

B1 APPLICATIONS

1 Code No: DER/806/1272

Type: Full

1. **Address:** Site of and land adjoining, The Bungalow, Sinfin Moor Lane, Chellaston
2. **Proposal:** Demolition of existing bungalow and outbuildings and erection of 20 dwelling houses.
3. **Description:** Planning permission is sought for residential development of 20 dwelling houses. The site is accessed from Sinfin Moor Lane, via Parkway since the closure of the upper part of Sinfin Moor Lane. It is currently occupied by a bungalow and associated outbuildings. It lies to the north of newly built housing in West Chellaston. An area proposed in the adopted Local Plan for public open space and currently in use as fields lies to the north and east of the site. An open area of green wedge lies to the west of the site, beyond the safeguarded line of the Derby and Sandiacre Canal, currently used as a footpath. There are a number of trees lining the Canal route and overhanging the site.

The site itself contains few trees. The southern boundary with Sinfin Moor Lane is marked by an established hedge. Land levels within the site are generally flat but rise to the west so that the Canal route footpath is at a higher level.

The nearest neighbouring properties are three storey dwellings on Verona Way and Othello Drive. The side elevation of 23 Othello Drive is nearest to the site and would be 15m from the southern boundary of the site.

The proposed development would provide 20 no three storey 3 and 4 bedroom houses. Two parking spaces per unit are provided. The layout is arranged in three terraced rows. One row would front onto Sinfin Moor Lane with another row fronting onto the Canal route. The remaining units would back onto the open area to the east.

It is of note that the applicant has submitted only typical floor layouts and I have asked for specific layouts for each terrace.

4. **Relevant Planning History:**

DER/876/1006 – Siting of residential caravan – Granted.

DER/10/77/1315 – Retention of caravan for residential purposes – Granted.

DER/88/1487 – Extension to dwelling (hall, study, lounge, utility room, cloak room and lobby) and erection of double garage – Granted.

5. **Implications of Proposal:**

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5.1 Economic: None.

5.2 Design and Community Safety: The development would be contemporary in its design style. The three terraced rows would be similar in form and massing, providing good continuity within the development but would vary in the detail of design providing visual interest. I consider that this approach is appropriate in this location and relates well to the recently developed housing to the south as well as providing visual interest to the open areas that lie to the north, east and west of the site. I am therefore satisfied that the design and layout would be acceptable in design terms.

The proposed layout provides good surveillance of the public areas to the north, east and west. I await further comments on the community safety aspects of the scheme.

5.3 Highways: There are several points to consider and which may require amendments to the proposed layout:

- A turning facility suitable for servicing and emergency vehicles may be required
- Sinfin Moor Lane would need widening to 5m with 1.8m wide footpath and 0.5m service margin on opposite side
- 6m long driveways for parking required
- There should be a maximum man-carry distance of 30m to public highway
- A contribution is required towards transport corridor improvements and improvements to public transport, pedestrian and cycle facilities
- A S38 agreement would also be required if the internal access road is to be adopted. Bringing the layout up to adoptable standard would require some changes
- A condition will be required to bring the section of Sinfin Moor Lane concerned up to adoptable standard and for it to be adopted under a S38 agreement. At this stage it will be necessary to ensure the layout provides adequate forward visibility and that pedestrian safety is safeguarded in the vicinity of the junction of Sinfin Moor Lane with Verona Way.

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5.4 Disabled People's Access: Two Lifetime Homes dwellings need to be provided. Further comments on the acceptability of the proposal are awaited.

5.5 Other Environmental:

Land Drainage - This site is significant as it forms a low point for approximately 6.5 hectares of undeveloped land to the north. A flood risk assessment and details of flood prevention measures to protect the site against large amounts of surface run-off from the surrounding area has been received and is currently being assessed. Without satisfactory assessment and mitigation, flooding could be a significant problem.

Env Services (Arboriculture) - An accurate tree survey showing all the existing trees, shrubs and hedges on and adjacent to the site is required so that the proposal can be properly assessed in terms of its impact upon these natural features. There is some concern about the impact of the access road along the western boundary upon the trees that overhang this part of the site.

6. Publicity:

Neighbour Notification letter	17	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations:

To date, 6 letters of objection have been received and are reproduced in this report. Concerns are summarised below:

- Loss of view
- Potential loss of property value
- Increase in traffic volume
- Increase in noise
- Road safety issues and traffic speed
- Privacy to be lost
- Loss of wildlife and impact upon protected species
- Flooding risk
- Impact upon local schools
- Impact upon infrastructure
- Loss of hedge which diffuses the noise from Rolls Royce.

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8. Consultations:

Police (ALO) - awaited

Natural England -The site is near to the Boulton Moor Site of Special Scientific Interest but given the location and nature of the proposal there should be no adverse impact on this SSSI.

Natural England are satisfied that it is unlikely that protected badgers or great crested newts are using the site. There is some concern that the poor condition of some trees on the site might be providing roosts for bats and it is suggested that felling of any of these trees should be monitored by a licensed bat ecologist. Similarly, removal of the roof tiles in demolition of the existing bungalow should be carried out carefully in accordance with the recommendation in the ecology report.

Some evidence of bats was found in the bungalow but no emergence survey has taken place to confirm whether bat use of the building is current or merely historic. Natural England recommend that an emergence survey should be undertaken prior to a decision being made on this planning application and this needs to be done between April and October. The level of information provided does not indicate whether this is a roost site for bats and consequently does not provide any mitigation proposals. Without this information the applicant could not obtain a Defra licence.

Natural England note the presence of house sparrow's nests within the soffits of the bungalow and old swallow nest in the loft space. It is an offence under the Wildlife and Countryside Act (1981 and as amended) to kill, injure or take a wild bird or to take, damage or destroy the nest or egg of a wild bird. It is therefore recommended that works are not undertaken during the bird breeding season (March – September).

Canal trust – awaited.

9. Summary of policies most relevant:

- GD3 - Flood Protection
- GD4 - Design and Urban Environment
- GD5 - Amenity
- GD8 - Infrastructure
- H12 - Lifetime homes
- H13 - Residential development – General Criteria
- E9 - Trees
- E6 - Wildlife Corridor
- E10 - Renewable Energy

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- E17 - Landscaping schemes
- E23 - Design
- L2 - Public Open Space Standards
- L3 - Public Open Space Requirements in New Development
- L9 - Former Derby Canal
- 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.

10. **Officer Opinion:** This brownfield site is not allocated for any particular use and in principle is suitable for residential development subject to a scheme being able to meet other planning policy requirements. Specifically, the scheme would need to show a satisfactory form and design of development, capable of providing high quality living environment and incorporating the principles of sustainable design. The line of the former canal, which adjoins the site must also be protected.

Flooding

As described in section 5.5 of this report, this site has potential flooding problems that must be alleviated. I await comments on the submitted flood risk assessment and mitigation measures which I understand will involve raising finished floor levels by a small amount. Subject to these details being satisfactory I would raise no objections on this point.

