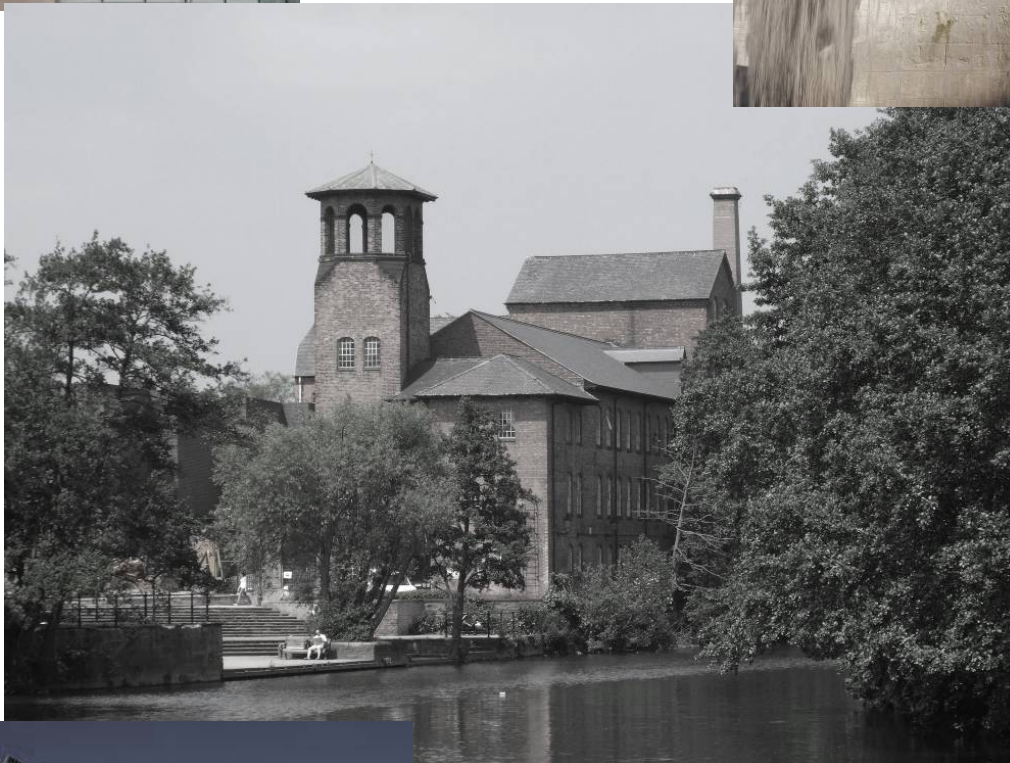


Item 10

Derby City Council
Planning Control Committee
29th July 2010



Development Control Report of
The Director of Planning and Transportation

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Planning Control Committee 29 July 2010

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Type: Full

1. **Address:** Site of Palm Court Restaurant, Devonshire Avenue, Allestree

2. **Proposal:**

Erection of 14 dwellings and formation of access road

3. **Description:**

The site of the former Palm Court Restaurant on the corner of Devonshire Avenue, where it meets Kings Croft has been vacant land for a long period of time. It is a roughly rectangular plot, approximately 0.2 ha in size. It was formerly occupied by a restaurant with a large car parking area. The site is located within a mature residential area of Allestree, comprising suburban style, detached and semi-detached housing.

Full permission was granted in 2006 for redevelopment of the site, by erection of a three and four storey block of 24 apartments and formation of 36 car parking spaces. That permission has since lapsed.

The current proposal is for erection of 14 three storey townhouses, comprising 3 and 4 bedroom units, with integral garaging and 2 separate garages. The dwellings would be of a traditional form and design, with tiled pitched rooflines, brick facades with stone detailing and vertical window pattern. The plots would each have their own private rear amenity space. There would be a row of four units facing the Duffield Road frontage directly accessed from Devonshire Avenue/Kings Croft and terrace of four on the Devonshire Avenue frontage (plots 1 to 4). A group of three dwellings would be sited to the rear of the site, behind Plots 1 to 4. The development would include formation of a private access road off Devonshire Avenue, with vehicle turning area, providing vehicular access and servicing for 7 of the proposed dwellings. Each dwelling would have a single garage space and private parking for one vehicle. There would be individual bin storage for the dwellings, by a combination of designated enclosures in front curtilages and in rear gardens.

The site has been cleared of previous development, although it is surrounded by mature hedges on the west and north boundaries. There are two trees along the western perimeter and a group of trees on the adjacent property at 1b Kings Croft, which have recently been made the subject of a Tree Preservation Order.

4. **Relevant Planning History:**

DER/05/05/00830 – Erection of 24 apartments, Granted – January 2006

5. **Implications of Proposal:**

5.1. **Economic:**

None.

5.2. **Design and Community Safety:**

The proposal would form a residential layout of terraced and detached dwellings, creating a street frontage along Devonshire Avenue, where it turns the corner and adjoins Kings Croft. It would be a three storey development of a domestic scale and appearance, which takes reference from the scale and type of residential properties in the surrounding area.

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The development would not give rise to a significant impact on community safety in the locality. The proposed layout would create a satisfactory living environment for the occupants.

5.3. Highways – Development Control:

The internal dimensions of the garages are below the required standard, 3 x 6 metres in area. (They actually measure 2.5m x 6.5m) Each of the proposed dwellings fronting Devonshire Avenue provide a minimum depth of 5 metres, allowing vehicles to park off the highway. As such the proposal would have 100% parking provision, which is considered acceptable.

The design and layout of the proposed access road and turning area is considered acceptable.

Forward visibility around the bend in Devonshire Avenue is required to be a minimum of 25 metres. Visibility from Plot 13 on the Devonshire Avenue frontage appeared to be substandard for drivers exiting the driveway. The proposed dwellings fronting Devonshire Avenue would require pedestrian visibility splays, 2 x 2 metres onto the highway. Further survey work carried out on the potential visibility for Plots 11, 12 and 13 has been undertaken, measuring traffic speeds and flows in this location on Devonshire Avenue. On the basis of this additional information I am satisfied and no objections are raised to the visibility splays for these plots.

Details of facilities for bin storage should be provided to ensure provision within 25 metres of the highway boundary and no obstruction of pedestrian visibility splays,

Highways – Land Drainage:

In objecting to the absence of a drainage layout suggest that any permission be subject to conditions in regard to approval of foul and surface water drainage scheme, to include Sustainable Drainage features, limits on run-off and geo-technical study of the site.

5.4. Disabled People's Access:

The dwellings would have a degree of accessibility through Building Regulations.

5.5. Other Environmental:

The site has been cleared of buildings and is surfaced in rubble. There are two trees along the western edge of the site, which are to be retained as part of the development. The site is surrounded by mature gardens, with many substantial trees. A small mixed group of trees on the adjacent property at 1b Kings Croft has significant visual amenity value and is protected by a Tree Preservation Order.

6. Publicity:

Neighbour Notification Letter	80	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	

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Other	
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This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

52 representations have been received to the proposal, including 49 objections and 3 comments. These include an objection from Councillor Davis. The main issues raised are summarised as follows:

- The site is on one of the main gateways to Allestree and the development would not be in character with the surrounding area.
- The dwellings would be densely packed and too small
- The parking provision would be inadequate and cars would park on the road, causing traffic problems
- Three storey dwellings would not be in keeping with the local area
- Bin storage has not been accommodated adequately in the scheme
- The development would add to traffic problems on the A6/A38 junction
- Site is too small for 14 dwellings and there is no space for on street parking.
- The development would result in loss of light, overlooking and overbearing impact to neighbouring property on Kings Croft.
- The density of development, at 64 dwellings per hectare, would be excessive for this locality
- The traffic statement relates to the former restaurant, which has been demolished and is therefore irrelevant.
- Drainage from the development should be stored within the site and not allowed to increase flooding on Kings Croft/ Devonshire Avenue.
- There would be no rear access to some of the dwellings, except through the building, for gardening equipment and bicycles.
- Additional traffic would increase highway dangers for local residents
- Loss of privacy for dwellings on Devonshire Avenue.
- Site is an eye sore and principle of development is acceptable.

These representations have been made available in the Council Chamber Foyer.

8. Consultations:

8.1. Natural Environment (Tree Officer):

The Tree Survey recommends protection measures that should be adopted although a site specific Method Statement with protection plan is also required, to minimise the impact of the development on the adjacent trees.

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Following submission of an Arboricultural Method Statement for specified works within Plot 7, adjacent to the protected group of trees, the comments are as follows:

The statement is site specific and very clear. It serves as a stand alone document and as such it sufficiently meets the arboricultural requirements.

8.2. Environmental Services (Trees):

The Method Statement is considered to be acceptable.

8.3. Environmental Services (Health – Pollution):

No objections in principle. Proposal may be affected by high levels of noise from nearby A38. A noise survey should be undertaken and any mitigation measures required should be agreed before development proceeds.

8.4. DCC Archaeologist:

No comments received to date.

8.5. Police Liaison Officer:

Sub-division between private rear garden spaces requires fencing/ boundary treatment. It should be 1.8 metres in height but may be visually permeable to encourage interaction. Gable windows to Plot 14 would not only break up the blank elevation but provide increased surveillance to the junction and street. It would be better to see this plot with a dual frontage to provide good all round surveillance. Physical security is also an important aspect to reduce opportunity for burglary.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD1	Social Inclusion
GD4	Design and urban environment
GD5	Amenity
GD9	Implementation
H13	Residential development – general criteria
E5	Biodiversity
E9	Trees
E10	Renewable energy
E23	Design
L3	Public open space requirements in new developments
T1	Transport implications of new developments
T4	Access, parking and servicing
T6	Provision for pedestrians
T7	Provision for cyclists

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

This is the site of a former restaurant, an A3 use, which was demolished following a fire in 2007. There was full permission, granted in 2006, for erection of an apartment scheme comprising a three and four storey building fronting Devonshire Avenue with

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private car parking at the rear. That development was not implemented and the permission has since lapsed. This site has therefore been subject to permission for a relatively high density form of residential development in the recent past. This permission for 24 apartments is a material consideration to take into account in determination of the current proposal. The current application is for 14 dwellings of three storey height, of lesser scale and height to the previously approved apartment scheme. It is a different form of residential development and as such it does raise fresh issues in terms of design and residential amenity.

As this is a redundant commercial site, it does constitute brownfield land, under the PPS 3 (Housing) definition and does not raise issues of loss of residential curtilage. Whilst density targets are no longer relevant under the policy guidance, the character and urban form of the surrounding suburban context are material factors in assessing the scale and intensity of any development on this site. This is a prominent corner location, overlooking a major road junction, where a substantial form of development could be accommodated, subject to a reasonable quality design and living environment being achieved, in line with Policy H13. Whilst the locality is characterised by traditional semi-detached and detached housing, with generous curtilages, there are also terraced houses and apartments in the vicinity, with three storey development and modest gardens. As such the character of the area does not have uniformity, but a mix of house types and architectural styles. I consider that a three storey development of 3 and 4 bedroom dwellings is entirely appropriate in this location and is of a domestic scale, which complements the existing style and density of housing in the streetscene taking account of the fall in land levels along Devonshire Avenue. The proposed layout would have private amenity space of up to 10 metre length for each dwelling and appropriate relationships between dwellings, such that a high quality living environment would be provided. The development would front onto Devonshire Avenue, extending the streetscape, with terraced blocks and a detached dwelling on the corner. The style and form of the dwellings would be traditional, using pitched tile rooflines and brick/ render facades with stone detailing. These elements would take reference from the pattern of residential properties in the surrounding area and I am satisfied that the proposal would be in keeping with the general character of this suburban location. The development would therefore accord with the provisions of Policies GD4 and E23.

The impact of the development on residential amenities of neighbouring properties would not in my view, be unreasonable. The semi-detached dwelling at 2 Devonshire Avenue is in an elevated position in relation to the site and the adjacent three storey town houses on Plots 1 and 2 would be of similar height and alignment. The potential massing and overlooking of this dwelling would be limited. On the opposite side of Devonshire Avenue, Courtland House has been re-developed and two dwellings erected in the curtilage. There would be approximately 20 metres minimum distance between front elevations of existing and proposed dwellings, which meets the normal distance requirements for habitable room windows and privacy. The relationship between three storey town houses and two and three storey dwellings would not be overbearing or unacceptable in this location. 1 Kings Croft is a detached dwelling, which is set in approximately 4 metres from the northern boundary of the site. It has substantial hedges along the boundary, trees and mature planting within the property, which currently provide effective screening. The proposed dwellings fronting

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Devonshire Avenue, would be forward of the front elevation of the adjacent dwelling, although at a distance of at least 7 metres. There would be some shadowing of the front garden of this property, which I consider would not be an intrusive impact on the living conditions of the occupants. Overall, the development would be in line with the requirements of Policy GD5.

The tree issues in regard to this development have been satisfactorily resolved by the submission of a site specific Arboricultural Method Statement, for works close to the trees along the northern boundary of the site. A group of trees on the adjacent property, which overhang the site, have recently been protected by means of an Order. They have significant public amenity value in the locality. They would impact on Plot 7, in the north east corner of the site, although appropriate means of construction would not adversely affect the health or condition of the trees. The trees are on a northerly aspect from the proposed dwellings and should not have an unduly dominant effect on the living environment of the occupants.

The parking provision for the development is considered to be adequate, at 100% spaces per dwelling. The dwellings would each have a parking space and garage, although the garages are substandard in internal size. They are 0.5 metre short in width, of the 3 metres required, but meet the standard length of 6 metres. The proposed level of parking to be provided is considered to be acceptable in this accessible location. The site fronts a main road into the city, with regular bus routes, where a lower provision of parking, than the maximum 200% standard, is considered acceptable.

Forward visibility around the bend on Devonshire Avenue would be restricted by the built form of Plot 14. However, in order to achieve more visibility, this plot would effectively be lost, which would compromise the layout and architectural composition of the scheme. The bend and the mini-roundabout with Baslow Drive, effectively act as a traffic calming measure. Speed readings recently undertaken by the applicant's Highway Engineer and Council Highways Officer confirm that speeds are low in this location and as a result, a lesser amount of forward visibility is acceptable from Plots 11, 12 and 13.

The levels of traffic generated by the 14 proposed dwellings, would be less than the generation from the previously approved 24 apartments and that the numbers of vehicles which visited the former restaurant. The restaurant had a 52 space car park and whilst the patterns of vehicle movements would have been different, in terms of peak times, the overall numbers of visits are likely to be less for the current residential proposal.

The amended site layout plan indicates proposed bin storage facilities for each dwelling, which include some bin stores in rear gardens, to be accessed through the integral garage. This arrangement is considered to be appropriate for this type of scheme, where individual dwellings have adequate space to accommodate storage facilities within their curtilages. This avoids obstruction of the highway by waste storage.

This development would generate a requirement for contributions towards public open space and improvements to the highways corridor, in accordance with the Council's Supplementary Planning Guidance on Planning Obligations. These would

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be secured by a Section 106 Agreement. The Heads of terms have been agreed in principle with the applicant.

11. Recommended decision and summary of reasons:

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

B. To authorise the Director – Planning and Transportation to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the Development Plan and all other material considerations as indicated in 8 above and it is considered that the proposed residential development would be in keeping with character and appearance of the streetscene, not unreasonably affect the amenities of nearby dwellings and adjacent protected trees would be retained.

11.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved drawings)
3. Standard condition 27 (external materials)
4. Standard condition 19 (means of enclosure)
5. Standard condition 20 (landscaping scheme)
6. Standard condition 22 (landscaping maintenance)
7. Standard condition 30 (hardsurfacing)
8. Standard condition 38 (foul and surface water drainage)
9. All garage doors shall be set back a minimum of 6 metres from the highway boundary and shall not be outward opening and retained as such at all times thereafter.
10. The access and parking areas shall be kept available for the parking of domestic vehicles only, the garages shall not be converted to living accommodation and no trade or business shall be carried out there from.
11. The shared private driveway shall be constructed to a width of not less than 4.8 metres for no less than 5 metres back from the nearside edge of the carriageway. The vehicle turning and parking areas as indicated on the site layout plan hereby approved shall be used solely for these purposes and not obstructed and maintained as such at all times.
12. During the period of construction works all trees, hedgerows and other vegetation to be retained, including any which are on adjoining land but which overhang the site, shall be protected in accordance with BS:5837:2005 ("Trees in relation to construction") and in accordance with the details of the Arboricultural Survey, Arboricultural Method Statement

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and Tree Protection measures submitted in support of the application. The date of construction of such protection and of its completion shall be notified in writing to and agreed in writing by the Local Planning Authority before any other site works commence. The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone.

13. Notwithstanding the detail of the submitted drawings there shall be no side facing gable windows to the staircase on plots 1, 5, 6, 10 and 11 no new windows shall be inserted into these gables without the benefit of a separate planning permission.
14. The development shall not be brought into use until details of an acoustic and sound insulation scheme have been submitted to, and approved by, the Local Planning Authority, and the approved scheme shall be implemented in its entirety before the units are occupied.
15. The visibility splay for Plots 11 to 14, as shown on the site layout drawing, approved by Condition 2, shall be laid out in accordance with details to be agreed by the Local Planning Authority and maintained thereafter as part of the highway.

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. Standard reason E09 – Policies E23 & GD4
4. Standard reason E10 – Policies GD4 & E23
5. Standard reason E10 – Policies GD4 & E23
6. Standard reason E10 – Policies GD4 & E23
7. Standard reason E21 – Policies GD4
8. Standard reason E21 – Policy GD4
9. In the interests of traffic safety and to avoid obstruction of the highway – Policy T4
10. To safeguard the residential amenities of the area and to ensure adequate parking is available within the site – policy T4
11. In the interests of traffic safety and to avoid obstruction of the highway – Policy T4
12. Standard reason E24 – Policy E9
13. In the interests of residential amenity – Policy GD5
14. To protect the occupants from high noise levels on the trunk road in the interests of residential amenity – Policy GD5
15. To ensure the provision of adequate visibility and in the interests of traffic safety – Policies T1 & T4

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11.5. Informative Notes:

The proposed footway should be constructed to the rear of the forward visibility splay on Devonshire Avenue and the existing footway should be constructed in block paving to the satisfaction of the Highway Authority in accordance with Section 278 Agreement of the Highways Act 1980.

11.6. S106 requirements where appropriate:

Contributions towards incidental open space and public realm, highways/ transportation improvements

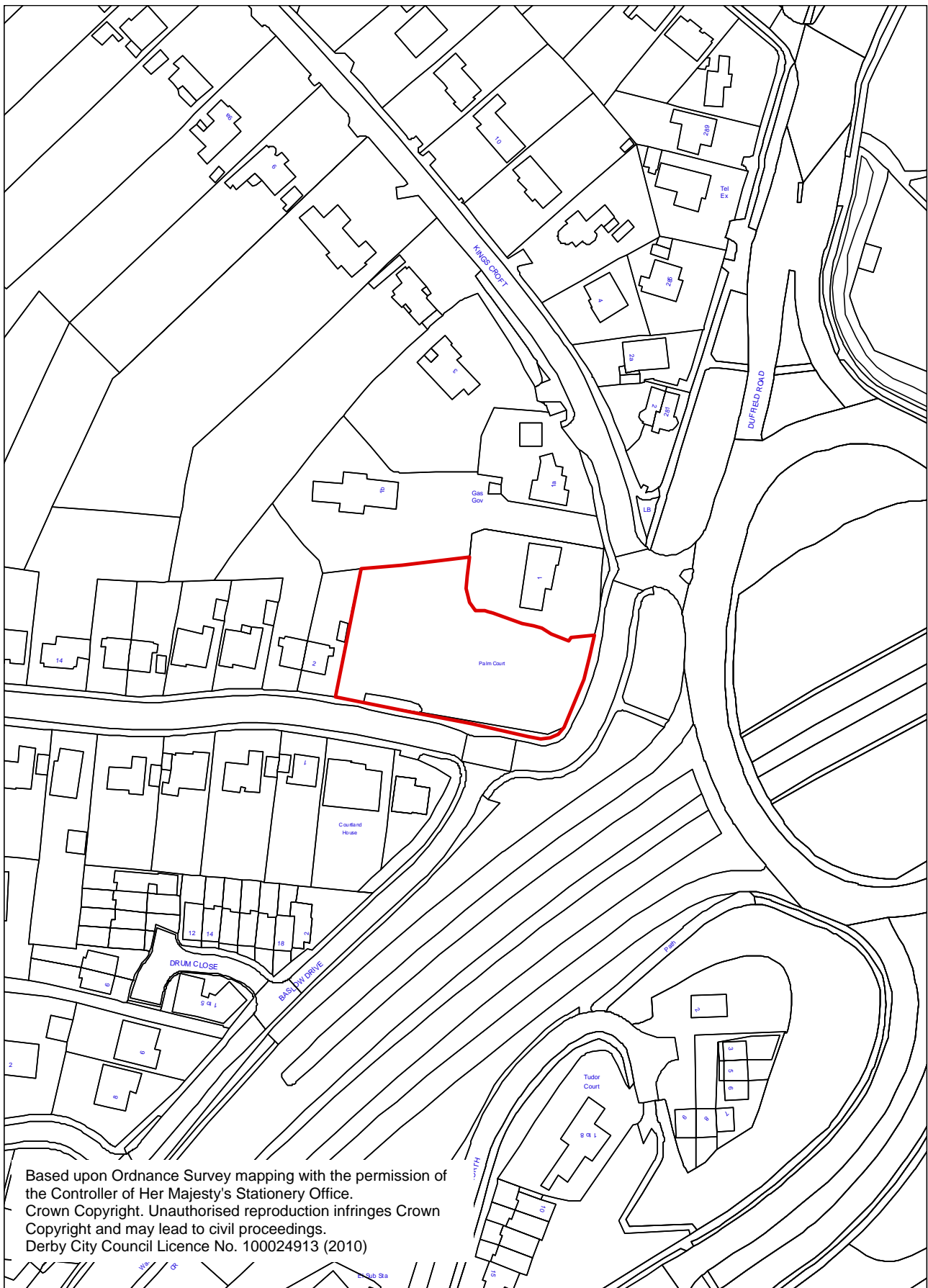
11.7. Application timescale:

The application time period expired on 27 July 2010 and is being reported to Committee as a result of the number of representations received.

