fences, gates and lighting proposed to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before such is installed.
4. Standard condition 20 (landscape scheme)
5. Standard condition 22 (landscape maintenance)
6. The details required under condition 4 above shall include species to enhance wildlife and the landscape setting of the site.
7. Standard condition 38 (drainage details)
8. In connection with the details required under condition 7 above, prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. all in accordance with the drainage scheme to be submitted to and approved in writing by the Local Planning Authority before any development commences.

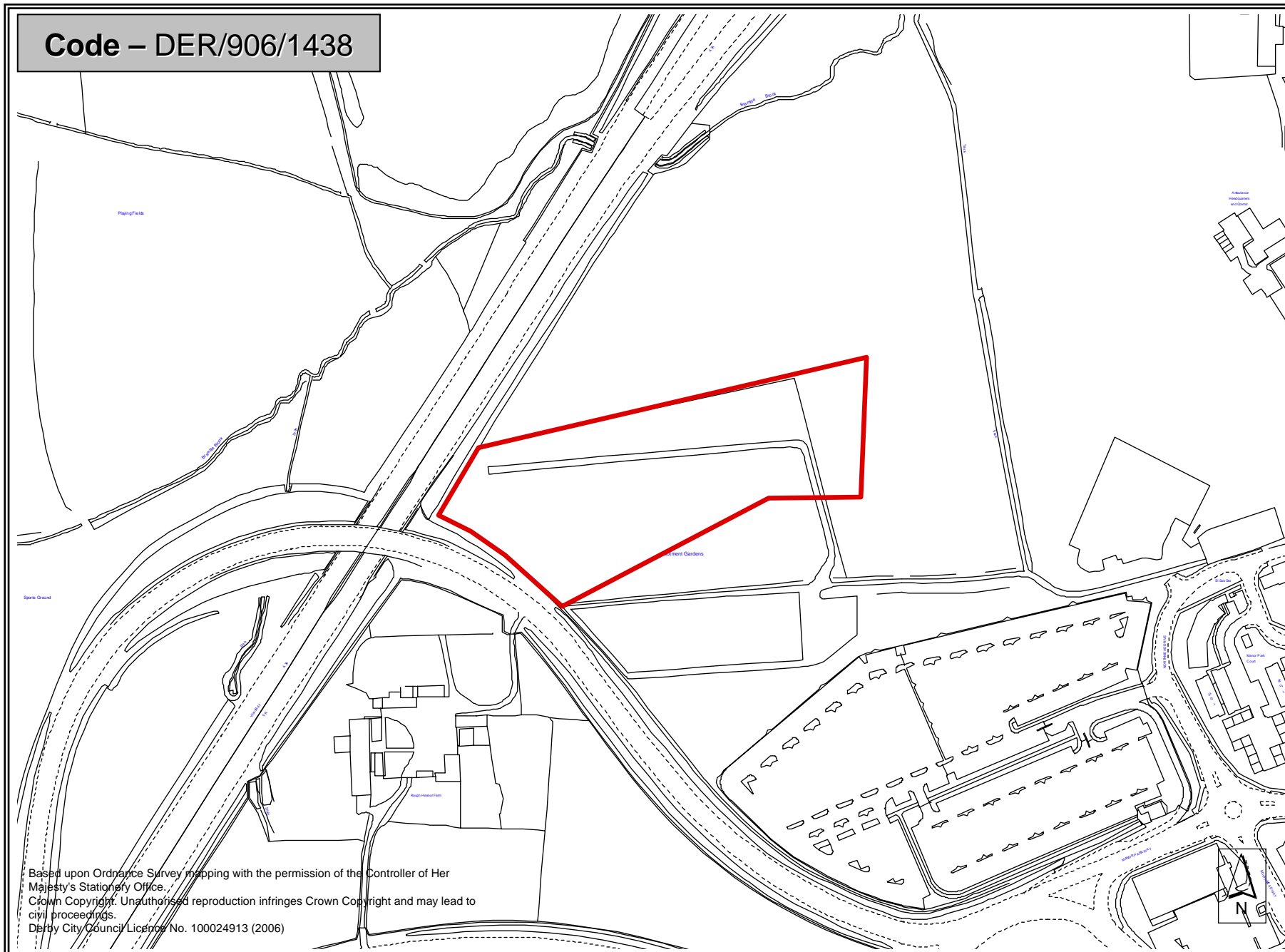
11.4 Reasons

B1 APPLICATIONS (cont'd)

7 Code No: DER/906/1438

1. To meet the requirements of the Applicant and to prevent the use of the site as a general recycling and concrete batching plant unconnected with the major hospital development.
2. To meet the requirements of the Applicant and to prevent the use of the site as a general recycling and concrete batching plant unconnected with the major hospital development.
3. To enable the Local Planning Authority to exercise proper control over the development in the interests of visual amenity.
4. Standard reason E10
5. Standard reason E10
6. To ensure that wildlife and landscape amenity interests are enhanced on the site.
7. Standard reason E21
8. To prevent pollution of the water environment and to protect features of wildlife interest.

Code – DER/906/1438



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B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1325

Type: Full

1. **Address:** Site off 44 Middleton Avenue, Littleover
2. **Proposal:** Demolition of dwelling and erection of 4 dwelling houses
3. **Description:** This full application seeks permission for the demolition of the existing property, and the erection of four two storey dwelling houses on this site to the east of Middleton Avenue. To the rear of the site would be a pair of semi detached units, with further detached units along the northern boundary of the site and towards the front (west) side of it. Vehicular access would be as existing from Middleton Avenue. All four units would have garages and car standing spaces. There are some five mature trees around the periphery of the site, some of which are actually in the curtilage of No. 42 Middleton Avenue. Most of these are to be retained.

Nos. 42 and 48 Middleton Avenue, properties on either side of the access to the site, are two storey houses, as is “Lyndale” which abuts the site boundary. The remainder of the properties to the north of the site are bungalows. To the east of the site are further two storey properties. All the abutting properties to the north and east are well screened by trees and large shrubs along the site boundaries. The property to the south (No. 42) has a garage next to the site boundary, and a blank side elevation.

The proposed house types are of a traditional pitched roof design, with primary fenestration to the front and rear. The unit on plot 4 (close to the northern boundary of the site) has a more single aspect character with primary fenestration on the eastern side. The location is predominantly residential in character, mostly dating from the inter war period.

4. **Relevant Planning History:** None relevant.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None
 - 5.2 **Design and Community Safety:** I have no design or community safety objections to raise. The scale and elevational details of the proposed houses are appropriate for this location, and relate well to the existing pattern of surrounding development.

B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/806/1325

5.3 Highways: The proposed parking provision is acceptable, as is the degree of visibility onto the highway. The formation of the new access will require the resiting of both a telegraph pole and a street lighting column. These would be resited at the applicant's expense.