Ecology

I note Natural England's comments. With regard to concerns about the felling of rotting trees and careful demolition of the bungalow I do not think that it would be reasonable to impose a condition to regulate these aspects of the scheme. Dead, dying or dangerous trees can be removed without the City Council's consent and as such the felling of any rotting trees could not be controlled under planning legislation. On this basis it would be inappropriate to try and control this matter through a planning condition. Notwithstanding this, it is an offence under separate legislation to disturb bat roosts and this would sufficiently regulate the matter. Similarly the demolition of the bungalow does not require planning permission and therefore disturbance of bat roosts would have to be regulated under separate legislation.

With regard to the swallows nests found on site, as per my comments above, planning permission would not be required to remove the buildings and as such care of the swallows nests would be regulated

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under the Wildlife and Countryside Act, rather than by planning condition.

With regard to the potential use of the bungalow as a bat roost, I note that the evidence submitted is inconclusive in demonstrating whether the building is currently used as a roost or whether the use is historic. The applicant is aware that the ecology survey provides evidence of bats in the bungalow and has indicated the proper emergence survey would be undertaken to conclusively show the presence or otherwise of bats and to propose and implement any mitigation measures necessary. On this basis and given that the next appropriate emergence survey period is April – October 2007, I consider that it would be appropriate to impose a condition to require the proper survey and agree mitigation measures as necessary. I consider that this approach would ensure proper protection of any bat roosts found on site.

Highways

The applicant is currently considering the issues raised in section 5.3 of this report and has confirmed that amendments are being made. I await these amendments and further comments from the City Council's highways officers. In general I expect that the layout will be amended to provide the parking depths and road widths required. Parking areas for plots 8-13 have been moved to provide scope for turning by servicing vehicles. Other issues requiring legal agreements would be dealt with in the normal way.

Design

My comments on this aspect of the proposal are given in section 5.2 of this report.

Sustainability

The site provides scope to make use of natural sunlight with each terrace enjoying at least one sunny aspect. The layout meets with distance guidelines designed to avoid overshadowing or harmful effects of massing. Each unit has its own private garden area with space for drying clothes outside and ground floor space, including garages would provide scope for individual secure cycle parking. The site has no air quality management issues and as such dwellings could be expected to make use of natural ventilation.

Trees and landscaping

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I await the additional tree survey details requested by the Council's arboriculturalist. I note concerns about the impact of the western access road upon overhanging trees but consider the benefits of this layout, in terms of providing surveillance of the safeguarded Canal route whilst at the same time providing a reasonable distance between the public area and the private dwelling houses outweigh these concerns. The layout will also help to provide good continuity of development along the safeguarded Canal route as it continues the type of layout found to the south of Sinfin Moor Lane.

The proposed site layout shows some planting but a landscaping scheme condition would be required to finalise the details of this.

Residential amenities

I am satisfied that the proposed layout is acceptable in terms of residential amenities. It meets with the City Council's guidelines for distances between properties and would provide a satisfactory living environment without unreasonably affecting the amenities at existing dwellings. I note objectors comments about the 3 storey height of the dwellings but do not agree that this causes any unreasonable effect upon amenities. They are a feature of the recent development in the vicinity.

Subject to receipt of details that satisfactorily address the following:

- Highways concerns
- Clarification of the position on Lifetime Homes
- Provision of a full tree survey and recommendations
- Floor layouts.

And subject to an assessment of the submitted flood risk assessment and proposed mitigation measure, I see no justification for refusing this application. I consider that these matters can be resolved in due course. However in view of the 13-week statutory time period for determining the application am obliged to prepare a report for this Committee meeting in anticipation of receipt of the details.

11. Recommended decision and summary of reasons:

11.1 Subject to the outstanding matters listed above, to

- A. To authorise** the Assistant Director – Regeneration to negotiate the terms of a section 106 Agreement to achieve the objectives

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

- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above Agreement, with conditions.
- C. 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 working target period, (22 December 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 xxxxxxxx 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. Standard condition 13 (garages)
- 9. The development shall be in accordance with the recommendations of the Flood Risk Assessment Report dated October 2006 and as amended by xxxxxxxx.
- 10. Before any development is commenced, including demolition of the existing building:
 - a. a survey of roosting bats in building 3 and the potential for roosting bats in building 1 and 2 shall be undertaken during 2007. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site.

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Depending on the results of the survey:

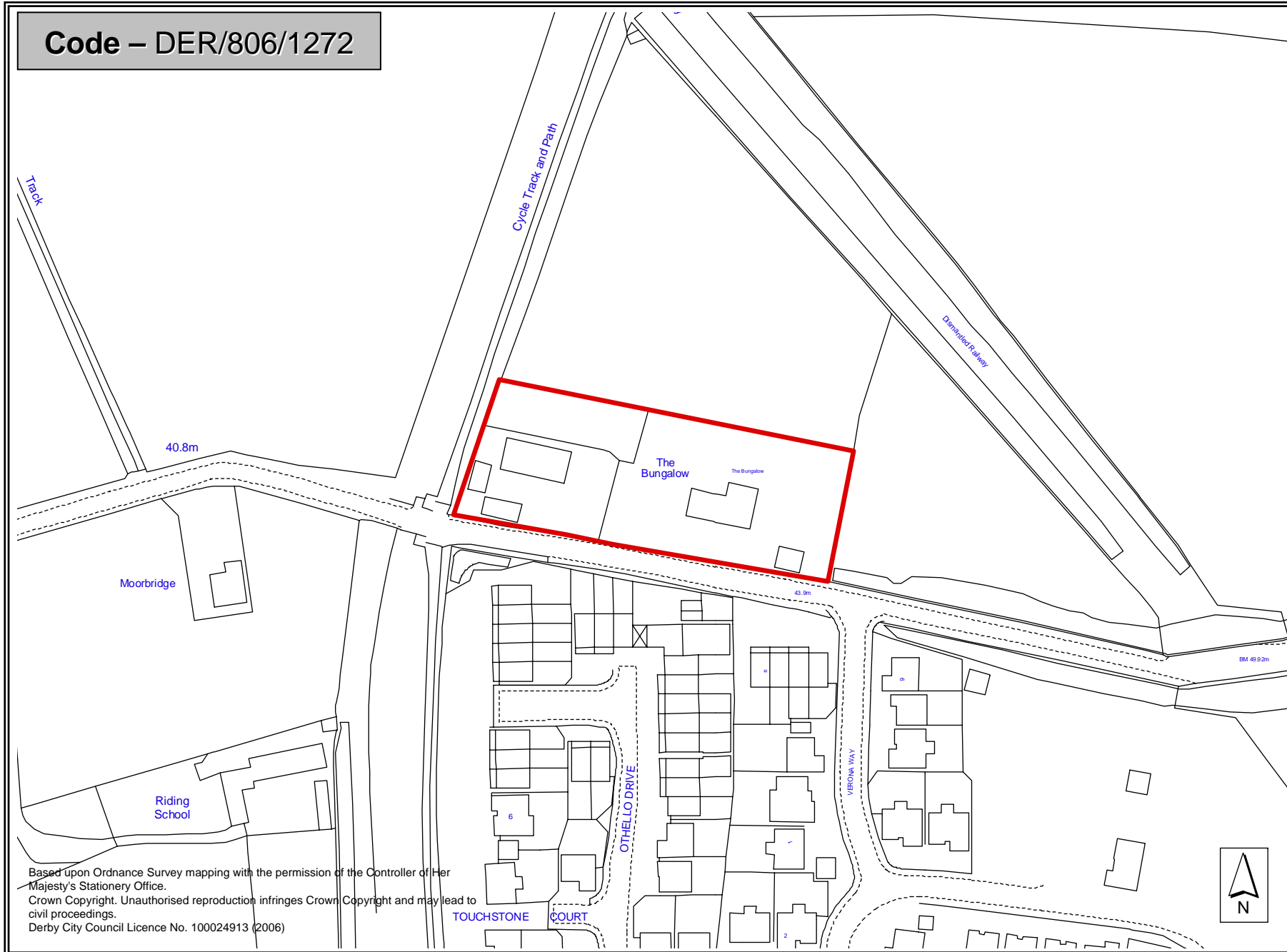
- b. necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority.
 - c. all such agreed measures shall be implemented in their entirety.
 - d. a DEFRA licence shall be secured to legitimise destruction of any bat roost.
11. The dwellings hereby approved shall not be occupied until the part of Sinfen Moor Lane that provides access to the site is bought back to an adoptable standard, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