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Committee Report Item No: 2

Application No: DER/04/10/00412

Type: Full

1. **Address:** St Werburgh's C of E School, Church Street, Spondon

2. **Proposal:**

Erection of 2.4m boundary fence and erection of external store.

3. **Description:**

St. Werburgh's is a modern primary school in quite large grounds located in the Spondon Conservation Area. Originally built in the 1960s as a junior school, it has been progressively extended, firstly when it became a primary school, and then again when the former listed St. Werburgh's School on the north side of Chapel Street was closed. The school is set within a predominantly residential area with numerous dwellings facing onto the school grounds.

Full planning permission is sought for the installation of security perimeter fencing around the boundary of the school. The overall height of it would be 2.4m from ground level to the top, comprising galvanised steel mesh with a dark green powder coated finish and supporting vertical concrete posts. The fence would extend along the public footpath boundary to Chapel Street from the school side entrance gate at a length of 11.2 metres up to where the existing brick wall is situated. This would replace the existing green interwoven mesh fence. The proposed fence would then be fixed to the existing wall at the corner of Chapel Street and Hall Dyke to then extend linearly southward at an overall length of approximately 100metres. The fence line would be positioned on the edge of the playing field to the west side of the group of trees and set in between 16 and 22metres from edge of the school curtilage running parallel to Hall Dyke.

As the proposed fence line meets the residential cul-de-sac of Beech Court it would bend round, running from east to west. Where Hall Dyke and Beech Court meet is a section of close boarded fence that would be partly refurbished for a length of 20metres. From that point the new security fence would continue for a 74metres stretch, sited 1.5metres from the back edge of the public footpath. From there the fence line projects to the interior of the school grounds connecting to the school buildings to the west of the site.

An outbuilding structure is also proposed for the storage of play equipment at the South West corner of the school grounds. This would be a simple 6metre by 3metre building with a shallow dual pitched roof and constructed of green powder coated steel.

4. **Relevant Planning History:**

DER/04/08/00603: Erection of fencing- Granted June 2008. This application sought the replacement of a 30m long chain link fence at Chapel Street by 1.7m high steel railings.

Various works to Trees under TPO applications between 2008 and 2009.

DER/10/06/01568: Extension to school (classroom, W.C, P.E. Store)- Granted Conditionally December 2006. An extension was granted in March 2003 (DER/1202/1914) but, because of funding difficulties, only part was built. This application took up the uncompleted part of the above scheme and is some 15.5m x 7.55m, on the southern end of the existing building.

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DER/12/02/01914: Extension to school (classroom and enlargement of office and general store). Granted Conditionally March 2003.

DER/08/98/00982: Extensions to school (class-rooms, office and formation of new entrance). Granted Conditionally September 1998.

5. Implications of Proposal:

5.1. Economic:

None

5.2. Design and Community Safety:

The main planning consideration here is whether the need for improved security measures at the school significantly outweighs the perceived adverse visual impact of the proposed fence on the immediate environs, part of which falls within the Spondon Conservation Area.

5.3. Highways – Development Control:

There are no adverse highway implications with the proposal.

5.4. Disabled People's Access:

There are no adverse disabled access implications with the proposal.

5.5. Other Environmental:

The proposed fence would be constructed generally on close mown grass, which is of limited ecological value. There are significant groups of mature trees within the school grounds, which contribute to the open green setting. Low level planting is proposed at the southern end of the site.

6. Publicity:

Neighbour Notification Letter	25	Site Notice	-
Statutory Press Advert and Site Notice	yes	Discretionary Press Advert and Site Notice	-
Other	-		

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

There have been 2 objections and 1 letter of comment, received to date, in respect to this proposal. The main issues raised are as follows:

- Concern over the visual appearance of security fencing - "its style is of the sort that one associates with a prison or industrial estate, not with a school in a leafy conservation area".
- The area identified for sustainable planting between the fence and kerb at junction of Hall Dyke and Beech Court will become a wasteland.
- New fence will move gatherings of youths from inside the school grounds to the area bordering Beech Court

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- Preference for reuse of existing boundary fencing rather than proposed boundary treatment.
- Concern there is not a spur from the main fence around the corner behind the Hall Dyke street sign at the South East corner of the site. This is an area where youths congregate.
- Replacing the existing green interwoven mesh fence along Chapel Street with the proposed fence is detrimental to the conservation area.

These representations have been reproduced in this report

8. Consultations:

8.1. CAAC:

The Committee objected to and recommended refusal of the proposed fencing, on the grounds that the 2.4 metre height was not justified and that overall impact of the secure design and height of the fence would neither preserve nor enhance the character of the conservation area. It was acknowledged that the school grounds needed to be secured, and no objection in principle was raised to the positioning of the proposed fence, but it was suggested that a lower height and more sympathetically designed fencing or secure hedges should be explored. No objection was raised to the proposed store.

8.2. Natural Environment (Tree Officer):

The fence could be installed without detriment to the trees on the basis that contractors carry out work using techniques and practices that would entail minimum disturbance. The details of specific pruning and felling works are acceptable. A Method Statement should be conditioned to any permission to ensure the fence and associated construction does not prove detrimental to the trees.

8.3. Police Liaison Officer:

2.4metre fences are an essential requirement to provide protection in the day and security out of hours for all schools. This application is therefore fully supported.

8.4. Built Environment: It would be preferable to avoid the visual impact of fencing around the site, but as these grounds have always historically been associated with the school (following use as a dwelling house), it is in this sense private, as opposed to shared open green space, and enclosing it would not have a detrimental impact on its historic character. It would also be preferable to keep the height of the fence to a minimum, but again, the Crime Prevention Design Officer has advised that 2.4m is the minimum height required for this particular site. Finally, this type of fencing is commonly used throughout the city, including in the historic Arboretum Park and other historic settings, and is generally considered to have minimal visual impact. For these reasons, I have no objection to the proposed fence.

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9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

E9	Trees
E18	Conservation Areas
E23	Design
E25	Building Security Measures
GD5	Amenity

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The proposal consists of two elements: the perimeter fencing and the external storage building. Turning first to the proposed storage structure, which would be positioned immediately south of the main school building and toward the interior of the grounds. It would be a very functional and simple structure mostly hidden by the plethora of trees and vegetation occupying this area of the site and would be for storage purposes only. Hence, in design and amenity terms the store would have a neutral impact because of its size and positioning and therefore accords to Policies GD5, E23 and E18 of the CDLPR.

The other component is for the erection of 2.4metre high security fencing and gates around the school grounds. The total length involved would be some 359 metres and all of the fencing would be weldmesh (Securifor 3D) coloured dark green. The purpose of the fencing is to provide additional security within the grounds to increase safety for school users in the day alongside preventing external access into the grounds and school buildings during school times and out of hours. The school has been subject to increasing levels of anti-social behaviour and vandalism over recent times and so the need for increased security at the school is therefore clear.

The type of fencing proposed – green weld mesh Secuifor 3D - to a height of 2.4metres, is the recommended security specification for all schools in Derbyshire by the County and City Council. It is also recommended within the Government and Police approved “Secure by Design” schools guidance document. So, while fencing is needed, a balance is required between what constitutes reasonable perimeter security without giving the school a fortress like appearance. Generally, fine weld mesh fencing retains good visual permeability and appears transparent from a distance, does not block through views unlike the often used industrial looking palisade fencing. On that basis, the proposed fencing type is one of the least visually intrusive security fencing systems currently available. In this instance fencing plays an important part in the overall security management of the school in as much having greater control of the movement of anyone within their boundaries and that the grounds and buildings are protected when not in use.

The main planning consideration here is whether the need for improved security measures at the school significantly outweighs the perceived adverse visual impact of the proposed fence, due to its size and design on the immediate environs, part of which falls within the Spondon Conservation Area. Indeed, this type of fencing is commonly used throughout the city, including in the historic Arboretum Park and

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Type: Full

other historic settings, and is in those instances generally considered to have minimal visual impact.

The school site is visually integral to the surrounding residential environment, yet as can be seen from the site plan the playing field to the east of the school buildings has dense tree and vegetation coverage on its north and east sides. The longest continuous section of fencing along the east boundary would be set behind the existing Lime trees and bushes and would not have an obvious or intrusive visual impact outside the school site. What is more, the Council's Tree Officer confirms the fence could be installed without detriment to the trees on the basis that a hand dig method is used to protect roots during works carried out.

When viewing the North West section of the playing field from the public footpath on Chapel Street, any changes to the curtilage boundary would acquire street scene implications being so visible in the public realm. The proposed 11metre stretch of fencing would replace an existing interwoven mesh fence which sits against a tall parcel of mature trees of various species that are protected by a Tree Preservation Order and hedgerow vegetation, with the intention to join the proposed fencing to the 2.5metre high brick wall running parallel to the public footpath with the 1.5metre high railings. It is considered that any visual impact would be minimised by the fine mesh of the proposed fencing and the dark green colour.

Objections are raised with the prominence of the proposed 51metre length of fence along the southern boundary adjacent to Beech Court, 1.5metre back from the edge of the public footpath. Between the fence and kerb would low level planting which would soften the visual appearance of the proposed fence. At present, timber close boarded fencing runs along this section at a height of 1.8metres. Undoubtedly the outlook from the street scene and aspect from nearby residential dwellings on the opposite side of Beech Court is open, green and relatively leafy. While I take on board the points on the perceived visual intrusion of the proposed fence in this location it is simply not practical to make good the entire stretch of existing timber fencing in maintenance and security terms. It is somewhat speculative that the area of low level planting would become a 'wasteland' as a suitable condition can ensure vegetation of a size and species is agreed with the Council prior to the commencement of development. Furthermore, a further condition can ensure during the first 5 years after planting it shall be protected against damage, so that if failure occurs they shall be replaced and in every way shall be properly maintained.

In terms of alternative forms of boundary treatment chain link fencing has been mooted, but this has proven to be extremely vulnerable and easily and quickly defeated. Wooden close boarded fencing does not allow any surveillance, is frequently damaged and requires regular maintenance. With regards to the height of the fence, it should be noted that 1.5metre or 1.8metre high fencing is suitable for boundary demarcation only and is only specified where school grounds back onto semi private residential gardens. Lowering the height of the proposed fencing would only undermine the effectiveness as it can be easily climbed, especially when situated next to low level walls or trees and shrubs which can assist climbing over the fence into the grounds.

Overall it is considered that the proposed fence would not have an adverse impact on the character or setting of the Conservation Area, nor on the group of trees to the

Committee Report Item No: 2

Application No: DER/04/10/00412

Type: Full

north and east boundaries and nor would it be detrimental to the amenities of nearby residents.

In conclusion, I consider that the proposal would not create conflict between the relevant policies of the CDLPR and that it is unlikely to have an adverse impact on the immediate locality and surrounding area. Finally, in this case the need for improved security outweighs concerns over design and size. Thus, a recommendation to grant planning permission is given.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the relevant policies of the adopted City of Derby Local Plan Review and all other material considerations, and it is considered that the proposed boundary fencing and outbuilding storage structure is an appropriate form of development.

11.3. Conditions:

1. Standard condition 101 (Protection of Trees – Scheme to be submitted)
2. Standard condition 20 (Landscaping scheme - submitted drawings)
3. Standard condition 23 (Maintenance of replacement planting)
4. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
5. The development hereby permitted shall be carried out in accordance with the following approved plans: J1008 -10 /30 /31.
6. Standard condition 27 (Details of external materials)

11.4. Reasons:

1. Standard reason E11... policy E9
2. Standard reason E10... policies E23, GD5 and E18
3. Standard reason E10... policy E9
4. Standard reason E04
5. Standard reason E04.
6. Standard reason E14... policies GD5, E23 and E25.

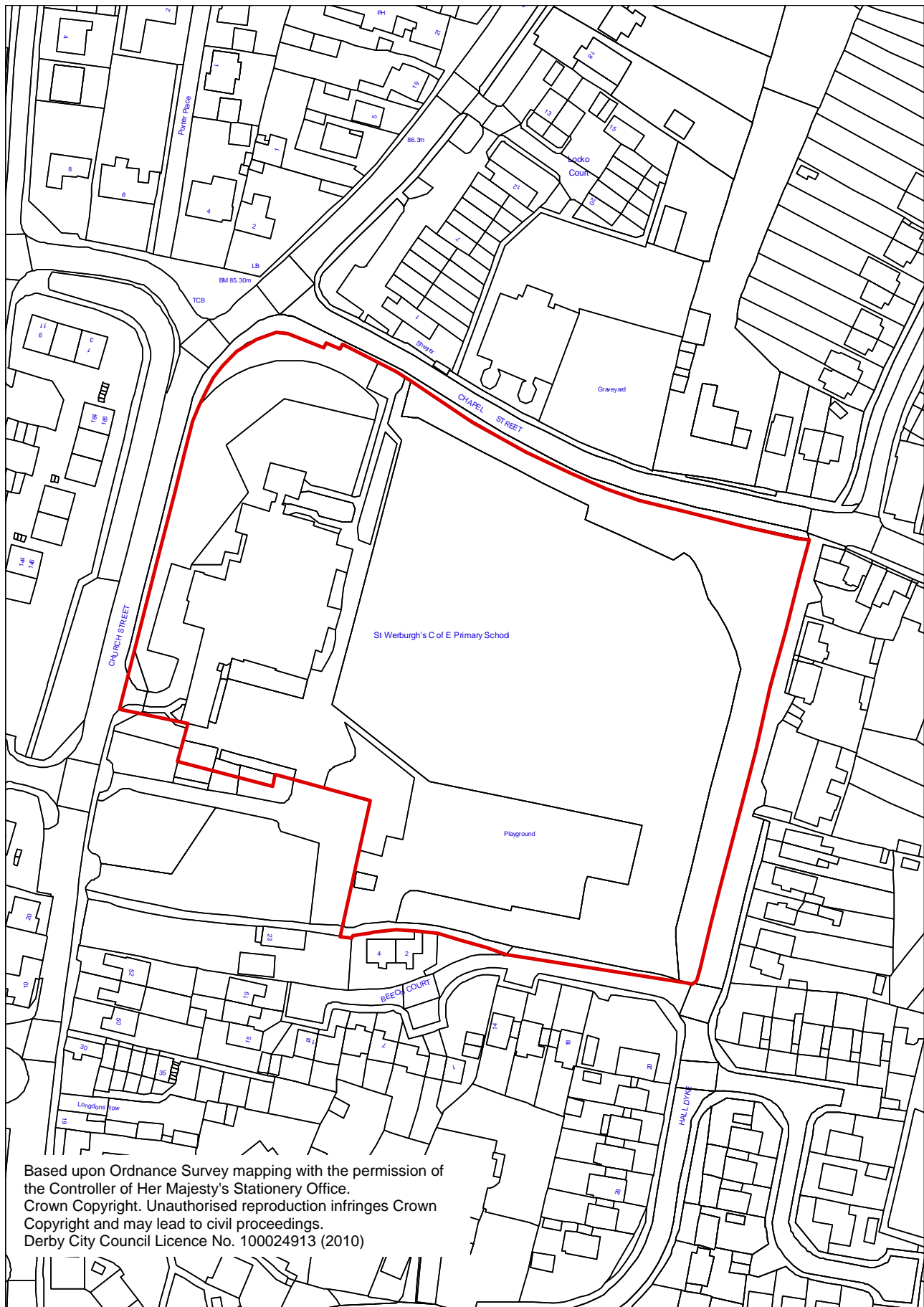
11.5. Application timescale:

The 8 week expiry date has expired due to objections made by Conservation Area Advisory Committee.

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Type: Full



Enclosure

From: jeanlines@talktalk.net [mailto:]
Sent: 17 May 2010 12:34
To: DevelopmentControl
Subject: Planning comments DER/04/10/00412/PRI

Dear Mr Knight

Regarding the above planning application for St Werburghs School, Spondon

My wife and I live on the part of Hall Duke which runs from Beech Court to the main part of Hall Dyke. Our house faces the proposed new security fencing and new area of ground and planting.

We are concerned about how the proposed security fencing will look as it may be very harsh looking, and in addition do not wish for there to be an area of effective wasteland (planted or not) which would be directly opposite our house. This is because our experience is that youths will gather wherever they can get too.

We have lived on Hall Dyke for 12 years and have had problems with youths gathering inside the school fencing and sitting drinking alcohol on the tyres which are within the school grounds. We do not want there to be access to youths to get into the school to continue this but likewise we do not wish for the youths to gather on the proposed planted area opposite our front garden if they no longer have access to the school. Previous access to the school grounds for the youths has been via the corner where Hall Dyke splits towards beech Court.

On summer evenings we have had empty beer cans thrown over the school fence from where the youths congregate onto our front lawn. And we have had a lump of pipe thrown over, which has dented our car.

Therefore our key concerns are:

1) That there is nowhere for youths to get access to gather either inside the school fence or outside the fence on the proposed new wasteland. Therefore we do not wish to have a planted area outside of the school fence opposite our house.

2) The look of the fence is also concerning to us. The current closed board fencing is not too unattractive and we would prefer for this to be reused, in its current position than using metal security fencing.

I would be grateful if you could take into consideration my views when reviewing the above planning application.

Yours faithfully

Gordon and Jean Lines
16 Hall Dyke
Spondon

Enclosure

Consultee response for Planning Application 04/10/00412

Site Address: St. Werburghs C of E School, Church Street, Spondon, Derby

Comments received from: N/A, 20 Hall Dyke

Type of Response: Objector

Comments:

Having read the comments left by Mr and Mrs Lines, my partner Susan Miller and I totally agree,

the area with sustainable planting between fence and kerb on Hall Dyke will become a wasteland, used as an extension to the width of the road by heavy vehicles etc. at times of the day that the road is obstructed by parent's cars taking children to and from school.

Regarding the refurbishment of the existing fence and resiting of the street sign, it is important that where the stone wall butts up to the fence (to the right of the existing street sign) that the mortar is repaired, filling in the foot holes which young people presently use in conjunction with the street sign to gain access to the school field.

We are also concerned that there is not a spur from the main fence around the corner behind the wall behind the street sign as was discussed at the consultation meeting at the school earlier in the year.

This is an area where the youth congregate particularly at weekends.

Bear in mind that there will still be the area some 10M wide along the length of the wall in Hall Dyke under the trees where congregation will still be possible.

We would be grateful if you would take these further comments into consideration when making your decision.

Regards

Stephen Bowdler

Date Comments Accepted: 24/05/2010

Enclosure

From: David Hayes [mailto:]
Sent: 14 June 2010 19:33
To: DevelopmentControl
Cc: Knight, Arran; Berry, Peter
Subject: Planning Application DER 04/10/00412

Planning Application DER 04/10/00412- St Werburgh's Primary School, Spondon

Having read the details of the above planning application I would like to make a number of comments.

1. I have no objection to the principle of erecting a fence within the school boundary to help improve security but I disagree with some details of the proposed scheme.
2. The type of fencing proposed is visually objectionable. Its style is of the sort that one associates with a prison or an industrial estate, but not with a school in a leafy conservation area. Some notes within the application form say that the fencing proposed, Beta Securifor 3D, powder coated green, is preferable to galvanised palisaded metal. I would not disagree with that statement but a much more acceptable option would be the green palisaded fencing used in many schools in Derby. Local examples of the latter type exist in Spondon at Springfield Primary and West Park Secondary schools. Whilst noticeable in the street scene, they are simple and unfussy.
3. The proposed treatment in the northwest corner of the site is unacceptable. Replacing the existing green interwoven mesh fence, opposite the shelter on drawing J1008-301F, with Beta Securifor 3D, would be detrimental to the conservation area. If the existing fence is to be replaced, something which is to be welcomed, then it should be done in the same style as the recently erected black metal railings to the west, as suggested by the conservation officer in the application form notes.

In order to maintain the security of the site, the new fence could be realigned so that rather than heading north from the point marked "extend path" on the drawing up to Chapel Street and then east until it meets the brick wall, it could run directly from "extend path" through the shrubbery to the end of the wall.
4. The treatment in the south east corner needs improving. I support the objections raised by residents of Hall Dyke. A solution acceptable to them and consistent with the conservation area needs finding.
5. A serious error exists on the drawing J1008-301F. The jitty from Hall Dyke, along the southern boundary of the school to Church Street has been omitted. This is a public footpath which means that many more people see this southern boundary than just the residents of 14 to 20 Hall Dyke and Beech Court.