5.4 Disabled People's Access: The Building Regulations will provide a degree of accessibility to all four units.

5.5 Other Environmental: The fringes of the site contain some very good quality mature trees, most of which are to be retained. None are considered worthy of Tree Preservation Order protection.

6. **Publicity:**

Neighbour Notification letter	12	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received 4 letters of representation and one of comment and these are reproduced. Any further representations received will be reported at the meeting. The main points raised are:

- Concern for trees both within and close to site
- Loss of privacy/amenity for nearby residents
- Concern over nature of southern boundary
- Disturbance over refuse/recycling bin position
- Increased road traffic
- Increased overall disturbance
- Possible overlooking into properties to east
- Likely damage to boundary fences.

8. **Consultations:**

DWT – The Trust is not aware of any nature conservation interest in the site. It is requested that a habitat survey be carried out to determine the presence or absence of protected species (i.e. bats, badgers and nesting birds). Particular reference is drawn to the pond and the existing building.

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

GD4 - Design and the Urban Environment

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1325

- GD5 - Amenity
- H13 - Residential Development – General Criteria
- E7 - Protection of Habitats
- E9 - Trees
- E23 - 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 CDLPR for the full version.

- 10. Officer Opinion:** In broad terms, this is a well designed and quite sensitive scheme, increasing the density of this suburban site from one existing unit to four. The principle of this approach is acceptable in Local Plan policy terms and the proposal is in line with the advice given in PPG3 (Housing). The main issues are:

1. Scale of the proposed buildings, and their overall design
2. The relationship to surrounding properties
3. The issue of mature trees on or near site boundaries
4. Relevant highways issues

I consider the scale and design of the proposed buildings to be quite appropriate for this location. The traditional form of pitched roof design would relate well to the surrounding house types and sufficient care has been taken in the design, to avoid unreasonable overlooking into the curtilages of third parties. I would wish to condition obscure glazing only on certain elevations, but otherwise I have no objections to raise to the scale of the proposed units or their respective relationships to nearby established properties.

While none of the trees within or close to the boundary of the site are considered to be worthy of a Tree Preservation Order, there are a number of fine specimens that contribute greatly to the amenities of the area. I would wish to see some form of method statement submitted regarding the form of tree work proposed and the means for protecting trees to be retained, in particular those not in the control of the applicant.

With regard to highways issues, I am satisfied with the submitted details of parking and visibility onto the highway and do not consider that the proposal will have an adverse effect on traffic movements on Middleton Avenue. The relocation of the telegraph pole and the street lighting column would of course be at the applicant's expense. I have requested an amendment in the alignment of the access drive moving it away from the boundary with No. 42 Middleton Avenue, and this will be available prior to the meeting. On that basis, and subject to the

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1325

conditions indicated, I am satisfied that this is an acceptable form of infill development in line with Local Plan policies and the advice of PPG3.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other considerations as indicated at 9 above and is considered acceptable as it would not have an unreasonable impact on the amenities of nearby residents or on the health of nearby mature trees.

11.3 Conditions

1. Standard condition 27 (External Materials)
2. Standard condition 19 (Boundary treatments)
3. Standard condition 30 (Hard surfacing)
4. Standard condition 38 (Drainage)
5. Standard condition 13 (Domestic use of garages)
6. Standard condition 24A (Protection of trees and vegetation)
7. Before any development is commenced, including demolition of the existing building:
 - a. a survey of roosting bats in the building and the potential for roosting bats shall be undertaken. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site.
 - b. a habitat survey be carried out to determine the presence or absence of any protected species on the site.

Depending on the result of the survey:

- c. necessary measures to protect the species through mitigation proposal shall be submitted to and agreed in writing by the Local Planning Authority.
- d. all such agreed measures shall be implemented in their entirety.
- e. a DEFRA licence shall be secured to legitimise destruction of any bat roost.

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1325

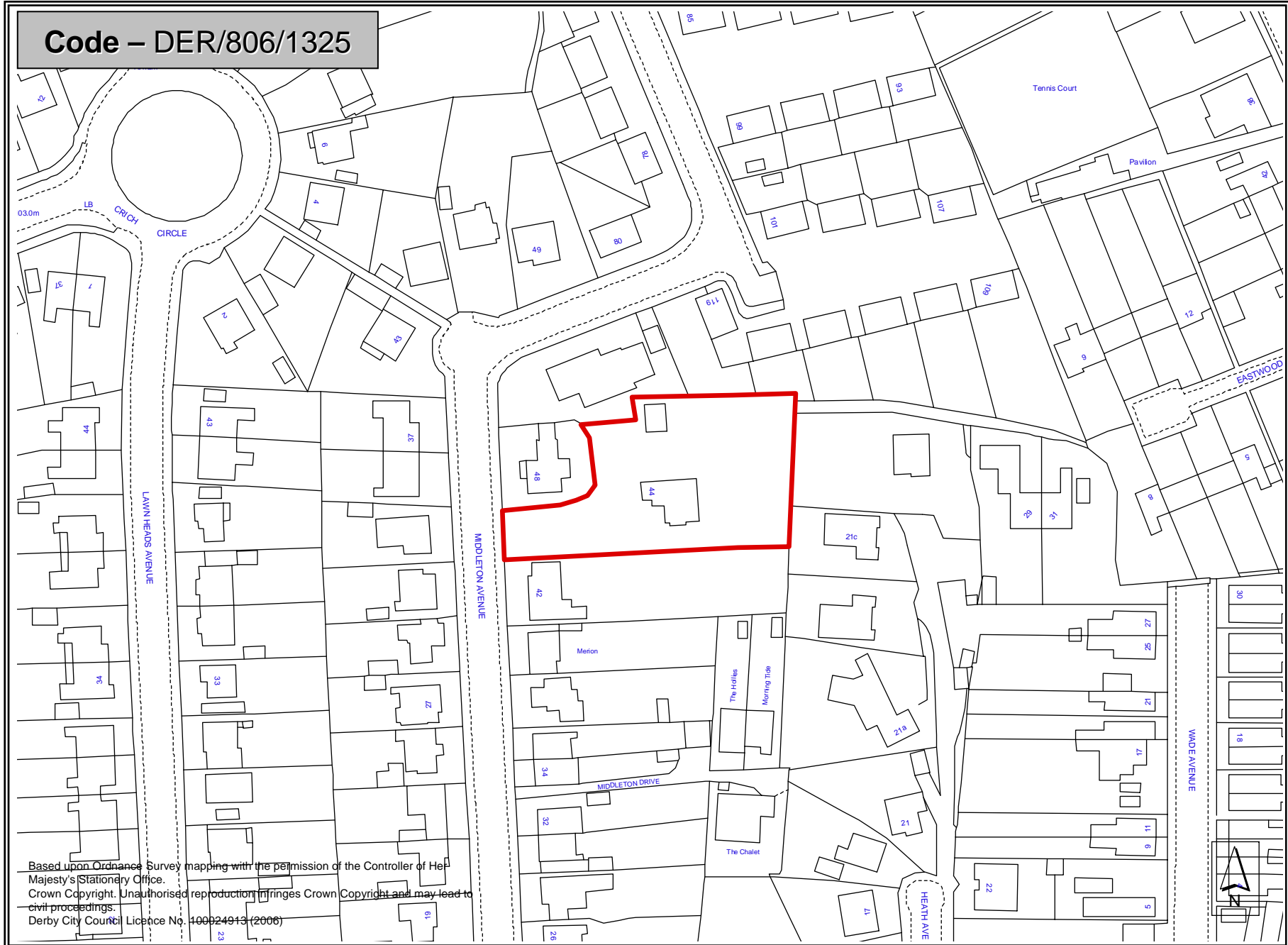
8. All windows, above ground floor, in the south elevations of units 1 and 2 and the north elevation of unit 4, shall be obscure glazed at all times unless otherwise agreed in writing by the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1998 (or any other order revoking and re-enacting that order) no windows shall be added to the south elevation of units 1 and 2, and the north elevation of unit 4, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason 14 ...policy H13
2. Standard reason 18 ...policy H13
3. Standard reason 18 ...policy H13
4. Standard reason 21
5. Standard reason 07 ...policy H13
6. Standard reason 11 ...policy E9
7. To ensure that the existence of any bat roost at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with policy E7 of the adopted City of Derby Local Plan Review – 2006 and the principles of Planning Policy Statement 9 – Nature Conservation.
8. Standard reason 07 ...policy H13
9. Standard reason 07 ...policy H13