11.4 Reasons

- 1. Standard reason E04
 - 2. Standard reason E14...policies H13/E23
 - 3. Standard reason E09...policies H13/E23/E17
 - 4. Standard reason E09...policies H13/E23/E17
 - 5. Standard reason E29...policy E9
 - 6. Standard reason E14...policy H13
 - 7. Standard reason E09...policy H13
 - 8. Standard reasons E16 and E28...policy H13 and T4
 - 9. In order to prevent flooding...policies H13/GD3
10. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 – Nature Conservation and policy E9 of the adopted City of Derby Local Plan Review – 2006.
11. E19...T4

- 11.5 S106 requirements where appropriate:** Open space, lifetime homes, and highway contributions. The applicant is also advised that a S38 agreement will be required to deal with making the road layout adoptable.

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2 Code No: DER/906/1426

Type: Full

1. **Address:** Derby City General Hospital, Uttoxeter New Road
2. **Proposal:** Vary condition 6 on approval DER/1002/1513 to allow use of Access C until March 2007.
3. **Description:** The main details for the hospital redevelopment at the City Hospital were approved in December 2002. Condition 6 on the approval stated:

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

The reason for the condition was stated as:

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

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

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

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

Within the site, the internal road system will be completed to form a circulatory road around the perimeter; with some routes within the site comprising generally segregated “blue light routes” to A & E and the other emergency village entrances.

B1 APPLICATIONS (cont'd)

2 Code No: DER/906/1426

The current stage of the development is that the main bulk of the Phase 1 building works are virtually complete with uses decanting into them to allow the demolition of the older buildings and their replacement by the phase 2 buildings, with completion expected in 2008.

The applicant had based original assumptions on the general use of Access C in addition to the other two agreed access points. Partly on this basis an application was submitted to allow unrestricted use which I was prepared to recommend for a temporary period of 18 months to allow monitoring to take place to assess its acceptability from a safety viewpoint.

At the meeting on 12 May 2006, Members resolved to refuse permission on the basis that:

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

Unfortunately, the Applicant mistakenly used the access for general purposes and I reported the situation to Members at the 24 August meeting. My report to that meeting is reproduced for information.

Members noted the report which indicated discussions with the Trust, the developers and ward Councillors, where various temporary alleviating measures were discussed together with the need to allow use of the access for a temporary period.

The temporary period now sought is to allow access whilst the section in front of the demolished buildings remains closed to traffic; this allows construction of an internal road intended primarily to serve the emergency vehicles.

4. Relevant Planning History:

DER/1299/1498, outline planning permission granted in January 2002 to demolish the older parts of the existing hospital and to rebuild a new hospital at the City.

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

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

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2 Code No: DER/906/1426

DER/206/329 - variation of condition 6 on DER/1002/1513 to allow unrestricted use of Access C, refused 17 May 2006 on highway safety grounds.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: None.

5.3 Highways: no objection to a permission expiring on 31 March 2007. A further extension of time would be open to highway objection.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: Representations have been received from four residents. These raise concerns regarding:

- Safety of pedestrians crossing the access
- Lack of traffic control at the entrance, which is still 2 way in practice
- Consequent problems on the highway and Kings Drive such as queues and parked cars
- Unnecessary funnelling of traffic around the ring road as a result of the use of this access
- Uncontrolled use of the access and ring road by particularly service vehicles beyond the normal working day resulting in noise and disturbance
- Suggestion that the access is closed from 6pm to 8am to restrict noise problems on the ring road for local residents.

... These representations are reproduced.

8. Consultations: None.

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

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2 Code No: DER/906/1426

- GD5 - Transport
- T4 - Access, parking and servicing
- T6 - Pedestrian
- T7 - Cyclists

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

- 10. Officer Opinion:** Whilst the use should not have commenced, there are justifiable grounds for its use to continue on a temporary basis to allow construction of the internal emergency route. Skanska has carried out measures to reduce the problems of vehicles attempting to exit from the Access, such as temporary barriers and signage.

The problems being complained about on the circulatory route are not, in my opinion, attributable to the use of the access but are matters to be controlled by the Trust in its management of traffic on the site.

I am, therefore, recommending approval for the temporary period.

11. Recommended decision and summary of reasons:

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

- 11.2 Summary of reasons:** The proposal has been considered against the Adopted City of Derby Local Plan Review – 2006 policies set out in (9) above and all other material considerations and is considered acceptable on a temporary basis.

11.3 Conditions

1. This permission varies condition 6 on the permission DER/1002/1513 and dated 20 December 2002 to allow the use of the access road off Uttoxeter Road, identified as Access C on the approved plans, for use by any traffic to the site for a temporary period expiring on 31 March 2007.
2. Within 2 months of the date of this permission a scheme shall be submitted to and agreed with the Local Planning Authority that details:
 - a. How the applicant intends to ensure that the access is only used for construction traffic after the end of March 2007. The approved scheme shall be implemented in its entirety once the expiry period referred to in condition 1 has been reached.