Regards

David Hayes
31 Church Hill
Spondon
DE21 7LJ

Committee Report Item No: 3**Application No:** DER/02/08/00291**Type:** Listed Building Consent

1. **Address:** Derby and South Derbyshire Magistrates Court, Derwent Street

2. **Proposal:**

Conversion of Magistrates' Court Building to form offices and demolition of attached Police Station.

3. **Description:**

This application was reported to Committee on 24 April 2008 together with an application for planning permission for conversion to offices and new build apartments and commercial uses. The Committee authorised the grant of permission subject to completion of the s106 Agreement. That is still to be signed and the permission to be issued. In accordance with normal practice but not procedural requirements, the listed building consent has not been issued. I have reproduced the report to that meeting for background information on the scheme.

My purpose in reporting now is to seek Committee's agreement to modify the wording, but not substance, of the proposed conditions which were included in the previous report in order to allow demolition of the more modern police station in advance of the commencement of work on the scheme itself. The demolition of the Police Station is subject to listed building control because it is attached by a bridge link to the listed Courts Building.

4. **Relevant Planning History:**

See attached report

5. **Implications of Proposal:**

5.1. **Economic:**

Demolition of the vacant police station will improve the appearance of the site and consequently its regeneration potential

5.2. **Design and Community Safety:**

The site should be secure pending redevelopment.

5.3. **Highways – Development Control:**

See attached report

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

See attached report

5.5. **Other Environmental:**

The appearance of the site will be improved by demolition of the vacant building.

6. **Publicity:**

Neighbour Notification Letter	yes	Site Notice	
Statutory Press Advert and Site Notice	yes	Discretionary Press Advert and Site Notice	
Other			

Committee Report Item No: 3

Application No: DER/02/08/00291

Type: Listed Building Consent

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

No further publicity has been undertaken

7. Representations:

See previous report.

8. Consultations:

See attached report

Subsequent to preparation of the attached report consultation responses relevant to the listed building consent application were received from English Heritage raising no objections to the scheme and from the County Archaeologist recommending a condition on recording of the listed building prior to conversion works

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

See attached report

10. Officer Opinion:

This report is brought for Members' agreement to modify the conditions to allow demolition of the police station building in advance of the commencement of works on the conversion of the magistrates' court. The substance remains the same with the addition of conditions on recording and after treatment of the site pending redevelopment.

Whilst it is normal procedure not to issue the listed building consent pending completion of the S106 on the accompanying planning application, there is no legal reason to preclude issuing the listed building consent.

I would wish to issue the consent to enable demolition of the police building to take place as soon as the owner is prepared to do so in advance of the development itself proceeding.

This is intended to improve the appearance of the listed Courts and the area which will assist with the regeneration of the area.

11. Recommended decision and summary of reasons:

11.1 To authorise the Director of Planning and Transportation to grant listed building consent

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 and to s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed use would preserve the character and special interest of the grade II listed building.

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Application No: DER/02/08/00291

Type: Listed Building Consent

11.3. Conditions:

1. Before work commences on the conversion of the Courts building , further precise details of new windows and doors, to include cross sections, materials and design, at a scale of 1:10 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority.
2. Prior to any development work or demolition commencing, a method statement, to include procedure for removing the link, with the former police station and making good the exposed areas, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
3. Before work commences on the conversion of the Courts Building, details of siting of all proposed internal extraction services within the building, shall be submitted to and approved in writing by the Local Planning Authority.
4. Before work commences on the conversion of the Courts Building, details of any facing materials or colour of render to be used for areas of proposed alteration, repair or new internal walls, shall be submitted to and approved in writing by the Local Planning Authority.
5. Before work commences on the conversion of the Courts Building, precise details of proposed mezzanine floor to be installed in the former Sessions Court room, to include treatment of ceiling decoration around the new rooms, shall be submitted to and approved in writing by the Local Planning Authority.
6. Before work commences on the conversion of the Courts Building, further precise details of the proposed railings to be sited along the Full Street elevation as indicated on drawing no.1396a/SK 41B, to include design, height and materials to a scale of 1:10 or 1:20 shall be submitted to and approved in writing by the Local Planning Authority.
7. Before work commences on the listed building, photographic survey shall have been undertaken and submitted to the Local Planning Authority
8. Before any demolition a photographic survey shall have been undertaken on areas to be demolished and submitted to the Local Planning Authority.
9. Details of the temporary treatment of the site and means of enclosure between demolition of buildings not retained and commencement of development on the approved scheme, shall be submitted to and approved in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E40...policy E19
2. Standard reason E40...policy E19
3. Standard reason E40...policy E19
4. Standard reason E40...policy E19

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5. Standard reason E40...policy E19
6. Standard reason E40...policy E19
7. In order to record the details of the building following its last use for courts purposes in order to provide and archaeological recording.
8. In order to record the details of buildings to be demolished in the interests of recording the historical development and use of the site and in accordance with policy E19 of the adopted City of Derby Local Plan Review.
9. In order to preserve the setting and appearance of the listed building in accordance with policy E19 of the adopted City of Derby Local Plan Review.

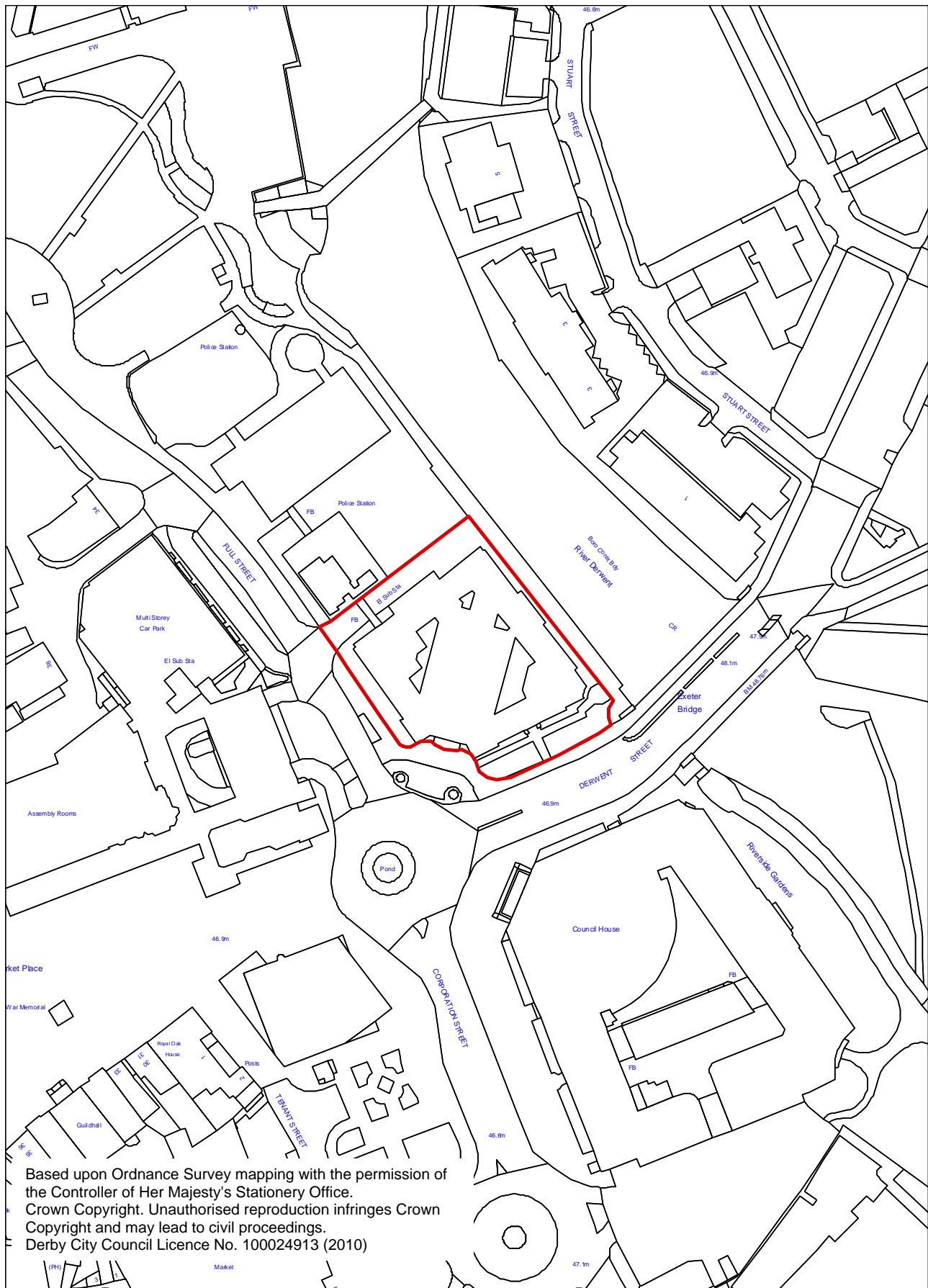
11.5 Application timescale:

This application has been delayed awaiting the signing of the s106 agreement on the associated planning application.

Committee Report Item No: 3

Application No: DER/02/08/00291

Type: Listed Building Consent



Enclosure

B1 APPLICATIONS (cont'd)

2 **Code No:** DER/02/08/00290&
DER/02/08/00291

Type: Full and
Listed Building
Consent

1. **Address:** Former Police Station and Magistrates Court, Full Street/Derwent Street
2. **Proposal:** Erection of 74 apartments, offices (Use Class B1) and commercial uses (A1, A2, A3 and A4), associated basement car parking, alterations to vehicular access and conversion of Magistrates Court building to form offices.
3. **Description:** At the meeting on 17 January, Members considered a report on a mixed office, residential and part retail development for the former Magistrates Court and Police Station site on Full Street and resolved to support strongly the proposal and refer the planning application to the Secretary of State as required under the Flooding Direction. Members will recall that the Environment Agency reviewed its response just before the meeting and objected to the proposal because of the conversion of the Courts building to residential on the ground floor with only demountable flood barriers.

Discussions have been continuing with the Environment Agency to attempt to develop a solution to overcome its concerns. In the meantime, the applicant wishes to develop an alternative solution which is to convert the Courts building into offices, which is regarded by the Agency as a less sensitive use. The new build part of the development is unchanged.

Previously the scheme resulted in 74 apartments, 10,900 sq m office floorspace and 1933 sq m of retail/ food and drink units in the new build section and 51 apartments in the Courts conversion with 124 car spaces. The current scheme replaces the 51 apartments in the conversion with 10796 sq m of office floorspace.

The listed Magistrates Court building would be converted to office use. The conversion of the Courts building would provide 2318 sq m of lettable office space over the three floors. The general office and feature areas are proposed to be converted with the interior finishes retained and restored and the corridor areas are maintained where possible in the new office layouts but in some instances subsumed within open plan offices. Some of the smaller offices have internal walls removed to create larger offices more suited to modern office requirements. The courtrooms are largely retained with a mezzanine floor inserted in the Sessions Court area. The existing entrances and staircases are retained and utilised and with new lifts providing disabled access to the first floor.

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
 DER/02/08/00291

The stairs from the courtrooms to the cells are to be removed and the former cells converted into an open space office facing the courtyards. The courtyard areas are to be cleared of buildings and landscaped to provide attractive external spaces. The existing substation is to be removed.

The alterations to the original fabric of the building would be kept to a minimum, comprising replacement of internal space, window openings and limited removal of original interior walls. Later additions, including single storey courtyard buildings would be demolished.

I would remind Members that the new build section, which is not subject in itself to Environment Agency objection, would be a mixed use scheme to include residential use, offices, and commercial uses, with basement car parking. The site of the former police station extension would be redeveloped with a five and six storey development, comprising 74 studio, 1 and 2 bed apartments, ground floor commercial units for A1 shops, A2 financial and professional services, and food and drink uses, with B1 office accommodation at first floor and above. 124 car parking spaces would be accessed via the existing vehicle access point adjacent to the Magistrates Court onto Full Street. The basement parking area would include three disabled spaces and secure cycle parking.

The building form would comprise two blocks, facing onto Full Street and the river frontage, linked at the northern end by a full height glazed section. The office and commercial element of the scheme would be up to 6 storeys high, addressing Cathedral Green, with 2 apartment sections facing towards the Magistrates Court, at 5 storeys. An internal courtyard and landscaped space would be provided for residents between the apartment buildings with secure access onto Full Street. The main entrance to the offices and commercial units would be an elevated paved area served off the public open space, by steps and a ramp. The development would have a simple and contemporary form, with a curved façade on the north side of the building, with large glazed openings and a recessed ground floor and top storey. The principal materials would be render, masonry and terracotta cladding. The apartment sections would be rectilinear in form, with smaller window openings and balconies. Alongside the riverside walkway, an elevated outdoor seating space would be formed for both the ground floor commercial units and apartments facing towards the river. This space would be located behind an enhanced flood defence wall, which is to be decorated with a public art feature, the design details of which are to be agreed.

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

The previous planning application was accompanied by an Environmental Impact Assessment, in accordance with the EIA Regulations 1999, due to the sensitivity of the site, in terms of its location in the World Heritage Site buffer zone and the significant scale and massing of the development which would impact on the local environment. The Applicant has submitted an addendum to the Statement to reflect the current application.

The former Police Station and Magistrates Court building on Full Street and the corner of Derwent Street in the city centre, have been vacant for about 3 years. The Magistrates Court is a two storey Grade II Listed building, dating from the 1930's and designed by C.H Aslin, also responsible for the Council House. It has a distinctive square plan, with the main entrance on the south west corner. The police offices and cells were housed on the ground floor, with the courts and associated offices on the first floor. The police station extension erected in the 1960's is of a more functional flat roof design, up to 5 storeys in height, with undercroft car parking. Both the court building and former police station have an eastern frontage abutting the riverside walkway along the River Derwent, whilst Cathedral Green, which is currently undergoing re-landscaping and refurbishment lies to the north of the site. The site occupies a strategic location within the city centre, being opposite the Council House and the Assembly Rooms and close to the Market Square. It is an historically sensitive location within the city centre, located in the designated World Heritage Site buffer zone and adjacent to the City Centre Conservation Area, as well as within the setting of the Grade II* Silk Mill and Grade I listed Cathedral.

4. Relevant Planning History:

DER/10/07/01980 & DER/10/07/01981 - Erection of 74 apartments, offices (Use Class B1) and commercial uses (A1, A2, A3 and A4), associated basement car parking, alterations to vehicular access and conversion of Magistrates Court to form 51 apartments and residents gym - Committee minded to grant planning permission and listed building consent at the 17 January meeting, subject to referral to the Secretary of State under the Flooding Direction, and a Section 106 Agreement.

5. Implications of Proposal:

5.1 **Economic:** The proposal would form office accommodation and a mix of retail and food and drink uses, which amounts to a significant commercial element within the development. It would generate a considerable level of employment, with particular economic benefits to

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

the local economy. Since it is a speculative proposal, the level of potential employment is not known at this stage. The scheme would extend urban regeneration to the under utilised river frontage and should increase public activity in the immediate area, including Cathedral Green.

5.2 Design and Community Safety: The development proposal would involve erection of a striking modern building, to make a bold architectural statement, from both Full Street and the riverside frontages. The building would also define the southern edge of the public open space. It would also restore and provide a viable re-use for the redundant Magistrates Court, which is an important building in the city centre.

Secure and defined points of access for pedestrian activity would be provided from the Full Street and Cathedral Green frontages. A single vehicular access would be formed to a basement car park. There would be enhanced natural surveillance over the riverside walkway and public realm and increased activity to the street frontage, which would benefit community safety in this part of the city centre.

5.3 Highways: The proposed car parking provision is acceptable in a city centre location, where there are nearby car parking facilities. Provision should be made for secure cycle and motorcycle parking within the development. The gradient of the access to the car park should not exceed 1:10 for the first 10 metres from the highway boundary. Details of waste and recycling facilities should be provided, to be located within 25 metres of the highway.

A transport contribution towards improvements to the road network would be sought, which could be reduced by 10% to take account of applicant's commitment to Travel Planning. A Travel Plan should be secured by an appropriate condition.

5.4 Disabled People's Access: The previous requirement for 10% Lifetime Homes within the residential scheme resulted in 13 apartments in total. The overall development would be accessible through compliance with Building Regulations.

5.5 Other Environmental: There are various groups of trees around the perimeter of the site, the most significant being a group of mainly mature Sycamores around the car park of the former Police Station, towards the northern boundary. They form a larger group with trees on Cathedral Green and alongside the riverside walkway, which are on Council controlled land. These trees would be removed to

Enclosure

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

accommodate the development. A group of small mixed tree specimens to the southern side of the Magistrates Court would be retained.

Site is within Flood Zone 2, although with climate change, it may fall within Zone 3 in coming years. Flood defence improvements upstream or downstream may also alter flood levels enough to inundate the site. A robust approach to proposed flood defences would therefore be required for this site.

6. Publicity:

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

7. Representations: None received to date.

8. Consultations:

CAAC - Previously, it objected to the new build but welcomed the proposals for the residential conversion of the Courts building. With respect to the new application for conversion of the courts to offices, raised no objections and suggested a full photographic survey be undertaken to record the interior of the building prior to the commencement of works.

English Heritage - To be reported on the office conversion.

Natural England – previously satisfied that appropriate bat surveys had been carried out on the site, although 4 trees had potential for supporting bat roosts and an ecologist should be present to oversee felling. The site is largely unsuitable for other protected species. Any further comments on the revised proposal will be reported.

DWT - any comments on the new scheme to be reported. Previously, commented that the ecological survey work and Environmental Statement appeared to be generally acceptable.

EA - to be reported on the new proposal. Previously it raised objections to the proposal on the grounds that the use of the Magistrates Court

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

building relies on the use of demountable flood defences, the provision of residential accommodation on the ground floor of the Magistrates Court below the 1:100 year predicted flood level which would be at high risk of flooding.

Police - to be reported. Previously, it was considered that the form of the scheme would improve the area in terms of policing.

DCS (Env.Health) - to be reported.

County Archaeologist - to be reported.

Cityscape - to be reported.

ICOMOS - to be reported.

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

- GD3 - Flood Protection
- GD4 - Design and the urban environment
- GD5 - Amenity
- R1 - Regeneration Priorities
- CC1 - City Centre Strategy
- CC2 - City Centre
- CC7 - Residential uses within the central area
- CC12 - Police Station, Magistrates Court and Cathedral Green, Full Street
- CC15 - Improvements within the Central area
- CC18 - Central area car parking
- H11 - Affordable housing
- H12 - Lifetime Homes
- H13 - Residential development - general criteria
- H14 - Re-use of underused buildings
- EP10 - Major office development
- EP13 - Business and Industrial Development in other areas
- S1 - Shopping Hierarchy
- S2 - Retail Location criteria
- S9 - Range of goods conditions
- S12 - Financial and professional services and food and drink uses
- E4 - Nature Conservation
- E6 - Wildlife Corridors
- E9 - Trees
- E10 - Renewable energy
- E17 - Landscaping schemes
- E18 - Conservation areas
- E19 - Listed buildings and buildings of local importance
- E20 - Uses within buildings of architectural or historic importance

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

- E21 - Archaeology
- E23 - Design
- E24 - Community safety
- E27 - Environmental Art
- E29 - Protection of World Heritage Site and surroundings
- L2 & L3 - Public open space standards
- L8 - Leisure and entertainment facilities
- T1 - Transport implications for new development
- T4 - Access, parking and servicing
- T10 - Access for disabled people

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

10. **Officer Opinion:** This important urban regeneration site within the heart of the city centre is designated under Policies CC12 and R1 in the adopted Local Plan, as a redevelopment opportunity, although not allocated for any particular uses. CC12 requires that any scheme fulfils various criteria, related to retention and reuse of the Magistrates Court, to a well integrated and comprehensive development of the site as a whole to a high quality of design, which addresses the river and includes uses to maximise activity and public use of the site, both in daytime and evening. The proposal would be a mixed use development, incorporating all of these elements. It would combine residential uses, with commercial and retail/ food and drink units to the ground floor, generating pedestrian activity along Full Street and the river side.

The introduction of 74 apartments into the city centre would still represent a substantial increase in residential accommodation in a highly sustainable location and help to promote a more vibrant centre, particularly in the evening. This aspect of the proposal would, therefore, meet the general objectives of PPS 3 (Housing) and Policies H13 and CC7. A high quality living environment for future residents would be formed, within the scheme.

The proposed level of B1 office floorspace would constitute major office development under Policy EP10, which requires a sequential test to site selection. The preferred sites, for such development are in the city centre and as such this requirement would be satisfied. The office provision would also meet the tests of Policy EP13, particularly that relating to residential amenity, where only B1 uses are likely to be considered appropriate.