11.5 S106 requirements where appropriate: None.

Code – DER/806/1325



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B1 APPLICATIONS (cont'd)

9 Code No: DER/506/831

Type: Full

1. **Address:** 115 Palmerston Street
2. **Proposal:** Extension to dwelling house (garage, shower, lobby, 2 bedrooms and enlargement of kitchen) and formation of rooms in roof space (bedroom and bathroom).
3. **Description:** Planning permission is sought to erect side and rear elevation extensions to this semi-detached dwelling house which is located on the south side of Palmerston Street. Planning permission was sought and granted last year, under code no. DER/505/863, for a side 2 storey extension with single storey extensions included. Last year's planning permission followed previous refusals to extend the dwelling.

The current planning application has been amended from the original submission and, in comparison with the extant permission, it is proposed to raise the height and include a gable roof over the side extension. The proposal also includes the erection of a full height gable element on the rear elevation to provide accommodation at second floor level.

The proposed side extension would be set-back approximately 1.4m from the main front elevation of the dwelling and it would have a front elevation breadth of approximately 7.15m at ground level. The proposed side 2 storey element would have a front elevation breadth of approximately 3.5m and it would extend approximately 2.8m beyond the main rear elevation. The proposed rear ground level extension would be approximately 2.8m in depth and it would extend across the existing rear elevation of the dwelling and the proposed side extension.

It is important for Member's to note that work commenced on-site earlier this year. As work progressed my officers were advised that the ongoing work was beyond what was included in the extant permission. The applicant was, therefore, advised to cease work until this application is determined. The applicant obliged. The application has been held in abeyance for some time because the agent has been unable to supply accurate drawings. In the absence of accurate drawings my officer has been unable to deal with the application. The applicant is eager to secure a planning permission for the amended proposal as he is, I am advised, incurring significant costs whilst work on the project has ceased. I have advised the agent that a full set of drawings should be submitted by the meeting, for the avoidance of doubt.

As a result of neighbour objections, the original submission and the amended proposal have both been reported to the Chair and Ward

B1 APPLICATIONS (cont'd)

9 Code No: DER/506/831.

Members through the delegation procedure. No objections have been raised by Members to either proposal. Neighbours were invited to comment on the amended drawings, in accordance with the Council's usual procedure, and the re-notification process generated a fourth letter of objection which has prompted this report to Committee.

4. **Relevant Planning History:** The relevant history is included above and the chronology of previous applications is as follows:

DER/1185/1279 – extensions, permission granted, 18/12/85.

DER/504/954 – extensions, permission refused, 30/06/04.

DER/1004/2066 – extensions, permission refused, 14/12/04.

DER/305/408 – extensions, permission refused, 03/05/05.

DER/505/863 – extensions, permission granted, 22/08/05.

5. **Implications of Proposal:**

5.1 **Economic:** None.

- 5.2 **Design and Community Safety:** The application site benefits from having an 'accommodating' relationship with the adjacent neighbour, no. 113. The space between the side elevation of the proposal and the side elevation of no. 113 equates to approximately 8m and a large single storey extension at no. 113 abuts the proposal. I, therefore, consider that from the perspective of the public zone on Palmerston Street the proposal would not create an unduly overbearing form development in the street context nor would it unreasonably impact on the existing side elevation windows at no. 113. The proposed development would be partially visible from the Carlton Road street-scene to the west but the proposal would not, in my opinion, form a significant intrusion into that street context. I raise no objections to the proposed development in community safety terms.

5.3 **Highways:** No objections are raised on highways grounds.

5.4 **Disabled People's Access:** -

5.5 **Other Environmental:** -

6. **Publicity:**

Neighbour Notification letter	9	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

9 Code No: DER/506/831.

7. **Representations:** A total of 6 letters of objection have been submitted in response to this application. Copies of the letters are reproduced. The objectors raise strong concerns about the siting and detrimental impact of the development in relation to the existing design of the dwelling, the street-scene and neighbouring residential amenities. Concerns about the mass of the proposal are also expressed.

8. **Consultations:** -

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

GD5 - Amenity
H16 - Housing extensions
E23 - Design.

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

10. **Officer Opinion:** This planning application has generated 6 local objections. Concerns are primarily expressed about the siting, design and street-scene impact of the proposed two storey extension and the impact of the proposed extension on neighbouring amenities. Concerns about the development generating additional traffic are also expressed.

The key question with this application centres on whether a refusal of planning permission would be reasonable and could be successfully defended at appeal. In my opinion, a refusal would not be reasonable. The proposed side extension sits on the boundary with the neighbour at no.113 but the main side elevation of that neighbouring dwelling is sited approximately 8m from the party boundary. The siting of the proposed two storey extension would be set back from the front elevation to provide visual distinction from the existing front elevation and the proposed side extension would fill part of the visual gap that exists in the street-scene between nos. 113 and 115. (Photographs of the partially completed extension in relation to the neighbour at no. 113 will be available at the meeting).

I am, therefore, satisfied with this application for the following planning reasons:

- The principle of this form of development has been established by the extant permission.

B1 APPLICATIONS (cont'd)

9 Code No: DER/506/831.

- The siting of the proposed extension would not, from my calculations, transgress the Council's 45° rule which is used to gauge the acceptability of residential rear extensions above single storey level.
- The rear part of the proposed extension would be acceptable in relation to the public zone and the visual prominence from Palmerston Street, or the partial view from Carlton Road to the west, would not be unduly intrusive in my opinion. Carlton Road runs parallel to the application site and the rear garden of the site is approximately 33m from that frontage.
- The original and amended submission has been presented to the Chair and Local Ward Members and no objections have been raised.