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2 Code No: DER/906/1426

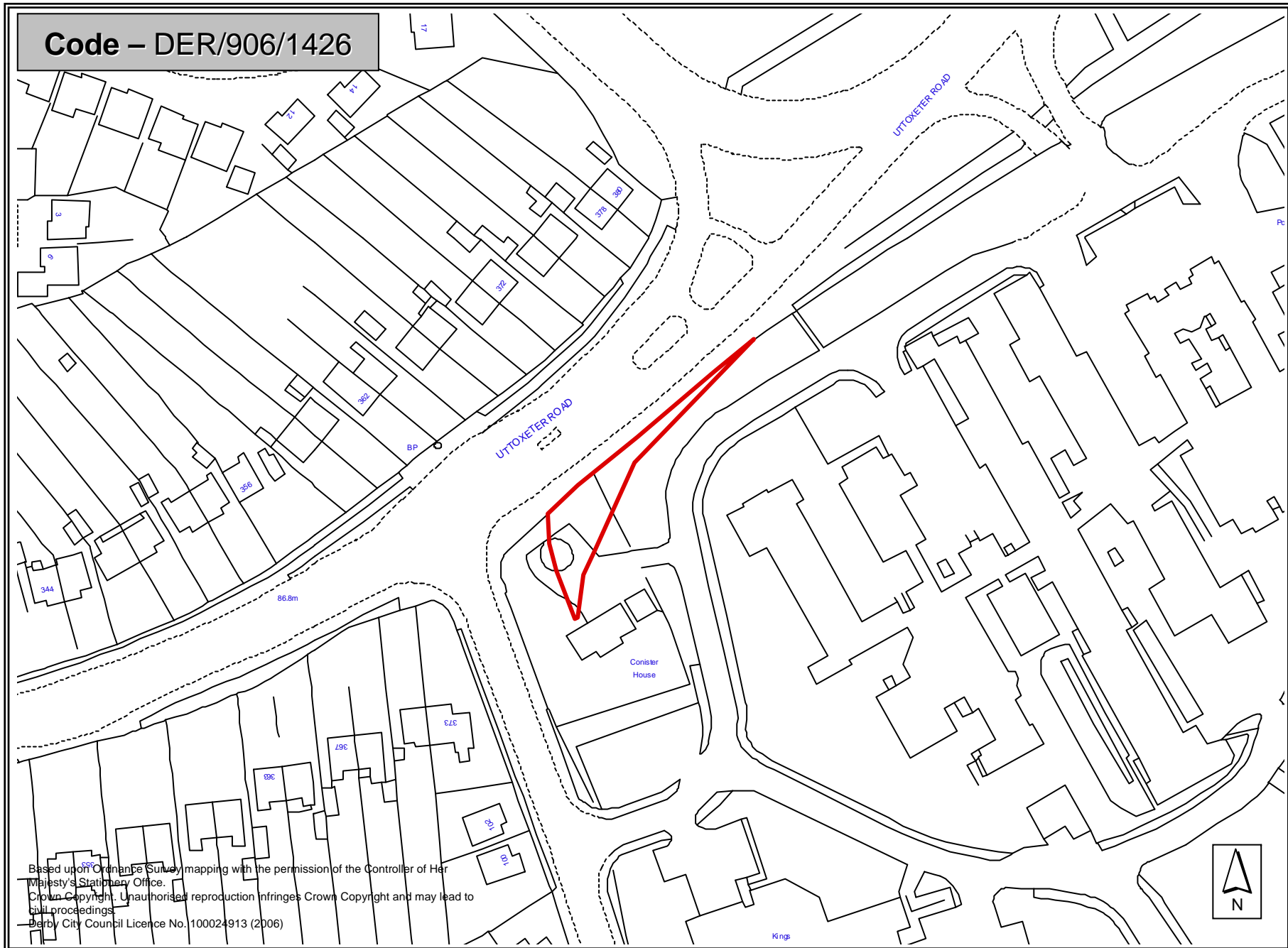
- b. The method of subsequent closure of the access and the associated landscaping provision. The approved scheme shall be implemented in its entirety once the access is no longer required for construction traffic.

11.4 Reason

- 1. To meet the specific requirements of the applicant for the temporary period.
- 2. In the interests of traffic and highway safety generally, for the avoidance of doubt and in accordance with policies GD5, T4, T6, T7 of the adopted City of Derby Local Plan Review 2006.

11.5 S106 requirements where appropriate: None.

Code – DER/906/1426



B1 APPLICATIONS (cont'd)

3 Code No: DER/1006/1567

- 1. Address:** Land adjacent to Tourist Information Office, Market Place
- 2. Proposal:** Erection of screen for public information
- 3. Description:** This application seeks planning permission for a public information screen on the eastern side of the Market Place.

The screen is 7 m wide by 5 m high, supported by 650mm columns, bringing the total width of the structure to 7.81m. The screen itself is 4m above ground level and has a depth of 0.7 metres.

The proposed screen would be in use 24 hours a day to relay a variety of video images of local events, and occasionally, sporting events to the public of Derby. This may include major sporting events, such as football or Wimbledon, planned in advance with the police and other authorities. It could be used to relay video images of events taking place in Derby such as the Darley Park classical concert, Caribbean Carnival and the Asian games. It will also be used to display video material produced by arts organisations and documentary material produced by community groups, the Council and its partners, the University and the BBC. I understand it will not be used for commercial advertisements but may display appropriate BBC programmes and some material will be supplied by commercial sponsorship. The display will be controlled by the Council and its partners. There will be four speakers located in the market place to relay the sound.

An options appraisal has been submitted with the application identifying seven options for its location. In addition to the submitted site in front of the TIC (B1), these include two sites in and partly in the gap between the Assembly Rooms and Quad (A & E), on the north side of the Market Place in front of the Assembly Rooms (C), in front trees at the west side of the square (D), in the north west corner of the square against the blank wall of the Assembly Rooms (F) and affixed to the TIC at second floor level.(B)

The preferred option (B) and that submitted for planning permission is freestanding but with the screen located approximately at second floor level.

- 4. Relevant Planning History:** None.
- 5. Implications of Proposal:**
 - 5.1 Economic:** The screen is likely to bring life to the Market Place and benefit surrounding businesses. Any negative impacts will need to be closely monitored.

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3 Code No: DER/1006/1567

5.2 Design and Community Safety: The potential to assimilate the screen in the square and the conservation area is discussed in officer opinion. The screen will have negative and positive implications for community safety which will need to be managed.

5.3 Highways: None.

5.4 Disabled People's Access: The screen's location should minimise the potential for conflict between pedestrian movements and screen viewing.

5.5 Other Environmental: any noise pollution from the facility should be managed. There will be a control room in the Guildhall or Assembly Rooms/TIC complex. In addition, the screen can be controlled remotely.

6. Publicity:

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

7. Representations: None.

8. Consultations:

CAAC – objected at pre and application stage and recommend refusal on the grounds that the proposed screen would be an over-dominant and inappropriate intrusion into the historic open space of the Market Place and would, therefore, neither preserve nor enhance the character of the City Centre Conservation Area. The 24 hour usage would adversely affect the special integrity of the Market Place's public open space. At pre-application stage it considered a location outside the conservation area would be more appropriate and less sensitive. CAAC in considering the application has maintained its view that the proposal is not acceptable within the Conservation Area.

Cityscape – to be reported.

Police ALO – to be reported.

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3 Code No: DER/1006/1567

9. **Summary of policies most relevant:** The following CDLP policies apply:

E18 - protection of conservation areas
L8 - Leisure and Entertainment Facilities

10. **Officer Opinion:** The determination of this application is based on the impact on the Market Place as an historic open space within the conservation area both in terms of the visual impact of the structure and in terms of the impact arising from its use. Also to be considered is the benefit or dis-benefit to the public and nearby businesses and any contribution to the cultural life of the city.

Policy E18 requires that proposals should enhance or preserve the special character of the conservation area and encourage its physical and economic revitalisation. Policy L8 requires that business activity is not unduly inhibited, a sequential test with the city centre as first option and sites well served by public transport and pedestrian and cycle routes.