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
 DER/02/08/00291

The mix of A1 - retail, A2 - financial and professional services, A3 and A4 - food and drink uses remains as previously proposed for the ground floor units of the development. I advised previously that the site is outside the designated city centre shopping area and the under Policy S12, A2, A3 and A4 uses are considered appropriate on the edge of the shopping hierarchy, provided that they are not likely to undermine the vitality and viability of the main retail centre. These uses would, therefore, accord with this policy, provided that the residential amenities of the new apartments are not adversely affected by the side effects of hot food and drink operations. The introduction of retail uses does give rise to some concerns, in that the proposed ground floor units have not been allocated a specific use and as a result all of the units have the potential to be occupied by A1 uses. This would be contrary to Policy S2, since a sequential approach to site selection has not been taken. A small element of convenience retail provision, to support the mix of employment and residential uses in the development would be appropriate in this location, provided that it was confined to the smaller of the proposed units, up to 750 square metres floorspace. Occupation of no more than 2 of these units for A1 use is recommended, to ensure the vitality and viability of the nearby shopping area is not compromised. This could be secured by an appropriately worded condition attached to any permission.

Urban Design and Conservation

The new build section remains as previously considered. There are few implications of the office conversion outside the building and the main consideration is the suitability of the details of conversion of the listed building.

The proposed conversion of the listed building for office use is welcomed, since it would be a sympathetic re-use of the building. The distinctive character and form of the building would be retained and reinstated. The proposal would make an imaginative use of the existing spaces within the building, with only limited alterations to the internal layout. Some original features would be removed, including court room furniture, although it is very unlikely that the building will return to its original use, due to new modern facilities being provided elsewhere. The most important features would be retained, including the original layout, windows, staircases, wood panelling and skylights. Demolition would be limited to later extensions in the courtyard and some original walls, both of little merit. The internal corridor is maintained in a more intact form than with the residential conversion. As before, there is a mezzanine floor in the former Sessions Court.

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
 DER/02/08/00291

Flood Risk

As reported previously, the development site lies alongside the River Derwent and is considered to be at the highest potential flood risk in the event of a 1:100 flood event. It is at a similar floor level to the riverside walkway, which abuts the river bank and is, therefore, acknowledged to be at a high risk of flooding. A new riverside flood defence wall would be erected alongside the riverside walkway to protect the new development and part of the Magistrates Court from excessive flooding. It would be about 2.3 metres high, up 600mm higher than the modelled 1:100 year flood level.

The current scheme is designed to overcome the difficulties with providing habitable accommodation, especially at ground floor level, within the flood risk area as office use is accepted as a less sensitive use. Discussions have been had which have resulted in a mixture of demountable and automatic flood gates. I will report any views of the Environment Agency at the meeting.

Section 106 Contributions

The previously agreed heads of terms will be modified to reflect the lower provision of residential units and the slightly higher level of office floorspace.

Conclusion

The revised scheme for conversion of the Magistrates Courts building to offices represents a less sensitive scheme both in terms of flood risk and in terms of the conversion of the listed building. Comments are awaited from the heritage bodies and the Environment Agency and I will accordingly advise Members of any views received.

The principle of the revised use is not in my view open to doubt and I can recommend Members to consider the revised proposal favourably.

- 11. Recommended decision and summary of reasons:** Subject to no adverse comments from the Environment Agency and to the consideration of any comments from other consultees.

11.1 Code No. DER/02/08/00290

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

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

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

- B. **To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement, with conditions and in consultation with the Chair and Vice Chair in the event of any representations being received within the publicity period ending on 29 April.
- C. If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (10 June) consideration be given, in consultation with the Chair, to refusing the application.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The mixed use commercial and residential development would introduce appropriate uses into the city centre, would protect the setting of nearby listed buildings and the World Heritage Site and would be in keeping with the character and appearance of the surrounding streetscene.

11.3 Conditions

- 1. Standard condition 27 (external materials)
- 2. Standard condition 20 (landscaping scheme)
- 3. Standard condition 22 (landscaping maintenance – Condition 3)
- 4. Standard condition 30 (hard surfacing)
- 5. Standard condition 38 (drainage scheme)
- 6. Standard condition 99 (recycling facilities)
- 7. Before development commences, details of the design, materials and appearance of the proposed flood defence wall for the eastern boundary of the site, facing the riverside walkway, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with such approved details.
- 8. The use of no more than two units as shown on ground floor layout plan no. 1396(PL)20Q, of no more than 750 square metres floorspace, shall be for retail use (A1 Use Class) and only one of those units shall be for the sale of convenience goods.
- 9. The use of any of the ground floor units for A3 or A4 uses, shall not commence until details of a fume extraction/ ventilation system, with silencer and carbon filtration, has been submitted to and approved

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
 DER/02/08/00291

in writing by the Local Planning Authority and until such equipment has been brought into use. The use shall not be operated unless the approved system is working satisfactorily. The details shall include the location and design of any external vent or flue.

10. The details submitted under Condition 2 shall include proposed treatment of the outdoor areas and pedestrian routes adjacent to the north boundary of the site, where it meets the public open space, including details of surfacing materials and street furniture to be used, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with such approved details.
11. Before development commences, precise details of flood defence and management measures for the development, including those for the Magistrates Court, shall be submitted and agreed in writing by the Local Planning Authority and shall be carried out in accordance with such approved details.
12. Standard condition 98 (Travel plan)
13. The gradient of the proposed vehicular access shall not exceed 1:10 for the first 10 metres from the highway boundary.
14. Noise mitigation measures.

11.4 Reasons

1. Standard reason E14...policies E23 and GD4
2. Standard reason E09...policy E17
3. Standard reason E09...policy E17
4. Standard reason E21...policy E23
5. Standard reason E21
6. Standard reason E48
7. Standard reason E14...policy E23
8. Unrestricted retail use would be contrary to Policy S2 on the grounds that a need for the proposed level of A1 floorspace has not been satisfactorily demonstrated. There is an accepted need for convenience retail provision to serve the development on a limited floor area and in total, to protect the vitality and viability of the city centre.
9. Standard reason E25...policy GD5

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
DER/02/08/00291

10.To ensure a satisfactory integration of the development with the public realm improvements on the adjacent open space in the interests of visual amenity...policies E23 and E17

11.To protect the development from excessive flooding in the interests of residential amenity...policy GD3

12.Standard reason E47...policy T1

13.In the interests of highway safety

14.In the interests of residential amenity...policy H13

11.5 S106 requirements where appropriate: Affordable housing, lifetime homes and off-site contributions towards public open space and highway improvements to public transport facilities

11.6 Code No. DER/02/08/00291

To authorise the Assistant Director to grant the Listed Building Consent with conditions, subject to resolution of any issues of detail raised by consultees.

11.7 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. The proposed residential use would preserve the character and special interest of the Grade II Listed building.

11.8 Conditions

1. Before work commences, further precise details of new windows and doors, to include cross sections, materials and design, at a scale of 1:10 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority.
2. Prior to any development work commencing, a method statement, to include procedure for removing the link, with the former police station and making good the exposed areas, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
3. Before work commences, details of siting of all proposed internal extraction services within the building, shall be submitted to and approved in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

2 Code No: DER/02/08/00290&
 DER/02/08/00291

4. Before work commences, details of any facing materials or colour of render to be used for areas of proposed alteration, repair or new internal walls, shall be submitted to and approved in writing by the Local Planning Authority.
5. Before work commences precise details of proposed mezzanine floor to be installed in the former Sessions Court room, to include treatment of ceiling decoration around the new rooms, shall be submitted to and approved in writing by the Local Planning Authority.
6. Before work commences, further precise details of the proposed railings to be sited along the Full Street elevation as indicated on drawing no.1396a/SK 41B, to include design, height and materials to a scale of 1:10 or 1:20 shall be submitted to and approved in writing by the Local Planning Authority.
7. Before work commences on the listed building, photographic survey shall have been undertaken and submitted to the Local Planning Authority.

11.9 Reasons

1. Standard reason E40...policy E19
2. Standard reason E40...policy E19
3. Standard reason E40...policy E19
4. Standard reason E40...policy E19
5. Standard reason E40...policy E19
6. Standard reason E40...policy E19
7. In order to record the details of the building following its last use for courts purposes in order to provide and archaeological recording.

11.10 S106 requirements where appropriate: None.

Committee Report Item No: 4

Application No: DER/10/09/01255

Type: Full

1. **Address:** Unit to rear of 4 Poplar Avenue, Spondon
2. **Proposal:** Change of use and extension to storage building to form boxing club
3. **Description:**

This application relates to a single storey, flat roof building located to the rear of 4 Poplar Avenue, Spondon. The building is currently in use as a private gym by the applicant and as a storage unit for construction materials. The site has no amenity space of its own and the building abuts the residential curtilage of 4 Poplar Avenue and the Health Centre car park on Chapel Street. The floor level of the premises is approximately 0.5 metre lower than the adjoining properties on Poplar Avenue and Chapel Street. The site is accessed by a private driveway off Poplar Avenue, and appears to have shared access with the retail premises facing onto Sitwell Street. There would be no on-site car parking provided due to the restricted turning and manoeuvring space on the access. The site lies just outside the District shopping centre of Spondon, although the immediate vicinity is commercial in character.

The proposal would involve a first floor extension to the building and change of use to form boxing club. The proposed boxing club is intended to provide activity for the youth of the local area. The extension would raise the height of the whole building, by approximately 3.4 metres, with a flat roof and three roof light features, approximately 900mm tall. Window openings would be located solely in the east elevation, facing towards 76 Sitwell Street. A boxing ring and exercise area would be provided at first floor with weights room, office and toilet/ changing facilities to ground floor.

The application was deferred at the Committee meeting on 29 April, for a site visit by the Committee, which took place on 5 July.

4. **Relevant Planning History:**

None relevant.

5. **Implications of Proposal:**

- 5.1. **Economic:**

The proposal is to provide a community facility for local people, particularly youth, for the provision of boxing, training and other sports activities.

- 5.2. **Design and Community Safety:**

The existing building has limited design merit and the proposed enlargement would be of similar appearance and form. Due to its siting, the proposal would not be a prominent feature in the streetscene and the visual amenities of the local area would be maintained.

The proposed use would not have significant adverse community safety implications, since the site is largely enclosed by private properties and a single, secure point of access would be maintained.

- 5.3. **Highways – Development Control:**

Poplar Avenue is subject to on-street parking restrictions, and is in close proximity to a bus route. There are no indications of parking provision for the site. No cycling facilities are included in the application, which are required to be safe, secure and covered, preferably integral to the building. There is also

Committee Report Item No: 4**Application No:** DER/10/09/01255**Type:** Full

no information regarding a storage area for waste and recycling. No objections are raised subject to the provision of cycle parking and waste storage facilities on the site, which can be secured by condition.

5.4. Disabled People's Access:

Level access would be provided to the ground floor, office, changing facilities and weights room. First floor would be accessible to ambulant disabled people.

5.5. Other Environmental:

None.

6. Publicity:

Neighbour Notification Letter	6	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

There have been 10 letters of objection received, to the application, including one from Councillor Williams. The main comments made can be summarised as follows:

- This location is inappropriate for a boxing club/gym aimed at young people.
- There are no parking spaces proposed and the use of existing car parks nearby is not acceptable.
- Parking on the private drive to the building would prevent access for other users and is not appropriate.
- There are current problems with congestion on Poplar Avenue, particularly related to deliveries. On street parking is not allowed in the vicinity of the site. An increase in traffic on the avenue would cause highway danger.
- Concerns about the height of the building and type of lighting to be used.
- Proposal would attract more youths to the area.
- Increased use of the access by vehicles would be detrimental to highway safety
- Additional noise generated from the proposed use would be unacceptable to neighbouring residents.
- Unlit private drive would result in danger for pedestrians.
- Object to use of building for boxing club on principle - on ground of serious health risks.
- Potential impact on light levels to ground floor of doctors' surgery at the rear.

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- Loss of privacy to dwelling at rear on Chapel Street

These representations have been made available in the Members Rooms.

8. Consultations:

8.1. Environmental Services (Health – Pollution):

The area is currently mixed use and noise from the development should not significantly impact on local residents. Potential impacts from noise should be considered in design and management of the development. The following to be considered are: restriction on hours of operation, enhanced insulation to the building, restrictions on numbers of people using the facility, management of amplified music, keeping doors/ windows closed. A noise management plan is recommended for approval.

Given proximity to residential properties I advise that contractors limit noisy works to restricted hours, to prevent nuisance to neighbours.

8.2. Police Liaison Officer:

Support proposal for amenity value and opportunity that sport can give to prevent crime and anti-social behaviour in the Spondon area.

9. Summary of policies most relevant: Saved CDLPR policies / associated guidance.

GD4	Design and the urban environment
GD5	Amenity
S3	District and Neighbourhood Centres
E10	Renewable energy
E23	Design
E24	Community Safety
L8	Leisure and Entertainment facilities
T4	Access, parking and servicing
T10	Access for disabled people

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The proposal is for change of use of a single storey building on the edge of Spondon District Centre to form a boxing club. The building is currently used as a storage unit, in connection with the applicant's business and the site shares its access with retail properties on Sitwell Street. It is a mixed commercial setting, characterised by a mix of business, retail and residential uses. Under Policy S3, complementary uses serving a local need, other than retail, are appropriate within District and Neighbourhood Centres, provided that the proposal is compatible with the general scale, nature and function of the centre. The proposal would not detract from the centre's vitality or viability and would have a minimal effect on the function of the local shopping area. It would be a relatively small development which would complement the District centre and as such the requirements of Policies L8 and S3 would be met.

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The extensions and alterations to the building to form a boxing club would involve the creation of a first floor over the existing footprint and installation of roof atrium features. The form and design of the development would be functional in appearance and of limited architectural merit. However, it would not have an adverse effect on the visual amenities of the local area because the site is in a backland location, behind a residential property on Poplar Avenue and surrounded by other business premises. The proposal would form a flat roof two storey building, which would be partially screened from the street frontage, by existing built form. Overall, the development would not be out of keeping with the local urban context and I am satisfied that the requirements of Policy GD4 and E23 would be satisfactorily met.

In terms of residential amenities, the main impact of the proposal would be on the adjacent dwelling at 4 Poplar Avenue. The site butts up to the boundaries of the residential curtilage and the building forms the rear boundary of the property. There would be an increase in height of the flank elevation, facing the dwelling, by approximately 3.5 metres. The flank wall would be approximately 5.5 metres in height when measured from the curtilage of the dwelling and no new openings would be formed in this facing elevation. The rear elevation of the dwelling is between 8.5 and 11 metres from the flank wall of the building and the additional height arising from the addition of a first floor extension would impact on the property, in terms of massing on the boundary. The rear elevation has main window openings to a dining room and kitchen and secondary window to lounge, all on the ground floor. The primary lounge opening is on the side elevation. There is an obscure glazed bathroom window to first floor. The normal distance requirement for elevations with habitable windows to blank flank walls is 10 metres. The dining and kitchen openings on the rear are considered to be habitable and the effect of the proposal on these windows is a material consideration. They face towards the western end of the building, at a distance of approximately 11 metres and I consider that they would not see an unreasonable loss of light or massing impact from the proposal. This is due to the elevated position of the dwelling in relation to the existing building and the northerly aspect of the dwelling's rear elevation. Overall, the living conditions of the residents at the adjacent dwelling would not be significantly adversely affected by the proximity or scale of the development and the provisions of Policy GD5 would be satisfactorily complied with.

The agent has confirmed that car parking on the site would not be provided. Access to the rear of properties on Sitwell Street would be maintained and the drive up to the building is narrow, with limited space for vehicle turning. It is envisaged that parking demand for the facility would be limited, on the basis that it would attract mostly young people from the local area. There is public transport provision in the locality and the site is in a relatively accessible location in the Spondon area. The facility could therefore be suitably accessed by means of transport, other than the private car. The Highways Officer is satisfied with the current access arrangements to serve the use, subject to secure cycle parking being provided. There is scope to install cycle parking to the front of the building and a suggested condition would secure this. There appears to be scope to site cycle storage and bin store facilities inside the building if necessary, due to access restrictions. Details of waste storage can be secured by a suggested condition.

There are 'No Parking' restrictions on Poplar Avenue up to the junction with Sitwell Street, on both sides of the highway and this would limit potential for on-street

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parking arising from the proposal. Any car borne visitors could be able to park in the nearby car parks to the south of the site. They are within reasonable walking distance of the site and I am satisfied that this negates the need for any on-site parking provision. Access for disabled people to the building is considered to be appropriate to provide for their needs. The requirements of Policies T4 and T10 would be adequately met by the proposal.

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 Development Plan and all other material considerations as indicated in 9 above and would be an appropriate use in this location, with a satisfactory form of development, which would not unreasonably affect the amenities of nearby dwellings and maintain the visual amenities of the surrounding streetscene.

11.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 27 (external materials)
3. Standard condition 104 (energy consumption)
4. Standard condition 100 (drawings)
5. The development shall not be commenced until details of secure and covered cycle parking, to be provided close to the main entrance of the building, have been submitted to and approved in writing by the Local Planning Authority. The provision shall then be implemented in accordance with such approved details.
6. The development shall not be commenced until details of waste and recycling storage facilities to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. The provision shall then be implemented in accordance with such approved details.
7. The hours of operation of the use hereby approved, shall be limited to 08.00 to 19.00 Monday to Saturday, with no opening on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
8. The development shall not be commenced until details of a noise management plan, to include consideration of sound insulation in the building, restrictions on numbers of people using the facility, management of amplified music and opening/ closing of windows and doors, has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented in full, on commencement of the use.
9. The first floor window in the east elevation of the building shall be fixed and obscure glazed and retained as such in perpetuity.

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11.4. Reasons:

1. Standard reason E56
2. Standard reason E09 – Policies E23 & GD4
3. To reduce energy consumption, pollution and waste in accordance with Policy E10
4. Standard reason E04
5. Standard reason E35 – Policy T4
6. Standard reason E48 – Policy T4
7. Standard reason E07 – Policy GD5
8. To ensure the impacts from noise, generated by the use, would protect the amenities of nearby residential properties – Policy GD5
9. To preserve the amenities of occupiers of adjoining property – Policy GD5

11.5. S106 requirements where appropriate:

None

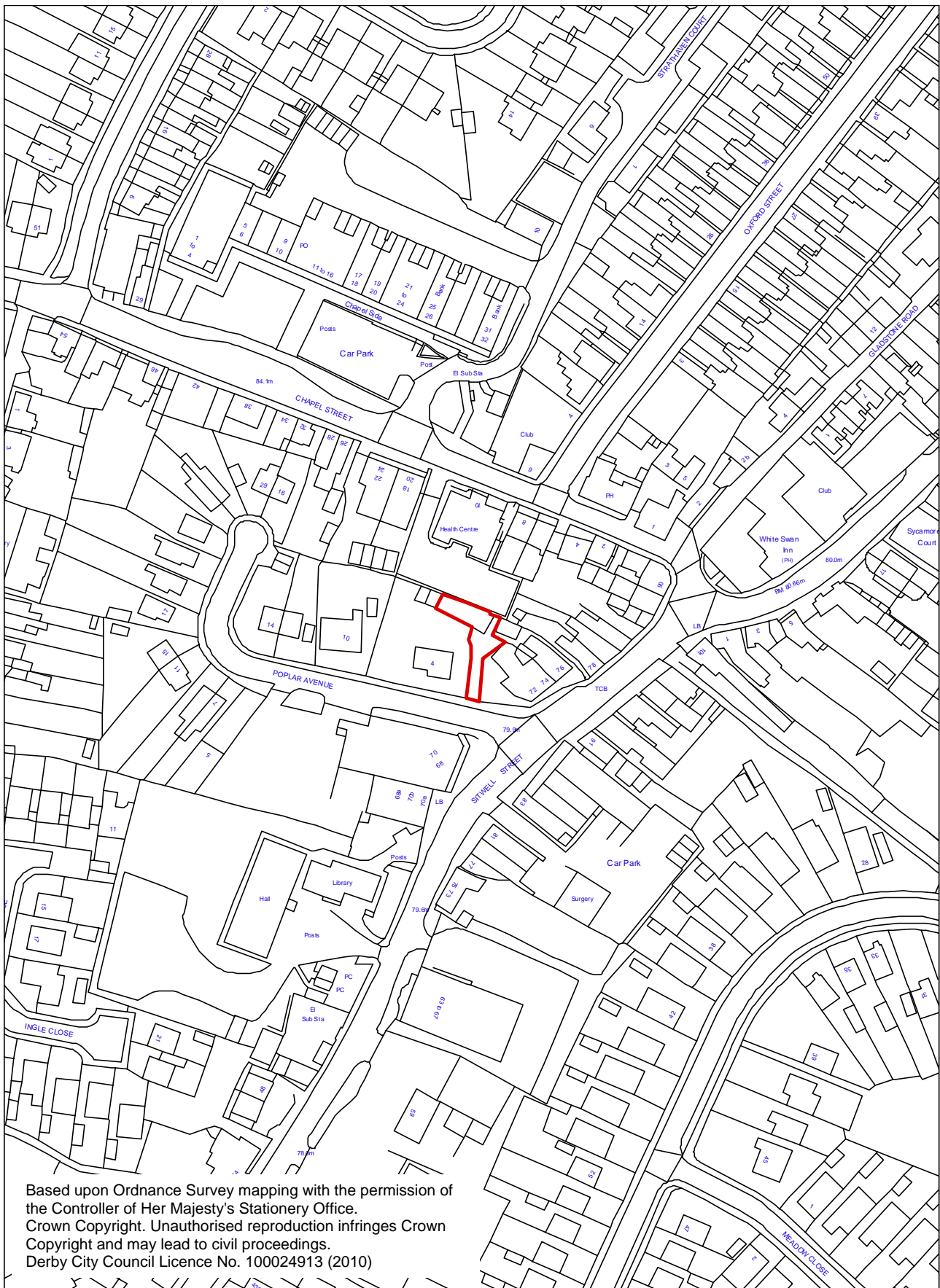
11.6. Application timescale:

The application time period expired on 21 January 2010 and is being reported to Committee as a result of the number of representations received.