The proposal would be a prominent addition to the street-scene but, in my opinion, it would not be unduly detrimental to the public zone character of the area. The application has generated local objections but, in my opinion, the proposed extension is not unreasonable in this context.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 27 (external materials).
2. Standard condition 84 (drawing numbers...xxxx...).
3. The proposed rear and side elevation windows at second floor level in the proposed extension, to serve the bathroom and bedroom respectively, shall be obscure glazed and retained as such thereafter.

B1 APPLICATIONS (cont'd)

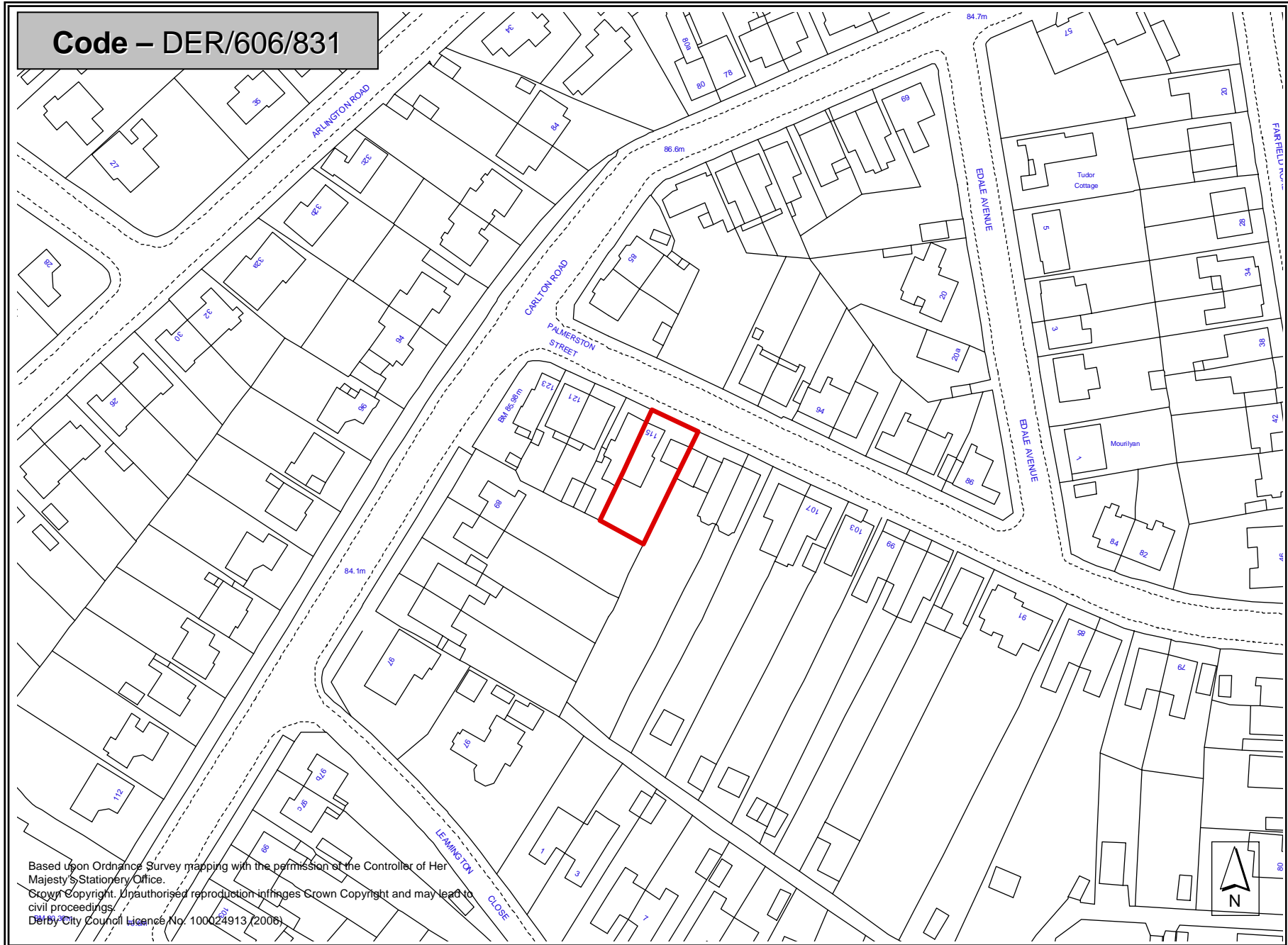
9 Code No: DER/506/831.

11.4 Reasons

1. Standard reason E14 and in accordance with CDLPR policies H16 and E23.
2. Standard reason E04.
3. Standard reason E27 and in accordance with CDLPR policies GD5 and H16.

11.5 S106 requirements where appropriate: -

Code – DER/606/831



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B1 APPLICATIONS (cont'd)**10 Code No:** DER/606/931**Type:** Outline

1. **Address:** Car park adjacent to Mackworth United Reform Church, Cricklewood Road/Enfield Road
2. **Proposal:** Residential Development
3. **Description:** This outline application seeks permission for residential development on this land adjacent to Mackworth United Reform Church. The site is at present a surface car park serving the church, and has vehicular access from the corner of Cricklewood Road and Enfield Road. The car park is in use at present, and the site also contains some mature trees and shrubs.

Apart from the church itself, the site's location is predominantly residential in character, composed mainly of two storey houses. A notional layout has been submitted, together with a letter from the Vicar at the church indicating that no development would take place on this application site, until replacement car parking is available elsewhere within the curtilage of the church.

4. **Relevant Planning History:** None
5. **Implications of Proposal:** -
 - 5.1 **Economic:** None
 - 5.2 **Design and Community Safety:** Proposal is in outline only.
 - 5.3 **Highways:** No objections subject to satisfactory details being submitted at Reserved Matters stage. However, there would be strong opposition to the proposal if suitable replacement car parking was not provided within the church cartilage.
 - 5.4 **Disabled People's Access:** Any new building would have a degree of accessibility through compliance with the Building Regulations.
 - 5.5 **Other Environmental:** There are trees on the site, and the guidance of the Arboricultural Officer has been sought.

6. Publicity:

Neighbour Notification letter	15	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/931

7. **Representations:** I have received 2 letters of objection, and one of comment and these are reproduced. The main points raised are:

- Loss of trees
- Loss of on-site parking
- Would generate traffic problems on the highway
- General disturbance to residents
- General loss of visual amenity
- Problems for emergency vehicles

Any further representations will be reported at the meeting. A letter ... from the Vicar of the church is also reproduced.

8. **Consultations:**

DCS (Arboricultural Officer) – no objections to the proposal.