There is no doubt that a screen of this size is difficult, if not impossible, to assimilate within the Market Place. I requested an options appraisal to assess the respective merits of a number of options within the Market Place. This appraisal attempts to assess the visual impact and the practical aspects of viewing the screen. With respect to these options I considered three totally unacceptable visually and not worth further consideration. Of the remaining three, discounted options, the least harmful visually was attached to the upper floors of the TIC but ruled out because of the blocking of windows to the meeting room, greater width, potentially higher installation cost, more difficult maintenance and greater height with the audience correspondingly further from the screen. One further option, located at the west end of the square against a backdrop of trees, blocked views of the good buildings on that side and was not good from an audience viewing aspect. The remaining option was well located against the blank elevation of the Assembly Rooms by the stage door but this had disadvantages regarding the viewing position, poor visual aspect to Irongate and location over a main pedestrian route.

The selected option is the least harmful workable solution but it still is not complimentary to the architectural style of the Assembly Rooms, it blocks light to the meeting room and is high. It does have good visibility from Irongate into the square and does not block pedestrian routes.

Members will note CAAC's view and my comment in this report that a structure of this size cannot be readily assimilated into the conservation area. However, Quad and more particularly, the Assembly Rooms have

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changed the historic character of the Market Place and I think the display, far from detracting from the open space will bring in an audience and create a far more lively atmosphere thereby encouraging revitalisation.

With respect to impact on surrounding business, talks have been held with the Registrar's Office and the Assembly Rooms in order to avoid problems to those organisations and achieve mutual benefits.

In conclusion, Members will no doubt agree that the screen will be a dominant feature in the conservation area but it will revitalise the life of the Market Place and bring other benefits which outweigh the disadvantages.

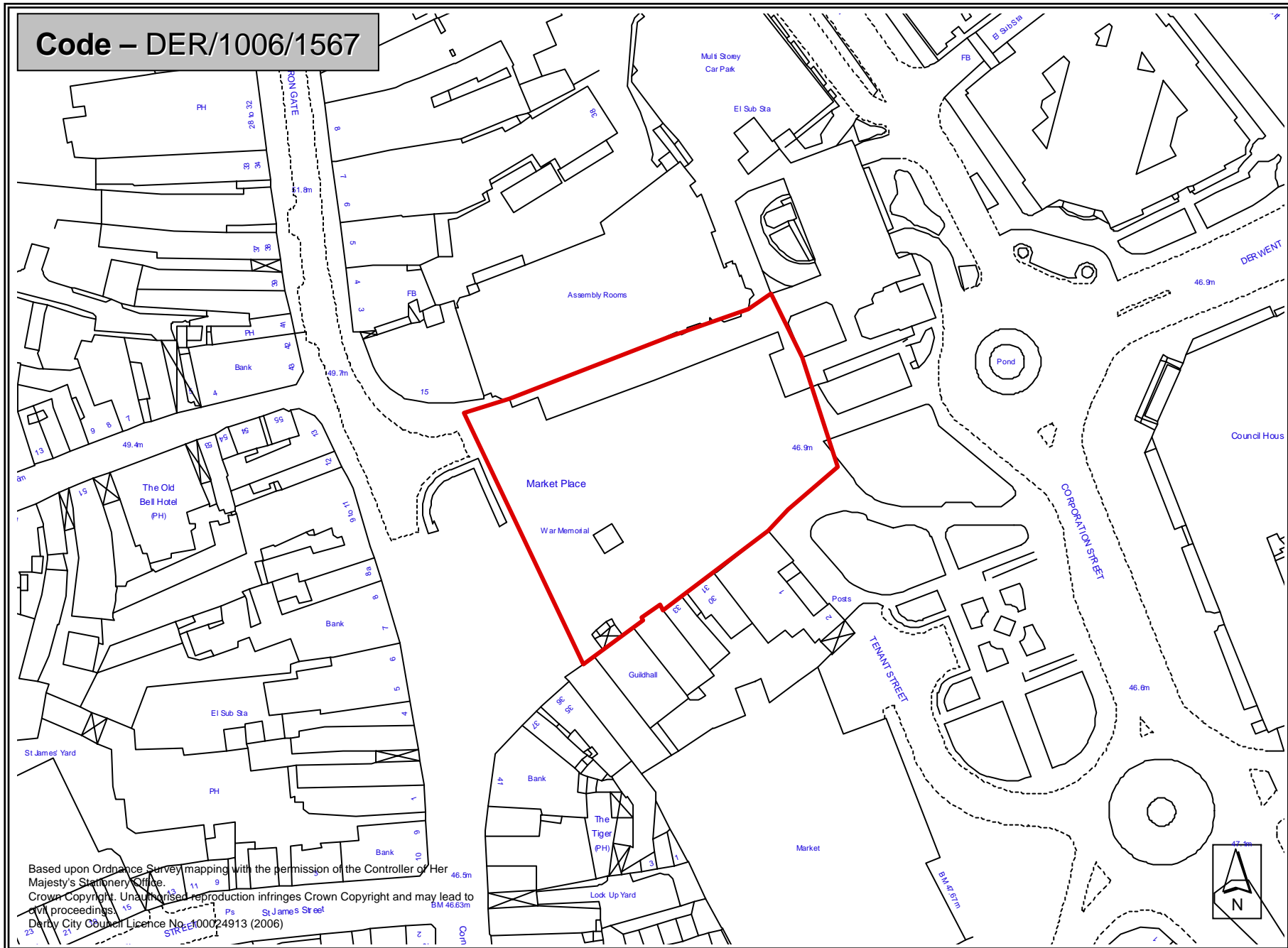
For Members information, big screens exist in Birmingham, Hull, Liverpool, Manchester, Leeds, Rotherham and Bradford.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above and presents a proposal where the benefits outweigh the disadvantages of the scheme helping to revitalise the Market Place and conservation area generally.

Code – DER/1006/1567



B1 APPLICATIONS

1 Code No: DER/706/1161

Type: Outline (all reserved matters)

1. **Address:** Site of 63 – 65 and rear of 61 Nottingham Road, Spondon
2. **Proposal:** Residential development
3. **Description:** This site on Nottingham Road, Spondon, comprises the rear garden of a detached dwelling at No.61, together with a childrens nursery and associated curtilages at Nos.63- 65. There are two period buildings close to the site frontage and numerous ancillary outbuildings to the rear, on a relatively level site. Existing vehicle access and off-street parking are sited off Nottingham Road. The surrounding locality is characterised by a mix of commercial and residential uses. There is a boarding cattery at the adjacent property and traditional semi-detached and detached housing nearby. An extensive area of public open space lies to the north of the site.

Outline permission is sought for residential development on the site, which is approximately 0.2 hectare in area. All matters are reserved for a future application. No details of a layout or number of units has been submitted, although vehicular access is indicated to be achieved off Nottingham Road.