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Committee Report Item No: 5**Application No:** DER/06/10/00647**Type:** Full

1. **Address:** 5 Chelwood Road, Chellaston

2. **Proposal:**

Extension to dwelling house (study, w.c., bathroom, bedroom, en-suite and enlargement of kitchen and dining room)

3. **Description:**

The existing property is a detached property that is bound to the south west by the public highway and by residential properties to the north, east and north west. The property has a modest plot on a north east / south west axis. The street scene is a mix of semi-detached and detached properties of varying architectural style and merit. Off street car parking is provided on land to the front of the property and adjacent to the side elevation.

The adjacent property no.7 Chelwood Road is set in from the common boundary with the exception of the external chimney breasts. Both neighbouring properties have single storey extensions on the rear elevation of approximately 3.5 metres in depth and both of a flat roof construction. The extension at no.7 exceeds the "norm" for eaves height, creating massing of the boundary.

The proposed extension is considered in two elements the first being a two storey side extension and the second being a single storey rear extension. The two storey side extension is set back 1 metre at ground floor and 1.4 metres at second floor creating a mono pitch roof. The ridge line of the proposal ties into the existing at a continued height. The proposed single storey rear extension has a mono pitch roof with a rear projection of 2.7 metres; this rear extension due to its external dimensions is considered to be permitted development.

4. **Relevant Planning History:**

No planning history

5. **Implications of Proposal:**

5.1. **Economic:**

None

5.2. **Design and Community Safety:**

The design is considered to be acceptable in the street scene being a standard solution to extending this style of building.

5.3. **Other Environmental:**

None

6. **Publicity:**

Neighbour Notification Letter	6	Site Notice	No
Statutory Press Advert and Site Notice	No	Discretionary Press Advert and Site Notice	No
Other			

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This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

One letter of objection has been received from the neighbouring property no. 7 Chelwood Road and one letter of objection has been received from the Local Ward Councillor, Councillor Ingall who has raised concerns relating to the impact of the proposal being unreasonable on the adjacent property and therefore the application is being represented to Committee. The concerns of the neighbouring property are as set out below:

- Closeness of the extension to their property as this will limit access for maintenance purposes,
- Impact of the proposed extension on their foundations,
- Increased risk of damp as their wall is only of a single brick construction as the proposal will be constructed in such close proximity,
- Assumes that any boiler will need a vent/outlet and this will be in close proximity to their property increasing the risk of damp,
- No details of waste pipes, gas pipes and electrical wires are provided on the plans would raise concerns if these are sited close to their property,
- Rubbish can get trapped between the properties resulting in a possible fire hazard and fox run,
- Impact on the character of these properties which are traditional 1940's and 1950's properties,
- Concerns about the noise during construction and the general disruption; would be forced to leave their home,
- Loss of privacy impacting on the use of their garden.

These representations have been reproduced in this report

8. Consultations:

8.1. No additional consultation has been sought given the nature of the proposal.

9. Summary of policies most relevant: Saved CDLPR policies / associated guidance.

GD4 Design and the Urban Environment
GD5 Amenity
H16 Residential Extensions
E23 Design

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

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Type: Full

10. Officer Opinion:

The street scene is relatively unaltered from its original construction with the exception of single storey rear extensions, which are largely considered to be permitted development. The extension does not provide a reduced ridge line but given the set back of the front wall I am of the opinion that it appears subservient and will not detract from the character of the original dwelling house to the detriment of its amenity value. The design of the extension is considered to be acceptable and integrates well with the features of the detached property. As such I am of the opinion that the proposal is acceptable in terms of design and impact on the street scene and therefore satisfies policies GD4 and H16 of the CDLPR.

I have considered the proposal and the potential relationship with the adjacent properties. The adjacent property, no.7 has a blank side elevation and therefore no windows are affected by the proposal. The windows on the rear elevation are on the same plane as the existing windows and as such I do not feel there would be a loss of privacy.

The adjacent property to the west, no.3 has an existing extension and the proposal is considered to be permitted development; as such I feel there will be no detrimental impact on their relationship which could be controlled. I am of the opinion that they will not have a detrimental impact on residential amenity in terms of loss of light, overshadowing, massing of the common boundary and overlooking.

I note the content of the objection letter and have discussed the points raised with the neighbour and subsequently advised that a number of the points are not material planning considerations and therefore cannot be taken into consideration such as: access for maintenance purposes and for access to the rear amenity space, impact on foundations, risk of potential damp, siting of utilities relative to a domestic property (boiler, electrical wiring and gas pipes), noise and disruption through construction and concerns of trapped of rubbish. The objector has been furnished with a copy of the Party Wall Act in order to assist further in their concerns. I have considered their points relative to design and impact on the street scene as noted above.

In light of the above I see no reason to resist the proposal as it broadly complies with the relevant planning policies as set out in the CDLPR. This type of extension is a common solution for this style of property which has been successfully used across the City. As such the proposal is acceptable in terms of design, impact on the street scene and impact on residential amenity.

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 Development Plan and all other material considerations as indicated in Section 9 above and it is considered that the proposed residential development would be in keeping with the character and design of the street scene and original dwelling house and would not unreasonably affect the residential amenities of the nearby dwellings.

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11.3. Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Received 2nd June 2010
2. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
3. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority.

11.4. Reasons:

1. For the avoidance of doubt.
2. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The details submitted with the application are not considered to be sufficient in order for the Local Planning Authority to ensure a satisfactory external appearance of the development in the interests of visual amenity and in accordance with policy GD4, H16 and E23 of the adopted City of Derby Local Plan Review.

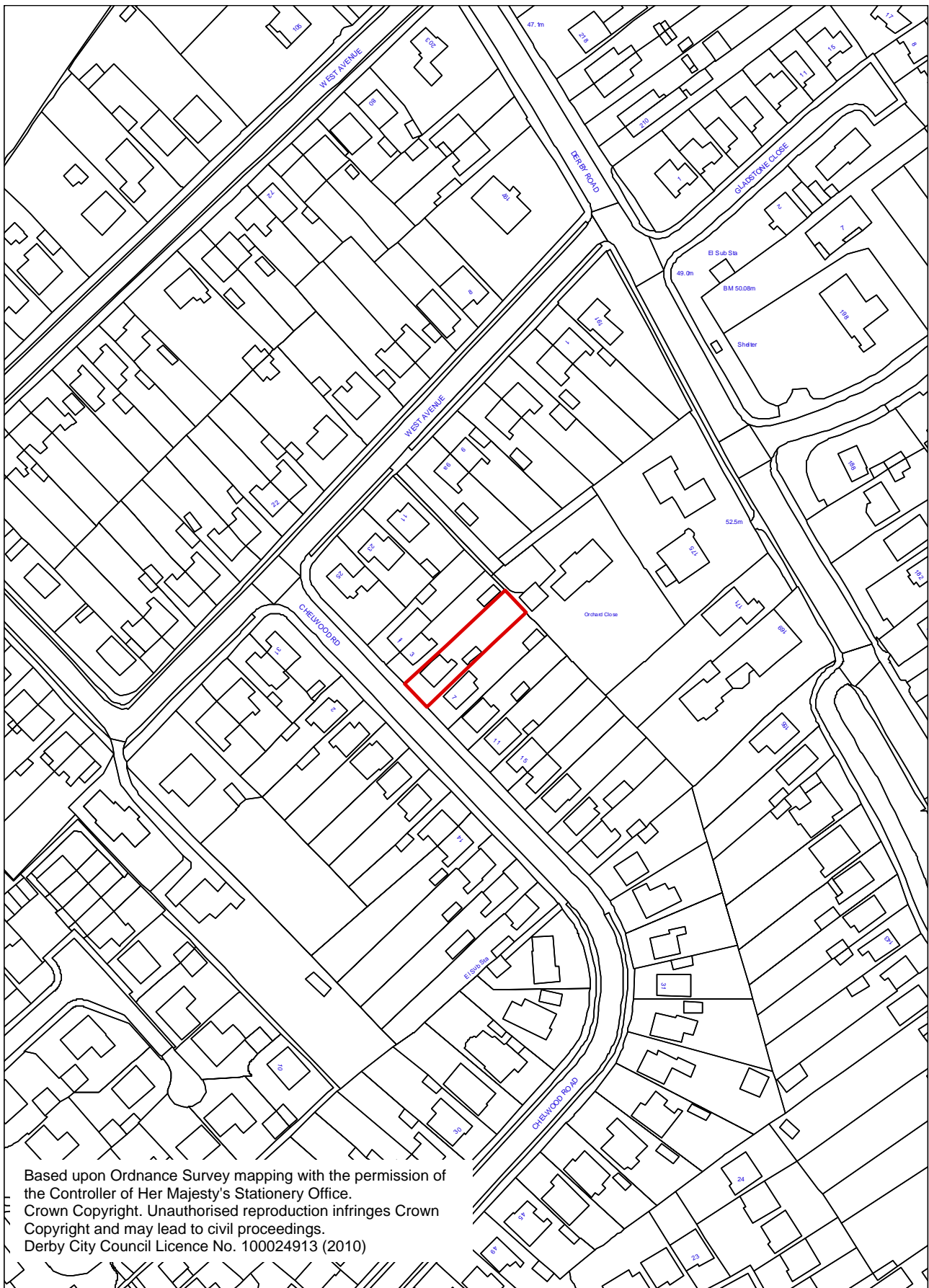
11.5. Application timescale:

The application is being brought to committee following an objection from Councillor Ingall and has a statutory expiry date of 29th July 2010.

Committee Report Item No: 5

Application No: DER/06/10/00647

Type: Full



Enclosure

Laura Raynor.
Planning Officer
DER/06/10/00647/PRI, 5 Chelwood Road, Chellaston Derby

21 June 2010

Dear Ms Raynor

Thank you for your letter dated 10th June 2010 concerning the above application. Please find enclosed some comments on the proposal.

I Having obtained a set of plans from your department I asked for one of your colleagues' to confirm the distance between the proposed extension and the wall of my house (chimney breasts) this was confirmed as less than half a metre which raises the following points

(a) Access to maintain my property ie to use a ladder or scaffolding to point up or repair / replace guttering. / roof. Minimum of 3 metres required.

(b) My property was built over 70 years ago and therefore the house foundations could be affected by any extension footings being carried out in such close proximity to my house, and the outer wall having only a single brick thickness (adjacent to No.5). The plan has no reference to the possibility of the foundations at No 7 having to be strengthened as laid down in the Party Wall etc. Act 1996 section 6.

(c) As the external wall is only single brick it is unsuitable for cavity wall insulation. As a result, we have to take care to ensure the wall is not exposed to damp. If the extension is allowed to No5 then there is a serious risk to my property of increasing the potential for damp as the proximity to my house will restrict light and the circulation of air.

(d) I am assuming that any boiler will require an outlet for steam the most likely siting of this outlet will be on the wall facing my property. As mentioned above this will increase the potential for dampness and I am concerned that overflow pipes, guttering and down pipes mounted close to my property have the potential to leak water onto my property or the foundations of my property. .

(e) Would like to have seen the run of the waste pipes, gas and electricity but cannot see them on plan these could also raise concerns if sited near my property.

(f) Rubbish will also get trapped in the less than half metre gap creating possible fire hazard to both properties, no rear access for fire service, could end up as the local fox run.

(g) Would spoil the character of my house and the houses in the road in general, having all been built during the 1940s/ 1950s and all of traditional design.

(h) As a retired couple we will be forced to escape from our home to avoid noise disruption and intrusion of the building work.

(i) Finally the extension would be an invasion of any privacy that we as keen gardeners currently enjoy in our garden would now be taken from us.

. I would like therefore to register my objection to any extension being built on the side of No 5 Chelwood Road

Yours sincerely,

K R Blackshaw.
7 Chelwood Road, Chellaston Derby.

CITY OF DERBY	
DEVELOPMENT & CULTURAL SERVICES DEPT	
FILE REF	
DATE REC'D	29 JUN 2010
REFERRED TO	
REFUSED	

Enclosure

From: Kenneth Blackshaw
Sent: 14 July 2010 10:28
To: DevelopmentControl
Cc: Ingall, Philip; Phil Bailey
Subject: DER/06/10/00647/PRI, 5 Chelwood Road

Dear Ms Raynor,
Following previous correspondence concerning the request for Planning Permission at for 5 Chelwood Road I would insist that if given the Green Light the Derby City Council ensure that all work carried out is in accordance with The Party Wall etc Act 1996. Any damage to my property either internally or externally will be the responsibility of the Derby City Council .

Yours Sincerely,
K R Blackshaw .

Committee Report Item No: 6

Application No: DER/04/10/00455

Type: Full

1. **Address:** 1255 London Road, Alvaston.

2. **Proposal:**

Change of use from offices (use class A2) to hot food take-away (use class A5) on ground floor and residential (use class C3) on first floor and erection of staircase to rear of property.

3. **Description:**

The application site is a semi-detached property lying at the north side of London Road, near to the junction with Wye Street and within Alvaston District Centre. It is a two storey property and rectangular in footprint, possibly dating from around the 1930's. It incorporates a hipped roof design and traditional red brick structure. The windows are currently boarded up and generally the building is in a state of disrepair.

The previous use of the unit was for an office, the use of the upper floor is uncertain but may have been associated with the office unit. The neighbouring property to the immediate east is a Tesco retail store and immediate west is a betting shop. There are other non-retail, A2 and A5 uses on the opposite side of London Road and in other parts of the centre. The nearest dwelling houses lie to the rear of the application site on Wye Street some 40 metres from the site. It stands in area of mixed uses and is included in the Alvaston District Centre as defined in the adopted City of Derby Local Plan Review.

The submitted car park layout details four off street parking spaces within the neighbouring Tesco's car park and two spaces indicated to the front of the premises although these may not be practically usable. The proposed A5 Use Class element would incorporate opening hours stated as being 10am to midnight Monday to Sunday. A proposed steel stair case would be positioned to the rear of the property for access to the first floor flat. Some internal works would be needed to facilitate the development that is not subject of a planning application.

4. **Relevant Planning History:**

DER/05/03/00774: Erection of shop with associated parking and servicing (use class A1). Granted Conditionally at Planning Control Committee in April 2004. This scheme incorporated a new Tesco retail unit with the site split into two parts with the retail fronting London Road and car parking area to the rear, providing 16 spaces. This retail unit is built and operational.

5. **Implications of Proposal:**

5.1. **Economic:**

None

5.2. **Design and Community Safety:**

The only external changes proposed to the premises are the stairwell to the rear allowing access to the first floor.

5.3. **Highways – Development Control:**

The application site is located in Alvaston District Centre and on London Road which is a classified Road. There are on-street parking controls, double yellow

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Application No: DER/04/10/00455

Type: Full

lines outside the premises and it is within walking distance of public car parks. In view of the District Centre location and transport links there are no objections.

5.4. Disabled People's Access:

The premises have a level access at the main customer entrance. There are no concerns over disabled access to the premises.

5.5. Other Environmental:

If planning permission is granted for the proposal, a fume extraction flue will be required capable of mitigating the effects of food odour that may be emitted. Further details will be required through an attached condition.

6. Publicity:

Neighbour Notification Letter	7	Site Notice	yes
Statutory Press Advert and Site Notice	-	Discretionary Press Advert and Site Notice	-
Other	-		

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

Nineteen letters of objection have been received, including objections from Councillor Bayliss and Councillor Graves. In summary the grounds for objections are:

- Over concentration of hot-food takeaways in the area
- The provision of another takeaway would result in the loss of space for A1 retail
- Opening hours of takeaway would create dead frontage during the day
- Increased noise, traffic, pollution, litter and odour
- Potential metal shutters create an eyesore
- Health issues of fast food

In particular Councillor's Graves and Bayliss highlight:

- District centre has reached saturation in regards hot food shops, any more will negatively affect the viability of the centre
- Further hot food shops give an appearance of a closed shopping centre during the day
- Will attract litter and people hanging around outside the premises
- Location by the junction of Tesco Express – will add to congestion of junction, additional car parking on the pavement creating hazards for pedestrians and cyclists

Committee Report Item No: 6

Application No: DER/04/10/00455

Type: Full

Twenty seven identical letters of support have been received. The grounds for support are:

- The property has been derelict for some years, has been home to squatters and drug users and is unsightly
- The proposal will bring increased competition, which will result in better quality, service and pricing
- The proposal will result in more diversity in Alvaston, as the existing hot food takeaways do not offer healthy options, day time opening or such specialism

These representations have been made available in the Members Rooms.

8. Consultations:

8.1. Environmental Services (Health – Pollution):

There is a potential for noise disturbance to future residents above. I would strongly recommend that suitable sound proofing is incorporated into any adjoining floors/ceilings in order to minimise disturbance.

This proposed development is likely to bring sensitive receptors (e.g. the occupants of housing) within 14 metres of a busy road. Consequently, the future occupants are at risk of exposure to pollution levels exceeding the annual average Nitrogen Dioxide (NO₂). National Air Quality Objective of 40µg/m₃ and mitigation will be required.

8.2. Environmental Services (Health – Food Safety):

There is no indication how cooking fume will be extracted from the cooking area. A suitable system must be provided that will not cause nuisance from odour or noise particularly to the occupants of the accommodation above as indicated in the proposal.

8.3. Police Liaison Officer:

This location could have serious safety issues with customers parking within the hazard zone and the honey pot nuisance attraction that hot food premises commonly suffer from. On balance I would like to see this empty unit brought back into use to reverse the decline of the local centre and reduce the fear and perception of crime and anti social behaviour.

9. Summary of policies most relevant: Saved CDLPR policies / associated guidance.

E24	Community Safety
GD5	Amenity
H13	Residential Development – General Criteria
S3	District and Neighbourhood Centres
S12	Financial and Professional Services and Food and Drink Uses
T4	Access, Car Parking and Servicing
T10	Access for Disabled People

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

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Type: Full

10. Officer Opinion:

The site of the proposal is in a Neighbourhood Centre where Policies S3 and S12 allow for shops and other complimentary uses serving a local need. The proposed A5 aspect of the proposal is also subject to Policy S12. The Policy permits A5 developments within identified centres provided that the development would not lead to a concentration of such uses likely to undermine the vitality and viability of the Centre. Clearly, the Centre has the ability to sustain and provide varied shopping facilities and services, commensurate with the character and scale of this District Centre. Against this

Policy S12 also states that in all areas, planning permission will not be granted for A5 proposals which would cause unacceptable harm to the amenity of nearby areas.

On this basis the vitality and viability of the District Centre would not be lost through the removal of a shopping function, or through impacts on the quality of the environment and character of the area. Furthermore, and despite the unit's long term vacancy, Alvaston Centre remains in a healthy state to which the proposal would not undermine. In addition, the existing mix of enterprises offering goods and services to the public is suggestive of an intrinsic vitality to the Centre.

There is no official threshold for what proportion of non A1 units would constitute detracting from the vitality and viability of the centre or impact upon its shopping function. However, concern would arise once the level of non A1 units reaches 50% in an identified centre. The implementation of this proposal would not have any impact upon the proportion of units in non A1 use as the previous use was A2, which is already outside of the A1 use class. There is currently an extant permission for a change of use from A1 to A5 within the centre. Even if this is implemented, the proportion of non A1 uses will still be below 50% at 41%.

There are a number of stores that continue to anchor the primary shopping function of the centre, including the Co-op, Iceland and Tesco Express. The implementation of this proposal would not lead to a loss of A1 frontage as the previous use was A2 and the proposal may in fact boost the vitality and viability of the centre as it will bring a vacant unit back into use. Indeed, the building is somewhat prominent in that it is rundown and detrimentally impacts the physical environment of the Centre. With this in mind, some flexibility is needed to encourage reoccupation of the unit and improve the appearance of the street frontage at this location.

I am also satisfied that an additional hot food takeaway at this location should not present an unacceptable negative effect on the living conditions of nearby residents. However, the proposed residential accommodation would be directly above the proposed hot food takeaway and as such there is a potential for noise disturbance to future residents. Therefore, a condition requiring further details of suitable sound proofing incorporated into any adjoining floors/ceilings to minimise potential disturbance would be attached to any permission. Further mitigation measures could be applied by imposing conditions requiring ventilation systems and control of opening hours. This would reduce the presence of odours and minimise the late night congregation of customers. What is more, anti-social behaviour is a type of general disturbance which cannot be levelled on the opening of a further A5 unit, as the same argument could apply at any late night opening venue (pub, club or restaurant). Indeed, there is no indication or evidence to claim the proposal would exacerbate

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existing levels of anti-social behaviour or crime related incidents. In fact and on those grounds the development would I feel have a neutral impact.