9. **Summary of policies most relevant:** City of Derby Local Plan Review 2006.

GD5 - Amenity
H13 - Residential Development - General Criteria
E10 - Renewable Energy
E23 - 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 CDLPR for the full version.

10. **Officer Opinion:** There are no objections in principle to residential development on this site. The locality is predominantly residential in character, and appropriate access to the site could be made from the highway. Similarly, I am satisfied that it would be possible to develop this site for residential purposes, without any unreasonable loss of amenity to nearby residents and there are no Highway objections to the proposal.

My main concern is the issue of the church's existing parking facility being lost, and the consequent demand for parking on the highway. The Vicar of church has clearly indicated in his letter that the application site would not be developed until replacement car parking was in place elsewhere within the curtilage of the church. On that basis, I am willing to recommend that outline permission be granted at this stage, but subject to a specific condition requiring replacement car parking to be in place prior to any form of development commencing on

B1 APPLICATIONS (cont'd)

10 Code No: DER/606/931

the site. With the provision of alternative car parking, I do not feel that a refusal of permission could be justified.

11. Recommended decision and summary of reasons:

11.1 To grant outline planning permission subject to 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, and is an acceptable use of the site in relation to the surrounding land uses.

11.3 Conditions

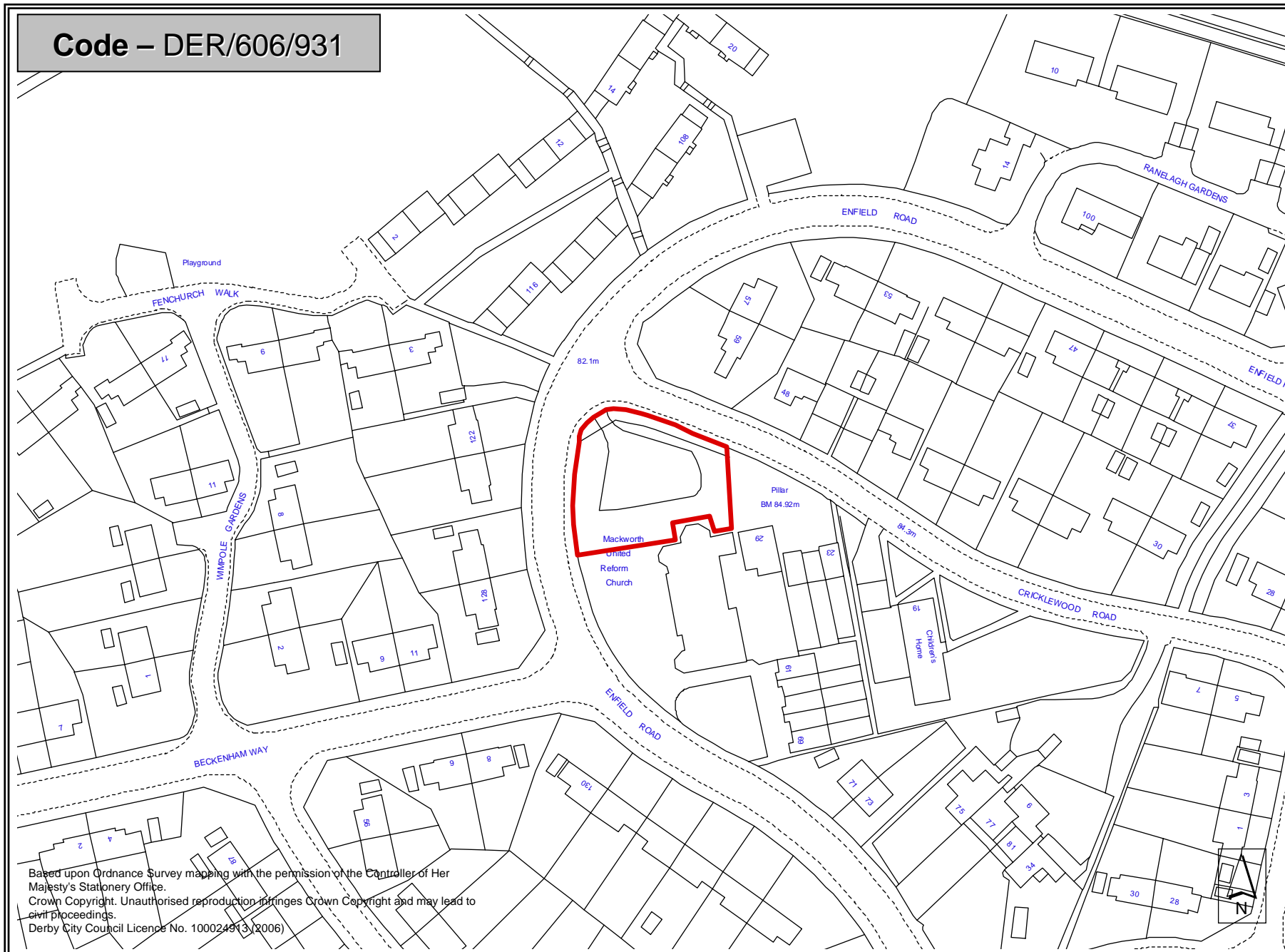
1. Standard condition 01 (Outline)
2. Standard condition 02 (Approval of Reserved Matters)
3. Standard condition 19 (Means of Enclosure)
4. Standard condition 30 (Hard Surfaces)
5. No development shall be carried out until a replacement car parking provision , which has been submitted to and agreed in writing by the Local Planning Authority, is laid out and available for use, within the curtilage of the Mackworth United Reform Church
6. This permission does not indicate the acceptability of the detailed layout shown on submitted drawing No. 0610/01/
7. Standard condition 38 (drainage)
8. Standard condition 21 (landscaping (cond 1c)

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E18...policy H13
4. Standard reason E07...policy H13
5. In order to ensure that adequate car parking is available to replace that being lost once the application site is developed, and to prevent increased parking on the highway...policy T4.
6. Standard reason E04.
7. Standard reason E21...policy H13
8. Standard reason E09...policy H13

11.5 S106 requirements where appropriate: None.

Code – DER/606/931



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B1 APPLICATIONS (cont'd)

11 Code No: DER/806/1299

Type: Full

1. **Address:** Land at former Village Community School and adjacent to 34 Kitchener Avenue.
2. **Proposal:** Erection of primary school and provision of car parking areas.
3. **Description:** The application site is the residual land that was formerly occupied by the Village Community Secondary School. Some of the main buildings of the former school are already demolished. Parts of the remaining school buildings are currently occupied.

Some of the current occupants are to be relocated to the Kingsmead School Site and some are expected to relocate to the existing Normanton Village Infant School and will have to vacate the application site for the development to proceed. Part of the former school site is has been taken into use by a Surestart facility which is now very actively in use. A further part of the site is currently being developed as a NHS Primary Care Centre.