4. **Relevant Planning History:** None
5. **Implications of Proposal:**
 - 5.1 **Economic:** None
 - 5.2 **Design and Community Safety:** No details of design or layout accompanied this application and as such these matters would be considered under a future reserved matters application. No adverse community safety implications would arise from the proposed residential use of the site.
 - 5.3 **Highways:** A centrally placed access within the frontage would enable an optimal visibility onto the highway. No objections subject to details being submitted of parking and vehicle access.
 - 5.4 **Disabled People's Access:** Not applicable at this outline stage.
 - 5.5 **Other Environmental:** A substantial proportion of the site is built on or hardsurfaced, whilst the rear of No.61 is primarily lawned. There is a relatively limited number of small trees towards the northern boundary, which have minimal amenity value.
6. **Publicity:**

B1 APPLICATIONS (cont'd)

1 Code No: DER/706/1161

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

7. **Representations:** Four letters of objection have been received and copies are reproduced. The main issues raised are as follows:

- The proposed residential development of the gardens would amount to a significant change of use, which would be detrimental to the living conditions of nearby residents
- It would result in a considerable increase in traffic on Nottingham Road, leading to additional parking on the highway and a potential hazard to local people
- Nearby properties would be overlooked by the proposal and residents amenities would be undermined
- If the nursery moved to the adjacent dwelling, No. 61 it would undermine residential amenities
- The proposal would generate a significant level of noise and disturbance.

8. **Consultations:**

DCS (EnvHealth) – A preliminary site investigation report should be submitted before development commences and where potential contamination is identified a risk assessment and site investigation should be carried out. These requirements can be secured by a planning condition.

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

GD5 – Amenity
H13 – Residential development on unallocated land
E10 – Renewable Energy
E17 – Landscaping Schemes
E23 – Design
T4 – Access, parking and servicing

B1 APPLICATIONS (cont'd)

1 Code No: DER/706/1161

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

- 10. Officer Opinion:** Permission is sought for residential development of three adjoining properties, with long narrow curtilages, which are currently in a single mixed business and residential use. The site lies within a densely built up frontage of mainly residential properties and it amounts to a brownfield site, as defined by PPG 3 (Housing). The proposed redevelopment of the site for a more intensive form of residential use, would accord with the objectives of national planning guidance and Policy H13, since it would represent a more efficient use of land and is capable of accommodating a good quality form and layout. This site is in a relatively accessible location, on a main road and public transport route. The site is therefore considered to be appropriate in principle for residential development.

Although details of siting and design are reserved matters in this case, the proposed development would be capable of forming a high quality living environment and maintaining an appropriate standard of privacy and amenity for nearby residential properties. The adjacent semi-detached dwellings on Nottingham Road have long narrow rear gardens and a suitable residential layout could be created, which would not result in undue overlooking or an oppressive impact on the neighbouring residents.

A development served off a single point of access is envisaged, which would meet the Council's Highways requirements. Having regard to the site area and its location, the likely traffic generation on Nottingham Road would not be significant. The Council's Highways Officer has not raised any objections to additional residential development and overall I am satisfied that highway safety in the local area would not be compromised.

A limit of no more than 9 dwellings is sought on this site and as such the Section 106 thresholds for contributions are not exceeded. This would be in line with the density criteria in Policy H13, since this number of units would amount to 37 dwellings per hectare. The upper limit of dwellings can be secured by a planning condition. It should be borne in mind that this condition does not necessarily mean that 9 dwellings would be developed on the site.

11. Recommended decision and summary of reasons:

11.1 To grant permission will conditions.

B1 APPLICATIONS (cont'd)

1 Code No: DER/706/1161

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above and would be an appropriate form of residential development, which would be in keeping with the local streetscene and would create a satisfactory living environment subject to approval of appropriate details.

11.3 Conditions

1. Standard condition 01 (outline permission)
2. Standard condition 02 (reserved matters)
3. Standard condition 38 (disposal of sewage)
4. Standard condition 100 (contamination)

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

6. This permission shall imply approval for the erection of no more than 9 dwellings within the red edged site.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E21
4. Standard reason E49

5. Dwellings that are south facing, having solar panels and/or wind turbines and water conservation measures will help to reduce measures energy consumption reducing pollution and waste....policy E12

6. A more intensive development would attract contributions to be secured by a legal agreement, which have not be sought for this proposal.

Code – DER/706/1161



B1 APPLICATIONS (cont'd)

5 Code No: DER/1005/1788&DER/904/1603

Type: Conservation
Area Consent
and Full

1. **Address:** Site of 53 Keys Street
2. **Proposal:** Demolition of boundary wall, piers and premises. Erection of four 2 bedroom flats & incorporation of land into curtilage of 107 Nottingham Road
3. **Description:** The site comprises a redundant former glass works near the end of Keys Street, and derelict former garden land at the rear of numbers 109 and 111 Nottingham Road which are part of the Liversage Trust estate within the Nottingham Road Conservation Area. Consent is sought to demolish the industrial premises and a wall extending at right angles from the works which currently terminates the footway and encloses in part the yard to the Trust's workshop.

The replacement proposal is a two storey building accommodating two flats on each floor thus providing 4 two bed flats as part of the Trust's provision for elderly people on this estate. It is designed to continue the pattern of the existing terraced properties in Keys Street.

A communal garden for the flats is proposed behind the new building and three car spaces are provided in the current yard. A rumble strip is proposed at the entry point to the yard and surfaced in the same material as the parking spaces and a part of the new (private) turning area. A footpath, in tarmac, would be continued to a rear gate giving access to the bin store, hard surfaced utility area and the communal garden for the flats. The submitted plans also indicate proposals outside the application area and currently tenanted which should be excluded from any permission for the avoidance of doubt rather than because of the merit of those aspects; this comprises a part of the drying area and an amended boundary. The proposal also includes transferring a very small section of left over land into the curtilage of no. 107 Nottingham Road.

4. **Relevant Planning History:** DER/904/1605 – demolition of premises, withdrawn.
5. **Implications of Proposal:**
 - 5.1 **Economic:** Redevelopment would allow the Trust to increase its provision of specialist accommodation.
 - 5.2 **Design and Community Safety:** The scale and detailing of the replacement proposal should complement the existing terraced

B1 **APPLICATIONS** (cont'd)

5 **Code No:** DER/1005/1788&DER/904/1603

dwellings in the street. Use of premises at this point in the street would improve community safety.

5.3 Highways: The originally submitted plans included a full size turning head which could not be justified as part of this proposal. The extended footway should be at the applicant's expense and the three parking spaces should be designated to specific flats as this is a resident's parking permit area. Three spaces are adequate but cycle/ motor cycle parking provision should be indicated.

5.4 Disabled People's Access: A certain degree of accessibility will be required under the Building Regulations. The submitted plans indicate a step; accessible entrances should be conditioned.

5.5 Other Environmental: A contamination report should be conditioned for this former industrial site.

6. **Publicity:**

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

7. Representations: None submitted, but concerns raised orally about the extent of the application proposals have been clarified with the applicant.

8. **Consultations:**

CAAC – noted the supporting information/ justification but considered this failed to demonstrate that sufficient efforts had been made to market the building for its current commercial use. It considered that the applicant's case against a scheme for conversion to a residential use was unconvincing and that the suggested conversion/redevelopment costings needed independent assessment based on a more conservation orientated approach to repair/ stabilisation. It recommended that the application be refused on the grounds that inadequate justification had been made for the demolition of this building which makes a positive contribution to the appearance and character of the conservation area.

Env Health – potential contamination and consequent mitigation should be investigated and agreed before any development is commenced.