The proposal includes the use at first floor level for residential accommodation which appears to replicate the existing use of the upper floor, although the building has been unused for some time. When viewing the locality it is apparent that other properties incorporate residential use at first floor, notably No's 1225, 1229 London Road, and elsewhere in the District Centre. But whilst the ground floor uses differ elsewhere, the principle of residential accommodation at first floor level is not in planning terms unacceptable. Amenity can be reasonably mitigated by the imposition of conditions.

In terms of parking and servicing issues, the submitted car park layout details four off street parking spaces within the Tesco car park, one of which appears to be part of a 'no parking area' leaving three spaces. The parking area on the frontage of the site details two spaces within 90 degree parking to the highway. The space which is closest to the adjoining property appears to be unusable as any vehicle accessing this space would need to pass over the adjoining properties curtilage if the other space was in use. The parking space to the right would be approachable from the right of way shared with Tesco rear car park. Parking on London Road is restricted by double yellow lines and a controlled pedestrian crossing. This should discourage most users from wanting stop on this busy street.

However, the issue of added congestion and use of parking spaces to the frontage is noted. In light of comments from Highways Development Control and the level of pedestrian activity here, it is suggested as a mitigation measure to condition the deletion of the two parking spaces to the front of the application site. The demarcation of allocated parking spaces to the rear of the site for future residents of the proposed first floor accommodation as well as users of the proposed takeaway would be identified by appropriate signage.

I am drawn to conclude that the impact of the proposal on the amenities of residents, loss of A1 retail unit and in all other respects would be acceptable and that the criteria of relevant policies from the adopted City of Derby Local Plan Review would be adequately met.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the relevant policies of the adopted City of Derby Local Plan Review and all other material considerations, and it is considered that the proposed use as a hot food take-away and residential accommodation is an appropriate use within the Alvaston District Centre.

11.3. Conditions:

1. Standard condition 03...(3 year expiry)
2. Standard condition 100...(approved plans)
3. Standard condition 47....(details of fume extraction / ventilation)
4. Standard condition 50...(opening hours)

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Type: Full

5. Standard condition 49...(sound insulation measures)
6. Unique condition 1. Before first use of the development, details of the proposed signage of the four allocated parking spaces within the rear car park of Tesco's as indicated on the parking layout plan shall be submitted to and approved in writing by the Local Planning Authority.
7. Unique condition 2. Before first use of the development details of waste and recycling storage facilities within the recommended man carry distances shall be submitted to and approved in writing by the Local Planning Authority.
8. Unique condition 3. This permission shall not imply the approval by the Local Planning Authority of the details relating to the two parking spaces to the site frontage as shown on the plans submitted in support of the application. An amended plan showing the deletion of those two car parking spaces shall be submitted to and approved by the Local Planning Authority.
9. Unique condition 4. Before any development is commenced a scheme to install an air conditioning system at first floor level to protect any future residents from the air quality pollution levels from London Road, shall be submitted to and approved in writing by the Local Planning Authority. These works which form part of the scheme shall be completed before any of the first floor accommodation is occupied.

11.4. Reasons:

1. Standard reason E56...(time limit for planning permissions)
2. Standard reason E04...(for the avoidance of doubt)
3. Standard reason E25...(residential and environmental amenity) of policy GD5
4. Standard reason E27...(amenities of adjacent residential properties)..of policy GD5
5. Standard reason E27...(amenities of adjacent residential properties)..of policy GD5
6. Standard reason E19...(in the interests of highway safety)..of policy T4
7. Standard reason E19.. (in the interests of highway safety)...of policy T4
8. Standard reason E17.. (minimise danger to users)...of policy T4
9. Standard reason E25....(residential and environmental amenity)..of policy GD5.

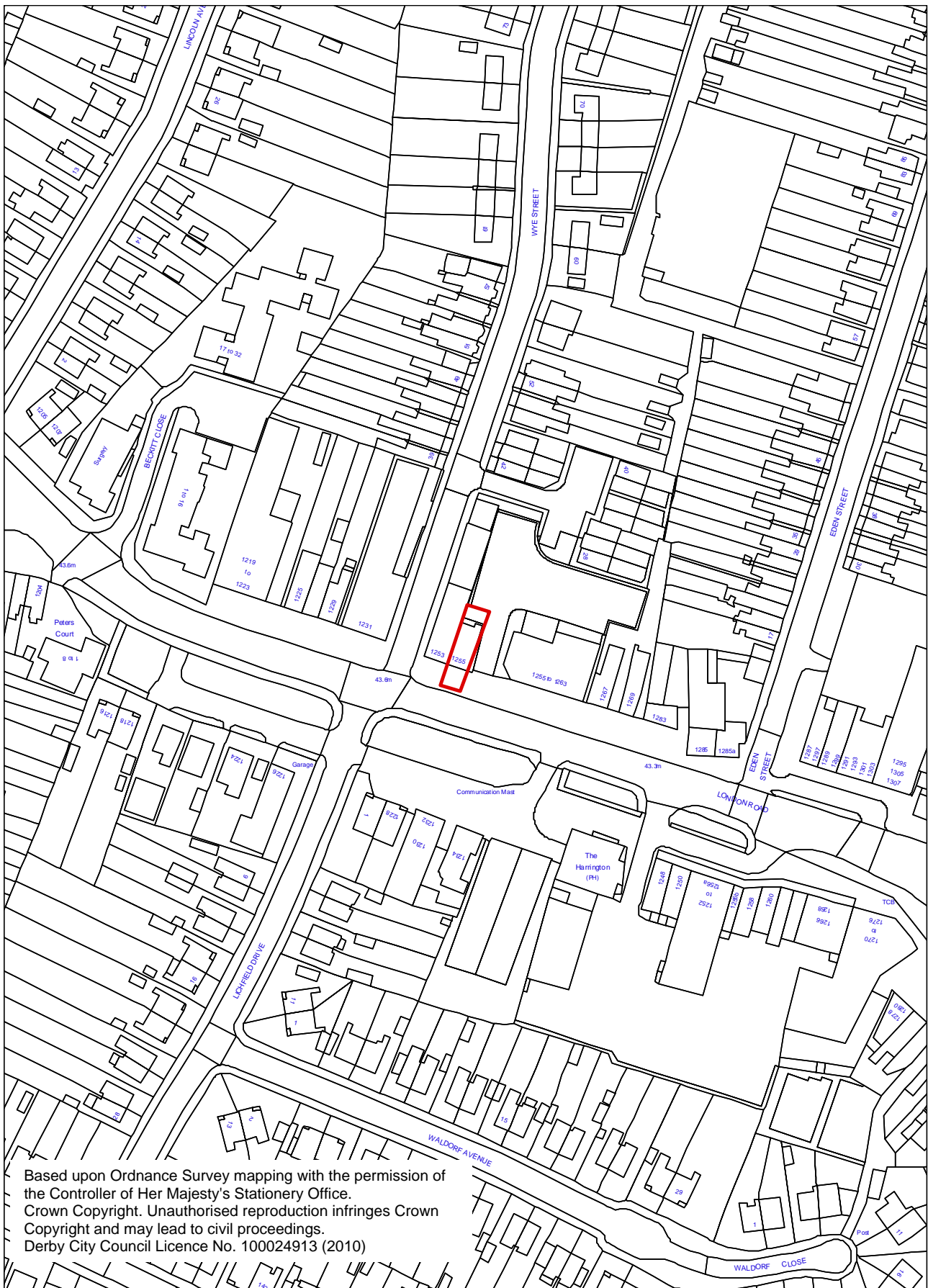
11.5. Application timescale:

The application target expiry date was 02/07/2010.

Committee Report Item No: 6

Application No: DER/04/10/00455

Type: Full



Committee Report Item No: 7

Application No: DER/05/10/00538

Type: Full

1. **Address:** 117 Dale Road, Spondon

2. **Proposal:**

Change of use and extension of single retail unit (Use Class A1) into 2 separate units Retail (Use Class A1) and Hot Food Takeaway (Use Class A5)

3. **Description:**

The application property has been the subject of various planning applications, a summary of which is provided in Section 4 below and has been vacant for approximately 2 years. The current application seeks to separate the existing retail unit to provide two separate units one in an A5 use class (hot food takeaway) and one in an A1 use class (retail). Along with an extension on the rear elevation which has a footprint of 3.3 metres by 8.2 metres; the proposal has a flat roof construction of 2.3 metres. There is angular extension at first floor level which will provide additional head room above the existing staircase of the building. An existing first floor flat will remain relatively unaltered with the exception of alterations to the head room of the stair case.

The existing unit is to be subdivided to create two units of equal size. The front elevation is to be altered in order to form two shop fronts with separate pedestrian access from the public highway, the access doors are set to the right of each unit when viewing from the street scene. The shop windows are similar in proportion to those of the existing shop front and also similar to those in the existing street scene. Car parking and waste collection point is to be located, as existing, to the rear of the property, with a vehicular access right of way remaining unobstructed.

The application site is located within a row of existing units and forms part of a neighbourhood centre. The row of shops is of a flat roof construction with various extensions and alterations visible when viewing the rear elevation. The use of the neighbourhood centre is as follows: combined retail unit (111-113 Dale Road), salon (115 Dale Road), hot food takeaway (119 Dale Road) and hot food takeaway (121 Dale Road). The application property has been vacant, according to the applicants' statement, for approximately 2 years. All units have an element of residential at first floor.

Car parking is provided by a communal means to front of the building for customers to the neighbourhood centre and to the rear for staff and residents of the residential units at first floor.

In summary the application seeks permission to subdivide an existing unit to provide one unit in A1 usage and one in A5 usage along with extensions to the rear. The units are proposed to have the following opening hours;

	Monday to Friday	Saturday	Sunday and Bank Holiday Mondays
A1 Retail	0900 - 1700	0900 - 1700	-
A5 Hot Food Takeaway	0700 - 2330	0700 - 2330	0830 - 2300

Committee Report Item No: 7

Application No: DER/05/10/00538

Type: Full

4. Relevant Planning History:

DER07/01/00934 Granted – Extension to Shop (Store)

DER/06/00/00713 – Change of Use to Hot Food Shop (Use Class A3) Refused for the following reasons:

‘The hot food shop would, by virtue of increased levels of noise, odours, pedestrian/vehicular movement and late night activity at the Neighbourhood Centre, create an unacceptable form of development in relation to the environmental amenities enjoyed at the nearby residential properties on Dale Road and Windsor Drive. The proposal is, therefore, contrary to Policy S20 of the adopted City of Derby Local Plan.

The creation of a second hot food shop in this central part of the Neighbourhood Centre would, by its cumulative effect, tend to adversely affect the vitality of the centre, contrary to policies S12 and S20 of the adopted City of Derby Local Plan.’

DER/05/97/00593 – Change of Use to Class A3 (Food and Drink) Refused for the following reasons:

‘The hot food shop, by virtue of the likely increase in pedestrian and vehicle movements to the Neighbourhood Centre particularly at daily peak times and late evening hours, would be an unacceptable form of development in relation to the environmental amenities of nearby residential properties and would interfere with the safe and efficient flow of traffic on the adjacent highway. For these reasons the hot food shop would be contrary to Policy S20, of the deposit City of Derby Local Plan.’

DER/01/97/00079 Withdrawn – Change of use to Hot Food Shop

5. Implications of Proposal:

5.1. Economic:

None

5.2. Design and Community Safety:

The design of the proposed is considered to be acceptable and will not detract from the visual amenity of Dale Road or the neighbourhood shopping centre.

5.3. Highways – Development Control:

Dale Road is a principal road and this site is situated on a service road which serves a row of shops and also offers parking for the patrons of these shops. This application seeks to extend an existing retail unit and then split it into 2 separate units. One unit will remain as an A1 usage and the second requires a change of use to an A5 usage.

The application states parking for 3 vehicles to the rear, which will be reduced due to the extension, however it is considered that splitting of the existing retail unit and the introduction of a Hot Food takeaway at this site would have no significant highway implications. No significant highway implications and in view of this, no objections.

5.4. Disabled People's Access:

The proposed will have a degree of accessibility through compliance with Building Regulations.

Committee Report Item No: 7**Application No:** DER/05/10/00538**Type:** Full**5.5. Other Environmental:**
None**6. Publicity:**

Neighbour Notification Letter	20	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

The application has attracted 10 letters of representation from the public a summary of their concerns is as follows:

- Over concentration of takeaways in the area
- Increased noise, especially problematic at night
- Increased traffic congestion and parking problems
- Increased competition, objections from neighbouring take-away businesses and convenience store
- Increased pollution, litter and odour – into neighbouring businesses, particular objection from hairdressers and beauty salon
- Anti-social behaviour

These representations have been made available in the Members Rooms.

8. Consultations:**8.1. Environmental Services (Health – Pollution and Food Safety):**

No objections on health grounds. However, details of any sound insulation between retail units and first floor flat and ventilation arrangements should be submitted for approval before work starts.

8.2. Police Liaison Officer:

I have no comments on designing out crime of the building and use. The usual ASB awareness and advice to install Internal CCTV to deter ASB and protection of staff applies and further advice on measures can be obtained later. I have contacted the Neighbourhood Beat Team regarding any local ASB information at the existing A5 premises. I have no information as yet but I will forward any relevant information upon receipt.

9. Summary of policies most relevant: Saved CDLPR policies / associated guidance.

GD4	Design and the Urban Environment
GD5	Amenity
S2	Retail Location Criteria
S3	District and Neighbourhood Centres

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S12	Financial and Professional Services and Food and Drink Uses
E23	Design
E24	Community Safety
T4	Access, Car Parking and Servicing
T10	Access for Disabled People

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

I am of the opinion that the main considerations for this application are the introduction of an A5 use and the construction of extensions on the rear elevation of the property rather than the subdivision of an existing A1 (retail) unit.

I raise no objection to the subdivision of the existing unit and the construction of an extension on the rear elevation. Whilst I am mindful of the history of the site and the decisions taken to refuse planning permission for A5 usage at this property I am mindful of the fact that the unit has been vacant for approximately two years which in my opinion will have had a detrimental impact on the character and appearance of the neighbourhood centre. I note the context of policy S3 which tries to maintain the retailing function of District Centres however I am of the opinion that as the proposal will result in the neighbourhood centre containing 6 units; three of which being used as A1 and three in use for the purposes of A5 that the neighbourhood centre will maintain a retailing function. Policy S12 is also relevant when considering this application in terms of introducing an A5 usage I note the policy permits A5 development within a neighbourhood centre providing the development would not lead to a concentration of such uses; there is no definition within the policy stating what level of concentration would be detrimental to the viability or vitality of a neighbourhood centre as such I am of the opinion that 3 units out of 6 would remain in a retailing function. As such I raise no objection to the encouraging the re-use of a vacant unit.

The design of the proposed extension is considered to be acceptable in terms of design and will not be visible within the street scene. The proposed will not have a detrimental impact on the residential amenity of the neighbouring first floor residential units. A condition is recommended to ensure any external materials match the original property.

I note the content of the 10 objection letters and have considered this very carefully however I see no reason to resist the application which broadly complies with planning policy.

As such I recommend approval of the proposal. Members are reminded that A5 uses are permitted to change to A1 without prior written approval of the Council therefore should an A5 operation cease and an A1 wish to operate it will be permitted to do.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

Committee Report Item No: 7

Application No: DER/05/10/00538

Type: Full

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the Development Plan and all other material considerations as indicated in Section 9, above and it is considered that the proposed subdivision of the existing unit and the extensions to the rear elevation and alterations to the front elevation would be in keeping with the character and design of the street scene and original building. In addition the use would not be detrimental to the viability or vitality of the neighbourhood centre and would not unreasonably affect the residential amenities of those residential units at first floor.

11.3. Conditions:

1. Standard condition 100 (approved plans)
2. Standard condition 03 (within 3 years)
3. Standard condition 47 (details of fume extraction/ventilation)
4. Standard condition 50 (opening hours for hot food shops)
5. The materials to be used on the external surfaces of the development shall match as closely as possible those materials used on the original dwelling.
6. The use shall not commence until sound insulation to the floor/ceiling/walls between it and the residential accommodation above or adjacent has been provided in accordance with details agreed in writing by the Local Planning Authority.

11.4. Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E25 (GD4, GD5)
4. Standard reason E07 (GD5)
5. Standard reason E14 (GD4, E23)
6. Standard reason E27 (GD5)

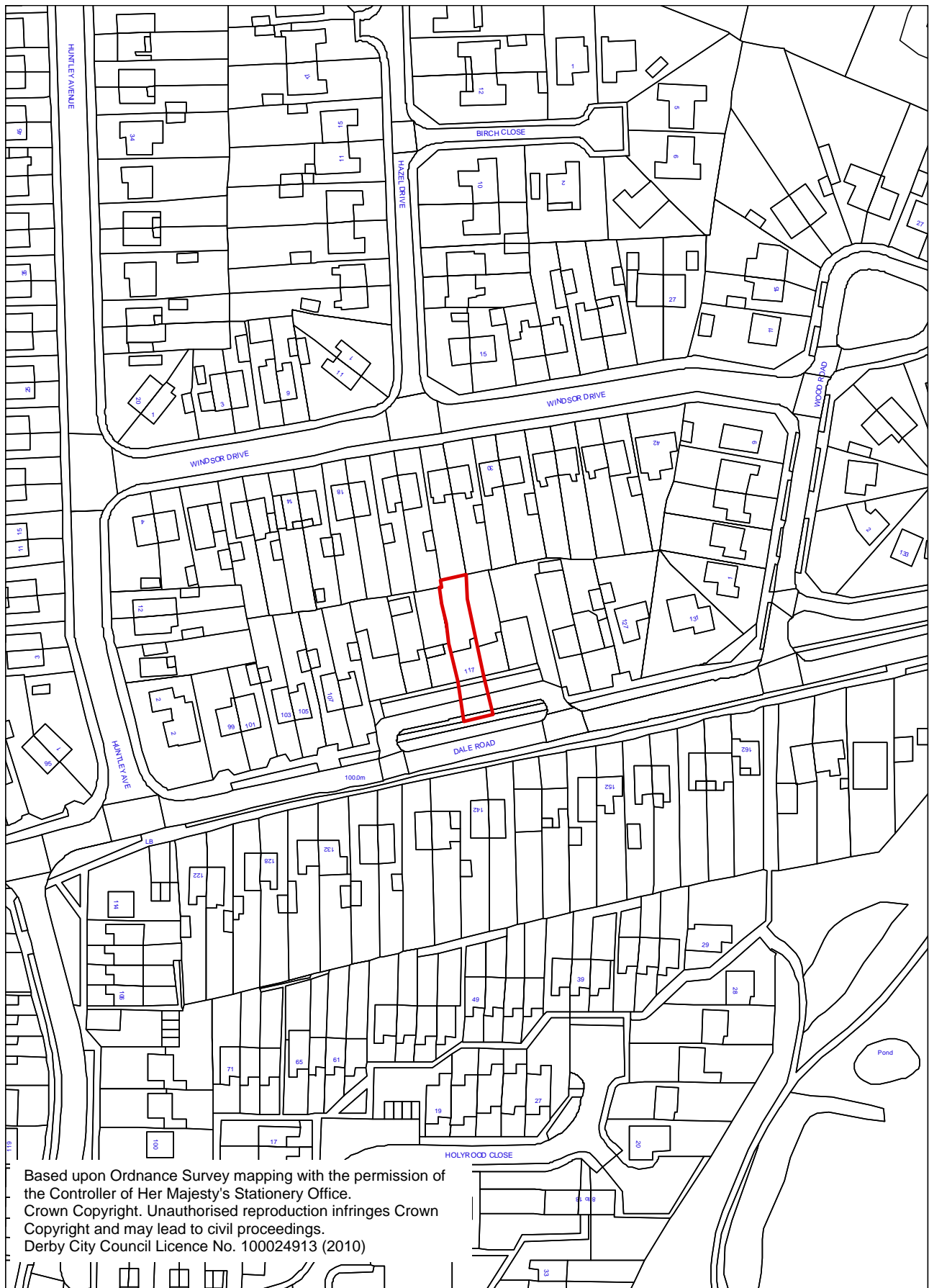
11.5. Application timescale:

The application is being brought to committee following the receipt of 10 letters of objection and expired 7th July 2010.