The site area as a whole amounts to 5.2 hectares which includes playing fields, tennis courts parking areas and landscaped areas. The site overall drops quite steeply from north to south in a series of three terraces. The top northern most terrace was originally occupied by the buildings of the former secondary school. The two lower terraces were laid out as playing fields. The latter have been badly neglected since the school fell out of use and are fairly overgrown at present.

The proposal is for a primary school large enough to replace three existing schools in the locality, the Normanton Village Infants School, Sunnyside Infant School, and Normanton Junior School. The school will be designed to accommodate 525 pupils plus a nursery. The proposed school buildings, play grounds and parking areas would all be constructed on the upper terrace which was the site of the previous school buildings.

It would be sited over the footprint of the now demolished Hastings Building, fairly centrally on the upper terrace with a T shaped floor plan but the main emphasis would be on a linear north-south orientation for the main class rooms. The assembly hall, studio library kitchen and nursery and reception class rooms would project out from this as a short leg of the "T". The building is essentially single storey with most class rooms rising to 4.7 metres in height. The main entrance reception Library and ICT suite rise to about 6.3 metres in height and the main hall and studio hall would rise to 9.1 metres sufficient to house two badminton courts. The school buildings would be 95 metres away from the nearest dwelling houses on Underhill Avenue, 55 metres from a

B1 APPLICATIONS (cont'd)

11 Code No: DER/806/1299

nursing home on Village Street and 57 metres from the nearest houses on Browning Street. There would be three playgrounds, an infant and junior playground to the east of the school between the school buildings and the rear gardens of house on Underhill Avenue and a nursery unit play ground to the west of the building. The buildings are mainly of a flat roofed design over the classrooms using a green roof system planted with sedum which has ecological advantages over conventional roofing systems. The roofs over the entrance, library and halls would have a low angled pitched roof with a standing seam metal roof with a polyester powder coating. Canopies surround most elevations of the teaching accommodation giving shelter for waiting parents. Class rooms will have dedicated entrance, cloak rooms and toilet “pods” which project outward from the main walls at regular intervals. Natural daylight is to be used extensively to illuminate the interior of the building by extensive use of translucent panels in roof lights, canopy roofs and upper walls of the halls and reception. The roof will also feature sun pipes to naturally illuminate certain rooms. More prominently on the roof will be an array of “windcatchers” which will provide a means of natural ventilation to the communal areas.

Where the land is slightly lower to the southern end of the building, the land would have to be raised by about 1 metre and supported by a retaining wall. Vehicular access to the site would continue to be taken from the existing access point on Village Street which would also be one of the principal pedestrian accesses. Two footways would lead to the main entrance one of which would be totally segregated from vehicular traffic. Two further pedestrian accesses would be provided one from an existing access point on the eastern side of the site off Arlestone Street; the other would be a new created access on the western side of the site on land just to the south of the exiting Normanton Village School.

Car parking is situated centrally in the site utilising the existing access off Village Street. Parking for 41 cars will be provided which meets with the adopted standard plus 3 dedicated disabled persons parking space. Cycle parking for 36 bicycles is provided under cover, some provided close to the school entrance under a canopy and the other in a free standing cycle store. A shower room is to be provided for us by cyclists.

Three separate playgrounds are to be provided. One would be for nursery and reception children infants to the west of the building and one each for the infants and juniors to the east. The latter two would be close up to the boundary of houses on Underhill Avenue.

4. Relevant Planning History: None relevant to this proposal.

B1 APPLICATIONS (cont'd)

11 Code No: DER/806/1299

5. Implications of Proposal:

5.1 Economic: None directly.

5.2 Design and Community Safety: The school buildings have a unique and original design incorporating a large number of features to improve the performance of the building both with regard to actual use, and its ecological impact. Improving the ecological performance the proposals incorporate the use of green roofs which should improve the thermal performance of the building and slow the run off of rainwater from the roofs thus easing the pressure on the drainage system. Extensive use of translucent insulating panels should allow the better use of natural daylight within the building. Canopies over the teaching modules should help to reduce solar gain to the class rooms, and provide sheltered areas for parents to stand when waiting to deliver and collect children. Additional natural daylight will be introduced into areas by utilising sun pipes, and natural ventilation will be provided by “windcatchers” which will form a significant feature on the roofs. A mainly north –south emphasis to the building should ensure good daylight reaching all of the teaching areas

The building has been designed in co-operation with the head teachers of the various schools and utilises a system where individual teaching areas have a degree of ‘selfcontainedness’ utilising separate entrances via external pods which incorporate cloak rooms and toilet facilities to pairs of classrooms. The building is single storey with all rooms being on the same level so that the bulk and massing of the building is kept down. There are taller areas at the main entrance, which help to identify itself to visitors and higher sections over the communal areas of the main assembly hall which doubles as a sports hall, and the library.

The low profile of the building and its distance from the boundaries with neighbouring properties helps to reduce the physical impact of the proposal on neighbouring occupiers.

Externally the proposed materials are principally red brick which is locally the predominant material in use for buildings. Higher level walls will be in translucent panels which should help to reduce any sense of bulk of the higher parts of the building. Colour will be introduced in the walls of the pods colour code to assist in identification of individual areas.

The school is intended to double as a community facility with the hall library and ICT suite being accessible to members of the public out of normal school hours.

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Mesh type fencing is to be used on those parts of the boundary that are currently insecure. Closed circuit television surveillance is to be provided within the school grounds.

5.3 Highways: Require the submission of a Travel Plan, query the disparity between claimed essential parking requirement and actual parking provision, require that provision should be made for the safety of children in the vicinity of the accesses, particularly on Village Street. The outcome of negotiations surrounding these issues will be reported at the meeting. The application is a City Council project and, therefore, any off-site works would need to be secured through negotiation and inter-departmental agreement. The application is a Regulation 3 proposal, and therefore, there is no S106 mechanism. No land is being exchanged in this case and a deal through land transfer is not possible.

5.4 Disabled People's Access: Disabled peoples parking provision is satisfactory. The building's accessibility will be delivered through the Building Regulations.

5.5 Other Environmental: The siting of the building will require the removal of a number of trees which currently occupy positions that are within or next to the footprint of the proposed school buildings. These will have to be removed and include an ash tree, two silver birch trees, and a group of 6 small silver birch and ornamental cherry trees.

It is proposed to introduce a grey water recycling system.

6. **Publicity:**

Neighbour Notification letter	92	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** 3 Letters of representation have been received all ... regarding the same concern. Copies are reproduced.

Although no objection has been raised in principle to the proposal a request has been made that a 2 metre high wall be erected along certain rear garden boundaries to secure these gardens and protect the residents from disturbance that would result from the use of the proposed footpath to be created from Browning Street. Without an assurance that a wall will be built there would be an objection to that part of the proposal

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8. Consultations:

Environment Agency - To be reported.

English Nature -To be reported.