B1 APPLICATIONS (cont'd)

5 Code No: DER/1005/1788&DER/904/1603

9. Summary of policies most relevant:

- E18 - protection of conservation areas
- E21 - Archaeology
- E23 - Design
- E24 - Community safety
- H13 - Residential development general criteria
- T4 - Access, parking and servicing
- T10 - access for disabled people
- GD5 - amenity

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

- 10. Officer Opinion:** National and local planning policy, predominantly through PPG15 and CDLPR policy E18, set out a number of considerations which be addressed in the consideration of the demolition of a building within a conservation area. These include the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use; the adequacy of efforts made to retain the building in use and the merits of alternative proposals.

To aid this consideration the applicant has submitted various reports including condition, cost of repairs fit for reuse, efforts to keep the building in use, marketing, and issues surrounding adaptive reuse. These reports have been submitted by the Trust itself and various professional consultants.

These have been assessed by my staff and I have to conclude that it would be possible for the building to be adapted for an industrial use or for a form of residential general-let use. However, there are also other considerations to be made in terms of the future functioning of the site being situated within a conservation area that is in a single estate-ownership with charitable housing objectives. In amenity terms it would be very undesirable to perpetuate an industrial use which caused loss of amenity in the street to elderly residents as a result of noisy activities or traffic generation and parking requirements, Similarly, the conversion of the building for a general-let residential use which resulted in increased traffic and parking would be similarly undesirable. The Trust is bound by its rules as a charitable organisation and has to protect and provide for its elderly residents. Release of the site for a low figure would be unlikely to be acceptable to the Charity Commissioners and loss of control of the site would be contrary to its need to protect its elderly residents. Whilst there is a limit beyond which personal

B1 APPLICATIONS (cont'd)

5 Code No: DER/1005/1788&DER/904/1603

circumstances should not be given greater weight, I have to conclude that in this case the effect of insisting on retention would be potentially damaging to the amenity and character of this part of the conservation area which the Trust has done much to improve over the years. On that basis I do not consider that refusal of consent is justified.

With regard to the replacement building, I am satisfied that it reasonably compliments and enhances the conservation area in its location, scale and design. Various minor details can be conditioned.

My recommendation, accordingly, is to allow the demolition subject to the implementation of the replacement scheme.

11. Recommended decision and summary of reasons:

11.1 Code No. DER/1005/1788 – **To grant** conservation consent subject to conditions.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies, other material considerations and the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance in PPG 15 as summarised in 9 above and the merits of the proposal and the circumstances of the applicant Trust outweigh the disadvantages of the removal of the building.

11.3 Condition

Before any demolition is commenced, the Council shall be provided with a copy of a contract for the rebuilding scheme approved under DER/904/1603 or any subsequently approved planning permission.

11.4 Reason

To ensure that the building is not demolished prematurely because of the contribution of the building to the streetscene

11.5 Code No. DER/904/1603 – **To grant** planning permission subject to conditions

11.6 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies, and other material considerations as summarised in 9 above and the proposal will provide a suitable replacement which will preserve and enhance the special character of the conservation area without detriment to residential amenities.

B1 APPLICATIONS (cont'd)

5 Code No: DER/1005/1788&DER/904/1603

11.7 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 20 (landscaping)
3. Standard condition 27 (landscape maintenance)
4. Standard condition 69 (cycle/motorcycle parking)
5. Standard condition 66 (disabled access)
6. Standard condition 83 (drawing no 1453-1-A)
7. Standard condition 19 (boundary treatment)
8. Standard condition 46 (archaeological investigation)

9. The details required under condition 1 shall include details of windows, doors, lintels and brick detailing.

10. Details of hard surface materials outside the building shall be submitted to and approved in writing by the Local Planning Authority and implemented before the development is brought into use.

11. No development approved by this permission shall be commenced until:
 - a. The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.
 - b. Detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the Local Planning Authority.
 - c. For each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development.
 - d. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority; and

B1 APPLICATIONS (cont'd)

5 Code No: DER/1005/1788&DER/904/1603

- e. If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

11.8 Reasons

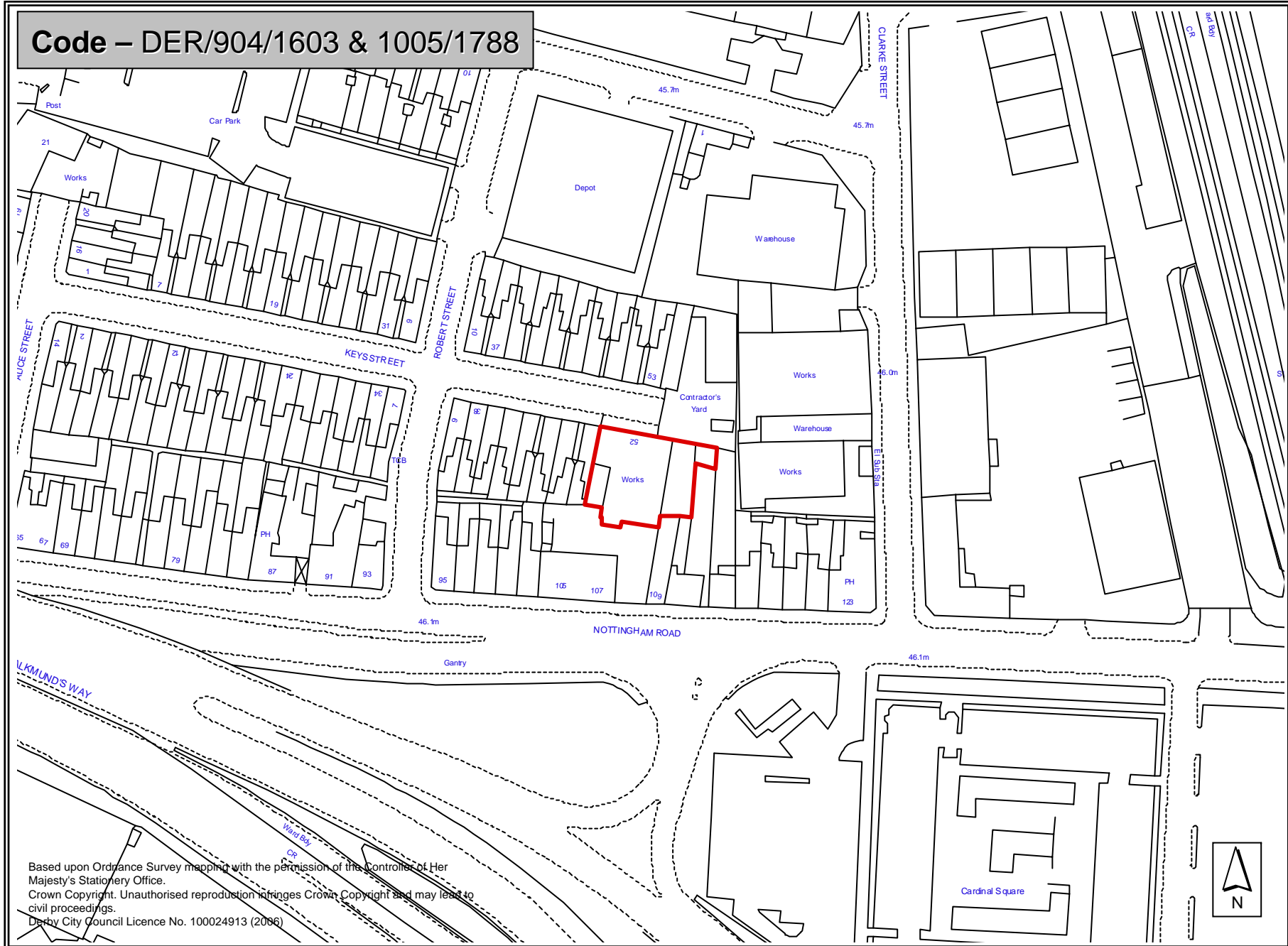
1. Standard reason E14 policy E18
2. Standard reason E10 policy H13
3. Standard reason E10 policy H13
4. Standard reason E35 policy T4
5. Standard reason E34 policy T10
6. Standard reason E04
7. Standard reason E10 policy E18 and H13