Committee Report Item No: 7

Application No: DER/05/10/00538

Type: Full





DERBY CITY COUNCIL

Derby City Council

Delegated Decisions Made Between 12/05/10 and 30/06/10

Application No	Application Type	Location	Proposal	Decision	Decision Date
07/09/00878/PRI	Full Planning Permission	1 Harrison Street, Derby	Erection of screen fence at first floor level	Granted Conditionally	28/05/2010
08/09/00912/PRI	Full Planning Permission	11 London Road, Derby	Installation of shop front and canopy	Granted Conditionally	14/05/2010
11/09/01279/PRI	Full Planning Permission	9 Old Lane, Darley Abbey, Derby	Extension of dwelling house (2 bedrooms and enlargement of lounge)	Granted Conditionally	22/06/2010
11/09/01355/PRI	Full Planning Permission	Land to the west of 72 Station Road, Chellaston, Derby	Erection of detached bungalow, landscaping and car parking	Granted Conditionally	18/05/2010
11/09/01410/PRI	Outline Planning Permission	Site of 63 - 65 and rear of 61, Nottingham Road, Spondon, Derby	Extension of time limit of previously approved Outline application Code No. DER/07/06/01161 by a further three years	Granted Conditionally	23/06/2010
12/09/01477/PRI	Full Planning Permission	92 Radbourne Street, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	21/05/2010
12/09/01494/PRI	Full Application - Article 4	66 Belper Road, Derby	Alterations to door	Granted Conditionally	01/06/2010
01/10/00009/PRI	Full Application - Article 4	158 Mansfield Road, Derby	Installation of windows in front elevation	Refuse Planning Permission	17/06/2010
01/10/00057/PRI	Advertisement consent	Unit 2, Bradshaw Retail Park, Bradshaw Way, Derby (Home Bargains)	Display of 3 internally illuminated fascia signs and 1 non-illuminated fascia sign	Granted Conditionally	17/05/2010
01/10/00072/PRI	Full Planning Permission	1 St. Giles Road, Derby (Sun Inn PH)	Change of use and extension from Public House(Use Class A4) to form 7 apartments (Use Class C3), layout of car parking, raised patio area and ancillary storage areas	Granted Conditionally	13/05/2010
01/10/00095/PRI	Full Planning Permission	3 Sitwell Street, Spondon, Derby	Erection of double garage, boundary wall, gates and formation of vehicular access	Refuse Planning Permission	23/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/10/00119/PRI	Full Planning Permission	8 Scarborough Rise, Derby	Installation of roller shutters	Granted Conditionally	24/05/2010
02/10/00132/PRI	Full Planning Permission	4 Chester Avenue, Allestree, Derby	Extensions to dwelling house (study,w.c., bathroom, shower room, bedroom and enlargement of dining room/kitchen) and erection of store	Granted Conditionally	13/05/2010
02/10/00139/PRI	Full Planning Permission	Outbuildings rear of 27/29, Chesapeake Road, Chaddesden, Derby (Chesapeake House)	Retention of use of the site as a residential care facility (Use Class C2) to include the conversion of workshop/store to form 3 additional residential units (Use Class C2) in connection with the care facility	Granted Conditionally	12/05/2010
02/10/00152/PRI	Full Planning Permission	28 Cromwell Road, Derby	Extensions to dwelling house (lounge, shower room, garage, 3 bedrooms, en-suite and enlargement of kitchen and dining room-amendment to previously approved planning permission Code No. DER/07/08/01066/PRI)	Granted Conditionally	12/05/2010
02/10/00153/PRI	Advertisement consent	Stuart House, Green Lane, Derby	Display of non illuminated projecting sign and advertising board	Granted Conditionally	25/05/2010
02/10/00158/PRI	Advertisement consent	22 Corn Market, Derby	Display of externally illuminated fascia sign and internally illuminated projecting sign	Refuse Planning Permission	04/06/2010
02/10/00176/PRI	Full Planning Permission	31-43 Dale Road, Derby	Change of use from retail warehouse (Use Class A1) to place of worship (Use Class D1) and formation of car parking area	Granted Conditionally	22/06/2010
02/10/00178/PRI	Advertisement consent	806 London Road, Derby (Wickes)	Display of externally illuminated fascia sign, internally illuminated fascia sign and totem sign and various non illuminated fascia signs and free standing sign	Granted Conditionally	25/05/2010
02/10/00189/PRI	Full Planning Permission	Holmefields Primary School, Parkway, Chellaston, Derby	Alterations to school building (insertion of window and door) and external alterations to form new hard surfaced play and outdoor learning area, to include timber shelter.	Granted Conditionally	12/05/2010
02/10/00190/PRI	Full Planning Permission	Land between 77 and 81 The Hollow, Littleover, Derby	Erection of dwelling house and garage	Granted Conditionally	19/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/10/00202/PRI	Full Planning Permission	42 Bakewell Street, Derby	Change of use of ground floor from hot food takeaway (Use Class A5) to residential (Use Class C3), including alterations to front and side elevations	Granted Conditionally	21/05/2010
02/10/00215/PRI	Full Planning Permission	41 Duffield Road, Derby (May May House)	Installation of shop front	Refuse Planning Permission	24/05/2010
02/10/00216/PRI	Advertisement consent	41 Duffield Road, Derby (May May House)	Display of internally illuminated fascia sign and hanging sign	Refuse Planning Permission	24/05/2010
02/10/00217/PRI	Works to Trees under TPO	Trees adjacent rear of 10 Brendan Gardens, Derby	Reduction in height of Holly and Laurel by 30% and reduce lower limbs of Oak by 3 metres protected by Tree Preservation Order 2001 No.308 (Beechwood and St.Philomena's Covent, Mount Carmel House and Catherine Mcauley House)	Granted Conditionally	12/05/2010
02/10/00219/PRI	Full Planning Permission	Highfield House, Highfield Lane, Chaddesden, Derby	Extensions to dwelling house (loggia/covered way and enlargement of office), erection of detached garage and boundary walls	Refuse Planning Permission	17/06/2010
02/10/00220/PRI	Full Planning Permission	The County Ground, Nottingham Road, Derby	Erection of marquee and seating area	Granted Conditionally	28/05/2010
02/10/00225/DCC	Full Application - disabled People	61 Woolrych Street, Derby,	Extension to dwelling house (bedroom and shower room)	Granted Conditionally	24/05/2010
02/10/00240/PRI	Full Planning Permission	34 Middleton Avenue, Littleover, Derby	Erection of fence	Granted Conditionally	18/06/2010
03/10/00249/PRI	Full Planning Permission	692-694 Osmaston Road, Derby	Change of use from storage to 2 apartments (Use Class C3) on first floor and installation of windows to facilitate conversion	Granted Conditionally	22/06/2010
03/10/00251/PRI	Full Planning Permission	38 Charingworth Road, Oakwood, Derby	Extensions to dwelling (covered area, garage, w.c. and living accommodation)	Granted Conditionally	14/05/2010
03/10/00253/PRI	Full Planning Permission	Unit, Downing Road, West Meadows Industrial Estate, Derby (Balfour Beatty Depot)	Erection of tower crane	Granted Conditionally	25/05/2010
03/10/00268/PRI	Full Planning Permission	Yew Tree House, Leafgreen Lane, Littleover, Derby,	Extension to dwelling (garage, playroom, kitchenette/study and bath/shower room)	Granted Conditionally	23/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/10/00272/PRI	Full Planning Permission	200 Kedleston Road, Derby, (Abbey Court Residential Home)	Extension to care home (entrance lobby/reception, store, 2 bedrooms and bathroom)	Refuse Planning Permission	17/05/2010
03/10/00273/PRI	Full Planning Permission	18 Corbel Close, Oakwood, Derby	Retention of boundary fence	Refuse Planning Permission	23/06/2010
03/10/00274/PRI	Listed Building Consent -alterations	22 Corn Market, Derby	Display of externally illuminated fascia sign and internally illuminated projecting sign	Refuse Planning Permission	04/06/2010
03/10/00278/PRI	Full Planning Permission	71 South Avenue, Chellaston, Derby,	Extension to dwelling (w.c., shower room, bedroom, store room and enlargement of family room, kitchen, bedroom and bathroom)	Granted Conditionally	18/05/2010
03/10/00283/PRI	Full Planning Permission	63 High Street, Chellaston, Derby	Change of use from cafe (Use Class A3) to hot food takeaway (Use Class A5)	Refuse Planning Permission	24/05/2010
03/10/00284/PRI	Full Planning Permission	Former Metallic Constructions Ltd, Bridge Works, Alfreton Road, Derby	Extension to workshop (porch and rear extension)	Granted Conditionally	17/06/2010
03/10/00287/PRI	Full Planning Permission	13 Deincourt Close, Spondon, Derby	Extension to bungalow (garage)	Granted Conditionally	14/05/2010
03/10/00289/PRI	Full Planning Permission	47 Greenland Avenue, Derby	Extension to dwelling (utility room, w.c, bedroom, study and enlargement of kitchen and bathroom)	Refuse Planning Permission	20/05/2010
03/10/00292/PRI	Full Planning Permission	75 Robincroft Road, Allestree, Derby	Extension to dwelling (conservatory)	Granted Conditionally	13/05/2010
03/10/00293/PRI	Full Planning Permission	48 Francis Street, Derby	Extension to dwelling house (kitchen)	Granted Conditionally	01/06/2010
03/10/00297/PRI	Full Planning Permission	166 Station Road, Mickleover, Derby	Extension to dwelling (utility room, w.c. and enlargement of kitchen and dining room)	Granted Conditionally	11/06/2010
03/10/00298/PRI	Full Planning Permission	101 Field Lane, Alvaston, Derby	Extension to dwelling (kitchen/family room, enlargement of bathroom and garage)	Granted Conditionally	21/05/2010
03/10/00301/PRI	Full Planning Permission	44 Daventry Close, Mickleover, Derby,	Extension to dwelling (lounge, dining, kitchen, bedroom with en-suite, study, laundry, wet room and conservatory)	Refuse Planning Permission	17/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/10/00302/PRI	Full Planning Permission	Breadsall Hilltop Infant & Nursery School, St. Andrews View, Derby	Installation of canopy, formation of play area and landscaping	Granted Conditionally	23/06/2010
03/10/00306/PRI	Full Planning Permission	31 Ypres Road, Allestree, Derby	Installation of 2 velux roof windows	Granted Conditionally	25/06/2010
03/10/00307/PRI	Full Planning Permission	St. Edmunds Church Hall, Kings Croft, Allestree, Derby	Formation of soft play area, erection of 2m high fence and shelter and formation of hard play area	Granted Conditionally	27/05/2010
03/10/00308/PRI	Full Planning Permission	Car park adjacent 12 and 14 Barrett Street, Alvaston, Derby	Siting of 2 containers for a temporary period	Granted Conditionally	03/06/2010
03/10/00309/PRI	Certificate of Lawfulness Proposed Use	22 West Avenue South, Chellaston, Derby	Extension to dwelling house (enlargement of lounge)	Granted	21/05/2010
03/10/00317/PRI	Full Planning Permission	147 Swarkestone Road, Chellaston, Derby	Extension to dwelling house (conservatory and enlargement of lounge)	Granted Conditionally	17/05/2010
03/10/00318/PRI	Full Planning Permission	9 Kingsley Road, Allestree, Derby	Extensions to dwelling house (enlarged kitchen, bedroom and bathroom) and alterations to form store and utility room	Granted Conditionally	21/05/2010
03/10/00323/PRI	Works to Trees in a Conservation Area	91 Belper Road, Derby	Deadwood and removal of 4 branches of corsican pine and crown raise, thin canopy by 15% and deadwooding of copper beech within Strutts Park Conservation Area	Raise No Objection	19/05/2010
03/10/00326/PRI	Full Planning Permission	11 Pontypool Close, Oakwood, Derby	Extension to dwelling house (bedroom, en-suite and enlargement of garage)	Granted Conditionally	27/05/2010
03/10/00330/PRI	Full Planning Permission	38 Havenbault Avenue, Littleover, Derby	Formation of rooms in roof space (2 bedrooms, bathroom and dormers)	Granted Conditionally	10/06/2010
03/10/00332/PRI	Full Planning Permission	534 Kedleston Road, Derby	Extension to dwelling house (single storey)	Granted Conditionally	12/05/2010
03/10/00334/PRI	Full Planning Permission	1 Namur Close, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	14/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/10/00336/PRI	Full Planning Permission	Derby Moor Community School, Moorway Lane, Littleover, Derby	Erection of sub-station	Granted Conditionally	18/05/2010
03/10/00338/PRI	Full Planning Permission	14 Orchard Street, Mickleover, Derby	External alterations to garage to form garden room	Granted Conditionally	19/05/2010
03/10/00342/PRI	Full Planning Permission	32-33 Sadler Gate, Derby	Change of use from retail (use class A1) to restaurant/cafe (use class A3) and erection of extraction flue	Refuse Planning Permission	14/06/2010
03/10/00345/PRI	Works to Trees in a Conservation Area	14a Midland Road, Derby	Felling of cherry tree within Railway Conservation Area	Raise No Objection	19/05/2010
03/10/00346/PRI	Full Planning Permission	3 Firtree Grove, Oakwood, Derby	Extension to dwelling house (bedroom and study)	Granted Conditionally	14/05/2010
03/10/00347/PRI	Full Planning Permission	Land adjacent 102, Peet Street, Derby	Residential development (2 apartments)	Granted Conditionally	14/05/2010
03/10/00348/PRI	Full Planning Permission	18 Hill Rise Close, Littleover, Derby	Extensions and alterations to dwelling (en-suite, games room, utility room, 2 bedrooms shower room and enlargement of kitchen)	Refuse Planning Permission	14/05/2010
03/10/00349/PRI	Full Planning Permission	5 Hermitage Court, Oakwood, Derby	Extension to dwelling (bedroom and enlargement of lounge)	Granted Conditionally	02/06/2010
03/10/00350/PRI	Full Planning Permission	18 Radcliffe Avenue, Chaddesden, Derby	Extension to dwelling house (living room/family, utility room, kitchen, wc, hall, bedroom and en-suite)	Granted Conditionally	21/05/2010
03/10/00353/PRI	Full Planning Permission	29 Church Lane, Darley Abbey, Derby	Extension to dwelling (living area, shower room, study and bedroom)	Granted Conditionally	27/05/2010
03/10/00354/	Full Planning Permission	56 South Avenue, Littleover, Derby	Extensions to dwelling house (kitchen, dining room, utility room, w.c, porch, bedroom, 3 en-suites and enlargement of bathroom)	Granted Conditionally	24/05/2010
03/10/00355/PRI	Full Planning Permission	31 Ford Lane, Allestree, Derby	Extension to dwelling (lounge, bedroom, en-suite and enlargement of kitchen and bathroom)	Refuse Planning Permission	17/05/2010
03/10/00356/PRI	Variation/Waive of condition(s)	57 Ashbourne Road, Derby	Variation of condition 1 on planning permission DER/10/95/00269 to allow the premises to be used solely as an office within use class B1(a)	Granted Conditionally	17/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/10/00357/PRI	Full Planning Permission	Victoria House 24-28 St. Peters Churchyard, Derby	Change of use from Use Class A2 (financial and professional services) to Use Class D1 (education and training centre) on ground and basement floors	Granted Conditionally	28/05/2010
03/10/00358/DCC	Non-material amendment	Site of pavilion, car park and play area at Alvaston Park, London Road, Derby	Erection of changing rooms, associated cafe, rangers office, public toilets and formation of artificial pitch (non-material amendments to previously approved planning permission Code No. DER/011/09/1331/PRI)	Granted Conditionally	02/06/2010
03/10/00359/PRI	Full Planning Permission	8 Kiwi Drive, Alvaston, Derby	Extension to dwelling house (nursery)	Refuse Planning Permission	18/05/2010
03/10/00360/PRI	Full Planning Permission	12 Fernwood Close, Littleover, Derby	Extension to dwelling house (shower room, store, porch, and enlargement of bedroom and kitchen)	Granted Conditionally	18/05/2010
03/10/00361/PRI	Full Planning Permission	124 Havenbault Lane, Littleover, Derby	Retention of extension to dwelling house (conservatory)	Granted Conditionally	18/05/2010
03/10/00364/PRI	Full Planning Permission	19-20 Sadler Gate, Derby	Change of use from retail (Use Class A1) to restaurant (Use Class A3)	Granted Conditionally	14/06/2010
03/10/00366/PRI	Advertisement consent	Asda, Derby Road, Spondon, Derby	Display of non-illuminated fascia signage	Granted Conditionally	14/05/2010
03/10/00368/PRI	Full Planning Permission	15 Redmires Drive, Chellaston, Derby	Extension to dwelling house (sitting room, utility and w.c.)	Granted Conditionally	21/05/2010
03/10/00369/PRI	Full Planning Permission	53 Swarkestone Drive, Littleover, Derby,	Extension to dwelling (kitchen/breakfast room and bedroom)	Granted Conditionally	20/05/2010
03/10/00371/PRI	Full Planning Permission	1 Siddals Lane, Allestree, Derby	Extension to dwelling house (garden room - amendment to previously approved planning permission DER/01/10/00007/PRI)	Granted Conditionally	21/05/2010
03/10/00372/PRI	Full Planning Permission	43 Lawn Heads Avenue, Littleover, Derby	Extension to dwelling house (2 bedrooms, 2 en-suites and enlargement of dining room)	Granted Conditionally	24/05/2010
03/10/00374/PRI	Full Planning Permission	16 Melbourne Close, Mickleover, Derby	Extension to dwelling (utility room, family room, porch, enlargement of kitchen and erection of chimney)	Granted Conditionally	03/06/2010
03/10/00375/PRI	Full Planning Permission	26 Cavendish Avenue, Allestree, Derby	Extension to dwelling (kitchen/dining room) and installation of dormers to form bedroom and en-suite bathroom in roof space	Granted Conditionally	14/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/10/00377/PRI	Full Planning Permission	38 Hillsway, Littleover, Derby	Extension to dwelling (enlargement of bedroom and bathroom) and formation of room in roof space with dormer	Refuse Planning Permission	19/05/2010
03/10/00380/PRI	Full Planning Permission	6-7 Midland Road, Derby (Masala Restaurant)	Change of use from restaurant (Use Class A3) to wine bar (Use Class A4) and rear extension	Granted Conditionally	01/06/2010
03/10/00381/PRI	Full Planning Permission	198-200 Village Street, Derby	Change of use of housing office to residential dwelling (Use Class C3), installation of windows and door, and formation of off street parking	Granted Conditionally	25/05/2010
03/10/00382/PRI	Full Planning Permission	Village Primary School, Village Street, Derby	Erection of garden/recycling store	Granted Conditionally	09/06/2010
03/10/00385/PRI	Prior Notification	Noel Baker Community School, Bracknell Drive, Alvaston, Derby	Installation of 15m high monopole, 6 antenna, 4 dishes, 6 equipment cabinets and erection of 2.4 m high fence to replace existing telecommunications apparatus located on the roof of Noel Baker School	Raise No Objection	21/05/2010
03/10/00386/PRI	Full Planning Permission	57 Cadgwith Drive, Derby	Extensions to dwelling (bedroom, en-suite and enlargement of dining room)	Granted Conditionally	27/05/2010
03/10/00387/PRI	Full Planning Permission	39 Suffolk Avenue, Derby	Extensions to dwelling (garage, dining kitchen, utility, w.c, bedroom, bathroom and front canopy)	Granted Conditionally	25/05/2010
03/10/00388/PRI	Works to Trees under TPO	Trees at rear of Kelstedge Lodge, Laverstoke Court, Peet Street, Derby	Reduction of branches and removal of branches of oak and pruning of holly and yew trees protected by Tree Preservation Order 1999 No 204 (Laverstoke Court)	Granted Conditionally	28/05/2010
03/10/00389/PRI	Full Planning Permission	Site of 2 Spenbeck Drive, Allestree, Derby	Demolition of shop and garage and erection of 2 dwellings	Refuse Planning Permission	01/06/2010
03/10/00390/DCC	Local Council own development Reg 3	Central Community Nursery, Nuns Street, Derby	Extension to nursery (2 offices, meeting room,store, lobby and disabled persons wc)	Granted Conditionally	26/05/2010
03/10/00391/PRI	Advertisement consent	McDonalds Restaurant, Kingsway, Derby	Display of 2 internally illuminated post signs	Granted Conditionally	01/06/2010
03/10/00394/PRI	Full Planning Permission	14 Corbel Close, Oakwood, Derby	Erection of 1.8m high fence	Refuse Planning Permission	27/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/10/00395/PRI	Certificate of Lawfulness Proposed Use	6 Mondello Drive, Alvaston, Derby	Formation of room in roof space and dormer window	Granted	26/05/2010
03/10/00396/PRI	Full Planning Permission	82 Kedleston Road, Derby	Formation of rooms in room roof space (bedroom and bathroom with dormers)	Refuse Planning Permission	02/06/2010
03/10/00397/PRI	Full Planning Permission	35 Lindon Drive, Alvaston, Derby	Extension to dwelling house (lounge, shower room with w.c, utility and double garage)	Granted Conditionally	26/05/2010
03/10/00398/PRI	Works to Trees under TPO	11 Highfield Gardens, Derby	Crown lift secondary branches of yew tree (T4) protected by Tree Preservation Order 2001 No 258 (Land Highfield Road, Off Duffield Road)	Granted Conditionally	14/05/2010