Commercial Services (Arboriculture) - Raise no objection in principle but seek further information regarding the proximity of the entrance and its canopy to large trees nearby.

Environmental Health -To be reported.

Police, Architectural Liaison - The buildings lines are not ideal for surveillance but the site is self contained with a secure perimeter and the site is well overlooked by housing.

It is advised that the site be kept secure and visually permeable also that site lines into the site are maximised by thinning of shrubbery around the boundary particularly on Village Street. Pedestrian routes into the site should not compromise boundary security outside of school hours.

Sport England - Raise no objections to the proposal.

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

- GD1 - Social inclusion.
- GD4 - Design and Urban Environment.
- GD5 - Amenity
- E9 - Trees
- E10 - Renewable Energy.
- E17 - Landscaping.
- E23 - Design.
- E24 - Community Safety.
- LE1 - Education Uses.
- T1 - Transport Implications of new development.
- T4 - Access, parking and services.
- 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 CDLP Review 2006 for the full versions.

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10. Officer Opinion:

The principle

The history of the site, which has been in educational uses from the early 1930s with Homelands School, more recently with the Village Community School, and currently in use for adult education and Behavioural Support Unit, clearly establishes the acceptability of the use of the site for educational purposes. I cannot imagine a more appropriate re-use of the site particularly as it is close to its client population, has the advantage of extensive existing playing fields and tennis courts that can relatively easily be brought back into use, has existing vehicular and pedestrian access and is maturely landscaped. All of these are clear benefits for a replacement school.

The main issues involved in considering the proposal are:

Amenity

As the site has been in regular use for educational purposes for about 70 years the activity associated with the operation of a school will be familiar to most neighbouring residents. The activity will comprise the twice daily in and out flows of pedestrians and vehicles with children being brought to school in the morning and collected from school in the afternoon. As this is to be a primary school it may be anticipated that a greater proportion of children will be accompanied by adults for these trips than would be the case with secondary school children. So despite the lower numbers of pupils in the school than used to attend the former school, the numbers of people and vehicles arriving and departing may well be no fewer than was previously the case. There will inevitably be increased levels of disturbance around the three entrances to the school site as a result which will have implications for the amenity of neighbouring residents. However, the Village Street and Arlestone Street accesses are already existing accesses to the site which no doubt affected residential amenity in previous years. The proposed new access onto Browning Street will be alongside the old Normanton Village Infant School. As this is the case, that length of Browning Street will already be used to the daily "school run activity" and hopefully the levels of activity will be no worse than those already experienced.

Play grounds

Play grounds for the infant and junior school are to be located on the eastern side of the site close to the rear boundaries of dwellings that lie on Underhill Avenue. These will inevitably result in quite a lot of noise

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disturbance when the playgrounds are in use, which will be when the children arrive in the mornings, at morning and afternoon playtimes and at lunch time. I consider that it would be difficult to contain the noise successfully by physical means and any screen planting or fences would prevent surveillance from the houses into the school site which would be contrary to advice given by the Police Architectural Liaison. Noise would of course only be a problem during term times during the school day. At evenings, weekends and during school holidays the site should be relatively quiet.

Traffic generation

Highways division have raised a number of issues with regard to traffic generation and have requested the submission of a Travel Plan. Until a school is in operation it would be difficult to produce a meaningful plan that would relate to the future individuals accessing the site. I suggest that a condition be attached to any planning permission that may be submitted requiring the submission of a Travel Plan within say 6 months of the school opening.

Car parking

The site would accommodate 41 car spaces + three disabled person's spaces. These would be reserved for the use of staff and official visitors. Parents are not expected to be allowed to drive into the site to drop off and pick up children. This number of spaces meets with current standards which limits provision to one space for every two members of staff normally on duty. I do have doubts whether the standard is appropriate for teaching staff who generally have to carry large quantities of work and equipment to and fro and are unlikely to be persuaded to use public transport to any great extent. Never the less this is the standard adopted

The three disabled person's parking spaces would be provided close to the main entrance and this number is considered to be satisfactory.

The three pedestrian accesses, approach from three different directions, from the west from Browning Street, from the North from Village Street and from the East from Underhill Avenue. For the main part the footways are segregated from the vehicular accesses within the site, to avoid traffic/pedestrian conflicts. As submitted however the footway from Browning Street could encourage short cutting across the car park for those children attending the infants and junior sections of the school. This is likely to be addressed by the incorporation of fencing to channel pedestrians in the appropriate direction away from areas frequented by motor vehicles.

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Design/ Ecological

The proposed building will be an interesting perhaps unique design, and does not seek to emulate the character of the wider area. Use of a green (sedum planted) roofing system, “windcatchers” for environmentally friendly ventilation and sun pipes and translucent structural panels all address environmental concerns. Their use should result in a good working environment with good natural lighting at the same time preventing unwanted solar gain. There is also an intention to incorporate a grey water recycling system to further improve its ecological credentials. The mainly single storey design and the positioning of the buildings centrally within the site means that they will have very little impact on the amenity of neighbouring properties so privacy and freedom from massing, overbearance, overshadowing should be a considerable improvement over the four storey of the former school which currently overlooks the gardens on Underhill Avenue.

As the site area exceeds 1 hectare it has been necessary to notify the Environment Agency of the proposal. Any response that they may make shall be reported. As the site lies at the top of a hill and has been previously developed and continuously occupied for at least 70 years I would be surprised if there is any requirement for a flood risk assessment.

Land drainage division have requested details in the form of a drainage model of the previous and the proposed drainage requirement. They also advise that any car parking area shall be drained through a petrol interceptor. These matters shall be made a requirement by a condition on any planning permission that may be granted.

Other Ecological matters

Natural England has been consulted on the proposal but at present no ecological survey has been submitted. Any response that Natural England may make will be reported.

There are 2 substantial modern buildings to be removed from the site as well as a small number of trees. It is possible that there may be bats on the site but no such claim has been made by neighbours in this instance. Subject to any comments Natural England may make, I would recommend that a condition be attached to any permission that may be granted requiring that an ecological survey be undertaken and dependant on the outcome of the survey, appropriate mitigation measures taken, prior to any development taking place.

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Trees

All of the trees on the site are protected by an area tree preservation order, irrespective of their health or condition. The proposal would require the removal of a silver birch sapling, a silver birch tree, a large but poor ash tree and a small group of silver birch and flowering cherry trees. No objection has been raised to their removal from our own Arboricultural Officers.

Other works to trees have been proposed but as these are not directly required by the development itself. I have advised that an application for tree preservation order consent would be the appropriate way of dealing with these.

Sports fields

Most of the former sports fields of the Village Community School still remain but these are badly overgrown through lack of maintenance. It is proposed to revitalise these and bring them back into use. Some of the original tennis courts on the upper terrace are to be retained and renovated as a multi use games area.