8. To ensure that archaeological interest is protected. Policy E21

9. Standard reason E14 policy E18
10. Standard reason E14 ... policy E18 and H13
11. Standard reason E25 ... policy H13

11.9 S106 requirements where appropriate: None.

Code – DER/904/1603 & 1005/1788



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B1 APPLICATIONS (cont'd)

6 Code No. : DER/906/1524

Type : Advert Consent

1. **Address:** Friar Gate Studios, Ford Street
2. **Proposal:** Display of 2 externally illuminated fascia signs
3. **Description:** The new creative industries building sits on the junction of Ford Street and Cavendish Street in the City Centre. It is a modern building of two to four storeys in height, its elevations accommodating a mixture of red brickwork, reconstituted stone and glass. The building is located in the Friar Gate Conservation Area.

Advertisement consent is sought for externally illuminated fascia signs on the building. On the Ford Street elevation, a star shaped sign, 3.8m in height is proposed to sit above lettering of 300mm and 470mm in height, indicating the building's name, 'Friar Gate Studios'. Both the lettering and logo are to be fabricated in powder coated stainless steel. The star is proposed to be multi coloured, the lettering powder coated red with some parts of the building's name accommodating a polished stainless steel finish. The logo and lettering are proposed to project approximately 56mm from the face of the building. They are to be illuminated via floodlights, located above and below the signage. The signs are proposed to be surface mounted on the blank section of the building's elevation at first and second floor level.

Identical lettering to that proposed for the Ford Street elevation is also proposed to be added to the southern elevation which faces towards Friar Gate. Again, the lettering would be surface mounted and illuminated from above and below. The signage proposed for this elevation of the building, does not include the star shaped logo.

This application is reported to the Committee for consideration given that objections to the proposed signage have been raised by the Conservation Area Advisory Committee.

4. Relevant Planning History:

DER/106/124 – Formation of vehicular access for temporary period – granted 01/03/06

DER/106/123 – Felling of 3 trees (including 1 sycamore) and crown lifting of 2 sycamores and 1 oak tree within Friar Gate conservation area – No objections raised 06/03/06

DER/305/362 – Erection of commercial studio's offices and associated facilities including café/restaurant reception area and meeting rooms – granted 26/05/05

B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/906/1524

DER/305/361 – Demolition of former nursery – granted 27/05/05

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The panel of the building facing Agard Street was intended to accommodate a public art feature and one is to be commissioned once funds have become available. Whilst a piece of quality public art is to be pursued, this high profile space needs to be filled and no objections are raised to the design of the proposed star which could be relocated onto the southern elevation of the building in due course. This building is located in a main road location on a prominent site in the City centre. In my opinion the proposed signage is acceptable for this modern building in design terms.

5.3 **Highways:** There are no highway objections to the proposed signage subject to maximum levels of illumination for the floodlights.

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

5.5 **Other Environmental:** None.

6. **Publicity:**

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

7. **Representations:**

... One letter of objection has been received in response to this application and a copy is attached. The objections raised relate to the building's proposed name and that other signage has been refused consent in the Friar Gate conservation area. The objector suggests that what is being proposed in this application is without merit or quality.

8. **Consultations:**

CAAC - The Committee objected to the application for advertisement consent. The views of the Committee are reproduced below:

B1 APPLICATIONS (cont'd)

6 Code No: DER/906/1524

‘Object and recommend refusal on the grounds that the level of illumination was excessive, especially the proposed uplighters that would cause excessive light pollution of the night sky. The Committee recalled the intention to provide a piece of wall-mounted public art on the Ford Street elevation of this new development and felt that the proposed “star” was an inappropriate substitute, even for a temporary period. The Committee indicated that it would have no objection to a non-illuminated letter sign on the Ford Street elevation but felt that there was no justification for any advertisement on the Friargate elevation due to its poor visibility and the need to maintain its architectural integrity.

Cityscape - No objections to the proposed signage are raised.

9. Summary of policies most relevant: Adopted CDLPR:

E26 - Advertisements

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

10. Officer Opinion: I have noted the objectors concerns relating to the proposed name of the creative industries building. However, it is not within the remit of this advertisement application to question the naming of the building but to consider whether the signage proposed in this application is acceptable from a highway safety point of view and whether it is considered acceptable in terms of its impact on the local environment and surrounding conservation area.

I am aware that the panel of the building facing Ford Street is intended to accommodate a piece of public art in the future. However I see no grounds on which to object to the space being filled with alternative signage whilst the public art is pursued. The creative industries’ building is a new addition to the city centre that occupies a prominent main road site. In my opinion, the proposed logo and lettering are suitable for this modern style building and main road location. They are proposed to be appropriately sited on the blank surfaces of the buildings western and southern elevations. I have noted the Conservation Area Advisory Committee’s concerns but I consider the proposals put forward in this application to be acceptable for this building and do not consider that they would cause unreasonable detriment to the character of the surrounding conservation area.

No objections to this advertisement consent application have been raised by colleagues in Highways subject to levels of illumination being controlled in order that they do not exceed specified standards. I am

B1 APPLICATIONS (cont'd)

6 Code No: DER/906/1524

satisfied that these levels can be controlled by condition of consent and that the proposed signage would not compromise pedestrian or vehicular traffic safety generally.

For the reasons stated above, I do not consider the proposed signage would detract from the character of the creative industries building or the surrounding Friar Gate conservation area. I therefore see no grounds on which to refuse advertisement consent in this case.

11. Recommended decision and summary of reasons:

11.1 To grant advertisement consent with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and the proposed signage is considered acceptable in terms of its appearance, impact on the amenity of the area and pedestrian and traffic safety.

11.3 Conditions

1. Standard condition 08C (agents e-mail received 23 October 2006)
2. The intensity of the illumination of the lighting proposed for the western elevation of the building shall not exceed 800 candelas per square metre for the downlight and 1200 candelas per square metre for the uplight.
3. The intensity of the illumination of the lighting proposed for the southern elevation of the building shall not exceed 1000 candelas per square metre for the downlight and 1200 candelas per square metre for the uplight.

11.4 Reasons

1. Standard reason E04.
2. In the interests of traffic and pedestrian safety ...policy E26
3. In the interests of traffic and pedestrian safety ...policy E26

11.5 S106 requirements where appropriate: None

Code – DER/906/1524