04/10/00399/PRI	Full Planning Permission	Shelton Lock Community Welfare Centre, Chellaston Road, Derby	Formation of outdoor play area and erection of canopy and fencing (amendment to previously approved planning permission Code No DER/01/09/00037)	Granted Conditionally	10/06/2010
04/10/00400/PRI	Full Planning Permission	Car Park adjacent Brook Street Local Housing Office (off Quarn Way), Parker Street, Derby	Siting of storage container for temporary period	Granted Conditionally	09/06/2010
04/10/00401/PRI	Full Planning Permission	Site and land to the rear of Army Cadets Centre, Station Road, Spondon, Derby	Erection of church, formation of car park and vehicular access (retention of alterations of glazed lobby, brick cladding and relocation of new emergency exit doors- amendment to previously approved planning permission Code No. DER/12/07/02316)	Granted Conditionally	01/06/2010
04/10/00403/PRI	Advertisement consent	11 London Road, Derby	Display of internally illuminated fascia sign	Granted Conditionally	14/05/2010
04/10/00405/PRI	Full Planning Permission	39 Linacres Drive, Chellaston, Derby	Extension to dwelling house (bedroom, en-suite and enlargement of bedroom)	Granted Conditionally	17/05/2010
04/10/00406/PRI	Full Planning Permission	48 Elms Avenue, Littleover, Derby	Extension to dwelling house (hall, shower room and bedroom)	Refuse Planning Permission	01/06/2010
04/10/00407/PRI	Full Planning Permission	71 Gladstone Street, Derby	Extension to dwelling house (living room and utility room)	Granted Conditionally	11/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00408/PRI	Full Planning Permission	1 Hastings Street, Derby	Change of use from probation unit (Use Class B1) to Health Centre (Use Class D1) including ancillary pharmacy	Granted Conditionally	28/05/2010
04/10/00409/PRI	Full Planning Permission	2 The Poplars, Allestree, Derby	Formation of rooms in roof space (bedroom, bathroom and store) and alterations to roof (formation of dormer and rooflight)	Granted Conditionally	10/06/2010
04/10/00411/PRI	Full Planning Permission	11 Blencathra Drive, Mickleover, Derby	Extension to dwelling house (cloaks, 2 bedrooms and enlargement of kitchen)	Granted Conditionally	01/06/2010
04/10/00415/PRI	Advertisement consent	Derby High School, Hillsway, Littleover, Derby	Display of 2 non illuminated banner signs	Granted Conditionally	01/06/2010
04/10/00416/	Full Planning Permission	1250 London Road, Derby (Steve's Fish Bar)	Installation of shop front and security shutters	Granted Conditionally	14/06/2010
04/10/00417/PRI	Full Planning Permission	Convent Of Mercy, 11 Bridge Gate, Derby	Installation of windows	Granted Conditionally	17/06/2010
04/10/00418/PRI	Listed Building Consent -alterations	Convent Of Mercy, 11 Bridge Gate, Derby	Installation of windows	Granted Conditionally	17/06/2010
04/10/00419/PRI	Full Planning Permission	3 Stourport Drive, Chellaston, Derby	Extension to dwelling house (lounge, bedroom and enlargement of utility and bedroom)	Refuse Planning Permission	02/06/2010
04/10/00420/PRI	Full Planning Permission	Land adjacent to 80 St.Albans Road, access via St. Swithins Close, Derby	Erection of detached bungalow and removal of Horse Chestnut tree protected by Tree Preservation Order 1992 No. 70 (St.Swithins Close)	Refuse Planning Permission	02/06/2010
04/10/00421/PRI	Full Application - Article 4	49 Arthur Street, Derby	Installation of windows	Granted Conditionally	23/06/2010
04/10/00423/PRI	Full Planning Permission	10 Sutton Drive, Shelton Lock, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	24/06/2010
04/10/00424/PRI	Full Planning Permission	5 Crompton Street, Derby	Change of use from dwelling (Use Class C3) to house in multiple occupation (Use Class C4)	Granted Conditionally	25/06/2010
04/10/00425/PRI	Full Planning Permission	94 Vestry Road, Oakwood, Derby	Extension to dwelling house (store, and enlargement of kitchen and bathroom)	Granted Conditionally	07/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00426/PRI	Full Planning Permission	121 Nottingham Road, Derby	Extension to cafe/delicatessen (kitchen)	Granted Conditionally	28/05/2010
04/10/00427/PRI	Full Planning Permission	306 Normanton Road, Derby	Installation of shop front	Granted Conditionally	22/06/2010
04/10/00430/PRI	Full Planning Permission	14 Dennis Close, Littleover, Derby	Erection of 1.8m high boundary fence	Refuse Planning Permission	18/05/2010
04/10/00432/PRI	Full Planning Permission	5 Madeley Street, Derby	Extension to dwelling house (kitchen)	Granted Conditionally	15/06/2010
04/10/00434/PRI	Full Planning Permission	11 Ruskin Way, Littleover, Derby	Extension to dwelling house (porch)	Granted Conditionally	21/05/2010
04/10/00435/PRI	Full Planning Permission	3 West Bank Close, Derby	Extension to dwelling house (utility room, enlargement of kitchen and alterations to roof) -amendment to previously approved planning permission Code No.DER/11/09/01347/PRI to form pitched roof over garage	Granted Conditionally	07/06/2010
04/10/00436/PRI	Full Planning Permission	56 Harrison Street, Derby	Extension to dwelling house (enlargement of kitchen)	Granted Conditionally	25/06/2010
04/10/00437/PRI	Full Planning Permission	181 Duffield Road, Derby	Extensions and alterations to dwelling house (utility room and enlargement of sun room and bedroom)	Granted Conditionally	08/06/2010
04/10/00438/PRI	Full Planning Permission	3 Albany Road, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	21/05/2010
04/10/00439/PRI	Full Planning Permission	41 Bromley Street, Derby	Extension to dwelling house (utility room, w.c. and enlargement of hall, kitchen and living area)	Granted Conditionally	08/06/2010
04/10/00440/PRI	Full Planning Permission	267 Keldholme Lane, Alvaston, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	28/05/2010
04/10/00441/PRI	Works to Trees under TPO	Fermyn Wood, Kings Croft, Allestree, Derby	Felling of 11 conifer trees protected by Tree Preservation Order 2007 No 471 (Land between Kings Croft/Devonshire Avenue Allestree)	Granted Conditionally	25/05/2010
04/10/00442/DCC	Full Planning Permission	Units 15 A/B, Eagle Market, Westfield Centre, Derby	Conversion of two market units to drop- in advice centre	Granted Conditionally	25/05/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00443/PRI	Full Planning Permission	27 Hilltop, Oakwood, Derby	Extensions to dwelling (lounge, porch, bedroom and bathroom)	Granted Conditionally	09/06/2010
04/10/00445/PRI	Full Planning Permission	Land at rear of 28 and 30 Wordsworth Avenue, Sinfin, Derby	Erection of outbuilding (gym and games room)	Granted Conditionally	23/06/2010
04/10/00447/PRI	Full Planning Permission	62 Otter Street, Derby	Installation of replacement windows	Granted Conditionally	30/06/2010
04/10/00448/PRI	Works to Trees under TPO	15 Church Lane, Darley Abbey, Derby	Reduce branches by 2.5m, crown clean and removal of deadwood of Cedar tree protected by Tree Preservation Order 2007 No. 205 (15 Church Lane Darley Abbey)	Granted Conditionally	21/05/2010
04/10/00449/DCC	Local Council own development Reg 3	Arboretum Primary School, Corden Street, Derby	Extension to school (community room, classroom, office/staff room) and various alterations to the layout of the existing school buildings and the siting of temporary class rooms, bin storage and other ancillary facilities, erection of fencing (amendment to previously approved planning permission Code No. DER/07/09/00890/DCC.)	Granted Conditionally	02/06/2010
04/10/00450/PRI	Full Planning Permission	9 Avondale Road, Spondon, Derby	Extension to dwelling house (enlargement of kitchen)	Granted Conditionally	10/06/2010
04/10/00451/PRI	Full Planning Permission	546 Nottingham Road, Derby	Extension to dwelling house (enlargement of kitchen and lounge)	Granted Conditionally	28/05/2010
04/10/00452/PRI	Full Planning Permission	250 Grampian Way, Stenson Fields, Derby	Extension to dwelling house (living room, bedroom and en-suite)	Granted Conditionally	14/06/2010
04/10/00453/PRI	Works to Trees under TPO	47 South Avenue, Chellaston, Derby	Felling of sycamore tree protected by Tree Preservation Order No. 0 1964 (Trees in South Avenue Chellaston)	Refuse Planning Permission	24/05/2010
04/10/00456/PRI	Full Planning Permission	The Gables, 220 Max Road, Chaddesden, Derby	Extension to dwelling house (carport and 2 bedrooms)	Granted Conditionally	11/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00457/PRI	Full Planning Permission	Units 1 and 2 and car park, Kingsway Retail Park, Derby (Former B&Q and Powerhouse)	Alterations to elevations and roof, formation of hard standing, installation of new plant and plant compound and alterations to car park layout and erection of boundary fence	Granted Conditionally	11/06/2010
04/10/00459/PRI	Full Planning Permission	3 Corinium Close, Alvaston, Derby	Extension to dwelling house (bedroom, en-suite and enlargement of living room)	Granted Conditionally	28/05/2010
04/10/00460/PRI	Full Planning Permission	15 Grange Avenue, Derby	Extension to dwelling house (sitting room, w.c.,cloakroom and en-suite)	Granted Conditionally	07/06/2010
04/10/00462/PRI	Certificate of Lawfulness Proposed Use	10 Chesterford Court, Littleover, Derby	Extension to dwelling (garage)	Granted	21/05/2010
04/10/00463/PRI	Full Planning Permission	16 Sandown Avenue, Mickleover, Derby	Extension to dwelling (family room, w.c and utility room)	Granted Conditionally	30/06/2010
04/10/00464/PRI	Full Planning Permission	145 Pastures Hill, Littleover, Derby	Extension to dwelling (prayer room and conservatory) and formation of additional rooms in roof space (bedroom and en-suite bathroom including dormers)	Granted Conditionally	30/06/2010
04/10/00465/PRI	Works to Trees in a Conservation Area	29 North Street, Derby	Fell Holly Tree within Strutts Park Conservation Area	Raise No Objection	26/05/2010
04/10/00466/PRI	Works to Trees under TPO	Trees at 9 Armscote Close and 24 Charingworth Road, Oakwood, Derby	Removal of epicormic growth and deadwood, and crown clean Oak tree at 9 Armscote Close protected by Tree Preservation Order 2003 No. 376 (Smalley Drive/Woodsorrel Drive/Armscote Close, Oakwood). Thin by 20% and reduce height and lateral branches by 2 metres of Oak tree, and thin by 20% and reduce height and lateral branches by 3m trees of Hawthorn at 24 Charingworth Road. Both trees protected by Tree Preservation Order 1985 No.31 (Oakwood No.3)	Granted Conditionally	11/06/2010
04/10/00472/PRI	Variation/Waive of condition(s)	Tesco Express, Stenson Road, Derby	Amendment to vary condition 1 of previously approved application no DER/08/09/00995/PRI (infilling of door next to ATM)	Granted Conditionally	16/06/2010
04/10/00473/PRI	Full Planning Permission	91 Oregon Way, Chaddesden, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	09/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00476/PRI	Variation/Waive of condition(s)	Tesco Express, Stenson Road, Derby	Amendment to vary condition 1 of previously approved application no DER/08/09/00992/PRI (infilling of window and door)	Granted Conditionally	16/06/2010
04/10/00478/PRI	Full Planning Permission	Site of 19 - 21 & 21a St. Thomas Road, Derby	Demolition of 2 retail units and erection of 2 retail units and 8 flats/apartments - extension of time limit of previously approved planning permission DER/04/07/00746/PRI by a further 3 years	Granted Conditionally	11/06/2010
04/10/00480/PRI	Full Planning Permission	44 Crabtree Close, Allestree, Derby	Extension to dwelling house (lounge, utility, dining area, kitchen, two bedrooms, bathroom and enlargement of bedroom)	Granted Conditionally	21/06/2010
04/10/00481/PRI	Full Planning Permission	39 Green Lane, Derby (Only Joking)	Alteration to elevations including rendered panels and installation of windows	Granted Conditionally	30/06/2010
04/10/00482/PRI	Works to Trees in a Conservation Area	145 Duffield Road, Derby	Felling of beech tree within Strutts Park Conservation Area	Raise No Objection	30/06/2010
04/10/00483/PRI	Full Planning Permission	8 Heathcote Close, Alvaston, Derby	Extension to dwelling house (porch and wc)	Granted Conditionally	28/05/2010
04/10/00485/	Full Planning Permission	31 South Avenue, Littleover, Derby	Extension to dwelling (conservatory)	Granted Conditionally	21/06/2010
04/10/00486/PRI	Full Planning Permission	44 Westgreen Avenue, Allenton, Derby	Extension to dwelling house (two bedrooms and en-suite)	Granted Conditionally	30/06/2010
04/10/00491/DCC	Local Council own development Reg 3	17 Holmesfield Drive, Mickleover, Derby	Extension to dwelling house (bedroom and shower room) and formation of hardstanding	Granted Conditionally	23/06/2010
04/10/00494/PRI	Full Planning Permission	The Arc, 6 Mallard Way, Pride Way, Derby (Origination)	Display of internally illuminated totem sign	Granted Conditionally	14/06/2010
04/10/00496/PRI	Works to Trees in a Conservation Area	49 Belper Road, Derby	Deadwood and thinning by 10% of flowering cherry, thinning by 25% of cherry plum, shearing of lawson cypress, prune and thinning by 10% of rowan, thinning by 20% of plum and thinning by 25% of laurel trees within Strutts Park Conservation Area	Raise No Objection	09/06/2010
04/10/00497/PRI	Advertisement consent	Derby High School, Hillsway, Littleover, Derby	Display of externally illuminated fascia sign	Granted Conditionally	30/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00499/PRI	Advertisement consent	The Mills, Canal Street, Derby	Display of 2 internally illuminated fascia signs	Granted Conditionally	14/06/2010
04/10/00500/PRI	Full Planning Permission	St. Johns Church, Devonshire Drive, Mickleover, Derby,	Extension to church (entrance, vestibule, w.c.'s and kitchen)	Granted Conditionally	24/06/2010
04/10/00501/DCC	Full Application - disabled People	152 Birchover Way, Allestree, Derby	Extension to dwelling house	Granted Conditionally	23/06/2010
04/10/00502/PRI	Full Planning Permission	229 Chellaston Road, Derby,	Extensions to dwelling house (utility room and enlargement of kitchen)	Granted Conditionally	30/06/2010
04/10/00503/	Full Planning Permission	10 Vicarwood Avenue, Darley Abbey, Derby,	Extension to dwelling house (bedroom, dressing room, en-suite, w.c., porch and verandah)	Granted Conditionally	22/06/2010
04/10/00506/PRI	Full Planning Permission	1 Vicarage Drive, Chaddesden, Derby	Extension to bungalow (utility room and garage) and re-siting of boundary fence	Granted Conditionally	30/06/2010
04/10/00507/	Full Planning Permission	168 Allestree Lane, Derby	Extensions to dwelling house (lounge), formation of rooms in roof space (bathroom, 2 en-suite, 2 bedrooms and dormer) and erection of detached garage	Granted Conditionally	17/06/2010
05/10/00510/PRI	Full Planning Permission	14 Field Rise, Littleover, Derby	Extension to dwelling (conservatory)-amendment to previously approved planning permission Code No. DER/10/09/01266	Granted Conditionally	23/06/2010
05/10/00512/PRI	Full Planning Permission	2 Daylesford Close, Littleover, Derby	Extension to dwelling house (car port and bedroom)	Granted Conditionally	22/06/2010
05/10/00514/PRI	Full Planning Permission	Land at side of 63 Maine Drive, Chaddesden, Derby	Erection of dwelling house	Granted Conditionally	30/06/2010
05/10/00515/PRI	Full Planning Permission	20 Coxon Street, Spondon, Derby	Extensions to dwelling house (porch, family room, w.c. and enlargement of kitchen)	Granted Conditionally	28/06/2010
05/10/00517/PRI	Full Planning Permission	7 Courtway Crescent, Chellaston, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	30/06/2010
05/10/00518/PRI	Full Planning Permission	Network House, Nuns Street, Derby	Refurbishment of facade, and erection of replacement external steel staircase and erection of two freestanding canopies	Granted Conditionally	30/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/10/00520/	Works to Trees under TPO	Land to the rear of 298 Burton Road, Derby	Felling of Ash and two Sycamore trees protected by Tree Preservation Order 1996 No. 141 (298-318 Burton Road, Derby) and 2003 No. 375 (Land off Warner Street, Derby)	Granted Conditionally	23/06/2010
05/10/00521/PRI	Advertisement consent	1250 London Road, Derby (Steve's Fish Bar)	Display of 1 internally illuminated fascia sign	Granted Conditionally	14/06/2010
05/10/00523/PRI	Full Application - Article 4	78 Otter Street, Derby	Replacement of windows to the front elevation and replacement of a stonework mullion	Granted Conditionally	30/06/2010
05/10/00524/PRI	Full Planning Permission	Highway verge in front of 244 Osmaston Park Road, Derby	Formation of vehicular access and hardstanding and erection of bollards	Granted Conditionally	30/06/2010
05/10/00531/PRI	Certificate of Lawfulness Proposed Use	70 Grange Avenue, Derby	Erection of detached games room and garden shed	Granted	30/06/2010
05/10/00532/PRI	Full Planning Permission	70 Grange Avenue, Derby	Extension to dwelling house (kitchen/dining room, dog room, store and bedroom) and erection of boundary wall and gates	Granted Conditionally	23/06/2010
05/10/00534/PRI	Full Planning Permission	192 Derby Road, Spondon, Derby	Extension to dwelling house (porch)	Refuse Planning Permission	30/06/2010
05/10/00542/DC5	Prior Notification	Land at Bus Terminal, corner of Wellesley Avenue and Stenson Road, Derby	Installation of replacement 11.8m high mast, 6 antennae and equipment cabinet	Raise No Objection	30/06/2010
05/10/00543/DC5	Prior Notification	Highway verge, southbound A38, Kingsway, Derby	Installation of replacement 14.8m high mast with 6 antennae, 1 relocated dish and equipment cabinet	Raise No Objection	30/06/2010
05/10/00552/PRI	Full Planning Permission	190 Broadway, Derby	Extension to dwelling house (breakfast room) and raised patio	Granted Conditionally	23/06/2010
05/10/00554/PRI	Advertisement consent	Croft House, 51 Ashbourne Road, Derby	Display of non-illuminated freestanding sign	Granted Conditionally	30/06/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/10/00555/PRI	Non-material amendment	1 Peak Drive, Derby (Sainsburys)	Alterations to installation of mezzanine floor in store extension previously approved under planning application Code No. DER/11/09/01319 (Non-material amendment)	Granted Conditionally	09/06/2010
05/10/00556/PRI	Non-material amendment	1 Peak Drive, Derby (Sainsbury's)	Alterations to elevation of store extension previously approved under planning application Code No. DER/110/09/01317 (Non-material amendment)	Granted Conditionally	10/06/2010
05/10/00559/PRI	Full Planning Permission	198 Station Road, Mickleover, Derby	Erection of ancillary detached living accommodation (living area, bedroom and en-suite)	Granted Conditionally	23/06/2010
05/10/00562/PRI	Full Planning Permission	4 Portland Close, Mickleover, Derby	Extension to dwelling house (w.c, utility room and garden room)	Granted Conditionally	30/06/2010
05/10/00573/PRI	Full Planning Permission	2 West Park Road, Derby	Extension to dwelling house (dining room, utility room, breakfast room, porch, garage, 2 bedrooms, en-suite and enlargement of kitchen)	Granted Conditionally	25/06/2010
05/10/00576/PRI	Works to Trees in a Conservation Area	6 Brick Row, Darley Abbey, Derby	Felling of Eucalyptus tree within Darley Abbey Conservation Area	Raise No Objection	28/06/2010
05/10/00594/PRI	Full Planning Permission	65 Nesfield Close, Alvaston, Derby	Erection of 2.44m high boundary fence	Granted Conditionally	30/06/2010
05/10/00600/PRI	Full Planning Permission	389-391 Nottingham Road, Chaddesden, Derby (Chaddesden Park Social Club)	Extension to social club (office)	Granted Conditionally	30/06/2010
05/10/00604/PRI	Full Planning Permission	143 Rykneld Road, Littleover, Derby	Extension to dwelling house (enlargement of dining room)	Granted Conditionally	30/06/2010
05/10/00606/PRI	Full Planning Permission	86 Derwent Avenue, Allestree, Derby	Extension to dwelling house (kitchen/diner and enlargement of 2 bedrooms)	Granted Conditionally	30/06/2010
06/10/00641/PRI	Full Planning Permission	44 Beeley Close, Allestree, Derby	Extension to dwelling (lounge, kitchen, utility, bedroom, en-suite, shower room, insertion of dormer and chimney- amendment to previously approved planning permission Code No. DER/09/09/001113/PRI)	Granted Conditionally	30/06/2010

Enclosure

Application No	Application Type	Location	Proposal	Decision	Decision Date
06/10/00642/PRI	Non-material amendment	44 Beeley Close, Allestree, Derby	Extension to dwelling (lounge, kitchen, utility, bedroom, en-suite, shower room, chimney and insertion of dormer - non material amendment to previously approved planning permission Code No. DER/09/09/001113 to reposition windows and fireplace)	Granted Conditionally	29/06/2010

Total Number of Delegated Decisions made during this period: 201