The one objection that has been received from third parties is specifically with regard to loss of amenity and security to the rear garden areas of the Vicarage on Browning Street. The creation of the new pedestrian access would result in many more people passing close to the rear boundary of that property which is at present only secured by a low wall. I do share these concerns and agree that some form of security barrier will have to be put into place. However, I do not necessarily agree that this should be in the form of a 2 metre high wall. The close proximity of the boundary to mature trees on the site could make it difficult to erect a wall with the necessary foundation works without causing damage to the trees. I would recommend that fencing to this area should match that proposed for other unsecured parts of the boundary which will be some form of small mesh fencing panels. The precise design and position of these should be agreed by condition on the planning decision.

I am confident that the proposal would result in a satisfactory reuse of the site affording an opportunity for three local schools to amalgamate in a modern building that should be more efficient to run both operationally and in energy terms. I have no hesitation in recommending approval for this proposal

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11. Recommended decision and summary of reasons:

11.1 Subject to the receipt of no adverse representations or consultation responses upon the expiry of the consultation period, 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 indicated in 9 above and the proposal is considered to be acceptable in relation to those policies.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 67 (disabled person's provision (B))
3. Standard condition 19 (boundary treatment)
4. Standard condition 24a (tree protection)
5. Before any works commence a drainage model and plan shall be produced and submitted to and agreed in writing by the Local Planning Authority. Any details that may be agreed shall be implemented. The details shall include the incorporation of a petrol interceptor for drainage from the car parking areas, unless otherwise agreed by the Local Planning Authority.
6. Within 12 months of the commencement of development the applicant shall carry out a staff and pupil travel to school study and develop a commuter plan and submit these details to the Local Planning Authority. The terms and extent of the study and plan shall be agreed in writing with the Local Planning Authority but shall generally include home locations (by district or post code) of staff and pupils, their current mode of travel, factors influencing this action taken or planned to be taken by the applicant to encourage car sharing and modes of transport other than the private car.
7. Before any development is commenced, including demolition of the existing buildings; a survey of roosting bats and the potential for roosting bats in existing buildings shall be undertaken between June and August immediately proceeding the commencement of development. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site. Depending on the results of the survey, necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority. All such agreed measures shall be implemented in their entirety. A DEFRA licence

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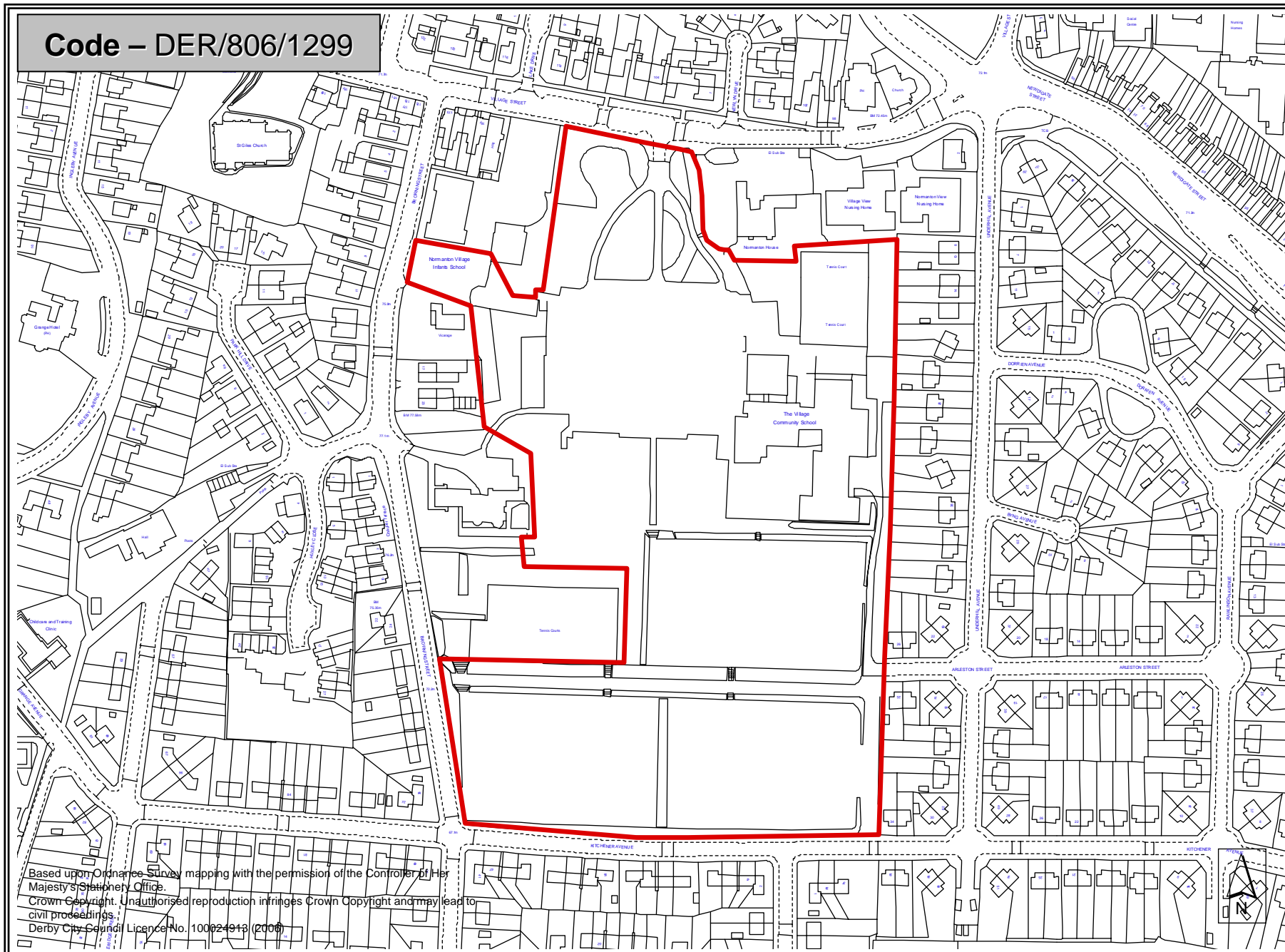
shall be secured to legitimise destruction of any bat roost.

8. Standard condition 30 (surfaces to be drained, surfaced etc)

11.4 Reasons

1. Standard reason E14 (CDLPR E23)
2. Standard reason E34 (CDLPR T10)
3. In the interests of amenity and to ensure security of the site and neighbouring properties, (CDLPR E24)
4. Standard reason E24 (CDLPR E9)
5. To ensure satisfactory drainage of the site.
6. To encourage and provide for varied means of transport to the site and in accordance with Policy T1 of the adopted City of Derby Local Plan Review 2006 and the advice in PPG13 (Transport) which seek to restrict the availability of commuter car park spaces and encourage the use of public transport.
7. 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 E7 of the adopted City of Derby Local Plan Review - 2006 and the principles of Planning Policy Statement 9 - Nature Conservation.
8. Standard reason E09 (CDLPR T4)

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